

Talmud - Mas. Berachoth 2a

CHAPTER I

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

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

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

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- (1) If the priests have become ritually unclean, they are not permitted to eat terumah, to which a certain holiness attaches, till they have taken a bath and the sun has set.
 - (2) I.e., until either a fourth or a third of the night has passed. V. infra 3a.
 - (3) Maim: about one and one fifth hours before actual sunrise. V. Pes. 93b.
 - (4) R. Gamaliel's.
 - (5) This sentence is parenthetical. It is nowhere laid down that the burning of the fat etc. is permitted only till midnight. It is mentioned here in order to inform us that wherever the time fixed for the performance of a duty is the night, it expires at the rise of the dawn (Rashi).
 - (6) I.e., where is it stated in the Law that the recital of the Shema' is prescribed at all?
 - (7) Deut. VI, 7.
 - (8) This answers also the second question, as the Bible mentions first the recital of the evening time.
 - (9) Gen. I, 5.
 - (10) Infra 11a.
 - (11) For the eating of terumah even where it is necessary to complete the purification rites, v. Ker. II,1.
 - (12) Sifra, Emor.
 - (13) Lev. XXII, 7. This can be rendered as E.V.: 'he (the man) is clean', or it (the day) is clean (clear), as understood now by the Gemara.

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

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

They pointed to a contradiction [from the following]: From what time may one begin to recite the Shema' in the evening? From the time that the people come [home] to eat their meal on a Sabbath eve. These are the words of R. Meir. But the Sages say: From the time that the priests are entitled to eat their terumah. A sign for the matter is the appearance of the stars. And though there is no real proof of it,⁶ there is a hint for it. For it is written: So we wrought in the work: and half of them held the spears from the rise of the dawn till the appearance of the stars.⁷ And it says

further: That in the night they may be a guard to us, and may labour in the day.⁸ (Why this second citation?⁹ — If you object and say that the night really begins with the setting of the sun, but that they left late and came early, [I shall reply]: Come and hear [the other verse]: ‘That in the night they may be a guard to us, and may labour in the day’). Now it is assumed that the ‘poor man’ and ‘the people’ have the same time [for their evening meal.]¹⁰ And if you say that the poor man and the priest also have the same time, then the Sages would be saying the same thing as R. Meir? Hence you must conclude that the poor man has one time and the priest has another time? — No; the ‘poor man’ and the priest have the same time, but the ‘poor man’ and the ‘people’ have not the same time.

But have the ‘poor man’ and the priest really the same time? They pointed to a contradiction [from the following]: From what time may one begin to recite the Shema’ in the evening? From the time that the [Sabbath] day becomes hallowed on the Sabbath eve. These are the words of R. Eliezer. R. Joshua says: From the time that the priests are ritually clean to eat their terumah. R. Meir says: From the time that the priests take their ritual bath in order to eat their terumah. (Said R. Judah to him: When the priests take their ritual bath it is still day-time!)¹¹ R. Hanina says: From the time that the poor man comes [home] to eat his bread with salt. R. Ahai (some say: R. Aha). says: From the time that most people come home to sit down to their meal. Now, if you say that the poor man and the priest have the same time, then R. Hanina and R. Joshua would be saying the same thing? From this you must conclude, must you not, that the poor man has one time and the priest has another time. — Draw indeed that conclusion!

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

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

(1) Through his sin-offering.

(2) The verb being in the future.

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

(4) In the Palestinian schools.

(5) Who cannot afford an artificial light.

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

(7) Neh. IV, 15.

(8) Ibid. 16.

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

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

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

- (12) Tosef. points out that the ground for this statement is not clear.
- (13) In the Baraitha just quoted.
- (14) According to which definition it lasts as long as it takes to walk half a mil, v. Shab. 34b.
- (15) The evening.
- (16) The day.
- (17) And consequently the priests may bathe at twilight as defined by R. Jose since it is still day, and one may also read at that time the Shema' since it is practically night.

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

UNTIL THE END OF THE FIRST WATCH. What opinion does R. Eliezer hold? If he holds that the night has three watches, let him say: Till four hours [in the night]. And if he holds that the night has four watches, let him say: Till three hours? — He holds indeed, that the night has three watches, but he wants to teach us that there are watches in heaven⁸ as well as on earth. For it has been taught: R. Eliezer says: The night has three watches, and at each watch the Holy One, blessed be He, sits and roars like a lion. For it is written: The Lord does roar from on high, and raise His voice from His holy habitation; 'roaring He doth roar'⁹ because of his fold. And the sign of the thing is:¹⁰ In the first watch, the ass brays; in the second, the dogs bark; in the third, the child sucks from the breast of his mother, and the woman talks with her husband. What does R. Eliezer understand [by the word watch]? Does he mean the beginning of the watches? The beginning of the first watch needs no sign, it is the twilight! Does he mean the end of the watches? The end of the last watch needs no sign, it is the dawn of the day! He, therefore, must think of the end of the first watch, of the beginning of the last watch, and of the midst of the middle watch. If you like I can say: He refers to the end of all the watches. And if you object that the last watch needs no sign, [I reply] that it may be of use for the recital of the Shema', and for a man who sleeps in a dark room¹¹ and does not know when the time of the recital arrives. When the woman talks with her husband and the child sucks from the breast of the mother, let him rise and recite.

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

It has been taught: R. Jose says, I was once travelling on the road, and I entered into one of the ruins of Jerusalem in order to pray. Elijah of blessed memory appeared and waited for me at the door till I finished my prayer.¹² After I finished my prayer, he said to me: Peace be with you, my master! and I replied: Peace be with you, my master and teacher! And he said to me: My son, why did you go into this ruin? I replied: To pray. He said to me: You ought to have prayed on the road. I replied: I feared lest passers-by might interrupt me. He said to me: You ought to have said

an abbreviated prayer.¹³ Thus I then learned from him three things: One must not go into a ruin; one may say the prayer on the road; and if one does say his prayer on the road, he recites an abbreviated prayer. He further said to me: My son, what sound did you hear in this ruin? I replied: I heard a divine voice, cooing like a dove, and saying: Woe to the children, on account of whose sins I destroyed My house and burnt My temple and exiled them among the nations of the world! And he said to me: By your life and by your head! Not in this moment alone does it so exclaim, but thrice each day does it exclaim thus! And more than that, whenever the Israelites go into the synagogues and schoolhouses and respond: ‘May His great name be blessed!’¹⁴ the Holy One, blessed be He, shakes His head and says: Happy is the king who is thus praised in this house! Woe¹⁵ to the father who had to banish his children, and woe to the children who had to be banished from the table of their father!

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

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

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

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

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

But did David know the exact time of midnight? Even our teacher Moses did not know it! For it is written: About midnight I will go out into the midst of Egypt.¹⁷ Why ‘about midnight’? Shall we say that the Holy One, blessed be He, said to him: ‘About midnight’? Can there be any doubt in the mind of God?¹⁸ Hence we must say that God told him ‘at midnight’, and he came and said: ‘About midnight’. Hence he [Moses] was in doubt; can David then have known it? — David had a sign. For so said R. Aha b. Bizana in the name of R. Simeon the Pious: A harp was hanging above David’s bed. As soon as midnight arrived, a North wind came and blew upon it and it played of itself. He arose immediately and studied the Torah till the break of dawn. After the break of dawn the wise men of Israel came in to see him and said to him: Our lord, the King, Israel your people require sustenance! He said to them: Let them go out and make a living one from the other.¹⁹ They said to him: A handful cannot satisfy a lion, nor can a pit be filled up with its own clods.²⁰ He said to them: Then go out in troops and attack [the enemy for plunder]. They

at once took counsel with Ahithofel and consulted the Sanhedrin and questioned the Urim and Tummim.²¹ R. Joseph says: What verse [may be cited in support of this]? And after Ahithofel was Jehoiada, the son of Benaiah,²² and Abiathar; and the captain of the King's host was Joab.²³ 'Ahithofel', this was the counsellor. And so it is said: Now the counsel of Ahithofel, which he counselled in those days, was as if a man inquired of the word of God.²⁴

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

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

R. Zera says:⁶ Moses certainly knew and David, too, knew [the exact time of midnight]. Since David knew, why did he need the harp? That he might wake from his sleep. Since Moses knew,

why did he say ‘about midnight’? — Moses thought that the astrologers of Pharaoh might make a mistake, and then they would say that Moses was a liar. For so a Master said: Let thy tongue acquire the habit of saying, ‘I know not’, lest thou be led to falsehoods [lying]. R. Ashi says: It⁷ was at midnight of the night of the thirteenth passing into the fourteenth [of Nisan], and thus said Moses to Israel: The Holy One, blessed be He, said: Tomorrow [at the hour] like⁸ the midnight of to-night, I will go out into the midst of Egypt.

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

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

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

(1) He was the High Priest of David.

- (2) II Sam. XX, 23.
- (3) The Sanhedrin (Rashi). The Tosafists, however, refer this to the Urim and Tummim.
- (4) May be cited in support of the story of David's harp.
- (5) Ps. LVII 9.
- (6) Here the Gemara resumes the discussion of the question raised above as to how it is possible that David knew something which Moses did not know.
- (7) The incident of Ex. XI, 4.
- (8) The particle ka being rendered 'like' and not 'about'.
- (9) Ps. LXXXVI, 1-2.
- (10) Offer different homiletical interpretations.
- (11) Ibid. CXIX, 62.
- (12) The restrictions of Lev. XII, 2ff do not apply to all cases of abortion nor is all discharge treated as menstrual, and David is represented as occupying himself with deciding such questions instead of with feasting. MS.M. omits 'blood'.
- (13) Ps. CXIX, 46.
- (14) The homiletical interpretation of the name is, Out of my mouth humiliation.
- (15) Cf. II Sam. III, 3.
- (16) Lit., 'father', a teacher.
- (17) Prov. XXIII, 15.
- (18) Ibid. XXVII, II.
- (19) Ps. XXVII, 13.
- (20) The dots are interpreted as meaning he was not quite sure.
- (21) Hence you see that he was not so sure of his piety.
- (22) This is the reply to the question. David was quite sure of his general pious character, but he feared that his sins might exclude him from the reward etc.
- (23) Gen. XXVIII, 15.
- (24) Ibid. XXXII, 8. The contradiction lies in the fact that Jacob was afraid in spite of having God's promise.
- (25) Ex. XV, 16.
- (26) Lit. 'the Israelites were worthy to have a miracle performed for them'.
- (27) When they entered victoriously.
- (28) And they entered only as subjects of Cyrus.
- (29) According to the Gemara, R. Eliezer and R. Gamaliel differ in the interpretation of the Bible words, 'And when thou liest down'. R. Eliezer explains them to mean, when you go to bed; hence he says that the time expires at the end of the first watch. R. Gamaliel understands them to mean, when you sleep; hence he fixes the whole night as the time of the recital.

Talmud - Mas. Berachoth 4b

If it is R. Gamaliel's view, let them express themselves in the same way as R. Gamaliel? — In reality it is R. Gamaliel's view that they adopted, and their reason for saying, UNTIL MIDNIGHT is to keep a man far from transgression. For so it has been taught: The Sages made a fence for their words so that a man, on returning home from the field in the evening, should not say: I shall go home, eat a little, drink a little, sleep a little, and then I shall recite the Shema' and the Tefillah, and meanwhile, sleep may overpower him, and as a result he will sleep the whole night. Rather should a man, when returning home from the field in the evening, go to the synagogue. If he is

used to read the Bible, let him read the Bible, and if he is used to repeat the Mishnah, let him repeat the Mishnah, and then let him recite the Shema' and say the Tefillah, [go home] and eat his meal and say the Grace. And whosoever transgresses the words of the Sages deserves to die. Why this difference that, in other cases, they do not say 'he deserves to die', and here they do say 'he deserves to die'? — If you wish, I can say because here there is danger of sleep overpowering him. Or, if you wish, I can say because they want to exclude the opinion of those who say that the evening prayer is only voluntary.¹ Therefore they teach us that it is obligatory.

The Master said:² 'Let him recite Shema' and say the Tefillah'. This accords with the view of R. Johanan.³ For R. Johanan says: Who inherits the world to come? The one who follows the Ge'ullah⁴ immediately with the evening Tefillah. R. Joshua b. Levi says: The Tefilloth were arranged to be said in the middle.⁵ What is the ground of their difference? — If you like, I can say it is [the interpretation of] a verse, and if you like, I can say that they reason differently. For R. Johanan argues: Though the complete deliverance from Egypt took place in the morning time only,⁶ there was also some kind of deliverance in the evening;⁷ whereas R. Joshua b. Levi argues that since the real deliverance happened in the morning [that of the evening] was no proper deliverance.⁸ 'Or if you like, I can say it is [the interpretation of] a verse'. And both interpret one and the same verse, [viz.,] When thou liest down and when thou risest up.⁹ R. Johanan argues: There is here an analogy between lying down and rising. Just as [at the time of] rising, recital of Shema' precedes Tefillah, so also [at the time of] lying down, recital of Shema' precedes Tefillah. R. Joshua b. Levi argues [differently]: There is here an analogy between lying down and rising. Just as [at the time of] rising, the recital of Shema' is next to [rising from] bed,¹⁰ so also [at the time of] lying down, recital of Shema' must be next to [getting into] bed.¹¹

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

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

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

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

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- (1) V. infra 27b.
 - (2) In the Baraitha just quoted.
 - (3) That in the evening, too, the Shema' has to precede the Tefillah.
 - (4) The benediction for the deliverance from Egypt (v. P. B. p. 99). It follows the Shema' and precedes the Tefillah.
 - (5) Between the two Shema' recitals. In the morning the Tefillah follows, and in the evening it precedes the Shema'.
 - (6) As it says, On the morrow of the Passover the children of Israel went forth (Num. XXXIII, 3).
 - (7) Hence even in the evening Ge'ullah must be joined closely to Tefillah.
 - (8) Hence in the evening the Ge'ullah must not be joined closely to Tefillah.
 - (9) Deut. VI, 7.
 - (10) I.e., it is the first prayer said on rising from the bed.
 - (11) I.e., it is the last prayer said before going to bed.
 - (12) V. infra 11a.
 - (13) This is the second benediction, to be said in the evening between Ge'ullah and Tefillah, v. P.B. p. 99. The prayer, 'Blessed be the Lord for evermore' that follows the second benediction is a later addition.
 - (14) Ps. LI, 17. This verse said in introduction to the Tefillah ought to be considered an interruption.
 - (15) Ps. XIX, 15.
 - (16) I.e., part of the Tefillah.
 - (17) I.e., Ps. CXLV.
 - (18) Lit., 'that he is a son of'.
 - (19) Ps. CXIX.
 - (20) Ibid. CXLV, 16.
 - (21) I.e., Ibid. CXXXVI. On Hallel, v. Glos.
 - (22) Ibid. v. 25.
 - (23) The alphabetical arrangement and the sixteenth verse, dealing with God's merciful provision for all living things.
 - (24) This is Psalm CXLV, which is arranged alphabetically, save that the verse beginning with the letter nun (N) is missing.

(25) Euphemistic for Israel.

(26) Heb. **vkpb**

(27) Amos V, 2.

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

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

(30) Ps. CXLV, 14.

(31) Isa. VI, 6.

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

(33) Ibid. X, 13.

(34) Ps. IV, 5.

Talmud - Mas. Berachoth 5a

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

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

R. Levi b. Hama says further in the name of R. Simeon b. Lakish: What is the meaning of the verse: And I will give thee the tables of stone, and the law and the commandment, which I have written that thou mayest teach them?⁵ 'Tables of stone': these are the ten commandments; 'the law': this is the Pentateuch; 'the commandment': this is the Mishnah; 'which I have written': these are the Prophets and the Hagiographa; 'that thou mayest teach them': this is the Gemara.⁶ It teaches [us] that all these things were given to Moses on Sinai. R. Isaac says: If one recites the Shema' upon his bed, it is as though he held a two-edged sword in his hand.⁷ For it is said: Let the high praises of God be in their mouth, and a two-edged sword in their hand.⁸ How does it indicate this? — Mar Zutra, (some say, R. Ashi) says: [The lesson is] from the preceding verse. For it is written: Let the saints exult in glory, let them sing for joy upon their beds,⁹ and then it is written: Let the high praises of God be in their mouth, and a two-edged sword in their hand. R. Isaac says further: If] one recites the Shema' upon his bed, the demons keep away from him. For it is said: And the sons of reshef¹⁰ fly ['uf] upward.¹¹ The word 'uf refers only to the Torah, as it is written: Wilt thou cause thine eyes to close [hata'if]¹² upon it? It is gone.¹³ And 'reshef' refers only to the demons, as it is said: The wasting of hunger, and the devouring of the reshef [fiery bolt] and bitter destruction.¹⁴ R. Simeon b. Lakish says: If one studies the Torah, painful sufferings are kept away from him. For it is said: And the sons of reshef fly upward. The word 'uf refers only to the Torah, as it is written: 'Wilt thou cause thine eyes to close upon it? It is gone'.

And 'reshef' refers only to painful sufferings, as it is said: 'The wasting of hunger, and the devouring of the reshef [fiery bolt]. R. Johanan said to him: This¹⁵ is known even to school children.¹⁶ For it is said: And He said: If thou wilt diligently hearken to the voice of the Lord thy God, and wilt do that which is right in His eyes, and wilt give ear to His commandments, and keep all His statutes, I will put none of the diseases upon thee which I have put upon the Egyptians; for I am the Lord that healeth thee.¹⁷ Rather [should you say]: If one has the opportunity to study the Torah and does not study it, the Holy One, blessed be He, visits him with ugly and painful sufferings which stir him up. For it is said: I was dumb with silence, I kept silence from the good thing, and my pain was stirred up.¹⁸ 'The good thing' refers only to the Torah, as it is said: For I give you good doctrine; forsake ye not My teaching.¹⁹

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

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

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

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

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

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

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

(1) Ibid. XXXI, 6.

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

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

(4) Ibid.

(5) Ex. XXIV, 12.

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

(7) To protect him against the demons.

(8) Ps. CXLIX, 6.

(9) Ibid. v. 5.

(10) E.V. 'sparks'.

(11) Job V, 7.

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

(13) Prov. XXIII, 5.

(14) Deut. XXXII, 24.

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

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

(17) Ex. XV, 26.

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

(19) Prov. IV, 2.

(20) Out of poverty and not for business.

(21) Lam. III, 40.

(22) Ps. XCIV, 12.

(23) Prov. III, 12.

- (24) Isa. LIII, 10.
 (25) Ibid. The Hebrew word for ‘restitution’ is asham which means also ‘trespass-offering’.
 (26) Ibid.
 (27) Ibid.
 (28) Ps. XCIV, 12.
 (29) Ps. LXVI, 20.
 (30) Prov. III 12.
 (31) V. Ex. XXI, 26, 27. If the master knocks out the tooth or eye of his slave, then the slave has to be set free.
 (32) Lev. II, 13.
 (33) Deut. XXVIII, 69. These words refer to the chapter dealing with the sufferings of Israel.
 (34) Ps. XCIV, 12.
 (35) Deut. VIII, 5.
 (36) Ibid. v. 7.
 (37) Prov. VI, 23.

Talmud - Mas. Berachoth 5b

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

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

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

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

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

Once four hundred jars of wine belonging to R. Huna turned sour. Rab Judah, the brother of R. Sala the Pious, and the other scholars (some say: R. Adda b. Ahaba and the other scholars) went in to visit him and said to him: The master ought to examine his actions.¹⁸ He said to them: Am I suspect in your eyes? They replied: Is the Holy One, blessed be He, suspect of punishing without justice? — He said to them: If somebody has heard of anything against me, let him speak out. They replied: We have heard that the master does not give his tenant his [lawful share in the] vine twigs. He replied: Does he leave me any? He steals them all! They said to him: That is exactly what the proverb says:¹⁹ If you steal from a thief you also have a taste of it!²⁰ He said to them: I pledge myself to give it to him [in the future]. Some report that thereupon the vinegar became wine again; others that the vinegar went up so high that it was sold for the same price as wine.

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

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

- (1) An allusion to R. Johanan himself, who was a great scholar and a charitable man, and was bereft of his children.
- (2) Ibid. XVI, 6.
- (3) Ibid. XXI, 21.
- (4) Ibid. XXIII, 23.
- (5) Jer. XXXII, 18.
- (6) Which are enumerated in Mishnah Nega'im I, I.
- (7) In Palestine where a leprous person had to be isolated outside the city (cf. Lev. XIII, 46), leprosy was not regarded as 'chastisements of love' owing to the severity of the treatment involved.
- (8) Who died in his lifetime. The Gemara deduces from that saying that he regarded the death of children as a chastisement of love. Aruch understands this to have been a tooth of the last of his sons which he preserved and used to show to people who suffered bereavement in order to induce in them a spirit of resignation such as he himself had in his successive bereavements.
- (9) The implication is that if one lovingly acquiesces in his sufferings, his reward in the world to come is very great.
- (10) R. Johanan. He cured him by the touch of his hand.
- (11) If he could cure R. Hiyya b. Abba, why could not he cure himself?
- (12) And the patient cannot cure himself.
- (13) R. Eleazar was a poor man and lived in a room without windows.
- (14) R. Johanan was supposed to be so beautiful that a light radiated from his body, v. B.M. 84a.
- (15) Men. 110b.
- (16) Learning and wealth. Or perhaps, this world and the next.
- (17) I.e., the beautiful body of yours.
- (18) You may perhaps have deserved your misfortune through some sin.
- (19) Lit., 'what people say'.
- (20) Even if your tenant is a thief this does not free you from giving him his lawful share.
- (21) Isa. XXXVIII, 2.
- (22) Near in time. He used to pray immediately after rising.
- (23) The word **יבום** may mean treasure and also north.
- (24) Ps. XVII, 14.
- (25) Gen. XXV, 24.
- (26) The synagogues were outside the town and it was dangerous to remain alone.
- (27) I.e., rejected.
- (28) Job. XVIII, 4. The homiletical interpretation of the verse is: 'Your prayer will be thrown into your face, if on your account the earth or synagogue is forsaken'.
- (29) Ibid.
- (30) Deut. XXXII, 18.

Talmud - Mas. Berachoth 6a

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

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

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

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

Great says: This refers to the tefillin of the head.²⁴

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

(1) Isa. XLVIII, 18, 19.

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

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

(4) For really the lectures are not overcrowded.

(5) MS. M.: their footprints.

(6) The demons.

(7) He put the powder into his eye.

(8) I Kings VIII, 28.

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

(10) Ps. LXXXII, I.

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

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

(13) A phrase denoting two.

(14) Mal. III, 16.

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

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

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

(18) The same as the Rabin mentioned above.

(19) Phylacteries, v. Glos.

(20) Isa. LXII, 8.

(21) Deut. XXXIII, 2.

(22) Ps. XXIX, 11.

(23) Deut. XXVIII, 10.

(24) The tefillin of the arm are covered by the sleeves.

(25) I Chron. XVII, 21.

(26) Deut. XXVI, 17, 18.

(27) So the Aruch. Jastrow, however, translates **vchyj** 'the only object of your love'.

(28) Deut. VI, 4.

(29) I Chron. XVII, 21.

(30) The tefillin of the head has four cases.

(31) Deut. IV, 7, 8.

(32) Ibid. XXXIII, 29.

(33) Ibid. IV, 34.

(34) Ibid. XXVI, 19.

Talmud - Mas. Berachoth 6b

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

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

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

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

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

bridegroom].¹⁶

R. Huna says: Whosoever prays at the rear of a Synagogue is called wicked. For it is said: The wicked walk round about.¹⁷ Abaye says: This only applies where he does not turn his face towards the Synagogue, but if he does turn his face towards the Synagogue there is no objection to it. There was once a man who prayed at the rear of a Synagogue and did not turn his face towards the Synagogue. Elijah passed by and appeared to him in the guise of an Arabian¹⁸ merchant. He said to him: Are you standing with your back to your Master?¹⁹ and drew his sword and slew him.

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

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

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

first, saith the Lord.³⁶

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

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

(1) Isa. L, 10.

(2) Ibid.

(3) Has he no light.

(4) The number required for a public service.

(5) In the absence of a quorum of ten, a number of important features in the service are omitted.

(6) Sc. the congregational responses. Isa. L, 2.

(7) Aliter: Alas, the pious man (is no more)!

(8) Cf. previous note.

(9) Gen. XIX, 27.

(10) Ps. CVI, 30.

(11) Hos. VI, 3.

(12) It is forbidden to take large steps on the Sabbath, v. Shab. 113b.

(13) Hos. XI, 10. The text continues: For he shall roar, and the children shall come hurrying (E.V. 'trembling').

(14) V. Glos.

(15) I.e., in the loud lamentation of the listeners.

(16) These aphorisms are intended to bring home the lesson that the real merit of doing certain things lies not in themselves, but in their concomitants. For instance, the people running to the lectures do not benefit by the lectures, as they do not understand them. However they will be rewarded for enduring the rush and crush. The mechanical repetition of a tradition has no value if you do not try to understand it better. The merit of a fast day lies not in the fasting but in giving charity to the poor people, that they may have something to eat, etc.

(17) Ps. XII, 9.

(18) MS. M.: An Arab passed by and saw him.

(19) V. Jast. Rashi: 'As if there were two powers'.

(20) Ibid.

(21) Lit., 'standing on the highest point of the world'.

(22) He interprets, 'When the exalted things (kerum) are reviled among the sons of men'. The reference is to Prayer.

(23) The meaning is: In the distant countries lying across the sea.

(24) Lewysohn, Zoologie, p. 183 identifies the bird with the 'bird of Paradise'.

(25) Ps. LXVI, 12.

(26) I Kings XVIII, 36,37.

- (27) Ps. CXLI, 2.
 (28) Ibid. V, 4.
 (29) Jer. XXXIII, II.
 (30) Lit., 'voices'. The plural is counted as two.
 (31) Ex. XIX, 16, 19.
 (32) There were not only five, but seven voices.
 (33) Ibid. XX, 15. Cf. n. 5.
 (34) One who felicitates the bridegroom.
 (35) Jer. XXXIII, II.
 (36) Ibid.
 (37) Eccl. XII, 13. He interprets: 'Everything is heard, if you fear God'.
 (38) [MS.M.: If one is used to greet his neighbour and fails to do so a single day, he transgresses the injunction 'Seek peace, etc.']
 (39) Ps. XXXIV, 15.
 (40) Isa. III, 14.

Talmud - Mas. Berachoth 7a

R. Johanan says in the name of R. Jose: How do we know that the Holy One, blessed be He, says prayers? Because it says: Even them will I bring to My holy mountain and make them joyful in My house of prayer.¹ It is not said, 'their prayer', but 'My prayer'; hence [you learn] that the Holy One, blessed be He, says prayers. What does He pray? — R. Zutra b. Tobi said in the name of Rab: 'May it be My will that My mercy may suppress My anger, and that My mercy may prevail over My [other] attributes, so that I may deal with My children in the attribute of mercy and, on their behalf, stop short of the limit of strict justice'.² It was taught: R. Ishmael b. Elisha says: I once entered into the innermost part [of the Sanctuary] to offer incense and saw Akathriel Jah,³ the Lord of Hosts, seated upon a high and exalted throne. He said to me: Ishmael, My son, bless Me! I replied: May it be Thy will that Thy mercy may suppress Thy anger and Thy mercy may prevail over Thy other attributes, so that Thou mayest deal with Thy children according to the attribute of mercy and mayest, on their behalf, stop short of the limit of strict justice! And He nodded to me with His head. Here we learn [incidentally] that the blessing of an ordinary man must not be considered lightly in your eyes.

R. Johanan further said in the name of R. Jose: How do you know that we must not try to placate a man in the time of his anger? For it is written: My face will go and I will give thee rest.⁴ The Holy One, blessed be He, said to Moses: Wait till My countenance of wrath shall have passed away and then I shall give thee rest. But is anger then a mood of the Holy One, blessed be He? — Yes. For it has been taught:⁵ A God that hath indignation every day.⁶ And how long does this indignation last? One moment. And how long is one moment? One fifty-eight thousand eight hundred and eighty-eighth part of an hour. And no creature has ever been able to fix precisely this moment except the wicked Balaam, of whom it is written: He knoweth the knowledge of the Most High.⁷ Now, he did not even know the mind of his animal; how then could he know the mind of the Most High? The meaning is, therefore, only that he knew how to fix precisely this moment in which the Holy One, blessed be He, is angry. And this is just what the prophet said to Israel: O my people, remember now what Balak king of Moab devised, and what Balaam the son

of Beor answered him . . . that ye may know the righteous acts of the Lord.⁸ What means ‘That ye may know the righteous acts of the Lord’? — R. Eleazar says: The Holy One, blessed be He, said to Israel: See now, how many righteous acts I performed for you in not being angry in the days of the wicked Balaam. For had I been angry, not one remnant would have been left of the enemies of Israel.⁹ And this too is the meaning of what Balaam said to Balak: How shall I curse, whom God hath not cursed? And how shall I execrate, whom the Lord hath not execrated?¹⁰ This teaches us that He was not angry all these days. And how long does His anger last? One moment. And how long is one moment? R. Abin (some say R. Abina) says: As long as it takes to say Rega’.¹¹ And how do you know that He is angry one moment? For it is said: For His anger is but for a moment [rega’], His favor is for a lifetime.¹² Or if you prefer you may infer it from the following verse: Hide thyself for a little moment until the indignation be overpast.¹³ And when is He angry? — Abaye says: In [one moment of] those first three hours of the day, when the comb of the cock is white and it stands on one foot. Why, in each hour it stands thus [on one foot]?¹⁴ — In each other hour it has red streaks, but in this moment it has no red streaks at all.

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

R. Johanan further said in the name of R. Jose: Better is one self-reproach in the heart of a man than many stripes, for it is said: And she shall run after her lovers . . . then shall she say,¹⁹ I shall go and return to my first husband; for then was it better with me than now.²⁰ R. Simon b. Lakish says: It is better than a hundred stripes, for it is said: A rebuke entereth deeper into a man of understanding than a hundred stripes into a fool.²¹

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

The Master said above: ‘The righteous man who prospers is a righteous man son of a righteous

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

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

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

R. Johanan further said in the name of R. Jose: No word of blessing that issued from the mouth of the Holy One, blessed be He, even if based upon a condition, was ever withdrawn by Him. How do we know this? From our teacher Moses. For it is said: Let me alone, that I may destroy them, and blot out their name from under heaven; and I will make of thee a nation mightier and greater than they.³⁷ Though Moses prayed that this might be mercifully averted and it was cancelled, [the blessing] was nevertheless fulfilled towards his children. For it is said: The sons of Moses: Gershom and Eliezer . . . And the sons of Eliezer were Rehabia the chief . . . and the sons of Rehabiah were very many.³⁸ And R. Joseph learnt: They were more than sixty myriads. This is to be learnt from two occurrences of the term 'manifold'. Here it is written: were very many, and elsewhere It is written: And the children of Israel were very fruitful and increased abundantly, and became very many.³⁹

(1) Ibid. LVI, 7. 'In the house of My prayer'.

(2) I.e., not exact the full penalty from them.

(3) Lit., 'crown of God'.

(4) Ex. XXXIII, 14.

(5) V. A.Z. 4a.

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

Talmud - Mas. Berachoth 7b

R. Johanan said [further] in the name of R. Simeon b. Yohai: From the day that the Holy One, blessed be He, created the world there was no man that called the Holy One, blessed be He, Lord,¹ until Abraham came and called Him Lord. For it is said: And he said, O Lord [Adonai] God, whereby shall I know that I shall inherit it?² Rab said: Even Daniel was heard [in his prayer] only for the sake of Abraham. For it says: Now therefore, O our God, hearken unto the prayer of Thy servant, and to his supplications, and cause Thy face to shine upon Thy sanctuary that is desolate, for the Lord's sake.³ He ought to have said: 'For Thy sake', but [he means]: For the

sake of Abraham, who called Thee Lord.

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

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

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

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

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

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

R. Johanan further said in the name of R. Simeon b. Yohai: It is permitted to contend with the wicked in this world. For it is said: They that forsake the law praise the wicked, but such as keep the law contend with them.²² It has been taught to the same effect: R. Dosthai son of R. Mattun says: It is permitted to contend with the wicked in this world. For it is said: 'They that forsake the law praise the wicked, etc.' — Should somebody whisper to you: But is it not written: Contend

not with evil-doers, neither be thou envious against them that work unrighteousness,²³ then you may tell him: Only one whose conscience smites²⁴ him says so. In fact, ‘Contend not with evil-doers’, means, to be like them; ‘neither be thou envious against them that work unrighteousness’, means, to be like them. And so it is said: Let not thy heart envy sinners, but be in the fear of the Lord all the day.²⁵ But this is not so! For R. Isaac said: If you see a wicked man upon whom fortune²⁶ is smiling, do not attack him. For it is said: His ways prosper at all times.²⁷ And more than that, he is victorious in the court of judgment; for it is said: Thy judgments are far above out of his sight.²⁸ And still more than that, he sees the discomfiture of his enemies; for it is said: As for all his adversaries, he puffeth at them.²⁹ There is no contradiction. The one [R. Isaac] speaks of his private affairs, the other one [R. Johanan] of matters of religion.³⁰ If you wish I can say: both speak of matters of religion, and still there is no contradiction. The one [R. Isaac] speaks of a wicked man upon whom fortune is smiling, the other one speaks of a wicked man upon whom fortune is not smiling. Or if you wish, I can say, both speak of a wicked man upon whom fortune is smiling, and still there is no contradiction. The one [R. Johanan] speaks of a perfectly righteous man, the other one of a man who is not perfectly righteous. For R. Huna said: What is the meaning of the verse: Wherefore lookest Thou, when they deal treacherously, and holdest Thy peace, when the wicked swalloweth up the man that is more righteous than he?³¹ Can then the wicked swallow up the righteous? Is it not written: The Lord will not leave him in his hand?³² And is it not written further: There shall no mischief befall the righteous?³³ [You must] therefore [say]: He swallows up the one who is only ‘more righteous than he’, but he cannot swallow up the perfectly righteous man. If you wish I can say: It is different when fortune is smiling upon him.

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

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

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

(1) In Hebrew: Adon.

(2) Gen. XV, 8.

(3) Dan. IX, 17.

- (4) Ex. XXXIII, 14. Cf. also supra 7a.
- (5) Gen. XXIX, 35. She implied that this had never been done before.
- (6) Words in brackets added from MS.M. This passage is suggested by the mention of Leah.
- (7) Reuben is explained as **ihc utr**, 'See the difference between'.
- (8) Ibid. XXV, 33.
- (9) Ibid. XXVII, 41.
- (10) Ibid. XXVII, 36.
- (11) I Chron. V, I.
- (12) Gen. XXXVII, 21.
- (13) , **ur** is derived from **vur** to saturate.
- (14) Lit., 'causes', 'determines (one's destiny)'.
- (15) Ps. XLVI, 9.
- (16) Lit., 'training', 'upbringing'.
- (17) Ibid. III, I.
- (18) Ibid. 2.
- (19) Ibid, II, I.
- (20) MS. M.: To a man to whom it is said tomorrow a bill will be issued against you until he sees it . . . after he sees it etc.
- (21) II Sam. XII, II.
- (22) Prov. XXVIII, 4.
- (23) Ps. XXXVII, I. E.V. 'Fret not thyself'.
- (24) Lit., 'whose heart knocks him'.
- (25) Prov. XXIII, 17.
- (26) Lit., 'the hour'.
- (27) Ps. X, 5.
- (28) Ibid.
- (29) Ibid.
- (30) You may fight him with regard to religious affairs, but not with regard to his private affairs.
- (31) Hab. I, 13.
- (32) Ps. XXXVII, 33.
- (33) Prov. XII, 21.
- (34) II Sam. VII, 10.
- (35) I Chron. XVII, 9. The Gemara read there **u, ukfk**. Our masoretic text, however, reads **u, ukck**. The meaning is the same.
- (36) To act as the famulus of the teacher is even more meritorious than being his disciple.
- (37) II Kings III, II.
- (38) Why does he not pray publicly with the congregation?
- (39) For physical reasons.
- (40) The Reader.
- (41) So that R. Nahman might say his prayers at the same time as the congregation.

Talmud - Mas. Berachoth 8a

What is the meaning of the verse: But as for me, let my prayer be made unto Thee, O Lord, in an acceptable time?¹ When is the time acceptable? When the congregation prays. R. Jose b. R.

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

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

When they told R. Johanan⁷ that there were old men in Babylon, he showed astonishment and said: Why, it is written: That your days may be multiplied, and the days of your children, upon the land;⁸ but not outside the land [of Israel]! When they told him that they came early to the Synagogue and left it late, he said: That is what helps them. Even as R. Joshua b. Levi said to his children: Come early to the Synagogue and leave it late that you may live long. R. Aha son of R. Hanina says: Which verse [may be quoted in support of this]? Happy is the man that hearkeneth to Me, watching daily at My gates, waiting at the posts of My doors,⁹ after which it is written: For whoso findeth me findeth life.¹⁰ R. Hisda says: A man should always enter two doors into the Synagogue.¹¹ What is the meaning of 'two doors'? Say: The distance of two doors, and then pray.¹²

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

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

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

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

R. Huna b. Judah in the name of R. Menahem in the name of R. Ammi said: What is the meaning of the verse: And they that forsake the Lord shall be consumed?³¹ This refers to people who leave the Scroll of the Law [while it is being read from] and go out [from the Synagogue]. R. Abbahu used to go out between one reader and the next.³² R. Papa raised the question: What of going out between verse and verse? It remains unanswered. — R. Shesheth used to turn his face to another side and study. He said: We [are busy] with ours, and they [are busy] with theirs.³³

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

(1) Ps. LXIX, 14.

(2) Isa. XLIX, 8.

(3) Job. XXXVI, 5. I.e., the mighty and numerous people that pray to Him. E.V. God is mighty and despiseth not any.

(4) Joining me in prayer. Ps. LV, 19. (E.V. ‘for there were many that strove with me’.)

(5) Jer. XII, 14.

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

Talmud - Mas. Berachoth 8b

and even [such verses as] Ataroth and Dibon,¹ for if one completes his Parashoth together with the congregation, his days and years are prolonged. R. Bibi b. Abaye wanted to finish all the Parashoth of the whole year on the eve of the Day of Atonement. But Hiyya b. Rab of Difti² recited to him [the following Baraitha]: It is written: And ye shall afflict your souls, in the ninth day of the month at even.³ Now, do we fast on the ninth? Why, we fast on the tenth! But this teaches you that if one eats and drinks on the ninth, Scripture accounts it to him as if he fasted on the ninth and tenth.⁴ Thereupon he wanted to finish them in advance. But a certain Elder recited to him a Baraitha teaching: However, he should not read them in advance of nor later [than the congregation]. Even so did R. Joshua b. Levi say to his children: Complete your Parashoth

together with the congregation, twice the Hebrew text and once Targum; be careful with the jugular veins to follow [the teaching of] R. Judah, as we have learnt: R. Judah says: He must cut through the jugular veins; and be careful [to respect] an old man who has forgotten his knowledge through no fault of his own,⁵ for it was said: Both the whole tables and the fragments of the tables were placed in the Ark.⁶

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

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

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

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

day and once for the night. Now this is self-contradictory. You say: 'A man may sometimes recite the Shema' twice in the daytime', which shows that before sunrise it is daytime, and then you state: 'He thereby fulfills his duty once for the day and once for the night', which shows that it is night? —

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

Talmud - Mas. Berachoth 9a

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

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

AND NOT IN RESPECT TO THIS ALONE DID THEY SO DECIDE, etc. But does R. Gamaliel say 'until midnight', that he should continue AND NOT IN RESPECT TO THIS ALONE DID THEY SO DECIDE? — That is what R. Gamaliel said to his sons: Even according to the Rabbis who say, 'UNTIL MIDNIGHT', the obligation continues until the dawn breaks, but

the reason they said, 'UNTIL MIDNIGHT', was in order to keep a man far away from transgression.

THE BURNING OF THE FAT, etc. But [the Mishnah] does not mention the eating of the Passover offering. This would point to a contradiction [with the following Baraitha]: The duty of the recital of the Shema' in the evening, and of the Hallel³ on the night of the Passover, and of the eating of the Passover sacrifice can be performed until the break of the dawn? — R. Joseph says: There is no contradiction. One statement [the Mishnah] conforms with the view of R. Eleazar b. Azariah, and the other with the view of R. Akiba. For it has been taught: And they shall eat of the flesh in that night.⁴ R. Eleazar b. Azariah says: Here it is said: 'in that night', and further on it is said: For I will go through the land of Egypt in that night.⁵ Just as the latter verse means until midnight, so also here it means until midnight. R. Akiba said to him: But it is also said: Ye shall eat it in haste,⁶ which means: until the time of haste?⁷ [Until the break of the dawn]. [Said R. Eleazar to him,]⁸ If that is so, why does it say: in the night? [R. Akiba answered,]⁸ Because I might think that it may be eaten in the daytime⁹ like the sacrifices; therefore it is said: 'in the night', indicating that only in the night is it eaten and not in the day. We can understand why according to R. Eleazar b. Azariah, whose opinion is based on the Gezerah shawah,¹⁰ the word 'that' is necessary. But according to R. Akiba what is the purpose of this word 'that'?¹¹ — It is there to exclude another night. For, since the Passover sacrifice is a sacrifice of minor sanctity and peace-offerings are sacrifices of minor sanctity, I might think that just as the peace-offerings are eaten for two days and one night so is also the Passover-offering eaten for two nights instead of the two days, and therefore it might be eaten for two nights and one day! Therefore it is said: 'in that night'; in that night it is eaten, but it is not eaten in another night. And R. Eleazar b. Azariah?¹² He deduces it from the verse: And ye shall let nothing of it remain until the morning.¹³ R. Akiba? — If [you deduced it] from there, I could say that 'morning' refers to the second morning. And R. Eleazar? — He answers you: 'Morning' generally means the first morning.

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

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

Speak now [na] in the ears of the people, etc.²³ In the school of R. Jannai they said: The word

‘na’ means: I pray. The Holy One, blessed be He, said to Moses: I pray of thee, go and tell Israel, I pray of you to borrow from the Egyptians vessels of silver and vessels of gold, so that

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- (1) V. P.B. p. 99. This is essentially a night prayer.
 - (2) From a decision of R. Joshua.
 - (3) V. Glos.
 - (4) Ex. XII, 8.
 - (5) Ibid. 12.
 - (6) Ibid. 11.
 - (7) The hour of the break of dawn, when they hastened out of Egypt, v. Ex. XII, 22.
 - (8) Inserted with MS.M.
 - (9) I.e., during the very day on which it was slaughtered.
 - (10) V. Glos.
 - (11) The text should have simply stated ‘in the night’.
 - (12) How does he deduce this latter ruling?
 - (13) Ibid. XII, 10.
 - (14) Deut. XVI, 6.
 - (15) In the afternoon.
 - (16) At the break of dawn. Hence according to R. Eliezer, the time of eating extends only till midnight.
 - (17) I.e., obtained permission to leave.
 - (18) Ibid. XVI, 1.
 - (19) Num. XXXIII, 3.
 - (20) Which is the termination of the time when it is permitted to eat; v. Ex. XII, 11 and the Gemara above.
 - (21) At midnight the Egyptians hastened to urge Israel to leave Egypt.
 - (22) I.e., in the morning when the Israelites hastened to go out.
 - (23) Ex. XI, 2.

Talmud - Mas. Berachoth 9b

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

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

I am that I am.⁷ The Holy One, blessed be He, said to Moses: Go and say to Israel: I was with you in this servitude, and I shall be with you in the servitude of the [other] kingdoms.⁸ He said to

Him: Lord of the Universe, sufficient is the evil in the time thereof! Thereupon the Holy One, blessed be He, said to him: Go and tell them: I AM has sent me unto you.⁹

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

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

GEMARA. What is the meaning of BETWEEN BLUE AND WHITE? Shall I say: between a lump of white wool and a lump of blue wool? This one may also distinguish in the night! It means rather: between the blue in it and the white in it.¹³ It has been taught: R. Meir says: [The morning Shema' is read] from the time that one can distinguish between a wolf and a dog; R. Akiba says: Between an ass and a wild ass. Others say: From the time that one can distinguish his friend at a distance of four cubits. R. Huna says: The halachah is as stated by the 'Others'. Abaye says: In regard to the tefillin,¹⁴ the halachah is as stated by the 'Others'; in regard to [the recital of] the Shema', as practised by the watin.¹⁵ For R. Johanan said: The watin used to finish it [the recital of the Shema'] with sunrise, in order to join the ge'ullah with the tefillah,¹⁶ and say the tefillah in the daytime. R. Zera says: What text can be cited in support of this? They shall fear Thee with the sun,¹⁷ and so long as the moon throughout all generations.¹⁸ R. Jose b. Eliakim testified¹⁹ in the name of the holy community of Jerusalem:²⁰ If one joins the ge'ullah to the tefillah, he will not meet with any mishap for the whole of the day. Said R. Zera: This is not so! For I did join, and did meet with a mishap. They asked him: What was your mishap? That you had to carry a myrtle branch into the king's palace?²¹ That was no mishap, for in any case you would have had to pay something in order to see the king! For R. Johanan said: A man should always be eager to run to see the kings of Israel. And not only to see the kings of Israel, but also to see the kings of the Gentiles, so that, if he is found worthy,²² he may be able to distinguish between the kings of Israel and the kings of the Gentiles.

R. Ela said to 'Ulla: When you go up there,²³ give my greeting to my brother R. Berona in the presence of the whole college, for he is a great man and rejoices to perform a precept [in the correct manner]. Once he succeeded in joining ge'ullah with tefillah,²⁴ and a smile did not leave his lips the whole day. How is it possible to join the two, seeing that R. Johanan has said:²⁵ At the beginning of the tefillah one has to say, O, Lord, open Thou my lips,²⁶ and at the end he has to say, Let the words of my mouth be acceptable etc.²⁷ — R. Eleazar replied: This²⁸ must then refer to the tefillah of the evening. But has not R. Johanan said: Who is it that is destined for the world to come? One who joins the ge'ullah of the evening with the tefillah of the evening? — Rather said

R. Eleazar: This must then refer to the tefillah of the afternoon. R. Ashi said: You may also say that it refers to all the tefillahs, but since the Rabbis instituted [these words]²⁸ in the tefillah, the whole is considered one long tefillah. For if you do not admit this, how can he join in the evening, seeing that he has to say the benediction of 'Let us rest'?²⁹ You must say then that, since the Rabbis ordained the saying of 'Let us rest', it is considered one long ge'ullah.³⁰ So here, since the Rabbis instituted these words in the tefillah, the whole is considered one long tefillah.

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

(1) Gen. XV, 14.

(2) Ibid.

(3) Ex. XII, 36.

(4) Ps. LXVIII, 13.

(5) Ex. XII, 36.

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

(7) Ibid. III, 14.

(8) Babylon and Rome.

(9) Ibid.

(10) I Kings XVIII, 37.

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

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

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

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

(15) Lit., strong' (sc., in piety), a title probably applied to certain men who, in the time of the Hasmonean kingdom, set an example of exceptional piety. Some identify them with the Essenes.

(16) V. supra 4b.

(17) I.e., when the sun rises. E.V. 'While the sun endureth'.

(18) Ps. LXXII, 5.

(19) I.e., transmitted a tradition.

(20) V. J.E. p. 226.

(21) He was compelled to do some forced labour. V. T.J.

(22) To live to the time of the restoration of the Jewish kingdom and to see the Jewish kings.

- (23) To Palestine.
- (24) Apparently this means, having read the Shema' after the manner of the watikin. V. Tosaf. ad loc.
- (25) V. supra, 4b.
- (26) Ps. LI, 17.
- (27) Ps. XIX, 15.
- (28) The recital of these extra verses at the beginning and end of the tefillah.
- (29) V. supra, 4b.
- (30) The benediction of 'Let us rest' also comes between ge'ullah and tefillah.
- (31) It comes at the end of Ps. XIX.
- (32) The opening verses of Pss. I and II.
- (33) Ibid. CIV, 35.

Talmud - Mas. Berachoth 10a

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

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

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

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

R. Johanan said in the name of R. Simeon b. Yohai: What is the meaning of the verse, She openeth her mouth with wisdom, and the law of kindness is on her tongue?¹⁶ To whom was

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

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

R. Hamnuna said: What is the meaning of the verse, Who is as the wise man? And who knoweth the interpretation [peshar] of a thing?³⁰ Who is like the Holy One, blessed be He, who knew how to effect a reconciliation [pesharah] between two righteous men, Hezekiah and Isaiah? Hezekiah said: Let Isaiah come to me, for so we find that Elijah went to Ahab,³¹ as it says, And Elijah went to show himself unto Ahab.³² Isaiah said: Let Hezekiah come to me, for so we find

that Jehoram son of Ahab went to Elisha.³³ What did the Holy One, blessed be He, do? He brought sufferings upon Hezekiah and then said to Isaiah, Go visit the sick. For so it says, In those days was Hezekiah sick unto death. And Isaiah the prophet, son of Amoz, came to him and said unto him, Thus saith the Lord, Set thy house in order, for thou shalt die and not live³⁴ etc. What is the meaning of ‘thou shalt die and not live’? Thou shalt die in this world and not live in the world to come. He said to him: Why so bad? He replied: Because you did not try to have children. He said: The reason was because I saw by the holy spirit that the children issuing from me would not be virtuous. He said to him: What have you to do with the secrets of the All-Merciful? You should have done what you were commanded, and let the Holy One, blessed be He, do that which pleases Him. He said to him: Then give me now your daughter; perhaps through your merit and mine combined virtuous children will issue from me. He replied:³⁵ The doom has already been decreed. Said the other: Son of Amoz, finish your prophecy and go. This tradition I have from the house of my ancestor:³⁶ Even if a sharp sword rests upon a man's neck he should not desist from prayer.³⁷ This saying is also recorded in the names of R. Johanan and R. Eleazar: Even if a sharp sword rests on a man's neck, he should not desist from prayer, as it says, Though He slay me, yet will I trust in Him.³⁸

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

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

(3) Baryone, a word of doubtful meaning.

(4) Valeria.

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

(6) Which can be read **oh^otyj** sins. M.T. vocalizes **hot^htyuj** (sinners).

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

(8) Isa. LIV, 1.

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

(10) Ps. III, 1.

(11) Ibid. LVII, 1.

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

(13) Ibid. CXI, 8.

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

(15) Sc. the nations against God.

(16) Prov. XXXI, 26.

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

(18) Ps. CIII, 1.

(19) Ps. CIII, 20, 21.

(20) Ibid. 2.

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

(22) Ibid. CIV, 35.

(23) Ibid. I.

(24) Ibid. 29.

(25) Reading **VIIVS** with MS.M.

- (26) R. Shimi or Mar 'Ukba.
 (27) Ibid. CIII, 1.
 (28) I Sam. II, 2.
 (29) R. Shimi to R. Simeon b. Pazzi.
 (30) Eccl. VIII, 1.
 (31) The prophet went to the king.
 (32) I Kings XVIII, 2.
 (33) V. II Kings III, 12.
 (34) Isa. XXXVIII, 1.
 (35) Insert with MS.M. Behold I say to you 'Set thy house in order', and you say to me 'Give me now your daughter'.
 (36) David.
 (37) Cf. II Sam. XXIV, 17.
 (38) Job XIII, 15.

Talmud - Mas. Berachoth 10b

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

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

R. Johanan said in the name of R. Jose b. Zimra: If a man makes his petition depend on his own

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

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

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

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

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

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

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

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

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

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

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

(1) This seems to be simply a periphrasis for 'if a man is told in a dream'. Two explanations are then possible of what follows. (i) If he dreams and the dream so far comes true that a sword is placed on his neck, still he should pray. (ii) Even if he only dreams this, he should still pray etc. (R. Bezael of Regensburg.)

(2) Eccl. V, 6. Apparently this is how R. Hanan understands the verse. E.V. Through the multitude and vanities there are also many words.

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

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

Talmud - Mas. Berachoth 11a

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

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

Our Rabbis taught: Beth Hillel say that one may recite the Shema' standing, one may recite it sitting, one may recite it reclining, one may recite it walking on the road, one may recite it at one's

work. Once R. Ishmael and R. Eleazar b. Azariah were dining at the same place, and R. Ishmael was reclining while R. Eleazar was standing upright. When the time came for reciting the Shema', R. Eleazar reclined and R. Ishmael stood upright. Said R. Eleazar b. Azariah to R. Ishmael: Brother Ishmael, I will tell you a parable. To what is this [our conduct] like? It is like that of a man to whom people say, You have a fine beard, and he replies, Let this go to meet the destroyers.¹² So now, with you: as long as I was upright you were reclining, and now that I recline you stand upright!¹³ He replied: I have acted according to the rule of Beth Hillel and you have acted according to the rule of Beth Shammai. And what is more, [I had to act thus], lest the disciples should see and fix the halachah so for future generations. What did he mean by 'what is more'? He meant: Should you argue that Beth Hillel also allow reclining, [I reply that] this is the case only where one was reclining from the first. Here, however, since at first you were upright and now you recline, they may say, This shows that they [both] are of the opinion of Beth Shammai, and perhaps the disciples will see and fix the halachah so for future generations.

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

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

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

(1) That only the time of the recital is meant.

(2) Ibid.

(3) This is the reading of MS.M., and this is the version found in Tosaf. Suk. 25a a.v. **l , fkcui** and elsewhere. Cur. edd. reverse the positions of 'bridegroom' and 'one who is occupied, etc.'

- (4) V. infra.
- (5) Relating to one who is occupied with the performance.
- (6) The one who marries a virgin is worried as to whether he shall find her really such.
- (7) Ezek. XXIV, 17. Ezekiel, though a mourner, was commanded exceptionally to wear his headtire, i.e., (as the Rabbis understand) tefillin, from which it is deduced that ordinarily a mourner does not do so. But the fact remains that worry as a rule does not exempt from the precepts.
- (8) How do they interpret the words 'and when thou walkest by the way'? V. next note.
- (9) This seems to be a repetition of the question and answer given above and is best left out with MS.M.
- (10) How can they infer their view from this verse, seeing that it is required to exempt one who is occupied in performing a religious duty.
- (11) I.e., in his own way, as explained above.
- (12) As much as to say, I will have it cut off just to spite you.
- (13) As if to spite me.
- (14) V. Glos.
- (15) In respect of fulfilling the precept of the sukkah, v. Suk. 28a.
- (16) And since Beth Shammai invalidated action according to Beth Hillel, similarly Beth Hillel declared invalid action according to Beth Shammai.
- (17) Sc. the Shema'.
- (18) The reference is to the two that follow the evening Shema'.
- (19) I.e., with the words, Blessed art Thou, O Lord, etc.

Talmud - Mas. Berachoth 11b

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

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

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

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

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

We have learnt elsewhere.²⁰ The deputy high priest²¹ said to them [the priests], Say one benediction, and they said the benediction and recited the Ten Commandments, the Shema’, the section ‘And it shall come to pass if ye hearken diligently’, and ‘And the Lord said’,²² and recited with the people three benedictions, viz ., ‘True and firm’,²³ the benediction of the ‘Abodah,²⁴ and the priestly benediction.²⁵ On Sabbath they said an additional benediction for the outgoing watch.²⁶ Which is the ‘one benediction’ referred to above? The following will show. R. Abba and R. Jose came to a certain place the people of which asked them what was the ‘one benediction’ [referred to], and they could not tell them. They went and asked R. Mattena, and he also did not know. They then went and asked Rab Judah, who said to them: Thus did Samuel say: It means, ‘With abounding love’. R. Zerika in the name of R. Ammi, who had it from R. Simeon b. Lakish said: It is, ‘Who formest light’. When R. Isaac b. Joseph came [from Palestine] he said: This statement of R. Zerika was not made explicitly [by R. Simeon b. Lakish], but was inferred by him [from another statement]. For R. Zerika said in the name of R. Ammi, who had it from R. Simeon b. Lakish: This²⁷ shows that the recital of one blessing is not indispensable for that of the other. Now if you say that they used to recite ‘Who formest the light’, it is correct to infer that the recital of one blessing is not indispensable for that of the other, since they did not say, ‘With abounding love’.

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

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

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

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

(5) Said before the morning Shema’.

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

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

(8) Jer. XXXI, 3.

- (9) This blessing contains a benediction over the Torah, v. P.B. p. 39.
- (10) In the morning, v. P. B. p. 4.
- (11) The exegetical midrashim of the Torah (Sifra, Sifre and Mekilta) are referred to.
- (12) So MS.M. Curr. edd., 'For R. Hiyya b. Ashi, etc.'
- (13) Sifra debe Rab, an halachic Midrash on Leviticus, v. J.E. XI, p. 330.
- (14) This proves that over Midrash a benediction is required.
- (15) V. P.B. p. 4.
- (16) In order both to open and close with a benediction.
- (17) P.B. p. 4.
- (18) Ibid.
- (19) Alfasi and R. Asher have before these last words: R. Papa says.
- (20) Tamid 32b.
- (21) Memuneh; lit., 'the appointed one'; v. Yoma, Sonc. ed., p. 97, n. 3.
- (22) The second and third sections of the Shema', Deut. XI, 13ff. and Num. XV, 37ff. V. P.B. p. 40ff.
- (23) V. P.B. p. 42.
- (24) The benediction commencing 'Accept, O Lord our God' in the Amidah. V. P.B. p. 50.
- (25) V. P.B. P. 53.
- (26) The priestly watches in the Temple (which were twenty-four in number) were changed every week.
- (27) The fact that they said one blessing only.

Talmud - Mas. Berachoth 12a

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

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

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

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

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

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

Raba b. Hinena the elder also said in the name of Rab: In saying the Tefillah, when one bows,²³ one should bow at [the word] 'Blessed' and when returning to the upright position one should return at [the mention of] the Divine Name. Samuel said: What is Rab's reason for this? — Because it is written: The Lord raiseth up them that are bowed down.²⁴ An objection was raised from the verse, And was bowed before My name?²⁵ — Is it written, 'At My name'? It is written,

'Before My Name'.²⁶ Samuel said to Hiyya the son of Rab: O, Son of the Law, come and I will tell you a fine saying enunciated by your father.²⁷ Thus said your father: When one bows, one should bow at 'Blessed', and when returning to the upright position, one should return at [the mention of] the Divine Name.

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

Talmud - Mas. Berachoth 12b

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

Raba b. Hinena the elder also said in the name of Rab: Throughout the year one says in the Tefillah, 'The holy God', and 'King who lovest righteousness and judgment',³ except during the ten days between New Year and the Day of Atonement, when he says, 'The holy King' and 'The King of judgment'. R. Eleazar says: Even during these days, if he said, 'The holy God', he has performed his obligation, since it says, But the Lord of Hosts is exalted through justice, and the holy God is sanctified through righteousness:⁴ When is the Lord of Hosts exalted through justice? In these ten days from New Year to the Day of Atonement; and none-the-less it says, 'the holy God'. What do we decide?⁵ — R. Joseph said: 'The holy God' and 'The King who loves righteousness and judgment'; Rabbah said: 'The holy King' and 'The King of judgment'. The law is as laid down by Rabbah.

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

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

R. Abbahu b. Zutrathi said in the name of R. Judah b. Zebida: They wanted to include the section of Balak¹⁸ in the Shema', but they did not do so because it would have meant too great a burden for the congregation.¹⁹ Why [did they want to insert it]? — Because it contains the words, God who brought them forth out of Egypt.²⁰ Then let us say the section of usury²¹ or of weights²² in which the going forth from Egypt is mentioned? — Rather, said R. Jose b. Abin, [the reason is] because it contains the verse, He couched, he lay down as a lion, and as a lioness; who shall rouse him up?²³ Let us then say this one verse and no more? — We have a tradition that every section which our master, Moses, has divided off we may divide off, but that which our master, Moses, has not divided off, we may not divide off. Why did they include the section of fringes?²⁴ — R. Judah b. Habiba said: Because it makes reference to five²⁵ things — the precept of fringes, the exodus from Egypt, the yoke of the commandments, [a warning against] the

opinions of the Minim, and the hankering after sexual immorality and the hankering after idolatry. The first three we grant you are obvious: the yoke of the commandments, as it is written: That ye may look upon it and remember all the commandments of the Lord;²⁶ the fringes, as it is written: That they make for themselves fringes;²⁷ the exodus from Egypt, as it is written: Who brought you out of the land of Egypt.²⁸ But where do we find [warnings against] the opinions of the heretics, and the hankering after immorality and idolatry? — It has been taught: After your own heart:²⁹ this refers to heresy; and so it says, The fool hath said in his heart, There is no God.³⁰ After your own eyes:²⁹ this refers to the hankering after immorality; and so it says, And Samson said to his father, Get her for me, for she is pleasing in my eyes.³¹ After which ye use to go astray:²⁹ this refers to the hankering after idolatry; and so it says, And they went astray after the Baalim.³²

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

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

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

(2) Slowly and with effort.

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

(4) Isa. V, 16.

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

(6) I Sam. XII, 23.

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

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

(9) Ps. XXXV, 13.

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

(11) Ezek. XVI, 63.

(12) I Sam. XXVIII, 15.

- (13) Though from v. 6 of this chapter it appears that he did consult the Urim.
- (14) And his silence shows that he was conscience-stricken.
- (15) I Sam. XXVIII, 16 and 19.
- (16) II Sam. XXI, 6.
- (17) And it was not the Gibeonites who said, this.
- (18) Num. XXII-XXIV.
- (19) On account of its length.
- (20) Ibid. XXIII, 22.
- (21) Lev. XXV, 35-38.
- (22) Ibid. XIX, 36.
- (23) Num. XXIV, 9. The reason is that it mentions 'lying down' and 'rising up'. Tanhuma substitutes XXIII, 24.
- (24) Ibid. XV, 37-41.
- (25) Var. lec.: 'six', which seems more correct.
- (26) Ibid. XV, 39.
- (27) Num. XV, 38.
- (28) Ibid. 41.
- (29) Ibid. 39.
- (30) Ps. XIV, 1.
- (31) Judg. XIV, 3.
- (32) Ibid. VIII, 33.
- (33) Or, 'like one'. V. infra, 28a.
- (34) Deut. XVI, 3.
- (35) Jer. XXIII, 7. 8.
- (36) Gen. XXXV, 10.

Talmud - Mas. Berachoth 13a

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

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

Abram the same is Abraham.³ At first he became a father to Aram [Ab-Aram] only, but in the end he became a father to the whole world.⁴ [Similarly] Sarai is the same as Sarah. At first she became a princess to her own people, but later she became a princess to all the world.⁵ Bar Kappara taught: Whoever calls Abraham Abram transgresses a positive precept, since it says, Thy name shall be Abraham.⁶ R. Eliezer says: He transgresses a negative command,⁷ since it says,

Neither shall thy name any more be called Abram.⁸ But if that is so, then the same should apply to one who calls Sarah Sarai? — In her case the Holy One, blessed be He, said to Abraham, As for Sarai thy wife, thou shalt not call her Sarai, but Sarah shall her name be.⁹ But if that is so, the same should apply to one who calls Jacob Jacob? — There is a difference in his case, because Scripture restored it [the name Jacob] to him, as it is written: And God spoke unto Israel in the visions of the night, and said, Jacob, Jacob.¹⁰ R. Jose b. Abin (or, as some say, R. Jose b. Zebida) cited in objection the following: Thou art the Lord, the God who didst choose Abram!¹¹ — The answer was given: There the prophet¹² is recounting the noble deeds of the All Merciful [and relates] that that was the case originally.

CHAPTER II

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

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

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

Our Rabbis taught: The Shema' must be recited as it is written.²⁶ So Rabbi. The Sages, however, say that it may be recited in any language. What is Rabbi's reason? — Scripture says: and they shall be,²⁷ implying, as they are they shall remain.²⁸ What is the reason of the Rabbis? — Scripture says 'hear',²⁹ implying, in any language that you understand.³⁰ Rabbi also must see that 'hear' is written? — He requires it [for the lesson]: Make your ear hear what your mouth utters.²¹

, The Rabbis, however, concur with the authority who says that even if he did not say it audibly he has performed his obligation. The Rabbis too must see that ‘and they shall be’ is written? — They require this to teach that he must not say the words out of order. Whence does Rabbi derive the rule that he must not say the words out of order? — He derives it from the fact that the [text says] ‘ha-debarim’ [the words] when it might have said simply debarim [words]. And the Rabbis? — They derive no lesson from the substitution of ha-debarim for debarim.

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

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

(1) Isa. XLIII, 18.

(2) Ibid. 29.

(3) I Chron. I, 27.

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

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

(6) Ibid.

(7) Which is more serious.

(8) Ibid.

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

(10) Ibid. XLVI, 2.

(11) Neh. IX, 7.

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

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

(14) Between the sections, as presently explained.

(15) E.g., to a teacher.

(16) To one who he is afraid will harm him if he does not give greeting, but not merely out of respect.

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

(18) Ibid. p. 42.

(19) By proclaiming the unity of God.

(20) By saying the words, if ye shall diligently hearken to all My commandments.

(21) Since it mentions all the commandments.

(22) Since it mentions only the precept of fringes, which is not obligatory by night.

(23) The words IF HE HAD INTENTION.

(24) And not, as it were, accidentally.

(25) And is not attending to the sense.

(26) I.e., in the original language.

(27) Deut. VI, 6.

(28) Lit., 'in their being they shall be'.

(29) Ibid. 4.

(30) The Hebrew verb *shema*, like the French *entendre*, means both 'hear' and 'understand'. (21) I.e., say it audibly.

(31) And otherwise I might take this to imply, in any language.

(32) Which otherwise I might take to imply, in the original only.

(33) Deut. VI, 6.

(34) The Hebrew word *kawanah* combines the meanings of attention and intention-attention to what is being said, intention to perform the commandment.

Talmud - Mas. Berachoth 13b

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

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

The Master stated [above]: 'R. Josiah said: Up to this point extends the command of reciting; from this point onwards the command of *kawanah* applies'. Why this difference in the application from this point onward of the command of *kawanah*? [Presumably] because it is written, 'upon your heart'? There too [in the first section] also it is written upon thy heart? — What he meant is this: Up to this point applies the command of reciting and *kawanah*, from this point onwards applies that of *kawanah* [even] without reciting.⁹ Why this difference in the application up to this point of the command of reciting and *kawanah*? [Presumably] because it is written, 'upon thy heart and thou shalt speak of them'? There too [in the second section] also it is written, 'upon your heart to speak. of them'! These words have reference to words of Torah, and what the All-Merciful meant is this: Teach your children Torah, so that they may be fluent in them.

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

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

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

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

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

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

IN THE BREAKS HE MAY GIVE GREETING etc. For what may he RETURN GREETING? Shall I say, out of respect? But seeing that he may give greeting, is there any question that he may return it? Rather [what I must say is]: He gives greeting out of respect and

returns greeting to anyone. [But then] read the next clause: IN THE MIDDLE HE GIVES GREETING OUT OF FEAR AND RETURNS IT. Returns it for what reason? Shall I say, out of fear? But seeing that he may give greeting, is there any question that he may return it? Rather [what we must say is], out of respect. But then this is the view of R. Judah,²⁴ as we learn, R. JUDAH SAYS: IN THE MIDDLE HE GIVES GREETING OUT OF FEAR AND RETURNS IT OUT OF RESPECT, AND IN THE BREAKS HE GIVES GREETING OUT OF RESPECT AND RETURNS GREETING TO ANYONE? — There is a lacuna, and [our Mishnah] should read as follows: IN THE BREAKS HE GIVES GREETING OUT OF RESPECT, and needless to say he may return it, AND IN THE MIDDLE HE GIVES GREETING OUT OF FEAR and needless to say he may return it. So R. Meir. R. Judah says: IN THE MIDDLE HE GIVES GREETING OUT OF FEAR AND RETURNS IT OUT OF RESPECT,

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

Talmud - Mas. Berachoth 14a

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

and in the breaks he may give greeting out of respect and return it to anyone.

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

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

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

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

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

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- (1) The one who repeated the section of the Mishnah for the teacher to expound. V. Glos. s.v. (b).
 - (2) V. Glos.
 - (3) The Hallel proclaims the exodus on Passover, and the Megillah the miraculous deliverance from Haman.
 - (4) E.g., Tabernacles and Hanukah. V. 'Ar. 10b.
 - (5) Viz., New Moon and the last six days of passover.
 - (6) V. Tosaf s.v.
 - (7) To see if food is cooked properly.
 - (8) A fourth of a log, i.e., about an egg and a half.
 - (9) I.e., before he recites the tefillah.
 - (10) Isa. II, 22.
 - (11) And render, if he is esteemed he becomes a high place.
 - (12) Samuel draws a similar lesson without altering the text.
 - (13) Though the Shema' is said before the tefillah.
 - (14) After the manner of the Roman clientes with their patrons. But if one meets his neighbour he may greet him.
 - (15) But it is not so bad as idolatry.
 - (16) This is the reading of Rashi. Cur. edd. have: This agrees with the dictum of R. Idi b. Abin etc., which is obviously a contradiction.
 - (17) Ps. LXXXV, 14. 'Righteousness' here is taken to mean justification by prayer. E.V., 'Righteousness shall go before Him and shall make His footsteps a way'.
 - (18) Prov. XIX, 23.
 - (19) And render, 'if he abides seven nights without and is not visited (with a dream, this shows that) he is evil'.

Talmud - Mas. Berachoth 14b

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

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

Hiyya b. Rab said: If one has said [in the evening] 'I am the Lord your God,' he must say also,

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

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

Rab once washed his hands and recited the Shema’ and put on tefillin and said the tefillah. But how could he act in this way,⁹ seeing that it has been taught: ‘One who digs a niche in a grave for a corpse is exempt from reciting Shema’ and tefillah and from tefillin and from all the commandments prescribed in the Torah. When the hour for reciting the Shema’ arrives, he goes up and washes his hands and puts on tefillin and recites the Shema’ and says the tefillah?’ Now this statement itself contains a contradiction. First it says that he is exempt and then it says that he is under obligation? — This is no difficulty; the latter clause speaks of where there are two,¹⁰ the former of where there is only one. In any case this seems to contradict Rab? — Rab held with R. Joshua b. Korhah, who said that first he accepts the yoke of the kingdom of heaven and then he accepts the yoke of the commandments.¹¹ I will grant you that R. Joshua b. Korhah meant that the recital [of one section] should precede that of the other. But can you understand him to mean that the recital should precede the act [of putting on the tefillin]? And further, did Rab really adopt the view of R. Joshua b. Korhah? Did not R. Hiyya b. Ashi say: On many occasions I stood before Rab when he rose early and said a blessing and taught us our section and put on phylacteries and then recited the Shema’?¹² And should you say, he did this only when the hour for reciting the Shema’ had not yet arrived — if that is so what is the value of the testimony of R. Hiyya b. Ashi? — To refute the one who says that a blessing need not be said for the study of the Mishnah;¹³ he teaches us that for the Mishnah also a blessing must be said. All the same there is a contradiction of Rab?¹⁴ — His messenger was at fault.¹⁵

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

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

- (1) Jer. X, 10. E.V. 'the true God'.
- (2) After concluding the Shema' with the word true, does he have to repeat the word which is really the beginning of the next paragraph in the prayers?
- (3) Sc., he cannot stop saying 'truth'.
- (4) I.e., the opening and closing words of the third section, omitting the middle part which deals with the fringes since the law of fringes does not apply at night.
- (5) And if he omits both the third section and 'True and faithful' where does he mention it?
- (6) And he then continues, 'Who is like unto Thee' and 'Cause us to lie down'. P.B., p. 99.
- (7) As it says, and thou shalt speak.
- (8) As it says, and ye shall teach them to your children.
- (9) Viz., say the Shema' before putting on tefillin.
- (10) And one prays while the other goes on digging.
- (11) By putting on tefillin.
- (12) 'Teaching' is here regarded as equivalent to accepting the yoke of the commandments.
- (13) V. supra 11b.
- (14) The original contradiction has not yet been solved.
- (15) And brought him his tefillin late, so he said the Shema' first.
- (16) Rather, he accuses himself of falsehood, i.e., inconsistency.

Talmud - Mas. Berachoth 15a

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

Rabina said to Raba: Sir, pray look at this student who has come from the West [Palestine] and who says: If one has no water for washing his hands, he can rub³ his hands with earth or with a pebble or with sawdust. He replied: He is quite correct. Is it written, I will wash in water? It is written: In cleanliness — with anything which cleans. For R. Hisda cursed anyone who went looking for water at the time of prayer.⁴ This applies to the recital of the Shema', but for the tefillah one may go looking. How far? — As far as a parasang. This is the case in front of him, but in the rear, he may not go back even a mil. [From which is to be deduced], A mil he may not go back; but less than a mil he may go back.

MISHNAH. IF ONE RECITES THE SHEMA' WITHOUT HEARING WHAT HE SAYS, HE HAS PERFORMED HIS OBLIGATION. R. JOSE SAYS: HE HAS NOT PERFORMED HIS OBLIGATION. IF HE RECITES IT WITHOUT PRONOUNCING THE LETTERS

CORRECTLY, R. JOSE SAYS THAT HE HAS PERFORMED HIS OBLIGATION, R. JUDAH SAYS THAT HE HAS NOT PERFORMED HIS OBLIGATION. IF HE RECITES IT BACKWARD,⁵ HE HAS NOT PERFORMED HIS OBLIGATION. IF HE RECITES IT AND MAKES A MISTAKE HE GOES BACK TO THE PLACE WHERE HE MADE THE MISTAKE.

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

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

We have learnt elsewhere:¹³ All are qualified to read the Megillah¹⁴ except a deaf-mute, an imbecile and a minor; R. Judah declares a minor qualified. Who is it that declares the act of a deaf-mute, even if done, to be invalid?¹⁵ R. Mattena says: It is R. Jose, as we have learnt: IF ONE RECITES THE SHEMA' WITHOUT HEARING WHAT HE SAYS, HE HAS PERFORMED HIS OBLIGATION. SO R. JUDAH. R. JOSE SAYS: HE HAS NOT PERFORMED HIS OBLIGATION. But why should we say that the above statement [regarding a deaf-mute] follows R. Jose, and that the act even if done is invalid?

(1) Ps. XXVI, 6.

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

(3) Lit., 'wipe'.

(4) And so delayed to say his prayers.

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

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

(7) V. Pes. 7.

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

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

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

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

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

(13) Meg. 1b.

(14) V. Glos.

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

Talmud - Mas. Berachoth 15b

Perhaps it follows R. Judah, and while the act may not be done [only] in the first instance, yet if done it is valid? — Do not imagine such a thing. For the statement puts a deaf-mute on the same level as an imbecile and a minor, [implying that] just as in the case of an imbecile and a minor the act if done is not valid,¹ so in the case of a deaf-mute the act if done is not valid. But perhaps each case has its own rule?² — But [even if so] can you construe this statement as following R. Judah? Since the later clause³ says that 'R. Judah declares it valid', may we not conclude that the earlier clause does not follow R. Judah? — Perhaps the whole statement follows R. Judah, and two kinds of minor are referred to, and there is a lacuna, and the whole should read thus: All are qualified to read the Megillah except a deaf-mute, an imbecile and a minor. This applies only to one who is not old enough to be trained [in the performance of the precepts].⁴ But one who is old enough to be trained may perform the act even in the first instance. This is the ruling of R. Judah: for R. Judah declares a minor qualified. How have you construed the statement? As following R. Judah, and that the act is valid only if done but should not be done in the first instance. But then what of that which R. Judah the son of R. Simeon b. Pazzi taught, that a deaf person who can speak but not hear may set aside terumah in the first instance—which authority does this follow? It is neither R. Judah nor R. Jose! For if it is R. Judah, he says that the act is valid only if done, but it may not be done in the first instance; and if R. Jose, he says that even if done it is not valid! — What then do you say, that the authority is R. Judah and that the act may be done even in the first instance?

What then of this which has been taught: A man should not say the grace after meals mentally, but if he does so he has performed his obligation? Whose opinion is this? It can be neither R. Judah's nor R. Jose's. For as to R. Judah, he has said that it may be done even in the first instance, and as to R. Jose, he has said that even if done it is not valid! — In truth it is the opinion of R. Judah, and the act may be done even in the first instance, and there is no contradiction between his two statements; in one case he is giving his own view, in the other that of his teacher, as it has been taught: R. Judah said in the name of R. Eleazar b. Azariah: One who recites the Shema' must let his ear hear what he says, as it says, 'Hear, O Israel'. Said R. Meir to him: 'Which I command thee this day upon thy heart', indicating that the words derive their validity from the attention of the heart. Now that you have come so far, you may even say that R. Judah was of the same opinion as his teacher, and still there is no contradiction: one statement gives the view of R. Judah, the other that of R. Meir.

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

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

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

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

R. Oshaia taught in the presence of Raba: And thou shalt write them:¹³ the whole section must be written [in the mezuzah¹⁴ and tefillin], even the commands.¹⁵ He said to him: From whom do you learn this?¹⁶ This is the opinion of R. Judah, who said with reference to the sotah:¹⁷ He writes

the imprecation but not the commands. [And you argue that] this is the rule in that case, since it is written, And he shall write these curses,¹⁸ but here, since it is written, ‘and thou shalt write them’, even the commands are included. But is R. Judah's reason because it is written, ‘and he shall write’? [Surely] R. Judah's reason is because it is written, ‘curses’, which implies, curses he is to write but not commands!¹⁹ — It was still necessary.²⁰ You might have thought that we should draw an analogy between the ‘writing’ mentioned here and the ‘writing’ mentioned there, and that just as there he writes curses but not commands, so here he should not write commands. Therefore the All-Merciful wrote ‘and thou shalt write them’, implying, commands also.

R. Obadiah recited in the presence of Raba: ‘And ye shall teach them’:²¹ as much as to say thy teaching must be faultless²² by making a pause ‘between the joints’.²³ For instance, said Raba, supplementing his words ‘Al lebabeka [upon thy heart], ‘al lebabekem [upon your heart], Bekol lebabeka [with all thy heart], bekol lebabekem [with all your heart], ‘eseb be-sadeka [grass in thy field], wa-’abaddetem meherah [and ye shall perish speedily], ha-kanaf pesil [the corner a thread], etthkem me-erez [you from the land]. R. Hama b. Hanina said: If one in reciting the Shema’ pronounces the letters distinctly, hell is cooled for him, as it says, When the Almighty scattereth kings therein, it snoweth in Zalmon.²⁴ Read not be-fares [when he scattereth] but befaresh [when one pronounces distinctly], and read not be-zalmon [in Zalmon] but be-zalmaweth [in the shadow of death].

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

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

p. 91, n. 10.

(23) I.e., not running together two words of which the first ends and the second begins with the same letter. The expression is from 1 Kings XXII, 34.

(24) Ps. LXVIII, 15.

Talmud - Mas. Berachoth 16a

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

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

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

GEMARA. Our Rabbis taught: Workmen may recite [the Shema'] on the top of a tree or on the top of a scaffolding, and they may say the tefillah, on the top of an olive tree and the top of a fig tree,⁹ but from all other trees they must come down to the ground before saying the tefillah, and the employer must in any case come down before saying the tefillah,¹⁰ the reason in all cases being that their mind is not clear.¹¹ R. Mari the son of the daughter of Samuel¹² pointed out to Rab a contradiction. We have learnt, he said: WORKMEN MAY RECITE [THE SHEMA'] ON THE TOP OF A TREE OR THE TOP OF A SCAFFOLDING which would show that the recital does not require kawanah.¹³ Contrast with this: When one recites the Shema', it is incumbent that he should concentrate his attention¹⁴ on it, since it says, 'Hear, O Israel', and in another place it says, Pay attention and hear, O Israel,¹⁵ showing that just as in the latter 'hearing' must be

accompanied by attention, so here it must be accompanied by attention. He gave no reply. Then he said to him: Have you heard any statement on this point? — He replied: Thus said R. Shesheth: This is the case only if they stop from their work to recite. But it has been taught: Beth Hillel say that they may go on with their work while reciting? — There is no contradiction. The former statement refers to the first section, the latter to the second section [of the Shema’].

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

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

(1) V. Tosaf., s.v. **ohkv t**

(2) E.V. ‘valleys’.

(3) Num. XXIV, 5, 6.

(4) Where the Torah is studied.

(5) I.e., to ‘and it shall come to pass’.

(6) I.e., ‘and thou shalt write them’ in the first section or ‘and ye shall write’ in the second.

(7) Lit., ‘he has taken his usual course’.

(8) Lit., ‘performed the act’.

(9) These trees have thick branches which afford a firm foothold.

(10) Seeing that he is not bound to work.

(11) To concentrate on their prayers, from anxiety lest they may fall.

(12) His mother was carried away captive and he was not born in lawful wedlock, and therefore his father's name is not mentioned. (Rashi). V. Keth. 23a.

- (13) V. Glos.
- (14) Lit., 'direct his heart'.
- (15) V. supra, p. 91 n. 1.
- (16) I.e., act as reader to a congregation.
- (17) Because this would rob their employer of too much of their time.
- (18) V. P.B. p. 55.
- (19) Infra, 28b.
- (20) Those who work for a wage have less time to spare.
- (21) V. P. B. p. 280.
- (22) Lit., 'as arranged'.
- (23) The benedictions beginning with 'We thank thee' (ibid.) and 'And rebuild Jerusalem' (p. 282) are condensed into one.
- (24) For notes on this passage, v. supra p. 60.

Talmud - Mas. Berachoth 16b

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

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

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

WHEN TABI HIS SLAVE DIED etc. Our Rabbis taught: For male and female slaves no row [of comforters]⁶ is formed, nor is the blessing of mourners⁷ said, nor is condolence offered. When the bondwoman of R. Eliezer died, his disciples went in to condole with him. When he saw them he went up to an upper chamber, but they went up after him. He then went into an ante-room and they followed him there. He then went into the dining hall and they followed him there. He said to

them: I thought that you would be scalded with warm water; I see you are not scalded even with boiling hot water.⁸ Have I not taught you that a row of comforters is not made for male and female slaves, and that a blessing of mourners is not said for them, nor is condolence offered for them? What then do they say for them? The same as they say to a man for his ox and his ass: 'May the Almighty replenish your loss'. So for his male and female slave they say to him: 'May the Almighty replenish your loss'. It has been taught elsewhere: For male and female slaves no funeral oration is said. R. Jose said: If he was a good slave, they can say over him, Alas for a good and faithful man, who worked for his living! They said to him: If you do that, what do you leave for free-born?

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

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

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

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

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

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

Rab on concluding his prayer added the following: May it be Thy will, O Lord our God, to grant us long life, a life of peace, a life of good, a life of blessing, a life of sustenance, a life of

bodily vigour,¹⁹ a life in which there is fear of sin, a life free from shame and confusion, a life of riches and honour, a life in which we may be filled with the love of Torah and the fear of heaven, a life in which Thou shalt fulfil all the desires of our heart for good!²⁰

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

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

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- (1) Lit., 'to take the name', viz., of a scholar.
 - (2) Cur. edd.: R. Simeon b. Gamaliel, which can hardly be justified.
 - (3) In bathing while onan.
 - (4) The name given to the mourning of the first day, or the whole period before the burial.
 - (5) Amos VIII, 10. This shows that according to Scripture mourning is to be observed only by day.
 - (6) It was customary for those returning from a burial to the mourner's house to stand in a row before him to comfort him.
 - (7) Said after the first meal taken by the mourner after the funeral, v. Keth. 8a.
 - (8) As much as to say: I thought you would take the first hint, and you do not even take the last!
 - (9) Abraham, Isaac and Jacob.
 - (10) Sarah, Rebecca, Rachel and Leah.
 - (11) Ps. LXIII, 5.
 - (12) Ibid. 6.
 - (13) Ibid. Lit. , 'lips of songs', i.e., two songs.
 - (14) I.e., after the last benediction of the Amidah.
 - (15) Or perhaps, cause us to obtain.
 - (16) I.e., may we be filled with pious thoughts on waking.
 - (17) Lit., may the coolness of our soul come before Thee for good'.
 - (18) 'Aruch: more than our fathers.
 - (19) Lit., 'vigour of the bones'.
 - (20) This prayer is now said on the Sabbath on which the New Moon is announced. V. P.B. p. 154.
 - (21) I.e., a Jew or non-Jew. This now forms part of the daily prayers. V. P. B. p. 7
 - (22) Lit., eunuchs'.
 - (23) By the Roman Government.

Talmud - Mas. Berachoth 17a

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

Talmud - Mas. Beitzah 2a

CHAPTER I

MISHNAH . [IF] AN EGG IS LAID ON A FESTIVAL-DAY, BETH SHAMMAI¹ SAY: IT MAY BE EATEN [ON THE SAME DAY], BUT BETH HILLEL¹ MAINTAIN: IT MAY NOT BE EATEN [UNTIL THE DAY IS OVER]. BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN² IS OF THE SIZE OF AN OLIVE³ AND LEAVENED BREAD IS OF THE SIZE OF A DATE,⁴ BUT BETH HILLEL MAINTAIN: BOTH⁵ ARE OF THE SIZE OF AN OLIVE. HE WHO SLAUGHTERS GAME ON POULTRY ON A FESTIVAL-DAY, BETH SHAMMAI SAY: HE MAY DIG UP [EARTH] WITH A SHOVEL⁶ AND COVER [THE BLOOD],⁷ BUT BETH HILLEL MAINTAIN: ONE MAY NOT SLAUGHTER⁸ UNLESS HE HAS [LOOSE] EARTH PREPARED FROM THE DAY BEFORE [THE FESTIVAL];⁹ BUT THEY AGREE THAT IF HE HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD], BECAUSE¹⁰ THE ASHES OF THE HEARTH ARE MUKAN [CONSIDERED AS HAVING BEEN PREPARED].¹¹

GEMARA. What¹² are we discussing? If one should say about a hen kept¹³ for food, what is the reason of Beth Hillel,¹⁴ [seeing that] it is food which has been separated;¹⁵ and [if] about a hen kept for laying eggs, what is the reason of Beth Shammai,¹⁶ [seeing that] it is mukzeh?¹⁷ — But what objection is this? Perhaps Beth Shammai do not accept [the prohibition of] Mukzeh? (We are of the opinion that even he who permits mukzeh forbids nolad;¹⁸ what then is the reason of Beth Shammai?) — R. Nahman replied: In table [we are debating] about a hen kept for laying eggs; but he who accepts [the prohibition of] mukzeh accepts [the prohibition of] nolad, and he who rejects [the prohibition of] mukzeh rejects [the prohibition of] nolad.¹⁹ Beth Shammai is [of the same opinion] as R. Simeon²⁰ and Beth Hillel is [of the same opinion] as R. Judah.²¹ But did R. Nahman say thus? Surely we have learnt: Beth Shammai say: One may remove²² [on the Sabbath] from the table [with the hand] bones and nutshells;²³ but Beth Hillel maintain: One lifts off the whole table-top and shakes it.²⁴ And R. Nahman²⁵ said: As for us, we only hold that Beth Shammai [follow the view] of R. Simeon! — R. Nahman can reply to you: With reference to the Sabbath where the Tanna teaches anonymously²⁶ according to [the opinion of] R. Simeon as we have learnt: You may cut up gourds²⁷ for cattle and a carcass²⁸ for dogs²⁹ Beth Hillel is made to represent the opinion of R. Simeon; but

(1) For the Schools of Shammai and Hillel v. J.E. III, 115ff.

(2) On the Feast of Passover, involving penalty; cf. Ex. XII, 19.

(3) But not less.

(4) A date is considered larger than an olive; but v. Jast. s.v.

(5) Leaven and leavened bread.

(6) If loose earth is not available.

(7) Cf. Lev. XVII, 13.

(8) On a Festival-day.

(9) In the three cases here mentioned Beth Shammai is more lenient than Beth Hillel. Hence they are taught together though not all are relevant to the subject.

- (10) The sentence introduced by because has no casual relation with what precedes, and infra 8a, the letter **a** == because, is emended to **u** == and.
- (11) 'Mukan', 'set in readiness'; v. Glos. The wood having been kindled on the previous day, the ashes accumulated during the Festival are considered as if they were prepared before the Festival, as the house-holder had in his mind that there would be ashes which he could use for covering the blood.
- (12) Kind of hen that laid the egg.
- (13) Lit., 'standing'.
- (14) Who say the egg may not be eaten.
- (15) From the hen. Since the hen was kept to be killed for food, the egg laid is regarded as a separated edible part of the hen. Cf., however, **ouarb** Hul. 14b who takes the word **rpt** in the sense of **ucru urp**.
- (16) Who say the egg may be eaten.
- (17) A thing not mentally intended or set in readiness before the Festival to be used on the Festival is called mukzeh; v. Glos. Since the hen was not 'set in readiness' before the Festival the egg should therefore be forbidden to be eaten or handled on the Festival.
- (18) Lit., 'born'; i.e., an object which has only come into existence in its present form on a Festival. Such is forbidden to be used on a Festival.
- (19) There is no fundamental difference between mukzeh and nolad, only temporal.
- (20) Who rejects the prohibition of mukzeh, cf. Shab. 44b.
- (21) The opponent of R. Simeon, ibid.
- (22) Because they do not accept the prohibition of mukzeh.
- (23) Bones and nutshells are regarded as refuse and by the law of mukzeh may not be handled.
- (24) Beth Hillel accept the prohibition of mukzeh and therefore rule that one may not remove the bones and nutshells with his hand but gets rid of them by lifting the table-top. Shab. 143a.
- (25) R. Nahman, wishing to follow the standard rule that in disputes between Shammai and Hillel the law prevails as Hillel, and also to follow the rule that the law prevails according to the opinion expressed in an anonymous Mishnah, here reverses the teaching of the two Schools.
- (26) A Mishnah taught anonymously without mention of its author indicates that the teaching is the prevailing law.
- (27) The cutting up of gourds is not regarded as unnecessary labour on Sabbath, for the animals are then better able to feed.
- (28) Of an animal that dies on a Sabbath and consequently was not intended before the Sabbath to be given to the dogs to feed on.
- (29) Shab. 156b; infra 6b, 27b.

Talmud - Mas. Beitzah 2b

with reference to Festivals, where the Tanna teaches anonymously according to [the Opinion of] R. Judah as we have learnt: You may not [on a Festival] chop up firewood from rafters¹ nor from a beam which was broken on a Festival² — Beth Hillel is made to represent the opinion of R. Judah.

Now who taught our Mishnah anonymously, [was it not] Rabbi?³ Why then is it that with reference to the Sabbath he teaches the Mishnah anonymously according to [the opinion of] R. Simeon, whereas with reference to Festivals he teaches the Mishnah anonymously according to R. Judah? — I will answer. With respect to the Sabbath which is stringent so that people will not come to treat it lightly, he taught the Mishnah anonymously according to R. Simeon who is

lenient; [with respect to] a Festival which is less stringent⁴ so that people might come to treat it lightly, he taught the Mishnah anonymously according to R. Judah who is strict.

How have you explained it [the Mishnah]? With respect to a hen kept for laying eggs [the prohibition is] on account of mukzeh! If so, then instead of disputing about an egg,⁵ let [the Mishnah state that] they dispute about the hen [itself]!⁶ — It is in order to inform you of the extent of the opinion⁷ of Beth Shammai that [even] nolad is permitted. Then let them, dispute about the hen [itself] to show you the extent [of the opinion] of Beth Hillel that they forbid [even] mukzeh! And if you reply that information with respect to the extent of the opinion of permitting is to be preferred,⁸ then let them dispute about it both,⁹ thus: ‘A hen and its egg [laid on a Festival] may be eaten; but Beth Hillel maintain: They may not be eaten’!¹⁰ — Therefore, said Rabbah: In reality, it [the Mishnah] refers to a hen kept for food; but we are discussing a Festival which fell on a Sunday,¹¹ and [the prohibition¹² is] on account of preparation [on a Sabbath].¹³ For Rabbah is of the opinion that every egg laid now was completely formed the day before. And Rabbah is consistent with his view;¹⁴ for Rabbah said: What is [the teaching of] that which is written,¹⁵ and it shall come to pass on the sixth day that they shall prepare that which they bring in?¹⁶ [It is that] a weekday may prepare¹⁷ for Sabbath, and a weekday may prepare for a Festival; but a Festival may not prepare for Sabbath and Sabbath may not prepare for a Festival.¹⁸ Said Abaye to him [Rabbah]: But if it is so,¹⁹ let [the egg laid on] a Festival in general²⁰ be permitted!²¹ — It is a preventive measure out of consideration for a Festival falling on a Sunday.²² Let [the egg laid on] a Sabbath in general²³ be permitted!²¹ — It is a preventive measure out of consideration for a Sabbath [immediately] following a Festival.²⁴ But do we enact a preventive measure [in such a case]? Surely it was taught: If one slaughters a hen²⁵ and finds therein eggs completely formed, they may be eaten on the Festival.²⁶ Now if this be so,²⁷ let them²⁸ be prohibited on account of those [eggs] laid on the same day!²⁹ — He answered him: [The case of] there being in a hen eggs completely formed is a rare occurrence, and the Rabbis do not decree a prohibition with regard to a rare occurrence.

R. Joseph said: It³⁰ is a preventive measure on account of [the eating of] fruit fallen [from a tree].³¹ Said Abaye to him: What is the reason [that] fruit fallen from a tree [on a Festival] is forbidden?

(1) Stacked for building purposes.

(2) Before the Festival the beam was not intended to be used for firewood, hence it may not be so used on account of mukzeh, *infra* 31a, *Shab.* 157b.

(3) Rabbi Judah ha-Nasi.

(4) Cf. *Ex.* XII, 16.

(5) Which is forbidden on account of its hen.

(6) Whether it may be eaten or slaughtered on the Festival, since it was specifically kept for laying eggs.

(7) Lit., ‘power’; i.e., how far Beth Shammai maintain their view.

(8) Because it is an evidence of courage of conviction, while the more rigid opinion may be the outcome of doubt.

(9) The hen and its egg. Granted that information respecting the power of permission is preferable, but where, by a slight addition, more information could be given, this addition should be made.

(10) And since the Mishnah does not state this, R. Nahman's explanation of the Mishnah cannot be accepted.

(11) Lit., ‘(immediately) after the Sabbath’.

- (12) According to Beth Hillel.
- (13) Though the egg was here prepared by nature, it is none the less forbidden.
- (14) Expressed elsewhere. 'Er. 38b. V. Tosaf. s.v. **rnt**.
- (15) This clause is omitted in 'Er.; for such an expression is only used in haggadic passages, cf. D.S.
- (16) Ex. XVI, 5.
- (17) The preparation needs only be by word of mouth, or even by thought alone.
- (18) [As a day of rest, a festival is included in the term Sabbath and requires also 'preparation'; but such 'preparation' may not take place on the Sabbath and consequently the egg is prohibited].
- (19) Lit., 'from now', where now refers to what Rabbah has just stated as the reason for Hillel's view.
- (20) Except that falling on a Sunday.
- (21) To be eaten the same day.
- (22) If it should be permitted in the one case it will be thought that it is also permitted in the other.
- (23) Except when a Festival falls on a Friday.
- (24) V. p. 4, n. 15.
- (25) On a Festival.
- (26) No matter whether the Festival falls on a Sunday or on any other day, *infra* 7b.
- (27) That a measure is enacted in such a case.
- (28) The eggs found in the hen killed on a Festival falling on a Sunday.
- (29) Which are forbidden.
- (30) The prohibition of the egg according to Beth Hillel.
- (31) On a Festival, which is forbidden. Not eating the egg laid on a Festival is fencing the law of not eating fruit fallen on a Festival.

Talmud - Mas. Beitzah 3a

It is a preventive measure lest one climbs [a tree] and plucks [its fruit];¹ but this² is itself [only] a preventive measure: should we then come and enact one preventive measure to safeguard [another] preventive measure! — Both³ are one preventive measure.⁴

R. Isaac said: It is a preventive measure on account of [the consuming of] juices exuding [from fruit].⁵ Said Abaye to him: What is the reason that juice exuding [from fruit on a Festival] is forbidden? It is a preventive measure lest one [purposely] squeezes out [the juice];⁶ [thus] this is itself [only] a preventive measure; should we then come and enact one preventive measure against [the breach of] another preventive measure! — Both⁷ are one preventive measure.⁸

All [the other Rabbis] do not explain⁹ as R. Nahman does, in accordance with our objection.¹⁰ Likewise they do not explain as Rabbah, because they do not accept [his rule of] Hakanah.¹¹ But why does not R. Joseph explain as does R. Isaac? — He will answer you: An egg is food and fruit is food, excluding juice which is not food [but a beverage]. And why does not R. Isaac explain as does R. Joseph? — He will answer you: An egg is enclosed [in the hen] and juice is enclosed in the fruit, excluding fruit which is exposed all the time.

R. Johanan also is of the opinion that it is a preventive measure on account of [the consuming of] juices exuding [from fruit]. For R. Johanan pointed out a contradiction between one statement of R. Judah and another statement and [also] reconciled it: We have learnt: You may not squeeze

fruit¹² to bring out juice, and [even] if the juice exuded of itself it is [still] forbidden. R. Judah says: If [the fruit was intended] as an eatable, what exudes is permitted; but if [it was kept] for its juice, then what exudes is forbidden.¹³ So we see that according to R. Judah [what exudes from] anything [kept] as eatables is [regarded] as food separated.¹⁴ But contrast this with the following: R. Judah further said:¹⁵ One may stipulate on the first day of the [New Year] Festival with respect to a basket of fruit¹⁶ and eat it on the second [day];¹⁷ similarly an egg laid on the first [day] may be eaten on the second.¹⁸ Only 'on the second', but not on the first!¹⁹ And R. Johanan answered: The statement must be reversed.²⁰ Now since he [R. Johanan] contrasts them with each other, infer from this that there is one and the same reason.²¹

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- (1) An act Biblically forbidden on a Sabbath or Festival, being in the nature of reaping.
 - (2) Prohibition of eating fallen fruit on a Festival.
 - (3) The prohibition of eating the egg laid on a Festival and the fruit fallen from a tree on a Festival.
 - (4) Against the same prohibition of climbing and gathering fruit. In the enactment of the measure against fallen fruit the egg was included, being regarded as a fallen fruit.
 - (5) On a Festival. Not eating the egg laid on a Festival is fencing the law of not consuming juice exuding from fruit on a Festival.
 - (6) An act Biblically forbidden on a Sabbath or Festival, being in the nature of threshing.
 - (7) The prohibition of eating the egg and the juice.
 - (8) Against the same prohibition of squeezing juice from fruit on a Festival. In the enactment of the measure against exuding juice the egg was included.
 - (9) Our Mishnah.
 - (10) Supra 2b.
 - (11) V. Glos.
 - (12) On a Sabbath or Festival.
 - (13) Shab. 143b.
 - (14) I.e., a part of the whole.
 - (15) With respect to the New Year Festival which even in Palestine was observed for two days.
 - (16) Not yet tithed.
 - (17) It is forbidden to separate the Levitical tithe on a Festival (v. infra 36b). But since, according to R. Judah, only one of the two days is holy, the owner can make a conditional statement on the first day as follows: if to-day is not the Festival, then let this specified portion be the tithe for the rest; if, on the other hand, to-day is the Festival, then let what I have just said be void. On the second day he says likewise: If to-day is not the Festival, then let the specified portion be the tithe; if to-day is the Festival, then the specified portion is already tithe. By means of these two conditional statements the owner can, on the second day, proceed to eat the fruit, for it has been tithed either on the first or second day. V. 'Er. 39b.
 - (18) For if the first day when the egg was laid was the holy day of the two days, then it can be eaten on the following day; and if the first day was not the holy day then the egg may also be eaten on the second day because it was not laid on a Festival. 'Er. 39b.
 - (19) Because the egg is not regarded as food separated from the hen, and this is contradictory to his statement above with respect to the juice being permitted to be consumed on the Festival itself. At present it is assumed that the reference here is to a hen kept for food.
 - (20) To remove the contradiction, R. Johanan suggests, that in the quoted Mishnah, it is not R. Judah who permits the juice to be consumed but his opponent, the anonymous Tanna.
 - (21) For prohibiting both the egg and the self-exuded juice, viz., it is a preventive measure against the breach of

the prohibition of squeezing juice from fruit on a Festival.

Talmud - Mas. Beitzah 3b

Rabina says: In reality you need not reverse [the authorities] for R. Judah was speaking from the point of view of the Rabbis,¹ thus: According to my view [the egg] is permitted even on the first day, because it is food separated [from the hen]; but according to your opinion, you should at least agree with me that it is permitted on the second day, for they² are two distinct days of holiness.³ And the Rabbis answered him: No, [the two days] are one [continuous day of] holiness. Rabina, the son of R.'Ulla, says: [We are dealing] here with a hen kept for laying eggs, and R. Judah⁴ is consistent with his view, for he holds [the interdict of] mukzeh.⁵

An objection was raised: Both an egg laid on a Sabbath and an egg laid on a Festival may not be moved to cover therewith a vessel,⁶ nor to support therewith the leg of a bed;⁷ but a vessel may be placed over it so that it should not be broken; and if in doubt,⁸ it is forbidden; and if it got mixed up with [even] a thousand [eggs], they are all forbidden.⁹ This is well, according to Rabbah, who says [that it is] 'on account of preparation',¹⁰ [then it is a] doubt with respect to a Biblical prohibition, and every doubt with respect to a Biblical prohibition [must be decided] with stringency. But according to R. Joseph and R. Isaac, who say [that it is] 'a preventive measure', then it is a doubt with respect to a Rabbinical enactment, and every doubt with respect to a Rabbinical enactment [is resolved] with leniency!¹¹ — The last clause [of the text] deals with a doubt of trefa.¹² If so, consider the latter clause; 'and if it got mixed up with a thousand [eggs] they are all forbidden'. Now if you say that the doubt is whether [the egg was laid on] a Festival or on a weekday,¹³ it is well, because [the egg] is an object which can become [otherwise] permitted,¹⁴ and any object which can become [otherwise] permitted is not neutralized even in a thousand [times its quantity].¹⁵ But if you say that it is a doubt of trefa, then [the egg] is an object which cannot become [otherwise] permitted and should therefore] be neutralized by a greater number [than itself].¹⁶ And if you answer 'an egg is valuable and is not neutralized by a greater number,' this¹⁷ would be correct according to him who says that we learnt 'whatsoever one is wont to count'.¹⁸ But according to him who says that we learnt 'that which one is wont to count', what is to be said?¹⁹ For we have learnt:²⁰ If one had trusses of fenugreek of kil'ayim of a vineyard²¹ they are to be burnt;²² if they got mixed up with others²³ and these [again with others,²⁴ they are all to be burnt. This is the opinion of R. Meir. But the Sages say: [The forbidden trusses] are neutralized in [a majority of the proportion of] one in two hundred. For R. Meir used to say: That which one is wont to count [when selling] disqualifies.²⁵ But the sages say: Only six things²⁶ render [the whole] prohibited — R. Akiba says: seven — and they are as follows: The nuts of Perek,²⁷ and the pomegranates of Baden,²⁷ casks spigoted, beetroot-tops,²⁸ cabbage stalks²⁹ and Greek gourds. R. Akiba adds also the loaves of a householder.³⁰ Those mixtures which are subject to the law of 'Orlah, [impart the prohibition of] 'Orlah,³¹ and those which are subject to the law of Kil'ayim of a vineyard [impart the prohibition of] Kil'ayim of a vineyard.³² And it was stated thereon that R. Johanan said: We learnt,³³ 'that which one is wont to count [when selling]'; and Resh Lakish said: We learnt: 'whatsoever one is wont to count [when selling].' [Now the text]³⁴ would be well according to the opinion of Resh Lakish; but according to the opinion of R. Johanan, what can be said? R. Papa replied: This Tanna³⁵ is the author [of the teaching] concerning the 'litra of dried figs', who says that anything which [is sold] by number,

even though [its prohibition is] a Rabbinical enactment, is not annulled, how much more so when it is Biblical.³⁶ For we have learnt:³⁷ If a litra of dried figs³⁸ was pressed upon the top of a jar³⁹ and he does not know on which jar it was pressed, or on the top of a barrel and he does not know on which barrel it was pressed, or on top of a basket⁴⁰ and he does not know on which basket it was pressed, R. Meir maintains [that] R. Eliezer

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- (1) His opponents. The anonymous opinion is that of the majority of the Rabbis.
 - (2) The two days.
 - (3) Only one of which is really holy, cf. *infra*.
 - (4) Who prohibits the egg to be eaten on the first day.
 - (5) Cf. *Shab.* 156b.
 - (6) A wine glass or a decanter.
 - (7) According to an old tradition, an egg standing quite vertically can support a very heavy weight. But cf. *MGWJ* 71, 1927 p. 44; 72, 1928. pp. 391-5, where this *Baraitha* is discussed, and where it is shown that this was done for magical purposes.
 - (8) On the present assumption as to whether the egg was laid on a Festival or not.
 - (9) *Infra* 42; *Shab.* 43b.
 - (10) *Supra* 2b.
 - (11) And therefore the egg concerning which a doubt arose whether it was laid on a Festival or not should be permitted.
 - (12) I.e., whether the hen that laid it is *trefa* the prohibition of which is Biblical. V. *Glos.*
 - (13) *Lit.*, 'common', 'ordinary', i.e., not a Festival-day.
 - (14) After the Festival the egg is in any case permitted, even though no neutralization were to take place.
 - (15) This is a Talmudic principle with respect to the neutralization of an object when intermixed with permitted commodities. Though normally a certain portion of the latter is sufficient to neutralize the former, that does not operate if the former is destined to become permitted without recourse to neutralization. Hence, in our case, where the egg was laid on a Festival-day and is forbidden for that day only, but not after, if that egg got mixed up with no matter how many others on the day it was laid, it is not neutralized, but all are forbidden on that day. Cf. *B.M.*, *Sonc. ed.* p. 314, note 2.
 - (16) According to the rule based on *Ex. XXIII, 3*.
 - (17) Forbidding to be eaten even though the egg got mixed up with a thousand.
 - (18) When selling is regarded as important and is not neutralized by a greater quantity than itself. For eggs, though occasionally sold in bulk are also sold in units and therefore do not merge in the majority.
 - (19) To explain this statement; for the eggs which are sometimes sold in bulk do not belong to such a category. Whatsoever is more comprehensive than that. According to the former teaching, neutralization is not permitted in the case of any objects which are regarded as of sufficiently high commercial value to be sold in units rather than in bulk. According to the latter teaching, neutralization is permitted in all cases except those where the objects are of such a high value that they are not sold save by counting single units. V. *Yeb.*, *sonc. ed.*, p. 551 n. 11.
 - (20) 'Orlah. III, 6; *Yeb.* 81a. *Zeb.* 72a.
 - (21) Cf. *Lev. XIX, 19*, and *Deut. XXII, 9*. *Lit.*, 'mixed growths of plantings'. V. *Glos.*
 - (22) For no benefit or usufruct may be had from such mixed growths.
 - (23) Trusses of fenugreek not of mixed growths of a vineyard.
 - (24) This clause is omitted both in 'Orlah and *Yeb.* But V. *Tosaf. Zeb.* 72a. s.v. **ucrg, b**.
 - (25) Or renders forbidden the others with its prohibition. For this rendering of the word **asen** v. *Jast.* p. 1320a. V. also *Yeb.*, *Sonc. ed.* p. 552, n. 4 and 9.

- (26) If forbidden and mixed up with others.
- (27) Perek and Baden are both localities in Samaria N.E. of Shechem (cf. Rashi). Tosaf. Yeb. 81b. s.v. **l r p** takes the former to mean cracknuts. Cf. A.Z., Sonc. ed. p. 354, note 4.
- (28) For making beverage.
- (29) For making crude whisky.
- (30) With reference to the law of leaven during passover, as distinct from the loaves of a baker.
- (31) I.e., come under the law of 'Orlah. Lit., 'circumcision'. V. Lev. XIX, 23-4. where the use of the fruit of young trees forbidden. The use is wholly forbidden during the first three years.
- (32) The first three belong to 'Orlah, the others to Kil'ayim.
- (33) In the words of R. Meir.
- (34) That if the egg got mixed up even in a thousand they are all prohibited.
- (35) Who made the statement that even if the egg got mixed up with a thousand they are all forbidden.
- (36) As the egg from the trefa hen.
- (37) Cf. Ter. IV, 10. For var. lec. v. Comm. a.l.
- (38) Of terumah (V. Glos.) which may not be eaten by non-priests. Cf. Lev. XXII, 10. It is the portion (from one sixtieth to one fortieth) that must be given to the priests from the produce of the harvest and can only become neutralized in a quantity 100 times itself. V. Num. XVIII, 8; Deut. XVIII, 4, where corn, wine, and oil are mentioned but not fruit. The requirement to give terumah of fruit is only a Rabbinical enactment.
- (39) Which was only among many jars of figs each holding 100 litras.
- (40) In the shape of a beehive.

Talmud - Mas. Beitzah 4a

said: We regard the upper [layers] as if they are dispersed [among each barrel] and the lower¹ neutralize the upper [litra of figs]; [while] R. Joshua says: If there were there a hundred tops [of barrels] they neutralize, but if not, then [all] the top layers are forbidden and [all] the remainders are permitted. [But] R. Judah maintains² [that] R. Eliezer said: If there are a hundred upper layers they neutralize, but if not then [all] the top layers are forbidden and [all] the remainders are permitted; [while] R. Joshua Says: Even if there are three hundred tops of barrels they do not neutralize.³ If it⁴ was pressed in a jar and he does not know in which jar he pressed it, all agree that they neutralize. [You say], All agree? [Why] this is the point they are disputing! Said R. Papa: This is what he says: If it was pressed in a jar and he does not know it, which part of the jar it was pressed, whether northward or southward, all agree that it is neutralized.⁵

R. Ashi said: In reality the doubt is whether [the egg was laid] on a Festival-day or on a weekday,⁶ [but] it [the egg] is a forbidden] object which will become permitted,⁷ and anything [forbidden] which will become permitted, even though [forbidden] by a Rabbinical enactment⁸ is not neutralized.⁹

It was taught: Others say in the name of R. Eliezer: The egg [laid on a Festival] and the hen may be eaten. About what are we discussing? If about a hen kept for food, it is self-evident that the egg and the hen are permitted;¹⁰ and if about a hen kept for laying eggs, then the egg and the hen are forbidden!¹¹ — Answered R. Zera: [It means,] it [the egg] may be eaten in virtue of the hen.¹² What are the circumstances?¹³ — Said Abaye: For example when he bought it [the hen] without specifying [for what purpose]; if it is killed then it is [retrospectively] clear that it was

intended to be kept for food;¹⁴ if it is not killed, then it is evident that it was intended to be kept for laying eggs.¹⁵ R. Mari says: He states an exaggeration.¹⁶ For it was taught: Others say in the name of R. Eliezer: The egg may be eaten, it and its hen, and its chicken and its shell. What is meant by 'its shell'? Shall I say [it means] literally 'shell', is then the shell [fit for] food?¹⁷ Again, if it should [mean] a chicken in its shell, surely the Rabbis dispute with R. Eliezer b. Jacob¹⁸ only when the chicken is actually hatched, but when it has not yet been hatched they do not dispute!¹⁹ Therefore 'the chicken and its shell' is an exaggeration,²⁰ so also here 'it and its hen may be eaten' is an exaggeration.

It was stated: A Sabbath and a Festival [following one another]. Rab says: [An egg] laid on the one is forbidden on the other, but R. Johanan maintains: [The egg] laid on the one is permitted on the other. Shall we say that Rab holds that they [a Sabbath and a Festival immediately following] are regarded as one [continuous day of] holiness? But Rab said: The halachah is according to the four elders who decided according to the opinion of R. Eliezer who says [the Sabbath and the Festival] are two [distinct days of] holiness! — Rather they differ here in Rabbah's [law of] Hakanah;²¹ Rab accepts Rabbah's law of Hakanah and R. Johanan rejects Rabbah's law of Hakanah.

The same is disputed by Tannaim: If it [an egg] is laid on a Sabbath, it may be eaten on a Festival;²² [if it is laid] on a Festival it may be eaten on a Sabbath.²³ R. Judah says in the name of R. Eliezer: The dispute still continues; for Beth Shammai say: It may be eaten; whereas Beth Hillel maintain: It may not be eaten.²⁴ The host of R. Adda b. Ahabah had some eggs from a festival [which he wished to prepare] for the Sabbath.²⁵ He came before him, and asked: Is it permitted to roast them to-day²⁶ that we may eat their to-morrow? He answered him: What is in your mind: [in a dispute between] Rab and R. Johanan the halachah is as R. Johanan? But even R. Johanan only allows [the egg] to be quaffed on the morrow, but not on the same day [it was laid];²⁷ even as it was taught: Whether an egg was laid on a Sabbath or on a Festival, one may not move it to cover therewith a vessel nor to support therewith the leg of a bed.²⁸

The host of R. Papa — some say it was another man who came before R. Papa — had some eggs from a Sabbath [which he wished to prepare] on the [immediately following] Festival. He came, asking him: Is it permitted to eat them to-morrow?²⁹ He answered him: Go away now and come to-morrow: for Rab would not appoint an interpreter for himself from [the first day of] the Festival until [the termination of] its companion³⁰ on account of inebriety.³¹ When he came on the morrow, he said to him:

(1) Layers of each barrel.

(2) R. Meir and R. Judah differ with respect to the dispute between R. Eliezer and R. Joshua.

(3) The litra of figs, for the top layers of figs are in the category of things that are also sold by number and therefore the quantity of vessels is immaterial. Cf. J. Ter. IV, 7.

(4) The litra of terumah figs.

(5) Because not being a complete layer now, it is no longer in the category of being numbered. R. Joshua is then the Tanna who held that anything which is often sold by number is not annulled, and he will be the author of the teaching regarding the mixed egg.

(6) And as for the suggestion that in any doubt with respect to a prohibition based on a Rabbinical enactment

leniency is required, v. supra 3b.

(7) After a certain time. The egg will in any case be permitted after the Festival.

(8) Concerning which leniency is usually preferred.

(9) And we are to proceed with stringency even in the case of doubt.

(10) That is, in the view of Beth Shammai; and if R. Eliezer intends to rule like Beth Shammai, why mention the hen-mother at all? Rashi.

(11) On account of mukzeh. V. infra 34a.

(12) If the hen is eaten on the Festival so may also the egg be eaten.

(13) When it is the actual eating of the hen that renders also the egg permissible.

(14) And therefore the egg, being part of the hen, may also be eaten.

(15) And therefore the egg is not permitted.

(16) He uses the figure of speech called hyperbole for the sake of emphasis; i.e., he states the law very emphatically, mentioning more than is necessary.

(17) All that was necessary to be said was 'the chicken', for the shell is not classed as food.

(18) And say that a chicken just hatched may be eaten even though its eyes were not open. V. infra 6b.

(19) I.e., they all agree that it may not be eaten. Hence it cannot mean in its shell.

(20) Saying more than is required.

(21) Supra 2b. V. Glos.

(22) Immediately following the Sabbath.

(23) Immediately following the Festival.

(24) So that the anonymous Tanna supports R. Johanan and R. Judah supports Rab.

(25) Immediately following the Festival, and he was doubtful.

(26) On Friday, the day they were laid.

(27) When it is forbidden even to move it.

(28) Supra 3b. q.v.

(29) I.e., on the Sunday.

(30) I.e., the second day of the Festival.

(31) Rab was in the habit of appointing an interpreter who would enlarge and expand the teachings he would communicate to him. Rab was so scrupulous that he refrained from communicating teachings and decisions to his interpreter on a feast day lest he should risk giving less than his best through the influence of drinking wine on the Festival. R. Papa would not give on a Sabbath a decision for the same reason.

Talmud - Mas. Beitzah 4b

If [I had given my decision] forthwith, I would have erred, and told you that [in a dispute between] Rab and R. Johanan the halachah is as R. Johanan; whereas Raba has said: In these three [cases]¹ the law is as Rab, both when he is lenient and when he is stringent.

R. Johanan said: If branches fell off a palm tree on a Sabbath, it is forbidden to burn them [for firewood] on the Festival [immediately following it], and do not seek to refute me [by referring to the case] of the egg.² What is the reason? Because the egg is fit to be taken raw on the [Sabbath] day [it was laid],³ and since you do not permit it [to be eaten] until the following day, one will surely know that on the same day [that it was laid] it is prohibited.⁴ [But in the case of the] branches which are not fit for the [Sabbath] day [on which they fell],⁵ if you permit them to be used on the morrow,⁶ one might say that even on the [same] day [they fell off]⁷, they are also

permitted, while [their prohibition] the day before was on account of the Sabbath, when they were not fit for burning.

R. Mattenah said: If branches fell off a palm tree on a Festival into an oven, one may add thereto a larger amount of wood kept in readiness⁸ and burn them [together]. But is he not handling a prohibited object?⁹ Since the greater part consists of that which is permitted, when he is handling, he is handling that which is permitted. But he neutralizes a prohibited object at the outset, and we have learnt: One may not [directly] neutralize a prohibited object at the outset!¹⁰ — This applies only [where the object is prohibited] according to the Biblical law, but [where it is only] Rabbinical[y] [prohibited] one may [directly] neutralize.¹¹ But how is it to be explained according to R. Ashi, who says that an object [forbidden] which will become permitted is not neutralized even though [forbidden] by a Rabbinical enactment?¹² — this applies only where the prohibited object remains intact, but here the thing forbidden is indeed burnt up.¹³ It was stated: [With reference to] the two Festival-days of the Diaspora,¹⁴ Rab says: [The egg] laid on the one¹⁵ is permitted on the other,¹⁶ and R. Assi maintains: [The egg] laid on the one is forbidden on the other. Shall it be said that R. Assi holds the opinion that [both days] have one continuous holiness? But R. Assi recited the habdalah¹⁷ [blessing] between the first and second Festival-days?¹⁸ — R. Assi himself was in doubt, hence he acted in both cases with stringency.¹⁹

R. Zera said: Logic supports R. Assi; for we are now well acquainted with the fixing of the new moon and, nevertheless, we do observe two days.²⁰ Abaye said: Logic supports Rab; for we have learnt: In early times they used to light bonfires,²¹ but on account of the mischief of the Samaritans²² the Rabbis ordained that messengers should go forth.²³ Now if the [mischief of the] Samaritans ceased²⁴ we would [all] observe only one day; and [even during the Samaritan mischief] wherever the messengers arrived²⁵ they observed [only] one day.²⁶ But now that we are well acquainted with the fixing of the new moon,²⁷ why do we observe two days? — Because they sent [word] from there [Palestine]:²⁸ Give heed to the customs of your ancestors which have come down to you; for it might happen that the government might issue a decree²⁹ and it will cause confusion [in ritual].

It was stated: [With respect to] the two Festival-days of the New Year, Rab and Samuel³⁰ both say: [An egg] laid on the first day is forbidden on the second day. For we have learnt:³¹ In early times they [the Sanhedrin] admitted the testimony about new moon throughout the [whole]³² day.³³ Once, however, the witnesses were late in arriving

(1) For the three cases v. infra 5b. Our case is one of the three.

(2) Concerning which I have said that an egg laid on a Sabbath may be eaten on the immediately following Festival-day.

(3) All egg may not be cooked on a Sabbath, but may be eaten raw because there is no work in sucking eggs.

(4) On account of mukzeh.

(5) For it is prohibited to kindle fire on a Sabbath. Cf. Ex. XXXV, 3.

(6) The following Festival-day.

(7) If it were a Festival and not a Sabbath.

(8) V. Glos. s.v. mukan.

(9) When stoking the fire the alien branches are prohibited on account of mukzeh.

- (10) This statement is not found anywhere else so worded, but is inferred from Ter. V, 9, where it is stated that if one se'ah of Heave-offering fell into less than 100 se'ahs of common produce, and other common produce afterwards fell therein, if it was in error the whole is permitted, but if wantonly, it is forbidden. Cf. a'r a.l.
- (11) And the prohibition of mukzeh is only Rabbinical.
- (12) V. supra 3a. And the wood will in any case be permitted after the Festival.
- (13) Cf. Tosaf. Pes. 26b. s.v. **asj** .
- (14) Outside Palestine every Festival which Biblically is to be observed for day is kept for two days because of doubt. Since the Festival is fixed for a certain day of the month (for example passover on the 15th Nisan) it is Important to know the exact day the New Moon appears. For the consecration of the New Moon was determined not only by mathematical calculation but by the confirmation of witnesses who had seen it. This applied only to the 30th, but on the 31st, the day would be consecrated even without witnesses, because it would be known that after the 30th the moon should become new even if it were not seen, for the moon renewed itself about every 292 days. therefore those in Palestine could easily be informed whether the new moon was consecrated by the Sanhedrin in Jerusalem on the 30th day or on the 31st, thus making the month just passed either full or defective. But those in the Diaspora, not being able to be informed in time whether the new moon was consecrated on the 30th or on the 31st, kept the appointed Festival-day for two days in order to be sure of observing it (for example, in the case of Passover, they kept both the 15th and 16th of Nisan as the 1st day of Passover). Hence the two Festival-days of the Diaspora.
- (15) I.e., the first day.
- (16) Because only one of the two days is holy.
- (17) V. Glos.
- (18) He would not have recited the habdalah had he regarded the two Festival-days as one continuous day of holiness. V. Rashi.
- (19) The observance in the Diaspora of two days instead of one as in Palestine can be regarded from two points of view: (a) It was an enactment of the Rabbis that for all time in the Diaspora two days should be kept for each Festival-day (v. supra n. 1). From that point of view the two days are regarded as one long day of holiness and the egg might not be eaten on the second day. (b) The people in the Diaspora have taken upon themselves the observance of two days instead of one because of their uncertainty; for those however, who were well acquainted with the fixing of the new moon, the first day only is regarded as really holy and the second day as of a minor holiness, requiring the recitation of the habdalah between the two, and the egg would be permitted to be eaten on the second day.
- (20) Presumably because the Rabbis have so enacted for us to keep the two days as one continuous day of holiness and it is their ordinances that we observe.
- (21) They indicated the new moon outside Jerusalem by means of firesignals whether the day just elapsed was the 30th of the past month or the 1st of the coming month.
- (22) In lighting beacons at other times to confuse the Jews. For the term Cuthim v. J.E. vol. IV, p. 398.
- (23) V. R.H. 22b (Sonc. ed. p. 96, n. 7).
- (24) And we reverted to the lighting of fire-signals.
- (25) The distance covered by the traveling messengers was relative, dependent on what day in the month a festival fell, so that sometimes they would cover more territory than at others.
- (26) Evidently the observance of two days was not an enactment for all time.
- (27) The calendar was fixed about the beginning of the fourth century. [This has been ascribed to Hillel II, v. Graetz IV, pp. 316-318.]
- (28) To the Jews in the Diaspora. Cf. Sanh. 17b. [probably this refers to the message sent by R. Jose (J. 'Er. III) a contemporary of Hillel II, urging the people of the Diaspora not to depart from the ancestral customs despite the

calendar which have been introduced by the Patriarch, v. Graetz IV, p. 456.]

(29) To destroy all the sacred writings and prevent the study of the Law and thus all knowledge of fixing the calendar would be lost.

(30) Who are often opposed in debate.

(31) R.H. 30b.

(32) The word 'whole' is absent in R.H.

(33) The 30th of Ellul, which had already been determined as New Year. The 30th of Ellul, commencing at sunset, was observed as New Year's day in case witnesses should arrive during that day reporting that they had seen the new moon.

Talmud - Mas. Beitzah 5a

and the Levites erred in the chant.¹ [In consequence] they enacted that they should only receive witnesses until Minhah,² but if witnesses came from Minhah onwards³ they observed [the remainder of] that day⁴ and the following day as holy.⁵

Rabbah said: Since the enactment of R. Johanan b. Zakkai, the egg is permitted;⁶ for we have learnt:⁷ After the destruction of the Temple⁸ R. Johanan enacted that testimony [concerning the appearance of new moon] should be admitted the [whole] day.⁹ Said Abaye to him: But have not Rab and Samuel both said that the egg is forbidden [on the second day]? — He replied to him: I quote to you R. Johanan b. Zakkai, and you tell me about Rab and Samuel!¹⁰ But for Rab and Samuel our Mishnah is a difficulty! — There is no difficulty. This [ruling] applies to us [Babylonians], but that [ruling] applies to them [the Palestinians].¹¹ But R. Joseph¹² says: Even from [the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited [on the second day]. What is the reason? It¹³ is a matter which was decided by a majority vote¹⁴ and whatever was [forbidden] by a majority vote, requires another majority vote to permit it.¹⁵ Said R. Joseph: Whence do I infer this?¹⁶ From what is written: 'Go say to them, return ye to your tents'.¹⁷ And [Scripture] further says: 'When the trumpet soundeth long, they shall come up to the mount'.¹⁸ And we have further learnt:¹⁹ The fourth [year] vineyard [fruit] was to be brought to Jerusalem [from all places] within a radius of one day's journey [from Jerusalem], and the following are its boundaries: Elath²⁰ on the South,²¹ Akrabah²² on the North, Lydda²³ on the West, and the Jordan on the East.²⁴ And 'Ulla said — others say Rabba b. Bar Hana in the name of R. Johanan — What is the reason? [It is] in order to decorate the streets of Jerusalem with fruits. And it was [further] taught: R. Eliezer had trees of the fourth year in a vineyard to the east of Lydda near Kefar Tabi²⁵

(1) They sang the psalm for ordinary days at the eventide sacrifice and it turned out after the arrival of witnesses that it was actually New Year's day. V. Tamid VII, 3-4.

(2) The time of the offering of the eventide sacrifice. V. Glos. Cf. Schurer II, I pp. 286ff.

(3) When there was still some part of the day to run, though their testimony would not be accepted for consecrating the 30th as New Year's day, yet.

(4) The end of the 30th from the arrival of the witnesses to the close of the day was also considered holy.

(5) Hence it was seen that the Sanhedrin itself under such conditions observed the New Year's Festival for two days even where there was no uncertainty; and the people outside Jerusalem would need to observe both the 30th and the 31st of Ellul as New Year in case of such a contingency, so that the observance of two days for the New Year's

Feast was an enactment of the Rabbis from the very beginning making two days one continuous day of holiness, and, therefore, an egg laid on the first day is prohibited even on the second.

(6) To be eaten on the second day.

(7) R.H. 30b.

(8) Since the Temple no longer existed the reason for the previous enactment falls away.

(9) So that the observance of the two days at the present time could only be on account of doubt, since only one of the two days is holy. For, even if witnesses came towards the end of the 30th, the whole of the 30th would be regarded as New Year and the 31st would be regarded as a weekday. But if no witnesses came on the 30th, the 31st would be New Year's day and the 30th, though observed as a holy day, was in reality an ordinary day; and therefore the egg laid on the 30th in such a case would be permitted on the 31st.

(10) R. Johanan b. Zakkai was the greater authority.

(11) The enactment of R. Johanan b. Zakkai could only affect Palestine, where only one day, viz., the 30th, would now be regarded as New Year, however late the messengers came on that day. But in Babylon and all places outside Palestine, the observance of the two days was not affected by the enactment of R. Johanan, for there the two days were kept holy by the early Rabbinical enactment, and were regarded as one continuous day of holiness.

(12) In opposition to Rabbah.

(13) The prohibition of the egg on the second day.

(14) If witnesses had not come before eventide the Assembly of Sages decided to make the two days one continuous day of holiness.

(15) Even though the reason for its prohibition no longer exists, the prohibition still holds until a further vote in Assembly had been taken and declaring it now permissible; and as no such vote had been taken the status quo remains, i.e., the prohibition of the egg is still binding. V. Sanh. 59b. It is pointed out infra 5b that the vote of Assembly was not directly dealing with the egg but with the making of the two days one continuous day of holiness.

(16) That a prohibition once made by an Assembly is still binding until it has been rescinded by another Assembly.

(17) Deut. V, 27. God had previously told them to abstain from women for three days, and this prohibition did not ipso facto cease at the expiration of the three days, but required from God direct permission to resume cohabitation. V. Tosaf. 5a, s.v. **kf** V. also Sanh., Sonc. ed. p. 403, n. 1.

(18) Ex. XIX, 13. Here too the prohibition of ascending Mt. Sinai was on account of the Theophany, and at the ceasing of the Theophany it could be inferred that the people might ascend the Mount. Yet it was not left for anyone to infer that they might ascend, but they had to await the express authority of God.

(19) M.Sh. V, 2; R.H. 31b. (9) Fruit of the first three years of a tree may not be eaten, and the fruit of the fourth year must be eaten before the Lord in Jerusalem, Lev. XIX, 23. If, however, the journey was too great, the fruit might be redeemed and the money expended in Jerusalem. V. Deut. XIV, 24-25. The Rabbis, however, ordained that for a radius of one day's journey from Jerusalem the fruit could not be redeemed but must be brought to Jerusalem.

(20) V. Neubauer, *La Geographic du Talmud*, p. 19. No place of such a name within one day's journey from Jerusalem has yet been plausibly identified.

(21) This is the correct reading as in M.Sh. and not North. Cf. D.S. a.l.

(22) Neubauer, p.159. Perhaps the modern Akrahah, 25 miles North of Jerusalem.

(23) Cf. Neh. VII, 37. V. also Neubauer, p. 76.

(24) V. R.H., Sonc. ed. p. 151, notes.

(25) Since Lydda was within one day's journey West of Jerusalem, Kefar Tabi which was East of Lydda would likewise be within one day's journey from Jerusalem.

Talmud - Mas. Beitzah 5b

Talmud - Mas. Beitzah 5b

and he wished to renounce [the vineyard] for the poor.¹ But his disciples said to him: Master, thy colleagues have already taken a vote with respect to your case and permitted it.² Who are meant by 'thy colleagues'? R. Johanan b. Zakkai [and his school]. Now the reason [why the fruit may be redeemed] is only because they had taken a vote; but if they had not taken a vote, it would not [have been permitted].³

What is meant by 'And [Scripture] further says'?⁴ — He means thus: Consider: It is written: Be ready against the third day, come not near a woman.⁵ Then what is the purpose of 'Go say to them, Return ye to your tents'? Infer therefrom that every prohibition decided by a majority vote requires another majority vote to rescind it. And should you reply, it comes as a command concerning conjugal duties,⁶ [then] come and hear: 'When the trumpet soundeth long they shall Come up to the mount.' Now consider: It is written: 'Neither let the flocks nor herds feed before that Mount.'⁷ Then what is the purpose of: 'When the trumpet soundeth long they shall come up to the Mount'. Conclude therefrom that what has been prohibited by a majority vote requires another majority vote to rescind it.⁸ And should you argue, this only applies to the case of a Biblical [prohibition] but not to the case of a Rabbinical [prohibition],⁹ [then] come and hear: 'The fourth [year vineyard] fruit, etc.' Now the law concerning the fourth [year vineyard] fruit is a Rabbinical enactment, and yet they said to him: 'Thy colleagues have already taken a vote respecting your case and permitted it!' And if you say¹⁰ that R. Johanan b. Zakkai allowed also a vote to be taken concerning an egg and permitted it, [I will reply]: They only took a vote concerning testimony, but concerning the egg they did not take a vote. Said Abaye to him: Has there been then at all a vote taken [at any time] concerning the egg [itself]?¹¹ The egg is dependent on [the acceptance of] testimony: If the testimony of the witnesses is disallowed, then the egg is forbidden¹² but if the testimony of the witnesses is permitted then the egg is [a automatically] permitted,¹³

R. Adda and R. Salmon, both of Be Kelohith¹⁴ say: Even [from the time of] the enactment of R. Johanan b. Zakkai and onwards the egg is prohibited. Why? The Temple may very soon be rebuilt,¹⁵ and people would say: 'Did we not eat last year on the second day [of the New Year] the egg [laid on the first day]? Now too, we shall continue to eat it;' and they will not know that in the previous year¹⁶ they [the two days] were of two distinct forms of holiness¹⁷ whereas now¹⁸ they are one [continuous day of] holiness.¹⁹ If so, we should not even accept [the] testimony [of witnesses the whole day]! What is the reason? For the Temple may very soon be rebuilt, and people might say: 'Did we not accept last year testimony concerning the New Moon during the whole day [long]? Now too, we shall [continue to] accept [their testimony]!?' — Where [is the comparison] in this? [The acceptance of] testimony is entrusted to the Beth din²⁰ [only], but [the case of] the egg is entrusted to all.²¹

Raba Says: Even since the enactment of R. Johanan b. Zakkai and onwards, the egg is forbidden; [for] does not R. Johanan b. Zakkai agree that if witnesses arrive after Minhah, the remainder of that day and the following day is observed as holy?²² Raba further said: The law [is as] Rab in the foregoing three cases²³ whether he is lenient or stringent. [

- (1) In order not to have to bring the fruit himself to Jerusalem, but that the poor might gather the fruit for themselves and bring it to Jerusalem. Although R. Eliezer lived after the fall of Jerusalem when the reason for decorating its streets no longer existed, yet he adhered to the ruling that the fruit being within the radius of one day's journey, could not be redeemed but had to be brought to Jerusalem.
- (2) I.e., the authority you are holding to has been rescinded by another authority and you can therefore redeem the fruits and bring only the money to Jerusalem.
- (3) [Which proves that whatever has been decided by a majority vote requires another majority vote to abrogate the decision, even where the reason for the original decision no longer operates].
- (4) The question here is: How do you infer from the first passage of Scripture the principle that a prohibition once made is absolutely binding until it has been rescinded; and if the inference is satisfactory, why is it necessary to have a second Scripture text? Rashi.
- (5) Ex. XIX, 15.
- (6) But not a cancelling of the previous prohibition of Ex. XIX, 15.
- (7) Ibid. XXXIV, 3. The expression 'before that Mount' is interpreted as meaning 'that Mount covered with the cloud of the Divine presence', from which it might be inferred that only as long as the cloud of the Divine presence remained over the mountain no man or beast could draw near, but when the cloud was removed the people might, by their own inference, have thought that they might now ascend the mountain.
- (8) The reason for the 'trumpet sounding long' was to indicate that the Divine presence was removed from the mountain.
- (9) As our case of the egg.
- (10) R. Joseph resumes here the thread of his remarks which were interrupted by quoting the source of his principle.
- (11) And if no vote was directly taken, the question of requiring another vote rescinding it does not arise.
- (12) For the two days are regarded as one continuous day of holiness.
- (13) For then, in reality, only one of the two days is holy.
- (14) Or Kaluhith Chalchitis in Mesopotamia. V. Funk Monumenta I, p. 290.
- (15) When the old order of consecrating the new moon through the testimony of witnesses would be restored and the witnesses be received until eventide only.
- (16) Before the Temple had been restored.
- (17) For only one day was really holy and the other was observed on account of doubt.
- (18) The Temple having been rebuilt.
- (19) As existed before the enactment of R. Johanan R. Zakkai.
- (20) The Ecclesiastical Authorities, and they know the rule to be observed after the building of the Temple. V. Yeb. 22a.
- (21) The question of the egg is a matter about which anyone may feel he can decide, and decide to eat the egg on the second day after the Temple had been rebuilt as he did before the Temple was rebuilt.
- (22) In which case the two days of New Year would be regarded as one continuous day of holiness. According to this view, the object of R. Johanan's enactment of accepting witnesses throughout the 30th day was for the purpose of fixing the days of the Festivals following New Year; i.e., if witnesses came any time on the 30th, that day would be the first of Tishri, from which the days of the month would be computed.
- (23) (a) When a Festival-day falls on Friday or on a Sunday; (b) The two Festival-days of the Diaspora; (c) The two days of New Year.

Talmud - Mas. Beitzah 6a

Raba said: On the first day of a Festival, [only] Gentiles may busy themselves with a corpse,¹ [but] on the second day, Israelites may busy themselves with a corpse, and² even on the two Festival-days of the New Year, which however is not the case with respect to an egg.³ The Nehardeans⁴ say: The same holds good even with respect to an egg; for what is in your mind: Perhaps [the month of] Ellul will be intercalated?⁵ Surely R. Hinena b. Kahana said in the name of Rab: From the days of Ezra⁶ and onward we do not find Ellul ever intercalated.⁷

Mar Zutra said: This⁸ was said only when [the corpse] had already been lying for some time,⁹ but if it had not lain for a long time, we let it remain.¹⁰ R. Ashi says: Even if it had not lain for a [good] long time we do not let it remain [unburied]. What is the reason? With regard to a dead body the Rabbis have made the second day of a Festival as a weekday even with respect to cutting for it a shroud and cutting for it a [branch of] myrtle.¹¹ Rabina said: But nowadays when there are Guebers¹² we apprehend.¹³

Rabina was once sitting in the presence of R. Ashi on [one of] the two Festival-days of the New Year,¹⁴ [and] noticing that he was troubled, he said to him: Why is the Master troubled? He [R. Ashi] replied: I have not set an 'erub tabshilin.¹⁵ Said he to him: Let the Master prepare an 'erub tabshilin now. For did not Raba say: A man may set an 'erub tabshilin on the first day of a Festival for the second and stipulate?¹⁶ — He replied: Granted that Raba [indeed] said so with respect to the two Feast-days of the Diaspora.¹⁷ But did he then say this also with respect to the two days of the New Year's Festival?¹⁸ But the Nehardeans maintain that even an egg is permitted!¹⁹ — R. Mordecai observed to him [to Rabina]: The Master²⁰ distinctly told me that he does not accept this [teaching] of the Nehardeans.

It was stated: If a chicken was hatched out on a Festival, Rab says: It is forbidden,²¹ but Samuel — some say, R. Johanan — maintains: It is permitted. Rab says it is forbidden [because] it is mukzeh;²² but Samuel — some say, R. Johanan — maintains it is permitted, since it makes itself permitted through shechitah.²³ R. Kahana and R. Assi said to Rab: What difference is there between this and a calf born on a Festival?²⁴ — He replied to them: [The case of the calf is different] since it was [regarded as] mukan²⁵ by virtue of its mother.²⁶ And what difference is there between this and a calf born [on a Festival] from a Trefa?²⁷ Rab remained silent. Said Rabbah — some say [it was] R. Joseph — Why was Rab silent? He should have replied to them: [This calf is permitted] since it is mukan for dogs through its [trefa] mother.²⁸ — Abaye replied to him:

(1) E.g., the making of a shroud and the digging of a grave.

(2) The same holds good.

(3) I.e., an egg laid on the first day of the New Year is not permitted on the second day.

(4) The scholars of Nehardea, i.e., the School of Samuel. V. Sanh., Sonc. ed. p. 42.

(5) I.e., Beth din will insert an extra day in the month of Ellul, in which case the New Year Festival would begin on the second day.

(6) Cf. Neh. VIII, 13, where 'second day' refers to New Year.

(7) The only exception was when the witnesses arrived late.

(8) Law that Israelites may busy themselves with a dead body on a Festival.

(9) And is decomposing and becoming offensive.

- (10) Until after the Festival.
- (11) The funeral trappings and the myrtle placed on the coffin were to honour the dead.
- (12) The fanatical sect of Persian fireworshippers, v. Git., Sonc. ed. p. 63, n. 2. This probably refers towards the close of the Sassanid rule marked by the persecution of the Jews. V. J.E. p. 648, c. 1. The Jews had to render to the Guebers compulsory service from which they were exempt on a Festival.
- (13) Lest through allowing Jews to bury on the second day of a Festival the Guebers might regard that day as an ordinary working day and compel them to work.
- (14) The New Year Festival fell on Thursday and Friday.
- (15) V. Glos. It is a symbolical act by which meals may be prepared on a Festival occurring on a Friday for the following Sabbath. The method is to prepare a dish on the Thursday for the Sabbath which enables all the cooking done on the Friday to be regarded as a continuation of the cooking begun on the Thursday.
- (16) If the first of the two days is the real feast-day, then the preparation of the food on the second day should be permitted; and if the second day is the proper feast-day, then preparation of the 'erub is permissible on the first day, which is not a Festival but a weekday.
- (17) I.e., observed only in the Diaspora where two days are observed on account of doubt.
- (18) Which are observed also in Palestine where the two days of the New Year are regarded as one continuous holy day. Surely not!
- (19) On the second day, if laid on the first day of the New Year's Festival thus indicating that only one of the two days is holy.
- (20) R. Ashi who was R. Mordecai's teacher, v. Sot. 46b.
- (21) To be eaten on the day of the Festival.
- (22) V. supra, p. 2, n. 5.
- (23) V. Glos. Before the chicken is hatched, the act of slaughtering does not permit it to be eaten. It is only when born that the chicken can be eaten through ritual slaughter. And since the hatching out of the chicken (on the Festival) enables it to be eaten through slaughtering, it also frees it from mukzeh; i.e., since it gains permission for itself to be eaten through ritual slaughter, it also gains permission for itself to be free from mukzeh.
- (24) Which may be eaten on the same day, v. infra.
- (25) V. Glos.
- (26) The calf found in a ritually slaughtered cow may be eaten through the slaughtering of its mother. The calf therefore is valid for provision even before its birth.
- (27) V. Glos. This calf when found within the mother is not permitted for use by the slaughtering of its trefa mother. It must itself be ritually slaughtered before it can be permitted; and yet we do not find anyone prohibiting the eating of a calf born of a trefa on a Festival.
- (28) Immediately before the Festival the mother-cow as trefa was intended as food for dogs, and this included the calf within it. The cow and the calf would thus become mukan for dogs and therefore the law of mukzeh should not apply to the calf. The same, however, cannot be said of the chicken in the egg.

Talmud - Mas. Beitzah 6b

Seeing that that which is mukan for human consumption is not mukan for dogs — for we have learnt: One may cut up¹ gourds for cattle and a carcass for dogs;² R. Judah says: If [the animal] was not yet nebelah³ on the eve of the Sabbath it is forbidden,⁴ for it was not mukan⁵ — can that which is mukan for dogs be considered mukan for human beings? — He said to him: It is even so; that which is mukan for human consumption is not mukan for dogs, for that which is useable for man one does not throw to dogs. [But] that which is mukan for dogs is [also] mukan for human

consumption, for the mind of man is directed to everything which may be fitting for him. [A Baraitha] was taught in accordance with Rab [and a Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan. [A Baraitha] was taught in accordance with Rab: A calf which is born on a Festival is permitted;⁶ [but] a chicken which is hatched on a Festival is forbidden. And what difference is there between the one and the other? [The calf] is mukan by virtue of its mother through shechitah,⁷ but [the chicken] is not mukan by virtue of its another.⁸ [A Baraitha] was taught in accordance with Samuel, or as some say, R. Johanan: A calf which is born on a Festival is permitted; a chicken which is hatched on a Festival is permitted. Why? [The calf] is mukan by virtue of its mother and [the chicken] makes itself permitted through slaughter.

Our Rabbis taught: A chicken which is hatched on a Festival is forbidden. R. Eliezer b. Jacob says: It is forbidden even on a weekday since its eyes are not yet open. With whose opinion does the following passage agree: Even all creeping things that creep upon the earth,⁹ this includes chickens whose eyes are not yet opened?¹⁰ With whose opinion? The opinion of R. Eliezer b. Jacob.

R. Huna said in the name of Rab: An egg is completed on its issue [from the fowl]. What is meant by 'completed on its issue'? If we say, [it means] it is completed on its issue, so that [the egg] may be eaten with milk;¹¹ [which implies] when it is still within the hen [the egg] may not be eaten with milk? But surely we have learnt: If one kills a hen and finds therein completely formed eggs, these may be consumed with milk! And if [it means] it is completed on its issue so that [the egg] may be eaten on a Festival;¹² [which implies] when [the egg] is still within the hen,¹³ it may not be eaten on the Festival?¹⁴ But surely we have learnt: If one kills a hen and finds therein eggs completely formed they are permitted to be eaten on the Festival.¹⁵ And if you say that he informed us in the Baraitha what we do not learn in the Mishnah?¹⁶ This too¹⁷ we have learnt [in a Mishnah]: If an egg is laid on a Festival, Beth Shammai say: It may be eaten [on the same day], but Beth Hillel maintain: It may not be eaten [until the day is over].¹⁸ Now Beth Shammai and Beth Hillel dispute thus only about [the egg] that is laid; but if [the egg] is in the hen, all agree that it is permitted! And if you maintain that Beth Hillel prohibit [the egg] even when it is within the hen, and the reason he [the author of the Mishnah] quotes [their dispute with respect to an egg] 'laid' is in order to manifest to you the extent of the opinion of Beth Shammai that even if it is laid it is permitted; then as to that which we have learnt: If one slaughtered a hen and found therein eggs completely formed they are permitted to be eaten on the Festival — who will its author be? Neither Beth Shammai nor Beth Hillel!¹⁹ Therefore 'it is completed on its issue' [means] that [the egg] can hatch chickens, [but the egg found] in the body of the hen cannot hatch chickens. What is its practical bearing? — with respect to buying and selling.²⁰ As once happened when someone called out [to the salesmen]: Who has eggs

(1) On the Sabbath.

(2) V. supra p. 3 and notes.

(3) V. Glos.

(4) To be given to the dogs.

(5) For dog's consumption before the Sabbath.

(6) [The prohibition of nolad (V. Glos.) does not apply to living beings. V. Tosaf. s.v. **kdg** .]

(7) The owner of the mother-cow could have intended to kill the cow on the Festival and the cow and the calf that

was within it would be mukan. The same however cannot be said of a chicken, because the owner could never conceive of an egg within the fowl ready to be hatched, so that in the case of the chicken there is no case of mukan.

(8) Because no egg is ever upon the point of being hatched when the hen is killed.

(9) Lev. XI, 42.

(10) Hul. 64a.

(11) And is not regarded as part of the flesh of the fowl. The Biblical rule not to eat meat together with milk (based on Ex. XXIII, 19) is extended by the Rabbis to include fowls. Eggs, however, may be eaten with milk.

(12) If the egg was laid before the Festival.

(13) Which was slaughtered on the Festival.

(14) On account of the law of Hakanah, v. supra 2b.

(15) Supra 2b.

(16) I.e., the Baraitha finds no support in the Mishnah, and therefore the Baraitha is not authoritative, so that R. Huna could rule that when the egg is still in the hen it may not be eaten on the Festival.

(17) The ruling of the Baraitha.

(18) Supra 2a.

(19) For Beth Shammai permit even the laid egg and Beth Hillel, according to this theory, prohibit the egg even though it is in the body of the hen.

(20) If one sells eggs for hatching then they must be eggs that are really laid and fertile.

Talmud - Mas. Beitzah 7a

of a cackling hen? When they gave him eggs [found] in a slaughtered hen, he came to R. Ammi [complaining], who said to them: It is an erroneous sale and he can withdraw [from it]. [But] this is self-evident!¹ — You might say that this [buyer] really wanted [the eggs] for eating, and the reason he asked [for eggs] of a cackling hen is that [such eggs] are hard-shelled; and that the practical outcome [of] his claim² is that he must refund him the difference,³ so he informs us [that this is not so].⁴

There was once one who said to [the salesmen], ‘Who has mated eggs⁵ [for sale]? Who has mated eggs?’ [When] they gave him unmated eggs,⁶ he came to R. Ammi who said to them: It is an erroneous sale and he can withdraw [from the transaction]. [But] this is self evident! — You might say that he needed [the eggs] only for eating,⁷ and the reason he asked for mated eggs is that they are richer; and that the practical bearing of this is that they must refund him the difference,⁸ so he informs us that the whole transaction is fraudulent].

Alternatively: What is meant, ‘it is completed on its issue’? [It means] it is completed with the coming forth of its greater part, and it is accordance with R. Johanan. For R. Johanan said: If the greater part of an egg issued on the day before the Festival and went back, it may be eaten on the Festival-day.⁹ There are some [scholars] who say: What is meant, ‘it is completed on its issue’? [It means] it is completed with the [coming forth] of the whole of it. Only with the coming forth of the whole of it, but not with its greater part,¹⁰ and this is to reject the opinion of R. Johanan.

[To revert to] the main text: If one slaughtered a hen and found therein completely formed eggs, these may be taken with milk.¹¹ R. Jacob says: If [the eggs] were attached [to the hen] by sinews they are forbidden.¹² Who is the author of that which our Rabbis taught: He who eats of a

carcass¹³ of a clean bird, of its cluster of eggs, or of its bones, or of its veins, or of its flesh torn off while alive¹⁴ is clean;¹⁵ [but he who eats] of its ovary or of its crop or of its entrails, or if he melted its fat and swallowed it,¹⁶ he is unclean.¹⁷ — Who is the author [of the teaching], '[He who eats] of its cluster of eggs is clean'? — Said R. Joseph: It is not in accordance with R. Jacob. For if it were in accordance with R. Jacob, lo, he says: If [the eggs] were attached by sinews they are forbidden [to be taken with milk]!¹⁸ Said Abaye to him: Whence [do you say this]? Perhaps R. Jacob regards [these eggs as flesh] only with respect to a prohibition¹⁹ but not with respect to defilement? And if you say that we should enact a preventative measure also in respect to defilement?²⁰ [I would reply], This would be an extension of [the scope of] defilement, and we do not extend [the scope of] defilement by Rabbinical enactment.²¹

There are some [scholars] who say [thus]: Who is the author [of the teaching that if one eats] 'of its ovary he is unclean'?²² Said R. Joseph: It is R. Jacob: For he says, 'If [the eggs] were attached [to the hen] by sinews they are forbidden [to be taken with milk]'. Said Abaye to him: Whence [do you understand] that by the term ovary is meant [the eggs] that are attached to the ovary? Perhaps it means the ovary itself!²³ And if you object: What need is there to say this with respect to the ovary? [I would reply]: It is analogous to the crop and the inwards; for although these are [really] flesh,²⁴ [yet] since there are people who do not eat them, it is therefore necessary to state these; so also here [with respect to the ovary] since there are people who do not eat it, it is necessary to teach it. Our Rabbis taught: All creatures which copulate during the day are born during the day; all creatures which copulate during the night are born during the night; all creatures which copulate both by day and by night, give birth both by day and by night. 'Those which copulate by day are born by day', this refers to a fowl; 'those which copulate during the night are born during the night', this refers to the bat; 'those which copulate by day and by night give birth by day and by night', this refers to man and whatever is like him.

The Master said [above]: 'Those who copulate by day are born by day refers to a fowl'. What is the practical difference? — With respect to the teaching of R. Mari son of R. Kahana. For R. Mari son of R. Kahana said: If one examined a hen-coop on the eve of the Festival and could not find in it an egg, and on the morrow he rose early²⁵ and found in it an egg, it is permitted.²⁶ But did he not examine [the nest]? — I say²⁷ that he did not examine it very carefully, and even if he did examine it very carefully, I would say that [perhaps] the greater part [of the egg] came out [before the Festival] and went back; and [this ruling is] in accordance with [the opinion of] R. Johanan.²⁸

But that is not so; for R. Jose b. Saul said in the name of Rab: If one examined a hen-coop on the eve of the Festival and did not find in it an egg and on the morrow he rose early and found an egg in it, it is prohibited?²⁹ — This [latter passage] refers to eggs laid through friction with the earth,³⁰ If so,³¹ with respect to the teaching of R. Mari, might I not also say [the egg] was laid through friction with the earth? — When there is a cock near her.³² Even when there is a cock [near her] might I not [still] say that the egg was laid through friction with the earth? — Said Rabina: There is a tradition³³ that wherever there is a cock near her she will not fructify [eggs] through friction. And how near [should the cock be]?³⁴ — R. Gamda replied in the name of Rab: Sufficiently near

- (1) That it is a fraudulent sale, since he asked for one thing and was given another.
- (2) Seeing that he requires them in any case for eating.
- (3) Between the value of cackling eggs and the eggs received, but the sale is nevertheless valid and cannot be rescinded.
- (4) But we rather assume that when he asked for eggs of a cackling hen he wanted them for hatching, hence the sale is null.
- (5) Lit., 'eggs of (a hen paired with) a cock'.
- (6) Lit., 'eggs produced through friction of the body in the earth', but not through contact with a male.
- (7) And not for hatching.
- (8) Between the value of mated eggs and the eggs received, but the transaction would still be valid.
- (9) If subsequently laid on the Festival-day, and the law of mukzeh does not apply in this case.
- (10) Lit., 'with the coming . . . yes, but with . . . no'.
- (11) V. supra p. 25, n. 4.
- (12) Because they are then regarded as flesh.
- (13) The carcass of a bird not ritually slaughtered does not defile a person through being carried or touched; it is only the eating of its flesh which defiles. Cf. supra to Lev. XXII, 8 and Nid. 42b.
- (14) If any part of the bird is cut off while the bird is still living, although it may not be eaten, it does not defile.
- (15) Because the cluster of eggs, the bones and the veins are not considered as flesh.
- (16) Drinking is included in this law of defilement.
- (17) These are considered as part of the flesh.
- (18) Hence they are considered flesh.
- (19) Not because he regards the eggs as flesh but as a preventative measure to safeguard the breach of eating flesh and milk together.
- (20) I.e., to pronounce the person unclean when eating only the eggs.
- (21) The Rabbis did not extend the law of defilement by declaring the man who eats of these eggs unclean, because of the monetary loss that would follow (by his clothes and whatever he touches becoming unclean; v. Lev. XVII, 15). But with respect to the prohibition of eating the eggs with milk, there the eggs themselves are not prohibited; it is only to safeguard the law of eating flesh and milk that the Rabbis instituted a preventive measure, and though the eggs themselves may be eaten, they may not be eaten with milk. In this respect they consider the eggs flesh.
- (22) And thus considers the eggs flesh. Cf. Tosaf. Men. 70a. s.v. **hmhc** .
- (23) And that is indeed flesh.
- (24) And you would understand that they defile.
- (25) Before daybreak.
- (26) Because it is assumed that the egg was laid the previous day as, by the nature of the case, it could not have been laid during the night.
- (27) **rnht** Either Imperf. 1. sing., or Imper. 2. sing.
- (28) Who regards the egg as having been laid. It may have been deposited during the night of the Festival, but it is not regarded as having been laid during the night.
- (29) Because we assume the egg was laid during the night of the Festival.
- (30) Which eggs might be laid even at night.
- (31) That unmated eggs can be laid at night.
- (32) Therefore the egg must have been laid during the day.
- (33) Lit., 'they (teachings) are handed down'.
- (34) That the hen should not lay eggs through friction.

Talmud - Mas. Beitzah 7b

Talmud - Mas. Beitzah 7b

that [the hen] can hear his crowing in the daytime.¹ R. Mari gave a decision [in a case where the cock was] at a distance of sixty houses.² But if there is a river [between them] she [the hen] does not cross over, but if there is a bridge,³ she crosses over; if there is a plank she does not cross over. It happened once that [a hen] crossed over even a plank.

How have you explained it,⁴ with respect to unmated eggs? Then why particularly teach when he examined [the hen-coop]; even if he had not examined, it should also [be prohibited]! — If he did not examine it, I might say [the egg] was from yesterday. If so, even if he had examined it, I might still say that the greater part [of the egg] came out [yesterday] and went back and [should therefore be permitted] in accordance with R. Johanan! — The contingency stated by R. Johanan is rare.

R. Jose b. Saul further said in the name of Rab: This pulverized garlic is a danger to be left exposed.⁵

BETH SHAMMAI SAY: [THE QUANTITY OF] LEAVEN IS OF THE SIZE OF AN OLIVE, AND LEAVENED BREAD IS OF THE SIZE OF A DATE. What is Beth Shammai's reason? — If so,⁶ the Divine Law should only have written about leavened bread and not about leaven and I should have said: If leavened bread, the acidity of which is not very great, [is forbidden] at the size of an olive, how much more should leaven, the acidity of which is very great [be forbidden] at the size of an olive: then why does the Divine Law need to state leaven? In order to teach that the standard of the one is not like the standard of the other.⁷ And Beth Hillel? — It is necessary [for the Divine Law to state both]. For if the Divine Law had written only about leaven I might have said that the reason [leaven is forbidden to be seen] is that its acidity is very great, but leavened bread, the acidity of which is not great, I might have said is not [forbidden to be seen at all]. It is therefore necessary [to state leavened bread]. And if the Divine Law had stated leavened bread, [I might have said that] the reason [leavened bread is forbidden to be seen] is that it is fit for food, but leaven which is not fit for food, I might have said is not [forbidden to be seen at all]. Therefore both are necessary.

Shall we say that Beth Shammai does not agree with what R. Zera had said? For R. Zera said: The Scripture [verse]⁸ begins with the term 'leaven' and concluded with the term 'leavened bread' in order to teach that 'leaven' and 'leavened bread' are alike? — With respect to eating, no one differs [about the size].⁹ They only differ with respect to the removal [of the leaven from the house]; Beth Shammai is of the opinion that we do not learn [the law of] 'removal' from [that of] 'eating', while Beth Hillel maintains that we do learn 'removal' from 'eating'.¹⁰

Likewise it was stated: R. Jose b. Hanina said: The dispute is only with respect to the 'removal', but with respect to 'eating' all agree that both [leavened bread and leaven] are [forbidden] of the size of an olive. Likewise it was also taught: 'And there shall no leavened bread be seen with thee neither shall there be leaven seen with thee';¹¹ herein lies the dispute between Beth Shammai and Beth Hillel, where Beth Shammai says that leaven is the size of an olive and leavened bread is of the size of a date, but Beth Hillel maintains that both are of the size of an

olive.

HE WHO SLAUGHTERS GAME OR POULTRY ON A FESTIVAL, etc. HE WHO SLAUGHTERS [implies] only if he has done so,¹² but not [that it may be done] at the very outset. Then consider the subsequent clause: BUT BETH HILLEL MAINTAIN: HE MUST NOT SLAUGHTER [etc.], whence it follows that the first Tanna holds that he may slaughter [at the outset]! — This is no difficulty. He means, ‘HE MUST NOT SLAUGHTER AND COVER [etc.]’.¹³ But consider the final clause: BUT THEY AGREE THAT IF HE SLAUGHTERED HE MAY DIG WITH A SHOVEL AND COVER; whence it follows the first clause does not mean ‘[only] if he has done it’! — Answered Rabbah: This is what [the Mishnah] says: ‘The slaughterer who comes to ask advice¹⁴ how should one answer him? Beth Shammai say: One answers him: Slaughter, dig and cover; but Beth Hillel maintain: he must not slaughter unless he had [loose] earth set in readiness before the Festival’. R. Joseph says: This is what [the Mishnah] says: ‘The slaughterer who comes to ask advice, how should one answer him? Beth Shammai say: One answers him: Go [and] dig, slaughter and cover; but Beth Hillel maintain: He may not dig unless he had [loose] earth set in readiness from before the Festival’.

Said Abaye to R Joseph: Shall it be said that you, Sir, and Rabbah disagree with respect to the teaching of R. Zera in Rab's name? R. Zera said in the name Rab: The slaughterer [of game or poultry] must put earth beneath [to receive the blood] and earth above, for it is said: ‘He shall pour out the blood thereof, and cover it with dust’.¹⁵ It does not say earth but ‘in earth’,¹⁶ teaching that the slaughterer must put earth beneath and earth above. You, Sir, [therefore] accept the teaching of R. Zera and Rabbah rejects the teaching of R. Zera. He answered him: Both I and Rabbah accept the teaching of R. Zera and our dispute here is as follows: Rabbah is of the opinion that he may [only slaughter] if there is [already] earth beneath [to receive the blood]; but if not, he may not slaughter,¹⁷ for we apprehend that he might change his mind and not slaughter.¹⁸ But according to my view, it is better,¹⁹ for if you will not permit him [to dig] he will come to be deprived of the joy of the Festival.²⁰

BUT THEY AGREE THAT IF SOME HAS [ALREADY] SLAUGHTERED, HE MAY DIG UP [EARTH] WITH A SHOVEL AND COVER [THE BLOOD]. R. Zerika said in the name of Rab. Judah: This only holds good when the shovel had [already] been sticking [in the earth] since the previous day.²¹ But does he not cause crumbling of the earth?²² — Answered R. Hiyya b. Ashi in the name of Rab:

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- (1) The crowing does not reach so far during the daytime as at night.
 - (2) The cock was removed sixty houses from the hen yet R. Mari maintained that there was copulation and permitted the egg.
 - (3) Or ‘ferry’.
 - (4) The saying of R. Jose b. Saul.
 - (5) Any exposed liquid is forbidden for use lest a snake has drunk therefrom. The same applies to pulverized garlic.
 - (6) That the prohibition of both leaven and leavened bread were of the size of an olive.
 - (7) I.e., leavened bread is of the size of a date, for food of such a size is estimated by the Rabbis sufficient to make one ‘come to’, (cf. Yoma 79a), and leaven is of the size of an olive which is the minimum.

(8) Ex. XII, 19.

(9) I.e., even Beth Shammai agree that both leaven and leavened bread of the size of an olive are forbidden to be eaten.

(10) Ex. XII, 19 deals with the prohibition and penalty of eating anything leavened. Ex. XIII, 7 deals with the removal of anything leavened from the house. From the fact that Ex. XIII, 7 mentions both 'leaven' and 'leavened bread' Beth Shammai infer that the size of the 'leavened bread' with respect to removal is not that of an olive but that of a date.

(11) Ex. Xlii, 7.

(12) For otherwise, the Mishnah should state that a man may slaughter it. HE WHO SLAUGHTERS, however, implies that the law which follows holds good only if he has already slaughtered.

(13) Beth Hillel's point is made with reference to the covering of the blood, not with reference to the killing at all; and therefore a deduction as to the view of the first Tanna can likewise be made only with reference to the covering.

(14) Whether he may slaughter, having no earth.

(15) Lev. XVII, 13

(16) The preposition **C** here means in rather than with, indicating that dust is to be put on all sides. V. Nachmanides a.l. for reason of covering the blood.

(17) For he may not dig to obtain the earth to place beneath.

(18) He would then have dug earth unnecessarily.

(19) That he should be allowed to dig.

(20) For he will not be able to slaughter, v. Deut. XVI, 14.

(21) So that there is no violation of the law of digging on the Festival; for digging requires both the sticking in of the shovel as well as the lifting of it with the earth in it.

(22) Granted there is not digging, but this crumbling of the earth is also forbidden, being in the nature of grinding.

Talmud - Mas. Beitzah 8a

[We are dealing with a case] where the soil is loose.¹ But does he not make a hole?² — This is according to R. Abba; for R. Abba said: if one digs a hole on the Sabbath and only requires its soil, he is guiltless in regard to it.³

BECAUSE THE ASHES OF THE HEARTH ARE MUKAN [CONSIDERED AS HAVING BEEN PREPARED]. Who is speaking here of the ashes of the hearth?⁴ Answered Rabbah: Read thus: 'AND⁵ THE ASHES OF THE HEARTH ARE MUKAN'. Rab Judah said in Rab's name: They only taught this⁶ when it [the fire] had been kindled on the day of the Festival; but if it had been kindled on the Festival [itself] it is forbidden;⁷ but if [the ashes] are suitable⁸ to roast an egg therein, it is permitted.⁹ Likewise It was also taught: When they said [that] the ashes of the hearth are mukan, they only said so when it [the fire] had been kindled before the Festival; but if it had been kindled on the Festival it is forbidden; but if they are suitable to roast an egg therein it is permitted. If one had brought earth into his garden or into his waste land [before the Festival] one may cover the blood therewith.¹⁰

Rab Judah further said in the name of Rab: A man may bring a basket-full of earth [into his house] and may use it for whatever is necessary.¹¹ Mar Zutra pointed out in the name of Mar Zutra the Great: This only holds good if he had appointed a special corner for it.¹²

An objection was raised: One may not slaughter a koy¹³ on a Festival, and if he did slaughter it, he may not cover its blood.¹⁴ Now if this were so¹⁵, let him cover it [the blood] in accordance with the opinion of Rab Judah?¹⁶ — But even according to your point of view, let him cover the blood with ashes of the hearth, or with earth in which a shovel was stuck?¹⁷ Therefore you must needs say that we are dealing here with a case where he has not [any of these];¹⁸ so also explain that we are dealing with a case where he has not [a basket-full of earth in the house]. If so¹⁹ then why particularly with respect to [an animal about which there is] a doubt [whether its blood requires covering]; even with respect to an animal about which there is no doubt one also may not [cover the blood by digging]?²⁰ — He uses the expression ‘not only but also’: not only may he not slaughter [in the case of an animal about which there is no doubt],²¹ but even in the case of an animal about which there is a doubt, where I might have said that because of the joy of the Festival he should be allowed to slaughter without covering the blood, he informs us [that he may not slaughter].

(1) As for example gravel or sand.

(2) When he takes it out, which is forbidden, being in the nature of ‘building’.

(3) Since it was not his intention to make the hole, the presence of the hole is only a disfigurement and for such an act of impairing or disfiguring one is not considered guilty of a breach of the Sabbath law; and although such an act is forbidden ab initio, yet for the sake of the joy of the Festival it has been permitted.

(4) Lit., ‘who has mentioned its name previously (that you are referring to it now)?’

(5) Changing the letter א for ל. V. supra p. 1, n. 10.

(6) That the ashes of the hearth are considered mukan.

(7) On account of mukzeh.

(8) Hot enough.

(9) To use such ashes for covering the blood even though the fire was kindled on the Festival itself, because since the ashes may be used for baking they cannot be regarded as mukzeh and may therefore be used, when in such a state, for any other purpose.

(10) Since it was prepared for any purpose.

(11) And it is not regarded as a part of the earth of the house and thus be prohibited from being handled.

(12) I.e., he did scatter over the ground, thereby indicating that it was for his use.

(13) A bearded deer or antelope (GR. **) Jast. V. however Hul. 79b where it is defined as a cross between a goat and a gazelle. V. also B.K., Sonc. ed. p. 443 n. 6. A doubt prevails regarding this animal whether it is in the category of cattle the blood of which need not be covered, or in the category of game the blood of which is to be covered. Cf. Lev. XVII, 13.

(14) Perchance it is cattle and he would be handling earth unnecessarily. V. Hul. 83b, 79b.

(15) That earth thus brought could be used in any way.

(16) By listing the basket-full of earth. Even if it were definitely cattle, the earth could still be used without infringing the law not to do any work on a Festival.

(17) From before the Festival, which is stated in our Mishnah to be mukan.

(18) Viz., ashes or a shovel of earth.

(19) That we are dealing with a case where he has no earth except through digging.

(20) Since we accept the decision of Beth Hillel according to which it is forbidden to dig earth on a Festival for covering blood.

(21) Since he has no earth in readiness.

Talmud - Mas. Beitzah 8b

But surely since he teaches at the end [of the clause] ‘and if he did slaughter it, he may not cover its blood’, understand from this that [we are] speaking of a case where he has [earth in readiness]!¹ — Therefore answered Rabbah: The ashes of the hearth² are regarded as *mukan* for [the covering of blood of] animals about which there is no doubt, but they are not regarded as *mukan* with respect to animals about which there is some doubt [whether their blood requires covering]. Why are they not [considered *mukan* in respect of the blood of the animal] about which there is a doubt? because he would be making a hole [in the ashes on the Festival]! Then in the case of an animal [game] about which there is no doubt, he would also be making a hole? But [why would it not be regarded as making a hole in the ashes]? because it is in accordance with R. Abba!³ Than here also it is in accordance with R. Abba!⁴ And if [you say that] the reason [why he may not use them to cover the blood of an animal about which there is] a doubt is that he may cause a crumbling [of the earth],⁵ we should enact a preventive measure on account of crumbling of the earth even in the case of definite [game]? — In the case of [animals] about which there is no doubt, even if he crumbles the earth [it is permitted]; for the positive command [to cover the blood] comes and overrides the negative command.⁶ But when do we say that a positive command overrides⁷ a negative command, [only in cases] like ‘circumcision in leprosy’⁸ or ‘a linen garment with [woolen] fringes’,⁹ where the infringement of the negative command is at the same time as the fulfillment of the of the positive command!¹⁰ — This presents no difficulty, for simultaneously with the crumbling of the earth he covers the blood. But after all, [in] a Festival there exists both a positive and a negative command,¹¹ and a positive command cannot override both a positive and negative command! — Therefore answered Raba: ashes of the hearth [or anything like it] are intended for a definite case of game but not for a doubt.¹² And Raba follows [here] his opinion [expressed elsewhere]. For Raba said: If one brought in earth [before the Festival] to cover therewith excrement [of a child], he may cover therewith the blood of a bird;¹³ [to cover therewith] the blood of a bird he may not cover therewith the excrement [of a child].¹⁴ The *Neharbeleans*¹⁵ say: Even if one brought in earth to cover therewith the blood of a bird, he may [also] cover therewith the excrement [of a child].¹⁶

In the West¹⁷ they say: R. Jose Hama and R. Zera — some say, Raba the son of R. Jose b. Hama and R. Zera — differ therein; one says: *koy* is analogous to excrement,¹⁸ and the other says: *koy* is not analogous to excrement.¹⁹ It may be proved that it was Raba who said that *koy* is analogous to excrement; for Raba said: If one brought in earth to cover therewith excrement [of a child], he may cover therewith the blood of a bird, [but if he brought it earth to cover therewith] the blood of a bird, he may not cover therewith the excellent [of a child].²⁰ Conclude from this [that it was Raba].

Rami the son of R. Yabba said: The reason why we are not allowed to cover [the blood of] a *koy* is that it is a preventive measure against permitting the use of its suet.²¹ If it is so, [it should be prohibited] even on a weekday! — On a weekday people will say because he wants to clean his court.²² What is there to be said if he slaughtered [the *koy*] on a dust-heap?²³ [And further] what will you say if one comes to ask advice?²⁴ — On a weekday even if there is any doubt the Rabbis would tell him: Go, take trouble and cover [the blood]; but on a Festival, if there is a doubt,

would the Rabbis tell him: Go, take trouble and cover [the blood]!²⁵ R. Zera learnt: it is not only with respect to a koy that the Rabbis said [thus]; but even if one slaughtered cattle, game and poultry and their blood became mingled, it is [also] prohibited to cover [such mingled blood] on a Festival.²⁶

Said R. Jose b. Jasiniah: This was only said when one cannot cover it [the mingled blood] with one thrust of the shovel;²⁷ but if one can cover it with one thrust of the shovel, it is permitted. But is not this self-evident?²⁸ — You might assume that we should prohibit [even] one shovelful lest perchance [he might go on to use] two shovelfuls, so he informs us [that one is allowed]. Rabbah said: If one slaughtered a bird on the eve of the Festival [and omitted to cover the blood], one may not cover it on the Festival;²⁹

(1) For otherwise there would be no point in stating the law, seeing that where no earth in readiness is available he may not cover the blood of an animal which certainly requires covering. The original question therefore remains, viz., why should he not cover the blood of the koy either according to the teaching of Rab Judah or with the ashes of the earth?

(2) The same applies to the basket-full of earth.

(3) Who does not regard this as digging a pit; v. supra 6a.

(4) Therefore the reason cannot be on account of making a hole.

(5) [It is possible that the ashes contain cinders, or the basket-full of earth clods. V. supra p. 33 n. 6].

(6) Not to do any work on a Festival.

(7) Lit., 'positive command comes and overrides etc.'

(8) It is forbidden to remove a Leprous spot by an operation. Deut. XXIV, 8. The command to circumcise however (Gen. XVII, 10ff) has to take place even though a leprous spot is on the foreskin.

(9) Woollen fringes (Deut. XXII, 12) may be inserted in a garment of linen in spite of the prohibition not to wear a garment of heterogeneous materials.

(10) For the act of crumbling the earth precedes the action of covering the blood.

(11) In addition to the negative command 'not to do any work', cf. Lev. XXIII, 7, 8, 21, 35 there is also a positive command of 'resting', cf. *ibid.* XXIII, 39.

(12) [They are not considered mukam in respect of animals about which there is a doubt, not because of the infringement of any prohibition involved, but because it is assumed that he had intended to use them only for such animals as definitely require the covering of their blood].

(13) In the case of a child's excrements the need is only a probable one, but with respect to the blood, he decided beforehand to kill on that day. Therefore if he prepared the earth to use for a contingency. how much more should he be permitted to use it for that which he definitely decided.

(14) For the earth was set in readiness only for a certain definitely determined object and therefore cannot be used in case of contingency.

(15) I.e., Rami b. Berabi or Beroki V. Sanh. 17b, Sonc. ed. p. 89. Neharbel identified with Nehar Bil, east of Bagdad, Obermeyer, p. 269.

(16) Because the contingency of the excrement is almost a certainty.

(17) I.e., Palestine. The Babylonians, when alluding to Palestine, called it the West, as Palestine was to the west of Babylon. Cf. Ber. 2b. But V. Sanh. 17b.

(18) I.e., if one brought earth to cover dung, he could cover therewith the blood of the koy, for the contingency of the dung is similar to the uncertainty with respect to the koy.

(19) Because the contingency of the dung is almost a certainty, and is therefore regarded as definite in comparison

with koy which is absolutely uncertain.

(20) Hence Raba regards the contingency of requiring the earth for dung as remote and not as almost a certainty

(21) Heleb (V. Glos.). Suet is disallowed in the case of oxen and sheep but not in the case of game. If therefore you allow to cover its blood, people might regard it as game.

(22) And not because the koy is regarded as game. On a Festival work is forbidden with the exception of the preparation of food. The cleansing of a court is no exception.

(23) Where you cannot say that the covering of the blood is in order to keep the dust-heap clean.

(24) Whether, if he slaughters a koy on a weekday he should cover its blood? Is there not the possibility of the one asking the question, on being told that he is to cover its blood, himself coming to the conclusion that he may regard the koy as game and thus eat its suet.

(25) Surely not! Therefore people might come to a wrong inference.

(26) Because in so doing, he would be doing unnecessary work in covering the blood of the cattle.

(27) Which would be sufficient to cover the blood of the game and poultry; so that anything more than one shovelful would be unnecessary work.

(28) The one shovelful is required for the game and poultry, so that no extra work is done on account of the blood of the cattle.

(29) Because that which could be done before the Festival may not be done on the Festival. The bird, however, could be eaten in spite of the breach of the positive command to cover the blood.

Talmud - Mas. Beitzah 9a

if one prepared dough on the eve of the Festival, he may separate from its hallah¹ on the Festival.² The father of Samuel Says: Even if one Prepared dough on the eve of the Festival, he may not separate from it hallah on the Festival.³ Shall it be said that Samuel disputes with his father? For Samuel said: With respect to hallah outside Palestine, one may go on eating [of the dough] and separate the priestly portion at the end!⁴ — Answered Raba: Does then not Samuel agree that if one designated it by name⁵ that it is forbidden to be eaten by laymen?⁶

MISHNAH. BETH SHAMMAI SAY: ONE MAY NOT CARRY A LADDER [ON A FESTIVAL] FROM ONE DOVECOTE TO ANOTHER,⁷ BUT HE MAY INCLINE IT FROM ONE PIGEON-HOLE TO ANOTHER. BUT BETH HILLEL PERMIT [THIS].

GEMARA. R. Hanan b. Ammi said: The dispute refers only to public ground, when Beth Shammai is of the opinion that whoever sees [him carrying the ladder] might say that he needed it for [plastering his roof];⁸ Beth Hillel hold, his dovecote proves his intention; but in private ground, all agree that it is permitted. But it is not so. For Rab Judah said in the name of Rab:⁹ 'Wherever the sages have forbidden anything because of appearances, it is forbidden even in the most innermost chambers!¹⁰ — It is [a contro versy of] Tannaim. For it was taught: One may spread them out in the sun, but not in the presence of people.¹¹ R. Eleazar and R. Simeon forbid this.¹²

Others say [thus]: R. Hanan b. Ammi said: The dispute refers to private ground; for Beth Shammai accept the teaching of Rab Judah in the name of Rab, and Beth Hillel reject the teaching of Rab Judah in the name of Rab; but on public ground all agree that it is forbidden. Shall it be said that Rab ruled as Beth Shammai?!¹³ — It is [a controversy of] Tannaim.¹⁴ For it was taught:

'He may spread them out in the sun, but not in the presence of people. R Eleazar and R. Simeon forbid this'

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- (1) The priestly portion of dough. V. Glos.
 - (2) For the decree of the Rabbis 'not to separate tithes on a Festival' (infra 36b) did not include dough, since it is permitted to make dough, which cannot be eaten until the priestly portion of the dough has been taken.
 - (3) When the Rabbis permitted the separation of hallah on a Festival, it only referred to a dough that was made on the Festival.
 - (4) Thus showing that the separation of hallah is not essential, since the eating of the dough does not depend upon the separation of hallah; and since one may eat of the dough before the separation one should be allowed to separate the hallah on the Festival, since the separation cannot be regarded as making the dough legally fit for use; cf. infra 36b.
 - (5) If one designated the separated part by the name hallah, it automatically assumes the name of terumah (V. Glos.).
 - (6) Hence such hallah is called terumah and can therefore be included in the Rabbinical enactment forbidding tithing on a Festival.
 - (7) To bring down the pigeons that are to be slaughtered.
 - (8) A man must avoid even the appearance of transgression.
 - (9) The authority of Rab as head of the Babylonian Community was not to be disputed by all Amora like R. Hanan, for he was regarded as enjoying the authority of a Tanna. CF. Sanh. 83b; 'Er. 50b; etc.; cf. also Tosaf. B.M. 46b.
 - (10) If therefore on public ground it is forbidden because of appearances, It should also be forbidden even on private ground.
 - (11) This refers to clothes which were accidently wetted on the Sabbath. For they might say that work had been done in washing. Hence there is an opinion that in private ground where the question of because of appearances does not apply it is permitted.
 - (12) Shab. 64b; 146b.
 - (13) This explanation would make Rab appear to side with Beth Shammai against Beth Hillel. But Rab would not go against the standard rule that the halachah prevails according to the opinion of Beth Hillel.
 - (14) The dispute between Beth Shammai and Beth Hillel according to R. Hanan is similar to the dispute between the anonymous Tanna and Rabbis Eleazar and Simeon. Rab, however, must explain the dispute of the Mishnah as in the first stage of the argument, and Beth Hillel, according to him, permit even on public ground because the dovecote proves the intention.

Talmud - Mas. Beitzah 9b

Our Mishnah is not in agreement with the following Tanna. For it was taught: R. Simeon b. Eleazar said: Beth Shammai and Beth Hillel agree that one may carry the ladder from one dovecote to [another] dovecote;¹ they dispute only about bringing it back, Beth Shammai saying: One may not bring it back, and Beth Hillel maintaining: One may even bring it back. R. Judah said: These words apply only to a dovecote ladder;² but with respect to a loft-ladder all agree that it is forbidden.³ R. Dosa says: One may incline it [the ladder] from one pigeon-hole to another. Others say in the name of R. Dosa: One may even move it with [short] hop-like steps.⁴

The sons of R. Hiyya⁵ went out to the Villages [to inspect the fields]. When they came back their father asked them: Has any legal question come before you? They replied to him: A case of [carrying] a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have permitted. They were of the opinion: Since R. Judah said that they [Beth Shammai and Beth Hillel] do not dispute with respect to a loft-ladder, it follows that the first Tanna holds that they do differ [even there].⁶ But this is not so; R. Judah is only explaining the view of the first Tanna.⁷ Whence [is this known]? — Since [the list Tanna] states: ‘One may carry a ladder from one dovecote to another [dovecote].’ If therefore you maintain that they differ with respect to a loft-ladder [instead of] this [phrase], ‘One may carry a ladder from one dovecote to another dovecote,’⁸ he should say, ‘One may carry a ladder to a dovecote.’⁹ [Evidently] this is what he means: only [the ladder] of a dovecote but not that of a loft. And the other?¹⁰ — Does it then state a ladder of a dovecote? It [only] states ‘from one dovecote to another dovecote’, [indicating] even to any number of dovecotes.¹¹

Others say: A case of inclining a loft-ladder came before us and we permitted it. He said to them: Go and forbid what you have permitted. They were of the opinion that what the first Tanna¹² forbids, R. Dosa permits.¹³ But it is not so. [Rather is it] what the first Tanna permits,¹⁴ R. Dosa forbids.

BUT HE MAY INCLINE IT FROM ONE PIGEON HOLE TO ANOTHER etc. Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival¹⁵ and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival, Beth Shammai say: He may dig up [earth] with a shovel and cover [the blood], but Beth Hillel maintain: One may not slaughter unless he has [loose] earth prepared from the day before [the Festival]!¹⁶ — R. Johanan replied: The authorities should be reversed.¹⁷ ‘Whence [does this follow]?’¹⁸ Perhaps Beth Shammai say thus there¹⁹ only when there is [already] a shovel sticking in the earth,²⁰ but not where there is no shovel sticking in the earth.²¹ Or perhaps Beth Hillel permit here²² only because the dovecote makes it evident,²³ but there²⁴ it is not permitted!²⁵ Rather, if there is a difficulty,²⁶ the following is the difficulty. Beth Shammai say,²⁷ One may not take [pigeons]²⁸ unless he stirred [them] up²⁹ the day before. But Beth Hillel say: He stands and declares, ‘This one or that one shall I take’.³⁰ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient; but the following contradicts this: If one slaughters game or poultry on a Festival [etc.]! — R. Johanan replied: The authorities should be reversed. Whence [does this follow]?³¹ Perhaps Beth Shammai [permit] only when there is [already] a shovel sticking in the earth

(1) In order not to be deprived of the joy of the Festival.

(2) As his intention is then unmistakable.

(3) For the sake of appearance, as it may certainly be thought that he wishes to repair the roof.

(4) If the top of the ladder does not reach a particular pigeon-hole otherwise.

(5) Judah and Hezekiah.

(6) And, of course, Beth Hillel's view is law.

(7) Thus none permit the use of the ladder of the loft, since R. Judah does not state a separate view.

(8) Which signifies a ladder only used for dovecotes.

(9) The word **l'cian** should have been omitted.

- (10) I.e., R. Hiyya, what was the meaning of the text to him?
- (11) The expression from 'one dovecote to another dovecote' is not asserting that it was a dovecote ladder, but rather that the ladder may be moved to several dovecotes.
- (12) The first Tanna of R Dosa is R. Judah who forbids the carrying of a loft-ladder.
- (13) The loft-ladder at any rate to be inclined from one pigeon hole to another.
- (14) R. Judah permits the carrying of a dovecote ladder while R. Dosa forbids carrying and only permits inclining the ladder which had been brought to the dovecote before the Festival. But a loft-ladder would be forbidden even to incline.
- (15) Beth Shammai do not give a more lenient decision out of regard for the joy of the Festival.
- (16) Supra 2a. In this case Beth Shammai is more lenient than Beth Hillel.
- (17) Rashi: The authorities in the second Mishnah are to be reversed; Tosaf.: The authorities of the first Mishnah are to be reversed.
- (18) There is no need to change the authorities for the attitude of each school in the second Mishnah can be in harmony with their attitude in the first Mishnah.
- (19) That it is permissible to dig up earth with a shovel.
- (20) Before the Festival when there is no likelihood of breaking any law on the Festival.
- (21) Even if the earth is loose, for in sticking in the shovel it would appear as if he were digging on a Festival. Similarly in the second Mishnah an onlooker might think that he was intending to repair his roof.
- (22) Not out of consideration for the joy of the Festival.
- (23) That no forbidden work is intended to be performed.
- (24) In the first Mishnah.
- (25) To dig even though the shovel was already sticking in the earth because he may cause a crumbling of the earth which is in the nature of grinding and the possibility of an infringement of the law by digging takes precedence over the consideration of the joy of the Festival.
- (26) Which led R. Johanan, to reverse the authorities.
- (27) Infra 10a.
- (28) For slaughtering on a Festival.
- (29) V. infra 10a.
- (30) Preparing then, for the following day.
- (31) So D.S. as supra. Cur. edd. 'perhaps it is not so'.

Talmud - Mas. Beitzah 10a

but not when there is no shovel sticking in the earth;¹ or perhaps Beth Hillel rule thus only here because since it is mukzeh,² it is sufficient if he stands and declares, 'This one or that one shall I take';³ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take a pestle⁴ to cut up meat thereon; but Beth Hillel permit [it].⁵ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry [on a Festival] Beth Shammai etc.! — R. Johanan replied: The authorities should be reversed. 'Whence [does this follow]? Perhaps it is not so? [Perhaps] Beth Shammai rule [thus] only there where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking In the earth. Or perhaps Beth Hillel rule thus only here, because it [the pestle] bears the designation of utensil;⁶ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not lay out a hide⁷ for treading on⁸ and

one may not lift it up unless it has [sticking to it] flesh [as much as] an olive;⁹ but Beth Hillel permit.¹⁰ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts that if one slaughters game or poultry on a Festival etc! — R. Johanan replied: The authorities should be reversed. Whence [does this follow]? Perhaps it is not so; [perhaps Beth Shammai rule thus only there, where there is [already] a shovel sticking in the earth, but not when there is no shovel sticking in the earth. Or perhaps Beth Hillel rule thus only here because it [the hide] is fit for sitting thereon,¹¹ but there [they do] not [rule thus]! Rather, if there is a difficulty, the following is the difficulty: Beth Shammai say: One may not take down shutters¹² on a Festival, but Beth Hillel permit them even to be put back.¹³ Accordingly [we see] that Beth Shammai is stringent in regard to the joy of the Festival and Beth Hillel is lenient, but the following contradicts this: If one slaughters game or poultry on a Festival etc.! It is well [that the rulings of] Beth Shammai are not contradictory: there [it is permitted only] when there is [already] a shovel sticking in the earth but here there is no shovel sticking in the earth.¹⁴ But [the views of] Beth Hillel are contradictory! — Said R. Johanan: The authorities should be reversed. [Why reverse the authorities]?¹⁵ Perhaps Beth Hillel rule thus only here because building and pulling down do not apply to utensils,¹⁶ but there [they do] not [rule thus].

MISHNAH. BETH SHAMMAI SAY:¹⁷ ONE MUST NOT TAKE [PIGEONS] UNLESS HE HAS STIRRED¹⁸ [THEM] UP THE DAY BEFORE [THE FESTIVAL]: BUT BETH HILLEL SAY: HE STANDS AND DECLARES: THIS ONE OR THAT ONE WILL I TAKE. GEMARA. R. Hanan b. Ammi said: The dispute is only with respect to the first brood¹⁹ when Beth Shammai is of the opinion that²⁰ we preventively prohibit,²¹ lest he may come to change his mind;²² whereas Beth Hillel is of the opinion: We do not prohibit as a precautionary measure; but with respect to the second brood all agree that it is sufficient when he stands and declares, ‘This one or that one will I take’.²³

Now according to Beth Hillel, why must he declare, ‘This one or that one will I take’, let him [rather] say, ‘Of these will I take [one] tomorrow’?²⁴ And if you reply that Beth Hillel do not accept [the law of] Bererah,²⁵ surely we have learnt:²⁶ If a corpse [lay] in a room²⁷ which has many doors²⁸ they are all unclean;²⁹ if one of these [doors] was opened,³⁰ it alone is unclean³¹ and all the others are clean.³² If he formed the intention to take it [the corpse] out through one of them, or through a window which [measures] four handbreadths square,³³ this gives protection to all the other doors.³⁴ Beth Shammai say: Providing that he had formed his intention to take it out³⁵ before the person died;³⁶ but Beth Hillel say: [It holds good] even [if his intention was formed] after the person died!³⁷ — But has it not already been stated thereon: Rabbah said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now onwards.³⁸ R. Oshaia also said: [The statement of Beth Hillel is] with respect to the cleansing of the entrances from now onwards; only ‘from now onwards’ but not ‘retrospectively’.³⁹ Raba says: In reality [the statement of Beth Hillel is even in respect of cleansing] retrospectively,⁴⁰ and here⁴¹ the reason⁴² is lest he might take up [a pigeon] and put it down again, take up [a pigeon] and put it down again and thus come to take one which is not fit for him.⁴³ But you say it is sufficient if he stands and says this or that will I take!⁴⁴ — This only applies on the eve of the Festival,⁴⁵

(1) Similarly they do not permit to take a pigeon on a Festival unless he had specified before the Festival the

particular pigeon he intended to slaughter, for after handling one he might change his mind and decide upon another and thus the handling of the first pigeon would be regarded as unnecessary work on a Festival.

(2) Viz., the prohibition of taking pigeons without previous preparation.

(3) This constitutes sufficient preparation.

(4) Used for the pounding of groats and therefore reserved for work forbidden on a Festival and so must not be handled.

(5) Infra 11a.

(6) Lit., 'the law of a utensil is upon it', and one may always handle a utensil on a Festival.

(7) Flayed on the Festival.

(8) Whereby it becomes tanned.

(9) The minimum to be used as a meal and what is needful for food may be carried about on a Festival.

(10) Cf. infra p. 51.

(11) They used to sit cross-legged upon rugs.

(12) For it is of the nature of building and pulling clown. V. infra 54, n. 2.

(13) Although such work is not directly for the sake of the Festival, infra 11b.

(14) I.e., in this case there is nothing corresponding to the shovel sticking in the earth in order to permit.

(15) Cf. MS.M. Cur. ed. 'or'. [The text is in disorder: D.S. a.l. on the basis of different MSS. reconstructs it as follows: 'On a Festival etc.' — Said R. Johanan: The authorities are reversed. But whence (does this follow)? Perhaps Beth Shammai rules thus only there . . . but here there is no shovel . . . earth. Or perhaps Beth Hillel rule thus only here because building etc.' — following the same line of argument as in the preceding cases].

(16) The forms of the utensils are not changed but are only used for a different purpose.

(17) Supra 9b. q.v.

(18) To stir up, means to examine properly what sort of bird it was.

(19) It is usual to leave the first brood as company for the parent birds.

(20) If he did not 'stir' them before the Festival.

(21) Taking any on the Festival.

(22) About slaughtering that particular pigeon and put it back. He would thus have handled and moved the pigeon unnecessarily. If, however, he 'stirred' them before the Festival and chose one for slaughter, then he has definitely made up his mind to have that bird.

(23) For there is no question of putting the bird back, since it is only the first brood that is left with the parent birds.

(24) Since a verbal preparation is sufficient to remove the prohibition of mukzeh, it should be assumed that the bird chosen on the Festival is retrospectively the same one about which he spoke the day before.

(25) Retrospective selection. A legal term to denote that a present selection shall have retrospective validity. The selection of a particular dove on the Festival from a number that have been generally designated before the Festival (when it was intended to take one only) shall rank as though that dove itself has been selected before the Festival.

(26) Infra 37b; 'Er. 68b; Oh. VII, 3.

(27) A corpse in a room defiles not only the vessels inside the room but even those standing just outside the door beneath the lintel of the entrance through which the corpse is to be carried out. If there is more than one entrance to the room the same rule applies to them all unless it has been specifically determined to carry it through one particular entrance. Such determination protects the other entrances.

(28) All of which are closed or open.

(29) The doors themselves and even the vessels outside under the same lintels; because the corpse may be carried out through any one of them.

(30) After the person's death.

- (31) For it is assumed that the corpse will be taken out through the open door.
- (32) I.e., all vessels placed subsequently in the remaining entrances. With respect to those vessels placed there prior to the opening of the one door v. the immediately following hypothetical dispute between Beth Shammai and Beth Hillel.
- (33) The minimum opening through which a whole corpse could be carried out.
- (34) His intention or determination is regarded as if he had actually opened the entrance.
- (35) Through a particular door.
- (36) But if only after death, then those vessels which had been placed in the same entrance prior to his determination would be unclean.
- (37) It ranks as though that door had been designated for that purpose immediately at death; hence we see that Beth Hillel accept the rule of Bererah.
- (38) I. e., from the time subsequent to his determination. According to Beth Shammai, when there has been no determination before the death, all the entrances are unclean and the subsequent determination does not remove the uncleanness except by the actual act of opening. Not so Beth Hillel. But Beth Hillel will not accept the rule of Bererah.
- (39) I.e., those vessels placed in the entrances from the time of death until the forming of his intention all agree are unclean.
- (40) Because Beth Hillel accept the rule of Bererah.
- (41) In our Mishnah.
- (42) That Beth Hillel say that he must specify this or that.
- (43) On account of mukzeh; for his intention was to take only what was necessary' for him. If, however, he said 'this or that I will take,' he will definitely take those designated.
- (44) Why not apprehend here too lest he will pick and choose since he did not 'stir' them before the Festival?
- (45) I.e., If he makes this declaration on the eve of the Festival to remind him that he may not pick and choose on the Festival on account of mukzeh.

Talmud - Mas. Beitzah 10b

but¹ on the Festival [itself]² it is forbidden,³ for sometimes the [seemingly] fat ones are found [to be] lean, and the [seemingly] lean ones are found [to be] fat, and [thus] he handles [birds] which are not fit for him; or else, sometimes they may all be found lean, and he will leave them and thus come to refrain from the joy of the Festival.⁴

MISHNAH. IF HE DESIGNATED⁵ BLACK [DOVES]⁶ BUT FOUND WHITE, WHITE BUT FOUND BLACK, TWO BUT FOUND THREE, THEY ARE [ALL] FORBIDDEN;⁷ THREE BUT FOUND TWO, THEY ARE PERMITTED. [IF HE DESIGNATED DOVES] INSIDE THE NEST AND FOUND THEM IN FRONT OF THE NEST, THEY ARE FORBIDDEN; BUT IF NONE EXCEPT THESE WERE THERE, THEY ARE PERMITTED.

GEMARA. Is not this self-evident? — Said Rabbah: We are dealing here with a case where he had designated black and white,⁸ and on the following morning he found black ones in the place of the white and white ones in the place of the black; you might say they are the very same [doves] and they had only exchanged [their nests], so he informs us⁹ that those¹⁰ are gone away and these are different ones. Shall it be said that [this Mishnah] supports the view of R. Hanina? for R. Hanina said:¹¹ [If] majority and proximity [are in opposition]¹² you follow the majority?¹³

— As Abaye has explained,¹⁴ when there is a board,¹⁵ likewise also here [explain] when there is a board.

[IF HE DESIGNATED] TWO [DOVES] BUT FOUND THREE THEY ARE [ALL] FORBIDDEN. Whichever way you take it [they are forbidden]; if these¹⁶ are other [doves], then they are indeed others;¹⁷ if they are the same, then there is [another] one mixed up with them.¹⁸

[IF HE DESIGNATED] THREE [DOVES] BUT FOUND TWO THEY ARE PERMITTED. What is the reason? — They are indeed the same¹⁹ and one of them has flown away. Shall it be said that the Mishnah is according to Rabbi and not according to the Sages? For we have learnt: If one deposited one hundred [zuz]²⁰ and found two hundred,²¹ [it is assumed that] there is hullin [money]²² and second tithe [money] mixed together. This is the opinion of Rabbi. But the Sages say: The entire sum is hullin [money].²³ If he deposited two hundred [zuz] and found one hundred, [it is assumed that] one hundred has been left²⁴ and one hundred has been taken away. This is the opinion of Rabbi. But the Sages say: The entire sum is hullin [money].²⁵ — You can even say [that it is] in accordance with the Sages, for It was stated thereon: R. Johanan and R. Eleazar both say:²⁶ Doves are different since they are used to hop about.²⁷ But why is it necessary²⁸ to explain here, ‘doves are different since they are used to hop about’? Surely it has already been stated with respect to this [very Baraita] that [there is a dispute between] R. Johanan and R. Eleazar; one says: The controversy [between Rabbi and the Sages] is when there were two purses,²⁹ but when there is [only] one purse all agree that the entire sum is hullin.³⁰ And the other says: The dispute is when there is one purse,³¹ but when there are two purses all agree that [we are to assume] one hundred has been left and one hundred taken away! It is well according to the view that the dispute relates to two purses; hence it is necessary to explain here ‘it is different with doves since they are used to hop about.’ But according to the view that ‘the dispute is [only] with respect to one purse but when there are two purses all agree that one hundred had been left and one hundred taken’ why is it necessary to answer it [as above]; surely you have said indeed that they do not dispute with respect to two purses?³² — Said R. Ashi: We are dealing here with doves tied together and with purses fastened together;³³ doves pull themselves apart from one another, but purses do not pull themselves apart from one another.³⁴ And Rabbi:³⁵ — He will answer you: In the case of purses too, it occurs

(1) If he has to make up his mind.

(2) I.e., if he only said ‘of these will I take to-morrow.

(3) To take any bird.

(4) But had he specifically designated which to take, he would not change his mind.

(5) For eating on the Festival.

(6) That were in the nest.

(7) In the first case they are definitely strange doves and in the second case since he cannot recognize the doves he designated they are all forbidden.

(8) In two separated nests.

(9) That we are to suppose.

(10) Doves that have been designated for slaughter on the eve of the Festival.

(11) B.B. 23b.

(12) I.e., If a case can be decided one way on the ground of majority and another way on the ground of nearness.

For majority and nearness, cf. Ex. XXIII, 2 and Deut. XXI, 3 respectively. V. also B.B., Sonc. ed. p. 117, n. 2.

(13) Here too it is probable that the doves are the same and that the nests have been exchanged owing to their close proximity. On the other hand it is possible to imagine these doves as part of the great majority of birds which do not belong to him and which had not been predetermined on.

(14) With reference to another case, *infra* 11a.

(15) In front of the dovecote upon which strange birds settle. Accordingly it is also probable that as soon as the old doves left their dovecote (quitted their nest), these strange doves took their place. The question of proximity therefore applies equally to the strange doves as well as to the doves that were originally in the nest in which case no one disputes that majority decides.

(16) All three.

(17) They are therefore forbidden, for these have not been designated before the Festival.

(18) And since it is not known which is the new one they are all forbidden.

(19) I.e., two of the three previously designated.

(20) I.e., one case of a hundred zuz of the second tithe which had to be taken to Jerusalem, but which owing to the distance was converted into money. This money had to be spent in Jerusalem. V. Deut. XIV, 22-26.

(21) I.e., two one-hundred zuz pieces.

(22) I.e., ordinary, unconsecrated, not of the second tithe.

(23) He must therefore select the finest coin for the second tithe and say: If this was originally the second tithe coin then it is well; if, on the other hand, the other coin was originally the second tithe, then let this one be exchanged for the other.

(24) For he would not have put away hulin money together with second tithe money; and since two coins were found instead of one, it is to be assumed that the one-hundred zuz piece of the second tithe had been taken out and put in another place, while this two-hundred is ordinary money subsequently put in the same place.

(25) Because the owner would not have separated one second tithe coin from the other except to take it to Jerusalem; hence the Sages assume that he had taken out the two hundred zuz which he put somewhere away, replacing them by the hundred zuz of ordinary money, but that he had forgotten the whole matter. Similarly according to the Sages it would follow that the three doves had flown away and two others came in their place. V. Pes. 100.

(26) In explanation of this seeming contradiction.

(27) Therefore one of them may have hopped away and the two left are of the original ones. But the same cannot be said with respect to money.

(28) For both R. Johanan and R. Eleazar.

(29) Each containing one hundred zuzim. It is then that Rabbi says that one hundred was left and one hundred taken away.

(30) For if he took aught of such money he would have taken the lot.

(31) It is then that the Sages assume that the entire two hundred second tithe money had been taken out and placed elsewhere.

(32) The contradiction shown between the Mishnah and the view of the Sages was removed by both R. Johanan and R. Eleazar by explaining that there was a difference between doves and coins. But since one of the same two Rabbis maintains that in the case of two purses each containing one hundred zuzim the Sages agree that the hundred left is part of the original, which is in agreement with the statement in the Mishnah, then why was he a party to that explanation of the contradiction?

(33) The expression 'One purse containing two hundred zuzim' means two purses, each containing one hundred zuzim, tied together and regarded as one purse; likewise 'two purses' would mean when they are not tied together. In the former case the Sages hold that the purse left is not one of the original two that were tied together. This view

is contradictory to the Mishnah which says that the two doves found are of the original three that were tied together from which one had torn itself away. This contradiction is overcome by drawing a distinction between live birds and inanimate purses.

(34) And therefore the purse left may not be of the original two tied together.

(35) Surely this is a logical distinction!

Talmud - Mas. Beitzah 11a

that their knot becomes worn out.

WITHIN THE NEST AND FOUND THEM IN FRONT OF THE NEST THEY ARE FORBIDDEN. Shall it be said that this¹ supports the view of R. Hanina? For R. Hanina said:² [If] majority and proximity [are in opposition] you follow the majority? — Said Abaye: When there is a board.³ Raba says: 'We are treating here of two nests one above the other;⁴ and it goes without saying that if he designated [doves] in the lower [nest] and did not designate [those] in the upper, and [on the morrow] finds [doves] in the lower [nest] and none in the upper they are forbidden, for we assume that those of the lower [nest] had flown away and these⁵ had indeed hopped down; but even if he designated [doves] in the upper [nest] and did not designate [those] in the lower and he came and found [some] in the upper and did not find [any] in the lower, these too are forbidden, for we assume that those⁶ had flown away and these had indeed fluttered up.⁷ BUT IF NONE EXCEPT THESE WERE THERE THEY ARE PERMITTED. What are the circumstances? If you say that [this refers] to those which can fly, then it is possible to assume that those had flown away and these are different ones? And if [this refers] to those which can [only] hop,⁸ then if there is [another] nest within fifty cubits, they might indeed have hopped away;⁹ and if there is no [other] nest within fifty cubits, it is obvious that they are permitted, for Mar 'Ukba b. Hama said: 'Whatever hops does not hop more than fifty cubits! — In truth [it means] where there is [another] nest within fifty cubits, but e.g., it is situated round a corner; you might say that they have indeed hopped away,' so it¹⁰ informs us that they only hop along as long as by turning they see their nest,¹¹ but if not,¹² they do not hop away.

MISHNAH. BETH SHAMMAI SAY:¹³ YOU MAY NOT TAKE A PESTLE¹⁴ TO CUT UP MEAT THEREON,¹⁵ BUT BETH HILLEL PERMIT [IT]. BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE¹⁶ FOR TREADING ON¹⁷ NOR MAY HE LIFT IT UP UNLESS THERE IS AS MUCH AS AN OLIVE OF FLESH WITH IT,¹⁸ BUT BETH HILLEL PERMIT IT.

GEMARA. A Tanna taught: And they [both] agree that if he had already cut up meat thereon, it [the pestle] may not be moved.¹⁹

Abaye said: The dispute is [only] with respect to a pestle, but in the case of a butcher's block²⁰ all agree that it is permitted. This is obvious: we learnt, A PESTLE!²¹ — You might say that the same applies even to a butcher's block²² and the reason it states PESTLE is in order to inform you of the extent of the view of Beth Hillel that even an object specially made for work which is forbidden²³ is also permitted; hence he informs us [that it is not so]. Others state; Abaye [himself] replied:²⁴ It is only necessary [to teach] that even a new butcher's block [is permitted]. You might

say: He may change his mind and not cut up [meat] on it,²⁵ so he informs us [that this is not so]. Do then Beth Shammai not fear [the possibility of] one changing his mind?²⁶ Surely it was taught: Beth Shammai say: One may not lead the slaughterer²⁷ and the knife to the animal [to be slaughtered]²⁸ nor the animal to the slaughterer and the knife; but Beth Hillel say: One may bring the one to the other. Beth Shammai say: One may not carry spices or a pestle to the mortar, nor the mortar to the spices or the pestle; but Beth Hillel say: One may bring the one to the other! — What comparison is this? [With respect to] an animal it is well: he may come to change his mind saying, let us leave this lean animal and I will bring another animal which is fatter than this; [with respect to] a dish too he may come to change his mind, saying, let us leave this dish which requires spices and I will bring another [dish] which does not require spices. [But] here what are we to suppose? He will change his mind and not cut up [the meat]? Since he has already slaughtered [the animal], it has to be cut up.

BETH SHAMMAI SAY: ONE MAY NOT PLACE A HIDE. A Tanna taught: And they [both] agree that one may salt upon it meat for roasting.²⁹ Abaye said: It was taught only [when it is] for roasting but not for boiling.³⁰ This is obvious: We learnt³¹ ‘for roasting’? — This he [Abaye] informs us that even for roasting [to salt it almost as much] as for boiling is [also] forbidden.

Our Rabbis taught: One may neither salt³² pieces of suet³³ for turn them about.³⁴ They reported in the name of R. Joshua: One may spread them out in the air on pegs [of wood]. R. Mattenah said: The halachah is as R. Joshua. Others state: R. Mattenah said: The halachah is not as R. Joshua. This is well according to the version, ‘the halachah is as R. Joshua’, [then it is necessary]: For I might say, [when] an individual and a majority [are in dispute] the halachah is as the majority: [hence] he informs us that [here] the halachah is as the individual. But according to the version ‘the halachah is not as R. Joshua’, it is obvious: [for when] an individual and a majority [are in dispute], the halachah is as the majority! — You might think that the opinion of R. Joshua is logical, for if you will not permit him³⁵ he will altogether forbear to slaughter,³⁶ so he informs us.³⁷ And why is this different from the case of placing a hide before the treading place?³⁸

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- (1) Statement of the Mishnah in assuming that the doves now found in front of the nest are not those that were originally within the nest.
 - (2) Supra 10b; B.B. 23b.
 - (3) Before the dove-cote upon which strange doves settle. V. supra p. 48, n. 2.
 - (4) And the reason they are forbidden is on account of mukzeh and not that we regard them as part of the great majority of birds.
 - (5) At present in the lower nest.
 - (6) First mentioned.
 - (7) From the nest below.
 - (8) I.e., young ones that cannot yet fly.
 - (9) From their own cote and settled here.
 - (10) The Mishnah.
 - (11) I.e., so long as their nest is within sight.
 - (12) If by turning they cannot see their own nest.
 - (13) Supra 10a.

- (14) Normally used for pounding grain, a work forbidden on a Festival.
- (15) Work permitted on a Festival.
- (16) Flayed on a Festival.
- (17) Or, 'before the treading place', i.e., to be walked on as a door-mat whereby it becomes tanned; v. p. 43.
- (18) I.e., clinging to it.
- (19) For the purpose for which it was needed had already been done.
- (20) Lit., 'bone-breaker'.
- (21) But not a butcher's block.
- (22) I.e., Beth Shammai prohibits this too, lest after taking it he changes his mind and does not use it at all.
- (23) On a Festival; v. p. 51, n. 7.
- (24) To the question 'is it not obvious?'
- (25) In order to spare it so as not to spoil it; hence it should be forbidden; cf. n. 1.
- (26) For we have just said according to Abaye that Beth Shammai agree that a new butcher's block may be moved for cutting up meat thereon, and they do not take into consideration the possibility of changing the mind.
- (27) V. Marg. note; cf. also D.S.
- (28) If they are distant from one another lest the slaughtering might not take place, and unnecessary toil is forbidden on a Festival.
- (29) Although salt assists the tanning, because very little salt is used when the meat is to be roasted.
- (30) Where much salt is required.
- (31) The word **ib**, is used here loosely as it refers to a Baraita.
- (32) On a Festival.
- (33) In order to preserve them for use after the Festival. Suet may not be eaten but may be used for making candles, etc.
- (34) To prevent them decaying.
- (35) To spread the pieces of suet on pegs.
- (36) And thus be deprived of the joy of the Festival.
- (37) That we do not follow the opinion of R. Joshua.
- (38) Which Beth Hillel permit for the reason that if you will not allow him to do this he will omit slaughtering altogether.

Talmud - Mas. Beitzah 11b

— There it is not manifest,¹ since it [the hide] is fit to be used as a mat to sit on. Here [however] he will be led to argue: 'What is the reason [that] the Rabbis permitted me [to spread it on pegs]: so that it should not become offensive: what difference is there whether I spread them or salt them? Rab Judah in the name of Samuel said: A man may salt [on a Festival] several pieces of meat together even though he needs only one piece.² R. Adda b. Ahabah made use of an artifice and salted piece after piece.³ MISHNAH. BETH SHAMMAI SAY:⁴ ONE MAY NOT TAKE DOWN SHUTTERS ON A FESTIVAL,⁵ BUT BETH HILLEL PERMIT EVEN TO PUT THEM BACK AGAIN.

GEMARA. What [kind of] shutters? — Said 'Ulla: The shutters of a [shopkeeper's] stall.⁶ 'Ulla further said: There are three cases where [the Rabbis] allowed the completing [of the action]⁷ on account of its beginning,⁸ and they are as follows: [The placing of] the hide for people to tread on,⁹ [the taking down of] shutters from stalls¹⁰ and the replacing of a plaster¹¹ in the Temple. And

Rehaba said in the name of Rabbi Judah:¹² Also he who opens his cask [of wine] or commences [cutting] into his dough for the requirements of the Festival¹³ and according to R. Judah who Says: He may finish [selling them after the Festival].¹⁴

‘[The placing of] the hide for people to tread on’; we have [already] learnt it!¹⁵ — You might say that the reason of Beth Hillel¹⁶ is because it is fit to be used as a mat and therefore even though [the hide was flayed] before the Festival it is also [permitted]; so he informs us [that] they permitted its completion for the sake of the beginning: [therefore if flayed] on the Festival it is [permitted], before the Festival it is not [permitted].

‘[THE TAKING DOWN OF] SHUTTERS FROM STALLS’ we have also learnt, [viz., but Beth Hillel permit even to put them back again]: — You might say that the reason of Beth Hillel is that building or demolishing does not apply to utensils and [therefore] even [the lids of chests in] houses are also permitted,¹⁷ so he informs us that they only permitted its completion on account of the beginning; therefore of stalls only [is it permitted] but not of [chests in] houses.¹⁸

‘The replacing of a plaster in the Temple’ we have also learnt [viz.]:¹⁹ One may replace²⁰ a plaster [on a wound] in the Temple but not in the country:²¹ — You might Say, what is the reason? Because there is no shebuth²² in the Temple and [therefore] even a priest not performing a Temple service [may also replace a plaster], so he informs us that they [only] permitted its completion on account of the beginning, [therefore it is permitted] only in the case of [a priest] performing a Temple service, but not when not performing a Temple service. ‘[The case of] opening a cask’, we have also learnt²³ [viz.]: He who opens his cask [of wine] or commences cutting into his dough for the requirements of the Festival, R. Judah says: He may finish [selling them after the Festival]; but the Sages say: He may not finish! — You might say that the Rabbis regarded the uncleanness of an ‘am ha-arez during the [period of the] Festival as cleanness and [therefore] even though he had not commenced²⁴ it is also [permitted];²⁵ so he informs us that they only permitted its completion on account of the beginning, [therefore] only if he had commenced [to sell them during the Festival] but not if he had not commenced.²⁶ And ‘Ulla: What is the reason that he does not state this?²⁷ — He does not deal with [cases] where there is a dispute. But there is a dispute concerning those too!²⁸ — The [opinion of] Beth Shammai against that of Beth Hillel is regarded as having no authority.²⁹

Our Mishnah³⁰ is not according to the following Tanna; for it was taught: R. Simeon b. Eleazar says: Beth Shammai and Beth Hillel agree that one may take down the shutters on a Festival; they dispute only about replacing, Beth Shammai maintaining: One may not replace [them]; while Beth Hillel rules: One may even replace [them]. When is this said? Where they [the shutters] have hinges,³¹ but if they have no hinges all agree that it is permitted [even to replace them]. But it was taught: This applies only if they have no hinges, but if they have hinges all agree that it is forbidden! — Said Abaye: When they have hinges on the side all³² agree that it is forbidden,³³ they only dispute where there is a hinge in the middle:

(1) That the spreading of the hide is for tanning.

(2) For this is not doing extra work, for there is one act of salting whether it be for one or for several pieces.

(3) After salting one piece for eating on the same day, he took another under the pretence that it was preferable,

and so on until the whole was salted. The object was to preserve the meat in better condition for the days following the Festival.

(4) Supra 10a.

(5) For it is of the nature of building and pulling down, work forbidden on a Festival.

(6) Although general trading is prohibited on a Festival, yet things necessary for the full enjoyment of the Festival may be sold on trust, no payment being made on the day of the Festival. One or two shutters were taken down to show that such goods might be obtained.

(7) Which was not necessary for the Festival and in an ordinary way would have been prohibited.

(8) The beginning of the action was necessary for the enjoyment of the Festival and so the ending is permitted for the sake of the beginning. If it were forbidden, it might cause the neglect of beginning certain work which was necessary for the full enjoyment of the Festival.

(9) If he would not be allowed to use the skin in this way he would not kill.

(10) If he will not be allowed to close he will not open to give food.

(11) To apply a plaster on the Sabbath is forbidden. If, however, a priest having a plaster on a wound on his hand by reason of which he may not perform the Temple service (because nothing may adhere to his hand during the Temple service) has removed same, then he may replace it after the Temple service is over.

(12) [The reference is to Rab Judah, whom Rehaba designated as 'Rabbi' ('my teacher') because he was his teacher (Rashi). V. D.S. a.l.]

(13) To retail these to the pilgrims during the Festival among whom may be some of the **.rtv lng** who do not observe the law of purification and who may have come into contact with the wine or bread thus rendering them unclean. According to R. Judah, the remainder also may after the Festival be bought by or sold to anyone however scrupulous he may be. V. p. 56, n. 1. Here, too, if we do not allow him to sell after the Festival, he will not commence opening for the Festival.

(14) This is explained infra.

(15) Supra 11a. Then why mention it again?

(16) In permitting the hide to be trodden on.

(17) To be taken off and to be put back again.

(18) I.e. , even Beth Hillel hold that building or demolishing with respect to utensils is Rabbinically prohibited, but here they permit only on account of the enjoyment of the Festival.

(19) 'Er. 102b.

(20) On a Sabbath.

(21) **vbsn** (country) used here as opposed to **asen** (Sanctuary, Temple precincts).

(22) A Rabbinical Statute concerning the true keeping of the Sabbath; an act forbidden by the Rabbis on a Sabbath as being out of harmony with the celebration of the day. The replacing of a plaster on a Sabbath, like other medicinal remedies, is forbidden by the Rabbis as a preventive measure against pounding spices. The prohibition of acts as shebuth, however, did not apply to Temple duties. V. Glos.

(23) Hag. 26b. Wine or dough which has been touched by an 'am ha-arez may not be bought by or sold to persons who are scrupulous about purification, for the 'am ha-arez is suspected of being unclean. If an 'am ha-arez comes into contact with the wine or the dough during the Festival, they are not contaminated and may be bought by or sold to anybody during the Festival, even the most scrupulous. Should any wine or dough remain after the Festival, R. Judah and the Sages dispute whether these may continue to be bought by or sold to scrupulous people. If, however, wine or dough not for sale during the Festival came in contact with an 'am ha-arez, such may not be bought by or sold to the scrupulous after the Festival even according to R. Judah.

(24) To sell during the Festival.

(25) To the most scrupulous according to R. Judah, even though an 'am ha-arez had come into contact with these.

- (26) The uncleanness of an 'am ha-arez was regarded as clean only with respect to things that were started to be sold, but if an 'am ha-arez touched a thing that had not been started to be sold, he contaminated them.
- (27) Additional case of Rehaba.
- (28) For Beth Shammai dispute the three cases he mentions.
- (29) Lit., 'Beth Shammai('s view), in the place of Beth Hillel is not a Mishnah', since the halachah is determined according to Beth Hillel. Cf. Ber. 36b, Yeb. 9a.
- (30) Which states the dispute between Beth Shammai and Beth Hillel with respect to taking down shutters.
- (31) In which case replacing appears more in the nature of building.
- (32) Both Beth Shammai and Beth Hillel.
- (33) Because it is more difficult to put them back.

Talmud - Mas. Beitzah 12a

One master¹ holds that we preventively prohibit a hinge in the centre on account of a hinge at the side;² and the other master³ is of the opinion we do not preventively prohibit.⁴

MISHNAH. BETH SHAMMAI SAY: ONE MAY NOT CARRY OUT AN INFANT⁵ OR A LULAB⁶ OR A SCROLL OF THE LAW⁷ INTO PUBLIC GROUND,⁸ BUT BETH HILLEL PERMIT [IT].

GEMARA. A Tanna taught before R. Isaac b. Abdimi: He who slaughters a freewill burnt-offering on a Festival is flagellated.⁹ Said he to him: He who taught you this held the opinion of Beth Shammai who maintain: We do not say, 'Since carrying out is permitted for what is [actually] necessary [for the preparation of food], it is also permitted for that which is not necessary'.¹⁰ For if [he held the opinion of] Beth Hillel, surely they maintain: 'Since carrying out is permitted where it is necessary, it is also permitted where it is not necessary', so also here, since slaughtering is permitted where it is necessary¹¹ it is also permitted where it is not necessary.¹² To this Rabbah demurred: Whence do you know that Beth Shammai and Beth Hillel differ on this [point]; perhaps they differ as to whether [the laws of] 'erub and carrying out apply to Sabbath, but [the laws of] 'erub and carrying out do not apply to a Festival?¹³ One Master is of the opinion, 'Erub and [the laws of] carrying out apply to both the Sabbath and the Festival,¹⁴ and the other Master maintains, 'Erub and [the laws of] carrying out apply to Sabbath but 'erub and [the laws of] carrying out do not apply to the Festival, as it is written, Neither carry forth a burden out of your houses on the Sabbath day,¹⁵ only on the Sabbath day but not on the Festival!¹⁶ To this R. Joseph demurred [in turn]: If so,¹⁷ let them¹⁸ dispute with respect to stones!¹⁹ Since, however, they do not dispute about stones, infer from it that they differ with respect to carrying out [things] that are not necessary [in the preparation of food].²⁰

R. Johanan is also of the opinion that they differ in whether [we say], 'Since carrying out is permitted for what is necessary [in the preparation of food] it is also permitted for what is not necessary [in the preparation of food]'; for a tanna recited before R. Johanan:²¹ He who boils the thigh sinew on a Festival²² in milk and eats it is flagellated on five counts, for [unnecessarily] cooking the sinew on a Festival,²³ for eating the sinew, for boiling meat in milk,²⁴ for eating meat with milk,²⁴ and

- (1) I.e., Beth Shammai.
- (2) If the former is permitted, one will think that the latter, too, is permitted.
- (3) I.e., Beth Hillel.
- (4) And therefore permit even to put them back again. The two Baraitha therefore are not contradictory, for each refers to a different case.
- (5) On a Festival, even to circumcise it. The circumcision ceremony was usually performed in a synagogue, hence the need to carry the infant out.
- (6) Lit., 'palm-branch', which bound together with myrtles and willows was carried, together with a citron, during the Feast of Tabernacles. V. Lev. XXIII, 40. Beth Shammai prohibit the carrying out of the lulab even for the purpose of fulfilling this command.
- (7) For the purpose of reading it.
- (8) For only such work as is necessary in the preparation of food may be done on a Festival.
- (9) The only offering which an individual may bring on a Festival is one part of which he may eat. But a burnt-offering is entirely consumed by fire on the altar; hence he does unnecessary work on the Festival. Obligatory (i.e., public) burnt-offerings are however permitted, as are all public sacrifices, both on the Sabbath and on Festivals, but voluntary offerings can be offered after the Festival.
- (10) As follows from our Mishnah.
- (11) For his own food during the Festival.
- (12) As the freewill burnt-offering.
- (13) The carrying of articles from one domain to another is forbidden, yet by means of an 'erub it is permitted. 'Erub is a symbolical act by which is established the legal fiction of joining one private estate with another private estate, thus extending the area in which things could be carried.
- (14) Just as it is not permitted on a Sabbath to carry from one domain to another without an 'erub, so on a Festival.
- (15) Jer. XVII, 22.
- (16) Thus Beth Hillel too may hold that we do not say, 'Since a certain labour is permitted in the preparation of food, it is also permitted in other cases too', their reason in the Mishnah being that they do not regard carrying out as a labour at all vis a vis Festivals.
- (17) That Beth Hillel hold that the prohibition of carrying without an 'erub does not apply to Festivals.
- (18) Beth Shammai and Beth Hillel.
- (19) Which it is altogether unnecessary to carry out; whether these may be carried out on Festivals into a public domain, v. Tosaf. s.v. **ד** **ו** and R. Hananel.
- (20) But for the carrying out of which there is nevertheless some reason as the examples quoted in the Mishnah, v. loc. cit.
- (21) Mak. 21b; Yes. 47b. In Mak. the reading is slightly different.
- (22) Forbidden in Gen. XXXII, 33.
- (23) Since the sinew may not be eaten, the work of cooking it is unnecessary and consequently punishable by flogging. The same applies to the work of kindling a fire.
- (24) The prohibition of boiling meat with milk or eating of the same as well as making any use thereof is derived from the three passages of Scripture (Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21) forbidding to seeth a kid in its mother's milk.

Talmud - Mas. Beitzah 12b

for kindling fire.¹ Said he [R. Johanan] to him: Go, teach [this] outside [the Academy]; [what you have said with respect to] kindling and cooking has no authority, and if you say that it has an

authority, [that authority] must be Beth Shammai who maintain that we do not say, 'Since carrying out [on a Festival] is permitted for what is necessary² it is also permitted for what is not necessary', likewise [they maintain] here that we do not say, 'Since the kindling of fire is permitted [on a Festival] for what is necessary, it is also permitted for what is not necessary'. For according to Beth Hillel, since they maintain [that we do say] 'Since carrying out is permitted for what is necessary, it is also permitted for what is not necessary', so also they would maintain here [that we say], 'Since the kindling of fire is permitted for what is necessary. it is also permitted for what is not necessary'.³

MISHNAH. BETH SHAMMAI SAY: YOU MAY NOT TAKE TO THE PRIEST HALLAH⁴ OR PRIESTLY DUES⁵ ON A FESTIVAL WHETHER THEY WERE SEPARATED ON THE DAY BEFORE OR ON THE SAME DAY. BUT BETH HILLEL PERMIT IT. SAID BETH SHAMMAI TO THEM: AN ANALOGY [SUPPORTS OUR VIEW]: HALLAH AND PRIESTLY DUES ARE A GIFT TO THE PRIEST AND TERUMAH⁶ IS [LIKEWISE] A GIFT TO THE PRIEST; JUST AS ONE MAY NOT TAKE [TO THE PRIEST] TERUMAH⁷ SO ONE MAY NOT TAKE [TO HIM] PRIESTLY DUES. BETH HILLEL, REPLIED TO THEM: NO! IF YOU SAY⁸ IN THE CASE OF TERUMAH WHICH HE HAS NOT THE RIGHT TO SEPARATE,⁹ WILL YOU SAY [THE SAME] WITH RESPECT TO PRIESTLY DUES WHICH HE IS PERMITTED TO SEPARATE?¹⁰

GEMARA. Now it was assumed that [the Mishnah means where] they were [both] separated on that day and slaughtered on that day, and [where] they were [both] separated the day before and slaughtered the day before. Who is [the authority for] our Mishnah: It is neither R. Jose nor R. Judah but the 'Others'!¹¹ For it was taught: R. Judah said: Beth Shammai and Beth Hillel did not differ concerning the dues which were separated on the eve of the Festival, [both agreeing] that you may take them together with the dues which were separated and killed on the same day [viz., the Festival]!¹² They differ only whether one may take them¹³ by themselves, when Beth Shammai say: You may not take [them], and Beth Hillel maintain: You may take [them]. And this is how Beth Shammai argued: Hallah and Priestly Dues are a gift to the priest and terumah is a gift to the priest; just as you may not take terumah, so may you not take Priestly Dues. Beth Hillel replied to them: No! If you say [thus] of terumah which he has not the right to set apart [on a Festival], would you say [the same] of Priestly Dues which he has the right to set apart! R. Jose said: Beth Shammai and Beth Hillel do not differ about the Priestly Dues, [both agreeing] that you may take [them];¹⁴ they dispute only with respect to terumah when Beth Shammai say: You may not take [it],¹⁵ and Beth Hillel maintain: You may take [it]. And this is how Beth Hillel argued: Hallah and Priestly Dues are a gift to the priest and terumah is a gift to the priest; just as you may take the Priestly Dues [to the priest] so may you take terumah [to him]. Beth Shammai replied to them: No! If you say [thus] of Priestly Dues which he has the right to separate [on a Festival], would you say [the same] of terumah which he has not the right to separate! Others say: Beth Shammai and Beth Hillel do not differ about terumah, [both agreeing] that you may not take [it]; they dispute only with respect to the Priestly Dues, when Beth Shammai say: You may not take [them] and Beth Hillel maintain: You may take [them]. Now shall it be said that it [the Mishnah] is [the ruling of] 'Others' and not [the ruling of] R. Judah?¹⁶ — Said Raba: Does it then say, 'Which were separated that day and killed that day'? It [only] says, 'WHICH WERE SEPARATED [etc.]' but in reality they were slaughtered the day before. [Accordingly] shall it be

said that it [the Mishnah] is according to R. Judah and not according to the ‘Others’?¹⁷ — You can even say, [It agrees with] the ‘Others’, for [they speak of Priestly Dues separated on a Festival] from those [animals] slaughtered the day before. If so they are identical with R. Judah! — They differ in respect of being brought together with other Priestly Dues.¹⁸

Rab Judah said in the name of Samuel: The halachah is as R. Jose.¹⁹ R. Tobi the son of R. Nehemiah had a jug of wine of terumah. He came to R. Joseph asking him: May I carry it now [on the Festival] to the priest? He answered him: Thus did Rab Judah say in the name of Samuel: The halachah is as R. Jose.

The host²⁰ of Rab, son of R. Hanan had bundles of mustard-stalks [and] he asked him: Is it permissible to crush it on the Festival and eat of it?²¹ He could not answer.²² He went to Raba who replied: You may rub ears of corn together²³ and crumble pods²⁴ on a Festival.²⁵ Abaye raised an objection: He who rubs ears of corn on the eve of the Sabbath may winnow them on the following day [Sabbath] from hand to hand and eat, but [he may] not [winnow them] with a reed-basket nor with a dish. He who rubs ears of corn on the eve of a Festival may winnow them on the following day [the Festival] little by little²⁶ and eat, even with a reed-basket and even with a dish, but not with a tray nor with a winnowing fan nor in a sieve.²⁷ [Now] only ‘on the eve of the Festival’ [is rubbing of corn stated to be permitted] but not on the Festival [itself]!²⁸ — You may even say [that it may be done] on the Festival [itself], but because he states in the first part [of the passage] ‘on the eve of the Sabbath’, he also states in the concluding part ‘on the eve of a Festival’. If so,²⁹ we find that one has the right to separate [on a Festival]³⁰ and we have learnt: NO! IF YOU SAY THAT WITH RESPECT TO TERUMAH WHICH HE HAS NO RIGHT TO SEPARATE etc.! — This is no difficulty:

(1) V. Ex. XII, 16 and cf. n. 4.

(2) As in the preparation of food.

(3) This proves that R. Johanan is also of the opinion that the dispute between Beth Shammai and Beth Hillel is whether we say, ‘Since carrying out is permitted etc.

(4) Dough-offering. V. Num. XV, 17-21. Although hallah may be taken from the dough in order to enable the dough to be eaten, it may not be carried to the priest.

(5) For the different parts of a slaughtered animal which fall to the share of the priest, v. Deut. XVIII, 3.

(6) Heave-offering. V. Num. XVIII, 11ff and Glos.

(7) To the priest on a Festival, since it could have been taken to the priest before the Festival when it was separated.

(8) That one may not bring to the priest on a Festival.

(9) On a Festival; cf. infra 36b.

(10) Since slaughtering is permitted on a Festival. Surely not!

(11) ‘Others’ usually refers to R. Meir; Hor. 13b.

(12) He regards the latter as axiomatic, and permits the former because no extra work is involved.

(13) The Priestly Dues separated before the Festival.

(14) The same holds good with respect to hallah.

(15) To the priest on a Festival.

(16) The Mishnah can certainly not agree with R. Jose; but can it agree with R. Judah?

(17) For according to the present explanation, even Beth Shammai permit taking to the priest the Priestly Dues of

animals slaughtered on the Festival. Put the 'Others' represent Beth Shammai as prohibiting the bringing of Priestly Dues from both an animal slaughtered before or on the day of the Festival.

(18) Which were separated on the Festival itself. In R. Judah's opinion Beth Shammai permit them to be taken in conjunction with similar gifts separated on the day of the Festival.

(19) Who hold that Beth Hillel permits even terumah to be taken to the priest on a Festival.

(20) I.e., Innkeeper.

(21) Is crushing prohibited since it is possible to do this before the Festival?

(22) Lit., 'it was not in his hand'.

(23) To separate the grain from the chaff; v. infra 13b.

(24) To get the seeds out.

(25) Since rubbing ears of corn is different from the usual manner of threshing and does not involve culpability on a Sabbath it is altogether permitted in the case of a Festival.

(26) Lit., 'upon the hand', v. fast. s.v. **Sh**.

(27) Such vessels are used for large quantities and it would appear as if he was preparing for the following day.

(28) Which contradicts Rab b. R. Hanan.

(29) That one may rub ears of corn on a Festival.

(30) Corn is liable for tithing only after it has been threshed, winnowed and piled up in a heap, after which nothing may be eaten until terumah is taken. But before it is subject to tithe a light meal is permitted. By allowing a man on a Festival to rub ears of corn and eat the grain it follows that he must also be permitted to take terumah which he would not have done before, as terumah is generally not separated in the ears of corn until they have been turned into grain.

Talmud - Mas. Beitzah 13a

One¹ is [according to] Rabbi and the other² is [according to] R. Jose son of R. Judah.³ For it was taught: If he brought in ears of corn⁴ to make dough therefrom, he may eat a slender repast⁵ thereof and it is exempt [from terumah]; [if however he brought in the ears of corn] in order to rub the in together,⁶ Rabbi declares them liable [to terumah]⁷ and R. Jose son of R. Judah exempts them.⁸ But [even] according to R. Jose son of R. Judah, it⁹ may also occur when, for example, one has brought in ears of corn to make dough therefrom¹⁰ and on the Festival changed his mind [deciding] to rub them,¹¹ so that they become tebel¹² on the day [of the Festival]!¹³ — Rather what does terumah [mentioned in the Mishnah] mean? Terumah [as separated] in most cases.¹⁴

Abaye said: The dispute¹⁵ is only with respect to ears of corn,¹⁶ but in the case of grain of pulse all agree that when in bundles they are tebel.¹⁷ Shall it be said that the following supports him? [For we have learnt]: He who had bundles of fenugreek of tebel, must beat out [the seeds] and estimate how much seed there is in them and separate [terumah] on the seed, but he does not separate [terumah] on the stalks.¹⁸ Is not the author of this R. Jose son of R. Judah who says there¹⁹ that it is not tebel, yet here²⁰ it is tebel?²¹ — No, it is in accordance with the opinion of Rabbi.²² If it is in accordance with Rabbi, [then] why state fenugreek; even ears of corn too [are liable to be tithed]? — What then: [it is according to] R. Jose son of R. Judah? Let [the text] inform us of other kinds of pulse²³ and [I would infer] how much more [is it true of] fenugreek? But he [the Tanna] needs [to teach it about] fenugreek; for I might have thought that since the stalks have the same taste as the fruit, he should also give tithe on the stalks,²⁴ so he informs us

[that it is not so].

Others state: Abaye said: The dispute is only with respect to ears of corn,²⁵ but as for grain of pulse all agree that when in bundles they are not tebel.²⁶ An objection is raised: He who had bundles of fenugreek of tebel, he must beat out [the seeds] and estimate how much seed there is in them and separate [terumah] on the seed but not on the stalks. Does not tebel connote that it is tebel in respect of terumah?²⁷ — No, [it means] tebel in respect of the terumah of the tithe,²⁸ and it is in accordance with R. Abbahu's dictum in the name of R. Simeon b. Lakish. For R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe [levitical] which one anticipated while the corn was yet in the ears,²⁹ its designation renders it tebel in respect of the terumah of the tithe.³⁰ Why must he [the Levite] beat out [the seeds]? Let him say [to the priest]: Just as they have given them to me so will I give them to you!³¹ — Said Raba: This is a penalty.³² Likewise has it been taught: A Levite to whom his tithes were given while the corn was still in the ear, must³³ make it [fit for] a barn;³⁴ [if it is] grapes, he must make them into wine; if olives, he must turn them into oil; [only] then does he separate the terumah of [the] tithe and give same to the priest. For just as the great terumah is taken

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- (1) The Baraitha allowing the corn to be rubbed and eaten on the Festival.
 - (2) Our Mishnah.
 - (3) Both agree that rubbing ears of corn on a Festival is allowed. They only dispute whether terumah must then be separated. Rabbi maintains that it is required; consequently terumah may in such a case be separated on a Festival. R. Jose, however, holds that it is unnecessary; hence terumah may never be separated on a Festival. (Rashi). Tosaf: This, i.e., the Mishnah, is according to Rabbi, for since Rabbi holds that the bringing in of the ears for eating raw constitutes the final stage for tithing, terumah could and should have been separated before the Festival; and it is a general rule that whatever could be done before the Festival may not be done on the Festival. But the Baraitha is according to R. Jose b. R. Judah: for since he holds that the bringing in of the ears for eating raw does not constitute the final stage for tithing, there was no obligation to tithe them before the Festival; hence if he decides on the Festival to make a full meal of them, he must first separate terumah; since there was no obligation before, it is regarded as something which could not be done earlier, and therefore it is permitted on a Festival.
 - (4) Not yet ready for tithing.
 - (5) V. p. 62, n. 13.
 - (6) And to eat the grain raw little by little.
 - (7) According to Rabbi, the bringing in of corn into the house for the purpose of eating raw grain corresponds to the finishing touch of the corn brought into the barn and makes it liable for tithing even for a light meal.
 - (8) He draws a distinction between the two purposes. For the Biblical expression **ids** (Num. XVIII, 27) signifies corn which has been threshed and levelled out in a heap, and as this corn was brought in the ears, it has not had the finishing touch making it ready for tithing.
 - (9) The taking of terumah on a Festival.
 - (10) After the usual threshing and winnowing.
 - (11) And eat them raw. On the interpretation of Tosaf. (v. supra p. 63 n. 3) the question should read, 'But even according to Rabbi . . . therefrom' (when no obligation rested upon him to tithe before the Festival), 'and on the Festivals . . . to rub them', when he may not eat of these except after tithing, so that we find terumah being authorized to be set apart on a Festival.
 - (12) Grain from which the priestly and Levitical dues have not been taken. V. Glos.
 - (13) The fact that he brought in the ears of corn to make dough therefrom after the normal threshing and

winnowing made them liable for terumah, and by changing his mind to rub the ears together to eat them raw not only cannot remove the liability for tithing, but, on the contrary, takes the place of the finishing touch in the barn so that not even a light meal may be had without first taking terumah.

(14) Viz., when the corn is levelled out in heaps in a barn, as above. But the case which is now discussed is exceptional and therefore generally disregarded. The Mishnah can therefore agree both with Rabbi and R. Jose.

(15) Between Rabbi and R. Jose b. Judah.

(16) It is then that R. Jose exempts from tithing.

(17) V. Glos. Because pulse is frequently tied up in bundles to be threshed in small quantities as required, and consequently the bringing in of a bundle of pulse in the house corresponds to the finishing touch of grain in a barn. (Rashi).

(18) Ter. X, 6.

(19) In the case of ears of corn.

(20) In the case of pulse.

(21) The statement 'bundles of fenugreek of tebel' presupposes a liability for tithing, because the tying up into bundles is the finishing preparation for tithing.

(22) Who maintains that even ears of corn are also liable for tithing when brought into the house for use.

(23) Which are not tied up into bundles, like peas or beans.

(24) For the stalks together with its fruit are used for seasoning. The Baraita can therefore on this argument be in accordance with Rabbi, so that it affords no support to Abaye.

(25) It is then that Rabbi says that they are liable to be tithed, because many take bundles of corn into the house to eat them raw or roasted without having been stored and prepared for tithing in a barn.

(26) Because pulse becomes liable for tithing only after it has been made into a stack.

(27) Consequently we see that although yet in bundles they are already liable for tithing.

(28) The proper order of tithing, after the corn has first been levelled out in the barn, is this: First terumah is separated for the priest (called the great terumah) and one-tenth of the remainder (called tithe) for the Levite, who in turn, separates one-tenth of his tithe for the priest which is designated terumah of the tithe. The great terumah, or simply terumah as it is generally referred to, varies from one-fortieth to one-sixtieth. It is also called the 'great terumah' because this portion is greater than that received from the Levite.

(29) I.e., the Israelite separated it before separating the great terumah.

(30) Although had he not separated tithe it would not be regarded as tebel, and a light meal would be permissible. Similarly in the Baraita, although pulse does not become liable to terumah before it has been made into a stack, once the Levite anticipated and received his share when in bundles, it becomes liable also to terumah of the tithe.

(31) If it referred to the terumah of an Israelite he would have to beat out the grain because the expression **ids** (Num. XVIII, 27) signifies that the priest is to be given tithe only when the corn is threshed; V. Rashi.

(32) For taking the tithe before the great terumah was rendered, against the prescribed order.

(33) Before giving his terumah to the priest.

(34) When it would have received the last preparation for tithing.

Talmud - Mas. Beitzah 13b

only from the threshing-floor and from the wine-press,¹ so also is the terumah of the tithe to be taken only from the threshing-floor and from the wine-press.

[It is stated above]: 'He estimates!' Surely it requires [exact] measuring!² — The author of this is Abba Eleazar b. Gimal. For it was taught: Abba Eleazar b. Gimal says: 'And your

heave-offering shall be reckoned unto you'.³ Scripture speaks of two heave-offerings,⁴ one [being] the great terumah and the other the terumah from the [Levite's] tithe; just as the great terumah may be separated by estimation⁵ and by mental determination⁶ so may the terumah from the [Levite's] tithe be separated by estimation and by mental determination.

The text [above stated]: R. Abbahu said in the name of R. Simeon b. Lakish: The first tithe which one anticipated while the corn was yet in the ears, its designation renders it *tebel* in respect of the terumah from the [Levite's] tithe. What is the reason? Said Raba: Because it already bears the name tithe.

R. Simeon b. Lakish said: The First Tithe which was anticipated while the corn was yet in the ears is exempt from the great terumah, for Scripture Says: Then ye shall offer up an heave-offering of it for the Lord, a tithe of the tithe;⁷ a tithe of the tithe have I commanded you, but not 'the great terumah and a tithe of the tithe'. Said R. Papa to Abaye: If so, even if he anticipated it⁸ at the barn too? — He replied to him: It is for your sake that Scripture states: Out of all your gifts ye shall offer every heave-offering of the Lord.⁹ What [reason] do you see?¹⁰ — In the one case,¹¹ it is already corn;¹² in the other, it is not already corn.

We have learnt elsewhere:¹³ He who hulls barley,¹⁴ may hull it grain by grain and eat it;¹⁵ but if he hulls [it] and lays [the grains] in his hand, he is liable [to give tithe].¹⁶ Said R. Eleazar: And it is likewise with respect to the Sabbath.¹⁷ But this is not so! For Rab's wife hulled for him cupfuls, and likewise R. Hiyya's wife hulled cupfuls for him! Rather if this [statement of R. Eleazar] has been said, It was said with respect to the second clause: He who rubs ears of wheat may winnow them from one hand to the other and eat them [without tithing]; but if he winnows them and lays them on his lap he is liable. Said R. Eleazar: And it is likewise with respect to the Sabbath. R. Abba b. Mamel demurred to this: And [in] the first clause, [is he liable] in respect to tithe but not in respect to Sabbath? Is there then any action which with respect to the Sabbath does not rank as the final act,¹⁸ whereas with respect to tithe it is regarded as the final act?¹⁹ To this R. Shesheth the son of R. Idi demurred: Is there not? Surely there is [the case of what constitutes] their threshing-floor in respect of tithing;²⁰ for we have learnt,²¹ When is their harvesting time for tithing?²² In the case of cucumbers and gourds after their coils of blossom have dropped,²³ and if they have not dropped, then as soon as they have been made a heap. And we learnt likewise of onions:²⁴ [They are liable for tithing] as soon as he [their owner] sets up a heap. Yet with respect to the Sabbath the setting up of a heap does not involve culpability? Therefore you must needs say that [with respect to the Sabbath] the Torah forbade work of craftsmanship;²⁵ so also here²⁶ [say] the Torah forbade work of craftsmanship.

How should one rub them?²⁷ — Abaye in the name of R. Joseph says: One [finger] against one [finger].²⁸ But R. 'Awia in the name of R. Joseph says: One [finger] against two [fingers].²⁹ Raba [however] says: So long as he does it in an unusual way it is permitted even between the thumb and all the fingers.

How should one winnow [them on a Sabbath]? — Said R. Adda b. Ahabah in the name of Rab: He should winnow

- (1) V. Num. XVIII, 27.
- (2) If the text referred to the great terumah, the expression 'estimate' would be correct, since according to Scripture no definite percentage is required, for even a single grain can exempt the whole of the crop, while the giving of one-fortieth — one-sixtieth is only a Rabbinical enactment. But now that we explain that it means the terumah from the Levite's tithe, it definitely says (Num. XVIII, 27) that this must be one-tenth.
- (3) Num. XVIII, 27.
- (4) The Massoretic text has **of, nur**, in the singular, but many MSS. including the Samaritan Version read **ofh, unur**, in the plural.
- (5) It was not necessary to measure out the fiftieth part usually given for the terumah.
- (6) One can mentally determine to take terumah from one side of the heap of corn and may then eat from the other side before the terumah had been actually set apart.
- (7) Num. XVIII, 26.
- (8) I.e., if he tithed it before separating the great terumah.
- (9) Num. XVIII, 29, indicating that even the great terumah has to be given by the Levite to the priest if it was not already given by the Israelite.
- (10) To make this distinction between the corn in the ear and the corn in the barn.
- (11) When the corn is already in the barn.
- (12) And the great terumah is due to the priest. Therefore he is entitled to recover the great terumah from the Levite.
- (13) Ma'as. IV, 5.
- (14) In order to eat it raw.
- (15) For this is regarded as a scanty meal and he is exempt from tithing.
- (16) For this is regarded as a full meal.
- (17) If he hulls it into the hand it is regarded in the in the nature of threshing and he is guilty of desecrating the Sabbath.
- (18) To make one guilty of a breach of the Sabbath. The finishing touch to a work on a Sabbath involves culpability.
- (19) To make him liable for tithing.
- (20) The word **ird** 'threshing-floor' is used as a technical term meaning harvesting time or the final act making cereals or vegetables liable to tithe.
- (21) Ma'as I, 5.
- (22) So that it may be regarded as *tebel* and a light meal would not be permissible.
- (23) I.e., after they have been trimmed up and made neat.
- (24) Ma'as I, 6.
- (25) **, caj n , ftkn** Ex. XXXI, 4-5 speaks of the work of craftsmanship of the Tabernacle and is immediately followed by the laws respecting the Sabbath, indicating that the work forbidden on the Sabbath is similar to the craftsmanship there referred to. But the placing of the vegetables in a heap is not considered a work of craftsmanship. But v. R. Hananel a.l.
- (26) In the case of the laying of the grains in his hand.
- (27) On a Festival to distinguish from the rubbing on any other day, which was to rub with the finger of one hand on the palm of the other.
- (28) I.e., between the thumb and the first finger.
- (29) I.e., between the thumb and the two fingers.

Talmud - Mas. Beitzah 14a

Talmud - Mas. Beitzah 14a

from the joints of the fingers upwards.¹ They laughed at it in the West:² so long as he does it in an unusual manner [it is permitted to be done] even with the whole palm! But said R. Eleazar: He should winnow vigorously with one hand.³ MISHNAH. BETH SHAMMAI SAY: SPICES MAY BE POUNDED WITH A WOODEN PESTLE⁴ AND SALT IN A SMALL CRUSE OR WITH A WOODEN LADLE;⁵ BUT BETH HILLEL MAINTAIN: SPICES MAY BE POUNDED AFTER THEIR USUAL FASHION WITH A STONE PESTLE AND SALT WITH A WOODEN PESTLE.⁶

GEMARA. All agree at any rate that [the pounding of] salt must be done in an unusual manner; what is the reason? — R. Huna and R. Hisda [differ]. One says: [Because] all dishes require salt,⁷ but not all dishes require spices; and the other says: [Because] all spices lose their flavour,⁸ but salt does not lose its flavour. Wherein do they differ? — The difference between them is when he knew [on the eve of the Festival] what dish he will cook [on the morrow],⁹ or in the case of saffron.¹⁰

Rab Judah said in the name of Samuel: Everything which is pounded may be pounded in the usual way, even salt.¹¹ But Surely you have said that salt must be [pounded] in an unusual way! He rules as the following Tanna, for it was taught: R. Meir says: Beth Shammai and Beth Hillel do not differ over [commodities] which are pounded, [agreeing] that they may be pounded in the usual way, and salt with them;¹² they differ only with respect to pounding it [salt] alone, when Beth Shammai say: Salt [may be pounded] in a small cruse and with a wooden ladle only for roasting¹³ but not for boiling, and Beth Hillel maintain: [It may be pounded] with everything. ‘With everything’! — Can you think so?¹⁴ — Say rather, for everything.¹⁵

R. Aha Bardela said to his son: ‘When you pound [salt], incline [the mortar] sideways and pound. R. Shesheth heard¹⁶ the sound of a mortar and pestle; [then] said he: This is not [coming] from my house. Perhaps it was done sideways?¹⁷ — He heard a shrill noise.¹⁸ Perhaps it was spices?¹⁹ — Spices produce a dull sound.

Our Rabbis taught: One may not prepare pearl-barley²⁰ nor pound anything in a mortar. [You state] two [contradictory rulings]?²¹ — This is what it means to say: ‘What is the reason that you may not prepare pearl-barley? Because you may not pound [anything] in a mortar. Then it should have [only] stated: ‘One may not pound [anything] in a mortar’! — If it stated [only], ‘One may not pound anything in a mortar’, I would say, that is only in a big mortar; but in the case of a small mortar [I would say], It is well; so it informs us [that this is not so]. But it was taught: One may not pound in a big mortar but one may pound in a small mortar! — Said Abaye: ‘When the teaching²² was taught, it too was taught of a large mortar.²³

(1) But not in his palm.

(2) I.e., the scholars of Palestine. V. Sanh. 17b, Sonc. ed. p. 89.

(3) Not just throw it up a little.

(4) Although the pounding of spices is permitted on a Festival it should be done in a somewhat different way from ordinary days.

(5) The pounding of salt must be done in all entirely unusual way, both with regard to the vessel in which, and also

with regard to the vessel with which, it is pounded.

(6) According to Beth Hillel it is sufficient if the vessel with which it is pounded is different.

(7) He should therefore have prepared the salt before the Festival.

(8) Therefore it must be prepared on the day it is required.

(9) According to the first reason, even the pounding of spices must be done in an unusual manner since it could have been prepared on the day it is required.

(10) According to not lose its flavour, so that according to the second reason it is the same as salt.

(11) Or, Even salt! But etc.

(12) I.e., pounding them both on the same occasion, by preparing the salt immediately after the spices (Rashi as explained by Rashal).

(13) When a small quantity only is required.

(14) Even with a utensil which may not be handled at all on the Sabbath?

(15) I.e., for every purpose, whether for roasting or boiling — and that in the usual way Rab Judah thus has a Tanna in support for his ruling.

(16) On a Festival.

(17) In which case it is permissible.

(18) Whereas if the mortar were inclined there would be a heavy, dull noise.

(19) Which may be pounded in the usual way.

(20) On a Festival, because it requires toilsome pounding.

(21) The first ruling forbids toilsome pounding only, whereas the second forbids all pounding.

(22) Introduced by, Our Rabbis taught'.

(23) The two statements are not contradictory. The first statement forbidding the pounding of pearl-barley refers even to a small mortar, and the second statement refers to a big mortar. Only pearl-barley is forbidden to be pounded in a small mortar but other things may be.

Talmud - Mas. Beitzah 14b

Raba says: There is no difficulty: this [Baraita¹ refers] to us,² and the other [Baraita³ refers] to them.⁴

R. Papa visited Mar Samuel.⁵ They set before him pearl-barley broth and he did not eat of it. Perhaps they prepared it in a small mortar?⁶ — He noticed that it was very fine.⁷ Perhaps they prepared it the day before [the Festival]? — He saw that it [the pearl-barley] was still bearing the polish from the husking.⁸ Or you can say: It is different in the case of the house of Mar Samuel, on account of the laxity of the servants.⁹

MISHNAH. IF ONE SELECTS PULSE ON A FESTIVAL, BETH SHAMMAI SAY: HE MUST SELECT THE EDIBLE PARTS AND EAT [THEM FORTHWITH]; BUT BETH HILLEL SAY: HE MAY PICK OUT AS USUAL¹⁰ [FROM A SMALL QUANTITY] IN HIS LAP OR IN A BASKET OR IN A DISH; BUT NOT ON TO A BOARD OR IN A SIFTER OR IN A SIEVE.¹¹ RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM [IN WATER] AND SKIM OFF [THE REFUSE].

GEMARA. It was taught: Rabban Gamaliel said: This was [only] stated when the edible part is more than the refuse;¹² but if the refuse is more than the edible part, all agree that he must pick

out the edible part and leave the refuse. If the refuse is more than the edible part, is there anyone who permits it [to be picked]?¹³ — This refers to a case where the work [of picking out the refuse] is great though the quantity [of the refuse] is small.¹⁴

RABBAN GAMALIEL SAYS: HE MAY EVEN RINSE THEM AND SKIM OFF [THE REFUSE]: It was taught: R. Eleazar son of R. Zadok said: This was the practice in the house of Rabban Gamaliel; they brought a bucket-full of lentils and poured water over them with the result that that which was edible remained below and the refuse [floated] on top. But has not the opposite been taught?¹⁵ — There is no contradiction: The one applies to sand, the other applies to chaff.¹⁶

MISHNAH. BETH SHAMMAI SAY: ONE MAY SEND [GIFTS TO A NEIGHBOUR] ON A FESTIVAL ONLY PORTIONS [READY FOR EATING],¹⁷ BUT BETH HILLEL SAY: ONE MAY SEND CATTLE, GAME AND POULTRY WHETHER ALIVE OR SLAUGHTERED. ONE MAY [ALSO] SEND WINE, OIL, FLOUR OR PULSE BUT NOT GRAIN.¹⁸ BUT R. SIMEON PERMITS [ALSO] GRAIN.¹⁹

GEMARA. R. Jehiel taught: Provided that he does not send it [the present] by a company [of men].²⁰ A Tanna taught: A company consists of not less than three persons. R. Ashi put the question: What [is the law] with respect to three persons with three varieties [of gifts]?²¹ This question is undecided.

R. SIMEON PERMITS [ALSO] GRAIN. It was taught: R. Simeon allows grain: e.g., wheat, to prepare thereof food for gladiators;²² barley, to give to his cattle; [and] lentils to prepare thereof groats.²³

MISHNAH. ONE MAY SEND CLOTHES, WHETHER SEWN UP OR NOT YET SEWN UP EVEN THOUGH THERE IS KIL'AYIM²⁴ IN THEM, PROVIDED THEY ARE NECESSARY²⁵ FOR THE FESTIVAL; BUT [ONE MAY] NOT [SEND] HOB-NAILED SANDALS²⁶ NOR UNSTITCHED SHOES. R. JUDAH SAYS: NOT EVEN WHITE SHOES BECAUSE THEY [STILL] REQUIRE AN ARTISAN [TO BLACKEN THEM]. THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL MAY [ALSO] BE SENT [ON A FESTIVAL].

GEMARA. As for sewn [articles] it is well: they are fit for garments; [likewise] unsewn [articles] too, [as] they are fit for a covering. But for what are kil'ayim fit? And if you say they can be used to fold under him,²⁷ surely it was taught: Neither shall there come upon thee [a garment of two kinds of stuff mingled together],²⁸ but you may spread it beneath you. But the Sages said: It is forbidden to do so lest a thread might cling to his body! And if you say [that it is permissible] if there is anything interposing between them,²⁹ surely R. Simeon b. Pazzi said in the name of R. Joshua b. Levi, who said in the name of R. Jose b. Saul, who said in the name of Rabbi in the name of the Holy Community at Jerusalem:³⁰ Even if ten mattresses lie one on top of the other and [some material of] kil'ayim is beneath them, it is forbidden to sleep thereon! And if [you say] it refers to a curtain, surely 'Ulla said: Why did [the Sages] say a curtain is unclean³¹ because the attendant warms himself beside it!³²

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- (1) Permitting the pounding in a small mortar.
 - (2) Babylonians, who have no domestics.
 - (3) Forbidding pounding even in a small mortar.
 - (4) Palestinians, who have domestics who are inclined to laxity; these might pound in a large mortar and say they have used a small one; hence small ones too were forbidden.
 - (5) On a Festival.
 - (6) Which is permitted in Babylon.
 - (7) This cannot be attained in a small mortar.
 - (8) Its sheen was too fresh for it to have been prepared the day before.
 - (9) Mar Samuel, although in Babylon, had servants who might disregard the observance of the rules.
 - (10) I.e., pick out the refuse and the bad ones that are not edible.
 - (11) Because it might seem he was preparing for the next day.
 - (12) It is then that Beth Hillel permit to pick out the refuse.
 - (13) Since the lesser part is lost in the greater it is forbidden even to be handled on the Festival.
 - (14) By the expression 'if the refuse is more' is to be understood not that the refuse is greater in quantity but rather that the trouble of picking out the refuse was greater.
 - (15) That the edible parts float on top and the refuse sinks to the bottom.
 - (16) Sand sinks to the bottom and chaff floats on top.
 - (17) Which will be eaten at once and not kept.
 - (18) Which must be ground, and consequently may not be used.
 - (19) For they can be cooked as they are or may be ground in a small mortar.
 - (20) Lest it should appear as if the food were being sent to a public sale.
 - (21) Are they regarded as individuals or does the variety of gifts make no difference.
 - (22) The wheat was not ground but prepared whole for their special diet.
 - (23) Which may be done on a festival.
 - (24) V. Glos. So that one may not wear them. V. Lev. XIX, 19, Deut. XXII, 11; cf. Shab. 60b.
 - (25) [Var. lec. 'Although they are not necessary'].
 - (26) V. infra.
 - (27) To be used cushion or mat.
 - (28) Lev. XIX, 19.
 - (29) Between the garment of kil'ayim and the body.
 - (30) V. R. H., Sonc. ed. p. 80, n. 9.
 - (31) I.e. it can become unclean.
 - (32) All ordinary partition does not receive defilement, being regarded as part of the house, but a curtain can become defiled, because it is also used as a wrap for warming; and since a curtain may be used as a wrap it may not be made of kil'ayim.

Talmud - Mas. Beitzah 15a

— Rather, [this refers] to hard material;¹ just as R. Huna the son of R. Joshua said: The coarse felt-mattresses [coming] from Naresh² are permitted [to sit on].³ R. Papa said: Slippers⁴ are not [forbidden] on account of kil'ayim. Raba said: These money-bags do not come under [the law of] kil'ayim,⁵ but seed-bags do come under [the law of] kil'ayim.⁶ R. Ashi said: Neither money-purses nor seed-bags are subject to [the law of] kil'ayim, because it is not the usual practice to warm

oneself with these.

BUT NOT HOB-NAILED SANDALS: What is the reason that hob-nailed sandals may not [be sent]? Because of the incident that occurred.⁷ Abaye said: Hob-nailed sandals may not be worn [during a Festival] but they may be handled. ‘They may not be worn on account of the incident that happened; ‘but they may be handled’, since it teaches ONE MAY NOT SEND; for if you maintain that it is forbidden to handle, now if it is forbidden to handle, need sending [be taught]?’⁸

NOR UNSTITCHED SHOES. This is obvious! — It is necessary even when it is fastened with wooden pins.⁹

R. JUDAH SAYS: NOT EVEN WHITE SHOES. It was taught: R. Judah permits black [sandals] and forbids white because they [still] require a clod containing silicate of iron.¹⁰ R. Jose forbids black [sandals] because they [still] require to be smoothed. And they do not differ, the one Master [ruling] according to his district and the other Master according to his district. In the district of the one Master [the sandal was finished] with the flesh [side of the leather] inside, [and] in the district of the other Master [they finished the sandals] with the flesh [side] outwards.¹¹

THIS IS THE GENERAL RULE: WHATEVER MAY BE USED ON A FESTIVAL R. Shesheth permitted scholars to send tefillin¹² on a Festival. Abaye said to him: But we have learnt: **WHATEVER MAY BE USED ON A FESTIVAL MAY HE SENT:**¹³ — This is what he means to say: ‘Whatever one uses on a weekday¹⁴ may be sent on a Festival.

Abaye said: Since we are now dealing with tefillin, we would say something thereon. If one was on his way [home],¹⁵ wearing tefillin on his head,¹⁶ and the sun was setting upon him, he should place his hand upon them¹⁷ until he reaches his house. If he was sitting in the Academy¹⁸ with tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them, until he reaches his house.¹⁹ R. Huna the son of R. Ika raised an objection: If one was on his way [home] with tefillin on his head and the holiness of the day [the Sabbath] came in, [then] he must place his hand upon them until he reaches a house situated near the wall [of the city].²⁰ If he was sitting in the Academy [with tefillin on his head] and the holiness of the day came in, he must place his hand upon them until he reaches the house nearest to the Academy.²¹ There is no contradiction. The one treats of a case when it [the house] is guarded,²² the other when it is not guarded. If it is not guarded, [then] why particularly ‘on his head’; even if they [the tefillin] were [found] lying on the ground he should also [be allowed to carry them to this house]: For we have learnt: He who finds tefillin [on a Sabbath] may bring them in in pairs!²³ — This is no difficulty: The one²⁴ treats of a case when it is guarded against thieves and against dogs, the other²⁵ when it is guarded against dogs but it is not guarded against thieves.²⁶ You might think that the majority of robbers [in that district] are Israelites²⁷ who would not handle them disrespectfully; hence he informs us [that it is not so]. [

(1) Which does not warm and upon which it is permitted to sit.

(2) Identical with Nahrās or Nalr-sar, on the canal of the same name, on the east bank of the Euphrates, Obermeyer p. 307. Cf. B.M., Sonc. ed. pp. 468 n. 3; 539 n. 7.

(3) Although they are manufactured from kil'ayim.

- (4) Home-shoes or a kind of socks.
- (5) Because the purses become hard through the coins they contain and therefore do not warm.
- (6) And therefore may not be placed on one's lap.
- (7) The event is recorded in Shab. 60a. This particular sandal could be worn with the heel in front, giving the appearance that the one who had entered had gone out. When men hiding in a cave from the Romans saw what appeared as Signs of someone having left they became panic-stricken lest the Romans should by this means find them in their hiding-place, and in their attempt to escape more were killed through the panic than might have been killed by the Romans.
- (8) Surely not!
- (9) Or even in the case when only a few stitches were put in, Rashi.
- (10) Used for blacking leather.
- (11) It had therefore to be smoothed and polished.
- (12) Phylacteries. v. Glos.
- (13) But tefillin are not used on a Festival. V. 'Er. 96a.
- (14) I.e. a thing that is properly finished, which includes tefillin.
- (15) On the eve of the Sabbath.
- (16) In Talmudic times tefillin were worn all day and in the street not merely at the morning service as now.
- (17) The Sages allowed him to carry the tefillin into the city after the manner of a garment and not to leave them unguarded, out of respect for the tefillin.
- (18) Which was in the field, and therefore an unguarded place.
- (19) The tefillin could not be left in the Academy for fear of being lost.
- (20) And leave the tefillin there, but he may not carry them into the city.
- (21) But he may not carry them to his own house.
- (22) And therefore the tefillin must be left in the house nearest the city wall or the Academy.
- (23) In the manner they are worn on weekdays, one on the arm and one on the forehead. V. Shab. 62a; 'Er. 95a.
- (24) The Baraitha that states they must be left in the house nearest the city wall.
- (25) Abaye.
- (26) [MS.M. adds, 'and one when it is guarded neither against dogs nor thieves', the reference being to the Mishnah in 'Er. 95a that he may bring them in in pairs].
- (27) Cf. A.Z. 70b; Tosaf. B.B. 55b, s.v. **רזגהכז הצר**. This refers to large Jewish settlements. The Rabbis were broad-minded enough to realize that in a town containing an overwhelming Jewish population the majority of thieves would be Jewish.

Talmud - Mas. Beitzah 15b

CHAPTER II

MISHNAH. [IF] A FESTIVAL FELL ON THE EVE OF SABBATH, ONE MAY NOT AT THE OUTSET COOK ON THE FESTIVAL FOR THE SABBATH, BUT HE MAY COOK FOR THE FESTIVAL, AND IF ANY IS LEFT OVER IT REMAINS FOR THE SABBATH; AND HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL¹ AND RELY UPON IT [TO PREPARE FOOD] FOR THE SABBATH.² BETH SHAMMAI SAY: TWO DISHES [ARE REQUIRED FOR THIS PURPOSE], WHILE BETH HILLEL SAY: ONE DISH. YET THEY [BOTH] AGREE THAT A FISH AND AN EGG UPON IT ARE [CONSIDERED AS] TWO DISHES. [IF] HE ATE IT³ OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE

COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH.

GEMARA. Whence do we know this?⁴ — Said Samuel: Because the Scripture Says: Remember the Sabbath day to keep it holy,⁵ remember it in view of another⁶ Festival which comes to make it forgotten.⁷ What is the reason [for the institution of the ‘erub]?⁸ — Said Raba: In order that he may choose a fine portion for the Sabbath and a fine portion for the Festival.⁹ R. Ashi said: In order that people might say, ‘You may not bake on a Festival for the Sabbath, how much the more [is it forbidden] on a Festival for a weekday’.¹⁰

We have learnt: HE MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL AND RELY UPON IT [TO PREPARE FOOD] FOR THE SABBATH. It is well according to R. Ashi who says, ‘In order that people might say you may not bake on a Festival for the Sabbath [etc.]’: hence it is only ON THE EVE OF THE FESTIVAL but not on the Festival. But according to Raba, why particularly on the eve of the Festival; even on the Festival [itself] too [let it be permitted]?¹¹ — It is even so, but it is a preventive decree lest he be negligent.¹² Now a Tanna deduces it from the following: Bake that which ye will bake, and seethe that which ye will seethe;¹³ from this R. Eliezer concluded [that] you may bake only [in dependence] upon what is [already] baked and you may cook only [in dependence] upon what is [already] cooked.¹⁴ Herein the Sages found a Biblical support for ‘erub tabshilin’.¹⁵

Our Rabbis taught: It happened that R. Eliezer was once sitting and lecturing the whole day [of the Festival] on Festival laws. [When] the first group left [the lecture hall] he said: These are people of butts;¹⁶ [when] the second group [left] he said: These are people of casks; [when] the third group [left] he said: These are people of pitchers;¹⁷ [when] the fourth group [left] he said: These are people of flasks; [when] the fifth group [left] he said: These are people of beakers.¹⁸ [When] the sixth group began to go out he said: These are the people of the curse.¹⁹ He cast his eyes at his disciples²⁰ and their faces began to change,²¹ [whereupon] he said to them: My sons, not of you said I this, but of those who have gone out, who put aside life eternal and occupy themselves with the life temporal [or ephemeral]. When they were taking their leave²² he said to them: Go your way, eat the fat, and drink the sweet, and send portions unto him for whom nothing is prepared: for this day is holy unto our Lord: neither be ye grieved; for the joy of the Lord is your [strength] stronghold.²³ The Master said: ‘Who put aside life eternal and occupy themselves with the life temporal’. But the enjoyment of the Festival is a religious duty! — R. Eliezer is consistent with his [own] view, for he said: Rejoicing on the Festival is optional. For it was taught: R. Eliezer says: On a Festival a man has nought [to do] save either eat and drink or sit and learn. R. Joshua says: Divide it, half of it for the Lord, [and] half of it for yourselves. R. Johanan said: Both drew their inference from the same Scripture verse[s]. One verse states: A solemn assembly to the Lord thy God,²⁴ and another verse reads: Ye shall have a solemn assembly.²⁵ How is this [to be reconciled]? R. Eliezer is of the opinion: Either the whole of it is for the Lord or the whole of it is for yourselves; while R. Joshua is of the opinion: Divide it; half of it is for the Lord and half of it is for yourselves. What means ‘for whom nothing is prepared’? — R. Hisda said: For him who did not set [i.e., prepare] an ‘erub tabshilin. Others say: He who had not the opportunity to set an ‘erub tabshilin; but he who had the opportunity to set an ‘erub tabshilin and did not set is a transgressor. What means ‘for the joy of the Lord is your strength’?

— R. Johanan said in the name of R. Eleazar son of R. Simeon: The Holy One, blessed be He, said unto Israel: My children, borrow on My account and celebrate the holiness of the day, and trust in Me and I will pay. R. Johanan [further] said in the name of R. Eleazar son of R. Simeon: He who desires his property to be preserved for him, should plant therein an adar,²⁶ for it says: The Lord on high is mighty;²⁷ alternatively, adara,²⁸ [implies] what its name [indicates]; for people say: Why [is it called] adara? Because it lasts from generation to generation.²⁹ It was similarly taught: A field in which there is an adar can neither be robbed nor forcibly purchased and its fruits are protected.³⁰

R. Tahlifa, the brother of Rabinai of [Be] Hozae³¹ learnt:

(1) V. supra p. 23, n. 1.

(2) The dish prepared on the eve of the Festival is regarded as the basis upon which the right to cook on the Festival for the Sabbath depends.

(3) The dish intended for the 'erub.

(4) That he may cook for the Sabbath in virtue of a special dish ('erub).

(5) Ex. XX, 8.

(6) Lit., 'from another'.

(7) The interest in the Festival preceding the Sabbath might cause one to forget about the Sabbath. The 'erub counteracts this possibility. [Aliter: 'Remember it since one might forget it' (v. Rashi) — a rendering supported by MS.M. which reads **rj tk** for **rj tn** cf. cur. edd.]

(8) Actually it is not based upon any Biblical verse, but is only a Rabbinical enactment, the verse being a mere support.

(9) He will not consume all the good things on the Festival, but will leave some for the Sabbath.

(10) The 'erub is instituted not in honour of Sabbath but in honour of the Festival.

(11) For on the Festival itself he can still choose a fine portion for the Sabbath.

(12) And omit to prepare it altogether.

(13) Ex. XVI, 23.

(14) On the Friday which is a Festival, you may bake and cook only in virtue of the baking and cooking of the previous day.

(15) This phrase indicates that the present deduction too is merely in support, not the actual source of the law, which is Rabbinical only.

(16) I.e., very rich, counting their wine by butts. They have left thus early because of the large quantities of food and drink waiting for them. These are gluttons.

(17) I.e., less rich than the second but wealthier than the next group.

(18) Less keen on their pleasures.

(19) The emptiness of the Lecture Hall roused his ire.

(20) Who had remained behind.

(21) I.e., to turn pale, because they thought he was angry with them for not leaving earlier — apparently they thought that he considered himself bound to go on as long as he had hearers.

(22) At the close of the lecture.

(23) Neh. VIII, 10.

(24) Deut. XVI, 8.

(25) Num. XXIX, 35. The first verse implies that it may be devoted to God's service, whereas the second intimates that it is meant for man.

- (26) A kind of cedar, high and majestic. Such a tree is known, and in case of his having to go abroad, he will be remembered as possessor, for his name will be coupled with the adar tree.
- (27) Ps. XCIII, 4. The word **rhst** is linked with the **rst** tree. The planting of the adar tree will strengthen his claim to the property.
- (28) The Aramaic form of adar.
- (29) Dora dora; a play on words
- (30) The pollen of this tree is a vermicide, Rashi.
- (31) The modern Khuzistan province S.W. Persia, Obermeyer, op. cit. pp, 204ff. cf. B.M., Sonc. ed. p. 508, n. 2.

Talmud - Mas. Beitzah 16a

The entire sustenance of man [for the year] is fixed for him from New Year's [Festival] to the Day of Atonement,¹ except the expenditure for Sabbaths and the expenditure for Festivals and the expenditure for the instruction of his children in the Law; if he [spent] less [for any of these] he is given less and if he [spent] more he is given more. Said R. Abbahu:² What verse of Scripture [supports this]? 'Blow the horn at the new moon at the full moon for our feast-day'.³ Which is the Festival on which the moon is concealed? Say, it is New Year;⁴ and it is written [with respect to this Festival]: 'For it is a statute [hok] for Israel, an ordinance of the God of Jacob'.⁵ How is it implied that [the word] hok connotes sustenance? For it is written: 'And did eat their portion [hukkam] which Pharaoh gave them'.⁶ Mar Zutra says, [It is inferred] from here: 'Feed me with mine allotted [hukki]⁷ bread'. It was taught: They related concerning Shammai, the Elder [that] all his life he ate in honour of the Sabbath. [Thus] if he found a well-favoured animal he said, Let this be for the Sabbath. [If afterwards] he found one better favoured he put aside the second [for the Sabbath] and ate the first.⁸ But Hillel the Elder had a different trait, for all his works were for the sake of heaven,⁹ for it is said: Blessed be the Lord, day by day.¹⁰ It was likewise taught: Beth Shammai say: From the first day of the week [prepare] for the Sabbath;¹¹ but Beth Hillel say: Blessed be the Lord, day by day.¹⁰

R. Hama b. Hanina said: He who makes a gift to his neighbour need not inform him, for it says, 'And Moses knew not that the skin of his face sent forth beams'.¹² An objection was raised: 'That ye may know I am the Lord who sanctify you',¹³ The Holy One, blessed be He, said unto Moses: Moses, I have a precious gift in my treasury and its name is Sabbath and I wish to give it to Israel; go and tell them. Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother! — There is no difficulty. The one treats of a gift which will naturally become known, and the other treats of a gift which does not naturally become known. But the Sabbath too is a gift which would have naturally become known! — Its reward¹⁴ would not naturally be known.¹⁵ The Master said: 'Hence R. Simeon b. Gamaliel said: He who gives a child [a piece of] bread must inform its mother'. What should he do to it [the child]?¹⁶ — He smears it with oil or puts rouge on it. But now that we are afraid of witchcraft, what [is to be done]?¹⁷ — R. Papa said: He must smear it [the child] with some of that very substance [he put on the bread].¹⁸ R. Johanan said in the name of R. Simeon b. Yohai: Every commandment which the Holy One, blessed be He, gave unto Israel, He gave to them publicly, except the Sabbath which He bestowed upon them in secret, for it is said: 'It is a sign between Me and the children, of Israel for ever'.¹⁹ If so, idolators should not be punished on its account!²⁰ — The Sabbath He indeed made known to them [the idolator] but its reward He did not make known to them. Or you can say: Its reward

too He made known to them [but] the enlarged soul,²¹ He did not make known to them; for R. Simeon b. Lakish said: On the eve of the Sabbath the Holy One, blessed be He, gives to man an enlarged soul and at the close of the Sabbath He withdraws it from him, for it says: He ceased from work and rested:²² once it [the Sabbath] has ceased²³ woe that the [additional] soul is lost!²⁴

A MAN MAY PREPARE A DISH ON THE EVE OF THE FESTIVAL. Abaye said: They taught this only of a dish²⁵ but not of bread.²⁶ Why is bread different that it is not [fit for an 'erub]? If I were to say something used as a relish is required then what of pearl-barley which is also not a relish — for R. Zera said: These Babylonians are fools for they eat bread with bread²⁷ — and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may set an 'erub of pearl-barley broth! — Rather, we require [for an 'erub dish] something which is not common, and bread is common, whereas pearl-barley broth is not common.²⁸ Others teach: Abaye said: They taught this only of a dish but not of bread. What is the reason? If I were to say something which is not common is required whereas bread is common, then what of pearl-barley broth, which is also not common and [yet] R. Nahumi b. Zecharaiah said in the name of Abaye: One may not set an 'erub with pearl-barley broth! — Rather, something used as a relish is required and bread is not used as a relish and pearl-barley broth too is not used as a relish for R. Zera said: These Babylonians are fools for they eat bread with bread.

R. Hiyya taught: The lentils at the bottom of the pot²⁹ can be relied upon as an 'erub tabshilin, providing that they amount to as much as an olive. R. Isaac son of Rab Judah said: One may scrape off the fat which is upon the knife and rely upon it as an 'erub tabshilin, providing that it amounts to as much as an olive.

R. Assi said in the name of Rab: Small salted fish are not subject to [the interdict against] the cooking of a heathen.³⁰ R. Joseph said: And if a heathen grilled them one may rely upon them as [or for] an 'erub tabshilin,³¹ but if a heathen made them into a pie of fish-hash it is prohibited.³² This is obvious! You might think

(1) Between the first and the tenth of Tishri. These days are known as the ten days of Penitence.

(2) In Sanh. 11b, R. Abba.

(3) Ps. LXXXI, 4; he connects **vxf** (E. V. full moon) with the same root meaning to cater, and translates: 'at the concealed (moon)'.

(4) The remaining Festivals fall during the middle of the month near full moon.

(5) Ps. LXXXI, 5. The word **ej** (E.V. statute) is taken to mean sustenance which is allotted to Israel on New Year.

(6) Gen. XLVII, 22.

(7) Prov. XXX, 8.

(8) So that he was always eating in honour of the Sabbath.

(9) He trusted in God that he would obtain something worthy for the Sabbath.

(10) Ps. LXVIII, 20.

(11) In Aramaic the saying rhymes and is a cue to prompt people to think of the coming Sabbath.

(12) Ex. XXXIV, 29.

(13) Ex. XXXI, 13.

(14) Lit., 'the gift of its reward'.

- (15) God informed Israel, through Moses, the reward for keeping the Sabbath.
- (16) In order to let the mother know.
- (17) Sorcerers or witches used these in the practice of their occult arts.
- (18) Whether butter, jam or fat (dripping). These do not suggest witchcraft.
- (19) Ex. XXXI, 17. The word **okgk** is written defectively as if derived from **okg** to hide, conceal.
- (20) V. A.Z. 2b, where it is implied that the idolator will be punished for rejecting the Torah when it was offered to him. But in respect of the Sabbath, at least, there should be no punishment, seeing that it was offered even to Israel in secret only.
- (21) Lit., 'additional soul', by this term the Talmud indicates the spiritual ennoblement conferred by the Sabbath.
- (22) Ex. XXXI, 17.
- (23) The verb , **ca** 'he ceased from work' is translated: He ceased keeping the Sabbath (because of its expiration). Malter, Ta'anit, 27a.
- (24) This is a play on the word **apbhu** which is taken to stand for **apb vsct hu** (Goldschmidt suggests the reading **apb vsct hu** 'the soul is no longer (here)', which is nearer the Hebrew word **apbhu**.)
- (25) A cooked meal.
- (26) Bread cannot be an 'erub.
- (27) Concerning the Babylonians who eat pearl-barley broth with bread, v. Ned. 49b.
- (28) Bread is eaten at every meal, whereas pearl-barley is not.
- (29) Left over unintentionally on the eve of the festival.
- (30) The Rabbis forbade food cooked by heathens, to prevent over-familiarity leading to intermarriage. But things which can be eaten raw do not come under this prohibition even if they are cooked, been use the cooking of such things could hardly be considered a favour. These salted small fish can be eaten raw.
- (31) Since they can be eaten raw.
- (32) Because the dough could not be eaten unbaked (i.e. uncooked).

Talmud - Mas. Beitzah 16b

[that] the fish-hash is the principal element;¹ hence he informs us that the flour is the principal element.

R. Abba said: An 'erub tabshilin² must be the size of all olive.³ The Scholars asked: [Does that mean] one olive for all [the participants together] or an olive for each one separately? — Come and hear: For R. Abba said in the name of Rab: An 'erub tabshilin requires to be the size of an olive whether for one or for one hundred.

We have learnt: [IF] HE ATE IT OR IT WAS LOST, HE MAY NOT IN THE FIRST PLACE COOK [IN RELIANCE] ON IT, BUT IF HE LEFT OVER ANY [SMALL] PORTION OF IT, HE MAY RELY ON IT [TO COOK] FOR THE SABBATH. What does 'ANY' [SMALL] PORTION mean? Does it not mean although it is not as much as an olive?⁴ — No, when it is as much as an olive.

Come and hear: This dish⁵ [can be] grilled or pickled or stewed⁶ or boiled; and the Spanish colias⁷ [can be used] when he had poured hot water over it⁸ on the eve of the Festival; [for] its commencement and its end⁹ there is no standard [in quantity]. Does it not [surely] mean there is no standard [fixed] at all? No, there is no upper [i.e., maximum] standard,¹⁰ but there is a

downwards [i.e., minimum] standard.¹¹

R. Huna said in the name of Rab: The 'erub tabshilin requires cognizance.¹² It is certain that the cognizance of him who deposits [the dish] is required but do we require the cognizance of him for whom it is deposited, or do we not require [it]? — Come and hear: For the father of Samuel used to set the 'erub for the whole of Nehardea; R. Ammi and R. Assi used to set the 'erub for the whole of Tiberias.¹³ R. Jacob b. Idi proclaimed: He who has not set an 'erub tabshilin, let him come and rely upon mine. And how far?¹⁴ — R. Nahumi b. Zecharaiah said in the name of Abaye: As far as the Sabbath limit.¹⁵

There was a certain blind man who used to recite Baraitas in the presence of Mar Samuel. When he noticed that he was gloomy he asked him: Why are you gloomy? Because I have not set an 'erub tabshilin,¹⁶ replied he. Then rely upon mine, he rejoined. The following year he [again] noticed that he was gloomy. Said he to him: Why are you gloomy? He answered him: Because I have not set all 'erub tabshilin. [Then] said he to him: You are a transgressor: to everybody else it is permitted,¹⁷ but to you it is forbidden.¹⁸

Our Rabbis taught: If a Festival falls on the eve of Sabbath one may neither set [on the Festival] a boundary 'erub¹⁹ nor an 'erub of courts.²⁰ Rabbi Says: One may set a court 'erub but not a boundary 'erub, for you can forbid him²¹ what is forbidden to him [on a Festival]²² but you cannot forbid him what is allowed to him [on a Festival].²³ It was stated: Rab says: The halachah is as the first Tanna, and Samuel says: The halachah is as Rabbi.

The Scholars asked: Is the halachah as Rabbi [meant] leniently or stringently?— Of course he [Samuel] meant it leniently!²⁴ — [The question was raised] because R. Eleazar sent word to the Diaspora [to wit]; Not as you teach in Babylon that Rabbi permits and the Sages forbid, but [rather] Rabbi forbids and the Sages permit. How is it now?²⁵ — Come and hear: For R. Tahlifa b. Abdimi decided a case according to Samuel, and Rab remarked [thereon:] The first decision of this young scholar is harmful.²⁶ [Now] if you say that he [Samuel] meant [his teaching] to be lenient it is well, hence this is harmful. But if you say [he meant] stringently, what harmful [teaching] is there! — Since many come to error²⁷

(1) And therefore the dough is disregarded altogether.

(2) The Hebrew employs the plural.

(3) But not less.

(4) Which contradicts Rab.

(5) Of the 'erub.

(6) Shaluk, translated 'stewed', means very much boiled.

(7) A very small fish of the tunny type. V. Krauss TA II, pp. 91 and 506.

(8) The pouring of hot water on the tunny fish is its preparation for eating.

(9) I.e., both when it is first made for an 'erub and when part has been eaten or lost.

(10) I.e., as regards its greatness.

(11) Below which it cannot constitute an 'erub.

(12) That it has been set for the purpose of 'erub.

(13) It is evident from this that the cognizance of all the Jewish residents of Nehardea and Tiberias was not

required.

(14) I.e. within what area.

(15) Tehum, v. Glos.

(16) The Festival referred to here was New Year when in 'erub cannot be set conditionally.

(17) To rely upon my 'erub.

(18) I only had intended those who had unwittingly forgotten to rely on my 'erub, but not where the forgetfulness is through sheer negligence.

(19) Enabling him to go on the Sabbath from one township to another.

(20) Enabling him to carry on the Sabbath from one court to another, because he would thereby join the courts in a legal sense, making them all as one. This ranks as the repairing of an object and constitutes work.

(21) To effect on a Festival that a certain action should be permitted on the Sabbath.

(22) The prohibition of going from one township to another applies both to Sabbaths and Festivals.

(23) Carrying out from one private court to another is permitted on a Festival, without an 'erub.

(24) For Rabbi allows a court 'erub to be set on a Festival.

(25) Did Samuel mean that the halachah is as Rabbi taught in Babylon or as taught in Palestine.

(26) I.e. leading to a breach of the law.

(27) By forgetfully carrying on the Sabbath following the Festival from one court to another though no 'erub could be set on the Festival.

Talmud - Mas. Beitzah 17a

this is harm.¹ Raba said in R. Hisda's name who said in the name of R. Huna: The halachah is as Rabbi, viz., that it is forbidden.²

Our Rabbis taught: If a Festival fell on a Sabbath, Beth Shammai Say: He must pray eight [benedictions]³ and recite [the benediction] of the Sabbath separately and of the Festival separately; but Beth Hillel say: He must pray seven [benedictions]⁴ beginning with the Sabbath [formula] and ending with the Sabbath [formula],⁵ and he makes mention of the holiness of the day in the middle.⁶ Rabbi says: He should also conclude it [the benediction] 'Who sanctifieth the Sabbath, Israel and the Seasons.' A tanna recited in the presence of Rabina: 'Who sanctifieth Israel and the Sabbath⁷ and the Seasons.' He said to him: Does then Israel sanctify the Sabbath?⁸ The Sabbath has already been sanctified [from the creation] and so continues! Say rather: 'Who sanctifieth the Sabbath, Israel and the Seasons.' R. Joseph said: The halachah is as Rabbi and as Rabina explained it.

Our Rabbis taught: If a Sabbath falls on a New Moon or on the intermediate days of a Festival,⁹ at the evening, morning and afternoon services he prays seven [benedictions]¹⁰ and makes mention of the nature of the day¹¹ in the 'Abodah,¹² and if he did not recite [it], he is made to turn back;¹³ R. Eliezer says: [He alludes to the day] in the Thanksgiving [benediction],¹⁴ while in the Additional Services¹⁵ he begins with the Sabbath [formula] and closes with the Sabbath [formula], and makes mention of the holiness of the day in the middle.¹⁶ R. Simeon b. Gamaliel and R. Ishmael son of R. Johanan b. Beroka say: Whenever one is obliged to say seven benedictions¹⁷ he begins with the Sabbath [formula] and closes with the Sabbath [formula] and mentions the holiness of the day in the middle. Said R. Huna: The halachah is not as that pair [of scholars].¹⁸

Talmud - Mas. Chagigah 2a

CHAPTER I

MISHNAH. ALL ARE BOUND TO APPEAR [AT THE TEMPLE],¹ EXCEPT A DEAF MAN [HERESH],² AN IMBECILE AND A MINOR,³ A PERSON OF UNKNOWN SEX [TUMTUM],⁴ A HERMAPHRODITE,⁵ WOMEN, UNFREED SLAVES,⁶ THE LAME, THE BLIND, THE SICK, THE AGED, AND ONE WHO IS UNABLE TO GO UP ON FOOT.⁷ WHO IS [IN THIS RESPECT DEEMED] A MINOR?⁸ WHOEVER IS UNABLE⁹ TO RIDE ON HIS FATHER'S SHOULDERS AND GO UP FROM JERUSALEM TO THE TEMPLE MOUNT. [THIS IS] THE VIEW OF BETH SHAMMAI.

BUT BETH HILLEL SAY: WHOEVER IS UNABLE TO HOLD HIS FATHER'S HAND AND GO UP FROM JERUSALEM TO THE TEMPLE MOUNT, FOR IT IS SAID:¹⁰ THREE REGALIM.¹¹

BETH SHAMMAI SAY: THE PILGRIMAGE-OFFERING¹² MUST BE WORTH [AT LEAST] TWO PIECES OF SILVER¹³ AND THE FESTAL OFFERING¹⁴ ONE MA'AH OF SILVER.¹⁵ BUT BETH HILLEL SAY: THE PILGRIMAGE-OFFERING MUST BE WORTH [AT LEAST] ONE MA'AH OF SILVER AND THE FESTAL SACRIFICE TWO PIECES OF SILVER.

GEMARA. What does [the word] ALL come to include?¹⁶ — It comes to include one who is half a slave and half a freedman.¹⁷ But according to Rabina, who says: One who is half a slave and half a freedman is exempt from appearing [at the Temple], what does [the word] ALL come to include? — It comes to include one who was lame on the first day [of the festival] and became well¹⁸ on the second.

This will be right according to the one who says: All of them¹⁹ can make good [the sacrifices] for one another;²⁰ but according to the one who says: All of them can make good [the sacrifices] of the first day [only],²¹ what does ALL, come to include? — It comes to include a man who is blind in one eye; and it is contrary to the opinion of the following Tanna. For it is taught: Johanan b. Dahabai²² said in the name of R. Judah: A man who is blind in one eye is exempt from appearing [at the Temple]²³ as it is said:²⁴ Yir'eh [He will see], Yera'eh [He will be seen].²⁵

As He comes to see, so he comes to be seen: just as [He comes] to see with both eyes, so also to be seen with both eyes. Alternatively, I could answer: Actually, it is as I said at first;²⁶ and as for your objection [arising] from the statement of Rabina, it is not a [valid] objection: the one [teaching]²⁷ is according to the earlier Mishnah,²⁸ and the other²⁹ is according to the later Mishnah.³⁰ For we have learnt: One who is half a slave and half a freedman serves his master one day and himself the other day: this is the view of Beth Hillel. Said Beth Shammai to them:

(1) I.e., at the Temple Court (**vrzg**), on the three Pilgrim Festivals of Passover, Pentecost and Tabernacles; cf. Ex. XXIII, 14, 17; Deut. XVI, 16. The word **vhttr** (rendered in our text, 'to appear') is understood by Rashi,

Maimonides, Jastrow, Danby etc. in the sense of **ohbp , htr**, the personal appearance of the pilgrim in the Temple. But R. Tam (in Tosaf. a. l.) regards it as referring to the burnt-offering (v. Lev. I, 3f) brought by the pilgrim on his visit to the Temple i.e. it stands for **vhtr , kug**; cf. end of Mishnah, 4b, 6b et seq.

(2) Explained infra 2b as a 'deaf-mute'.

(3) The deaf man, imbecile and minor are exempted from the observance of this and other positive precepts on account of lack of intelligence. The reason for the exemption of others is explained in the Gemara.

(4) **ouynuy** from **ony** 'to fill up stop': one whose genitals are concealed or undeveloped.

(5) **xubhdursbt** Grk. **.

(6) Explained infra 4a as 'half free'; v. p. 2, n. 6.

(7) I.e., from Jerusalem to the Temple Mount.

(8) Ordinarily, a boy up to the age of thirteen years and a day is considered a minor

(9) I.e., is too young; but as soon as he is old enough he must visit the Temple, because, although exempt by the Law of the Torah till he reaches his majority (v. n. 8), the Rabbis imposed on the father the duty of training him in the observance of the precepts.

(10) Ex. XXIII, 14.

(11) **ohkdr** (pl. of **kdr**) rendered in E.V. by 'times', occurs in this sense again only in Num. XXII, 28, 32, 33. On the basis of Ex. XXIII, 14, the Mishnah often uses **ohkdr** of the three Pilgrim Festivals. But the usual meaning of **kdr** is 'foot', hence the quotation is understood in our Mishnah as 'three times on foot' i.e., the precept to appear at the Temple applies only to those who can walk.

(12) **vhtr**, the word translated above 'to appear' (v. p. 1, n. 1). Here it stands for **vhtr , kug**, the burnt-offering, which, it was inferred from Ex. XXIII, 15 (end), the pilgrim had to bring on visiting the Temple.

(13) I.e., two ma'ahs, v. n. 4.

(14) **vdhdv**, whence our tractate derives its name. It was a peace-offering (cf. Lev. III, 15) and was inferred from Lev. XXIII, 41; v. infra 9a.

(15) A sixth of a denar, v. Glos.

(16) The word 'ALL' is emphatic; it implies that persons who might be thought exempt are subject to the commandment; hence the question.

(17) E.g., he belonged to two masters, and was freed by one of them.

(18) Lit., 'became straight' (in limb).

(19) I.e., the seven individual days of the festival.

(20) I.e., if a man was unfit to bring his sacrifices on the first day of the festival (e.g., if he was exempt on account of lameness) and during the festival he became fit (i.e., regained the use of his leg), it is his duty to make good his sacrificial dues on the day of the festival that he becomes fit.

(21) I.e., if he was unfit on the first day, he is completely exempt, though he becomes fit in the course of the festival.

(22) Probably the name means, 'Goldsmith'.

(23) Or, according to Tosaf. (v. p. 1, n. 1), 'exempt from bringing the pilgrimage-offering'; and so wherever the translation has 'appearing'.

(24) Ex. XXIII, 17.

(25) **vtrh** may be vocalised **vtrh** (Kal, 'He will see') or following the Massorah, **vtrh** (Nif'al, 'He will be seen, appear'); cf. Gen. XXII, 14. By combining both readings, it is deduced that the 'seeing' and 'being seen' must be alike in regard to fulness of vision i.e., in regard to the use of both eyes: just as God comes to see the pilgrim with both eyes (an anthropomorphism for full vision necessitated by the desired parallel in respect to man), so when the pilgrim comes to appear before God, he must be able to see with both eyes. So Rashi: but R. Tam (in Tosaf. a.l.) prefers to make man the subject, and construes thus; **vtrh, vtrh** just as the pilgrim is seen by

God, Who has two eyes (i.e., full vision), so he must see Him (i.e., appear in the Divine presence) with both eyes.

(26) I.e., that the word all comes to include a half-slave.

(27) I.e., the statement that unfreed slaves are exempt from visiting the Temple, which Rabina interprets as inferring such as are half free.

(28) I.e., the Mishnah as it was formulated before the School of Hillel (whose ruling was authoritative against that of the Shammaite School cf. Ber. 36b and Gratz, vol. IV, p. 424, n. 4; Heb. edn. vol. II, p. 172, n. 1) came over to the view of the School of Shammai. **vbuatr vban** (rendered, 'the earlier Mishnah') may refer either (a) to a single previous ruling later revised, or (b) to an entire compilation of the Mishnah, in which case it may be rendered, 'the first Mishnah'; cf. J.E. vol. VIII, P. 610f, and refs.

(29) V. note 4.

(30) I.e., representing the later opinion of the School of Hillel. Though this second opinion contradicts the first, the earlier ruling was not erased from the Mishnah, on the principle that a Mishnah (ruling) which had once been taught was not to be removed from its place; cf. Yeb. 30a et passim.

Talmud - Mas. Chagigah 2b

You have made it right for his master,¹ but you have not made it right for himself² He may not marry a bondwoman, nor may he marry a freewoman.³ Should he abstain [from marriage]? But then was not the world created only for propagation?⁴ as it is said:⁵ 'He created it not a waste, He formed it to be inhabited'. For the sake of the social order,⁶ therefore, his master must be compelled to set him free, and the latter must give him a bond for the half of his value. Thereupon Beth Hillel retracted and gave their ruling in accordance with the view of Beth Shammai.

EXCEPT A DEAF MAN [HERESH], AN IMBECILE AND A MINOR etc. [Our Mishnah] speaks of HERESH similarly as of the IMBECILE and MINOR: just as the IMBECILE and MINOR lack understanding, so HERESH [means] one that lacks understanding. This teaches us in accordance with that which we have learnt:⁷ 'Wherever the Sages speak of HERESH,⁸ [it means] one who can neither hear nor speak.⁹ This [would imply] that he who can speak but not hear,¹⁰ hear but not speak is obligated.¹¹ We have [thus] learnt that which our Rabbis taught.¹² One who can speak but not hear is termed HERESH: one who can hear but not speak is termed Illem [dumb]; both of these are deemed sensible in all that relates to them. And whence [is it deduced] that one who can speak but not hear is termed Heresh, and one who can hear but not speak is termed 'Illem? — For it is written: But I am as Heresh [a deaf man], I hear not,' and I am as Illem [a dumb man] that openeth not his mouth.¹³ Alternatively, I could explain: As people say,¹⁴ His words have been taken away.¹⁵

'One that can speak but not hear, hear but not speak is obligated'. But surely it is taught: One that can speak but not hear, hear but not speak is exempt!¹⁶ — Said Rabina, and according to others, Raba: [Our Mishnah] is defective and should read thus: All are bound to appear [at the Temple] and to rejoice,¹⁷ except a Heresh that can speak but not hear, [or] hear but not speak, who is exempt from appearing [at the Temple];¹⁸ but though he is exempt from appearing, he is bound to rejoice. One, however, that can neither hear nor speak,¹⁹ an imbecile and a minor are exempt even from rejoicing, since they are exempt from all the precepts stated in the Torah,²⁰ Likewise it is also taught: All are bound to appear [at the Temple] and to rejoice, except a Heresh that can speak but not hear, [or] hear but not speak, who is exempt from appearing; but though he

is exempt from appearing

- (1) I.e., he gets the full benefit of his half-ownership.
- (2) R. Meshullam (in Tosaf.) prefers the opposite reading. 'You have made it right for himself, but you have not made it right at all for his master'; because the latter loses any possible share of the offspring.
- (3) Being partly a freedman he may not marry a slave; being partly a slave he may not marry a freewoman; v. Deut. XXIII, 18 and Targum Onkelos a.l.
- (4) Lit., 'for fruitfulness and multiplication', cf. Gen. I, 28.
- (5) Isa. XLV, 18.
- (6) Lit., 'for the sake of the establishment (or improvement) of the world'; cf. Git. IV, 2, 3, where Danby renders; 'as a precaution for the general good'.
- (7) Ter. I, 2.
- (8) I.e., together with the Imbecile and Minor.
- (9) Tosaf. quotes and explains exceptions to this rule: cf. Meg. 19b and Hul. 2a.
- (10) E.g., he was able to hear when born and learnt to speak, but later became deaf.
- (11) I.e., to fulfil the precept of appearing at the Temple.
- (12) I.e., our Mishnah supports and thus gives validity to the following Baraitha. (11) This statement agrees, by implication, with our Mishnah, which puts only a deaf-mute in the same category as an imbecile.
- (13) Ps. XXXVIII, 14.
- (14) I.e., a popular proverb; v. J.E vol X, p. 226f.
- (15) I.e., **okt** ('dumb') is an abbreviation of **vhkikn khe, at** ('his words have been taken away').
- (16) I.e., from visiting the Temple; thus the Baraitha contradicts our Mishnah.
- (17) V. Deut. XVI, 14. Ritually the rejoicing took the form of a sacrificial meal of peace-offerings; cf. infra 8b and Pes. 109a.
- (18) And from bringing the accompanying burnt-offering.
- (19) I.e., the Heresh of our Mishnah. Thus the fully worded Mishnah would refer to two kinds of Heresh: (a) the partial Heresh that can either speak or hear, who must 'rejoice', though he is exempt from visiting the Temple; (b) the complete Heresh, who is exempt from both.
- (20) Torah primarily refers to the Pentateuch, but also has a wider meaning, which includes the whole Bible and even the entire range of Jewish teaching, both study and practice.

Talmud - Mas. Chagigah 3a

he is bound to rejoice. One, however, that can neither hear nor speak, an imbecile and a minor are exempt even from rejoicing, since they are exempt from all the precepts stated in the Torah. Why is it that in regard to appearing they are exempt, and in regard to rejoicing they are obligated? With regard to appearing, it is deduced by forming an analogy between the expressions for appearing¹ from [the section] 'Assemble',² for it is written: Assemble the people, the men and the women and the little ones;³ and it is [further] written: When all Israel is come to appear.⁴ But whence is it deduced for the latter?⁵ — For it is written: That they may hear and that they may learn.³ And it is taught: 'That they may hear', [this] excludes one that can speak but not hear; 'and that they may learn', [this] excludes one that can hear but not speak. Does this then mean to say that one that cannot talk cannot learn? But behold there were two dumb men in the neighbourhood of Rabbi, sons of the daughter of R. Johanan b. Gudgada, and according to others, sons of the sister of R. Johanan, who, whenever Rabbi entered the College, went in and sat down

[before him], and nodded their heads and moved their lips. And Rabbi prayed for them⁶ and they were cured,⁷ and it was found that they were versed in Halachah,⁸ Sifra,⁹ Sifre¹⁰ and the whole Talmud!¹¹ Said Mar Zutra, Read, That they may teach.¹² R. Ashi said: Assuredly it is [to be read]: That they may teach.¹³ For if you suppose [that it should be read]: That they may learn, and [argue that] if one cannot talk one cannot learn (and [obviously] if one cannot hear one cannot learn),¹⁴ that follows from [the expression]: That they may hear.¹⁵ Therefore, it must certainly be [read]: That they may teach.¹⁶

R. Tanhum said: One that is deaf in one ear is exempt from appearing [at the Temple], for it is said: In their ears.¹⁷ But [this expression], 'in their ears', is required [to teach that it¹⁸ must be] in the ears of all Israel!¹⁹ — That can be deduced from [the expression],²⁰ 'before all Israel'. But if [it were deduced] from [the expression] 'before all Israel', I might say: Even though they did not hear;²¹ therefore it is written in the Divine Law:²² 'in their ears,' they must be able to hear!²³ — That can be deduced from [the expression], in order that they may hear.²⁴

R. Tanhum said: One that is lame in one foot is exempt from appearing [at the Temple], as it is said: Regalim [on foot].²⁵ But this [word] Regalim is required to exclude people with wooden legs! — That follows from [the word] Pe'amim [steps].²⁶ For it is taught: 'Pe'amim'; 'Pe'amim' means only feet;²⁷ and thus it is said: The foot shall tread it down, even the feet of the poor, and the steps of [pa'ame]²⁸ the needy.²⁹ And it further says: How beautiful are thy steps [pe'amayik] in sandals, O prince's daughter.³⁰

Raba expounded: What is the meaning of the verse: 'How beautiful are thy steps in sandals, O prince's daughter'. [It means:] How comely are the feet of Israel when they go up on the festival pilgrimage. 'Prince's daughter': [means] daughter of Abraham our father, who is called prince, as it is said: The princes of the peoples are gathered together, the people of the God of Abraham.³¹ 'The God of Abraham', and not the God of Isaac and Jacob? [It must mean], therefore, the God of Abraham, who was the first of the Proselytes.³²

R. Kahana said: R. Nathan b. Minyomi expounded in the name of R. Tanhum:³³ What is the meaning of the verse: And the pit was empty, there was no water in it?³⁴ Since it says that the pit was empty, would I not know that there was no water in it? [It must mean] therefore, there was no water in it, but there were in it snakes and scorpions.

Our Rabbis taught: Once R. Johanan b. Beroka and R. Eleazar Hisma³⁵ went to pay their respects to R. Joshua at Peki'in.³⁶ Said he to them: What new teaching was there at the College to-day? They replied: We are thy disciples and thy waters do we drink.³⁷ Said he to them: Even so, it is impossible for a college session to pass without some novel teaching. Whose Sabbath³⁸ was it? — It was the Sabbath of R. Eleazar b. 'Azariah, [they replied].-And what was the theme of his Haggadic³⁹ discourse to-day? They answered: The section 'Assemble'.⁴⁰ And what exposition did he give thereon? 'Assemble the people the men and the women and the little ones'. If the men came to learn, the women came to hear,⁴¹ but wherefore have the little ones to come? In order to grant reward⁴² to those that bring them. Said he to them: There was a fair Jewel in your hand, and you sought to deprive me of it.

He further expounded: Thou hast avouched the Lord this day . . . and the Lord has avouched thee this day.⁴³ The Holy One, blessed be He, said to Israel: You have made me a unique object of your love⁴⁴ in the world, and I shall make you a unique object of My love in the world.⁴⁵ You have made me a unique object of your love, as it is written: Hear, O Israel, the Lord our God, the Lord is One.⁴⁶ And I shall make you a unique object of My love, as it is said:

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- (1) I.e., **vtrh** ('shall appear') in Ex. XXIII, 17 and , **utrk** ('to appear') in Deut. XXXI, 11.
- (2) Deut. XXXI, 10-13. The name is derived from the introductory word in the verse that follows.
- (3) Deut. XXXI, v. 12.
- (4) Ibid. v.11
- (5) I.e., how do we know that a Heresh that can hear or speak is exempt from the precept referred to in Deut. XXXI, 10-13.
- (6) Lit., 'he besought (God's) mercy on this behalf'.
- (7) On the efficacy of prayer, v. J.E. vol. X, pp. 168-169.
- (8) **vfkv** from **lkv** 'to go, follow', means literally 'going', 'walking' then figuratively: 'the teaching which one follows, the rule or state by which one is guided, the categorical religious law', (H. L. Strack, Intro. to the Talmud, p. 6 ¶ 7: v. whole section and refs.). The last meaning applies here. Cf. also the refs. to Halachah in R. T. Herford's The Pharisees, esp. Ch. III. V. Glos.
- (9) 'The Book', also called Torath Kohanim ('Law of the Priests') is a halachic Midrash on Leviticus.
- (10) **hrpx** or more fully, **cr hcs hrpx** ('the Books of the School of Rab') is a halachic Midrash on Numbers (commencing with Ch. 5) and on Deut. V. Glos.
- (11) **x" a** Lit., 'six orders' into which the Mishnah, and consequently the Talmud, which is the commentary on it, is divided. [MS.M. reads, 'Talmud'].
- (12) I.e., **usnkh** (Pi'el) for **usnkh** (Kal). Such textual changes are not to be regarded as serious Biblical emendations, but as part of the exegetical method of the Rabbis for the purpose of halachic and Haggadic deduction.
- (13) I.e., quite apart from the instance of the two dumb scholars, it can be proved that teach is the right reading.
- (14) [MS.M. omits bracketed words which, in fact, are superfluous].
- (15) The underlying reason for excluding the deaf is their inability to learn. If now you suppose that the dumb cannot learn, their exclusion can be inferred from the expression, 'that they may hear', which excludes the deaf, and similarly the dumb, and the words 'that they may learn' are superfluous.
- (16) And the inference that a dumb person cannot learn falls away.
- (17) Deut. XXXI, 11. The plural indicates that those present must be able to hear with both ears; and by analogy (v. supra p. 5, n. 9) we apply this rule also to the law of Ex. XXIII, 17.
- (18) The public reading referred to in the section 'Assemble' (v. p. 5, n. 10); cf. Sot. 41a.
- (19) I.e., in their hearing.
- (20) Deut. ibid.
- (21) I.e., were too far away; not that they were deaf.
- (22) Lit., 'The Merciful One wrote', i.e., God revealed through Scripture. V. Bacher, Exeg. Term. II, 207f.
- (23) This expression, therefore, cannot be used for the inference that a person deaf in one ear is exempt.
- (24) Ibid. v. 12. Thus 'in their ears' is available for R. Tanhum's teaching.
- (25) Ex. XXIII, 14. V. supra p. 5, n. 10. The word is probably read here **ohkdr** (dual): the pilgrim must have use of both feet.
- (26) Ex. XXIII, 17. **ohngp** E.V. 'times' (cf. supra p. 1, n. 11) is here understood in its root meaning of 'steps', i.e., only those having their own legs must visit the Temple.

- (27) I.e., natural as opposed to artificial feet.
- (28) **lingp** (steps) being parallel to **hkdr** (feet) must mean the same as the latter.
- (29) Isa. XXVI, 6.
- (30) Cant. VII, 2. The word sandals is additional evidence that **ohingp** refers to natural feet.
- (31) Ps. XLVII, 10.
- (32) 'Prince' (**chsb**) means lit., 'one who offers himself willingly' i.e., for God's service. Abraham was the first to confess and worship the Lord, and the reference to the 'princes, the peoples' is to the proselytes who, like Abraham, offer themselves to the service of God.
- (33) The name of R. Tanhum is the link between the preceding and the following exposition.
- (34) Gen. XXXVII, 24.
- (35) In Tr. Soferim the reading is Eleazar b. Hisma. For the cognomen which is not adjectival (i.e., 'muzzled') but locative (prob. a native of Hismeh') v. J.E. Vol. V, p. 99.
- (36) Also Beki'in, modern Fukin, in S. Palestine between Lydda and Jabneh (Jast.). It was customary for pupils to visit their teacher on holy days; cf. R.H. 16b.
- (37) I.e., disciples may not speak before their teacher (Rashi); or we cannot possibly have anything to teach you.
- (38) R. Gamaliel used to lecture on two (or three) Sabbaths and R. Eleazar b. 'Azariah on the third (or fourth) v. Ber. 28a.
- (39) Haggadah (**vsdv**), a nomen actionis of **shdv** (to tell), denotes all scriptural interpretation which is non-halachic (i.e., non-legal) in character (H. L. Strack). V. Glos.
- (40) V. supra p. 5, n. 10.
- (41) But not to study it fully; cf. J.T., Sot. III, 4. For the status of the woman in Judaism v. J.E. vol. XII, p. 556.
- (42) For the Rabbinic conception of reward v. R. T. Herford, op. cit. pp. 123-24, 127-120.
- (43) Deut. XXVI, 17-18.
- (44) , **j t vchyj** Jast. 'the only object of your love' (from root meaning 'to fall in love, woo'); Levy, 'Herrscher' (ruler) comparing it, according to Bacher, with Pers. 'Khedive'; Goldschmidt, 'Verherrlichung' (glorification); Rashi, 'sole or unique object of praise'; Aruch, in the name of R. Hai Gaon, 'Unique concept' (, **j t ruhm**); Maharsha (quoting Rashi to Deut. XXVI, 17) 'separation. (from root meaning 'to hew').
- (45) Aruch reads: 'in this world . . . in the world to come'.
- (46) Deut. VI, 4. For different renderings of this verse v. I. Abrahams, A companion to the Auth. Daily Prayer Book, p. LI.

Talmud - Mas. Chagigah 3b

And who is like unto Thy people Israel, a nation one in the earth.¹ And he² also took up the text and expounded: The words of the wise are as goads, and as nails well planted are the words of masters of Assemblies, which are given from one Shepherd.³

Why are the words of the Torah⁴ likened to a goad? To teach you that just as the goad directs the heifer along its furrow in order to bring forth life to the world, so the words of the Torah direct those who study them from the paths of death to the paths of life. But [should you think] that just as the goad is movable so the words of the Torah are movable;⁵ therefore the text says: 'nails'.

But [should you think] that just as the nail diminishes⁶ and does not increase, so too the words of the Torah diminish and do not increase; therefore the text says: 'well planted'; just as a plant

grows and increases, so the words of the Torah grow and increase.

‘The masters of assemblies’: these are the disciples of the wise, who sit in manifold assemblies and occupy themselves with the Torah, some pronouncing unclean and others pronouncing clean, some prohibiting and others permitting, some disqualifying⁷ and others declaring fit.

Should a man say: How in these circumstances shall I learn Torah?⁸ Therefore the text says: ‘All of them are given from one Shepherd’. One God gave them;⁹ one leader¹⁰ uttered them from the mouth of the Lord of all creation, blessed be He; for it is written: ‘And God spoke all these words’.¹¹ Also do thou make thine ear like the hopper¹² and get thee a perceptive heart to understand the words of those who pronounce unclean and the words of those who pronounce clean, the words of those who prohibit and the words of those who permit, the words of those who disqualify and the words of those who declare fit. He [then] spoke to them¹³ in the following words: It is not an orphan generation in which R. Eleazar b. ‘Azariah lives. But they could have told him directly!¹⁴ — It was on account of a certain occurrence. For it is taught: Once R. Jose b. Durmaskith¹⁵ went to pay his respects to R. Eliezer at Lod.¹⁶ Said the latter to him: What new thing was taught in College today? He replied: They decided by vote that in Ammon and Moab¹⁷ the tithe of the poor should be given in the seventh year.¹⁸ Said [R. Eliezer] to him: Jose, stretch forth thine hands and lose thy sight.¹⁹ He stretched forth his hands and lost his sight. R. Eliezer [then] wept and said: The counsel of the Lord is with them that fear Him,’ and His covenant, to make them know it.²⁰ He [then] said to him: Go, say to them: Be not concerned about your voting,²¹ thus have I received a tradition from Rabban²² Johanan b. Zakkai, who heard [it] from his teacher, and his teacher from his teacher, that it is a halachah of Moses from Sinai²³ that in Ammon and Moab the tithe of the poor is to be given in the seventh year. What is the reason? — Many cities were conquered by those who came up from Egypt, which were not conquered by those who came up from Babylon; since the first consecration²⁴ held [only] for the time,²⁵ but did not hold for the future [permanently],²⁶ therefore they were left²⁷ in order that the poor might be sustained upon them in the seventh year. It is taught: When his mind was calmed, he said: May it be granted that Jose’s sight be restored.²⁸ And it was restored.

Our Rabbis taught: Who is [deemed] an imbecile? He that goes out alone at night²⁹ and he that spends the night in a cemetery, and he that tears his garments. It was taught: R. Huna said: They must all be [done] together.³⁰ R. Johanan said: Even if [he does only] one of them. What is the case? If he does them in an insane manner, even one is also [proof]. If he does not do them in an insane manner, even all of them [prove] nothing? — Actually [it is a case where] he does them in an insane manner. But if he spent the night in a cemetery, I might say: He did [it] in order that the spirit of impurity might rest upon him.³¹ If he went out alone at night, I might say: He was seized by lycanthropy.³² If he tore his garment, I might say: He was lost in thought. But as soon as he does them all,

(1) I Chron. XVII, 21; for thought, cf. Midrash quoted in Tosaf. a.l.

(2) I.e., according to Rashi, R. Eleazar b. ‘Azariah; but according to Maharsha and Goldschmidt, R. Joshua.

(3) Eccl. XII, 11.

(4) The ‘words of the wise’ are identified with ‘the words of the Torah’.

(5) I.e., unstable and of impermanent authority.

- (6) The nail driven into the wall makes a hole.
- (7) To act as witness, or as priest.
- (8) I.e., in view of the contradictory opinions held by the scholars.
- (9) I.e., the various opinions do not emanate from different 'Revelations', but have their origin in the One Torah, given by the One God. Cf. Tanhuma to Num. XIX, 2, section 8; and ref. to Moses and Akiba Men. 29b.
- (10) I.e., Moses. The term 'Shepherd' (**vgr**) is applied in the Bible both to God (e.g., Gen. XLVIII, 15; Ps. LXXX, 2) and to Moses (e.g., Isa. LXIII, 11). Maharsha.
- (11) Ex. XX, 1.
- (12) , **xfrpt** According to Jast. from root **xfrp** (to rub, grind), itself an extension of root **l rp** (to break). According to Levy, from the Greek. The hopper, being funnel-shaped, more enters it than issues from it, i.e., hear all views, and then sift them and accept the true.
- (13) I.e., R. Joshua to his two disciples.
- (14) I.e., why did they at first evade R. Joshua's request by saying: We are thy disciples etc.?
- (15) I.e., woman of Damascus.
- (16) Cf. I Chron. VIII, 12; afterwards Lydda and later Diospolis, near Joppa.
- (17) According to Rashi, that part of Ammon and Moab which was subjugated by Sihon and Og, and later was captured from them by the Israelites (v. Num. XXI, 21-35. and Hul. 60b). But according to R. Tam (in Tosaf.), it refers to the rest of Ammon and Moab, not conquered by Sihon and Og.
- (18) In Transjordan, which did not possess the sanctity of Palestine proper, the land did not have to be fallow in the seventh year (cf. Lev. XXV, 2f). Accordingly, the Rabbis ordained that the tithe of the poor, although given the preceding year, should again be given in the seventh year. V. Deut. XIV, 28-29 and Sifre a.l.; cf. also Lev. XXIII, 22 and Deut. XXIV, 19.
- (19) Lit., 'receive thine eyes', a euphemism. He was vexed because R. Jose ascribed an old traditional law to the particular session in his college.
- (20) Ps. XXV, 14.
- (21) I.e., have no scruples concerning it.
- (22) Lit., 'our teacher', the honorific title of several descendants of Hillel, and of R. Johanan b. Zakkai.
- (23) A statute in immemorial usage. V. Strack, op. cit., p. 9 and nn. 17-21.
- (24) I.e., under Joshua: the territory conquered by Israel became holy.
- (25) I.e., till the first exile.
- (26) But the territory occupied by those who returned from Babylon was consecrated for ever.
- (27) I.e., Ammon and Moab were left unconsecrated after the Babylonian captivity.
- (28) Lit., 'that Jose's eyes may return to their place'.
- (29) Cf. Aboth III, 4.
- (30) I.e., a person is not considered legally an imbecile till he performs all the above mentioned acts together. [Var. lec. rightly omit together'].
- (31) I.e., he did it with full understanding for the purpose of conjuring up evil spirits for magical purposes (Rash); or to receive communications from them, cf. LXX in Isa. LXV, 4 (A. W. Streane).
- (32) **xuphrsbd** corruption of the Grk. ** or ** sub **: German, Wolfsmuth.

Talmud - Mas. Chagigah 4a

he becomes like [an ox] who gored an ox, an ass and a camel, and becomes [thereby] a mu'ad [forewarned gorer]¹ in regard to all [animals]. R. Papa said: If R. Huna had heard of that which is taught: Who is [deemed] an imbecile? 'One that destroys all that is given to him'; he would have

retracted.² The question was raised: When he would have retracted, would he have retracted only with regard to the [case of the] man who tore his garment, because it resembles this [case];³ or would he have retracted with regard to all of them?⁴ — It remains [undecided].

A PERSON OF UNKNOWN SEX [TUMTUM], A HERMAPHRODITE etc.: Our Rabbis taught: [The word] ‘males’⁵ [by itself] comes to exclude women;⁶ [the expression]. ‘thy males’, comes to exclude the tumtum and hermaphrodite; ‘all thy males’ comes to include minors.

The Master said: [The word] ‘males’ comes to exclude women. But why do I need a verse for this? Consider: it is a positive precept dependent on a fixed time, and women are exempt from every positive precept dependent on a fixed time!⁷ — It is needed. You might say: We can make a deduction by forming an analogy between the expressions for appearing, from [the section] ‘Assemble’:⁸ just as there women are obligated. so here women are obligated; it therefore teaches us [that it is not so].

The Master said: [The expression]. ‘thy males’, comes to exclude a tumtum and a hermaphrodite. Granted that with regard to the hermaphrodite it is necessary [for Scripture to exclude him]. You might say that since he has a male aspect, he is obligated; it therefore teaches us that he is sui generis.⁹ But the tumtum is a dubious case;¹⁰ is a Biblical text required to exclude a dubious case?¹¹ — Said Abaye: [It is required for the case] where his testicles are outside.¹²

The Master said: [The expression], ‘all thy males’, comes to include minors. But we have learnt: EXCEPT AN IMBECILE AND A MINOR! — Said Abaye: There is no contradiction. The one case [speaks] of a minor who is old enough to be initiated,¹³ the other of a minor who is not old enough to be initiated. But a minor who is old enough to be initiated is obligated only by Rabbinic enactment!¹⁴ — Yes, it is so; and the Biblical text is merely a support.¹⁵ What then is the purpose of the Biblical text?¹⁶ — To intimate the teaching of ‘Others’.¹⁷ For it is taught: Others say: The scraper.¹⁸ the copper-smith¹⁹ and the tanner are exempt from appearing [at the Temple], for it is said: ‘All thy males’: he that is able to go up [on the pilgrimage] with all thy males. These, therefore, are excluded, because they are not fit²⁰ to go up with all thy males.

WOMEN AND UNFREED SLAVES etc.: Granted as regards women, as we have said,²¹ but as regards slaves, whence do we deduce [their exemption]? — Said R. Huna: Scripture says: before the Lord, God:²² [this means] one that has one Lord; this one,²³ therefore, is excluded because he has another lord.²⁴ But why do I need a Biblical intimation for this? Consider: every precept which is obligatory on a woman is obligatory on a slave; every precept which is not obligatory on a woman is not obligatory on a slave; for this is deduced by analogy from [the case of] the woman, through the double occurrence of [the expression] unto her.²⁵ Said Rabina: It²⁶ is needed only for [the exemption of] one that is half a slave and half a freedman!²⁷ This can also be proven; for [the Mishnah] speaks of WOMEN AND UNFREED SLAVES. What is meant by unfreed? Should I say that it means entirely unfreed, then it should simply say, ‘Slaves’! Surely, therefore [it must mean] slaves that have not been completely freed. And who are such? Those that are half slaves and half freedmen. Proven.

THE LAME, THE BLIND, THE SICK, THE AGED: Our Rabbis taught: ‘Regalim’ [on

foot]:²⁸ this excludes people with wooden legs. Another interpretation:²⁹ Regalim: this excludes the lame, the sick, the blind, the aged, and one that cannot go up on foot. ‘And one that cannot go up on foot’: What does this come to include? — Said Raba: It comes to include

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- (1) Lit., ‘forewarned’; an animal whose owner stands forewarned and consequently liable to full indemnity on account of three successive injuries (V. Ex. XXI, 36).
 - (2) I.e., he would have considered this action by itself as proof of imbecility.
 - (3) I.e., the case of the man who destroys whatever is given to him.
 - (4) I.e., he would have agreed entirely with R. Johanan's view.
 - (5) In the phrase ‘all thy males’. Ex. XXIII, 17.
 - (6) I.e., from obligation to visit the Temple; v. Mishnah, p. 1.
 - (7) The exemption of women from the performance of these precepts is not due to any inferiority of status, but to delicate consideration for their physical nature; cf. also Kid. 29a and 34af.
 - (8) V. supra p. 5, n. 10. This law likewise is dependent on a fixed time.
 - (9) And to be excluded.
 - (10) Even more dubious than that of the hermaphrodite, because the sexual organs of the former are concealed. Thus the tumtum may be a female and quite exempt from appearing at the Temple.
 - (11) It would in any case be exempt because obligation could not be proven. For another explanation and reading v. Tosaf. a.l., and Maharsha.
 - (12) And only the membrum is hidden: being certain of the sex, we might think that he is bound to appear; Scripture therefore prevents this conclusion.
 - (13) V. Mishnah p. 1, n. 9.
 - (14) And not by Biblical injunction; therefore the verse cannot refer to this case.
 - (15) I.e., a confirmation; or perhaps a mnemotechnical aid.
 - (16) I.e., the word ‘all’; for there are no superfluous expressions in the Bible.
 - (17) I.e., R. Meir, who is quoted under this term subsequent to the unsuccessful conspiracy by R. Nathan and himself against Rabban Simon b. Gamaliel; v. Hor. 13b.
 - (18) V. Keth. 77a, where this word (. **nen**) is explained as (a) one that collects dog's excrements (used, according to Rashi *ibid.*, for steeping clothes prior to laundering, and according to Rashi here, for preparing cordwain); (b) a tanner on a small scale, in contr. to **hxruc** a tanner on a large scale.
 - (19) Explained *ibid.* as (a) a kettle-smith; (b) one that digs copper in the shaft.
 - (20) On account of the malodour resulting from these occupations.
 - (21) V. supra p. 13.
 - (22) Ex. XXIII, 17.
 - (23) I.e., the slave.
 - (24) I.e., a human master in addition to his Divine Master.
 - (25) V. Deut. XXIV, 3 (of the woman), and Lev. XIX, 20 (of the bondwoman).
 - (26) I.e., the Biblical intimation.
 - (27) This is in accordance with ‘the earlier Mishnah’ (v. supra p. 3, nn. 6, 8), but according to ‘the later Mishnah’, the master is compelled to free the half slave, who is then bound to appear at the Temple.
 - (28) V. p. 7, n. 11.
 - (29) The first interpretation is not quite satisfactory, because the exclusion of people with wooden legs can be deduced from **ohngp** in Ex. XXIII, 17; cf. p. 7. n. 12.

Talmud - Mas. Chagigah 4b

Talmud - Mas. Chagigah 4b

a delicate person.¹ For it is written: When ye come to appear before Me, who hath required this at your hand, to trample² My courts?³

A Tanna taught: The uncircumcised⁴ and the unclean⁵ are exempt from [bringing] the pilgrimage-offering.⁶ Granted as regards the unclean, for it is written: And thither thou shalt come,' and thither ye shall bring.⁷ To whomever 'coming' applies, 'bringing' applies; to whomever 'coming' does not apply, 'bringing' does not apply. But whence do we derive [the exemption of] the uncircumcised? — This will be according to R. Akiba, who includes the uncircumcised like the unclean. For it is taught: R. Akiba said: [the expression], what man soever,⁸ comes to include uncircumcised.⁹

Our Rabbis taught: An unclean person is exempt from [bringing] the pilgrimage-offering, for it is written: 'And thither thou shalt come; and thither ye shall bring'. To whomever 'coming' applies 'bringing' applies; to whomever 'coming' does not apply 'bringing' does not apply. R. Johanan b. Dahabai said in the name of R. Judah: A person who is blind in one eye is exempt from appearing [at the Temple]. for it is said: Yir'eh¹⁰ [He shall see], Yera'eh [He shall be seen]; just as He comes to see, so He comes to be seen; as He comes to see with both eyes. so also to be seen with both eyes.

R. Huna, when he came to this verse, Yir'eh, Yera'eh,¹¹ wept. He said: The slave whom his Master longs to see should become estranged from him! For it is written: When ye come to appear¹² before Me, who hath required this at your hand, to trample My courts?¹³

R. Huna, when he came to the [following] verse, wept: And thou shalt sacrifice peace-offerings, and shalt eat there.¹⁴ The slave at whose table his Master longs to eat should become estranged from him! For it is written: To what purpose is the abundance of your sacrifices unto Me? saith the Lord.¹⁵

R. Eleazar, when he came to the [following] verse, wept: And his brethren could not answer him, for they were affrighted at his presence.¹⁶ Now if the rebuke of flesh and blood be such, how much more so the rebuke of the Holy One, blessed be He!

R. Eleazar, when he came to the [following] verse, wept: And Samuel said to Saul: Why hast thou disquieted me, to bring¹⁴ me up?¹⁷ Now if Samuel, the righteous, was afraid of the Judgment, how much more so should we be! How do we know this about Samuel?¹⁸ — For it is written: And the woman said unto Saul: I see godlike beings coming up out of the earth.¹⁹ 'Coming up'²⁰ implies two: one was Samuel, but [who was] the other? Samuel went and brought Moses with him, Saying to him: Perhaps, Heaven forbid,²¹ I am summoned to Judgment: arise with me,²² for there is nothing that thou hast written in the Torah, which I did not fulfil.

R. Ami, when he came to the [following] verse, wept: Let him put his mouth in the dust, perhaps there may be hope.²³ He said: All this, and [only] perhaps!²⁴

R. Ami, when he came to the [following] verse, wept: Seek righteousness, seek humility,

perhaps ye shall be hid in the day of the Lord's anger.²⁵ He said: All this, and [only] perhaps!

R. Assi, when he came to the [following] verse, wept: Hate the evil, and love the good, and establish justice in the gate, perhaps the Lord, the God of hosts, will be gracious.²⁶ All this, and [only] perhaps!

R. Joseph, when he came to the [following] verse, wept: But there is that is swept away without judgment.²⁷ [He said]:²⁸ Is there anyone who passes away before one's [allotted] time?²⁹ — Yes, as in the story [heard] by R. Bibi b. Abaye,³⁰ who was frequently visited by the Angel of death. [Once] the latter said to his messenger: Go, bring me Miriam, the women's hairdresser!³¹ He went and brought him Miriam, the children's nurse. Said he to him:³² I told thee Miriam, the women's hairdresser. He answered: If so, I will take her back. Said he to him: Since thou hast brought her, let her be added.³³ But how were you able to get her?³⁴ She was holding a shovel in her hand and was heating

(1) I.e., one that cannot walk barefoot; and it is forbidden to walk on the sacred Temple Mount with covered feet.

(2) I.e., with shod feet.

(3) Isa. I, 12.

(4) I.e., a Jew that was not circumcised because two of his brothers had died as a result of their circumcision; cf. Shab. 134a and Yeb. 64b.

(5) Cf. Num. XIX, 20.

(6) They are exempt even from sending the offering by a messenger; cf. also p. 1, n. 1.

(7) Deut. XII, 5,6. The verse continues: Your burnt-offerings etc.

(8) Lev. XXII, 4.

(9) I.e., if he is a priest, he is prohibited from eating Terumah (i.e., the priest's share of crop or dough) like a priest who has become unclean.

(10) Ex. XXIII, 17; v. p. 3, n. 3.

(11) Which implies (v. n. 1) that the Divine Master reciprocally comes to meet the human pilgrim.

(12) Lit., 'to be seen', as above.

(13) Isa. I, 12.

(14) Deut. XXVII, 7.

(15) Isa. I, 11.

(16) Gen. XLV, 3.

(17) I Sam. XXVIII, 15.

(18) I.e., that it was the Divine Judgment that he feared.

(19) Ibid. v. 13.

(20) Heb. **ohkg** which is plural. The deduction cannot be made from **ohvkt** (godlike beings) which is also plural in form, because its meaning is generally singular, viz. God.

(21) Lit., 'forbearance and peace.'

(22) I.e., to testify on my behalf.

(23) Lam. III, 29.

(24) I.e., after so much suffering, hope of salvation is only problematical.

(25) Zeph. 11,3.

(26) Amos V, 15.

(27) Prov. XIII, 23.

- (28) Rashi and Tosaf. delete the words: the question is then asked by the Gemara.
- (29) I.e., although the person has committed no sin to merit shortening of life.
- (30) An occultist; cf. Ber. 6a where he performed an experiment with the object of seeing demons.
- (31) Supposed by Tosaf. to be the Mother of Jesus; cf. Shab. 104b in the earlier uncensored editions. [Her description megaddela (hairdresser) is connected by some with the name of Mary Magdalene whose name was confused with that of Mary, the mother of Jesus, v. Herford R.T. Christianity in Talmud and Midrash, pp. 40f].
- (32) I.e., the Angel of death to his messenger.
- (33) I.e., to the dead.
- (34) Since it was not yet her time to die.

Talmud - Mas. Chagigah 5a

and raking¹ the oven. She took it and put it on her foot and burnt herself; thus her luck was impaired and I brought her. Said R. Bibi b. Abaye to him²: Have ye³ permission to act thus? He answered him: Is it not written: 'There is that is swept away without judgment'? He countered: But behold it is written: One generation passeth away, and another generation cometh!⁴ He replied: I have charge of them⁵ till they have completed the generation,⁶ and then I hand them over to Dumah!⁷ He [then] asked him: But after all, what do you do with her years?⁸ He replied: If there be a Rabbinic scholar who overlooks his hurt, I shall give them to him in her stead.⁹

R. Johanan, when he came to the [following] verse, wept: And thou didst incite Me against him, to destroy him without cause.¹⁰ A slave whose Master, when they incite him yields,¹¹ is there any help for him?

R. Johanan, when he came to the [following] verse, wept: Behold, He putteth no trust in His holy ones.¹² If He does not put His trust in His holy ones, in whom will He put his trust? One day he was going on a journey and saw a man gathering figs; he was leaving those that were ripe and was taking those that were unripe. So he said to him: Are not those¹³ better? He replied: I need those for a journey: these will keep, but the others will not keep. Said [R. Johanan] this is the meaning of the verse: Behold He putteth no trust in His holy ones.¹⁴ But is it so? For behold there was a disciple In the neighbourhood of R. Alexandri, who died in his youth, and [R. Alexandri] said: Had this scholar wished, he could have lived!¹⁵ If now it be [as R. Johanan said] perhaps he was one of those of whom it is said: 'Behold He putteth no trust in His holy ones'! — That [scholar] was one who had rebelled against his teachers!¹⁶

R. Johanan, when he came to the [following] verse, wept: And I will come near to you to judgment and I will be a swift witness against the sorcerers, and against the adulterers, and against false swearers, and against those that oppress the hireling in his wages.¹⁷ A slave whose Master brings him near to judge him, and hastens to testify against him, is there any remedy for him?

Rabban Johanan b. Zakkai said: Woe unto us that Scripture weighs against us light like grave offences.¹⁸

Resh Lakish¹⁹ said: Whoever wrests the judgment of the proselyte is as if he wrests the judgment of the All-High, for it is said:²⁰ And that turn aside the proselyte²¹ from his right: the

consonants [can be read]: And that turn Me aside.²²

R. Hanina b. Papa said: Whoever does something [wrong] and repents of it, is forgiven at once,²³ for It is said: And [that] fear not Me.²⁴ But if they do fear Me, they are forgiven at once. R. Johanan, when he came to the [following] verse, wept: For God shall bring every work into the judgment concerning every hidden²⁵ thing.²⁶ A slave to whom his Master accounts errors²⁷ as wilful offences, is there any remedy for him? What is the meaning of, concerning every hidden thing? — Rab said: This refers to one who kills a louse in the presence of his neighbour, so that he feels disgust thereat. And Samuel said: This refers to one who spits in the presence of his neighbour so that he feels disgust thereat. What is the meaning of, whether it be- good or whether it be — evil?²⁸ — The School of R. Jannai said: This refers to one who gives alms to a poor person publicly,²⁹ like the story of R. Jannai. He [once] saw a man give a zuz³⁰ to a poor person publicly, so he said to him: It had been better that you had not given him, than now that you have given him publicly and put him to shame. The School of R. Shila said: This refers to one who gives alms to a woman secretly. for he brings her into suspicion. Raba said: This refers to one who is in the habit of sending his wife on the eve of the Sabbath meat that has not been cut up.³¹ But Raba [himself] used to send! — The daughter of R. Hisda³² is different, for he was sure of her that she was an expert!³³

R. Johanan, when he came to the [following] verse, wept: And it shall come to pass, when many evils and troubles are come upon them.³⁴ A slave whose Master brings many evils and troubles upon him, is there any remedy for him? What is the meaning of ‘evils and troubles’?³⁵ — Rab said: Evils which become antagonists³⁶ to each other, as for instance the [bites of] a wasp and a scorpion.³⁷ And Samuel said: This refers to one who furnishes money to the poor person [only] in the hour of his extreme distress.³⁸ Raba said: This is the meaning of the proverb, For [purchasing] provision a zuz is not to be found, for hanging up [in the basket]³⁹ it can be found.

Then My anger shall be kindled against them in that day, and I will forsake them, and I will hide My face from them.⁴⁰ R. Bardela b. Tabyumi said that Rab said: To whomever ‘hiding of the face’ does not apply is not one of them;⁴¹ to whomever [the words] and they shall be devoured⁴² does not apply

(1) I.e., raked the fire in (Jast.); Rashi: raked it out.

(2) I.e., the Angel of death.

(3) I.e., the Angel of death and his messenger.

(4) Eccl. I, 4; implying that every generation is complete.

(5) Lit., ‘shepherd them’.

(6) I.e., the years allotted to them.

(7) Lit., ‘Silence’, the Angel in charge of the dead.

(8) I.e., the remaining years which she should have continued to live.

(9) Cf. the ref. to Hezekiah in Yeb. 49a-50a.

(10) Job II, 3.

(11) Lit., ‘allows himself to be incited’.

(12) Job XV, 15.

(13) I.e., the ripe ones.

- (14) I.e., God fears that the righteous, like the ripe figs, may later lose their excellence; hence they die young. Cf. Aboth II, 4.
- (15) I.e., if he had lived uprightly.
- (16) Hence he could not have been one of the 'holy ones', and it was his sin that shortened his life. Cf. Kid. 33b on Eccl. XIII, 13.
- (17) Mal. III, 5.
- (18) In the verse quoted, the grave crimes of sorcery and adultery, for which the penalty is death, are mentioned side by side with the lighter offences of perjury and financial oppression.
- (19) Abbrev. for R. Simon b. Lakish.
- (20) Ibid.
- (21) E.V. 'stranger'.
- (22) **hynu** for **hynu**
- (23) Cf. Yoma 85b-86a; also Shebu. 12b.
- (24) Ibid.
- (25) I.e., unwitting errors.
- (26) Eccl. XII, 14.
- (27) I.e., even the slightest offence.
- (28) Ibid. I.e., one is punished for the good as well as for the bad one does.
- (29) An apparently good deed which is really bad.
- (30) A silver coin, one fourth of a shekel, and equal to a denar (denarius). V. Glos.
- (31) I.e., unpurged meat, the forbidden fat, blood vessels etc. not having been removed. The nearness of the Sabbath makes it a busy time for the housewife, who in her hurry may forget to purge the meat.
- (32) I.e., Raba's wife, always referred to as R. Hisda's daughter.
- (33) And would see that it was properly purged before the Sabbath.
- (34) Deut. XXXI, 21.
- (35) I.e., are they not synonymous?
- (36) The Heb., **urim**, is the same as for 'troubles' above, and is used of the rival wives of one husband; cf. I Sam. I, 6.
- (37) In A.Z. 28b we are told that hot water must be used for a wasp's bite and cold for a scorpion's; the reverse is dangerous. When, therefore, both occur together there is no remedy.
- (38) According to Rashi, this refers to Eccl. XII, 14 and is an example of an apparently good deed which is really bad; for at an earlier stage the help rendered would have been of far greater and more enduring benefit. But according to Tosaf. this is an explanation of Deut. XXXI, 21 and is an instance of added trouble, illustrated in the following proverb. V. n. 9.
- (39) **t, hk**, . Rashi renders: 'food which one brings in a basket', that is in time of distress; cf. Pes. III b. Tosaf. translates: 'when one is about to be hanged', and explains thus: A man is threatened with execution unless he offers a ransom; being poor, a small ransom would be accepted. But now the arrangement of a mortgage is offered him; this serves only to aggravate his misfortune, for the ransom price is raised. A third explanation is given by Maharsha a.l.
- (40) Deut. XXXI, 17.
- (41) I.e., the Children of Israel.
- (42) Ibid.

Talmud - Mas. Chagigah 5b

is not one of them. Said the Rabbis to Raba: To [our] master 'the hiding of the face' does not apply, and [the words] 'And they shall be devoured' do not apply! Said he to them: Do ye know then how much I send secretly to the Court of King Shapur?¹ Even so the Rabbis directed their eyes upon him.² Meanwhile the Court of King Shapur sent [men], who plundered him.³ He [then] said: This is it that is taught: Rabban Simeon b. Gamaliel said: Wherever the Rabbis direct their eyes there is either death or poverty.

And I will hide My face in that day.⁴ Raba said: Although I hide My face from them, I shall speak to them⁵ in a dream.⁶ R. Joseph: said: His hand is stretched over us, as it is said: And I have covered thee in the shadow of My hand.⁷

R. Joshua b. Hanania was [once] at the court of Caesar.⁸ A certain unbeliever⁹ showed him [by gestures]: A people whose Lord has turned His face from them — He showed him [in reply]: His hand is stretched over us. Said Caesar to R. Joshua: What did he show thee?—A people whose Lord has turned His face from them. And I showed him: His hand is stretched over us.

They [then] said to the heretic:¹⁰ What didst thou show him?A people whose Lord has turned His face from them. And what did he show thee? — I do not know. Said they: A man who does not understand what he is being shown by gesture should hold converse in signs before the king! They led him forth and slew him.

When the soul of R. Joshua b. Hanania was about to go to its rest, the Rabbis said to him: What will become of us at the hands of the unbelievers? He answered them: Counsel is perished from the children,¹¹ their wisdom is vanished.¹² So soon as counsel is perished from the children,¹³ the wisdom of the peoples of the world is vanished.¹⁴ Or I may derive it from here: And he said: Let us take our journey, and let us go, and I will go over against thee.¹⁵

R. Ila was once walking up the stairs of the house of Rabbi b. Shila, when he heard a child reading the verse: For, lo, He that formeth the mountains, and createth the wind, and declareth unto man what his conversation was.¹⁶ He said: A slave Master declares to him his conversation, is there any remedy for him? — What is the meaning of [the expression] 'What his conversation was'? — Rab said: Even the superfluous conversation¹⁷ between a man and his wife is declared to a person in the hour of his death. But is it so? Now behold R. Kahana once lay down beneath the bed of Rab,¹⁸ and he heard him converse and jest and perform his needs. [Thereupon] he said: The mouth of Rab is like that of one who has not tasted any food.¹⁹ Said [Rab] to him: Kahana, get out, this is unseemly! — There is no contradiction: In the one case [it is] where he has to procure her favour, in the other, where he has no need to procure her favour.

But if ye will not hear it, My soul shall weep in secret for the pride.²⁰ R. Samuel b. Inia said in the name of Rab: The Holy One, blessed be He, has a place and its name is 'Secret'. What is the meaning of [the expression] 'for the pride'?—R. Samuel b. Isaac said: For the glory²¹ that has been taken from them and given to the nations of the world. R. Samuel b. Nahmani said: For the glory of the Kingdom of Heaven.²² But is there any weeping in the presence of the Holy One, blessed be He? For behold R. Papa said: There is no grief in the Presence²³ of the Holy One blessed be He; for it is said: Honour and majesty are before Him; strength and beauty are it²⁰ His

sanctuary!²⁴ — There is no contradiction; the one case [refers to] the inner chambers,²⁵ the other case [refers to] the outer chambers. But behold it is written: And in that day did the Lord, the God of Hosts, call to weeping and to lamentation, and to baldness, and to girding with sackcloth!²⁶ — The destruction of the Temple is different, for even the angels of peace wept [over it]; for it is said: Behold for their altar²⁷ they cried without; the angels of peace wept bitterly.²⁸

And mine eye shall drop tears and tears, and run down with tears, because the Lord's flock is carried away captive.²⁹ R. Eleazar said: Wherefore these three [expressions of] 'tears'? One for the first Temple, and one for the second Temple, and one for Israel, who have become exiled from their place. But there are some who say: One for the neglect of [the study of] the Torah. This is all right according to the view that [one] is for Israel, who have become exiled from their place: this agrees with that which is written: 'Because the Lord's flock is carried away captive'. But according to the view that it was for the neglect of [the study of] the Torah, how do you explain [the text], 'Because the Lord's flock is carried away'? — Since Israel have become exiled from their place, you can have no greater neglect of [the study of] the Torah than this.

Our Rabbis taught: Over three the Holy One, blessed be He, weeps every day: over him who is able to occupy himself with [the study of] the Torah and does not; and over him who is unable to occupy himself with [the study of] the Torah and does; and over a leader who domineers over the community.

Rabbi was once holding the Book of Lamentations and reading therein: when he came to the verse, He hath cast down from heaven unto the earth,³⁰ it fell from his hands. He said: From a roof so high to a pit as deep!³¹

Rabbi and R. Hiyya were once going on a journey. When they came to a certain town, they said: If there is a rabbinical scholar here, we shall go and pay him our respect. They were told: There is a rabbinical scholar here³² and he is blind.³³ Said R. Hiyya to Rabbi: Stay [here]; thou must not lower thy princely dignity;³⁴ I shall go and visit him. But [Rabbi] took hold of him and went with him. When they were taking leave from him,³⁵ he said to them: Ye have visited one who is seen but does not see; may ye be granted to visit Him who sees but is not seen. Said [Rabbi to R. Hiyya]: If now [I had hearkened to you] you would have deprived me of this blessing. They [then] said to him: From whom didst thou hear this?³⁶ -I heard it at a discourse of R. Jacob's. For R. Jacob of Kefar Hitya,³⁷ used to visit his teacher every day. When he became old, the latter said to him: Let the master not trouble himself since he is unable. He replied: Is it a small thing that is written concerning the Rabbis? And he shall still live alway, he- shall not see the pit; when he seeth that wise man die.³⁸ Now if he who sees wise men at their death shall live, how much more so [he who sees them] in their life.

R. Idi, the father of R. Jacob b. Idi, used to spend three months on his journey and one day at the school;³⁹ and the Rabbis called him 'One day scholar'. So he became dispirited, and applied to himself the verse: I am as one that is a laughing-stock to his neighbour etc.⁴⁰ Said to him R. Johanan: I beg of you, do not bring down punishment upon the Rabbis. R. Johanan then went forth to the College and delivered the [following] exposition: Yet they seek Me day by day, and

delight to know My ways.⁴¹ Do they then seek Him by day, and do not seek Him by might? It comes to tell you. therefore, that whoever studies the Torah even one day in the year, Scripture accounts it to him as though he had studied the whole year through. And similarly in the case of punishment, for it is written: After the number of the days in which you spied out the land.⁴² Did they then sin forty years? Was it not forty days that they sinned? It must come to teach you, therefore, that whoever commits transgression even one day in the year, Scripture accounts it to him as though he had transgressed the whole year through.

WHO IS [IN THIS RESPECT DEEMED] A MINOR? WHOEVER IS UNABLE TO RIDE ON HIS FATHER'S SHOULDERS etc. R. Zera demurred thereto:

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- (1) Also Sapor or Shapur II, son of Hormuzd, King of Persia C.E. 310-379. His accession preceded his birth; he warred against Rome. V. Gibbon, CC. 18, 24, 25; cf. also Ber. 56a, B.B. 115b and Pes. 54a.
- (2) I.e., in suspicion; elsewhere in anger. cf. Ber. 38a, Shab. 34b.
- (3) I.e., seized his property.
- (4) Deut. XXXI, 18.
- (5) Lit., 'to him' as in Num. XII, 6.
- (6) According to Rashi, the inference is drawn from 'in that day'; but at night, in dreams, God would speak to them; cf. *ibid.* Maharsha prefers this explanation: God would deny them His 'face', I.e., the direct communion of Moses which was 'mouth to mouth', but He would still speak to them in dreams; cf. *ibid.* 6-7.
- (7) Isa. LI, 16.
- (8) I.e., Hadrian, v.J.E. vol. VII, pp. 290-292.
- (9) **xuruehpt**. Levy and others derive it from ** Epicurus, an Epicurean; Maimonides and Jast. connect with Heb. **repv** from rt. **rep**. A term applied to unbelievers generally, Jew or Gentile. MS.M.: 'Min' (v. next note), a Jewish sectary, probably a Judeo-Christian. V. J.E. vol. I, pp. 665-666 and Vol. VIII, pp. 594-595.
- (10) **ihn**, probably from meaning 'species', hence sectarian. V. preceding note
- (11) Or 'prudent' (E.V.).
- (12) Jer. XLIX, 7' where it is a question.
- (13) I.e.' Children of Israel.
- (14) I.e., the polemics of the unbelievers will cease. [A somewhat roundabout way of saying that the Jewish religion would never want a defender so long as it was attacked'] Herford op. cit, p. 266.
- (15) Gen. XXXIII, 12. I.e., Esau (Gentiles and unbelievers generally) will keep abreast of Jacob (Israelites), but not gain advantage over him.
- (16) Amos IV, 13. E.V. 'thought'.
- (17) The 'jesting' referred to in the following story.
- (18) Not to spy. but to learn from the Master's conduct; v. Ber. 62a.
- (19) I.e., he was ravenous in his desires like a newly-wed.
- (20) Jer. XIII, 17.
- (21) Lit., 'pride'.
- (22) Which suffers through Israel's downfall. Cf. Meg. 29 on Isa. II, 27, and Mekilta to Ex. XV, 2.
- (23) Lit., 'before', a euphemism for 'on the part of'.
- (24) Ps. XCVI, 6.
- (25) I.e., in the innermost recesses called 'Secret' there is weeping, though outwardly ('before him' v. n. 4) there is no sign of grief, only 'Honour etc.'
- (26) Isa. XXII, 12. 'Call' denotes publicly; grief, therefore, is to be found in 'the outer chambers'!

- (27) **oktrt** (E.V. 'their valiant ones cried without') is here connected with **ktprt** (Isa. XXIX, 1), 'the altar hearth', Cf. Rashi to verse.
- (28) Isa. XXXIII, 7.
- (29) Jer. XIII, 17. E. V. 'And mine eye shall weep sore and run down down etc.'
- (30) Lam. II, 1.
- (31) I.e., how great was Israel's downfall, for what could be higher than heaven and lower than earth!
- (32) From root meaning 'to learn': lit., 'one that has caught fire by associating with Rabbis'; cf. Aboth, II, 10 (Jastrow). Or from root meaning 'to gather, establish' sc. halachoth (Levy).
- (33) Lit., 'Light of the eyes', a 'euphemism.
- (34) Rabbi was the Nasi ('Prince') i.e., the president of the Sanhedrin.
- (35) I.e., the blind scholar.
- (36) I.e., that to visit a scholar is so meritorious.
- (37) Perhaps Hattin (Robinson, Bibl. Researches, iii, 34.) N.W. of Tiberias. V. also Neubauer, Geog. du Talmud, p. 207.
- (38) Ps. XLIX, 10, 11.
- (39) It took him six months to travel to the school and back; in order to be with his family for the festivals of Passover (essentially a home festival) and Tabernacles (cf. Deut. XVI, 14) he was able to remain at the school only one day.
- (40) Job XII, 4.
- (41) Isa. LVIII, 2.
- (42) Num. XIV, 34. v. whole verse.

Talmud - Mas. Chagigah 6a

Who brought him thus far?¹ — Said Abaye to him: Thus far his mother brought him,² since she is bound to rejoice³ [on the festival]; from here onward, if he is able to go up from Jerusalem to the Temple Mount holding his father's hand, he is obligated, and if not, he is exempt.

Rabbi objected on behalf of Beth Hillel to the view of Beth Shammai: But Hannah went not up; for she said unto her husband: Until the child be weaned, when I will bring him up.⁴ Now Samuel was [already] able to ride on his father's shoulders!⁵ — Said his father⁶ to him: But according to thy own reasoning there is a difficulty: was not Hannah herself bound to rejoice [on the festival]?⁷ The explanation, therefore, must be that Hannah saw that Samuel was exceptionally delicate, and she feared that the journey might unduly fatigue Samuel.⁸ R. Simeon⁹ asked: What [is the law], according to the view of Beth Shammai, respecting a minor who is lame,¹⁰ and according to both views, respecting one who is blind?¹¹ — What is the case? Shall one say that it is a case of a lame child who will never be able to walk,¹² and of a blind child who will never be able to see? Now [in such cases] a major is exempt, can there be any question about a minor?¹³ — No, [the question] is necessary with respect to a lame child who may [eventually] be able to walk¹⁴ and with respect to a blind child who may [eventually] be able to see. What [is the law then]? — Abaye said: Wherever a major is obligated according to the law of the Torah, we also initiate a minor according to Rabbinic law; wherever a major is exempt according to the law of the Torah, a minor is also exempt according to Rabbinic law.

BETH SHAMMAI SAY: THE PILGRIMAGE-OFFERING MUST BE WORTH [AT

LEAST] TWO PIECES OF SILVER etc. Our Rabbis taught: Beth Shammai say: The pilgrimage-offering [must be worth at least] two pieces of silver and the festal-offering one ma'ah of silver, because the pilgrimage-offering is offered up entirely to God,¹⁵ which is not the case with regard to the festal-offering;¹⁶ furthermore, we find that for the Festival of Weeks¹⁷ Scripture has enjoined more burnt-offerings than peace-offerings.¹⁸ But Beth Hillel say: The pilgrimage-offerings [must be at least] one ma'ah of silver and the festal-offering two pieces of silver, because the festal-offering obtained prior to the Revelation,¹⁹ which is not the case with regard to the pilgrimage-offering. Furthermore, we find that in the case of 'the princes',²⁰ Scripture enjoined more peace-offerings than burnt-offerings.

Now why do not Beth Hillel agree with Beth Shammai? — As for your saying that the pilgrimage-offering is more important because it is entirely offered up to God, on the contrary, the festal-offering is more important, because in it there are two meals.²¹ And as for your saying that we should learn by analogy from the Feast of Weeks, [I contend that] we should form an analogy between the offering of an individual and the offering of an individual,²² but we should not form an analogy between the offering of an individual and an offering of the community.²³ And why do not Beth Shammai agree with Beth Hillel? — As for your saying that the festal-offering is more important because it obtained prior to the Revelation, [I contend] that the pilgrimage-offering also obtained prior to the Revelation.²⁴ And as for your saying that we should learn by analogy from 'the princes'. [I contend that] we have to form an analogy between something that applies to [future] generations²⁵ and something [else] that applies to [future] generations;²⁶ but we should not form an analogy between something that applies to [future] generations and something that does not apply to [future] generations.²⁷ Now according to Beth Hillel, why is the festal-offering singled out as obtaining prior to the Revelation? Because it is written: And they sacrificed sacrifices of peace-offerings.²⁸ Surely the pilgrimage-offerings must also [have been offered up then]; [for] behold, it is written: And they offered burnt-offerings!²⁹ — Beth Hillel are of the opinion that the burnt-offering which the Israelites offered in the wilderness was the 'continual burnt-offering'.³⁰ And Beth Shammai? — They are of the opinion that the burnt-offering that the Israelites offered in the wilderness was a pilgrimage-offering.³¹

Abaye said: Beth Shammai and R. Eleazar and R. Ishmael are all of the opinion that the burnt-offering which the Israelites offered in the wilderness was a pilgrimage-offering. And Beth Hillel and R. Akiba and R. Jose the Galilean are all of the opinion that the burnt-offering which the Israelites offered in the wilderness was the 'continual burnt-offering'. 'Beth Shammai', as we have said [above]. 'R. Ishmael', for it is taught: R. Ishmael said: The general directions were given at Sinai,³²

(1) I.e., from his house to Jerusalem. The fact that he could travel to Jerusalem shows that he is old enough to do without his mother; at that age he is also old enough to be able to go up from Jerusalem to the Temple Mount by holding his father's hand. What point, therefore, is there in defining a minor as one that is unable even with the aid of his father to go up from Jerusalem to the Temple Mount, when the prior journey to Jerusalem shows that he is old enough to do this and therefore no longer a minor?

(2) Thus the assumption that he was old enough to do without his mother is wrong.

(3) I.e., in order to fulfil the commandment to rejoice she must go to Jerusalem (cf. Deut. XIV, 26); but she is not subject to the commandment to appear before the Lord on the Temple Mount.

- (4) I Sam. I, 22. According to the Talmud a child is weaned at the end of 24 months.
- (5) According to Rashi a child can do that at the end of a year. The Shammaite view, therefore, must be wrong.
- (6) The other reading, Abaye, is an anachronism; [unless we read 'Said Abaye' omitting 'to him'.]
- (7) She ought therefore to have gone up to the Sanctuary (then at Shiloh) and taken Samuel with her even before he was weaned.
- (8) Thus the case of Samuel cannot be regarded as a support for the Hillelite view.
- (9) I.e., R. Simeon b. Lakish, v. Pes. 119a.
- (10) Beth Shammai require a child to go up to the Temple (as part of his initiation or religious training) as soon as he can do so by riding on his father's shoulders. Since the lame child could go up to the Temple Mount in this manner, is he bound to do this? But the question is not applicable to Beth Hillel, because they require the child to be able to walk.
- (11) This question is applicable to Beth Hillel, too, because the blind child could go up the Temple Mount by holding his father's hand.
- (12) Lit., 'become straight'.
- (13) His initiation would serve no purpose, for even on becoming of age he will be exempt.
- (14) I.e., before he becomes of age. The question is: must we train him now because when he grows up he will be fit and therefore bound to 'appear', or shall we exempt him on account of his present defects?
- (15) Lit., 'the Most-High'.
- (16) Which is partly burnt, and partly eaten by pilgrims and priests.
- (17) This is the Talmudic sense of , **rmq**; but in the Bible it means (a) a general assemblage (e.g. Jer. IX, 1) (b) a sacred assembly (e.g. Isa. I, 13), but especially the last day of Passover (Deut. XVI, 8) or of Tabernacles (Lev. XXIII, 36, Num. XXIX, 35).
- (18) V. Lev. XXIII, 18, 19: the festal offering (**vdhdj**) belonged to the class of peace-offerings (**ohnka**); v. supra n. 2.
- (19) V. Ex. XXIV, 5, which is taken to refer to a time prior to the Revelation though it occurs after the Decalogue; cf. Shab. 88a, where the building of the altar and the offering of sacrifices thereon by 'the young men of the children of Israel', (taken by the Rabbis to be the firstborn) is said to have taken place on the fifth Sivan, a day before the Revelation.
- (20) I.e., the heads of the tribes mentioned at the dedication of the altar in Tabernacles; v. Num. VII, 87,88.
- (21) For the altar and for man.
- (22) I.e., the pilgrimage and festal-offerings which were private offerings should be compared with the offerings of 'the princes', which were also private offerings.
- (23) I.e., the offerings prescribed for the Feast of Weeks, which were provided from the Temple treasury.
- (24) V. Ex. XXIV, 5.
- (25) I.e., the pilgrimage and festal-offerings.
- (26) I.e., the public offerings of the Feast of Weeks.
- (27) I.e., the prince's offerings.
- (28) Ibid.
- (29) Ibid. The pilgrimage-offering was a burnt-offering.
- (30) V. Num. XXVIII, 2-6: this was a daily public offering from which no inference could be drawn regarding the pilgrimage-offerings.
- (31) Because the expression 'they saw God' (Ex. XXIV, 11) which, being similar to the expression 'shall appear' (Ex. XXIII, 17). is taken to imply that it was offered as a pilgrimage celebration.
- (32) I.e., many precepts were left vague at Sinai, which were explained in full detail after the erection of the Tabernacle; cf., for example, Ex. XX, 24 with the detailed instructions concerning the sacrifices in Lev. I-VII.

Talmud - Mas. Chagigah 6b

and the details in the Tent of Meeting.¹ But R. Akiba said: The general directions and the details were given at Sinai² and repeated in the Tent of Meeting and enjoined a third time in the Plains of Moab.³ Now if you suppose that the burnt-offering which the Israelites offered in the wilderness was the [statutory] continual burnt-offering⁴, is it possible for a sacrifice not to require flaying and dissection at first⁵ and later to require flaying and dissection?⁶

‘R. Eleazar’, for it was taught: It is it continual burnt-offering, which was offered in Mount Sinai.⁷ R. Eleazar said: The manner of its offering was enjoined at Sinai, but it was not actually offered up.⁸ R. Akiba said: It was offered up and was never discontinued. But how am I to explain [the verse]: Did you bring unto Me sacrifices and offerings in the wilderness forty years, O house of Israel?⁹ — The tribe of Levi, who were not guilty of idol worship.¹⁰ offered them up.¹¹

‘Beth Hillel’, as we have said [above]. ‘R. Akiba’, also, as we have said [above]. ‘R. Jose the Galilean’, for it is taught: R. Jose the Galilean said: Three precepts are enjoined upon Israel when they make their pilgrimage at a festival: the pilgrimage-offering and the festal-offering and the rejoicing.¹² The pilgrimage-offering has something that the other two have not;¹³ and the festal-offering has something that the other two have not; and the rejoicing has something that the other two have not. The pilgrimage-offering has something that the other two have not, for the pilgrimage-offering is offered entirely to God, which is not the case with the other two. The festal-offering has something that the other two have not, for the festal-offering obtained prior to the Revelation,¹⁴ which was not the case with the other two. The rejoicing has something which the other two have not, for the rejoicing applies to both men and women,¹⁵ which is not the case with the other two.¹⁶

With reference to R. Ishmael, why do you represent him as agreeing with Beth Shammai?¹⁷ [Because you argue]: If it were supposed that the burnt-offering which the Israelites offered in the wilderness was the continual burnt-offering, is it possible for a sacrifice not to require flaying and dissection at first and later to require flaying and dissection? But behold R. Jose the Galilean said [distinctly]¹⁸ that the burnt-offering which the Israelites offered in the wilderness was the continual burnt-offering; [and yet he held that] at first it did not require flaying and dissection, and later it did require flaying and dissection. For it is taught: R. Jose the Galilean said: The burnt-offering which the Israelites offered in the wilderness did not require flaying and dissection, because flaying and dissection came into force only from [the erection of] the Tent of Meeting onward!¹⁹ — Strike out R. Ishmael from here.²⁰

R. Hisda asked: How is this verse to be understood: And he sent the young men of the children of Israel, who offered burnt-offerings [namely] lambs, and sacrificed peace-offerings of oxen unto the Lord?²¹ Or Perhaps both were oxen?²² What difference does it make? Mar Zutra said: In regard to the punctuation.²³ R. Abba, the son of Raba, said: In regard to one who says: I vow [to offer] a burnt-offering like the burnt-offering which Israel offered in the wilderness. What [must he offer]? Were they oxen or lambs? — It remains [undecided].

We have learnt elsewhere:²⁴ The following things

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- (1) Cf. Lev. I, 1.
 - (2) Though not mentioned in connection with the Revelation but in other parts of the Torah e.g.. Leviticus.
 - (3) Cf. Deut. I, 5f.
 - (4) Enjoined by God for all time, and not offered by individuals at their own discretion as pilgrimage-offerings.
 - (5) Since, according to R. Ishmael, the laws of flaying and dissection as details were laid down only at the Tent of Meeting.
 - (6) The burnt-offerings mentioned in Ex. XXIV, 5, before the Revelation at the Tent of Meeting, were offered up whole, whilst the continual burnt-offering. like all burnt-offerings, required flaying and dissection, v. Lev. I, 6; therefore it must be pilgrimage-offerings that are referred to in Ex. XXIV, which they offered on their own accord and which were consequently not subject to any of the detailed laws governing burnt-offerings (Rashi).
 - (7) Num. XXVIII, 6.
 - (8) Thus the burnt-offerings brought by the 'young men' (Ex. XXIV, 5) must have been pilgrimage-offerings.
 - (9) Amos V, 25. This implies, contrary to R. Akiba's view, that in the wilderness the regular public sacrifices were not offered, because Israel was under divine censure.
 - (10) Cf. Ex. XXXII, 26.
 - (11) I.e., they offered the continual burnt-offerings at their own expense (Rashi).
 - (12) The spirit of festive joy was expressed by a sacrificial feast; if the offerings brought in fulfillment of vows, as free-will gifts or as tithe, did not suffice for all, additional peace-offerings had to be brought as offerings of rejoicing.
 - (13) I.e., is superior in a certain respect to the other two.
 - (14) The peace-offerings which the 'young men' also offered at Sinai (Ex. XXIV,5) though not offered on a festival, are called festal-offerings (**vdhdj**) because they were the fulfilment of Ex. V, 1. As R. Jose holds that the pilgrimage-offerings were not prior to the Revelation, he is in agreement with Beth Hillel.
 - (15) V. Deut. XIV, 26. The Tosefta reading is: For the offerings of rejoicing can be offered during any of the seven days' **vgca kf ihnuka, vk ah vj nava**
 - (16) Which, being precepts not expressly enjoined upon women, and being dependent on a fixed time (v. p. 13, n. 4) are incumbent on men only.
 - (17) The question is against Abaye's statement above (p. 28): since the Hillelite view is the more authoritative, Abaye should avoid representing R. Ishmael as agreeing with Beth Shammai.
 - (18) I.e., it is clearly inferred from the Baraita just quoted.
 - (19) Thus the reasoning which sought to make R. Ishmael agree with Beth Shammai is wrong.
 - (20) I.e., from the list of those who hold the Shammaite view.
 - (21) Ex. XXIV, 5.
 - (22) I.e., the burnt-offerings as well as the peace-offering.
 - (23) **ohngy euxhp**. According to Rashi, the Neginoth or cantillation signs are referred to: the first interpretation would require the word , **ukg** to have a disjunctive accent (e.g.. ethnahta, as in our texts), and the second would require a conjunctive accent (e.g.. Pashta or Rebia'). But actually the Neginoth are of Post-Talmudic origin; v. J.E. Vol. I p. 157, 6, prg. 7. For doubtful verse-division cf. also Yoma 5a-b. V. also Ned., Sonc. ed., p. 113, n. 5.
 - (24) Pe'ah. I, 1.

Talmud - Mas. Chagigah 7a

have no prescribed limit:¹ the [crop of the] corner of a field [to be left for the poor],² the first fruits,³ the visiting of the Temple [Re'ayon],⁴ deeds of loving-kindness,⁵ and the study of the Torah. R. Johanan said: We were of the opinion that the visiting of the Temple [with an offering] had no maximum limit, but that it had a minimum limit,⁶ till R. Oshaya Berabbi⁷ came and taught that the visiting of the Temple [with an offering] has no maximum nor minimum limit.⁸ But the Sages said: The pilgrimage-offering⁹ must be worth [at least] one ma'ah of silver and the festal-offering two pieces of silver.

What is meant by Re'ayon? — R. Johanan says: [It means] appearing¹⁰ in the Temple Court.¹¹ Resh Lakish says: [It means] appearing with a sacrifice.¹² Concerning the first day¹³ of the Festival, all are agreed that the visit must be accompanied by an offering; they differ only with regard to the other days of the festival. [Further] if a man brings [an offering] every time that he comes, all are agreed that we are to accept it from him; they differ only with regard to a man who comes and does not bring [an offering]. R. Johanan is of the opinion that [Re'ayon means] appearing at the Temple Court; he need not therefore bring [an offering] whenever he comes. Resh Lakish says: [Re'ayon means] appearing with an offering; thus he must bring [an offering] whenever he comes.

Resh Lakish put an objection to R. Johanan. [It is written]: None shall appear before Me empty!¹⁴ — He replied to him: [This refers] to the first day of the Festival.¹⁵

He [again] put an objection to him: 'None shall appear before Me empty': [this means one must bring] animal sacrifices.¹⁶ You say, animal sacrifices, but perhaps [it means] birds or meal-offerings? [Nay], you may deduce it by analogy. A festal-offering is prescribed for man¹⁷ and a pilgrimage-offering is prescribed for God:¹⁸ just as the festal-offering prescribed for man is an animal sacrifice,¹⁹ so the pilgrimage-offering prescribed for God is an animal sacrifice. And what is meant by animal sacrifices? Burnt-offerings. You say burnt-offerings, but perhaps [it means] peace-offerings? [Nay], you may deduce it by analogy: a festal-offering is prescribed for man and a pilgrimage-offering is prescribed for God: just as the festal-offering which is prescribed for man is one that is fitting²⁰ for him, so the pilgrimage-offering which is prescribed for God must be one that is fitting²¹ for Him. And so it is right, that your table should not be full and the table of the Master empty!²² — He replied: [This refers] to the first day of the festival.

[Again] he Put an objection to him: R. Jose son of R. Judah said: Three times in the year were the Israelites commanded to go on pilgrimage: on the Feast of Unleavened Bread, on the Feast of Weeks and on the Feast of Booths; and they must not appear in divisions,²³ for it is said: All thy males;²⁴ and they must not appear empty-handed for it is said: None shall appear before Me empty!²⁵ — He replied: [This refers] to the first day of the festival.

R. Johanan put an objection to Resh Lakish: [It is written]: Yir'eh [He will see]. Yera'eh [He will be seen];²⁶ just as I [come] free,²⁷ so you [come] free! — All, therefore, must agree that if a person comes and does not bring [an offering] that he may enter [the Temple Court] and present himself and go out.²⁸ They differ only with regard to a person who comes and brings [an offering]. R. Johanan, who says [Re'ayon means] appearing in the Temple Court, [holds] that there is no limit to 'appearing', but that there is a limit to the offerings. And Resh Lakish says:

[Re'ayon means] appearing with an offering; thus there is no limit to the offerings either. R. Johanan put an objection to him: [It is written]: Let thy foot be seldom in thy Friend's house!²⁹ — There it refers to sin-offerings.³⁰ as R. Levi [taught]. For R. Levi pointed to a contradiction; it is written: 'Let thy foot be seldom in thy Friend's house', and it is written: I will come into Thy house with burnt-offerings!³¹ There is no contradiction: the one case refers to sin-offerings and trespass-offerings; the other case refers to burnt-offerings and peace-offerings. It has also been taught thus: 'Let thy foot be seldom in thy Friend's house': the verse speaks of sin-offerings and trespass-offerings. You say of sin-offerings and trespass-offerings, but perhaps it is of nought but burnt-offerings and peace-offerings? When it says: 'I will come to Thy house with burnt-offerings, I will perform unto Thee my vows', behold burnt-offerings and peace-offerings are mentioned; how now shall I explain [the verse]: 'Let thy foot be seldom in thy Friend's house'? The verse speaks of sin-offerings and trespass-offerings.

'And they must not appear in divisions etc.' R. Joseph thought to explain it [thus]: If a man has ten sons, they should not make the pilgrimage five one day and five the next day.³²

(1) I.e., fixed by Scripture.

(2) V. Lev. XIX, 9 and XXIII, 22; the Rabbis fixed the minimum at a sixtieth of the field.

(3) Deut. XXVI, 1-11.

(4) **ihtr**, **ihtr** or **ihtr** lit., appearing' sc. at the Temple Court; secondarily, it means the sacrifice brought on the occasion of the Temple visit; cf. end of page, and p. 1, n. 1.

(5) It includes all deeds of kindness; but for almsgiving the Rabbis prescribed a limit, v. Keth. 50a.

(6) prescribed by Scripture i.e., the ma'ah or two ma'ahs mentioned in the Mishnah.

(7) **hcrc**: According to Rashi, 'great in his generation, i.e., eminent; according to Levy and Jastrow, 'belonging to a school of an eminent teacher' (contra. of **hcr hc**); a title of scholars, most frequently applied to disciples of R. Judah ha-Nasi and his contemporaries, but also to some of his predecessors and sometimes to the first Amoraim; v. Naz., Sonc. ed., p. 64, n. 1.

(8) V. p. 31, n. 7.

(9) Heb. **vhttr** v. n. 5, and p. 31, n. 10.

(10) The different form of the word implies a different meaning from **vhttr**; the latter in this context would mean 'the (cost of the) pilgrimage burnt-offering'; the former signifies 'appearing' in the Temple.

(11) I.e., there is no limit to the number of visits, but only one sacrifice need be brought.

(12) I.e., however many visits are made to the Temple Court a sacrifice must be brought every time.

(13) Lit., 'the essential part'.

(14) Ex. XXIII, 15. Thus the visitor to the Temple must always bring an offering.

(15) But on all subsequent visits no offering need be brought.

(16) **ohj cz** signifies sacrifices slaughtered with a knife, i.e., **unvc** ('beasts') in contradistinction to **upig** ('birds'), for which **vehkn** ('pinching the neck with finger nail') is prescribed.

(17) **yuhsv** Grk. ** a private man (as opposed to a priest, officer etc.), a commoner; ignoble, ignorant (Jast.). Here it means the pilgrim (as opposed to God), for whom the festal-offering was intended to provide the festive meal.

(18) Lit., 'the Most High'. The words 'before Me' (in Ex. XXIII, 15) imply that the pilgrimage-offering was prescribed primarily as a sacrifice to God in contradistinction to the festal-offering which was to provide food for the worshipper.

(19) Cf. Ex. XXIII, 18 where **hdj ckj** ('the fat of any festal-offering') implies that it was an animal, for birds

have no **ckj**, fat to be burnt on the altar.

(20) I.e., it provides him with meat for his feast.

(21) I.e., a burnt-offering.

(22) Thus an offering should be brought on each visit to the Temple, which refutes R. Johanan.

(23) Lit., 'by halves'. Explained infra p. 34.

(24) Ex. XXIII, 17.

(25) This apparently supports Resh Lakish.

(26) V. p. 3, n. 3.

(27) I.e., without sacrifices.

(28) This new view of the controversy shows that the previous arguments between R. Johanan and Resh Lakish were not actually advanced by the Rabbis named but by later scholars, v. Tosaf. Bek. 4b, s.v. **tkt**,

(29) Prov. XXV, 17. I.e., one should not bring too many sacrifices to the House of God. There is possibly a play here on the word **kdr** which means 'foot' and also 'pilgrimage-festival'. For the term 'Friend' understood of God, cf. the terms of endearment in Cant. which the Rabbis interpreted as expressing the loving relationship between Israel and God.

(30) I.e., the verse means: Avoid the necessity of bringing sin-offerings.

(31) Ps. LXVI, 13. Thus it is good to bring sacrifices.

(32) Taking **ihmj k** literally. i.e., 'by halves'.

Talmud - Mas. Chagigah 7b

Said Abaye to him: This is obvious; which of them would you make transgressors and which of them would you make zealous?¹ What then is the purpose of the verse?² To intimate the teaching of 'Others'.³ For it is taught: 'Others' Say: The scraper, the copper-smith and the tanner are exempt from appearing [at the Temple]; for it is said, 'All thy males': he who is able to go on the pilgrimage with 'all thy males'; these [then] are excluded, because they are unable to go up with all thy males.⁴

MISHNAH. BURNT-OFFERINGS DURING THE MID-FESTIVAL⁵ ARE TO BE BROUGHT FROM [ANIMALS BOUGHT WITH] UNCONSECRATED MONEY,⁶ AND PEACE-OFFERINGS,⁷ [ALSO] FROM [ANIMALS BOUGHT WITH SECOND] TITHE MONEY.⁸ ON THE FIRST FESTIVAL DAY OF PASSOVER, BETH SHAMMAI SAY: [THEY MUST BE BROUGHT] FROM [ANIMALS BOUGHT WITH] UNCONSECRATED MONEY; AND BETH HILLEL SAY: [THEY CAN BE BROUGHT ALSO] FROM [ANIMALS BOUGHT WITH SECOND] TITHE MONEY. ISRAELITES⁹ MAY FULFIL THEIR OBLIGATION¹⁰ WITH VOW-OFFERINGS, FREEWILL-OFFERINGS¹¹ AND TITHE OF CATTLE;¹² AND THE PRIESTS WITH SIN-OFFERINGS AND TRESPASS-OFFERINGS.¹³ FIRSTLINGS,¹⁴ THE BREAST AND THE SHOULDER,¹⁵ BUT NOT WITH BIRD-OFFERINGS,¹⁶ NOR MEAL-OFFERINGS.¹⁷

GEMARA. Accordingly, it is during the mid-festival only that burnt-offerings are brought from [animals bought with] unconsecrated money, but on the festival [they may be brought] also from [animals bought with Second] Tithe money. [But] why? It is obligatory, and everything that is obligatory must be brought from [animals bought with] unconsecrated money! And if you say: It comes to teach us this, [to wit,] that burnt-offerings can be brought during the mid-festival but

not on the festival;¹⁸ then this will be according to Beth Shammai!¹⁹ For we have learnt: Beth Shammai say. One may bring peace-offerings [on the festival]²⁰ without laying the hands²¹ upon them; but not burnt-offerings.²² But Beth Hillel say, One may bring peace-offerings and burnt-offerings [on the festival] and lay the hands upon them!²³ — [Our Mishnah] is defective, and it should read thus: Burnt-offerings, vow-offerings and freewill-offerings are brought during the mid-festival, but they may not be brought on the festival.²⁴ But the pilgrimage burnt-offering is brought even on the festival;²⁵ and when it is brought,²⁶ it must be brought only from [animals bought with] unconsecrated money; but the peace-offerings of rejoicing can be brought also from [animals bought with Second] Tithe money.²⁷ And regarding the festal-offering of the first festival day of Passover, Beth Shammai say: [It must be brought from animals bought with] unconsecrated money; and Beth Hillel say: [It can be brought] also from [animals bought with Second] Tithe money.²⁸ It has also been taught thus: Burnt-offerings, vow-offerings and freewill-offerings are brought during the mid-festival but not on the festival. But the pilgrimage burnt-offering is brought even on the festival; and when it is brought, it is brought only from [animals bought with] unconsecrated money; but the peace-offerings of rejoicing can be brought also from [animals bought with Second] Tithe money. And regarding the festal-offering of the first festival day of Passover,²⁹ Beth Shammai say: [It must be brought] from [animals bought with] unconsecrated money; but Beth Hillel say: [It can be brought] also from [animals bought with Second] Tithe money. Why is the festal-offering of the first festival day of Passover different?³⁰ — It comes to teach us this: Only the festival-offering of the fifteenth [of Nisan must be brought from animals bought with unconsecrated money] but not the festal-offering of the fourteenth [of Nisan].³¹

(1) All the ten are bound to visit the Temple on the first day; if, now, five at a time went up, the first group would be doing their duty scrupulously and the second five would be remiss.

(2) ‘All thy males,’ teaching that they must not appear in divisions.

(3) V. p. 14, n. 5.

(4) ‘They must not appear in divisions’ means, therefore, that all the Israelites must form one group; if the scraper etc. were to go on the pilgrimage they would have to form, because of their malodour, a separate group, which is forbidden.

(5) **sgun** lit., ‘appointed time,’ i.e., the intermediate days of Passover and Sukkoth as opposed to **cuy ouh**, festival days (called in the Bible **ase tren** ‘holy convocation’). In the Bible **sgun** includes both festival and intermediate days, cf. e.g. Lev. XXIII, 4.

(6) As opposed to animals bought with Second Tithe money (v. infra, n. 8). All obligatory offerings had to be brought from unconsecrated animals (cf. Men. 82a and infra p. 36).

(7) Brought to provide sufficient meat for the pilgrim and his family so that they might keep the festival with rejoicing (cf. Deut. XIV, 26).

(8) Cf. Deut. XIV, 22f. The tithe was separated in the first, second, fourth and fifth year of the seven year cycle, after *terumah* (‘heave-offering’) had been given to the Priest and First Tithe to the Levite. It was to be consumed in Jerusalem or the money with which it was redeemed spent there (v. Danby, P. 73, n. 6).

(9) As opposed to priests.

(10) I.e., of ‘rejoicing’ on the festival by offering peace-offerings wherewith to provide themselves with meat for the feast. Thus it is unnecessary to bring special sacrifices for this purpose, if the vow-offerings etc. provide sufficient for the family's needs.

(11) Cf. Mishnah Meg. I, 6.

- (12) V. Lev. VII, 31-39.
- (13) Brought by pilgrims and of which only the priests may eat; v. Num. XVIII, 9f.
- (14) V. *ibid.* 17-19.
- (15) V. Lev. VII, 29f.
- (16) They were sin-offerings.
- (17) V. Lev. II, 1. The bird and meal-offerings would not provide a feast suited to the occasion of rejoicing.
- (18) I.e., it is forbidden to offer the pilgrimage burnt-offerings on the festival (when all manner of work is prohibited), even though it is an obligatory offering of the festival, because there is time to bring the offering the next day.
- (19) Whose opinion is invalid against that of Beth Hillel.
- (20) Because they supply the pilgrim with his feast.
- (21) Cf. Lev. III, 2 and *infra* 16a. The act of laying on of the hands, which causes the pilgrim to support himself on the animal, is forbidden by the Rabbis on Festival and Sabbath on account of shebuth ('abstention, rest', v. Glos.) i.e., it is an action out of keeping with the restful character of the holy day. though it is not actually included in one of the thirty-nine categories of labour (v. Mishnah Shab. VII, 2) and cf. Mishnah Bez. V, 2.
- (22) Exceptions were the continual burnt-offerings and the additional offerings, which were permitted to be offered because they had an appointed time (cf. Num. XXVIII, 2 **usgunc**); otherwise, Beth Shammai explained 'unto you' in Ex. XII, 16 to mean: for yourselves offer sacrifices but not entirely for God.
- (23) Since it is permitted to bring them, the laying on of the hands is also permitted. V. Bez. 19b.
- (24) Even according to Beth Hillel.
- (25) Though it could be brought during the mid-festival, Lev. XXIII, 4 ('and ye shall keep it a feast') is taken by Beth Hillel to imply that it should be offered on the first day of the festival.
- (26) [Wilna Gaon emends 'when they are brought' referring to all the mentioned offerings].
- (27) V. p. 36, n. 1, and *infra* p. 39.
- (28) Explained *infra*.
- (29) As distinct from the festal-offering of the fourteenth of Nisan; v. next note.
- (30) I.e., why is it specifically mentioned?
- (31) If the paschal lamb did not suffice for the company a festal-offering could be sacrificed in addition (cf. Sifre to Deut. XVI, 2 and Pes. 69b). This festival-offering was not obligatory, hence even Beth Shammai would agree that it could be brought from the Second Tithe.

Talmud - Mas. Chagigah 8a

Thus he holds that the festal-offering of the fourteenth [of Nisan] is not enjoined by the Torah.

The Master said [above]: 'Beth Hillel say: [The festal-offering of the first day of the festival can be brought also] from [animals bought with Second] Tithe money'. Why? It is obligatory, and everything that is obligatory must be brought only from [animals bought with] unconsecrated money!¹ — 'Ulla said: When he supplements [the unconsecrated by that of the Second Tithe].² Hezekiah said: One animal may be supplemented by another animal, but money may not be supplemented by money. And R. Johanan said: Money may be supplemented by money, but one animal may not be supplemented by another animal. There is a teaching agreeing with Hezekiah and there is a teaching agreeing with R. Johanan. There is a teaching agreeing with R. Johanan: [it is written]: After the tribute;³ this teaches that a man must bring his obligatory offering from [animals bought with] unconsecrated money. And whence [do we know] that if he desires to mix

he may mix?⁴ The text teaches: According as the Lord, thy God, shall bless thee.⁵ There is a teaching agreeing with Hezekiah: [The expression] ‘after the tribute’ teaches that a man may bring his obligatory offering from [animals bought with] unconsecrated money. Beth Shammai say: The first [festival] day from [animals bought with] unconsecrated money.⁶ thenceforward⁷ [also] from [animals bought with Second] Tithe money. Beth Hillel say: The first meal⁸ from [animals bought with] unconsecrated money. thenceforward⁹ from [animals bought with Second] Tithe money. And the remaining days of Passover, a man may fulfil his obligation¹⁰ [also] with the tithe of cattle.¹¹ Why may he not [do so] on the festival?¹² — R. Ashi said: Lest he come to separate tithe on the festival; and it is impossible to separate tithe on the festival on account of the [marking with] red paint.¹³ What evidence is there that the [word] ‘tribute’ indicates that which is unconsecrated? — Because it is written: And the King Ahasuerus laid tribute upon the land.¹⁴

ISRAELITES MAY FULFIL THEIR OBLIGATION WITH VOW-OFFERINGS AND FREEWILL-OFFERINGS. Our Rabbis taught: [It is written], And thou shalt rejoice in thy feast.¹⁵ This includes all kinds of rejoicings as [festival] rejoicing.¹⁶ Hence the Sages said: Israelites may fulfil their obligation with vow-offerings, freewill-offerings and tithe of cattle; and the priests with sin-offering and guilt-offering, and with firstlings, and with the breast and the shoulder; one might [think] also with bird-offerings and meal-offerings, [therefore] Scripture teaches: ‘And thou shalt rejoice in thy feast’.

(1) Cf. p. 36.

(2) If he has a large company and the festival-offering from his unconsecrated means (**ihkuj**) will not suffice, he is permitted to add thereto from the Second Tithe: according to Hezekiah, it means that he may purchase other festival-offerings with Second Tithe money; according to R. Johanan, he may add Second Tithe money in order to purchase a larger animal. The former deems it better that one should satisfy one's obligation to bring the festival-offering from unconsecrated means by bringing therefrom a complete offering i.e., the first, though by itself inadequate for the company; the latter prefers that every morsel of the festival-offering should contain a percentage purchased with unconsecrated money (Rashi). Tosaf. explains that R. Johanan objects to ‘dividing one's obligation’ by spreading it over two animals.

(3) Deut. XVI, 10.

(4) The expression ‘mix’ supports R. Johanan, because it is applicable to money and not to animals.

(5) Ibid. I.e., with both unconsecrated and consecrated means.

(6) Because it is obligatory then.

(7) Though still termed festival-offerings, they are really peace-offerings of rejoicing.

(8) I.e., the first festival-offering.

(9) Even on the same day.

(10) ‘To rejoice’.

(11) And also of course with offerings bought with Second Tithe money.

(12) I.e., satisfy his obligation after the first meal with tithe cattle, just as he may buy an offering with Second Tithe money.

(13) Every tenth animal was designated as tithe by being marked with red paint (Bek. IX, 7); on a holy day painting, being regarded as work, is prohibited.

(14) Esth. X, 1. The word used here **Xn**, and , **Xn** in Deut. XVI, 10 are from the same root.

(15) Deut. XVI, 14, which refers to Sukkoth, but by analogy is applicable to each of the three pilgrim festivals.

(16) I.e., the precept to rejoice can be fulfilled only by having meat at the feast (cf. Pes. 119a), but the flesh of any

kind of sacrifice will do.

Talmud - Mas. Chagigah 8b

only with those [offerings] from which the festal-offering can be brought;¹ these, then, are excluded Since the festal-offering cannot be brought from them. R. Ashi said: It is to be deduced from [the expression]. 'And thou shalt rejoice'; these, then, are excluded because there is no [festive] joy in them. But what does R. Ashi do with [the expression]. 'in thy feast'.² — To intimate what R. Daniel b. Kattina learnt. For R. Daniel b. Kattina said that Rab said: Whence [is it derived] that marriages³ may not take place during the mid-festival? Because it is said: 'And thou shalt rejoice in thy feast', but not in thy wife.⁴

MISHNAH. HE THAT HAS MANY TO EAT [WITH HIM] AND FEW POSSESSIONS,⁵ OFFERS MANY PEACE-OFFERINGS AND FEW BURNT-OFFERINGS,⁶ [HE THAT HAS] MANY POSSESSIONS AND FEW TO EAT [WITH HIM] BRINGS MANY BURNT-OFFERINGS⁷ AND FEW PEACE-OFFERINGS. [HE THAT HAS] FEW OF EITHER, FOR HIM IS PRESCRIBED:⁸ ONE MA'AH OF SILVER', 'TWO PIECES OF SILVER'.⁹ HE THAT HAS MANY OF BOTH, OF HIM IT IS SAID: EVERY MAN SHALL GIVE AS HE IS ABLE, ACCORDING TO THE BLESSING OF THE LORD THY GOD, WHICH HE HATH GIVEN THEE.¹⁰

GEMARA. Whence shall he bring many peace-offerings? Behold He has not! — Said R. Hisda: He may supplement [unconsecrated money with Second Tithe money] and bring a large bull.¹¹ Said R. Shesheth to him: Behold they said: One may supplement beast with beast! What did he mean? Should one say he meant this: Behold they said: One may supplement beast with beast, but not money with money; then he should say to him: One may not supplement money with money!¹² — He must, therefore, have meant this: Behold they said: One may also supplement beast with beast!¹³ According to whom will this be? It will be neither according to Hezekiah nor according to R. Johanan.¹⁴ And should you say: It is only the Amoraim¹⁵ who differ [about it],¹⁶ but the Baraitas¹⁷ do not differ;¹⁸ but behold it says: The first meal must come from unconsecrated money!¹⁹ — The first meal means that the amount of the value of a first meal²⁰ must be from unconsecrated money.²¹

'Ulla said that Resh Lakish said: If a man set aside ten beasts for his festal-offering [and] he offered up five on the first day of the festival, he may offer up the other five on the second day of the festival;²² R. Johanan said: Since he has interrupted [the offer- above) and not leave R. Hisda to infer what is prohibited from a statement of what is permitted. ings]. he cannot offer any more. R. Abba said: But they do not differ: the one speaks of an instance where he did not declare his intention, and the other speaks of an instance where he did declare his intention.²³ What is the case of the one who had not declared his intention?²⁴ — Should one say that there is no time left in the day to offer them, then the reason for his not offering them was because there is no time left in the day!²⁵ [Should one say], therefore, that he had no [more] people to eat with him!²⁵ - — No, it refers to a case where there was time left in the day [to offer] and he had people to eat with him; seeing that he did not offer them on the first day [of the festival] it proves that he left them over [intentionally].²⁶ And so it stands to reason;²⁷ for when Rabin came [from Palestine] he said

that R. Johanan said: If a man set aside ten beasts for his festal-offering, [and] he offered five the first day of the festival, he may offer the other five on the second day of the festival. [Now the two statements of R. Johanan] contradict one another! Surely, therefore, you must learn from this that in the one case he does not declare his intention and in the other he does declare his intention. Proven.

It is also reported:²⁸ R. Shaman b. Abba said that R. Johanan said:

(1) V. p. 33, n. 3. Cf. also infra 10b.

(2) I.e., since Scripture has no redundant expressions, what teaching does he derive from it.

(3) Lit., 'they may not take wives'.

(4) V. M.K. 8b.

(5) I.e., cattle (cf. Aramaic **ihxfb** cattle, herd), which, in contradistinction to land (immovable property), originally constituted essential (movable) wealth. The root **xfb** means to slaughter; cf. Latin pecunia from pecus (Goldschmidt). Cf. also chattels from cattle. Jastrow offers a different explanation.

(6) Respectively for festal and pilgrimage sacrifices.

(7) In accordance with Deut. XVI, 17.

(8) By the Rabbis.

(9) V. p. 2, nn. 2, 4.

(10) Deut. XVI, 17.

(11) V. p. 38, the views of Hezekiah and R. Johanan.

(12) I.e., let R. Shesheth, who follows Hezekiah's view, say distinctly what is prohibited (exactly as Hezekiah does

(13) I.e., and not merely money with money.

(14) As neither of them permits the supplementing of both money with money and beast with beast.

(15) Lit., 'speakers': the Talmudic scholars who were active from the time of the conclusion of the Mishnah (C. 220 C.E.) to the end of the fifth century, and compiled almost the whole of the Gemara; v. Glos. s.v. Amora. Here Hezekiah and R. Johanan are referred to.

(16) I.e., regarding the permissibility of supplementing money with money and adding beast to beast.

(17) Lit., 'extraneous (teachings)': the generic term for Tannaitic teachings not included in the Mishnah, v. Glos.

(18) The Baraithas quoted above (pp. 38, 39) in support of Hezekiah and R. Johanan respectively do not contradict each other regarding the permissibility of adding money to money, only regarding the adding of beast to beast, which the first Baraita prohibits and the second permits. Thus R. Shesheth will agree with the second Baraita which permits the adding of beast to beast as well as money to money.

(19) This presumably means that the whole of the flesh of the first meal must come from unconsecrated money, which in turn shows that the Baraita refers to the supplementing of beast with beast and not of money with money.

(20) [I.e., the amount required to constitute generally a first festal meal and not, as assumed, the whole of the first meal. The text is in slight disorder].

(21) Thus the Baraita may refer both to animals and money.

(22) Rashi explains: One must not suppose that by offering the remaining beasts on the second day (i.e., the first day of the mid-festival) he is transgressing the commandment to keep one day as a feast i.e., to offer his festal offerings on the first day (deduced infra p. 44 from Lev. XXIII, 41, 'and ye shall keep it (only) a feast'), for the second day he is merely 'compensating' for the dues of the first. But according to R. Hananel (quoted in Tosaf'. **rzuj v"s**) **hba cuy ouh** ('the second day') means, or should read, **iurj t cuy ouh** ('the last day of the festival'); and he explains that one should not think that since vow-offerings and freewill-offerings cannot be

brought on a festival day, therefore the remaining beasts may not be offered then; for these sacrifices are to be regarded as festal-offerings not as vow- or freewill-offerings, since in the first place they were set aside for that purpose. This interpretation is supported by the J.T.

(23) I.e., he said explicitly I set all of them aside for the first day; if then he offers some on the second day, they are merely 'compensation' for the first day.

(24) That you rule that he cannot offer them any more.

(25) But his intention was to offer them on the first day.

(26) In order to provide a feast for the second day.

(27) I.e., that R. Johanan would grant that if he declared his intention to offer them all on the first day, he may offer the remaining beasts on the second.

(28) This is an Amoraic (v. p. 41, n. 3) corroboration to the effect that where it is evident that the pilgrim did not intend in the first instance to hold over some of the offerings for the second day, R. Johanan would agree with Resh Lakish.

Talmud - Mas. Chagigah 9a

They taught this¹ only [of a case] when it had not ended, but if it had ended, he may offer the rest [on the second day]. What does 'ended' mean? Shall one say [it means]: he had ended² his sacrifices? What [in that case] should he offer? It must mean, therefore, that the day had not ended,³ but if the day had ended,⁴ he may offer the rest [on the second day].

MISHNAH. HE WHO DID NOT BRING HIS FESTAL-OFFERING ON THE FIRST FESTIVAL, DAY OF THE FEAST [OF TABERNACLES], MAY BRING IT DURING THE WHOLE OF THE FESTIVAL, EVEN ON THE LAST FESTIVAL DAY⁵ OF THE FEAST [OF TABERNACLES]. IF THE FESTIVAL, PASSED AND HE DID NOT BRING THE FESTIVAL OFFERING, HE IS NOT BOUND TO MAKE IT GOOD. OF SUCH A PERSON IT IS SAID: HE THAT IS CROOKED CANNOT BE MADE STRAIGHT AND THAT WHICH IS WANTING CANNOT BE RECKONED.⁶ R. SIMEON B. MENASYA SAID: WHO IS IT 'THAT IS CROOKED' WHO 'CANNOT BE MADE STRAIGHT'? HE THAT HAS CONNECTION WITH A FORBIDDEN RELATION⁷ AND BEGETS BY HER BASTARD ISSUE. SHOULD YOU SAY THAT IT APPLIES TO A THIEF OR ROBBER, BUT THEN HE IS ABLE TO MAKE RESTITUTION AND BE MADE STRAIGHT. R. SIMEON B. YOHAI SAID: ONLY HE CAN BE CALLED 'CROOKED' WHO WAS STRAIGHT AT FIRST AND BECAME CROOKED. AND WHO IS THIS? — A DISCIPLE OF THE SAGES WHO FORSAKES THE TORAH.

GEMARA. Whence do we know this?⁸ — R. Johanan in the name of R. Ishmael said: [The expression] 'Azereth ['solemn assembly'] is used of the seventh day of Passover,⁹ and [the expression] 'Azereth is used of the eighth day of the Feast [of Tabernacles].¹⁰ Just as there it¹¹ intimates that one can make good [thereon the festal-offering due on the first day] so here¹² it intimates that one can make good [thereon the festal-offering of the first day]. And it is free [for interpretation];¹³ for were it not free one might object: whereas [this¹⁴ applies] to the seventh day of Passover which is not differentiated from the preceding [days], can you say this of the eighth day of the Feast [of Tabernacles] which is differentiated from the preceding [days].¹⁵ But it is not so;¹⁶ it is quite free [for interpretation]. Consider, what does 'Azereth mean? [Evidently it means],

restrained [‘Azur]¹⁷ in respect of doing work. But behold it is written: Thou shalt do no work;¹⁸ wherefore, then, has the Divine Law written ‘Azereth’¹⁹ You must infer therefrom [that it is] in order to leave it free [for interpretation]. But the Tanna²⁰ [of the following Baraitha] deduces it from here. For it is taught: And ye shall keep it a feast unto the Lord seven days.²¹ One might think that he must go on bringing festal-offerings the whole of the seven days. Scripture, therefore, says, ‘it’: on it [only] are you to offer festal-offerings, but you are not to offer festal-offerings on all the seven days. If so, why does it say, ‘seven’? To intimate that one may make good [the festal-offering during the seven days of the festival]. And whence [do we learn] that if he did not bring the festal-offering on the first festival day of the Feast [of Tabernacles] that he can go on bringing it during the course of the whole Festival, even on the last festival day? Scripture says: Ye shall keep it in the seventh month.²² If, now, [it is to be kept] in the seventh month, one might think that one can go on bringing the festal-offering throughout the whole month, therefore Scripture says, ‘it’:²³ on ‘it’ [only] are you to offer festal-offerings, but you are not to offer festal-offerings outside it.

And what is the nature of this ‘making good’? — R. Johanan says: They²⁴ make up for the first day;²⁵ and R. Oshaiah says: They make up for one another.²⁶ What is the [practical] point at issue between them? — R. Zera said: [The case of] a man who was lame²⁷ on the first day [of the festival] and became well on the second day is the point of issue between them. R. Johanan says: They make up for the first day; since on the first day he was not qualified [to bring the festal-offering], he is not qualified on the second. And R. Oshaiah says: They make up for one another; although he was not qualified on the first day he is qualified on the second. But could R. Johanan have said this? For behold Hezekiah said: If [a Nazirite] became defiled during the day [of the eighth] he has to bring [a sacrifice], but during the night [preceding the eighth] he does not have to bring [a sacrifice].²⁸ But R. Johanan said: Also [if he was defiled] during the night, he must bring [a sacrifice]!²⁹ — Said R. Jeremiah: The case of uncleanness is different,³⁰ because it can be made good [as is the case with the sacrifice] on the Second Passover.³¹ R. Papa demurred to this: It is right according to the view that the Second Passover

(1) I.e., the Baraitha quoted infra pp. 44-45 which deduces from Lev. XXIII, 41 that the festal-offering is to be offered on the first day only.

(2) **rnd** (‘he ended’) is both transitive and intransitive.

(3) And he refrained from offering the remaining beasts.

(4) And he had no opportunity of offering all his sacrifices.

(5) Which is regarded as a separate festival, nevertheless one can make good thereon the festal-offering due on the first day of Tabernacles.

(6) Eccl. I, 15.

(7) V. Lev. XVIII, 6-18.

(8) I.e., that if the festal-offering was not brought earlier, it can still be offered up on the last day of Tabernacles.

(9) Deut. XVI, 8.

(10) Lev. XXIII, 36; Num. XXIX, 35.

(11) I.e., in the case of the seventh day of Passover which is essentially part of the Passover Festival.

(12) I.e., in the case of the eighth day of Tabernacles, even though it has the status of a separate festival; v. infra 17a.

(13) I.e., the word , **rmg** is redundant; this makes the inference by analogy irrefutable.

- (14) That one can make good on the last day the festal-offering of the first.
- (15) Cf. Yoma 3a.
- (16) **hhtk hv tk utk** 'No', 'it is not so'.
- (17) Cf. A.V. Marg. 'restraint' in Deut. XVI, 8; Lev. XXIII, 36.
- (18) Deut. XVI, 8.
- (19) V. p. 7, n. 8.
- (20) An authority quoted in Mishnah and Baraita in contradistinction to Amora such as R. Johanan above. V. Glos.
- (21) Lev. XXIII, 41.
- (22) Ibid. I.e., you can bring the festal-offering on every festival day in the month.
- (23) The second 'it' of the verse.
- (24) I.e., the days of the festival following the first.
- (25) I.e., the first day of the festival is the specific day for the festival-offering. If a man was liable to bring it on the first day but did not, he may make it good on a subsequent day of the festival; but if he was exempt on the first day, he is no longer bound to bring the offering.
- (26) I.e., each day makes up for the preceding in the sense that it puts a new liability on the pilgrim; thus on whichever day of the festival he becomes qualified, he is bound to bring his offerings.
- (27) And therefore exempt; v. p. 1.
- (28) If a Nazirite (v. Num. VI, 2f) becomes defiled, he must wait seven days, and bring a sacrifice on the eighth, before he again begins to observe the days of his Naziritehood. One sacrifice will suffice for several defilements if the lapse between any two is less than eight days. But if he became defiled on the eighth day, he must bring a sacrifice for the previous defilement, since it was already due, and also for the subsequent defilement, since it occurred in a new period of eight days. If, however, the second defilement occurred on the night preceding the eighth, a second sacrifice has not to be brought, since the first cannot be offered till the morning, (for sacrifices are offered only during the day), the obligation to bring a sacrifice cannot be said to have yet fallen due and consequently the question of making good does not in his view arise. Cf. Ker. II, 3.
- (29) Because he has already been purified by ritual immersion (**vklycy**) on the seventh day, and the sun of that day has set (**ana crgv**). Now this statement seems to show that R. Johanan holds that though one is not qualified to bring a sacrifice (e.g., the Nazirite on the night preceding the eighth day), one may make up for it later.
- (30) I.e., a sacrifice which cannot be offered on account of uncleanness is exceptional.
- (31) Which is offered to make good the nonobservance of the First Passover sacrifice owing to a disqualification of uncleanness. V. Num. 10f. Thus those who are unfit to bring the paschal lamb on the First Passover may bring it on the Second, and similarly in other cases of uncleanness; but in all other cases of disqualification, R. Johanan would hold that an offering which could not be brought on one day cannot be made good.

Talmud - Mas. Chagigah 9b

makes up for the First;¹ but what is to be said according to the view that the Second [Passover] is a separate festival?² — Therefore, said R. Papa, R. Johanan must be of the opinion that the night [before the day on which the sacrifice is due] is not regarded as belonging to the preceding period.³ But how could R. Johanan have said this?⁴ For behold R. Johanan said: If [a zab]⁵ had one emission in the night and two in the [following] day, he must bring [a second offering];⁶ but [if he had] two in the night and one in the day, he has not to bring [a second offering].⁷ Now if you imagine that R. Johanan is of the opinion that the night [before the day on which the sacrifice

is due] is not regarded as belonging to the preceding period, then even [if he had] two [emissions] at night and one in the day he must bring [a second offering]! — R. Johanan said this only according to the view that the night [before] is regarded as belonging to the preceding period.⁸ But according to this view it is surely obvious!⁹ — It is required for the case where there are two [emissions] in the day and one the [preceding] night. You might have thought [the decision] to be according to the objection of R. Shisha son of R. Idi, it therefore teaches us that it is according to R. Joseph.¹⁰

IF THE FESTIVAL PASSED AND HE DID NOT BRING THE FESTIVAL OFFERING, HE IS NOT BOUND TO MAKE IT GOOD. OF SUCH A PERSON IT IS SAID: HE THAT IS CROOKED CANNOT BE MADE STRAIGHT AND THAT WHICH IS WANTING CANNOT BE RESTORED. Bar He-He¹¹ said to Hillel: [Instead of] the [expression] ‘to be reckoned’ it ought to be ‘to be filled’!¹² It must refer, therefore, to one whose fellows reckoned him¹³ for [the performance of] a religious act, but he would not be reckoned with them. It has also been taught thus: ‘He that is crooked cannot be made straight’: this refers to one who neglected to read the morning Shema’ or the evening Shema’,¹⁴ or he neglected the morning prayer¹⁵ or the evening prayer. And that which is wanting cannot be reckoned’; this refers to one whose fellows resolved¹⁶ on [the performance of] a religious act and he would not be reckoned with them.

Bar He-He said to Hillel: Then shall ye again discern between the righteous and the wicked, between him that serveth God and him that serveth Him not.¹⁷ ‘The righteous’ is the same as ‘he that serveth God’; ‘the wicked’ is the same as ‘he that serveth Him not’! — He answered him: He that serveth Him and he that serveth Him not both refer to such as are perfectly righteous; but he that repeated his chapter a hundred times is not to be compared with him who repeated it a hundred and one times.¹⁸ Said [Bar He-He] to him: And because of once he is called ‘he that serveth Him not’? — He answered: Yes, go and learn from the mule-drivers market; ten parasangs for one zuz,¹⁹ eleven parasangs for two zuz.

Elijah²⁰ said to Bar He-He, and others say, to R. Eleazar: What is the meaning of the verse: Behold I have refined thee but not as silver; I have tried thee in the furnace of affliction?²¹ It teaches that the Holy One, blessed be He, went through all the good qualities in order to give [them] to Israel, and He found only poverty.²² Samuel said, and others say. R. Joseph: This accords with the popular saying: Poverty befits Israel like a red trapping a white horse.²³ R. SIMEON B. MENASYA SAID: WHO IS IT ‘THAT IS CROOKED’ WHO ‘CANNOT BE MADE STRAIGHT’? HE THAT HAS CONNECTION WITH A FORBIDDEN RELATION AND BEGETS BY HER BASTARD ISSUE etc. Only if he begets, but not if he does not beget. But behold it is taught: R. Simeon b. Menasya said: If a man steal, he can return the theft and [so] become straight; but he that has connection with a married woman and makes her prohibited unto her husband is banished from the world and passes away.²⁴ (R. Simeon b. Yohai said: One does not say: Examine the camel, examine the pig,²⁵ Only examine the lamb.²⁶ And who is this? A disciple of the wise who has forsaken the Torah. R. Judah b. Lakish said: Any disciple of the wise who has forsaken the Torah, of him Scripture says: As a bird that wandereth from her nest, so is a man that wandereth from his place.²⁷ And it further says: What unrighteousness have your fathers found in me, that they are gone far from me?)²⁸ — There is no contradiction: the one case refers to his unmarried sister,²⁹ the other refers to a married woman.³⁰ Or I might say: Both are cases of

married women; but there is no contradiction: in the one case

(1) V. Pes. 93a.

(2) This excludes the explanation that a sacrifice, not offered in time owing to uncleanness, can be made good later.

(3) [Lit., 'is not (deemed as) wanting time'. I.e., the fact that one cannot bring an offering on the night preceding the day on which it is due, is not regarded as a disqualifying factor, and consequently in the case of a Nazirite the night preceding the eighth day completes the eight days' period, so that the sacrifice may be said to fall due thereon, though he is actually prevented from offering it because it is still night. For this reason the sacrifice which was not offered at night can be made good on the following morning, and should he in the meantime suffer a second defilement, he has to bring a second sacrifice, whereas in the case of the festival-offering where he was lame on the first day, there was no obligation whatsoever resting on him to bring a sacrifice and consequently this cannot be made good].

(4) I.e., that the night preceding the day on which a sacrifice is due is not regarded as belonging to the preceding period.

(5) **CZ**, one who suffers from gonorrhoea (v. Lev. XV). After the first emission he is considered a **hrc kgc** and is unclean for the day; after the second, he is **tyn**, (unclean in the degree of zab), and has to count seven clean days, wash his garments, have ritual immersion and wait for sunset; after the third, he has, in addition, to bring sacrifices on the eighth day (cf. Ned. 43b). This zab had counted seven days and was to bring his offerings on the morrow, and in the meantime he saw further discharges.

(6) Because the first emission is counted with the two of the morning.

(7) Because the two nocturnal emissions make him unclean within the period of the first defilement, i.e., before the eighth day.

(8) But his own view is the reverse.

(9) As his own opinion the statement would have point in as much as it tells us his personal view; otherwise the teaching is an obvious corollary of the principle that the night before belongs to the preceding period.

(10) V. Ker. 8a, where R. Joseph seeks to prove R. Johanan's view that the first emission in the evening is counted with the two of the morning (cf. n. 1). and R. Shisha argues against the former's proof.

(11) V. Aboth, Sonc. ed, p. 77, n. 6. (Ch. V, 23).

(12) I.e., the expression 'that which is wanting' (**iurxj**) requires as its antonym 'to be filled' (**utknvk**) not 'to be reckoned' **ubnvk** lit., to be numbered'.

(13) I.e., asked him to join them.

(14) A biblical reading consisting of Deut. VI, 4-9 and an additional sentence; *ibid.* XI, 13-21; Num. XV, 37-41; the name is derived from its first word — **gna**. V. P.B. pp. 40-42.

(15) The prayer par excellence, called also 'Amidah ('standing prayer') and the 'eighteen (really nineteen) blessings'. V. P.B. pp. 44f.

(16) Lit., 'reckoned themselves'.

(17) Mal. III, 18.

(18) Possibly a pun is intended here: the initial letters of **rwtk ohvkt scg** ('he that serveth God and he') = 101; and of **uscg tk** ('serveth Him not') = 100. V. Marginal Gloss. in cur. edd.

(19) A silver coin, quarter of a shekel, and equal to a denar, v. Glos.

(20) For Elijah in Rabbinic literature v. J.E. vol. V, pp. 122f, espec. p. 124f. Cf. also supra pp. 17f. regarding the Angel of death.

(21) Isa. XLVIII, 10.

(22) The word for 'affliction' (**hbg**) also means poverty.

(23) V. Lev. Rab. ss. 13 and 35 for parallel readings.

(24) I.e., the wrong they have done is irreparable. This statement of R. Simeon b. Menasya, which declares that connection with a prohibited relation, even if there be no issue, is irreparable, contradicts his statement in the Mishnah. The other dicta are quoted merely because they form part of the Baraita (Tosef.).

(25) I.e., to see if they are without blemish and so fit for sacrifice, for they are unfit to start with. Likewise 'made crooked' can only refer to one who was originally worthy and later degenerated. V. R. Simeon b. Yohai's statement in Mishnah.

(26) Which is fit for sacrifice unless it becomes blemished.

(27) Prov. XXVII, 8.

(28) Jer. II, 5.

(29) The wrong then becomes irreparable only when there is issue.

(30) A stranger's connection with her, even if no issue results, makes her prohibited to her husband.

Talmud - Mas. Chagigah 10a

it was against her will,¹ in the other it was with her consent. Or you may say: in both cases it was against her will but there is no contradiction: the one case concerns a priest's wife² and the other an Israelite's wife.

Neither was there any peace to him that went out or came in,³ Rab said: As soon as man goes forth from Halachic⁴ to Scripture study he no longer has peace.⁵ And Samuel said: It means one who leaves Talmud for Mishnah.⁶ And R. Johanan said: Even [if he goes] from Talmud to Talmud.⁷

MISHNAH. [THE LAWS CONCERNING] THE DISSOLUTION OF VOWS⁸ HOVER IN THE AIR AND HAVE NOUGHT TO REST ON.⁹ THE LAWS CONCERNING THE SABBATH, FESTAL-OFFERINGS, ACTS OF TRESPASS¹⁰ ARE AS MOUNTAINS HANGING BY A HAIR, FOR THEY HAVE SCANT SCRIPTURAL BASIS BUT MANY LAWS. [THE LAWS CONCERNING] CIVIL CASES AND [TEMPLE] SERVICES,¹¹ LEVITICAL CLEANNESS AND UNCLEANNES, AND THE FORBIDDEN RELATIONS¹² HAVE WHAT TO REST ON,¹³ AND IT IS THEY THAT ARE THE ESSENTIALS OF THE TORAH.

GEMARA. It is taught: R. Eliezer said: They¹⁴ have something to rest on, for it is said: When one shall clearly utter¹⁵ [a vow], when one shall clearly utter [a vow]:¹⁵ one [intimates] an utterance to bind, and the other an utterance to dissolve. R. Joshua said: They have something to rest on, for it is said: Wherefore I swore in My wrath.¹⁶ [It means,] I swore in My wrath,¹⁷ but I retracted.¹⁸ R. Isaac said: They have something to rest on, for it is said: Whosoever is of a willing heart.¹⁹ Hanania, son of the brother of R. Joshua, said: They have something to rest on, for it is said: I have sworn, and I have confirmed it, to observe Thy righteous ordinances.²⁰ Rab Judah said that Samuel said: Had I been there I should have said to them: My [Scriptural proof] is better than yours, for it is said: He shall not break his word.²¹ 'He' may not break it, but others may dissolve it for him. Raba said: To all these [proofs] objection can be made except to that of Samuel, against which no objection can be raised. For against R. Eliezer [it may be objected]: Perhaps [the verse is to be explained] according to R. Judah, who said it in the name of R.

Tarfon. For it is taught: R. Judah said in the name of R. Tarfon: Indeed, neither of them becomes a Nazirite, because Naziriteship can be assumed only by clear utterance.²² Against R. Joshua [it may be objected]: Perhaps this is the meaning of the verse: I swore in My wrath and did not retract'. Against R. Isaac [it may be objected]: Perhaps [the verse comes to] exclude the view of Samuel. For Samuel said: Though he determined in his heart,²³ he must still utter it with his lips.²⁴ And [the verse]²⁵ teaches us that even though he did not utter it with his lips [it is binding]. Against Hanania, the son of the brother of R. Joshua [it may be objected]: Perhaps [the verse is to be explained] according to R. Giddal who said it in the name of Rab. For R. Giddal said that Rab said: Whence [is it to be deduced] that one may take an oath to fulfil a precept?²⁶ For it is said: 'I have sworn, and I have confirmed it, to observe Thy righteous ordinances'.²⁷ But against Samuel's proof no objection can be raised. Raba, and some say, R. Nahman b. Isaac, said: This is the meaning of the popular saying: Better one grain of pungent pepper than a basketful of pumpkins.²⁸

THE LAWS CONCERNING THE SABBATH. But they are written [in Scripture]!²⁹ — No, it is necessary [to state this] for the teaching of R. Abba. For R. Abba said: He who digs a hole on the Sabbath and requires it only for the sake of its earth is not liable for it.³⁰ According to which authority [will this be]? According to R. Simeon, who said: one is not liable for work [performed on the Sabbath] which is not required for itself.³¹ — You may even say that it is according to R. Judah:³² there³³ one is improving.³⁴ here³⁵ one is spoiling.³⁶ But why does it say: AS MOUNTAINS HANGING BY A HAIR?³⁷

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- (1) In this case she may continue to live with her husband.
 - (2) In this case even if it was against her will she may no longer live with her husband (cf. Keth. 51b).
 - (3) Zech. VIII, 10.
 - (4) V. Glos. s.v. Halachah.
 - (5) Because the Halachah provides the ultimate ruling for conduct; cf. Hershon, Talmudic Miscellany, Ch. XI, No. 33, and the lines in Longfellow's 'Golden Legend' beginning: The Kabbala and Talmud lore, etc. (quoted in Streane's Chagigah).
 - (6) Without the Talmudic explanation and discussion the Mishnah may be misleading.
 - (7) According to Rashi, from the Palestinian Talmud (or Jerusalmi) to the Babylonian Talmud which was more difficult; cf. Sanh. 24a and B.M. 85b. But according to Tosaf., from either to the other before the first is properly understood.
 - (8) By a Sage, to whom the person who makes the vow explains his original intention which did not include the special circumstances that now cause him to regret the vow; thus a **vyrj j , p** ('a way of retraction') is found whereby the vow can be annulled. V. Ned. 9a, 10b.
 - (9) I.e., in Biblical teaching, and depend only on oral tradition; but cf. Num. XXX, 8-9.
 - (10) The misappropriation of holy things to secular use. V. Lev. V, 14-16.
 - (11) I.e., the offering of sacrifices.
 - (12) V. Lev. XVIII, 6f.
 - (13) [MS.M.: 'have on whom to rest', i.e., have good authority. V. Zeitlin, JQR. (N.S.) VII, p. 500].
 - (14) I.e., the laws concerning the dissolution of vows.
 - (15) Twice: in Lev. XXVII, 2 and Num. VI, 2.
 - (16) Ps. XCV, R.
 - (17) I.e., hastily, but in calmer mood I regretted the oath and retracted. The verse refers to God, of course; but the

inference is drawn from the anthropomorphism for ill-considered human vows.

(18) The 'change of mind' attributed here to God with regard to the generation of the wilderness must be explained by reference to Sanh. 110b where the view is expressed that they have a share in the world to come, i.e., they were not permitted to enter Canaan, their earthly possession, but it was granted them to enter their Heavenly heritage.

(19) Ex. XXXV, 5. But if the heart be no longer willing it is possible for the vow to be dissolved (cf. discussion in Shab. 26b).

(20) Ps. CXIX, 106. But where instead of confirmation there is retraction, the person may be released from his vow.

(21) Num. XXX, 3.

(22) If the assumption of the state of Nazir (v. Num. VI) was made the forfeit of a wager between two, R. Tarfon holds that neither loser nor winner is a Nazir, because Naziriteship must be explicitly vowed and cannot be assumed conditionally. This he deduces from one of the two verses cited by R. Eliezer (cf. Nazir 32b Mishnah and 34a top).

(23) To swear a certain oath.

(24) Otherwise it is no oath and he is not liable.

(25) Cited by R. Isaac.

(26) I.e., it is meritorious to do this that he may fulfil the precept with greater zeal.

(27) V. Ned. 7b.

(28) I.e., a sharp mind is better than mere learning.

(29) Why then does the Mishnah say that there is little Scriptural basis for them?

(30) But if he required the hole itself, he would be guilty of building on the Sabbath, v. Shab. 73b.

(31) E.g., a hole dug for the sake of its earth. R. Simeon stated this principle in connection with carrying out the dead on the Sabbath (v. Shab. 93a).

(32) Who holds that one may not carry a corpse out on the Sabbath for burial (v. *ibid.*).

(33) I.e., in the case of the corpse.

(34) I.e., burying the corpse and achieving something desired.

(35) I.e., in the case of the digging of a hole.

(36) The hole does not improve the ground nor is it desired for itself.

(37) Implying that some kind of support is afforded by the Torah.

Talmud - Mas. Chagigah 10b

— Because the Torah prohibited [on the Sabbath] purposed work,¹ yet purposed work is not mentioned in Scripture.² [LAWS CONCERNING] FESTAL-OFFERINGS. But they are written [in Scripture]!³ — No, it is necessary in the light of what R. Papa said to Abaye: Whence [do we know] that [the verse]: And ye shall keep it a feast to the Lord⁴ signifies sacrifice? Perhaps the Divine Law means: Celebrate a Festival!⁵ — If so, when it is written, That they may hold a feast unto Me in the wilderness,⁶ would that also mean: Celebrate a festival! And should you say that it indeed means that, surely it is written: And Moses said: 'Thou must also give into our hand beasts of killing and burnt-offerings'⁷ — Perhaps the Divine Law means this: Eat ye and drink and celebrate a festival before Me!⁸ — Do not think of this; for it is written: Neither shall the fat of My feast remain all night until the morning.⁹ If now you suppose that it means a festival¹⁰ [only], has a festival fat? — But perhaps the Divine Law means this: the fat that is offered during the course of the festival should not remain overnight!¹¹ — If so, then [it would imply] that only during the festival the fat may not remain overnight, but throughout the year¹² it may remain

overnight; [but behold] it is written: All night unto the morning!¹³ — [But] perhaps from this [verse alone] one would know it merely as a positive precept, therefore Scripture wrote the other [verse to enjoin it] as a prohibition!¹⁴ — [To enjoin it] as a prohibition there is another verse: Neither shall any of the flesh, which thou sacrificest the first day at even, remain all night until the morning¹⁵ — [But] perhaps [this was required] in order to impose upon him two prohibitions and one positive precept! — Rather, it can be deduced from [the word] ‘wilderness’ which occurs in two passages. Here it is written: That they may hold a feast unto Me in the wilderness.¹⁶ And elsewhere it is written: Did ye bring unto Me sacrifices and offerings in the wilderness?¹⁷ Just as in the latter verse [it means] sacrifices, so in the former [it means] sacrifices. Why then does it say: AS MOUNTAINS HANGING BY A HAIR?¹⁸ — [Because] no inference may be drawn concerning statements of the Torah from statements of the Prophets.¹⁹

ACTS OF SACRILEGE. But they are written [in Scripture]! Rami b. Hama said: It is required only for that which we have learnt. If the agent did his errand [committing thereby an act of sacrilege],²⁰ the householder²¹ is guilty of sacrilege;²² if he did not do his errand, the agent is guilty of sacrilege. But why should he²³ be guilty if he did his errand? Shall one man sin and another become liable!²⁴ That is why [the Mishnah says]: AS MOUNTAINS HANGING BY A HAIR. Raba said: But what is the objection? Perhaps sacrilege is different, since we compare it with terumah²⁵ through the analogous expressions for ‘sin’ [which occur in connection with both laws]:²⁶ just as there²⁷ the agent of a person is like himself²⁸, so here the agent of a person is like himself. Rather, said Raba, it must be required for the [following] teaching; If the householder remembered,²⁹ but the agent did not remember, the agent is guilty of sacrilege. What has the poor agent done!³⁰ That is why [the Mishnah says]: AS MOUNTAINS HANGING BY A HAIR. R. Ashi said: What is the objection? Perhaps it is like [every other] case where one spent [in error] sacred money for secular purposes!³¹ Rather, said R. Ashi, it must be required for that which we have learnt. If a man took away a stone or a beam from Temple property, he is not guilty of sacrilege; but if he gave it to his fellow,³² he himself is guilty, but his fellow is not guilty.³³ See now, he has taken it, what difference does it make whether he or his fellow [keeps it]! Therefore it says: LIKE MOUNTAINS HANGING BY A HAIR. But what is the objection? Perhaps it is [to be explained] according to Samuel. For Samuel said: Here

(1) Lit., ‘work of thought’ (cf. Ex. XXXV, 35 where it is rendered in E.V. ‘skillful workmanship’) i.e., work that achieves the purpose primarily intended; v. supra n. 9. The various kinds of work prohibited on the Sabbath are deduced from the different kinds of work involved in the Tabernacle; cf. Shab. 73a (Mishnah) Rashi a.l.

(2) It is only deduced from the juxtaposition of the section concerning the Sabbath and the section concerning the construction of the Tabernacle in Ex. XXXV.

(3) Ex. XII, 14; Lev. XXIII, 41.

(4) Ibid.

(5) I.e., without sacrifices. Tosaf. a.l. suggests: Celebrate it with dances, taking the rt. **duj** to mean to dance’; cf. Ps. CVII, 27.

(6) Ex. V, 1.

(7) Ibid. X, 25.

(8) The ‘beasts for killing’ (Heb. **ohj CZ**, E.V. ‘sacrifices’) would thus not refer to sacrifices (i.e., ‘peace-offerings’) but to animals killed for meat only.

(9) But should be burnt on the altar before dawn. Ibid. XXIII, 18.

- (10) Heb. **dj** , which can mean both festival and festal-offering; cf. **vdhdj** , the Rabbinic word for festal-offering, which is derived from the same root.
- (11) But it does not follow that there is an obligation to bring a festal-offering.
- (12) I.e., in the case of other sacrifices offered at non-festival times.
- (13) Lev. VI, 2, which refers to all occasions, not just to festivals: it teaches us that the limbs and fat of sacrifices slaughtered during the day may be burnt on the altar all night but not thereafter.
- (14) The neglect of an ordinary positive precept is not indictable; but the transgression of a prohibition entails the bringing of a sin-offering, if the offence was committed unwittingly, or the punishment of stripes (maximum thirty-nine), if the transgression was wittingly committed, unless a severer penalty is ordained by Scripture. Exceptions not involving stripes are (a) 'a prohibitive precept transformed into a mandatory law' i.e., when the transgression must be repaired by a succeeding act; (b) a prohibition the transgression of which involves no action. Hence, the prohibition here referred to does not involve stripes.
- (15) Deut. XVI, 4.
- (16) Ex. V, 1.
- (17) Amos V, 25.
- (18) For deduction by analogy is considered support for a law.
- (19) Heb. **vkce** Lit., 'tradition', a designation for post-Pentateuchal books of the Bible, which are deemed of lesser authority than the Pentateuch or Torah. V. Bacher, Exeg. Term. I, 166, II, 185.
- (20) E.g., sacred money was mixed with secular money, and not knowing of this, he asked the agent to buy a garment for him with the money.
- (21) I.e., the one who instructed the agent.
- (22) I.e., he has to refund the value of the sacred property plus a fifth and bring a trespass-offering.
- (23) I.e., the householder.
- (24) It is a Talmudic principle that no one is considered an agent or messenger for the committal of sin, i.e., the transgressor is liable whether he commits the sin on his own behalf or for another.
- (25) A portion of the produce, between a fortieth and a sixtieth, given to the priest. V. Glos.
- (26) Lev. V, 15 (trespass), and Num. XVIII, 32 (terumah).
- (27) I.e., in the case of terumah.
- (28) Deduced from the words, 'Ye also', in Num. XVIII, 28.
- (29) Before the agent committed sacrilege by spending the money for secular use.
- (30) He did not know that he was misappropriating sacred money; why then should he be held responsible?
- (31) Though a person committed sacrilege in error he is held responsible; so too here in the case of the agent.
- (32) By this act he takes it out of the possession of the Temple.
- (33) Derived from Lev. V, 16.

Talmud - Mas. Chagigah 11a

it refers to the treasurer [of the Sanctuary] to whom the building stones had been entrusted, so that wherever it is, it is in his possession!¹ Rather [it can be explained] from the latter part [of the Mishnah]. If he built it into his house, he is not guilty of sacrilege until he dwells under it to the value of a perutah.² See now, he has effected a change therein,³ what difference does it make whether he dwells [under it] or does not dwell [under it]!⁴ Therefore it says: LIKE MOUNTAINS HANGING BY A HAIR. But what is the objection? Perhaps it is [to be explained] according to Rab. For Rab said: It refers to a case where he placed it over a roof-aperture,⁵ [in which case] if he dwells in [the house] he is [guilty of sacrilege]. If he does not dwell in [the house] he is not

[guilty]! — Therefore, it must be after all as Raba said: and as for your objection that the same applies to any person who spent [in error] sacred money for secular purposes, [one may answer]: There⁶ he knew full well that he had sacred money, he should therefore have taken care; but here,⁷ how could he know? Therefore [the Mishnah says]: AS MOUNTAINS HANGING BY A HAIR⁸

SCANT SCRIPTURAL BASIS BUT MANY LAWS. A Tanna taught: [The laws concerning defilement through] leprosy-signs⁹ and tent-covering¹⁰ have scant Scriptural basis and many laws. [You say] leprosy-signs have scant Scriptural basis? [On the contrary] leprosy-signs have considerable Scriptural basis! — R. Papa said: It means as follows: Leprosy-signs have considerable Scriptural basis and few laws, [defilement through] tent-covering has scant Scriptural basis and many laws. But what practical difference does it make? — If you are in doubt about anything concerning leprosy-signs search the Bible, but if you are in doubt about anything concerning [defilement through] tent-covering search the Mishnah.¹¹

CIVIL CASES. But they are written [in Scripture]¹² — It is necessary only for the teaching of Rabbi. For it is taught: Rabbi said: Life for life¹³ [means] monetary compensation. You say [it means] monetary compensation; but perhaps [it means] actual life? — ‘Giving’ is mentioned below,¹⁴ and ‘giving’ is mentioned above:¹⁵ just as in the latter case [it means] monetary compensation, so in the former case [it means] monetary compensation.

TEMPLE SERVICES. But they are written [in Scripture]! — It refers only to the carrying of the blood [to the altar]. For it is taught: And they shall present;¹⁶ this [means] the receiving of the blood.¹⁷ Now the Divine Law used for it an expression of ‘carrying’, as it is written: And the priest shall present¹⁸ the whole and make it smoke upon the altar,¹⁹ and the Master said: This [means] the carrying²⁰ of the pieces [of the offering] to the altar ramp.²¹ This is to tell us that the ‘carrying’ [of the blood] is not to be excluded from the category of ‘receiving’ [the blood].²²

[LAWS OF] LEVITICAL CLEANNESS. But they are written [in Scripture]! — It refers only to the measure of a ritual bath, which is not stated in Scripture. For it is taught: And he shall bathe in water,²³ [this means] in water of a ritual bath;²⁴ all his flesh: [this means in] water which covers all his body. And how much is this? A cubit²⁵ by a cubit to the height of three cubits; and the Sages fixed the measure of the ritual bath water at forty se'ahs.²⁶

[LAWS CONCERNING LEVITICAL] UNCLEANNESS. But they are written [in Scripture]! — It refers only to [defilement caused by touching a part of a dead] creeping creature, which is the size of a lentil; this is not stated in Scripture. For it is taught: In them:²⁷ I might think [it means] all of them,²⁸ therefore Scripture teaches: ‘Of them’.²⁹ I might then think [it means] even a part of them,³⁰ therefore Scripture says: ‘in them’. How is this to be explained? [It means that he is not defiled] till he touches a part of one which is as the whole of one. The Sages fixed the measure at the size of a lentil, for a snail³¹ is at first the size of a lentil. R. Jose b. R. Judah said: [It must be] the size of the tail of a lizard.³²

FORBIDDEN RELATIONS. But they are written [in Scripture]!

- (1) Thus he does not commit sacrilege till he gives it (i.e., the stone or beam) into the possession of his fellow.
- (2) A small coin. V. Glos.
- (3) E.g., by chiselling the beam or stone and fixing it into the house: through this alteration it becomes his own property.
- (4) He has already misappropriated sacred property.
- (5) **vcurt** (cf. Hos. XIII, 3; II Kings VII, 2), an aperture in the roof leading to the ground floor (answering to the Greek hypaithron, Roman compluvium), contrad. from **iukj** a garret-window in the wall projecting above the flat roof (Jast.); cf. also Levy s.v. By placing the beam over the aperture he in no way alters it and can always restore it, and is thus not guilty of sacrilege till he dwells in the house and enjoys the use of it.
- (6) I.e., in the case quoted in the objection.
- (7) I.e., in the case of the agent.
- (8) For though the agent could hardly avoid the sacrilege, he is deemed to have committed sacrilege in error and is held responsible.
- (9) V. Lev. XIII-XIV.
- (10) V. Num. XIX, 14, from which it is inferred that men and utensils under the same 'tent' (i.e., overshadowed by the same covering) as a corpse suffer corpse-defilement.
- (11) I.e., oral tradition.
- (12) I.e., why then does the Mishnah say that they merely have something to rest on?
- (13) Ex. XXI, 23.
- (14) I.e., in our own case.
- (15) Ex. XXI, 22 (the preceding verse).
- (16) Lev. I, 5.
- (17) It is inferred from the fact that this clause comes immediately after the injunction to slaughter the animal; therefore it is taken to refer to the 'receiving' of the blood, for the blood cannot be 'carried' till it is 'received'.
- (18) E.V. 'offer', though it is the same verb as in verse 5.
- (19) Lev. I, 13.
- (20) It cannot mean the burning of the pieces, for that is distinctly mentioned afterwards.
- (21) I.e., the inclined plane leading to the altar. Cf. Mid. III, 3.
- (22) I.e., though it is a part of the offering-service that can be omitted (e.g., if the animal is slaughtered close to the altar, so that the blood can be sprinkled forthwith), nevertheless if it is not omitted, it is an essential part of the service and is subject to all its conditions.
- (23) Lev. XV, 16. This is evidently the verse intended. The words **urac , t** ('his flesh'), which really belong to Lev. Xlv, 9 must be deleted.
- (24) Lit., 'gathering' of water, which must contain water directly from a river or a spring, or rain water led directly to it; but **ihcuta ohn** (lit., 'drawn water i.e., water from a receptacle) if added to the ritual bath above a certain measure, invalidates it.
- (25) A measure equal to the distance from the elbow to the tip of the middle finger (cf. Kel. XVII, 9.10).
- (26) Measure of capacity, equal to six kabs; v. Pes. 109a.
- (27) Lev. XI, 31 **OVC**; E. V. '(whosoever doth touch) them'.
- (28) I.e., he becomes unclean when he touches the whole of the unclean animal.
- (29) Ibid. v. 32.
- (30) I. e., however small.
- (31) **ynj** (cf. ibid. 30). Rashi renders, 'snail'; Jast., 'lizard (chameleon)'; Levy, 'Bindschleiche' (slowworm, blindworm), or 'Eidechse' (lizard); Goldschmidt, 'Schnecke' (snail), 'skink' or 'Blindschleiche'; B.D.B., a kind of lizard. From Hul. 122a it seems to be a vertebrate. Danby translates it there 'land crocodile'.

(32) **vtykv** (cf. *ibid.*) Jast. regards the first **V**, as part of the word, except in Mishnah, Tosefta and Sifra, where it is the definite article attached to **vtyk**. The tail of the **vtykv** writhes after being cut off, thus showing independent life; hence it meets the requirements of the verse by being a part of an unclean animal and yet an entire life by itself, and is suitable as a measure for defilement. It is bigger than a lentil.

Talmud - Mas. Chagigah 11b

— This refers only to his daughter by a woman whom he had forced; this case is not written [in Scripture]. For Raba said: R. Isaac b. Abdimi told me, It is to be deduced by analogy from [the words] ‘they’, ‘they’,¹ and from [the words] ‘lewdness’, ‘lewdness’.²

IT IS THEY THAT ARE THE ESSENTIALS OF THE TORAH, These are and those are not!³ — Say, therefore, these and those are essentials of the Torah.

CHAPTER II

MISHNAH THE [SUBJECT OF] FORBIDDEN RELATION⁴ MAY NOT BE EXPOUNDED IN THE PRESENCE OF THREE,⁵ NOR THE WORK OF CREATION⁶ IN THE PRESENCE OF TWO, NOR [THE WORK OF] THE CHARIOT⁷ IN THE PRESENCE OF ONE, UNLESS HE IS A SAGE AND UNDERSTANDS OF HIS OWN KNOWLEDGE. WHOSOEVER SPECULATES UPON FOUR THINGS, A PITY⁸ FOR HIM! HE IS AS THOUGH HE HAD NOT COME INTO THE WORLD, [TO WIT], WHAT IS ABOVE,⁹ WHAT IS BENEATH,¹⁰ WHAT BEFORE, WHAT AFTER.¹¹ AND WHOSOEVER TAKES NO THOUGHT FOR THE HONOUR OF HIS MAKER,¹² IT WERE A MERCY¹³ IF HE HAD NOT COME INTO THE WORLD.

GEMARA. You say at first: NOR [THE WORK OF] THE CHARIOT IN THE PRESENCE OF ONE;¹⁴ and then you say: UNLESS HE IS A SAGE AND UNDERSTANDS OF HIS OWN KNOWLEDGE! — This is the meaning: the forbidden relations may not be expounded to three,¹⁵ nor the work of creation to two, nor [the work of] the chariot to one, unless he is a Sage and understands of his own knowledge.¹⁶

THE FORBIDDEN RELATIONS MAY NOT BE EXPOUNDED IN THE PRESENCE OF THREE. What is the reason? Shall one say, because it is written: Whosoever to any that is near of kin to him?¹⁷ ‘Whosoever’¹⁸ [implies] two, ‘near of kin to him’ [implies] one; and the Divine Law said: Ye shall not approach to uncover their nakedness.¹⁹ But then since it is written: Whosoever curseth his God,²⁰ Whosoever giveth of his seed unto Molech,²¹ are these [passages] also [to be interpreted] thus! — These, therefore, must be required to make Gentiles subject to the prohibition concerning blasphemy²² and idolatry like the Israelites; then this [verse]²³ is also required to make Gentiles subject to the prohibition concerning the forbidden relations like the Israelites!²⁴ It must be inferred, therefore, from the verse: Therefore shall ye keep My charge.²⁵ ‘Ye shall keep’ [implies] two,²⁶ ‘My charge’ [implies] one; and the Divine Law said: That ye do not any of these abominable customs.²⁷ But then since it is written: Ye shall keep the Sabbath therefore,²⁸ And ye shall observe the feast of unleavened bread,²⁹ And ye shall keep the charge of the holy things,³⁰ are these [passages] also [to be interpreted] thus! — Therefore, said R. Ashi,

THE FORBIDDEN RELATIONS MAY NOT BE EXPOUNDED IN THE PRESENCE OF THREE must mean: the secrets³¹ of the forbidden relations may not be expounded to three.³² What is the reason? It is a logical conclusion:³³ when two sit before their master, one engages in discussion with his master and the other inclines his ear to the instruction; but [when there are] three, one engages in discussion with his master, and the other two engage in discussion with one another and do not know what their master is saying, and may come to permit that which is prohibited in the matter of the forbidden relations. If so, [the rule should apply to] the whole Torah also!³⁴ The [subject of] forbidden relations is different, for the master said:³⁵ Robbery and the forbidden relations, a man's soul covets and lusts for them. If so, [the rule should apply to] robbery also! [In the case of] the forbidden relations, whether [the opportunity] be before him or not before him, a man's inclination is strong; [in the case of] robbery, if [the opportunity] is before him, his inclination is strong, but if it is not before him, his inclination is not strong.

NOR THE WORK OF CREATION IN THE PRESENCE OF TWO. Whence [do we infer] this? — For the Rabbis taught: For ask thou now of the days past;³⁶ one may inquire,³⁷ but two may not inquire. One might have thought that one may inquire concerning the pre-creation period, therefore Scripture teaches: Since the day that God created man upon the earth.³⁸ One might have thought that one may [also] not inquire concerning the six days of creation,³⁹ therefore Scripture teaches: The days past⁴⁰ which were before thee.⁴¹ One might have thought one may [also] inquire concerning what is above and what is below, what before and what after, therefore the text teaches: And from one end of heaven unto the other.⁴² [Concerning the things that are] from one end of heaven unto the other thou mayest inquire, but thou mayest not inquire what is above, what is below, what before, what after.

(1) The word **vbv** ('they') occurs in Lev. XVIII, 17 in connection with a legitimate daughter, and *ibid.* v. 10 in connection with the grand-daughter of an illegitimate wife (v. *Yeb.* 97a). By analogy, we infer that an illegitimate daughter is also a forbidden relation.

(2) Having established an analogy between the legitimate and illegitimate daughter (v. n. 7), we go farther and say the word **vnz** ('lewdness'), which implies the penalty of burning (v. *ibid.* XX, 14) for connection with one's legitimate daughter, applies also to connection with one's illegitimate daughter; v. *Yeb.*, *Sonc. ed.*, p. 4, nn. 8-12.

(3) I.e., the laws explicitly stated in Scripture are essentials of the Torah, and those not so explicitly stated are not!

(4) V. p. 50, n. 8.

(5) I.e., it is forbidden to expound this subject in the presence of more than two.

(6) V. Gen. I, 1-3; J.E. vol. IV, pp. 280f,s. 'Cosmogony', and vol. VIII, p. 235. The term **ḥatrc vagn** (Work of Creation) does not include the whole Talmudic cosmogony, only its esoteric aspects. The cosmogonic details mentioned *infra* in the Gemara (pp. 63f), such as the ten elements, the ten agencies etc., do not form part of the secret doctrine of Ma'aseh Bere'shith, for the Mishnah expressly forbids the teaching of the creation mysteries in public. The views recorded in the Talmud regarding the work of creation seem to belong chiefly to the realm of Aggadah. As regards their origin, they cannot with certainty be connected with the theosophic and cosmogonic doctrines of the Apocrypha and Pseudepigrapha, nor with Gnosticism; nor on the other hand can the mysticism of the Geonic period (e.g., as preserved in *Sefer Yezirah* with reference to the heavenly halls, angelology etc.) be regarded as a direct continuation of the Talmudic doctrines.

(7) V. Ezek. I, 4f, X, and Isa. VI; cf. *Meg.* IV, 10; and v. J.E. vol. VIII, p. 498. The mysteries of Creation and the Chariot were favourite themes with the mystics; for further information v. J.E. vol. III, p. 456f, s. 'Cabala'.

(8) Heb. **hu, r** or **hu, r**; but Mishnah ed., MS. M. and var. lec. in *Aruch* have **hutr** ('he is looked upon as

though'). Jastrow, who takes **ח, ר** to mean 'relief, mercy, pity', renders as in text; Rashi translates: 'it were better for him', taking the root meaning to be 'mercy'; Levy translates: 'it were more advantageous for him'; Goldschmidt and Danby: 'it were better'.

(9) Sc., the sky stretching over the heads of the 'living creatures of the Chariot (Rashi).

(10) Sc., the 'living creatures'.

(11) I.e., beyond the sky eastward and westward (Rashi). This makes the reference spatial, and this explanation is supported by the use of the terms *infra* (p. 62); but from the Gemara 16a and the Tosef. it is clear that the terms have also a temporal significance. i.e., what happened before Creation and what will happen hereafter (Tosaf. a.l.).

(12) Explained *infra* 16a.

(13) V. p. 59, n. 5.

(14) This means, apparently, that a person is not permitted to study the mysteries of the Chariot even by himself, although the fact that he can study without the aid of a teacher shows that he is a Sage and understands of his own knowledge.

(15) I.e., the number refers to the pupils and does not include the teacher.

(16) I.e., is able to speculate by himself. Such a disciple will not require to ask his teacher questions, for these mysteries may not be explained explicitly. D.S. omits the 'and'; cf. p. 77.

(17) Lev. XVIII, 6.

(18) Heb. **אח אח** lit., 'man man', i.e., two men, as a minimum.

(19) Ibid. I.e., to reveal the reasons underlying the laws of the forbidden relations.

(20) Ibid. XXIV, 15.

(21) Ibid. XX, 2.

(22) Lit., 'blessing of God', a euphemism.

(23) Ibid. XVIII, 6.

(24) For the seven 'Noachian Precepts' which all humanity, Gentiles as well as Jews, must observe v. Sanh. 56a-b, (Sonc. ed. pp. 381-2 and nn. a.l.)

(25) Lev. XXIV v. 30.

(26) The plural ('Ye') implies at least two.

(27) Ibid. V. p. 60, n. 8.

(28) Ex. XXXI, 14.

(29) Ibid. XII, 17.

(30) Num. XVIII, 5.

(31) I.e., according to Rashi, such forbidden relations as are not explicitly mentioned in Scripture, but are inferred, e.g., a man's daughter by a woman he violated, the mother of his father-in-law, or the mother of his mother-in-law (v. Sanh. 75a); according to Maharsha, the secrets of the reasons for the prohibitions; according to Goldschmidt, the details and subtleties of the subject.

(32) **vakak**: this marginal correction is indubitably correct as against **vakac** ('in the presence of three'), of cur. edd.

(33) I.e., it is founded on reason and not deduced from Scripture.

(34) I.e., that not more than two pupils may study with the master.

(35) Mak. 23b.

(36) Heb. lit., 'the first days', i.e., the days of creation; Deut. IV, 32.

(37) I.e., one pupil may study with the master.

(38) Ibid.

(39) I.e., up to the creation of man; for the verse quoted above permits inquiry only from the time of the creation of Adam, which occurred at the end of the sixth day.

(40) Heb. lit., 'the first days', i.e., even from the first day onward.

(41) Ibid.

(42) Ibid.

Talmud - Mas. Chagigah 12a

But now that this¹ is inferred from [the expression] 'From one end of heaven unto the other',² wherefore do I need [the expression], 'Since the day that God created man upon the earth'? — To intimate that which R. Eleazar taught. For R. Eleazar said: The first man [extended]³ from the earth to the firmament, as it is said: Since the day that God created man upon the earth;⁴ but as soon as he sinned,⁵ the Holy One, blessed be He, placed His hand upon him and diminished him,⁶ for it is said: Thou hast fashioned me⁷ after and before,⁸ and laid Thine hand upon me.⁹

Rab Judah said that Rab said: The first man [extended]¹⁰ from one end of the world to the other,¹¹ for it is said: 'Since the day that God created man upon the earth, and from one end of heaven to the other'; as soon as he sinned, the Holy One, blessed be He, placed His hand upon him and diminished him, for it is said: 'And laid Thine hand upon me'. If so, the verses¹² contradict one another! — They both [have] the same dimensions.¹³

Rab Judah further said that Rab said: Ten¹⁴ things were created the first day, and they are as follows: heaven and earth, Tohu [chaos], Bohu [desolation],¹⁵ light and darkness, wind and water, the measure of day and the measure of night.¹⁶ Heaven and earth, for it is written: In the beginning God created heaven and earth.¹⁷ Tohu and Bohu, for it is written: And the earth was Tohu and Bohu.¹⁸ Light and darkness: darkness, for it is written: And darkness was upon the face of the deep;¹⁸ light, for it is written: And God said, Let there be light.¹⁹ Wind and water, for it is written: And the wind²⁰ of God hovered over the face of the waters.²¹ The measure of day and the measure of night, for it is written: And there was evening and there was morning, one day.²² It is taught: Tohu is a green line that encompasses the whole world, out of which darkness proceeds, for it is said: He made darkness His hiding-place round about Him.²³ Bohu, this means the slimy²⁴ stones that are sunk in the deep, out of which the waters proceed, for it is said: And he shall stretch over it the line of confusion [Tohu] and the plummet of emptiness [Bohu].²⁵

But was the light created on the first day? For, behold, it is written: And God set them in the firmament of the heaven,²⁶ and it is [further] written: And there was evening and there was morning a fourth day²⁷ — This is [to be explained] according to R. Eleazar. For R. Eleazar said: The light which the Holy One, blessed be He, created on the first day, one could see thereby from one end of the world to the other; but as soon as the Holy One, blessed be He, beheld the generation of the Flood and the generation of the Dispersion,²⁸ and saw that their actions were corrupt, He arose and hid it from them, for it is said: But from the wicked their light is withholden.²⁹ And for whom did he reserve it? For the righteous in the time to come,³⁰ for it is said: And God saw the light, that it was good;³¹ and 'good' means only the righteous, for it is said: Say ye of the righteous that he is good.³² As soon as He saw the light that He had reserved for the righteous, He rejoiced, for it is said: He rejoiceth at the light of the righteous.³³ Now Tannaim [differ on the point]: The light which the Holy One, blessed be He, created on the first day one could see and look thereby from one end of the world to the other; this is the view of R.

Jacob. But the Sages say: It³⁴ is identical with the luminaries;³⁵ for they were created on the first day, but they were not hung up [in the firmament] till the fourth day.³⁶

R. Zulra b. Tobiah said that Rab said: by ten things³⁷ was the world created: By wisdom³⁸ and by understanding,³⁹ and by reason,⁴⁰ and by strength,⁴¹ and by rebuke,⁴² and by might,⁴³ by righteousness and by judgment,⁴⁴ by lovingkindness and by compassion.⁴⁵ By wisdom and understanding, for it is written: The Lord by wisdom founded the earth; and by understanding established the heavens.⁴⁶ By reason, for it is written: By His reason⁴⁷ the depths were broken up.⁴⁸ By strength and might, for it is written: Who by His strength setteth fast the mountains, Who is girded about with might.⁴⁹ By rebuke, for it is written: The pillars of heaven were trembling, but they became astonished at His, rebuke.⁵⁰ By righteousness and judgment, for it is written: Righteousness and judgment are the foundation of Thy throne.⁵¹ By lovingkindness and compassion, for it is written: Remember, O Lord, Thy compassions and Thy mercies; for they have been from of old.⁵² Rab Judah further said: At the time that the Holy One, blessed be He, created the world, it went on expanding like two clues⁵³ of warp, until the Holy One, blessed be He, rebuked it and brought it to a standstill, for it is said: 'The pillars of heaven were trembling, but they became astonished at His rebuke'. And that, too, is what Resh Lakish said: What is the meaning of the verse, I am God Almighty?⁵⁴ [It means], I am He that said to the world: Enough!⁵⁵ Resh Lakish said: When the Holy One, blessed be He, created the sea, it went on expanding, until the Holy One, blessed be He, rebuked it and caused it to dry up, for it is said: He rebuketh the sea and maketh it dry, and drieth up all the rivers.⁵⁶

Our Rabbis taught: Beth Shammai say: Heaven was created first and afterwards the earth was created, for it is said: In the beginning God created the heaven and the earth.⁵⁷ Beth Hillel say: Earth was created first and afterwards heaven, for it is said: In the day that the Lord God made earth and heaven.⁵⁸ Beth Hillel said to Beth Shammai: According to your view, a man builds the upper storey [first] and afterwards builds the house! For it is said: It is he that buildeth His upper chambers in the heaven,⁵⁹ and hath founded His vault upon the earth.⁶⁰ Said Beth Shammai to Beth Hillel: According to your view, a man makes the footstool [first], and afterwards he makes the throne!⁶¹ For it is said: Thus saith the Lord, The Heaven is My throne and the earth is My footstool.⁶² But the Sages say: Both were created at the same time.⁶³ For it is said: Yea, Mine hand hath laid the foundation of the earth, and My right hand hath spread out the heavens: When I call unto them they stand up together.⁶⁴ And the others?⁶⁵ What is the meaning of 'together'? — [It means] that they cannot be loosened from one another.⁶⁶ However, the verses contradict one another! — Resh Lakish answered: When they were created, He created heaven [first], and afterwards He created the earth; but when He stretched them forth He stretched forth the earth [first], and afterwards He stretched forth heaven.

What does 'heaven' [Shamayim] mean? R. Jose b. Hanina said: It means, 'There is water'.⁶⁷ In a Baraitha it is taught: [It means], 'fire and water'⁶⁸; this teaches that the Holy One, blessed be He, brought them and mixed⁶⁹ them one with the other and made from them the firmament.

R. Ishmael questioned R. Akiba when they were going on a journey together, saying to him: Thou who hast waited⁷⁰ twenty-two years upon Nahum of Gimzo,⁷¹ who used to explain the [particle] Eth⁷² throughout the Torah, [tell me] what exposition did he give of [Eth] the heaven

and [Eth] the earth?⁷³ Said [R. Akiba] to him: If it had said, 'heaven and earth', I could have said that Heaven and Earth⁷⁴ were names of the Holy One, blessed be He.⁷⁵ But now that it says: '[Eth] the heaven and [Eth] the earth', heaven [means] the actual heaven, and earth [means] the actual earth.

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- (1) I.e., that inquiry may not go beyond the first day of creation.
 - (2) I.e., since one may not inquire beyond the extent of heaven, it follows that one may not inquire beyond the time of its existence, i.e., concerning what happened prior to the creation.
 - (3) I.e., in height: this is the usual explanation. But Goldschmidt suggests that the meaning might also be: his vision extended from earth to heaven. Cf. R. Eleazar's statement *infra* p. 63 and n. 2 a. 1.
 - (4) The verse continues, (lit.), 'and unto the end of heaven'.
 - (5) Lit., 'became of bad odour'.
 - (6) The Yalkut Shim'oni (S. 827, Deut. IV, 32) adds 'and brought him down to one hundred cubits'. This is probably derived from the word **vfpf** 'Thine hand' in the verse that follows, the numerical value of **;** **f** ('hand') being a hundred. Cf. also B.B. 75a (and Rashbam a.l.) and Sanh. 100a (and Rashi a.l.).
 - (7) Heb., **hb, rm** lit., (as E.V.) 'Thou hast hemmed me in'. Here, however, it is taken to mean the same as **hb, rmh** 'fashioned, created'.
 - (8) I.e., there were, so to speak, two creations of man: the first when he extended to heaven, the second when his stature was reduced.
 - (9) Ps. CXXXIX, 5.
 - (10) V. p. 62, n. 10.
 - (11) I.e., lying down, he stretched from east to west, which is calculated to be a journey of five hundred years; v, Tosaf.
 - (12) I.e., the parts of Deut. IV, 32 quoted by R. Eleazar and Rab Judah respectively.
 - (13) The distance from east to west is the same as from the earth to heaven, v. *infra* 13a. But in Tam. 31b-32a (the Scholars of the South, i.e., of Alexandria) are reported to have said, in reply to a question put to them by Alexander the Great, that the distance from east to west is greater than that from earth to heaven.
 - (14) The older schools refer to a lesser number of elements viz., eight, six, four, three, or even two. Cf. Gen. Rab. X, 1; Pirke R. Eliezer III; Ex. Rab. XIII; Jellinek, B.H. ii, 23-29, Intro. Xlii; also *infra*, where Tahu and Bohu are the two primal elements whence the other two, darkness and water, emanate. V. further, Slavonic Book of Enoch (24-30).
 - (15) A.V. 'without form, and void'; R. V., 'waste and void'; American Jewish Version, 'unformed and void' (Gen. I, 2).
 - (16) I.e., night and day comprising together twenty-four hours. (Rashi, Jast.). Goldschmidt trans. 'the nature of day etc.'; cf. Ber. 11b.
 - (17) Gen. I, 1,
 - (18) *Ibid.*, v. 2.
 - (19) *Ibid.*, v. 3.
 - (20) E.V. 'spirit'.
 - (21) *Ibid.*, v. 2.
 - (22) *Ibid.*, v. 5.
 - (23) Ps. XVIII, 12.
 - (24) Heb., **, unkupn**, which Jastrow renders, 'smooth (chaotic) stones'. Levy: 'stones sunken in the primal mire, chaos'; cf. also Targ. to Job XXVIII, 3; Zeb. 54a, Bez. 24a.
 - (25) Isa. XXXIV, 11.

- (26) Gen. I, 17.
- (27) Ibid., v. 19.
- (28) I.e., the generation which built the Tower of Babel, and in consequence God confounded their language and scattered them over the earth. V. Gen. XI, 9.
- (29) Job. XXXVIII, 15.
- (30) I.e., the Messianic era; cf. Aboth II, 16.
- (31) Gen. I, 4.
- (32) Isa. III, 10. E.V. 'that it shall be well with him.'
- (33) Prov. XIII, 9. E.V. 'the light of the righteous rejoiceth.'
- (34) I.e., the light created on the first day.
- (35) V. Gen. I, 14f (E.V. 'lights').
- (36) Cf. Gen. Rab. I, 14, and Rashi to Gen. I, 14.
- (37) I.e., potencies or agencies. A lesser number is mentioned by the older school (cf. p. 63, n. 5). Cf. Ab. V, 1; also the 'Ten Sefirot' in J. E. vol. XI, p. 154f.
- (38) I.e., the ability to understand what one learns.
- (39) I.e., deductive power.
- (40) I.e., deliberative contemplation.
- (41) I.e., physical strength.
- (42) I.e., the application of restraint or limitation.
- (43) I.e., moral power.
- (44) I.e., the enforcement of justice.
- (45) I.e., the feeling which prompts the action of lovingkindness.
- (46) Prov. III, 19.
- (47) E.V. 'knowledge'.
- (48) Ibid. v. 20.
- (49) Ps. LXXV, 7.
- (50) Job XXVI, 11. I.e., at first the pillars of heaven were weak and shaky, till God rebuked them, when, like a person taken aback by astonishment, they stiffened and hardened (V. Rashi on verse). E.V. renders tremble and are astonished etc.'
- (51) Ps. LXXXIX, 15.
- (52) Ibid, XXV, 6.
- (53) A clue of thread, of rope, etc. (Jast.).
- (54) Gen. XVII, 1; XXXV, 11.
- (55) **hsa** 'Almighty', is explained as a compound of **a** 'who (said)', **hs** 'Enough'.
- (56) Nah. I, 4.
- (57) Gen. I, 1.
- (58) Ibid. II, 4.
- (59) Thus heaven was the upper storey.
- (60) Amos IX, 6.
- (61) The size of the footstool cannot be determined till the throne has been made.
- (62) Isa, LXVI, 1.
- (63) C. Taylor in 'Sayings of the Jewish Fathers', p. 107. n. 40, points out that 'the three views' (of the Schools of Shammai and Hillel, and of the Sages) may be taken as texts for three philosophies, viz., idealism, evolutionism and dualism (quoted by Streane).
- (64) Ibid. XLVIII, 13. From the word 'together' the inference is drawn that heaven and earth are coeval.

- (65) I.e., what reply have the Schools of Shammai and Hillel to the argument of the Sages?
- (66) Thus ‘together’ refers to their physical structure and not to their time of origin.
- (67) I.e., **ohna** is explained as a compound of **oa** (‘there’) and **ohn** (‘water’).
- (68) I.e., **ohna** is explained as a compound of **at** (‘fire’) and **ohn** (‘water’), the **t** of **at** being omitted.
- (69) Lit., ‘mixed by beating’.
- (70) I.e., hast been his disciple. Cf. Ber. 47b: ‘Even if one has studied the Bible, and the Mishnah, but has failed to wait upon scholars, he is considered an ‘Am ha-arez (ignoramus); The ministrations (of the disciples to the doctors) of the Law is greater than the direct teaching thereof’.
- (71) In Judea (v. G. A. Smith’s ‘The historical Geography of the Holy Land’, p. 202, n. 1). Heb. **uz od**, always in two words, and explained (Ta’an. 21a, J. Shek. V, 15) as a sobriquet given to the scholar on account of his motto **vcuyk uz od** (‘This, too, will be for the best’), with which he explained his trust in the goodness of Providence even in the most trying circumstances (v. Ta’an 21a). He interpreted the whole Torah according to the rule of **yughnu hucr** (‘amplification and limitation’, v. Shebu. 26a).
- (72) Heb. **, t**, which is either (a) the sign of the defined object as in Gen. I, 1, or (b) the preposition meaning with. Nahum of Gimzo explained every instance of the accusative particle as indicating the inclusion in the object of something besides that which is explicitly mentioned. For the sole exception (Deut. X, 20), v. Pes. 22b, where ‘Nehemiah the Imsoni’ is an error for ‘Nahum the Gimsoni’ or man of Gimzo (v. Graetz in MGWJ., 1870, p. 527). The interpretation of **, t** given here is grammatical rather than Midrashic or homiletical. For the **hucr** explanation of **, t** in this verse, which includes the sun and moon etc., v. Gen. Rab. I, 14.
- (73) Gen. I, 1.
- (74) This is the reading of Bah and Maharsha: cur. edd. omit the words, ‘and the earth’.
- (75) And the subject of **trc** (‘He created’).

Talmud - Mas. Chagigah 12b

But why do we have ‘[Eth] the earth’?¹ — To put heaven before earth.²

‘And the earth was unformed and void’.³ Consider: [Scripture] began at first with heaven, why then does it proceed to relate [first] the work of the earth?⁴ — The School of R. Ishmael taught: It is like a human king⁵ who said to his servants: Come early to my door. He rose early and found women and men. Whom does he praise? The ones who are not accustomed to rise early but yet did rise early.⁶

It is taught: R. Jose says: Alas for people that they see but know not what they see, they stand but know not on what they stand. What does the earth rest on? On the pillars, for it is said: Who shaketh the earth out of her place, and the pillars thereof tremble.⁷ The pillars upon the waters, for it is said: To Him that spread forth the earth above the waters.⁸ The waters upon the mountains, for it is said: The waters stood above the mountains.⁹ The mountains on the wind, for it is said: For, lo, He that formeth the mountains, and createth the wind.¹⁰ The wind upon the storm, for it is said: The wind, the storm maketh its substance.¹¹ Storm is suspended on the arm of the Holy One, blessed be He, for it is said: And underneath¹² are the everlasting arms.¹³ But the Sages say: [The world] rests on twelve pillars,¹⁴ for it is said: He set the borders to the peoples according to the number [of the tribes] of the children of Israel.¹⁵ And some say seven pillars, for it is said: She hath hewn out her seven pillars.¹⁶ R. Eleazar b. Shammua’ says: [It rests] on one pillar, and its name is ‘Righteous’, for it is said: But ‘Righteous’ is the foundation of the world.¹⁷

R. Judah said: There are two firmaments, for it is said: Behold, unto the Lord thy God belongeth heaven, and the heaven of heavens.¹⁸ Resh Lakish said: [There are] seven, namely, Wilon,¹⁹ Rakia',²⁰ Shehakim,²¹ Zebul,²² Ma'on,²³ Makon,²⁴ 'Araboth.²⁵ Wilon serves no purpose except that it enters in the morning and goes forth in the evening²⁶ and renews every day the work of creation, for it is said: That stretcheth out the heavens as a curtain,²⁷ and spreadeth them out as a tent to dwell in.²⁸ Rakia' is that in which sun and moon, stars and constellations are set, for it is said: And God set them²⁹ in the firmament [Rakia'] of the heaven.³⁰ Shehakim is that in which millstones stand and grind³¹ manna for the righteous for it is said: And He commanded the skies [Shehakim] above, and opened the doors of heaven; and He caused manna to rain upon them for food etc.³² Zebul is that in which [the heavenly] Jerusalem³³ and the Temple and the Altar are built, and Michael, the great Prince,³⁴ stands and offers up thereon an offering, for it is said: I have surely built Thee a house of habitation [Zebul], a place for Thee to dwell in for ever.³⁵ And whence do we derive that it is called heaven? For it is written: Look down from heaven, and see, even from Thy holy and glorious habitation.³⁶ Ma'on is that in which there are companies of Ministering Angels, who utter [divine] song by night, and are silent by day for the sake of Israel's glory,³⁷ for it is said: By day the Lord doth command His lovingkindness,³⁸ and in the night His song is with me.³⁹

Resh Lakish said: Whoever occupies himself with [the study of] the Torah by night, the Holy One, blessed be He, draws over him a chord of lovingkindness⁴⁰ by day, for it is said: 'By day the Lord doth command His lovingkindness'? Because 'by night His song⁴¹ is with me'. And there are some who say: Resh Lakish said: Whoever occupies himself with the study of the Torah in this world, which is like the night, the Holy One, blessed be He, draws over him a chord of lovingkindness in the world to come, which is like the day,⁴² for it is said: 'By day the Lord doth command His lovingkindness, for by night His song is with me'.

R. Levi said: Whoever leaves off the study of the Torah and occupies himself with idle talk, he is made to eat coals of broom,⁴³ for it is said: They pluck salt-wort through idle talk,⁴⁴ and the roots of the broom are their food.⁴⁵

And whence do we derive that it⁴⁶ is called heaven? — For it is said: Look forth from Thy holy habitation [ma'on], from heaven.⁴⁷ Makon⁴⁸ is that in which there are the stores of snow⁴⁹ and stores of hail, and the loft of harmful dews and the loft of raindrops,⁵⁰ the chamber of the whirlwind and storm,⁵¹ and the cave of vapour, and their doors are of fire, for it is said: The Lord will open unto thee His good treasure,⁵² But are these to be found in the firmament? Surely, they are to be found on the earth, for it is written: Praise the Lord from the earth, ye sea-monsters, and all deeps; fire and hail, snow and vapour, stormy wind, fulfilling his word!⁵³ — Rab Judah said in the name of Rab: David entreated concerning them, and caused them to come down to the earth. He said before Him: Lord of the universe, Thou art not a God that hath pleasure in wickedness; let not evil sojourn with Thee;⁵⁴ righteous art Thou, O Lord, let not evil sojourn in Thy abode.⁵⁵ And whence do we derive that it⁵⁶ is called heaven? For it is written: Then hear Thou in heaven, Thy dwelling place [Makon].⁵⁷

'Araboth is that in which there are Right and Judgment and Righteousness,⁵⁸ the treasures of

life and the treasures of peace and the treasures of blessing, the souls of the righteous and the spirits and the souls⁵⁹ which are yet to be born, and dew wherewith the Holy One, blessed be He, will hereafter revive the dead. Right and Judgment, for it is written: Right⁶⁰ and judgment are the foundations of Thy throne.⁶¹ Righteousness, for it is written: And He put on righteousness as a coat of mail.⁶² The treasures of life, for it is written: For with Thee is the fountain of life.⁶³ And the treasures of peace, for it is written: And called it, ‘The Lord is peace’.⁶⁴ And the treasures of blessing, for it is written: he shall receive a blessing from the Lord.⁶⁵ The souls of the righteous, for it is written: Yet the soul of my lord shall be bound up in the bundle of life with the Lord thy God.⁶⁶ The spirits and the souls which are yet to be born, for it is written: For the spirit that enwrappeth itself is from Me, and the souls which I have made.⁶⁷ And the dew wherewith the Holy One, blessed be He, will hereafter revive the dead, for it is written: A bounteous rain didst Thou pour down, O God; when Thine inheritance was weary, Thou didst confirm it.⁶⁸ There [too] are the Ofanim⁶⁹ and the Seraphim,⁷⁰ and the Holy Living Creatures,⁷¹ and the Ministering Angels,⁷² and the Throne of God; and the King, the Living God, high and exalted, dwells over them in ‘Araboth, for it is said: Extol Him that rideth upon Araboth⁷³ whose name is the Lord.⁷⁴ And whence do we derive that it⁷⁵ is called heaven? From the word ‘riding’, which occurs in two Biblical passages. Here it is written: ‘Extol Him that rideth upon Araboth’. And elsewhere it is written: Who rideth upon the heaven as thy help.⁷⁶ And darkness and cloud and thick darkness surround Him, for it is said: He made darkness His hiding-place, His pavilion round about Him, darkness of waters, thick clouds of skies.⁷⁷ But is there any darkness before Heaven?⁷⁸ For behold it is written: He revealeth the deep and secret things; He knoweth, what is in the darkness, and the light dwelleth with Him.⁷⁹ — There is no contradiction: the one [verse]⁸⁰

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- (1) I.e., the first Eth in the verse has been explained; but what is the purpose of the second?
 - (2) I.e., to show that the creation of the heaven preceded that of the earth. Had this second Eth been omitted, I might have thought that heaven and earth were created at the same time.
 - (3) Gen. I, 2.
 - (4) I.e., its development from a state of dark chaos to light and ordered life.
 - (5) Lit., ‘a king of flesh and blood’.
 - (6) Rashi explains the application of the parable thus: Since heaven was summoned to appear first, the earth was in the position of one not accustomed to rise early; furthermore, all the work of the earth is slow, whilst the work of heaven is swift. Nevertheless, the earth appeared equally early with heaven, for they were created at the same time (according to the view of the Sages, v. p. 66), therefore Scripture begins to relate the work of the earth first. But Maharsha explains that the earth obeyed God's will first and came into being before heaven (according to the view of Beth Hillel, *ibid.*) just as the women in the parable actually came before the men.
 - (7) Job IX, 6.
 - (8) Ps. CXXXVI, 6.
 - (9) *Ibid.* CIV, 6.
 - (10) Amos IV, 13. The mention of the mountains and the wind in the same verse shows that the former were dependent or suspended upon the latter.
 - (11) So Rashi. E.V., ‘Stormy wind, fulfilling His word. Ps. CXLVIII, 8.
 - (12) Sc. all creation.
 - (13) Deut. XXXIII, 27.
 - (14) The pillars here refer to those mentioned by R. Jose (v. *supra*), who, however, did not give their number.
 - (15) Deut. XXXII, 8.

- (16) Prov. IX, 1.
- (17) Ibid. X, 25. E.V., 'But the righteous is an everlasting foundation'. Maharsha compares this discussion of the number of the pillars with the discussion of the number of the precepts in Mak., Sonc. ed., pp. 169f.
- (18) Deut. X, 14.
- (19) I.e., 'Curtain', from Lat. Velum.
- (20) I.e., 'Expanse, firmament'.
- (21) Lit., 'Clouds', from **ej a**, 'dust' (cf. Isa. XL, 15).
- (22) B.D.B.: 'Elevation, height, lofty abode'; N.H., 'Temple'. Jastrow: '(place of offering or entertainment) residence, especially Temple'.
- (23) I.e., 'Dwelling, habitation'.
- (24) I.e., 'Fixed or established place, foundation, residence'.
- (25) V. Ps. LXVIII, 5. Levy: Perhaps from **crg**, 'to be dark' (cf. **crg** evening) and syn. with **kprg**: (thick darkness, heavy cloud, in which God dwells; cf. Ex. XX, 18).
- (26) According to Rashi, Wilon ('Curtain') draws in every morning, and thus causes the light of day to become visible; in the evening it draws out and hides the daylight. This process constitutes the renewal of the work of creation. But Tosaf. explains that Wilon produces the light of day, and when it withdraws at night darkness prevails.
- (27) Thus there is a curtain-like heaven.
- (28) Isa. XL, 22.
- (29) I.e., the heavenly luminaries.
- (30) Gen. I, 17.
- (31) There is probably a play here on the meaning of **ej a** (the root of shehakim), which means 'to rub away, pulverize, grind' (cf. Ex. XXX, 36 and Job, XIV, 19).
- (32) Ps. LXXVIII, 23, 24.
- (33) Cf. Ta'an. 5a: 'The Holy One blessed be He, said: I shall not enter the Jerusalem which is above, until I enter the Jerusalem which is below'.
- (34) Michael is Israel's Guardian Angel; cf. Dan. XII, 1 and Yoma 77a. Num. Rab. s. 2, Hul. 40a.
- (35) I Kings VIII, 13; the earthly Temple corresponds to the heavenly Sanctuary.
- (36) Isa. LXIII, 15.
- (37) Because Israel utters God's praise by day.
- (38) By silencing the angels by day. God shows lovingkindness to the children of Israel, who are thus permitted to win divine grace by their prayer. Cf. also A.Z. 3b on the same verse.
- (39) Ps. XLII, 9. I.e., by night the song of the angels joins mine (says Israel), which I uttered by day (Rashi).
- (40) I.e., of His protection.
- (41) I.e., the Torah.
- (42) Cf. Aboth IV, 16,17.
- (43) This is the punishment for slander and a figurative expression for Gehinnom; cf. Yal. Shim. s. 120, Midr. Till. to Ps. CXX, and Gen. Rab. 98.
- (44) Heb. **j ha**, which may represent two totally different words of identical spelling: one means 'shrub' (or, according to some, 'wormwood') which is the natural meaning here, the other means 'complaint, musing, talk', which is the sense in which it is homiletically understood by R. Levi.
- (45) Job. XXX, 4.
- (46) I.e., Ma'on: the explanation of the seven heavens is here resumed.
- (47) Deut. XXVI, 15.
- (48) According to Rashi, this heaven contains stores of punishments, the snow etc. being employed not for the

world's benefit, but for retribution, Tosaf., however, holds that the contents of Ma'on are used for good as well as evil, and compares Ta'an. 3b and Isa. LV, 10.

(49) For these stores cf. Job XXXVIII, 22f also Isa. XXIX, 6.

(50) Rashi: to smite down the produce.

(51) Omitted by R. Elijah of Wilna,

(52) Deut, XXVIII, 12; implying also the existence of a bad store, i.e., of punishments; but the "Ein Jacob" reads here Jer. L, 25.

(53) Ps. CXLVIII, 7, 8.

(54) Ibid. V, 5.

(55) Note how the Talmudic explanation of the verse transforms the negative description of God into a positive one, and changes ('with Thee' into 'in thy abode' to prevent any misconception about God's perfection.

(56) I.e., Makon.

(57) I Kings VIII, 39.

(58) Heb. **vesm**, which implies righteous actions and is often used in the sense of charity.

(59) Rashi explains that either 'spirits' and 'souls' are synonymous, or else 'spirit' means the soul that has bodily form (ectoplasm?).

(60) E.V. 'Righteousness'.

(61) Ps. LXXXIX, 15.

(62) Isa LIX, 17.

(63) Ps. XXXVI, 10.

(64) Judg. VI, 24. Rashi renders: He (the Lord) called it (peace) unto Him.

(65) Ps. XXIV, 5.

(66) 1 Sam. XXV, 29.

(67) Isa. LVII, 1.

(68) Ps. LXVIII, 10. The verse refers to the Revelation at Sinai, when, according to the Midrash, the souls of the children of Israel momentarily left their bodies, but God with His bounteous rain or dew of resurrection revived them. Cf. Cant. Rab. to Cant. V, 6.

(69) Lit., 'Wheels', i.e., wheel-like angels; v. Ezek. I, 15f.

(70) V. Isa. VI, 2; in Rabbinic literature they are understood to be angels of fire, cf. Deut. Rab. s. 11. But v. B. D. B. s.v.

(71) V. Ezek. I, 5f.

(72) Apparently distinct from those dwelling in Ma'on (v. p. 70).

(73) A.V. 'upon the heavens'; R.V. 'through the deserts'.

(74) Ps. LXVIII, 5.

(75) I.e., Araboth.

(76) Deut. XXXIII, 26.

(77) Ps. XVIII, 12.

(78) I.e., God.

(79) Dan. II, 22.

(80) I.e., the latter.

Talmud - Mas. Chagigah 13a

refers to the inner chambers,¹ the other to the outer chambers. And R. Aha b. Jacob said: There is still another Heaven above the heads of the living creatures, for it is written: And over the heads

of the living creatures there was a likeness of a firmament, like the colour of the terrible ice, stretched forth over their heads above.² Thus far you have permission to speak, thenceforward you have not permission to speak, for so it is written in the Book of Ben Sira:³ Seek not things that are too hard for thee,⁴ and search not things that are hidden from thee. The things that have been permitted⁵ thee, think thereupon; thou hast no business with⁶ the things that are secret.⁷

It is taught: R. Johanan b. Zakkai said: What answer did the Bath Kol⁸ give to that wicked one,⁹ when he said: I will ascend above the heights of the clouds; I will be like the Most High?¹⁰ A Bath Kol went forth and said to him: O wicked man, son of a wicked man, grandson¹¹ of Nimrod, the wicked, who stirred the whole world to rebellion against Me¹² by his rule. How many are the years of man? Seventy, for it is said: The days of our years are threescore years and ten, or even by reason of strength fourscore years.¹³ But the distance from the earth to the firmament is a journey of five hundred years, and the thickness of the firmament is a journey of five hundred years, and likewise [the distance] between one firmament and the other.¹⁴ Above them¹⁵ are the holy living creatures: the feet¹⁶ of the living creatures are equal to all of them [together];¹⁷ the ankles of the living creatures are equal to all of them; the legs of the living creatures are equal to all of them; the knees¹⁸ of the living creatures are equal to all of them; the thighs of the living creatures are equal to all of them; the bodies of the living creatures are equal to all of them; the necks of the living creatures are equal to all of them; the heads of the living creatures are equal to all of them; the horns of the living creatures are equal to all of them. Above them is the throne of glory; the feet of the throne of glory are equal to all of them; the throne of glory is equal to all of them. The King, the Living and Eternal God, High and Exalted, dwelleth above them. Yet thou didst say, I will ascend above the heights of the clouds, I will be like the Most High! Nay¹⁹, thou shalt be brought down to the nether-world, to the uttermost parts of the pit.²⁰

NOR [THE WORK OF] THE CHARIOT IN THE PRESENCE OF ONE. R. Hiyya taught: But the headings of chapters²¹ may be transmitted to him. R. Zera said: The headings of chapters may be transmitted only to the head of a court²² and to one whose heart is anxious within him.²³ Others say: Only if his heart is anxious within him.²⁴ R. Amimi said: The mysteries of the Torah may be transmitted only to one who possesses five attributes, [namely], The captain of fifty, and the man of rank, and the counsellor, and the cunning charmer, and the skillful enchanter.²⁵ R. Ammi further said: The teachings of the Torah are not to be transmitted to an idolater,²⁶ for it is said: He hath not dealt so with any nation; and as for His ordinances, they have not known them.²⁷

R. Johanan said to R. Eleazar: Come, I will instruct you in the 'Work of the Chariot'.²⁸ He replied: I am not old enough.²⁹ When he was old enough, R. Johanan died.³⁰ R. Assi [then] said to him: Come, I will instruct you in the "Work of the Chariot'. He replied: Had I been worthy, I should have been instructed by R. Johanan, your master.

R. Joseph was studying the 'Work of the Chariot'; the elders of Pumbeditha³¹ were studying the 'Work of Creation'. The latter said to the former: Let the master teach us the 'Work of the Chariot'. He replied: Teach me the 'Work of Creation'. After they had taught him, they said to him: Let the master instruct us in the 'Work of the Chariot'. He replied: We have learnt concerning it: Honey and milk are under thy tongue.³² The things that are sweeter than honey and

milk should be under thy tongue.³³ R. Abbahu said: [It³⁴ is inferred] from this verse: The lambs [Ke-basim] will be for thy clothing.³⁵ The things which are the mystery [Kibshono] of the world should be under thy clothing.³⁶ They³⁷ [then] said to him: We have already studied therein as far as, And He said unto me: 'Son of man'.³⁸ He replied: This is the very [portion of the] 'Work of the Chariot'.³⁹

An objection was raised: How far does [the portion of] the 'Work of the Chariot' extend? Rabbi said: As far as the second And I saw.⁴⁰ R. Isaac said: As far as Hashmal⁴¹ — As far as 'I saw'⁴² may be taught;⁴³ thenceforward, [only] the heads of chapters⁴⁴ may be transmitted. Some, however, say: As far as 'I saw', the heads of chapters may be transmitted; thenceforward, if he is a Sage able to speculate by himself, Yes; if not, No. But may one expound [the mysteries of] Hashmal? For behold there was once a child⁴⁵ who expounded [the mysteries of] Hashmal, and a fire went forth and consumed him! — [The case of] the child is different, for he had not reached the [fitting] age. Rab Judah said: That man be remembered for blessing,⁴⁶ namely, Hananiah b. Hezekiah: but for him, the Book of Ezekiel would have been withdrawn,⁴⁷ for its words contradict the words of the Torah.⁴⁸ What did he do? Three hundred garab⁴⁹ of oil were brought up to him, and he sat in an upper chamber and expounded it.

The Rabbis taught: There was once a child who was reading at his teacher's house the Book of Ezekiel, and he apprehended what Hashmal was,⁵⁰ whereupon a fire went forth from Hashmal and consumed him. So they⁵¹ sought to suppress the Book of Ezekiel, but Hananiah b. Hezekiah said to them: If he was a Sage, all are Sages!⁵² What does [the word] Hashmal mean?—Rab Judah said:

(1) Cf. supra p. 23, n. 5.

(2) Ezek. I, 22.

(3) Cf. Ecclesiasticus III, 21, 22. The author, whose full name seems to have been Jesus b. Simeon b. Eleazar b. Sira, is the only writer of the Old Testament or Apocrypha who signed his work (v. *ibid.* L, 27). His date falls in the first third of the second century B.C.E. He wrote in Hebrew, the Greek translation being made by his grandson, of whom it is known that he went to Egypt in 132; the greater part of the Hebrew original has been recovered from the Cairo Genizah. According to Tosef. Yad. II, 13, the writings of Ben Sira do not defile the hands, i.e., are uncanonical, and so rank the works of 'Minim' or heretics. Eccl. Rab. XII, 11 forbids one to have Ben Sira's book in the house. R. Akiba (J. Sanh. 28a) includes the readers of uncanonical writings such as those of Ben Sira among those who have no share in the world to come; v. further the discussion in Sanh., Sonc. ed., p. 680f and nn. a.l. on R. Akiba's prohibition. The exclusion of Ecclesiasticus from the canon and the prohibitions with which it was surrounded were probably due to its epicurean and Sadducean tendencies. Notwithstanding, the book remained popular with Jews, and is frequently quoted in early Jewish literature as well as in the Talmud and Midrash. V. J.E. vol. XI, pp. 388f.

(4) E.V. 'that are above thy strength'.

(5) E.V. 'commanded'.

(6) E.V. 'no need of'.

(7) For a variant version of this quotation v. Gen. Rab. VIII, which contains two additional clauses.

(8) Lit., 'daughter of a voice'. According to Lampronti, Levy, Kohut (Aruch Completum) and Jast., it means an echo'; but L. Blau holds (J.E. vol. II, pp. 588f) that it means 'sound', 'resonance'. For its secular use, v. Ex. Rab. XXIX, end; bit in our passage and Rabbinic literature passim, it refers to a heavenly or divine voice.

(9) I.e., Nebuchadnezzar, who, in R. Johanan b. Zakkai's time, possibly suggested Titus.

(10) Isa. XIV, 14.

(11) As Tosaf. a.l. points out, this statement is not to be taken literally; Nebuchadnezzar is to be regarded as a spiritual descendant of Nimrod because of the similarity of their deeds (the latter persecuted Abraham — cf. Targ. pseudo-Jonathan to Gen. XIV, I; Gen. R. XLII, 5; Cant. R. VIII, 8 — and the former led into captivity Abraham's descendants) and of their place of origin (Babylon).

(12) Lit., 'against himself', an obvious emendation, dictated by a pious desire to avoid blasphemy, of 'against Me' i.e., God. In 'Er. 53a the text has been 'corrected' as here; but in Pes. 94b, Gen. R. s. 26 etc., the original reading is preserved.

(13) Ps. XC, 10.

(14) V. p. 69.

(15) I.e., the seven heavens; v. n. 5.

(16) I.e., the thickness of the hooves.

(17) I.e., 15 (7 heavens and 8 interspaces) X 500 years. But in J. Ber. 13a the figure is given as 515, the numerical sum of **vrah**, 'upright'; cf. Ezek. I, 7 (Tosaf.).

(18) Properly, the knee and its surrounding parts; cf. Hul. 76a.

(19) E.V. 'Yet' etc.

(20) Isa. XIV, 14f.

(21) Probably, the leading words of each section or subject (cf. Rashi a.l. and Jast. s. **erp**). Levy explains it as 'the interpretations of single verses'. V. infra p. 77.

(22) Ab Beth din, lit., 'Father of a Beth din' (house of judgment). The Beth din consisted of three (according to another view, five) members for monetary cases, and of twenty-three for capital cases; whilst the Beth din ha-Gadol ('High Court'), or Great Sanhedrin, was comprised of seventy elders and the Nasi, who acted as president. The Ab Beth din of the Sanhedrin was the vice-president and most important of the seventy members (cf. Sanh. I, 1-4, Sonc. ed. pp. 1-4; and J.E. vol. lii, pp. 114f).

(23) I.e., he is reverential and not given to levity.

(24) I.e., one must have both qualifications viz., be the head of a court and reverential.

(25) Isa. III, 3. For the explanation of these qualifications v. p. 85.

(26) This, and not Cuthean (substituted on account of the censorship), is undoubtedly the correct reading. Dicta of this kind were directed against heathens, and were inspired by the fear lest the knowledge of the Torah be unscrupulously used against Jews. Cf. the story of the Roman commissioners referred to in B.K., Sonc. ed., p. 215; also R. Johanan's statement in Sanh., Sonc. ed., p. 400 and Num. Rab. s. 13.

(27) Ps. CXLVII, 20,

(28) The 'Work of the Chariot' and the 'Work of Creation' mentioned in the next passage, were Baraitas (Rashi), which apparently, took the relevant passages of Genesis and Ezekiel as the basis of their expositions.

(29) Cf. p. 85, where the 'captain of fifty', mentioned supra as one of the qualifications of the man to whom the mysteries of the Torah may be transmitted, is explained as one who is fifty years of age.

(30) Lit., 'R. Johanan's soul was at rest' (cf. Isa. LVII, 2).

(31) Lit., 'mouth of Beditha' (a canal of the Euphrates). It was the seat of a great Jewish academy.

(32) Cant. IV, 11.

(33) I.e., the mysteries of the Chariot may not be taught, cf. our Mishnah (p. 59). The Rabbis considered the whole of Canticles as a figurative expression of the mystical relationship between God and Israel; thus the verse quoted, which the Bridegroom says to the Bride, is really the injunction of God to Israel.

(34) I.e., the prohibition to teach the 'Chariot' mysteries.

(35) Prov. XXVII, 26.

(36) I.e., in thy bosom, a secret. The reading in MS.M. brings the Midrashic deduction out more clearly: Read not

kebasim("lambs") but kebushim ("hidden things") things which are the mystery(kibshono) of the world must be kept under one's clothing'.

(37) I.e., the elders of Pumbeditha.

(38) Ezek. II, 1.

(39) I.e., if you have learnt thus far, you have learnt much, for this passage included the very verses (Ezek. I, 27, 28) the teaching of which the Rabbis prohibited.

(40) Ezek. I, 27, excluding Hashmal; v. n. 12.

(41) Ibid., including Hashmal (E.V. 'electrum'). By Hashmal, the whole subject thereof, which is described in this verse, is meant, not merely the word itself, which already occurs in v. 4. The objection here raised is that the statements of Rabbi and R. Isaac apparently contradict the statement of R. Joseph above, which seemed to imply that the passage dealing with the 'Work of the Chariot' extended to Ezek. II, 1.

(42) I.e., 'I saw' according to Rabbi, or 'Hashmal' according to R. Isaac,

(43) I.e., Rabbi and R. Isaac indicated not how far the 'Work of the Chariot' extended, but how far therein it was permissible to teach.

(44) V. p. 75, n. 3.

(45) Aram. **teubh**, a term applicable to a boy from infancy to school age. Hot-tinger's view (De Incestu etc., p. 54, quoted by A. W. Streane) that not a child in years but in knowledge of Talmud is meant is unlikely. Cf. the frequent use of the term in the Zohar.

(46) Cf. Neh. V, 19.

(47) Heb. **zbd** lit., 'hidden, stored away', i.e., declared un-canonical. The idea and name of the Greek 'Apocrypha' have often been traced to this technical significance of the verb **zbd** in the Talmud; but this is denied by G. F. Moore, v. J.E., vol. II, pp. 1-2 and 6.

(48) Cf. Ezek. XVIII, 4, 20 with Ex. XX, 5, XXIV, 7; Ezek. XLIV, 31 with Lev. XXII, 8; Ezek. XLIV, 22 with Lev. XXI, 14; also Ezek. XLV, 20, which mentions a sacrifice for the seventh day of the first month, entirely unknown from the Torah. V. Rashi to the above verses of Ezek., and Men. 45a, and Kid. 78a.

(49) 'A bottle, keg', as a 'measure (Jast.); 'an earthen jar', (Levy). The oil was to provide light for study.

(50) Jast. translates: 'speculated over the Hashmal'. Had the child drawn a picture of it? (V. J.E. vol. III, p. 148, s. 11).

(51) I.e., the Rabbis.

(52) I.e., the case of the child is exceptional: having a Sage's understanding of the mysteries of Hashmal, he endangered his life by his speculation; but ordinary readers of Ezekiel would not run any risk.

Talmud - Mas. Chagigah 13b

Living creatures speaking fire.¹ In a Baraita it is taught: [Hashmal means], At times they are silent, at times they speak.² When the utterance goes forth from the mouth of the Holy One, blessed be He, they are silent, and when the utterance goes not forth from the mouth of the Holy One, blessed be He, they speak.

And the living creatures ran and returned as the appearance of a flash of lightning.³ What is the meaning of 'ran and returned'? — Rab Judah said: Like the flame that goes forth from the mouth of a furnace.⁴ What is the meaning of 'as the appearance of a flash of lightning'? — R. Jose b. Hanina said: Like the flame that goes forth from between the potsherds.⁵

And I looked, and, behold a stormy wind came out of the north, a great cloud with a fire

flashing up, so that a brightness was round about it; and out of the midst thereof as the colour of electrum [Hashmal], out of the midst of the fire.⁶ Whither did it⁷ go? Rab Judah said that Rab said: It went to subdue the whole world under the wicked Nebuchadnezzar. And wherefore all this? — That the peoples of the world might not say: Into the hand of a low people the Holy One, blessed be he, delivered His children,⁸ The Holy One, blessed be He, said: Who caused Me to be a servant to idol-worshippers? The iniquities of Israel, they caused Me.

Now as I beheld the living creatures, behold one wheel at the bottom hard by the living creatures.⁹ R. Eleazar said: [It means] a certain angel, who stands on the earth and his head reaches unto the living creatures. In a Baraita it is taught: His name is Sandalfon;¹⁰ he is higher than his fellows by a [distance of] five hundred years' journey, and he stands behind the Chariot and wreathes crowns¹¹ for his Maker. But is it so? Behold it is written: Blessed be the glory of the Lord from His place,¹² accordingly, no one knows His place!¹³ — He¹⁴ pronounces the [Divine] Name over the crown, and it goes and rests on His head.¹⁵

Raba said: All that Ezekiel saw Isaiah saw.¹⁶ What does Ezekiel resemble? A villager who saw the king.¹⁷ And what does Isaiah resemble? A townsman who saw the king.¹⁸

Resh Lakish said: What is the meaning of the verse: I will sing unto the Lord, for He is highly exalted?¹⁹ [It means] a song to him who is exalted over the exalted ones.²⁰ For a Master said: The king of the wild animals is the lion; the king of the cattle is the ox; the king of the birds is the eagle; and man is exalted over them; and the Holy One, blessed be He, is exalted over all of them, and over the whole world.

One verse says: As for the likeness of their faces, they had the face of a man; and they four had the face of a lion on the right side, and they four had the face of an ox on the left side etc.²¹ And [elsewhere] it is written: And everyone had four faces; the first face was the face of the cherub, and the second face was the face of a man, and the third the face of a lion, and the fourth the face of an eagle;²² but the ox is not mentioned! — Resh Lakish said: Ezekiel entreated concerning it and changed it into a cherub. He said before Him:²³ Lord of the universe, shall an accuser²⁴ become an advocate!²⁵ What is the meaning of cherub? — R. Abbahu said: Like a child [Rabia],²⁶ for so in Babylonia a child is called Rabia. R. Papa said to Abaye: But according to this, [what is the meaning of] the verse, 'The first face was the face of the cherub, and the second face was the face of a man, and the third the face of a lion, and the fourth the face of an eagle': are not the face of the cherub and the face of a man the same! — [The one is] a big face, and [the other is] a small face.²⁷

One verse says: Each one had six wings,²⁸ and another verse says: And every one had four faces, and every one of them had four wings!²⁹ — There is no contradiction: the one³⁰ refers to the time when the Temple was no longer standing,³¹ [when] as it were,³² the wings of the living creatures were diminished. Which of them were taken away? — R. Hananel said that Rab said: Those with which they utter song. [For] here³³ it is written: And with twain he did fly. And one called unto another and said;³⁴ and [elsewhere] it is written: Wilt thou set thine eyes upon it? It is gone.³⁵ But our Rabbis said: Those with which they cover their feet, for it is said: And their feet were straight feet,³⁶ and if [these wings] had not been taken away, whence could he have

known!³⁷ — Perhaps, [the feet] were exposed and he saw them. For if you do not say so, [then from the words], As for the likeness of their faces, they had the face of man,³⁸ [one might infer] likewise that [the wings covering them] were taken away! They³⁹ must therefore have been exposed, and he saw them; similarly here, they⁴⁰ were exposed, and he saw them. But how can they be compared? Granted that it is customary to expose one's face before one's master, but it is not customary to expose one's feet before one's master!

One verse says: Thousand thousands ministered unto Him, and ten thousand times ten thousand stood before Him;⁴¹ and another verse says: Is there any number of His armies?⁴² — There is no contradiction: the one⁴³ refers to a time when the Temple was standing, and the other refers to a time when the Temple was no longer standing; [when] as it were, the heavenly household⁴⁴ was diminished.

It is taught: Rabbi said in the name of Abba Jose b. Dosai: ‘Thousand thousands ministered unto ‘Him’, — this is the number of one troop; but of His troops there is no number. But Jeremiah b. Aba said: ‘Thousand thousand ministered unto Him’ — at the fiery stream,⁴⁵ for it is said: A fiery stream issued and came forth from before Him; thousand thousands ministered unto Him and ten thousand times ten thousand stood before Him.⁴¹ Whence does it come forth? — From the sweat of the ‘living creatures’, And whither does it pour forth? R. Zutra b. Tobiah said that Rab said: Upon the head of the wicked in Gehinnom,⁴⁶ for it is said: Behold, a storm of the Lord is gone forth in fury,⁴⁷ yea, a whirling storm; it shall whirl upon the head of the wicked.⁴⁸ But R. Aha b. Jacob said: Upon those who pressed forward,⁴⁹ for it is said: Who pressed forward⁵⁰ before their time, whose foundation was poured out as a stream.⁵¹ It is taught: R. Simeon the Pious said: These are the nine hundred and seventy four generations who pressed themselves forward to be created⁵²

(1) I.e. **knaj** is explained as an abbreviation of , **ukknn at , uhj**

(2) I.e., Hashmal is an abbreviation of , **ukknn , uaj** , ‘silent, speaking’.

(3) Ezek. 1,14.

(4) I.e., a brick-kiln.

(5) I.e., perforated earthen pieces used in smelting gold. **ezc** (E.V. ‘flash of lightning’) is here explained in its Aramaic sense of ‘a fragment, piece of pottery’.

(6) Ibid. v. 4.

(7) I.e., the stormy wind coming out of the north.

(8) Cf. for the thought Git. 56b=Sanh. 104b, (Sonc. ed., p. 710), ‘Whoever distresses Israel becomes a chief’.

(9) Ezek. I, 15.

(10) Perhaps from Grk. ** == cobrother. Sandalfon is described as brother of Metatron; v. J.E. vol. XI, pp. 39-40; cf. also Longfellow's poem ‘Sandalphon’.

(11) I.e., offers up the prayers of the righteous.

(12) Ezek. III, 12.

(13) I.e., the vagueness of the expression ‘from His place’ indicates that God's place is unknown even to His angels.

(14) I.e., Sandalfon,

(15) [MS.M. ‘in its place : i.e., the prayer is effective.]

(16) V. Isa. VI, 1 ff: Despite the differences between the descriptions given by Isaiah and Ezekiel, they both saw

identical visions of God's glory.

(17) According to Rashi, the point is that the rustic — to whom the sight of the king is a novelty — is naturally inclined to give his impressions at length. But Tosaf. explains that the villager has to give a detailed description of the royal splendour in order to convince his hearers that he actually saw the king. Likewise Ezekiel, to whom was granted the rare distinction, of prophecy outside Palestine, had to prove by a detailed account that he actually beheld the Divine Glory though he dwelt by the river Chebar.

(18) The townsman — to whom the king is a familiar sight is not inclined to indulge in any lengthy description (Rashi); nor does he have to go into details in order to convince his hearers of the truth of his statement (Tosaf.).

(19) Ex. XV, 1.

(20) This is an explanation of the words of the text, **vtd vtd** (E.V. 'highly exalted'), which mean lit., 'to be exalted he is exalted'.

(21) Ezek. I, 10.

(22) Ezek. X, 14.

(23) I.e., Ezekiel before God.

(24) The ox would be a reminder of Israel's sin in connection with the golden calf.

(25) Israel required the Divine Chariot to intercede for them. Cf. R.H. 26a.

(26) The word **curf** ('Cherub') is explained as composed of **f** ('like') and **cur = thcr** ('a growing boy'). For modern suggestions regarding the root-meaning of the word v. B.D.B. s.v.

(27) I.e., the face of a man and the face of a boy.

(28) Isa. VI, 2.

(29) Ezek. I, 6. It is assumed that the 'Seraphim' of Isaiah and the 'living creatures' of Ezekiel had originally the same number of wings.

(30) I.e., Isa. VI, 2.

(31) I.e., the time for the destruction of the Temple had come. Ezekiel prophesied the event, and lived to learn of the fulfilment of his prophecy, as well as to foretell the rebuilding of the Sanctuary.

(32) Lit., 'as though it were possible', refers to an allegorical or anthropomorphous expression with reference to the Lord (Jast.), or, as here, to the celestial creatures.

(33) Ibid. vv. 2, 3.

(34) The juxtaposition of the two verses shows that with the wings with which they flew they also uttered God's praise.

(35) Lit., 'cause to fly'; cf. also rest of verse, Prov. XXIII, 5. The occurrence of the word fly in the two passages shows that it is the wings with which the heavenly beings fly (i.e., utter their song to God) that are gone. This verse in Proverbs is understood by the Rabbis to refer to the neglect of the study of the Torah (cf. Rashi a. l., and Ber. 5a, Meg. 18a): the meaning would seem to be that when the Torah is neglected the divine song of the angels is silenced.

(36) Ezek. I, 7.

(37) I.e., that their feet were straight.

(38) Ibid. I, 10.

(39) I.e., their faces.

(40) I.e., their feet.

(41) Dan. VII, 10.

(42) Job. XXV, 3.

(43) I.e., the verse in Job.

(44) Heb. **thknp** from Lat. Familia.

(45) I.e., the verse gives the number only of those attending God at the fiery stream, but not of all His angels, which

are innumerable.

(46) I.e., 'place of punishment of the wicked in the hereafter, hell' (Jast.). Cf. II Kings XXIII, 10; Jer. VII, 31, 32, etc.; II Chron. XXVIII, 3.

(47) Heb. **vnj** understood in the sense of **vnj**, 'hot', is taken as a reference to the fiery stream.

(48) Jer. XXIII, 19.

(49) So Jast. and Levy; v. infra n. 7. Goldschmidt trans., die verdrängt worden sind' (who were suppressed or displaced); Rashi trans., 'who were decreed (to be created)', MS.M. adds here, 'before their time'.

(50) E.V. 'who were snatched away'.

(51) Job XXII, 16. The word 'stream' is the link between this verse and Dan. VII, 10.

(52) According to the Rabbinic interpretation of Ps. CV, 8, the Divine Plan originally envisaged the creation of a thousand generations prior to the giving of the Torah, but foreseeing their wickedness, God held back nine hundred and seventy-four generations, and gave the Torah at the end of twenty-six generations from Adam (cf. Gen. V, XI, Ex. VI, 16-20, and Seder 'Olam Ch. 1). The translation here follows the text of MS. M. 2 (v. D.S. a.I. n. 20) viz. , **utrchvk inmg** (pi'el) **uynhea** cur. edd.: , **utrchvk**(pu'al) **uynuea**

Talmud - Mas. Chagigah 14a

before the world was created, but were not created: the Holy One, blessed be He, arose and planted them¹ in every generation, and it is they who are the insolent² of each generation. But R. Nahman b. Isaac said: The words, Asher Kummetu,³ indicate blessing: these are the scholars who wrinkle themselves⁴ over the words of the Torah in this world, [wherefore] the Holy One, blessed be He, shall reveal a secret to them in the world to come, for it is said: 'To whom a secret⁵ is poured out as a stream'. Samuel said to R. Hiyya b. Rab: O son of a great man,⁶ come, I will tell thee something from those excellent things which thy father has said. Every day ministering angels are created from the fiery stream, and utter song, and cease to be,⁷ for it is said: They are new every morning: great is Thy faithfulness.⁸ Now he differs from R. Samuel b. Nahmani, for R. Samuel b. Nahmani said that R. Jonathan said: From every utterance that goes forth from the mouth of the Holy One, blessed be He, an angel is created,⁹ for it is said: By the word of the Lord were the heavens made; and all the host of them by the breath of His mouth.¹⁰

One verse says: His raiment was as white as snow, and the hair of his head like pure wool;¹¹ and [elsewhere] it is written: His locks are curled and black as a raven!¹² — There is no contradiction: one verse¹³ [refers to God] in session,¹⁴ and the other in war.¹⁵ For a Master said: In session none is more fitting than an old man, and in war none is more fitting than a young man.

One passage says: His throne was fiery flames;¹⁶ and another Passage says: Till thrones were places, and One that was ancient of days did sit!¹⁷ — There is no contradiction: one [throne] for Him, and one for David; this is the view of R. Akiba. Said R. Jose the Galilean to him: Akiba, how long wilt thou treat the Divine Presence as profane!¹⁸ Rather, [it must mean], one for justice and one for grace.¹⁹ Did he accept [this explanation from him, or did he not accept it? — Come and hear: One for justice and one for grace; this is the view of R. Akiba. Said R. Eleazar b. 'Azariah to him: Akiba, what hast thou to do with Aggadah?²⁰ Cease thy talk, and turn²¹ to [the laws concerning defilement through] leprosy-signs and tent-covering!²² Rather, [it must mean] one for a throne and one for a stool; the throne to sit upon, the stool for a footrest, for it is said: The heaven is My throne, and the earth is My foot-rest.²³

When R. Dimi came,²⁴ he said: Eighteen curses did Isaiah pronounce upon Israel, yet he was not pacified²⁵ until he pronounced upon them this verse: The child shall behave insolently against the aged, and the base against the honourable.²⁶ Which are the eighteen curses? — It is written: For, behold, the Lord, the Lord of hosts, doth take away from Jerusalem and from Judah stay and staff every stay of bread, and every stay of water, the mighty man, and the man of war; the judge and the prophet, and the diviner, and the elder; the captain of fifty; and the man of rank, and the counsellor, and the wise charmer, and the skillful enchanter. And I will give children to be their princes, and babes shall rule over them.²⁷ ‘Stay’ — this means the masters of the Bible.²⁸ ‘Staff’ — this means the masters of the Mishnah, like R. Judah b. Tema and his colleagues. R. Papa and our Rabbis dispute therein: one says that there were²⁹ six hundred orders of the Mishnah, and the other that there were seven hundred orders of the Mishnah.³⁰ ‘Every stay of bread’ — this means the masters of Talmud,³¹ for it is said: Come, eat of My bread, and drink of the wine which I have mingled.³² ‘And every stay of water’ — this means the masters of Aggadah, who draw the heart of man like water by means of the Aggadah. ‘The ‘mighty man’ — this means the masters of traditions.³³ ‘And the man of war’ — this means one who knows how to dispute³⁴ in the warfare of the Torah. ‘The judge — this means a judge who passes judgment in strictest accord with truth — ‘The prophet’ — according to the literal meaning of the word. ‘The diviner’ — this means the King, for it is said: A divine sentence is in the lips of the King.³⁵ ‘The elder’ — this means one who is worthy to sit in session.³⁶ ‘The captain of fifty’: do not read ‘the captain of fifty’ but ‘the captain of the Pentateuch’;³⁷ it means one who knows how to argue in the five books of the Torah. Another explanation: ‘the captain of fifty’ — as R. Abbahu [taught]. For R. Abbahu said. From here [we learn] that a Methurgeman³⁸ may not be appointed over a congregation, who is less than fifty years of age. ‘And a man of rank’ — this means one for whose sake favour is shown to his [entire] generation, like R. Hanina b. Dosa,³⁹ for instance, on high,⁴⁰ [or] below,⁴¹ like R. Abbahu at the court of Caesar.⁴² ‘The counsellor’ — [this means] one who knows how to determine the intercalation of years⁴³ and the fixation of months.⁴⁴ ‘And the wise [man]’⁴⁵ -this means a disciple who makes his teachers wise. ‘Charmer’ — at the moment that he begins a Torah⁴⁶ — discourse, all become dumb. ‘And the skillful [‘man]’⁴⁷ — this means one who understands one thing from another.⁴⁸ ‘Enchanter’ — this means one who is worthy to have imparted to him the words of the Torah, which was given in a whisper.⁴⁹ ‘And I will give children to be their princes’: what is the meaning of [the words], ‘I will give children to be their princes’? R. Eleazar said: It means persons who are empty⁵⁰ of good deeds.⁵¹ ‘And babes shall rule over them’. R. Aha⁵² b. Jacob said: [It means] foxes sons of foxes.⁵³ ‘But he was not pacified⁵⁴ until he said to them: The child shall behave insolently against the aged’: — those persons who are empty of good deeds shall behave insolently against such as are filled with good deeds⁵⁵ as a pomegranate [with seeds]. ‘And the base against the honourable’: those to whom weighty [precepts] appear as light ones⁵⁶ will come and behave insolently against those to whom light [precepts] appear as weighty ones.⁵⁷

R. Kattina said: Even at the time of Jerusalem's downfall honest men did not cease from among them, for it is said: For a man shall take hold of his brother of the house of his father: ‘Thou hast a mantle, be thou our ruler’!⁵⁸ Matters on account of which men hide themselves as in a garment⁵⁹ thou hast ‘under thy hand’.⁶⁰ And this ruin:⁶¹ what is the meaning of [the expression] ‘and this ruin’? — Matters which people do not grasp unless they stumble over them⁶² are under thy hand’.

In that day shall he take⁶³ [an oath], saying: I am not⁶⁴ a healer, for in my house is neither bread nor a mantle; ye shall not make me ruler of a people.⁶⁵ — Shall he take, ‘Take’ expresses an oath, for it is said: Thou shalt not take the name of the Lord thy God [in vain].⁶⁶ I am not a healer:’ I was⁶⁷ not of those who are bound to the Schoolhouse.⁶⁸ For in my house is neither bread nor a mantle, — for I possess no knowledge of Bible or Mishnah or Gemara, But perhaps that case⁶⁹ is different; for had he said to them, I have knowledge, they would have said to him, Tell us then! — He could have answered that he had learnt but had forgotten; why then does it say: ‘I am not a healer’? [It must mean], I am not a healer at all.⁷⁰ But is it so? Behold Raba said: Jerusalem was not destroyed until honest men ceased therefrom, for it is said: Run ye to and fro through the streets of Jerusalem, and see now, and know, and seek in the broad places thereof, if ye can find a man, if there be any that doeth justly, that seeketh truth;⁷¹ and I will pardon him.⁷² — There is no contradiction:

(1) I.e., distributed them over the later generations; cf. Yoma 38b, ‘The Holy One, blessed be He, saw that the righteous were few, so He arose and planted them in every generation’. Another reading has ‘banished them’, but the meaning remains unchanged (v. Tosaf. a.I.).

(2) Cf. Aboth V, 20, (Sonc. ed., p. 73f).

(3) Rendered above, ‘who pressed forward’.

(4) So Jast.: from the root meaning ‘to compress, curl’; hence it can be understood in the sense of ‘to wrinkle (the brow)’ as well as ‘to press forward’ (as above). Levy and Goldschmidt render by ‘sich zusammendrängen’ (press themselves together, limit themselves).

(5) **OSUXH**, ‘their foundation’ is here taken to mean the same as **OSUX**, ‘their secret

(6) Lit., ‘son of a lion’.

(7) Cf. the lines in Longfellow's Sandalphon (quoted by Streane): ‘The Angels of Wind and of Fire Chant only one hymn, and expire With the song's irresistible stress’,

(8) Lam. III, 23. I.e., great is Thy praise on account of them (Rashi).

(9) But not from the fiery stream, as Rab holds.

(10) Ps. XXXIII, 6.

(11) Dan, VII, 9.

(12) Cant. V, 11.

(13) I.e., Dan. VII, 9.

(14) I.e., sitting in judgment; cf. *ibid.* v. 10.

(15) Canticles is interpreted by the Rabbis as referring in greater part to the Exodus (note that the book is read in the synagogue during Passover) when God appeared as a warrior (cf. Ex. XV, 3).

(16) Dan. VII, 9.

(17) *Ibid.*, beginning of the verse. The plural implies two thrones, whereas the first passage speaks of only one.

(18) By asserting that David occupies a place next to God.

(19) Lit., ‘righteousness’, but used here, apparently, in the sense of ‘lovingkindness, grace’.

(20) For Haggadah v. Glos. s. Aggadah. R. Eleazar b. ‘Azariah regards even this explanation as dangerous, because it implies a duality of character on the part of God, and militates against the fundamental Jewish concept of God's perfect unity.

(21) The two verbs in the English are represented by one in the Hebrew viz. **l kf** which is really a combination of **l ku vkf**, ‘cease and go (elsewhere)’.

(22) V. p. 56, nn. 5 and 6. R. Akiba's intellectual gifts were best suited to Halachah, not Haggadah. The laws relating to defilement by leprosy and tent-covering form two of the most difficult tractates of the Halachah.

- (23) E. V. foot-stool', Isa. LXVI, 1.
- (24) I.e., from Palestine to Babylonia.
- (25) Lit., 'his mind was not cooled'.
- (26) Ibid. III, 5.
- (27) Ibid. vv. 1-4.
- (28) The Bible being Israel's stay'. In this vein the Gemara explains the rest of the quotation.
- (29) I.e., in the days of R Judah b. Tema and his colleagues.
- (30) The Mishnah is now divided into six orders, V. J.E. vol, VIII, p, 615.
- (31) This included the discussions 'if the Amoraim added to the Mishnah. The decisions of the experts in Talmud could be relied upon, but those who gave decisions on the basis of the Mishnah only were called 'destroyers of the world' (Sot. 22a); cf. supra p. 50. Thus, the masters of the Talmud were, so to speak, as essential to Israel as bread itself.
- (32) Prov. IX, 5.
- (33) Lit., 'things heard' i.e., oral reports of a halachic character — legal decisions — which were carefully handed down by teacher to disciple. These tradents of legal traditions were veritable living 'books of reference'.
- (34) Lit., 'to take up and give'. The expression is primarily a commercial term, denoting 'buying and selling' or any financial transaction. Here it is used in the transferred sense of being able to deal with the argumentation essential to the study of the Torah. A distinction is here drawn between the keen-minded debater ('the man of war') and the expert in traditions ('the mighty man'): the latter is remarkable chiefly for his learning, the former is distinguished for his reasoning power and mental acumen.
- (35) Ibid. XVI, 10.
- (36) I.e., as counsellor.
- (37) **ohanj** 'fifty', is explained as **ohanj** 'fifths,, i.e., the five books of the Pentateuch. V. Kid. 33a.
- (38) Lit., 'interpreter', i.e., the translator into Aramaic (or Greek) of the Biblical portion read at services, V. J.E. VIII, p. 521.
- (39) Cf. Ta'an. 24b-25a: 'Every day a Bath Kol goes forth and says: The whole world is fed for the sake of Hanina, my son; Yet is Hanina, my son, satisfied with a kab of carobs from Sabbath eve to Sabbath eve'. Cf. also Ber. V, 5.
- (40) I.e., in heaven.
- (41) I.e., on earth.
- (42) I.e., the proconsular government. V. Sanh. 14a and Keth. 17a.
- (43) The Jewish year consists ordinarily of twelve lunar months (v. n. 5). In order to prevent the festivals from falling in the wrong seasons, it was necessary periodically to adjust the lunar calendar to the solar year: this was achieved by introducing an intercalary month (Adar II) between Adar and Nisan. V., further, Sanh. 2a (Sonc. ed., p. 1) and 10a (p. 42f); also J.E. vol. III, p. 498f.
- (44) I.e., determination of the beginning of a month by the first appearance of the new moon. As the moon revolves round the earth in approx. twenty-nine and a half days, the Jewish months consists, alternately, of twenty-nine or thirty days.
- (45) The expression 'wise (E. V. cunning") charmer' is clearly intended in the verse to refer to one person; but the Gemara interprets 'wise' and 'charmer' as a composite phrase referring to two distinct types.
- (46) Used here not in its restricted meaning of the Pentateuch, but in its wider connotation of Jewish teaching based on Scripture; cf. Aboth I, 1 (Sonc. ed., p. 1, n., 1).
- (47) Here, as above (v. n. 6), Isaiah's description of one type of person is made to refer to two types.
- (48) I.e., is able himself to draw conclusions on the basis of the knowledge imparted to him.
- (49) On account of Satan (Aruch). But Jast. prefers the reading of MS.M.(cf. Rashi l.c.) which he renders: 'that is he to whom are handed over the secrets of the Law which are communicated in a low voice'. Cf. p. 75 and nn. 4

and 5.

(50) The word **ohrgb** ('children') in the verse is explained as meaning **ohrgubn** ('empty'); literally, the latter means, shaken out, emptied'.

(51) Lit., 'commandments', precepts (of the Torah)', hence religious or meritorious deeds.

(52) Var. lec.: but Bah reads R. Papa b. J.

(53) The word **ohkukg**, ('babes') in the verse is explained as a derivative of **tkg**, ('fox'), with the meaning, 'double foxes i.e., second generation of foxes.

(54) V. p. 84, n. 6.

(55) This is an explanation of the word **ize** (aged) in the verse, which must necessarily have the opposite meaning of **rgb** ('child' i.e., one empty of good deeds). Note also that **zaken** is explained elsewhere as one who is both learned (v. Sifra Kedoshim Par. 3' Ch. VII, and Kid. 32b) and practised in the Torah and its precepts (v. Ber. 39a). Cf. also p. 109 (The Elder).

(56) The word **vkeb** ('base') in the verse is here explained as a derivative of **ke** ('light').

(57) There is a play here on the word **scfb** ('honourable'), the root of which also means, 'heavy, weighty'.

(58) Isa. III, 6.

(59) I.e., feel ashamed in their ignorance of them — namely the teachings of the Torah — should be detected.

(60) I.e., knowest well; the expression is quoted from the end of v. 6 (ibid.).

(61) Lit., 'and this stumbling'; ibid,

(62) I.e., which they learn only through their mistakes.

(63) E.V. 'swear'.

(64) E.V. will not be'.

(65) Ibid. 7.

(66) Ex, XX, 7. The bracketed words are omitted in cur. edd. but not in the "Ein Jacob'.

(67) The Heb. verb in the verse, which, being in the imperfect form should ordinarily denote the future or at least the present tense, is here understood as having a past meaning, viz., 'I used not to be',

(68) Lit., 'of those who bind (themselves) in the Schoolhouse'.

(69) I.e., the case referred to in Isaiah is no proof of real honesty, because (according to the argument which follows) falsehood could easily have been detected.

(70) I.e., I have never studied. This voluntary admission proves his honesty.

(71) Heb. **vbunt** which is only a slight variant of **vbnt** 'honesty'.

(72) Jer. V, 1.

Talmud - Mas. Chagigah 14b

the one [verse] refers to religious matters,¹ the other to business. In regard to religious matters, there were [honest men left]; in regard to business, there were no [honest men left].

Our Rabbis taught: Once R. Johanan b. Zakkai was riding on an ass when going on a journey, and R. Eleazar b. 'Arak was driving the ass from behind. [R. Eleazar] said to him: Master, teach me a chapter of the 'Work of the Chariot'.² He answered: Have I not taught you³ thus: 'Nor [the work of] the chariot in the presence of one, unless he is a Sage and understands of his own knowledge'? [R. Eleazar] then said to him: Master, permit me to say before thee something which thou hast taught me.⁴ He answered, Say on! Forthwith R. Johanan b. Zakkai dismounted from the ass, and wrapped himself up,⁵ and sat upon a stone beneath an olive tree. Said [R. Eleazar] to him: Master, wherefore didst thou dismount from the ass? He answered: Is it proper

that whilst thou art expounding the ‘Work of the Chariot’, and the Divine Presence is with us, and the ministering angels accompany us, I should ride on the ass! Forthwith, R. Eleazar b. ‘Arak began his exposition of the ‘work of the Chariot’, and fire⁶ came down from heaven and encompassed⁷ all the trees in the field; [thereupon] they all began to utter [divine] song. What was the song they uttered? — Praise the Lord from the earth, ye sea-monsters, and all deeps . . . fruitful trees and all cedars . . . Hallelujah.⁸ An angel⁹ [then] answered¹⁰ from the fire and said: This is the very ‘Work of the Chariot’. [Thereupon] R. Johanan b. Zakkai rose and kissed him on his head and said: Blessed be the Lord God of Israel, Who hath given a son to Abraham our father, who knoweth to speculate upon, and to investigate, and to expound the ‘Work of the Chariot’ — There are some who preach well but do not act well, others act well but do not preach well, but thou dost preach well and act well. Happy art thou, O Abraham our father, that R. Eleazar b. ‘Arak hath come forth from thy loins. Now when these things were told R. Joshua, he and R. Jose the priest¹¹ were going on a journey. They said: Let us also¹² expound the ‘Work of the Chariot’; so R. Joshua began an exposition. Now that day was the summer solstice;¹³ [nevertheless] the heavens became overcast with clouds and a kind of rainbow¹⁴ appeared in the cloud, and the ministering angels assembled and came to listen like people who assemble and come to watch the entertainments¹⁵ of a bridegroom and bride. [Thereupon] R. Jose the priest went and related what happened before R. Johanan b. Zakkai; and [the latter] said: Happy are ye, and happy is she that bore you;¹⁶ happy are my eyes that have seen thus. Moreover, in my dream, I and ye were reclining¹⁷ on Mount Sinai, when a Bath Kol¹⁸ was sent to us,¹⁹ [saying]: Ascend hither, ascend hither! [Here are] great banqueting chambers, and fine dining couches prepared for you; you and your disciples and your disciples’ disciples are designated for the third class.²⁰ But is this so?²¹ For behold it is taught: R. Jose b. R. Judah said: There were three discourses:²² R. Joshua discoursed before R. Johanan b. Zakkai, R. Akiba discoursed before R. Joshua, Hanania b. Hakinai discoursed before R. Akiba; — whereas R. Eleazar b. ‘Arak he does not count! — One who discoursed [himself], and others discoursed before him, he counts; one who discoursed [himself], but others did not discourse before him, he does not count. But behold there is Hanania b. Hakinai before whom others did not discourse, yet he counts him! — He at least discoursed before one who discoursed [before others].²³

Our Rabbis taught: Four men entered the ‘Garden’,²⁴ namely, Ben ‘Azzai²⁵ and Ben Zoma,²⁶ Aher,²⁷ and R. Akiba. R. Akiba said to them: When ye arrive at the stones of pure marble,²⁸ say not, water, water!²⁹ For it is said: He that speaketh falsehood shall not be established before mine eyes.³⁰ Ben ‘Azzai cast a look and died. Of him Scripture says: Precious in the sight of the Lord is the death of His saints.³¹ Ben Zoma looked and became demented.³² Of him Scripture says: Hast thou found honey? Eat so much as is sufficient for thee, lest thou be filled therewith, and vomit it.³³ Aher mutilated the shoots.³⁴ R. Akiba departed unhurt.

Ben Zoma was asked: Is it permitted to castrate a dog?³⁵ He replied: Neither shall ye do this in your land,³⁶ — [this means], to none that is in your land shall ye do thus.³⁷ Ben Zoma was [further] asked: May a high priest marry a maiden who has become pregnant?³⁸ Do we [in such a case] take into consideration Samuel's statement, for Samuel said,

(1) Lit., ‘words of the Torah’.

(2) V. p. 59, n. 4.

- (3) Plural, i.e. R. Eleazar and his fellow-students.
- (4) The fact that R. Johanan b. Zakkai had in the past taught the 'Chariot' mysteries to R. Eleazar is difficult to reconcile with the former's present refusal to teach his disciple. It seems best to omit, with the J.T., the word rendered 'which thou hast taught me'. For two suggested explanations, if this word is retained, v. Maharsha a.I.
- (5) I.e., put round him his tallith. The latter was a four-cornered garment (similar to the Roman pallium) adorned with fringes (in accordance with Num. XV, 38f), which was worn in Talmudic times by scholars, distinguished persons, and those who led in prayers. Its use at prayers is still preserved, and has given rise to its popular designation of 'prayer-shawl'. By wrapping himself in his tallith, R. Johanan b. Zakkai showed his sense of the holiness of the occasion. V. further J.E., vol. XI, pp' 67f and Elbogen, Der Jud, Gottesdienst pp. 499f.
- (6) Cf. p. 77, n. 9.
- (7) Var. lec.: covered; intertwined; hedged in,.
- (8) Ps. CXLVIII, 7, 9, 14. This reference to trees is the clue which points to these verses as the trees' psalm. The Jerusalem Talmud reads instead I Chron. XVI, 33.
- (9) Another reading has 'angel of death', which Tosaf. rejects.
- (10) I.e., spoke with reference to R. Eleazar's exposition of the 'Chariot' mysteries.
- (11) For R. Johanan b. Zakkai's opinion of these two disciples and R. Eleazar v. Aboth, II, 8, 9.
- (12) Being only two, they would not be infringing the Mishnah law concerning the study of the 'chariot' mysteries.
- (13) Lit., 'the cycle of Tammuz' (fourth month). On such a day the sky in Palestine should be cloudless.
- (14) Cf. Ezek. I, 28.
- (15) Heb. **hyunzn**. Levy deriving the word from the Greek 'smiling', especially 'friendly smiling', translates it, 'Belustigungen' (entertainments, merrymakings), which agrees with Rashi's explanation and the variant reading of the Jerusalem Talmud viz., 'rejoicing'. Jast. gives the word a Hebrew origin (v.s.v.) and explains it to mean, music, sweet melodies'; he renders our passage — 'the musical entertainments at a wedding.
- (16) I.e., your respective mothers; they were not brothers.
- (17) I.e. as at a banquet, when the guests used to recline on couches (cf. Ex. Rab 25).
- (18) V. p. 73, n. 12.
- (19) Lit., 'given upon us'.
- (20) Of the seven classes (v. Midr. Till. to Ps. XI, 7) admitted (after death) into God's presence.
- (21) I.e., that R. Eleazar b. 'Arak discoursed on the 'Chariot' mysteries before his master.
- (22) I.e., only in three instances did disciples discourse on the 'Work of the Chariot' before their teachers.
- (23) Hanina b. Hakinai has to be mentioned on account of R. Akiba, to show that the latter not only discoursed himself but that also another discoursed before him; but R. Eleazar b. 'Arak did not discourse before a teacher who in his turn discoursed before others, nor did any one discourse before him, hence he is not counted.
- (24) Paradise, Heb. **XSRP** (cf. Cant. IV, 13, Eccl. II, 5, Neh. II, 8), 'enclosure, preserve, garden, park' (v. B. D. B. s.v.). L. Blau (Alitjudisches Zaubewesen, pp. 115f) seeks to prove that this account of the entry of the four Rabbis into Paradise is to be understood literally (v. also J.E. vol. V, p. 683). This view is shared, among others, by J. Levy and L. Ginzberg (v. J.E. vol. V, pp. 138f). On the other hand, M. Jast. (Dictionary) and Goldschmidt consider 'Pardes' a figurative expression for the mystical realm of theosophy. Rashi explains that the four scholars ascended to heaven, and Tosaf. adds that it only appeared to them that they did so. Similarly, R. Hai Gaon, who discusses the whole Baraitha in a responsum (quoted by Ha-Kotheb in 'Ein Jacob), and R. Hananel explain that the entry of the Rabbis into the 'Garden' was only a vision. Both these authorities refer to the comment on the passage contained in the mystical works 'Hekaloth Rabbathi' and 'Hekaloth Zutarthi' (v. J.E. vol. VI, pp. 332-3). V. further J.E. vol. IX, pp. 515f.
- (25) V. Ab. IV, 2, (Sonc. ed., p. 44, n. 1).
- (26) V. ibid. Mishnah I, (Sonc. ed., P 43, n. 1).

(27) Lit. 'another', by which tern, Elisha b. Abuyah is referred to after his apostasy. V. J.E. vol. V, pp. 138f, and Ab. IV, 20 (Sonc. ed., p. 55 n. 1, where instead of 'disciple of R. Meir', read 'teacher of R. Meir'). Cf. also the term 'Others' supra p. 14.

(28) Giving the illusion of water.

(29) I.e., how can we proceed!

(30) Ps. CI, 7.

(31) Ibid. CXVI, 15.

(32) Lit., 'stricken'.

(33) Prov. XXV, 16,

(34) I.e., apostatized. Scholars differ greatly regarding the nature of Aher's defection: he has been variously described as a Persian, Gnostic or Philonian dualist; as a Christian; as a Sadducee; and as a 'victim of the inquisitor Akiba', in J.E., V. 183 and bibliography.

(35) Castrated animals may not be offered as sacrifices (v. n. 12,); therefore castration is forbidden in the case of animals of the type that can be offered up. But a dog may not only not be offered itself, but even its price or equivalent may not be used for offerings (v. Tem. 30a-b). Hence the question whether the prohibition of castration applies even to a dog. Cf. also Shab. 111a.

(36) Lev. XXII, 24. The beginning of the verse reads: 'That which hath its stones bruised . . . or cut, ye shalt not offer unto the Lord'.

(37) I.e., even an animal like the dog, which cannot be offered as a sacrifice, may not be mutilated.

(38) The high priest may marry a virgin only (v. Lev. XXI, 13). The question here is: If the girl claims that despite her pregnant condition she is still a virgin, may the high priest marry her? Or if he married her without knowing of her pregnancy and actually found her to have the signs of virginity, but subsequently learnt that she was pregnant before marriage, may she remain his wife?

Talmud - Mas. Chagigah 15a

I can have repeated sexual connections without [causing] bleeding;¹ or is perhaps the case of Samuel rare?² He replied: the case of Samuel is rare, but we do consider [the possibility] that she may have conceived in a bath.³ But behold Samuel said: A spermatic emission that does not shoot forth like an arrow cannot fructify! — In the first instance, it had also shot forth like an arrow.

Our Rabbis taught: Once R. Joshua b. Hanania was standing on a step on the Temple Mount, and Ben Zoma saw him and did not stand up before him.⁴ So [R. Joshua] said to him: Whence and whither, Ben Zoma?⁵ He replied: I was gazing between the upper and the lower waters,⁶ and there is only a bare three fingers' [breadth] between them, for it is said: And the spirit of God hovered over the face of the waters⁷ — like a dove which hovers over her young without touching [them].⁸ Thereupon R. Joshua said to his disciples: Ben Zoma is still outside.⁹ See now, when was it that 'the spirit of God hovered over the face of the water? On the first day [of Creation]; but the division took place on the second day, for it is written: And let it divide the waters from the waters!' And how big [is the interval]? R. Aha b. Jacob said, As a hair's breadth; and the Rabbis said: As [between] the boards of a landing bridge. Mar Zutra, or according to others R. Assi, said: As [between] two cloaks spread one over the other; and others say, as [between] two cups tilted one over the other.¹⁰

Aher mutilated the shoots.¹¹ Of him Scripture says: Suffer not thy mouth to bring thy flesh into

guilt.¹² What does it refer to? — He saw that permission was granted to Metatron¹³ to sit and write down¹⁴ the merits of Israel. Said he: It is taught as a tradition that on high¹⁵ there is no sitting¹⁶ and no emulation, and no back,¹⁷ and no weariness.¹⁸ Perhaps, — God forbend! — there are two divinities! [Thereupon] they led Metatron forth, and punished him with sixty fiery lashes,¹⁹ saying to him: Why didst thou not rise before him when thou didst see him? Permission was [then] given to him to strike out the merits of Aher. A Bath Kol²⁰ went forth and said: Return, ye backsliding children²¹ — except Aher.²² [Thereupon] he said: Since I²³ have been driven forth from yonder world,²⁴ let me go forth and enjoy this world. So Aher went forth into evil courses.²⁵ He went forth, found a harlot and demanded her. She said to him: Art thou not Elisha b. Abuyah? [But] when he tore a radish²⁶ out of its bed on the Sabbath and gave it to her, she said: It is another [Aher].²⁷ After his apostasy, Aher asked R. Meir [a question], saying to him: What is the meaning of the verse: God hath made even the one as²⁸ well as the other?²⁹ He replied: It means that for everything that God created He created [also] its counterpart. He created mountains, and created hills; He created seas, and created rivers. Said [Aher] to him: R. Akiba, thy master, did not explain it thus, but [as follows]: He created righteous, and created wicked; He created the Garden of Eden,³⁰ and created Gehinnom.³¹ Everyone has two portions, one in the Garden of Eden and one in Gehinnom. The righteous man, being meritorious,³² takes his own portions and his fellow's portion in the Garden of Eden. The wicked man, being guilty,³³ takes his own portion and his fellow's portion in Gehinnom. R. Mesharsheya said: What is the Biblical proof for this? In the case of the righteous, it is written: Therefore in their land³⁴ they shall possess double.³⁵ In the case of the wicked it is written: And destroy them with double destruction.³⁶

After his apostasy, Aher asked R. Meir: What is the meaning of the verse: Gold and glass cannot equal it; neither shall the exchange thereof be vessels of fine gold?³⁷ He answered: These are the words of the Torah, which are hard to acquire like vessels of fine gold, but are easily destroyed³⁸ like vessels of glass. Said [Aher] to him: R. Akiba, thy master, did not explain thus, but [as follows]: Just as vessels of gold and vessels of glass, though they be broken, have a remedy,³⁹ even so a scholar, though he has sinned, has a remedy.⁴⁰ [Thereupon, R. Meir] said to him: Then, thou, too, repent! He replied: I have already heard from behind the Veil:⁴¹ Return ye backsliding children — except Aher.

Our Rabbis taught: Once Aher was riding on a horse on the Sabbath,⁴² and R. Meir was walking behind him to learn Torah⁴³ at his mouth. Said [Aher] to him: Meir, turn back, for I have already measured by the paces of my horse that thus far extends the Sabbath limit.⁴⁴ He replied: Thou, too, go back! [Aher] answered: Have I not already told thee that I have already heard from behind the Veil: 'Return ye backsliding children' — except Aher. [R. Meir] prevailed upon him and took him, to a schoolhouse. [Aher] said to a child: Recite for me thy verse!⁴⁵ [The child] answered: There is no peace, saith the Lord, unto the wicked.⁴⁶ He then took him to another schoolhouse.⁴⁷ [Aher] said to a child: Recite for me thy verse! He answered: For though thou wash thee with nitre, and take thee much soap, yet thine iniquity is marked before Me, saith the Lord God⁴⁸. He took him to yet another schoolhouse, and [Aher] said

(1) I.e., without the woman losing her virginity.

(2) Exceptional cases are not taken into account; the marriage, therefore, would be illegal.

- (3) Into which a male had discharged semen.
- (4) He was so lost in thought that he failed to show the respect of disciple to master. Cf. the parallel passage, Gen. Rab. II, 4, which contains interesting variants.
- (5) I.e., what is the trend of your thoughts? The parallel passage (in Gen. Rab.) has **ohkdrv ihtn**, 'whence the feet'?
- (6) V. Gen. I, 6-7.
- (7) Ibid. v. 2.
- (8) Cf. the parallel passage in J. Hag. II, 1, where B. Zoma quotes Deut. XXXII, 11; and v. Rashi to this verse.
- (9) I.e., out of his mind (R. Hai Gaon). The reading in Gen. Rab. is 'is gone'. (12) Gen. I, 6.
- (10) [For an attempt to explain the passage v. Weinstein Zur Genesis der Agada, p. 199, Ben Zoma in his view was an adherent of the view that water was the primordial matter out of which the world was created, V. also Graetz, Gnosticisumus, pp. 57, 97. We have, however, lost the key to enable us to explain with certainty the thought-forms underlying this and similar Talmudic passages.]
- (11) V. supra p. 91, n. 10.
- (12) Eccl. V, 5. (A.V. 6); v. rest of verse.
- (13) The name of one of the highest angels. Various derivations of the word have been suggested. Cf. Levy and Jast. s.v. For an illuminating article on the character, activities and identity of Metatron, v. J.E. vol. VIII, p. 519.
- (14) The sentence may also be rendered thus: 'He saw M. to whom permission was given to be seated while writing down etc.' (Jast.).
- (15) I.e., in heaven.
- (16) MS.M. (v. Rabb. D.S. a.I.) reads: 'no standing and no sitting' i.e., no effort and no rest. This reading, in reverse order, was known to Maim. (Comm. on Mishnah Sanhedrin, ch. 10); but Rashi deletes the words 'no standing'.
- (17) I.e., the angels have faces in all directions (Rashi), Jast. explains i.e., everything is in sight. Maim. (loc. cit.) renders: 'no division'.
- (18) Maim. 'no junction'.
- (19) I.e., he was beaten with 'heated disks or rings strung on a lash' (Jast.). The purpose of the punishment was to show that M. had no more power than others (Tosaf.).
- (20) V. p. 73, n. 12.
- (21) Jer. III, 22.
- (22) According to our passage, Aher was guilty of the heresy of dualism. L. Ginzberg (J.E. vol. V, pp. 138-139) denies all historic worth to the story given here, which, on account of its reference to Metatron — which he declares to be a specifically Babylonian idea — and its lack of connection with the introductory words, he declares to be of late origin. Ginzberg prefers the parallel account in J. Hag. II, 1, where it is related that when Elisha saw a scholar he slew him, that he enticed the young from studying the Torah, and that he informed against the Jews when they sought to perform the work they were ordered to do on the Sabbath in a manner not to break the Law, These events undoubtedly refer to the period of the Hadrianic persecutions. In the J.T. two reasons are mentioned for his apostasy: according to some, he saw one man break the precept of Deut. XXII, 7, without coming to harm, and another observe it and get killed; according to others, he saw the tongue of the great scholar R. Judah Nahtum in the mouth of a dog. The J.T. also gives a different version of the verses discussed by Elisha with R. Meir, and of what R. Meir said on his master's death (v. J.E. vol. VIII, p. 434).
- (23) Lit., 'that man', a frequent euphemism for I or thou (to avoid ominous speech or curse).
- (24) I.e. 'he would have no share in the world to come (cf. Sanh. 90a (Sonc. ed., p. 601)).
- (25) Lit., 'evil growth', hence, 'evil rearing, manners, ways'. The stories that follow show the expression to mean here moral depravity and apostasy.

- (26) Strictly, the soft tuber of the radish; cf. 'Er. 28b.
- (27) 'Aher' is thus explained to mean 'another person'. Ginzberg (op. cit.) takes the view that it is a euphemism for a vile thing (cf. **rj t rcs**). V. p. 91, n. 3.
- (28) Lit., 'corresponding to', or 'over against'.
- (29) Eccl. VII, 14.
- (30) I.e., Paradise, for the righteous in the life hereafter.
- (31) V. p. 82, n. 1; cf. J.E. vol. V, pp. 582f. Whereas R. Meir explains the verse as referring to physical counterparts of nature R. Akiba understands it to speak of moral contrasts with their consequent reward and punishment. Cf. n. 6.
- (32) Lit., 'having been declared innocent, i.e., In the Heavenly Court,
- (33) Lit., 'having been declared guilty'.
- (34) I. e., Paradise.
- (35) Isa. LXI, 7.
- (36) Jer. XVII, 18.
- (37) Job. XXVIII, 17.
- (38) I.e., forgotten.
- (39) I.e., can be repaired.
- (40) I.e., can repent.
- (41) Heb. **sudrp**, from Latin paraganda = a garment ornamented with a border (so called because of its phrygian origin). For other derivations v. Levy s.v. Here pargod denotes the 'curtain of heaven' and corresponds to Wilon (v. p. 69, n. 5). V. also p. 101.
- (42) V. Bez. V, 2.
- (43) V. Glos.
- (44) I.e., two thousand cubits (in all directions) from the place where a person makes his abode for the Sabbath, beyond which it is forbidden to go on the day of rest; cf. Shab. XXIV, 5; 'Er. IV, 3; V, 7.
- (45) I.e., the verse which thou hast studied today. The answer thus obtained was considered to have the authority of an oracle.
- (46) Isa, XLVIII, 22.
- (47) The expression used here and in the rest of this passage is **t, ahbf hc**, lit., 'House of Assembly, Synagogue'. But above, 'schoolhouse' translated **tarsn hc**, lit., 'House of study'. For the use of the Synagogue as a school and for the exact signification of the Aramaic terms v. S. Krauss, TA. III, p. 204f.
- (48) Jer. II, 22.

Talmud - Mas. Chagigah 15b

to a child: Recite for me thy verse! He answered: And thou, that art spoiled, what doest thou, that thou clothest thyself with scarlet, that thou deckest thee with ornaments of gold, that thou enlargest thine eyes with paint? In vain dost thou make thyself fair etc.¹ He took him to yet another schoolhouse until he took him to thirteen schools: all of them quoted in similar vein. When he said to the last one, Recite for my thy verse, he answered: But unto the wicked God saith: 'What hast thou to do to declare My statutes etc.'² That child was a stutterer, so it sounded as though he answered: 'But to Elisha³ God saith'. Some say that [Aher] had a knife with him, and he cut him up and sent him to the thirteen schools: and some say that he said: Had I a knife in my hand I would have cut him up.

When Aher died,⁴ they said:⁵ Let him not be judged, nor let him enter the world to come. Let him not be judged, because he engaged in the study of the Torah; nor let him enter the world to come, because he sinned. R. Meir said: It were better that he should be judged and that he should enter the world to come. When I die I shall cause⁶ smoke to rise from his grave.⁷ When R. Meir died, smoke rose up from Aher's grave. R. Johanan said: [What] a mighty deed to burn his master! There was one amongst us, and we cannot save him;⁸ if I were to take him by the hand, who would snatch him from me! [But] said he:⁹ When I die, I shall extinguish the smoke from his grave.¹⁰ When R. Johanan died, the smoke ceased from Aher's grave. The public mourner¹¹ began [his oration] concerning him¹² thus: Even the janitor¹³ could not stand before thee, O master!

Aher's daughter [once] came before Rabbi and said to him: O master, support me! He asked her: 'Whose daughter art thou?' She replied: I am Aher's daughter. Said he: Are any of his children left in the world? Behold it is written: He shall have neither son nor son's son among his people, nor any remaining in his dwellings.¹⁴ She answered: Remember his Torah¹⁵ and not his deeds. Forthwith, a fire came down and enveloped Rabbi's bench.¹⁶ [Thereupon] Rabbi wept and said: If it be so on account of those who dishonour her,¹⁷ how much more so on account of those who honour her!

But how did R. Meir learn Torah at the mouth of Aher? Behold Rabbah b. Bar Hana said that R. Johanan said: What is the meaning of the verse, For the priest's lips should keep knowledge, and they should seek the Law at his mouth; for he is the messenger of the Lord of hosts?¹⁸ [This means that] if the teacher is like an angel of the Lord of hosts, they should seek the Law at his mouth, but if not, they should not seek the Law at his mouth! — Resh Lakish answered: R. Meir found a verse and expounded it [as follows]: Incline thine ear, and hear the words of the wise, and apply thy heart unto my knowledge.¹⁹ It does not say, 'unto their knowledge', but 'unto my knowledge'.²⁰ R. Hanina said, [he decided it] from here: Hearken, O daughter, and consider, and incline thine ear; forget also thine own people, and thy father's house etc.²¹ The verses contradict one another!²² There is no contradiction: in the one case Scripture refers to an adult,²³ in the other to a child. When R. Dimi came [to Babylon] he said: In the West,²⁴ they say: R. Meir ate the date and threw the kernel²⁵ away.

Raba expounded: What is the meaning of the verse: I went down to the garden of nuts, to look at the green plants of the valley etc.?²⁶ Why are the scholars likened to the nut? To tell you that just as [in the case of] the nut, though it be spoiled with mud and filth, yet are its contents not contemned, so [in the case of] a scholar, although he may have sinned, yet is his Torah not contemned.

Rabbah b. Shila [once] met Elijah.²⁷ He said to him: What is the Holy One, blessed be He, doing? He answered: He utters traditions in the name²⁸ of all the Rabbis, but in the name of R. Meir he does not utter. Rabbah asked him, Why? — Because he learnt traditions at the mouth of Aher. Said [Rabbah] to him: But why? R. Meir found a pomegranate; he ate [the fruit] within it, and the peel he threw away! He answered: Now²⁹ He says: Meir my son says: When a man suffers,³⁰ to what expression does the Shechinah give utterance? 'My head is heavy, my arm is heavy'.³¹ If the Holy One, blessed be He, is thus grieved over the blood of the wicked, how much more so over the blood of the righteous that is shed. Samuel found Rab Judah leaning on the

door-bolt weeping. So he said to him: O, keen scholar,³² wherefore dost thou weep? He replied: Is it a small thing that is written concerning the Rabbis?³³ Where is he that counted, where is he that weighed? Where is he that counted the towers?³⁴ ‘Where is he that counted?’ — for they counted all the letters in the Torah. ‘Where is he that weighed?’ — for they weighed the light and the heavy³⁵ in the Torah. ‘Where is he that counted the towers?’ — for they taught three hundred halachoth³⁶ concerning a ‘tower which flies in the air’.³⁷ And R. Ammi said: Three hundred questions³⁸ did Doeg³⁹ and Ahitophel⁴⁰ raise concerning a ‘tower which flies in the air’. Yet we have learnt: Three kings and four commoners⁴¹ have no share in the world to come. What then shall become of us? Said [Samuel] to him. O, keen scholar, there was impurity⁴² in their hearts. — But what of Aher?⁴³ — Greek song did not cease from his mouth.⁴⁴ It is told of Aher that when he used to rise [to go] from the schoolhouse,⁴⁵ many heretical books⁴⁶ used to fall from his lap.

Nimos the weaver⁴⁷ asked R. Meir: Does all wool that goes down into the [dyeing] kettle come up [properly dyed]?⁴⁸ He replied: All that was clean on its mother⁴⁹ comes up [properly dyed], all that was not clean on its mother does not come up [properly dyed].

R. Akiba went up unhurt and went down⁵⁰ unhurt; and of him Scripture says: Draw me, we will run after thee.⁵¹ And R. Akiba too the ministering angels sought to thrust away; [but] the Holy One, blessed be He, said to them: Let this elder be, for he is worthy to avail himself of My glory.

(1) Ibid. IV, 30.

(2) Ps. L, 16.

(3) The child pronounced **garku** (‘and unto the wicked’) like **galktku** (‘and unto Elisha’). Note that **t** and **ṭ** are both gutturals.

(4) Lit., ‘his soul rested’.

(5) I.e., in heaven,

(6) By my prayer.

(7) I.e., as a sign that he was judged and punished for his sins.

(8) I.e., one scholar among us went astray, yet all of us together have not the power to save him!

(9) Var. lec. omit ‘said he’,

(10) I.e., as a sign that he was forgiven.

(11) V. S. Krauss, T.A. II, p. 68.

(12) I.e., R. Johanan.

(13) I.e., of hell.

(14) Job. XVIII, 19. The verse forms part of a description of the fate of the wicked; cf. v. 5. In the eyes of Bildad (v. I), Job was an infidel.

(15) I.e., his vast knowledge of the Torah. Though theory should not be divorced from practice, the study of the Torah is in itself a merit: cf. Ab. IV, 5.

(16) Cf. p. 89.

(17) I.e., the Torah.

(18) Mal. II, 7.

(19) Prov. XXII, 17.

(20) Since the heart may not be applied to their knowledge, it shows that the acts of the wise men referred to must be wicked. Nevertheless, their words may be listened to. Thus R. Meir could learn from Aher, provided he did not imitate the latter's deeds.

- (21) Ps. XLV, 11. I.e., hearken to the words of the wise, but forget their actions, if they are wicked.
- (22) I.e., the two verses contradict Mal. II,7 quoted above.
- (23) An adult, unlike a child, can use discrimination, and avoid the teacher's wrongdoing; hence the last two verses permit him to learn even from a heretic.
- (24) I.e., Palestine, which is west of Babylonia.
- (25) So Rashi and Levy; Jast. trans., 'peel'. V. D.5. a.I. n. 30.
- (26) Cant. VI, 11.
- (27) For Elijah in Rabbinic literature v. J.E. vol. V, pp. 122ff(especially p. 124).
- (28) Lit., 'from the mouth'.
- (29) I.e., since you have pleaded for him,
- (30) The passage refers to capital punishment, v. Sanh. 46a.
- (31) Lit., 'I am lighter than my head etc.', a euphemistic expression for feeling heavy, giddy. weak; v. Sanh., Sonc. ed., pp. 304, 306. The anthropomorphism is intended to show how near God is to man and how real is His sorrow for him in the time of his trouble, even though he be a delinquent and fully deserve his punishment.
- (32) Shinena, lit., 'sharp one'; aliter 'man with long (sharp) tooth'.
- (33) I.e., about those who went astray into evil courses.
- (34) Isa. XXXIII, 18.
- (35) I.e., expounded the Torah according to the hermeneutical rule of **ke** (light, unimportant) **rnij u** (heavy, important) i.e., by arguing from minor to major and vice versa.
- (36) I.e., fixed traditional laws, V. Glos.
- (37) An obscure expression for which Rashi both here and Sanh. 106b (Sonc. ed., p. 727) offers several interpretations, The most likely explanations relate the 'flying tower' to the laws of defilement. It could then mean: (a) A portable turret-shaped conveyance, in which an Israelite entered heathen land, which is regarded as levitically unclean; v. Tosef. Oh. and Rashi to Sanh. l.c. 'Flying' will thus mean 'moving' i.e., being carried. (b) An open chest or cupboard containing a levitically unclean object, which stands in an open space; v, Oh. IV, If. In this case, it is best to read 'open', or, as in the Mishnah 'standing'. The following are less plausible explanations: — (a) The upper stroke of the letter lamed, i.e., they taught three hundred traditions concerning so insignificant a matter. (b) The tower of Babel. (c) A tower suspended in mid-air by magic. Cf. Sanh. 68a (Sonc. ed., p. 462), concerning the planting of cucumbers by magic.
- (38) An indication of their profound learning. V. the variant reading in Sanh, l.c.
- (39) Cf. I Sam. XXI, 8 where 'the chiefest of the herdmen' is explained by Rashi as 'the head of the Beth din'.
- (40) Cf. II Sam. XVI, 23.
- (41) The three kings are, Jeroboam, Ahab and Manasseh; the four commoners, Balaam, Doeg, Ahitophel and Gehazi, Thus their profound learning did not save Doeg and Ahitophel. V. Sanh. 90a, (Sonc. ed., pp. 602f).
- (42) Lit., 'clay', i.e., heathen sensuality (Jast.). Aliter: 'gnawing worm'; 'jealousy', i.e., evil thoughts (Levy). Whatever the exact rendering, the meaning is: They were wickedly inclined from the beginning, hence their knowledge of the Torah could not protect them.
- (43) I.e., why did not his study of the Torah save him?
- (44) Rashi reads: 'from his house'. Why Greek song should have been the cause of Aher's corruption is not clear. Rashi says that he transgressed the prohibition against music after the destruction of the Temple (v. Git. 7a; cf. Isa. XXIV, 9). Maharsha rightly objects that this does not explain the word Greek: the Gemara could have simply stated that song did not cease from his mouth. He suggests, therefore, that the Greek songs were tainted by heresy. Perhaps the simplest explanation is that Aher's devotion to Greek literature eventually led him to accept ideas which were contrary to Jewish teaching.
- (45) I.e., before his apostasy.

(46) Lit., 'books of Minim' (v. Glos. s.v. Min).

(47) **hsrd**, Lat. gerdino. Cf. R. Isaac the Smith, R. Johanan the Sandalmaker etc. Being a weaver, the allegory employed by Nimos is appropriate. But Jast. holds that **hsrd** equals (by transposition) **hrsd** and means 'of Gadara'. He also regards **xunhb** as a shortened form of **xunhbct** (cf. Gen. Rab. s. 65), who, he thinks, is to be identified with the cynic philosopher Oenomaus.

(48) Rashi explains: does the study of the Torah serve to protect all students from sin? Jast.: i.e., does every student of mystic philosophy escape death or scepticism? (So too Aruch). Note Oenomaus was a cynic.

(49) I.e., when the sheep was sheared, i.e., all who begin the study of the Torah when they are free from sin; or (following Jast. and Aruch), all who engage in mystic speculation in perfect purity, like R. Akiba. Cf. Ab. III, 9 (Sonc. ed., p. 32).

(50) Cf. 'entered . . . departed' supra pp. 90-91.

(51) Cant. I, 4. I.e., R. Akiba was able to follow God right into Paradise, or (according to the other opinions) into the deepest mysteries of theosophy.

Talmud - Mas. Chagigah 16a

— By what Biblical exposition was he able to learn this?¹ Rabbah b. Bar Hanah said that R. Johanan said: And He came from the myriads holy² — He is the Sign³ among His myriad. And R. Abbahu said: He is preeminent above ten thousand⁴ — He is the Example⁵ among His myriad. And Resh Lakish said: The Lord of hosts is His names⁶ — He is the Lord among His host. — And R. Hiyya b. Abba said that R. Johanan said: But the Lord was not in the wind; and after the wind an earthquake; but the Lord was not in the earthquake; and after the earthquake a fire; but the Lord was 'not in the fire; and after the fire a still small voice.'⁷ And behold, the Lord passed by.⁸

Our Rabbis taught: Six things are said concerning demons:⁹ in regard to three, they are like the ministering angels; and in regard to three, like human beings. 'In regard to three they are like the ministering angels': they have wings like the ministering angels; and they fly from one end of the world to the other like the ministering angels; and they know what will happen like the ministering angels. [You say], 'They know' — you cannot mean that!¹⁰ — Rather, they hear from behind the Veil¹¹ like the ministering angels. 'And in regard to three, they are like human beings': they eat and drink like human beings; they propagate like human beings; and they die like human beings. Six things are said of human beings: in regard to three, they are like the ministering angels, and in regard to three, they are like beasts. 'In regard to three, they are like the ministering angels': they have understanding like the ministering angels; and they walk erect like the ministering angels; and they can talk in the holy tongue¹² like the ministering angels. 'In regard to three, they are like beasts': they eat and drink like beasts; and they propagate like beasts, and they relieve themselves like beasts.

WHOSOEVER SPECULATES UPON FOUR THINGS, IT WERE A MERCY IF¹³ HE HAD NOT COME INTO THE WORLD etc. Granted as regards what is above, what is beneath,¹⁴ what [will be] after,¹⁵ that is well. But as regards what was before — what happened, happened!¹⁶ — Both R. Johanan and Resh Lakish say: It is like a human king who said to his servants: Build for me a great palace upon the dunghill.¹⁷ They went and built it for him. It is not the king's wish [thenceforth] to have the name of the dunghill mentioned.

WHOSOEVER TAKES NO THOUGHT FOR THE HONOUR OF HIS MAKER, IT WERE A MERCY IF HE HAD NOT COME INTO THE WORLD. What does this mean? R. Abba said: It refers to one who looks at the rainbow. R. Joseph said: It refers to one who commits transgression in secret. 'One who looks at a rainbow', for it is written: As the appearance of the bow that is in the cloud in the day, so was the appearance of the brightness round about. This was the appearance of the likeness of the glory of the Lord.¹⁸ R. Joseph said: 'It refers to one who commits a transgression in secret', in accordance with R. Isaac's teaching. For R. Isaac said: When anyone commits a transgression in secret, it is as though he thrust aside the feet of the Divine Presence, for it is said: Thus saith the Lord: The heaven is My throne, and the earth is My footstool.¹⁹ But is this so? For behold R. Elai the elder said: If a man sees that his [evil] inclination is prevailing upon him, let him go to a place where he is not known, and put on black garments,²⁰ and wrap himself up²¹ in black garments, and let him do what his heart desires;²² but let him not profane the Name of Heaven publicly! — There is no contradiction. The one case speaks of one who is able to overcome²³ his [evil] inclination; the other case of one who is not able to overcome his [evil] inclination.

R. Judah b. R. Nahmani, the speaker²⁴ of Resh Lakish expounded: Anyone who looks at three things, his eyes become dim; at the rainbow, and at the Prince,²⁵ and at the priests. At the rainbow, because it is written: As the appearance of the bow that is in the cloud in the day of rain . . . This was the appearance of the likeness of the glory of the Lord.²⁶ At the Prince, for it is written: And thou shalt put of thy honour upon him.²⁷ One who looks at the priests — at the time when the Temple existed, when they stood upon their platform²⁸ and blessed Israel with the Distinguished Name²⁹ [of God]. R. Judah son of R. Nahmani, the speaker of Resh Lakish expounded: What is the meaning of the verse: Trust ye not in a friend, put ye not confidence in a familiar friend.³⁰ If the evil inclination say to thee: Sin and the Holy One, blessed be He, will pardon, believe it not, for it is said: 'Trust ye not in a friend', and 'friend' [Rea'] means none other than one's evil inclination, for it is said: For the inclination³¹ of man's heart is evil [Ra'].³² And 'familiar friend' means none other than the Holy One, blessed be He, for it is said: Thou art the familiar friend of my youth.³³ Perhaps thou wilt say: Who testifies against me? The stones of a man's home and the beams of his house testify against him, for it is said: For the stone shall cry out of the wall, and the beam out of the timber shall answer it.³⁴ But the Sages say: A man's soul testifies against him, for it is said: Keep the doors of thy mouth from her that lieth in thy bosom.³⁰ What is it that lies in a man's bosom? You must say, it is the soul. R. Zerika said: Two ministering angels that accompany him testify against him, for it is said: For He will give His angels charge over thee, to keep thee in all thy ways.³⁵ But the Sages³⁶ say: A man's limbs testify against him, for it is said: Therefore ye are My witnesses,³⁷ saith the Lord, and I am God.³⁸

MISHNAH. JOSE B. JO'EZER³⁹ SAYS THAT [ON A FESTIVAL-DAY] THE LAYING ON OF HANDS [ON THE HEAD OF A SACRIFICE]⁴⁰ MAY NOT BE PERFORMED;⁴¹ JOSEPH B. JOHANAN SAYS THAT IT MAY BE PERFORMED.⁴² JOSHUA B. PERAHIA SAYS THAT IT MAY NOT RE PERFORMED; NITTAI THE ARBELITE⁴³ SAYS THAT IT MAY BE PERFORMED. JUDAH B. TARBAL SAYS THAT IT MAY NOT BE PERFORMED; SIMEON A. SHETAH SAYS THAT IT MAY BE PERFORMED. SHEMAIAH SAYS THAT IT MAY BE PERFORMED; ABTALION SAYS THAT IT MAY NOT BE PERFORMED.⁴⁴

HILLEL AND MENAHEM DID NOT DIFFER. MENAHEM WENT FORTH,⁴⁵ SHAMMAI ENTERED.⁴⁶ SHAMMAI SAYS THAT IT MAY NOT BE PERFORMED; HILLEL SAYS THAT IT MAY BE PERFORMED.

(1) Lit., 'what did he expound'? i.e., from which verse did R. Akiba learn to distinguish God's Presence so as to avoid Aher's error of dualism, or (according to another interpretation of Rashi) so as not to look in the direction of the Shechinah (Divine Presence)?

(2) Deut. XXXIII, 2.

(3) **V, tu** ('and He came') is explained as **V, tu** ('and His sign'). Jast. translates: 'He is the ensign among his myriad'. Goldschmidt: 'He is distinguished among his myriads'.

(4) Cant. V, 10.

(5) Heb. **ṭndus**. There is a play here on the text **vccrn kuds** ('pre-eminent among the thousand') from which **ṭndus** is derived. The expositions of the different Rabbis have the common object of showing that God's Presence could be distinguished from his myriad attendants; fine shades of difference are not necessarily to be sought. But for the thought underlying this particular homiletical play, cf. Lev. XIX, 2. Jast. translates: 'He is exemplified by His myriad (of angels)', i.e., the Divine nature is recognized indirectly from the nature of His ministering angels, v. Cant. Rab. to V, 9. But this seems hardly in keeping with the line of thought demanded by the context. Goldschmidt: 'He is marked out among his myriads'.

(6) Isa. XLVIII, 2.

(7) 1 Kings XIX, 11, 12. Thus the Divine Presence could be distinguished from the rest of the theophany.

(8) .Ibid. v. 11; in the Bible this clause precedes the previous quotation.

(9) V. J.E. vol. IV, pp. 514f, and Nachmanides on Lev. XVII, 7.

(10) Prescience is a divine attribute,

(11) V. p. 95, n. 10.

(12) The power of learning to speak the Hebrew language is common to all men.

(13) The wording here is slightly different from the Mishnah text (s.v.), but does not alter the meaning.

(14) Cf. p. 59, n. 7 and Deut. XXXIII, 27.

(15) I.e., in the hereafter.

(16) I.e., it is no longer a secret.

(17) The dunghill here represents the primordial chaos; the palace, ordered creation.

(18) Ezek. I, 28. Since the rainbow was symbolic of the Divine Glory, it was irreverent to gaze at it.

(19) Isa. LXVI, 1. But he that sins in secret denies this, for he implies that God has no access to his hiding-place.

(20) In the hope that exile and mourning clothes (cf. Shab. 114a, Jannai's request) would cool his passion and cause him to abandon his wicked intention.

(21) To produce a serious frame of mind; cf p. 88, n. 9.

(22) I.e., should his passion remain unmastered, let him at least commit the sin in secret. But R. Hananel deprecates the thought that the Talmud permits sin even in such circumstances and interprets our passage thus: certainly the effect of exile and dark garments will be to conquer the man's evil inclination, so that he will then be able to do what his heart truly desires, i.e., serve God.

(23) Lit., 'bend'.

(24) Methurgeman. Lit., 'interpreter', used here in the sense of Amora, 'speaker'; v. J.E. vol. VIII, p. 521.

(25) Heb. Nasi; v. infra p. 105, n. 6.

(26) Ezek. I, 28.

(27) Num. XXVII, 20. Moses' face could not be gazed at; v. Ex. XXXIV, 29-35. A part of Moses' honour belonged not merely to Joshua but to every Jewish leader.

(28) V. J.E. vol. V, p. 9 (s.v. Dukan).

(29) I.e., pronounced the Shem ha-meforash, the Tetragrammaton (**VUVH**), instead of the usual substitute **hbst** when uttering the sacerdotal blessing. Num. VI, 24-26. cf. Sot. VII, 6; and Sanh. 90a (Sonc. ed., p. 602). The exact meaning of the term Shem ha-meforash is obscure: v. Levy and Jast and J.E. vol. XI, pp. 262f. Tosaf, (a.l.) points out that outside the Temple too, e.g., in the provinces, it was forbidden to look at the priests during the pronouncement of the sacerdotal blessing, the reason according to the J.T. being to prevent the distraction of the people's attention.

(30) Mic. VII, 5.

(31) E.V. 'imagination'.

(32) Gen. VIII, 21, Only the vowels differentiate **gr**(friend) from **gr**(evil).

(33) Jer. III, 4.

(34) Hab. II, 11.

(35) Ps. XCI, 11.

(36) In Ta'an. the reading is, 'Some say' = R. Nathan (v. Hor. 13b; cf. p. 14, n. 5).

(37) I.e., ye yourselves (sc. your very bodies) testify to your own sins.

(38) Isa. XLIII, 12.

(39) In Tem. 16a: Joseph b. Jo'ezer. For the successive generations of scholars mentioned here v. Aboth I, 4-12 (Sonc. ed., pp. 3-8 and nn. a.l.).

(40) Cf. Lev, 1, 4.

(41) The same restrictions regarding work applied to Festival-days as to the Sabbath, except in respect of work essential to the preparation of food, which was permitted on the Festivals (v. Bez. V, 2). Now the 'laying on of the hands' had to be performed with all one's strength, so that the weight of the person was supported by the animal; and this was considered an infringement of the Sabbath rule not 'to make use' of an animal. The point of the controversy, therefore, is this: Had the laying on of the hands to be done immediately prior to the slaughter, and consequently could be regarded as essential to the preparation of food, i.e., the sacrificial meal; or could this be done on the preceding day, so that the profanation of the holyday by this act became unnecessary, although the slaughtering took place on the Festival day? V. Bez. II, 4 and Bertinoro a.l.

(42) In the J. Hag. II, 2 we are told: At first there was no controversy in Israel except over the laying on of the hands alone. But Shammai and Hillel arose and made them four (in Bab. Shab. 14b, only three points of dispute are mentioned; cf. Tosaf. to our passage). When the disciples of the School of Hillel increased, and they did not study sufficiently under their masters (lit., 'did not sufficiently minister to their masters'), the controversies in Israel increased, and they became divided into two companies, the one declaring unclean, the other declaring clean. And (the Torah) will not again return to its (uncontroversial) place until the son of David (i.e., the Messiah) will come. For the meaning and importance of this controversy v. further Weiss, Dor I, 103f; Frankel, Hodegetica in Mischnam pp. 43-44; Jacob Levi, in Ozar Nehmod III, Vienna 1860. [The controversy has also been ingeniously interpreted as referring to the question of 'acceptance of authority' and not the laying on of hands. V. Zeitlin, JQR, (N.S.) VII, pp. 499ff; Sidon A, Gedenkbuck Kaufmann, pp. 355ff and Bornstein, A. Hatekufah IV, p. 396.]

(43) I.e., of Arbel, on the borders of Lake Galilee. V. Ab. I, 6 (Sonc. ed., p. 5, n. 3.).

(44) This pair is exceptional in so far as the first Sage permits and the second prohibits.

(45) V. p. 108.

(46) I.e., in the former's place as Head of the Court.

Talmud - Mas. Chagigah 16b

THE FORMER [OF EACH] PAIR WERE PRINCES¹ AND THE LATTER WERE HEADS OF

THE COURT.²

GEMARA. Our Rabbis taught: The three of the former pairs³ who said that the laying on of the hands may not be performed, and the two of the latter pairs who said that it may be performed, were Princes, and the others were Heads of the Court — this is the view of R. Meir. But the Sages say: Judah b. Tabbai was Head of the Court, and Simeon b. Shetah was Prince. Who taught the following teaching of our Rabbis? R.⁴ Judah b. Tabbai said: May I see consolation,⁵ if I did not have a Zomem⁶ -witness put to death as a demonstration⁷ against the Sadducees⁸ who said that Zomemim-witnesses were not to be put to death unless [through their false evidence] the accused had [already] been put to death. Said Simeon b. Shetah to him: May I see consolation, if thou didst not shed innocent blood. For the Sages said: Zomemim-witnesses are not put to death until both of them have been proved Zomemim; and they are not flogged⁹ until both of them have been proved Zomemim; and they are not ordered to pay money [as damages]¹⁰ until both of them have been proved Zomemim. Forthwith Judah b. Tabbai undertook never to give a decision except in the presence of Simeon b. Shetah.¹¹ All his days Judah b. Tabbai prostrated himself on the grave of the executed man, and his voice used to be heard. The people believed that it was the voice of the executed man; [but] he said to them: 'It is my voice. Ye shall know this [by the fact that] on the morrow [when] I die my voice will not be heard'.¹² R. Aha the son of Raba said to R. Ashi: But perhaps he¹³ appeased him, or [the deceased] summoned him to judgment!¹⁴ — According to whom will this¹⁵ be? Granted, if you say [it is according to] R. Meir, who said that Simeon b. Shetah was Head of the Court [and] R. Judah b. Tabbai was Prince, that is why he decided points of law in the presence of Simeon b. Shetah; but if you say [it is according to] the Rabbis, who say that Judah b. Tabbai was Head of the Court [and] Simeon b. Shetah was Prince, how may the Head of the Court decide points of law in the presence of the Prince!¹⁶ — No, 'he undertook' is to be understood with reference to association. [He said]: I will not even join [with other judges to give a decision, unless Simeon b. Shetah is present].¹⁷ MENAHEM WENT FORTH AND SHAMMAI ENTERED etc. Whither did he go forth? Abaye said: He went forth into evil courses.¹⁸ Raba said: He went forth to the King's service. Thus it is also taught: Menahem went forth to the King's service, and there went forth with him eighty pairs of disciples dressed in silk.

R. Shimon b. Abba said that R. Johanan said: Never let [the principle] of Shebuth¹⁹ [Rest] be unimportant in thy eyes. For the laying on of the hands [on a Festival-day] is [prohibited] only on account of Shebuth, yet the great men of the age differed thereon.²⁰ But is this not already quite clear!²¹ — It is required on account of a precept [the fulfilment of which is prohibited] as Shebuth.²² But is not that too quite clear!²³ — [It is required] to contradict the view that they differ regarding the laying on of the hands itself: thus he teaches us that it is in regard to Shebuth that they differ.²⁴

Rami b. Hama said: You can deduce from this²⁵ that the laying on of hands must be done with all one's strength; for if you suppose that one's whole strength is not required, what [work] does one do by laying on the hands?²⁶ An objection was raised: [It is written]: Speak unto the sons of Israel . . . and he shall lay his hands.²⁷ The sons of Israel lay on the hands but the daughters of Israel do not lay on the hands. R. Jose and R. Simeon²⁸ say: The daughters of Israel lay on the hands optionally.²⁹ R. Jose said: Abba Eleazar told me: Once we had a calf which was a

peace-sacrifice, and we brought it to the Women's Court,³⁰ and women laid the hands on it — not that the laying on of the hands has to be done by women, but in order to gratify the women.³¹ Now if you suppose that we require the laying on of the hands to be done with all one's strength, would we, for the sake of gratifying the women, permit work to be done with holy sacrifices!³² Is it to be inferred, therefore, that we do not require all one's strength? — Actually, I can answer you that we do require [it to be] with all one's strength, [but the women] were told to hold their hands lightly.³³ If so, [what need was there to say], 'not that the laying on of the hands has to be done by women'? He could [more simply] have pointed out that it was no laying on of the hands at all! R. Ammi said: His argument runs: Firstly and secondly. Firstly, it was no laying on of the hands at all, and secondly, it was [done] In order to gratify the women.³⁴

R. Papa said: One may conclude from this³⁵ that it is forbidden [on a holy day to make use of] the sides [of an animal].³⁶ For if you suppose that it is permitted [to make use of] the sides, let the hands be laid on the side.³⁷ It must be concluded, therefore, that it is forbidden to make use of the sides.³⁸

(1) Heb. Nasi, i.e., President of the Sanhedrin. V. J.E. vol. IX, pp. 171-2; and Strack's Introduction to the Talmud and Midrash, p. 1072, n. 3.

(2) Heb. Ab beth din, Father of the Court; i.e., Vice-president of the Sanhedrin; cf. p. 75, n. 5.

(3) Heb. , **uduz** (Zugoth), Grk. **. The term is applied only to the five pairs of leading teachers mentioned in our Mishnah (cf. Pe'ah II, 6); they were followed by the period of the Tannaim (v. Glos.). V. Ab. I, 4 (Sonc. ed., p. 3. n. 8); and supra p. 105, n. 6.

(4) [Var. lec. rightly omit: 'R'].

(5) A euphemistic form of oath, meaning, 'may I not live to see the consolation of Zion'. According to this explanation (given by Tosaf. and Jast.), Judah b. Tabbai and his colleague looked forward to fuller restoration of Israel's glory than was achieved in their day, v. Mak., Sonc. ed., p. 27, n. 7. Levy, however, trans: 'May I not behold the eternal salvation (ewige Heil) etc.'; and Rashi (Mak. 5b, the alternative explanation), interprets thus: He swore by the life of his children; might he receive condolences on their passing (if etc.).

(6) Lit., 'planning (evil)'. with reference to Deut. XIX, 19; hence the technical name for false witnesses whose evidence has been refuted by other witnesses testifying that the former were with them at another place at the time of the crime, v. Mak. 5a (Sonc. ed., p. 19f). If the Zomemim secure by their false testimony the conviction (but not the punishment) of an innocent person, the Rabbis held them to be amenable to the law of retaliation; v. Deut. XIX, 21 and Mak. 5b (Sonc. ed., p. 25).

(7) Lit., 'in order to remove (the false opinion) from their heart'.

(8) V. the usual works of reference, and R. Leszynsky, Die Sadduzaer.

(9) V. Deut. XXV, 2-3 and Mak. 22af (Sonc. ed., p. 155f, and notes a.1).

(10) Each of the three punishments referred to is retaliatory, i.e., the Zomemim-witness had intended to secure a false conviction involving the said penalty. The flogging of Zomemim-witnesses, however, may not always represent the carrying out of the lex talionis: lashes were sometimes inflicted as a substitute penalty; cf. Mak. I, If.

(11) Who would correct him, if necessary.

(12) The text is idiomatically in the third person.

(13) I.e., Judah b. Tabbai.

(14) R. Aha's point is that the cessation of the voice on Judah b. Tabbai's death is no proof that it was his. For the phenomenon might be explained in this way: whilst Judah was alive, the wrongfully executed man cried out his protest from the grave; but when Judah b. Tabbai died he ceased to call either because he had been appeased by

him, or because he had now been able to summon him before the Heavenly Tribunal.

(15) I.e., the Baraitha about Judah b. Tabbai.

(16) Cf. the principle invoked against the youthful Samuel in Ber. 31b (Whoever decides a point of law in the presence of his teacher deserves death). Cf. also J. Hag. II, 2 ed. 77d, where historical evidence is cited in favour of the view that Judah b. Tammai was Prince, and also in support of the opposite opinion (Tosaf.).

(17) So Rashi; but Tosaf. explains that he undertook never to join in voting against R. Simeon b. Shetah's opinion. According to either interpretation, the purpose of the answer is to show that Judah b. Tabbai could have been the Head of the Court, for his vow did not imply that he ever gave or proposed to give a decision in the presence of his superior, the Nasi.

(18) V. p. 94 n. 3

(19) , **ללא**, lit., 'rest, abstention from secular occupation', hence, 'an occupation, on the Sabbath and Festivals, forbidden by the Rabbis as being out of harmony with the celebrations of the day' (Jast.) Cf. Ex. X, 3, 15.

(20) V. Bez. V, 2. By laying on the hands on an animal with pressure, one 'makes use of it', and therefore infringes the principle of Shebuth, just as much, as by riding on it, which is prohibited in the above Mishnah.

(21) I.e., Shebuth is clearly mentioned in the Mishnah; v. n. 3.

(22) Otherwise one might have thought that the importance of the religious act would override the prohibition of Shebuth.

(23) I.e., from the Mishnah; v. n.3

(24) V. Bez. 20a, where the opinion of R. Jose b. R. Judah is mentioned, viz., that the point of difference between Shammai and Hillel is whether obligatory peace-offerings require laying on of hands, the view of Shammai being that only freewill-offerings require it.

(25) Lit., 'hear from it!', i.e., from R. Johanan's statement, which makes Shebuth the ultimate point of dispute in the Mishnah.

(26) All should agree, therefore, to permit it on the holy day.

(27) Lev. I, 2-4.

(28) This, and not 'R. Ishmael', is the correct reading; cf. 'Er. 96b, and R.H. 33a, etc.

(29) I.e., it is neither an obligatory precept (**צו**) nor a meritorious religious act (**מעשה**), but a religiously indifferent act which women are permitted to perform for their own gratification.

(30) V. Mid. II,5.

(31) So that they should feel that they have had a share, like men, in the sacrificial rites of their offering.

(32) Laying on the hands with all one's strength is work (cf. p. 108, n. 3), which must not be performed with animals once they have been dedicated to the Temple. (Cf. Deut. XV, 19 and Bek. II, 2-3).

(33) Lit., 'cause to float'.

(34) [MS. M.: 'Thus he says not that the laying on of hands by women is deemed valid, since there was no laying on of hands at all, but (the object was) to gratify the women'. A reading which is preferable to that of cur. edd. V. D.S.]

(35) V. p. 108, n. 8.

(36) Similarly of the sides of a tree etc.; v. Shab. 154b-155a, and p. 108, n. 3.

(37) [Rashi reads simply: 'Let the hands be laid on', i.e., since the head on which the laying on of the hands is done is like the sides of the animal.]

(38) Actually, the laying on of the hands had to be performed on the side, i.e., of the head.

Talmud - Mas. Chagigah 17a

R. Ashi said: You may even say that it is permitted [to use] the sides,¹ but all that is connected

Talmud - Mas. Eirubin 2a

CHAPTER I

MISHNAH. [A CROSS-BEAM SPANNING] THE ENTRANCE¹ [TO A BLIND ALLEY]² AT A HEIGHT OF MORE THAN TWENTY CUBITS SHOULD BE LOWERED.³ R. JUDAH RULED: THIS IS UNNECESSARY. AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS⁴ SHOULD BE REDUCED [IN WIDTH]; BUT IF IT HAS THE SHAPE OF A DOORWAY⁵ THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS.

GEMARA. Elsewhere we have learnt: A sukkah⁶ which [in its interior] is more than twenty cubits high is unfit, but R. Judah regards it as fit.⁷ Now wherein lies the difference [between the two cases that] in respect of the sukkah it was ruled: 'unfit', while in respect of the ENTRANCE [TO A BLIND ALLEY],¹ a remedy⁸ was indicated?⁹ — [In respect of a] sukkah, since it is a Pentateuchal ordinance,¹⁰ it [was proper categorically to] rule, 'unfit';¹¹ in respect of the ENTRANCE, however, since [the prohibition against moving objects about in the alley is only] Rabbinical,¹² a remedy could well be indicated.¹³ If you prefer I might reply: A remedy may properly be indicated in the case of a Pentateuchal law also, but as the ordinances of a sukkah are many it was briefly stated: 'unfit',¹⁴ [while in the case of] an ENTRANCE [TO A BLIND ALLEY], since the regulations governing it are not many, a remedy could be indicated.¹⁵

Rab Judah stated in the name of Rab: The Sages¹⁶ could have deduced it¹⁷ only from the [dimensions of] the entrance to the Hekal¹⁸ and R. Judah could only have deduced it¹⁷ from the [dimensions of] the entrance to the Ulam.¹⁹ For we have learnt: The entrance to the Hekal¹⁹ was twenty cubits high and ten cubits wide,²⁰ and that to the Ulam was forty cubits high and twenty cubits wide.²¹ And both based their expositions on the same text: And kill it at the entrance of the tent of meeting;²² the Rabbis²³ being of the opinion that the sanctity of the Hekal is distinct²⁴ [from that of the Ulam]²⁵ and that of the Ulam is distinct²⁴ from [that of the Hekal],²⁶ so that²⁷ the mention of²⁸ 'the entrance of the tent of meeting' must refer²⁹ to the Hekal only.³⁰ R. Judah, however, is of the opinion that the Hekal and the Ulam have the same degree of sanctity so that the mention²⁹ of 'the entrance of the tent of meeting'³¹ refers to both of them.³² If you prefer I might say: According to R. Judah's view also the sanctity of the Hekal is distinct from that of the Ulam,³³ but the reason for R. Judah's ruling here is because it is written: To the entrance of the Ulam of the house.³⁴ And the Rabbis?³⁵ If it has been written: 'To the entrance of the Ulam' [the implication would indeed have been] as you suggested; now, however, that the text reads, 'To the entrance of the Ulam of the house',³⁴ [the meaning is the entrance of] the house³⁶ that opens into the Ulam. But is not this text³⁷ written in connection with the Tabernacle?³⁸ — We find that the Tabernacle was called Sanctuary and that the Sanctuary was called Tabernacle.³⁹ For, should you not concede this,⁴⁰ [consider] the statement which Rab Judah made in the name of Samuel: 'Peace-offerings that were slain prior to the opening⁴¹ of the doors of the Hekal are disqualified because it is said in Scripture: And kill it at the entrance⁴² of the tent of meeting⁴³ [which⁴² implies only] when it⁴⁴ is open but not when it is closed'.⁴⁵ Now surely [it might be objected] is not this Scriptural text written in connection with the Tabernacle?⁴⁶ The fact, then, [must be

conceded that an analogy may be drawn between the two, since] we find that the Sanctuary was called Tabernacle and that the Tabernacle was called Sanctuary.

One may well agree that the Sanctuary was called Tabernacle since it is written in Scripture: And I will set my Tabernacle among you.⁴⁷ Whence, however, do we infer that the Tabernacle was called Sanctuary? If it be suggested: From the Scriptural text: And the Kohathites the bearers of the sanctuary set forward⁴⁸ that the tabernacle might be set up against their coming,⁴⁹

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- (1) **hucn** (rt. **tuc** 'to come') signifying either (a) a way of entry or (b) an alley which forms the entry or gives access to courtyards that open out into it.
- (2) Having courtyards on three sides of it, the fourth side opening into a public domain (v. infra p. 2, n. 1).
- (3) Lit., 'reduced', the cross-beam thereby forming a kind of gateway into the alley. In the absence of a cross-beam, or in case it is raised too high (for the reason explained in the Gemara), the alley, in accordance with Rabbinic law, cannot be regarded as a private domain and no object may be moved in it during the Sabbath.
- (4) In consequence of which it cannot be regarded as a gateway but merely as a breach.
- (5) **j , pv , rum**, the simplest form of which is all horizontal pole or rod supported at each end by a stake or vertically placed reed.
- (6) **vflux** or **vfx**, the festive booth (v. Lev. XXIII, 42f and cf. Neh. VIII, 17).
- (7) Suk. 2a.
- (8) 'SHOULD BE' LOWERED'.
- (9) Lit., 'he taught'.
- (10) Cf. supra N. 6.
- (11) The suggestion of a remedy might have been misunderstood as being mere advice the neglect of which did not vitally affect the performance of the precept, and so it would be concluded that ex post facto the sukkah may be deemed fit. (So according to Tosaf. s.v. **vflux** a.l. contra Rashi).
- (12) Pentateuchally such a prohibition applies only to a public domain which is sixteen cubits in width (v. Shab. 6b and 99a) and open on at least two sides. The ALLEY spoken of in our Mishnah is less than sixteen cubits in width and is open on one side only (cf. Supra p. 1, n. 2).
- (13) Cf. supra p. I, n. 9. There is no need for so much precaution in the case of a Rabbinical as in that of a Pentateuchal law.
- (14) Thus presenting a succinct ruling covering all disqualifications. Were remedies for each disqualification to be indicated the ruling would have extended to undue lengths, contrary to the principle of brevity in teaching (v. Pes. 3b).
- (15) Lit., 'he taught'.
- (16) Sc. the first Tanna of our Mishnah.
- (17) The ruling as to the proper measurements of an entrance.
- (18) **kfhv** or 'Holy', was situated between the Ulam, the hall leading to the interior of the Temple, and the Debir or the Holy of Holies, and contained the golden altar, the table for the shewbread and the candlestick.
- (19) V. previous note.
- (20) Mid. IV, I.
- (21) Ibid. III, 7.
- (22) Lev. III, 2. **sgun kvv** sc. the Hekal.
- (23) Sc. the first Tanna of our Mishnah.
- (24) Lit., 'alone'.
- (25) That of the latter being of a minor degree.

- (26) Cf. previous note *mutatis mutandis*.
- (27) Since the services that may be performed within the more sacred place of the Hekal cannot be performed in the less sacred one of the Ulam.
- (28) Lit., 'when it is written.'
- (29) Lit., 'when it is written'.
- (30) The dimensions of whose entrance were only 20 X 10 cubits.
- (31) v. Supra p. 2, n. 11 *mut. mut.*
- (32) To the Ulam also whose entrance was 40 X 20 cubits.
- (33) Cf. Supra p. 2, nn. 13 and 14.
- (34) No such verse has been preserved in M.T. Tosaf. (s.v. **ch, fs** a.l.) suggests that this quotation is a composite text based on Ezek. XL, 48, 'To the Ulam of the house and Ezek. XLVII, 1, 'The door of the house'.
- (35) How, in view of the specific description of the entrance to the Ulam as 'an entrance', could they refuse to recognize similar measurements in the case of an entrance to an alley?
- (36) Sc. the Hekal.
- (37) 'The entrance of the tent of meeting' (v. Supra p. 2, n. 11).
- (38) **ifan**, made by Moses in the wilderness the height of the door of which could not possibly be more than ten cubits since the height of its walls was only ten cubits (v. Ex. XXVI, 16). How then could our Mishnah allow a height of twenty cubits?
- (39) Hence the permissibility of drawing an analogy between the two. Cf. Shebu. 16b.
- (40) Lit., 'say so'.
- (41) In the morning.
- (42) **j , p**, lit., 'the opening', emphasis on the last word.
- (43) V. supra p. 2, n. 11.
- (44) So MS.M. **kugb tuva inzc tku ju, p tuva inzc** Cur. edd. have the plural, **ohj u, p** and **ohkugb** referring to the doors.
- (45) Zeb. 55b, Yoma 29a, 62b.
- (46) How then could it be applied to the Temple?
- (47) Lev. XXVI, 11. As this was said after the Tabernacle in the wilderness has already been erected, 'tabernacle' in the text must obviously refer to the promised sanctuary or Hekal that would be built later in Jerusalem. For another interpretation cf. Rashi Shebu. 16b (Sonc. ed., p. 82, n. 5.)
- (48) **ugxbu**. vilna and other edd. **utabu** is obviously a printer's error.
- (49) Num. X, 21.

Talmud - Mas. Eirubin 2b

that¹ [surely] was written in respect of the [holy] ark.² — Rather it is from the following text³ [that the inference was made:] And let them make Me a sanctuary,⁴ that I may dwell⁵ among them.⁶

Whether [according to the ruling] of the Rabbis or [according to that] of R. Judah might not the deduction⁷ be made from the entrance of the court [of the Tabernacle], since it is written in Scripture: The length of the court shall be a hundred cubits and the breadth fifty everywhere, and the height five cubits,⁸ and it is also written: The hangings for the one side [of the gate] shall be fifteen cubits,⁹ and again it is written: And so for the other side; on this hand and that hand by the gate of court were hangings of fifteen cubits,¹⁰ as there [the entrance was] five [cubits in height]

by twenty cubits in width so here also¹¹ [the dimensions allowed should be no less¹² than] five [cubits in height but as many as] twenty cubits in width?¹³ [Such an entrance]¹⁴ may well be described¹⁵ as the entrance of the gate of the court; but it cannot be regarded¹⁵ as an ordinary ENTRANCE.¹⁶ If you prefer I might reply: The Scriptural instruction¹⁷ that the hangings for the one side shall be fifteen cubits¹⁸ applies¹⁹ to its height.²⁰ [You say], ‘Its height’! Is it not in fact written: And the height five cubits?²¹ That [refers only to a part of their height] above the edge of the altar.²²

As to R. Judah, [how could it be said that] he inferred [the measurements of a gateway] ‘from the door of the Ulam’²³ when in fact we have learnt: AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS SHOULD BE REDUCED, and R. Judah did not dispute [the ruling]?²⁴ — Abaye replied: He does dispute [this ruling] in the Baraitha. For it was taught: And [any entrance] that is wider than ten cubits should be reduced, but R. Judah ruled that is was not necessary to reduce it.²⁵ Then why does he not express his disagreement in our Mishnah? — He expressed it²⁶ in respect of the height of the gateway²⁷ and the same disagreement applies to the width.

Can it, however, still [be maintained that] R. Judah inferred [the measurements of a gateway] ‘from the entrance of the Ulam’²⁸ when it was in fact taught: [A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered,²⁹ but R. Judah regards [the entrance] as a proper [gateway even if the beam is] as high as³⁰ forty or fifty³¹ cubits; and Bar Kappara taught:³² Even a hundred? [The high figure] of Bar Kappara might quite well [be regarded as] an hyperbole;³³ but in respect of [the figures] of R.³⁴ Judah,³⁵ what hyperbole [could be postulated]? [As regards that of] forty³⁶ one might well explain that he derives it from [the height of] the door of the Ulam;³⁷ whence, however, does he derive that of fifty? R. Hisda replied: The following Baraitha must have misled Rab.³⁸ For it was taught: [A cross-beam, spanning the] entrance [to a blind alley] at a height of more than twenty cubits, [and thus forming a gateway] higher than the doorway of the Hekal, should be lowered.³⁹ He consequently thought: Since the Rabbis⁴⁰ derived [their figure] from [that of the height of] the doorway of the Hekal, R. Judah must have derived [his figure] from [that of the height of] the doorway of the Ulam. [In fact,] however, this is not [the case]; R. Judah derived his figure from [that of the height of] the doorways of kings.⁴¹ As to the Rabbis, however, if they derive their figure from [that of the height of] the doorway of the Hekal, should they not also require [a gateway⁴² to have] doors like the Hekal?⁴³ Why then did we learn: The rendering of an alley fit [for carrying objects within it,]⁴⁴ Beth Shammai ruled, requires a side-post and a beam,⁴⁵ and Beth Hillel ruled: Either a side-post or a beam?⁴⁶ The doors of the Hekal were made merely for the purpose of privacy.⁴⁷ If that is the case⁴⁸ THE SHAPE OF A DOORWAY should be of no avail,⁴⁹ since the [entrance to the] Hekal had the shape of a doorway and yet was only ten cubits wide; why then did we learn: IF IT HAS THE SHAPE OF A DOORWAY THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS? — Does not that reason⁵⁰ originate but from Rab?⁵¹ Well, when Rab Judah taught Hiyya b. Rab in the presence of Rab, ‘It is not necessary to reduce [its width]’, the latter told them, ‘Teach him: It is necessary to reduce it’.

[Still] if that is so⁵²

(1) 'The Sanctuary', **asenv**.

(2) Which was the charge of the Kohathites and might well be described as sanctuary.

(3) Lit., 'from here'.

(4) **asen**.

(5) **h, bfau** of the same rt. as **ifan** ('tabernacle') Cf., however, infra n. 10.

(6) Ex. XXV, 8. In Shebu. 16b the following addition occurs: 'And it is written in Scripture: According to all that I show thee, the patten, of the tabernacle' (Ex. XXV,); sanctuary' in v. 8 is thus described as tabernacle in v. 9.

(7) As to the maximum width of an entrance. The maximum height laid down above cannot be called in question by what follows, since evidence that an entrance of a lesser height is regarded as a proper doorway cannot alter the fact that one of a bigger size (as has been proved supra from that of the doors of the Hekal or Ulam) is also regarded as a proper entrance, or gateway (cf. Rashi s.v. **upkhhk** and Tosaf. s.v. **ihc**),

(8) Ex. XXVII, 18

(9) Ibid. v. 14.

(10) Ex. XXXVIII, 15. From the three texts it follows that the width of the court was fifty cubits (Ex. XXVII, 18) and that it had hangings of fifteen cubits in width at each end (ibid. 14 and XXXVIII, 15), thus leaving an opening of $(50 - 2 \times 15 =) 20$ cubits for an entrance.

(11) In the case of an ENTRANCE TO A BLIND ALLEY.

(12) Cf. supra p. 4, n. 11.

(13) Cf. supra n. 1.

(14) One of twenty cubits in width.

(15) Lit., 'called'.

(16) Hence the limit of TEN CUBITS indicated in our Mishnah.

(17) Lit., 'when it is written'.

(18) Ex. XXVII, 14.

(19) Lit., 'that (it is about) which it is written.

(20) Sc. the height of all the hangings (not their width on either side of the gate) and consequently the height of each side of the court was fifteen cubits. The width of the gate cannot, therefore, be deduced from this text (cf. second interpretation; Rashi, s.v. **ypan**)

(21) Ex. XXVII, 18.

(22) Which was ten cubits high (cf. Zeb. 59b). By deducting this height from the height of the hangings, the figure five is obtained ($15 - 10 = 5$). The reading **vynku ohgke , pan** substituted by Bah for **vkgnku j czn , pan** occurs also in MS.M. but is rejected by Rashi (l.c. q.v.).

(23) Supra 2a.

(24) If the inference is made from the measurements of the door of the Ulam, a maximum width of twenty cubits should be allowed.

(25) Cf. infra 10a.

(26) Lit., 'he differed or disputed'.

(27) Lit., 'its height'.

(28) Supra 2a.

(29) Cf. supra p. 1, n. 3.

(30) Lit., 'makes it fit until'.

(31) I.e., ten cubits higher than that of the Ulam.

(32) In explanation of R. Judah's ruling.

(33) But is not to be taken literally. It merely implies a figure much higher than that of twenty given by the Rabbis

but not above that of forty.

(34) **crk** is obviously to be read as **hcrk**.

(35) Who mentions the lower figures of forty and fifty only.

(36) **vsivh crk** of cur. edd. is to be deleted with MS.M. and Bah.

(37) Which was forty cubits high.

(38) In whose name Rab Judah made his statement, supra 2a, as to the source of the derivation of It. Judah's measurements.

(39) Tosef. 'Er. I.

(40) Sc. the Tanna just cited.

(41) Which are higher than twenty cubits.

(42) Such as the one spoken of in our Mishnah.

(43) Of course they should, since the comparison must be complete.

(44) On the Sabbath.

(45) At the entrance to the alley.

(46) Infra 11b; but no doors. How then could it be said that the Rabbis derived their measurements from the door of the Hekal?

(47) They were not essential to the structure of the entrance.

(48) Lit., 'but from now', sc. if it is still maintained that the inference is from the door of the Hekal.

(49) "Where the gateway IS WIDER THAN TEN CUBITS.

(50) That the measurements were derived from those of the door of the Hekal.

(51) Of course it does. V. Supra 2a.

(52) Cf. Supra n. 5 mut. mut.

Talmud - Mas. Eirubin 3a

a cornice¹ should be of no avail,² since [the entrance to the] Hekal had a cornice and yet was only twenty cubits high? For have we not learnt: Five cornices of oak³ were above it, one higher than the other? (What⁴ an objection, however, is this? Is it not possible that the statement about the cornices was made in respect of the Ulam?⁵ — And what difficulty is this! It is quite possible that the build of [the entrance to] the Hekal was like that of the Ulam). Then⁶ why did R. Il'a state in the name of Rab [that if a cross-beam was] four [handbreadths] wide [it constitutes a proper gateway] even though it is not strong enough,⁷ and if it had a cornice there is no need to lower it even if it was higher than twenty cubits? — R. Joseph replied: [The ruling about] the cornice is that of a Baraitha.⁸ (Who learned it?⁹ — Abaye replied: Hama¹⁰ the son of Rabbah b. Abbuha learned it.) But even if [the ruling about] the cornice is a Baraitha, does it¹¹ not present an objection against Rab?¹² — Rab can answer you: Even if I am removed from here,¹³ are not the two Baraithas¹⁴ mutually contradictory? All you can reply,¹⁵ [however, is that they represent the views of different] Tannas;¹⁶ so also [the reply to the contradiction] against me may be [that our respective statements are the views of different] Tannas.

R. Nahman b. Isaac said: In the absence of [the statement of] Rab¹⁷ there is no contradiction between the [two] Baraithas, since the reason of the Rabbis [for limiting the height of] the beam, [may be] that there should be a distinguishing mark¹⁸ and that the use of the expression,¹⁹ 'higher than the doorway of the Hekal'²⁰ is a mere mnemonic.

As to R. Nahman b. Isaac, [his explanation may be accepted as] satisfactory if he does not adopt the view of Rabbah; but if he does adopt the view of Rabbah²¹ who stated: 'It is written in Scripture: That your generations may know that I made the children of Israel dwell in booths,²² [if the roof of the booth is] not higher than²³ twenty cubits, one knows that one is living in a booth but if it is higher than twenty cubits one would not know it, since [the roof] does not catch the eye',²⁴ from which it is clear that in respect of sukkah also they²⁵ differ on the question of distinction, why [it may be asked] should they²⁶ express the [same] difference²⁷ in two [rulings]?²⁸ — [Both are] required. For if we had been informed [of their dispute] in respect of sukkah only, it might have been assumed that only in this case does R. Judah maintain his view, [because a sukkah], since it is made for the purpose of sitting in, the eye would well observe²⁹ [the roof], but [that in the case of] an alley, since it is used for walking³⁰ he agrees with the Rabbis. And if we had been informed of the other³¹ [ruling only], it might have been assumed that only in this case did the Rabbis maintain their view, but that in the other case they agree with R. Judah. [Hence the] necessity [for both rulings].

What [is the meaning of] amaltera?³² — R. Hama son of Rabbah b. Abbuha replied: Pigeon holes.³³ When R. Dimi came³⁴ he stated that in the West³⁵ it was explained as cedar poles.³⁶ He who said that cedar poles³⁶ [constitute a proper entrance would] with even more reason [admit that] pigeon holes [constitute a proper entrance].³⁷ He, however, who said that pigeon holes [constitute a proper entrance recognizes only these] but not cedar poles.³⁸ As to him, however, who recognized³⁹ cedar poles, is not his reason because their length is considerable?⁴⁰ But [if so, it may be objected]: Is not the extent [of the roof] of a sukkah considerable⁴¹ and the Rabbis nevertheless ruled that it is not [valid]!⁴² — The fact, however, is that since [they are] valuable people talk about them.⁴³

If part of [the thickness of] the cross-beam⁴⁴ was within twenty cubits⁴⁵ and part of it above twenty cubits,⁴⁵ or if part of [the depth of] the covering⁴⁶ [of a sukkah] was within twenty cubits⁴⁵ and part of it above twenty cubits, [such an altitude] said Rabbah, is admissible⁴⁷ in the case of an entrance but inadmissible⁴⁸ in that of a sukkah. Why is this⁴⁹ admissible in the case of an entrance? Obviously because we say, [Regard the beam as] planed;⁵⁰ but, then, [why should it not] be said in respect of a sukkah also, [Regard the roof as] thinned?⁵⁰ — If you [assume the roof to be] thinned, the sunshine in the sukkah [would have to be assumed to be] more than the shade.⁵¹ But here also,⁵² if you [regard it as] planed, would not the beam be like one that can be carried away by the wind?⁵³ Consequently you must [assume that beams in the conditions mentioned]⁵⁴ are regarded as metal spits;⁵⁵ [may it not then], here also [be said], that whatever the assumption⁵⁶ the extent of the shade is actually more than that of the sunshine?⁵⁷ — Raba of Parazika⁵⁸ replied: In the case of a sukkah, since [it is usually intended] for the use of an individual, one might not remember [the altitude of the roof].⁵⁹ In the case of an entrance however, since [it is made] for the use of many, [the people concerned] would remind one another.⁶⁰

Rabina replied.⁶¹ The Rabbis made the law stricter in respect of a sukkah because [the commandment is] Pentateuchal, but in respect of an entrance [to an alley the prescribed construction of] which is only Rabbinical, the Rabbis did not impose such restrictions.

R. Adda b. Mattenah taught the statement of Rabbah just cited in the reverse order: Rabbah said: It is inadmissible in the case of an entrance but admissible in that of a sukkah. Why is this⁶² admissible in the case of a sukkah? Obviously because we say: [Regard the roof as] thinned out,⁶³ but, then, [why should it not] be said in respect of an entrance also: [Regard the beam as] planed?⁶³ — If you [regard it as] planed, the beam would be like one that can be carried away by a wind.⁶⁴ But here also⁶⁵ if you [regard the roof as] thinned out [would not also] the sunshine in the sukkah [have to be regarded as] larger in extent than its shade? Consequently you must maintain that whatever the assumption,⁶⁶ the actual extent of the shadow is larger than that of the sunshine, [may it not then] here also [be said] that whatever the assumption [beams in the condition mentioned] are regarded as metal spits?⁶⁷ — Raba of Parazika replied: In the case of a sukkah, since [it is usually made] for one individual, that person realizes his responsibility⁶⁸ and makes a point of remembering [the conditions of the roof].⁶⁹ In the case of an entrance, however, since [it is made] for the use of many, [the people affected might] rely upon one another and so overlook⁷⁰ [any defects in the cross-beam]; for do not people say: ‘a pot in charge of two cooks⁷¹ is neither hot nor cold’. Rabina replied:⁷² [the law of] sukkah, since it is Pentateuchal, requires no buttressing⁷³ but that of an entrance, since it is only Rabbinical, does require buttressing.⁷⁴

What is the ultimate decision?⁷⁵ — Rabbah b. R. Ulla replied: The one as well as the other⁷⁶ is inadmissible. Raba replied: The one as well as the other⁷⁶ is admissible,

(1) **tr, knt** or **tr, kn** cf. Gr. **.

(2) Where the gateway is higher than twenty cubits.

(3) **vkhn** cf. Gr. ** quercus infectoria.

(4) The argument is interrupted by the discussion within the brackets and is then resumed.

(5) While the entrance to the Hekal may have had no cornice at all?

(6) Supra n. 13.

(7) To carry the weight of an ariah (a small brick hall’ the size of an ordinary one), v. infra 13b.

(8) Not that of Rab himself. Hence there is no contradiction between Rab's own statements.

(9) I.e., who reported (or recited) it?

(10) Delete **tvu** with MS.M. and Bah. Emden reads: ‘R. Hama’.

(11) This Baraitha from which it is obvious that the inference is not made from the door of the Hekal.

(12) Who stated (supra 2a) that the inference is made from the door of the Hekal; whereas from this Baraitha it is evident that such an inference is not drawn.

(13) Sc. even if his opinion had never been expressed.

(14) The one just cited and that quoted supra 2b where the inference from the door of the Hekal is specifically mentioned.

(15) Lit., ‘what have you to say’.

(16) The Tanna supra 2b infers from the Hekal and consequently limits the height of a gateway to twenty cubits irrespective of the presence or absence of a cornice, while the Tanna of the last cited Baraitha draws no such inference.

(17) Sc. if Rab had not suggested that the Rabbis in the first Baraitha derived their measurement from the door of the Hekal.

(18) Between the alley and the public domain into which it opens. At a height of more than twenty cubits the beam would not be noticed and people might mistake the alley for a public domain. As a cornice can be noticed even at a higher altitude the limit of twenty cubits, as stated in the second Baraitha, was in its case removed.

- (19) Lit., 'and that which he taught'.
- (20) In the first Baraita.
- (21) V. Suk. 2a.
- (22) Lev. XXIII, 43, emphasis on 'know'.
- (23) Lit., 'until'.
- (24) Lit., 'the eye does not rule over it'. Suk. 2a'
- (25) The Rabbis and R. Judah, who declare such a booth valid.
- (26) For **hk** (sing.) read with Bah **uvk** (plur.).
- (27) The Rabbis insisting on, and R. Judah dispensing with the necessity for a distinction.
- (28) Those of (a) sukkah and (b) the cross-beam of an alley.
- (29) Cf. Supra n. 4.
- (30) It is not usual to sit down in an open alley and in passing one would not see a beam lying too high.
- (31) Lit., 'of that', the entrance to an alley.
- (32) The Heb. for 'cornice', v. supra p. 7.
- (33) **hbhe** 'nests', sc. ornamental carvings in the shape of birds' nests.
- (34) From Palestine to Babylon.
- (35) Palestine.
- (36) Fixed to the walls on the sides of the entrance.
- (37) Since the latter are more likely to be noticed by the public.
- (38) Which are not so striking and may, in consequence, remain unnoticed.
- (39) Lit., 'said', sc. regarded them as constituting a proper gateway even when higher than twenty cubits.
- (40) In consequence of which they would be easily observed even at a considerable height.
- (41) Cf. supra n. 2.
- (42) If it is more than twenty cubits high.
- (43) Lit., 'it has a voice', and the public are consequently aware of their existence, a reason which is inapplicable, of course, to a sukkah.
- (44) At the entrance of an alley.
- (45) From the ground.
- (46) **lfx**, consisting of branches, twigs or straw.
- (47) Lit., 'fit', 'proper', sc. the entrance to the alley is deemed to constitute a proper gateway.
- (48) Lit., 'unfit', cf. supra n. 9 mutatis mutandis.
- (49) A cross-beam of which only a portion is below the height of twenty cubits.
- (50) And only that portion remained that lay within the twenty cubits. **auke**, particip. pass. of **ake** 'to weaken', 'to thin out'.
- (51) And this would render the sukkah invalid. The roof of a proper Sukkah must be thick enough to enable the shadows in the interior to predominate over the sunshine.
- (52) In the case of a cross-beam over an entrance.
- (53) In consequence of which it could not be regarded as a proper beam conforming to the prescribed thickness and strength, V. Supra p. 7, n. 16.
- (54) In view of their general thickness and strength.
- (55) A thin one of which can carry as heavy a weight as a thicker one of wood.
- (56) Lit., 'against your will'.
- (57) Why then, it may again be asked, did Rabbah rule that a Sukkah in such a condition is invalid?
- (58) Farusag, a district near Bagdad (Obermeyer, p. 269), or Porsica, a town in Mesopotamia (v. Golds.).
- (59) Should, therefore, the section below the altitude of twenty cubits dry up or fall down it might never occur to

the individual that his Sukkah, the roof of which was now completely higher than twenty cubits, was no longer valid. He would thus unconsciously live in an invalid Sukkah and so transgress a Pentateuchal precept.

(60) Cf. Supra n. 4 mutatis mutandis.

(61) v. Supra note 2.

(62) A roof of a sukkah of which only a portion is below the height of twenty cubits.

(63) v. Supra p. 10, n. 12.

(64) v. Supra p. 10, n. 15.

(65) In the case of the roof of a sukkah.

(66) Lit., 'against your will'.

(67) Cf. supra p. 10, n. 17. Why then did Rabbah rule that a cross-beam in such a condition is admissible?

(68) Lit., 'throws upon himself'.

(69) V. supra p. 11, n. 2.

(70) Lit., 'and would not remember'.

(71) Lit., 'of partners'.

(72) V. supra p. 11, n. 2.

(73) People would in any case be careful properly to observe it.

(74) Otherwise it might be entirely disregarded.

(75) Lit., 'what is (the decision) about it'.

(76) Lit., 'this and this', the roof of a sukkah and a cross-beam if either is even only partially higher than twenty cubits from the ground.

Talmud - Mas. Eiruvin 3b

for what we learned [in respect of height¹ refers to the] interior² of the sukkah and to the empty space² of the entrance.³

Said R. Papa to Raba: A Baraita was taught which provides support for your view: '[A cross-beam over] an entrance [to a blind alley] that is higher than twenty cubits [and is thus] higher than the entrance to the Hekal⁴ should be lowered'. Now in the Hekal itself⁵ the [height of the] hollow space of [the entrance thereto] was twenty cubits.

R. Shimi b. Ashi raised an objection against R. Papa: 'How does one construct [the prescribed entrance]? One places the cross-beam, below the limit of twenty [cubits of its altitude]'.⁶ Read: 'Above'.⁷ But surely it is stated: 'below'? — It was this that we are informed:⁸ That the lowest⁹ [permitted altitude is to be measured on the same principle] as the highest. As in the case of the highest [altitude permitted] the hollow space [of the entrance must not exceed] twenty cubits, so also in the case of the lowest [altitude permitted], the hollow space [of the entrance must not be lower than] ten cubits.¹⁰

Abaye stated in the name of R. Nahman: The cubit [applicable to the measurements] of a sukkah and that applicable to¹¹ an 'entrance' is one of five [handbreadths]. The cubit [applicable to the laws] of kil'ayim¹² is one of six [handbreadths].¹³ In respect of what legal [restriction has it been ruled that] the cubit [applicable to the measurements] of an entrance is [only] one of five?¹⁴ [If it be suggested] in respect of its height¹⁵ and [of the size of] a breach in the alley,¹⁶ surely [it could be retorted] is there [not also the law on] the depth of an alley, that¹⁷ [must be no less than]

four cubits,¹⁸ in which case [the adoption of the smaller cubit results in] a relaxation [of the law]?¹⁹ — [He²⁰ holds the same view] as does he²¹ who limits the depth²² to four handbreadths.²³ If you prefer²⁴ I might reply [that the depth of an alley must indeed be] four cubits, but he²⁵ spoke of the majority of cubit measurements.²⁶ In respect of what legal [restriction has R. Nahman ruled that] the cubit [applicable to the measurements] of a sukkah is one of five?²⁷ [If it be suggested,] in respect of its height²⁸ and [the permitted size of] a crooked wall,²⁹ surely [it might be objected is there [not also the law requiring] the area of the sukkah [to be four cubits] by four cubits, in which case [the adoption of the smaller cubit results in] a relaxation [of the law]?³⁰ For was it not taught: Rabbi³¹ said: ‘I maintain that any sukkah which does not contain [an area of] four cubits by four cubits is legally unfit’?³² [R. Nahman is of the same opinion] as the Rabbis who ruled [that a sukkah is valid] even if it accommodates no more than one's head, the greater part of one's body and a table.³³ And if you prefer I might reply: It³⁴ may, in fact, [be in agreement with the view of] Rabbi,³¹ but he³⁵ spoke of the majority of cubit measurements.³⁶

In respect of what legal [restrictions has R. Nahman ruled that] ‘the cubit [applicable to the laws] of kil'ayim is one of six’? — In respect of a patch³⁷ in a vineyard and the [uncultivated] border³⁸ of a vineyard; for we have learnt: [Each side of] a patch³⁹ in a vineyard, Beth Shammai ruled, must measure no less than twenty-four cubits,⁴⁰ and Beth Hillel ruled: Sixteen cubits; and [the width of] an [uncultivated] border³⁸ of a vineyard, Beth Shammai ruled, [must] measure no less than sixteen cubits,⁴⁰ and Beth Hillel ruled: Twelve cubits. What is meant by a patch in a vineyard? The barren portion of the interior of the vineyard.⁴¹ [If its sides] do not measure⁴² sixteen cubits, no seed may be sown⁴³ there, but if they do measure⁴⁴ sixteen cubits, sufficient space for the tillage of the vineyard⁴⁵ is allowed and the remaining space may be sown. And what is meant by the border of a vineyard? [The space] between the [actual] vineyard⁴⁶ and the surrounding fence. [If the width] is less than⁴² twelve cubits no seed may be sown⁴³ there, but if it measures⁴⁴ twelve cubits, sufficient space for the tillage of the vineyard⁴⁵ is allowed and the remaining area may be sown.⁴⁷ But, surely, there is [the case of vines planted] closely within four cubits [distance from one another] where [the adoption of the higher standard⁴⁸ would result] in a relaxation [of the law]?⁴⁹ For have we not learnt:⁵⁰ A vineyard [the rows of which are] planted at [distances of] less than four cubits [from one another] is not regarded, R. Simeon ruled, as a proper vineyard,⁵¹ and the Sages ruled, [It is regarded as] a proper vineyard, the intervening vines⁵² being treated as if they were non-existent?⁵³ — [R. Nahman is of the same opinion] as the Rabbis who ruled that [whatever the distances the plantation] constitutes a proper vineyard.⁵⁴ If you prefer I might reply: [He⁵⁵ may,] in fact, [hold the view of] R. Simeon, but⁵⁶ he was referring to the majority of cubit measurements.⁵⁷

Raba, however,⁵⁸ stated in the name of R. Nahman: All cubits [prescribed for legal measurements are] of⁵⁹ the size of six [handbreadths], but the latter⁶⁰ are expanded⁶¹ while the former⁶² are compact.⁶³

An objection was raised: All cubits of which the Sages spoke are of the standard⁶⁴ of six [handbreadths] except

(1) Suk. 2a and supra 2a.

(2) Lit., ‘hollow’.

- (3) But does not include the roof of the former or the cross-beam of the latter.
- (4) V. supra p. 2, n. 7.
- (5) From which the law relating to the entrance to a blind alley is derived.
- (6) Tosef. 'Er. 1; from which it follows, contrary to the view of R. Papa, that the prescribed altitude of twenty cubits for an entrance includes also the cross-beam.
- (7) Instead of 'below', the cross-beam being excluded from the prescribed altitude.
- (8) By the mention of 'below'.
- (9) **vynks**, lit., 'that which is below'.
- (10) The expression **vynk** ('below') in the Baraitha does not at all refer to a crossbeam that lies over an entrance twenty cubits in height, but to one of ten cubits only, the entire passage being in the nature of an elliptical note.
- (11) Lit., 'and the cubit of'.
- (12) V. Glos.
- (13) Adopting in each case the standard which makes for the more rigorous application of the law.
- (14) And not six as is the case with that of kil'ayim.
- (15) Sc. that the cross-beam must not be higher than twenty cubits of the lower standard on the side of rigor.
- (16) If the breach in one of the walls of the alley is wider than ten cubits, the arrangements in connection with the Sabbath are invalid on the side of rigor; v. infra 5a.
- (17) In order to render the Sabbath arrangements valid.
- (18) V. infra 5a.
- (19) Since a depth of four cubits of the lower standard would be sufficient to render the arrangements valid.
- (20) R. Nahman in whose name Abaye laid down the respective standards of the cubit.
- (21) R. Joseph (v. infra 5a).
- (22) Lit., 'who said'.
- (23) The question of the size of the respective cubits does not, therefore, arise.
- (24) The answer just given is not very satisfactory since Abaye himself who reported R. Nahman's ruling differs from R. Joseph's view (cf. Supra n. 15).
- (25) V. p. 13, n. 14.
- (26) In connection with an 'entrance'. In respect of depth, however, he may well hold the size of the cubit to be six handbreadths.
- (27) And not six as is the case with that of kil'ayim.
- (28) That its interior must not be higher than twenty of the smaller cubits.
- (29) **vneq ipus**; if a portion of the roof of a sukkah consists of materials that are legally unfit for the purpose, the sukkah may nevertheless be valid if that portion is adjacent to any of its walls and terminates within a distance of four cubits from that wall. That portion of the roof together with the wall it adjoins are regarded as one crooked wall; and the space under the remainder of the roof, consisting of suitable materials, may be used as a proper sukkah. (V. Suk. 17a). In both suggested cases, the cubit of the lower standard is on the side of rigor.
- (30) Since even all area measured by the smaller cubit would render the sukkah valid.
- (31) R. Judah I, the Patriarch, compiler of the Mishnah.
- (32) Suk. 3a.
- (33) Cf. Supra p. 13, n. 17.
- (34) The ruling reported in R. Nahman's name.
- (35) R. Nahman in whose name Abaye laid down the respective standards of the cubit.
- (36) In connection with the sukkah, which belong to the lower standard. In the case of the area of a sukkah, however, he may well maintain, the cubit applicable is the one of the higher standard on the side of rigor.

- (37) , j re., 'baldness'. This is further explained infra.
- (38) kuj n (rt. kuj 'to go round') a circle, circumference.
- (39) V. p. 14, n. 13.
- (40) If it is desired to grow in it wheat or other kinds of grain which under the laws of kil'ayim are forbidden to be grown among vines.
- (41) Lit., 'a vineyard the middle of which was destroyed'.
- (42) Lit., 'there is not there'.
- (43) Lit., 'he shall not bring'.
- (44) Lit., 'they were there'.
- (45) Four cubits on each side.
- (46) Sc. the vines.
- (47) Kil. IV, 1; infra 93a. These regulations — by adopting the cubit of the higher standard, are on the side of rigor.
- (48) Six handbreadths per cubit.
- (49) V. infra note 16, second clause.
- (50) Kil. V, 2.
- (51) And wheat or other corn may be sown there.
- (52) Those planted in the space of the four cubits that should intervene between each two rows.
- (53) So that the prescribed space between the remaining vines is obtained and the plantation constitutes a proper vineyard in which, in accordance with the laws of kil'ayim, no kind of grain may be sown. Now, since it is the existence of distances of four cubits between the rows of vines that determines whether a group of vines may be regarded as a vineyard in the legal sense, it follows that if the lower standard of the cubit is adopted distances of no more than (5 X 4) twenty handbreadths between the rows would subject the vineyard to the laws of kil'ayim, while if the higher standard is adopted, so that distances of (6 X 4 =) twenty-four handbreadths are required, the same plantation would constitute no proper vineyard and the plantation would thus be exempt from the laws of kil'ayim.
- (54) The standard of the cubit does not consequently affect the prohibition to sow any kinds of grain between the vines.
- (55) R. Nahman.
- (56) In adopting the higher standard of the cubit.
- (57) In connection with kil'ayim, while in respect of distances between vines he also adopts the lower standard, on the side of rigor.
- (58) Contrary to Abaye's statement supra.
- (59) Lit., 'by a cubit'.
- (60) Lit., 'those (relating to kil'ayim).'
- (61) , uej ua (rt. ej a 'to laugh'). In measuring the cubit in handbreadths, the fingers are kept apart as are the lips of a laughing person (Aruk); 'wide spread' (Jast.).
- (62) Those of sukkah and 'entrance'.
- (63) , ucmg (rt. cmg 'to be sad'), the fingers are kept close to one another as are the lips of a man in sadness (Aruk); 'pressed together' (Jast.).
- (64) Lit., 'in a cubit'.

Talmud - Mas. Eirubin 4a

that [their measurements must] not be exactly alike.¹ Now according to Raba this² is intelligible [since the measuring must be done in such a manner] as to have [the handbreadths] in the latter

case expanded and the former case compact; but according to Abaye³ [does not this⁴ present] a difficulty? — Abaye can answer you: ‘The cubit [spoken of in respect] of kil'ayim is of the length of six [handbreadths]’.⁵ But since it was stated in the final clause, ‘R. Simeon b. Gamaliel ruled: All cubits of which the Sages spoke in relation to kil'ayim are of the standard of six [handbreadths] except that these must not be compact’, does it not follow that the first Tanna⁶ referred to all cubits?⁷ — Abaye can answer you: Is there not R. Simeon b. Gamaliel who maintains the same standpoint as I!⁸ I uphold the same ruling as R. Simeon b. Gamaliel.

According to Abaye's view [the standard of the respective cubits] is undoubtedly [a question in dispute between] Tannas;⁹ must it, however, be said that according to Raba's view also [the standard of the cubit is a question in dispute between] Tannas?¹⁰ — Raba can tell you, ‘It is this that R. Simeon b. Gamaliel desired¹¹ to inform us: [That the handbreadths of] the cubit applicable to kil'ayim must not be compact’.¹²

[If that is the case,¹³ he should have said,¹⁴ ‘[The handbreadths of] the cubit applicable to kil'ayim must not be compact’; what, [however, could he have meant] to exclude [by his addition,] ‘of the standard of six [handbreadths]’? [Did he] not [obviously mean] to exclude the cubit of the sukkah and the cubit of the ‘entrance’?¹⁵ No; to exclude the cubit [by which the] base,¹⁶ and the one [by which the] surrounding ledge¹⁷ [of the altar were measured]¹⁸ for it is written in Scripture: And these are the measures of the altar by cubits — the cubit¹⁹ is a cubit and a handbreadth,²⁰ the bottom shall be a cubit, and the breadth a cubit, and the border thereof by the edge thereof round about a span,’ and this shall be the base of the altar;²¹ ‘The bottom shall be a cubit’²¹ refers to the foundation [of the altar];²¹ ‘And the breadth a cubit’²¹ refers to its surrounding ledge;¹⁷ ‘And the border thereof by the edge thereof round about a span refers to the horns;²² ‘And this shall be the base of the altar’ refers to the golden altar.²³

R. Hiyya b. Ashi stated in the name of Rab: [The laws relating to] standards,²⁴ interpositions²⁵ and partitions²⁶ [are a part of] the halachic code [that was entrusted] to Moses at Sinai. Are [not the laws relating to] standards²⁴ Pentateuchal, since it is written in Scripture: A land of wheat and barley etc.²⁷ and R. Hanan stated that all this verse was said [with reference to the laws] of standards? ‘Wheat’²⁷ [namely was mentioned] as [an allusion to what] we have learnt: ‘If a man entered a leprous²⁸ house, [carrying] his clothes upon his shoulders and his sandals and rings in his hand²⁹ both he and they become levitically unclean forthwith.³⁰ If, however, he was wearing his clothes, had his sandals on his feet and his rings on his fingers, he becomes unclean forthwith but they³¹ remain clean³² unless he stayed there³³ [as much time] as is required for the eating³⁴ of half a loaf³⁵ of wheaten bread, but not of barley bread,³⁶ while in a reclining posture³⁷ and eating with some condiment’.³⁸ ‘Barley’³⁹ [is an allusion to the following]. For we have learnt: ‘A bone of the size of a barley grain causes defilement by contact and carrying, but not by cover’.⁴⁰ ‘Vines’³⁹ [are an allusion to] the quantity of a quarter [of a log]⁴¹ of wine [the drinking of which constitutes an offence]⁴² of a nazirite.

(1) , **ubwufn**, this is explained anon.

(2) The statement that the measurements must not be ‘exactly alike’.

(3) Who maintains that not all cubits consisted of six handbreadths.

(4) The ruling that ‘all cubits . . . are of the standard of six (handbreadths)’.

- (5) , **ubwfn** (v. Supra note 12) need not necessarily mean 'exactly alike'. It may be rendered 'pressed together', 'compact'. , **ubwfn uhvh tka** 'that the handbreadths shall be expanded'.
- (6) Whose ruling is quoted in the objection supra 3b ad fin.
- (7) Not only, as suggested in the reply, to those relating to kil'ayim.
- (8) Of course there is.
- (9) R. Simeon b. Gamaliel and the Sages, since the latter who ruled that 'all cubits ... are of the standard of six (handbreadths)' obviously differ from Abaye who holds that only those of kil'ayim conformed to that standard.
- (10) Sc. must R. Simeon b. Gamaliel, in his specific mention of the cubit of six handbreadths in connection with kil'ayim, (a) be assumed to exclude the cubit of sukkah and entrance which, according to his opinion, must measure no more than five handbreadths, and his view consequently differs from that of the Sages; or (b) is his statement a commentary on the vague ruling of the Sages, that 'the measurements are not alike', its object being to explain that the cubit of six handbreadths of which they spoke must in the case of kil'ayim measure not six compact, but six expanded handbreadths, and thereby he only implied that the cubit of sukkah and entrance must be one of six compact ones, so that his views are in every way in complete agreement with that of the Sages?
- (11) Lit., 'came'.
- (12) V. Supra note 5b.
- (13) That R. Simeon b. Gamaliel merely wished to explain the ruling of the Sages.
- (14) Lit., 'and let him say'.
- (15) Which in his opinion must be no longer than five handbreadths. How then could Raba maintain that no dispute existed between R. Simeon b. Gamaliel and the Sages?
- (16) **Suxh**, lit., 'foundation'.
- (17) **CCUX** (rt. **CCX**, 'to go round').
- (18) These cubits were of the standard of five handbreadths.
- (19) Spoken of elsewhere, sc. the one measuring six handbreadths.
- (20) Of those spoken of here.
- (21) Ezek. XLIII, 13.
- (22) , **ubre**, (cf. Ex. XXVII 2) projections of the altar.
- (23) V. Ex. XXX, 1ff and Men. 97b.
- (24) The minimum quantities, e.g., of forbidden foodstuffs the consumption of which constitutes the offence. V. infra for other examples.
- (25) That cause, e.g., the invalidity of ritual bathing if they intervene between the body of the bather and the water of the bath.
- (26) Required, e.g., in connection with the arrangements for carrying burdens on the Sabbath.
- (27) Deut. VIII, 8.
- (28) V. Lev. XIV, 34ff.
- (29) Sc. if he did not wear them.
- (30) Since the clothes, sandals and rings were only carried by the man but not worn they, like himself, come under the Pentateuchal law, of 'he that goeth into the house . . 'shall be unclean' (Lev. XIV 46).
- (31) Since they were worn in the usual manner.
- (32) They are included in the category of 'clothes' which have only to be washed (cf. Lev. XIV, 47 and the definition of 'eateth' infra n. 4).
- (33) Lit., 'until he will delay'.
- (34) This is the definition of 'eateth' (v. Supra n. 2).
- (35) **Xrp**, lit., 'a half', the whole loaf being equal to the size of eight eggs (cf. infra 82b).
- (36) The former is eaten much quicker than the latter which is not so tasteful.

(37) In such a position, one eats quicker than when walking about.

(38) Neg. XIII, 9, Hul. 71b; cf. Supra n. 7 mutatis mutandis.

(39) Deut. VIII, 8.

(40) Lit., 'in the tent'; only a backbone, a skull and the like cause the defilement of a person in the same tent or under the same roof or cover. V. Oh. II, 3.

(41) V. Glos.

(42) Punishable by flogging.

Talmud - Mas. Eirubin 4b

'Fig-trees' [allude to] the size of a dried fig in respect of carrying out [from one domain into another] on the Sabbath. 'Pomegranates' [are an allusion] as we learned: 'All [defiled wooden]¹ utensils of householders² [become clean if they contain holes] of the size of pomegranates.³ "A land of olive-trees" [is⁴ an allusion to the] land all the legal standards of which are of the size of olives'. [You say], 'All the legal standards of which [etc.]!' Is this conceivable? Surely there are those that have just been enumerated? Rather read: 'A land, most⁵ of the legal standards of which are of the size of olives'. 'Honey' [is an allusion to the eating of food of] the size of a big date⁶ [that constitutes an offence]⁷ on the Day of Atonement!⁸ — Do you then imagine that the standards were actually prescribed [in the Pentateuch]? [The fact is that] they are but traditional⁹ laws for which the Rabbis have found allusions in¹⁰ Scripture. But [the laws relating to] interpositions are Pentateuchal. [For was it not taught:]¹¹ Since it is written in Scripture: Then he shall bathe all his flesh¹² [it follows] that there must be no interposition between his flesh and the water; In water¹³ implies, in water that is gathered together;¹⁴ all his flesh¹³ implies, water in which all his body can be immersed;¹⁵ and how much is this? [A volume of the size of] a cubit by a cubit by a height of three cubits; and the Sages accordingly estimated that the waters of a ritual bath¹⁶ must measure forty se'ah?¹⁷ — Where a traditional law is required¹⁸ [it is in respect of] one's hair; and [it is to be understood] in accordance with [a statement of] Rabbah son of R. Huna,¹⁹ for Rabbah son of R. Huna said: 'One knotted hair constitutes an interposition,²⁰ three [hairs] constitute no interposition,²¹ but I do not know [the ruling in the case of] two'.²² [But are not the laws relating to] one's hair also Pentateuchal? For was it not taught: Then shall he bathe all his flesh²³ [implies, even] that which is attached to his flesh, and by this was meant²⁴ hair?²⁵ — Where traditional law is required²⁶ [it is the case of hair], and it is for [the purpose of] distinguishing²⁷ between an interposition] on its major, and one on its minor [portion] and between one to which the bather objects and one which he does not mind; this being understood on the lines of R. Isaac who said: [According to] traditional law²⁸ [an interposition on] its²⁹ major part to which a man objects constitutes an interposition but one which he does not mind constitutes no interposition;³⁰ the Rabbis, however, ruled that [an interposition on] its²⁹ greater part [shall constitute an interposition] even when the man does not mind it, as a preventive measure [against the possibility of allowing an interposition on] its major part to which the man does object, and that [an interposition on] its²⁹ minor portion to which a man objects [shall constitute an interposition] on account [of the possibility of allowing an interposition over] its²⁹ major portion to which a man objects.³¹ But [why should no prohibition be enacted] also [against an interposition over] its minor portion to which one does not object, as a preventive measure against [the possibility of allowing an interposition over] its minor portion to which one does object³² or its major portion to which one does not object?³³ This ruling³⁴ itself is merely a

preventive measure, — shall we go as far³⁵ as to institute a preventive measure against another preventive measure?³⁶

But [the laws defining] partitions are Pentateuchal. For did not a Master state:³⁷ [The height of] the ark was nine [handbreadths]³⁸ and [the thickness of] the ark-cover was one handbreadth, so that we have here³⁹ [a total height of] ten [handbreadths]⁴⁰ — [The traditional law] is required [in respect of the views] of R. Judah who holds that the cubit used for the structure [of the Temple] was of the standard of six [handbreadths] while that for the furniture⁴¹ was only one of five handbreadths.⁴² According to R. Meir, however, who holds⁴³ that all cubit measurements⁴⁴ were of the medium size,⁴⁵ what can be said in reply?⁴⁶ — According to R. Meir [it may be replied] the traditional law refers⁴⁷ to [the legal fictions of] extension,⁴⁸ junction⁴⁹ and the crooked wall.⁵⁰

[If the cross-beam]⁵¹ was higher than twenty cubits and it is desired to reduce the height,⁵² how much is one to reduce it?⁵³ How much is one to reduce it, [you ask]? As much [obviously] as one requires!⁵⁴ But [it is this that is asked]: How much [must the raised ground⁵⁵ be in] width?⁵⁶ — R. Joseph replied: A handbreadth.⁵⁷ Abaye replied: Four [handbreadths].⁵⁸ May it be suggested that they⁵⁹ differ on the following principles — he⁶⁰ who said ‘a handbreadth’ being of the opinion that it is permissible to make use [of the floor space] under the beam⁶¹

(1) V. Tosaf. a.l. s.v. **kf**

(2) As opposed to those of craftsmen.

(3) Sc. through which pomegranates would fall out. No householder would continue the use of utensils broken to such an extent. Losing the status of utensils the objects become levitically clean. In the case of a craftsman's utensils, even holes as small as the size of an olive, since they render the utensils unfit for sale, are sufficient to deprive them of the legal status of utensils, and they consequently become clean. V. Kel. XVII, 1.

(4) **acsu** (‘and honey’) in cur. edd. is enclosed within parentheses and is wanting from the parallel passages in Ber. 41b and Yalkut.

(5) E.g., those applicable to the consumption of forbidden fat, blood or levitically unclean food.

(6) Honey’ in Scripture, unless otherwise stated, is assumed to be that of dates. Cf. Bik. I, 3.

(7) Since the consumption of food is forbidden.

(8) Thus it follows that the legal standards mentioned are Pentateuchal. How then could Rab maintain (supra 4a) that they formed part of the traditional code given orally to Moses at Sinai?

(9) Variant, ‘Rabbinical’ (cf. Suk. 6a, Ber. 41b).

(10) Lit., ‘and supported them on’.

(11) This is in fact the reading of some ed. but is wanting in MS.M. and cur. edd.

(12) Lev. XV, 16. ‘In water’ appearing in cur. edd. in parenthesis is here omitted.

(13) Ibid.

(14) Sc. even if it is not spring water.

(15) Lit., ‘goes up in them’.

(16) **vien**, lit., ‘a gathering together’.

(17) V. Glos. and Pes. 109a (Sonc. ed., p. 564, n. 7.)

(18) Regarding the rule of ‘interposition’ in addition to the one just deduced from Scripture.

(19) Who applies the law of interposition to hair.

(20) Because it is possible to tie it so closely that no water could penetrate to all its parts.

- (21) Since it is impossible to tie them so tightly as to prevent the water from penetrating.
- (22) Suk. 6a, Nid. 6a.
- (23) Lev. XV, 16 emphasis on 'all'.
- (24) Lit., 'and this is'.
- (25) Suk. 6a. Old ed. read: 'to include his hair'.
- (26) So MS.M. Cur. edd., 'came'.
- (27) This is explained anon.
- (28) **Vru**, **rCS**, lit., 'the word of the (oral) law'.
- (29) One's hair.
- (30) It is for the purpose of this distinction that the traditional law was required in addition to the Biblical law relating to interposition.
- (31) While traditional law restricts a disqualifying interposition to (a) its extension over the major part of the hair and (b) the man's objection to it, the Rabbis regard even (a) without (b) or (b) without (a) as a disqualifying interposition.
- (32) Since in both cases a 'minor portion' is involved.
- (33) The element of non objection being common to both.
- (34) Lit., 'it', the ruling that an interposition (a) over a minor portion to which one objects or (b) over a major portion to which one does not object.
- (35) Lit., 'shall we rise'.
- (36) Of course not. Hence the permissibility of an interposition over a minor portion which one does not mind.
- (37) Shab. 92a, Suk. 4a.
- (38) V. Ex. XXV, 10, 'A cubit and a half the height thereof', a cubit consisting of six handbreadths.
- (39) Lit., 'behold'.
- (40) This height of ten handbreadths from which God spoke to Moses (cf. Ex. XXV, 22, And I will speak with thee from above the ark-cover) is, according to R. Jose who stated (Suk. 5a) that the Deity never descended to a lower level than ten handbreadths from the earth, for 'the heavens are the heavens of the Lord but the earth hath he given to the children of men' (Ps. CXXV, 16), the boundary line or 'partition', so to speak, between heaven and earth. How then could it be said here that the laws defining partitions are only traditional?
- (41) **ohkf**, lit., 'vessels'.
- (42) Kel. XII, 10. The total height of the ark and cover was consequently eight and a half handbreadths only, and R. Jose's boundary line between heaven and earth consequently receives no Pentateuchal support.
- (43) Kel. XVII, 10.
- (44) In the Temple.
- (45) Six handbreadths. (V. Pes. 86a).
- (46) Lit., 'what is there to say', in reply to the difficulty pointed out (v. supra note 3).
- (47) Lit., 'when it came'.
- (48) **sud** (rt. **sdb** 'to stretch'), a partition that does not reach (a) the ground or (b) the ceiling may in certain conditions be regarded as virtually touching the ground and the ceiling respectively.
- (49) **suck** (rt. **SCK** 'to join') a gap of less than three handbreadths between two partitions may be disregarded and the edges of the partitions are deemed to be joined into one complete partition.
- (50) V. supra p. 14, n. 5.
- (51) Spanning the entrance to a blind alley (v. our Mishnah).
- (52) Lit., 'and he came to reduce it'.
- (53) The term 'reducing' implies that the ground is raised to such a level as to reduce the distance between it and the beam, otherwise 'lowering' (sc. the beam) would be the more appropriate term.

(54) Sc. the ground must obviously be raised to such a level as would reduce the distance between it and the beam to twenty cubits.

(55) V. previous note.

(56) I.e., the width as extending into the alley. Lit., 'its width by how much'.

(57) Corresponding to the prescribed width of the cross-beam.

(58) This is discussed infra.

(59) Abaye and R. Joseph.

(60) R. Joseph.

(61) The outer edge of the beam being regarded as the end of the alley. Since people would consequently linger on the higher ground level the beam would well be noticed by them.

Talmud - Mas. Eiruvim 5a

while he¹ who said 'four handbreadths', is of the opinion that it is forbidden to make use [of the floor space] under the beam?² — No; all may agree³ that it is permissible to make use [of floor space] under the cross-beam,⁴ but here they⁵ differ on the following principles: One Master holds the opinion that a cross-beam [is required] on account [of the necessity for] a distinguishing mark,⁶ while the other Master¹ holds that a cross-beam [is required] on account [of the necessity for] a partition.⁷ If you prefer I might reply that all agree³ that a cross-beam [is required] on account [of the necessity for] a distinguishing mark; but here they⁵ differ on [the question whether] the distinguishing mark below [must be of the same dimensions as] the one above. One Master is of the opinion that we say that a distinguishing mark below⁸ [is provided by the same width] as the one above,⁹ and the other Master¹⁰ holds that we do not say that a distinguishing mark below [is provided by the same dimensions] as the one above.¹¹ And if you prefer I might reply that all agree that a distinguishing mark below [is provided by the same width] as the one above,¹² but their¹³ point of difference here is [the question whether a wider space was ordered] as a preventive measure against the possibility of its being trodden down.¹⁴

[If an entrance to an alley] was less than ten handbreadths [in height] and it was desired to dig up the ground¹⁵ so as to bring up the altitude¹⁶ to ten [handbreadths] how much must one excavate? — [You ask] , 'How much must one excavate'? As much [of course] as one requires!¹⁷ — Rather [this is the question:] To what extent in width¹⁸ [must one excavate]? — R. Joseph replied: To¹⁹ four [handbreadths]. Abaye replied: To four cubits. Might it be suggested that they²⁰ differ on the principle laid down by R. Ammi and R. Assi? For it was stated: If a breach was made in a side-wall of²¹ an alley close to its entrance,²² it was ruled in the name of R. Ammi and R. Assi, if a strip²³ of [the width of] four [handbreadths] was there²⁴ it is permissible²⁵ [to regard the alley as ritually fit],²⁶ provided the breach is not wider than²⁷ ten [cubits].²⁸ If, however, [there was] no [such strip²⁹ there] it is permissible [to regard the alley as ritually fit, if the breach was] less than three [handbreadths wide],³⁰ [but if it was] three [handbreadths wide]³¹ this is not permissible.³² [Might it then be suggested that] R. Joseph³³ adopts the principle of R. Ammi³⁴ and that Abaye³⁵ does not hold the principle of R. Ammi?³⁶ Abaye can answer you: There³⁷ [it is a question of] destroying the ritual fitness³⁸ of an alley,³⁹ but here⁴⁰ [it is a case of] creating one.⁴¹ [Consequently] if the excavation extends⁴² [to a width of] four cubits [the entrance becomes] ritually fit,⁴³ but if not, it is not [fit]. Said Abaye: Whence do I derive my ruling?⁴⁴ From what was taught.⁴⁵ '[The movement of objects in] an alley cannot be permitted [on the Sabbath] by means

of a sidepost⁴⁶ and a crossbeam⁴⁷ unless houses and courtyards open out into it'.⁴⁸ Now if [a strip of the width] of four [handbreadths were to constitute a proper alley wall) how could this⁴⁹ be possible?⁵⁰ And should you reply that the doors might open⁵¹ in the middle wall,⁵² the fact is [it could be retorted] that R. Nahman stated: We have a tradition that if [the movement of objects in] an alley is to be⁵³ permitted [on the Sabbath] by means of a side-post and a crossbeam, its length⁵⁴ must be⁵⁵ more than its width⁵⁶ and houses and courtyards must open out into it.⁵⁷ And R. Joseph?⁵⁸ — Each door might open⁵⁹ in a corner.⁶⁰ Abaye further⁶¹ stated: Whence do I derive my ruling? From what Rami b. Hama⁶² said in the name of R. Huna: If a projection from [the end of a side] wall of an alley⁶³ is less than four cubits [in width] it may be regarded as a side-post and no other post is required to effect the ritual fitness of the alley,⁶⁴ [but if it is] four cubits [wide] it is deemed to be [a part of the structure of the] alley, and another post is required to effect its ritual fitness.⁶⁴ And R. Joseph?⁶⁵ — To deprive [a projection] of its status as a post there must be⁶⁶ [a width of] four cubits but as regards constituting [a wall in] an alley, even [a width] of four handbreadths is also [enough] to constitute an alley.

[Reverting to] the above text, 'Rami b. Hama said in the name of R. Huna: If a projection from [the end of a side] wall of an alley

(1) Abaye.

(2) The inner edge of the beam forming the boundary line of the alley, while all the space under the beam itself is regarded as outside the alley. Since no one would consequently use that space no one would notice the beam which, from the level of the general floor of the alley, would be higher than twenty cubits. The raised ground must, therefore, be extended into the alley to form a substantial area; and the minimum of such an area is four handbreadths.

(3) Lit., 'for all the world hold the opinion'.

(4) Cf. *Supra* n. 7 first clause.

(5) Abaye and R. Joseph.

(6) That people might distinguish between the alley and the public domain into which it opens out, and would thus remember that what is permitted in the former is not permitted in the latter. A level of the width of one handbreadth which the residents must pass on their way from and into the alley is, therefore, quite sufficient for the purpose.

(7) Between the alley and the public domain. No partition is valid unless it is made for a floor space of no less than four handbreadths (v. *infra* 86b and cf. *supra* n. 9 final clause).

(8) Sc. the raised ground under the cross-beam.

(9) So that a raised level of only one handbreadth in width suffices.

(10) Abaye.

(11) Below a mark of wider width is required, viz., of four handbreadths.

(12) Only one handbreadth.

(13) Abaye's and R. Joseph's.

(14) Lit., 'he or it will diminish', sc. the raised ground, if it were to be allowed to consist of the minimum width of one handbreadth only, might in the course of time be worn down to less than a handbreadth. R. Joseph holds that this possibility was not provided against while Abaye holds that it was. Hence, according to Abaye, the necessity for a width of more than a handbreadth. And since a width above the minimum was required, it was fixed at four handbreadths. (cf. *supra* p. 23, n. 9 final clause).

(15) Lit., 'and he engraved in it'.

- (16) Lit., 'to complete it'.
- (17) To raise the altitude to ten handbreadths.
- (18) Lit., 'its drawing (from the entrance into the interior) by how much'.
- (19) Lit., 'in', 'by'.
- (20) R. Joseph and Abaye.
- (21) Lit., 'from its side'.
- (22) Lit., 'toward its head or top'.
- (23) Of wood, especially put up for the purpose, or a remnant of the original wall.
- (24) At the original termination of the wall, adjoining the cross-beam.
- (25) Lit., 'it (sc. the strip) permits'.
- (26) In respect of the movement of objects on the Sabbath. The breach is treated as an additional entrance to the alley and does not, therefore, affect its ritual fitness, while the validity of the main entrance is retained owing to the strip of wood or building structure which, complying with the prescribed size, serves the purpose of the original wall and, together with the wall opposite and the cross-beam above them, constitutes a valid alley to which the main entrance serves as doorway.
- (27) Lit., 'in the breach until'.
- (28) A gap wider than ten cubits cannot be regarded as a doorway and destroys, therefore, the Sabbatic ritual validity of the alley.
- (29) Sc. if it was either wanting altogether or of less than four handbreadths in width.
- (30) Such a narrow breach may be regarded as non-existent (v. Glos. s.v. labud) and the wall is deemed to be virtually intact.
- (31) And people are consequently likely to use the gap as a short cut thus neglecting the use of the main entrance.
- (32) Lit., 'it does not permit', since (v. previous note) the ritual validity of the main entrance has thereby been destroyed.
- (33) Who ruled supra, in the case of an excavation at the foot of an entrance, that a width of four handbreadths is sufficient.
- (34) Who regards a strip of four handbreadths in width to be sufficient to constitute a wall as a support for a cross-beam. MS.M. adds: 'and R. Assi'.
- (35) Who required for the excavation a width of four cubits.
- (36) MS.M. adds: 'and of R. Assi'. This is also the reading of Rashi.
- (37) The case dealt with by R. Ammi and R. Assi.
- (38) Lit., 'end'. Before the breach occurred the alley was in a condition that was ritually fit.
- (39) Hence it is sufficient for a width of four handbreadths to retain its ritual fitness.
- (40) In the matter of the excavation.
- (41) Lit., , 'the beginning of an alley'. Owing to the low altitude of the entrance, the alley was never before ritually fit.
- (42) Lit., 'there is'.
- (43) Lit., 'yes'.
- (44) Lit., 'I say it'.
- (45) Shab. 130b, infra 73b.
- (46) , lit., 'cheek', 'jaw'.
- (47) Cf. Mishnah infra 11b.
- (48) Sc. the houses open out into the courtyards and the latter into the alley (Rashi).
- (49) That 'courtyards' should open out into it'?
- (50) The prescribed minimum width of a door being four handbreadths, the doorway of one courtyard alone would

cover the full width of the alley wall.

(51) Lit., 'that he opens it'.

(52) The back wall of the alley which is enclosed by the two side walls. While the latter might be as narrow as four handbreadths the former might be long enough to admit of more than one courtyard door.

(53) Lit., 'which is an alley that is'.

(54) Sc. the length of the side walls.

(55) Lit., 'all of which its length is'.

(56) The length of the middle, or back wall.

(57) Infra 12b (cf. Shab. 131a). If courtyards (i.e., a minimum of two) were to open out from the middle wall, its width would be (cf. supra note 8) no less than eight handbreadths exclusive of the doorposts; and it would thus be twice as big as either of the side walls.

(58) How, in view of Abaye's quotation and inference, could he maintain that four handbreadths are sufficient for the width of an alley wall?

(59) Lit., 'that he opens it'.

(60) Though the back wall is less than four handbreadths in length it is possible, where the side walls are four handbreadths in length, to open a door that is four handbreadths wide in each corner where the two side walls respectively meet the back wall.

(61) So MS.M. reading **rntu**.

(62) Var. lec., Abba (Asheri).

(63) Into the alley.

(64) Lit., 'to permit it'.

(65) Cf. supra p. 26, n. 16.

(66) Lit., 'until there is'.

Talmud - Mas. Eirubin 5b

is less than four cubits [in width] it may be regarded as a side-post¹ and no other post is required to effect the ritual fitness of the alley, [but if it is] four cubits [wide] it is deemed to be [a part of the structure of the] alley, and² another post is required to effect its ritual fitness'.³ Where, however, does one put up that '[other] post'? If it be attached to the projection,⁴ would not one be merely adding to it?⁵ — R. Papa replied: One puts it upon the other side.⁶ R. Huna son of R. Joshua said: It may even be maintained that it⁷ is attached to the projection⁴ but it is made bigger⁸ or smaller.⁹ R. Huna son of R. Joshua stated: This¹⁰ has been said only in respect of [an entrance to] an alley [that was no less than] eight [cubits in width],¹¹ but where [the entrance to] an alley is seven [cubits wide],¹² Sabbath ritual fitness is effected¹³ because¹⁴ the portion built-up¹⁵ is longer than the breach. [This ruling is inferred] a minori ad majus from [the law relating to] a courtyard: If a courtyard¹⁶ [the movement of objects in which on the Sabbath] cannot be rendered permissible¹⁷ by means of a side-post and a cross-beam¹⁸ is nevertheless deemed fit¹³ [for such movements] where its built-up portions¹⁵ are larger than its broken [parts],¹⁹ how much more then should an alley, where [such movements] may be rendered permissible by means of a side-post and a crossbeam,²⁰ be deemed fit¹³ when²¹ the built-up portion¹⁵ [across its entrance] is larger than its open [part]. But is not a courtyard, however, different²² [from an alley]²³ since a gap of ten cubits²⁴ [was also allowed in it]?²⁵ Then how can one apply²⁶ [the same ruling] to an alley where only a gap of four cubits²⁷ [was allowed]?²⁸ — R. Huna son of R. Joshua holds the opinion that in an alley also a gap of ten cubits is allowed.²⁴ But whose view has been under

discussion?²⁹ [Obviously that] of R. Huna;³⁰ and R. Huna, surely, is of the opinion, [is he not,] that only a gap of four cubits [is allowed in an alley]?³¹ R. Huna son of R. Joshua only stated his own view.³²

R. Ashi said: It may be maintained that even [where the entrance to] an alley was eight [cubits wide] no side-post is required,³³ since, whatever your assumption [might be, the ritual fitness of the alley cannot be affected]. For if the built portion is bigger³⁴ [the movement of objects in the alley would] be permitted by [reason of the fact that] the built portion [across the entrance] is larger than the opening; and if the open section is bigger³⁵ [the projection]³⁶ might be regarded as a side-post.³⁷ What [other possible objection can] you submit? That both³⁸ might be exactly alike?³⁹ [But such an assumption] would amount to an uncertainty in respect of a Rabbinical enactment,⁴⁰ and in any uncertainty appertaining to a Rabbinical enactment the more lenient course is followed.⁴¹

R. Hanin b. Raba stated in the name of Rab: As to a breach that was made in an alley

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- (1) Even if originally it was put there for some other purpose.
 - (2) Unless that projection was especially constructed to serve as a side-post to the entrance.
 - (3) v. supra 5a for notes.
 - (4) Lit., 'put up with it'.
 - (5) Thus merely extending the projection further along the width of the alley and giving it a much greater resemblance to a proper wall.
 - (6) The side wall opposite.
 - (7) The side-post.
 - (8) Longer or wider than the front of the projection, so that its nature cannot be mistaken and no one could regard it as an extension of the projection.
 - (9) Shorter or narrower (cf. previous note).
 - (10) The ruling of Rami b. Hama in the name of R. Huna, supra 5a ad fin.
 - (11) In which case a projection of the width of four cubits would cover no more than half of its width.
 - (12) So that a projection of the size mentioned (v. previous note) would cover its greater part.
 - (13) Lit., 'is permitted'.
 - (14) Though the projection cannot be regarded as a side-post.
 - (15) Lit., '(which) stands'.
 - (16) Sc. a square enclosure into which houses open out (v. Tosaf. s.v. , and cf. Rashi).
 - (17) Where its wall that faced a public domain collapsed completely.
 - (18) Though these means are effective in the case of an alley.
 - (19) Even though the gaps are many and distributed among all its walls, the court remains ritually fit if the total length of the unbroken parts exceeds that of the gaps.
 - (20) If placed at the entrance that faced a public domain (cf. supra n. 8).
 - (21) In the absence of a side-post and cross-beam.
 - (22) Lit., 'what of the courtyard'.
 - (23) Sc. some of the laws relating to the former are much less restrictive than those of the latter.
 - (24) Lit., 'its breach by ten'.
 - (25) Of course it is; the freedom of movement in the courtyard is not affected by such a gap.
 - (26) Lit., 'wilt thou say'.

(27) Lit., 'whose breach by four'.

(28) As in the case of an alley, the law was restricted in respect of the size of a gap so it might also have been restricted as regards permissibility of movement where the built portion is larger than the gap. How then (cf. supra note 14) could a law relating to an alley be inferred from one relating to a courtyard?

(29) Lit., 'according to whom do we say', sc. to whose ruling was the argument, a *minori ad majus*, applied?

(30) A disciple of Rab and teacher of R. Huna son of R. Joshua who (supra 5a) quoted his master.

(31) *Infra*. How then could this view be reconciled with the inference of R. Huna son of R. Joshua?

(32) Sc. while accepting R. Huna's ruling in the case of an entrance that was no less than eight cubits in width he disagreed with it on the strength of the argument he advanced in the case of one of the width of seven.

(33) Where there was a projection of four cubits in width from one of the side walls across a part of the entrance.

(34) I.e., if the measurement of the projection was on a generous scale so that the so-called 'four cubits' really represented a higher figure, and the remaining space was in fact less than four cubits in width.

(35) Cf. previous note *mutatis mutandis*.

(36) Since it is in reality less than four cubits.

(37) And the movement of objects would again be permitted.

(38) The width of the projection and that of the opening.

(39) So that (a) the projection is four cubits wide and, therefore, unsuitable as a side-post and (b) the built section is not larger than the gap which is also four cubits wide.

(40) The prohibition to move objects in an alley on the Sabbath day is not Pentateuchal but Rabbinical.

(41) Consequently, 'no side-post is required'.

Talmud - Mas. Eirubin 6a

[if it was made] in a side [wall, a gap] of ten cubits is permissible,¹ [but if it was] in the front [wall,² only a gap] of four cubits is allowed.³ Wherein, however, does a side wall differ [from the front wall] that [in the case of the former] a gap of ten cubits is allowed?¹ [Presumably] because one can say⁴ [that the gap] is an entrance, [but then] could not one say also [when it is made] in the front wall that it is an entrance? R. Huna son of R. Joshua replied: [The ruling⁵ applies to a case,] for instance, where the breach was made in a corner, since people do not make an entrance in a corner. R. Huna, however, ruled: The one as well as the other⁶ [is subject to the limit] of four cubits. And so, in fact, did R. Huna say to R. Hanan b. Raba:⁷ 'Do not dispute with me, for Rab once happened to visit Damharia⁸ and actually gave a decision in accordance with my view'.⁵ 'Rab', the other replied, 'found an open field and put a fence round it'.⁹

R. Nahman b. Isaac remarked: Reason is on the side of R. Huna.¹⁰ For it was stated: 'A crooked alley,¹¹ Rab ruled, is subject to the same law as one that is open on both sides,¹² but Samuel ruled: 'It is subject to the law of a closed one'.¹³ Now with what case are we dealing here? If it be suggested: with [one where the passage through the bend is] wider than ten cubits, would Samuel in such circumstances [it may be retorted] rule that 'it is subject to the law of a closed one'?¹⁴ Consequently¹⁵ [it must be conceded that the width of the communication passage is] within [the limit of] ten cubits, and yet Rab ruled that it 'is subject to the same laws as one that is open on both sides' — From which¹⁶ it definitely follows that [the permissibility of] a breach in a side [wall] of an alley is limited to four cubits.¹⁷ And R. Hamm¹⁸ b. Raba?¹⁹ — There²⁰ it is different,²¹ since many people make their way through it.²²

[This]²³ then implies that R. Huna²⁴ is of the opinion that even if not many people make their way through it²⁵ [a breach of no more than four cubits is allowed], but why should this be different from the ruling of R. Ammi and R. Assi?²⁶ — There [it is a case] where ridges [of the broken wall] remained,²⁷ but here, [it is one] where there were no ridges.²⁸ Our Rabbis taught: How is a road through a public domain²⁹ to be provided with an 'erub?³⁰ The shape of a doorway is made at one end,³¹ and a side-post and³² cross-beam, [are fixed] at the other.³¹ Hanania, however, stated: Beth Shammai ruled: A door is made at the one end³¹ as well as at the other³¹ and it must be locked as soon as one goes out or enters, and Beth Hillel ruled: A door is made at one end and a side-post and a cross-beam at the other.

May an 'erub, however, be lawfully provided for a public domain? Was it not in fact taught,³³ 'A more [lenient rule] than this³⁴ did R. Judah lay down:

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- (1) Lit., 'from its side by ten'; if the gap is not wider, the Sabbatic ritual fitness of the alley is not affected.
 - (2) Sc. the wall that was built across a portion of the entrance to reduce its original width to the permitted maximum of ten cubits.
 - (3) Lit., 'from its top by four'. Cf. supra n. 1.
 - (4) Lit., 'that he said'.
 - (5) That no larger gap than one of four cubits was allowed.
 - (6) In whatever wall the breach was made.
 - (7) Read Hanin b. Raba; cf. infra p. 31, n. 6.
 - (8) In the neighbourhood of Sura; Obermeyer, p. 298.
 - (9) Metaph. The people of Damharia were ignorant and careless in the observance of the Sabbath laws, and, in order to keep them away from further transgression, additional restrictions were imposed upon them. Elsewhere, however, even a breach of ten cubits might be allowed.
 - (10) V. supra nn. 5 and 6.
 - (11) One in the shape of an "L" each arm of which opens out into a public domain.
 - (12) Sc. as if both sides of each arm opened out into a public domain. Consequently, the side of each arm that actually opens out into the public domain must be furnished with side-posts or cross-beam while the opposite side terminating in the angle where the two arms meet must be furnished with a sort of framework that would give the passage of communication the shape of a doorway. (V. Rashi and cf. Tosaf. s.v. **CR**).
 - (13) The bend or angle of contact between the arms being regarded as the termination and closure of each and the side-posts or cross-beam at the two main entrances from the public domain are sufficient to effect the Sabbatic ritual fitness of the alley.
 - (14) Obviously not. Such a wide passage of communication could not possibly be treated as a closing wall.
 - (15) Lit., 'but, not?'
 - (16) Since Rab regards an opening that is narrower than ten cubits as a breach that impairs the Sabbatic ritual fitness of an alley, though that opening is not in a front wall adjoining a public domain.
 - (17) In agreement with the view of R. Huna.
 - (18) So Bomb. ed. and supra 5b ad fin. Cur. edd. 'Hanan'.
 - (19) Var. lec. 'Abba' (MS.M. and Asheri). How, it is asked, could he, in view of R. Nahman b. Isaac's submission, maintain that in a side wall, a breach of ten cubits is permitted?
 - (20) A communication passage between the two arms of a crooked alley.
 - (21) From a breach in a side wall.
 - (22) Hence the limit to a width of four cubits. Through a breach in a side wall, however, not many people pass and

the limit of permissibility is, therefore, extended to ten cubits.

(23) The reply just given on behalf of R. Hanin b. Raba. Since it was laid down that he limits the width of the communication passage in a crooked alley to four cubits only because many people pass through it, he presumably allows a breach of ten cubits where only few people pass.

(24) Who differed from him.

(25) If the gap opened out, for instance, to broken ground or an unsanitary area.

(26) Who (supra 5a) do allow a breach of ten cubits.

(27) The wall did not collapse completely and a height of three or four handbreadths of it remained, so that it is not very easy to use the breach as an entrance.

(28) The passage through such a gap being easy, people would be likely to use it if it were wide enough. Hence the limit to four cubits.

(29) Such a road must pass from one end of the town to the other and must be sixteen cubits in width, while the town through which it passes must have no surrounding wall and be inhabited by no less than six hundred thousand people.

(30) V. Glos.

(31) Lit., , 'from here'.

(32) Var. lec. 'or' (Alfasi and Asheri).

(33) Shab. 6a, 117a, infra 12a.

(34) The one mentioned earlier in the context (v. previous note) where a covered space was under consideration.

Talmud - Mas. Eirubin 6b

If a man had two houses on the two sides [respectively] of a public domain he may¹ construct one side-post [on any of the houses] on one side and another on its other side or one cross-beam on the one side [of any of the houses] and another on its other side and then he may move things about² in the space between them;³ but they⁴ said to him: A public domain cannot be provided with an 'erub in such a manner'?⁵ And should you reply that it cannot be provided with an 'erub 'in such a manner',⁶ but that it may be provided with one by means of doors, surely, [it can be retorted,] did not Rabbah b. Bar Hana⁷ state in the name of R. Johanan that Jerusalem,⁸ were 'it not that its gates were closed at night,⁹ would have been subject to the restrictions¹⁰ of a public domain; and 'Ulla too has stated that the city gateways of Mahuza,¹¹ were it not for the fact that their doors were closed at night, would have been subject to the restriction of a public domain?¹² — Rab Judah replied: It is this that was meant: How is an 'erub to be provided for alleys that open out at both ends into a public domain? The shape of a doorway is made at one end and a side-post and¹³ cross-beam, at the other.

It was stated: Rab said: The halachah¹⁴ is in agreement with the first Tanna,¹⁵ and Samuel said: The halachah is in agreement with Hanania.¹⁶

The question was raised: According to Hanania's ruling in the name of Beth Hillel, is it necessary to lock [the single door of the alley] or not? — Come and hear what Rab Judah said in the name of Samuel: It is not necessary to lock it; and so also said R. Mattenah in the name of Samuel: It is not necessary to lock it.

Some there are who read: R. Mattenah stated: 'I myself was once concerned in such a case and

Samuel told me that there was no need to lock [the door]'.¹⁷

R. 'Anan was asked: Is it necessary to lock [the door of an alley] or not?¹⁸ He replied: Come and see the [alley] gateways of Nehardea¹⁹ which are half buried in the ground²⁰ and Mar Samuel continually passes through²¹ [these gates] and yet never raised any objection.²² R. Kahana said: Those were [partially] closed.²³

When R. Nahman came²⁴ he ordered the earth to be removed.²⁵ Does this then imply that R. Nahman is of the opinion that [alley doors] must be locked?²⁶ — No; provided they are capable of being closed [Sabbatic ritual fitness is effected] even though they are not actually closed.

There was a certain crooked alley at Nehardea upon which were imposed the restriction of Rab and the restriction of Samuel, and doors were ordered²⁷ [to be fixed at its bends].²⁸ 'The restriction of Rab' who ruled that [a crooked alley] 'is subject to the same law as one that is open on both sides'; but [as] Rab in fact stated: 'The halachah is in agreement with the first Tanna'²⁹ [the second restriction was applied] in agreement with Samuel who stated: 'The halachah is in agreement with Hanania'. And [as] Samuel in fact ruled [that a crooked alley] 'is subject to the law of a closed one'³⁰ [the first restriction was applied] in agreement with Rab who ruled that '[a crooked alley] is subject to the same law as one that is open at both ends'.

Do we, however, adopt the restrictions of two³¹ [authorities who differ from one another]?³² Was it not in fact taught:³³ The halachah is always in agreement with Beth Hillel, but he who wishes to act in agreement with the ruling of Beth Shammai may do so, and he who wishes to act according to the view of Beth Hillel may do so; [he, however, who adopts] the more lenient rulings of Beth Shammai and the more lenient rulings of Beth Hillel is a wicked man, [while of the man who adopts] the restrictions of Beth Shammai and the restrictions of Beth Hillel Scripture said: But the fool walketh in darkness.³⁴ A man should rather act³⁵ either in agreement with Beth Shammai both in their lenient and their restrictive rulings or in agreement with Beth Hillel in both their lenient and their restrictive rulings?³⁶

(Now is not this³⁷ self-contradictory? You said: 'The halachah is always in agreement with Beth Hillel, and then you [proceed to] say: 'But he who wishes to act in agreement with the ruling of Beth Shammai may do so'! — This is no difficulty; the latter statement³⁸ [was made] before [the issue of] the bath kol³⁹ while the former³⁸ [was made] after [the issue of] the bath kol.³⁹ And if you prefer I might reply: Both the former and the latter statements⁴⁰ [were made] after [the issue of] the bath kol

(1) Since the area in question is already bordered by the two walls provided by the two opposite houses.

(2) As in a private domain.

(3) Lit., , 'in the middle'.

(4) The Rabbis.

(5) How then is this ruling of the Rabbis to be reconciled with the statement, 'How is a road etc.', (supra 6a ad fin.)?

(6) The one prescribed in the Baraita just cited.

(7) Var. lec., 'R. Huna' (Asheri).

- (8) Its public road stretched from one end of the town to the other and it had all the other characteristics of a public domain (cf. supra note 1).
- (9) So that it assumed the nature of a 'courtyard'.
- (10) Lit., 'guilty concerning it'.
- (11) A Jewish trading center. One of the 'neighbouring towns' or 'dependencies' of Babylon.
- (12) Cf. supra p. 32, nn. 14f. How then could this be reconciled with the ruling of Beth Hillel that no closing if doors is necessary?
- (13) Var. lec. 'or' (Alfasi and Asheri).
- (14) So MS.M. **vfkv** Cur. edd. **t, fkv**.
- (15) V. supra 6a ad fin.
- (16) Asheri adds: 'In accordance (with the ruling) of Beth Hillel' (v. supra 6a ad fin.).
- (17) Of the alley. Its Sabbatic ritual fitness is not affected even if the door always remains open.
- (18) Cf. previous note.
- (19) Nehardea was a town on the Euphrates, situated at its junction with the Royal Canal about seventy miles north of Sura, and famous for its great academy in the days of Samuel, which was rivalled only by that of Sura. Nehardea also had the characteristics of a public domain (v. supra p. 32, n. 14).
- (20) Lit., 'hidden unto their half in earth', and cannot possibly be moved from their open positions.
- (21) Lit., 'and goes in and goes out'. I.e., and saw that the gates were not closing, whilst the people were relying on them as providing an 'erub.
- (22) Lit., 'and he did not tell them anything'.
- (23) R. Anan's example, therefore, proves nothing.
- (24) To Nehardea.
- (25) Lit., 'he said: Remove their earth', the accumulated debris which prevented the closing of the gates.
- (26) Contrary to the general opinion expressed supra?
- (27) Lit., 'and they made it require'.
- (28) In addition to the side-posts or cross-beams fixed at the ends of the arms adjoining the public domain.
- (29) Who required no door at all, but only a sort of frame in the shape of a doorway.
- (30) Which required no contrivance.
- (31) Lit., 'do we do like two restrictions'.
- (32) I.e., where one relaxes the law and the other restricts it and vice versa.
- (33) Tosef. Suk. II, 'Ed. II, R.H. 14b.
- (34) Eccl. II, 14.
- (35) Lit., 'but'.
- (36) Why then were the restrictions of both Rab and Samuel imposed on the crooked alley of Nehardea?
- (37) The Baraitha just cited.
- (38) Lit., 'here'.
- (39) V. Glos. and cf. infra 13b. The bath kol announced that the halachah was always in agreement with Beth Hillel.
- (40) Lit., 'that and that'.

Talmud - Mas. Eirubin 7a

[but the latter] represents¹ [the view of] R. Joshua who does not recognize the authority² of a bath kol.³ And if you prefer I might reply: It is this that was meant:⁴ Whenever you come across⁵ two Tannas and two Amoras who differ from one another in the manner of the disputes between

Beth Shammai and Beth Hillel, a man should not act either in accordance with the lenient ruling of the one Master and the lenient ruling of the other Master, nor in accordance with the restriction of the one and the restriction of the other, but either in accordance with the lenient and restrictive ruling of the other or in accordance with the lenient and restrictive ruling of the other.)

At all events, [however, does not the original] difficulty⁶ [remain]? — R. Nahman b. Isaac replied: All the restrictions were imposed in accordance with the views of Rab, for R. Huna stated in the name of Rab, ‘The halachah [is in agreement with the first Hillel but no such ruling is given [in actual practice]’.⁷

According to R. Adda b. Ahabah, however, who, citing Rab, stated, ‘The halachah [agrees with the first Tanna] and this is also the ruling to be followed in practice,’ what can be said [in reply to the objection raised]⁸ — R. Shezbi replied: We do not adopt the restrictions of two [authorities who differ from one another] only⁹ where [their views] are mutually contradictory¹⁰ as, for instance, in the case of the ‘backbone and skull’; for we learned,¹¹ ‘If the backbone or skull [of a corpse] were defective [it does not impart levitical uncleanness by overshadowing];¹² and how much [is deemed to be] a defect in a backbone? Beth Shammai ruled: Two vertebrae, and Beth Hillel ruled: One vertebra; and in the case of a skull, Beth Shammai ruled: [A hole] as large as that made by a drill,¹³ and Beth Hillel ruled: One that would cause a living person to die’;¹⁴ and Rab Judah stated in the name of Samuel, ‘And the respective rulings¹⁵ apply also¹⁶ in the case of trefah’;¹⁷ but where [the views] are not mutually contradictory¹⁸ we may well adopt¹⁹ [the restrictions or relaxations of two authorities].

[Against the contention that] where [the views of two authorities] are mutually contradictory we do not adopt [the restrictions of both], R. Mesharsheya raised [the following] objection. [Was it not taught:]²⁰ It once happened that R. Akiba gathered [the fruit of] an ethrog²¹ on the first of Shebat²² and subjected it to two tithes,²³ one²⁴ in accordance with the ruling of Beth Shammai²⁵ and the other²⁶ in accordance with the ruling of Beth Hillel?²⁷ — R. Akiba was uncertain of his tradition,²⁸ not knowing whether Beth Hillel said the first of Shebat or the fifteenth of Shebat and, therefore, he subjected himself to both restrictions.²⁹

R. Joseph sat before R. Huna and in the course of the session³⁰ he stated: Rab Judah laid down in the name of Rab that they³¹ differed only where [an alley opens out] into a camp³² on the one side and into a camp on the other,³³ or into a highway³⁴ on the one side and into a highway on the other,³³ but [where there was] a camp on one side and fields³⁵ on the other,³³ or fields on either side, the frame of a doorway is made at one end and a side-post and cross-beam at the other.³⁶ Now [that it has been said that ‘where there was] a camp on one side and fields on the other’ [it is sufficient if] ‘the frame of a doorway is made at one end and a side-post and cross-beam at the other’ [was it at all] necessary [to state the case of] ‘fields on either side’? — It is this that was meant: If there was a camp on one side and fields on the other it is the same³⁷ as [if there were] fields on either side. He³⁸ then concluded in the name of Rab Judah:³⁹ If the alley⁴⁰ terminated⁴¹ in a backyard,⁴² no [construction]⁴³ whatever is necessary.⁴⁴

Said Abaye to R. Joseph: That statement of Rab Judah⁴⁵ represents the view of Samuel;

- (1) Lit., 'it'.
- (2) Lit., 'looks', 'pays attention'.
- (3) V. B.M. 59b.
- (4) By the statement, 'But he who wishes to act etc.'
- (5) Lit., 'you find'.
- (6) Why were the restrictions of both Rab and Samuel simultaneously imposed in the case of the Nehardean alley.
- (7) The rule in practice being in agreement with Hanania who ordained the construction of doors.
- (8) V. p. 35, n. 13.
- (9) Lit., 'when do we not do etc.'?
- (10) Sc. where the reason which impelled one authority to restrict a certain law inevitably led him to relax it in another case, while the authority that by another process of reasoning relaxed the law in the first case was led by the same process to restrict it in the latter. Anyone, therefore, who adopts either both lenient rulings or both restrictions takes up an untenable position, since the very reason for restriction in the one case is also a reason for relaxation in the other.
- (11) Oh. II, 3; Bek. 37b.
- (12) Ohel (v. Glos.). Only a complete backbone or skull impart uncleanness in this manner.
- (13) Lit., 'like the fullness of a drill'.
- (14) Lit., 'as much as would be taken from the living and he would die'.
- (15) Of Beth Shammai and Beth Hillel.
- (16) Lit., 'and so'.
- (17) V. Glos. A defect in the backbone or skull of an animal, discovered after it had been slaughtered, renders its flesh unfit for consumption. Beth Shammai's restriction in the former case (defilement unless two links are missing) results in a relaxation in the latter (fitness for human consumption) while Beth Hillel's relaxation of the law in the former case (no defilement even if one link is missing) results in a restriction (prohibition of consumption).
- (18) As in the case of the restrictions of Rab and Samuel in respect of an alley, where the reason for the ruling of the one has no bearing on the reason for that of the other.
- (19) Lit., 'we do'.
- (20) Tosef. Sheb. III ad fin., R.H. 14a, Yeb. 15a.
- (21) V. Glos.
- (22) The eleventh month of the Hebrew calendar (corresponding to January / February) the first day of which is regarded by Beth Shammai as the New Year for Trees. The gathering took place at the end of the second year of the septennial cycle and the beginning of the third.
- (23) The 'second tithe' which is due in the second year of the septennial cycle, and the 'poor man's tithe' which is due in the third year of the cycle.
- (24) The 'poor man's tithe'.
- (25) According to whom, the first of Shebat being regarded as the beginning of the New Year for Trees, the third year of the cycle had already begun, and the tithe due was, therefore, that of the poor.
- (26) The 'second tithe'.
- (27) Who, maintaining that the New Year for Trees does not begin until the fifteenth of Shebat, regard the first day of the month as still belonging to the concluding year, i.e., the second of the cycle in which the 'second tithe' is due.
- (28) In respect of the view of Beth Hillel. He was not concerned at all with the view of Beth Shammai.
- (29) Lit., 'and he did here as a restriction and here etc.'
- (30) **Ch, hu**, wanting in MS.M.

- (31) Hanania and the first Tanna who are in dispute supra on the question of alleys that are open at both ends.
- (32) Or 'public road'. **thyrx = thyryxt** .
- (33) Lit., 'from here ... from here'.
- (34) **thykp** cf. Gr. **.
- (35) **vgec**, lit., 'valley', a domain which, in respect of the Sabbath laws, is regarded as neither public nor private but as karmelith (v. Glos.).
- (36) No door, even according to Hanania, being required.
- (37) Lit., 'it is made'.
- (38) R. Joseph.
- (39) Not indicating the latter's authority for the ruling (cf. infra note 10).
- (40) That opened out into a public domain.
- (41) At the opposite end.
- (42) And that wall of the yard that adjoined a public domain was broken through, so that the alley was now open into a public domain on its two sides. **VCj r** an area at the back of a house enclosed by four walls.
- (43) Either of side-post or cross-beam.
- (44) At the breach, in the backyard wall. Only that end of the alley that opens out directly into the public domain requires the prescribed construction.
- (45) Just quoted by R. Joseph (cf. Supra note 4).

Talmud - Mas. Eirubin 7b

for if [it be maintained that it is] that of Rab, a twofold contradiction between Rab's statements would arise.¹ For R. Jeremiah b. Abba laid down on the authority of Rab that if an alley was broken along its full [width]² into a courtyard, and a breach³ was made in the courtyard [wall] over against it, the courtyard is ritually fit⁴ but the alley is forbidden. But why [should this be so]? Should it not rather be [subject to the same law] as that of an alley that terminated in a backyard?⁵ — The other replied: I do not know,⁶ but it once happened that at Dura di-ra'awatha⁷ an alley terminated in a backyard,⁸ and when I came⁹ to Rab Judah [to ask his opinion] he ruled that it required no contrivance whatsoever.¹⁰ If, therefore, a contradiction [arises if Rab Judah's statement] is ascribed to Rab, let it be [conceded to have been made] in the name of Samuel¹¹ and no difficulty whatever would arise.

Now, however, that R. Shesheth said to R. Samuel b. Abba or, as others say, to R. Joseph b. Abba: I may explain to you — [that Rab's ruling is dependent on whether] an 'erub has been prepared or not,¹² no contradiction between the two statements of Rab does now arise.¹³ For one refers to a case¹⁴ where the residents of the courtyard joined in an 'erub with those of the alley while the other refers to one¹⁴ where they did not join them in an 'erub.¹⁵

(1) Lit., 'a difficulty of Rab upon Rab in two'.

(2) Sc. its entire back wall collapsed.

(3) Of less than ten cubits in width.

(4) Lit., 'permitted', as regards the movement of objects on the Sabbath. The breach is regarded as an entrance since portions of the courtyard wall remained on both sides. The ritual unfitness of the alley cannot affect the courtyard since the residents of the former have no right of passage through the latter.

(5) Rab's reason, it is now assumed, is that the alley, owing to the breach in the courtyard, is exposed on two sides

to public domains. Now since Rab Judah spoke of a backyard (which, as it has no inhabitants to claim right of passage through the alley, cannot affect its ritual fitness) and not of a courtyard (which is inhabited), it follows that if an alley terminated in the latter, it becomes ritually unfit on account of the right of passage through it of the inhabitants of the courtyard. Rab, on the other hand, spoke of a courtyard and not of a backyard. And, since he does not mention the right of passage but the breach that was made, it follows that the exposure of the alley on two sides to public domains is the only reason for its unfitness, and that the right of passage of the inhabitants of the courtyard does not affect its fitness. The two principles then that were laid down by Rab Judah, viz. (a) that the opening out of an alley into a public domain through a backyard does not destroy its ritual fitness and (b) that the opening also of a courtyard into an alley does destroy its fitness, are thus opposed by those of Rab who maintains (a) that the opening out of an alley into a public domain through a courtyard or, for the same reason, through a backyard does destroy its ritual fitness and (b) that the opening of a courtyard into an alley does not destroy it.

(6) From whom Rab Judah received the ruling.

(7) Shephardville. V. Rashi and Jast. Aliter: Diridotis, a famous commercial town on the Tigris (Wiesner, Scholien).

(8) That had a breach in the wall that faced the alley.

(9) **ht, tu**, so MS.M. Cur. edd. **t, tu**.

(10) Lit., 'and he did not cause it to require anything', at the backyard breach. The contrivance at the other end that abutted on the public domain was sufficient.

(11) Another teacher of Rab Judah.

(12) Lit., 'here that they mixed; there that they did not mix'. Where the residents of the courtyard joined the residents of the alley in the 'erub (v. Glos.), the latter is ritually fit, but if they did not join, the fitness of the latter is destroyed, not on account of the breach in the courtyard which exposed the alley to a public domain (as has been assumed supra), but on account of the absence of the joint 'erub. The fitness of the courtyard, however, is not affected since the breach between it and the alley, though extending over the full width of the latter, extends only over a portion of its own width and may, therefore, be regarded as a doorway.

(13) Lit., 'of Rab upon that of Rab also, there is no difficulty'.

(14) Lit., 'here'.

(15) Rab's ruling reported by R. Jeremiah b. Abba (supra 7b ab init.) would accordingly refer to a case where no joint 'erub was made; the incident at Dura di-ra'awatha would refer to one where such an 'erub was made; and Rab Judah's report in the name of Rab (supra 7a ad fin.) would be in agreement with Rab's view, even if no joint 'erub was made, since a backyard has no residents whose right of passage could affect the ritual fitness of the alley.

Talmud - Mas. Eirubin 8a

According to our previous assumption, however, that [Rab and Samuel] are in disagreement irrespective of whether a joint 'erub was made¹ or not,² on what principle do they differ where a joint 'erub was made³ and on what principle do they differ where no such 'erub was made?⁴ — Where no joint 'erub was made they differ [on the question whether a gap] that has the appearance [of a door] from without but is even [with the walls] within⁵ [may be regarded as a door];⁶ and where a joint 'erub has been made⁷ they differ on a principle that underlies a statement of R. Joseph. For R. Joseph stated: This⁸ has been taught only [in respect of all alley] that terminated in the middle of the backyard⁹ but if it terminated at the side of the backyard¹⁰ [all movement of objects in the alley on the Sabbath is forbidden.

Rabbah said: The statement¹¹ [that termination] at the middle of a backyard is permitted,

applies only [where the gaps¹² were] not facing one another, but if they were facing one another [movement of objects in the alley on the Sabbath] is forbidden.

R. Mesharsheya said: The statement¹¹ [that where the gaps¹² were] not facing one another [the use of the alley] is permitted, applies only to¹³ a backyard that belonged to many people, but [not to] a backyard of an individual who might sometimes reconsider [his attitude] towards it and build houses in it¹⁴ and the alley would thus be one that terminated at the sides of a backyard [in which the movement of objects on the Sabbath] is forbidden.

Whence, however, is it inferred that a distinction is made between a backyard belonging to many people and one belonging to an individual? — From what Rabin b. R. Adda stated in the name of R. Isaac: It once occurred that one side of an alley terminated in the sea and the other terminated in a rubbish heap,¹⁵ and when the facts were submitted to Rabbi¹⁶ he neither permitted nor forbade [the movement of objects on the Sabbath] in that alley.¹⁷ [He did not declare it] forbidden because partitions¹⁸ in fact existed, [and he did not declare it] permitted since the possibility had to be considered that the rubbish heap might be removed or the sea might throw up alluvium.¹⁹ Now²⁰ is it necessary to take into consideration the possibility that a rubbish heap might be removed? Have we not in fact learnt:²¹ ‘If a rubbish heap in a public domain was ten handbreadths high,²² objects from a window above it may be thrown on to it on the Sabbath’?²³ Thus it clearly follows that a distinction is made between a public rubbish heap and a private one,²⁴ and so here also a distinction may be made between a backyard that belonged to many people and one that belonged to one person. And what [was the view of] the Rabbis²⁵ [on the question of the alley]? R. Joseph b. Abdimi replied: A Tanna taught that the Sages forbade it. R. Nahman stated: The halachah is in agreement with the ruling of the Sages.

Some there are who say: R. Joseph b. Abdimi stated: A Tanna taught that the Sages permitted it, and R. Nahman said: The halachah is not in agreement with the ruling of the Sages.

Meremar partitioned off Sura²⁶ by means of nets,²⁷ because, he said, the possibility must be considered that the sea might throw up alluvium.²⁸

A certain crooked alley²⁹ once existed at Sura [and the residents of one of its arms] folded up some matting and fixed it in its bend.³⁰ This [arrangement], said R. Hisda, is neither in agreement with the view of Rab nor with that of Samuel. According to Rab, who ruled that the law of such [an alley] is the same as that of one that is open at both ends, [a structure in] the shape of a doorway is required; and [even] according to Samuel who ruled that it is subject to the law of a closed one [it must be understood that] his ruling applied only where a proper side-post [had been fixed],³¹ but such [matting], since the wind blows on it and throws it about, is useless. If a pin, however, was inserted therein and it was thus fastened [to the wall] it may be regarded as a proper partition.³²

[Reverting to] the main text: ‘R. Jeremiah b. Abba laid down on the authority of Rab that if an alley was broken along its full [width] into a courtyard, and a breach was made in the courtyard [wall] over against it, the courtyard is ritually fit but the alley is forbidden.’³³ Said Rabbah b. ‘Ulla to R. Bebai b. Abaye, ‘Master, is not this ruling³⁴ [one that already appeared in] a Mishnah of

ours:³⁵ [If the full width of a wall of] a small courtyard was broken down [so that the yard now fully opens out] into a large courtyard, [movement of objects on the Sabbath] is permitted in the large courtyard but forbidden in the small one because the gap is regarded as an entrance to the former?³⁶ — The other replied: If [our information had been derived] from there³⁷ it might have been assumed that the ruling applied only where not many people tread,³⁸ but that where many people tread³⁹ even the courtyard also [is forbidden].⁴⁰ But did we not learn this⁴¹ also: A courtyard into which many people enter from one side and go out from the other [is deemed to be] a public domain in respect of levitical defilement⁴² and a private domain in respect of the Sabbath?⁴³ — If [the ruling⁴⁴ were to be derived] from there it might have been assumed to apply only where the gaps were not facing one another⁴⁵

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- (1) Between the residents of the alley and those of the courtyard.
 - (2) Sc. that (a) Rab forbids the movement of objects in the alley, even if a joint 'erub was made, on the ground of the exposure of the alley through the breach to a public domain; that (b) only the breach causes the prohibition but not the right of passage of the courtyard residents through the alley; that (c) Rab Judah's ruling (supra 7a ad fin.) represents the view of Samuel who, if a joint 'erub was made, permits the use of the alley despite the breach (as is evident from his decision in the case of a backyard which has no residents and which in respect of the laws under discussion has the same status as a courtyard that has residents who joined those of the alley in their 'erub) and that (d) where no joint 'erub was made between the residents of the courtyard and the alley Samuel forbids the use of the latter even where there was no breach (as follows from the fact that in his permission he mentioned a backyard, which has no residents, and not a courtyard which has residents).
 - (3) And the prohibition could be due to the breach only. Why does Rab regard the alley as exposed through that breach to the public domain and why does not Samuel regard it so?
 - (4) Why, since no breach was made, does Samuel rule that the residents of the courtyard cause, and why does Rab rule that they do not cause the prohibition of the use of the alley?
 - (5) Where, for instance, the courtyard is wider than the alley. The gap occasioned by the collapse of the complete wall of the latter appears as a doorway when viewed from the former.
 - (6) Rab is of the opinion that, since the gap has the appearance of a door when viewed from the courtyard and since it is not wider than ten cubits, it may well be regarded as a door for the residents of the alley also; while Samuel, owing to the fact that when viewed from the alley it has the appearance of a breach, does not recognize it as a door.
 - (7) And the question of permissibility arises on account of the gap in the wall of the courtyard.
 - (8) That no provision whatever is necessary in the case of an alley that terminated in a backyard (supra 7a ad fin.).
 - (9) So that the shape of a door remained at least on the side facing the backyard.
 - (10) In which case one side of the yard appears like a continuation of the side of the alley, and no shape of a door remains even when viewed from the yard.
 - (11) Lit., 'that which you said'.
 - (12) In (a) the wall between the alley and the yard and (b) in the yard wall that adjoined the public domain.
 - (13) Lit., 'he did not say them, but'.
 - (14) Against that portion of the wall which formed the side-post, and thus level the side of the yard with the side of the alley and give it the appearance of one extended wall.
 - (15) The third side was closed and the fourth was open on a public domain and duly furnished with a side-post and cross-beam.
 - (16) R. Judah I, compiler of the Mishnah.
 - (17) Lit., 'he did not say about it, either permission or prohibition.'

- (18) The rubbish heap on the one side and the sea shore on the other, each of which was ten handbreadths high.
- (19) I.e., it may recede, in consequence of which possibility either of the partitions might disappear. *Infra* 99b.
- (20) This is the conclusion of the argument that a distinction is made between the property of several people and that of one individual.
- (21) *Infra* 99b.
- (22) And is consequently subject to the laws of a private domain.
- (23) The possibility of a reduction in its height, which would turn it into a public domain, not being considered.
- (24) The possibility of reduction being taken into consideration in respect of the latter (with which case Rabbi had to deal) but not in that of the former (spoken of *infra* 99b).
- (25) Rabbi's contemporaries.
- (26) From the river or canal (cf. B.B., *Sonc. ed.*, p. 294, n. 5 and text) which ran along the backs of alleys that at their other ends opened out into a public domain.
- (27) The river, or canal bank was not regarded by him as a proper partition.
- (28) And people might not be aware of the difference and would continue to use the alleys on the Sabbath day as before.
- (29) Cf. *supra* 6a.
- (30) While a side-post was fixed at their entrance, the residents of the other arm providing no such post to their entrance.
- (31) At the entrance to each arm (Rashi). The view of Rashi's teacher is that a third side-post also must be fixed at the bend.
- (32) Lit., 'he fastened it'.
- (33) *Supra* 7b ab init. q.v. notes, where it was explained that this was a case where no joint 'erub was made between the residents of the alley and those of the courtyard and that the prohibition of the use of the former was due to the right of passage through it of the residents of the latter.
- (34) Cf. previous note.
- (35) V. *infra* 92a.
- (36) Since the gap, when viewed from the large court, is flanked on either side by the remaining portions of the fallen wall, which may be viewed as side-posts. It cannot be treated as an entrance of the small courtyard because the side portions of the wall cannot be seen from its interior where the opening has the appearance of a wide gap extending from wall to wall. Now, since it is obvious that the conditions of the alley and courtyard spoken of by Rab are analogous to those of the large and small courtyards dealt with in the Mishnah quoted, what need was there for Rab to issue a ruling that was a mere repetition of a Mishnah?
- (37) The Mishnah quoted.
- (38) As in the case dealt with in the Mishnah where the breach occurred between two courtyards and the larger one remained closed on the side of the public domain.
- (39) The case spoken of by Rab, where the courtyard was broken both on the side of the alley and on that of the public domain. People in the public domain would naturally use the courtyard as a short cut and might thus turn it into a sort of public thoroughfare.
- (40) Hence the necessity for Rab's ruling.
- (41) That the use of a courtyard by the public does not affect its status as a private domain in respect of the Sabbath laws.
- (42) Sc. any uncertainty of defilement is to be regarded as clean.
- (43) *Tosef. Toh. VII*; cf. *infra* 22b.
- (44) V. *supra* note 7.
- (45) Lit., 'these words, when this is not opposite this'.

Talmud - Mas. Eirubin 8b

but not where they were facing each other.¹ According to Rabbah, however, who ruled [that a courtyard is] forbidden where the gaps were facing each other,² how would he explain Rab's ruling? [Obviously, that it referred to a case where the gaps were] not facing one another [but then the question arises again:] What need was there for³ two [rulings⁴ on the same subject]? — If [the rulings were derived] from there⁵ it might have been assumed to apply only to the throwing [of objects into it],⁶ but not to the moving [of them within it];⁷ hence we were informed [of Rab's ruling].⁸

It was stated:⁹ If an alley is constructed in the form of a centipede,¹⁰ the shape of a doorway, said Abaye, is made [at the entrance] of the major alley and all the others are rendered ritually fit by means of a side-post and cross-beam.¹¹ Said Raba to him: In agreement with whose view [is your ruling]? [If it is] in agreement with that of Samuel who ruled that [a crooked alley]¹² has the same law as one that is closed [at one end], why should it be necessary to have the shape of a doorway?¹³ And, furthermore, was there not once a crooked alley at Nehardea¹⁴ and [in providing for its ritual fitness] Rab's view also was taken into consideration?¹⁵ [The fact,] however, is, said Raba, that the shape of a doorway is made [at the entrance] of each minor alley¹⁶ on the one side¹⁷ while the other side¹⁸ [of each minor alley] is rendered ritually fit by means of a side-post and cross-beam.

Said R. Kahana b. Tahlifa in the name of R. Kahana b. Minyomi in the name of Rab Kahana b. Malkio who had it from R. Kahana the teacher of Rab [others say that R. Kahana b. Malkio is the same R. Kahana who was Rab's teacher]: If one side of an alley was long and the other short, [and the shortage is] less than four cubits, the cross-beam may be laid in a slanting position,¹⁹ [but if it is] four cubits the cross-beam is laid only at right angles²⁰ to the shorter side. Raba said: In either case²¹ the beam must be laid only at right angles²⁰ to the shorter side; and I can give²² my reason and also²² theirs.²³ My reason is:²² [The erection of] a cross-beam was enacted²⁴ in order [to provide] a distinguishing mark,²⁵ and [a beam] in a slanting position provides no such mark.²⁶ Their²⁷ reason is:²⁸ [The object of] a cross-beam was to provide a partition,²⁹ and [a beam] in a slanting position is also a partition. R. Kahana remarked: As the ruling is reported in the name of Kahanas, I would say something about it. The rule³⁰ that the beam may be laid in a slanting position applies only where the slant was no longer than ten cubits, but if it was longer than ten cubits all agree that it is placed only at right angles to the shorter side.³¹

The question was asked: May the space under a cross-beam be used?³² Rab and R. Hiyya and R. Johanan replied: It is permitted to use the space under the beam; Samuel, R. Simeon b. Rabbi and R. Simeon b. Lakish replied: It is forbidden to use the space under the beam. May it be assumed that they³³ differ on the following principle? One Master³⁴ is of the opinion that a cross-beam serves the purpose of a distinguishing mark,³⁵ while the other Master³⁴ holds that the cross-beam serves the purpose of a partition?³⁶ — No; all may agree that a beam serves the purpose of a partition, but it is this principle on which they differ here. One Master³⁴ holds that the distinguishing mark [is to serve as such for those who are] from within,³⁷ and the other Master³⁴ holds that it is for those who are without.³⁸ And if you prefer I would reply: All agree

that it serves the purpose of a partition, but it is this on which they differ here: One Master³⁴ holds that its inner edge [is deemed to] descend and close up [the entrance]³⁹ while the other Master³⁴ maintains that it is its outer edge [that is deemed to] descend and close it up.⁴⁰ R. Hisda stated: All agree that [the use of the space] between side-posts is forbidden.⁴¹

Rami b. Mama enquired of R. Hisda: What is the ruling where one Inserted two pins [respectively] in the two [extremities of the] walls of an alley on the outside⁴² and placed a beam on them?⁴³ The other replied: According to him who permits [elsewhere the use of the space under the cross-beam the use of the space here] is forbidden;⁴⁴ and according to him who forbids [the use elsewhere of such space,⁴⁵ the use of it here] is permitted.⁴⁶

Raba said: According to him also who forbids [the use of the space under the cross-beam the use of the alley here] is forbidden, since we require the beam to rest above the alley and this is not the case here.

R. Adda b. Mattena raised an objection against Raba:⁴⁷ If its⁴⁸ cross-beam

(1) Rab, therefore, found it necessary to state that even where the gaps faced one another the courtyard is still regarded as a private domain.

(2) Supra 8a.

(3) Lit., 'wherefore to me'.

(4) Rab's and that of the Mishnah quoted.

(5) The Mishnah.

(6) Sc. that it is Pentateuchally regarded as a private domain and that consequently it is forbidden to throw any object from the public domain into it.

(7) Such movement being forbidden by an enactment of the Rabbis who imposed upon it the restrictions of a public domain.

(8) That the moving of objects within the courtyard is permitted.

(9) By Amoras.

(10) Sc. from a major alley that opens out into a public domain minor alleys branch out in the shape of the legs of a centipede, and these have two entrances each, one from the major alley and another from a public domain (Rashi), being built, however, in such a manner as to avoid the entrances of any two opposite alleys from facing one another (R. Tam). Should the entrances of two alleys be directly opposite each other they would be regarded as one long alley that opens out at both ends into public domains and would be subject to the more stringent laws that are applicable to such all alley. (V. Tosaf. s.v. **hucn** a.l.)

(11) Fixed at each of the entrances that open out into the public domains.

(12) Each of the minor alleys may be regarded as an arm of a crooked alley the other arm of which is formed by the major alley.

(13) At the entrance of the major alley. If the minor ones have the status of crooked alleys the major one also, for the same reason, should have the same status and be subject to the same laws.

(14) V. supra 6b.

(15) How then could Abaye rule that only the lenient ruling of Samuel was to be followed?

(16) Lit., 'to all of them'.

(17) That terminates in the major alley (Rashi).

(18) Terminating in the public domain (Rashi). R. Han.: 'on one side etc.'; i.e., the shape of the doorway and the

side-post and cross-beam may respectively be set up on either side. V. Also Marginal Gloss.

- (19) One end on the longer and the other on the shorter side, and the alley may be used as far as the beam, i.e., to the termination of each side.
- (20) Lit., 'opposite', 'corresponding'.
- (21) Whether the difference between the lengths of the two walls of an alley was four cubits or less.
- (22) Lit., 'and I say'.
- (23) That of the authorities just mentioned.
- (24) Lit., 'what is the reason?'
- (25) Supra 5a.
- (26) Lit., 'there is no recognition', because the space adjoining the part of the longer wall which protrudes beyond the shorter one, not being enclosed by any wall on its other side, might be mistaken for a continuation of the public domain.
- (27) That of the authorities just mentioned.
- (28) Lit., 'and I say'.
- (29) Between the alley and the public domain.
- (30) Lit., 'that which you said'.
- (31) Since an entrance may not be wider than ten cubits.
- (32) Sc. in the same manner as the interior of the alley. This is a general question relating to any alley.
- (33) The two groups of authorities just mentioned.
- (34) Sc. each of the group.
- (35) Between the alley and public domain. As the mark is there, it is permitted to use the space under it.
- (36) The space under the beam being virtually covered so to speak with the imaginary downward extension of the beam, no use can be made of it.
- (37) The residents of the alley. As they see only the inner side, no use may be made of the space beyond the inner edge.
- (38) I.e., the people in the public domain; so that the whole of the space under the beam belongs to the alley and consequently may be used by the residents of the alley.
- (39) The space under the beam, being in consequence outside the alley, must be regarded as belonging to the public domain and its use must, therefore, be forbidden.
- (40) Cf. previous note mutatis mutandis.
- (41) Where no cross-beam but only a side-post had been put up. The plural (Ohj k) in the text applies to alleys in general, each single alley requiring no more than one side-post at its entrance (V. Rashi).
- (42) Sc. in the thicknesses of the walls, on either side of the entrance, that face the public domain.
- (43) So that the inner edge of the beam touches the walls of the alley while the rest of the beam lies outside. Is the alley, it is asked, rendered ritually fit for the Sabbath by such an arrangement?
- (44) Since the very reason for the permission to use the space under the beam, viz., that the outer edge of the beam is deemed to descend to the ground, is a reason here for the prohibition of the use of the entire interior of the alley. For if the outer edge is the limit of the partition, the thickness of the beam separates it from the alley and so invalidates it as a partition of it.
- (45) Because he maintains that it is the inner edge of the beam that constitutes the partition.
- (46) Since the inner edge does touch the walls of the alley and so forms a valid partition between the public domain and the alley.
- (47) And also against R. Hisda (h" ,).
- (48) Of an alley.

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was drawn away¹ or suspended² [at a distance of] less than three handbreadths [from the walls of the alley] there is no need to provide another beam,³ [but if the distance was] three handbreadths another beam must be provided. R. Simeon b. Gamaliel ruled: [If the distance was] less than four handbreadths there is no need to provide another beam⁴ [but if it was] four handbreadths another beam must be provided.⁵ Does not 'drawn away' [mean that the beam was altogether] outside [the alley],⁶ and 'suspended' [that it was] within?⁷ No; both⁸ [refer to a beam] within the alley, but by 'drawn away' [was meant that the beam was drawn away] from one side,⁹ and by 'suspended' [that it was drawn away] from both sides.¹⁰ [As] it might have been assumed [that the law of] labud¹¹ is applied¹² [only where the beam is removed] from one side but not¹³ [when it is removed] from the two sides, hence we were informed [that in the latter case also the law of labud¹¹ applies]. R. Ashi¹⁴ replied: [The meaning is that the beam was] drawn away [from the walls] and also suspended. And how is this to be imagined? [That a man], for instance, inserted on the tops of the two side-walls of an alley respectively two slanting pins¹⁵ whose height¹⁶ is less than¹⁷ three handbreadths¹⁸ and whose slant also¹⁹ is less than three handbreadths.²⁰ [Since] it might be assumed that we call apply either the law of labud²¹ or that of habut,²¹ but not that of both labud and habut, hence we were informed [that both may also be applied]. R. Zakkai recited in the presence of R. Johanan: [The space] between the side-posts and beneath the cross-beam is subject to the laws of a karmelith.²² 'Go out', the other told him, 'recite this outside'.²³ Said Abaye: It stands to reason that the view of R. Johanan²⁴ [applies to the space] under the beam²⁵ but [that] between the side-posts²⁶ is forbidden. Raba, however, said: [The space] between the side-posts²⁶ is also permitted. Said Rabbi: Why²⁷ do I say this? Because when R. Dimi came²⁸ he reported in the name of R. Johanan: In a place²⁹ whose area is less than³⁰ four by four [handbreadths]³¹ it is permissible³² for both the people of the public domain and those of the private domain to rearrange their burdens,³³ provided only that they do not exchange them.³⁴ And Abaye?³⁵ — There³⁶ [it is a case] where [the place] was three handbreadths in height.³⁷ Said Abaye: Why²⁷ do I say this?³⁸ Because R. Hama b. Goria said in the name of Rab: [The space] within a gateway³⁹ requires⁴⁰ a special⁴¹ side-post to render it permissible.⁴² And should you suggest that [this⁴³ is one] where the area is four handbreadths by four,⁴⁴ surely, [it can be retorted] R. Hanin⁴⁵ b. Raba⁴⁵ stated on the authority of Rab: [The space] within a gateway, though it is less than four handbreadths by four, requires a special⁴⁶ side-post to render its use permitted. And Raba?⁴⁷ — There [it is a case where the alley] opens out into a karmelith.⁴⁸ Is this,⁴⁹ however, permitted [where the alley opens out] into a public domain? The native [then would be] in the earth and the stranger in the highest heavens?⁵⁰ Yes, the like⁵¹ has found its like and is aroused.⁵²

Said R. Huna son of R. Joshua to Raba: Do you not uphold the view that [according to R. Johanan, the space] between side-posts is forbidden? Surely, Rabbah b. Bar Hana stated in the name of R. Johanan: If [a section of one side of] an alley was lined with side-posts⁵³ [fixed within distances of] less⁵⁴ than four [handbreadths⁵⁵ between one another, the question of its use] is dependent⁵⁶ on the dispute between R. Simeon b. Gamaliel and the Rabbis.⁵⁷ [Now this obviously means, does it not, that] according to R. Simeon b. Gamaliel, who ruled [that in respect of such distances the law of] labud is applied,⁵⁸ one is allowed to the [the alley from the interior thereof only] up to the inner edge of the innermost post⁵⁹ and that according to the Rabbis, who ruled

[that in respect of a distance of more than three handbreadths, the law of] labud is not applied,⁶⁰ one is allowed to use [the alley] up to the inner edge of the outermost post,⁶¹ but [the use of the space] between side-posts is unanimously⁶² forbidden?⁶³ And Raba?⁶⁴ — There also [it is a case] where [the alley] opens out into a karmelith. Would this, however, be permitted [where the alley opened out] into a public domain? The native [then would be] in the earth and the stranger in the highest heavens? — Yes, the like has found its like and is aroused.⁶⁵

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- (1) From the alley walls. If, for instance, it was resting on pins driven into the external extremities of the alley walls on either side of the entrance.
 - (2) On a pole erected in the center of the entrance, the ends of the beam not reaching the walls, and hanging, so to speak, in the air.
 - (3) The space between the beam and the walls being so small it is deemed to be non-existent (v. Glos. s.v. labud).
 - (4) Cf. previous note. R. Simeon b. Gamaliel regards as labud (v. Glos.) any gap that is not wider than four handbreadths.
 - (5) Cf. infra 14a, 16b, Suk. 22a.
 - (6) Cf. supra p. 48, n. 9.
 - (7) As explained supra p. 48, n. 10. An objection thus arises against Raba who ruled that the beam must rest within the alley walls.
 - (8) The expressions 'drawn away' and 'suspended'.
 - (9) Sc. it did not reach the wall of the alley on that side but its other end was supported on the opposite wall.
 - (10) The beam resting on a pole fixed in the center of the entrance (cf supra p. 48, n. 10).
 - (11) V. Glos.
 - (12) Lit., 'we say'.
 - (13) Lit., 'we do not say'.
 - (14) Not being satisfied with the previous answer, since it was unnecessary to lay down a special law of labud for two sides when it could be easily inferred from that of one side where the very same principle is involved.
 - (15) Sloping towards each other above the entrance of the alley.
 - (16) From the top of the walls.
 - (17) Lit., 'there is not in their height'.
 - (18) According to the first Tanna.
 - (19) Sc. the distance between the walls and the extremity of the pin.
 - (20) And the beam was placed upon these projections so that it is removed from the walls both vertically and horizontally.
 - (21) V. Glos. Labud ('junction') might apply to the horizontal, and habut ('beating down') to the vertical gap.
 - (22) V. Glos. Consequently the free movement of objects in that space is forbidden on the Sabbath.
 - (23) An expression of disapproval. R. Johanan holds the view that the space mentioned is regarded as a part of the alley in which the free movement of objects is permitted.
 - (24) Cf. previous note.
 - (25) Where no side-posts were erected at the entrance, his reason being that the outer edge of the beam constitutes the virtual partition between the alley and the public domain.
 - (26) If no beam was put up.
 - (27) Lit., 'whence'.
 - (28) From Palestine to Babylon.
 - (29) Situated between a public and a private domain.
 - (30) Lit., 'in which there is not'.

- (31) Being so small it cannot be regarded as a separate domain and assumes, therefore, the legal status of a free area.
- (32) Since it is regarded as a free spot.
- (33) Lit., 'to put on the shoulder'.
- (34) And thus lead people erroneously to assume that it is permitted to carry from a public domain into a private domain or vice versa. (Shab. 8b, infra 77a). For a similar reason (v. supra n. 10) the space between the side-posts, not being of sufficient size to constitute a domain of its own, assumes the same status as the spot spoken of by R. Johanan.
- (35) How can he maintain his view against this principle of R. Johanan?
- (36) R. Johanan's ruling.
- (37) Being a clearly defined spot it may be regarded as a 'free area'. The space between side-posts, however, being comparatively small and level with the ground, is not in any way distinguishable from the domains adjoining it; and, if its use were permitted, people would erroneously assume that it is permitted to carry objects from a public domain into a private domain or vice versa. Hence the prohibition.
- (38) His explanation of R. Johanan's ruling supra.
- (39) Formed by the wide side-posts of an alley.
- (40) In addition to the side-posts mentioned which effect the ritual fitness of the alley itself.
- (41) Lit., 'another'.
- (42) Shab. 9a; from which it follows that where no special side-posts had been put up, the space within the gateway, formed by the side-posts, remains forbidden.
- (43) The case spoken of by R. Hama b. Gorias.
- (44) I.e., large enough to constitute an independent domain to be Rabbinically forbidden.
- (45) Var. lec., 'R. Hama b. Gorias' (Shab. 9a).
- (46) Lit., 'another'.
- (47) How can he maintain his ruling in view of Abaye's argument?
- (48) V. Glos., fields for instance; so that a side-post is necessary to separate the space within the entrance, which is Rabbinically forbidden from the karmelith which adjoins it and which is also Rabbinically forbidden.
- (49) To use the space within the entrance even if no side-post is provided.
- (50) A proverbial paradox. The reverse surely should be expected. If an opening to a karmelith which is only a Rabbinically forbidden domain, requires a side-post how much more so one that opens into a public domain which is Pentateuchally forbidden
- (51) Lit., 'kind'.
- (52) Sc. the space within the entrance is in fact a karmelith, but as it is less than the prescribed size, it loses all its independent existence if it is situated between a private and a public domain, to neither of which it is akin and to neither of which it can be joined. If, however, it adjoins a karmelith on one side it is deemed to have regained its existence as a karmelith by being regarded as a part of the larger domain.
- (53) The first post being placed near the entrance, the second next to it, the third next to the second and so on.
- (54) Lit., 'less less'.
- (55) But more than three handbreadths.
- (56) Lit., 'we came'.
- (57) Supra.
- (58) Lit., 'we say labud' (v. Glos.).
- (59) Since all posts are deemed to be united into one single unit the space between this edge and the entrance of the alley is subject to the law of the 'space between the side-posts'.
- (60) So that each post is deemed to be a separate unit, and the alley's permissibility is consequently effected by

means of the first post that is fixed nearest the entrance.

(61) Cf. previous note.

(62) Lit., 'that all the world', sc. R. Simeon b. Gamaliel and the Rabbis.

(63) Had this been permitted, the dispute on labud could not have had any bearing on the use of the alley mentioned.

(64) How call he still maintain his ruling in view of the objection just raised?

(65) Cf. supra p. 51, nn. 8-11 mutatis mutandis.

Talmud - Mas. Eirubin 9b

R. Ashi replied: [This¹ may refer to a case] for instance where [one side of the alley] was lined with side-posts [placed at distances of] less than four handbreadths [from one another] along four cubits [of its length]. According to R. Simeon b. Gamaliel who ruled [that in respect of such distances the law of] labud is applied [the space bordered by the side-posts] is deemed to be [a proper] alley² which requires an additional side-post to render it permissible,³ and according to the Rabbis who ruled [that the law of] labud is not applied,⁴ no other side-post is required to render it permissible.⁵ But even according to R. Simeon b. Gamaliel⁶ [why] should [not this alley⁷ be permitted]⁸ as [one having a side-post that may be] seen from without⁹ though it appears even¹⁰ within?¹¹ — Is not this explanation¹² required only in respect of a statement of R. Johanan?¹³ But, surely, when Rabin came¹⁴ he reported in the name of R. Johanan [that a post that may be] seen from without but appears even from within cannot be regarded as a valid side-post.

It was stated: [A post that] is seen from within but appears even from without¹⁵ is regarded as a valid side-post; but if it is seen from without and appears even from within¹⁶ [there is a difference of opinion between] R. Hiyya and R. Simeon b. Rabbi. One maintains that it is regarded as a valid side-post and the other maintains that it is not regarded as a valid side-post. You may conclude that it was R. Hiyya who maintained that 'it is regarded as a valid side-post'; for R. Hiyya taught:¹⁷ A wall of which one side recedes more than the other, whether [the recess can be] seen from without and appears even from within or whether it can be seen from within and appears even from without, may be regarded as [being provided with] a side-post.¹⁸ This is conclusive.

Did not R. Johanan, however, hear this?¹⁹ But [what you might contend is] that he did hear it and is not of the same opinion; [is it not then possible that] R. Hiyya also is not of the same opinion?²⁰ — What [a comparison is] this! It might well [be contended that] R. Johanan does not hold the same opinion [and that it was] for this reason that he did not teach it; but as regards R. Hiyya if it is a fact that he does not hold the same opinion, what need was there for him to teach it?²¹

Rabbah son of R. Huna said: [A post that is] seen from without though it appears even from within is regarded as a valid side-post.²² Said Rabbah: We, however, raised an objection against this traditional ruling: [If the full width of a wall of] a small courtyard was broken down [so that the yard now fully opens out] into a large courtyard, [movement of objects on the Sabbath] is permitted in the large one but forbidden in the small one because the gap is regarded as an

entrance to the former.²³ Now, if this²⁴ is valid, should not the movement of objects in the small courtyard also be permitted on [the principle that the entrance may be] seen without²⁵ though it appears even from within? — R. Zera replied: [This is a case] where the walls of the small one project into the large one.²⁶ But why²⁷ should not the principle of labud²⁸ be applied so that the use of the smaller courtyard also might be²⁹ permitted?³⁰ And should you reply that [the walls]³¹ were too far apart,³² surely, [it may be retorted] did not R. Adda b. Abimi recite in the presence of R. Hanina:³³ [The ruling applies to a case where] the small courtyard was ten and the large one eleven cubits?³⁴ — Rabina replied: [This is a case] where [the projections] were removed by two handbreadths from one wall and by four from the other.³⁵ Then let labud be applied to one side and [thereby³⁶ the smaller courtyard would] be permitted?

(1) R. Johanan's statement that the question of the use of the alley under discussion is dependent on the dispute between R. Simeon b. Gamaliel and the Rabbis.

(2) Since a wall of four cubits in length (v. supra 5a) is sufficient to constitute an alley.

(3) The permissibility of the interior of the alley between the inner edge of the innermost post and the back wall is a matter on which Rashi and others differ.

(4) Where a distance or gap is more than three handbreadths.

(5) The outermost post forming, as in their opinion it does, a separate unit, serves as side-post for the entire alley including the four cubits length of space bordered by the other side-posts.

(6) Granted that the space bordered by the side-post constitutes an alley on its own.

(7) Sc. the space bordered by the side-posts (v. previous note).

(8) Without an extra side-post for itself.

(9) Since a side-post (and in the case under discussion, the first side-post) is usually drawn slightly forward to distinguish it from the wall to which it is attached.

(10) And cannot be distinguished from the alley wall.

(11) This ruling is enunciated presently.

(12) The one advanced by R. Ashi.

(13) Of course it is.

(14) From Palestine to Babylon.

(15) I.e., the outer edge of the post is even with the outer edge of the wall of the alley so that to those viewing it from without, the post appears to form a part of the thickness of the wall, while by those within, the thickness of the inner edge that protrudes from the wall can well be seen.

(16) Where the inner edge of the post touches the outer edge of the wall, and the inner width of the post is even with the interior side of the wall, but receding from its outer side.

(17) Tosef. 'Er. I, 10, infra 15a.

(18) That side-post being provided by the thicker projection of the wall that is formed by the receding of the remainder of the wall between it and the back of the alley or by the thinner projection formed by the receding of the wall at that point.

(19) The Baraita just cited in the name of R. Hiyya. How then could he maintain supra that such a post cannot be regarded as a valid side-post?

(20) How then could the Baraita cited be adduced as proof that the ruling it lays down is also the one upheld by R. Hiyya?

(21) None whatever. Since, however, he did teach it, one may well conclude that he holds the same opinion.

(22) Cf. supra for notes.

(23) Supra 8a q.v. notes, infra 92a.

- (24) The ruling of Rabbah b. R. Huna.
- (25) Sc. from the larger courtyard.
- (26) So that the remaining sections of the common wall on either side of the breach cannot possibly be regarded as side-posts of the entrance.
- (27) If the ruling of Rabbah b. R. Huna is to be upheld.
- (28) V. Glos.
- (29) Lit., ‘and let him say labud and it shall be’.
- (30) On the ground of labud the projections of the walls of the smaller yard would be deemed joined to the walls of the larger one and thus form side-posts.
- (31) Of the larger courtyard.
- (32) From the projections. The principle of labud call only be applied to distances of less than three handbreadths.
- (33) Var. lec. Hiyya Papi (MS.M); Hanina b. Papi (Bah). Marginal note inserts, ‘and others say before R. Hanina b. Papa’.
- (34) Sc. the common wall of the two courtyards was ten cubits in length and extended on either side, in the larger courtyard only, to a length of eleven cubits, so that the joint length of the remaining sections of this wall (cf. supra note 4) cannot be more than one cubit, or six handbreadths. This allows no more than about three handbreadths for each side, from which, again, allowance must be made for the thickness of the projections, leaving a space of less than three handbreadths, to which the principle of labud may well be applied.
- (35) A total of one cubit only, but, as the gap on one side is more than the allowed maximum, labud on that side cannot be applied.
- (36) By the formation of some sort of doorway.

Talmud - Mas. Eirubin 10a

— [This ruling¹ is in agreement with the view of] Rabbi² who laid down that two posts are required. For it was taught: A courtyard³ may be converted into a permitted domain by means of one post,⁴ but Rabbi ruled: [Only] by two posts.⁵ [But] what [an interpretation is] this! If you concede [that a side-post that can be] seen from without but appears even from within cannot be regarded as a valid side-post,⁶ and that Rabbi holds the same view as R. Jose,⁷ and [that the replies] of R. Zera and Rabina⁸ are not to be accepted, it will be quite intelligible why [the measurement of the] small courtyard [was given] as ten cubits and that of the large one as eleven, the reason being that he⁹ is of the same opinion as R. Jose.¹⁰ If, however, you contend [that a side-post that can be] seen from without though it appears even from within may be regarded as a valid side-post, and [that the replies] of R. Zera and Rabina are to be accepted,¹¹ and that Rabbi¹² is not of the same opinion as R. Jose,¹³ what [it may be asked] was the object [of giving the measurement of the] large courtyard as eleven cubits? For whatever the explanation advanced¹⁴ [a difficulty arises]. If [it be suggested] that the object¹⁵ was¹⁶ to [explain why] the large courtyard was¹⁷ permitted, [it could well be objected that a length of] ten cubits and two handbreadths would have been enough,¹⁸ and if the object was¹⁶ to [provide a reason¹⁹ for] the prohibition of the small courtyard,²⁰ why [it may equally be objected] did he not inform us [of a case] where [the walls] were much wider apart?²¹ Hence²² it must be concluded [that a post that can be] seen from without but appears even from within²³ cannot be regarded as a valid side-post. This is conclusive.

R. Joseph remarked: I did not hear that reported ruling²⁴ [from my teachers].²⁵ Said Abaye to

him.²⁶ You yourself told us that ruling, and it was in connection with the following that you told it to us. For Rami b. Abba said in the name of R. Huna that 'a post which formed an extension of the wall of an alley,²⁷ [provided it was] less than four cubits [in length], may be regarded as a valid side-post and one may use [the alley] as far as its inner edge,²⁸ [but if it was] four cubits long it must be regarded as an alley and it is forbidden to make use²⁹ of any part of the alley';³⁰ and you told us in connection with this, that three rulings may be inferred from this statement: 'It may be inferred that the space between side-posts is a forbidden domain,³¹ and it may be inferred [that the minimum] length of an alley is four cubits,³² and it may also be inferred [that a post that can be] seen from without though it appears even from within may be regarded as a valid side-post'.³³ And the law is [that a post that is] visible from without though it appears even from within may be regarded as a valid side-post. A refutation and a law?³⁴ — Yes, because R. Hiyya taught in agreement with him.³⁵

AND [ANY ENTRANCE] THAT IS WIDER THAN TEN CUBITS SHOULD BE REDUCED. Said Abaye, a Tanna taught: And [any entrance] that is wider than ten cubits should be reduced, but R. Judah ruled that it was not necessary to reduce it.³⁶ But up to what extent³⁷ [is reduction unnecessary]?³⁸ R. Ahi³⁹ [discoursing] before R. Joseph intended to reply: To the extent of thirteen cubits and a third, [this being deduced] a minori ad majus from [the law relating to] enclosures⁴⁰ round wells:⁴¹ If [in the case of] enclosures round wells, where [the use of the wells]⁴² is permitted even though the broken [portions of the enclosure] exceed the standing ones, no [break] wider than thirteen cubits and a third is permitted, how much more reason is there that no [opening] wider than thirteen cubits and a third should be permitted [in the case of] an alley [the use of] which is not permitted where its broken portions exceed the standing ones. But [in fact] this [very law]⁴³ provides [ground for all argument to the contrary]: [in the case of] enclosure of wells, where [the use of the wells] was permitted even if the broken [portions of an enclosure] exceeded the standing ones, no [gap] wider than thirteen cubits and a third could well be permitted,⁴⁴ [but in the case of] an alley, [the use of which] is not permitted where the broken portions [of its walls] exceeded their standing ones⁴⁵ [an opening] wider than thirteen cubits and a third may well be permitted. Or else, [the argument might run] in another direction: [As regards] enclosures of wells, since the law was relaxed in one respect,⁴⁶ it could also be relaxed in another,⁴⁷ [but as regards] an alley no [opening wider than ten cubits may have been allowed] at all.⁴⁸

Levi learned: If [an entrance to] all alley was twenty cubits wide a reed may be inserted in the center of it and this is sufficient.⁴⁹ He himself has learnt it and he himself said that the halachah is not in agreement with that teaching.⁵⁰

Some there are who read: Samuel laid down in the name of Levi that the halachah was not in agreement with that teaching.⁵⁰ How, then, does one proceed?⁵¹ — Samuel replied in the name of Levi:

(1) Of the Mishnah cited by Rabbah.

(2) R. Judah I, the Patriarch, compiler of the Mishnah.

(3) That had a breach not exceeding ten cubits in width in a wall that adjoined a public domain. A wider breach cannot be converted into a doorway by the means that follow.

- (4) Sc. one strip of wall remaining on one side of the breach is sufficient to constitute a side-post and to convert the breach into a doorway.
- (5) One on either side of the breach. *Infra* 12a.
- (6) I.e., that this (as assumed *supra* by Rabbah) is the reason why the smaller courtyard in the Mishnah cited (*supra* 9b, *ad fin.*) is forbidden.
- (7) That the minimum width of a side-post must be three handbreadths (*infra* 14b) and much more so, that of a strip of courtyard wall.
- (8) *Supra* 9b *ad fin.*
- (9) Rabbi.
- (10) Cf. *supra* n. 9. The one cubit (sc. six handbreadths) by which the length of the wall of the larger courtyard exceeds that of the smaller one allows of two side-posts, each of the width of three handbreadths, one on either side of the breach, and thereby the permissibility of the use of the larger courtyard is effected. The object of the measurements given would thus be to indicate the grounds on which the permissibility of the use of the larger courtyard is based.
- (11) So that the reason for the prohibition of the use of the smaller courtyard is not the one given *supra* (cf. note 8) but that advanced by R. Zera or Rabina.
- (12) Who, in accordance with the explanation of R. Zera, permits the use of the larger courtyard even though one of the side-posts was only two handbreadths in width.
- (13) Cf. *supra* p. 56, n. 9.
- (14) Lit., 'from what your desire or opinion'.
- (15) Of mentioning the number eleven which allows for two valid side-posts, one on either side of the breach.
- (16) Lit., 'he came'.
- (17) By means of these posts (cf. *supra* n. 3).
- (18) To provide side-posts; since Rabbi does not adopt R. Jose's minimum of three handbreadths.
- (19) By allowing a distance of four handbreadths on one side (v. Rabina's reply, *supra* 9b *ad fin.*).
- (20) Thus indicating that, were it not for the impossibility of applying the principle of *labud*, the small courtyard would have been permitted on account of the side-posts (obtained by *labud*) which, though invisible from within, are visible from without.
- (21) From which it would have been much more obvious than from the less definite case mentioned that the only reason for the prohibition was the inapplicability, owing to the wide gap, of the principle of *labud*. From this the conclusion, that were it not for this inapplicability, the smaller courtyard also would have been permitted (cf. previous note), would inevitably have followed.
- (22) Lit., 'but, not?' Since a width of three handbreadths had to be allowed for each side-post on either side of the breach to enable the larger courtyard to be permitted and since the smaller one in such circumstances remains forbidden.
- (23) Analogous to the case under discussion (cf. previous note).
- (24) Of Rabbah b. R. Huna (*supra* 9b).
- (25) R. Huna the father of Rabbah (Rashi).
- (26) R. Joseph who, as a result of a severe illness, lost his memory. Abaye often recalled to his mind his own sayings and rulings.
- (27) Its edge touching the edge of the alley wall and one of its sides being even with the interior side of the wall, while its external side recedes from the external side of the alley wall.
- (28) The point (v. previous note) where the internal side of the alley wall meets the post.
- (29) Sc. to move objects on the Sabbath.
- (30) Lit., 'in all of it', since the alley is now without a valid side-post.

- (31) Since the use of the alley was allowed only as far as the inner edge of the side-post.
- (32) It having been laid down that if the post was four cubits long, the post itself must be regarded as an alley wall.
- (33) The post spoken of by R. Huna being of such a character.
- (34) Sc. is it likely that a ruling which has been conclusively proved by Rabbah to be refuted by a Mishnah (v. supra pp. 54-57) would be accepted as law?
- (35) R. Huna (Tosef. 'Er. I, supra 9b, infra 15a) in the case of an alley wall that had a recess on one side.
- (36) Supra 2b.
- (37) Lit., 'and until how much'.
- (38) According to R. Judah.
- (39) Bomb. ed. 'Athi'.
- (40) Lit., 'strips', 'boards'.
- (41) V. infra 17b.
- (42) on the Sabbath.
- (43) Of wells' enclosures.
- (44) Had this been permitted hardly any enclosure would have remained.
- (45) So that the greater part of the alley is adequately enclosed.
- (46) The broken portions may exceed the standing ones.
- (47) A gap up to thirteen cubits and a third was also allowed.
- (48) No deduction from the law of enclosures of wells may consequently be made.
- (49) To convert it into a valid entrance.
- (50) Because the empty space on both sides of the reed annuls the existence of the reed.
- (51) In reducing the width of an entrance.

Talmud - Mas. Eirubin 10b

A strip of boarding of the height of ten handbreadths by four cubits may be constructed, and this is placed [in the middle of the entrance] parallel to the length of the alley.¹ Or else [one may proceed] in accordance with the advice of Rab Judah, who laid down that where [an entrance to] an alley was fifteen cubits wide a strip of boarding of three cubits [in length] may be constructed at a distance of² two cubits [from one of the walls of the alley].³ But why?⁴ [Could not one] put up a strip [of the width] of one cubit and a half [adjoining the wall] and at a distance of⁵ two cubits [from it, another] strip [of the width] of one cubit and a half?⁶ May then one infer from this⁷ that standing [portions of a wall] on the two sides [of a breach in it, though jointly] exceeding [the width of] the breach,⁸ are not [to be regarded as valid] standing?⁹ — In fact it may be maintained [that standing portions separated by a breach] are elsewhere [regarded as] a valid wall¹⁰ but here [the law] is different, since the space on the one side [of the intermediate strip] and the space on its other side unite¹¹ to destroy its legal existence. Then [why should not one] put up [adjoining one of the walls] a strip one cubit wide, and, at a distance of¹² one cubit [from that strip, another] strip one cubit wide, and at a distance of one cubit [from the second strip, a third] strip one cubit wide? May then one infer from this¹³ [that where] the standing [portions of a wall are] equal [in size] to its breaches¹⁴ [the space it enclosed is] forbidden?¹⁵ — In fact it may be maintained that elsewhere this is permitted, but here [the law] is different, since the space on the one side [of the third strip]¹⁶ and the space on its other side¹⁷ unite to destroy¹⁸ its legal existence. [Why then could not] a strip of one cubit and a half in width be put up at a distance of one cubit [from one of the walls] and another strip of the width of one cubit and a half at a distance of one

cubit [from the first strip]?¹⁹ — This could indeed be done,²⁰ but the Rabbis did not put a man to so much trouble. But should not the possibility be taken into consideration that one might neglect the bigger opening²¹ and enter by the smaller one?²² R. Adda b. Mattenah²³ replied: There is a legal presumption that no man would forsake a big opening and enter by a small one. But wherein does this case differ from that of R. Ammi and R. Assi?²⁴ — There one might use [the smaller opening]²⁵ as a short cut²⁶ but here²⁷ it cannot be used as a short cut. Elsewhere²⁸ it was taught:²⁹ The leather seat of a stool and its hole combine to [constitute the minimum of] a handbreadth.³⁰ What [is meant by] ‘the leather seat of a stool’? — Rabbah b. Bar Hana in the name of R. Johanan explained: The leather covering a privy stool. And how much [must the respective areas of the leather and the hole be]? — When R. Dimi came³¹ he stated: [An area of] two fingers [of leather] on the one side [of the hole] and [an area of] two fingers on the other side, and a hole³² [of the size of] two fingers in the center. When Rabin came³¹ he stated: [The area of] one finger and a half on one side and of one finger and a half on the other, and a hole [of the size of one] finger in the center.

Said Abaye to R. Dimi: Are you³³ in dispute? — No, the other replied, one of us referred to³⁴ the thumb³⁵ and the other³⁴ to the small finger, and there is no real difference of opinion between us.³⁶ Indeed, retorted the former, you do differ, and your difference emerges in [the case where] the standing [portions of a wall jointly] exceed its breach on both sides [of which they stand]. According to your view the standing [portions situated] on the two sides [of the breach] do combine; but according to Rabin's view they must be on one side only³⁷ [but if they are] on the two sides [of the breach] they cannot combine.³⁸ For, if it be imagined that you have no difference of opinion [on this point], the statement of Rabin should have run thus: ‘[The area of] a finger and a third on one side [of the hole] and that of a finger and a third on its other side, and a hole of one finger and a third in the center’.³⁹ What then [do you suggest, said R. Dimi,] that we differ? [Should not in that case] my statement have run thus: ‘[The area of] a finger and two thirds on one side [of the hole] and that of a finger and two thirds on the other side, and a hole of the size of two fingers and two thirds in the center’?⁴⁰ If, however, it must be said⁴¹ that we differ, our difference would apply to the case where the breach is equal to [either of] the standing [portions].⁴²

BUT IF IT HAS THE SHAPE OF A DOORWAY THERE IS NO NEED TO REDUCE IT EVEN THOUGH IT IS WIDER THAN TEN CUBITS. Thus we find that the shape of a doorway is effective⁴³ in respect of the width [of an entrance]⁴⁴ and a cornice in respect of its height.⁴⁵

(1) Since a length of four cubits constitutes an alley wall, the one wide entrance may be regarded as consisting of two narrower entrances, one serving a smaller alley and one serving a larger one.

(2) Lit., ‘he removes’.

(3) Thus leaving an entrance of ten cubits in width between the boarding and the opposite wall of the alley. The space of two cubits between the boarding and the first mentioned wall is deemed to be closed and forming together with the boarding a virtual wall five cubits in length, the validity of such a wall being recognized on the ground that the standing portion of this wall (three cubits) is larger than its gap (two cubits). Likewise where the entrance is twenty cubits wide, a similar boarding is also set up near the other wall.

(4) Should it be necessary to have one strip of boarding of the full length of three cubits.

- (5) Lit., 'and he shall remove'.
- (6) Again leaving a gap no wider than two cubits on one side and reducing the width of the entrance to ten cubits.
- (7) Since only one strip of the full length of three cubits was allowed.
- (8) As in this case where the two boards would measure three cubits, whilst the gap between them only two.
- (9) But this, surely, is hardly likely.
- (10) Lit., 'standing', if they exceed the width of the breach.
- (11) Lit., 'because it comes . . . and destroys'.
- (12) Lit., 'and he shall remove'.
- (13) Since such all arrangement is not permitted.
- (14) As is the case here where each cubit width of space is flanked by a cubit width of boarding.
- (15) For the movement of objects on the Sabbath. As this point is a question in dispute between R. Papa and R. Huna son of R. Joshua (infra 15b), may it be concluded that Rab Judah is of the same opinion as R. Huna?
- (16) The one placed next to the entrance which is itself a gap of ten cubits.
- (17) The one cubit gap.
- (18) Lit., 'because it comes . . . and destroys'.
- (19) In this case the gap of one cubit in width on the one side of the second strip, being smaller than the strip, cannot unite with the entrance on the other side to destroy the existence of that strip. This would be preferable to the first procedure which involves a gap of two cubits.
- (20) Lit., 'yes, thus also'.
- (21) Depriving it thereby of the status of an entrance.
- (22) As this smaller opening is not provided with a side-post, and as the post fixed at the bigger opening which is now no longer used as an entrance (v. previous note) loses its status as a side-post, the alley would remain unprovided for by any valid side-post, and movement of objects in it on the Sabbath would be forbidden.
- (23) Var. lec., Rab Judah (Asheri).
- (24) Supra 5a where provision was made against the possibility of one using the smaller opening in preference to the bigger one.
- (25) Since it opens out from a side wall.
- (26) Lit., 'reduce walking'.
- (27) As both openings are adjacent to one another and lead practically to the same spot.
- (28) Tosef. Kelim. B.B. I, 4.
- (29) Cur. edd. **ib**, is incorrect since the following does not occur in any Mishnah.
- (30) As regards the laws of levitical defilement by overshadowing or ohel (v. Glos). Only where the ohel was not smaller than a handbreadth (six fingers) are utensils lying under it defiled by the prescribed minimum of a portion of a corpse lying under the same ohel (cf. Oh. III, 7; Suk. 18a).
- (31) From Palestine to Babylon.
- (32) Lit., 'space'.
- (33) Sc. R. Dimi and Rabin.
- (34) Lit., 'that'.
- (35) Which equals in width that of a small finger and a half.
- (36) Since four of the former, like six of the latter, constitute one handbreadth.
- (37) Lit., 'from one side is a standing'.
- (38) Lit., 'is not a standing', if the portion on each side is not bigger than the breach.
- (39) In which case, as in that of R. Dimi, the leather would exceed the hole only if the two sides were combined. As Rabin, however, required the leather on each side singly to exceed the hole he must obviously differ from R. Dimi.

(40) From this it would have followed that, though the standing portions on either side are smaller than the breach, the two sides are combined. This law, however, cannot be derived from the actual wording used since all it implies is that only where each of the standing portions on either side is equal to the breach, the two sides may be combined, but not when either of them is smaller than the breach.

(41) Lit., 'there is to say'.

(42) Cf. supra n. 1.

(43) in converting the alley into a permitted domain.

(44) Sc. even though it is wider than ten cubits.

(45) Even if it is higher than twenty cubits, v. supra 3a.

Talmud - Mas. Eirubin 11a

What, [however, is the law where these are] reversed?¹ — Come and hear what was taught: ['A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered but if [the entrance] had the shape of a doorway there is no need to lower it'.² What [about the effectiveness of] a cornice in respect of its width? — Come and hear what was taught: ['A cross-beam spanning the] entrance [to a blind alley] at a height of more than twenty cubits should be lowered, and [an entrance] that is wider than ten cubits should be reduced [in width], but if it had the shape of a doorway, there is no need to reduce [the height of the beam] and if it 'has a cornice there is no need to reduce'. Does not this³ refer to the last clause?⁴ No; [it may refer] to the first clause.⁵ Rab Judah taught Hiyya b. Rab in the presence of Rab: It is not necessary to reduce [its width].⁶ Teach him, [Rab] said to him,⁷ 'It is necessary to reduce it'. Said R. Joseph: From the words of our Master⁸ we may infer that a courtyard the greatest part [of the walls] of which consists of doors and windows cannot be converted into a permitted domain⁹ by [the construction] of the shape of a doorway. What is the reason? Since [an entrance] wider than ten cubits causes the prohibition of an alley and a breach [in a wall] that is larger than its standing [portions] causes the prohibition of a courtyard [the two may be compared]: As [an opening that is] wider than ten cubits, which causes the prohibition of an alley cannot be ritually rectified by means of the shape of a doorway, so also a [wall] the breach in which is larger than its standing [portions], which causes the prohibition of a courtyard, cannot be ritually rectified by means of the shape of a doorway. — [This, however, is no proper analogy, for the shape of a doorway] may well [be ineffective in the case of an opening] wider than ten cubits, which causes the prohibition of an alley, since it¹⁰ cannot effect permissibility in the case of enclosures of wells, in accordance with the views of R. Meir;¹¹ but how could you apply [this restriction] to the case where a breach [in a wall] is larger than its standing portions, though it causes the prohibition of a courtyard, when this¹² was permitted in respect of enclosures of wells in accordance with the opinion of all?¹³

May it be suggested [that the following] provides support to his view?¹⁴ [It was taught: The space enclosed by] such walls as consist mostly of doors and windows is permitted,¹⁵ provided the standing portions exceed the gaps?¹⁶ — [You say:] 'As consist mostly'! Is this conceivable?¹⁷ — Rather read: '[The space] in which there were many¹⁸ doors and windows [is permitted] provided the standing portions exceed the gaps?¹⁹ — Said R. Kahana: That²⁰ may have been taught in respect of Semitic²¹ doors.²² What is meant by 'Semitic doors'? — R. Rehumi²³ and R. Joseph differ on this point. One explains: [Doors] that have no [proper] side-posts, and the other

explains: Such as have no lintel.²⁴

R. Johanan also holds the same view as Rab.²⁵ For Rabin son of R. Adda stated in the name of R. Isaac: It once happened that a man of the valley of Beth Hiwarta²⁶ drove four poles²⁷ in the four corners of his field and stretched across [each two of] them a rod,²⁸ and when the case was submitted to the Sages they allowed him [its use] in respect of kil'ayim.²⁹ And [in connection with this statement] Resh Lakish remarked: As they allowed him [its use] In respect of kil'ayim so have they allowed it to him in respect of the Sabbath,³⁰ but R. Johanan said: Only in respect of kil'ayim did they allow him [its use]; they did not allow it in respect of the Sabbath. Now [what is the form, of the construction] with which we are here dealing? If it be suggested [that it is one where the rods were attached] sideways,³¹ surely [it could be objected] did not R. Hisda rule that the shape of a doorway that was made [with the cross-reed attached] sideways is of no validity?³² Consequently [it must be a case where the reeds were placed] on top of the poles. Now, how³³ [far were the poles from one another]? If [it be suggested] less than ten cubits, [the difficulty arises] would R. Johanan in such a case have said that in respect of the Sabbath there is no validity [in such a door]?³⁴ Must it not [consequently be conceded that the distance was] greater than ten cubits?³⁵ — No; [the distance] in fact [might have been] within that of ten cubits, and [the reeds might have been attached] sideways, but the principle on which they³⁶ differ is that laid down by R. Hisda.³⁷

An incongruity, however, was pointed out between two rulings of R. Johanan³⁸ as well as between two rulings of Resh Lakish.³⁹ For Resh Lakish stated in the name of R. Judah son of R. Hanina:

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- (1) i.e., would the shape of a doorway be effective where the height of the entrance is above twenty cubits or a cornice where the width is more than ten cubits?
 - (2) The beam.
 - (3) 'But if it has a cornice . . . it'.
 - (4) 'An entrance that is wider than ten cubits'. The answer presumably being in the affirmative, the question raised is clearly solved.
 - (5) Which deals with the height of an entrance.
 - (6) If the entrance was provided with the shape of a doorway.
 - (7) Rab Judah.
 - (8) Rab, who ruled that the shape of a doorway is of no avail where the entrance is wider than ten cubits.
 - (9) Even if the openings are less than ten cubits in width.
 - (10) The shape of a doorway.
 - (11) Cf. *infra* 17b. It is, therefore, quite logical that as it cannot effect permissibility in the case of the enclosures, so it cannot effect it in an alley the opening of which is wider than ten cubits.
 - (12) Breaches each of which is not wider than ten cubits though their total width is larger than that of the standing portions of the enclosure.
 - (13) Even according to R. Meir who does not allow a breach that was wider than ten cubits, and much more so according to R. Judah who allows a breach of thirteen cubits and a third.
 - (14) That the shape of a doorway does not effect permissibility where the standing portions are smaller than the breaches.
 - (15) For Sabbath use, in respect of the movement of objects.

(16) Infra 16b.

(17) Of course not. If the greater part of the walls is made up of doors and windows their 'standing portions' could not 'exceed the gaps'.

(18) Lit., in which he increased'. **ivc vchra** is similar in sound to the previously assumed reading, **icura**.

(19) Which proves that even where an opening has the shape of a doorway (as is the case with the 'doors and windows' spoken of) the space enclosed cannot be regarded as a permitted domain unless the total width of the standing portions exceeds that of the breaches, in agreement with the view of Rab.

(20) The ruling just cited.

(21) Sc. Palestinian. **htnha** is derived from **oa** the second son of Noah whose descendants lived in Palestine (R. Han. in Tosaf. s.v. **hj , p** a.l.). Aliter. Desolate or incomplete (Rashi).

(22) A ruling which need not necessarily apply to ordinary, or proper doors.

(23) MS.M., Nehumi.

(24) Lit., 'ceiling'.

(25) That the shape of a doorway is of no avail where the entrance to an alley is wider than ten cubits.

(26) V. Ta'an., Sonc. ed., p. 7, n. 2.

(27) **ihxhsbue** pl. of **xsbue** or **xuybue** Cf. Gr. **.

(28) To give them the shape of a doorway.

(29) V. Glos. They regarded the doorway shaped structures as valid partitions which enable the owner to grow vines on one side though corn was grown in close proximity on the other. In the absence of a partition it is necessary, in accordance with the laws of kil'ayim, to leave a distance of four cubits between a vineyard and a cornfield.

(30) Sc. to move objects within the space enclosed, the poles and rods being treated as valid doorways.

(31) I.e., they were not placed on the tops of the poles but were joined lower down to their sides.

(32) Lit., 'he has done nothing'. Such a construction then could not be regarded as valid in respect of kil'ayim?

(33) Lit., 'and in what?'

(34) Obviously not, since it is universally agreed that a maximum width of ten cubits is permitted.

(35) Apparently it must; which proves that R. Johanan, who stated: 'They did not allow it in respect of the Sabbath' holds the same view as Rab.

(36) R. Johanan and Resh Lakish.

(37) Resh Lakish does not adopt the principle; hence his opinion that, though the reeds were attached sideways, the shape of the doorway is a valid one in respect of the Sabbath as in that of kil'ayim. R. Johanan, however, upholds the principle in the case of the Sabbath since its sanctity is great, but not in that of kil'ayim which is of comparatively lesser importance and subject to lesser restrictions. Hence his view that the doorway under discussion is valid in respect of the latter but invalid in that of the former.

(38) Lit., 'of R. Johanan on R. Johanan'.

(39) Cf. previous note.

Talmud - Mas. Eirubin 11b

A plait [of rods trained on poles] is a valid partition¹ in respect of kil'ayim but not in respect of the Sabbath; and R. Johanan stated: As it has no [validity as regards] partitions in connection with the Sabbath, so it has no [validity in respect of] partitions in connection with kil'ayim. One might well concede that there is really no incongruity between the two rulings of Resh Lakish, since the former might be his own while the latter might be that of his Master;² but do not the two rulings

of R. Johanan represent a contradiction? [Still] if you were to concede that there³ [the rods were placed] on the tops of the poles while here [the plait was trained] on the sides [all would be] well.⁴ If, however, you maintain that in both cases [the rods were attached] sideways, what can be said [in explanation]?⁵ — The fact is that it may be maintained that both cases refer [to rods attached] sideways, but there³ [the distance between the poles was] within that of ten cubits while here it exceeded that of ten cubits. But whence is it derived that we draw a distinction⁶ between [distances of] ten, and more than ten cubits? — [From the following] which R. Johanan said to Resh Lakish. ‘Did it not so happen [the former said to the latter] that R. Joshua went to R. Johanan b. Nuri to study the Torah; and, though he was well versed in the laws of kil’ayim, on finding that [the Master] was sitting among the trees, he stretched a rod from one tree to another and said to him: Master, if vines were growing on one side of the rod⁷ would it be permitted⁸ to sow corn on the other?’⁹ [And the Master] told him: [If the distance between the trees¹⁰ is] within that of ten cubits it is permitted but if it exceeds ten cubits it is forbidden?’ Now, what was the case under discussion? If it be suggested: [one where the rod was placed] on the tops of the trees, [why was it ruled, it could be objected, that] ‘if it exceeds ten cubits it is forbidden’ seeing that it was taught: If forked reeds were there and a plait was made above them it is permitted¹¹ even [if the distance between the reeds] exceeded that of ten cubits?¹² Must it not consequently [be one where the rod was attached] sideways?¹³ And yet he¹⁴ told him, ‘[If the distance between the trees is] within that of ten cubits it is permitted but if it exceeds ten cubits it is forbidden’ — This proves it.

[Reverting to] the [previous] text, R. Hisda ruled that the shape of a doorway that was made [with the cross-reed attached] sideways is of no validity. R. Hisda further ruled: The shape of the doorway of which they¹⁵ spoke must be sufficiently strong to support¹⁶ a door [made of the lightest material] even if only a door of straw.

Resh Lakish ruled in the name of R. Jannai: The shape of a doorway must have a mark for a hinge. What [is meant by] ‘a mark for a hinge’? R. Awia replied: A loop.¹⁷ R. Aha the son of R. Awia, met the students of R. Ashi. He asked them, ‘Did the master say anything in respect of the shape of a doorway?’ ‘He,’ they replied to him, ‘said nothing at all [about it]’.

It was taught: The shape of a doorway of which they¹⁵ spoke must have a reed on either side and one reed above. Must [the side-reeds] touch [the upper one] or not?¹⁸ — R. Nahman replied: They need not touch it, and R. Shesheth replied: They must touch it. R. Nahman proceeded to give a practical decision¹⁹ in the house of the Exilarch in agreement with his traditional ruling.²⁰ Said R. Shesheth to his attendant, R. Gadda,²¹ ‘Go pull them out and throw them away’. He accordingly went there, pulled them out and threw them away. He was found, however, by the people of the Exilarch's household and they incarcerated him. R. Shesheth thereupon followed him and, standing at the door [of his place of confinement], called out to him, ‘Gadda, come out’, and he safely came out.

R. Shesheth met Rabbah b. Samuel and asked him, ‘Has the Master learnt anything about the shape of a doorway?’ — ‘Yes’, the other replied, ‘we have learnt: An arched [doorway], said R. Meir, is subject to the obligation of a mezuzah²² but the Sages exempt it.²³ They agree, however,²⁴ that if its lower section²⁵ was ten handbreadths in height [the doorway] is subject to

the obligation.²⁶ And Abaye²⁷ stated: All²⁸ agree that, if [an arched doorway] was ten handbreadths high but its lower section²⁹ was less than³⁰ three [handbreadths in height], or even if the lower section was three [handbreadths high] but its total height was less than ten handbreadths, the doorway is not valid at all.³¹ They only differ where [the height of] its lower section was three handbreadths, its total height³² was ten cubits and the width [of its arch] was less than four handbreadths, but [its sides are wide enough for the arch] to be cut to a width³³ of four handbreadths. R. Meir is of the opinion [that the sides are regarded as] cut for the purpose of completing [the prescribed width], while the Rabbis maintain [that they are not regarded as] cut for the purpose of completing [the prescribed width].³⁴ ‘If you meet the people of the Exilarch’s house’, he³⁵ said to him, ‘tell them nothing whatever of the Baraita about the arched doorway’.

MISHNAH. THE RENDERING OF AN ALLEY FIT [FOR THE MOVEMENT OF OBJECTS WITHIN IT ON THE SABBATH], BETH SHAMMAI RULED, REQUIRES A SIDE-POST AND A BEAM,³⁶ AND BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM. R. ELIEZER RULED: TWO SIDE-POSTS. A DISCIPLE IN THE NAME OF R. ISHMAEL, STATED IN THE PRESENCE OF R. AKIBA: BETH SHAMMAI AND BETH HILLEL DID NOT DIFFER ON [THE RULING THAT] AN ALLEY THAT WAS LESS THAN FOUR CUBITS [IN WIDTH]³⁷ MAY BE CONVERTED INTO A PERMITTED DOMAIN EITHER BY MEANS OF A SIDE-POST OR BY THAT OF A BEAM. THEY ONLY³⁸ DIFFER IN THE CASE OF ONE THAT WAS WIDER THAN FOUR, AND NARROWER THAN³⁹ TEN CUBITS, IN RESPECT OF WHICH BETH SHAMMAI RULED: BOTH A SIDE-POST AND A BEAM [ARE REQUIRED] WHILE BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM. R. AKIBA MAINTAINED THAT THEY⁴⁰ DIFFERED IN BOTH CASES.⁴¹ GEMARA. In accordance with whose [view was our Mishnah⁴² taught]? Is it in agreement neither with the view of Hanania nor with that of the first Tanna?⁴³ — Rab Judah replied: It is this that was meant: How is a blind⁴⁴ ALLEY RENDERED FIT [FOR THE MOVEMENT OF OBJECTS WITHIN IT ON THE SABBATH]? BETH SHAMMAI RULED: [By the construction of] A SIDE-POST AND A BEAM AND BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM.

BETH SHAMMAI RULED: A SIDE-POST AND A BEAM. Does this⁴⁵ then imply that Beth Shammai hold the opinion that Pentateuchally⁴⁶ four partitions [and no less, constitute a private domain]? — No; as regards throwing⁴⁷ [into it from a public domain] one incurs guilt even if [the former had] only three walls,⁴⁸ [but in respect] of moving [objects within it] only⁴⁹ where there are four walls [is this permitted].⁵⁰

BETH HILLEL RULED: EITHER A SIDE-POST OR A BEAM. Does this⁵¹ imply that Beth Hillel hold the view that Pentateuchally three partitions [are required to constitute a private domain]? No; as regards throwing [from a public domain into it] one incurs guilt even if [the former had] only two walls,⁵² [but in respect] of moving [objects within it], only where there are three walls [is this permitted].⁵⁰

R. ELIEZER RULED: TWO SIDE-POSTS. A question was raised: Does R. Eliezer mean two side-posts and a beam or is it likely that he means two side-posts without a beam? — Come and hear: It once happened that R. Eliezer went to his disciple, R. Jose b. Perida,

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- (1) Lit., 'permitted'.
- (2) Lit., 'that his own; that of his Master', R. Judah son of R. Hanina.
- (3) The first case of kil'ayim cited supra 11a.
- (4) Since it is the position of the rods or plait that determines the question of the validity of the partition in respect of kil'ayim. (The distance between the poles in both cases must, of course, be assumed to exceed that of ten cubits since in the case of a lesser distance, R. Johanan would have recognized the validity of the construction even in respect of the Sabbath).
- (5) Of the contradiction between the two rulings of R. Johanan.
- (6) In respect of kil'ayim, where a rod was attached to the sides of the poles.
- (7) Lit., 'here'.
- (8) Lit., 'what is it'.
- (9) Lit., 'here'.
- (10) On which the rod was stretched.
- (11) To grow vines and corn on either side in close proximity.
- (12) Tosef. Kil. IV, infra 16a.
- (13) Of course it must.
- (14) R. Johanan b. Nuri.
- (15) The Rabbis who recognize the validity of such a construction.
- (16) Lit., 'to cause to make (to fix) in it'.
- (17) In which to insert the hook of the door (Rashi). Jast. regards **t, ect** as a noun pl., 'loops', 'leather rings'.
- (18) v. supra p. 48, n. 10.
- (19) Lit., 'did a deed'.
- (20) By fixing reeds at distances of more than ten cubits from one another and suspending one reed above each pair he constructed a number of doorways round an area and declared it to be a permitted domain though the cross-reeds did not touch the side-reeds.
- (21) MS.M., Gaddal.
- (22) v. Glos.
- (23) A doorway is not subject to the obligation of a mezuzah unless it has a minimum width of four handbreadths while an arch obviously narrows down at the top to less than that width.
- (24) Lit., 'and equal'.
- (25) Lit., 'in its feet', sc. the section of the side-posts between the extremities of the arch and the ground.
- (26) Yoma 11b; provided it was four handbreadths wide. Since the lower section alone, independent of the arch, was ten handbreadths in height by four in width, it constitutes a valid doorway. V. infra p. 70, n. 2.
- (27) So according to a reading quoted by Rashi s.v. **hct** a.l. Cur. edd. omit 'and'. V. infra p. 70, n. 2.
- (28) Sc. R. Meir and the Rabbis.
- (29) V. supra note 4.
- (30) Lit., 'and there is not'.
- (31) Lit., 'and nothing', and therefore, no mezuzah is required. In the former case, because (a) side-posts that are lower than three handbreadths, though four handbreadths apart, are regarded as the mere thickness of the ground beneath and (b) the remaining portion consisting of an arch is less than four handbreadths wide, so that no valid doorway exists; and in the latter case because the minimum height of a doorway must be ten cubits.
- (32) Sc. its lower section together with the arch.
- (33) Lit., 'to complete it'.
- (34) From this it follows that the detachment of a cross-reed from the side reeds (corresponding to the detachment

of the ceiling from the side-posts by the altitude of the arch) does not affect the validity of the doorway. According to the reading of cur. edd. (v. supra p. 69, n. 6) this inference is derived from the cited Baraita independent of Abaye's interpretation (cf. Rashi s.v. , **Chhj** a.l.).

(35) R. Shesheth.

(36) Spanning the entrance to the alley.

(37) At its entrance.

(38) Lit., 'concerning what'.

(39) Lit., 'and until'.

(40) Beth Shammai and Beth Hillel.

(41) Lit., 'concerning this and concerning this', whether the entrance was less or more than four cubits in width.

(42) Which is now presumed to deal with an alley that opened out on two sides to a public domain.

(43) Supra 6a.

(44) Lit., 'closed'.

(45) The requirement of a side-post as well as a cross-beam which jointly constitute a proper partition.

(46) Sc. by oral tradition from Moses, and not merely by Rabbinic law.

(47) On the Sabbath.

(48) Lit., , 'from three', sc. a space enclosed by three walls only is Pentateuchally regarded as a private domain.

(49) Lit., 'until'.

(50) Rabbinically.

(51) Since no proper partition is required for the closing of the entrance.

(52) Lit., 'from two'.

Talmud - Mas. Eirubin 12a

at Obelin, and found him dwelling in an alley that had only one side-post. He said to him, 'My son, put up another side-post'. 'Is it necessary for me', the other asked: 'to close it up?' — 'Let it be closed up', the first replied: 'what does it matter?' R. Simeon b. Gamaliel stated: Beth Shammai and Beth Hillel did not differ on [the ruling that] an alley that was less than four cubits [in width]¹ required no provision at all. They only² differed in the case of one that was wider than four, but narrower than³ ten cubits, in respect of which Beth Shammai ruled: Both a side-post and a beam, [are required] while Beth Hillel ruled: Either a side-post or a beam.⁴ At all events it was stated: 'Is it necessary for me to close it up' — Now, if you concede that both side-posts and a beam [are required]⁵ it is quite intelligible why he⁶ said: 'Is it necessary for me to close it up';⁷ but if you contend that side-posts without a beam [are sufficient], what [can be the meaning of] 'to close it up'? — It is this that he⁶ meant: Is it necessary for me to close it up with side-posts?

The Master said: 'R. Simeon b. Gamaliel stated: Beth Shammai and Beth Hillel did not differ on [the ruling that] an alley that was less than four cubits [in width] required no provision at all'. Did we not learn, however, 'A DISCIPLE IN THE NAME OF R. ISHMAEL STATED IN THE PRESENCE OF R. AKIBA: BETH SHAMMAI AND BETH HILLEL DID NOT DIFFER ON [THE RULING THAT] AN ALLEY THAT WAS LESS THAN FOUR CUBITS [IN WIDTH] MAY BE CONVERTED INTO A PRIVATE DOMAIN EITHER BY MEANS OF A SIDE-POST OR BY THAT OF A BEAM'? — R. Ashi replied: It is this that he⁸ meant: It⁹ required neither a side-post and a beam as Beth Shammai ruled¹⁰ nor two side-posts as R. Eliezer ruled,¹⁰ but either a side-post or a beam in agreement with the ruling of Beth Hillel.¹¹ And how

much, [is the minimum]?¹² — R. Ahli, or it might be said R. Yehiel, replied: No less than¹³ four handbreadths.¹⁴

R. Shesheth, in the name of R. Jeremiah b. Abba, who had it from Rab stated: The Sages agree with R. Eliezer in the case of the side-posts of a courtyard.¹⁵ R. Nahman, however, stated:¹⁶ The halachah is in agreement with the ruling of R. Eliezer¹⁷ in respect of the side-posts of a courtyard.

Said R. Nahman b. Isaac: Who [are they that] ‘agree’¹⁸ [with R. Eliezer]? Rabbi. [But since R. Nahman said,]¹⁹ ‘The halachah is’, it follows that some differ; who is it that differs from his view? — The Rabbis.²⁰ For it was taught: A courtyard may be converted into a permitted domain by means of one post, but Rabbi ruled: Only by two posts.²¹

R. Assi said in the name of R. Johanan: A courtyard requires two side-posts.²² Said R. Zera to R. Assi: Did R. Johanan give such a ruling? Did not you yourself state in the name of R. Johanan that the side-posts of a courtyard must have [a width of] four handbreadths?²³ And should you suggest [that the meaning is] four [handbreadths] on one side²⁴ and four on the other, surely [it may be retorted], did not R.²⁵ Adda b. Abimi recite in the presence of R. Hanina or, as some say, in the presence of R. Hanina b. Papi: [The ruling applies to a case where] the small courtyard was ten, and the large one eleven cubits?²⁶ — When R. Zera²⁷ returned from his sea travels,²⁸ he explained this [contradiction]: [A side-post] on one side [of an opening must have a width] of four handbreadths, [but side-posts] on the two sides [of an opening] need be no wider than a fraction each;²⁹ and that which R.³⁰ Adda b. Abimi recited is [the view of] Rabbi who holds the same view as R. Jose.³¹

R. Joseph laid down in the name of Rab Judah who had it from Samuel that a courtyard may be converted into a permitted domain by means of one side-post.³² Said Abaye to R. Joseph: Did Samuel lay down such a ruling? Did he not in fact say to R. Hananiah b. Shila, ‘Do not you permit the use³³ [of a courtyard]³⁴ unless [there remained] either the greater part of the wall or two strips of it’!³⁵ — The other replied: I³⁶ know only³⁷ of the following incident that occurred at Dura di-ra’awatha³⁸ where a wedge of the sea penetrated into a courtyard³⁹ and [when the question]⁴⁰ was submitted to⁴¹ Rab Judah, he required the gap⁴² [to be provided with] one strip of board only.⁴³ ‘You’, [Abaye] said to him, ‘speak of a wedge of the sea; but in the case of water, the Sages have relaxed the law.⁴⁴ As [you may infer from the question] which R. Tabla asked of Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility of use in the case of water only, because it is only in respect of water that the Sages have relaxed the law’.⁴⁵

Does not the difficulty⁴⁶ at any rate remain? — When R. Papa and R. Huna son of R. Joshua returned from the academy they explained it: [A side-post] on one side [of a gap] must be four [handbreadths wide but where there is one] on either side,⁴⁷ any width whatever is enough.⁴⁸

R. Papa said: If I had to point out a difficulty it would be this.⁴⁹ For Samuel said to R. Hananiah b. Shila, ‘Do not you permit the use [of a courtyard] unless [there remained] either the greater part of the wall or two strips of it’.⁵⁰ Now what was the need for ‘the greater part of the wall’? Is not a strip of four handbreadths [in width] enough? And should you reply that⁵¹ ‘the

greater part of the wall' referred to a wall of seven [handbreadths in width] where four handbreadths constitute the greater part of the wall, [the objection might be raised,] why should it be necessary to have four handbreadths, when three and a fraction are enough, since R. Ahli, or it might be said R. Yehiel, ruled [that no provision was necessary where a gap is] less than⁵² four [handbreadths in width]? — If you wish I might reply: One ruling deals⁵³ with a courtyard and the other⁵³ with an alley.⁵⁴ And if you prefer I might reply: [The ruling] of R. Ahli himself [is a point in dispute between] Tannas.⁵⁵

Our Rabbis taught: From a wedge of the sea that ran into a courtyard⁵⁶ no water may be drawn⁵⁷ on the Sabbath unless it was provided⁵⁸ with a partition that was ten handbreadths high. This applies only where the breach was wider than ten cubits but [if it was only] ten [cubits wide] no provision whatever is necessary.⁵⁹ 'No water may be drawn' [you say]⁶⁰ but the movement of objects⁶¹ is inferentially permitted; [but why?] Has not the courtyard a gap that opens it out in full⁶² on to a forbidden domain?

(1) At the entrance thereof

(2) Lit., 'concerning what'.

(3) Lit., 'and until'.

(4) Tosef. 'Er. I.

(5) According to R. Eliezer.

(6) His disciple R. Jose.

(7) Since side-posts and beam constitute a valid partition.

(8) R. Simeon b. Gamaliel.

(9) An entrance that was less than four cubits in width.

(10) In the first clause of our Mishnah.

(11) V. previous note. By 'no provision at all' (**oukf**) he only meant to exclude the provisions which were required by Beth Shammai and R. Eliezer in addition to those required by Beth Hillel.

(12) Under four cubits, that requires the provision of a side-post or a beam.

(13) Lit., 'until'.

(14) An alley with a narrower entrance requires no provision whatsoever.

(15) Sc. if the courtyard was exposed to a public domain by a gap in one of its walls, it cannot be regarded as a permitted domain unless little5 strips of the wall remained on either side of the gap forming a sort of side-post and imparting to the gap the character of a doorway.

(16) Contrary to Rab who held that the Sages and R. Eliezer are of the same opinion.

(17) Though the Sages differ from him.

(18) According to Rab. MS.M. actually reads: 'of which Rab spoke'.

(19) MS.M. 'and what (is meant by) halachah of which R. Nahman spoke?'

(20) I.e., the first Tanna who disagrees with Rabbi in the cited Baraita that follows.

(21) Supra 10a ab init.

(22) Cf. supra n. 3.

(23) The point of this objection is explained anon.

(24) Lit., 'from here'.

(25) MS.M. omits 'R'.

(26) supra 9b q.v. for notes. Since the wall on the side of the larger courtyard exceeds that of the smaller one by (11-10=) one cubit only, which equals to six handbreadths, a side-post of four handbreadths on one side would

leave for the other side no more than (6-4=) two handbreadths, which cannot be regarded as a valid side-post. It consequently follows that, according to R. Johanan, one side-post of the width of four handbreadths is enough. How then could it be said by R. Assi that R. Johanan required two side-posts?

(27) Var. lec.: R. Abba (Aruk).

(28) **לחין** Lit., 'went up from the seas'. Aliter: 'Jammi', a place in Galilee, v. R.H., Sonc. ed., p. 172, n. 8.

(29) Lit., 'anything towards here, and etc.'

(30) So Bah. Cur. edd. omit.

(31) Who requires the minimum width of a side-post to be three handbreadths; so that the width of a cubit or six handbreadths (cf. supra p. 73, n. 14) is sufficient to allow for the required minimum width on either side of the gap. R. Johanan, however, upholds the view of the Rabbis who require a side-post on one side of an opening to have a minimum width of four handbreadths while in the case of a side-post on either side, any width is sufficient.

(32) Erected at one side of the opening.

(33) Lit., 'do not do a deed'.

(34) If one of its walls that was abutting on a public domain collapsed.

(35) One on either side of the gap. How then could R. Joseph attribute to Samuel the ruling that one side-post is enough?

(36) So MS.M. Cur. edd. 'and I'.

(37) Lit., 'do not know (but)'; or, 'I do not know from (whom he learned this)'; for the following incident, v. supra 7b.

(38) V. supra p. 39, n. 3.

(39) And caused the collapse of an entire wall.

(40) Of using the sheet of the water within the courtyard on the Sabbath.

(41) Lit., 'and it came before'.

(42) Lit., 'and did not require it'.

(43) The single strip converting the water that had the status of a karmelith (v. Glos.) into a private domain.

(44) They permitted its use even where only the slightest provision was made. The admissibility of one strip in the case of the wedge of water is, therefore, no proof that a single strip is also admissible in respect of the use of the courtyard itself.

(45) Shab. 101a, infra 16b.

(46) The apparent contradiction between the two quoted rulings of Samuel.

(47) Lit., 'from both sides'.

(48) Lit., 'anything towards here and etc.' Samuel's ruling cited by R. Joseph refers to a side-post that was four handbreadths wide while Samuel's instruction to R. Hananiah b. Shila referred to narrow strips.

(49) Lit., 'that is difficult to me'

(50) Supra q.v. for notes.

(51) Lit., 'what?'

(52) Lit., 'until'.

(53) Lit., 'here'.

(54) A courtyard, sc. an enclosure whose width equals or exceeds its length, cannot be regarded as a permitted domain, even though the gap is narrower than four handbreadths, unless the greater part of the broken wall remained intact. Hence Samuel's instruction to R. Hananiah b. Shila. An alley, however, sc. one whose length exceeds its width, of which R. Ahli spoke, is treated as a permitted domain wherever the width of the gap is less than four handbreadths.

(55) Infra 13b ab init. As the decision is uncertain, Samuel preferred to restrict the use of a courtyard to cases where there remained 'either the greater part of the wall or two strips of it'.

- (56) Through one of its walls that was partly broken down.
- (57) Lit., 'filled'.
- (58) At one side of the gap in the wall.
- (59) Since strips of wall, as will be explained infra, remained on either side of the gap.
- (60) Apparently because it is forbidden to carry from a karmelith (v. Glos.) into a private domain.
- (61) Within the courtyard itself.
- (62) Sc. it is wider than ten cubits.

Talmud - Mas. Eirubin 12b

— Here we are dealing [with a fallen wall] stumps of which remained.¹

Rab Judah ruled: In the case of an alley [the residents of which] did not join together [in the provision of an 'erub],² the man who throws anything into it³ incurs guilt if its ritual fitness was effected by means of a side-post,⁴ but if its fitness was effected by means of a cross-beam, no guilt is incurred by the man who throws anything into it.⁵ R. Shesheth demurred against this: The reason then⁶ is that [the residents of the alley] did not join together [in the provision of an 'erub],⁷ but had they joined together [for the purpose], guilt would have been incurred even if its ritual fitness had been effected by a cross-beam only.⁸ Is it then this loaf⁹ that determines¹⁰ [whether it shall be] a private, or a public domain? Was it not in fact taught: In the case of common courtyards¹¹ and blind alleys,¹² whether the residents have joined together in the provision of an 'erub or whether they have not joined, guilt is incurred by anyone who throws anything into them [on the Sabbath from a public domain]?¹³ If the statement, however, was at all made, it must have been as follows: Rab Judah ruled: As to an alley that is unfit for a joint 'erub,¹⁴ guilt is incurred by the man who throws anything into it if its ritual fitness was effected by means of a side-post, but if its fitness was effected by a cross-beam no guilt is incurred by one who throws anything into it. Thus it is obvious that he is of the opinion that a side-post serves the purpose of a partition¹⁵ and a cross-beam that of a mere distinguishing mark. And so did Rabbah say: A side-post serves the purpose of a partition and a cross-beam that of a mere distinguishing mark. Raba, however, ruled: The one as well as the other¹⁶ only serves the purpose of a distinguishing mark.

R. Jacob b. Abba raised an objection against Raba: [Was it not taught:] A man who throws¹⁷ into an alley incurs guilt if it was provided with a side-post but is exempt if it had no side-post?¹⁸ — It is this that was meant: If it required only a side-post¹⁹ then the man who throws anything into it incurs guilt,²⁰ but if it required a side-post and something else,²¹ the man who throws anything into it is exempt.²²

He raised against him²³ a further objection: [Was it not taught:]²⁴ A more [lenient rule] than this did R. Judah lay down, [viz.] if a man had two houses on the two sides [respectively] of a public domain he may construct one side-post on the one side [of any of the houses] and another on the other side, or one cross-beam on the one side [of any of the houses] and another on its other side, and then he may move things about in the space between them; but they said to him: A public domain cannot be provided with an 'erub in such a manner.²⁵ [The explanation]²⁶ there is that R. Judah maintains that Pentateuchally, two partitions²⁷ [constitute a private domain].²⁸ Rab Judah said in the name of Rab: An alley whose length is equal to its width cannot be turned into a

permitted domain²⁹ by a mere fraction of a side-post.³⁰ R. Hiyya b. Ashi said in the name of Rab: An alley whose length equals its width cannot be turned into a permitted domain by a cross-beam, [of the width of one] handbreadth.³¹ R. Zera³² remarked: How exact³³ are the traditions of the elders: Since an alley's length is equal to its width, it has [the status of] a courtyard which cannot be converted into a permitted domain³⁴ by means of a side-post or a cross-beam but only by means of a strip [of material of the width of] four handbreadths. If, however, R. Zera continued, I have any difficulty, it is this:³⁵ Why should not that side-post³⁶ be regarded as a fraction of a strip and thus convert [the alley] into a permitted domain? — He overlooked the following ruling, which R. Assi had laid down in the name of R. Johanan, that the strips of a courtyard must consist of a width of four [handbreadths].

R. Nahman stated: 'We have a tradition that if [the movement of objects in] an alley is to be permitted [on the Sabbath] by means of a side-post and a cross-beam, its length must exceed its width and houses and courtyards must open out into it;³⁷ and what kind of courtyard is it that cannot be converted into a permitted domain by means of a side-post and cross-beam but only by means of a strip of the width of four handbreadths? One that is square shaped'. Only³⁸ 'one that is square shaped' but not one that is round?³⁹ — It is this that he⁴⁰ meant: If its length exceeds its width, it is regarded as an alley, in which case a side-post and a cross-beam is sufficient, otherwise⁴¹ it is regarded as a courtyard.⁴² And [by] how much [must its length exceed its width]?⁴³ — Samuel intended to rule: By no less than⁴⁴ twice its width;⁴⁵ but Rab said to him: Thus ruled my uncle⁴⁶ 'Even by one fraction'.

A DISCIPLE, IN THE NAME OF R. ISHMAEL, STATED ETC.

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- (1) Lit., 'which has stumps', rising to a height of ten handbreadths but covered by the sea. As the stumps are a valid partition, movement within the courtyard is permitted (v. Rashi). The interpretation not being free from difficulties, other interpretations have been suggested (cf. Tosaf. s.v. **tfv**, a.l.).
 - (2) v. Glos.
 - (3) On the Sabbath, from a public domain.
 - (4) A side-post in the opinion of Rab Judah has the legal status of a partition and consequently converts the alley into a private domain.
 - (5) A cross-beam in his opinion is a mere distinguishing mark; and an alley cannot be regarded as a private domain unless, in accordance with the Pentateuchal law, it had four sides, or a valid partition at the entrance in addition to its three walls.
 - (6) Why no guilt is incurred by the man who throws anything from a public domain into an alley the entrance of which was provided with a cross-beam only.
 - (7) In consequence of which the alley cannot be regarded as a private domain.
 - (8) Sc. it would have assumed the character of a private domain the throwing into which from a public domain involves one in guilt.
 - (9) Of the 'erub. An 'erub is effected by means of a loaf of bread towards which all the residents contribute.
 - (10) Lit., 'makes it'.
 - (11) Lit., 'of many people', sc. into which a number of private houses open out. As each house is a strictly private domain while the courtyard, though also a private domain, is the common property of all the residents, it is forbidden to carry objects on the Sabbath from any of the houses into the courtyard as a preventive measure instituted by the Rabbis against the possible assumption that it is also permitted to carry from a private domain into

a public domain. In the courtyard itself, however, the movement of objects is permitted. (Cf. Shab. 130b).

(12) Lit., 'that do not open out'.

(13) Which proves that the loaf of the 'erub alone does not determine the character of a domain.

(14) Sc. if it opened out into a public domain at either end.

(15) Hence it converts the alley into a private domain the throwing into which from a public domain involves one in guilt.

(16) Side-post as cross-beam.

(17) On the Sabbath, from a public domain.

(18) Since a side-post thus converts an alley into a private domain, it must obviously serve the purpose of a partition. How then could Raba maintain that it was merely a distinguishing mark?

(19) I.e., if it opened into a public domain on one side only.

(20) Even if not furnished with a side-post, since Pentateuchally a space enclosed by three walls is deemed to be a private domain.

(21) I.e., if it opened out into a public domain at its two ends and consequently required a side-post at one end and the shape of a doorway at the other.

(22) Though a side-post had been put up at one end, because a side-post serves merely as a distinguishing mark.

(23) R. Jacob b. Abba against Raba.

(24) V. supra 6a q.v. notes.

(25) V. loc. cit., infra 95a, Shab. 6a, 117a. Now since the Rabbis objected to the recognition of a side-post on the sole ground that a public domain cannot be so provided, it follows that in the case of an alley, even though it was open at both ends, a side-post is admissible as a valid partition. How then could Raba maintain supra that a side-post can only be regarded as a distinguishing mark, contrary to the unanimous opinion of R. Judah and the Rabbis?

(26) Why a side-post is recognized.

(27) Sc. the walls of two opposite houses, or rows of houses.

(28) So that the side-post only serves the purpose of a distinguishing mark. The Rabbis object even to such recognition of a side-post in the case of a public domain. Neither R. Judah nor the Rabbis, however, regard a side-post as a partition, in agreement with the view of Raba.

(29) As regards the movement of objects within it on the Sabbath.

(30) It must be furnished with one that is four handbreadths in width as is the case with a courtyard.

(31) Only in an alley whose length exceeds its width is such a beam admissible.

(32) In commenting on the rulings just reported in the name of Rab.

(33) Or 'well fitting with one another'.

(34) If it had a breach not exceeding ten cubits in the wall adjoining a public domain.

(35) Lit., 'this is difficult to me'.

(36) That was less than four handbreadths wide.

(37) Two courtyards must open into the alley and one house into each courtyard. Supra 5a q.v. notes.

(38) Lit., 'yes'.

(39) This, surely, is unlikely, since the roundness of shape could be no reason for admitting a fraction of a side-post as a valid strip.

(40) R. Nahman.

(41) Lit., 'and if not', if its length does not exceed its width.

(42) And a strip of material, four handbreadths in width, is required. The expression 'square shaped' was not intended to exclude a round shaped structure but one whose length exceeded its width.

(43) In order to be regarded as an alley that, unlike a courtyard, may be converted into a permitted domain by a

fraction of a side-post.

(44) Lit., 'until'.

(45) Since it is in reality a courtyard, it does not lose its status with lesser dimensions.

(46) Or 'friend' ' Sc. R. Hiyya.

Talmud - Mas. Eirubin 13a

R. AKIBA MAINTAINED THAT THEY DIFFERED IN BOTH CASES etc. Is not R. Akiba expressing the very same view as the first Tanna?¹ — The difference between them is the ruling of R. Ahli or, as some said: R. Yehiel;² but it was not indicated [who maintained what].³

It was taught: R. Akiba said,⁴ 'It was not R. Ishmael who laid down this ruling but that disciple, and the halachah is in agreement with that disciple. 'Is not this self-contradictory? You first said: 'It was not R. Ishmael who laid down this ruling', from which⁵ it is obvious that the law is not in agreement with his⁶ view, and then you say: 'The halachah is in agreement with that disciple'? — Rab Judah replied in the name of Samuel: R. Akiba made that statement⁷ for the sole purpose of exercising the wits of the students.⁸ R. Nahman b. Isaac, however, replied: What was said⁹ was, '[His¹⁰ words] appear [quite logical].'¹¹

R. Joshua b. Levi stated: Wherever you find the expression, 'A disciple, in the name of R. Ishmael, stated in the presence of R. Akiba' [the reference is to] none other than R. Meir who attended¹² upon R. Ishmael and R. Akiba [successively]; for it was taught: R. Meir related, 'When I was with R. Ishmael I used to put vitriol¹³ into my ink¹⁴ and he told me nothing [against it], but when I subsequently came to R. Akiba, the latter forbade it to me.'

Is this, however, correct?¹⁵ Did not Rab Judah in fact state in the name of Samuel who had it from R. Meir: When I was studying under R. Akiba I used to put vitriol¹³ into my ink and he told me nothing [against it], but when I subsequently came to R. Ishmael the latter said to me, 'My son, what is your occupation?' I told him, 'I am a scribe', and he said to me, 'Be meticulous in your work, for your occupation is a sacred one;¹⁶ should you perchance omit or add one single letter, you would thereby¹⁷ destroy all the universe'.¹⁸ 'I have', I replied,¹⁹ 'a certain ingredient called vitriol, which I put into my ink'. — 'May vitriol', he asked me, 'be put into the ink? Has not the Torah in fact stated: "And he shall write",²⁰ "And he shall blot out"²⁰ [to indicate that] the writing [must be] such as can be blotted out?'²¹ (What [relation is there between] the question of the one²² and the reply of the other?²³ It is this that the latter meant: There is no need [for me to assure you] that I would make no mistakes in respect of words that are plene or defective, since I am familiar [with the subject], but [I have even taken precautions] against the possibility of a fly's perching on the crownlet of a dalet and, by blotting it out, turn it into a resh,²⁴ for I have a certain ingredient, called vitriol, which I put into the ink). Now, is there no contradiction in the sequence of the attendance²⁵ and in the authorship of the prohibition?²⁶ The contradiction in the sequence might well [be explained by the suggestion that] he first came to R. Akiba but, as he was unable to comprehend his teaching,²⁷ he went to R. Ishmael where he studied the traditional teachings,²⁸ and then returned to R. Akiba and engaged in logical discussion and argument; but the authorship of the prohibitions, surely, presents a difficulty, does it not? — This is so indeed.

It was taught: R. Judah stated: R. Meir laid down that vitriol may be put into ink intended for any purpose²⁹ except [that of writing]³⁰ the Pentateuchal section³¹ dealing with a suspected wife.³² R. Jacob, however, stated in his name: Except [that of writing] the Pentateuchal section dealing with a suspected wife in the Sanctuary.³³ What is the point of their disagreement?³⁴ — R. Jeremiah replied: The point of their disagreement is [whether the writing may] be blotted out for her sake from [a Scroll of] the Law.³⁵ And these Tannas³⁶ differ on the same question as the following Tanna. For it was taught: The scroll [that was written] for one suspected woman³⁷ is not³⁸ to be used for³⁹ another suspected woman, and R. Ahi b. Josiah ruled: The scroll is fit to be used for³⁹ another suspected woman.⁴⁰ R. Papa remarked: It is possible, [surely, that the question in dispute]⁴¹ is not [the same]? For the first Tanna⁴² may have maintained his view there only because once [the Scroll] had been set aside⁴³ for Rachel⁴⁴ it cannot subsequently be set aside for Leah,⁴⁵ but in the case of a [Scroll] of the Law which is written for no particular person [the writing] may well⁴⁶ be blotted out [for any suspected wife]⁴⁷! R. Nahman b. Isaac remarked: It is possible [that the question in dispute] is not [the same]. For R. Ahi b. Josiah may have maintained his view there only because [the scroll] was written at least for one⁴⁸ suspected wife, but in the case of [a Scroll of] the Law, which is written for the purpose of study, he⁴⁹ also [might well admit] that [it may] not [be used for the purpose of] blotting out! But does not R. Ahi b. Josiah uphold the following ruling? For have we not learnt: If a man wrote a Get⁵⁰ to divorce his wife [therewith]

(1) Of our Mishnah, according to whom also no distinction is drawn in the dispute of Beth Shammai and Beth Hillel between a wider and a narrower alley.

(2) Supra 12a, the case of an alley that was less than four handbreadths wide. Either the first Tanna or R. Akiba maintains in this case that Beth Shammai and Beth Hillel agree that no provision whatever is needed, their dispute being restricted to the case of an alley that was no less than four handbreadths wide.

(3) Cf. '(the ruling) of R. Ahli himself (is a point in dispute between) Tannas' (supra 12a).

(4) In commenting on the ruling of the DISCIPLE IN THE NAME OF R. ISHMAEL.

(5) Since R. Akiba refused to attribute it to such a distinguished authority as R. Ishmael.

(6) The disciple's.

(7) That the halachah agrees with the disciple's view.

(8) Being struck by the contradiction, they would be stirred to a full and thorough discussion and investigation of the question.

(9) By R. Akiba.

(10) The disciple's.

(11) The halachah nevertheless is not in agreement with him.

(12) **ana** sc. studied not only the theory, but also the practice of Judaism.

(13) So Rashb. and Aruk (v. Tosaf. s.v. **ou, bebe** a.l.). Var. lec.: **ou, beke** or **xu, beke**, Gr. ** used as an ingredient in the preparation of ink and of shoe-black. Rashi renders atramentum (cf. Jast. and Golds.).

(14) For use in the writing of sacred texts, such as Scrolls of the Law.

(15) Lit., 'this is not'.

(16) Lit., 'work of heaven'.

(17) Lit., 'thou art found'.

(18) Sc. commit an act of blasphemy. By omitting e.g., the **t** in **, nt** (truth), the word would be abbreviated to **, n** (dead), and by adding a **u** to **rcshu** the verb would change from the sing. to the pl. When such terms are applied to the Deity, the scribe in the latter case is guilty of acknowledging polytheism while in the former he

denies the Living God.

(19) The meaning of this reply is explained in the parenthesis infra.

(20) Num. V, 23.

(21) Sot. 20a.

(22) R. Ishmael. Lit., 'what did he say to him?'

(23) R. Meir. Lit., 'and what did he reply to him?' The former spoke about plene and defective and the latter replied about the ingredients of his ink!

(24) The difference between the form of the **S** and the **ʿ** is only the crownlet or small projection on the right of the former. Should the dalet of **sj t** (one), e.g., in the sentence 'the Lord is one' (Deut. VI, 4) be changed into a resh the reading **rj t** (another) would imply the blasphemy that the Lord is 'another God'.

(25) Lit., 'attendance on attendance'. According to the first version, R. Meir attended first on R. Ishmael and later on R. Akiba, while according to the second version he attended on them in the reverse order.

(26) Lit., 'he forbade it on he forbade it'. In the first version it was R. Akiba, and in the second it was R. Ishmael who forbade the use of vitriol.

(27) Which was too deep and complicated for him. R. Akiba was famous for his dialectic powers.

(28) The Mishnahs which the Master received from his teachers.

(29) Lit., 'for all'.

(30) Whether in the Scroll of the Law or in the special scroll that is prepared for a sotah (v. Glos.).

(31) Num. V, 11ff

(32) Sotah; for the reason, stated supra, that 'the writing must be such as can be blotted out'. The expressions from which this ruling is derived occur in this section.

(33) I.e., the scroll specially prepared [or the trial of a sotah, in which case the writing had to be blotted out (v. Num. V, 23). Hence the prohibition against the use of vitriol in the ink. In a Scroll of the Law, however, the writing in which is not intended for blotting out, this section also may be written with indelible ink.

(34) Lit., 'what is between them'.

(35) According to R. Judah this is permitted; hence his prohibition to use vitriol even in the writing of a Scroll of the Law. According to R. Jacob this is forbidden; hence his limitation of the restriction on the use of vitriol to the actual scroll that is written specifically for a particular wife when she is tried in the Sanctuary.

(36) R. Judah and R. Jacob.

(37) Lit., 'her scroll'.

(38) If, e.g., it remained unused because the woman confessed her guilt before the writing was blotted out.

(39) Lit., 'to cause to drink with it'.

(40) R. Ahi, who permits the use of a scroll that was not specifically written for the woman, permits also, like R. Judah, the use for the same purpose of a Scroll of the Law. The first Tanna, however who requires the scroll to be written specifically for the woman in question forbids also, like R. Jacob, the use of a Scroll of the Law.

(41) Between the first and the second pair of Tannas respectively.

(42) Of the Baraita last cited.

(43) Lit., 'torn away'.

(44) Sc. the first woman for whom it was specifically written.

(45) I.e., for any other woman.

(46) Lit., 'thus also'.

(47) This Tanna then, contrary to the previous statement, does not necessarily hold the same view as R. Jacob.

(48) Lit., 'in the world'.

(49) Lit., 'thus'.

(50) v. Glos.

Talmud - Mas. Eirubin 13b

and then he changed his mind;¹ and a fellow townsman met him and [asked for the document] saying: 'Your name is the same as mine and your wife's name is the same as my wife's name',² [the document is] invalid for the purpose of divorcing therewith [the other man's wife]?³ — What a comparison!⁴ Concerning that case⁵ it is written in Scripture: And he shall write for her,⁶ hence it is required that the writing shall be expressly for her sake;⁷ but in this case⁸ it is written: And he shall execute upon her,⁹ hence it is required that the execution shall be expressly for her sake,⁷ and the execution in her case is the blotting out.

R. Aha b. Hanina said: It is revealed and known before Him Who spoke and the world came into existence, that in the generation of R. Meir there was none equal to him; then why was not the halachah fixed in agreement with his views? Because his colleagues could not fathom the depths¹⁰ of his mind, for he would declare the ritually unclean to be clean and supply plausible proof,¹¹ and the ritually clean to be unclean and also supply plausible proof.¹¹

One taught: His name was not R. Meir but R. Nehorai. Then why was he called 'R. Meir'? Because he enlightened¹² the Sages in the halachah. His name in fact was not even Nehorai but R. Nehemiah or, as others say: R. Eleazar b. Arak. Then why was he called 'Nehorai'? Because he enlightened the Sages in the halachah.¹³

Rabbi¹⁴ declared: The only reason¹⁵ why I am keener than my colleagues is that I saw the back of R. Meir,¹⁶ but had I had a front view of him I would have been keener still, for it is written in Scripture: But thine eyes shall see thy teacher.¹⁷

R. Abbahu stated in the name of R. Johanan: R. Meir had a disciple of the name of Symmachus who, for every rule concerning ritual uncleanness, supplied forty-eight reasons in support of its uncleanness, and for every rule concerning ritual cleanness, forty-eight reasons in support of its cleanness.

One taught: There was an assiduous student at Jamnia¹⁸ who by a hundred and fifty reasons proved that a [dead] creeping thing was clean. Said Rabina: I also could by logical argument prove it to be clean. If a snake that kills [man and beast] and thus causes much uncleanness,¹⁹ is itself ritually clean,²⁰ how much more should a creeping thing, which does not kill [either man or beast] and consequently causes no uncleanness, be ritually clean. This, however, is no argument, since [the snake] is merely acting like a thorn.²¹

R. Abba stated in the name of Samuel: For three years there was a dispute between Beth Shammai and Beth Hillel, the former asserting, 'The halachah is in agreement with our views' and the latter contending, 'The halachah is in agreement with our views'. Then a bath kol²² issued announcing, '[The utterances of] both²³ are the words of the living God, but the halachah is in agreement with the rulings of Beth Hillel'. Since, however, both are the words of the living God' what was it that entitled Beth Hillel to have the halachah fixed in agreement with their rulings? Because they were kindly and modest, they studied their own rulings and those of Beth

Shammai,²⁴ and were even so²⁵ [humble] as to mention the actions²⁶ of Beth Shammai before theirs, (as may be seen from²⁷ what we have learnt: If a man had his head and the greater part of his body within the sukkah²⁸ but his table in the house,²⁹ Beth Shammai ruled [that the booth was] invalid but Beth Hillel ruled that it was valid. Said Beth Hillel to Beth Shammai, 'Did it not so happen that the elders of Beth Shammai³⁰ and the elders of Beth Hillel went on a visit to R. Johanan b. Hahoranith and found him sitting with his head and greater part of his body within the sukkah while his table was in the house?' Beth Shammai replied: From³¹ their proof [may be adduced for our view for] they indeed told him, 'If you have always acted in this manner you have never fulfilled the commandment of sukkah'). This³² teaches you that him who humbles himself, the Holy One, blessed be He, raises up, and him who exalts himself, the Holy One, blessed be He, humbles; from him who seeks greatness, greatness flees, but him who flees from greatness, greatness follows; he who forces time³³ is forced back by time³⁴ but he who yields³⁵ to time³⁶ finds time standing at his side.³⁷

Our Rabbis taught: For two and a half years were Beth Shammai and Beth Hillel in dispute, the former asserting that it were better for man not to have been created than to have been created, and the latter maintaining that it is better for man to have been created than not to have been created. They finally took a vote and decided that it were better for man not to have been created than to have been created, but now that he has been created, let him investigate his past deeds³⁸ or, as others say, let him examine his future actions.³⁹

MISHNAH. THE CROSS-BEAM OF WHICH THEY [THE RABBIS] SPOKE MUST BE WIDE ENOUGH TO HOLD AN ARIAH⁴⁰ WHICH IS HALF OF A LEBENAH⁴¹ OF THREE HANDBREADTHS. IT IS SUFFICIENT FOR A BEAM TO BE ONE HANDBREADTH WIDE IN ORDER TO HOLD THE WIDTH OF AN ARIAH.⁴² [THE BEAM MUST BE] WIDE ENOUGH TO HOLD AN ARIAH BUT ALSO STRONG ENOUGH TO SUPPORT SUCH AN ARIAH.⁴³ R. JUDAH RULED: [THE BEAM IS VALID IF IT IS SUFFICIENTLY] WIDE, ALTHOUGH IT IS NOT STRONG. IF⁴⁴ IT WAS MADE OF STRAW OR REEDS IT IS LOOKED [UPON AS THOUGH IT HAD BEEN MADE OF METAL; [IF IT WAS] CURVED⁴⁵ IT IS LOOKED UPON AS THOUGH IT WERE STRAIGHT; [IF IT WAS] ROUND⁴⁵ IT IS LOOKED UPON AS THOUGH IT WERE SQUARE. WHATSOEVER HAS A CIRCUMFERENCE OF THREE HANDBREADTHS IS ONE HANDBREADTH IN DIAMETER.⁴⁶

(1) Sc. he decided not to divorce her.

(2) And, as the town in which the parties lived was also the same, he desired to use that Get for divorcing his own wife.

(3) Sot. 20b, Git. 24a; from which it follows that a document cannot be used for a person for whom it was not originally intended. An objection against R. Ahi b. Josiah.

(4) Lit., 'thus now'.

(5) Lit., 'there', that of divorce.

(6) Deut. XXIV, 1, emphasis on the last three words.

(7) Lit., 'for her name'. The woman for whom it is to be used.

(8) Lit., 'here', the case of a suspected wife.

(9) Num. V, 30, emphasis on 'execute . . . her'.

- (10) Lit., 'to stand upon the end'.
- (11) Lit., 'show it a face'.
- (12) Lit., 'he makes the eyes of the Sages shine'. **rhtn** rt. **rut** Hif., 'to give light', 'to cause to shine'.
- (13) Cf. previous note, **htruvb** of the rt. **rvb** 'to shine'.
- (14) MS.M. 'Rab'.
- (15) Lit., , 'that'.
- (16) Rashi: When I studied under him my seat at the academy was in the row which had a back view of R. Meir.
- (17) Isa. XXX, 20.
- (18) Or Jabneh. The religious center and seat of the Sanhedrin after the destruction of Jerusalem.
- (19) A corpse is unclean and imparts uncleanness to those who come in contact with it.
- (20) Since it was not included among the eight unclean reptiles enumerated in Lev. XI, 29f.
- (21) The uncleanness which it causes has consequently no bearing on its own status. No inference a minori can, therefore, be drawn between snake and creeping thing.
- (22) v. Glos.
- (23) Lit., 'these and these'.
- (24) Cf., e.g., Ber. 10b.
- (25) Lit., 'and no more but'.
- (26) Lit., 'words', 'things', hence 'actions' (cf. infra n. 7).
- (27) Lit., 'like that'.
- (28) V. Glos. ; in which every Israelite must live during the Festival of Tabernacles.
- (29) Sc. the booth was so small that it could not contain more than the parts of the body mentioned.
- (30) Here Beth Hillel mention the action of Beth Shammai before theirs.
- (31) Cur. edd. insert in parenthesis **ht** 'if' or 'indeed'.
- (32) The privilege conferred upon Beth Hillel.
- (33) Sc. is over anxious to succeed and embarks in consequence on hazardous or perilous adventures.
- (34) His efforts lead him into disaster.
- (35) Lit., 'is pushed back'.
- (36) Or 'circumstances', sc. he does not aim above his means and does not overstrain his mental or physical powers.
- (37) He will succeed in due course.
- (38) And, if he find them at fault, make the necessary amends.
- (39) Before committing them. The underlying difference between the two versions is the interchange of **pe** for **mem**. Both **apap** and **anan** imply 'examination' but the former is more applicable to something actually done, the latter to something intended (cf. Rashi).
- (40) A half-sized brick.
- (41) A brick of full size.
- (42) Of one and a half handbreadths. Lit., 'to its width'. Var. lec. 'to its length', sc. the length of the ariah running the length of the beam.
- (43) In order that it may have the appearance of a firm structure on which it is possible to build.
- (44) This is a continuation of R. Judah's ruling.
- (45) So that no brick can rest upon it.
- (46) Approximately. The circumference of a round cross-beam must consequently be no less than three handbreadths.

Talmud - Mas. Eirubin 14a

Talmud - Mas. Eirubin 14a

GEMARA. ONE HANDBREADTH! Is not a handbreadth and a half required?¹ — Since it is wide enough to hold [an ariah of the size of] one handbreadth one may provide a foundation² for the remaining half of the handbreadth by plastering [the beam] with clay, a little on one side³ and a little on the other,³ so [that the ariah can be] kept in position.

Rabbah son of R. Huna said: The cross-beam of which [the Rabbis] spoke must be strong enough to support an ariah;⁴ the supports⁵ of the beam, however, need not be so strong as to be capable of bearing the beam and the ariah.⁶ R. Hisda, however, ruled: They⁷ must be strong enough to support both the beam and the ariah.

R. Shesheth said: If one laid a beam across [an entrance to] an alley and spread a mat over it, raising [the lower end of the mat to a height of] three handbreadths from the ground, there is here neither valid cross-beam nor valid partition. There is here no valid cross-beam, since it is covered up; and no valid partition, since it is one through which kids can push their way.⁸

Our Rabbis taught: If a cross-beam projects from one wall and does not touch the wall opposite, and so also if two cross-beams one of which projects from one wall and the other from the wall opposite, do not touch one another, it is not necessary to provide⁹ another beam, [if the gap is] less than three handbreadths, [but if it was one of] three handbreadths it is necessary to provide another cross-beam. R. Simeon b. Gamaliel ruled: [if the gap was] less than four handbreadths it is not necessary to provide another cross-beam [and only where it was one of] four handbreadths it is necessary to provide another cross-beam. Similarly where there were two parallel cross-beams, neither of which was wide enough to hold an ariah, it is unnecessary to provide¹⁰ another cross-beam if the two together can hold the width of one handbreadth of an ariah, otherwise¹¹ it is necessary to provide another cross-beam. R. Simeon b. Gamaliel ruled: If they can hold an ariah of the length of three handbreadths it is unnecessary to provide¹⁰ another cross-beam, otherwise¹¹ it is necessary to provide another cross-beam. If they were [fixed] one higher than the other,¹² the higher one, said R. Jose son of R. Judah, is looked upon as if it lay lower¹³ or the lower one, as if it lay higher,¹³ provided only that the higher one was not higher than twenty cubits¹⁴ and the lower one [was not] lower than ten cubits.¹⁴

Abaye remarked: R. Jose son of R. Judah holds the same view as his father in one respect and differs from him in another. He 'holds the same view as his father in one respect' in that he also adopts the principle of 'IS LOOKED UPON'; 'and differs from him in another', for whereas R. Judah holds [that a cross-beam may be] higher than twenty cubits,¹⁴ R. Jose son of R. Judah holds [that it is valid] only within, but not above twenty cubits.

R. JUDAH RULED: [THE BEAM IS VALID IF IT IS SUFFICIENTLY] WIDE, ALTHOUGH IT IS NOT STRONG. Rab Judah taught Hiyya b. Rab in the presence of Rab, 'WIDE, ALTHOUGH IT IS NOT STRONG', when the latter said to him: Teach him, 'Wide and strong enough'. Did not, however, R. Ela'i state in the name of Rab, '[a cross-beam that is] four [handbreadths] wide [is valid] although it is not strong,?' — One that is four [handbreadths] wide is different [from one that is less than the prescribed width].

IF IT WAS MADE OF STRAW etc. What does he thereby teach us? That we adopt the principle of 'IS LOOKED UPON'?¹⁵ But, then, is not this exactly the same [principle as was already enunciated]?¹⁶ — It might have been assumed that [the principle] is applied only to one of its own kind¹⁷ but not to one of a different kind,¹⁸ hence we were taught [that any material is valid].

[IF IT WAS] CURVED IT IS LOOKED UPON AS THOUGH IT WERE STRAIGHT. Is not this obvious?¹⁹ — He taught us [thereby a ruling] like that of R. Zera, for R. Zera stated: If it²⁰ was within an alley and its curve without the alley, or if it was below twenty cubits²¹ and its curve above twenty, or if it was above ten cubits²¹ but its curve was below ten, attention must be paid [to this]:²² Whenever no [gap of] three handbreadths²³ would have remained if its curve had been removed, it is not necessary to provide another cross-beam; otherwise, another cross-beam must be provided. Is not this also obvious? — It was necessary [to enunciate the ruling in the case where the beam] was within the alley and its curve was without the alley. As it might have been presumed that the possibility must be taken into consideration that the residents might be guided by it;²⁴ hence we were informed [that no such possibility need be considered].

[IF IT WAS] ROUND IT IS LOOKED UPON AS THOUGH IT WERE SQUARE. What need again was there for this ruling?²⁵ It was necessary [on account of its] final clause: WHATSOEVER HAS A CIRCUMFERENCE OF THREE HANDBREADTHS IS ONE HANDBREADTH IN DIAMETER. Whence are these calculations²⁶ deduced? — R. Johanan replied: Scripture stated: And he made the 'molten sea of ten cubits from brim to brim, round in compass, and the height thereof was five cubits; and a line of thirty cubits did compass it round about.²⁷ But surely there was [the thickness of] its brim?²⁸ — R. Papa replied: Of its brim, it is written in Scripture [that it was as thin as] the flower of a lily;²⁹ for it is written: And it³⁰ was a handbreadth thick, and the brim thereof was wrought like the brim of a cup, like the flower of a lily; it held two thousand baths.³¹ But there was [still] a fraction at least?²⁸ — When [the measurement of the circumference]³² was computed³³ it was that of the inner circumference.³⁴

R. Hiyya taught:³⁵ The sea that Solomon made contained one hundred and fifty ritual baths.³⁶ But consider: How much is [the volume of] a ritual bath? Forty se'ah,³⁷ as it was taught: And he shall bathe . . .

(1) To support an ariah of that size.

(2) **ihckn** particip. denom. of **vbck**, lit., he makes it a brick (foundation)'.

(3) To hold (a half of the half) a quarter of the handbreadth.

(4) For reason v. note in our Mishnah.

(5) Lit., 'that cause to stand', pegs for instance.

(6) It is sufficient if they can bear the weight of the beam alone, since in fact no ariah is ever put on the beam.

(7) Lit., 'the one as well as the other'.

(8) A suspended partition of such a character is invalid in an alley.

(9) Lit., 'to bring'.

(10) Lit., 'to bring'.

(11) Lit., 'and if not'.

(12) But are together wide enough to hold an ariah.

- (13) In the same level as the other beam.
- (14) From the ground (cf. Mishnah supra 2a ab init.).
- (15) Cf. our Mishnah.
- (16) In the previous clause: (THE BEAM IS VALID) . . . ALTHOUGH IT IS NOT STRONG. One that 'WAS MADE OF STRAW' is obviously not strong.
- (17) Sc. a frail beam of wood may be regarded as a strong beam of the same material, since weak as well as strong beams can be made of it.
- (18) As straw, for instance, is a material from which no strong beam can ever be made, it might have been deemed to be totally unfit.
- (19) Since it involves the same principle as that of the previous ruling. Why then the unnecessary repetition?
- (20) A cross-beam.
- (21) From the ground.
- (22) Lit., '(we) see'.
- (23) Between the two parts of the beam at which the curve begins.
- (24) Lit., 'he might come to be drawn after it'; and so use a section of the public domain as if it had been a part of their alley.
- (25) v. supra note 3.
- (26) Lit., 'things'. [This is the only instance where a doubt is raised in the Talmud in connection with a mathematical statement. This, as Zuckermann points out (Das Mathematische im Talmud, p. 23) proves that the Rabbis were well aware of the more exact ratio between the diameter and circumference and that the ratio of 1:3 was accepted by them simply as a workable number for religious purposes. Hence the question, 'Whence are these calculations deduced?' V. Feldman, Rabbinical Mathematics etc., p. 23].
- (27) I Kings VII, 23. As the molten sea which had a diameter of ten cubits was approximately thirty cubits in circumference, the ratio of a diameter to a circumference must consequently be 10:30 = 1:3 approx.
- (28) Which increased the diameter to more than ten cubits: so that the ratio between diameter and circumference was greater than 1:3.
- (29) Its thickness, therefore, amounted to very little and might be disregarded.
- (30) The lower portion of the sea.
- (31) I Kings VII, 26.
- (32) Of the molten sea.
- (33) As thirty cubits.
- (34) The diameter of which was exactly ten cubits.
- (35) So Bomb. ed. Cur. edd., 'it was taught'.
- (36) Lit., 'a gathering together for purification'.
- (37) V. Glos.

Talmud - Mas. Eirubin 14b

in water¹ implies, in water that is gathered together;² All his flesh³ implies, water in which all his body can be immersed;⁴ and how much is this? [A volume of water of the size of] a cubit by a cubit by a height of three cubits; and the Sages have accordingly estimated that the waters of a ritual bath must measure forty se'ah.⁵ Now how many [cubic units] were there [in the molten sea]? Five hundred [cubic] cubits.⁶ From three hundred [cubic cubits are obtained] a hundred [ritual baths],⁷ and from a hundred and fifty [cubic cubits] fifty [ritual baths are obtained]. [Would not then a volume] of four hundred and fifty [cubic cubits] be enough?⁸ — These calculations⁹ [apply

only] to a square [shaped tank], while the sea that Solomon made was round.

But consider: By how much does [the area of] a square exceed that of a circle? By a quarter.¹⁰ Then of the four hundred [cubic cubits previously assumed]¹¹ one hundred [must be deducted], and of the hundred¹¹ [cubic cubits] twenty-five [must be deducted]. [Would not then¹² the number of ritual baths] be Only a hundred and twenty-five?¹² — Rami b. Ezekiel learned that the sea that Solomon made was square in its lower three cubits and round in its upper three.¹³

Granted that you cannot assume the reverse,¹⁴ since it is written in Scripture that its brim was round, [can you not] say, however, [that only] one [cubit of the height of the brim was round]?¹⁵ — This¹⁶ cannot be entertained at all, for it is written, it held two thousand baths;¹⁷ now how much is a bath? Three se'ah,; for it is written in Scripture: The tenth of the bath out of the kor [which is ten baths],¹⁸ so that the sea¹⁹ contained six thousand griva.²⁰ But Surely is it not written: It²¹ held three thousand baths?²² — This²³ [includes the addition] of the heap [in a dry measure].²⁴

Said Abaye: From this it may be inferred that the heap [of a measure]²⁵ is one third [of the entire quantity].²⁶ And so have we also learnt: A large box or chest, a cupboard, a large straw or reed basket,²⁷ and the tank of an Alexandrian ship, although they have flat bottoms and are capable of holding forty se'ah of liquid, which are [equal to] two kor of dry [commodities],²⁸ are levitically clean.²⁹

MISHNAH. THE SIDE-POSTS OF WHICH THEY [THE RABBIS] SPOKE [MUST BE NO LESS THAN] TEN HANDBREADTHS IN HEIGHT, BUT THEIR WIDTH AND THICKNESS MAY BE OF ANY SIZE WHATSOEVER. R. JOSE RULED: THEIR WIDTH [MUST BE NO LESS THAN] THREE HANDBREADTHS.

GEMARA. THE SIDE-POSTS OF WHICH THEY SPOKE etc. May it then³⁰ be asserted that we have here learnt an anonymous Mishnah in agreement with R. Eliezer who ruled that two side-posts are required?³¹ — No; the expression of³² SIDE-POSTS [refers to] side-posts in general.³³ If so,³⁴ should it not have been taught, in the case of the cross-beam also,³⁵ 'cross-beams', the plural referring to³⁶ cross-beams generally? — It is really this that was meant: The SIDE-POSTS concerning which R. Eliezer and the Sages are in dispute³⁷ [MUST BE NO LESS THAN] TEN HANDBREADTHS IN HEIGHT, BUT THEIR WIDTH AND THICKNESS MAY BE OF ANY SIZE WHATSOEVER.³⁸ And how much [was meant by] 'ANY SIZE WHATSOEVER'? — R. Hiyya taught: Even [if only] as that of the thread of a cloak.³⁹

A Tanna taught: If a man put up a side-post for a half of an alley⁴⁰ he may only use⁴¹ [the inner] half of the alley.⁴² Is not this⁴³ obvious?⁴⁴ — Rather read: He may use⁴⁵ a half of the alley.⁴⁶ Is not this,⁴⁷ however, also obvious?⁴⁸ — It might have been presumed that the possibility should be considered that⁴⁹ one might proceed to use all of it;⁵⁰ hence we were informed [that the inner half may be used].

Raba stated: If one constructed a side-post for an alley and raised it three handbreadths from

the ground, or removed it three handbreadths from the wall, his act is invalid.⁵¹ Even R.⁵² Simeon b. Gamaliel, who holds [that in the case of gaps] we apply the rule of labud,⁵³ maintains his view⁵⁴ [only where the gap occurred] above,⁵⁵ but [where it was] below, since [the post] constitutes a partition through which kids can push their way, he did not uphold that view.

R. JOSE RULED: THEIR WIDTH [MUST BE NO LESS THAN] THREE HANDBREADTHS. R. Joseph stated in the name of Rab Judah who had it from Samuel: The halachah is not in agreement with R. Jose either in respect of 'brine'⁵⁶ or in that of 'SIDE-POSTS'. Said R. Huna b. Hinena to him: You told us this⁵⁷ concerning 'brine' but not concerning 'side-posts'. Now wherein does brine differ? Obviously because the Rabbis disagree with him; but do not they disagree with him in respect of side-posts also? — 'Side-posts', the other replied: 'are in a different category because Rabbi has taken up the same point of view.'⁵⁸

R. Rehumi taught thus: Rab Judah son of R. Samuel b. Shilath stated in the name of Rab: The halachah does not agree with R. Jose either in respect of 'brine'⁵⁶ or in that of 'SIDE-POSTS'. 'Did you say it?' they asked him. 'No', he replied. 'By God!' Raba exclaimed, 'he did say it, and I learned it from him,' — Why then did he change his view? — Because R. Jose has always good reasons for his rulings.⁵⁹ Said Raba son of R. Hanan⁶⁰ to Abaye, 'What is the law?'⁶¹ — 'Go', the other told him, 'and see what is the usage of the people'.⁶²

There are some who teach this⁶³ in connection with the following: A man who drinks water on account of his thirst⁶⁴ must say⁶⁵ [the benediction], 'by whose word all things exist'.⁶⁶ R. Tarfon ruled [that the following benediction⁶⁵ must be said], 'who⁶⁶ createst many living beings with their wants, for all the means that thou has created'.⁶⁷ Said R. Hanan⁶⁸ to Abaye, 'What is the law?' — 'Go', the other told him, 'and see what is the usage of the people'.

(1) Lev. XV, 16. 'His flesh' is in cur. edd. enclosed in parenthesis. M.T. has 'all' before 'flesh'.

(2) Sc. it need not be spring water.

(3) Ibid.

(4) Lit., 'goes up in them'.

(5) V. supra 4b, notes.

(6) The calculation at the moment is based, for the sake of argument, on the imaginary assumption that the round sea like a square tank contained $10 \times 10 \times 5 = 500$ cubic cubits.

(7) Since each bath, as stated supra, contains $1 \times 1 \times 3 = 3$ cubic cubits.

(8) To make up a hundred and fifty ritual baths. An objection against R. Hiyya's statement.

(9) V. supra p. 91, n. 17.

(10) Since a diameter of one unit has a circumference of three units approx., and a square of one such unit has a perimeter of four such units.

(11) In the number of 'five hundred'. $500 - 400 = 100$.

(12) Since $400 - 100 = 300$, and $100 - 25 = 75$, the number of cubic cubits in the sea of Solomon was only 375. As each three cubic cubits produced one ritual bath, the sea could have contained no more than $375/3 = 125$ ritual baths. An objection again against R. Hiyya.

(13) The lower section contained $3 \times 10 \times 10 = 300$ cubic cubits. The upper section, being circular and by one quarter less than a square, contained $2 \times 10 \times 10 - 50 = 150$. The two sections together consequently contained $(300 + 150)/3 = 350$ ritual baths.

- (14) That the upper section of the sea was square shaped and its lower one round.
- (15) And the sea consequently contained more than a hundred and fifty ritual baths. On what ground then could R. Hiyya maintain that it contained only a hundred and fifty ritual baths?
- (16) That the sea contained more than the number given by R. Hiyya.
- (17) I Kings VII, 26.
- (18) Ezek. XLV, 14. A kor which is ten baths also equals thirty se'ah. Ten baths consequently equal thirty se'ah and one bath equals three se'ah.
- (19) Which held two thousand baths.
- (20) A griva = one se'ah. Since one bath = three se'ah, two thousand baths = $3 \times 2000 = 6000$ se'ah = $6000/40 = 150$ ritual baths. Hence R. Hiyya's figure.
- (21) Solomon's sea.
- (22) II Chron. IV, 5.
- (23) The higher figure.
- (24) While liquids can only reach the level of the top of the measure, dry commodities can be raised to a certain height above that level. The difference between the dry and liquid commodities that the sea could contain, explains the difference between the figures in I Chron., and I Kings respectively. For an attempt to reconcile Rami b. Ezekiel's solution with the more exact value of 'pie' v. Zuckermann, op. cit., p. 29 and Feldman, op. cit., p. 51.
- (25) Sc. the quantity above its level, if the ratio of its height to its length and width is the same as that of Solomon's sea.
- (26) One thousand being a third of three thousand.
- (27) Lit., 'receptacle', 'container'.
- (28) Two kor = 60 se'ah. The difference between the dry and the liquid is thus $60 - 40 = 20$ se'ah, and twenty is one third of sixty. This Mishnah thus supports Abaye's calculation.
- (29) Sc. are not susceptible to levitical uncleanness. Only vessels that are moved about both empty and full are so susceptible. Those mentioned here are large and not easily moved; hence they are not subject to the same susceptibility. Shab. 35a; Kel. XV, 1; Oh. VIII, 1, 3.
- (30) Since our Mishnah speaks of side-posts in the plural.
- (31) Mishnah Supra 11b. Is it likely, however, that an anonymous Mishnah, which as a rule represents the halachah, would agree with an individual opinion contrary to that of the majority?
- (32) Lit., 'what'.
- (33) Each individual alley, however, may require no more than one side-post.
- (34) That the plural was used to refer to side-posts in general.
- (35) In the previous Mishnah (supra 13b).
- (36) Lit., 'and what beams?'
- (37) The former requiring two and the latter one.
- (38) The use of the plural is consequently no proof that the halachah is in agreement with the ruling of R. Eliezer.
- (39) **kcrx** cf. Gr. **.
- (40) I.e., instead of fixing the side-post at a point facing the entrance, he put it up within the alley at a point facing the middle of it.
- (41) Lit., 'he has not but'.
- (42) Tosef. 'Er. I.
- (43) That only the inner but not the outer half of the alley may be used.
- (44) Of course it is, since the outer part was not provided with any side-post.
- (45) Lit., 'he has'.
- (46) While it is obvious that the outer half could not be used, it is not so obvious that the inner part may be used.

Hence the necessity for the Tosef cited.

- (47) That the inner half may be used.
- (48) Since it was well provided with a side-post.
- (49) Were the use of the inner half to be permitted.
- (50) In consequence of which the use of the inner half also should be forbidden.
- (51) Lit., 'he did nothing'.
- (52) Lit., 'according to R.'
- (53) v. Glos.
- (54) Lit., 'these words'.
- (55) As, for instance, when a cross-beam projecting from one wall does not reach the wall opposite.
- (56) V. Shab. 108b.
- (57) That the halachah is not in agreement with R. Jose.
- (58) Supra 10a, 12a.
- (59) Lit., 'his depth (of reasoning) is with him'. V. Rashi a.l. and cf. Rashi infra 51a s.v. **ueunhb**.
- (60) MS.M. Nahman.
- (61) In respect of the size of the side-posts.
- (62) They use side-posts of any size whatsoever (Rashi).
- (63) The answer given by Abaye.
- (64) Excluding one who drinks it, e.g., for a cure.
- (65) Prior to his drinking (Rashi).
- (66) The beginning of this benediction like that of all others is, 'Blessed art thou, O Lord our God, King of the universe' (cf. Singer's P.B., p. 290).
- (67) The last eight words are wanting in MS.M. and are also absent from the Mishnah Ber. 44a.
- (68) MS.M., Rabbah b. Hanin.

Talmud - Mas. Eirubin 15a

It was stated: A side-post put up accidentally,¹ Abaye ruled, is a valid side-post, but Raba ruled: It is no valid side-post. Where [the residents] did not rely on it from the previous day,² no one disputes that it is no valid side-post. They differ only where [the residents] did rely upon it on the previous day.³ Abaye ruled: 'It is a valid side-post', since the residents relied on it from the previous day. But Raba ruled: 'It is no valid side-post', because owing to the fact that originally it was not made for that purpose,⁴ it cannot be regarded as a valid side-post.

It has been assumed⁵ that as they⁶ differed in the case of a side-post, so they differed in that of a partition.⁷ Come and hear:⁸ If a man made his sukkah⁹ among trees and the trees serve as its walls, it is ritually fit!¹⁰ Here we are dealing [with trees] that were originally planted for the purpose.¹¹ If so, is this¹² not obvious? — It might have been presumed that a preventive measure should be enacted as a precaution against the possibility of using the tree [for other purposes also],¹³ hence we were informed [that no such precaution was deemed necessary].

Come and hear: If there was present¹⁴ a tree or a wall or a fence of [growing] reeds it may be treated as a corner-piece!¹⁵ — Here also we are dealing with one that was originally intended for the purpose. If so, what need was there to tell us this? — We were told that a fence of reeds [is valid if the distance between] any two reeds was less than three handbreadths, as [was explained

in] the enquiry that Abaye addressed to Raba.¹⁶

Come and hear: Where a tree overshadows the ground,¹⁷ it is permitted to move objects under it¹⁸ if [the top of] its branches is not higher than three handbreadths from the ground!¹⁹ — Here also we are dealing with one that was originally planted for the purpose. If so, it should be permissible to move objects under it in all cases; why then did R. Huna the son of R. Joshua state that movement of objects under it is permissible only [where its area was no larger than] two beth se'ah?²⁰ — Because it is a dwelling that serves the [outside] air²¹ and no movement of objects is permitted in a dwelling that serves the outside air unless [its area is no larger than] two beth se'ah.²²

Come and hear: If a man received the Sabbath²³ on a mound that was ten handbreadths high²⁴ and between four cubits and two beth se'ah in area, or²⁵ in the cleft [of a rock] that was ten handbreadths deep²⁶ and between four cubits and two beth se'ah in area, or reaped corn that was surrounded by [growing] ears,²⁷ he may walk in all the area,²⁸ and outside it for two thousand cubits!²⁹ And should you reply that there also it is a case where one had originally made them for the purpose, [your submission] might be quite agreeable as regards the corn;³⁰ what, however, could be said as regards the mound or the cleft?³¹ — The fact, however, is that in respect of partitions, no one³² disputes that [one put up accidentally] is a valid partition. They only differ in respect of a side-post — Abaye³³ follows his own point of view, for he has laid down that a side-post represents³⁴ a partition, and a partition set up accidentally is a valid partition. Raba, on the other hand, follows his own point of view, for he has laid down that a side-post serves³⁴ the purpose of a distinguishing mark,³⁵ and only where it is made for that purpose,³⁶ is it a distinguishing mark, otherwise³⁷ it is no distinguishing mark.

Come and hear: If stones³⁸ that project from a wall³⁹ are separated from each other by less than three handbreadths, no other side-post is required;⁴⁰ [if they are separated by] three handbreadths, another side-post is required!⁴¹ Here also it is a case where they were originally built for that purpose.⁴² If so, is not this⁴³ obvious?⁴⁴ — It might have been presumed that [projections] are made solely as building connections,⁴⁵ hence we were informed [that no other side-post is required].

Come and hear what R. Hiyya taught: A wall of which one side recedes more than the other, whether [the recess can be] seen from without and appears even from within or whether it can be seen from within and appears even from without, may be regarded as [being provided with] a side-post!⁴⁶ — Here also it is a case where it was originally constructed for the purpose. If so, what need was there to tell us [the obvious]? — It is this that we were informed: [If the recess can be] seen from without though it appears even from within, [the wall] may be regarded as [provided with] a side-post.

Come and hear [of the incident] where Rab was sitting in a certain alley and R. Huna sat before him when he said to his attendant, 'Go, bring me a jar of water'. By the time the latter returned, the side-post fell down and he motioned to him with his hand to remain in his place.⁴⁷ Said R. Huna to him, 'Is not the Master of the opinion that one may rely upon the palm-tree?'⁴⁸ 'This young Rabbi', he replied: 'seems to think that people cannot explain a ruling they have heard! Did

we rely upon it since yesterday?⁴⁹ The reason then⁵⁰ is that no one had relied on it;⁵¹ but if they had relied on it,⁵¹ it would have been regarded as a valid side-post.⁵²

Might not one suggest that Abaye and Raba differed only where [the residents] did not rely on it,⁵³ but that where they did rely on it, it is regarded as a valid side-post?⁵⁴ — This cannot be entertained at all; for there was a certain piazza at the house of Bar Habu,⁵⁵ about which Abaye and Raba were always⁵⁶ in dispute.⁵⁷

MISHNAH. SIDE-POSTS MAY BE MADE OF ANYTHING, EVEN OF AN ANIMATE OBJECT, BUT R. MEIR⁵⁸ FORBIDS THIS. IT⁵⁹ ALSO CAUSES DEFILEMENT⁶⁰ AS THE COVERING OF A TOMB,⁶¹

(1) Lit., ‘that stands of itself’, sc. it was not put up in connection with the Sabbath ritual.

(2) Lit., ‘from yesterday’, sc. Friday, the day before the Sabbath; if, for instance, a proper side-post provided fell down on the Sabbath day.

(3) And, in consequence, provided no other side-post.

(4) To serve as a side-post in compliance with the Sabbath laws.

(5) By the students at the schoolhouse.

(6) Abaye and Raba.

(7) Sc. if a wall was put up, not for the ritual purpose for which it was desired to use it Abaye considers it valid and Raba does not.

(8) All objection against Raba.

(9) V. Glos.

(10) Suk. 24b; which proves that a wall is valid even if it was not originally made for the purpose. V. supra note 10.

(11) To serve as walls for the sukkah.

(12) That they are ritually valid walls

(13) And people would thus even pluck its fruit on the festival when this is forbidden.

(14) In close proximity to a watering station.

(15) Infra 19b; which shows that a wall is ritually valid though it had not been specially made for the purpose, and presents an objection against Raba. **snuhs = sung uhs** ‘two pillars’; cf. Gr. **, ‘forked’. A deyomad, or corner-piece consists of two boards, or the like, meeting at their ends at right angles to one another and forming all L shaped construction. Four deyomads of the prescribed size, placed respectively at the four corners of a watering station, constitute a ritually valid partition within which it is permitted to carry on the Sabbath.

(16) Infra 19b ad fin.

(17) With its branches that grow from its trunk at a height of ten handbreadths.

(18) On the Sabbath.

(19) Infra 99b, Suk. 24b. An objection against Raba.

(20) V. Glos. Such a restriction is applicable to enclosures that are only partially valid (cf. infra 16b, 24a). Now if the tree in question had been planted for the purpose, its branches, surely, constitute a valid enclosure; why then should the restriction mentioned apply?

(21) I.e., to provide shelter for the watchmen of the surrounding fields. It is not one in which people usually live.

(22) As stated infra 22a.

(23) It is forbidden to walk on the Sabbath beyond two thousand cubits from one's home, the term being defined as the spot (four cubits by four), the house or the town where a person was at the time the Sabbath had set in. Within

the four cubits, or within the house or town however big it may be, it is always permitted to walk.

(24) The minimum height of a private domain to which the rule of upward extension of its edges to form virtual walls is applied.

(25) Lit., 'and so'.

(26) And thus provided with walls of the height required to form a private domain.

(27) That were ten handbreadths high and formed a partition of the prescribed minimum height (cf. previous note).

(28) Since all the mound, the cleft or the space enclosed by the growing ears of corn is regarded as his 'home'.

(29) Suk. 25a; which proves that walls or partitions apparently not made for the purpose of satisfying the requirements of the Sabbath laws are nevertheless regarded as valid walls, and an objection thus again arises against Raba.

(30) It being possible that the reaping of the field was so planned as to leave an enclosure of ears of corn round the particular spot.

(31) Which are natural phenomena.

(32) Lit., 'all the world'.

(33) In declaring it valid.

(34) Lit., 'because of'.

(35) Supra 12b q.v. notes.

(36) Lit., 'with the hands'.

(37) Lit., 'and if not'.

(38) Lit., 'stones of a wall'.

(39) One above the other in a vertical line.

(40) To convert an alley at whose entrance they are situated, into a private domain. The projecting stones alone satisfy the requirements of a side-post.

(41) Thus it follows that the projecting stones, where the distance between them is less than three handbreadths, constitute a valid side-post though, apparently, they were not put there for that purpose. All objection against Raba.

(42) To serve as a side-post for the alley.

(43) That no other side-post is required.

(44) What need then was there to state it?

(45) To dovetail any new wall with the existing one; and consequently could not be regarded as a side-post even though they were so originally intended.

(46) Supra 9b, q.v. notes. The recession being presumably accidental, does not the recognition of the validity of the side-post present an objection against Raba?

(47) So according to MS.M. and R. Han. **lh, fust oe** 'remain in your place'. According to cur. edd., **vh, fust oe** 'he remained in his place', render, 'He motioned to him with his hand and (the latter) remained in his place'.

(48) That grew at the side of the entrance to the alley.

(49) They did not. Hence they could not treat the palm-tree as a valid side-post for the alley.

(50) Why the palm-tree could not be regarded as a side-post.

(51) Before the commencement of the Sabbath.

(52) This then proves that the law is in agreement with Abaye.

(53) A side-post of accidental origin.

(54) So that Rab's ruling would be in agreement with the opinion of both Abaye and Raba.

(55) And one of its supporting poles was situated at the entrance to an alley.

(56) Lit., 'all their years'.

(57) The former regarding it as a valid side-post and the latter denying its validity. From which it follows that the

dispute between Abaye and Raba as to the validity of a side-post of accidental origin extends also to one upon which the residents had relied.

(58) Separate ed. of the Mishnah read: 'R. Jose'.

(59) Any object, even an animate one, that was used to close up a tomb.

(60) Even after it had been removed from the grave.

(61) **kkud**. Such a covering is subject to the same degree of levitical uncleanness as the corpse itself (cf. Hul. 72a).

Talmud - Mas. Eirubin 15b

BUT R. MEIR RULED THAT IT WAS NOT SUSCEPTIBLE TO DEFILEMENT.¹ WOMEN'S LETTERS OF DIVORCE TOO MAY BE WRITTEN ON IT, BUT R. JOSE THE GALILEAN DECLARED IT TO BE UNFIT.

GEMARA. It was taught: R. Meir ruled: No animate object may be used either as a wall for a sukkah,² or as a side-post for an alley, [or as one of the] partitions for watering stations or as a covering for a grave.³ In the name of R. Jose the Galilean it was laid down: Women's bills [of divorce] also may not be written on it.⁴ What is R. Jose the Galilean's reason? — Because it was taught: [From the Scriptural expression of] 'letter'⁵ one would only learn that⁶ a letter⁵ [may be used]; whence, however, [can it be deduced that] all other things are also included? [From] the explicit statement:⁷ That he writeth her⁸ [which implies:] On any object whatsoever.⁹ If so, why was the expression of 'letter' used? To tell you that as a letter is an inanimate object and does not eat, so must any other object [used for the purpose be] one that is inanimate and does not eat.¹⁰ And the Rabbis?¹¹ — Is it written: 'In a letter'?'¹² Surely only 'letter'¹³ is written, and this refers¹⁴ merely to the recording¹⁵ of the words.¹⁶

As to the Rabbis, however, what exposition do they make of the expression: That he writeth her?¹⁷ — They require that text [for the deduction that a woman] may be divorced only by writing¹⁸ but not by money.¹⁹ For it might have been presumed that since divorce²⁰ was compared with betrothal,²¹ as betrothal [may be effected] by means of money²² so may divorce [also be effected] by means of money;²³ hence we were informed [that only by writing¹⁸ can divorce be effected]. And whence does R. Jose the Galilean derive this logical conclusion?²⁴ — He derives it from [the expression of] 'A letter of divorcement'²⁵ [which implies:]²⁶ The letter causes her divorcement but no other thing may cause it.²⁷ And the Rabbis? — They require the expression of²⁸ 'A letter of divorcement'²⁵ to [indicate that the divorce must be] one that completely separates the man from the woman;²⁹ as it was taught: [Should a husband say to his wife,] 'Here is your divorce on condition that you never drink any wine' or 'on condition that you never go to your father's house' [such a divorce] is no complete separation;³⁰ [if he said,] 'During³¹ thirty days'³² is it regarded as a complete separation.³³ And R. Jose the Galilean?³⁴ — He derives it from [the use of] kerituth³⁵ [instead of] kareth.³⁵ And the Rabbis? — They base no expositions [on the distinction between] kareth and kerituth.³⁶

MISHNAH. IF A CARAVAN CAMPED IN A VALLEY AND IT WAS SURROUNDED BY THE TRAPPINGS OF THE CATTLE IT IS PERMISSIBLE TO MOVE OBJECTS WITHIN IT, PROVIDED [THE TRAPPINGS] CONSTITUTE A FENCE TEN HAND BREADTHS IN HEIGHT AND THE GAPS³⁷ DO NOT EXCEED³⁸ THE BUILT-UP PARTS.³⁸ ANY GAP

WHICH [IN ITS WIDTH DOES NOT EXCEED] TEN³⁹ CUBITS IS PERMITTED,⁴⁰ BECAUSE IT IS LIKE A DOORWAY. IF IT EXCEEDS THIS [MEASUREMENT] IT IS FORBIDDEN.⁴¹ GEMARA. It was stated: If the breaches [in an enclosure] are equal [in area to its] standing parts, the [movement of objects⁴² in the space within the enclosures], R. Papa ruled, is permitted, and R. Huna the son of R. Joshua ruled: It is forbidden. R. Papa ruled: 'It is permitted', because the All Merciful taught Moses⁴³ thus: 'Thou must not allow the greater part of a fence to consist of gaps'.⁴⁴ R. Huna the son of R. Joshua ruled, 'it is forbidden for it is this that the All Merciful taught Moses: 'Its greater part [must be] fence'.

We learned: AND THE GAPS DO NOT EXCEED THE BUILT-UP PARTS, but, [it follows, does it not, that if they were] equal to the built-up parts [movement of objects within the enclosure] is permitted?⁴⁵ — Do not infer: 'But [if they were] equal to the built-up parts [the movement of objects] is permitted', but infer: 'If the built-up parts exceed the gaps [the movement of objects] is permitted'. But [if the gaps are] equal to the built-up parts, what [is the law]? [Is the movement of objects]⁴² forbidden? If so, however, should not the reading have been, 'The gaps are not equal to the built-up parts'?⁴⁶ — This is indeed a difficulty.

Come and hear: If a man covered the roof⁴⁷ of his sukkah⁴⁸ with spits or with the long [sides] of a bed⁴⁹ [the sukkah is] valid if there is as much space between them as that of their own [width].⁵⁰ Here we are dealing [with such] as can be easily moved in and out.⁵¹ Is it, however, possible⁵² to be exact?⁵³ — R. Ammi replied: One might supply more [of the proper roofing].⁵⁴ Raba replied: If they⁵⁵ were placed crosswise, one puts the suitable material lengthwise, [and if they were placed] lengthwise, one puts it crosswise.⁵⁶

Come and hear: If a caravan camped in a valley and it was surrounded by camels, saddles,

(1) For the reason, v. Suk. 24a.

(2) V. Glos.

(3) If it was used, the wall, the side-post or the partition is invalid and the covering remains insusceptible to levitical uncleanness.

(4) Suk. 23a.

(5) Deut. XXIV, 1. **רִפְּךָ** 'book', 'letter' or 'scroll'.

(6) Lit., 'I have only'.

(7) Lit., 'it is taught to say'.

(8) Deut. XXIV, 1, emphasis on writeth.

(9) Lit., 'from any place'.

(10) Hence R. Jose's ruling that no letter of divorce may be written on an animate object.

(11) How, in view of this deduction, can they allow the use of an animate object as a writing material for a letter of divorce?

(12) **רִפְּךָ** (with prefix) which would have implied that the noun referred to the material on which the divorce is written.

(13) **רִפְּךָ** without any prefix.

(14) Lit., 'that it came'.

(15) , **וּרְהִפְּךָ**, lit., 'enumeration'.

(16) **רִפְּךָ** and , **וּרְהִפְּךָ** being of the same rt. The kind of material, however, on which the wording must be

recorded was not prescribed. Hence the permissibility to use any writing material or any other object.

(17) From which it was deduced supra that a divorce may be written on any object. Since the expression **sefer** (**rpX**) has no bearing on the question of the writing material, it is obvious that any object is admissible for the purpose. What need then was there to use the expression of 'writeth' (Deut. XXIV, 1) when that of giveth (ibid.) viz., 'That he giveth her the letter of divorcement in her hand' etc., would have been sufficient?

(18) A written letter of divorce.

(19) By saying, on the analogy of the formula for betrothal, 'Be thou divorced from me by this money'.

(20) Lit., 'departing' (**vtmhu**); 'and she departeth' (Deut. XXIV, 2).

(21) Lit., 'becoming' (**vhuv**); 'and becometh' (ibid.).

(22) V. Kid. 2a'

(23) V. supra note 16.

(24) That a divorce cannot be effected except by means of a written document.

(25) , **u, hrf rpX**, Deut. XXIV, I.

(26) Since **rpX** ('letter') stands in close proximity to , **u, hrf** ('divorcement').

(27) **v, ruf** (rt. , **rf** 'to cut'), lit., 'cuts her off (from her husband)'.

(28) Lit., 'that'.

(29) Lit., 'that cuts (cf. supra n. 4) between him and her'.

(30) Since the woman might at any time throughout her life break the condition and consequently annul the divorce.

(31) Lit., 'all'.

(32) Sc. he set a limit to the period during which the woman should drink no wine or keep away from her father's house.

(33) From the moment the woman has received the document; because at the end of the specified period the divorce is free from all conditions and the separation between husband and wife is complete. Suk. 24b, Yoma 13a, Git. 21b, 83b.

(34) Whence does he derive this ruling?

(35) , **u, hrf**, in the opinion of R. Jose, is a longer or more forcible expression than , **rf**.

(36) Cf. previous note.

(37) Though each one is less than ten cubits.

(38) In their total area.

(39) So MS.M. Cur. edd. 'like ten'.

(40) Provided the area of the built-up parts exceeds that of the gaps.

(41) Though all the remainder of the fence is built up.

(42) On the Sabbath.

(43) When he imparted to him the laws concerning partitions (v. supra 4a).

(44) Lit., 'thou shalt not break its greater part'.

(45) An objection against R. Huna.

(46) From which it would have been obvious that if they were equal to, and much more so if they exceeded the built-up parts, the movement of objects would be forbidden; and all ambiguity would thus be avoided.

(47) Or 'laid the roof-beams'.

(48) v. Glos.

(49) Such objects, since they are proper 'instruments', are susceptible to levitical uncleanness and consequently unfit for the roof covering of a sukkah.

(50) Suk. 15a; because the intervening spaces can be filled up with suitable and ritually fit roofing. This Mishnah then seems to show that where the measurement of the suitable and the unsuitable parts are equal, the structure is

valid; and, since the same principle would obviously apply also to the validity of an enclosure, in respect of the Sabbath laws, where its built-up parts equal its gaps, does not an objection arise against R. Huna?

(51) Lit., 'when it (freely) enters and goes out', sc. between the parts to be covered with the suitable roofing, so that the width of each spit or bed-side is inevitably less than that of each properly covered intervening space.

(52) So R. Han. Cur. edd., 'surely it is possible', is a different reading (as pointed out by Tosaf. s.v. **xhrd har** a.l.).

(53) Sc. is it possible that by supplying a quantity of suitable material equal in width to that of the unsuitable one, the air spaces intervening between the two materials will be duly covered? The answer obviously being in the negative, the question arises: How, in view of the fact that the space of the proper material does not even equal that of the improper one plus the intervening air spaces, could the sukkah be valid? This raises an objection against R. Huna but also against R. Papa (cf. Tosaf. l.c.).

(54) And thus cover up the intervening air spaces also.

(55) The spits etc.

(56) So that all the spaces between the improper material are fully covered with the proper one which, according to R. Papa, thus covers as much space as the improper one; and according to R. Huna, since the spits etc. can be easily moved in and out, the proper roofing covers the larger area.

Talmud - Mas. Eirubin 16a

saddle-cushions, saddlebags, reeds or stalks [it is permitted to] move objects within it, provided there is no more than the space of one camel between any two camels, that of one saddle between any two saddles, and that of one saddle-cushion between any two saddle-cushions!¹ — Here also [it is a case where each object can be easily] moved in and out.²

Come and hear: Thus³ you might say that there are three categories in the case of partitions. Wherever [in a reed fence the width of each reed is] less than three handbreadths, it is necessary⁴ that there shall be no [gap of] three handbreadths between any two reeds⁵ so that a kid could not leap headlong [through it].⁶ Wherever [the width of each reed is] three, or from three to four⁷ handbreadths, it is necessary⁸ that [the gap] between any two reeds⁹ shall not be as wide as the full width of a reed,¹⁰ in order that the gaps shall not be equal to the standing parts; and if the gaps exceeded the standing parts it is forbidden [to sow corn]¹¹ even over against the standing parts. Wherever [the width of each reed is] four handbreadths, or from four handbreadths to ten cubits,¹² it is necessary⁸ that [the gap] between any two reeds⁹ shall not be as wide as a reed,¹⁰ in order that the gaps shall not be equal to the standing parts; and if the gaps were equal to the standing parts it is permitted [to sow seed]¹¹ over against the standing parts and forbidden over against the gaps.¹³ If, however, the standing parts exceeded the gaps it is permitted¹⁴ [to sow seed] over against the gaps also. If there was a gap wider than ten cubits, [sowing]¹⁵ is forbidden. If forked reeds were there and a plait was made above them, [sowing] is permitted even [if the gaps between the reeds] exceeded ten cubits.¹⁶ In the first clause at any rate it was taught that [the fence is valid if the width of each reed was] from three to four handbreadths provided the gap between any two reeds was not as wide as a reed. Is not this¹⁷ an objection against R. Papa?¹⁸ — R. Papa can answer you: By the expression of 'as wide as' was meant¹⁹ [the width of the space through which the reed can be easily] moved to and fro.²⁰ Logical deduction also leads to the same conclusion. For, since it was stated: 'If the gaps exceeded the standing parts it is forbidden [to sow corn] even over against the standing parts', it follows that if they were equal to the

standing parts [the sowing] is permitted. This proves it.

Must it then be assumed that this²¹ presents an objection against R. Huna the son of R. Joshua?²² — He can answer you: According to your line of reasoning [how will you] explain the final clause, ‘If, however, the standing parts exceeded the gaps it is permitted [to sow seed] over against the gaps also’, from which it follows that if it was equal to the gaps, [sowing] is forbidden?²³ Now then, the final clause is a contradiction to the ruling of R. Papa and the first one to that of R. Huna son of R. Joshua? — The final clause is really no contradiction to the ruling of R. Papa for, since the Tanna used the expression, ‘If the gaps exceeded the standing parts [it is forbidden]’²⁴ in the first clause, he used the expression, ‘If the standing parts exceeded the gaps [it is permitted]’ in the final clause.²⁵ The first clause presents no contradiction against R. Huna the son of R. Joshua for, as it was desired to state in the final clause, ‘If the standing parts exceeded the gaps [it is permitted]’,²⁶ it was also taught in the first clause²⁷ ‘If the gaps exceeded the standing parts [it is forbidden]’.²⁸

According to R. Papa²⁹ it is quite well, for this reason,³⁰ that the two cases³¹ were not included in one statement.³² According to R. Huna son of R. Joshua,³³ however, why should not the two cases be included in one statement thus:³⁴ Wherever [the width of a reed is] less than three, or [as much as] three, handbreadths it is necessary that [the gap] between any two reeds shall be less than three handbreadths? — Because the cause of the restriction³⁵ in the first clause is not like that in the second clause. The cause of the restriction in the first clause is that a kid shall not be able to leap headlong [through the gap]; while [the cause of] the restriction in the final clause is that the gaps shall not be equal to the standing parts.³⁶

Whose [view is expressed in the principle that the gap must be] less than three handbreadths? [Is it not] that of the Rabbis who laid down that [to a gap of] less than three handbreadths the law of labud³⁷ is applied but that to one of three handbreadths the law of labud is not applied?³⁸ Read, however, the final clause: ‘Where [the width of each reed is] three, or from three to four’.

(1) Which shows that where the gaps are equal to the built-up parts, the movement of objects is permitted. An objection against R. Huna.

(2) Cf. *supra* note 1 *mutatis mutandis*.

(3) Lit., ‘it is found’.

(4) if vines grow on one side of the fence and it is desired to sow corn in close proximity on the other side.

(5) Lit., ‘this to this’.

(6) The law of labud (v. *Glos.*) is applied in such a case even where the total area of the gaps exceeds that of the reeds. If a gap is wider than three handbreadths, a kid can leap headlong through it and the law of labud cannot consequently apply.

(7) But not actually four.

(8) V. p. 104, n. 10.

(9) Lit., ‘this to this’.

(10) Lit., ‘like its fullness’.

(11) If vines were planted on the other side of the fence in close proximity.

(12) Inclusive, but not wider.

(13) Thus we have three categories: (i) It is not necessary for each gap to be less in width than a reed where the

reeds are less than three handbreadths in width; and even if a gap is as wide as or wider than a reed, provided it is not wider than three handbreadths, all the fence is valid. (ii) It is necessary for each gap to be less in width than a reed where the reeds are three, or from three to four handbreadths in width. A gap of three or more handbreadths destroys the validity of the entire fence even that of its standing parts. (iii) Where the standing parts of a fence are considerable, their validity is not affected by the gaps, though it is forbidden to sow over against one side of the gaps if vines grow on the other.

(14) In any of three cases enumerated.

(15) V. supra note 5.

(16) Tosef. Kil. IV; because a gap in the shape of a doorway, even if it is wider than ten cubits, does not impair the validity of a fence.

(17) The ruling that the fence is valid only when the gaps are less than the standing parts.

(18) Who ruled supra that even if the breaches in an enclosure were equal to its standing parts, the movement of objects within it on the Sabbath is permitted or, in other words, the fence of the enclosure is valid.

(19) Lit., 'what its fullness?'

(20) Lit., 'enters and goes out', so that a gap equal to that width is really wider than the actual width of the reed. Where, however, the gaps are exactly equal to the standing parts, the fence is valid in agreement with the view of R. Papa.

(21) The Baraitha just discussed which provides support for R. Papa's ruling.

(22) Who differed from R. Papa (supra 15b).

(23) In agreement with the ruling of R. Huna son of R. Joshua and contrary to that of R. Papa.

(24) An expression which was essential for the inference that if the gaps equalled the standing parts it is permitted to sow even over against the gaps.

(25) As an antithesis; although the ruling here was really unnecessary in view of the statement, 'The gaps shall not be equal to the standing parts', i.e., (as explained supra) the space through which the reeds can move freely to and fro, from which it follows that if the gaps and the standing parts are equal, and much more so if the latter exceed the former, this is permitted. As the final clause is this a mere antithesis, no inference from it may be drawn.

(26) A statement necessary for the purpose of the inference: But if they were equal to the gaps this is forbidden.

(27) As a mere antithesis.

(28) Though it was superfluous in view of the ruling that this is forbidden even where they were equal to the standing parts.

(29) Who recognizes the validity of a fence where gaps and standing parts are equal.

(30) V. previous note.

(31) Reeds of (i) less than three and (ii) of three handbreadths.

(32) Lit., 'he does not mix them and teach them', as, for instance, 'Wherever (the width of a reed is) three, or less than three, handbreadths it is necessary that the gap between any two reeds shall be less than three handbreadths'. Such a statement would be wrong since in the latter case (according to R. Papa) the gap may be three handbreadths wide.

(33) Who does not recognize the validity of a fence where its gaps and standing parts are equal.

(34) Lit., 'let him mix them and teach them'.

(35) Lit., 'disqualification', 'invalidity'.

(36) As the reasons are different the two rulings could not be joined into one statement.

(37) V. Glos.

(38) Apparently it is.

Talmud - Mas. Eirubin 16b

Talmud - Mas. Eirubin 16b

Does not this represent the view of¹ R. Simeon b. Gamaliel who laid down that the law of labud is applied [to a gap that is] less than four handbreadths?² For if [it represents the view of] the Rabbis [how could it be said], ‘from three to four’ where three and four are subject to the same law?³ Abaye replied: Since the first clause [is the view of] the Rabbis the final clause also [must be that of] the Rabbis, but⁴ the Rabbis admit that wherever [it is a question of] permitting [to sow corn] over against [a standing part], if it is four handbreadths wide it is deemed [a partition],⁵ but not otherwise. Raba replied: As the final clause is the view of R. Simeon b. Gamaliel the first clause also must be that of R. Simeon b. Gamaliel, but⁴ it is only to [a gap] above⁶ that he applied the rule of labud but in the case of one below it is like a fence which kids can break through [to which the rule of] labud is not applied.

Come and hear: [The space enclosed by] such walls as consist mostly of floors and windows is permitted, provided the standing parts exceed the gaps.⁷ Now, is it possible to imagine [that the reading was] ‘mostly’?⁸ [The reading] then [must obviously be] ‘[The space enclosed by walls] in which many⁹ doors and windows were made is permitted, provided the standing parts exceed the gaps’. Thus it follows [that if the standing parts] equal the gaps it is forbidden. [Is not this then] an objection against R. Papa? — This is indeed an objection. The law, however, is in agreement with R. Papa. ‘An objection’ and ‘the law’!¹⁰ — Yes. Because the inference from our Mishnah is in agreement with his view. For we learned: THE GAPS DO NOT EXCEED THE BUILT-UP PARTS, from which it follows [that if they are] equal to the built-up parts it is permitted.

MISHNAH. [A CARAVAN IN CAMP]¹ MAY¹² BE SURROUNDED BY THREE ROPES,¹³ THE ONE ABOVE THE OTHER, PROVIDED [THE SPACE] BETWEEN THE ONE ROPE AND THE OTHER¹⁴ IS LESS THAN THREE HANDBREADTHS.¹⁵ THE SIZE OF THE ROPES [MUST BE SUCH] THAT THEIR [TOTAL] THICKNESS SHALL BE MORE¹⁶ THAN A HANDBREADTH, SO THAT THE TOTAL HEIGHT¹⁷ SHALL BE TEN HANDBREADTHS. [THE CAMP]¹⁸ MAY ALSO BE SURROUNDED¹⁹ BY REEDS,²⁰ PROVIDED THERE IS NO [GAP OF] THREE HANDBREADTHS²¹ BETWEEN ANY TWO REEDS. [IN LAYING DOWN THESE RULINGS,²² THE RABBIS] SPOKE ONLY OF A CARAVAN.²³ THIS IS THE VIEW OF R. JUDAH; BUT THE SAGES MAINTAIN THAT THEY SPOKE OF A CARAVAN ONLY BECAUSE [IN ITS CASE THIS²⁴ IS] A USUAL OCCURRENCE.²⁵ ANY PARTITION THAT IS NOT [MADE UP OF] BOTH VERTICAL AND HORIZONTAL²⁶ [STAKES] IS NO VALID PARTITION;²⁷ SO R. JOSE SON OF R. JUDAH.²⁸ BUT THE SAGES RULED: ONE OF THE TWO²⁹ [IS ENOUGH]. GEMARA. Said R. Hamnuna in the name of Rab: Behold the Rabbis have laid down³⁰ that if the standing parts [of a partition made up] of vertical [stakes]³¹ exceed the gaps [the fence] is valid.³² What, however, asked R. Hamnuna, is the ruling in respect of horizontally [drawn ropes]³³ — Abaye replied: Come and hear: THE SIZE OF THE ROPES [MUST BE SUCH] THAT THEIR TOTAL THICKNESS SHALL BE MORE THAN A HANDBREADTH, SO THAT THE TOTAL HEIGHT SHALL BE TEN HANDBREADTHS. Now if [such a barrier]³⁴ were valid³⁵ what need was there³⁶ [for the TOTAL THICKNESS to be] MORE THAN A HANDBREADTH seeing that one could leave³⁷ [a distance slightly] less than three handbreadths and [stretch] a rope of any [thickness, and again leave a distance slightly] less than three handbreadths, and [stretch] a rope of any [thickness, and then again leave a distance slightly] less than four handbreadths and

[stretch] a rope of any thickness?³⁸ — But how do you understand this: Where could one leave³⁹ less than four [handbreadths of distance]? Were it to be left³⁹ below,⁴⁰ [the barrier] would be like a partition which kids can break through,⁴¹ were it to be left⁴² above,⁴³ the [unlimited] air space on the one side [of the rope]⁴⁴ and that on the other⁴⁵ would join⁴⁶ to annul its validity; and if one were to leave it in the middle,⁴⁷ the [virtually] standing parts⁴⁸ would be exceeding the gaps [only by combining the parts]⁴⁸ on its two sides;⁴⁹ or would you infer from this that where the standing parts [of a partition or barrier] exceed a gap in it [only by combining those] on its two sides they are nevertheless valid?⁵⁰ But⁵¹ it is this that R. Hammuna asked: [What is the ruling where one] brought for instance a mat that measured seven handbreadths and a fraction, and cut out in it [a hole of] three handbreadths leaving [untouched the remaining] four handbreadths⁵² and fraction,⁵³ and put it up within [a distance of] less than three handbreadths [from the ground]?⁵⁴

R. Ashi said: His⁵⁵ enquiry related to a suspended partition,⁵⁶ as did that which R. Tabla addressed to Rab: Does a suspended partition convert a ruin into a permitted domain? And the other replied: A suspended partition can effect permissibility only in the case of water⁵⁷ because only in respect of water did the Sages relax the law.

[THE CAMP] MAY ALSO BE SURROUNDED BY REEDS etc. Only in the case of A CARAVAN but not in that of all individual? But was it not taught: R. Judah stated: All [defective] partitions⁵⁸ in connection with the Sabbath [laws] were not permitted to an individual [if the space enclosed]⁵⁹ exceeded two beth se'ah?⁶⁰ — As R. Nahman (or [as] some say: R. Bibi b. Abaye) replied [elsewhere that the ruling] was only required [in respect] of allowing them all [the space] they required, [so may one] here also [explain that the statement]⁶¹ referred to the permissibility] of allowing them all [the space] they required.⁶²

Where was [the reply] of R. Nahman (or [as] some say, [that of] R. Bibi b. Abaye) stated?- In connection with what we learned: ANY PARTITION THAT IS NOT [MADE UP OF] BOTH VERTICAL AND HORIZONTAL [STAKES] IS NO VALID PARTITION; SO R. JOSE SON OF R. JUDAH. Now [it was objected] could R. Jose son of R. Judah have given such a ruling seeing that it was taught: 'An individual and a caravan are subject to the same law as regards [a barrier] of ropes.⁶³ But [then] what is the difference [in this respect]⁶⁴ between an individual and a caravan? One individual is allowed two beth se'ah, so are two individuals also allowed two beth se'ah, but three become a caravan and are allowed six both se'ah,' so R. Jose son of R. Judah. But the Sages ruled: Both an individual and a caravan are allowed all [the space] they require provided no area of two beth se'ah remains unoccupied'⁶⁵ [To this] R. Nahman (or some say: R. Bibi b. Abaye) replied: [This ruling]⁶⁶ was only required in respect of allowing them all [the space] they required.⁶⁷ R. Nahman in the name of our Master Samuel gave the following exposition: One individual is allowed two beth se'ah, two individuals are also allowed two beth se'ah, but three become a caravan and are allowed six beth se'ah. Do you leave the Rabbis⁶⁸ [he was asked] and act in agreement with R. Jose son of R. Judah? Thereupon R. Nahman appointed an Amora on the subject⁶⁹ and gave the following exposition: The statement I made to you was an error on my part; it is this indeed that the Rabbis have said: 'An individual is allowed two beth se'ah, two also are allowed two beth se'ah, but three become a caravan and are allowed all [the space] they require.

- (1) Lit., 'we came to'.
- (2) By making a distinction between four and less than four, in which latter case where the gap exceeds the standing part it is forbidden to sow even over against the standing part, whereas in the former it is permitted — the Mishnah presumably follows R. Simeon b. Gamaliel (Rashi).
- (3) Lit., 'is one'.
- (4) As to the objection raised.
- (5) Against which corn may be sown.
- (6) As in the case of a cross-beam,.
- (7) Supra 11a.
- (8) **icira**, lit., 'most of which'; obviously not, since the standing parts of such walls cannot possibly exceed the gaps.
- (9) **vchra**, lit., 'that he made many'.
- (10) Can the law be in agreement with the view of R. Papa when an objection has been raised against it?
- (11) Cf. Mishnah supra 15b of which this is a continuation.
- (12) In order that it may be permitted to move objects within it on the Sabbath.
- (13) Attached to reeds, or any stakes.
- (14) And between the lowest one and the ground.
- (15) A gap of less than three handbreadths being regarded by the rule of labud (v. Glos.) as non-existent, the height of the rope barrier is thus virtually nine handbreadths minus three small fractions (v. following two notes and text).
- (16) By the three fractions mentioned in the previous note ad fin.
- (17) Of the rope barrier.
- (18) V. supra note 1.
- (19) V. supra note 2.
- (20) Driven in the ground in a vertical position.
- (21) So that the rule of labud can be applied.
- (22) That a barrier of ropes drawn horizontally or a fence of reeds driven in the ground vertically is a valid enclosure in respect of the Sabbath laws.
- (23) In whose case the Rabbis relaxed the law, but not of an individual whose barrier or fence must be provided with both horizontal and vertical (v. our Mishnah infra) stakes, reeds or ropes.
- (24) The putting up of a barrier round the camp.
- (25) But the same laws apply also to camps of individuals.
- (26) Lit., 'warp and woof'.
- (27) Even in the case of a caravan.
- (28) Who differs from his father's view supra.
- (29) Either vertical or horizontal stakes or poles and the like.
- (30) In the Mishnah supra 15b.
- (31) And the like. The trappings of cattle (v. previous note) are usually arranged in a vertical position.
- (32) Lit., 'a standing'.
- (33) Is such a barrier valid where it contains gaps wider than three handbreadths to which, unlike the rope barrier spoken of in our Mishnah, the rule of labud cannot be applied?
- (34) V. previous note.
- (35) Lit., 'there is'.
- (36) Lit., 'wherefore to me'.
- (37) Lit., 'let him make'.
- (38) Two of the gaps, each being less than three handbreadths, would by the law of labud be deemed closed and

this would, together with the ropes, provide a 'standing part' of six handbreadths that exceeds the third gap of four handbreadths. As this, however, was not permitted it may be concluded that in the case of horizontally drawn ropes, the barrier is invalid even where the standing parts exceed the gaps.

(39) Lit., 'set', 'place'.

(40) Between the lowest rope and the ground.

(41) Which, as a suspended partition, is invalid even if its properly standing parts are ten handbreadths high.

(42) Lit., 'set', 'place'.

(43) The other gaps; i.e., between the second rope from the ground and the topmost one.

(44) Its upper side.

(45) The space between this rope and the middle one.

(46) Lit., 'come'.

(47) Above the lowest, and under the middle rope.

(48) Sc. the spaces of three handbreadths each below it and above it to which the rule of labud is applied.

(49) Which, is not admissible.

(50) Lit., 'is a standing', but this is contrary to the law.

(51) The question in the present form being untenable.

(52) On one side of the gap.

(53) On its other side.

(54) With the fractional section below the gap in the mat and the four handbreadths one above it. In such a case the lowest gap (the distance between the ground and the fractional section of the mat) is regarded as labud (v. Glos.) while the three handbreadths gap in the mat is exceeded by the remaining four handbreadths of the mat all of which are on one side of the gap. The air spaces on the two sides of this section cannot annul its validity since it exceeds at least the air space on the one side below it.

(55) R. Hamnuna's.

(56) A mat measuring ten handbreadths, for instance, that was suspended at a distance of more than three, and less than ten handbreadths from the ground. Does the 'standing part' (the mat), R. Hamnuna asked, annul the distance between it and the ground because it exceeds it or not?

(57) I.e., as regards the permissibility of drawing water from a river or a lake on the Sabbath (cf. infra 87b).

(58) That were with difficulty allowed where a number of people were concerned.

(59) Though the enclosure was put up for the purpose of using its interior as a dwelling.

(60) V. Glos., but if it did not exceed this measurement such defective partitions were permitted to an individual also. How then is R. Judah's statement in the Baraitha to be reconciled with his statement in our Mishnah.

(61) Of R. Judah, that the Rabbis in our Mishnah SPOKE ONLY OF CARAVAN.

(62) Though it exceeded two beth se'ah. Where, however, such an area is not exceeded the same privilege is extended to an individual also.

(63) It is permissible in either case though no vertical stakes were put up.

(64) Where a barrier is defective as in this case (v. previous note).

(65) Sc. exceeded actual requirements. Now since R. Jose distinctly recognized here the validity of a barrier made of ropes without stakes how could he rule in our Mishnah to the contrary?

(66) Of R. Jose in our Mishnah, according to which a barrier of ropes is not admissible.

(67) The respective areas specified in the Baraitha however, are allowed even where the barrier was made only of horizontally drawn ropes.

(68) Who represent a majority.

(69) To expound to the public R. Nahman's discourse.

Talmud - Mas. Eirubin 17a

Talmud - Mas. Megilah 2a

CHAPTER I

MISHNAH. THE MEGILLAH¹ IS READ ON THE ELEVENTH, THE TWELFTH, THE THIRTEENTH, THE FOURTEENTH, AND THE FIFTEENTH [OF ADAR], NEVER EARLIER AND NEVER LATER.² CITIES³ WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN⁴ READ ON THE FIFTEENTH; VILLAGES AND LARGE TOWNS⁵ READ ON THE FOURTEENTH. THE VILLAGES, HOWEVER, MAY [SOMETIMES] PUSH THE READING FORWARD TO THE COURT DAY.⁶ HOW DOES THIS WORK OUT? IF [THE FOURTEENTH OF ADAR] FALLS ON MONDAY,⁷ THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON TUESDAY OR ON WEDNESDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁸ THE LARGE TOWNS READ ON THE DAY ITSELF, AND THE WALLED PLACES ON THE NEXT DAY. IF [THE FOURTEENTH FALLS] ON THURSDAY, THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON FRIDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY⁹ AND THE LARGE TOWNS AND WALLED PLACES READ ON THE DAY ITSELF.¹⁰ IF IT FALLS ON SABBATH, THE VILLAGES AND LARGE TOWNS PUSH THE READING FORWARD TO THE COURT DAY.⁹ AND THE WALLED PLACES READ ON THE NEXT DAY.¹¹ IF IT FALLS ON SUNDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁹ THE LARGE TOWNS READ ON THE SAME DAY, AND THE WALLED CITIES ON THE DAY FOLLOWING.

GEMARA. THE MEGILLAH IS READ ON THE ELEVENTH. Whence is this derived? — [How can you ask,] ‘Whence is this derived?’ Surely it is as we state further on,¹² ‘The Sages made a concession to the villages, allowing them to push the reading forward to the Court day, so that [they should have leisure to] supply food and water for their brethren in the large towns’? — What we mean [by our question] is this: Let us see now. All these dates were laid down by the Men of the Great Assembly.¹³ For if you should [deny this and affirm] that the Men of the Great Assembly laid down only the fourteenth and fifteenth, [is it possible that] the [later] Rabbis should have come and annulled a regulation made by the Men of the Great Assembly, seeing that we have learnt, ‘One Beth din cannot annul the ordinances of another unless it is superior to it in number¹⁴ and in wisdom’?¹⁵ Obviously, therefore, all these days must have been laid down by the Men of the Great Assembly, [and we ask therefore], where are they hinted [in the Scripture]? — R. Shaman b. Abba replied in the name of R. Johanan: Scripture says, To confirm these days of Purim in their times.¹⁶ [which indicates that] they laid down many ‘times’ for them. But this text is required for its literal meaning?¹⁷ — If that were all, Scripture could say simply ‘at the [appointed] time’. What then is implied by ‘their times’? A large number of ‘times’! But still I may say that [the expression ‘their times’] is required to indicate that the time of one is not the same as the time of the other?¹⁸ — In that case, Scripture should say [simply], ‘their time’. Why does it say ‘their times’? So that you may infer from this all of them. But cannot I say that ‘their times’ means ‘numerous times’?¹⁹ — The expression ‘their times’ is to be interpreted in the same way as

we should interpret ‘their time’: just as ‘their time’ would indicate two [days], so ‘their times’ indicates two [in addition].²⁰ But why not make these the twelfth and thirteenth? — For the reason given [elsewhere] by R. Samuel b. Isaac, that the thirteenth is a time of assembly for all,²¹ and no special indication is required for it in the text; so we may say here that the thirteenth day is a time of assembly and no special indication is required for it in the text. But why not say that the sixteenth and seventeenth are meant? — It is written, and it shall not pass.²²

R. Samuel b. Nahmani, however, explained thus. Scripture says. As the days wherein the Jews had rest from their enemies.²³ [The expression] ‘the days’ [would have sufficed] and we have ‘as the days’, to include the eleventh and the twelfth. But cannot I say rather the twelfth and thirteenth? — R. Samuel b. Isaac said: The thirteenth is a time of assembly for all, and does not require special indication. But cannot I say the sixteenth and the seventeenth? — It is written, ‘and it shall not pass’.

Why did R. Samuel b. Nahmani not derive the rule from the expression ‘in their times’? — He does not accept the distinction [made above between] ‘time’, ‘their time’ and ‘their times’. And why did R. Shaman b. Abba not derive the rule from the expression ‘as the days’? — He can say to you: This is meant to make the rule apply to future generations.

Rabbah b. Bar Hanah said in the name of R. Johanan: This [rule stated in the Mishnah] is the ruling of R. Akiba the anonymous authority,²⁴ who draws the distinction between ‘time’, ‘their time’ and ‘their times’, but according to the Sages the Megillah is to be read only on the proper day.²⁵ The following was adduced in refutation of this: ‘R. Judah said, When does this rule hold good? When the years are properly fixed²⁶ and Israel reside upon their own soil. But in these days, since people reckon from it,²⁷ the Megillah is to be read only on the proper day’. Now which authority is R. Judah here following? Shall I say, R. Akiba? This cannot be, because [according to him] the regulation²⁸ is in force in these days also. It must be then that he follows the Rabbis, and [even according to them] we read [on the other days] at any rate when the years are properly fixed and Israel reside on their own soil! Is not this a refutation of R. Johanan? — It is.

Some report as follows. Rabbah b. Bar Hanah said in the name of R. Johanan: This rule follows the ruling of R. Akiba the anonymous authority, but the Sages held that in these days, since people reckon from it, we read it only on the proper day. It has been taught to the same effect: ‘R. Judah said: When does this rule hold good? When the years are properly fixed and Israel reside upon their own soil, but in these days, since people reckon from it, it is read only on the proper day.’²⁹

R. Ashi noted a contradiction between two statements of R. Judah

(1) Lit., ‘scroll’. The scroll of the Book of Esther is meant (v. Introduction).

(2) Lit., ‘neither less nor more’.

(3) **ihfrf** (Sing. **lrf**). This word is generally applied to large centres of population with a more or less metropolitan character. In Mishnah Megillah, (cf. 19a), however, it seems to be used exclusively of walled towns, whatever their size.

- (4) The Gemara infra discusses what is meant by this.
- (5) , ukusd , urhhgu ohrpf . The expression ‘villages and large towns’ in the Mishnah here seems to be merely a periphrasis for ‘other places’, since, as appears from the Gemara, the distinction here is between places which were walled in the days of Joshua and places which were not. The epithet ‘large’ is added because the word rhg (or vrhg) is also often used of a small place, hardly distinguishable from a village.
- (6) Lit., ‘the day of assembly’, i.e. Monday or Thursday, when the Beth din sat in the towns, and the people came in from the villages. They were allowed to read the Megillah then because they were more likely to find someone who could read to them in the town than in their own village (Rashi). Another reason is also given in the Gemara infra.
- (7) Lit., ‘the second (day of the week)’. In the Talmud the days of the week are distinguished by the ordinal numbers.
- (8) I.e., the previous Monday.
- (9) I.e., the preceding Thursday.
- (10) Reading on the Sabbath was prohibited, for fear the scroll might be carried from place to place. V. infra.
- (11) On the Sunday.
- (12) V. infra p. 116.
- (13) Or ‘synagogue’. A name given to Ezra and his Beth din and their successors, up to the time of Simon the Just. V. Aboth, Sonc. ed. p. 1, n. 5. According to the Talmud, the Book of Esther was composed by or under the direction of the Men of the Great Assembly.
- (14) Of the members of the Beth din.
- (15) Cf. M.K. 3b; Git. 36a.
- (16) Esth. IX, 31. E.V. ‘their appointed times’. The plural form ‘times’ is stressed.
- (17) Lit., ‘for itself’; viz., the 14th and 15th mentioned in the text.
- (18) Viz., the time for the villages is not the same as that for the walled towns.
- (19) E.g., five or six.
- (20) To the fourteenth and fifteenth, viz., the eleventh and twelfth.
- (21) Rashi explains this to refer to the statement in the Scripture that on the thirteenth the Jews assembled and defended themselves. Asheri, however, points out that this has nothing to do with the reading of the Megillah, which was instituted to commemorate the resting, and he therefore prefers the explanation of R. Tam, that on the thirteenth the Jews assemble to observe the fast of Esther.
- (22) Ibid. 27. These words are interpreted to mean, ‘the observance shall not pass beyond the fifteenth day’. E.V., and it shall not fail.
- (23) Ibid. 22.
- (24) So called because Rabbi in compiling the Mishnah usually followed R Akiba when he mentioned no authority.
- (25) Viz., the fourteenth and fifteenth of Adar.
- (26) I.e., when there is a Beth din which fixes new moons and leap years as occasion arises.
- (27) I.e. count thirty days from Purim to Passover, since the new moon of Nisan will not be promulgated by the Beth din
- (28) That the Megillah may be read on the eleventh, twelfth, or thirteenth.
- (29) And there is now no contradiction between R. Johanan and Rabbi Judah.

Talmud - Mas. Megilah 2b

, and therefore attributed the statement in the Baraita to R. Jose son of R. Judah. [He said]: Can R. Judah really have said that in these days, since people reckon from it, it is read only on the

proper day? To this may be opposed the following:¹ R. Judah said, When [do they push forward the reading]? In places where the villagers go to town² on Monday and Thursday; but in places where they do not go to town on Monday and Thursday, it is read only on the proper day. But at any rate in places where they do go to town on Monday and Thursday it is read [on the earlier dates] even in these times? He accordingly ascribed the statement in the Baraitha³ to R. Jose son of R. Judah. And because he finds a contradiction between two statements of R. Judah, is he entitled to ascribe the one in the Baraitha to R. Jose son of R. Judah? — R. Ashi had heard some report the statement in the name of R. Judah and some report it in the name of R. Jose son of R. Judah, and to avoid making R. Judah contradict himself he said that the one who ascribed the statement to R. Judah was not [reporting] accurately, while the one who ascribed it to R. Jose son of Judah was [reporting] accurately.

CITIES WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN READ ON THE FIFTEENTH. Whence is this ruling derived? — Raba replied: Because Scripture says, Therefore do the Jews of the villages that dwell in the unwalled towns,⁴ etc. Since the villages [are to read] on the fourteenth, the walled towns [must read] on the fifteenth. But why not say that the villages [should read] on the fourteenth, and those in walled towns not at all?⁵ — But are they not also Israelites? And moreover is it not written, From India into Ethiopia?⁶ But why not say that the villages [should read] on the fourteenth and those in walled towns on both the fourteenth and fifteenth, as it is written, that they should keep the fourteenth day of the month of Adar and the fifteenth day of the same yearly?⁷ — If the text had said, ‘the fourteenth day and [we] the fifteenth’, you would have been right. Now, however, that it is written ‘the fourteenth day and [we-eth] the fifteenth — the eth⁸ comes and makes a distinction, so that the one set is on the fourteenth and the other set on the fifteenth. But why not say that the villages are on the fourteenth, and those surrounded [by a wall] can [celebrate] if they like on the fourteenth or if they like on the fifteenth? — The text says, in their seasons,⁹ the season of one is not the same as the season of the other. But why not say that they¹⁰ should celebrate on the thirteenth? — [They must do] as Susa [did].

We have accounted for the celebration [of Purim]; how do we know that the recital¹¹ [of the Megillah must be on these days]? — The text says, that these days should be remembered and kept;¹² ‘remembering’ is put on the same footing as ‘keeping’.

Our Mishnah does not take the same view as the following Tanna, as it has been taught: ‘R. Joshua b. Korha says: Cities which have been walled since the days of Ahasuerus read on the fifteenth’. What is the reason of R. Joshua b. Korha? — [They must be] like Susa: just as Susa has been walled since the days of Ahasuerus and reads on the fifteenth, so every city that has been walled since the days of Ahasuerus reads on the fifteenth. What then is the reason of our Tanna? — He draws an analogy between the two occurrences of the word perazi [villagers]. It is written here, Therefore the Jews of the villages [ha — perazim],¹³ and it is written in another place, beside the unwalled [ha — perazi] towns, a great many;¹⁴ just as there the reference is to towns which were [not] walled in the days of Joshua son of Nun, so here the reference is to towns which were [not] walled in the days of Joshua son of Nun.¹⁵

I can understand why R. Joshua b. Korha did not adopt the view of our Tanna; he does not

accept the analogy of perazi and perazi.¹⁶ But why does not our Tanna accept the view of R. Joshua b. Korha? — [You ask] why does he not? Why, because he draws the analogy of perazi with perazi, of course! What the questioner meant was this: [On the view of our Tanna], whom did Susa follow?¹⁷ It followed neither the villages nor the walled towns!¹⁸ — Raba, or, as some say, Kadi,¹⁹ replied: Susa was an exception, because a miracle was performed in it.²⁰

We can understand according to the view of our Tanna why the text should say, city and city, town and town;²¹ ‘city and city’²² to make a distinction between those which were walled in the days of Joshua son of Nun and those which were walled in the days of Ahasuerus; ‘town and town’ likewise to distinguish between Susa and other towns.²³ But according to R. Joshua b. Korha, it is true we can account for ‘city and city’, as being intended to distinguish between Susa and other cities,²⁴ but what is the purpose of ‘town and town’? — R. Joshua b. Korha can answer: And can our Tanna explain the words satisfactorily? Since he draws the analogy between perazi and perazi,²⁵ why do we require the words ‘city and city’? The truth is that the text is inserted for a homiletical purpose, and to teach the rule laid down by R. Joshua b. Levi. For R. Joshua b. Levi said: ‘A city²⁶ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’.²⁷ Up to what distance? — R. Jeremiah, or you may also say R. Hiyya b. Abba, said: As far as from Hamthan²⁸ to Tiberias, which is a mil. Why not say [simply] a mil? — We learn from this what is the extent of a mil, namely, as far as from Hamthan to Tiberias.

R. Jeremiah — or you may also say R. Hiyya b. Abba — also said: The [alternative forms of the] letters M'N'Z'P'K²⁹ were prescribed³⁰ by the Watchmen.³¹ Do you really think so? Is it not written, These are the commandments,³² which implies that no prophet is at liberty to introduce anything new³³ henceforward? And further, R. Hisda has said: The Men and the Samek in the tablets

(1) Infra n. 4.

(2) Lit., ‘assemble’.

(3) The former of the statements quoted.

(4) Esth. IX, 19.

(5) Since no mention is made of walled towns in the context.

(6) These words occur in Esth. I, 1, and are used here loosely instead of the words in Esth. IX, 30. and he (Mordecai) sent letters to . . . the hundred and twenty — seven provinces of the kingdom of Ahasuerus.

(7) Ibid. 21.

(8) Eth is a sign of the accusative, and as its use is optional, it is usually interpreted as indicating something not specified in the text. The interpretation placed upon it here is rather unusual.

(9) Ibid. 31.

(10) Those in the walled towns.

(11) Lit., ‘remembrance’.

(12) Ibid. 28.

(13) Ibid. 19.

(14) Deut. III, 5, referring to the territory of Sihon conquered by the Israelites in the time of Moses.

(15) The word ‘not’ is not in the text of the original here, but is necessary for the sense. Rashi greatly simplifies the text by reading: ‘Just as there (the villages were such) from the days of Joshua, so here, (the villages must have been such) from the days of Joshua’.

- (16) I.e., he had not learnt this particular gezerah shawah from his teacher, and therefore could not reply upon it.
- (17) Since there is no evidence that it was walled in the days of Joshua.
- (18) These last words make no satisfactory sense, and seem to be interpolated. [They do not occur in MS.M.]
- (19) Aliter: 'an unknown authority', v. B.M., Sonc. ed. p. 3, n. 1.]
- (20) Since they were allowed to continue slaying their enemies on the fourteenth and did not rest till the fifteenth, they were allowed to celebrate that day (Rashi).
- (21) Esth. IX, 28. The word medinah which the Talmud here takes as equivalent to **lrf** is translated in E.V. by 'province'.
- (22) As much as to say, 'Some cities one way and some another'.
- (23) Susa also having been an unwalled town till the time of Ahasuerus.
- (24) Rashi here reads, 'to distinguish between those which were walled from the days of Ahasuerus and those which were not yet walled in the days of Ahasuerus', and this seems to be required by the sense.
- (25) That the wall must have been in existence since the days of Joshua.
- (26) **lrf** v. supra p. 1, n. 3.
- (27) For purposes of reading the Megillah on the fifteenth.
- (28) [The Hammath mentioned in Josh. XIX, 35.]
- (29) The five letters of the Hebrew alphabet, mem, nun, zadi, pe, and kaf, which have two forms — a middle and final form, the latter being more closed than the former. In the case of mem the final is completely closed **O**, with the other the final form is distinguished by the shaft being drawn straight down as distinct from the middle form where it is bent round towards the left **l(f)**, **;(p)**, **.(m)**, **i(b)**.
- (30) Lit., said'.
- (31) A name applied to the prophets who flourished towards the end of the period of the first Temple. There is a play on the words zophim (watchmen) and Manzepak. [Perhaps to be read Min Zofeka 'from thy watcher' v. G.K. (1910) p. 27, n. 1.]
- (32) Lev. XXVII, 34.
- (33) I.e., to make any alteration in the written Torah, whether in the wording or the writing.

Talmud - Mas. Megilah 3a

remained in place by a miracle.¹ — That is so; they were in use, but people did not know which form came in the middle of a word and which one at the end, and the Watchmen came and ordained that the open forms should be in the middle of a word and the closed forms at the end. But when all is said and done, [we have the text] 'these are the commandments', which implies that no prophet was destined ever to introduce an innovation hereafter?² — What we must say therefore is that they were forgotten³ and the Watchmen established them again.

R. Jeremiah — or some say R. Hiyya b. Abba — also said: The Targum⁴ of the Pentateuch was composed by Onkelos the proselyte under the guidance⁵ of R. Eleazar and R. Joshua.⁶ The Targum of the Prophets was composed by Jonathan ben Uzziel under the guidance of Haggai, Zechariah and Malachi,⁷ and the land of Israel [thereupon] quaked over an area of four hundred parasangs by four hundred parasangs, and a Bath Kol⁸ came forth and exclaimed, Who is this that has revealed My secrets to mankind?⁹ Jonathan b. Uzziel thereupon arose and said, It is I who have revealed Thy secrets to mankind. It is fully known to Thee that I have not done this for my own honour or for the honour of my father's house, but for Thy honour I have done it, that dissension may not increase in Israel.¹⁰ He further sought to reveal [by] a targum [the inner

meaning] of the Hagiographa, but a Bath Kol went forth and said, Enough! What was the reason? — Because the date¹¹ of the Messiah is foretold in it.¹²

But did Onkelos the proselyte compose the targum to the Pentateuch? Has not R. Ika said in the name of R. Hananel who had it from Rab: What is meant by the text, And they read in the book, in the law of God, with an interpretation. and they gave the sense, and caused them to understand the reading?¹³ ‘And they read in the book, in the law of God’: this indicates the [Hebrew] text; ‘with an interpretation’: this indicates the targum,¹⁴ ‘and they gave the sense’: this indicates the verse stops; ‘and caused them to understand the reading’: this indicates the accentuation,¹⁵ or, according to another version, the massoretic notes?¹⁶ — These had been forgotten, and were now established again.

How was it that the land did not quake because of the [translation of the] Pentateuch, while it did quake because of that of the prophets? — The meaning of the Pentateuch is expressed clearly, but the meaning of the prophets is in some things expressed clearly and in others enigmatically. [For instance,] it is written, In that day shall there be a great mourning in Jerusalem, as the mourning of Hadadrimmon in the valley of Megiddon,¹⁷ and R. Joseph [commenting on this] said: Were it not for the targum of this verse, we should not know what it means.¹⁸ [It runs as follows]: ‘On that day shall there be great mourning in Jerusalem like the mourning of Ahab son of Omri who was killed by Hadadrimmon son of Rimmon in Ramoth Gilead¹⁹ and like the mourning of Josiah son of Ammon who was killed by Pharaoh the Lame in the plain of Megiddo’.²⁰

And I, Daniel, alone saw the vision; for the men that were with me saw not the vision; but a great quaking fell upon them, and they fled to hide themselves.²¹ Who were these ‘men’ — R. Jeremiah — or some say, R. Hiyya b. Abba — said: These were Haggai, Zechariah, and Malachi. They were superior to him [in one way], and he was superior to them [in another]. They were superior to him, because they were prophets and he was not a prophet.²² He was superior to them, because he saw [on this occasion] and they did not see. But if they did not see, why were they frightened? — Although they themselves did not see, their star saw.²³ Rabina said: We learn from this that if a man is seized with fright though he sees nothing, [the reason is that] his star sees. What is his remedy? He should recite the shema’.²⁴ If he is in a place which is foul,²⁵ he should move away from it four cubits. If he cannot do this, he should say this formula: ‘The goat at the butcher's is fatter than I am’.²⁶

Now that you have decided that the words ‘city and city’ have a homiletical purpose, what is the purpose of the words ‘family and family’ [in the same verse]? — R. Jose b. Hanina replied: This contains a reference to the families of the Priests and Levites, [and indicates] that they should desist from their [Temple] service in order to come and hear the reading of the Megillah. For so said Rab Judah in the name of Rab: The Priests at their [Temple] service, the Levites on their platform,²⁷ the lay Israelites at their station²⁸ — all desist from their service in order to hear the reading of the Megillah. It has been taught to the same effect: Priests at their [Temple] service, Levites on their platform, lay Israelites at their station — all desist from their service in order to come and hear the reading of the Megillah. It was in reliance on this dictum that the members of the house of Rabbi²⁹ were wont to desist from the study of the Torah in order to come and hear the reading of the Megillah. They argued a fortiori from the case of the [Temple] service. If the

service, which is so important, may be abandoned, how much more the study of the Torah?

But is the [Temple] service more important than the study of the Torah? Surely it is written, And it came to pass when Joshua was by Jericho, that he lifted up his eyes and looked, and behold there stood a man over against him, . . . (and he fell on his face.³⁰ Now how could he do such a thing, seeing that R. Joshua b. Levi has said that it is forbidden to a man to greet another by night, for fear that he is a demon? — It was different there, because he said to him, ‘I am captain of the host of the Lord’. But perhaps he was lying? — We take it for granted³¹ that they do not utter the name of heaven vainly).³² He said to him: This evening you neglected the regular afternoon sacrifice, and now you have neglected the study of the Torah.³³ Joshua replied: In regard to which of them have you come? He answered, ‘I have come now’.³⁴ Straightway, Joshua tarried that night in the midst of the valley [ha-emek],³⁵ and R. Johanan said:

(1) According to tradition, the letters on the tablets of Moses were cut completely through the stone, and therefore a letter which was wholly closed could keep in place only by a miracle. Hence the mem to which R. Hisda refers must have been wholly enclosed; which shows that such a mem must have been used already by Moses. This objection against R. Jeremiah is valid only if we suppose him to have been speaking of the closed forms of the letters, which is not necessarily the case. Cf. Shab. 104.

(2) And the determining which letters should go in which place (in the Sefer Torah) was an innovation.

(3) Viz., the correct place of each.

(4) Apparently what is meant is the official Aramaic version of the Pentateuch used in the synagogue.

(5) Lit., ‘from the mouth of’.

(6) We know on good authority that a Greek translation of the Bible was composed under the guidance of R. Eleazar and R. Joshua by a proselyte named Aquilas. The Aramaic Targum probably took shape about the same time, but there is no authority except this passage for connecting it with anyone of the name of Onkelos. We may surmise therefore that we have here some confusion between the two translations. For the discussion and literature on the subject v. J.E. s.v. Targum, and Silverstone, E.A. Aquila and Onkelos.

(7) Jonathan b. Uzziel was a disciple of Hillel, so he can hardly have had any direct contact with the prophets mentioned. He may, however, have had traditions handed down from them (Maharsha).

(8) V. Glos.

(9) The Targum of Jonathan b. Uzziel is very paraphrastic, and applies many of the prophetic verses to the Messianic age.

(10) Through different interpretations being placed on the prophetic allusions.

(11) Lit., ‘end’.

(12) The reference is probably to the Book of Daniel.

(13) Neh. VIII, 8.

(14) Which shows that the targum dates back to the time of Ezra.

(15) **ohngy euxhp**. V. Ned., Sonc. ed. p. 113, n. 5.

(16) For notes v. Ned., Sonc. ed. p. 116.

(17) Zech. XII, 11.

(18) Because there is no mourning for Hadadrimmon mentioned in the Scripture.

(19) V. I Kings XXII.

(20) v. II Kings XXIII. It is difficult to see what ‘mystery’ is here revealed that should have caused the land to quake.

(21) Dan. X, 7.

- (22) Although he had visions, he did not admonish or exhort the people.
- (23) Or 'guardian angel' or 'spirit'. The Hebrew *mazzal* here seems to mean something corresponding to the Roman genius.
- (24) V. Glos.
- (25) And where the shema' may not be recited.
- (26) Go to them for a victim.
- (27) On which they stood to chant the daily psalm.
- (28) A number of lay Israelites were always appointed to be present at the offering of the daily sacrifices, which they accompanied with certain prayers. V. Ta'an. 26a; and Glos. s.v. ma'amad.
- (29) R. Judah I, the Prince.
- (30) Josh. V, 13f.
- (31) Lit., 'we have learnt by tradition'.
- (32) The passage in brackets (from 'and he fell') is parenthetical, and has nothing to do with the argument.
- (33) It is not clear what indication there is of this in the text. V. Tosaf., s.v. **ant**.
- (34) I.e., on account of the study of the Torah which you are neglecting now.
- (35) This seems to be an alternative reading of Joshua VIII, 13. which in our text reads, And Joshua went that night in the midst of the valley. Cf. Tosaf., s.v.

Talmud - Mas. Megilah 3b

This shows that he tarried in the depths ['umkah] of the halachah.¹ And R. Samuel b. Unia also said: The study of the Torah is greater than the offering of the daily sacrifices, as it says. 'I have come now' — There is no contradiction; in the one case² [the study] of an individual is meant, in the other³ that of the whole people.⁴ But is that of an individual unimportant? Have we not learnt: Women [when mourning] on a festival make a dirge⁵ but do not beat the breast. R. Ishmael says: If they are near the bier,⁶ they can beat the breast. On New Moon, Hanukkah and Purim they may make a dirge and beat the breast, but on neither the one nor the other do they wail;⁷ and in reference to this, Rabbah b. Huna said: The festival involves no restrictions in the case of a scholar, still less Hanukkah and Purim? — You are speaking of the honour to be paid to the Torah. The honour to be paid to the learning of an individual is important, the study of an individual is [comparatively] unimportant.

Raba said: There is no question in my mind that, as between the Temple service and the reading of the Megillah, the reading of the Megillah takes priority, for the reason given by R. Jose b. Hanina.⁸ As between the study of the Torah and the reading of the Megillah, the reading of the Megillah takes priority, since the members of the house of Rabbi based themselves [on the dictum of R. Jose].⁸ As between the study of the Torah and attending to a meth mizwah,⁹ attending to a meth mizwah takes precedence, since it has been taught: The study of the Torah may be neglected in order to perform the last rites or to bring a bride to the canopy. As between the Temple service and attending to a meth mizwah, attending to a meth mizwah takes precedence, as we learn from the text or for his sister,¹⁰ as it has been taught: 'Or for his sister. What is the point of these words? Suppose he was on his way to kill his Paschal lamb or to circumcise his son, and he heard that a near relative had died,¹¹ shall I assume that he should defile himself? You must say, he should not defile himself. Shall I assume then that, just as he does not defile himself for his sister, so he should not defile himself for a meth mizwah?¹² It says significantly, 'or for his sister,' it is

for his sister that he may not defile himself, but he may defile himself for a meth mizwah.¹³ Raba propounded the question: As between the reading of the Megillah and [attending to] a meth mizwah, which takes precedence? Shall I say that the reading of the Megillah takes precedence in order to proclaim the miracle, or does perhaps [the burying of] the meth mizwah take precedence because of the respect due to human beings? — After propounding the question, he himself answered it saying, [Burying] the meth mizwah takes precedence, since a Master has said: Great is the [obligation to pay due] respect to human beings, since it overrides a negative precept of the Torah.¹⁴

The text [above states]: ‘R. Joshua b. Levi said: A city¹⁵ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’. A Tanna commented: Adjoining, even if it is not visible, and visible even if it is not adjoining. Now we understand what is meant by ‘visible even though not adjoining’: this can occur for instance with a city situated on the top of a hill. But how can there be ‘adjoining but not visible’? — R. Jeremiah replied: If it is situated in a valley.

R. Joshua b. Levi further said: A city which was first settled and then walled is reckoned as a village.¹⁶ What is the reason? Because it is written, And if a man sell a dwelling house of a walled city,¹⁷ one, [that is,] which was first walled and then settled, but not first settled and then walled.

R. Joshua b. Levi also said: A city in which there are not ten men of leisure¹⁸ is reckoned as a village. What does he tell us? We have already learnt this: ‘What is a large town? One in which there are ten men of leisure. If there are less than this, it is reckoned as a village’. — He had to point out that the rule applies to a city,¹⁹ even though [leisured] people come there from outside.²⁰ R. Joshua b. Levi also said: A city which has been laid waste and afterwards settled is reckoned as a city. What is meant by ‘laid waste’? Shall I say, that its walls have been destroyed, in which case if it became settled²¹ it is reckoned as a city but otherwise not? [How can this be], seeing that it has been taught: R. Eleazar son of R. Jose says: [The text says], which has a wall;²² [which implies that it is to be reckoned as a city] even though it has not a wall now, provided it had one previously?²³ What then is meant by ‘laid waste’? Laid waste of its ten men of leisure.

R. Joshua b. Levi further said:

(1) This shows that the study of the Torah is superior to the Temple service.

(2) That of the household of Rabbi.

(3) That of Joshua.

(4) Lit., ‘many’.

(5) Heb. , **ubgn**, all raising their voices in unison.

(6) Lit., ‘bed’.

(7) Heb. , **ubben** one chanting and the others responding.

(8) V. supra P. 11

(9) Heb. **vumn** , **n** strictly speaking, a body which there is no-one else to bury and the burial of which is a religious duty. V. Glos. Meth Mizwah.

(10) Num. VI, 7, in reference to the Nazirite.

(11) Lit., ‘that a dead one had died for him’.

(12) Nazir 48b.

(13) Although Scripture says 'If thou seest the ox of thy neighbour falling by the way, thou shalt not hide thyself' (Deut. XXII, 4), the Rabbis said that a man of eminence for whom it would be undignified to help may hide himself.

(14) V. p. 13, n. 7.

(15) **Irf**. V. supra p. 1, n. 3.

(16) It is not clear whether this means for purposes of reading the Megillah on the fourteenth or the fifteenth, or for purposes of restoring a house to its original owner at the Jubilee. Rashi takes the latter view, Tosaf. the former. V. Tosaf. s.v. **Irf**.

(17) V. Rashi. E.V. 'in a walled city'. Lev. XXV, 29.

(18) Who always have time to attend synagogue. V. infra 5a.

(19) [A **Irf** which is distinguished from a **vkusd rhg** in that it is a marketing centre to which are drawn people from all parts.]

(20) Lit., 'from the world'. These are only a floating population, and we require ten men who are always available.

(21) I.e., its walls were raised anew.

(22) Lev. XXV, 30.

(23) The lesson is derived from the curious spelling of the word in the Hebrew text, which may imply either that it has or has not a wall.

Talmud - Mas. Megilah 4a

Lod and Ono and Ge Haharashim¹ were walled in the days of Joshua son of Nun. But did Joshua build these? Was it not Elpaal who built them, as it is written, And the sons of Elpaal Eber and Misham and Shemed, who built Ono and Lod, with the towns there of?² — But on your showing³ Asa built them, as it is written, And he built fenced cities in Judah?⁴ — R. Eleazar replied: These places were walled in the days of Joshua son of Nun. They were laid waste in the days of the concubine of Gibeat,⁵ and Elpaal came and rebuilt them. They again fell, and Asa came and repaired them. There is an indication of this in the text also, as it is written, For he said unto Judah, Let us build these cities.⁶ From this we can infer that they had already been towns beforehand; and this may be taken as proved.⁷

R. Joshua b. Levi also said: Women are under obligation to read the Megillah, since they also profited by the miracle then wrought.⁸ R. Joshua b. Levi further said: If Purim falls on a Sabbath, discussions and discourses are held on the subject of the day. Why mention Purim? The same rule applies to festivals also,⁹ as it has been taught: Moses laid down a rule for the Israelites that they should discuss and discourse on the subject of the day — the laws of Passover on Passover, the laws of Pentecost on Pentecost, and the laws of Tabernacles on Tabernacles! — It was necessary to state the rule [separately] in the case of Purim. For you might suggest that we should forbid this for fear of breaking the rule of Rabbah.¹⁰ We are therefore told that this is not so.

R. Joshua b. Levi further said: It is the duty of a man to read the Megillah in the evening and to repeat it in the day, as it is written, O my God, I cry in the daytime, but thou answerest not, and in the night season and am not silent.¹¹ The students took this to mean that the [Megillah] should be read at night, and the Mishnah relating to it should be learnt in the morning.¹² R. Jeremiah, however, said to them: It has been explained to me by R. Hiyya b. Abba [that the word 'repeat' here has the same meaning] as when, for instance, men say, I will go through this section and

repeat it. It has also been stated: R. Helbo said in the name of 'Ulla of Biri':¹³ It is a man's duty to recite the Megillah at night and to repeat it the next day, as it says, To the end that my glory may sing praise to thee [by day]. and not be silent [by night]. O Lord, my God, I will give thanks to thee for ever.¹⁴

THE VILLAGES, HOWEVER, MAY PUSH THE READING FORWARD TO THE COURT DAY. R. Hanina said: The Sages made a concession to the villages by allowing them to push the reading forward to the Court day, in order that they might furnish food and water to their brethren in the cities.

(1) Three towns in the territory of Benjamin.

(2) I Chron. VIII, 12.

(3) I.e., if you appeal to the Book of Chronicles.

(4) II Chron. XIV, 6. 'Judah' is here apparently taken by the Talmud to include Benjamin, which was ruled by the kings of Judah.

(5) When the territory of Benjamin was laid waste. Jud. XX.

(6) II Chron. XIV, 6.

(7) [The text of this paragraph is in disorder. According to a Gaonic responsum (v. B.M.) Lewin **ohbutdv rmut** a.l. the passages, 'But on your showing. . . in Judah' and 'There is an indication . . . taken as proved' are later interpolations. For other readings v. Aruch s.v. **pa**.]

(8) Lit., 'for also these were (included) in that miracle'. Since Haman plotted to destroy the women also. Esth. III, 13.

(9) Although they are discussed for thirty days beforehand, so that the rule should apply all the more to Purim. V. Tosaf. s.v. **ltn**.

(10) Not to read the Megillah on Sabbath, since this might lead to its being carried from place to place, v. infra p. 19.

(11) Ps XXII, 3. This Psalm is supposed by the Talmud to refer to Esther. V. Yoma 29a.

(12) They took the word **v, ubak** ('to repeat it') used by R. Joshua b. Levi in the sense of 'learning the Mishnah'.

(13) [Either Bira, S.E. or Kefar Birim, N.W. of Gush Halab, v. Klein N.B. p. 39.]

(14) Ps. XXX, 13. This Psalm was also applied by the Rabbis to Mordecai and Esther.

Talmud - Mas. Megilah 4b

This would show [would it not] that the regulation is for the benefit of the cities; but we have learnt: 'If Purim falls on Monday, the villages and large towns read on that day'. Now if it is as you say, they should push the reading forward to the [previous] Court day? — This would bring it to the tenth, and the Sages did not fix the tenth [as a possible day].

Come and hear: 'If it falls on Thursday, the villages and large towns read on that same day'. Now if it is as you say, they should push the reading forward to the [previous] Court day which is the eleventh? — We do not shift it from one Court day to another. Come and hear [again]: 'R. Judah says: When [is the reading pushed forward]? In places where the villagers come into town on Mondays and Thursdays, but in places where they do not come into town on Mondays and Thursdays it is read only on the proper day'. Now if you assume that the regulation is for the

benefit of the cities, because they do not come into town on Mondays and Thursdays; are the cities to be deprived of the benefit? — Do not read [in the dictum of R. Hanina] ‘in order that they may furnish food and water’, but read, ‘because they furnish food and water to their brethren in the cities’.¹

HOW [DOES THIS WORK OUT]? IF IT FALLS ON MONDAY, VILLAGES AND LARGER TOWNS READ ON THAT SAME DAY etc. How is it that in the first clause of the Mishnah² the dates of the month are mentioned and in the second³ the days of the week?⁴ — Since (in the second clause) the dates of the month would have to go backwards,⁵ the Mishnah prefers to mention the days.⁶ IF IT FALLS ON FRIDAY etc. Which authority does our Mishnah follow? — [You may say], either Rabbi or R. Jose. How Rabbi? — As it has been taught: ‘If it falls on Friday, villages and large towns push the reading forward to the Court day, and walled cities react on the day itself. Rabbi said: I maintain that towns should not have to shift their date,⁷ but both one and the other read on the day itself’. What is the reason of the First Tanna? — Because it is written, every year:⁸ just as every year towns read before cities, so in this case towns should read before cities. But why not argue thus: ‘Every year’: just as every year towns have not to shift their date, so here towns should not have to shift their date? — There is a special reason [for not reasoning thus here] since this is impracticable.⁹ What is Rabbi’s reason? — [It is written], ‘every year’: just as in most years the towns have not to shift their date, so here they should not have to shift their date. But why not reason thus: ‘every year’: just as in most years towns read before walled cities, so here towns should read before walled cities? — There is a special reason [for not arguing thus here], because this is impracticable.¹⁰

How R. Jose? — As it has been taught: ‘If it falls on Friday, walled cities and villages push the reading forward to the Court day, and large towns read on the day itself. R. Jose said: Walled cities do not read before towns, but both read on the day itself’. What is the reason of the First Tanna? — Because it is written, every year’: just as in most years towns react on the fourteenth and their time is not the same as the time of the walled cities, so here towns should read on the fourteenth and their time should not be the same as the time of the walled cities. But why not reason thus: ‘Every year’: just as in most years walled cities do not read before towns, so here walled cities should not read before towns? — Here the case is different, because it cannot be avoided. What is R. Jose’s reason? — [It says], ‘every year’: just as in most years walled cities do not read before towns, so here walled cities should not read before towns. But why not reason thus: ‘Every year’: just as in most years the time of one is not the same as the time of the other, so here the time of one should not be the same as the time of the other? — Here the case is different, because it cannot be avoided.

But did Rabbi really hold that towns should not shift their time to the Court day? Has it not been taught: ‘If it falls on Sabbath, villages push the reading forward to the Court day, and large towns read on Friday and walled cities on Sunday. Rabbi said: My view is that, since the towns have to shift their time, they may as well shift it to the Court day’?¹¹ — Are the two cases parallel? In this last case, the proper time is Sabbath, and since they must shift they can shift [further]; but in our case the proper time is Friday.

Whose authority is followed in this dictum enunciated by R. Helbo in the name of R. Huna: ‘If

Purim falls on Sabbath, all shift the reading to the Court day'? 'All shift their reading', do you say? [How can this be] seeing that we have the walled cities which read on the Sunday? — What we should say is, 'All who are shifted are shifted to the Court day'. Which authority, [you ask]? — Rabbi.

But at any rate all agree that the Megillah is not to be read on Sabbath. What is the reason? — Rabbah replied: All are under obligation to read the Megillah, but not all are competent to read it, and there is therefore a danger that one may take the scroll in his hand and go to an expert to be instructed and [in doing so] convey it four cubits in a public domain. This is also the reason for [not blowing] the shofar on Sabbath and [for not carrying] the lulab.¹² R. Joseph said: It is because the poor are anxiously awaiting the reading of the Megillah.¹³ It has been taught to the same effect: 'Although it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day'. 'Although it has been laid down'! On the contrary, it is because it has been laid down!¹⁴ — Read therefore: Since it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day, because the poor are waiting anxiously for the reading of the Megillah, but

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- (1) The concession was therefore made to them as a reward, but if they do not come into town there would be no concession in allowing them to read earlier.
 - (2) THE MEGILLAH IS READ ON THE ELEVENTH, THE TWELFTH etc.
 - (3) IF IT FALL, ON MONDAY etc.
 - (4) Lit., 'in the first clause he (the Tanna) takes the order of the months and in the second the order of the days'.
 - (5) If he specified the dates of the month instead of the days of the week, he would have to begin with the reading on the fourteenth, and then take the thirteenth and so on.
 - (6) Because as these go in regular order, it is easier to remember, and there is less danger of the Tanna making a mistake.
 - (7) Lit., 'towns should not be shifted from their place'.
 - (8) Esth. IX, 27.
 - (9) It is impracticable for towns to retain this date and also to read before the walled cities.
 - (10) It is impracticable for the towns to read before the walled cities and yet not shift their date.
 - (11) Lit., 'since they are shifted, let them be shifted to etc.'
 - (12) V. Glos.
 - (13) Because they expect to receive gifts immediately afterwards, and on Sabbath these could not be given.
 - (14) As otherwise they would receive them on the actual day of Purim.

Talmud - Mas. Megilah 5a

rejoicing¹ is kept only at the proper season.

Rab said: On the actual day of Purim the Megillah can be read even by an individual, but on the alternative days² it should be read only in a company of ten. R. Assi, however, said: Whether on the actual day or on the alternative days, it should be read only in a company of ten. In a case which actually occurred, Rab gave weight to the opinion of R. Assi.³ But could Rab actually have said this?⁴ — Did not Rab Judah the son of R. Samuel b. Shilath say in the name of Rab: 'If Purim

falls on Sabbath, Friday is the proper time'? — Friday the proper time! Surely Sabbath is the proper time! What Rab must have meant therefore is this: The alternative time is like the proper time.⁵ Just as at the proper time [the Megillah may be read] by an individual, so at the alternative time [it may be read] by an individual. — No. For the reading of the Megillah⁶ Rab requires ten. What then did he mean by saying 'Friday is the proper time'? His intention was to reject the opinion of Rabbi, who said that since the towns had to shift their time they might as well shift to the Court day. Here, therefore, Rab informs us that Friday is the proper day [to which they should shift].

MISHNAH. WHAT IS RECKONED A LARGE TOWN? ONE WHICH HAS IN IT TEN MEN OF LEISURE.⁷ ONE THAT HAS FEWER IS RECKONED A VILLAGE. IN RESPECT OF THESE⁸ IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS,⁹ OF KEEPING THE [FAST OF] THE NINTH OF AB,¹⁰ OF OFFERING THE FESTIVAL SACRIFICE,¹¹ AND OF ASSEMBLING THE PEOPLE¹² IS TO BE POSTPONED¹³ [TILL AFTER SABBATH] BUT NOT PUSHED FORWARD. ALTHOUGH IT WAS LAID DOWN THAT THE TIMES [OF READING THE MEGILLAH] ARE TO BE PUSHED FORWARD BUT NOT POSTPONED, IT IS PERMISSIBLE ON THESE [ALTERNATIVE] DAYS¹⁴ TO MOURN, TO FAST, AND TO DISTRIBUTE GIFTS TO THE POOR. R. JUDAH SAID: WHEN IS THIS?¹⁵ IN PLACES WHERE PEOPLE COME TO TOWN ON MONDAYS AND THURSDAYS. IN PLACES, HOWEVER, WHERE THEY DO NOT COME TO TOWN EITHER ON MONDAYS OR THURSDAYS, THE MEGILLAH IS READ ONLY ON ITS PROPER DAY.

GEMARA. [TEN MEN OF LEISURE]: A Tanna taught: The ten unoccupied men who attend synagogue.¹⁶

IN RESPECT OF THESE IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. What is the reason? — R. Abba said in the name of Samuel: The text says, and he shall not go further.¹⁷ R. Abba further said in the name of Samuel: Whence do we know that years are not to be counted by days?¹⁸ Because it says, [It is the first to you] of the months of the year,¹⁹ [which implies] that you reckon a year by months but not by days. The Rabbis of Caesarea said in the name of R. Abba: How do we know that a month is not reckoned by its hours?²⁰ Because it says, until a month of days:²¹ you reckon a month by days, but you do not reckon a month by hours.²²

THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS, OF KEEPING [THE FAST OF] THE NINTH OF AB, OF OFFERING THE FESTIVAL SACRIFICE AND OF ASSEMBLING THE PEOPLE IS POSTPONED BUT NOT PUSHED FORWARD. [The reason for the Fast of] the ninth of Ab is that we do not hasten the approach of trouble. [The reason for] the festival sacrifice and the assembling of the people is that the time for their performance has not yet arrived.²³

A Tanna taught: 'The festival sacrifice and all the period of the festival sacrifice is to be postponed'. We understand what is meant by the festival sacrifice, namely, that if its day happens

to be Sabbath we postpone it till after the Sabbath. But what is meant by the ‘period of the festival sacrifice’? — R. Oshaia replied: What is meant is this: The festival sacrifice [is postponed if its time] occurs on Sabbath, and the ‘burnt-offering of appearance’²⁴ is postponed even till after the festival day which is the proper time for a festival sacrifice.²⁵ Which authority does this follow? Beth Shammai, as we have learnt: ‘Beth Shammai say, Peace-offerings may be brought on the festival, but without laying on of hands; not, however, burnt-offerings; while Beth Hillel say, Both burnt-offerings and peace-offerings may be brought, and hands may be laid on’.²⁶ Raba said: [The meaning is]: The festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁷ but not more, as we have learnt: ‘If one did not bring a festival sacrifice on the first day of the festival, he may go on to do so throughout the festival, including the last day. If the festival terminated without his having brought the festival sacrifice, he need not bring another in compensation’.²⁸ R. Ashi said: [It means that] the festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁹ and even on Pentecost which is only one day it may be postponed [for seven days], as we have learnt: [Beth Hillel] agree that if Pentecost falls on Sabbath, the day for killing [the sacrifice] is after the Sabbath’.³⁰

R. Eleazar said in the name of R. Hanina: Rabbi planted a shoot on Purim,

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- (1) I.e., feasting.
 - (2) Lit., ‘not in its proper time’.
 - (3) And put himself out to assemble ten persons.
 - (4) That on the alternative days it can only be read before ten.
 - (5) ‘Friday is the proper time’ means, ‘Friday is regarded as the proper time’.
 - (6) On the alternative days.
 - (7) Heb. batlanim (idle men), v. supra, p. 14, n. 5.
 - (8) The times when the Megillah is to be read.
 - (9) It was usual for certain families to undertake to bring to Jerusalem on a certain day of the year a certain quantity of wood for the fire on the altar. V. Ta’an. 28a.
 - (10) In commemoration of the destruction of the first and second Temples, v. Glos.
 - (11) The hagigah, an optional peace-offering brought by individuals in honour of the festival, usually on the first day of the festival.
 - (12) On the Feast of Tabernacles in the first year of the Septennate, to hear the Law read. V. Deut. XXXI, 10-13.
 - (13) If it happens to fall on Sabbath.
 - (14) On which the Megillah is actually read.
 - (15) That a concession is made to villagers to read on the alternate days.
 - (16) Lit. , ‘Who are in the synagogue’. I.e., who are always available to attend synagogue if required. Cf. supra. [According to Rashi: These were men specially maintained for the purpose from the communal fund. Aliter: men of ample means who freely devoted their time to the service of the community. V. Aruch s.v. **kyc**
 - (17) Esth. IX, 27. V. supra 2a.
 - (18) Lit., that we do not count days (to make up) years. I.e., ‘a year’ without further specification does not mean three hundred and sixty-five days but twelve (lunar) months.
 - (19) Ex. XII, 2.
 - (20) I.e. , if the month is defective, we reckon it as twenty-nine days, and ‘a month’ without further specification means (if it is defective) twenty-nine days and not twenty-nine and a half, which is the real interval between one new moon and the next.

- (21) Num. XI, 20. E.V. 'a full month'.
- (22) V. Nazir, Sonc. ed. p. 20 notes.
- (23) And so with the wood for the priests, since none of these things can be done on Sabbath. The same, however, cannot be said of the Megillah, the purpose of which is to serve as a reminder.
- (24) **vhht r , kug** A burnt-offering which was brought to fulfil the injunction of 'they shall not appear before the Lord empty, (Deut. XVI, 16). This was regarded as obligatory.
- (25) I.e., even if the first day is not a Sabbath, and a
- (26) V. Bez. 19a.
- (27) I.e., the whole seven days of Passover or Tabernacles.
- (28) Lit., 'he is not responsible for it'.
- (29) [So MS.M.; cur. ed. 'The festival sacrifice and all the period of the festival sacrifice'.]
- (30) Beth Hillel differed from Beth Shammai in the case where Pentecost fell on Friday, but in this case they also agreed that both the festival sacrifice (hagigah) and the 'burnt-offering of appearance' could be killed after the festival, since they could not be offered on Sabbath. V. Hag. 17a.

Talmud - Mas. Megilah 5b

and bathed in the [bathhouse of the] marketplace¹ of Sepphoris on the seventeenth of Tammuz² and sought to abolish the fast of the ninth of Ab, but his colleagues would not consent. R. Abba b. Zabda ventured to remark:³ Rabbi, this was not the case. What happened was that the fast of Ab [on that year] fell on Sabbath, and they postponed it till after Sabbath, and he said to them, Since it has been postponed, let it be postponed altogether, but the Sages would not agree. He

festival peace-sacrifice (hagigah) may be brought, this offering is not brought till the intermediate days. [R. ELeazar] thereupon applied to himself the verse, Better are two than one.⁴

But how could Rabbi have planted a shoot on Purim seeing that R. Joseph has learnt: [We read in connection with Purim] gladness and feasting and a good day;⁵ 'gladness': this teaches that it is forbidden on these days to mourn; 'feasting': this teaches that it is forbidden on them to fast; 'a good day': this teaches that it is forbidden on them to do work? — The fact is that Rabbi belonged to a place which kept Purim on the fourteenth, and when he planted, it was on the fifteenth. Is this so?⁶ Was not Rabbi in Tiberias, and Tiberias was walled in the days of Joshua son of Nun? — The fact is that Rabbi was in a place which kept on the fifteenth, and when he planted it was the fourteenth. But was he certain that Tiberias was walled in the days of Joshua son of Nun, seeing that Hezekiah read the Megillah in Tiberias both on the fourteenth and on the fifteenth, being uncertain whether it had been walled in the days of Joshua son of Nun or not? Hezekiah was in doubt, but Rabbi was certain. But even supposing he was certain, was he permitted to do this, seeing that it is written in Megillath Ta'anith,⁷ 'The fourteenth day and the fifteenth day are the days of Purim on which there is to be no mourning', and Raba said, The only purpose of mentioning these days [in Megillath Ta'anith]⁸ was to make whatever is forbidden on the one forbidden on the other also? — This applies only to mourning and fasting, but for abstention from work one day and no more is prescribed. Is that so? Did not Rab see a man sowing flax on Purim, and curse him, so that the flax did not grow? — There he [the man] was doing it on the day which he ought to have kept. Rabbah the son of Raba said. You may even say [that Rabbi planted] on the day [which he ought to have kept]: [the Jews] bound themselves [in

the days of Esther] to abstain from mourning and fasting, but not from work, since first it is written, 'gladness and feasting and a good day', but afterwards it is written, that they should make them days of feasting and gladness',⁹ and 'a good day' is not mentioned. Why then did Rab curse that man? — It was a case of 'things which are permitted but others make a practice of abstaining from them'; but in Rabbi's place this¹⁰ was not the practice. Or if you like I can say that they did in fact make a practice of this, and Rabbi planted a festive shoot, as we have learnt:¹¹ If these days¹² pass and they are still not answered, they abstain to a certain extent from business, from building and from planting, from betrothing and from marrying,¹³ and a Tanna taught: 'Building' here means festive building; 'planting' means festive planting. What is festive building? If one builds a wedding residence for his son [on the occasion of his marriage]. What is a festive planting? If one plants a royal abarnaki.¹⁴

The text [above state]: 'Hezekiah read in Tiberias on the fourteenth and on the fifteenth, being doubtful whether it had been walled in the days of Joshua son of Nun or not'. But could he have been in doubt about Tiberias, seeing that it is written, And the fortified cities were Ziddim-zer and Hamath and Rakath and Kinnereth,¹⁵ and it is generally agreed that Rakath is Tiberias? — The reason why he was doubtful was because one side is bounded by the lake.¹⁶ If so, why was he in doubt? It certainly was not walled, as it has been taught : Which has a wall,¹⁷ and not merely a fence of houses.¹⁸ Round about:¹⁹ this excludes Tiberias, the lake forming its wall!²⁰ In respect of the houses of a walled town he was not in doubt; where he was in doubt was in respect of reading the Megillah. [He asked]: What constitutes the difference between villages and walled towns which are mentioned in connection with the reading of the Megillah? Is it that the former are exposed and the latter are not exposed, [in which case] Tiberias [belongs to the former] being also exposed, or is it that the latter are protected and the former are not protected, [in which case] Tiberias [belongs to the latter], being protected? That was why he was in doubt.

R. Assi read the Megillah in Huza²¹ on the fourteenth and on the fifteenth, being in doubt whether it had been walled in the days of Joshua son of Nun or not. According to another report, R. Assi said: Huzal of the house of Benjamin was walled in the days of Joshua son of Nun.

R. Johanan said: When I was a boy, I made a statement about which I afterwards questioned the old men,

(1) Heb. **vbure**, a place where wagons were stationed on market.day (Rashi). [Alter: 'spring' from Gk. **. V. Aruch and Krauss T.A. 1. 212.]

(2) One of the four public fasts. V. R. H. 18.

(3) Lit., 'said in his (R. Eleazar's) presence'.

(4) Eccl. IV, 9. He was glad to be corrected.

(5) Esth. IX, 19.

(6) This is not so

(7) V. Glos.

(8) We know already from the Scripture that 'mourning is forbidden on these days.

(9) Esth. IX, 22

(10) To abstain from work.

(11) That there is a planting of a festive kind.

(12) Of fasting for rain.

(13) V. Ta'an 12b.

(14) The correct form according to Levy and Jast. is achvarnaki, a Persian word for a spreading tree in a garden under which banquets could be held.

(15) Josh. XIX, 35.

(16) Of Galilee. Rakath therefore was not fortified on this side, and the question arises whether it should be accounted a 'walled city' for religious purposes.

(17) Lev. XXV, 30. In a town with a wall houses could be sold permanently.

(18) Lit., 'wall of roofs', though this is also a barricade.

(19) Ibid. 31.

(20) I.e., the lake being where the wall ought to be.

(21) [In Babylonia between Nehardea and Sura. It was called 'of the House of Benjamin' (v. infra) probably because its early settlers hailed from Benjamin (v. Obermeyer pp. 299ff). There was also a Huzal in Palestine. V. Keth., Sonc. ed. p. 716, n. 7.]

Talmud - Mas. Megilah 6a

and it was found that I was right: [I said:] Hamath is Tiberias. And why was it called Hamath? On account of the hot springs [hamme] of Tiberias. Rakath is Sepphoris, And why was it called Rakath? Because it slopes down like the bank [raktha] of a river. Kinnereth is Gennesaret. And why was it called Kinnereth? Because its fruits are sweet like the music of a harp [kinnor].¹ Raba said: Is there anyone who can maintain that Rakath is not Tiberias, seeing that when a man dies here [in Babylonia] they mourn for him there [in Tiberias] as follows: 'Great was he in Sheshach² and he has a name in Rakath',³ and when the coffin is taken there they mourn for him thus: 'Ye lovers of the remnants,⁴ dwellers in Rakath, go forth and receive the slaughtered of the depths'.⁵ When R. Zera departed, a certain mourner opened his dirge thus: 'The land of Shinar⁶ conceived and bore him, the beautiful land⁷ brought up her delight. Woe to me, saith Rakath, for her precious instrument is lost'.⁸ No, said Raba. Hamath is the hot springs of Gerar; Rakath is Tiberias; and Kinnereth is Gennesaret. Why is it called Rakath? Because even the least worthy⁹ of its inhabitants are full of religious performances like a pomegranate. R. Jeremiah said: Rakath is its proper name. And why is it called Tiberias? Because it is situated in the very centre¹⁰ of the land of Israel. Rabbah said: Rakath is its name. And why is it called Tiberias? Because its aspect is good.¹¹

Zeira said: Kitron is Sepphoris. And why is it called Sepphoris? Because it is perched on the top of a mountain like a bird [zippor]. But is Kitron Sepphoris? Now Kitron was in the territory of Zebulun, as it is written, Zebulun drove not out the inhabitants of Kitron nor the inhabitants of Nahalol.¹² Now Zebulun complained of his portion, as it says, Zebulun was a people which shamed his soul to death.¹³ Why? Because Naphtali was on the high places of the field.¹⁴ Zebulun complained to the Holy One, blessed be he, saying: Sovereign of the Universe, to my brethren Thou hast given fields and vineyards and to me Thou hast given hills and mountains; to my brethren Thou hast given lands, and to me Thou hast given lakes and rivers. [God] replied: They will all require thee for the hilazon,¹⁵ as it says, and the hidden treasures of the sand,¹⁶ and R. Joseph learnt: 'Hidden' indicates the hilazon; 'treasures' indicates the tunny fish;¹⁷ 'sand' indicates white glass.¹⁸ Zebulun then said: Sovereign of the Universe, who will inform me?¹⁹ He

replied: There they shall offer sacrifices of righteousness.²⁰ This shall be thy sign: whoever takes of thee without payment will not prosper in his business. Now if you assume that Kitron is Sepphoris, why did Zebulun complain of his portion, seeing that Sepphoris is an excellent spot? Nor can you say that it is not 'flowing with milk and honey'. For Resh Lakish has said: I have myself seen the trail of milk and honey²¹ round Sepphoris, and it is sixteen miles by sixteen miles. Nor can you say that [even so] his is not as good as his brothers, since Rabbah b. Bar Hanah said in the name of R. Johanan: I have myself seen the trail of milk and honey of the whole land of Israel, and it extends [altogether] about as far as from Be Kubi²² to the Fort of Tulbanke, twenty-two parasangs in length and six parasangs in breadth?²³ Even so, he preferred fields and vineyards. This is also indicated by the language of the text, as it says, 'Naphtali upon the high places of the field'. This is a proof.

R. Abbahu said: [It is written], Ekron shall be rooted up;²⁴ this is Kisri the daughter of Edom,²⁵ which is situated among the sands, and which was a thorn in the side of Israel²⁶ in the days of the Greeks. When the House of the Hasmoneans grew powerful and conquered them, they called it 'the capture of the tower of Shir'.²⁷

R. Jose b. Hanina said: What is meant by the text, And I will take away his blood out of his mouth and his detestable things from between his teeth, and he also shall be a remnant for our God?²⁸ 'And I will take away his blood out of his mouth': this refers to their sacrificial shrines.²⁹ 'And his detestable things from between his teeth': this refers to their oracles.³⁰ 'And he also shall be a remnant for our God': these are the synagogues and houses of learning in Edom.³¹ And he shall be as a chief in Judah, and Ekron as a Jebusite:³² these are the theatres and circuses³³ in Edom in which one day the chieftains of Judah shall publicly teach the Torah. R. Isaac said: Leshem is Pamias.³⁴ Ekron shall be rooted out: this is Caesarea, the daughter of Edom, which was a metropolis³⁵ of kings. Some say that this means that kings were brought up there, and others that kings were appointed from there. Caesarea³⁶ and Jerusalem [are rivals]. If one says to you that both are destroyed, do not believe him; if he says that both are flourishing, do not believe him; if he says that Caesarea is waste and Jerusalem is flourishing, or that Jerusalem is waste and Caesarea is flourishing, you may believe him, as it says, I shall be filled, she is laid waste;³⁷ if this one is filled, that one is laid waste, and if that one is filled, this one is laid waste. R. Nahman b. Isaac derived the same lesson from here: and the one people shall be stronger than the other people.³⁸ R. Isaac also said: What is the meaning of the verse, Let favour be shown to the wicked, yet will he not learn righteousness?³⁹ Isaac said in the presence of the Holy One, blessed be He: Sovereign of the Universe, let mercy be shown to Esau. He replied: He is wicked. He said to Him; He has not learnt righteousness.⁴⁰ He replied: In the land of uprightness⁴¹ will he deal wrongfully.⁴² He said: If so, let him not behold the majesty of the Lord.⁴²

R. Isaac also said: What is meant by the verse, Grant not, O Lord, the desires of the wicked, draw not out his bit,⁴³ so that they exalt themselves, selah?⁴⁴ Jacob said before the Holy One, blessed be He: Sovereign of the Universe, grant not to Esau the wicked the desire of his heart, draw not out his bit:

(1) A more probable reason is that Kinnereth is shaped like a harp.

(2) A name given to Babylon in Jer. XXV, 26; LI, 41.

- (3) Tiberias was for many centuries a great centre of Jewish learning, especially in the field of Biblical study.
- (4) **ohshira** 'left', 'escaped'. A name given to Israel, after Jer. XXXI, 1.
- (5) Babylon, so called because it was low-lying.
- (6) Babylonia.
- (7) The land of Israel, so called after Dan. XI, 16.
- (8) Which shows that all are agreed that Rakath is Tiberias.
- (9) Heb. rekanin, lit., 'empty ones'.
- (10) Heb. tibbur, lit., 'navel'.
- (11) Heb. Tobah Re'Iathah.
- (12) Jud. I, 30.
- (13) Ibid. V, 18. E.V. jeopardised their lives to the death'.
- (14) Ibid.
- (15) A small shell-fish from which was extracted the purple colour used for the fringes.
- (16) Deut. XXXIII, 19.
- (17) Much used for salting or pickling and an important article of commerce in ancient Palestine.
- (18) Which was made from the sand of Zebulun. [This was a source of wealth owing to the difficulty of the process for producing colourless glass among the ancients. V. Krauss T.A. II, 286.]
- (19) If they are cheating me.
- (20) Ibid.
- (21) Left by the goats after eating dates.
- (22) [Near Pumbeditha. The parallel passage (Keth. 112a) has Be Mikse (cf. also **hxf hc** in MS.M. a.l.). On the geographical names v. Keth., Sonc. ed. p. 724 notes.]
- (23) As a parasang was four miles, this would be about eight times the extent of Zebulun's trail.
- (24) Zeph. II, 4.
- (25) [Caesarea by the Sea is designated 'the daughter of Edom' because it was an outpost of the Roman Empire, Edom being in Rabbinic literature the prototype of Imperial Rome.]
- (26) Lit. 'a peg driven into Israel'.
- (27) This seems to be a mistake for Zor (Tyre) which is the reading of MS.M. The Aruk reads Shed, lit., 'demons'. [The reference is probably to the conquest of Caesarea by Alexander Jannaeus, v. Josephus Ant. XIII, 15, n. Cf. also Meg. Ta'an. III. The old name of Caesarea was Strato's Tower, after the Phoenician king Strato, its founder. The reading 'shed'(demon) contains perhaps an allusion to the worship of Astarte by the original inhabitants. On the other readings v. Hildesheimer, H. Beitrage z. Geographie Palastinas, pp. 4ff]
- (28) Zech. IX, 7.
- (29) Beth Banya. Lit., 'house of high places'.
- (30) Beth Galya. Lit., 'house of revelation'. [These terms are taken by others as names of idolatrous shrines, the former being identified with Dajr al Banat and the latter with Bait Galia, both in the neighbourhood of Bethlehem. V. Horowitz S. Palestine, pp. 126 and 129.]
- (31) I.e., the Roman Empire.
- (32) Zech. IX, 7.
- (33) Where the Roman Games took place.
- (34) More correctly Pnias, Caesarea Philippi, the modern Banias, a place near the source of the Jordan.
- (35) This may mean either that it was a capital of Palestine or that some of its Roman Governors became Emperors.
- (36) Probably Rome is meant.
- (37) Ezek. XXVI, 2, of Tyre and Jerusalem.

- (38) Gen. XXV, 23.
 (39) Isa. XXVI, 10.
 (40) Rashi renders: 'Can not one find a plea on his behalf'.
 (41) I.e., the land of Israel.
 (42) Ibid.
 (43) E.V., 'further not his evil device'.
 (44) Ps, CXL, 9.

Talmud - Mas. Megilah 6b

this refers to Germamia of Edom,¹ for should they but go forth they would destroy the whole world. R. Hama b. Hanina said: There are three hundred crowned heads in Germamia of Edom and three hundred and sixty-five chieftains in Rome,² and every day one set go forth to meet the other and one of them is killed, and they have all the trouble of appointing a king again.

R. Isaac also said: If a man says to you, I have laboured and not found, do not believe him. If he says, I have not laboured but still have found, do not believe him. If he says, I have laboured and found, you may believe him. This is true in respect of words of Torah,³ but in respect of business, all depends on the assistance of heaven. And even for words of Torah this is true only of penetrating to the meaning,⁴ but for remembering what one has learnt, all depends on the assistance of heaven.

R. Isaac also said: If you see a wicked man being favoured by fortune,⁵ do not contend with him, as it says, Do not contend with evildoers.⁶ Nor is this all, but he may even prosper in his undertakings, as it says, His ways prosper at all times.⁷ Nor is this all, but he may even be declared right, as it says, Thy judgments are far above out of his sight.⁸ Nor is this all, but he may even triumph over his enemies, as it says, As for all his adversaries, he puffeth at them.⁸ Is this so? Has not R. Johanan said in the name of R. Simeon b. Yohai: It is permitted to contend with the wicked in this world, as it says, They that forsake the law praise the wicked, but such as keep the law contend with them.⁹ Also it has been taught: R. Dosethai b. Mathon says: It is permitted to contend with the wicked in this world. And if one should whisper to you saying, [As for the text] Do not contend with evildoers, neither be thou envious against them that work unrighteousness, one whose conscience smites him speaks thus, and the meaning is, Do not contend with the evildoer to be like evildoers, neither be envious of such as work unrighteousness; and so it says also, Let not thy heart envy sinners?¹⁰ — There is no contradiction; the one [piece of advice] refers to one's own affairs the other to religious matters.¹¹ Or if you like I may say that both refer to one's own affairs, and still there is no contradiction: the one is addressed to a man who is wholly righteous, and the other to one who is not wholly righteous,¹² as R. Huna said: What is the meaning of the verse, Wherefore lookest thou when they deal treacherously, and holdest thy peace when the wicked swalloweth up the man that is more righteous than he?¹³ He can swallow up one that is more righteous than himself, he cannot swallow up one that is completely righteous. Or if you like I can say that when fortune is smiling on him, the case is different.

'Ulla said: 'Greek Italy'¹⁴ is the great city of Rome,¹⁵ which covers an area of three hundred parasangs by three hundred. It has three hundred markets corresponding to the number of days of

the solar year. The smallest of them is that of the poultry sellers, which is sixteen mil by sixteen. The king dines every day in one of them. Everyone who resides in the city, even if he was not born there, receives a regular portion of food from the king's household,¹⁶ and so does everyone who was born there, even if he does not reside there. There are three thousand baths in it, and five hundred windows the smoke from which goes outside the wall.¹⁷ One side of it is bounded by the sea, one side by hills and mountains, one side by a barrier of iron, and one side by pebbly ground and swamp.¹⁸

MISHNAH. IF THE MEGILLAH HAS BEEN READ IN THE FIRST ADAR AND THE YEAR HAS SUBSEQUENTLY BEEN PROLONGED,¹⁹ IT IS READ AGAIN IN THE SECOND ADAR. THERE IS NO DIFFERENCE BETWEEN THE FIRST ADAR AND THE SECOND ADAR SAVE ONLY IN THE READING OF THE MEGILLAH AND THE DISTRIBUTION OF GIFTS TO THE POOR.²⁰

GEMARA. This [last statement] implies that in respect of the series of special portions²¹ they are on the same footing.²² Which authority does the Mishnah follow? [It would seem], neither the First Tanna nor R. Eliezer son of R. Jose nor R. Simon b. Gamaliel [in the following Baraita], as it has been taught: 'If the Megillah has been read in the first Adar and the year has then been prolonged, it is read in the second Adar, since all the precepts which are to be performed in the second Adar can be performed in the first,²³ except the reading of the Megillah'. R. Eliezer son of R. Jose says that it is not to be read [again] in the second Adar, because all precepts that are to be performed in the second Adar may be performed in the first. R. Simon b. Gamaliel says in the name of R. Jose that it is to be read again in the second, because precepts which are to be performed in the second Adar may not be performed in the first. They all however agree in regard to mourning and fasting, that they are forbidden on [the fourteenth and fifteenth of] both. Does not R. Simon b. Gamaliel here repeat the First Tanna? — R. Papa replied: They differ on the question of the series of special portions — the First Tanna holding that these should in the first instance be read in the second [Adar], but if they have been read in the first, this suffices. [But he also] excludes from this ruling the reading of the Megillah, [holding that], even though it has been read in the first [Adar], it must be read again in the second. R. Eliezer son of R. Jose on the other hand held that even the Megillah may in the first instance be read in the first [Adar], and R. Simon b. Gamaliel held that even the series of special portions, if they have been read in the first [Adar], must be read again in the second. Which authority then [does our Mishnah follow]? If [you say] the First Tanna, there is the difficulty of gifts.²⁴ If [you say] R. Eliezer son of R. Jose, there is the difficulty of the reading of the Megillah also. If [you say] R. Simon b. Gamaliel, there is the difficulty of the series of special portions! — In fact it is the First Tanna, and when he mentioned the reading of the Megillah, we suppose the same to apply to the gifts of the poor, since one depends on the other. Or if you like, I can say that in fact it is R. Simon b. Gamaliel, and there is an omission²⁵ in our Mishnah and what it means is this: 'There is no difference between the fourteenth of the first Adar and the fourteenth of the second Adar save in the matter of reading the Megillah and gifts to the poor'. from which we infer that in regard to mourning and fasting they are on the same footing, while in regard to the special portions no ruling is given.²⁶ R. Hiyya b. Abin said in the name of R. Johanan: The halachah²⁷ is as laid down by R. Simon b. Gamaliel, who gave it in the name of R. Jose. R. Johanan said: Both of them [R. Simon and R. Eliezer son of R. Jose] based their opinions on the same text, in every year.²⁸ R. Eliezer son of Jose reasoned:

‘In every year’; just as in most years [we think of] Adar as the month which adjoins Shebat, so here [we keep the precepts] in the Adar which adjoins Shebat. R. Simon b. Gamaliel again reasoned: Just as in most years [we think of] Adar as adjoining Nisan, so here [we keep the precepts] in the Adar which adjoins Nisan. Now we understand R. Eliezer son of R. Jose taking the view he did, because it is inherently probable, it being a rule that we do not postpone the performance of religious precepts.²⁹ But what is the reason of R. Simon b. Gamaliel? — R. Tabi said: The reason of R. Simon b. Gamaliel is that more weight is to be attached to bringing one period of redemption close to another.³⁰ R. Eleazar said: The reason of R. Simon b. Gamaliel is derived from this verse: to confirm this second letter of Purim.³¹ And it was necessary for the text to write

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- (1) There was another Germamia which was probably the land of the Cimmericians. [Rieger, P. (MGWJ. LXXX, p. 455) identifies it with Carminia, the Persian Kerman.]
 - (2) This word seems to be an interpolation.
 - (3) I.e., of the effort to gain enlightenment from the Torah.
 - (4) Lit., ‘sharpening’ (the understanding).
 - (5) Lit., ‘on whom the hour smiles’.
 - (6) Ps. XXXVII, 1. E.V. ‘fret not thyself because of evildoers’.
 - (7) Ps. X, 5.
 - (8) Ibid.
 - (9) Prov. XXVIII,4.
 - (10) Prov. XXIII, 17. R. Johanan and R. Doseithai say that it is not permissible to contend with the wicked, which contradicts R. Isaac.
 - (11) In regard to which it is permissible to contend with the wicked.
 - (12) For whom it is not safe to contend with the wicked.
 - (13) Hab. I, 13.
 - (14) ‘Ulla probably had in mind the saying quoted in the Midrash of Cant. that when Jeroboam made the golden calf (according to another version, when Manasseh brought the image into the Temple), the angel Gabriel stuck a pole in the sea, and a dry place was formed on which subsequently Rome was built.
 - (15) [home is so designated on account of the great influence of the Greek civilization on the Roman, v. Bacher, REJ, XXXIII, p. 190.]
 - (16) [Alluding to the regular distribution of corn and money in Rome.]
 - (17) The windows being higher than the wall of the city. Another reading is: ‘Each one of them has five hundred windows, the smoke, etc.’ [The allusion is to the famous thermal baths constructed by Diocletian (284-304).]
 - (18) [The reference is respectively to the Tiber, the wall erected by the Emperor Aurelius (271-276) and to the Ostian Marshes (stagno di ostia). For the other allusions in this hyperbolic description of Rome, v. Bacher, op. cit. pp. 190ff.]
 - (19) By the intercalation of a second Adar.
 - (20) This statement is immediately discussed in the Gemara.
 - (21) The special portions of Shekalim (Ex. XXX, 11-16), Zakor (Deut. XXV, 17-19), Parah (Num. XIX, 1-22) and ha-Hodesh (Ex. XII, 1-20) read in the synagogue between the Sabbath preceding the first of Adar and the first of Nisan. V. infra 29a.
 - (22) I.e., if they had been read in the first of Adar and the year is then proclaimed a leap year, they need not be read again in the second.
 - (23) I.e., if they have been performed in the first and the year is then prolonged, they need not be performed again.

- (24) Since, as he does not mention gifts, we presume that he allows these to be made in the first Adar.
- (25) These words are out of place here and seem not to have been read by Rashi. If we omit them we translate: ‘and the meaning of the Mishnah is as follows’. The omission in fact, as will be seen, is not in the Mishnah but in the Gemara which immediately follows it.
- (26) It is this last clause which was omitted from the Gemara above.
- (27) [vfkv So MSS.; cur. edd. t, flv.]
- (28) Esth. IX, 27.
- (29) I.e., we perform them at the first opportunity, even though it is also permissible to perform them later.
- (30) Viz., Purim to Passover.
- (31) Ibid. 29.

Talmud - Mas. Megillah 7a

‘the second’ and also to write ‘in every year’. For if I had to base the rule on ‘every year’, I could raise the difficulty stated above: therefore it is written ‘second’.¹ And if I had been told only ‘second’, I might say that the Megillah is properly to be read both in the first and in the second. Therefore it says, in every year.² And what does R. Eliezer son of R. Jose make of this second? — He requires it for the statement enunciated by R. Samuel b. Judah. For R. Samuel b. Judah said: At first they [Mordecai and Esther] decreed the observance of Purim only in Susa, but afterwards³ throughout the world.

R. Samuel b. Judah said: Esther sent to the Wise Men saying, Commemorate me⁴ for future generations. They replied, You will incite the ill will of the nations against us.⁵ She sent back reply: I am already recorded in the chronicles of the kings of Media and Persia. Rab and R. Hanina and R. Johanan and R. Habiba record [the above statement in this form]: (in the whole of the Order Mo'ed, wherever this set of Rabbis is mentioned, R. Johanan is replaced by R. Jonathan):⁶ Esther sent to the Wise Men saying, Write an account of me for posterity. They sent back answer, Have I not written for thee three times⁷ — three times and not four?⁸ [And they refused] until they found a verse written in the Torah, Write this a memorial in a book,⁹ [which they expounded as follows]: ‘Write this’, namely, what is written here and in Deuteronomy;¹⁰ ‘for a memorial’, namely, what is written in the Prophets;¹¹ ‘in a book’, namely, what is written in the Megillah. The difference [between the first and second of these opinions] is also found between two Tannaim. ‘Write this’, what is written here.¹² ‘For a memorial’, namely, what is written in Deuteronomy. ‘In a book’, namely, what is written in the Prophets. So R. Joshua.¹³ R. Eliezer of Modi'im says: Write this’, namely, what is written here and in Deuteronomy; for a memorial’, namely, what is written in the Prophets; ‘in a book’, namely, what is written in the Megillah.

Rab Judah said in the name of Samuel; [The scroll] of Esther does not make the hands unclean.¹⁴ Are we to infer from this that Samuel was of opinion that Esther was not composed¹⁵ under the inspiration of the holy spirit? How can this be, Seeing that Samuel has said that Esther was composed under the inspiration of the holy spirit? — It was composed to be recited [by heart], but not to be written. The following objection was raised: ‘R. Meir says that [the scroll of] Koheleth¹⁶ does not render the hands unclean, and that about the Song of Songs there is a difference of opinion. R. Jose says that the Song of Songs renders the hands unclean, and about Koheleth there is a difference of opinion. R. Simeon says that Koheleth is one of those matters in

regard to which Beth Shammai were more lenient and Beth Hillel more stringent, but Ruth and the Song of Songs and Esther [certainly] make the hands unclean'! — Samuel concurred with R. Joshua.¹⁷

It has been taught: R. Simeon b. Menasia said: Koheleth does not render the hands unclean because it contains only the wisdom of Solomon.¹⁸ They said to him], Was this then all that he composed? Is it not stated elsewhere, And he spoke three thousand proverbs,¹⁹ and it further says, Add thou not unto his words.²⁰ Why this further quotation? — In case you might object that he composed very much, and what it pleased him to write he wrote and what it did not please him he did not write. Therefore it says,²¹ Add thou not to his words.²²

It has been taught: R. Eleazar said: Esther was composed under the inspiration of the holy spirit, as it says, And Haman said in his heart.²³ R. Akiba says: Esther was composed under the inspiration of the holy spirit, as it says, And Esther obtained favour in the eyes of all that looked upon her.²⁴ R. Meir says: Esther was composed under the inspiration of the holy spirit, as it says, And the thing became known to Mordecai.²⁵ R. Jose b. Durmaskith said: Esther was composed under the inspiration of the holy spirit, as it says, But on the spoil they laid not their hands,²⁶ Said Samuel: Had I been there,²⁷ I would have given a proof superior to all, namely, that it says, They confirmed and took upon them,²⁸ [which means] they confirmed above²⁹ what they took upon themselves below. Raba said: All the proofs can be confuted except that of Samuel, which cannot be confuted. [Thus,] against that of R. Eleazar it may be objected that it is reasonable to suppose that Haman would think so, because there was no one who was so high in the esteem of the king as he was, and that when he spoke at length,³⁰ he was only expressing the thought concerning himself. Against the proof of R. Akiba it may be objected that perhaps the fact is as stated by R. Eleazar, who said that these words show that to every man she appeared to belong to his own nation.³¹ Against R. Meir it may be objected that perhaps the fact is as stated by R. Hiyya b. Abba who said that Bigthan and Teresh were two men from Tarsis.³² Against the proof of R. Jose b. Durmaskith it may be objected that perhaps they³³ sent messengers. Against the proof of Samuel certainly no decisive objection can be brought. Said Rabina: This bears out the popular saying, Better is one grain of sharp pepper than a basket full of pumpkins. R. Joseph said: It³⁴ can be proved from here: And these days of Purim shall not fail from among the Jews.³⁵ R. Nahman b. Isaac said, From here: Nor the memorial of them perish from their seed.³⁶

AND GIFTS TO THE POOR. R. Joseph learnt: And sending portions one to another³⁷ that means two portions³⁸ for one man. And gifts to the poor³⁹ that means two gifts to two men.⁴⁰ R. Judah Nesi'ah⁴¹ sent to R. Oshaia the leg of a third-born calf⁴² and a barrel of wine. He sent him back word saying,

(1) To show that it must be the Adar adjoining Nisan.

(2) To show that it is to be read only once even in leap years.

(3) By means of this second letter.

(4) Lit., 'fix me', by means of a book and a festival.

(5) Who will accuse the Jews of rejoicing at their downfall and celebrating it.

(6) This is evidently a gloss made by a later commentator.

(7) Prov. XXII, 20. (E. V. 'have I not written unto thee excellent things'.) The meaning is, Is not the war of Israel

against Amalek mentioned three times in Scripture.

(8) The three times are (i) Ex. XVII, 8-16; (ii) Deut. XXV, 17-19; (iii) I Sam. XV.

(9) Ex. XVII, 14, referring to the war against Amalek.

(10) Which, being both in the Pentateuch, are counted as one.

(11) Viz., the Book of Samuel.

(12) In Ex. XVII.

(13) Who thus holds that the Megillah was not meant to be written.

(14) Like the scrolls of other books of the Scripture. V. Shab.14.

(15) Lit., 'said'.

(16) Ecclesiastes.

(17) That the Megillah was not meant to be written.

(18) And not inspired wisdom.

(19) I Kings, V, 12. Since these were not written and Ecclesiastes was, we may conclude that the latter was inspired.

(20) Prov. XXX, 6.

(21) Lit., 'come and hear'.

(22) Which shows that whatever he wrote down was inspired.

(23) Esth. VI, 6. How could the author know this if he was not inspired?

(24) Ibid. II, 15. Cf. previous note.

(25) Ibid. 22. Who revealed it to him if not the holy spirit?

(26) Ibid. IX, 10. Cf. note 8.

(27) among the Tannaim who discussed this matter.

(28) Ibid. 27.

(29) In heaven.

(30) 'As for the man whom the king delighteth to honour' etc.

(31) V. infra 13a.

(32) V. infra 13b.

(33) Those in the more distant parts.

(34) That Esther was written under the inspiration of the holy spirit.

(35) Esth. IX, 28.

(36) Ibid. R. Nahman prefers the second half of the verse, because the first half might refer only to that generation.

(37) Ibid. 22.

(38) The minimum number of 'portions' being two.

(39) Ibid.

(40) The minimum number of the plural **ohbuhct** 'poor' being two. Or it may mean that a gift is twice as big as a portion (Maharsha).

(41) R. Judah, the Prince II.

(42) So Rashi. Aliter: 'a third grown'; 'in the third year' — which was supposed to be specially good.

Talmud - Mas. Megilah 7b

You have fulfilled in our person, O our teacher, the words, and sending portions one to another.¹ Rabbah sent to Mari b. Mar by Abaye a sackful of dates and a cupful of roasted ears of corn. Said Abaye to him: Mari will now say, 'If a countryman becomes a king, he does not take his basket off his neck'.² The other [Mari] sent him [Rabbah] back a sackful of ginger and a cup full of

long-stalked pepper. Said Abaye: Now the Master [Rabbah] will say, I sent him sweet and he sends me bitter. Abaye said: When I went out of the Master's [Rabbah's] house, I was already full, but when I reached the other place³ they set before me sixty dishes of sixty different preparations, and I had sixty pieces from them. The last preparation was called pot-roast, and [I liked it so much that] I wanted to lick the dish after it. Said Abaye: This bears out the popular saying, The poor man is hungry and does not know it,⁴ or the other saying, There is always room for sweet things. Abaye b. Abin and R. Hananiah b. Abin used to exchange their meals with one another.⁵

Raba said: It is the duty of a man to mellow himself [with wine] on Purim until he cannot tell the difference between cursed be Haman' and 'blessed be Mordecai'.⁶

Rabbah and R. Zera joined together in a Purim feast. They became mellow, and Rabbah arose and cut R. Zera's throat.⁷ On the next day he prayed on his behalf and revived him. Next year he said, Will your honour come and we will have the Purim feast together. He replied: A miracle does not take place on every occasion. Raba said: If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation. What is the reason? It is written, days of feasting and gladness.⁸ R. Ashi was sitting before R. Kahana. It grew late, and still the Rabbis did not arrive. He said to him, Why have not the Rabbis come? Perhaps they are busy with the Purim feast. He said to him: Could they not have had it last night? He replied: Is your honour not acquainted with the diction of Raba, 'If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation'? He said to him; Did Raba really say so? (He replied Yes).⁹ He then repeated it after him forty times, until he had safely stored it in his mind.¹⁰

MISHNAH. THERE IS NO DIFFERENCE BETWEEN FESTIVALS AND SABBATH SAVE ONLY IN THE MATTER OF [PREPARING] FOOD.¹¹

GEMARA . We can infer from this that in the matter of preliminaries for preparing food¹² they are on the same footing. The Mishnah then does not agree with R. Judah, as it has been taught: 'There is no difference between festivals and Sabbath save in the matter of [preparing] food'. R. Judah, however, permits [on the festivals] the preliminaries for preparing food.¹² What is the reason of the First Tanna? The Scripture says: [Save that which every man must eat], that only [shall be prepared].¹³ that and not its preliminaries. R. Judah, on the other hand, stresses the word for you:¹⁴ for you, which means, for all your requirements. Why then does not the other also admit this, seeing that it is written, 'for you'? — [This, he says, means], 'for you' and not for non-Jews; 'for you' and not for dogs. And [why does not] the other [adopt this view], seeing that it is written, 'that only'? [He replies]: It is written, 'that only', and it is written, 'for you'; we apply the one to preliminaries which can be attended to on the day before the festival, and the other to preliminaries which cannot be attended to on the day before the festival.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SABBATH AND THE DAY OF ATONEMENT SAVE ONLY THAT THE DELIBERATE VIOLATION OF THE ONE IS PUNISHED BY A HUMAN COURT AND THE DELIBERATE VIOLATION OF THE OTHER BY KARETH.¹⁵

GEMARA. It is to be inferred from this that in respect of compensation¹⁶ they are on the same

footing. Whose view does the Mishnah follow? — That of R. Nehunia b. ha-Kaneh, as it has been taught: R. Nehunia b. ha-Kaneh used to put the Day of Atonement on the same footing as Sabbath in respect of compensation: just as [one who deliberately breaks] Sabbath forfeits his life but is released from the obligation to make compensation,¹⁷ so [one who deliberately breaks] the Day of Atonement forfeits his life but is released from the obligation to make compensation.

We have learnt elsewhere: If any who have incurred the penalty of kareth are flogged — they become quit of their kareth, as it says, Then thy brother should be dishonoured in thine eyes;¹⁸ once he has been flogged, he is like thy brother.¹⁹ So R. Hananiah b. Gamaliel. Said R. Johanan: The colleagues of R. Hananiah b. Gamaliel joined issue with him on this point. Raba said, They said in the school of Rab: We have [also] learnt [this]:²⁰ There is no difference between the Day of Atonement and Sabbath save that he who breaks the one is punished by a human court, while he who breaks the other is punished with kareth. Now if [R. Hananiah's opinion] is correct, then both are punished by the human court?²¹ — R. Nahman replied: Whose view is this?²² That of R. Isaac, who said that lashes are never inflicted on those who have incurred kareth, as it has been taught: Those who have incurred kareth are included in the general statement.²³ Why then is kareth specially mentioned in the case of [one who lies with] his sister?²⁴ To show that she is punished with kareth and not with lashes.²⁵ R. Ashi said: You may even say that it²⁶ is the view of the Rabbis:²⁷ in the case of the one [the breaker of Sabbath], the essential [punishment for] his presumption is inflicted by the human court, but in the case of the other, the essential punishment for his presumption consists in 'being cut off'.²⁸

(1) [Cur. ed. add: and 'gifts to the poor'].

(2) As much as to say, Although you have become head of the Academy (in Pumbeditha), you send very ordinary gifts.

(3) The house of Mari.

(4) Till the food is actually set before him.

(5) According to Rashi, this means that one provided the feast one year and the other the next. More naturally it could mean that they sent their meals to one another and thereby fulfilled the obligation of 'sending portions to one another' (Maharsha).

(6) [The two phases have the same numerical value, 502.]

(7) Apparently without actually killing them But cf. Maharsha.

(8) Esth. IX, 22.

(9) These words are bracketed in the text.

(10) Lit., 'and he was (then) like one who had put it in his purse'.

(11) Lit., 'food of the person'. I.e., that food for the day may be cooked on festivals but not on Sabbath.

(12) E.g., the sharpening of a knife.

(13) Ex. XII, 16; relating to the Passover.

(14) Ibid.

(15) I.e., by the hand of heaven. V. Lev. XXIII, 30 and Glos.

(16) For damage done by the act of transgression.

(17) The lesser penalty being merged in the larger penalty.

(18) Deut. XXV, 3.

(19) Which shows that he is not 'cut off'.

(20) That there is a difference of opinion.

- (21) And the one who is flogged for breaking Yom Kippur becomes quit of kareth.
 (22) That of our Mishnah. (9) And not of the colleagues of R. Hananiah.
 (23) Of the punishment for incest. Lev. XVIII, 29.
 (24) In Lev. XX, 17.
 (25) And the same applies to all other cases punishable by kareth. V. Mak. 13b.
 (26) Our Mishnah.
 (27) And still there is no difference between them and R. Hananiah.
 (28) , רףV cf. Num. XV, 31; though lashes may also be inflicted.

Talmud - Mas. Megilah 8a

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE WHO IS INTERDICTED BY VOW TO HAVE NO BENEFIT FROM HIS NEIGHBOUR AND ONE WHO IS INTERDICTED BY VOW FROM HIS FOOD, SAVE IN THE MATTER OF SETTING FOOT [ON HIS PROPERTY] AND OF UTENSILS WHICH ARE NOT USED FOR [PREPARING] FOOD.¹

GEMARA. It is to be inferred from this that in the matter of utensils which are used for preparing food they are on the same footing.

SETTING FOOT. But people are not particular about this?² — Raba said: Whose view is this? R. Eleazar's, who said that [even] a thing which is usually excused³ is forbidden to one who vows to have no benefit.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN VOWS AND FREEWILL-OFFERINGS SAVE THAT VOWED OFFERINGS HAVE TO BE REPLACED⁴ BUT FREEWILL-OFFERINGS NEED NOT BE REPLACED.

GEMARA. It is to be inferred from this that in respect of 'not delaying'⁵ they are on the same footing.

We have learnt in another place: What is a vow? Where a man says, I take upon me the obligation to bring a burnt-offering. What is a freewill-offering? Where a man says, Behold this is [to be] a burnt-offering. What then is the [practical] difference between vows and freewill-offerings? — If vowed animals die or are stolen or lost, the one who offered is under obligation to replace them;⁶ if freewill-offerings die or are stolen or lost, he is not under obligation to replace them.⁷ Whence is this rule derived? — As our Rabbis have taught: And it shall be accepted for him to make atonement upon him:⁸ R. Simeon says: That which is 'upon him'⁹ he is under obligation to replace.¹⁰ How is it implied [that this substitute is upon him]? — R. Isaac b. Abdini replied: Since he has said '[I take] upon me', it is as if he had taken it upon his shoulder.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE SUFFERING FROM AN ISSUE WHO MAKES TWO OBSERVATIONS¹¹ AND ONE WHO MAKES THREE,¹² SAVE IN THE MATTER OF BRINGING A SACRIFICE.¹³

GEMARA. From this it is to be inferred that in the matter of [defiling] a bed or a seat¹⁴ and counting seven days¹⁵ they are on the same footing. Whence is this rule derived? — As our Rabbis have taught: ‘R. Simai says: The text specified two [observations]¹⁶ and designated the man as unclean, and also specified three¹⁷ and designated him as unclean’. How do we explain this? Two bring uncleanness but do not entail a sacrifice, three entail a sacrifice. But cannot I say that two bring uncleanness but do not entail a sacrifice, while three entail a sacrifice but no uncleanness?¹⁸ — To this you may answer that before he has three observations he must have two.¹⁹ Let me say then that two observations entail a sacrifice but not uncleanness,¹⁸ whereas three bring uncleanness also? — Do not imagine such a thing, since it has been taught: And the priest shall make atonement for him before the Lord from his issue;²⁰ this implies that some persons with an issue bring a sacrifice and some do not.²¹ How is this? if he has three observations, he brings a sacrifice, if only two, he does not bring. Or shall we expound differently and say that if he has two he brings the sacrifice, but if three he does not? — You can reply to this that before he has three he must have had two.²² And both the exposition of R. Simai and the text ‘from his issue’ are necessary [to prove this point]. For if I had only the dictum of R. Simai, I could raise against it the objection mentioned, and therefore I have recourse to ‘from his issue’. And if I had only ‘from his issue’, I should not know how many observations [are necessary for a sacrifice]; therefore I have the dictum of R. Simai.²³

Now, however, that you have assumed that the words ‘from his issue are to be used for a special exposition,²⁴ [I may ask], what lesson do you derive from the words and when he that hath an issue is cleansed from his issue?²⁵ That is required for the following lesson, as it has been taught: ‘And when he that hath an issue is cleansed’: that is to say, when the issue ceases.²⁶ ‘From his issue’: that is to say from his issue [only], and not from both his issue and his leprosy.²⁷ ‘Then he shall number’: this teaches us that one with an issue who has had two observations must count seven days [without issue]. But cannot this be deduced logically [as follows]?²⁸ If he defiles bed and seat, shall he not [all the more] be required to count seven days?

(1) The latter may take these liberties, the former may not.

(2) And therefore if one takes this liberty, he cannot be said to be deriving any benefit.

(3) **ru, hu** Aliter: ‘The (retailer's customary) addition (to exact measure)’, and the accenting of which is not counted as receiving a benefit.

(4) Lit., one is responsible for them’. V. infra.

(5) To fulfil the undertaking, in accordance with Deut. XXIII, 22.

(6) Because the vow still stands.

(7) Because the undertaking applied only to that particular animal.

(8) So lit. E.V, ‘for him’. Lev. I, 4.

(9) I.e., the vow.

(10) Apparently R. Simeon renders: ‘Any animal will be accepted so long as it is "upon him"’.

(11) On a single day or two successive days.

(12) On one day or three successive days or two on one day and one on the next.

(13) V. Lev. XV, 13-15.

(14) Ibid. 4-6.

(15) For his cleansing, after the cessation of the issue. Ibid. 13.

(16) Lev. XV, 2: When a man hath an issue out of his flesh, his issue is unclean.

- (17) Ibid. 3: And this shall be his uncleanness in his issue: whether his flesh run with his issue, or his flesh be stopped from his issue, it is his uncleanness,
- (18) Viz., the stringent uncleanness of one with an issue (cf. nn. 3-4), but only the lighter uncleanness resulting from a discharge of semen. V. Deut. XXIII, 11-12.
- (19) And is already unclean as a zab.
- (20) Ibid. 15.
- (21) The proposition 'from' is stressed, as implying only part of these who have an issue.
- (22) And so already become liable for the sacrifice.
- (23) To show that it is three.
- (24) I.e., for some lesson not contained in the literal meaning of the words.
- (25) Ibid. 13.
- (26) V. next note.
- (27) If the one with an issue was also a leper, he need not wait for his counting till he is healed of his leprosy.
- (28) And why therefore is a text required?

Talmud - Mas. Megilah 8b

— This argument can be confuted by the case of the woman who is keeping day for day,¹ for such a one defiles bed and seat² but does not count seven days. And thus do not be surprised that this one also, although he defiles bed and seat, should not be obliged to count seven days. Therefore it says, 'from his issue, and he shall number', which implies that after part of his issue³ he shall number; this teaches² with regard to one with an issue who has had two observations that he is required to count seven days.

R. Papa said to Abaye: Why do we use the one text 'from his issue' to include⁴ one with an issue who has had two observations, and the other text 'from his issue' to exclude⁵ one with an issue who has had two observations? — He replied: If you should assume that the former text⁶ is for the purpose of excluding, then the text could simply omit the word. And should you say, we could then derive the rule [that he is to count seven days] by a logical deduction, such a deduction could be confuted by the case of the woman who counts day for day. And should you say that this word is required to show that the text refers to one who is cleansed of his issue [only] and not [of his issue and] his leprosy, — in that case the text should say, 'and when he that hath an issue is cleansed', and no more. Why do I require, 'from his issue'? This teaches that one with an issue who has two observations is required to count seven days.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A LEPER WHO IS UNDER OBSERVATION⁷ AND ONE DEFINITELY DECLARED SUCH⁸ SAVE IN THE MATTER OF LEAVING THE HAIR LOOSE⁹ AND RENDING THE GARMENTS.¹⁰ THERE IS NO DIFFERENCE BETWEEN A LEPER WHO HAS BEEN DECLARED CLEAN⁸ AFTER BEING UNDER OBSERVATION¹¹ AND ONE WHO HAS BEEN DECLARED CLEAN⁸ AFTER HAVING BEEN DEFINITELY DECLARED A LEPER SAVE IN THE MATTER OF SHAVING AND [OFFERING] THE BIRDS.¹²

GEMARA. From this it is to be inferred that in the matter of being sent outside [the camp]¹³ and uncleanness¹⁴ they are on the same footing. Whence is this rule¹⁵ derived? — As R. Samuel b.

Isaac taught before R. Huna: Then the priest shall pronounce him clean; it is a scab; and he shall wash his clothes and be clean;¹⁶ which implies that he shall already have been [in a sense] clean¹⁷ from the first, not having been liable to rending the garments and loosening the hair. Said Raba to him. If that is so, then in regard to one with an issue, of whom it is written, and he shall wash his garments and be clean,¹⁸ how is it possible to say that he shall have been clean from the start? What it means then is, 'clean now so far as not to defile earthenware vessels by moving them',¹⁹ so that, even if he observes an issue again, he does not defile them retrospectively. So here, [the meaning is that] the leper is clean now to the extent of not defiling retrospectively by his entrance!²⁰ The fact is, said Raba, that we learn it from here: And the leper in whom the plague is;²¹ [that means] one whose leprosy is due to the state of his body, excluding this one²² whose leprosy is due to days.²³ Said Abaye to him: If that is so, then when it says, All the days wherein the plague is in him he shall be unclean,²⁴ are we to say that one whose leprosy is due to his state of body is required to be sent out of the camp, but one whose leprosy is not due to his state of body is not to be sent out of the camp? And should you reply that that is so, [how can this be] seeing that it states, THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF LOOSENING THE HAIR AND RENDING THE GARMENTS, from which it may be inferred that in the matter of being sent out [of the camp] and defiling by entrance they are on the same footing? — [The text might have said simply] 'the days', and it says, 'all the days', to bring a leper under observation within the rule of sending out [of the camp]. If that is the case, what is the reason that he is not required to shave and offer birds [which is not the case], as it states: THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF SHAVING AND OFFERING BIRDS? — Abaye replied: Scripture says: And the priest shall go forth out of the camp, and behold the plague of leprosy is healed in the leper;²⁵ this means, one whose leprosy is such because it requires healing,²⁶ and excludes one whose leprosy is such in virtue not of [requiring] healing but of days [of isolation].

MISHNAH. THERE IS NO DIFFERENCE BETWEEN BOOKS [OF THE SCRIPTURE]²⁷ AND TEFILLIN AND MEZUZAH²⁸ SAVE THAT THE BOOKS MAY BE WRITTEN IN ANY LANGUAGE²⁹ WHEREAS TEFILLIN AND MEZUZAH²⁸ MAY BE WRITTEN ONLY IN ASSYRIAN.³⁰ R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO WERE PERMITTED [BY THE SAGES] TO BE WRITTEN ONLY IN GREEK.

GEMARA. [From this we infer] that for requiring [the sheets] to be stitched with sinews³¹ and for defiling the hands³² both are on the same footing.

BOOKS MAY BE WRITTEN IN ANY LANGUAGE. The following seems to conflict with this: '[A Scriptural scroll containing] a Hebrew text written³³ in Aramaic or an Aramaic text written in Hebrew,³⁴ or [either] in Hebraic script,³⁵ does not defile the hands;³⁶ [it does not do so] until it is written in Assyrian script upon a scroll and in ink'! — Raba replied: There is no contradiction;

(1) If a niddah (v. Glos.) who is counting her eleven days between the menses sees blood on one or two of the days, she need not count seven clean days but becomes clean after ablution on the evening of the following day. V.

Sanh., Sonc. ed. p. 577, n. 2.

(2) V. Nid. 72b.

(3) Cf. p. 43. n. 10.

(4) Under the obligation to count seven days.

(5) From the obligation to bring a sacrifice.

(6) Lev. XV, 13.

(7) **rdxun** Lit., 'shut up'. V. Lev. XIII, 4.

(8) **ykj un** Lit., 'confirmed'; by the priest. Ibid. v. 11.

(9) Or 'let his hair grow wild', v. M.K 15a.

(10) Which is incumbent on the latter but not on the former. Ibid. 45.

(11) I.e., one in whom the suspicious signs did not develop into actual leprosy

(12) Which was incumbent on the latter. Lev. XIV, 2-7.

(13) V. Num. V, 2.

(14) The stringent laws of uncleanness to which lepers are subjected.

(15) That the leper under observation need not loosen his hair and rend his garments.

(16) Lev. XIII, 6, of the suspect in whom the signs do not develop.

(17) The Hebrew word being **rvyū** in the present tense (as if to say: 'and he was already clean'), where the future **rvyhu** might have been used.

(18) Lev. XV, 13. Here again he present tense **rvyū** is used.

(19) Without touching them. Such a defilement is termed **yxhv**.

(20) The rule was that a leper by entering a room defiled persons and things within it. The question thus remains, Whence is this rule (v. p. 45, n. 9) derived?

(21) Lev. XIII, 45.

(22) The leper under observation.

(23) It is the seven days of his observation that cause him to be designated a leper, for should there be no change in the leper at the end of the seven days he is pronounced clean.

(24) Ibid. 46.

(25) Lev. XIV, 3.

(26) I.e., who has been declared definitely a leper. Only such a one has to shave and bring birds.

(27) This means apparently, scrolls of the Scriptural books.

(28) V. Glos.

(29) Apparently what is meant is that official translations for use in the synagogue may be made in any language. We know actually of two such — the Aramaic translation known as Targum Onkelos, and the Greek translation of Aquilas made under the supervision of R. Eleazar and R. Joshua.

(30) 'Assyrian' is used as the equivalent of Hebrew written in the square characters used for religious writings. This script was called 'Assyrian', the reason being that it came into common use after the return of the Jews from the Babylonian exile; v. Sanh. 21b, Sonc. ed. pp. 119ff and notes.

(31) And not merely with flax thread.

(32) V. supra p. 35, n. 11.

(33) I.e., translated into.

(34) E.g., the Chaldaic parts of Daniel and Ezra.

(35) **hrcg c, f**. The ancient Hebrew script (as found e.g., in the Siloam and Moabite inscriptions and old Jewish coins, and in modified form in Samaritan writing) which was in common use before the Exile. V. Sanh. ibid.

(36) Whereas the Mishnah seems to imply that they do.

Talmud - Mas. Megilah 9a

the one statement [that of the Mishnah] speaks of [books written in] our script,¹ the other of [books written in] their script.² Said Abaye to him: How have you explained the other statement [that of the Baraitha]? As referring to their script. [If so], why should it say, 'A Hebrew text written in Aramaic or an Aramaic text written in Hebrew'? The same would apply even to a Hebrew text which is written in Hebrew or an Aramaic text which is written in Aramaic, since it goes on to say. 'till it is written in Assyrian on a scroll in ink'!³ No. [What you must say is], there is no contradiction: the one statement [in the Mishnah] represents the view of the Rabbis, the other that of R. Simeon b. Gamaliel. But if it is the view of R. Simeon b. Gamaliel, what about Greek?⁴ — No. What you must say is, there is no contradiction; the one statement [in the Mishnah] refers to scrolls, the other to tefillin and mezuzahs. What is the reason [why] tefillin, and mezuzahs [must be written in Assyrian]? — Because in reference to them it is written, and they shall be,⁵ which implies, they shall be as they originally were. What cases are there of Aramaic which can be written in Hebrew? I grant you we find in the Torah yegar sahadutha;⁶ but here [in the case of tefillin, and mezuzoth] what Aramaic is there? — No. What you must say is, there is no contradiction; the one statement [in the Baraitha] refers to the Megillah, the other to the other books [of the Scripture]. What is the reason in the case of the Megillah? — Because it is written In regard to it, according to their writing and according to their language.⁷ What case of Aramaic being written in Hebrew is possible here? — R. Papa said: And the king's pithgam⁸ shall be published;⁹ R. Nahman b. Isaac said: And all the wives shall give yekar¹⁰ to their husbands.¹¹ R. Ashi said: That statement [in the Baraitha] was made in reference to other books [of the Scripture], and it follows the view of R. Judah, as it has been taught: 'Tefillin and mezuzahs are to be written only in Assyrian, but our Rabbis allowed them to be written in Greek also'.¹² But is it not written, and they shall be? I must say therefore, 'Scrolls of the Scripture may be written in any language, and our Rabbis permitted them to be written in Greek'.¹³ They permitted! This would imply that the First Tanna forbade it! What I must say therefore is, 'Our Rabbis permitted them to be written only in Greek'. And it goes on to state, 'R. Judah said: When our teachers permitted Greek, they permitted it only for a scroll of the Torah'.¹⁴ This was on account of the incident related in connection with King Ptolemy,¹⁵ as it has been taught: 'It is related of King Ptolemy that he brought together seventy-two elders and placed them in seventy-two [separate] rooms, without telling them why he had brought them together, and he went in to each one of them and said to him, Translate¹⁶ for me the Torah of Moses your master.¹⁷ God then prompted each one of them and they all conceived the same idea and wrote for him, God created in the beginning,¹⁸ I shall make man in image and likeness,¹⁹ And he finished on the sixth day, and rested on the seventh day,²⁰ Male and female he created him²¹ [but they did not write 'created them'],²² Come let me descend and confound their tongues,²³ And Sarah laughed among her relatives;²⁴ For in their anger they slew an ox and in their wrath they digged up a stall,²⁵ And Moses took his wife and his children, and made them ride on a carrier of men;²⁶ And the abode of the children of Israel which they stayed in Egypt and in other lands was four hundred years,²⁷ And he sent the elect of the children of Israel;²⁸ And against the elect of the children of Israel he put not forth his hand;²⁹

(1) Even though in another language.

(2) The Scriptural text was transliterated into the characters of a foreign language.

- (3) This shows, according to Abaye, that the Baraitha is speaking of the language independently of the script.
- (4) According to Abaye the Baraitha, in saying, 'till it is written in Assyrian' forbids even Greek, which is allowed by R. Simeon.
- (5) Deut. VI, 8.
- (6) Gen. XXXI, 47.
- (7) Esth. VIII, 9.
- (8) Aramaic for the Heb. *dabar*, 'decree'.
- (9) Ibid. I, 20.
- (10) Aramaic for the Heb. *kabod*, 'honour'.
- (11) Ibid.
- (12) The quotation is here interrupted.
- (13) The quotation is again interrupted.
- (14) Thus R. Judah forbade other books of the Scripture to be written save in the original language.
- (15) It seems to be an historical fact that a Greek translation of the Pentateuch was made in the time of King Ptolemy Philadelphus of Egypt (285-247), but many regard this as apocryphal; cf, The Letter of Aristeas.
- (16) Lit., 'write'.
- (17) Here follow a number of cases in which the translation of the Elders did not follow the Massoretic text. We do not find all these variants in our texts of the Septuagint.
- (18) Instead of 'In the beginning God created'. The purpose of this change was apparently to prevent the idea of Two Powers being read into the text, i.e., 'In the beginning' and 'God'. V. Rashi and Tosaf. a.I.
- (19) Gen. 1, 26, instead of 'Let us make', for the same reason.
- (20) Ibid. II, 2, instead of 'and he finished on the seventh day', which might be taken to imply that some work was done on the seventh day.
- (21) Ibid. V, 2.
- (22) Which might be taken to mean that they were separate from the first.
- (23) Ibid. XI, 7: 'me' instead of 'us'. V. n. 7.
- (24) Ibid. XVIII, 12: instead of 'in herself', in order to make a distinction between Sarah and Abraham, who also laughed inwardly.
- (25) Ibid. XLIX, 6: 'ox' instead of 'man', to save the name of Jacob's sons.
- (26) Ex. IV, 20: carrier of men' instead of 'ass', to save the dignity of Moses.
- (27) Ibid. XII, 40. The words 'and in other lands' are inserted because, according to the Biblical record, the Israelites were at the utmost 210 years in Egypt.
- (28) Ibid. XXIV, 5: 'elect' instead of 'young men', which is regarded as not suitable to the context.
- (29) Ibid. 11 : 'elect' instead of 'nobles'.

Talmud - Mas. Megilah 9b

I have taken not one valuable of theirs;¹ Which the Lord thy God distributed to give light to all the peoples;² And he went and served other gods which I commanded should not be served.³ They also wrote for him 'the beast with small legs' and they did not write 'the hare',⁴ because the name of Ptolemy's wife was hare,⁵ lest he should say, The Jews have jibed at me and put the name of my wife in the Torah.

R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO ARE PERMITTED TO BE WRITTEN ONLY IN GREEK. R. Abbahu said in the name of R. Johanan:

The halachah follows R. Simeon b. Gamaliel. R. Johanan further said: What is the reason of R. Simeon b. Gamaliel? Scripture says, God enlarge Japheth, and he shall dwell in the tents of Shem;⁶ [this means] that the words of Japheth⁷ shall be in the tents of Shem. But why not say [the words of] Gomer and Magog?⁸ — R. Hiyya b. Abba replied: The real reason is because it is written, Let God enlarge [yaft] Japheth: implying, let the chief beauty [yafyuth] of Japheth⁹ be in the tents of Shem.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A PRIEST ANOINTED WITH THE OIL OF ANOINTMENT AND ONE WHO [ONLY] WEARS THE ADDITIONAL GARMENTS¹⁰ SAVE IN THE MATTER OF THE BULLOCK WHICH IS OFFERED FOR THE [UNWITTING BREAKING OF] ANY OF THE COMMANDMENTS.¹¹ THERE IS NO DIFFERENCE BETWEEN A REGULAR¹² [HIGH] PRIEST AND ONE WHO HAS PASSED THROUGH [THE OFFICE]¹³ SAVE IN RESPECT OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH.¹⁴

GEMARA. [BETWEEN THE PRIEST ANOINTED etc.]. From this we infer that in the matter of the bullock of the Day of Atonement and the tenth of the ephah they are on the same footing. The Mishnah, it appears, does not concur with R. Meir; for with regard to the view of R. Meir, it has been taught: 'One who wears the additional garments [without having been anointed] brings the bullock which is offered [by the High Priest] for the [unwitting breaking of] any of the precepts'. So R. Meir. The Sages, however, say that he does not offer it. What is the reason of R. Meir? — As it has been taught: [If the] anointed [priest shall sin]:¹⁵ this tells me only of one anointed with the oil of anointment. How do I know that it applies also to one who [merely] wears the additional garments? — Because it says, the 'anointed'.¹⁶ How have you explained [the Mishnah]? As not concurring with R. Meir. Look now at the next clause: THERE IS NO DIFFERENCE BETWEEN A REGULAR HIGH PRIEST AND ONE WHO HAS PASSED THROUGH THE OFFICE SAVE IN THE MATTER OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH. We infer from this that in all other matters they are on the same footing; and so we come round to the view of R. Meir, as it has been taught: 'If something happened to disqualify him and another priest was appointed to take his place, when the first returns to his service the second is still liable to all the obligations of the high priesthood'.¹⁷ So R. Meir. R. Jose said: The first returns to his service whereas the second is qualified to act neither as a high priest nor as an ordinary priest. R. Jose further said: it happened with R. Jose b. Ulam¹⁸ from Sepphoris that a disqualification occurred to the high priest and they appointed him in his place, and the case eventually came before the Sages and they said: The first returns to his service. The second is qualified to act neither as a high priest nor as an ordinary priest: as a high priest, so as not to create enmity,¹⁹ as an ordinary priest, because we can raise to a higher grade of holiness but we never put down to a lower.²⁰ Are we then to say that the first clause [of the Mishnah] follows the Sages and the second R. Meir? — Said R. Hisda: Yes; the first clause follows the Sages and the second R. Meir. R. Joseph said: The whole gives the opinion of Rabbi, who combined the views of²¹ differing Tannaim.²²

MISHNAH. THERE IS NO DIFFERENCE²³ BETWEEN A GREAT HIGH PLACE²⁴ AND A SMALL ONE²⁵ SAVE IN THE MATTER OF THE PASCHAL LAMB OFFERING.²⁶ THIS IS THE GENERAL PRINCIPLE: ANY ANIMAL WHICH IS THE OBJECT OF A VOW OR A

FREEWILL-OFFERING MAY BE BROUGHT ON A [SMALL] HIGH PLACE, ANY ANIMAL WHICH IS NOT THE OBJECT OF A VOW OR A FREEWILL-OFFERING MAY NOT BE BROUGHT ON A [SMALL] HIGH PLACE.

GEMARA. THE PASCHAL LAMB and nothing else²⁷ — We should say, things like the paschal lamb.²⁸ Whose view is this? — R. Simeon's, as it has been taught: 'The congregation also did not offer [on the large high place] anything save paschal lambs and obligatory sacrifices for which there is a fixed time; but obligatory sacrifices for which there is no fixed time²⁹ were not offered either on the one or the other'.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SHILOH³⁰ AND JERUSALEM SAVE THAT IN SHILOH SACRIFICES OF LESSER SANCTITY³¹ AND SECOND TITHE³² COULD BE EATEN ANYWHERE WITHIN SIGHT [OF THE TOWN], WHEREAS IN JERUSALEM THEY HAD TO BE CONSUMED WITHIN THE WALLS. IN BOTH PLACES THE MOST HOLY SACRIFICES³³ WERE EATEN WITHIN THE CURTAINS.³⁴ AFTER THE SANCTIFICATION OF SHILOH

(1) Num. XVI, 15: 'valuable' for 'ass'.

(2) Deut. IV, 19. The words 'to give light' are inserted, to guard against misunderstanding.

(3) Ibid. XVII, 3. The words 'should be served' are inserted, to avoid misunderstanding.

(4) In Lev. XI, 6.

(5) In fact, it was Ptolemy's father who was named 'hare' (**).

(6) Gen. IX, 27.

(7) Javan (Greece) is reckoned among the sons of Japheth in Gen. X, 2.

(8) Who are also reckoned among the sons of Japheth, loc. cit.

(9) I.e., the Greek language.

(10) I.e., the robe, the breastplate, the mitre and the plate, which were worn by the high priest but not by ordinary priests. High priests, according to tradition, ceased to be anointed from the days of Josiah.

(11) Lev. IV, 3.

(12) Lit., 'officiating'.

(13) And who retired; i.e., one who was appointed to take the place of a High Priest while the latter is temporarily disqualified. When the disqualification is removed the High Priest returns to his duties while his substitute retires. V. infra.

(14) The daily offering of the High Priest. Lev. VI, 13-15. Only one person could make these two offerings.

(15) Lev. IV, 3.

(16) The definite article is regarded as adding something.

(17) E.g., to minister only in eight garments, not to mourn etc.

(18) [Or Ailim; Joseph b. Ellimus mentioned in Josephus. V. Hor., Sonc. ed. p. 89, n. 5.]

(19) Between him and the original High priest.

(20) Hence, having served as a High Priest, he can never revert to the status of an ordinary one.

(21) Lit., 'who took it according to'.

(22) For further notes on the whole passage v. Hor., Sonc. ed. pp. 88ff.

(23) In the period when the high places (Bamoth, sing. Bamah) were permitted, i.e., when there was no sanctuary at Shiloh or Jerusalem.

(24) Those at Nob and Gibeon, where the altar made by Moses was used for public services.

- (25) Erected by any individual for private sacrifices.
- (26) Which could be offered only on the large one.
- (27) This seems to contradict the next clause, which implies that congregational sacrifices were brought on the large high places.
- (28) As explained presently.
- (29) E.g., the bullock offered in atonement for a sin committed unwittingly by the whole congregation.
- (30) Shiloh was made the religious centre of the people in the time of Joshua (Josh. XVIII, 1), and remained such till the time of Samuel, when it seems to have been laid waste by the Philistines (cf. Jer. XXVI, 6, 9).
- (31) Viz., peace-offerings, firstlings and tithes of cattle.
- (32) Set aside on the first, second, fourth and fifth years of the seven-year cycle after the dues to the priests and levites had been paid. Their second tithe or redemption money was taken to Jerusalem and there consumed by the owners. V. Deut. XIV, 22ff.
- (33) Viz., sin- and guilt-offerings, and congregational peace-offerings.
- (34) This expression applies strictly only to the Tabernacle at Shiloh. The corresponding place in the Temple at Jerusalem was the space within the walls of the Temple court.

Talmud - Mas. Megilah 10a

THE HIGH PLACES COULD AGAIN BECOME PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION.

GEMARA. R. Isaac said: I have heard that sacrifices may be offered in the Temple of Onias¹ at the present day.² He was of opinion that the Temple of Onias is not an idolatrous shrine, and that the first holiness [of Jerusalem] was conferred on it for the time being but not for all time,³ as it is written, For ye are not as yet come to the rest and to the inheritance.⁴ 'Rest' here means Shiloh and 'inheritance' means Jerusalem, and 'inheritance' is put on the same footing as 'rest', [to show that] just as after the [destruction of the] 'rest' the high places were again permitted, so after the [destruction of the] 'inheritance' they will be permitted. They said to him: Do you really say so? He replied, No. Said Raba: By God! he did say it and I learnt it from him. Why then did he retract? On account of the difficulty raised by R. Mari. For R. Mari adduced the following in confutation: AFTER THE SANCTIFICATION OF SHILOH HIGH PLACES CAN AGAIN BE PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION. We have also learnt further: After they [the Israelites] occupied Jerusalem, the high places were forbidden, and they were never permitted again, and it was the 'inheritance'. — There is a difference of Tannaim on this point, as we have learnt. 'R. Eliezer said: I have heard that when they were building the hekal⁵ [in the second Temple] they made curtains for the hekal and for the courtyard,⁵ the difference being that in the hekal they built [the walls] outside [the curtains]⁶ and in the courtyard they built [the walls] within [the curtains]. And R. Joshua said: I have heard that sacrifices may be brought even though there is no temple; that the most holy foods may be eaten, even though there are no curtains; and that foods of lesser sanctity and second tithe may be eaten even though there is no wall, because the first holiness was conferred on Jerusalem⁷ both for the time being and for all time.⁷ We infer from this⁸ that R. Eliezer was of opinion that it was not [at first] sanctified for all time.⁹ Said Rabina to R. Ashi: How can we draw this inference? Perhaps all agree that the first holiness was conferred upon it for the time being and for all time, and one Master reported what he had heard and the other what he had heard.

Should you ask, In that case, why were curtains needed according to R. Eliezer, we can answer that they were merely for privacy. Rather it is the following Tannaim who differ on this point as it has been taught: ‘R. Ishmael son of R. Jose said: Why did the Sages enumerate these?’¹⁰ Because when the exiles returned they found these cities [still walled] and sanctified them;¹¹ the others,¹² however, lost their privilege when the land lost its sanctity’. This shows that he was of opinion that the first holiness was conferred for the time being and not for the future. And a contradiction was pointed out with the following: ‘R. Ishmael son of R. Jose said: Were these all? Do we not find it said, Sixty cities, all the region of Argob,¹³ and it is written, All these were fortified cities with high walls?’¹⁴ Why then did the Sages enumerate these? Because when the exiles returned, they found these [still walled] and sanctified them’.¹⁵ They sanctified then,

(1) A shrine built at Leontopolis in Egypt by Onias IV, a high priest who fled from Jerusalem. c. 154 B.C.E., v. Josephus, Ant. XIII, iii, 1ff and Men. 109b.

(2) This must refer to the period of the originator of the dictum, as the Temple of Onias did not exist any longer in the time of R. Isaac.

(3) Lit., ‘for the future to come’. Hence after its destruction the high places would again be permitted.

(4) Deut. XII, 9.

(5) We assume for the present that the reason for the curtains was to invest the place with holiness enabling sacrifices to be offered and eaten pending the construction of the walls.

(6) [To prevent the builders from either penetrating into the hekal or gazing into it whilst engaged in their work. V. Rashi a.I. and Shebu. 16a.]

(7) V. ‘Ed. VIII, 7 and Zeb. 107b.

(8) From the fact that curtains were required to confer holiness.

(9) This shows that Tannaim differ on this point.

(10) Nine cities enumerated in Tractate Arakin 32b as having been walled in the time of Joshua.

(11) I.e gave them the status of ‘walled towns’.

(12) Lit., ‘the earlier ones, i.e., all the others which had previously been walled.

(13) Deut. III, 4.

(14) Ibid. 4f.

(15) The quotation is here interrupted.

Talmud - Mas. Megilah 10b

now, [say you]! Do we not say that they did not require to be sanctified?¹ What [you should say is], they found these and enumerated them. And not only in these alone, but in every one in regard to which you shall find a tradition from your ancestors that it was walled from the days of Joshua son of Nun, all these precepts² are to be observed, because the first holiness was conferred for the time being and for all future time. There is thus a contradiction between two statements of R. Ishmael! — Two Tannaim report R. Ishmael son of R. Jose differently. Or if you like, I can say that the latter dictum emanates from R. Eleazar b. Jose, as it has been taught: ‘R. Eleazar b. Jose says: That has [no] wall;³ even though it has not now, but it had in previous times.’

And it came to pass in the days of Ahasuerus.⁴ R. Levi, or some say R. Jonathan said: The following remark is a tradition handed down to us from the Men of the Great Assembly:⁵ wherever in the Scripture we find the term wa-yehi[and it was, and it came to pass], it indicates

[the approach of] trouble.⁶ Thus, and it came to pass in the days of Ahasuerus — there was Haman. And it came to pass in the days when the Judges judged⁷ — ‘there was a famine’. And it came to pass when man began to multiply⁸ — then ‘God Saw that the wickedness of man was great’. And it came to pass, as they journeyed east⁹ — then ‘they said, come let us build a city’. And it came to pass in the days of Amrafel¹⁰ — then ‘they made war’. And it came to pass when Joshua was in Jericho¹¹ — then ‘his [the angel’s] sword was drawn in his hand’.¹² And the Lord was [wa-yehi] with Joshua¹³ — then, ‘the children of Israel committed a trespass’, And there was a certain man of Ramathaim-Zophim¹⁴ — then, for he loved Hannah but the Lord had shut up her womb’. And it came to pass when Samuel was old¹⁵ — then, ‘his sons walked not in his ways’. And David had [wa-yehi] great success in all his ways¹⁶ — then, ‘And Saul eyed David’.¹⁷ And it came to pass when the king dwelt in his house¹⁸ — then, ‘Nevertheless thou shalt not build the house’.¹⁹ But is it not written, — And it came to pass on the eighth day,²⁰ and it has been taught, ‘On that day there was joy before the Holy One, blessed be He, as on the day when heaven and earth were created. For it is written, And it came to pass [wa-yehi] on the eighth day, and it is written in the other place, And there was [wa-yehi] one day’?²¹ Nadab and Abihu died on that day. But is it not written, And it came to pass in the four hundred and eightieth year,²² And it came to pass when Jacob saw Rachel,²³ and it is also written, And there there was evening and there was morning one day, and there is the second day and the third, and there are many other cases? — R. Ashi replied: The fact is that ‘wa-yehi’ sometimes has this signification and sometimes not, but the expression ‘and it came to pass in the days of’ always indicated trouble. Five times we find the expression ‘and it came to pass in the days of’; viz., ‘And it came to pass in the days when the Judges judged’, ‘and it came to pass in the days of Amrafel’, ‘and it came to pass in the days of Ahaz’,²⁴ ‘and it came to pass in the days of Jehoiakim’.²⁵

R. Levi further said: The following is a tradition that we have from our ancestors, that Amoz²⁶ and Amaziah²⁷ were brothers. What does this tell us?²⁸ — It confirms what was said by R. Samuel b. Nahmani in the name of R. Jonathan: Every bride who is modest in the house of her father-in-law is rewarded by having kings and prophets among her descendants. How do we prove this? From Tamar, as it is written, And Judah saw her and thought her to be a harlot; for she had covered her face.²⁹ Now because she had covered her face did he think her to be a harlot? Rather, what it means is that because she had covered her face in the house of her father-in-law and he did not know her, she was rewarded by having among her descendants kings and prophets; kings from David, and prophets — as R. Levi said, ‘It is a tradition handed down to us from our ancestors that Amoz and Amaziah were brothers’, and it is written, The vision of Isaiah son of Amoz.³⁰

R. Levi further said: We have a tradition from our ancestors that the ark took up no room.³¹ It has been taught to the same effect: ‘The ark which Moses made had round it an [empty] space of ten cubits on every side’. Now it is written, And in front of the Sanctuary was twenty cubits in length [and twenty cubits in breadth],³² and it is also written, And the wing of the one cherub was ten cubits and the wing of the other cherub was ten cubits.³³ Where then was the ark itself? We must therefore conclude that it stood by a miracle [without occupying any room].³⁴

R. Jonathan prefaced his discourse on this section³⁵ with the text,³⁶ And I will rise against them, saith the Lord, and cut off from Babylon name and remnant’, and offshoot and offspring,

saith the Lord,³⁷ [which he expounded as follows]: ‘Name’ means script; ‘remnant is language,’³⁸ ‘offshoot’ is kingdom, and ‘offspring’ is Vashti.

R. Samuel b. Nahmani introduced his discourse on this section with the following text: Instead of the thorn shall come up the cypress, and instead of the brier shall come up the myrtle:³⁹ ‘Instead of the thorn’: instead of the wicked Haman who put himself up as an object of worship, as it is written, and upon all thorns and upon all brambles⁴⁰ ‘shall come up the cypress’: this is Mordecai who was called the chief of all spices, as it is said, And do thou take to thee the chief spices, flowing myrrh,⁴¹ which [last words] we translate [in Aramaic], mar deki.⁴² ‘Instead of the brier’: instead of the wicked Vashti, the daughter of the wicked Nebuchadnezzar who burnt the ceiling of the house of the Lord; as it is written, its top was gold,⁴³ ‘the myrtle shall come up’: this is the virtuous Esther who is called Hadassah,⁴⁴ as it is said, And he brought up Hadassah.⁴⁵ ‘And it shall be to the Lord for a name’: this is the reading of the Megillah; ‘and for an everlasting sign which shall not be cut off’: these are the days of Purim.

R. Joshua b. Levi introduced his discourse on this section with the following text: And it shall come to pass that as the Lord rejoiced over you to do you good, so the Lord will rejoice over you to cause you to perish.⁴⁶ Now does the Holy One, blessed be He, rejoice in the downfall of the wicked? Is it not written, as they went out before the army, and say, Give thanks unto the Lord, for his mercy endureth for ever’,⁴⁷ and R. Johanan said, Why are the words ‘for he is good’ omitted from this thanksgiving? Because the Holy One, blessed be He, does not rejoice in the downfall of the wicked? And R. Johanan further said, What is the meaning of the verse, And one came not near the other all the night?⁴⁸ The ministering angels wanted to chant their hymns, but the Holy One, blessed be He, said, The work of my hands is being drowned in the sea, and shall you chant hymns? — R. Eleazar replied: He himself does not rejoice, but he makes others rejoice. This is indicated also by the text, which writes yasis and not yasus,⁴⁹ which proves [what we said].

R. Abba b. Kahana introduced his discourse on this section with the following text: For to the man that is good in his sight he giveth wisdom, and knowledge and joy.⁵⁰ This, he said, is the righteous Mordecai. But to the sinner He giveth the task, to gather and to heap up;⁵⁰ this is Haman. That he may leave it to him, that is good in the sight of God,⁵⁰ this refers to Mordecai and Esther, as it is written, And Esther set Mordecai over the house of Haman.⁵¹

Rabbah b. ‘Ofra introduced his discourse on this section with the following text: And I will set my throne in Elam, and will destroy from thence king and princes.⁵² ‘King’ indicates Vashti, and ‘princes’ indicates Haman and his ten sons.

R. Dimi b. Isaac introduced his discourse on this section with the following text:

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- (1) As it says presently, that all which are traditionally known to have been walled are sanctified.
 - (2) Of sending out a leper and reading the Megillah on the fifteenth and restoring a house to a vendor at the end of a year.
 - (3) Lev. XXV, 31. The kere means which has a wall’ and the kethib ‘which has no wall’, and R. Eleazar combines both meanings, he being of the opinion that the first holiness is retained for all times, in contradistinction to R.

Ishmael. These then are the two Tannaim who differ on this point.

- (4) Esth. I, 1.
- (5) V. p. 2, n. 5.
- (6) Wa-yehi being read as wai, hi (woe and sorrow). V.infra.
- (7) Ruth I, I.
- (8) Gen. VI, I
- (9) Ibid. XI, 2.
- (10) Ibid. XIV, I.
- (11) Josh. V, 13.
- (12) Ibid.
- (13) ,Ibid. VI,27.
- (14) I Sam.I, 1.
- (15) Ibid. VIII, 1.
- (16) Ibid. XVIII, 14.
- (17) This is in fact mentioned before the other, in v. 9 of the same chapter.
- (18) II Sam VII, 1.
- (19) This is in fact found in I Kings VIII, 19. In II Sam. VII the expression is, 'Shalt thou build a house'.
- (20) Lev. IX, 1 of the setting up of the Tabernacle.
- (21) Gen. I, 5.
- (22) I Kings VI, 1 of the building of the Temple.
- (23) Gen. XXIX, 10.
- (24) Isa. VII, 1.
- (25) Jer. I, 3.
- (26) The father of Isaiah. V. infra.
- (27) The king of Judah.
- (28) I.e., what homiletical lesson does it convey.
- (29) Gen. XXXVIII, 15.
- (30) Isa. I, 1.
- (31) Lit., 'the place of the ark was not included in the measurements'.
- (32) I Kings VI, 20.
- (33) This is the sense but not the exact wording of I Kings VI, 24, 25.
- (34) V. Yoma 21a and B.B. 99a.
- (35) The Book of Esther.
- (36) Lit., 'from here'.
- (37) Isa. XIV, 22.
- (38) The connection between 'name' and 'script' and between 'remnant' and 'language' is not very clear. But v. Maharsha.
- (39) lsa. LV, 13.
- (40) Ibid. VII, 19. The proof is not clear. Cf. Maharsha.
- (41) Ex. XXX, 23.
- (42) 'Pure myrrh' a popular etymology of Mordecai.
- (43) Cant. III, 10. There is here a play on the words sirpad (brier), and refidah (top).
- (44) The Aramaic for myrtle.
- (45) Esth. 11, 7,
- (46) Deut. XXVIII, 63.

(47) II Chron. XX, 21, of the army of Jehoshaphat marching against the Moabites.

(48) Ex. XIV, 20, of Pharaoh and the Israelites at the Red Sea.

(49) Yasis is a hifil form, and should properly mean 'cause to rejoice', though it is often used as equivalent to the kal, yasus rejoice'.

(50) Eccl. II, 26.

(51) Esth. VIII, 2.

(52) Jer. XLIX, 38.

Talmud - Mas. Megilah 11a

For we are bondmen; yet hath God not forsaken us in our bondage, but hath extended mercy unto us in the sight of the kings of Persia.¹ When was this? In the time of Haman. R. Hanina b. Papa introduced his discourse on this section with the following text: Thou hast caused men to ride over our heads, we went through fire and through water:² through fire in the days of the wicked Nebuchadnezzar, and through water in the days of Pharaoh. But thou didst bring us out into abundance,² in the days of Haman.

R. Johanan introduced his discourse on this section with the following text: He hath remembered his mercy and his faithfulness to the house of Israel, all the ends of the earth have seen the salvation of our Lord.³ When did all the ends of the earth see the salvation of our Lord? In the days of Mordecai and Esther.⁴

Resh Lakish introduced his discourse on this section with the following text: As a roaring lion and a ravenous bear, so is a wicked ruler over a poor people.⁵ 'A roaring lion': this is the wicked Nebuchadnezzar, of whom it is written, A lion is gone up from his thicket.⁶ 'A ravenous bear': this is Ahasuerus, of whom it is written, And behold another beast, a second, like to a bear',⁷ and R. Joseph learnt: These are the Persians, who eat and drink like bears, and are coated with flesh like bears, and are hairy like bears, and can never keep still like bears.⁸ 'A wicked ruler': this is Haman. 'Over a poor people': this is Israel, who are poor in [the observance of] precepts.

R. Eleazar introduced his discourse on this with the following text: By slothfulness he that lays beams⁹ becomes poor [yimak], and through idleness of the hands the house leaketh.¹⁰ Through the slothfulness in which Israel indulged, not busying themselves with the Torah, the enemy of¹¹ the Holy One, blessed be He, became poor. The meaning of 'mak' is poor, as it says, And if he is too mak for thy valuation,¹² and mekoreh means only the Holy One, blessed be He, as it says, Who layest the beams [ha-mekareh] of thy upper chambers in the waters.¹³

R. Nahman b. Isaac introduced his discourse on this section with the following text: A Song of Ascents: If it had not been for the Lord who was for us, let Israel now say If it had not been the Lord who was for us when a man¹⁴ rose up against us¹⁵ — 'a man' and not a king.¹⁶

Raba introduced his discourse on this section from here: When the righteous are increased the people rejoice, but when the wicked beareth rule the people sigh.¹⁷ 'When the righteous are increased the people rejoice' — this is illustrated by Mordecai and Esther, as it is written, and the city of Shushan shouted and was glad.¹⁸ 'But when the wicked beareth rule the people sigh' —

this is illustrated by Haman, as it is written, but the city of Shushan was perplexed.¹⁹ R. Mattenah made his introduction²⁰ from this verse: For what great nation is there that hath God so nigh to them.²¹ R. Ashi made it from this verse: Or hath God assayed etc.²²

And it came to pass [wa-yehi] in the days of Ahasuerus²³ etc. Rab said, [The word wa-yehi is equivalent to] ‘wai and hi’ [woe and mourning]. With reference to this it is written, and there ye shall sell yourselves unto your enemies for bondmen and for bondwomen, and no man shall buy you.²⁴

Samuel quoted: I did not reject them, neither did I abhor them to destroy them utterly.²⁵ ‘I did not reject them’ in the days of the Greeks; ‘neither did I abhor them’ — in the days of Nebuchadnezzar;²⁶ ‘to destroy them utterly’ — in the days of Haman; ‘and to break my covenant with them’ — in the days of the Persians;²⁷ ‘for I am the Lord their God’ — in the days of Gog and Magog.²⁸ In a Baraitha It was taught: ‘I have not rejected them’ — in the days of the Chaldeans, when I raised up for them Daniel, Hananiah, Mishael and Azariah; ‘neither did I abhor them’ — in the days of the Greeks, when I raised up for them Simeon the Righteous and Hasmonai and his sons, and Mattathias the High Priest;²⁹ ‘to destroy them utterly’ — in the days of Haman, when I raised up for them Mordecai and Esther; ‘to break my covenant with them’ — in the days of the Persians,³⁰ when I raised up for them the members of the house of Rabbi and the Sages of the various generations. ‘For I am the Lord their God’ — in the time to come, when no nation or people³¹ will be able to subject them.

R. Levi introduced [his discourse] from this verse: But if ye will not drive out the inhabitants of the land before you.³² R. Hiyya introduced [his discourse] from this verse: And it shall come to pass that as I thought to do unto them, so will I do unto you.³³

Ahasuerus: Rab said: He was [as his name implies], the brother of the head³⁴ and the counterpart of the head — ‘The brother of the head’: the brother of Nebuchadnezzar the wicked who was called head, as it is written, Thou art the head of gold.³⁵ ‘The counterpart of the head’: the one slew, the other sought to slay; the one laid waste, the other sought to lay waste, as it is written, And in the reign of Ahasuerus, in the beginning of his reign, wrote they an accusation against the inhabitants of Judah and Jerusalem.³⁶ Samuel said that [as his name indicates], the face of Israel was blackened³⁷ in his days like the sides of a pot. R. Johanan said that [his name indicates that] everyone who thought of him said ‘alas for my head’.³⁸ R. Hanina said, [it indicates that] all became poor³⁹ in his days, as it says, And the king Ahasuerus laid a tribute.⁴⁰

That [hu] is Ahasuerus. — [this means that] he persisted in his wickedness from beginning to end — [Similarly] this is [hu] Esau:⁴¹ the same in his wickedness from beginning to end. [Similarly], These are that [hu] Dathan and Abiram:⁴² the same in their wickedness from the beginning to the end. [Similarly], this same [hu] king Ahaz:⁴³ the same in his wickedness from the beginning to the end. [Similarly], Abram, the same [hu] is Abraham:⁴⁴ the same in his righteousness from the beginning to the end. [Similarly], These are that [hu] Aaron and Moses:⁴⁵ the same in their righteousness from the beginning to the end. [Similarly], And David, he was [hu] the smallest;⁴⁶ he persisted in his humility⁴⁷ from the beginning to the end; just as in his youth he humbled himself before anyone who was his superior in Torah, so in his kingship he humbled

himself before anyone who was his superior in wisdom.

Who reigned: Rab said: this indicates that he raised himself to the throne.⁴⁸ Some interpret this to his credit, and some to his discredit. Some interpret it to his credit, holding that there was no other man equally fitted for the throne. Others interpret it to his discredit, holding that he was not fitted for the throne, but that he was very wealthy, and by means of lavish distribution of money rose to the throne.

From Hodu to Cush.⁴⁹ Rab and Samuel gave different interpretations of this. One said that Hodu is at one end of the world and Cush at the other, and the other said that Hodu and Cush adjoin one another, and that [the meaning is that] as he ruled over Hodu and Cush, so he ruled from one end of the world to the other. A similar difference occurs with reference to the words, For he had dominion over all the region on this side of the River, from Tiphshah even unto Gaza.⁵⁰ Here again Rab and Samuel interpreted differently. One said that Tiphshah is at one end of the world and Gaza at the other, and the other said that Tiphshah and Gaza are near one another [and that what is meant is that] as he [Solomon] ruled over Tiphshah and over Gaza, so he ruled over the whole world.⁵¹ Seven and twenty and a hundred provinces. R. Hisda said: At first he ruled over seven, then over twenty [more], and finally over a hundred [more]. But if you interpret thus, what of the verse, And the years of the life of Amram were seven and thirty and a hundred years?⁵² What lesson will you derive from that? — There is a difference here, because the whole text is superfluous. See now: it is written, from Hodu to Cush. Why then do I require, seven and twenty and a hundred provinces? You must conclude that it is for a special lesson .

Our Rabbis taught: Three [potentates] ruled over the whole globe,⁵³ namely, Ahab, Ahasuerus and Nebuchadnezzar.⁵⁴ Ahab, as it is written, As the Lord thy God liveth, there is no nation or kingdom whither my lord hath not sent to seek thee etc.⁵⁵ Now if he was not king over them, how could he make them take an oath? Nebuchadnezzar, as it is written: And it shall come to pass that the nation and the kingdom which will not serve the same Nebuchadnezzar king of Babylon and will not put their neck under the yoke of the King of Babylon.⁵⁶ Ahasuerus, as we have pointed out above

(1) Ezra IX, 9.

(2) Ps. LXVI, 12.

(3) Ps. XCVIII, 3.

(4) Since letters were sent to all the provinces of the Persian Empire.

(5) Prov. XXVIII, 15.

(6) Jer. IV, 7.

(7) Dan. VII, 5.

(8) V. A.Z. 2b.

(9) Heb. **vrenv** E.V. 'the rafters sink in'.

(10) Eccl. X, 18.

(11) Euphemism.

(12) Lev. XXVII, 8.

(13) Ps. CIV, 3.

(14) E.V. 'men'.

- (15) Ps. CXXIV, 1, 2.
- (16) Referring to Haman.
- (17) Prov. XXIX, 2.
- (18) Esth. VIII, 15
- (19) Ibid. III, 15.
- (20) Lit., 'said'.
- (21) Deut. IV, 7.
- (22) Ibid. 34.
- (23) Esth. I, 1.
- (24) Deut. XXVIII, 68.
- (25) Lev. XXVI, 44.
- (26) [The order followed here differs from that in the parallel passage in the Yalkut a.I. which is the more chronological. V. Maharsha.]
- (27) Read with MS.M. 'Romans', v. Wilna Gaon Glosses.
- (28) I.e., the days of the Messiah. V. Ezek. XXXVIII, XXXIX.
- (29) Mattathias is usually identified with Hasmonai. [MS.M. omits 'Hasmonai and his sons'.]
- (30) Here also read with MS.M. 'Romans', v. Wilna Gaon Glosses.
- (31) Lit., 'tongue, language'
- (32) Num. XXXIII, 55.
- (33) Ibid. 56.
- (34) Heb. ahiw shel rosh.
- (35) Dan. II, 38.
- (36) Ezra IV, 6.
- (37) Heb. hushharu.
- (38) Heb. ah le-rosho.
- (39) Heb. rashin.
- (40) Esth. X, 1.
- (41) Gen. XXXVI, 43.
- (42) Num. XXVI, 9.
- (43) II Chron. XXVIII, 22.
- (44) I Chron. I, 27.
- (45) Ex. VI, 26.
- (46) I Sam. XVII, 14. E.V. youngest'.
- (47) The Heb. katan means both 'young' and 'humble'.
- (48) Because it does not say 'who was king'.
- (49) E.V. 'from India to Ethiopia'.
- (50) I Kings V, 4.
- (51) V. Sanh., Sonc. ed. p. 110, nn. 5-6.
- (52) Ex. VI, 20.
- (53) Heb. **vphif**. Lit., 'arch', the space beneath the vault of the heaven.
- (54) Only those mentioned in Scripture are reckoned (Tosaf.).
- (55) I Kings XVIII, 10. The text continues, and when they said, he is not here, he took an oath, etc.
- (56) Jer. XXVII, 8.

Talmud - Mas. Megilah 11b

Talmud - Mas. Megilah 11b

(Mnemonic: Sh'S'D'K')¹ But are there no more? Is there not Solomon? — He did not retain his kingdom [till his death]. This is a sufficient answer for the one who holds that he was first a king and then a subject.² But for the one who holds that he was first a king, then a subject, and then a king again, what can we reply? — Solomon was in a different category, because he ruled over the denizens of the upper world³ as well as of the lower, as it says, And Solomon sat upon the throne of the Lord.⁴

But was there not Sennacherib, as it is written, Who are they among all the gods of these countries that have delivered their country out of my hand.⁵ — There was Jerusalem which he had not subdued.

But was there not Darius, as it is written, Then king Darius wrote unto all the peoples, nations and languages that dwell in all the earth, Peace be multiplied unto you?⁶ — There were the seven over which he did not rule, as it is written, It pleased Darius to set over the kingdom a hundred and twenty satraps.⁷ But there was Cyrus, of whom it is written, Thus saith Cyrus king of Persia, All the kingdom of the earth hath the Lord given me?⁸ — There he was merely indulging in a boast.

In those days, when the king sat [on his throne].⁹ [How can this be] seeing that it says just afterwards, in the third year of his reign? — Raba said: What is meant by 'when he sat'? After he began to feel secure. He reasoned thus: 'Belshazar calculated and made a mistake; I have calculated and made no mistake' — What is the meaning of this? — It is written, After seventy years are accomplished for Babylon I will remember you,¹⁰ and it is written, That He would accomplish for the desolations of Jerusalem seventy years.¹¹ He reckoned forty-five years of Nebuchadnezzar and twenty-three of Evilmerodach and two of his own, making seventy in all. He then brought out the vessels of the Temple and used them. And how do we know that Nebuchadnezzar reigned forty-five years? — As a Master has said: 'They went into exile in the seventh year and they went into exile in the eighth year; they went into exile in the eighteenth year and they went into exile in the nineteenth year' — [That is to say], in the seventh year after the subjection of Jehoiakim¹² they underwent the exile of Jeconiah, this being the eighth year of Nebuchadnezzar.¹³ In the eighteenth year from the subjection of Jehoiakim¹⁴ they underwent the exile of Zedekiah, this being the nineteenth year of Nebuchadnezzar,¹⁵ as a Master has said, In the first year [of his reign] he [Nebuchadnezzar] overthrew Nineveh; in the second year he conquered Jehoiakim¹⁶ and it is written, And it came to pass in the seven and thirtieth year of the captivity of Jehoiachin king of Judah, in the twelfth month in the seven and twentieth day of the month, that Evilmerodach King of Babylon, in the year of his reign, lifted up the head of Jehoiachin king of Judah and brought him forth out of prison.¹⁷ Eight and thirty-seven make forty-five of Nebuchadnezzar. The twenty-three of Evilmerodach we know from tradition. These with two of his own¹⁸ make seventy. He [Belshazar] said to himself, Now of a surety they will not be redeemed. So he brought out the vessels of the Temple and used them. Hence it was that Daniel said to him, but thou hast lifted up thyself against the Lord of heaven, and they have brought the vessels of his house before thee.¹⁹ It is further written, In that night Belshazar the Chaldean king

was slain,²⁰ and it is written, And Darius the Mede received the kingdom, being about threescore and two years old.²¹ He [Ahasuerus] said: He calculated and made a mistake,²² I will calculate and make no mistake. Is it written, ‘seventy years for the kingdom of Babylon?’²³ It is written, seventy years for Babylon. What is meant by Babylon? The exile of Babylon — How many years [is this reckoning] less [than the other]? Eight.²⁴ So in place of them he inserted one of Belshazar,²⁵ five of Darius and Cyrus,²⁶ and two of his own, which made seventy — When he saw that seventy had been completed and they were not redeemed, he brought out the vessels of the Temple and used them — Then the Satan came and danced among them and slew Vashti.

But he reckoned correctly? — He also made a mistake, since he ought to have reckoned from the destruction of Jerusalem.²⁷ Granted all this, how many years are short? Eleven. How long did he reign? Fourteen.²⁸ Consequently in the fourteenth year of his reign he ought to have rebuilt the Temple. Why then is it written, Then ceased the work of the house of God which is at Jerusalem?²⁹ — Raba replied: The years were not full ones.³⁰

(1) Sh=Solomon (Shelomoh);S = Sennacherib; D = Darius; K = Koresh (Cyrus).

(2) Cf. Git. 68b.

(3) The demons.

(4) 1 Chron. XXIX, 23.

(5) Isa. XXXVI, 20.

(6) Dan. VI, 26.

(7) Ibid. 2.

(8) Ezra 1, 2.

(9) Esth. I, 2. Which would naturally mean, immediately after his accession.

(10) Jer. XXIX, 10.

(11) Dan. IX, 2.

(12) By Nebuchadnezzar, as explained infra. V. Jer. LII, 28: This is the people whom Nebuchadnezzar carried away captive: in the seventh year etc.

(13) V. II Kings XXIV, 12: And Jehoiachin (Jeconiah) the king of Judah went out to the king of Babylon . . . and he took him in the eighth year of his reign.

(14) Jer. LII, 29.

(15) V. II Kings XXV, 8.

(16) Jehoiakim served Nebuchadnezzar three years (II Kings XXIV, 1), and according to the Seder Olam, he was in rebellion for three years. (This is based on Daniel I, 1. In the third year of the reign of Jehoiakim, Nebuchadnezzar came to Jerusalem, etc. which is interpreted to mean, the third year of his rebellion. V. Rashi.) In the same year he was deposed and Jeconiah went into exile, and as this was the eighth of Nebuchadnezzar (v. supra), his subjection must have commenced in the second or third year of Nebuchadnezzar.

(17) II Kings XXV, 27.

(18) It was in the third year of his reign that he gave his feast.

(19) Dan. V, 23.

(20) Ibid. 30.

(21) Ibid. VI, 1.

(22) In thinking that the prophecy had already been falsified.

(23) I.e., from the accession of Nebuchadnezzar.

(24) Because the exile of Jeconiah took place in the eighth year of Nebuchadnezzar. V. supra

(25) I.e., the third year of Belshazar, which he himself did not reckon.

(26) According to the Talmudic chronology, the Darius mentioned in Daniel VI was succeeded by the Cyrus who gave permission for the building of the Temple. On what authority they are supposed to have reigned five years is not clear.

(27) Which took place eleven years after the exile of Jehoiachin.

(28) Haman cast lots in the twelfth year (Esth. III, 7). The deliverance took place in the next year, and the second letter of Esther (v. Esth. IX, 29) is supposed to have been sent out in the next.

(29) Until the second year of Darius who succeeded Ahasuerus. Ezra IV, 24.

(30) I.e., the five years of Darius I and Cyrus were really only four, and a year may also have been added to the reigns of Nebuchadnezzar and Evilmerodach, so that the seventy years were really not completed till the second year of Darius II.

Talmud - Mas. Megilah 12a

It has been taught to the same effect: There was yet another year left to Babylon,¹ and Darius arose and completed it.

Raba said: Daniel also made a mistake in this calculation, as it is written, In the first year of his reign, I Daniel meditated in the books [etc.].² From his use of the words 'I meditated' we can infer that he [at first] made a mistake.

All the same, there is a contradiction between the texts [is there not]? It is written [in one], when there are accomplished for Babylon,³ and it is written [in the other], for the desolations of Jerusalem? — Raba replied: [The first term] was for visitation [pekidah] only, and this was fulfilled, as it is written, Thus saith Cyrus king of Persia, All the kingdoms of the earth hath the Lord, the God of the heavens, given to me, and he hath charged [pakad] me to build him a house in Jerusalem.⁴

R. Nahman son of R. Hisda gave the following exposition. What is the meaning of the verse, Thus saith the Lord to his anointed to Cyrus, whose right hand I have holden.⁵ Now was Cyrus the Messiah? Rather what it means is: The Holy One, blessed be He, said to the Messiah: I have a complaint on thy behalf against Cyrus.⁶ I said, He shall build my house and gather my exiles,⁷ and he [merely] said, Whosoever there is among you of all his people, let him go up.

The army of Persia and Media, the nobles. And elsewhere it is written, [The chronicles] of the kings of Media and Persia.⁸ [How is this]? — Raba replied: They [the Medes and Persians] made a stipulation with one another, saying, if we supply the kings, you will supply the Governors, and if you supply the kings we will supply the Governors.

When he showed the riches of his glorious [tifereth] kingdom. R. Jose b. Hanina said: This shows that he arrayed himself in priestly robes. It is written here, 'the riches of his glorious [tifereth] kingdom', and it is written elsewhere [in connection with the priestly garments], for splendour and for glory, [tifereth].⁹

And when these days were fulfilled.¹⁰ Rab and Samuel interpreted this differently. One said he

was a clever king, and the other said that he was a foolish king. The one who held he was a clever king said that he did well in entertaining¹¹ his distant subjects first, because he could win over the inhabitants of his own city any time he wished. The one who held that he was foolish says that he ought to have entertained the inhabitants of his metropolis first, so that if the others rebelled against him, these would have supported him.

R. Simon b. Yohai was asked by his disciples, Why were the enemies of Israel¹² in that generation deserving of extermination? He said to them: Do you answer. They said: Because they partook of the feast of that wicked one.¹³ [He said to them]: If so, those in Susa should have been killed, not those in other parts?¹⁴ They then said, Give your answer. He said to them: It was because they bowed down to the image.¹⁵ They said to him, Did God then show them favouritism?¹⁶ He replied: They only pretended to worship,¹⁷ and He also only pretended to exterminate them; and so it is written, For he afflicted not from his heart.¹⁸ In the court of the garden of the king's palace.¹⁹ Rab and Samuel gave different interpretations of this — One said that those who had the entree²⁰ of the court were [entertained] in the court, and those who had the entree of the garden in the garden, and those who had the entree of the palace in the palace. The other said: He first put them in the court, and it did not hold them — Then he took them into the garden and it did not hold them; and finally he had to take them into the palace, and he found room for them. In a Baraitha it was taught: He took them into the court and opened two doors for them, one into the garden and one into the palace.

White [hur], fine cotton [karpas] and blue.²¹ What is hur? — Rab said, fine lace-work. Samuel said: He spread for them, carpets of white silk. Karpas: R. Jose b. Haninah said: [this means] cushions of velvet.²²

Upon silver rods and pillars of marble; the couches were of gold and silver.²¹ It has been taught: R. Judah said: Silver for some and gold for others, according to their degree. Said R. Nehemiah to him: If that were so, there would have been²³ jealousy at the banquet! No; the couches themselves were of silver and their feet of gold.

Green [bahat] and white marble.²¹ R. Assi said: [This means] stones that flash back at their owner,²⁴ and so it says, as the stones of a crown, glittering over his land.²⁵

And shell [dar] and onyx marble [sohareth].²¹ Rab said: This means rows [dari] upon rows.²⁶ Samuel says: There is a precious stone in the seaports called darah. He put it in the midst of the guests, and it lit up the place as at midday [Sahara].²⁷ In the school of R. Ishmael it was taught: It means that he gave a remission of taxes [deror] to all who dealt in merchandise [sehorah].

And they gave them drink in vessels of gold, the vessels being diverse [shonim] one from another.²⁸ It should have said, in different vessels? — Raba said: A bath kol²⁹ went forth and said to them, Your predecessors³⁰ met their end on account of vessels, and yet you use them again [shonim]?³¹

And royal wine in abundance:²⁸ Rab said: This teaches that each one was given to drink wine older³² than himself.

And the drinking was according to law.³³ What is meant by ‘according to law’? — R. Hanan said in the name of R. Meir: According to the law of the Torah. Just as according to the law of the Torah the [quantity of] food exceeds the drink,³⁴ so in the feast of that wicked one there was more food than drink.

None did compel.³³ R. Eleazar said: This teaches that each one was given to drink from the wine of his own country.³⁵

That they should do according to every man's [ish, ish] pleasure.³³ Raba said: This means that they should do according to the will of Mordecai and Haman.³⁶ Mordecai [is called ‘man’] as it is written, A Jewish man;³⁷ and Haman, [as it is written], a man, an adversary and an enemy.³⁸

Also Vashti the queen made a feast for the women in the royal house.³⁹ It should have said, ‘the women's house’? — Raba said: Both of them [Ahasuerus and Vashti] had an immoral purpose. This bears out the popular saying, He with large pumpkins and his wife

(1) I.e. , when Belshazar was killed, according to Seder Olam, only sixty-nine years had passed since Nebuchadnezzar had subdued Jehoiakim, and not seventy as reckoned above.

(2) Dan. IX, 2. Heb. **h, ubhc**, which conveys the idea of calculating and revising.

(3) Ibid. I.e., from the rise of Nebuchadnezzar.

(4) Ezra I, 2. But the actual building was commenced some years later.

(5) Isa. XLV, 1.

(6) And we translate: ‘God said to his anointed regarding Cyrus’.

(7) Ibid. 13.

(8) Esth. X, 2. Here ‘kings’ is put next to Media, not next to Persia as in the case of the ‘nobles’ in the earlier passage.

(9) Ex. XXVIII, 2.

(10) Esth. 1,5.

(11) Lit., ‘bringing near’.

(12) Euphemism for ‘Israel’.

(13) Ahasuerus.

(14) As only those in Susa were invited.

(15) Set up by Nebuchadnezzar.

(16) By delivering them, since they really deserved to be exterminated.

(17) Lit., ‘they did only for appearance’.

(18) Lam. III, 33. **lckn** is rendered ‘without heart’, **n** being taken as partitive: God does not afflict him who sins without intent (Maharsha).]

(19) Esth. I, 5.

(20) Lit., ‘he who was worthy’.

(21) Esth. I, 6.

(22) These interpretations are based on similarities in sound to the words hur and Karpas.

(23) Lit., ‘you cast’.

(24) , **uyyuj** , **n** play on **yvc** (‘green marble’). [Aliter: much sought after by their owners (v. Rashi).]

(25) , **uxxub** , **n** Zech. IX, 16. [On Rashi's interpretation the verse is to be rendered as ‘stones of a crown

obtainable only after many trials (, ubuhxb)'.]

(26) Possibly mosaics are meant (Jastrow).

(27) V. Rashi.

(28) Esth. I, 7

(29) V. Glos.

(30) Belshazar and his company.

(31) Lit., 'repeat'.

(32) The word rab (in abundance) being taken in its other sense of 'older'.

(33) Ibid. 8.

(34) E.g., the meal-offering for a bullock was three tenth deals, and the wine-offering only half a hin.

(35) Which did not easily intoxicate him.

(36) [Both served as butlers at the banquet (Rashi).]

(37) Ibid. II, 5.

(38) Ibid. VII, 6.

(39) Ibid. I, 9.

Talmud - Mas. Megilah 12b

with small pumpkins.

On the seventh day, where the king's heart was merry with wine.¹ Was then his heart not merry with wine until then? — Rab said: The seventh day was Sabbath, when Israel eat and drink. They begin with discourse on the Torah and with words of thanksgiving [to God]. But the nations of the world, the idolaters, when they eat and drink only begin with words of frivolity. And so at the feast of that wicked one. Some said, The Median women are the most beautiful, and others said, The Persian women are the most beautiful. Said Ahasuerus to them, The vessel that I use is neither Median nor Persian, but Chaldean. Would you like to see her? They said, Yes, but it must be naked — (For man receives measure for measure.² This [remark] teaches you that the wicked Vashti used to take the daughters of Israel and strip them naked and make them work on Sabbath.³ So it is written, After these things when the wrath of the king Ahasuerus abated, he remembered Vashti and what she had done and what was decided against her.⁴ As she had done so it was decreed against her.)

And the queen Vashti refused.⁵ Let us see. She was immodest, as the Master said above, that both of them had an immoral purpose. Why then would she not come? — R. Jose b. Hanina said: This teaches that leprosy broke out on her. In a Baraita it was taught that Gabriel came and fixed a tail on her.⁶

And the king was very angry,⁵ Why was he so enraged? — Raba said: She sent him back answer: Thou son of my father's steward,⁷ my father drank wine in the presence of a thousand,⁸ and did not get drunk, and that man has become senseless with his wine. Straightway, his wrath burnt within him.⁵

And the king said to the wise men.⁹ Who are the wise men? — The Rabbis. Who knew the times:⁹ that is, who knew how to intercalate years and fix new moons. He said to them: Try her

for me. They said [to themselves]: What shall we do? If we tell him to put her to death, to-morrow he will become sober¹⁰ again and he will require her from us. Shall we tell him to let her go? She will lose all her respect for royalty. So they said to him: From the day when the Temple was destroyed and we were exiled from our land, counsel has been taken from us and we do not know how to judge capital cases. Go to Ammon and Moab¹¹ who have remained in their places like wine that has settled on its lees. They spoke to him thus with good reason, since it is written, Moab hath been at ease from his youth, and he hath settled on his lees, and hath not been emptied from vessel to vessel, neither hath he gone into captivity. Therefore his taste remaineth in him, and his scent is not changed.¹² Straightway [he did so, as we read], and the next unto him was Carshena, Shethar, Admatha, Tarshish [etc.].¹³ R. Levi said: Every name in this verse contains a reference to the sacrifices. Thus, Carshena: the ministering angels said to the Holy One, blessed be He: Sovereign of the Universe, did they ever offer before thee lambs of the first year [karim bene shanah] as Israel offered before Thee? Shethar: did they ever offer before Thee two pigeons [shte torim]? Admatha: did they ever build before Thee an altar of earth [adamah]? Tarshish: did they ever minister before Thee in the priestly garments, of which it is written [that they contained] a beryl [tarshish], an onyx and a jasper?¹⁴ Meres: did they ever stir [mersu] the blood [of the sacrifice] before Thee? Marsena: did they ever stir [mersu] the meal-offerings before Thee? Memucan: did they ever prepare [hekinu] a table before Thee?

And Memucan said.¹⁵ A Tanna taught: Memucan is the same as Haman, And why was he called Memucan? Because he was destined [mukan] for punishment. R. Kahana said: From here we see that an ordinary man always pushes¹⁶ himself in front.¹⁷

That every man should bear rule in his house.¹⁸ Raba said: Had it not been for these first letters, there would have been left no shred or remnant of the enemies of Israel.¹⁹ People said: What does he mean by sending us word that every man should bear rule in his own house? Of course he should! Even a weaver in his own house must be commander!²⁰

And let the king appoint officers.²¹ Rabbi said: What is the meaning of the verse, Even prudent man dealeth with forethought, but a fool unfoldeth folly?²² ‘Every prudent man dealeth with forethought’: this applies to David, of whom, it is written, Wherefore his servants said unto him, Let there be sought for my lord the king a young virgin:²³ every one who had a daughter brought her.²⁴ But a fool unfoldeth folly’: this applies to Ahasuerus, of whom it is written, and let the king appoint officers: whoever had a daughter hid her.²⁵

There was a certain Jew in Shushan the castle, etc. a Benjamite.²⁶ What is the point of this verse? If it is to give the pedigree of Mordecai, it should trace it right back to Benjamin!²⁷ [Why then were only these specified?] — A Tanna taught: All of them are designations [of Mordecai]. ‘The son of Jair’ means, the son who enlightened [he’ir] the eyes of Israel by his prayer. ‘The son of Shimei means, the son to whose prayer God hearkened [shama’]. ‘The son of Kish’ indicates that he knocked [hikkish] at the gates of mercy and they were opened to him. He is called ‘a Jew’ [yehudi] which implies that he came from [the tribe of] Judah, and he is called ‘a Benjamite’, which implies that he came from Benjamin. [How is this]? — R. Nahman said: He was a man of distinguished character.²⁸ Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: His father was from Benjamin and his mother from Judah. The Rabbis, however, said: The tribes competed

with one another [for him]. The tribe of Judah said: I am responsible for the birth of Mordecai, because David did not kill Shimei the son of Gera, and the tribe of Benjamin said: He is actually descended from me. Raba said: The community of Israel explained [the two designations] in the opposite²⁹ sense: 'See what a Judean did to me and how a Benjamite repaid me!' What a Judean did to me

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- (1) Ibid. 10.
 - (2) Lit., 'for with the measure with which a man measures they measure to him'.
 - (3) [Add with MS.M.: 'Therefore was it decreed that she should be killed naked on Sabbath'.]
 - (4) Esth. II, 1.
 - (5) Ibid. I, 12.
 - (6) [**cbz** does not necessarily mean a 'tail' but any projection or growth, v. Aruch s.v. **cbz**.]
 - (7) [Var. lec., 'Thou steward of my father'. Ahasuerus was said to have been the steward of Belshazar, the father of Vashti.]
 - (8) V. Dan. V, 1.
 - (9) Esth. I, 13.
 - (10) Lit., 'his wine will pass off'.
 - (11) According to Tosaf., 'Ammon' here should be omitted, as the Ammonites were carried into exile by Nebuchadnezzar.
 - (12) Jer. XLVIII, 11.
 - (13) Esth. I, 14.
 - (14) Ex. XXVIII, 20.
 - (15) Esth. I, 16.
 - (16) Lit., 'jumps'.
 - (17) Memucan is mentioned last of the seven princes, and yet it was he who spoke first.
 - (18) Ibid. 22.
 - (19) Euphemism for Israel. Had the people not seen from this letter how foolish the king was, when the next letter was sent out for the destruction of the Jews, they would not have waited till the appointed day.
 - (20) Pardashca: a Persian word meaning 'policeman' or 'officer'.
 - (21) Esth. II, 3.
 - (22) Prov. XIII, 16.
 - (23) I Kings I, 2.
 - (24) Since only one was to be tried.
 - (25) Because all were to be tried, though only one was to be closed.
 - (26) Esth. II, 5.
 - (27) And not mention three names only.
 - (28) Lit., 'crowned with his nimus'. The word nimus means in the Talmud 'manner', or 'way' (**), hence bearing, character. Rashi translates 'with his names' (as just explained) as if 'nimus' here = Greek **. [Var. lec. add 'as an ornament', **hsgf**. V. Aruch who explains: He was adorned with the precepts of the Law as with an ornament. Yehudi as applied to Mordecai then does not denote a tribal name but is an epithet of distinction.]
 - (29) I.e., derogatory.

Talmud - Mas. Megilah 13a

viz., that David did not kill Shimei from whom was descended Mordecai who provoked Haman.

‘And how a Benjamite repaid me’, viz., that Saul did not slay Agag from whom was descended Haman who oppressed Israel. R. Johanan said: He did indeed come from Benjamin. Why then was he called ‘a Jew’? Because he repudiated idolatry. For anyone who repudiates idolatry is called ‘a Jew’, as it is written, There are certain Jews¹ etc.

R. Simon b. Pazzi once introduced an exposition of the Book of Chronicles as follows: ‘All thy words are one,² and we know how to find their inner meaning’. [It is written], And his wife the Jewess bore Jered the father of Gedor, and Heber the father of Socho, and Jekuthiel the father of Zanoah, and these are the sons of Bithya the daughter of Pharaoh, whom Mered took.³ Why was she [the daughter of Pharaoh] called a Jewess? Because she repudiated idolatry, as it is written, And the daughter of Pharaoh went down to bathe in the river,⁴ and R. Johanan, [commenting on this,] said that she went down to cleanse herself⁵ from the idols of her father's house. ‘Bore’: But she only brought him [Moses] up? — This tells us that if anyone brings up an orphan boy or girl in his house, the Scripture accounts it as if he had begotten him. ‘Jered’: this is Moses. Why was he called Jered? Because manna came down [yarad] for Israel in his days.⁶ ‘Gedor’: [he was so called] because he fenced in [gadar] the breaches of Israel. ‘Heber’, because he joined [hiber] Israel to their Father in heaven. ‘Socho’, because he was like a sheltering booth [sukkah] for Israel. ‘Jekuthiel’, because Israel trusted in God [kiwu le'el] in his days. ‘Zanoah’, because he made Israel abandon [hizniah] their iniquities. ‘Father of’, ‘father of’, ‘father of’: he was a father in Torah, a father in wisdom, a father in prophecy. ‘These are the sons of Bithya whom Mered took’. Was Mered his name? Was not Caleb his name?⁷ — The Holy One, blessed be He, said: Let Caleb who rebelled [marad] against the plan of the spies come and take the daughter of Pharaoh who rebelled against the idols of her father's house.

Who had been carried away from Jerusalem.⁸ Raba said: [We understand this to mean] that he went into exile of his own accord.⁹

And he brought up Hadassah.¹⁰ She is called Hadassah¹¹ and she is called Esther. It has been taught: Esther was her proper name. Why then was she called Hadassah? After the designation of the righteous who are called myrtles,¹² for so it says, And he stood among the myrtle trees.¹³ R. Judah says: Hadassah was her name — Why then was she called Esther? Because she concealed [mastereth] the facts about herself, as it says, Ester did not make known her people or her kindred.¹⁴ R. Nehemiah says: Hadassah was her name. Why then was she called Esther? All peoples called her so after Istahar.¹⁵ Ben ‘Azzai said: Esther was neither too tall nor too short, but of medium size, like a myrtle. R. Joshua b. Korha said: Esther was sallow,¹⁶ but endowed with great charm.¹⁷

For she had neither father nor mother. [And it continues] and when her father and mother died.¹⁰ Why these last words?¹⁸ — R. Aha said: When her mother became pregnant with her, her father died; when she was born, her mother died.

And when her father and mother died, Mordecai took her for his own daughter.¹⁹ A Tanna taught in the name of R. Meir: Read not ‘for a daughter’ [le-bath], but ‘for a house’ [le-bayith].²⁰ Similarly it says: But the poor man had nothing save one little ewe lamb, which he had brought up and reared; and it grew up together with him, and with his children; it did eat of his own morsel,

and drank of his own cup, and lay in his bosom, and was unto him as a daughter.²¹ Because it lay in his bosom, was it like a daughter to him? Rather what it means is like a wife; so here, it means a wife.

And the seven maidens who were meet to be given to her.²² Raba said: [They were seven so that] she could count the days of the week by them.

And he changed²³ her and her maidens. Rab said: [This means that] he gave her Jewish food to eat. Samuel, however, said, it means that he gave her chine of pork²⁴ while R. Johanan said that he gave her pulse, and so it says, So the steward took away their food and gave them pulse.²⁵

Six months with the oil of myrrh.²⁶ What is the oil of myrrh? R. Hiyya b. Abba said, Satchet;²⁷ R. Huna said, Oil from olives not a third grown. It has been taught: R. Judah says that anpikinun²⁸ is oil of olives not a third grown. Why is it used for smearing? Because it removes hair and makes the skin soft.

In the evening she went and on the morrow she returned.²⁹ From the discreditable account of that wicked man we can learn something to his credit, namely, that he did not perform his marital office by day.

And Esther obtained favour.³⁰ R. Eleazar said: This informs us that every man took her for a member of his own people.

So Esther was taken unto king Ahasuerus into his house royal in the tenth month, which is the month Tebeth:³¹ the month when body warms up body.³² And the king loved Esther above all the women, and she obtained grace and favour in his sight more than all the virgins.³³ Rab said: If he wanted to find in her the taste of a virgin he found it; if the taste of a married woman, he found it.

Then the king made a great feast.³⁴ He made a feast for her, and she did not tell him [who she was]. He remitted taxes,³⁵ and she did not tell him. He sent gifts,³⁶ and she [still] did not tell him.

And when the virgins were gathered together the second time, etc.³⁷ He went and took counsel of Mordecai who said, The way to rouse a woman is to make her jealous;³⁸ and even so she did not tell.

R. Eleazar said: What is the meaning of the verse,

(1) Dan. III, 12. Though Hananiah, Mishael and Azariah to whom he refers were not of the tribe of Judah. V. Sanh. 93 b (Tosaf.).

(2) I.e., numerous names in the Book of Chronicles refer to the same person.

(3) I Chron. IV, 18.

(4) Ex. II, 5.

(5) By means of the tebillah or ceremonial bath taken by a proselyte.

(6) According to Wilna Gaon the correct reading is, 'because he brought down the Torah (from Heaven) for Israel'.

(7) As stated in I Chron. IV, 15.

- (8) Esth. II, 6.
- (9) The ground of this inference is not clear. Possibly Raba is stressing the word **og**, as meaning 'in company with', 'on a footing of equality with', instead of , **t**, which would have meant 'taken along with as subsidiary'.
- (10) Ibid. 7.
- (11) Lit. , 'myrtle'.
- (12) V. Sanh. 93a.
- (13) Zech. I, 8.
- (14) Esth. II, 20.
- (15) The planet Venus (Jast.).
- (16) Lit., 'greenish', like a myrtle leaf.
- (17) Lit., 'a thread of grace was drawn about her'.
- (18) Which seem superfluous.
- (19) Esth. II, 7.
- (20) I.e., a wife.
- (21) II Sam. XII,3.
- (22) Esth. II, 9.
- (23) E.V., 'advanced'.
- (24) **hrzhj s hk**, e. Not that she necessarily ate them (Tosaf.). [Var. lec. **hrzhj s hkse** 'heads of radish' — a delicatessen, v. Aruch.]
- (25) Dan. I, 16; of Daniel and his companions.
- (26) Esth. II, 12.
- (27) Heb. , **fyx=****.
- (28) **, a kind of oil that was not allowed to be used for sacrifices.
- (29) Ibid. 14.
- (30) Ibid. 15.
- (31) Ibid. 16.
- (32) The season being midwinter.
- (33) Esth. II, 17.
- (34) Ibid. 18.
- (35) As it says here, 'and he made a release to the provinces'.
- (36) As it says, 'and gave gifts, according to the bounty of the king'.
- (37) Ibid. 19
- (38) Lit., 'a woman is only jealous of the thigh of another'.

Talmud - Mas. Megilah 13b

He withdraweth not his eyes from the righteous?¹ In reward for the modesty displayed by Rachel, she was granted to number among her descendants Saul; and in reward for the modesty displayed by Saul, he was granted to number among his descendants Esther.² What was the modesty displayed by Rachel? — As it is written: And Jacob told Rachel that he was her father's brother.³ Now was he her father's brother? Was he not the son of her father's sister? What it means is this: He said to her, Will you marry me? She replied, Yes, but my father is a trickster, and he will outwit you.⁴ He replied, I am his brother in trickery. She said to him, Is it permitted to the righteous to indulge in trickery? He replied. Yes: with the pure thou dost show thyself pure and with the crooked thou dost show thyself subtle.⁵ He said to her, What is his trickery? She replied :

I have a sister older than I am, and he will not let me marry before her. So he gave her certain tokens. When night came, she said to herself, Now my sister will be put to shame. So she handed over the tokens to her. So it is written, And it came to pass in the morning that, behold, it was Leah.⁶ Are we to infer from this that up to now she was not Leah? What it means is that on account of the tokens which Rachel gave to Leah he did not know till then. Therefore she was rewarded by having Saul among her descendants — What modesty did Saul display? — As it is written, But concerning the matter of the kingdom whereof Samuel spoke he told him not.⁷ He was therefore rewarded by having Esther among his descendants.

R. Eleazar further said: When the Holy One, blessed be He, assigns greatness to a man, he assigns it to his sons and his sons' sons for all generations, as it says, [With kings on the throne:] He setteth them for ever and they are exalted.⁸ If, however, he becomes arrogant, God humiliates him, as it says. And if they be bound in fetters etc.⁹

For Esther did the commandment of Mordecai.¹⁰ R. Jeremiah said: [This means] that she used to show the blood of her impurity to the Sages.

Like as when she was brought up with him.¹⁰ Rabbah b. Lema said in the name of Rab: [This means] that she used to rise from the lap of Ahasuerus and bathe and sit in the lap of Mordecai.¹¹

In those days, while Mordecai sat in the king's gate, Bigthan and Teresh were wroth.¹² R. Hiyya b. Abba said in the name of R. Johanan: The Holy One, blessed be He, [once] caused a master to be wroth with his servants in order to fulfil the desire of a righteous man, namely Joseph, as it says, And there was with us there a young man, a Hebrew, etc.;¹³ and servants with their master in order to perform a miracle for a righteous man, namely, Mordecai, as it is written, 'And the thing was known to Mordecai etc.' R. Johanan said: Bigthan and Teresh were two Tarseans¹⁴ and conversed in the Tarsean language. They said: From the day this woman came we have been able to get no sleep.¹⁵ Come, let us put poison in the dish so that he will die. They did not know that Mordecai was one of those who had seats in the Chamber of Hewn Stone,¹⁶ and that he understood seventy languages.¹⁷ Said the other to him, But are not my post and your post different?¹⁸ He replied: I will keep guard at my post and at yours. So it is written, And when inquisition was made, he was found,¹⁹ that is to say, they were not [both] found at their posts.

After these things.²⁰ After what? — Raba said: After God had created a healing for the blow [which was about to fall]. For Resh Lakish has said: The Holy One, blessed be He, does not smite Israel unless He has created for them a healing beforehand, as it says . When I have healed Israel, then is the iniquity of Ephraim uncovered.²¹ Not so, however, with the other nations: He smites them first, and then creates for them a healing, as it says: The Lord will smite Egypt, smiting and healing.²²

But it seemed contemptible in his eyes to lay hands on Mordecai alone.²³ At first he aimed at 'Mordecai alone', then at 'the people of Mordecai' — and who are these? The Rabbis; and finally at 'all the Jews'.

They cast pur, that is the lot.²⁴ A Tanna taught: When the lot fell on the month of Adar, he

rejoiced greatly. saying, The lot has fallen for me on the month in which Moses died. He did not know, however, that Moses died on the seventh of Adar and was born on the sixth of Adar.

There is one people.²⁵ Raba said: There never was a traducer so skillful as Haman. He said to Ahasuerus, Come, let us destroy them. He replied: I am afraid of their God, lest He do to me as He did to my predecessors. He replied: They are 'negligent'²⁶ of the precepts. He said, There are Rabbis among them.²⁷ He replied. They are 'one people'.²⁸ Should you say that I will make a void²⁹ in your kingdom, [I reply], they are 'scattered abroad among the peoples'. Should you say. There is some profit in them, I reply, 'they are dispersed' [nifredu], like an isolated bough [peridah] that does not bear fruit. Should you say that they occupy one province, I reply, 'they are in all the provinces of thy kingdom'. 'Their laws are diverse from those of every other people': they do not eat of our food, nor do they marry our women nor give us theirs in marriage, 'Neither keep they the king's laws', since they evade taxes the whole year³⁰ by their loitering and sauntering.³¹ 'Therefore it profiteth not the king to suffer them', because they eat and drink and despise the throne. For if a fly falls into the cup of one of them, he throws it out and drinks the wine, but if my lord the king were to touch his cup, he would dash it on the ground and not drink from it. 'If it please the king, let it be written that they be destroyed, and I will pay ten thousand talents of silver': Resh Lakish said: It was well known beforehand to Him at whose word the world came into being that Haman would one day pay shekels for the destruction of Israel. Therefore He anticipated his shekels with those of Israel. And so we have learnt: 'On the first of Adar³² proclamation is made regarding the shekalim³³ and the mixed seeds'.³⁴

And the king said to Haman, The silver is given to thee and the people also, to do with them as it seemeth good to thee.³⁵ R. Abba said:

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- (1) Job XXXVI, 7.
 - (2) There seems to be no authority in the Scripture for this statement. V. Rashi
 - (3) Gen. XXIX, 12.
 - (4) Lit., 'you will not be able to deal with him'.
 - (5) II Sam. XXII, 27.
 - (6) Gen. XXIX, 25.
 - (7) I Sam. X, 16.
 - (8) Job XXXVI, 7.
 - (9) Ibid. 8. How the text implies this is not clear. V. Maharsha.
 - (10) Esth. II, 20.
 - (11) As wife. The word **vbntc** (brought up) means literally 'nursing'.
 - (12) Ibid. 21.
 - (13) Gen. XLI, 12.
 - (14) There was a Tarsus in Cilicia and in Cappodocia and it is not certain which is referred to.
 - (15) Having always to dance attendance on Ahasuerus.
 - (16) , **hzdv** , **fak**. The meeting place of the Sanhedrin in the Temple at Jerusalem.
 - (17) V. Sanh. 17a.
 - (18) So that neither of us can do duty for both.
 - (19) E.V., 'it was found'.
 - (20) Esth. III, 1.

- (21) Hos. VII, 1. E.V., ‘when I would heal’.
- (22) Isa. XIX, 22.
- (23) Esth. III, 6.
- (24) Ibid. 7.
- (25) Ibid. 8. E.V. ‘a certain people’.
- (26) **ohbah**, lit., ‘asleep’ from a play on the word **ubah** (there is).
- (27) Who keep the precepts.
- (28) And all hang together.
- (29) Lit., ‘baldness’.
- (30) Lit., ‘they bring out the whole year with’.
- (31) Heb. **hvp hva**, which may also be an abbreviation for **ouhv j xp ouhv , ca** ‘To-day is Sabbath, to-day is Passover’.
- (32) I.e. , fourteen days before the date fixed by Haman.
- (33) For the repair of the Temple.
- (34) Which it is now time to uproot. V. Shek. I, 1.
- (35) Esth. III, 11.

Talmud - Mas. Megilah 14a

To what can we compare Ahasuerus and Haman at this point? To two men one of whom had a mound in the middle of his field and the other a ditch in the middle of his field. The owner of the ditch said, I wish I could buy that mound, and the owner of the mound said, I wish I could buy that ditch. One day they met, and the owner of the ditch said, Sell me your mound, whereupon the other replied, Take it for nothing, and I shall be only too glad.¹

And the king removed his ring.² R. Abba b. Kahana said: This removal of the ring was more efficacious than forty-eight prophets³ and seven prophetesses⁴ who prophesied to Israel; for all these were not able to turn Israel to better courses, and the removal of the ring did turn them to better courses.⁵

Our Rabbis taught: ‘Forty-eight prophets and seven prophetesses prophesied to Israel, and they neither took away from nor added aught to what is written in the Torah save only the reading of the Megillah’. How did they derive it [from the Torah]? — R. Hiyya b. Abin said in the name of R. Joshua b. Korha: If for being delivered from slavery to freedom we chant a hymn of praise, should we not do so all the more for being delivered from death to life? If that is the reason we should say Hallel⁶ also? — [We do not do so] because Hallel is not said for a miracle which occurred outside of the land of Israel. How then do we come to say it for the Exodus from Egypt which was a miracle which occurred outside the land of Israel? — As it has been taught: ‘Until they entered the land of Israel, all lands were counted as proper for chanting a hymn of praise [for miracles done in them] — After they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]. R. Nahman said: The reading of the Megillah is equivalent to Hallel. Raba said:⁷ There is a good reason in that case [of the Exodus from Egypt] because it says [in the Hallel], Praise ye O servants of the Lord, who are no longer servants of Pharaoh — But can we say in this case, Praise ye, servants of the Lord and not servants of Ahasuerus? We are still servants of Ahasuerus! Whether on the view of Raba⁸ or on

the view of R. Nahman,⁹ there is a difficulty in what has been taught [above], that ‘after they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]’? — When the people went into exile, the other countries became proper as at first.

Were there no more prophets than these [forty-eight]? — Is it not written, How there was a man from Ramathaim-Zophim,¹⁰ [which we interpret], one of two hundred prophets [zophim]¹¹ who prophesied to Israel? — There were actually very many, as it has been taught, ‘Many prophets arose for Israel, double the number of [the Israelites] who came out of Egypt’, only the prophecy which contained a lesson for¹² future generations was written down, and that which did not contain such a lesson was not written.

R. Samuel b. Nahmani said: This [Ramathaim-Zophim] means, a man who came from two heights which faced one another.¹³ R. Hanin said: It means, a man who came from ancestors of the most exalted position.¹⁴ And who were they? The sons of Korah, as it says, And the sons of Korah did not die.¹⁵ A Tanna taught in the name of our Teacher:¹⁶ A special place was assigned¹⁷ to them in Gehinnom and they stood on it.

‘Seven prophetesses’. Who were these? — Sarah, Miriam, Deborah, Hannah, Abigail, Hulda and Esther. ‘Sarah’, as it is written, The father of Milkah and the father of Yiscah’,¹⁸ and R. Isaac said [on this]. Yiscah is Sarah; and why was she called Yiscah? Because she discerned [sakethah] by means of the holy spirit, as it is said, In all that Sarah saith unto thee, hearken to her voice.¹⁹ Another explanation is: because all gazed [sakin] at her beauty. ‘Miriam’, as it is written, And Miriam the prophetess the sister of Aaron.²⁰ Was she only the sister of Aaron and not the sister of Moses? — R. Nahman said in the name of Rab: [She was so called] because she prophesied when she was the sister of Aaron [only]²¹ and said, My mother is destined to bear a son who will save Israel. When he was born the whole house was filled with light, and her father arose and kissed her on the head, saying, My daughter, thy prophecy has been fulfilled. But when they threw him into the river her father arose and tapped her on the head, saying, Daughter, where is thy prophecy? So it is written, And his sister stood afar off to know;²² to know, [that is,] what would be with the latter part of her prophecy. ‘Deborah’, as it is written, Now Deborah a prophetess, the wife of Lapidoth.²³ What is meant by a woman of flames²³ ? [She was so called] because she used to make wicks for the Sanctuary. And she sat under a palm tree²⁴ Why just a palm tree? — R. Simeon b. Abishalom said: [To avoid] privacy.²⁵ Another explanation is: Just as a palm tree has only one heart, so Israel in that generation had only one heart devoted to their Father in heaven. ‘Hannah’, as it is written, And Hannah prayed and said, My heart exulteth in the Lord, my horn is exalted in the Lord.²⁶ [She said], my horn is exalted’, and not, my cruse is exalted’, thus implying that the royalty of [the hour of] David and Solomon, who were anointed from a horn,²⁷ would be prolonged,²⁸ but the royalty of [the house of] Saul and Jehu,²⁹ who were anointed with a cruse, would not be prolonged.

There is none holy as the Lord, for there is none beside thee.³⁰ R. Judah b. Menashia said: Read not bilteka, ‘beside thee’, but read lebalotheka [‘to survive thee’]. For the nature of the Holy One, blessed be He, is not like that of flesh and blood. It is the nature of flesh and blood to be survived by its works, but God survives His works. Neither is there any rock [zur] like our God.³⁰

There is no artist [zayyar] like our God. A man draws a figure on a wall, but is unable to endow it with breath and spirit, inward parts and intestines. But the Holy One, blessed be He, fashions a form within a form and endows it with breath and spirit, inward parts and intestines.

‘Abigail’, as it is written, And it was so, as she rode on her ass and came down by the covert of the mountain.³¹ ‘By the covert [sether] of the mountain’? It should say from the mountain’! — Rabbah b. Samuel said: It means that she came with reference to blood that came from the hidden parts [setharim]. She brought some blood and showed it to him.³² He said to her: Is blood to be shown by night? She replied: Are capital cases tried at night?³³ He said to her:

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- (1) Lit., ‘would it were so’. So Ahasuerus was as eager to get rid of the Jews as Haman.
 - (2) Ibid. 10.
 - (3) These are enumerated in Rashi (s.v. **vtuch**) and Seder Olam XX-XXI.
 - (4) V. infra.
 - (5) As it says, fasting³ and weeping and mourning, many put on sackcloth and ashes. Esth. IV,3.
 - (6) V. Glos.
 - (7) The Bah. reads: Raba demurred to this, saying.
 - (8) Who holds that Hallel would be said were we not servants of Ahasuerus.
 - (9) Who holds that the Megillah is equivalent to Hallel.
 - (10) I Sam. I, 1.
 - (11) Lit., ‘watchers’. V. supra.
 - (12) Lit., ‘was required for’.
 - (13) The literal meaning.
 - (14) Lit., ‘height of the world’.
 - (15) Num. XXVI, 11.
 - (16) Rab (?).
 - (17) Lit., ‘fenced in’.
 - (18) Gen. XI, 29.
 - (19) Ibid. XXI. 12.
 - (20) Ex. XV, 20.
 - (21) I.e., before the birth of Moses.
 - (22) Ex. II, 4.
 - (23) Jud. IV,4. ‘Lapidoth’ means literally ‘flames’.
 - (24) Ibid. 5.
 - (25) And the possibility of scandal, a palm tree not being leafy.
 - (26) I Sam. II, 1.
 - (27) V. I Sam. XVI, 13 (David); I Kings I, 39 (Solomon).
 - (28) As symbolized by a horn.
 - (29) V. I Sam. X, 1 (Saul); II Kings IX. 1 (Jehu).
 - (30) I Sam. II, 2.
 - (31) Ibid. XXV, 20.
 - (32) David was supposed to have been an authority on the Torah, v. Ber. 4a.
 - (33) And yet you are condemning Nabal to death.

Talmud - Mas. Megilah 14b

Talmud - Mas. Megilah 14b

He [Nabal] is a rebel against the king and no trial is necessary for him.¹ She replied; Saul is still alive, and your fame is not yet spread abroad in the world. Then he said to her: Blessed be thy discretion and blessed be thou, that hast kept me this day from bloodguiltiness.² The word damim [bloodguiltiness] is plural, to indicate two kinds of blood.³ The passage teaches that she bared her thigh⁴ and he went three parasangs by the light of it.⁵ He said, Listen to me. She replied, Let not this be a stumbling-block to thee.⁶ The word 'this' implies that something else would be, and what was that? The incident of Bathsheba; and so it was eventually.⁷ The soul of thy lord shall be bound up in the bundle of life.⁸ When she left him she said to him, and when the Lord shall have done good to my lord . . . then remember thy handmaid.⁹ R. Nahman said: This bears out the popular saying, While a woman talks she spins.¹⁰ Some adduce the saying: The goose stoops as it goes along, but its eyes peer afar.

'Hulda, as it is written, So Hilkiah the priest and Ahikam and Achbor etc.¹¹ But if Jeremiah was there,¹² how could she prophesy? — It was said in the school of Rab in the name of Rab: Hulda was a near relative of Jeremiah, and he did not object to her doing so. But how could Josiah himself pass over Jeremiah and send to her? — The members of the school of R. Shila replied, Because women are tender-hearted.¹³ R. Johanan said: Jeremiah was not there, as he had gone to bring back the ten tribes. Whence do we know that they returned? — Because it is written, For the seller shall not return to that which is sold.¹⁴ Now is it possible that after the Jubilee had ceased¹⁵ the prophet should prophesy that it will cease? The fact is that it teaches that Jeremiah brought them back.¹⁶ Josiah the son of Amon ruled over them, as it says, Then he said, What monument is that which I see? And the men of the city told him, It is the sepulchre of the man of God who came from Judah, and proclaimed these things that thou hast done against the altar in Beth-el.¹⁷ Now what connection is there between Josiah and the altar in Bethel?¹⁸ What it teaches therefore is that Josiah reigned over them. R. Nahman said: We learn it from here: Also, O Judah, there is a harvest appointed for thee, when I would turn the captivity of my people.¹⁹

'Esther,' as it is written, Now it came to pass on the third day that Esther clothed herself in royalty.²⁰ Surely it should say, 'royal apparel'? What it shows is that the holy spirit clothed her. It is written here, 'and she clothed', and it is written in another place. Then the spirit clothed Amasai, etc.²¹

R. Nahman said: Haughtiness does not befit women. There were two haughty women, and their names are hateful, one being called a hornet²² and the other a weasel.²³ Of the hornet it is written, And she sent and called Barak,²⁴ instead of going to him. Of the weasel it is written, Say to the man,²⁵ instead of 'say to the king'.

R. Nahman said: Hulda was a descendant of Joshua. It is written here [in connection with Hulda]. The son of Harhas,²⁶ and it is written in another place [in connection with Joshua], In Timnath-Heres.²⁷ R. 'Ena Saba cited the following in objection to R. Nahman: 'Eight prophets who were also priests were descended from Rahab the harlot, namely, Neriah, Baruch, Serayah, Mahseyah, Jeremiah, Hilkiah, Hanamel and Shallum.' R. Judah says: Hulda the prophetess was also one of the descendants of Rahab the harlot. [We know this] because it is written here 'the son of Tikvah' and it is written elsewhere [in connection with Rahab]. 'the line [tikvath] of scarlet

thread’!²⁸ — He replied: ‘Ena Saba’²⁹ — or, according to another report. ‘Black bowl’,³⁰ — the truth can be found by combining my statement and yours’.³¹ We must suppose that she became a proselyte and Joshua married her. But had Joshua any children? Is it not written, Nun his son, Joshua his son?³² — He had no sons, but he had daughters.

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- (1) I.e., he can be condemned at night. V. Tosaf.
 - (2) I Sam. XXV, 33.
 - (3) Of uncleanness and capital punishment.
 - (4) Not necessarily in his presence. V. Maharsha.
 - (5) I.e., through desire for her. V. Tosaf.
 - (6) Ibid. 31.
 - (7) This shows that she was a prophetess.
 - (8) Ibid. 29. This sentence seems to be an interpolation and should be omitted (Maharsha).
 - (9) Ibid. 30, 31.
 - (10) Ibid. So Abigail, while speaking about Nabal, put in a word for herself, proposing that David should marry her should Nabal die (Rashi).
 - (11) II Kings XXII, 14.
 - (12) Jeremiah began to prophesy in the thirteenth year of Josiah (Jer. I, 2) and this happened in the eighteenth year of Josiah.
 - (13) And she would pray for them (Maharsha).
 - (14) Ezek. VII, 13. Ezekiel prophesied in the period between the exiles of Jeconiah and Zedekiah.
 - (15) The Jubilee was to be kept only when all Israel were in the land, and therefore ceased as soon as the tribes across the Jordan were deported (Rashi).
 - (16) So that in that year they commenced counting again for the Jubilee.
 - (17) II Kings XXIII, 17.
 - (18) Which was in the kingdom of Ephraim.
 - (19) Hos. VI, 11. ‘Harvest’ here is supposed to have the sense of ‘power’ or ‘greatness’ (Rashi).
 - (20) Esth. V, 1.
 - (21) I Chron. XII, 19.
 - (22) The literal meaning of Deborah.
 - (23) The literal meaning of Hulda.
 - (24) Jud. IV, 6.
 - (25) II Kings XXII, 15.
 - (26) Ibid. 14.
 - (27) Jud. II, 9. This is interpreted as ‘Timnath belonging to Heres’, who is identified with Harhas.
 - (28) Josh. II, 18.
 - (29) Lit., ‘old eye’.
 - (30) Alluding perhaps to his ugliness (Maharsha).
 - (31) Lit., ‘from me and thee is the matter concluded’.
 - (32) I Chron. VII, 27. The genealogy stops at this point; from which it is inferred that Joshua had no sons.

Talmud - Mas. Megilah 15a

We admit that [some of] those [eight] mentioned above are expressly described [as prophets],¹ but how do we know that their fathers² [were prophets]? — From the dictum of ‘Ulla; for ‘Ulla

said: Wherever a man's name is given along with that of his father as the author of a prophecy³ we know that he was a prophet son of a prophet. Where his own name is given but not that of his father, we know that he was a prophet but not the son of a prophet. Where his name and the name of his town are specified, we know that he came from that town — Where his name is given but not that of his town, we know that he was from Jerusalem — In a Baraita it was stated: If nothing is known about the character of a man or of his ancestors,⁴ and the Scripture mentions any one of them in connection with a praiseworthy action, as for instance, The word of the Lord which came to Zephaniah son of Cushi son of Gedaliah,⁵ we may know that he was a righteous man son of a righteous man; and wherever the Scripture mentions any one of them in connection with a reprehensible action, as for instance, And it came to pass in the seventh month that Ishmael the son...of Elishama came,⁶ we may know that he was a wicked man son of a wicked man.

R. Nahman⁷ said: Malachi is the same as Mordecai. Why was he called Malachi? Because he was next to the king.⁸ The following was cited in objection to this: 'Baruch the son of Neriah and Serayah the son of Mahseyah and Daniel and Mordecai, Bilshan, Haggai, Zechariah and Malachi all prophesied in the second year of Darius'! — This is a refutation.

It has been taught: R. Joshua b. Korha said: Malachi is the same as Ezra, and the Sages say that Malachi was his proper name. R. Nahman said: There is good ground for accepting the view that Malachi was the same as Ezra. For it is written in the prophecy of Malachi, Judah hath dealt treacherously and an abomination is committed in Israel and in Jerusalem, for Judah hath profaned the holiness of the Lord which he loveth and hath married the daughter of a strange God.⁹ And who was it that put away the strange women? Ezra, as it is written, And Shechaniah the son of Jehiel, one of the sons of Elam answered and said unto Ezra: We have broken faith with our God and have married foreign women.¹⁰

The Rabbis taught: There have been four women of surpassing beauty in the world — Sarah, Rahab, Abigail and Esther. According to the one who says that Esther was sallow,¹¹ Vashti should be inserted in place of Esther.

Our Rabbis taught: Rahab inspired lust by her name; Jael by her voice; Abigail by her memory; Mical daughter of Saul by her appearance. R. Isaac said: Whoever says. 'Rahab, Rahab', at once has an issue. Said R. Nahman to him: I say Rahab, Rahab, and nothing happens to me! He replied: I was speaking of one who knows her and is intimate with her.

Now when Mordecai knew all that was done¹² [etc.]. What [was his cry]? — Rab said: He said, 'Haman has raised himself above Ahasuerus'; Samuel said, 'The upper king has prevailed over the lower king'.¹³

And the queen was exceedingly pained [wa-tithhalhal],¹⁴ What is the meaning of wa-tithhalhal?¹⁵ — Rab said: It means that she became menstruous; R. Jeremiah said that her bowels were loosened.

And Esther called Hatach.¹⁶ Rab said: Hatach is the same as Daniel. Why was he called Hatach? Because he was degraded [hataku-hu] from his position.¹⁷ Samuel said, Because all

affairs of state were decided [nehtakim] by his voice.

To know what this was and why this was.¹⁶ R. Isaac said: She sent to him saying. Perhaps Israel have transgressed the five books of the Torah, in which is written, On this side and on this they were written.¹⁸

And they told Mordecai Esther's words.¹⁹ But Hatach did not go to him on this occasion.²⁰ This shows us that a recalcitrant answer²¹ need not be taken back [by the messenger].²²

Go, gather together all the Jews . . . which is not according to the custom.²³ R. Abba said: It will not be [she said] according to the custom of every other day. Till now [I have associated with Ahasuerus] under compulsion, but now I will do so of my own will.

And if I perish, I perish.²³ As I am lost to my father's house so I shall be lost to thee.²⁴

And Mordecai passed [wa-ya'abor].²⁵ Rab said: This indicates that he made the first day of Passover pass²⁶ as a fast day. Samuel said: It indicates that he crossed a stream [on that day].²⁷ Now it came to pass on the third day that Esther put on royalty.²⁸ Surely it should say, 'royal apparel'? — R. Eleazar said in the name of R. Hanina: This tells us that the holy spirit clothed her. It is written here, 'and she put on', and it is written elsewhere, And a spirit clothed Amasai.²⁹

R. Eleazar b. Hanina also said: Let not the blessing of an ordinary man be lightly esteemed in thine eyes, for two men great in their generation received from ordinary men blessings which were fulfilled in them. They were, David and Daniel. David was blessed by Araunah, as it is written, And Araunah said unto the king, The Lord thy God accept thee.³⁰ Daniel was blessed by Darius, as it is written 'Thy God whom thou servest continually, He will deliver thee.'³¹ R. Eleazar further said in the name of R. Hanina: Let not the curse of an ordinary man be lightly esteemed in thine eyes, because Abimelech cursed Sarah, saying, Behold he is to thee a covering of the eyes,³² and this was fulfilled in her seed, [as it says], And it came to pass that when Isaac was old his eyes were dim.³³

R. Eleazar further said in the name of R. Hanina: Come and observe that the way of the Holy One, blessed be He, is not like the way of flesh and blood — The way of flesh and blood is that a man places a pot on the fire and then pours water into it, but God first puts in the water and then fixes the pot, to fulfil what is written, At the sound of his giving a multitude of waters in the heavens.³⁴

R. Eleazar further said in the name of R. Hanina: Whoever reports a saying in the name of its originator brings deliverance to the world, as it says, And Esther told the king in the name of Mordecai.³⁵

R. Eleazar further said in the name of R. Hanina: When a righteous man dies, he dies only for his own generation.³⁶ It is with him as with a man who loses a pearl. Wherever it is, it remains a pearl,³⁷ and is lost only to its owner.

Yet all this availeth me nothing.³⁸ R. Eleazar said in the name of R. Hanina: Because he saw Mordecai sitting in the king's gate, was this any reason why he should say, 'All this availeth me nothing'? The explanation is in the dictum of R. Hisda; for R. Hisda said: The one came [to the court] as a counsellor³⁹ and the other

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- (1) Viz., Jeremiah and Hanamel (Jer. XXXII) and also Baruch and Serayah, who were disciples of Jeremiah and therefore presumably prophets also (Rashi).
 - (2) Viz., Hilkiyah, Shallum, Neriah and Mahseayah.
 - (3) Lit., 'in prophecy'.
 - (4) Lit., 'where his actions and those of his ancestors are not defined'.
 - (5) Zeph. I, 1.
 - (6) Jer. XLI, 1. They came to murder Gedaliah.
 - (7) According to a better reading, Rab. V infra.
 - (8) V. Esth. X, 3. 'And he was looked on as an angel (mal'ak)'. (Maharsha).
 - (9) Mal. II, 11.
 - (10) Ezra X, 2.
 - (11) V. supra p.75.
 - (12) Esth. IV, 1.
 - (13) Euphemistically, meaning the opposite. Or it may be taken literally, as a kind of prayer (Maharsha).
 - (14) Esth. IV 4.
 - (15) Lit., 'became full of hollows'.
 - (16) Ibid. 5.
 - (17) Which he held in the reigns of Belshazar, Darius and Cyrus.
 - (18) Ex. XXXII, 15.
 - (19) Esth. IV, 12.
 - (20) As, if so, it would say he told.
 - (21) E.g., Esther's reluctance to petition the king.
 - (22) And Mordecai must have learnt from some other source.
 - (23) Ibid. 16.
 - (24) [By submitting voluntarily to Ahasuerus she would be for ever forbidden to Mordecai who was (v. p. 78, n. 5) her legitimate husband, according to the law which forbids a wife to her husband where she had relations of her own free will with another man.]
 - (25) Ibid. 17.
 - (26) A play on the word he'ebir which means, 'to prolong a month by adding an extra day', [or in the sense of 'transgressed', cf. Targum a.I.: 'and he transgressed the joy of the feast of Passover'.] The order for the destruction of the Jews was given in Susa on the thirteenth day of Nisan, and the Jews fasted the next three days.
 - (27) To inform the Jews on the other side. [The Jewish quarter in Susa was separated from the main city by a small tributary of the Tigris. V. Obermeyer, p. 214.]
 - (28) Esth. V, 1.
 - (29) I Chron. XII, 19.
 - (30) II Sam. XXIV, 23.
 - (31) Dan. VI, 17.
 - (32) Gen. XX, 16.
 - (33) Ibid. XXVII, 1. V. supra.
 - (34) Jer. X, 13. The text continues, when he causeth the vapours to ascend, like steam from a boiling pot.

(35) Esth. II, 22.

(36) And his name, or his soul, survives.

(37) Lit., 'its name is pearl'.

(38) This verse from the Book of Esther (V. 13) is here commented on out of its place, in order to introduce another dictum of R. Eleazar in the name of R. Hanina.

(39) Heb. **hku'czurp** apparently = **.

Talmud - Mas. Megilah 15b

as an envoy.¹ R. Papa said: They also called him, The slave that was sold for loaves of bread .²

Yet all this availeth me nought. This tells us that all the treasures of that wretch were engraved on his heart, and when he saw Mordecai sitting in the king's gate he said, Yet all this³ availeth me nought.

R. Eleazar further said in the name of R. Hanina: God will in the time to come be a crown on the head of every righteous man, as it is said, In that day shall the Lord of Hosts be for a crown of glory⁴ etc. What is meant by a 'crown of glory' [zebi] and a 'diadem [zefirath] of beauty'? For them that do his will [zibyono] and who await [mezapin] his glory. Shall He be so to all? [Not so]. since it says, 'unto the residue of [lish'ar] his people': that is, to whoever makes of himself a mere residue [shirayim]. 'And for a spirit of judgment': this indicates one who brings his inclination to trial.⁵ 'To him that sitteth in judgment': this indicates one who gives a true verdict on true evidence.⁶ 'And for strength': this indicates one who subdues his evil passions.⁷ 'That turn back the battle': this indicates those who thrust and parry⁸ in the war of the Torah. 'At the gate': these are the disciples of the wise who are early and late in synagogues and houses of study. Said the Attribute of Justice⁹ before the Holy One, blessed be He: Why this difference between these and the others? The Holy One, blessed be He, said to him: Israel busy themselves with the Torah, the other nations do not busy themselves with the Torah — He replied to Him, But these also reel through wine, and stagger through strong drink, they totter in judgment¹⁰ [paku peliliyah]; and 'paku' contains a reference to Gehinnom, as it says, that this shall be no stumbling-block [pukah] to thee;¹¹ and 'peliliyah' contains a reference to the judges, as it says. and he shall pay as the judges determine [bi-felilim].¹²

And stood in the inner court of the king's house.¹³ R. Levi said: When she reached the chamber of the idols, the Divine Presence left her. She said, My God, My God, why hast thou forsaken me.¹⁴ Dost thou perchance punish the inadvertent offence¹⁵ like the presumptuous one, or one done under compulsion like one done willingly? Or is it because I called him 'dog', as it says. Deliver my soul from the sword, mine only one from the power of the dog?¹⁶ She straightway retracted and called him lion, as it says. Save me from the lion's mouth.¹⁷

And it was so when the king saw Esther the queen.¹⁸ R. Johanan said: Three ministering angels were appointed to help her at that moment; one to make her head¹⁹ erect, a second to endow her with charm²⁰ and a third to stretch the golden sceptre. How much [was it stretched]? — R. Jeremiah said: It was two cubits long and he made it twelve cubits — Some say, sixteen, and some again twenty-four. In a Baraitha it was stated, sixty. So too you find with the arm of the

daughter of Pharaoh,²¹ and so you find with the teeth of the wicked, as it is written, Thou hast broken [shibarta] the teeth of the wicked,²² and Resh Lakish said in regard to this, Read not shibarta but shirbabta [Thou hast prolonged]. Rabbah b. 'Ofra said in the name of R. Eleazar who had it from his teacher, who had it from his teacher, [that the sceptre was stretched] two hundred [cubits].

And the king said to her, What wilt thou, queen Esther? For whatever thy request, even to the half of the kingdom, it shall be given thee.²³ 'Half the kingdom', but not the whole kingdom. and not a thing which would divide the kingdom.²⁴ What could that be? The building of the Temple.

Let the king and Haman come unto the banquet.²⁵ Our Rabbis taught: What was Esther's reason for inviting Haman? — R. Eleazar said, She set a trap for him, as it says. Let their table before them become a snare.²⁶ R. Joshua said: She learnt to do so from her father's house, as it says. If thine enemy be hungry give him bread to eat, etc.²⁷ R. Meir said, So that he should not form a conspiracy²⁸ and rebel. R. Judah said: So that they should not discover that she was a Jewess.²⁹ R. Nehemiah said: So that Israel should not say, We have a sister in the palace, and so should neglect³⁰ [to pray for] mercy. R. Jose said: So that he should always be at hand for her.³¹ R. Simeon b. Menassiah said: [She said], Perhaps the Omnipresent will notice³² and do a miracle for us. R. Joshua b. Korha said: [She said], I will encourage him so that he may be killed, both he and I.³³ Rabban Gamaliel said: [She said]. Ahasuerus is a changeable king.³⁴ Said R. Gamaliel: We still require the Modean,³⁵ as it has been taught: R. Eliezer of Modi'im says, She made the king jealous of him and she made the princes jealous of him. Rabbah said: [She said], Pride goeth before destruction.³⁶ Abaye and Raba gave the same reason, saying: [She said], With their poison I will prepare their feast.³⁷ Rabbah b. Abbuha came across Elijah and said to him, Which of these reasons prompted Esther to act as she did? He replied: [All] the reasons given by all the Tannaim and all the Amoraim.

And Haman recounted unto them the glory of his riches and the multitude of his children.³⁸ How many are indicated by 'the multitude of his children'? — Rab said: Thirty. Ten died, ten were hung, and ten were reduced to beggary. The Rabbis, however, said: Those who were reduced to beggary numbered seventy, as it says, They that were full [sebe'im] have hired themselves out for bread.³⁹ Read not sebe'im, but shib'im [seventy]. Rami b. Abba said: In all they were two hundred and eight, as it says, And the multitude [we-rob] of his sons. But we-rob in gematria⁴⁰ is two hundred and fourteen?⁴¹ — R. Nahman b. Isaac said: The word is written defectively.⁴²

On that night the sleep of the king was disturbed.⁴³ R. Tanhun said: The sleep of the King of the Universe was disturbed. The Rabbis, however, say: Those above⁴⁴ were disturbed and those below⁴⁵ were disturbed. Raba said: It means literally 'the sleep of king Ahasuerus. A thought occurred to him: What is the meaning of Esther inviting Haman? Perhaps they are conspiring⁴⁶ against me to kill me? He thought again: If that is so, is there no man who is my friend and who would tell me? Then he thought again: Perhaps there is some man who has done me a good turn and I have not rewarded him; and therefore men refrain from informing me. Straightway, he commanded to bring the book of records of the chronicles.⁴³

And they were read.⁴³ This [form of expression]⁴⁷ indicates that they were read of themselves.

And it was found [being] written.⁴⁸ It should say, a writing [kethab] was found? — This shows

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- (1) Heb. **hyuczurp** apparently = ** There was a tradition that Mordecai once went with a deputation to the king of Persia to ask permission for the Jews to rebuild the Temple, v. Jast. [Rashi: One (Mordecai) came as a rich man, the other (Haman) as a debtor. Haman according to the legend had sold himself during one of the wars as a slave to Mordecai for a loaf of bread.]
- (2) V. previous note.
- (3) Pointing to it (Maharsha).
- (4) Isa. XXVIII, 5f.
- (5) And forces himself to repent (Rashi).
- (6) Lit., 'true to its own truth'.
- (7) Avoids sin.
- (8) Lit., 'take and give', i.e., 'argue', 'debate'.
- (9) The qualities assigned to God in Ex. XXXIV, 6,7 are called in the Talmud the divine Attributes (middoth, lit., 'measures'). and those of Justice and Mercy are often personified.
- (10) Isa. XXVIII, 7.
- (11) I Sam. XXV, 31.
- (12) Ex. XXI, 22.
- (13) Esth. V, 2.
- (14) Ps. XXII, 2.
- (15) In associating with Ahasuerus.
- (16) Ibid. 21.
- (17) Ibid. 22.
- (18) Esth. V, 2.
- (19) Lit., 'neck'.
- (20) Lit., 'to draw a thread of grace over her'.
- (21) In Ex. II, 5 the words **v, nt , t jka, u** are translated by the Rabbis 'and she put forth her arm' (E.V., 'she sent her handmaid')
- (22) Ps. III, 8. Cf. Ber.
- (23) Esth. V, 3.
- (24) By setting up a rival power.
- (25) Ibid. 4.
- (26) Ps. LXIX, 23.
- (27) Prov. XXV, 21. The next verse continues, 'for thou heapest coals of fire upon his head'.
- (28) Lit., 'take counsel'.
- (29) Since she was willing to eat with Haman.
- (30) Lit., 'discuss their mind'.
- (31) If she wanted to accuse him.
- (32) To what straits I am brought.
- (33) Lit., 'she'.
- (34) And I may persuade him to alter his mind while Haman is with us, so that he will not have time to change again.
- (35) To explain why Haman alone was invited (Maharsha).

- (36) Prov. XVI, 18.
- (37) Jer. LI, 39.
- (38) Esth. V, 11.
- (39) I Sam. II, 5.
- (40) V. Glos.
- (41) Viz., W = 6; R = 200; W = 6; B = 2.
- (42) I.e., without the middle waw.
- (43) Esth. VI, 1.
- (44) The angels.
- (45) Israel.
- (46) Lit., 'taking counsel'.
- (47) Instead of 'and they read them'.
- (48) Ibid. 2.

Talmud - Mas. Megilah 16a

that Shamsai¹ kept on erasing and Gabriel kept on writing. R. Assi said: R. Shila, a man of Kefar Temarta,² drew a lesson from this, saying: If a writing on earth which is for the benefit of Israel cannot be erased, how much less a writing in heaven!³

There is nothing done for him.⁴ Raba said: [They answered him thus] not because they loved Mordecai but because they hated Haman.

He had prepared for him.⁵ A Tanna stated: [This means], he had prepared for himself.⁶

And do even so to Mordecai etc.⁷ Haman said to him: Who is Mordecai? He said to him: 'The Jew'. He said: There are many Mordecais among the Jews. He replied: 'The one who sits in the king's gate'. Said Haman to him: For him [the tribute] of one village or one river is sufficient! Said Ahasuerus: Give him that too; 'let nothing fail of all that thou hast spoken'.

Then took Haman the apparel and the horse.⁸ He went and found [Mordecai with] the Rabbis sitting before him while he showed them the rules of the 'handful'.⁹ When Mordecai saw him approaching and leading the horse, he became frightened and said to the Rabbis, This villain is coming to kill me. Get out of his way so that you should not get into trouble with him.¹⁰ Mordecai thereupon drew his robe round him and stood up to pray. Haman came up and sat down before them and waited till Mordecai had finished his prayer. He said to him: What have you been discussing? He replied: When the Temple stood, if a man brought a meal-offering he used to offer a handful of fine flour and make atonement therewith. Said Haman to them: Your handful of fine flour has come and displaced my ten thousand talents of silver. Said Mordecai to him: Wretch, if a slave acquires property, whose is the slave and whose is the property?¹¹ Haman then said to him: Arise and put on this apparel and ride on this horse, for so the king desires you to do. He replied: I cannot do so until I have gone into the bath and trimmed my hair, for it would not be good manners to use the king's apparel in this state. Now Esther had sent and closed all the baths and all the barbers' shops. So Haman himself took him into the bath and washed him, and then went and brought scissors from his house and trimmed his hair. While he was doing so, he sighed and

groaned. Said Mordecai to him: Why do you sigh? He replied: The man who was esteemed by the king above all his nobles is now made a bath attendant and a barber. Said Mordecai to him: Wretch, and were you not once a barber in Kefar Karzum?¹² (For so a Tanna stated: Haman was a barber in Kefar Karzum twenty-two years.) After he had trimmed his hair he put the garments on him, and said to him, Mount and ride. He replied: I am not able, as I am weak from the days of fasting. So Haman stooped down and he mounted [on his back]. When he was up he kicked him. He said to him: Is it not written in your books,¹³ Rejoice not when thine enemy faileth?¹⁴ He replied: That refers to an Israelite, but in regard to you [folk] it is written, And thou shalt tread upon their high places.¹⁵

And proclaimed before him, This shall be done to the man whom the king delighted to honour.¹⁶ As he was leading him through the street where Haman lived, his daughter who was standing on the roof saw him. She thought that the man on the horse was her father and the man walking before him was Mordecai. So she took a chamber pot and emptied it on the head of her father. He looked up at her and when she saw that it was her father, she threw herself from the roof to the ground and killed herself. Hence it is written . . .¹⁷

And Mordecai returned to the king's gate. R. Shesheth said: This indicates that he returned to his sackcloth and fasting. But Haman hastened to his house, mourning and having his head covered; mourning for his daughter, and with his head covered on account of what had happened to him.

And Haman recounted unto Zeresh his wife and all his friends, etc. They are first called 'his friends' and then they are called 'his wise men'. R. Johanan said: Whoever says a wise thing even if he is a non-Jew¹⁸ is called 'wise'.

If Mordecai be of the seed of the Jews. They said to him: If he comes from the other tribes, you can prevail over him, but if he is from the tribe of Judah or of Benjamin, Ephraim or Manasseh, you will not prevail over him. 'Judah', as it is written, Thy hand shall be on the neck of thine enemies.¹⁹ The others, because it is written of them, Before Ephraim and Benjamin and Manasseh stir up thy might.²⁰

But falling thou shalt fall.²¹ R. Judah b. Ila'i drew a lesson from this verse, Saying: Why are two fallings mentioned here? Haman's friends said to him: This people is likened to the dust and it is likened to the stars. When they go down, they go down to the dust, and when they rise they rise to the stars. Came the king's chamberlains and hastened [wa-yabhilu] to bring Haman.²² The use of this word [wa-yabhilu]²³ tells us that they brought him all in confusion [behalah].

For we are sold, I and my people etc . . . For the adversary care²⁴ not that the king is endamaged.²⁵ She said to him: This adversary cares not for the damage of the king. He was angry with Vashti and killed her,²⁶ and he is angry with me and wants to kill me.

Then said the king Ahasuerus, and he said to Esther the queen.²⁷ Why 'said' and again 'said'? R. Abbahu replied: He first spoke to her through an intermediary.²⁸ When she told him that she came from the house of Saul,²⁹ forthwith, 'he said to Esther the queen'.

And Esther said, An adversary and an enemy, even this wicked Haman.³⁰ R. Eleazar said: This informs us that she was pointing to Ahasuerus and an angel came and pushed her hand so as to point to Haman.³¹

And the king rose in his wrath...and the king returned out of the palace garden.³² His returning is put on the same footing as his arising. Just as the arising was in wrath, so the returning was in wrath. For he went and found ministering angels in the form of men who were uprooting trees from the garden. He said to them, What are you doing? They replied: Haman has ordered us. He came into the house, and there 'Haman was falling³³ upon the couch'. 'Falling'? It should say, 'had fallen'? — R. Eleazar said: This informs us that an angel came and made him fall on it. Ahasuerus then exclaimed: Trouble³⁴ inside, trouble outside!

'Then said the king, Will he even force the queen before me in the house? Then said Harbonah, etc.' R. Eleazar said: Harbonah also was a wicked man and implicated in that plot.³⁵ When he saw that his plan was not succeeding, he at once fled, and so it is written, And he cast upon him and did not pity, from his hand he surely fleeth.³⁶

Then the king's wrath was assuaged.³⁷ Why are there two assuagings here?³⁸ — One of the [wrath of the] King of the Universe,³⁹ and the other of Ahasuerus. Others say, one [of the wrath] on account of Esther and the other on account of Vashti.

To all of them he gave to each man changes of raiment but to Benjamin he gave five changes of raiment.⁴⁰ Is it possible that that righteous man⁴¹ should fall into the very mistake from which he himself had suffered?

(1) A scribe, mentioned in the book of Ezra (IV, 8) as an enemy of the Jews. According to tradition he was a son of Haman.

(2) [Tamara, south of Kabul, v. E.J. s.v.]

(3) Seeing that Gabriel is already there (Maharsha).

(4) Esth. VI, 3.

(5) Ibid. 4.

(6) As otherwise the words 'for him,' are superfluous.

(7) Ibid. 10.

(8) Ibid. 11.

(9) V. Lev. II, 2 and infra.

(10) Lit., 'that you be not burnt with his coal'.

(11) How then can you, being the slave of Ahasuerus, talk of your ten talents of silver. [Aliter: Haman had sold himself to Mordecai as slave. V. supra p. 90. n. 4.]

(12) [MS.M. **xubhre**, Kefar Karnayim in Transjordan, cf. Josephus, Ant. XII, 8,4; v. however, Romanoff, P. Amer. Acad. for Jewish Research, VII, pp. 58ff].

(13) Lit., 'for you'.

(14) Prov. XXIV, 17.

(15) Deut. XXXIII, 29.

(16) Esth. VI, 11.

- (17) These words connect with the sentence after the next, 'but Haman hastened' etc.
- (18) Lit., 'of the nations of the world'.
- (19) Gen. XLIX, 8.
- (20) Ps. LXXX, 3.
- (21) So lit. E.V. Shalt surely fall.
- (22) Esth. VI, 14.
- (23) Instead of the more usual **urvnhu**.
- (24) E.V., 'is not worthy'.
- (25) Esth. VII, 4.
- (26) V. supra 12b.
- (27) Ibid. 5.
- (28) Heb. turgeman; lit., 'interpreter'.
- (29) I.e., that she was of royal descent.
- (30) Ibid. 6.
- (31) She meant the words 'adversary and enemy' to apply to Ahasuerus himself.
- (32) Esth. VII, 7f.
- (33) Heb. **kpb**.
- (34) Lit., 'woe!'.
- (35) To hang Mordecai. [Otherwise how would he have known the exact measurements of the gallows.]
- (36) Job XXVII, 22.
- (37) Esth. VII, 10.
- (38) The Hebrew is **vffa**, where **vfa** might have been used.
- (39) Against Israel for bowing down to the image; supra 12a.
- (40) Gen. XLV, 22.
- (41) Joseph.

Talmud - Mas. Megilah 16b

For Raba b. Mehasia said in the name of R. Hami b. Guria, who said it in the name of Rab: Through two sela's weight of fine silk which Jacob gave to Joseph over what he gave to his brothers, a ball was set rolling and our ancestors eventually went down to Egypt! — R. Benjamin b. Japhet said: He gave him a hint that a descendant would issue from him who would go forth before a king in five royal garments, as it says, And Mordecai went forth from the presence of the king in royal apparel of blue etc.¹

And he fell upon his brother Benjamin's neck.² How many necks³ had Benjamin? — R. Eleazar said: He wept for the two Temples which were destined to be in the territory of Benjamin⁴ and to be destroyed. And Benjamin wept upon his neck:² he wept for the tabernacle of Shiloh which was destined to be in the territory of Joseph and to be destroyed.

And behold your eyes see and the eyes of my brother Benjamin.⁵ R. Eleazar said: He said to them: Just as I bear no malice against my brother Benjamin who had no part in my selling, so I have no malice against you.

That it is my mouth that speaketh unto you. As my mouth is, so is my heart.

And to his father he sent in like manner ten asses laden with the good things of Egypt.⁶ What are ‘the good things of Egypt’? R. Benjamin b. Japhet said in the name of R. Eleazar: He sent him [old] wine which old men find very comforting.⁷

And his brethren also went and fell down before him.⁸ R. Benjamin b. Japhet said in the name of R. Eleazar: This bears out the popular saying, A fox in its hour — bow down to it. [You compare Joseph to] a fox! Where was his inferiority to his brothers? Rather if this was said [by R. Eleazar] it was applied as follows: And Israel bowed down upon the bed's head.⁹ R. Benjamin b. Japhet said in the name of R. Eleazar; A fox in its hour — bow down to it.¹⁰

And he comforted them and spoke kindly to them.¹¹ R. Benjamin b. Japhet said in the name of R. Eleazar: This tells us that he spoke to them words which greatly reassured them,¹² [saying], If ten lights were not able to put out one, how can one light put out ten?

The Jews had light and gladness and joy and honour.¹³ Rab Judah said: ‘Light’ means the Torah,¹⁴ and so it says. For the commandment is a lamp and the Torah is a light.¹⁵ ‘Gladness’ means a feast day; and so it says, And thou shalt be glad in thy feast.¹⁶ ‘Joy’ means circumcision; and so it says, I rejoice at thy word.¹⁷ ‘Honour’ means the phylacteries, and so it says, And all the peoples of the earth shall see that the name of the Lord is called upon thee, and they shall be afraid of thee;¹⁸ and it has been taught: R. Eleazar the Great says that this refers to the phylactery of the head.

And Parshandatha . . . the ten sons of Haman.¹⁹ R. Adda from Joppa said: The ten sons of Haman and the word ‘ten’ [which follows] should be said²⁰ in one breath. What is the reason? Because their souls all departed together. R. Johanan said: The waw of waizatha must be lengthened like a boat-pole of the river Libruth.²¹ What is the reason? Because they were all strung on one pole. R. Shila, a man of Kefar Temarta, drew a lesson from this saying, All the songs [in Scripture] are written in the form of a half brick over a whole brick,²² and a whole brick²² over a half brick,²³ with the exception of this one and the list of the kings of Canaan²⁴ which are written in the form of a half brick over a half brick and a whole brick over a whole brick.²⁵ What is the reason? So that they should never rise again from their downfall.

And the king said to the queen, In Shushan the castle the Jews have slain . . .²⁶ The mode of expression informs us that an angel came and slapped him on his mouth.²⁷

But when she came before the king, he said along with the letter.²⁸ ‘He said’? It should be, ‘she said’! — R. Johanan said: She said, Let there be said by word of mouth what is written in the letter.²⁹

Words of peace and truth.³⁰ R. Tanhum said: [or, according to some, R. Assi]: This shows that the Megillah requires to be written on ruled lines, like the true essence of the Torah.³¹ And the ordinance of Esther confirmed.³² Only the ordinance of Esther and not the words of the fastings? — R. Johanan said: We must read thus: The words of the fastings [and their cry] and the ordinance of Esther confirmed these matters of Purim.³³

For Mordecai the Jew was next unto king Ahasuerus, and great among the Jews and accepted of the majority of his brethren.³⁴ Of the majority of his brethren but not of all his brethren; this informs us that some members of the Sanhedrin separated from him.³⁵

R. Joseph said: The study of the Torah is superior to the saving of life. For at first Mordecai was reckoned next after four, but afterwards next after five. At first it is written, Who came with Zerubabel, [namely] Jeshua, Nehemiah, Seraiah, Reelaiah, Mordecai, Bilshan,³⁶ and subsequently it is written, Who came with Zerubabel, Jeshua, Nehemiah, Azariah, Raamiah, Nahamani, Mordecai, Bilshan.³⁷

Rab — or, some say. R. Samuel b. Martha — said: The study of the Torah is superior to the building of the Temple, for as long as Baruch b. Neriah was alive Ezra would not leave him to go up to the land of Israel.³⁸ Rabbah said in the name of R. Isaac b. Samuel b. Martha: The study of the Torah is superior to the honouring of father and mother. For, for the fourteen years that Jacob spent in the house of Eber, he was not punished, since a Master has said:

(1) Esth. VIII, 15.

(2) Gen. XLV, 14.

(3) The Heb. **hr tum** can also be taken as a plural. [Rashi omits this question. He did not regard the exposition that follows as being based upon the supposed difference in the grammatical form. the neck is simply taken as allusion to the Temple.]

(4) On the Temple Mount in Jerusalem.

(5) Gen. XLV, 12.

(6) Ibid. 23.

(7) Lit., 'in which the mind of old will take delight'.

(8) Ibid. L, 18.

(9) Ibid. XLVII, 31.

(10) By comparison with his father there would be no disrespect in referring to Joseph as a fox.

(11) Lit., 'upon their heart.

(12) Lit., 'which were received upon the heart'.

(13) Esth. VIII, 16.

(14) I.e., they resumed the study of the Torah without hindrance; and so with circumcision and phylacteries.

(15) Prov. VI, 23.

(16) Deut. XVI, 14.

(17) Ps. CXIX, 162. The word **rntk** (saying) here is taken to refer to circumcision because God said (**rnt**) to Abraham that he should circumcise his son, Gen. XVII, 9.

(18) Deut. XXVIII, 10.

(19) Esth. IX, 7-10.

(20) By one reading the Megillah.

(21) Not identified, v. B.M., Sonc. ed. p. 503, n. 10.

(22) Al. 'blank space'.

(23) The words in each line must be spaced in such a way as to present this appearance, the space of the half-brick being occupied in each case by the writing.

(24) In Joshua XII.

(25) , tu t , sbarp , tuiupks , tu t , pxt etc.

(26) Esth. IX, 12.

(27) Because he commenced as if in anger and then proceeded and what is thy request etc.

(28) Ibid. 25.

(29) Rashi omits here the words, 'she said', and explains that R. Johanan is here laying down the rule that the Megillah (which is called 'letter') should be read aloud. How he derives this lesson from the text is not clear.

(30) Ibid. 30.

(31) I.e., the Pentateuch, v. Git. 6b.

(32) Ibid. 32.

(33) Ibid. 31.

(34) Ibid. X, 3.

(35) Because when he rose to power he neglected the study of the Torah.

(36) Ezra II, 2.

(37) Neh. VII, 7. The list in Ezra is given in connection with the first return from Babylon, the list in Nehemiah in connection with the dedication of the Temple which is reckoned by the Talmud to have taken place twenty-four years later (v. Rashi); and the incident of Purim is supposed to have taken place in the interval.

(38) I.e., but for Baruch, Ezra would have come back with the first of the returning exiles.

Talmud - Mas. Megilah 17a

Why are the years of Ishmael mentioned? So as to reckon by them the years of Jacob, as it is written, And these are the years of the life of Ishmael, a hundred and thirty and seven years.¹ How much older was Ishmael than Isaac? Fourteen years, as it is written, And Abram was fourscore and six years old when Hagar bore Ishmael to Abram,² and it is also written, And Abraham was a hundred years old when his son Isaac was born to him,³ and it is written, And Isaac was threescore years old when she bore them.⁴ How old then was Ishmael when Jacob was born? Seventy-four. How many years were left of his life? Sixty-three; and it has been taught: Jacob our father at the time when he was blessed by his father was sixty-three years old. It was just at that time that Ishmael died, as it is written, Now Esau saw that Isaac had blessed Jacob...so Esau went unto Ishmael and took Mahlath the daughter of Ishmael Abraham's son the sister of Nebaioth.⁵ Now once it has been said, 'Ishmael's daughter' do I not know that she was the sister of Nebaioth? This tells us then that Ishmael affianced her and then died, and Nebaioth her brother gave her in marriage.⁶ Sixty-three and fourteen till Joseph was born⁷ make seventy-seven, and it is written, And Joseph was thirty years old when he stood before Pharaoh.⁸ This makes a hundred and seven. Add seven years of plenty and two of famine,⁹ and we have a hundred and sixteen, and it is written, And Pharaoh said unto Jacob, How many are the days of the years of thy life? And Jacob said unto Pharaoh, The days of the years of my sojournings are a hundred and thirty years.¹⁰ But [we have just seen that] they were only a hundred and sixteen? We must conclude therefore that he spent fourteen years in the house of Eber,¹¹ as it has been taught: 'After Jacob our father had left for Aram Naharaim two years.¹² Eber died'. He then went forth from where he was¹³ and came to Aram Naharaim. From this¹⁴ it follows that when he stood by the well he was seventy-seven years old. And how do we know that he was not punished [for these fourteen years]? As it has been taught: 'We find that Joseph was away from his father twenty-two years.¹⁵ just as Jacob our father was absent from his father'. But Jacob's absence was thirty-six years?¹⁶ It must be then that the fourteen years which he was in the house of Eber are not reckoned. But

Talmud - Mas. Mo'ed Katan 2a

CHAPTER I

MISHNAH. AN IRRIGATED FIELD¹ MAY BE WATERED DURING THE FESTIVAL² [WEEK] OR IN THE SABBATICAL YEAR³ BOTH FROM A NEWLY-EMERGING SPRING AND FROM A SPRING THAT IS NOT JUST EMERGED, BUT NOT WITH WATER FROM STORED RAIN, NOR FROM A SWIPE-WELL;⁴ NOR MAY SMALL BASINS⁵ BE FORMED ABOUT THE VINES. R. ELEAZAR B. AZARIAH SAYS THAT A [WATER] CHANNEL MAY NOT BE NEWLY MADE DURING THE FESTIVAL [WEEK], NOR IN THE SABBATICAL YEAR; BUT THE SAGES SAY THAT A CHANNEL MAY BE NEWLY MADE IN THE SABBATICAL YEAR AND ONE THAT HAS GOT OUT OF ORDER MAY BE REPAIRED DURING THE FESTIVAL [WEEK]. AND IMPAIRED WATER WORKS⁶ IN THE PUBLIC DOMAIN MAY BE REPAIRED OR CLEANED OUT; AND ROADS, BROADWAYS AND [RITUAL] POOLS⁷ MAY BE PUT IN ORDER. AND ALL PUBLIC NEEDS MAY BE PERFORMED,⁸ AND GRAVESIDES MAY BE MARKED,⁹ AND [PUBLIC COMMISSIONERS] MAY SET OUT ALSO¹⁰ TO INSPECT DIVERSE¹¹ SEED-CROPS.

GEMARA. Now, one might argue that after [having permitted] watering FROM A NEWLY EMERGING spring — which is apt to come along tearing up [the soil]¹² — need further mention be made of [drawing from] A SPRING THAT IS NOT NEWLY EMERGING—which is unlikely to come tearing up [the soil]?¹³ — I may answer that it is necessary [to mention the latter]; for if [the Tanna] had mentioned only the newly emerging spring I might have said that only here [where it is] for an irrigation plot it is permitted — but not for a Baal-plot,¹⁴ because it is apt to come tearing up [the soil]; but [on the other hand], from a spring that is not newly emerging, which is unlikely to come tearing up [the soil], I might say that even a Baal-plot [may be watered]; therefore he informs us¹⁵ that there is no difference; be it a spring newly emerging, or a spring not newly emerging, an irrigation plot may be watered therefrom, but a Baal-plot may not be.¹⁶

And whence [know we] that the term BETH HA-SHELAHIN¹⁷ denotes a ‘thirsty’¹⁸ field? — It is written: When thou wast faint and weary,¹⁹ and we render the word ‘faint’ [in Aramaic] by meshalhi.²⁰ And whence [know we] that Beth ha-Baal²¹ denotes ‘settled’ soil? — It is written: For as a man be the husband [yib'al] of a maiden, so shall thy sons be as husbands unto thee²² and we render [in Aramaic], ‘Behold as a young man settles down with a maiden, thy sons shall become settled²³ in the midst of thee’.

Who may be the [unnamed] Tanna²⁴ who maintains that [work²⁵ to prevent] loss is allowed,²⁶ but [to augment] profit²⁷ is not allowed; and that even in [averting] loss we should not do any laborious work?²⁸ Said R. Huna: It is [the view of] R. Eliezer b. Jacob, as we learned:²⁹ R. Eliezer b. Jacob says: Water may be trained along from tree to tree, provided that one does not water thus the entire field.³⁰

I grant³¹ you may understand R. Eliezer [b. Jacob]³² to disallow exertion to enhance profit,³³

but could you also understand him [from here] to disallow exertion [even] where loss is [involved]? Rather, said R. Papa, (whose view is it)?³⁴ It is R. Judah's, as it is taught: 'A spring newly emerging may be [used for] watering even (a field that is)³⁵ a Baal-plot. So R. Meir; R. Judah³⁶ says, None but (a field that is)³⁵ a 'languid plot' that has dried up may be watered [therefrom]. R. Eleazar b. 'Azariah says, Neither one nor the other.³⁷ R. Judah³⁸ went even further and said, 'A person may not clean out a water channel³⁹ and [with the dredging] water his garden of debris — [heap]⁴⁰ during the festival week'. [Now] what is [meant by a 'languid plot'] that dried up?⁴¹ If you say, literally dried up' what is the good of watering it? — Said Abaye, It means that this [old] spring has run dry⁴² and another has [just] emerged [instead].⁴³ 'R. Eleazar b. Azariah says, Neither one nor the other'. [By this he means to say that] it makes no difference whether the [old] spring has run dry or has not run dry, a newly emerging spring is not to be used.

But how [do you arrive at this conclusion]? Perhaps when R. Judah said that a languid plot may be watered from a newly emerging spring and a Baal-plot may not be,

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- (1) **ihj kav , hc** means lit. 'a house of channels', i.e., a plot of land which owing to situation or climate or nature of the soil requires to be watered artificially. It is often a laborious process and at times of vital importance to the crop.
- (2) I.e., during the middle period of the two longer Feasts, namely, the 'Feast of Unleavened Bread' (Passover) and that of Tabernacles, v. Introduction.
- (3) Lit., 'the seventh year'. Every seventh year in the Jubilee cycle was ordained to be a year of remission, or sabbath for the land, when the regular processes of agriculture for its improvement were to be suspended. V. Ex. XXIII, 10-11; Lev. XXV, 2ff and infra 3a.
- (4) **iukhe** the Greek **, a mechanical contrivance for raising water by water-wheel or bucket from a deep well, like the shadoof in Egypt and the denkli or paecottah in India. The reason for the objections is stated in the Gemara.
- (5) Circular depressions made about the stem of the vine, or a small trench drawn about a group of vines to retain the water. V. infra 4b.
- (6) Broken wells, cisterns or aqueducts; pools that have become muddy puddles, or blocked drains. **hkuekhe** _ Latin cloaculae, Baneth).
- (7) For priests and pilgrims to purify themselves ritually or their vessels that have met with defilement. Cf. Lev. XI, 24-40; XXII, 1-7.
- (8) E.g., removing rubbish and thorns, levelling the road and footways, mending bridges, etc. Cf. infra 5a.
- (9) With whitewash of lime to warn passers-by against defilement. Cf. infra 5a.
- (10) [MS.M. omits 'ALSO' which is difficult to explain. V. Tosaf. Yom Tob].
- (11) Lev. XIX, 19: Thou shall not sow thy field with two (or more kinds of) seeds (promiscuously). They are neither to be sown nor preserved by active process. Infra 2b, 6a and cf. Kil. I, 1, 9; Shek. I, 1, a.
- (12) I.e., by erosion, necessitating immediate repair of the damage during the restricted period.
- (13) Running on its habitual course.
- (14) **kgc , hc** , lit., 'Baal's area', or field — an old pagan denomination of a fertile soil, i.e., a soil favoured by 'Baal Lord of the heavens', Baal-Shamen, with fertilizing rain and sunshine. V. Cooke's N.S.I. p. 45, n. 1 etc. and Robertson Smith's Religion of the Semites (ed. 1894) pp. 96-97. Cf. Isa. LV, 10 and Ta'an. 6b: 'Rain is earth's husband'; also Krauss, TA II, p. 546, n. 115.
- (15) From here to the end of the sentence is not in DS., being seemingly a gloss from 2b.
- (16) From a new or old spring.

- (17) Rendered 'AN IRRIGATED FIELD'.
- (18) Or 'a languid track.' The term **ihj ka** (channels) is here explained by popular etymology as derived from **hvkā** (the gutturals **V** and **j** interchanging), 'weary', 'exhausted'. V. n. 2.
- (19) Deut. XXV, 18. Han. and Aruch s.v. **vka** (VIII, 80b) quote more appropriately Gen. XXV, 29 referring to Esau's exhaustion and thirst. Cf. Isa. XXIX, 8 and Ps. LXIII, 2.
- (20) A participle Shafel from **hvk** meaning 'exhausted'. This derivation is grammatically unsound. In B.B., Sonc. ed. p. 271 it is more correctly connected with the root in the sense of sending water across the fields in channels. Cf. Ezek. XXXI, 4; Ps CIV, 10; Job V, 10. It is surmised that the name of the Pool of Siloam (**j ak**) is derived from the same root. V. Krauss, TA. II, p. 547, n. 117.
- (21) V. supra p. 2, n. 7.
- (22) Isa. LXII, 5.
- (23) Cf. our expressions husbandry and husbandman.
- (24) In the first clause of the Mishnah.
- (25) During the Festival week.
- (26) I.e., watering a languid soil.
- (27) E.g., watering a fertile field to make it still more productive.
- (28) Lit., 'excessive trouble', e.g., to use rainwater or raise water by swipe.
- (29) V. infra 6b, Mishnah.
- (30) To water the whole field in that manner is all exertion to be avoided during the Festival week.
- (31) Lit., 'say'.
- (32) So correctly, R. Han., DS.
- (33) As he forbids watering the entire field, presumably thinking it unnecessary to give it an extra watering to increase its fertility.
- (34) Omitted in DS.
- (35) A doublet occurring also in the texts given in the next note.
- (36) J.M.K. I, 1 (81a) and Tosef., I, I read here, 'and the Sages say' instead, showing that it is R. Judah's view that has been adopted in the Mishnah. Obviously, the Babylonian teachers engaged in this critical discussion did not have that reading.
- (37) I.e., that a newly emerging spring may not be used either for a generally nourished field (again at R. Meir's view), nor in a 'languid field' even where it has replaced a dried-up old spring (against R. Judah's view).
- (38) He went further in his restrictions, even in the case of a 'languid field'. (Tosaf. v. Ritba).
- (39) A running brook or ditch which has become muddy and shallow, which he may clean out under certain conditions discussed infra 4b.
- (40) Used as a vegetable garden or bed for nurslings. V. Tosaf. Lit., 'his garden and his ruin'.
- (41) I.e., that is waste.
- (42) Lit., 'it is dried up from this spring'.
- (43) [All of which shows that R. Judah does not permit any laborious work even in order to avert loss, as in the case of the old spring having dried up, whereas R. Judah permits watering from the new spring that has emerged but not from rain-water or a swipe-well, which is in agreement with our Mishnah].

Talmud - Mas. Mo'ed Katan 2b

he was referring only to a newly emerging spring since it may come along tearing up [the soil]; but a spring that is not just newly emerging and which is unlikely to come along tearing up [the soil] he might allow even for a Baal-plot?¹ If [you take it] thus, then whom does our Mishnah

represent?² The fact is that according to R. Judah it makes no difference, whether it be a newly emerging spring, or a spring not just newly emerging; in either case a languid plot may be watered [therefrom], but a Baal-plot may not be. And the reason why it states the ‘newly emerging’ spring³ is [merely] to show how far R. Meir is prepared to go, [namely], that even a newly emerging spring may be used for watering and even for a Baal-field!

It was stated: ‘If one is [seen] weeding or watering his seedlings on the Sabbath,⁴ under what category [of the offence] should he be cautioned?’⁵ — Rabbah said, [It comes] under the category of ploughing. R. Joseph said, under the category of sowing. Said Rabbah, My view seems the more reasonable, for what is the object of the plougher? To loosen the soil; here too, he loosens the soil. Said R. Joseph, My view seems the more reasonable, for what is the object of the sower? To promote the growth of the produce; here too, he promotes the growth of the produce.

Said Abaye to Rabbah, Your view presents difficulty and R. Joseph's view presents difficulty. Your view presents difficulty, for does the act come [only] under the category of ploughing [and] not under that of sowing [only]? R. Joseph's view presents difficulty, for does it come [only] under the category of sowing [and] not under that of ploughing also? And should you rejoin that where there are two [possible categories], the offender is liable only on one count, [this cannot be] for did not R. Kahana say that if one [incidentally] pruned [his tree] in cutting it for wood⁶ he is liable on two counts, one under the category of planting⁷ and one again under that of reaping?⁸ — This is a difficulty.⁹

R. Joseph, thereupon, put an objection to Rabbah from [the following]: One who weeds or covers [with earth] diverse-seeds¹⁰ receives [judicial] flogging. R. Akiba says, Also one who preserves [them].¹¹ Now this is in perfect accord with my view, as I say that [he who weeds is to be cautioned] under the category of sowing, which [explains the penalty] because sowing is [explicitly] forbidden in connection with diverse-seeds; but according to your view who say that [he is to be cautioned] under the category of ploughing, is ploughing forbidden in connection with diverse-seeds? — Said he [Rabbah] to him, [He¹² is flogged] under the category of preserving [them]. But surely, since the last clause states ‘R. Akiba says, Also one who preserves [them]’, may we not infer that according to the first Tanna the penalty is not on account of preserving [them]? — The entire statement is [to be taken as] recording R. Akiba's view, and the latter clause is explanatory: ‘On what ground does one who weeds or covers [with earth] diverse-seeds receive a flogging? Because he comes under the category of preserving, for R. Akiba says, Also he who preserves [them]’. What is R. Akiba's reason? — It is taught: — Thou shalt not sow thy field with two kinds of seed’.¹³ This tells me about ‘sowing’, whence [the prohibition against] preserving [what is already sown]? — From the instructive wording kil'ayim [diverse-seeds] in thy field not.¹⁴ We learned: AN IRRIGATED FIELD MAY BE WATERED DURING THE FESTIVAL [WEEK] OR IN THE SABBATICAL YEAR. This [permission] is perfectly correct in regard to the festival [week] where [the prohibition is] merely to avoid exertion, but where loss is [threatened]¹⁵ the Rabbis have allowed it. But in regard to the sabbatical year, whether on the view that [watering] comes under the category of sowing¹⁶ or on the view that it comes under that of ploughing,¹⁷ is either sowing or ploughing permitted in the sabbatical year?¹⁸ — Said Abaye, Our Mishnah is speaking of the sabbatical year in the present time and it [expresses] the view held by Rabbi,¹⁹ for it is taught: Rabbi says, [It is written] And this is the manner of the

release; release [by every creditor of that which he hath lent to his neighbour];²⁰ the text speaks here of two forms of release, one the release of the soil [from tillage]²¹ and the other the release of money²² [the juxtaposition of] which tells us that so long as you must release the soil [from tillage], you must release the money [debt], but when you do not release the soil, you need not release the money!²³ Said Raba [not necessarily], you may even say [it voices] the view of the Rabbis²⁴ and that they²⁵ are the principal [types of work] that the Divine Law has forbidden [explicitly],

(1) Whereas our Mishnah forbids watering a Baal-plot from a newly emerging spring. Consequently it will not represent the view of R. Judah.

(2) Lit., 'to whom will you throw (trace the view of) our Mishnah'.

(3) In the cited Baraitha: the spring might as well have been left undefined, as either is allowed for a languid plot by R. Judah.

(4) Ritba reads on a festival, which is preferred by R. Moses Sofer. Cf. Mak., Sonc. ed., p. 149.

(5) An offender doing an act which is explicitly forbidden in Holy Writ had to be duly and accurately cautioned by two witnesses against that particular act, and informed of the exact penalty it involved, before he could be judicially punished by a duly constituted tribunal. Ploughing, sowing and mowing are of the thirty-nine main categories of work forbidden (Scripturally) on Sabbath or Festivals. For the list v. Shab. VII, 2 and Shab. 73aff.

(6) Lit., 'he prunes and requires the wood'. Shab. 73b. Work on the Sabbath is to be purposive, whether intended or not. If one did what he desired to do, without knowing that such a thing was not to be done on the Sabbath, or forgetting for the moment that it was the Sabbath day, he would not be punishable, but would have to bring a sin-offering in Temple times.

(7) Pruning promotes growth and is therefore another form of sowing or planting.

(8) Having a definite purpose for the cuttings.

(9) Var. lec. omit this final admission. [The statement of R. Kahana, being of an Amora, is not deemed sufficiently authoritative to refute the views of Rabbah and R. Joseph. V. Tosaf. s.v. **chj** .]

(10) Weeding and covering with earth diverse-seeds are here made punishable as sowing, v. Lev. XIX, 19 (cf. Deut. XXII, 9).

(11) Fencing in the plot to prevent cattle from trampling them out or feeding on the young blades. Cf. A.Z. 64a (Rashi and Tosaf.).

(12) He who weeds diverse-seeds.

(13) Lev. XIX, 19.

(14) Some explain a section of the Hebrew text of Lev. XIX, 19, namely, **ohtkf grz, tk lsa ohtkf**, as it were two interlocked sentences, (i) **tk lsa ohtkf** i.e., 'Kil'ayim in thy field not', (which forbids the presence and the preservation of diverse-seed crops in the field); and (ii) **ohtkf grz, tk lsa** i.e., 'Thy field thou shalt not sow kil'ayim' (which forbids sowing). This explanation, however, is very strained, as the variations in the parallel passages show, having puzzled the commentators. The readings **ohtkf tk k"**, and **tk ohtkf k"**, are both correct and to the same effect. It is the import of the wording rather than the form of the text that R. Akiba stressed. It is the diverse mixing or crossing — 'kil'ayim' — that is emphatically forbidden, be it of animal, or field, or raiment (Lev. XIX, 19) and fiercest of all in the (oliveyard or) vineyard (Deut. XXII, 9). Have no share by your action in producing kil'aym!

(15) As shown above.

(16) R. Joseph, above.

(17) Rabbah, above.

(18) Sowing, pruning, gleaning and reaping are directly forbidden in Lev. XXV, 4-5. Ploughing, however, is

forbidden only indirectly, by implication from a positive law in Ex. XXIII, 11; XXXIV, 21. Note this point.

(19) R. Judah ha-Nasi, compiler of the Mishnah.

(20) Deut. XV, 2.

(21) I.e., let the soil lie fallow and the crops free and unguarded against the poor, Ex. XXIII, 11.

(22) Let slip the money debts owing to you.

(23) The interpretation is based on the ground that since the Nation, Israel as a whole, is no longer in possession of the Holy Land as his inheritance, the land laws relative to the sabbatical year and Jubilee re-distributions, which are made contingent on Israel's entry and possession (Lev. XXV, 2, 10ff; cf. *ibid.* XXVI, 34-35, and Deut. XXXI, 10-13) are of necessity in abeyance, for the time being. [This according to Rabbi, since the prohibition of tilling the soil on the sabbatical years nowadays is merely Rabbinical, it is not enforced where a loss is involved; hence the ruling of our Mishnah.]

(24) That the operation of the sabbatical year nowadays is Biblical.

(25) Those that are specified in the text of Holy Writ.

Talmud - Mas. Mo'ed Katan 3a

but derivative¹ operations it has not forbidden, for it is written: But in the seventh year shall be a sabbath of solemn rest for the land..., thou shalt neither sow thy field nor prune thy vineyard. That which groweth of itself of thy harvest thou shalt not reap and the grapes of thy undressed vine thou shalt not gather.² Now, since pruning comes within the general process of sowing³ and grape-gathering within the general process of reaping,⁴ what law then did the All-Merciful desire to inculcate by inserting these [secondary processes] into the text? To indicate that only for these secondary processes [specified in the text] is one [to be] held liable⁵ and for [any] other [secondary processes] one is not [to be] held liable.⁶ Indeed not? Surely it has been taught: Thou shalt neither sow thy field nor prune thy vineyard,⁷ that only forbids me sowing or pruning; whence is forbidden weeding or hoeing or the trimming of wilted parts? From the instructive [form of the] text: Thy field thou shalt not... thy vineyard thou shalt not . . . [which means] no manner of work in thy field; no manner of work in thy vineyard. [Likewise] whence [is derived the rule] not to cut back shoots, or thin twigs or put up props for supporting [fruit trees]? From the [same] instructive text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field, no manner of work in thy vineyard. [Similarly] whence [is derived the rule] not to manure,⁸ or remove stones, or dust [with flower of sulphur]⁹ or fumigate the tree? From the instructive wording of the text: Thy field thou shalt not . . . thy vineyard thou shalt not, that is, no manner of work in the field, no manner of work in the vineyard. Shall I say that one should not [even] stir the soil under the olive trees, nor use the hoe under the vines, nor fill the gaps [under the olive trees]¹⁰ with water nor make drills¹¹ for the vines? There is the Instructive wording of the text: Thy field thou shalt not sow [nor thy vineyard shalt thou prune]. Now, as 'sowing' was already embraced in the general terms of the ordinance,¹² why then was it singled out [for mention]? To provide ground for an analogy, namely that just as sowing has the special quality of being a work common to field and orchard,¹³ so is every [other] work that is common to field and orchard [forbidden]!¹⁴ — [That is only] Rabbinically; and the text is adduced merely as a support.¹⁵ But, is it permitted to stir the soil [under the olive tree] in the sabbatical year? Surely [is it not taught]: It is written, But the seventh year thou shalt let it rest and lie fallow;¹⁶ 'let it rest' — not to hoe; and '[let it] lie fallow — not to remove stones? — Said R. 'Ukba b. Haba, there are two sorts of hoeing, one for strengthening the [olive] tree, and another to close up

fissures; that for strengthening the tree is forbidden, whereas that for closing up fissures is allowed.¹⁷

It has been stated:¹⁸ — If one ploughed in the sabbatical year,¹⁹ R. Johanan and R. Eleazar²⁰ [took opposite views]. One said that he is flogged²¹ and the other said that he is not flogged.²² Might I suggest that the issue turns on the dictum of R. Ela as reported by R. Abin? For R. Abin reported R. Ela to have stated that wherever a general [proposition] is stated in the form of a positive command and a particular [specification] in the form of a negative injunction,²³ the hermeneutical rule of General-Particular-General²⁴ does not apply to it.²⁵ [Accordingly], the one who says the offender is flogged, did not agree with that dictum of R. Abin in the name of R. Ela,²⁶ while the other who says that the offender is not flogged did agree with the dictum of R. Abin [in the name of R. Ela]?²⁷ — Not [necessarily]. It can be maintained that nobody agrees with the dictum of R. Ela, as reported by R. Abin. As to the one who says that the offender is flogged²⁸ it of course is in order, while the other who says the offender is not flogged may tell you thus:²⁹ Consider: pruning comes within [the general process of] sowing and grape-gathering within [the general process of] reaping, what rule did the All-Merciful intend to inculcate by inserting these [secondary processes] into the text? To indicate that only for these secondary processes [specified in the text] is one [to be] held liable, but for any other secondary process³⁰ he is not [to be] held liable. But is he not? Surely it is taught: Thou shalt neither sow thy field nor prune thy vineyard, this only forbids me sowing or pruning; whence is forbidden weeding, hoeing, or the trimming of wilted parts? From the instructive [form of] the text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field; no manner of work in thy vineyard. Whence [is derived the rule] not to cut back shoots, or thin twigs or put up props for [fruit] trees? From the [same] instructive text: thy field thou shalt not . . . thy vineyard thou shalt not . . . [which means] no manner of work in thy field, no manner of work in thy vineyard. Whence [is derived the rule] not to manure, or remove stones, [or dust] or fumigate the trees? From the instructive text: Thy field thou shalt not . . . thy vineyard thou shalt not . . . [that is], no manner of work in thy field, no manner of work in thy vineyard. Am I then to say that one may not stir the soil under the olive trees, nor use the hoe under the vines, nor fill the [open] gaps [under the olives] with water, nor make drills for the vines? There is the instructive wording of the text: Thy field thou shalt not sow and thy vineyard thou shalt not prune. Now, sowing was already embraced in the general terms of the ordinance, why then was it singled out [for mention]? For the purpose of providing [ground for] an analogy, that just as sowing has the special quality of being a work common to field and vineyard, so is any other work that is common to field and orchard [forbidden]? — [That is only] rabbinically; and the text is [adduced] as a mere support.³¹

(1) Or secondary processes which are not unspecified.

(2) Lev. XXV, 4-5.

(3) Or planting, as explained above by R. Kahana.

(4) V. Shab. 73a.

(5) To a judicial flogging.

(6) I.e., scripturally (even according to the Rabbis) though reprehensible rabbinically.

(7) The order of the Hebrew words in the text is: 'Thy field thou shalt not sow nor thy vineyard shalt thou etc.'

(8) Yalkut reads: 'remove excrescences' or 'warts'.

(9) Thus J. Sheb. II, 2; Aruch explains 'remove dust from the foliage' and Rashi here takes it as covering with dust the exposed roots. The context seems to favour the first explanation here adopted.

(10) After thinning olive trees, by lifting some to give more room for the other young trees, the gap left in the soil would ordinarily be filled with manure and olive trees need much water. Cf. Sheb. IV, 5, and Sifra Behar Rabad's Commentary.

(11) Or small ridges with furrows on top between the vines. V. loc. cit.

(12) Lev. XXV, 4: But the seventh year shall be a sabbath of solemn rest for the land, a sabbath unto the Lord, in direct contrast to verse 3; there was therefore no further need to continue with specific instances of the prohibition, such as sowing the field and pruning the vineyard.

(13) I.e., common to both, agriculture and horticulture.

(14) [Excluding the last mentioned processes which are not common to both field and vineyard. At all events this teaching shows that a number of processes though of the secondary type are forbidden in the sabbatical year].

(15) I.e., mnemotechnical and Biblically only sowing, pruning, reaping and gleaning are forbidden explicitly. The inclusion of ploughing, digging, hoeing or watering in the prohibition is purely Rabbinic. Thus the ruling of the Mishnah that an irrigated field may be watered . . . in the sabbatical year has now been explained: by Abaye on the basis of Rabbi's view, namely, that the restrictions of the sabbatical year are not operative nowadays; and, on the other hand by Raba, on the view of the other Rabbis (who do not concede Rabbi's interpretation of Deut. XV, 2), by pointing out that 'watering' is, strictly speaking, not textually forbidden, it being a 'derivative' (secondary) process, and hence allowed by the Rabbis in the sabbatical year where damage (loss of crop) is likely.

(16) Ex. XXIII, 11.

(17) The former is for enhancing profit and the latter is prevention of loss, namely, to save the tree from bleeding or rotting.

(18) The same question is again discussed from a different angle in Palestinian schools.

(19) After having been duly cautioned.

(20) B. Pedath.

(21) As having offended against a Biblical prohibition.

(22) Because 'ploughing' is not distinctly forbidden, but is only an implied offence, for which no judicial flogging can be given.

(23) E.g., in Lev. XXV, 2-5. We have first a general ordinance in positive terms: The land shall keep a sabbath unto the Lord. Six years thou shalt sow . . . prune . . . gather in the produce thereof, but the seventh year shall be a sabbath of solemn rest unto the Lord (cf. Ex. XXIII, 11); then follow the particulars in negative terms. Thou shalt neither sow thy field, nor prune thy vineyard. That which groweth of itself thou shalt not reap and the grapes of thy undressed vines thou shalt not gather (Lev. XXV, 4-5). Then follows a general rule again in positive form: It shall be a year of solemn rest for the land.

(24) According to this rule, the particulars are in such a case considered typical as illustrations serving to include in the general rule all such items as are similar to the particulars. E.g. in Ex. XXII, 8 the text first states that an oath can be judicially imposed 'for every matter of trespass' (General term). This is followed by: 'for ox, for ass, for sheep, for raiment' (particulars), which again is followed finally by: 'for any manner of lost thing' (General). We infer from this that an oath can be imposed for things like those specified as typical instances, but not in the case of a dispute about land, being immovable property, or in the case of sanctuary-property, as it being not one's neighbour's property, or in the case of dispute about a slave, as being a (human) chattel, or about documents, as not being 'property', but merely instruments of evidence. Similarly in the case of the sabbatical year, if the particulars are typical of the general rule, one who does any of these would break the law.

(25) But it is treated merely as a general proposition which is followed only by a particularization, in which case the general proposition does not go beyond what has actually been specified by the particularization that follows it.

(26) I.e., he interprets the Sabbatical Ordinance as a pure instance of a General-Particular-General form and takes sowing, pruning, reaping and gleaning as typical illustrative instances and, accordingly, considers 'ploughing' as included in the general terms of the Ordinance and hence as a punishable offence.

(27) I.e., that the Sabbatical Ordinance cannot be treated as a pure form of General-Particular-General, it being negative in the particulars, which amounts to saying, 'Not a, not b, not c; these, I mean, precisely, and no others'. 'Ploughing' therefore is not included among the forbidden processes and hence is not a punishable offence.

(28) For ploughing in the sabbatical year.

(29) In interpreting the import of the wording of the text, to show that there is no penalty for ploughing, although the application of the General-Particular-General rule would indicate to the contrary.

(30) I.e., ploughing.

(31) For notes v. supra p. 9, n. 6.

Talmud - Mas. Mo'ed Katan 3b

When R. Dimi came [from Palestine] he said [the discussion went on]: Possibly, you might say that the offender be flogged [even] for the 'extension'? But the teaching was concluded¹ to prove that he was exempt. But [said he], I know not which was the teaching, nor what was [actually] meant by 'extension'.

R. Eleazar [b. Pedath] said that the 'extension' had reference to [the inclusion of] 'ploughing' [as a punishable offence], and the argument proceeded thus: Possibly [you might say] that he should be flogged for 'ploughing' [in the sabbatical year], the rule being inferred by [treating the sabbatical ordinance as a case of] General-Particular-General; then the teaching was concluded to prove exemption. For, if it [the flogging] were correct, what is the [legal] import of all those particulars [set out in the text]?

R. Johanan said [that the 'extension' had reference to] the extra days [of restriction] which the sages had added prior to New Year; and the argument proceeded thus: Possibly [you might say] that he should be flogged for [ploughing during] the extended extra period prior to New Year which is based on the text: 'In ploughing time and in reaping time thou shalt rest.'² Then the teaching was concluded to prove exemption [from a flogging], as we shall seek to explain presently.

What is meant by 'the days [of restriction] prior to New Year'? — According to what we learned: 'Up to what date may ploughing be done in a tree field [orchard] in the pre-sabbatical year? Beth Shammai say, As long as it is for the benefit of the fruit; Beth Hillel say, Up to the Feast of Weeks; and the [practical effect of] one ruling is much the same as that of the other.'³ And up to what date may they plough a "white field"⁴ in the pre-sabbatical year? Up to when the moisture gives out and as long as people till for planting their cucumber and gourd beds. Said R. Simeon, If that is so, you have handed over the Torah for every individual to determine for himself the right time! No: [I say], a "white field" [they may till] up to Passover and a tree field up to the Feast of Weeks'.⁵ (And Beth Hillel say up to Passover.)⁶

And⁷ R. Simeon b. Pazzi reported in the name of R. Joshua b. Levi who had it from Bar Kappara that Rabban Gamaliel and his Beth din took a vote on these two [terminal] periods⁸ and

abrogated them. Said R. Zera to R. Abbahu, some say, Resh Lakish said to R. Johanan: How could Rabban Gamaliel and his Beth din abrogate a measure instituted by Beth Shammai and Beth Hillel? Surely we learned: 'No Beth din has power to nullify the words [ruling] of another Beth din unless it be superior to it in learning and number'⁹ 'He was astonished for a while';¹⁰ then he replied: I say, they thus have stipulated among themselves that whoever might thereafter wish to abrogate that [measure] could come and abrogate it.¹¹ But was it their measure? Was it not an [ancient] halachah of Moses from Sinai?¹² As [in fact] R. Assi reported R. Johanan to have said in the name of R. Nehuniah¹³ a man hailing from the valley of Beth Hauran,¹⁴ that the [laws of] 'Ten Saplings,'¹⁵ the 'Willow'¹⁶ and the 'Water Libation'¹⁷ were 'halachah' of Moses from Sinai! — Said R. Isaac, When we received on tradition that law [of extra restriction] as [an ancient] halachah, It was only in reference to 'thirty days prior to the New Year'; thereafter came those [of Beth Shammai and Hillel] and instituted [the cessation] from Passover¹⁸ and the Feast of Weeks,¹⁹ and [at the same time] they stipulated with reference to their [measure] that whoever might [thereafter] wish to abrogate [them] might come and abrogate them.²⁰

But were these [termini] merely halachah [-usages]? Were they not [based on Biblical] texts? For is it not taught: [Six days thou shalt work, but on the seventh day thou shalt rest]: in ploughing time and in reaping time thou shalt rest.²¹ Says R. Akiba,²² There is no need to be told [in the second clause] to desist from ploughing or reaping in the seventh year, since it is already stated [elsewhere at length]: thou shalt neither sow thy field nor prune thy vineyard: [that which groweth of itself thou shalt not reap].²³ [It can be taken] only [to debar] ploughing in the pre-sabbatical year

(1) Lit., 'the Talmud took it up'. (3) As explained above. (4) The sabbatical year began with the New Year. It was necessary to stop tillage before that date; when, and where, did it originate? On what authority? These are the points to be discussed now at length.

(2) Ex. XXXIV, 21 The exposition of this follows presently.

(3) Sheb. I, 1.

(4) Preparing for a grain crop, i.e., of cereals or legumina. A white field=a sown field, not planted with trees that cast a shadow.

(5) Ibid. II, 1.

(6) This bracketed part is a meaningless gloss.

(7) [So MS. M. Cur. edd. insert 'And'].

(8) Passover (Nisan) and the Feast of Weeks (Sivan); after these were abrogated, tillage was again permitted down to New Year (Tishri).

(9) 'Ed. I, 5.

(10) A phrase from Daniel IV, 16. R. Abbahu or R. Johanan was for the moment puzzled for a reply.

(11) Should the exigencies of the time demand it.

(12) I.e., a rule of immemorial practice, whose origin is unknown. Cf. our expression 'as old as the hills'. Cf. 'Ed. VIII, 7; Yad. Malachi No. 663 and W. Bacher's Tradition und Tradenten etc. (1914) p. 33ff.

(13) Also Hunya, Huna or Huna. Bacher ibid. p. 38 sect. 11.

(14) A high plain S.E. of Damascus mentioned by Ezekiel, XLVII, 18, among the boundaries of Palestine (cf. R.H. 22b). Herod established there a protectorate under Zamaris, a Babylonian Jew who offered military safety to the Babylonian pilgrims on their way to Jerusalem. V. Josephus, Antiquities XVII, 11, 1-2.

(15) A young plantation in a field of fifty by fifty cubits in dimension with at least ten saplings may be tilled

entirely for their benefit, down to the edge of the sabbatical year which began with New Year's day, the first of Tishri. This implies that with old trees tilling must cease before New Year.

(16) V. infra. Willows were carried in procession once round the altar during the first six days of Tabernacles and then fixed at the side of the altar. On the seventh day the circuit was made seven times. V. Suk. 45a, where Abbahu suggests a Biblical indication, Ps. CXVIII, 27.

(17) On the same occasions the grand celebration of the water libation took place in the Temple, a golden flagon being filled with water from Siloam, was brought amidst trumpet blasts to the Temple and poured on the altar by the High Priest.

(18) For a 'white field', growing cereals and legumina.

(19) For a tree field, an orchard.

(20) And it is only these two earlier terms, Passover and Feast of Weeks, up to thirty days before New Year that Rabban Gamaliel and his Beth din abrogated. Cf. J. Sheb. I, 5.

(21) Ex. XXXIV, 21.

(22) As all manner of work is forbidden on the sabbath day, the particular stress on ploughing and reaping suggested a connection between the sabbath-day and the sabbath-year.

(23) Lev. XXV, 4-5.

Talmud - Mas. Mo'ed Katan 4a

[which may have beneficial effects] extending into the seventh year and [likewise] to the reaping of the seventh year's crops which mature in the post-sabbatical year.¹ Says R. Ishmael, [It is purely a Sabbath law]; as the ploughing [here forbidden on Sabbath] is optional ploughing,² so is the reaping [here mentioned] optional reaping; outside this [law] is the reaping [of the new barley] for the 'omer'³ which is a religious duty [by ordinance]!⁴ — In fact said R. Nahman b. Isaac, when we received on tradition [that the pre-sabbatic restrictions had their origin in] halachah [-usage], this had reference to the permission [of tilling for the benefit] of saplings;⁵ whereas the texts are for the prohibition of old trees.⁶ But since 'halachah [-usage] allowed [tillage down to New Year] for saplings, it is not obvious that old trees were forbidden? — What we must say therefore is, the halachah [-usage] as basis for the prohibition is [necessary] according to R. Ishmael,⁷ whereas the texts [serve as basis] according to R. Akiba.

But R. Johanan said that Rabban Gamaliel and his Beth din abrogated those [restrictions] on Biblical authority. What was the reason? He deduced it by equating the term 'Sabbath' common to both⁸ the Sabbath-year and the Sabbath of Creation⁹ [thus]: Just as in the case of the Sabbath Day [work is forbidden] on the day itself, but on the day before and on the day after it is allowed, so [likewise] in the Sabbath Year [tillage is forbidden] during the year itself, but in the year before and in the year after it is allowed.

To this R. Ashi demurred: On the view that it [the restriction] is a halachah [-usage] can a gezerah shawah [deduction]⁸ come and eradicate a halachah [-usage]; and [likewise] on the view that it is [based on] a Biblical text, can a gezerah shawah⁸ come and eradicate a text! — But no, said R. Ashi, Rabban Gamaliel and his Beth din concurred with R. Ishmael who held that [the presabbatical restrictions] were based on a halachah-usage. And when did the tradition of such halachah-usage [apply]? During the time when the Temple was still standing, like that of the water libation,¹⁰ but in times when the Temple is no longer standing the tradition of this halachah-usage

does not apply.¹¹

BUT IT MAY NOT BE WATERED FROM [STORED] RAIN NOR BY THAT OF A SWIPE-WELL. It is quite correct [to prohibit water] from a swipe-well, because that is a rather extra trouble; but rain water-what trouble is there [in using it]? — Said R. Ela, reporting R. Johanan: Rain water is prohibited as a precaution on account of the swipe-well.¹² R. Ashi said: Rain water itself may [sometimes] come to be [just as difficult to draw¹³ as] the water of a swipe-well. And they differ on [the statement of] R. Zera; for R. Zera said that Rabbah b. Jeremiah, citing Samuel, said that rivers drawing from [adjoining] water pools may be used for watering during the festival week.¹⁴ One Master¹⁵ is in agreement with [the statement of] R. Zera, while the other¹⁶ is not in agreement with [the statement of] R. Zera. The text [above stated]: ‘R. Zera said that Rabbah b. Jeremiah, citing Samuel, said that rivers drawing from [adjoining] water pools may be used for watering during the festival week’. R. Jeremiah put all objection to him [R. Zera]: BUT... NOT WATERED FROM [STORED] RAIN NOR BY THAT OF A SWIPE-WELL!¹⁷ — Said R. Zera to him: Jeremiah, my son, these Babylonian pools are like water [pools] that do not fail.¹⁸

Our Rabbis taught: Ditches and pools¹⁹ [even though] filled with water on the day before the festival are debarred from being used for watering during the festival week,²⁰ but if a canal passes between them they may be used. Said R. Papa: This is only provided that the greater part of that field obtains its supply from that canal.²¹ R. Ashi said that [they may be used] even if the greater part of that field does not obtain its supply [from that canal], because since its flow is continuous [the owner] says. if it [the field] does not get enough drink on [this] one day, it will [soon] get its drink in two or three days.’²² Our Rabbis taught: ‘If a pool gets tricklings from²³ an irrigated field [higher up], it may be used for watering another field’.²⁴ But is it not going [ultimately] to give out? — Said R. Jeremiah: For the present at any rate it is still trickling! Said Abaye: This is [permitted] only so long as the first source has not given out.²⁵

It has been taught: R. Simeon b. Menassia says: Where two cultivated beds lie one above the other, one should not²⁶ draw from the [supply of the] lower to water the upper. R. Eleazar b. Simeon went even further, saying: Even in one bed, if half of it is low and the other half higher one should not draw from the low-lying part to water the upper part.

Our Rabbis taught: ‘One may raise [medallin]²⁷ for the vegetables if they are to be eaten; but if it is to improve their appearance it is forbidden’. Rabina and Rabbah of Thospia²⁸ were [once] walking on the road when they saw a certain man drawing buckets of water during the festival week.²⁹ Said Rabbah of Thospia to Rabina: Come, Sir, put a ban³⁰ on him. Said Rabina to him, But is it not taught: ‘One may raise³¹ for vegetables to be eaten’? — Replied Rabbah, Do you think that this medallin means one may raise water [in buckets]?³² [No], what medallin means is

(1) Accordingly ‘ploughing’ is Biblically forbidden in the pre-sabbatical extension and the offender would be liable to a flogging were it not for the inferences derived from the other text of Lev. XXV, 4-5, as expounded above, 3a. Cf. Tosaf. 3b s.v. **hrva** and Han.

(2) I.e., not ordained to be done on any particular day.

(3) ‘The sheaf of the first fruit of your (barley) harvest’. V. Lev. XXIII, 10ff. R. Ishmael holds that this may be

reaped even on Sabbath. R. Ishmael's statement is for the moment irrelevant, though it comes in later. R. Akiba's dictum shows that the extension, i.e., the pre-sabbatical bar on tillage, is not merely a pristine halachah-usage, but has textual basis.

(4) Cf. M. Sheb. I, 4 and Mak., Sonc. ed. p. 48.

(5) Down to New Year's eve.

(6) Thirty days before New Year, which prohibition was extended by Beth Shammai and Beth Hillel to Passover and Feast of Weeks, according to the field.

(7) Who, unlike R. Akiba, uses that text for another point, namely, as permitting reaping the barley for the 'omer even on a Sabbath, if that is the date.

(8) Gezerah shawah (V. Glos.) which some admit and others do not.

(9) I.e., Ex. XXXIV, 21 taken with Lev. XXV, 2 ('a Sabbath-rest year-unto the Lord').

(10) Mentioned together with the tradition regarding the ten saplings, supra 3b.

(11) With the fall of the Temple and the Jewish State many of the laws appertaining to the Temple and the Land fell into abeyance owing to the force of circumstances. Recently, I. S. Zuri has attempted to establish that Rabban Gamaliel's abrogation was enacted soon after May 215 C.E. when Caracalla entered Antioch and thence marched his armies through Palestine on his way to Egypt, when the people had to pay 'annonae' to feed the armies. V. his **sguvu , uthabv iuyka** I, Vol. III, 58-59.

(12) If stored rain water is permitted, one will also work a shadoof.

(13) When much of it has been drawn off he will have to go deep down with his bucket, with almost as much exertion as from a shadoof.

(14) [And we do not apprehend the possibility of the pool drying up when he might go and fetch water from another river, with all the extra trouble it involves.]

(15) R. Ashi.

(16) R. Johanan, who prohibits rain water on account of a swipe-well.

(17) [Presumably because we apprehend lest he may go deep down with his bucket should the water be drawn off and the same should apply to the case of R. Zera.]

(18) And there is no likelihood of leading to exertion during the Festival Week.

(19) The former rough-cut and the latter well-made (Commentators on Alfasi). J.M.K. I, 1 reads **vfhrcvu ihexhpv**, which points to the Latin piscina, reservoir, swimming bath or fish-tank.

(20) Because their supply comes from a distance and may entail exertion should the supply fail.

(21) I.e., if the supply is plentiful.

(22) Because he will get what he may and if not enough will readily wait for a day or two for another chance, without going to exertion during the festival week.

(23) [So MS.M. Cur. edd. 'trickles water (which one gets) from'].

(24) Tosef M.K. I, 1; J.M.K. I, 1.

(25) But once the trickling has ceased the pool has lost its supply and becomes like a swipe-well or stored rain water likely to entail exertion.

(26) During the festival week.

(27) [**ihksn** either (i) 'medallin' (from **vks**), 'raise water by means of buckets', hence irrigate; or (ii) madlin (from **kks**) 'to lift (vegetables)' for thinning the beds. At present the first rendering is assumed].

(28) The capital of the Armeman district Thospitis.,

(29) To water his vegetables.

(30) **t, na** cf. infra 17a.

(31) **ihksn** or **ihksn** from **vks** to raise, draw water with bucket (**hks**).

(32) In the course of the festival week.

Talmud - Mas. Mo'ed Katan 4b

to pull out [vegetables],¹ as we learned:² 'If one is [engaged in] thinning³ vines, just as he may thin his own, so also he may thin those due to the poor;⁴ so R. Judah. R. Meir says: He is permitted [to attend] to his own but not to those of the poor'.⁵ Said Rabina: But it is taught [explicitly]: 'One may raise water for vegetables if they are to be eaten'! — Said Rabbah [of Thospia] to Rabina: If it is thus taught, that settles the matter.⁶

NOR MAY SMALL BASINS [‘UGIOTH] BE FORMED ABOUT THE VINES. What is meant by ‘ugioth?⁷ — Said Rab Judah, [What we call] banki.⁸ It is also taught thus: These are ‘ugioth; light hoeing done about the roots of olives and at the roots of vines.⁹ [But] this is not so, for did not Rab Judah allow the family of Bar-Zittai¹⁰ to make banki in their vineyards? — This is not difficult: The one statement [in the Mishnah] refers to fresh [trenchings], the other [Rab Judah's] refers to re-trenching.¹¹

R. ELEAZAR B. AZARIAH SAYS A [WATER] CHANNEL MAY NOT BE NEWLY MADE [DURING THE FESTIVAL WEEK, NOR IN THE SABBATICAL YEAR; BUT THE SAGES SAY].¹² It is perfectly in order in regard to the festival week, because he performs laborious work, but what reason can there be [against making a channel] in the sabbatical year? — R. Zera and R. Abba b. Memel differ in the matter: One says [it is forbidden] because [the digger] seems to be doing spading [in his field]; the other says, because he is [thereby] preparing the banks for sowing. What is the [practical] difference between the two [explanations]? — There is a difference where water comes along forthwith; according to the one who says that [it is] because he is preparing the banks for sowing, there is [still an objection], but according to the one who says that [it is] because he seems to be doing spading, there is none.¹³ But, the one who objects on the ground that he seems to be doing spading, should he not likewise object on the ground that he seems to be preparing the bank for sowing? — Rather, the [practical] difference between them is where he takes [the mould] from the trench and throws it outside. According to the one who says that [it is] because he seems to be preparing the banks for sowing, there is no objection, whereas according to the one who says that [it is] because he seems to be spading, there is [still an objection]. But, he who takes the view that he seems to be preparing the banks for sowing, should he not likewise admit the objection that he seems to be doing spading? — [No,] because one who does spading, as soon as he takes up a spadeful he puts it down again in its place.

Amemar taught this [clause of the] Mishnah with the explanation [that R. Eleazar b. ‘Azariah forbids making a channel] ‘because he seems to be doing spading [in his field]’¹⁴ but felt some difficulty about it in view of another statement of R. Eleazar b. ‘Azariah. Could R. Eleazar b. ‘Azariah [said he] have held the view that wherever one seems to be spading [his field],¹⁴ it is forbidden? And he contrasted that with the [statement in the] following [Mishnah]:¹⁵ One may lay up a store of manure [in his field].¹⁴ R. Meir says he may not until he places it either three handbreadths below or three handbreadths above [the surface]. If he had some small quantity [already there] he may go on adding thereto. R. Eleazar b. ‘Azariah says [even then] he may not until he puts it down either three handbreadths below, or raises it three handbreadths above [the surface],¹⁶ or places it on a rock!’ — R. Zera and R. Abba b. Memel [explained this seeming

discrepancy], one said: [The latter Mishnah means where], for instance, he has had the place excavated; the other said: [The reason there is because] the manure heap itself attests his intention.¹⁷

AND [A CHANNEL] THAT HAS GOT OUT OF ORDER MAYBE RE-PAIRED. What is meant by OUT OF ORDER? — Said R. Abba:¹⁸ ‘It means that if it is [now, for instance] but one handbreadth in depth, he may restore it to [a depth of] six handbreadths’. It is obvious that [to restore it] from half a handbreadth to [the original] three, seeing that there was [originally] scarcely any flow of water, it is nothing at all;¹⁹ [to deepen it] from two handbreadths to [the original] twelve²⁰ which involves extra exertion,²¹ is not [allowed]. What about [deepening it] from two [handbreadths] to [the original] seven? [Do we argue that] as in the first instance [it was explained above] he deepens it by five handbreadths, [from one to six], so here he deepens it by five handbreadths [from two to seven];²² or, maybe that as in this instance he [actually] deepens the channel by an extra handbreadth there is extra exertion, and hence it is forbidden? — It stands undecided.

Abaye allowed the people of Harmek to clear away²³ [the growths obstructing]²⁴ the canal.²⁵ R. Jeremiah allowed the people of Sacutha to dredge the canal that had become blocked.²⁶ R. Ashi allowed the people of Matha-Mehasia to clear obstructions from the river Barnis, saying that as the public obtained their drinking water from it it was virtually a [pressing] public need, and we learn: AND ALL PUBLIC NEEDS MAY BE PERFORMED.

(1) I.e., one may lift vegetables for thinning and improving the crop. If the vegetables pulled up are to be eaten in the course of the festival week, and it should be vocalized to read madlin.

(2) Pe'ah VII, 5. Cf. IV.

(3) **kshn** from **kks**.

(4) V. Lev. XIX, 10; Deut. XXIV, 21.

(5) Because he has no right to handle them, as if they were his.

(6) It is taught.

(7) Grooves, ditchlets, or circular depressions, or trenching drawn around a group of vines. V. n. 5 on Mishnah.

(8) Little hollows, basins.

(9) Tosef. M.K. I, 2. Cf. Ibid. Sheb. I.

(10) A well-known family referred to in Yeb. 21b.

(11) Lit., ‘old ones’.

(12) V. Mishnah 2a.

(13) The flow of water in the trench shows that he has no intention of spading the field.

(14) In the sabbatical year.

(15) Sheb. III, 3.

(16) Here R. Eleazar b. ‘Azariah permits digging in the field in the sabbatical year to prepare a place for the manure store without seeming concern about giving a wrong impression, that he is said to have had in his mind when he prohibited the making of a water channel.

(17) Lit., ‘is the proof for him’. Cf. J.M.K. I, 2. J. Sheb. III, 2.

(18) D.S. react Abbahu.

(19) It is useless work to be done in the festival week (Rashi).

(20) That is, proportionately double, i.e., from one to six and from two to twelve.

- (21) V. supra 2a, pp. 3 and 4.
- (22) And it should therefore be permitted.
- (23) During the festival week.
- (24) Projecting from the banks, or weeds choking the canal.
- (25) Or stream.
- (26) According to J.M.K. I, 2 it was a public bathing pool that had got into disorder at Sacutha and R. Abbahu allowed the repairing to be done in the festival week.

Talmud - Mas. Mo'ed Katan 5a

AND IMPAIRED WATER-WORKS¹ IN THE PUBLIC DOMAIN MAY BE REPAIRED AND CLEANED OUT. [That is to say only] to repair, but not to be dug [afresh]. Said R. Jacob as reporting R. Johanan: This was taught only where there is no public need; but where there is public need² for it even [fresh] digging is allowed.

And where there is a public need is digging allowed? Surely it is taught: 'Wells,³ ditches or caverns of a private person may be cleaned out, and needless to say, those of the public; but wells, ditches or caverns of the public may not be dug and still less those of a private person'.⁴ Does not that mean that [digging is not allowed] even where the public has need of it? — No, [only] where the public has no need of it. Then similarly the reference to a private person is where the private person has no need of it, but in that case is 'cleaning out' allowed? Surely it is taught: 'Wells, ditches or caverns of a private person may have water run into them, but they may not be cleaned out, nor have their cracks plastered; but those of the public may be cleaned out and their cracks may be plastered'? — But what else [are we to say] but that the private person has need of it; in which case [the references to the public is similarly where the public has need of it? But where the public has need of it, is digging forbidden? Surely it is taught: 'Wells, ditches or caverns of a private person may have water run into them or be cleaned out; but their cracks may not be plastered, nor may the scourings be put into them,⁵ nor may they be plastered with cement. But those of the public may be dug and plastered with cement'.⁶ But [if so], the first [Baraita] is difficult. Explain it thus: 'Wells, [ditches or caverns] of a private person [may be cleaned out]' — providing he has need of them, 'and needless to say those of the public' — when the public has need of them, as then, even digging is allowed.⁷ 'But wells, ditches or caverns of the public are not to be dug' — when the public has no need of them, 'still less, those of a private person', as when a private person has no need of them, even cleaning out is not allowed. R. Ashi remarked: Our own Mishnah is also precisely worded [to the same effect] as it states AND ALL PUBLIC NEEDS MAY BE PERFORMED. What is the force of ALL? Is it not meant to include digging? — No; it is to include [other instances] such as are taught [in the following]: 'They [Public Commissioners] go forth to clear the roads of thorns, to mend the broadways and [main] highways and to measure the [ritual] pools; and if any [ritual] pools be found short of forty [cubic] se'ahs of water⁸ they train a continuous flow into it [to ensure] forty se'ahs'. And whence do we know that if they did not go forth and attend to all these [public needs], then if any blood be shed there [through] this neglect [Scripture] lays [blame] on them, as if they themselves had shed it? From the instructive text, And so blood be upon thee.⁹ But surely [the Mishnah does] state these instances expressly: AND ROADS, BROADWAYS AND [RITUAL] WATER POOLS AND ALL PUBLIC NEEDS MAY BE PERFORMED! What else [then] may be

included under this word ALL? Is it not digging [afresh if required by the public]? This proves it.

AND GRAVESIDES MAY BE MARKED. R. Simeon b. Pazzi said: Where is an indication in the Torah that gravesides should be marked? In the instructive text: [And when they pass through . . . the land] and one seeth a man's bone then shall he set up a sign by it.¹⁰ Said Rabina to R. Ashi, But who told us that¹¹ before Ezekiel came? — [Said the other]: Accepting your view, with regard to the statement made by R. Hisda¹² [namely]: This point we do not learn from the law of our Master Moses; we learn it from the words of [prophet] Ezekiel the son of Buzi: No alien, uncircumcised in heart and uncircumcised in flesh, shall enter into My Sanctuary.¹³ [We might equally ask], who had told us that before Ezekiel came and stated it? Only, that was first learnt by oral tradition and then Ezekiel came and gave us a textual basis for it; here too, it was first learnt as an oral tradition and then Ezekiel came and gave us a textual basis for it. R. Abbahu suggested that it may be derived from this [text]: And he shall cry, 'Unclean! Unclean!'¹⁴ [That is], impurity cries out [to the passer-by] and tells him, 'Keep off!' And R. 'Uzziel, the grandson of the elder R. 'Uzziel said the same, [that] impurity cries out and tells him, 'Keep off!' But was this [text] intended for this lesson? It is required for what has been taught: And he shall cry 'Unclean! Unclean!'; [this teaches that] one must needs make his distress known to many, that many pray for mercy on his behalf? — If that be so, let the text read 'Unclean' [but once]; why has it 'Unclean', 'Unclean' [twice over]? Infer [from it] the two points. Abaye said [that the rule¹⁵ may be derived] from here: And put not a stumbling-block before the blind.¹⁶ R. Papa said: And he will say, Cast ye up, cast ye up, clear the way.¹⁷ R. Hinena suggested, Take up the stumbling-block out of the way of My people.¹⁷ R. Joshua the son of R. Idi said: And thou shalt show them the way wherein they must walk.¹⁸ Mar Zutra said: And ye shall separate the Children of Israel from their uncleanness.¹⁹ R. Ashi said: And they shall have charge of My charge,²⁰ [which implies], make safeguards to My charge. Rabina said: And to him who ordereth²¹ [we-sam] his way will I show the salvation of God.²²

Said R. Joshua b. Levi, Whoever appraises [ha-sham] his ways [in this life]²³ becomes privileged to behold the salvation of the Holy One, blessed be He, for it is said: '[And to him] who ordereth his way'.²² Read not [we-sam]²⁴ who sets [his way], but [we-sham]²⁵ who appraises the worth [of his way], him will I show the divine salvation. R. Jannai had a certain disciple who daily raised critical points [at his college]²⁶ but refrained from raising any critical points at the periodic lectures of the Festival Sabbaths²⁷

(1) Damaged wells or cisterns, etc. Cf. Mishnah n. 6.

(2) Lit., 'where the public needs them.' Though there be no immediate need for it, yet 'cleaning out' may be done in the festival week.

(3) Or 'cisterns, pits.

(4) Note the absence of the proviso of 'need' in this Baraitha, which seemingly contradicts R. Johanan's quoted comment above.

(5) To fill the cracks.

(6) The first Baraitha, which forbids digging public wells even when the public has need of them, contradicts this latter Baraitha which permits.

(7) In agreement with R. Johanan's ruling.

(8) The minimum quantity of natural flowing water, calculated to allow an average person to go in and submerge

himself completely. V. Mak., Sonc. ed. p. 13, n. 2.

(9) Deut. XIX, 10 in conjunction with verse 3, and Num. XXXV, 12 and 25, which was a public charge.

(10) Ezek. XXXIX, 15. This is a mere allusion as the verse refers to the future.

(11) In the Pentateuch, the main source of Law.

(12) V. Ta'an 17a and 17b.

(13) Ezek. XLIV, 9.

(14) The leper, in his state of uncleanness, shall warn those who approach him. Lev. XIII, 45.

(15) For marking off graves.

(16) Lev. XIX, 14. A travelling priest or pilgrim might by stepping unawares on a grave become defiled.

(17) Isa. LVII, 14.

(18) Ex. XVIII, 20.

(19) Lev. XV, 31; which with Num. XIX, 13, 20 has a special bearing on this marking for pilgrims on their way to visit the Temple and celebrate the Passover (Num. IX, 6ff).

(20) Lev. XXII, 9 as referring especially to priests and Levites who are charged again and again with repeated warnings. Cf. Num. XVIII, 3,4,5.

(21) In the sense of marking off the unclean paths for the people to avoid.

(22) Ps. L, 23.

(23) Some texts add these words.

(24) From the root **oa** to put, place, set out, e.g., Ex. XXI, 13 and especially Isa. XLIII, 19.

(25) From the later Hebrew **oa**, to estimate, the value or worth of an object or claim.

(26) Often this task was assigned to the most prominent member of the college or the Vice-principal.

(27) When many strangers were gathered to hear the master on the topics of the day. Cf. B.M. 97a.

Talmud - Mas. Mo'ed Katan 5b

. He [R. Jannai] applied to him the text: And to him who ordereth his way will I show the salvation of God.¹

Our Rabbis taught: 'No markings are made to indicate [the presence of] a piece of flesh² [from a corpse] no larger than an olive, nor of [human] bone no larger than a barley-corn,³ nor of any [human] remains which do not diffuse defilement under 'tent'.⁴ But markings are made to indicate [the presence of] a [human] spine, a skull or the major members of a skeleton or the major number of lesser bones thereof.⁵ And the markings are not made in cases of certainty⁶ but [only] in cases of uncertainty. These are [instances of] uncertainty: Leafy bowers,⁷ jutting ledges⁸ and a Peras-area.⁹ And the markings are not placed on the site of the impurity [itself], in order to avoid wasting what is [preserved as] pure;¹⁰ nor is the marking placed far away from the spot, in order to avoid wasting any space¹¹ of the Land of Israel'.¹² But does not flesh of an olive's size from a human body diffuse defilement under a tent? For we learned: 'The following diffuse defilement by tent [overspreading]: Flesh of an olive's size from a human dead body . . .!' — Said R. Papa, We speak here of an olive's size precisely which after all shrinks [to less]: far better is it that terumah and other meats that are pure¹³ should be burnt [unnecessarily] on one occasion¹⁴ than that they should be burnt continuously.¹⁵

And these are [instances] of uncertainty: Leafy bowers and jutting ledges.¹⁶ 'Leafy bowers' [means] a tree which overspreads the ground¹⁷ and 'jutting ledges' are [stones]¹⁸ projecting from

wall enclosure.¹⁷ ‘And a Peras-area’: as we learned: ‘One who runs a plough over a grave makes the site a Peras-area’; and how much thereof has he thus affected? The full length of a furrow, one hundred cubits [each way].¹⁹ But does a Peras-area convey defilement by tent? Surely, Rab Judah, citing Samuel, said that one [a pilgrim] may walk across a Peras-area cautiously fanning his way [in front of him]!²⁰ Moreover, R. Judah b. Ammi, in the name of ‘Ulla, said that a Peras-area which has been [much] trampled is [considered as] clean?²¹ — Said R. Papa: ‘This [discrepancy] is not difficult [to explain]. The former statement refers to a field where a grave has become lost;²² whereas the latter refers to a field where a grave had been run over by the plough’.²³ But is a field where a grave has been lost²⁴ [correctly] called a Peras-area? — Yes [indeed], for we learned: ‘There are three kinds of Peras-areas — [a] a field where a grave has been lost²⁵ [b] a field where a grave has been run over by the plough²⁶ and [c] the weepers’ field’.²⁷ What is the weepers’ field? — R. Joshua²⁸ b. Abba explained in the name of ‘Ulla that it is a field where they bid final farewell²⁹ to the dead. And wherefore [is it held as a defiling area]? — Said [R. Hisda, as reporting]³⁰ Abimi, [It is] because there is here a possibility³¹ of abandoned ownership.³² But does not a field where a grave has been run over by the plough require to be marked? Surely it is taught: ‘If one came upon a marked field without knowing its character,³³ then if there are trees on it, it is thereby indicated that a grave in it had been run over by the plough;³⁴ if there are no trees, it is thereby indicated that a grave has been lost in it.’³⁵ R. Judah says: [The presence of trees is no criterion] until there is some elder or disciple [to attest it], for not all are well versed on the subject [of proper markings]’! — Said R. Papa: What is taught in this [latter Baraita] refers to a field in which a grave had been lost, and which had [consequently] been marked. If there are trees on it, it is thereby indicated that a grave had been run over by the plough [subsequently]; if there are no trees on it, it is indicated that a grave had been lost in it.³⁶ But is there not a danger that the trees are situate within the field and the grave was outside?³⁷ — as ‘Ulla said [elsewhere that we speak of a case where]³⁸ the trees are situate on the boundaries [of the field] here likewise they were situate on the boundary line.³⁹

(1) In appreciation of his disciple's thoughtful considerateness towards himself on those special public occasions. Cf. Ta'an. 9b and B.K. 117a.

(2) As flesh soon shrinks to less than its (traditional) minimum size of an olive and is then impotent to cause defilement without direct contact, Num. XIX, 13-16; Ohal. II, 3.

(3) Which is (traditionally) the minimum size for human bone to cause defilement by direct contact. V. references in previous note and Tosaf. s.v. **omg**.

(4) Anything extending to one handbreadth over dead human remains represents the ‘tent’ of Num. XIX, 14, to diffuse defilement without contact, unless it is less than the minimum size.

(5) Any of these enumerated defile under cover without coming into direct contact with the object or grave. Any covering to the extent of one handbreadth, say his coat tail or sleeve spread, or hanging down over the spot, is enough to defile him, even if neither he nor his garment touch the unclean thing or spot.

(6) As people take care of their own accord not to run the risk of personal defilement or the loss of sacred meats.

(7) Lit., ‘coverings’, arbours, groves, avenues or single trees whose thick branches are full of foliage, constitute a ‘tent’, to spread the defilement to the walker; cf. Tosaf. s.v. **ikht**.

(8) E.g., stone copings, boards and ledges projecting from cemetery walls each way within and without, constitute a ‘tent’. These are doubtful, as one is not certain whether there is a corpse near by within.

(9) Defined lower down. On the term v. Pes., Sonc. ed. p. 492, n. 4.

(10) Which may be brought close to the grave and defiled before one is aware. To those pure’ things belong e.g.,

the priest's due — terumah 'first-fruits', 'second tithe', etc. Cf. Num. XVIII, 11-13;26-30.

(11) I.e., declaring any of it unclean unnecessarily.

(12) Cf. Sot. 30b.

(13) Reading , **urvy** (instead of **ohase**), as holy sacrificial meat is not carried about.

(14) While the human dead flesh, soon after the burial is still of the size potent to defile.

(15) Through the unnecessary space included in the marking. Holy food or drink (wine, corn, fruit and oil) could not be given away or thrown away, it had to be burnt.

(16) Explaining the above technical terms.

(17) Near a cemetery; Ohal. VIII, 2.

(18) The word 'stones' is omitted in the above Baraita as the fence or wall enclosure may be any of other materials.

(19) Ibid. XVII, 1. (Cf. 'furlong' as the length of a furrow).

(20) With bellows or a spade to blow away from his path, without touching any piece of splintered bone cast up by the plough. They used to bury the dead in a very shallow grave, barely three handbreadths under the surface, which were therefore easily exposed. Cf. Tosaf. s.v. **vpbn** and Ohal. XVIII, 5.

(21) And need not be marked or avoided. (Han.).

(22) And, as it cannot be located, the whole field is considered a place of defilement.

(23) The plough, we assume, crushes the bones rendering them impotent to communicate tent-defilement.

(24) So according to Wilna Gaon. Cur. edd., that was ploughed over.

(25) Ohal. XVIII, 3.

(26) Ibid. 2.

(27) Ibid. 4'

(28) Better D.S.; 'R. Hoshiaia in the name of 'Ulla'.

(29) The 'broad place' or forum provided on the cemetery.

(30) So D.S. and Ritba.

(31) Lit., 'a touch of', contingency.

(32) Loose limbs may have been dropped in transit, which the mourners being unable to identify, leave abandoned. On the practice of collecting bones after temporary burial and transferring them to their permanent place of rest v. infra 8a and Ber. 18a.

(33) Whether a grave had been lost in it, and the field cannot then be traversed by 'fanning', or whether the grave had the plough run over it in which case it may be traversed by 'fanning'.

(34) For the sake of the trees, this shows that a field in which a grave had been run over by the plough is marked.

(35) As such a field is not to be planted, Ohal. XVIII, 3; Tosef. Ohal. XVII.

(36) And had not been ploughed over.

(37) I.e., where the soil had not been ploughed, so that it is treated like a field wherein a grave had been lost.

(38) Ned. 42b.

(39) And since dead are not buried on the road, the grave must be among the trees and has been run over by the plough, when the field has been tilled for the good of the trees.

Talmud - Mas. Mo'ed Katan 6a

But perhaps the defilement lies within the field while the trees stand on the outer sides [of it]?¹ — They were planted irregularly.² Or, if you like, I may explain by what was said above: Nor is the marking placed far away from the spot, in order to avoid wasting any space of the Land of Israel.³

'R. Judah says [the presence of trees is no criterion] until there be some elder or disciple [to attest that it has been ploughed], for not all are well versed in the subject [of markings]'. Said Abaye: You may infer from here, that when a scholar is resident in a place, all local matters devolve upon him.

Said Rab Judah: If one comes across a [single] stone which is marked [with lime], the space under it is defiled; if two stones [with markings] then if there is lime on the space between them, the space between is defiled, and if there is no lime between them, the intervening space is clean, even though there is no [sign of] tilling [there]. But surely it is taught: 'If one comes upon one stone which is marked, the space under it is defiled, if on two stones, if there is tilling between them, the intervening space is clean, if not, it is defiled'? — Said R. Papa. Here [it is a case where] the lime had been poured on top of the stones and got spread here and there. [Now] if there is any tilling [in the space] between them, [the space] between is clean, because it may be presumed that the [splashed] lime had got peeled off by the tilling; whereas if there is not [any trace of tilling] the lime is intended to mark the space between and it is 'defiled'.

Said R. Assi:⁴ If one boundary is marked, that side [alone] is 'defiled', but the rest of the entire field is 'clean'. If two [are marked] those [alone] are 'defiled', but the rest of the entire field is 'clean'; if three [are marked], those are 'defiled', but the rest of the entire field is clean; if the four [boundaries are marked] they are clean and the entire field [within] is 'defiled', for the Master⁵ said: 'Nor is the marking place far away from the spot, in order to avoid wasting space of the Land of Israel'.⁶

AND [PUBLIC COMMISSIONERS] SET OUT [ALSO] TO INSPECT DIVERSE SEED-CROPS. But do we set out for inspecting seed-crops during the festival week? This is contradicted by the [following]: On the first of Adar announcements are made about the [contribution of] shekels and about the diverse crops. On the fifteenth thereof the scroll [of Esther] is read in the [ancient] walled cities and [commissioners] go forth to clear the roads of thorns, mend the broadways, measure the [ritual] water-pools and to perform all public needs, and they mark the gravesides and go forth to inspect the diverse seed-crops?⁷ — R. Eleazar and R. Jose b. Hanina [gave differing explanations], One said, The latter statement speaks of earlier crops,⁸ the other of later⁹ crops; the other said, In one case⁸ [they go out to attend] to grain crops, in the others to vegetable crops.

R. Assi, reporting R. Johanan said: The rule laid down [in the Mishnah] applies only when the sproutings [of the season are late and] had not become recognizable¹⁰ [before then]; but where the sproutings had become recognizable [before], they went forth about them [even earlier].

Why do we particularly set out during the festival week? R. Jacob reporting R. Johanan explained that it was because the wages given for labour are then low with us.¹¹

R. Zebid, or some say, R. Mesharsheya said: From the afore — mentioned [explanation] you may infer that when pay was given,¹² it was given them out of the Terumah of the [Shekel] Chamber;¹³ for if you should suppose that they [the owners of the fields] themselves paid, what difference does it make to us? Let them pay whatever they ask.¹⁴

And how much [constitutes an admixture]:¹⁵ Said R. Samuel b. Isaac, The same as we learned:¹⁶ Every se'ah of seeds that contains one quarter [of a kab]¹⁷

- (1) And the grave has not been disturbed at all. What is the indication of the trees in such a case?
- (2) Not in even rows, but promiscuously and thus the whole site had to be disturbed by the ploughing.
- (3) [And since the marking is in proximity to the trees, it is evident that the defilement lay between the trees].
- (4) Explaining the precise principle and system of marking, by confining the markings close to the spot of defilement.
- (5) In the Baraitha, supra 5b.
- (6) [Consequently where the whole field was defiled the whole of the four boundaries had to be marked. As to the cleanliness of the boundaries themselves, v. Tosaf. s.v. **rnt**.]
- (7) Shek. I, 1. Meg. 13b.
- (8) In mid Adar.
- (9) In our Mishnah again directing it to be done in mid Nisan during the festival week.
- (10) Cf. e.g., Ex. IX, 32.
- (11) As ordinary work, apart from emergencies, is suspended during the festival week.
- (12) For the work.
- (13) V. Shek. III, 1.
- (14) As this was a punitive campaign against the inobservant, let them be mulcted.
- (15) What quantity of diverse seeds necessitate; the pulling up of the (offensive) crop?
- (16) In reference to initial sowing, Kil. II, 1.
- (17) A se'ah contains six kabs and a quarter of a kab's admixture is therefore one twenty-fourth of the se'ah, or enough seed to be sown in a field of 50 X 50 cubits.

Talmud - Mas. Mo'ed Katan 6b

of another kind must be reduced.¹ But it is taught: They [the authorities] introduced a rule that they should declare ownerless the [crop of the] entire field? — That is not difficult [to explain]. The former [Mishnah] states the practice before the [new] rule, while the latter [of the Baraitha] gives the practice after the [introduction] of the rule, as it is [distinctly] taught: Formerly they [the public commissioners] used to uproot [the diverse-crop], throwing it to the cattle, at which the owners were doubly pleased, for one thing that they weeded their fields for them, and again that they threw [the forbidden crop] to the cattle; thereupon they made a [new] regulation that they should pull up [the forbidden crop] and cast it on the road. And still the owners were greatly pleased, because they weeded their fields. Thereupon they instituted that they should declare ownerless the crop of the entire field.²

MISHNAH. R. ELIEZER B. JACOB SAYS: WATER MAY BE DRAWN FROM [ONE] TREE TO [ANOTHER] TREE,³ PROVIDED THE WHOLE FIELD IS NOT WATERED IN THIS WAY.⁴ SEEDS⁵ THAT HAVE NOT HAD [ANY] DRINK BEFORE THE FESTIVAL WEEK MAY NOT BE WATERED DURING THE FESTIVAL WEEK.⁶ THE SAGES HOWEVER ALLOW IT IN BOTH THE ONE CASE AND THE OTHER.⁷

GEMARA. [NOT...THE ENTIRE FIELD]. Said Rab Judah,⁸ If the field has a clayey⁹ soil he

may [water it].¹⁰ It is likewise taught:¹¹ When they said¹² that it is forbidden to water them during the festival [week], they referred only to seeds that had not drunk before the festival; but seeds that had drunk before the festival may [again] be watered during the festival [week]; and if the field was a clayey soil, it is allowed [to water it]. And a bare¹³ field is not watered during the festival [week]; but the Sages allow it¹⁴ in the one case and in the other. Said Rabina: You may infer from here that a garden plot may be sprinkled¹⁵ in the festival week. For in the case of a bare field, why is it [permitted]?¹⁶ Because it just quickens a tardy soil; here too, it just quickens a tardy soil.

Our Rabbis taught: ‘A white field may be sprinkled¹⁷ in the sabbatical year, but not during the festival [week]’. But it has been taught: It may be sprinkled either in the sabbatical year or during the festival [week]?¹⁸ — Said R. Huna, This [discrepancy] is not difficult [to explain]; the former [quotation] states the view of R. Eliezer b. Jacob¹⁹ and the latter that of the Rabbis.²⁰

Another [Baraita] taught: A white field may be²¹ sprinkled in the pre-sabbatical year so that the greens may sprout in the sabbatical year. Nay, more, a white field may be²¹ sprinkled in the sabbatical year, so that the greens may sprout [better] in the post-sabbatical year.

MISHNAH. MOLES AND MICE MAY BE TRAPPED IN A TREE-FIELD OR WHITE FIELD IN THE USUAL WAY²² DURING THE FESTIVAL [WEEK] AND IN THE SABBATICAL YEAR: BUT THE SAGES²³ SAY, IN THE TREE-FIELD IN THE USUAL WAY AND IN THE WHITE FIELD NOT IN THE USUAL WAY: AND A BREACH MAY BE BLOCKED UP DURING THE FESTIVAL [WEEK] AND IN THE SABBATICAL YEAR ONE MAY BUILD IN THE USUAL WAY.

GEMARA. What is ESHUTH?²⁴ — Said Rab Judah: [It is] a creature which has no eyes. Raba b. Ishmael, some say, R. Yemar b. Shelemia, said, What [may be the] text [for this]? — ‘Let them [the wicked] be as a snail which melteth and passeth away; like the young mole [esheth]²⁵ which hath not seen the sun.’²⁶

Our Rabbis taught: Moles and mice may be trapped in a white field and in a tree-field in the usual way and ants’ holes may also be destroyed. How are they destroyed? Rabbah Simeon b. Gamaliel says: Earth is fetched from one hole and put into another and they²⁷ strangle each other. R. Yemar b. Shelemia said in the name of Abaye, That is [effective] only if [the nests are] situate on two sides of the river; and that [again], if there is no bridge; and that [again], if there is not [even] a [crossing] plank; and that [again], if there is not even a rope [to cross by].

(1) Or when already sown and sprouting the admixture is to be pulled up.

(2) As a deterrent, s.v. Shek. 1, 3.

(3) If the fruit-trees need it.

(4) I.e., under this pretext.

(5) Grain crops, white and leguminous, in contrast to fruit-trees.

(6) Either because they then require fuller attention, entailing greater exertion, or to discourage leaving the task for this week of leisure.

(7) The Sages disagree in both clauses of the Mishnah, i.e., that they do allow watering the entire orchard by

training from tree to tree, and allow watering seeds even if they had not been watered before the festival.

(8) D.S.: R. Huna.

(9) 'Trees, shrubs . . . generally thrive better in heavy soil'. 'Clays are especially of a pourous nature and consequently retentive of water and plant food'. H. J. Webb, Element, Agriculture, 1896, p. 20.

(10) Otherwise the soil goes hard.

(11) Var. lec. insert, R. Eliezer b. Jacob said.

(12) R. Eliezer b. Jacob and those who share his view.

(13) I.e., a plot uncultivated at the moment; cf. Pes. 55a and Lewin Otz. Hag. IV, 3, No. 6, p. 10.

(14) Both in the case of seeds that were not watered before the festival, and in the case of a bare field when an extra chance supply of water occurs, thereby to fit the soil for its turn to be sown or planted.

(15) By hand, jug or watering pot but not by regular irrigation, I.e., running the water into the field by ridges or channels.

(16) According to the Rabbis. So taken in Otz. Hag. l.c. and Tosaf. here s.v. **hwr** but Han. explains differently.

(17) Of cereals and legumina. Rashi here takes it as a Baal-field, i.e., one favourably situated as regards rain and sunshine.

(18) This is in agreement with Rashi and Tosaf. according to the reading in our text. Var. lec.: 'May not be sprinkled... neither in the sabbatical year nor during the festival (week)'. V. Han. Alfasi. The reading is discussed by the Tosafist R. Shimshon (b. Abraham) of Sens in his commentary on Sheb. II, 10.

(19) Who disallows (in the Mishnah) watering the whole field in the festival week (and sprinkling marrows with 'white earth' even in the sabbatical year). Sheb. II, 10 q.v.

(20) Both in our Mishnah and in the first cited Baraita, as regards the tree-field and seeds.

(21) Tosef. Sheb. II, 1 reads 'a field'.

(22) Mishnah texts read here 'not in the usual way'.

(23) Var. lec. R. Judah; v. Gemara infra. Obviously, it is ultimately the view adopted by the Sages. 7a.

(24) The Hebrew word for 'moles' in the Mishnah.

(25) Biblical Hebrew for Eshuth.

(26) Ps. LVIII, 9.

(27) The ants of the two nests not knowing each other.

Talmud - Mas. Mo'ed Katan 7a

How much [apart]? — Up to a parasang.¹

R. JUDAH² SAYS: IN THE TREE-FIELD IN THE USUAL WAY AND IN THE WHITE FIELD NOT IN THE USUAL WAY. Our Rabbis taught: How is the usual way? He digs a hole and suspends a trap in it. How is the unusual way? He drives a stake [into the spot] or strikes it with a pick and flattens out the soil underneath.³ It is taught: R. Simeon b. Eleazar⁴ says, When they⁵ said, ['And in the white field not in the usual way'], they said it only in reference to a white field situate near the city; but in a white field that is situate near a tree-field [they may trap them] even in the usual way, lest these [pests] come away from the white field and destroy the tree-field.

AND A BREACH IS BLOCKED UP DURING THE FESTIVAL [WEEK]. How is it 'blocked up'? — Said R. Joseph: With [a hurdle made of] twigs and daphne stakes. In a Baraita it is taught: 'Loose rubble is piled up without being plastered with clay.'⁶ Said R. Hisda, This⁷ is taught only with regard to a garden wall,⁸ but the wall of a court⁹ is built in the usual way. Might

one suggest that the following supports him: A wall that is bulging out into the public domain may be pulled down and built in the usual way, because it constitutes a danger [to the passers-by]!¹⁰ — [Not necessarily]. There the reason is as stated: ‘Because it constitutes a danger’. Some [put the argument] as follows: Come and hear: A wall that is bulging out into the public domain may be pulled down and built in the ordinary way, because it constitutes a danger. That is, where it constitutes a danger he may, but if it is not a danger he may not build. May we see in this a confutation of R. Hisda? — [Not necessarily], as R. Hisda might reply: There¹¹ he may ‘pull down and build’, whereas here¹² he may build¹³ but not pull down. Then let one in that case¹¹ likewise [merely] pull down¹⁴ and not build!¹⁵ — If so, he might refrain even from pulling down.¹⁶ R. Ashi said: Our Mishnah, here, gives an indication to the same effect,¹⁷ for it states: **BUT IN THE SABBATICAL YEAR, ONE BUILDS IN THE ORDINARY WAY.** Now of what is it [that he may block up the breach]? If it means [the wall of] his courtyard, does this need to be stated?¹⁸ It can only be, therefore [a breach in] his garden [wall] although he might seem to be doing it in order to safeguard his fruits.¹⁹ You can infer it [from this].

MISHNAH.²⁰ R. MEIR SAYS: AN [INITIAL]²¹ INSPECTION OF LEPROUS SYMPTOMS MAY BE MADE [DURING THE FESTIVAL ‘WEEK’]²² FOR [THE PRIEST TO MAKE] A LENIENT PRONOUNCEMENT²³ [ON THE FINDINGS], BUT NOT TO MAKE A SEVERE²⁴ PRONOUNCEMENT; BUT THE SAGES SAY: [IT IS TO BE MADE] NEITHER FOR A LENIENT NOR FOR A SEVERE PRONOUNCEMENT.²⁵

GEMARA. It is taught: R. Meir says that an inspection is made [during the festival week] to make a lenient pronouncement but not for a severe one. R. Jose says: Neither for making a lenient nor a severe pronouncement;²⁶ as, if you arrive at the necessity of having to make a lenient pronouncement [on the findings] you are [likewise] bound to make a severe pronouncement. Said Rabbi: R. Meir's statement seems appropriately applied to the case of an [observational] detention²⁷ and R. Jose's to that of a decided leper.²⁸

Said Raba, In the case of one who is [as yet nominally] ‘clean’,²⁹ all are agreed that he is not examined.³⁰ In regard to one under preliminary [observational] detention, all agree that he is examined;³¹ where a difference of opinion arises is

(1) Four Roman miles.

(2) V. Mishnah note.

(3) I.e., rams it down to flatten out the tunnelled cavities.

(4) Sheeltoth reads: R. Eleazar b. Jacob. Our reacting, however, is well attested.

(5) The Sages (adopting R. Judah's view).

(6) Cf. *infra* 11a.

(7) The ruling that he may merely block it up but not build in the usual way.

(8) Which can wait, as not much damage or loss could be caused by this temporary delay.

(9) As the Talmudic saying goes: ‘The breach invites the thief’ (Suk. 26a, SBH), or the possible loss of cattle or poultry, by straying.

(10) *Tosef.* I, 4; *infra* 13a.

(11) The case of a dangerous wall.

(12) Where there is no public danger.

- (13) If it had already broken down.
- (14) Just remove the danger.
- (15) During the festival week, as in the other private case.
- (16) It is therefore ultimately a case of public need which may be performed during the festival week. Cf J.M.K. a.l., 'R. Hananiah in the name of R. Johanan (said), They permitted the last act thereof by reason of the first (the danger)'.
- (17) As R. Hisda's interpretation.
- (18) That he may build it in the ordinary way (cf. the discussion above).
- (19) 'Yet he may in the usual way in the Sabbatical year, but not in Festival week'.
- (20) The technical points involved in the discussion of this Mishnah bearing on the diagnosis of the symptoms of (biblical) leprosy and the treatment of the patient are the following: (a) The diagnosis may be made by any expert, priest or layman, 'save that the pronouncement of "cleanness" or "uncleanness" is assigned to the priest: if the priest be told that the man is "clean", he pronounces him clean; if he be told the man is "unclean", he pronounces him unclean'. Neg. III, 1. (b) On the findings of the first inspection the priest pronounced the patient either (i) as 'clean' and discharged, or as 'unclean', to be isolated; and (ii) in some cases of doubt, to be remanded for seven days' observational detention. Cf. Lev. XIII, 2-4ff; Neg. III, 3-4. (c) After a second inspection in doubtful cases, the priest pronounced the patient either 'clean' or 'unclean' as before, or if still in doubt a further remand for seven days' observational detention. Cf. Lev. ibid. 5-8; 13-17; Neg. ibid. 5-6. (d) On the third and final inspection he declared him 'clean' and discharged or 'unclean' to be isolated, until he recovered from his affection. During these periods the patient was allowed to consort with his wife. (e) On his recovery the patient went through two ritual purifications, (i) a preliminary, outside the town and returned home for seven days, during which, however, he was not to consort with his wife; cf. Lev. XIV, 2-8; Neg. XIV, 1-2. He then went through a second ritual purification which admitted him to the sanctuary for the sacrificial rites. Lev. XIV, 9ff; Neg. ibid. 3 and 7ff.
- (21) **vkj** , **C** seems best omitted here, as seems apparent from Raba's comment infra, and other ancient texts, e.g., Asheri and commentaries of Alfasi, although our editions of Alfasi as well as the Mishnah texts (Babylonian and Palestinian) have it. V. Heller, Tosaf. Yom Tob and particularly Dr E. Baneth's full critical examination in his commentary on the Mishnah, Berlin., 1925, Pt. II, p. 161, n. 26.
- (22) This (bracketed) expression is in the Mishnah text and is essential here.
- (23) If the findings warrant it, to pronounce him 'clean'; and if not, to withhold the adverse pronouncement pending the festival.
- (24) If the symptoms are unfavourable, to order an observational detention (first or second), or his isolation as a confirmed 'unclean' leper. Cf. supra, n. 11, b, c, and d.
- (25) I.e., no inspection is to be made during the festival week.
- (26) I.e., the view adopted by the Sages (in the Mishnah).
- (27) V. p. 35, n. 3.
- (28) After the first or second detention. V. the following discussion by Raba.
- (29) I.e., who has not yet submitted to an inspection.
- (30) During the festival.
- (31) If he is pronounced 'clean' he is happy; if he is remanded for a second period he is no worse off.

Talmud - Mas. Mo'ed Katan 7b

in the case of one under a second [observational] detention: one Master [R. Meir] considers that it is left to [the discretion of] the priest, so that if the patient is [found] 'clean' he declares him 'clean', and if he is [found] 'unclean' he holds his peace; while the other Master [R. Jose]

considers that, [since] it is written: [This is the law of the plague and leprosy. . .], to pronounce it clean or unclean,¹ [the priest has no choice].²

The Master said: Said Rabbi, R. Jose's statement seems appropriately applied to the case of a decided leper³ and R. Meir's to one under [observational] detention.⁴ But the reverse⁵ is taught [elsewhere]? — Both versions are [variant] tannaitic interpretations of Rabbi's observation. One [authority]⁶ is of the opinion that the patient prefers the company of the world at large⁷ [during the Festival], while the other [authority]⁸ holds that he prefers to retain his wife's company.⁹

Is that to say that [according to Rabbi]¹⁰ a confirmed leper may have the use of the [conjugal] bed? — [Yes], it is taught: But he shall dwell outside his tent seven days,¹¹ [that is] he shall be¹² precluded from the use of the [conjugal] bed; for 'tent' means nothing but [living with] his wife, as it is said: Go, say unto them, return ye unto your tents.¹³ R. Judah says:¹⁴ [It is written,] [And after he is cleansed] they shall reckon for him seven days,¹⁵ [which implies that he is precluded only] while counting his seven days ['after he is cleansed] but not while he is a confirmed leper'. R. Jose b. Judah says: '[I take it to mean he is precluded] while counting seven days [and] all the more so while he is a confirmed leper'. 'And' 'said R. Hiyya: 'I argued on this point before Rabbi'. Our Master! [said I], You taught that [King] Jotham could not have been born unto Uziah¹⁶ save during the time that he was a confirmed leper,¹⁷ [to which] Rabbi replied, 'and I said so too'.¹⁸

Wherein do they differ? — R. Jose b. Judah argues that as the All Merciful has plainly indicated¹⁹ that a convalescent leper ['shall dwell outside his tent']²⁰ while counting his seven days [of preliminary ritual purification] it is all the more [to be expected that he be apart from his wife] while being in the state of a confirmed leper; and the [other] Master [Rabbi] argues that what has been plainly indicated is [to be kept as] indicated and what has not been indicated is not [to be assumed as] indicated.²¹

[Reverting to Raba's explanation above], do you mean to say that [the postponement of an unfavourable pronouncement or of the time of inspection]²² is [solely] dependent on the discretion of the priest?²³ — Yea, indeed, as it is taught [in the following]: And on a day when [raw flesh] shall be seen in him [he shall be unclean; and the priest shall lood on the raw flesh and pronounce him unclean],²⁴ which means that there is a day when you do see it in him as well as a day when you do not see it in him. Hence said they [the Sages] that if a groom developed symptoms of leprosy they grant him [delay of inspection to the end of] the seven days of the [marriage] feast,²⁵ whether it be his person, or his house²⁶ or his garment²⁷ [that is affected]; and likewise [if the symptoms developed] during a festival they grant him [the patient] all²⁸ the seven days of the festival: thus R. Judah. Rabbi says: There is no need [to resort to this text] as it says: And the priest shall command that they empty the house²⁹ [before the priest goes in to see the plague that all that is in the house be not made unclean].³⁰ Now if [the inspection is] here delayed for his convenience, which is just an optional [matter],³¹ may it not all the more be deferred for his [due observance of a] religious obligation?³² What is the [actual] issue between them? — Said Abaye: Merely the different expository results obtained by each from his text. And Rab said, it is the delay of inspection in an optional [matter]³³ that is the issue between them, R. Judah [holding] that from the [other] text [cited above by Rabbi]³⁴ we cannot learn [this],³⁵ as it is an anomaly,³⁶

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- (1) Lev. XIII, 59.
- (2) And he must declare one or the other, according to his findings.
- (3) To make no inspection so as to avoid the adverse decision being given in the festival week.
- (4) The order of the statements is reversed but not the substance.
- (5) Viz., that R. Jose's ruling is appropriate to a case under second observation and R. Meir's to that of a confirmed leper.
- (6) The second Baraitha which regards the view of R. Meir as appropriate to a confirmed leper and that of R. Jose to a case under second detention.
- (7) Thus: R. Meir, having in mind a confirmed leper, says: 'Inspect him now to mitigate his plight. If he is still a leper, he loses nothing. If he is found cured, he can at once get back to the town by beginning his first ritual cleansing; and although he has thereupon to part from his wife for seven days, he does not mind it as he prefers to get back to his friends in town'. And R. Jose, thinking of the case of a second detention, says: 'No inspection! For if you find him a leper you must confirm him as such and send him into complete isolation, right away from everybody (save from his wife)'.
- (8) The first Baraitha quoted.
- (9) Thus: R. Jose, thinking of a confirmed leper says: 'No inspection! For if you examine and find him clean" (cured), he must at once begin counting seven days of his ceremonial cleansing (referred to *infra*) and live apart from his wife. Leave him alone, therefore, just now; he prefers his wife's company to getting back to the town'. And R. Meir, thinking of a case of second observation, says: 'Examine him to ease his plight. If you find him "clean" (cured) he is happy with the favourable decision; if "unclean", (make no pronouncement just yet, or) even if you declare him a confirmed leper and he had to be strictly isolated, he will not be much worse off, as he still retains his wife's company'.
- (10) As implied in the discussion.
- (11) 'And he that is to be cleansed shall wash his clothes . . . and bathe himself in water and he shall be clean; and after that he may come (back) into the camp, but he shall dwell . . .', Lev. XIV, 8.
- (12) Var. lec. (v. D.S., Han.) add here: 'As one under a ban and as a mourner and'; cf. *infra* 15b.
- (13) Deut. V, 27, which is taken to mean the removal of the injunction, 'Come not near a woman' before the theophany. Ex. XIX, 14-15 and Bez. 5b.
- (14) I.e., Rabbi, as in the texts of Sifra, *ad loc.* ed. Weiss, 71b and RID (R. Jacob David of Wishogrod) ed. Warsaw 1866, p. 61 and Yalk. \square 561.
- (15) Ezek. XLIV, 26. Although that passage speaks of the ceremonial cleansing after contact with the dead — cf. Num. XIX, II, 12ff, 19 — it is taken exegetically, as having also a bearing on the leper's ceremonial cleansing. Cf. p. 35, n. 11e.
- (16) According to calculation. V. Rashi on II Kings XV, 1; and Tosaf. s.v. **O, uh**.
- (17) Cf. II Chron. XXVI, 19ff, and II Kings XV, 5.
- (18) That a leper may consort with his wife while a confirmed leper. This proves that Rabbi permits a confirmed leper the use of the conjugal bed.
- (19) Lev. XIV, 8 and Ezek. XLIV, 26.
- (20) Avoid marital connection.
- (21) There is no need or warrant to extend the restriction. V. Tosaf. s.v. **htn**.
- (22) During the festival week, in a case of a second observational detention, as suggested by Raba.
- (23) And not on the condition of the patient, or the ruling of Holy Writ which fixes definite periods for inspection and detention.
- (24) Lev. XIII, 14-15. The first part is rendered here according to the needs of the exposition.

- (25) Cf. Gen. XXIX, 27-28 with Nahmanides' commentary a.l. also J. Targum a.l.
- (26) Lev. XIV, 35-38.
- (27) Ibid. XIII, 47,50ff.
- (28) Mishnah, Sifra and Han. read 'all the days . . .', which is more correct than our text, as Shabu'oth is shorter and Tabernacles is longer than seven days.
- (29) Affected by symptoms of leprosy.
- (30) Lev. XIV, 36.
- (31) To save his effects in the house from becoming involved in defilement by the priest's declaration.
- (32) Marriage is ordained in Gen. I, 22 and II, 24; the joyous observance of festivals is ordained in Deut. XIV, 26 and XVI, 11, 14-15.
- (33) In the case of body leprosy (Rashi).
- (34) Lev. XIV, 36.
- (35) That inspection is delayed in an optional matter.
- (36) Lit., 'novel', something exceptional altogether. You cannot take an exceptional instance as a basis for argument or deductions.

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inasmuch as wood and stones elsewhere are not subject to [ceremonial] uncleanness whereas here [in a house affected by leprosy] they are [made] subject to uncleanness. And [on the other hand] Rabbi says [that this text] is also needed.¹ For had the All Merciful prescribed [only], 'And on a day when [raw flesh] shall be seen in him . . .' I might have said that postponement [of inspection or pronouncement on the findings] is granted only for the [due observance of a] religious obligation, but not for the sake of an optional [matter]; therefore did the All Merciful prescribe also, 'And the priest shall command'. Again, had the All Merciful prescribed only 'And the priest shall command that they empty the house . . .', I might have said that [postponement is granted] in the case of these effects [of the house] because the uncleanness is not that of a person, but where the uncleanness is that of a person I might say that the priest should inspect him, [without delay]: therefore it is necessary [to have both texts].

The Master said: 'There is a day when you do see it in him and there is a day when you do not see it in him. How is this implied? — Said Abaye, If it is just so,² the Divine Law should have written: 'On a day [when]'; what then is the [import of] 'And on a day [when]'? From this you infer that there is 'a day' when you see in him . . . and there is 'a day' when you do not see . . . in him. Raba said: The whole text³ is redundant altogether for if it be just so,⁴ Divine Law might have had 'And when [raw flesh] is seen [in him]'. What then is the import of the [amplification] 'And on a day'?⁵ From this infer that there is a day when you do see it in him and there is a day when you do not see it in him.⁶ And Abaye?⁷ He needs that [to teach that the inspection is held] by 'day', and not at night.⁸ And whence derives Raba this [point] 'by day and not at night'? — It is derived by him from, 'According to all the sight of the eyes of the priest'.⁹ And Abaye? — He needs that [text] to exclude a person blind in one eye [inspecting a leper]. But does not Raba also require this text for that same point? — Yea, [he does] so also. But then, whence [does he derive the point] 'by day but not at night'? — He derives it from, 'Like as a plague was seen by me in the house',¹⁰ [that is, seen] by me, not by [the aid of] my [candle] light. And Abaye?¹¹ — If he did learn from there, I might have said that these [restrictions] obtain [only] where the uncleanness is

not personal [of one's body]; but where uncleanness is that of the body, [it may be inspected] also by one's [candle] light. [Therefore] the [original] text¹² conveys it to us [best].

MISHNAH. FURTHERMORE R. MEIR SAID, A MAN MAY GATHER¹³ HIS FATHER'S AND MOTHER'S BONES,¹⁴ SINCE THIS IS [AN OCCASION] 'OF JOY' FOR HIM;¹⁵ R. JOSE SAYS, IT IS AN [OCCASION] 'OF MOURNING'¹⁶ FOR HIM. A PERSON SHOULD NOT STIR UP WAILING¹⁷ FOR HIS DEAD, NOR HOLD A LAMENTATION¹⁸ FOR HIM THIRTY DAYS BEFORE A FEAST.

GEMARA. AS IT IS A JOY FOR HIM. [The following] was cited in contrast to this: 'One who gathers his father's or mother's bones holds himself in mourning for them all the day,¹⁹ but in the evening he does not hold himself in mourning for them [any longer].' And R. Hisda commented thereon, even if he had them by him tied up in a sheet.²⁰ Said Abaye, I should suggest [it means], 'because the joyousness of the feast prevails with him'.²¹

A PERSON SHOULD NOT STIR UP A WAILING FOR HIS DEAD: What is the meaning of 'stirring up a wailing for one's dead'? Rab said: In Palestine [it is customary that] whenever a professional lamenter comes round people say, 'Let all those who are sore at heart weep with him.

THIRTY DAYS BEFORE A FEAST. Why [just] thirty days? R. Kahana said that Rab Judah as reporting Rab told him that once it happened that a man saved money to 'go up for the feast'²² [to Jerusalem] when a [professional] lamenter came and stopped at his door and the wife took her husband's savings and gave them to him, and so he was prevented from going. Then it was that they [the Rabbis] said, One should not stir up a wailing for his dead, nor hold a [funerary] lament for him thirty days before a Feast; but Samuel gave another reason, namely,

(1) I.e., although Rabbi holds that delay is afforded in the case of body leprosy even for the sake of an optional matter on the analogy of leprosy of houses etc., yet he requires the verse quoted by R. Judah.

(2) To be read just ordinarily.

(3) The word 'on a day'.

(4) To be read just ordinarily.

(5) Which suggests, 'yet another day'.

(6) Cf. Yeb. 72b.

(7) Why does he not explain thus the redundant phrase 'on a day'?

(8) Cf. Shab. 132a.

(9) Lev. XIII. 12, so lit. This implies that it must be held by day when it can be seen well.

(10) Ibid. XIV, 35.

(11) Why does he not derive it from this latter text.

(12) 'And on a day etc.' that there is a time when you see etc.

(13) During the festival (week).

(14) It was an ancient custom to give first a temporary burial, and after the flesh had decayed to transfer the bones to a reserved tomb or mausoleum, where they were kept in cedar or marble coffins. Cf. Sem. XII.

(15) To perform a filial duty while he is free to go and 'bring them home' to their assigned resting place. There is another possible meaning, see the discussion later.

(16) And should not be undertaken during the festival week.

(17) The meaning apparently is (as explained by Rab later) to join others in lamenting their dead and resuscitate ones own old grief on the occasion. A funeral in the town or village provided a good occasion for such a renewed lament, when professional funerary orators, 'lamenters' and female dirge-singers, were available.

(18) I.e., The ceremonial lament for an individual at the time of his death and funeral.

(19) Contrary to R. Meir who allows it during the festival week and furthermore says, 'it is a joy for him'.

(20) Even if he had not gathered them himself that day, their presence is mournful enough and it is surprising that R. Meir allowed transference and even said 'it was a joy for him'.

(21) Not that it is an occasion of joy, but that the joy of the festive season prevails in dispensing with formal mourning. Or, that the performance of his filial duty will afford him a sense of satisfaction throughout the remaining festival days (J.M.K.).

(22) On one of the three pilgrim feasts. V. Deut. XVI, 16. Cf. Ex. XXIII, 14ff. *ibid.* XXXIV, 23. The festival atmosphere is introduced by the study and discussion of its laws thirty days before. Pes. 6b.

Talmud - Mas. Mo'ed Katan 8b

because the dead cannot be put out of mind and heart for [at least] thirty days. What practical difference is there between the two [explanations]? — There is [a difference] between them, where [say], the [professional] lamenter does it without a charge.¹

MISHNAH. KUKIN² AND BURIAL PLACES³ MAY NOT BE DUG IN THE FESTIVAL [WEEK]: BUT KUKIN MAY BE ADAPTED⁴ DURING THE FESTIVAL [WEEK] AND A NIBREKETH⁵ MAY BE MADE IN THE FESTIVAL [WEEK] AND A BOX, WITH THE DEAD [BODY] CLOSE BY IN THE COURT [YARD]: R. JUDAH FORBIDS, UNLESS THERE ARE SAWN BOARDS AT HAND.

GEMARA. What are KUKIN and what are BURIAL PLACES? — Said Rab Judah, kukin are [recesses made] by excavation and 'burial-places' [are structures made by] building. It is [actually] taught thus: 'These are kukin and these are burial places: Kukin, are [niches made] by excavation and 'burial places' are [structures made] by building'.

BUT KUKIN MAY BE ADAPTED. How are they adapted? — Rab Judah said: If [for instance] one is [too] long it may be shortened. A. Tanna taught: 'He lengthens or shortens [the recess] within⁶ [the cave]'.

AND THEY [MAY] MAKE A NIBREKETH⁷ . . . What is NIBREKETH?⁸ — Rab Judah said: It is [the same as] bekia'.⁹ But then, is it not taught: 'The nibreketh and the bekia' [etc.]?¹⁰ — Abaye, or as some say R. Kahana, replied [They have the same relation as] a trough and a troughlet.¹¹

AND A RON WITH THE DEAD [BODY] CLOSE BY IN THE COURT [YARD]. We learn here what our Rabbis taught [elsewhere]: 'They [may] do all that the dead requires, they cut his hair and wash a garment for him and make him a box of boards that had been sawn on the day before the Festival. Rabban Simeon b. Gamaliel says, they [may] even bring trees and he saws them [into] boards in his house, behind closed doors'.

MISHNAH. ONE MAY NOT TAKE A WIFE DURING THE FESTIVAL [WEEK], WHETHER A VIRGIN OR A WIDOW, NOR EFFECT A LEVIRATE MARRIAGE,¹² AS IT IS A REJOICING FOR THE GROOM; BUT ONE MAY REMARRY HIS DIVORCED WIFE. AND A WOMAN MAY MAKE HER ADORNMENTS IN THE FESTIVAL [WEEK]. R. JUDAH SAYS, SHE MAY NOT USE LIME,¹³ AS THAT IS A [TEMPORARY] DISFIGUREMENT TO HER. AN ORDINARY PERSON SEWS IN THE USUAL WAY; BUT A CRAFTSMAN SEWS A TUCK-STITCH.¹⁴ AND THE CORDS¹⁵ IN BED-FRAMES MAY BE INTERLACED. R. JOSE SAYS, THEY MAY [ONLY] BE TIGHTENED. GEMARA. [A REJOICING FOR THE GROOM]. And if it is a rejoicing for him, what is amiss? — Said Rab Judah, as reporting Samuel, and so said R. Eleazar, as reporting R. Oshaia — and some say, R. Eleazar, as reporting R. Hanina: — It is [barred], because one ‘rejoicing’ may not be merged in another ‘rejoicing’.¹⁶ Rabbah son of R. Huna said: It is [barred] because he abandons the ‘rejoicing’ of the festival and busies himself with that of his wife. Said Abaye to R. Joseph: That explanation of Rabbah son of R. Huna is the same as that given by Rab. For R. Daniel b. Kattina reporting Rab, said, Whence [is the ruling] that ONE MAY NOT TAKE A WIFE DURING THE FESTIVAL [WEEK]? For it is said, And thou shalt rejoice in thy feast,¹⁷ [that is,] in ‘thy feast’, but not with thy [new] wife [instead]. ‘Ulla said, [It is] because of the exertion [it occasions]. R. Isaac b. Nappaha said, Because it may cause a decline in marriage and parenthood.¹⁸

An objection was raised: ‘All those who have been declared to be forbidden to take wives during the festival [week]

(1) According to the former view (of Rab), even if performed gratis it may not be held, as the bitterness and grief are thereby being roused too near the festive time. Cf. Tosaf. s.v. **tes**.

(2) **ihfuf** (plural of **luf**) are loculi, or recesses, excavated in the sides of a sepulchral cave. V. B.B. 100bff, (Sonc. ed. p. 421ff.)

(3) A sepulchral tomb, mausoleum, built above the ground.

(4) I.e., one of the loculi already excavated may be adapted to receive a particular corpse during the festival week.

(5) , **frcb** seems to denote a kind of (stone) tank, or trough used by fullers in which they soaked and cleansed soiled woollens. Cf. B.B. 19a. (Sonc. ed. p. 96). From the context however, it is quite obvious as Ritba points out — that here it is not the fuller's trough or tank, but the dead man's sarcophagus, a stone, clay or wooden coffin (box) that is allowed, such as the labella-troughs used as coffins.

(6) Tosef. M.K. I, 9.

(7) V. p. 42, n. 5.

(8) This word (connected with **vfrc** — the fuller's trench or pool in Isa. VII, 3) is most probably of Assyrian origin as the form with initial N instead of M suggests, cf. , **cfrn** with narkabtu. V. J.H.

(9) A small hollow creek.

(10) Which shows that they are not identical.

(11) Lit. , ‘son of a trough’.

(12) The marriage of a deceased's brother's widow, if the deceased had died absolutely childless. This was an obligation on the brother to keep his deceased brother's memory alive. Deut. XXV, 5ff.

(13) As a depilatory.

(14) Or with irregular stitches, like a dog's teeth. It means here that a craftsman should not do skilled work, only what is barely needed for the festival week.

(15) Or girths that support the bedding.

(16) I.e., the festival will lose its own significance in the marriage festivities.

(17) Deut. XVI, 14.

(18) Lit., '(the precept of) being fruitful and multiplying. If marriages were to be deferred till the festival season when people are free, there would be a likelihood that some might never take place at other times, apart from the congestion that such a practice might cause; and others might come to nothing because of the delay through innumerable other causes. Marriage and parenthood are a primary duty of man and should receive every consideration. Cf. Gen. I, 27-28; II, 18, 24; IX, 1; Isa. XLV, 18.

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are free to marry on the day previous to the festival', which presents a difficulty to all those authorities. — There is no difficulty: As to one who states [that it is forbidden] because of the 'rejoicing', [it may be said that] the main rejoicing [of a marriage celebration] lasts mainly one day.¹ As to the one who states [that it is] because of the exertion [it occasions here too] the main exertion falls on one day.¹ As to the one who says [that it is] because it may lead to a decline in marriage and parenthood, [it may be said] that for the sake of one day² a person would not put himself off [indefinitely].³ Whence do we derive the principle that 'rejoicing should not be merged in rejoicing'? From the text: So Solomon made the feast at that time and all Israel with him, a great congregation from the entrance of Hamath unto the Brook of Egypt, before the Lord our God seven days and seven days, even fourteen days.⁴ Now, if it is the fact that one rejoicing may be merged in another rejoicing, he should have kept back the consecration ceremony [of the Temple] for the time of the feast and then have held it for seven days [concurrently], for both one and the other.⁵ Maybe that the rule is [only] that we should not [deliberately keep a marriage] for the time of a festival,⁶ but where it so turns out to be [opportune], we might as well hold it then? — [If so], Solomon should have left some small part [unfinished].⁷ But perhaps this could not be done because we brook no delay in the building of the Temple!⁸ — Then he could have left [say], an ell of the Ravens' Scare Palisade.⁹ [But, it may be asked,] The ell of the Ravens' Scare Palisade was an essential part of the Temple building!¹⁰ Rather [it is derived] from [the fact that] the text is redundant. Consider, it is written 'fourteen days', wherefore the need of 'seven days and seven days'? Infer from this that these [first] seven days and those [second] seven days were distinct from each other.

R. Parnak, reporting R. Johanan, said that that year Israel did not observe the Day of Atonement, whereat they were perturbed, saying, that perhaps the enemies of Israel¹¹ had thereby incurred their doom;¹² whereat a Bath Kol¹³ came forth and announced to them: 'All of you are destined for the life of the world to come.'¹⁴ What was the basis of their exposition? — They argued a fortiori [thus]: If within the Tabernacle, the sanctity of which was not to be in perpetuity,¹⁵ yet an individual's sacrificial gifts¹⁶ were allowed [at the consecration] to be offered on the Sabbath day,¹⁷ which [ordinarily] is an offence punishable by stoning¹⁸ to death; all the more is it the case [that it is permitted] with the Temple, the sanctification of which is to be for ever, and with public¹⁹ offerings, and that on the Day of Atonement, whose desecration is an offence punished only by kareth! But then, why were they perturbed? — Because there [in the former case] the offerings were brought as dues to the Supreme Being;²⁰ whereas here, they were brought for their [own] common needs.²¹ Then here too, should they not have made their

offerings without partaking [on that day] of any meat or drink?²² — There is no joyous celebration without eating and drinking.²³

Whence do we know that at [the consecration of] the Tabernacle the Sabbath restrictions were suspended? Shall I say because it is written, ‘On the first day [So-and-so offered] . . . on the seventh²⁴ day [So-and-so offered], then [say I], maybe it means the seventh day [in the order] of the offerings?’²⁵ Said R. Nahman b. Isaac: The text says, ‘On the day of the eleventh, day’²⁶ just as a day is continuous, so were the eleven days continuous.²⁷ But perhaps, it means [continuous] on days appropriate?’ — Then there is yet another such text, On the day of the twelfth day,²⁸ — just as a day was continuous, so had the whole twelve days been entirely continuous. But that too, maybe means only continuous on days appropriate? — If that be so, why do I require two [peculiarly worded] texts?

Again, whence do we know that during the consecration of the Temple the restrictions of the Day of Atonement were suspended? — Shall I say because it is written, ‘even fourteen days’, maybe it means days appropriate?²⁹ — That is learnt from the analogy between the repeated word ‘day’ here and in the other place.³⁰

‘Whereat a Bath kol came forth and announced to them: "All of you are destined for the life of the world to come".’ And whence know we that pardon was granted them? — For R. Tahlifa taught: [It is written], On the eighth day he sent the people away and they blessed the king and went unto their tents joyful and glad of heart for all the goodness that the Lord had shown unto David His Servant and to Israel His people.³¹ ‘To their tents’, that is, they went [home] and found their wives in [a state] of purity³² [to receive their husbands]; joyful’, that is, that they had enjoyed the radiance of the Shechinah,³³ ‘and glad of heart’, that is, each man's wife conceived and bore him a male child. ‘For all the goodness’ that is, a Bath kol had come forth and announced to them: ‘All of you are destined for the life of the world to come ; That the Lord had shown unto David His servant and to Israel His people’: It is perfectly clear [as to what is referred to] by ‘all the goodness shown to Israel His people’, as indicating that God had granted them pardon for their sin against [the non-observance of] the Day of Atonement; but what is the point of ‘the goodness shown unto David His servant’? — Said Rab Judah, as reporting Rab; At the moment when Solomon wanted to bring the Ark into the Temple, the gates held fast together. Solomon recited [a prayer of] four and twenty [expressions of] intercession³⁴ but had no response. He began [anew] and said: lift up your heads, O ye gates³⁵ and again he had no response. As soon as [however] he said: [Now therefore arise, O Lord God . . . Thou and the Ark of Thy strength . . .] O Lord, turn not away the face of Thine anointed, remember the good deeds of David Thy servant,³⁶ he was answered forthwith.³⁷ At that moment the faces of David's foes turned [livid] like the [blackened] sides of a pot and all became aware that the Holy One, blessed be He, had pardoned David that misdeed.³⁸

R. Jonathan b.'Asmai³⁹ and R. Judah son of proselyte parents were studying the section of ‘Vows’⁴⁰ at the school of R. Simeon b. Yohai. They had taken leave from him in the evening, but in the morning they came and again took leave from him. Said he to them: But did you not take leave of me yesternight? Said they to him: Our Master, You taught us, a disciple who had taken leave from his Master and remained overnight in the city must needs take leave from him once

again, for it is said: ‘On the eighth day⁴¹ he [King Solomon] sent the people away and they blessed the King,⁴² and [then] it is written: ‘And on the three and twentieth day of the seventh month he sent the people away’.⁴³ Hence we learn from here that a disciple who had taken leave from his Master and remained overnight in the city must needs take leave from him once again. Said he to his son, ‘These are men of countenance,⁴⁴ go along with them, that they may bless you’. He went and found them comparing text with text: It is written: Balance the path of thy feet and let all thy ways be established;⁴⁵ and it is written: Lest thou shouldst balance the path of life?⁴⁶ It is not difficult [to explain]: the former text applies where an obligation can be discharged through another person:⁴⁷

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- (1) In this case on the eve of the festival.
 - (2) The eve of the festival.
 - (3) For fear he might be prevented from marrying on that day.
 - (4) I Kings VIII, 65, and more particularly, II Chron. VII, 9.
 - (5) To spare the people loss of time and work, as it could best be celebrated leisurely during the festival week.
 - (6) Even as we find that Solomon did not keep back the consecration.
 - (7) To be completed just before the festival so that the consecration be held on the festival. As reported, Solomon's Temple had been completed some time before. V. I Kings, VII, 51 — VIII, 1 and II Chron. V, 1-3,
 - (8) And thus the Temple of Solomon affords no proof for the principle against merging one joy with another!
 - (9) A projecting palisade of iron spikes, or according to others a sheet of iron one ell wide, was fixed with sharp edge upward all round the Temple walls. V. Mid. IV, 6 and cf. Josephus, Wars, V, 5, 6.
 - (10) And likewise brooked no delay.
 - (11) A euphemistic expression for ‘Israel’.
 - (12) Lev. XXIII, 29-30, threatens the non-observance of the Day of Atonement. by working and eating with the penalty of kareth.
 - (13) Lit., ‘the daughter of the voice’. V. Glos. and R. Hirsch Chajes’ study of the subject Immrei Binah, chap. VI.
 - (14) I.e., they felt reassured of their spiritual existence in the after life.
 - (15) Temporary, to be replaced by a permanent structure after the settlement in the Land of Promise.
 - (16) Num. VII, records the gifts which the Princes of the tribes, as individuals, brought day after day, in succession, among them ‘burnt-offerings’ and ‘sin-offerings’ which were not permitted to be eaten by the donors or the people, and the male priests alone were allowed to eat of the sin-offerings as if partaking of ‘the table of the Lord’.
 - (17) Only the prescribed offerings were permitted on Sabbaths and festivals. Cf. Num. XXVIII.
 - (18) If the desecration was deliberate. Ex. XXXI, 14; XXXV, 2-3. For the expression , נוה , ון (as by stoning), v. Lev. XX, 2, 27 and Num. XV, 32-36.
 - (19) I Kings VIII, 62-64, more than the sacrifices prescribed for the consecration of the Tabernacle (Lev. VIII, IX), which were permitted to the priests alone as sacred meat, whereas here they brought many ‘peace-offerings’ to be partaken of by the whole community. Cf. Lev. VII, 11-16 and I Sam. IX, 19-24.
 - (20) V. note 3 above.
 - (21) Making ‘peace-offerings’ for their own enjoyment, mainly, as only a portion was given to the altar and the priests, and the bulk went to the people.
 - (22) Fasting, v. supra p 45. n. 9.
 - (23) Cf. I Sam. IX, 19-24 cited above at the end of n. 6.
 - (24) Num. VII, 12, 18 and 48, the seventh day here being the Sabbath.
 - (25) I.e., every day, the Sabbath excepted, when no other offerings save those prescribed for the Sabbath day were

offered.

(26) Num. VII, 72. The repetition of the word 'day' is taken to express the meaning 'day by day', daily without interruption. Cf. verse 11 and Solomon's prayer, I Kings VIII, 59; Lev. XXIV, 8.

(27) I.e., gift-offerings were brought consecutively on each of the twelve days.

(28) Num. VII, 78.

(29) For feasting, exclusive of the Day of Atonement.

(30) In connection with the offerings in the Tabernacle and here in the repetition 'seven days and seven days, even fourteen days'. This method of analogy is the Gezerah Shawah. See Glos.

(31) I Kings, VIII, 66.

(32) On the meaning of tent' as denoting wife, cf. supra 7b. As regards the state of purity referred to here, v. Lev. XVIII, 19 and XX, 18; XV, 19-24.

(33) The elation of feeling the Divine Presence near.

(34) In I Kings, VIII, 22-53, the expressions for intercession (in their nominal and verbal forms) amount to twenty-four, namely: Five in v. 28; two in 29; two in 30; two in 33; one in 35; two in 38; one in 42; one in 44; two in 45; one in 47; one in 48; two in 49; two in 52, total, twenty-four.

(35) Ps. XXIV, 7ff.

(36) II Chron. VI, 41-42.

(37) The gates yielded an entry.

(38) Against Uriah the Hittite and his wife Bath-sheba, II Sam. XI.

(39) Many texts have b. Akmai. The theme here on taking leave from a master is in continuation of Solomon's farewell to the people.

(40) I.e., they were pursuing the method of Midrashic exposition of Num. XXX, on the law of vows ultimately formulated in the Mishnah.

(41) The eighth day was the twenty-second of Tishri, when they bade the King farewell.

(42) I Kings VIII, 66.

(43) II Chron. VII, 10. Which apparently contradicts the former verse.

(44) Men of importance.

(45) Prov. IV, 26, i.e., carefully pick and choose your actions and duties.

(46) Ibid. V, 5, i.e., do not pick and choose.

(47) Should duty's calls come from several directions some of which may be discharged through some other trusty person, choose the more important and responsible tasks for yourself.

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the latter where the obligation cannot be discharged through another person.¹ Again they were sitting and enquiring [into the following]: It is written: She [Wisdom]² is more precious than rubies; and all the things thou canst desire are not to be compared unto her',³ [which implies] that heaven's demands [of you] are comparable to Her,⁴ Again it is written: And all things desirable are not to be compared unto Her,⁵ [which means] that even things that are of Heaven's desire are not comparable to Her?⁶ The former text applies where the duty can be discharged through others, the latter — where the Duty cannot be discharged through others. Then [turning to him] they said: 'What is your business here?'⁷ He replied: 'Father told me, "Go along with them that they may bless you".⁸ Said they to him: 'May it be [Heaven's] pleasure that you sow and mow not; that what you bring in go not out; that what goes out you bring not in; that your house be desolate and your inn be inhabited; that your board be disturbed and you behold not a new year'. 'When he

came home to his father, he said to him: 'So far were they from blessing me that they [even] distressed me sorely⁷. His father asked him: 'What did they say to you?' — They said thus and thus. Said the father to him: 'Those are all blessings. That "you sow and mow not [means], that you beget children and they do not die. That "what you bring in go not out" [means], that you bring home daughters-in-law and your sons do not die, so that their wives need not leave again. "What goes out you bring not in" [means], that you give your daughters [in marriage] and their husbands do not die so that your daughters need not come back. "That your house be desolate and your inn be inhabited" [means], that this world is your inn and the other world⁷ is a home, as it is written, Their grave is their house for ever;⁸ reading not "their inward thought" [Kirbam] but "their grave (Kibram) is their house for ever, and their dwelling places be for generations."⁸ "That your board be disturbed" [that is]; by sons and daughters and "that you behold not a new year [means] that your wife do not die and you have not to take you a new wife'.⁹

R. Simeon b. Halafta took his leave from Rabbi.¹⁰ Said Rabbi to his son: 'Go along with him that he may bless you' — Said [the parting Rabbi] to him: 'May it be [Heaven's] pleasure that you be not put to shame nor feel ashamed yourself'.¹¹ When he came to his father, he asked him: 'What did he say to you?' — He replied: 'He made some commonplace remark¹² to me — Said [Rabbi] to his son: 'He blessed you with the blessing with which the Holy One [blessed be He] blessed Israel twice over; for it is written: And ye shall eat in plenty and be satisfied and shall praise the name of the Lord your God . . . And My people shall never be ashamed. And ye shall know that I am in the midst of Israel, and that I am the Lord your God, and there is none else; and My people shall never be ashamed.¹³

AND A WOMAN MAY MAKE HER TOILET DURING THE FESTIVAL [WEEK]. Our Rabbis taught: These are [permitted in] woman's adornment. She [plaits her hair]¹⁴ treats her [eyes] with kohl; fixes a parting,¹⁵ [trims her hair and nails¹⁴ and] puts rouge on her face; some say she may use a razor for her privy parts. R. Hisda's wife made her toilet in front of her daughter-in-law.¹⁶ R. Hina b. Hinena sat before R. Hisda;¹⁷ as he sat he said that the instances [mentioned in the Mishnah] applied only to a young woman, but not to an elderly woman. Said R. Hisda to him: God! even to your mother, even to your mother's mother, yea even if she be standing at the [brink of the]¹⁸ grave, as the saying goes: 'At sixty as at six; the sound of a timbrel makes her nimble'.¹⁹

R. JUDAH SAYS SHE SHOULD NOT USE LIME. It is taught: R. Judah says, a woman should not use lime, as it is a disfigurement to her. R. Judah concedes, however, that [if it is] a lime [preparation] that can be peeled off during the festival week she may apply it during the festival week, because, although it is irksome to her at the moment, It is a pleasure to her afterwards. But does R. Judah hold this view? Surely we learned [elsewhere]: 'R. Judah said, Debts may be recovered [from pagan creditors during their festivals] as it is irksome to them'. They said to him, Although it is irksome [for them] at the moment, they feel pleased afterwards?²⁰ — Said R. Nahman b. Isaac, Do not cite the rules for the festival week, as they all derive from the principle 'that though [the task] is irksome for the moment, it gives satisfaction afterwards'.²¹ Rabina remarked that [the recovery of debts is allowed because] to a pagan the payment of a debt is always irksome.

Rab Judah [reporting Rab_J²² said: The daughters of Israel, who attain puberty before the [normal] age,²³ if they are poor, put on a cosmetic preparation made of lime; richer girls put on fine-flower,²⁴ and the wealthy²⁵ girls put on oil of myrrh, as it is said: ‘Six mouths with the oil of myrrh’.²⁶ What is this ‘oil of myrrh’? — Said R. Huna b. Hiyya, [It is what is called] stacte.²⁷ R. Jeremiah b. Ammi²⁸ said, It is oil obtained from olives that have reached but a third of their [normal] growth. It is taught: ‘R. Judah says omphacinon²⁹ is an oil made of [unripe] olives that have reached but a third of their [normal] growth’ — And why do they put it on? Because it is a depilatory and softens the flesh [skin].³⁰ R. Bebai had a dark-skinned³¹ daughter; he applied to her that unguent one limb at a time and this brought her a husband with four hundred zuzim.³² There was a pagan neighbour of his who had a daughter, and he applied it all over her at once [and] she died; [whereupon] he said, Bebai killed my daughter. Said R. Nahman: ‘R. Bebai drinks beer, therefore his daughters needed unguents; [but as] we do not drink beer, our daughters need no unguents’.³³

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- (1) If there be no trusty person at hand or there be but one call, do not delay action to wait for some more important task; be it great or small, do it promptly, as delay may rob you of your chance of doing it, or you may be too late to do anything at all.
- (2) The Torah.
- (3) Prov. III, 15.
- (4) I.e., your own affairs and wishes are not comparable to the study of Torah; but such pursuits as please Heaven, the calls of duty and religion, are comparable to it.
- (5) Ibid. VIII, 11.
- (6) I.e., nothing else is comparable to the study of Torah, it is absolutely supreme.
- (7) The sepulchre; cf. the term **hknk**, **hc** and v. Eccl. XII, 5 and Han.
- (8) Ps. XLIX, 12. Cf. Targum.
- (9) V. Deut. XXIV, 5.
- (10) Should be Rabbi instead of Rab.
- (11) Reading with MS.M., SBH and Han. **auch**, **tk** the more difficult text, but supported by Rabbi's observation. Cur. edd., ‘that you shame not (others) nor feel ashamed’ does not accord with the quotation.
- (12) So MS. M., cur. edd., ‘mere words’.
- (13) Joel II, 26-27. The same assurance repeated twice.
- (14) So Hananel.
- (15) So Ps. Rashi and SBH. Perhaps it means making the hair frizzy or curled. Cf. Shab. 64b, Keth. 4b and 17a.
- (16) To show what may and what may not be done. (SBH not so Ps. Rashi). V. Strashun's Glos. ad loc.
- (17) To expound the Mishnah (SBH).
- (18) So D.S. and SBH.
- (19) Lit., ‘run’, to see a wedding procession. On the custom cf. B.B. 145b (Sonc. ed. p. 625).
- (20) V. A.Z. 6b. The idea is to avoid any dealings with pagans
- (21) E.g., baking, cooking etc., troublesome at the moment but enjoyed later.
- (22) So Han.
- (23) Lit., ‘years’, the statutory age of twelve years and one day.
- (24) A cosmetic paste.
- (25) Lit., ‘daughters of kings’. Cf. The Latin use of rex, reges for rich.
- (26) Esth. II, 12.
- (27) Latin stacta, oil of myrrh.

- (28) So D.S.; SBH and Meg. 13a read 'b. Abba'.
- (29) Latin omphacium, oil or juice of unripe olives or grapes.
- (30) Cf. Targum Sheni on Esth. II, 12.
- (31) So MS.M.
- (32) As a gift before marriage. Cf. B.B. 146a (Sonc. ed. p. 628).
- (33) Beer produces obesity and growth of hair (Rashi).

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AN ORDINARY PERSON SEWS IN THE USUAL WAY. How do we define 'an ordinary person'? — At the school of R. Jannai they said, [It means] anyone who cannot draw a needful

during their festivals, as the means afforded them by the Jew may go to enhance the heathen celebrations. The settlement of a debt leaves the debtor with an easy mind. of stitches in one sweep. R. Jose b. Hainna said, [It means] anyone who cannot sew an even seam on the hem of his tunic.

BUT A CRAFTSMAN MAY SEW A TUCK-STITCH. What is meant by sewing a 'tuck-stitch'? — R. Johanan said, [It means] 'overstepping'.¹ Rabbah b. Samuel said, [It means that the stiches resemble] dogs' teeth.²

AND THE CORDS MAY BE INTERLACED IN BED-FRAMES. [R. JOSE SAYS THEY MAY ONLY BE TIGHTENED]. What is meant by 'interlacing' and what by 'tightening'? When R. Dimi came [from Palestine] he said that R. Hiyya b. Abba and R. Assi had different views on this, both reporting in the name of Hezekiah and R. Johanan. One said that 'interlacing' meant [interlacing] both the warp and the woof, and that 'tightening' meant putting in the warp without the woof;³ while the other said that 'interlacing' meant putting in the warp without the woof, and 'tightening' meant that he may tighten a girth cord if it has become slack.

But this cannot be [correct], for R. Tahlifa⁴ b. Saul taught: 'And all agreed that no cords may be let in afresh'. Now this is perfectly in accord with the one who says that the 'interlacing' [permitted in the Mishnah] means interlacing both the warp and the woof, and that the 'tightening' [that R. Jose permitted] means putting in the warp without the woof; hence R. Tahlifa could say: 'And all agreed that no cords may be let in afresh' — But, according to one who says that 'interlacing' means putting in the warp without the woof and that 'tightening' means that he may tighten a cord if it has become slack, [how do you explain R. Tahlifa b. Saul's statement? For,] if you say that interlacing the warp and the woof is forbidden, need one [at all state] that cords are not to be let in afresh? — This is a difficulty. Said R. Nahman b. Isaac to R. Hiyya b. Abin: Is there anybody who applies the term 'Interlacing' to inserting a warp without the woof? For surely we learned:⁵ R. Meir says: A bed [frame] is not [subject to ritual defilement] until three warp spaces in it have been crossed? The fact is that when Rabin came [from Palestine] he said that all agree that 'interlacing' means interlacing the warp and woof; but where the difference arose was on the interpretation of 'tightening'; one Master held that the 'tightening' [that was permitted] was inserting the warp without the woof, and the other Master held [that what was allowed was] the tightening of a cord which has become slack. An objection was raised:

Bed-frames may be interlaced [during the festival week] and needless to say that they may be tightened: these are the words of R. Meir. R. Jose says: They may be tightened, but not interlaced and ‘Some say’⁶ that tightening may not be done at all — Now here [the several views are] perfectly [understandable] according to the one who says that by ‘tightening’ is meant ‘inserting the warp without the woof’, as then, ‘Some’ come and express their dissent [on that kind of mending]. But according to the one who says that by the ‘tightening’ [which is allowed] is meant that when a cord has become slack one may make it taut, then according to the view of ‘Some’ not even this [simple adjustment] is allowed! — Yes, indeed; because, since it is possible [temporarily] to fill [the sag] with bedclothes, we should not go to [further] exertion [during the festival week].

MISHNAH. AN OVEN STOVE⁷ OR MILL MAY BE SET UP [IN POSITION] DURING THE FESTIVAL [WEEK]; R. JUDAH SAYS, A PAIR OF MILLSTONES IS NOT TO BE COMPRESSED FOR THE FIRST TIME [IN THE FESTIVAL WEEK].

GEMARA. What is meant by ‘compressing’? — Rab Judah said that [it means] chiselling⁸ the millstones; R. Jehiel said, It means [fixing] an eye-hole.⁹ An objection was raised: An oven or stove [or mill] may be set up in the festival [week], provided that the work is not entirely completed; these are the words of R. Eliezer; but the Sages say, It may even be finished off. R. Judah, speaking in his¹⁰ name says: A new one may be set up and an old [mill] compressed, and ‘Some’¹¹ say compressing may not be done at all. Now this accords well with the one who says that ‘compressing’ means scoring the mill [stones], hence this process is applicable in the case of an old mill; but according to the one who says that it means [fixing] an eye-hole, what fixing of an eye-hole does an old mill need?¹² — I may say, for instance, that it needs widening a little more. R. Huna [once] hearing someone scraping his millstones during the festival week said: ‘Who is that? May he himself suffer desecration that desecrates the festival week!’ He [evidently] held the view of ‘Some say’ [cited above]. R. Hama expounded:¹³ ‘One [may] scrape millstones during the festival [week]’. In the name of our Master¹⁴ they said: One [may] trim the hoofs of the horse he rides or the ass he rides during the festival week;

(1) Like a baste stitch, hot contiguous but in and out on either side of the material, alternatively.

(2) Irregular in form, or unevenly. Cf. n. 9. on the Mishnah, supra 8b, p. 43.

(3) I.e., putting in a cord or webbing in one direction only.

(4) MS.M.: Halafta.

(5) Kei. XVI, 1: ‘Straight wooden frames, such as are used for litter or cradle, are not subject to ritual contamination until they are rubbed smooth with a fish-skin; R. Meir says, not (even then) until (the cords have been let in) and three spaces have been crossed by the woof cord’.

(6) Representing the view of R. Nathan the Babylonian. V. Hor., Sonc. ed. p. 104.

(7) Probably of clay.

(8) Scoring the grooves or scraping and removing the sediment of flour dust to make the two stones fit closely together.

(9) Of the upper stone, the runner, through which the grain is poured in.

(10) R. Eliezer's: he often cites R. Eliezer's views, which were stricter, as being of the Shammaite school.

(11) R. Nathan the Babylonian. V. p. 54, n. 2.

(12) Surely an old mill has an eye-hole already.

(13) On a Sabbath within a month before the festival.

(14) So Han. MS. M. and many texts, i.e., Rab, which is the correct reading (not R. Meir of cur. edd.).

Talmud - Mas. Mo'ed Katan 10b

but not those of the ass turning the mill.¹ Rab Judah² declared it permissible to trim the hoofs of the ass turning the mill or to set up the mill or build a mill, or to construct a base for the mill or build a horse stable. Rab³ declared it permissible to curry horses and to construct a bed⁴ or make a mattress-box.⁵ Raba allowed bleeding of cattle during the festival week. Said Abaye to him: There is a Tanna who supports you: Cattle [may] be bled and no curative means are [to be] withheld from an animal during the festival week'. Raba allowed fulled clothes⁶ to be rubbed.⁷ On what ground? It is an ordinary unskilled process. Said R. Isaac b. Ammi, as citing R. Hisda: To pleat sleeve-ends⁸ is forbidden; on what ground? Because that is a craftsman's process.

Raba said: [With regard to] a man who levels up his ground, if it is to even [the slope of] the threshing floor⁹ it is allowed; if merely to level the soil, it is forbidden. How can one tell? If he takes up heaped [soft] soil to heap on [soft] soil, or stiff soil to lay on stiff soil, it shows that [it is done] for [improving] the threshing floor; but if he takes up heaped [soft] soil and casts it on the stiff soil, this shows that it is for [improving] the ground.¹⁰

Raba said: With regard to one who clears his field [of chips of wood], if it is for gathering [fire] wood, it is allowed; if for clearing the ground, it is forbidden. How can we tell? If he picks up the larger pieces and leaves the smaller, this shows that it is to gather [fire] wood; but if he picks up both large and small, this shows that it is to clear the field. Raba said also: With regard to one who opens [sluices] to let water run off into his field, if it be to get the fish,¹¹ it is permitted; if it is to water the soil, it is forbidden. How can we tell? If he opens two flood-gates one above¹² and another below,¹³ this shows that it is for getting the fish; but if only one gate, it is [obviously] for watering the soil. Raba further said: With regard to one who trims his palm,¹⁴ if it is for the [benefit of his] beasts it is allowed; but if for the [benefit of the] palm it is forbidden. How can we tell? If he trims one side only, this shows that it is for the beasts; if both one side and the other, it is for the [benefit of the] palm, and it is forbidden. And furthermore said Raba: Those [unripe] tauhla¹⁵ dates one may pick, but to press them is not permitted. R. Papa remarked that as [if these are left] the worms get at them, they are on the same footing as a business deal¹⁶ [the postponement of which] would entail loss,¹⁷ and therefore may be [pressed during the festival week]. Raba also said: Any business transaction whatsoever is forbidden. R. Jose b. Abin said: And if there be a risk of loss, it is permitted. Rabina had some deal on hand which would have fetched six thousand zuzim;¹⁸ he deferred the sale till after the festival and sold at twelve thousand. Rabina had advanced some money to the people living at Akra di-Shanutha.¹⁹ He came to consult R. Ashi and said: 'What about going over to them just now [during the festival week]?' — Said R. Ashi to him: 'As they had ready cash just then which they might not have later, it is [practically] like a deal [the postponement of which] would entail loss, and [accordingly] is allowed'. It is also similarly taught with reference to heathens: One may go

(1) As not being so urgent.

(2) Of Pumbeditha, Rab's disciple.

- (3) Readings vary.
- (4) Latin, grabatus, a Macedonian article of furniture, a very low bedframe or couch. V. the references in Tosaf. s.v. Ps. Rashi takes it as meaning a crib.
- (5) Stibadium or stibas (Greek) a pallet or mattress, a semicircular low seat for lounging. Cf. Pliny's Letters, V, 6.
- (6) **hnrhe** are fulled or carded sheets of cloth (from the Latin carminare) worn as a mantle or used as coverlets and tapestries. Cf. Suk. 10a, also Kel. XXIII, 4.
- (7) Han. explains (in Arabic) as 'damping to be rubbed and twisted to make them soft (or pliable)'. V. B.M. Lewin, Otz. Hag. IV, Mashkin, II, no. 173.
- (8) Reading **hsh hc hruyhe**. Lewin, op cit. Yom-tob p. 5, no. 164. Cf. Lat. manicatae tunicae. According to another reading **hrhc hruyhe**; to 'pleat' or 'bleach' (with sulphur fumes or with scented perfume ingredients) mantles, birri (Jast. s.v. **thrhc**). According to Gaonic explanation (Lewin, Otz. Hag. IV, Yom-tob, p. 55, no. 164) as al-akmis (Arabic), Camisoles, shirt-tunics. Cf. Persian pirahan.
- (9) Which was raised in the centre sloping outwards.
- (10) Which means that he is simply working the field during the festival week.
- (11) When the water is run off.
- (12) The water that carries the fish into the next section.
- (13) To run off the upper water leaving the fish lower down in the shallows.
- (14) Removing the foliage and young shoots.
- (15) Syriac, Arabic, from Assyrian tuhallu (Brockelmann 70b) palmulla praematura. Cf. Hag. 15b.
- (16) Lit., 'business transaction'.
- (17) Risk of a loss may be prevented during the festival week. V. supra, 2a, p. 3.
- (18) Same as (silver) denarii.
- (19) The foot of Shanwatha. V. Obermeyer L.B. 268. From B.M. 73b, (Sonc. ed. p. 425), we learn it was a deal in wine.

Talmud - Mas. Mo'ed Katan 11a

to a heathen fair and buy cattle, male and female slaves, houses, fields and vineyards, and draw up contracts and have them registered at their Registry Offices,¹ because it is [practically] like rescuing something of which they [the heathens] had got possession. Rab permitted R. Hiyya b. Ashi to mend basket-traps² during the festival week. What is the reason? — It is ordinary [unskilled] work; but [to mend] mesh-nets is forbidden. What is the reason? It is work of craftsmanship. Rab Judah allowed Ammi the ovenmaker to put up ovens and Rabbah b. Ashbi he allowed to plait sieves. But this cannot be [correct], as Rabbah b. Samuel learned: And all [authorities] are agreed that an oven may not be set up for the first time [during the festival week]! — There is no difficulty [here]: The former ruling obtains during the 'warm season'³ while the latter ruling obtains in the 'rainy season'.⁴

MISHNAH. A PARAPET MAY BE PUT ROUND A ROOF OR [A RAILING ROUND] A GALLERY ROUGHLY BUT NOT IN FINISHED STYLE.⁵ PLASTER MAY BE SMEARED ON THE CREVICES⁶ AND FLATTENED DOWN WITH A ROLLER,⁷ WITH HAND OR FOOT, BUT NOT WITH RAMMING TOOLS.⁸ PIVOTS AND SOCKETS,⁹ LINTELS, LATCHES,¹⁰ BOLT-LOCKS AND DOOR-HANDLES¹⁰ THAT HAVE GIVEN WAY MAY BE REPAIRED DURING THE FESTIVAL [WEEK], ONLY THEY MUST NOT BE LEFT PURPOSELY FOR THE FESTIVAL [WEEK]; AND ALL PRESERVES THAT MAY BE

EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE.

GEMARA. What, for instance, is meant by putting up a parapet or railing ‘roughly’? — R. Joseph explained: [Something like a fence of] palm-leaves and daphne-stakes.¹¹ A Tanna taught: One may pile up rubble without daubing with clay. PLASTER MAY BE SMEARED ON THE CREVICES AND FLATTENED DOWN WITH A ROLLER, WITH HAND OR FOOT, BUT NOT WITH RAMMING TOOLS. Now, if you say it is allowed to flatten down with a roller, need one [be told] ‘with hand or foot’? — What it means is: One may smear [plaster on] the crevices and flatten down as with a roller, by hand or foot, but not with ramming-tools.

PIVOTS AND SOCKETS, LINTELS, LATCHES, BOLT-LOCKS AND DOOR-HANDLES THAT HAVE GIVEN WAY MAY BE REPAIRED DURING THE FESTIVAL [WEEK]. Some contrasted this with [the following]: ‘Up to his days,¹² the hammer was beating in Jerusalem during the festival [week] . . .’, [that is], ‘up to his days’, but not thereafter!¹³ — [Said R. Huna]¹⁴ that is not difficult [to explain]; the reference there is to the smith's [hammer],¹⁵ while here [the tool allowed] is the joiner's [mallet].¹⁶ R. Hisda demurred to this [explanation] as according to this some will say that a loud din is forbidden, [but] a faint sound is allowed. No, said R. Hisda, it is not difficult [to explain]: One [the tool allowed here] is the bill-hook¹⁷ and the other [which is not allowed] is an adze.¹⁸ R. Papa said that in one statement we have the [older view held] before the restriction [had been introduced] and in the other the [later] view held after the restriction [was introduced]. R. Ashi said that one [Mishnah] expresses R. Judah's view¹⁹ and the other R. Jose's; for R. Isaac b. Abdimi said: ‘Who may be the [anonymous] Tanna that [holds] that work must be done in a different way from the ordinary²⁰ [in working] during the festival [week] even where its [postponement would entail] loss? Not R. Jose’.²¹ Rabina said, Whose ruling do we follow nowadays when we raise the pivot-cups²² of the doors during the festival week? — R. Jose's. AND ALL PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE. On Baditha Luba,²³ everybody engaged in fishing and they brought in fish,²⁴ and Raba allowed to put them in salt. Said Abaye to him: But [why]? We learned: PRESERVES THAT MAY BE EATABLE IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE? — Said he [Raba] to him, Since they brought them home with the intention of eating them and if they leave them [uneaten] they will be spoiled, it is similar to [a case of] business that might be lost and is therefore permitted.²⁵ And some say that Raba [actually] allowed them to him, But surely we learned: PRESERVES THAT MAY BE EATABLE go fishing,²⁶ fetch the fish home and put them in salt. Said Abaye to IN THE FESTIVAL [WEEK] ONE MAY PUT IN PICKLE! — Said he [Raba] to him, These may be eaten [also] by means of ‘pressing’, as was the case with Samuel when they applied pressure [to the fish in salt] sixty times²⁷ and he ate [thereof]. When Raba [himself] once happened to be at the house of the Exilarch,²⁸ they prepared for him [a dish of fish] pressed sixty times and he ate it. Rab was [on a festival week] once at Bar-Shappir²⁹ [Perissabora?] where they put before him some kind of fish [which was] a third boiled, a third salted and a third broiled. Rab said, Adda the fisherman told me that a fish is at its best when it is about to turn putrid. Rab also said this, Adda the fisherman told me: Broil the fish with his brother [salt], plunge it into its father [water], eat it with its son [sauce] and drink after it its father [water]. This too Rab said: Adda the fisherman told me: [After eating] fish, cress and milk occupy your body, don't occupy your couch.³⁰ And furthermore said Rab, Adda the fisherman told the: [After] fish, cress and milk drink [rather] water, not mead,³¹ mead and not wine. [

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- (1) Archives.
- (2) For fish or fowl.
- (3) Passover time, when the clay very soon dries and the oven may be used forthwith.
- (4) At the time of Tabernacles, when the rain delays its use, hence the work is untimely during the festival week.
- (5) Lit., 'the work of an ordinary man but not that of a craftsman'.
- (6) On the roof, which was flat and sloping slightly towards the edges to allow the rain to run off'. Cf. Bez. 9a.
- (7) A leveller, so called because of its round shape. It was made of a piece of round log with a long handle fixed at right angles, by which it was drawn to and fro, like our broom. Sometimes it was a flat stone with the edges rounded on moved in a circular motion by a long handle. V. Rashi, Mak. 7a, (Sonc. ed. p. 38).
- (8) Pressing tools; Roman pavicula.
- (9) The doors of the ancients did not hang on hinges, but turned on wedgeshaped pins which fitted into a hollow, or metal ring fixed into the threshold and lintel. V. Krauss, T.A. I, 36ff
- (10) All made of wood. Cf. 'Er. 101a.
- (11) Like a hurdle or hedge fixed temporarily. Daphne is a dwarf shrub often used for hedges.
- (12) Referring to the High Priest, John Hyrcanus I, one of the Maccabean princes. Cf. Sot. 17a.
- (13) Whereas here the Mishnah permits its use!
- (14) So MS.M.
- (15) Publicly plied in the forge.
- (16) Privately, in the house.
- (17) A gardener's tool for a piece of joinery.
- (18) The regular artisan's tool.
- (19) I.e., the stricter view, as he forbids exertion and only allows it where loss is threatened. Cf. supra 2a, p. 3.
- (20) E.g., by using an improvised tool, or be satisfied with a temporary adjustment.
- (21) V. infra 11a and 12a.
- (22) Or the cavity which receives the bolt. Cf. Ar. Compl. s.v. VI, 161b. There are different readings.
- (23) **htck t, hsc** i.e., the canal Baditha near Luba on the northern Euphrates, v. Obermeyer, p. 311.]
- (24) The time of flood in Mesopotamia is between March and May and there was therefore at Passover-time a plentiful supply of fish in the streams.
- (25) Cf. supra 10b for Raba's view in regard to merchandise, as modified by R. Jose b. Abin.
- (26) Ab initio, or to purchase fish, i.e., to take advantage of the opportunity.
- (27) Sixty is a Babylonian unit, e.g., sixty minutes an hour, a minute sixty seconds etc. and is used often as conventionally as here for 'ever so many times'.
- (28) Resh Galutha. The official head of the Jewish community in Babylon, an office held in succession by descendants of the royal house of David, and recognized by the Government. It was, in this distance, either Mar Huna III or Abba son of Mar 'Ukban III, to both of whom Raba was official adviser on religious matters. V. W. Bacher's article, Jew. Encycl. V, 289, s.v. Exilarch.
- (29) MS.M. Piruz-Shabur = Perisaboras was however rebuilt and so named later by Sapor II. Cf. Obermeyer p. 226.
- (30) I.e., move about and do not lie down to sleep.
- (31) A fermented beverage made of dates used in Babylon.

Talmud - Mas. Mo'ed Katan 11b

CHAPTER I I

MISHNAH. IF ONE HAD [ALREADY] TURNED HIS OLIVES¹ WHEN MOURNING² OR SOME HINDRANCE BEFELL HIM, OR WORKMEN DISAPPOINTED HIM, HE MAY [DURING THE FESTIVAL WEEK] PUT ON THE BEAM FOR THE FIRST TIME AND LEAVE IT [THUS] UNTIL AFTER THE FESTIVAL; THESE ARE THE WORDS OF R. JUDAH. R. JOSE SAYS, HE MAY DRAW OFF [THE OIL] AND COMPLETE THE PROCESS³ AND BUNG⁴ [THE JARS] IN HIS USUAL WAY [DURING THE FESTIVAL WEEK].

GEMARA. The Mishnah begins with mourning and finally [only] deals with the festival [week]⁵ — Said R. Shisha⁶ son of Idi: This implies that things one is permitted [to do] during the festival [week] are forbidden him during [the week of] his mourning.⁷ R. Ashi says, [Not so], this wording is cast in the form of, ‘No need to say’ . . .,⁸ no need to say [that he may put on the beam for the first time] during [the week of] his mourning when [the restriction on work] is but rabbinical, but even during the festival [week], when [work] is restricted on Scriptural grounds, the Rabbis still permit it where loss is involved.

It was taught⁹ in the sense of R. Shisha son of Idi: These are the things they may do for the mourner during his [week of] mourning: If his olives had been turned they may put on for him [the beam for the first time], or if his wine [cask] is to be bunged, or his flax is to be lifted from the retting, or his wool is to be lifted from the dye-bath; and they may besprinkle his field¹⁰ for him when his turn for water-rights arrives. R. Judah says they may even sow for him the ploughed field or the field awaiting a flax-crop. Said they [the Rabbis] to him: [Not so], if the field is not sowed in the early season it could be sowed in the latter season and if It cannot be sowed with flax let it be sowed with some other kind [of crop].¹¹ Rabban Simeon b. Gamaliel says, If his olives had been turned and there is no skilled worker save himself, or his cask is [ready] for bunging and there is no skilled worker save himself, or his flax is [ready] for lifting from the retting or his wool for lifting from the dye-bath and there is no skilled worker save himself, such a one may perform [his task] behind closed doors. Furthermore, said Rabban Gamaliel, if he is a skilled worker engaged in the service of the public, or a hairdresser or a bath-attendant in the service of the public, and the Festival is close at hand and there is no skilled worker save him, such a one may do the work. Farmkeepers,¹² tenant-farmers¹³ and contractors of labour may have others doing work for them.¹⁴ Ass-drivers, camel-drivers and bargemen may not work;¹⁵ but if they were [already] engaged on the job or were [just then] in the hire of others, they [themselves] may do their work.¹⁴ A daily worker¹⁶ may not work, even in another town.¹⁷ One who has others’ work in hand,¹⁸ even if it is a contract job,¹⁹ he may not do it. [You say,]’ Even if it is a contract job’, [which implies] and all the less so if it is not a contract job. On the contrary, a contract job is like his own [work]!²⁰ Rather, whether it is a contract job or not a contract job he may not do it. If his work²¹ was placed in the hand of others, they may not do it in his own house, but in another house they may do it.

Marion the son of Rabin and Mar the son of R. Aha the son of Raba had a yoke of oxen²² between them, when a misfortune²³ befell Mar the son of R. Aha the son of Raba; he broke up the team [and did not send his animal to work]. Said R. Ashi, A great man like Mar the son of R. Aha acting in such a manner! Granted that he minds not his own loss [of earning], is he not concerned

about the loss [caused] to others? Surely it is taught: 'But if they were [already] engaged [on the job] or were [just then] in the hire of others, these may do their work'?²⁴ — He [Mar] however held the view that [the case of] a prominent man is different.²⁵

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- (1) For maturing before pressing (or milling).
 - (2) For the death of a parent, wife, child, brother or sister.
 - (3) Of a second or third pressing, etc.
 - (4) Omitted in most texts as rather more applicable to the next case, that of wine.
 - (5) Without stating how to proceed in the case of mourning.
 - (6) Var. lec. Shesheth.
 - (7) Namely, that the permission to do those things now was granted only in connection with the festival week, but not during the week of mourning.
 - (8) 'No need to say only this . . . but even that' may or may not be done.
 - (9) Cf. Sem. II, 2-5, and J.M.K. II, 1 (81a).
 - (10) Sem. has 'besprinkle for him a white field' and J.M.K. has 'irrigate for him a languid field'.
 - (11) Abstention would thus involve no loss.
 - (12) Gardeners or metayers who receive from the owner of the field or orchard a certain proportion of the produce for their labour.
 - (13) Who pay a fixed annual rent in money or in kind.
 - (14) While in mourning, as their abstention means a loss to the workers besides the mourners themselves.
 - (15) Either drive the animal or let it out on hire just then.
 - (16) I.e., on a day to day employment.
 - (17) Where he is not known. [Since according to the law he may withdraw during any part of the day, v. B.K. 116a.]
 - (18) I.e., he does the work at home.
 - (19) I.e., he is paid by piece and not by day.
 - (20) And therefore should be forbidden.
 - (21) Here the quotation is resumed.
 - (22) Gemella. A pair of oxen owned in partnership which they let on hire to farmers.
 - (23) A bereavement.
 - (24) In the Baraita cited above, with a slight variation in the order to suit the case.
 - (25) I.e., he was not unaware of the ruling in the Baraita, but felt that a man of his status (and maybe, his partner too) should be stricter in the application of the law. Cf. Bez. II, 6; 22b; Shab. 51a.

Talmud - Mas. Mo'ed Katan 12a

Samuel said: '[If non-Jews] take work on contract they may not [work for a Jew]¹ within the [limits of the Sabbath] boundary;² but outside the boundary they may'. Said R. Papa, Even outside the boundary we do not say [they may] save where there is no town in the Vicinity; but where there is a town near by, it is forbidden. Said R. Mesharshaya: And even if there be not a town close by we [still] do not say [they may carry on the work] save on Sabbaths and festivals when there are not frequent [Jewish] passers-by, but during the festival week when people are often passing to and from the place it is forbidden. Mar Zutra son of R. Nahman had a mansion erected for himself by [non Jewish] contractor [builders] outside the boundary.³ R. Safra and R. Huna b. Hinena happened to come thither and did not enter his house; and some report that he [R.

Nahman] himself did not enter the building. But did not Samuel say that contractors may not carry on their work within the boundary, but outside the boundary they may? — [The case of] a prominent man is different. Some say [his servant]⁴ had assisted then with straw. R. Hama allowed the Exilarch's table-stewards to do their work⁵ during the festival week; he said that as they received no remuneration they only intend to benefit him⁶ which concerns us nought.

Our Rabbis taught: Contracts may be made during the festival [week for work] to be executed after the festival [week]; but [to do it] during the festival [week] is forbidden. The general principle on this point is that whatever one may do himself he may tell a non-Jew to do; and what he himself may not do, he may not tell a non-Jew to do. Another [Baraita] taught: Contracts may be made during the festival [week] to be executed after the festival [week], only that one should not measure, weigh or count [quantities] after the manner in which this is done on an ordinary day.

Our Rabbis taught: One may not bring a sire to mate during the festival week. Similarly, a 'first-born, sire should not⁷ be [used to] mate,⁸ nor a votive beast that has become disqualified.⁹ Another [Baraita] taught: They may not bring a sire to mate during the festival week. R. Judah says, Where an ass is hankering [for the male] they may bring her the jackass to mate lest she become chilled. All other beasts are [merely] brought into the stalls.¹⁰

Our Rabbis taught: Sheep may not be turned out to graze in a hurdled enclosure¹¹ on Sabbaths, festivals, or in the festival week, but if they come [and do it] of their own accord,¹² it is allowed; and they may not be assisted [to it]. Nor may a watchman be assigned [to the shepherds] to move the sheep about.¹³ If [the herdsman was] engaged by the week, month, year or septennate, assistance may be given to these¹⁴ and a watch may be assigned to them to move the sheep about. Rabbi¹⁵ says, [This may be done] on the Sabbath by way of favour, on the festival for meals and during the festival [week] for payment. R. Joseph stated that the law is according to Rabbi.

MISHNAH. LIKEWISE IF ONE HAD HIS WINE [ALREADY] RUN INTO THE CISTERN THEN MOURNING BEFELL HIM, OR [SOME OTHER] HINDRANCE, OR WORKMEN DISAPPOINTED HIM, HE MAY DRAW OFF [THE WINE], COMPLETE THE PROCESS AND BUNG [THE CASKS] IN HIS USUAL WAY: THESE ARE THE WORDS OF R. JOSE; R. JUDAH SAYS, HE [MERELY] COVERS [THE CISTERN] WITH SHINGLES TO PREVENT IT TURNING SOUR.

GEMARA. [LIKEWISE IF ONE HAD etc.] And this [wine clause] is necessary. Because, if [the Tanna] had told us the first [clause alone], we might have argued that only in that case did R. Jose say [he may complete the process] as the loss on oil is considerable, whereas in the case of wine, where the loss is not much, one might presume that he concurred with the [stricter] view of R. Judah. And if [the Tanna] had told us the latter [clause alone], we might have argued that only in this case [of wine] did R. Judah say [he may not do more], whereas in that [former case of oil], one might presume that he concurred with the more [lenient] view of R. Jose: [therefore] it was necessary [to enunciate both clauses]. Said R. Isaac b. Abba,¹⁶ Who is the Tanna who requires that work [if done] should be done with a difference during the festival [week] where loss is threatened? It is not R. Jose.¹⁷ R. Joseph said, The halachah is according to R. Jose.

Some [scholars] asked of R. Nahman b. Isaac: Is it permitted to coat a mead-cask [with resin]¹⁸ in the festival week? — Said he to them: Sinai¹⁹ stated that the halachah is according to R. Jose. Supposing that R. Jose said [one may] in the case of wine, [does it follow] that he said [that one may] also in the case of mead? — [Indeed,] for what is the reason [that he allows] in the case of wine? [It is] because the loss on it is considerable; it is also considerable In the case of mead, as Abaye said, Mater²⁰ told me: ‘Better a coated cask of Six se’ahs than an uncoated cask of eight se’ahs’.²¹

R. Hama b. Guria citing Rab said: The halachoth²² appertaining to the festival [week] are like the halachoth regulating the dealings with Kuthites.²³ What is the legal import [of this dictum]? — Said R. Daniel son of R. Ketina, It is to say that they are ‘sterile’²⁴ [regulations] and communicate nought²⁵ to each other, as [for instance] Samuel said that they [may] coat a jug with pitch but may not coat a cask; while R. Dimi of Nehardea said that they [may] coat a cask with pitch but they may not coat a jug; one master being solicitous to avert loss,²⁶ the other master being solicitous to avoid exertion²⁷ [during the festival week]. Said Abaye, We have it as tradition²⁸ that the halachoth appertaining to the festival [week] are like the halachoth appertaining to the Sabbath:

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- (1) People might say that they were given the work on the Sabbath.
 - (2) On a Sabbath or Festival (Rash). V. however, Asheri.
 - (3) On a Sabbath or a Festival.
 - (4) Han. and other texts.
 - (5) He allowed these non-Jewish servants to mend or improvise extra tables for the guests of the Exilarch. R. Hama is mentioned with Mar zutra in B.B. 7a.
 - (6) By working for the Exilarch during the festival week.
 - (7) At any time. Cf Tosef. M.K. II.
 - (8) ‘Firstborn’ males of ‘clean’ animals are from birth dedicated to the altar and as such claimed by the priest (v. Num. XVIII, 15, 17). These may not be worked, nor shorn for fleece, nor milked (v. Deut. XV, 19-20). Cf. Mak. 22a, (Sonc. ed. p. 155) and Bek. 15a.
 - (9) Having become blemished, it is unfit for the altar and may be redeemed for ordinary slaughter but not for any other use. V. Bek. 15b.
 - (10) To mate without assistance.
 - (11) To manure the field.
 - (12) I.e., if the non-jewish herdsmen drive the cattle into the field without any Instruction or request from the owner of the field.
 - (13) I.e., to use means whereby to expedite the discharge of excrements of the flock on the spot to be manured. V. Jast. s.v. **rgb**, II.
 - (14) As these non-jewish herdsmen carry out their own work according to undertaking.
 - (15) J. Sheb. III, 3 reads here Rabban Simeon b. Gamaliel, besides other variations. Also cf. Tosef. Sheb. end of Chapter li and Tosef. Shab. XVIII, 16.
 - (16) It is Isaac b. Abdimi on 11b.
 - (17) Since R. Jose holds that he can complete the process in the usual way.
 - (18) Or pitch, to make it air-tight. V. A.Z. 33a (Sonc. ed. p. 162). Han. takes it as sealing the stopper, by smearing it over with clay or pitch to prevent the wine or mead becomingapid. The mead made from the syrup of dates was a Babylonian beverage, cf. Pes. 107a and 113b.

(19) A complimentary appellation of R. Joseph as an eminent authority on the body of Baraitha-comments (on the Mishnah), in contrast to Rabbah b. Nahmani, his great contemporary and predecessor as Principal of the Academy at Pumbeditha, who was called 'Uprooter of Mountains', a title descriptive of his method of acute analysis. V. Ber. 64a and Hor. 14a, (Sonc. ed. p. 105).

(20) Abaye was a posthumous child and his mother died in childbirth. He was brought up by a foster mother whose instructive sayings he frequently quotes as here. V. Kid. 31b.

(21) A se'ah is about two and a third gallons.

(22) Traditional rules of practice.

(23) The Samaritans who, when friendly, were treated as observant Jews, and when hostile and making common cause with the heathens in persecuting Jews and jeering at their religious practices, were treated as heathens. The attitude towards them, therefore, varied from time to time, according to circumstances.

(24) Some texts have , **usieg** 'tethered', i.e., inapplicable as 'rules in practice' owing to their frequent variability.

(25) Serving no purpose as definite instances from which to argue any definite principle.

(26) There is more loss involved in neglecting a cask than a jug, which is much smaller.

(27) The exertion entailed in coating a cask is greater than with a jug.

(28) Abaye often uses that expression.

Talmud - Mas. Mo'ed Katan 12b

some acts involve no penalty, though forbidden,¹ while other acts are allowed ab initio.

R. Huna had his harvest reaped during the festival [week], whereupon Rabbah put an objection to R. Huna [from the following]: They may mill flour during the festival [week] for the requirements of the festival; what is not required for the festival is forbidden. A thing that is perishable in the festival [week] is permitted to be done; a thing that is not perishable in the festival [week] is forbidden. When does this [rule] obtain?² In the case of something that is [already] severed from the soil, but where [the crop is still] attached to the soil, even if all of it perish it is forbidden; but if he have not food to eat, he may reap, gather into sheaves, thresh, winnow, clean and mill,³ only that he shall not thresh with cows?⁴ — He replied: That [Baraitha] is but an individual⁵ opinion, and is not generally accepted by us, as it has been taught: Rabban Simeon b. Gamaliel stated a general rule in the name of R. Jose, Whatever is [already] severed from the soil, even though only part of it might perish, yet may it be worked; while that which is [still] attached to the soil, even though it might all perish, is forbidden. But if [as you say] that [anonymous] Baraitha be R. Jose's opinion, then he should also be allowed to thresh with cows!⁶ For Surely R. Isaac b. Abba said: 'Who is the Tanna that demands some variation In the working during the festival [week] where loss is involved? It is not R. Jose!⁷ — [Said R. Huna],⁸ He [R. Jose] might reply:⁹ 'Yea indeed, so; yet as one does not usually¹⁰ thresh with cows, threshing without them [during the festival week] would be no variation now.¹¹

Our Rabbis taught: Flour may be ground during the festival [week] for the needs of the festival; but if not for the requirements of the festival [week], it is forbidden. If, however, one ground¹² and had some flour over, he is allowed to use it.¹³ Trees may be cut down during the festival [week] for the needs of the festival, but if it is not for the needs of the festival it is forbidden; if one, however, had cut down¹² and had some over, it is permitted.¹³ [The ingredients] for brewing

mead¹⁴ may be put in during the festival [week] for the needs of the festival; but if it is not needed for the festival it is forbidden; and if one put in [the ingredients]¹² and had some [brew] left over, it is permitted,¹³ provided only that there is no guile.¹⁵ A contradiction was raised [from the following]: ‘They may put in [ingredients for brewing] mead during the festival [week] for the needs of the festival, but what is not for the needs of the festival is forbidden, be it a brew of dates or a brew of barley, and even though one have some old [brew] he may act with guile and drink of the new’?¹⁶ — There is a difference among Tannaim as was taught: There should be no resort to guile in such matters; R. Jose son of R. Judah says, One may act with guile [sometimes].¹⁷

Rab [once] had his harvest gathered for him in the festival week. Samuel heard [of it] and was annoyed. Might one suggest that Samuel concurred with the view of the individual authority?¹⁸ — No, it was a crop of wheat which [if left a while] would not have deteriorated. What is the reason that Rab acted thus? — He had not then [enough] to eat; and as for Samuel, he had not been fully informed [of the circumstances]. Or, [maybe he thought that the case of] a prominent person is different.

R. Judah the Prince¹⁹ [once] went out [on the Sabbath] wearing an amethyst²⁰ signet and [once] drank water which an Aramean [non-Jewish] cook²¹ had heated. R. Ammi hearing of it was annoyed. Said R. Joseph: What is the reason he was annoyed? Was it on account of the amethyst signet? Why, it is taught: Chains, earrings and rings are like all articles of dress that may be worn in the courtyard!²² [Again], if because he drank water which an Aramean had made hot? Why, Samuel b. Isaac, citing Rab, stated that whatever can be eaten raw is not [debarred] as in the category of heathen-cooked food! — [The case of] a prominent person is different.²³

R. Hananel, citing Rab, said that one may lop off branches from a palm tree during the festival [week] even though he needs only the chips.²⁴ Abaye denounced²⁵ this [dictum] vehemently. R. Ashi had a wood in Shelania. He went to cut it down during the festival week. Said R. Shela of Shelania to R. Ashi, What is your ground [for acting thus]? Is it because of what R. Hananel, citing Rab, said, that one may lop branches from a palm during the festival [week] even though he needs only thee chips?²⁴ But surely Abaye denounced it vehemently! — Said he [R. Ashi] to him: ‘I heard it not’, as much as to Say, ‘I do not concur [with Abaye's view]’. The hatchet then slipped threatening to cut off his leg. He then abandoned his task and came again.²⁶

Rab Judah permitted pulling up flax, picking hops and pulling up sesame crops. Said Abaye to R. Joseph: It is quite correct to do this in the case of flax, as if may be used for covering [fruits]; in the case of hops, as they may be used for [brewing] beer; but sesame — to what [immediate] use can it be put? — [It may be picked] on account of the seeds²⁷ it contains. R. Jannai had an orchard²⁸ that had become ripe for picking during the festival week [and] he picked it. The year [after] all the people kept their orchards waiting for the festival week. R. Jannai [thereupon] renounced his [proprietary rights in the] orchard that year.²⁹

MISHNAH. A MAN MAY BRING HIS FRUITS INDOORS FOR FEAR OF THIEVES AND PULL HIS FLAX OUT OF RETTING TO PREVENT IT SPOILING, PROVIDED HE DOES NOT PURPOSELY HOLD THE WORK OVER TILL THE FESTIVAL [WEEK]; AND ALL THOSE WHO HAVE DELIBERATELY HAD THEIR WORK HELD OVER FOR THE

FESTIVAL [WEEK] SHALL HAVE IT DESTROYED.³⁰

GEMARA. BRING INDOORS. A Tanna taught: Provided only that he bring them into his house privily. R. Joseph had some beams of timber which he brought in during daylight. Said Abaye, But it is taught: 'Provided only that he bring them into his house privily'! — He replied, The [requisite] privacy for these is [attained best] during daylight, since at night more men would be needed and torchbearers too would be required, making much ado.³¹

AND PULLS HIS FLAX OUT OF RETTING. R. Jeremiah asked of R. Zera: If a man keeps work over for the festival [week] and dies, should his children be penalized after him? Should you cite³² [the case of],

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- (1) Cf. rules of Ulpian: 'An in imperfect law is one which forbids something to be done, and yet if it be done, neither rescinds it nor imposes a penalty on him who has acted contrary to the Law'. I, 1.
 - (2) That which is perishable may be attended to in the festival week.
 - (3) I.e., one may do anything and everything that is necessary.
 - (4) I.e., he must introduce some variation. This Baraitha forbidding to reap except in the case where he has no food to eat, refutes R. Huna who, it is assumed, was not short of ready food.
 - (5) R. Jose's view which is given in the citation that follows and which is, however, not generally accepted.
 - (6) Which, however, is distinctly debarred in the anonymous Baraitha, above.
 - (7) As may be seen from his attitude in the first and second Mishnah (11b and 12a) in contrast to that of R. Judah in regard to both oil and wine. Whereas, In the anonymous Baraitha ascribed to him he distinctly stipulates not to thresh with cows, insisting on a variation.
 - (8) To explain that there is really no contradiction in the discrepancy.
 - (9) SBH reads better: 'Said he, R. Huna, to him (to Raba)'.
 - (10) Lit., 'every day'.
 - (11) On the contrary to use cows would be in this case an undesirable offensive display of his work (Rashi).
 - (12) During the festival week for the needs of the festival.
 - (13) After the festival.
 - (14) Or beer.
 - (15) To prepare which under the guise of forgetfulness or mistake for the needs of the festival with the intention of having some left over after the festival.
 - (16) Indicating thereby that he made the brew for the festival week.
 - (17) On the principle, v. Bez. 17b, especially Rashi's observation s.v.
 - (18) Cf. supra R. Huna's reply to Rabbah's question.
 - (19) R. Judah III, Rabbi's grandson.
 - (20) **tausn** **tausnt** representing the Greek form **. The amethyst was often worn (as its name implies) as a talisman against drunkenness. Or the phrase may possibly be a talisman ring having a setting of a Medusa head, a popular charm against spells and against the power of enemies; and, although this could not have been the case in our instance, it is not unlikely in the instance cited in 'Er. 69a, where the wearer on sighting R. Judah the Prince, quickly covered it; he is considered there as a semi-heathen or renegade.
 - (21) Or tavern keeper.
 - (22) Cf. 'Er. 69a and R. Tam's comments, Tosaf, s.v, **ihf**.
 - (23) Cf. Shab. 51a.
 - (24) Or sawdust.

- (25) Lit., 'cursed'.
 (26) Another time.
 (27) For sesame oil.
 (28) J.M.K. II, 2 (81a) reads: R. Simeon, R. Jannai's son.
 (29) As a self-imposed penalty for having led others to do wrong.
 (30) I.e., they must be deprived of any advantage gained.
 (31) Lit., 'a noisy affair'.
 (32) Lit., 'Find a case to explain (my question) by saying. . .'; or, 'Extract an answer from the case of. . .'

Talmud - Mas. Mo'ed Katan 13a

'One who had [craftily] clipped the ear of his first-born beast', and whose son is penalized after him,¹ [I can reply that] that is because that is [an offence against] a Scriptural prohibition. Or should you cite [the case of], 'One who sold his [non-Jewish] slave to a non-Jew', and whose son was penalized after him, [I can say that] that is because he debarred him daily from the [performance of] religious duties.² Here, what do we say? That the Rabbis' intention was to penalize the man personally and he is no more, or, maybe that it was only to impose a pecuniary penalty [on his estate] and that is to be had? — R. Zera replied, You learned it [in the Mishnah]: 'A field that has been cleared of thorns³ during the seventh year may be sowed in the post-sabbatical year; if it had been well improved⁴ or manured⁵ by hurdling cattle⁶ on it, it may not be sowed in the post-sabbatical year',⁷ and [on this Point] R. Jose b. Hanina said: 'We have it on tradition that if one had well improved his field and died, his son may Sow it'. This shows that our Rabbis did [intend to] penalize him,⁸ but his son the Rabbis did not [intend to] penalize; here too, then, it is the man himself that they would penalize, but his son the Rabbis would not have penalized. Said Abaye, We have it on tradition that if a man has defiled his fellow's clean [produce]⁹ and dies they do not penalize his son after him [to pay for the damage caused]. What is the reason? 'Imperceptible damage¹⁰ is not in the category of [legal] damage';¹¹ the man himself the Rabbis would have penalized, but his son the Rabbis would not have penalized.

MISHNAH. HOUSES, [STONES],¹² SLAVES AND CATTLE MAY NOT BE BROUGHT SAVE FOR THE NEEDS OF THE FESTIVAL, OR THE NEED OF A VENDOR WHO HAS NOT [ENOUGH] TO EAT. GEMARA. Raba asked of R. Nahman: What about [affording] 'earning-jobs'¹³ in aid of one who has not [enough] to eat? — He replied: We learned: OR THE NEED OF A VENDOR WHO HAS NOT [ENOUGH] TO EAT. What is this [relative] clause, 'Who has not enough to eat' intended to cover?¹⁴ Is it not to include such [casual] 'earning-jobs'? — Not [necessarily]; it is an explanatory clause.¹⁵ Thereupon Abaye pointed out to him an objection: 'One should not write credit-bills during the festival [week]; but if [the creditor] does not trust [the person] or he [the clerk] has not [enough] to eat, one may [then] write'.¹⁶ What is the clause, 'Or he has not [enough] to eat' intended to cover here? Is it not to include [casual] 'earning-jobs'?¹³ — [Yes], you may infer that.

R. Shesheth raised an objection: 'And the Sages say, Three craftsmen [may] do work until midday on the day preceding the [Feast of] Passover,¹⁷ [namely], tailors, hairdressers and fullers; tailors, for the same reason that a private person may do [some] sewing in his usual way during the festival [week]; hairdressers and fullers, for the same reason that persons returning home from

abroad,¹⁸ or coming out of prison may crop their hair and wash their clothes during the festival [week].¹⁹ Now, if you presume that ‘earning-jobs’ are allowed²⁰ where one has not [enough] to eat, then also all [other] work should have been allowed here,²¹ because ‘earning-jobs’ are permitted²⁰ where one has not [enough] to eat! R. Papa demurred to this [argument]: Then accordingly, building [work should] be allowed,²² just as ‘a wall which is bulging outward into the public domain, may be pulled down and rebuilt in the usual way,²³ because it is a [public] danger’!²⁴ Rabina also demurred to this [argument]: Accordingly then, a scrivener²⁵ should be allowed [to work]²² just as one may ‘write marriage deeds,²⁶ bills of divorcement²⁷ and receipts’!²⁸ Said R. Ashi:²⁹ [How] can you argue thus from regulations governing the festival [week] to those governing the fourteenth of Nisan? Those governing the festival [week] are based on [the avoidance of] exertion and where loss is threatened the Rabbis have allowed [exertion]; whereas the regulations governing the fourteenth of Nisan are based on the exigencies of the Festival; anything which is required for the Festival our Rabbis have permitted and anything that is not required for the Festival our Rabbis have not permitted.

MISHNAH. ONE MAY NOT REMOVE [EFFECTS] FROM HOUSE TO HOUSE,³⁰ BUT ONE MAY REMOVE THEM TO HIS COURT. WARES³¹ MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN. IF ONE IS ANXIOUS ABOUT THE THINGS,³² HE MAY REMOVE THEM TO ANOTHER COURT.³³

GEMARA. [BUT ONE MAY REMOVE THEM TO HIS COURT]. But you said at first that one's effects may not be removed at all? — Said Abaye, The latter part comes to [tell] us that [to another] house in that [same] court he may [remove his effects].³⁴

AND WARES MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN. Said R. Papa: Raba [once] gave us a test: We learned, ‘WARES MAY NOT BE BROUGHT HOME FROM THE HOUSE OF THE CRAFTSMAN’ and this he contrasted [with the following]: ‘Wares may be conveyed [to]³⁵ and brought home from the house of the craftsman, even though they be not needed for the festival’!³⁶ And we replied to him: The latter [Baraita] refers to the fourteenth of Nisan, while here it refers to the festival week. Or, if you like, I might suggest that both [passages] refer to the festival week, [but that the ruling] here [obtains] where he trusts him³⁷ [and] the latter [ruling obtains] where he does not trust him.³⁸

(1) The firstborn male of ‘clean’ animals is from birth ‘dedicated’ or destined for the altar and its flesh is the priests’ due (Num. XVIII, 15-18). It may not be used for work or be shorn, unless it be born blemished or becomes accidentally permanently maimed, when it is no longer fit for sacrifice (Deut. XV, 19-22; cf. Lev. XXII, 18ff). If the owner cunningly contrives to get it injured either to avoid the trouble and expense of keeping it or to have the flesh, he is penalized to have it buried and is mulcted to half its value for the loss he caused to a priest. V. Shul. ‘Ar. Yor. De’ah. 309-310.

(2) Non-Jewish male slaves who (with their consent) had been circumcised (cf. Gen. XVII. 12-13) and (male and female) ritually received into the household, enjoyed the privileges of resting on the Sabbaths (Ex. XX, 10) and Feasts (Deut. XII, 12, 18) and to partake of holy meats (ibid. XVI, 11) even in the priest's household (Lev. XXII, 11) and to perform such Jewish religious observances as they chose. (Cf. Ber. 20a and Suk. 20b). By selling him to a non-Jew he debarred the slave from the religious observances he learned to love and enjoy, and for this heartless act the offending master was penalized by the loss of his monetary gain.

- (3) Merely picked up, cleared, lifted from the soil by the first superficial ploughing which did not constitute working the soil, forbidden Scripturally.
- (4) By regular harrowing or deeper or cross ploughing. V. Tosaf. s.v. **vchhyb** and commentary of R. Samson of Sens on M. Sheb. IV, 2.
- (5) By bringing cartloads of manure and methodically spreading it over the field.
- (6) Methodically, instead of just letting cattle roam about on it.
- (7) M. Sheb. IV, 2.
- (8) For clearing thorns by harrowing, manuring and hurdling cattle on the field, are not of the processes explicitly forbidden in Scripture (Lev. XXV, 1-5); and though some included even such 'secondary processes' under the Scriptural prohibition (cf. supra 3a), the Rabbis did not press the penalty against the dead man's son.
- (9) Which had been carefully guarded by the owner from contamination, if the malefactor spitefully threw (for instance) a dead reptile on the heap of washed corn or among the gathered olives or grapes (cf. Lev. XI, 29-34). Priests' due of these could not be eaten, but might only be burnt as fuel. Pious lay-people would not buy such produce.
- (10) As there is no visible change in the produce that has been thus deteriorated, he can say that all is still as it was.
- (11) MS. M. and in parallel passages add here: 'The penalty (imposed) is rabbinical (in origin) '.
- (12) V. D.S. Other texts add also 'fields'.
- (13) I.e., find a poor man some odd, unnecessary job to do, as a chance of earning something wherewith to buy provisions for the Festival.
- (14) It is assumed that the words THE NEED OF A VENDOR imply that he has not enough to eat.
- (15) Explaining the phrase THE NEED OF A VENDOR. But there is no indication according to this interpretation of the Mishnah — to have any unnecessary job done in the festival week.
- (16) During the festival week, plainly allowing it as a means of helping the borrower or the (professional) scribe.
- (17) The fourteenth of Nisan, when from early afternoon the people began the preparation of the Paschal Lambs. Cf. pes. V, 1, 5ff.
- (18) Lit., 'from the maritime province', generally denoting the Diaspora.
- (19) V. Pes. 55b and cf. with the Mishnah 55a on the variations in the text.
- (20) During the festival week.
- (21) On the fourteenth of Nisan, instead of limiting the permission to three crafts only, because there may be other craftsmen who may be in need of money for food. But, as there is no mention of such a contingency there, it shows that even in such a case, unnecessary odd 'earning-jobs' may not be given in the festival week.
- (22) On the fourteenth of Nisan.
- (23) During the festival week.
- (24) V. supra 7a.
- (25) Lat. librarius.
- (26) The terms of the marriage contract agreed to by the parents, the bride and bridegroom.
- (27) To end an unhappy marriage all the sooner, it is allowed even in the festival week.
- (28) V. infra 18b.
- (29) There is a flaw in K. Shesheth's argument.
- (30) Either (i) from one house to another in the same court, or (ii) from another's house into his own, as this is gratifying to him. V. Han., Asheri and Ritba.
- (31) **ohkf** ; the term covers articles of household furniture, utensils, clothing and bedding; but obviously not tools, etc.
- (32) Fearing they might be stolen.

(33) To ensure their safety.

(34) Cf. p. 75. n. 9 (ii).

(35) So SBH. p. 62. In our text as it stands, both here and pes. 55b **ihfhkun** might possibly refer to the conveyance of larger, unportable objects, while **ihthcn** refers to smaller, portable things. The concluding words of this discussion, however, do not take note of this possibility.

(36) V. pes. 55b.

(37) The craftsman, and may leave his things with him safely to avoid all unnecessary 'exertion'.

(38) Fearing they might be stolen.

Talmud - Mas. Mo'ed Katan 13b

And [in fact] it is taught [thus]: 'Wares may be brought [home] from the house of the craftsman, for instance, jugs from the jug maker's and tumblers from the glass maker's, but not wool from the dyer's nor articles from the house of the craftsman; but if he has not [enough] to eat one gives him his pay [in advance] and leaves the object with him, if however he does not trust him he leaves It In a house near him¹ and if he is anxious about the things lest they be stolen he² brings them home privily'.³ You have thus explained⁴ [the discrepancy] about 'bringing home', [but] the discrepancy about 'conveying' still remains a difficulty; for when it states WARES MAY NOT BE BROUGHT HOME, [it follows] much less may one convey [wares to the house of the craftsman]! Hence [obviously] the explanation given at first⁵ is the correct one. MISHNAH. FIGS [WHILE DRYING] MAY BE COVERED WITH STRAW;⁶ R. JUDAH SAYS, THEY MAY EVEN BE PILED UP [IN HEAPS].⁷ VENDORS OF FRUITS, CLOTHING AND [OTHER] WARES MAY SELL Privily FOR THE REQUIREMENTS OF THE FESTIVAL [WEEK]. FISHERMEN, GROATS-POUNDERS AND GRIST GRINDERS⁸ PLY THEIR TRADE PRIVILY FOR THE REQUIREMENTS OF THE FESTIVAL [WEEK]. R. JOSE SAYS, THEY HAVE IMPOSED A RESTRICTION ON THEMSELVES.⁹

GEMARA. R. Hiyya b. Abba and R. Assi differ [in their interpretation] both in the name of Hezekiah and R. Johanan.¹⁰ One says that the [former expression], they MAY BE COVERED, MEHAPPIN, means [covering but] lightly, and [the latter] MAY EVEN BE PILED UP, ME'ABBIN, means [spreading the straw] closely; the other says that MAY BE COVERED, means [spreading the straw] lightly or densely, while [the latter expression], MAY EVEN BE PILED UP, means making a sort of pile.¹¹ It is also taught thus: 'May be piled up [me'abbin] — making a sort of pile: these are the words of R. Judah'.

VENDORS OF FRUITS, CLOTHING AND [OTHER] WARES MAY SELL PRIVILY. The question was asked: Does THEY HAVE IMPOSED A RESTRICTION ON THEMSELVES, mean that they do not work at all, or perhaps that they do it privily? Come and hear: 'Vendors of fruits, clothing and [other] wares sell privily for the requirements of the festival [week]; R. Jose says, The Tiberian traders have imposed a restriction on themselves not to sell at all. Deerstalkers, fowlers and fishermen catch privily for the requirements of thee festival [week]; it. Jose says, The catchers of Acra have imposed a restriction on themselves not to catch at all. Groats-pounders make hilka¹² [coarse meal], tragus¹³ [pulse-porridge] and tisana¹⁴ [pearl-barley] privily for the requirements of the festival [week]; R. Jose says, The gristpounders of Sepphoris have imposed a restriction on themselves not to pound at all'. Abaye explained:¹⁵ Hilka means [groats of] one

[grain broken] in two;¹⁶ tragus, one into three;¹⁷ tisana, one into four.¹⁸ When R. Dimi came [from Palestine] he said: [All these are] kuntha [spelt].

An objection was raised: Hilka, tragus and tisana are [considered as] ‘tainted’¹⁹ everywhere.²⁰ Now this harmonizes well with the explanation that it is one [grain broken] in two, three or four; they are [considered] ‘tainted’ everywhere, because they have been rendered ‘fit’ [liable to take the taint of impurity]; but according to the explanation that they are all ‘spelt’, why then are they taken as ‘tainted’ everywhere, for these have not [necessarily] been rendered ‘fit’ [by damping]? [Sometimes they are], for instance, where the groats are [made of] peeled [spelt]; because, unless the grain had been soaked in water it would not peel. And why is it called hilka? Because it has had its ‘tunic’²¹ [husk] taken off. An objection was raised: ‘One who vowed [to abstain] from dagan²² is debarred even from [partaking of] the Egyptian bean²³ when dry, but is allowed to eat it when fresh [green];²⁴ and he is permitted rice,²⁵ hilka, tragus and tisana.²⁶ Now, this harmonizes well with the explanation that these [varieties] are so called because one [grain] is broken into two, three or four; it is Proper [to allow him to eat] because these [being now meal] no longer belong to the [category] of dagan [grain]; but according to him who says that hilka is [what we call] ‘spelt’, it is [still] properly [designated as] dagan! — This is a difficulty.

R. Huna²⁷ permitted vendors of Pot-herbs²⁸ to go and sell in the festival week in the market Place in the ordinary way. R. Kahana thereupon put an objection to him [from the following]: ‘A shop which opens into a colonnade may be opened and closed in the ordinary way; if it opens into the public domain, [the shopkeeper] may open one door and close one; and on the day preceding the last day of the Feast [of Tabernacles]²⁹ he may bring out fruit and decorate the markets all round the town in honour of the last day of the Feast’. [That is to say], ‘In honour of the last day of the Feast, [he may open]; but if not in honour of the last day of the Feast, he may not [open]! That is not difficult [to explain]: This latter prohibition refers to the sale of fruits, whereas in the former case it is the sale of seasoning [pot-herbs that is allowed].

CHAPTER III

MISHNAH. AND THESE [MAY] CROF³⁰ [THEIR HAIR] DURING THE FESTIVAL [WEEK]: ONE ARRIVING [HOME] FROM ABROAD,³¹ OR FROM A PLACE OF CAPTIVITY OR ONE COMING OUT OF PRISON, OR ONE UNDER A BAN³² TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION. AND LIKEWISE ONE WHO APPLIED TO A SAGE³³ AND WAS ABSOLVED [BY HIM], AND A NAZIRITE³⁴ OR A LEPER ON EMERGING FROM HIS [STATE OF RITUAL] IMPURITY TO [BEGIN] HIS PURIFICATION.³⁵

AND THESE [MAY] WASH [THEIR GARMENTS] DURING THE FESTIVAL [WEEK]: ONE ARRIVING [HOME] FROM ABROAD,³¹ OR FROM THE PLACE OF [HIS] CAPTIVITY, OR COMING OUT OF PRISON

(1) The craftsman.

(2) The owner takes the things into his house.

(3) V. supra n. 3.

- (4) Lit., 'straightened out'.
- (5) Namely that the Baraita ruling (cf. Pes. 55b) refers to the fourteenth of Nisan while our Mishnah refers to the festival week. Cf. R. Ash's reply, above. For further notes on this passage v. pes., Sonc. ed. p. 276.
- (6) During the festival week, to protect them from rain. , **ughme** are split figs, which are sun-dried and pressed into cakes. V. commentaries on Alfasi 's text and Krauss, TA II, 246.
- (7) The figs, or the covering straw. V. Gemara.
- (8) Coarse and fine.
- (9) V. Gemara.
- (10) All four were Palestinian teachers (Tiberias).
- (11) Supra n. 2.
- (12) Latin halica, alicia. Cf. Martial, Epigr. XIII, 9: 'Villio est alicia, carior illa faba'. It is mentioned there with the fine Egyptian lentil (Niliacam . . . lentem).
- (13) Lat. tragus, pulse, porridge.
- (14) Lat. pitsana, barley crushed and cleansed from the husks.
- (15) By popular etymology.
- (16) Derived from **ekj** 'divide' (into halves).
- (17) From the Greek ** in three parts.
- (18) Greek ** four.
- (19) Literally (ritually) defiled, potentially or actually, by the grain being washed before the milling. Fruits, grain and vegetables are not subject to ritual defilement until washed or sprayed or have Purposely been left exposed to get damped by rain or dew. After that deliberate damping these take ritual defilement by contact with defiling objects. Cf. Lev. XI, 34. 37-38 with commentaries of Rashi and Nahmanides and B.M. 22a-b, (Sonc. ed. p. 138-9).
- (20) M. Maksh. VI, 2, and cf. Pes 40a.
- (21) Another popular derivation from **eukj** a shirt or tunic.
- (22) Means 'cereal' in the (final) form of grain.
- (23) V. supra p. 77, n. 7.
- (24) When it is not called a 'cereal' but a 'vegetable' and 'in vows we follow the (meaning of terms in) popular parlance', Ned. 49a; cf. 55a (top) commentaries.
- (25) Or hirse. V. Pes. 35a.
- (26) V. Ned. 55b; Tosef. Ned. IV, 1, ZM. p. 279. 17-18.
- (27) Of Sura, Rab's disciple and successor. Many texts (v. D.S. and SBH) read here Rab Judah at Pumbeditha, also a disciple of Rab, as was also R. Kahana, mentioned next.
- (28) And other ingredients for food seasoning or 'cornchandlers'. V. Tosaf. s.v. **ihkc, c** and **t, hhpurf** (sing. **t, hhpurf**), probably connected with the Greek **
- (29) The bracket is omitted in the Tosefta (M.K. II, 13) and other texts and rightly so, as the addition confines the permission only to the last part of Tabernacles, whereas there is no reason to exclude that of Passover.
- (30) Lit., 'shave'.
- (31) Lit., 'From a maritime province'.
- (32) Lit., 'repelled' for some flagrant breach of discipline, a religious or moral offence. The matter is discussed fully infra 16aff. The 'repelled' person was expected to go about in sorry apparel, with disordered hair during the time of disgrace. as if in mourning.
- (33) A hakam, an ordained Rabbi, to absolve him of a vow to go unkempt for a period, which is found to have been made rashly and is now extremely inconvenient or impossible of fulfillment. Cf. e.g., Ned. IX, 6; 66a.
- (34) V. Num. VI, 1-21. If he became defiled by contact with a corpse he had first to be ritually purified and shaved (ibid 6-9); or, on the completion of his Nazirite period (13, 18).

(35) He had likewise to be shaved and to wash his garments. Lev. XIV, 8-9.

Talmud - Mas. Mo'ed Katan 14a

, OR ONE UNDER A BAN TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION. AND LIKEWISE ONE WHO APPLIED TO A SAGE AND WAS ABSOLVED [BY HIM]. HAND-TOWELS, BARBERS' TOWELS AND BATH-TOWELS [MAY BE WASHED]. MEN OR WOMEN [AFFECTED] WITH 'THE FLUX'¹ OR MENSTRUANTS,² OR WOMEN AFTER CHILDBIRTH³ AND ALL THOSE EMERGING FROM [A STATE OF RITUAL.] IMPURITY⁴ TO [BEGIN] THEIR PURIFICATION ARE ALLOWED [TO WASH THEIR GARMENTS]; BUT ALL OTHER MEN ARE FORBIDDEN.

GEMARA. What is the reason that all other men are forbidden? — As we learned: 'Members of the ward on duty⁵ and [communal] Deputies at their Posts⁶ are forbidden [during their turn] to crop [their hair] or wash [their garments]. But on Thursday they are allowed, in honour of the Sabbath'. Now Rabbah b. Bar-Hana reporting R. Eleazar [as commenting on this] said: 'What is the reason [they may on Thursday]? So that they should not enter [on the duty of] their Ward in a state of untidiness'. Here also the reason is that they do not enter upon the festival in a state of untidiness.

R. Zera inquired: Suppose one had lost something on the day before the festival? [Do we say], since he was prevented [from attending to himself before] he may,⁷ or perhaps, as the reason is not obvious, he may not? — Said Abaye: [Obviously not], as people would then say: '[So] all Syrian [fancy] loaves are forbidden, but the Syrian [fancy] loaves of Boethus are allowed'⁸ But admitting your argument [against], yet what about it. Assi's statement? who citing R. Johanan said: 'Anybody who has but one tunic⁹ is allowed to wash it during the festival week'. Would not people say in that case, too: '[So] all Syrian [fancy] loaves are forbidden, but the Syrian [fancy] loaves of Boethus are allowed'? — Surely it has been stated in this connection: 'Said Mar son of R. Ashi, His girdle¹⁰ proves his plight'.¹¹ R. Ashi's comments on our Mishnah were [in this form]: R. Zera enquired, What if a craftsman¹² had lost something on the day before the festival? Do we say that since he is a craftsman, the reason [why he is allowed] is obvious, or since the reason is not so obvious as in those other cases [mentioned in the Mishnah], he may not [attend to himself in the festival week]? Let this question stand [adjourned].¹³

[ONE ARRIVING HOME] FROM ABROAD [MAY CROP]. [The anonymous view of] our Mishnah is not that of R. Judah. For it is taught: R. Judah says, One arriving [home] from abroad may not crop himself [during the festival week] because he had set out [on his voyage] without the approval [of the Rabbis].¹⁴ Said Raba: 'If he merely went on a tour all [authorities] are agreed that he is forbidden;¹⁵ if to seek his bread, all are agreed that he is allowed.¹⁵ Difference of opinion arises only in the case of a voyage for business profits, one master looking upon it as equivalent to [mere] travelling, and the other master looking upon it as equivalent to seeking his bread'.

An objection was raised: 'Said Rabbi: R. Judah's opinion seems apposite where he had set out without approval and the Sages' opinion seems apposite where he had set out with approval'.

Now, what is 'without approval'? If I say for going on a tour, did you not say that all are agreed that he is forbidden?¹⁵ Again [should it mean] for seeking [his] bread; surely did you not say that [if with this object] all are agreed that he is allowed?¹⁶ It is obvious therefore that it means for profit-seeking.¹⁷ Now consider the latter clause: 'And the Sages' opinion seems apposite where he had set out with approval'; what is meant by 'with approval'? If I say [approval to set out] for earning his bread, have you not said that all are agreed that he is allowed?¹⁶ Again, should it [rather] mean for profit [seeking]; but surely then, did you not say that' R. Judah's [adverse] opinion seems apposite in this case [that he is forbidden]?¹⁸ — This is what he [Rabbi] meant to say: The Rabbis accept R. Judah's opinion where he had started out 'without approval', and what means it? For going on a tour; because, even the Sages disagree with him only on [the question of a voyage] for gaining profit, whereas in regard to going on a tour they concur with him.¹⁹ And again, R. Judah accepts the Rabbis' opinion [that he may attend to himself]¹⁶ where he had set out 'with approval', and what means it? For seeking his bread; because even R. Judah disagrees with them only on [the question of a voyage] for gaining profit, whereas in regard to going out for seeking his bread he concurs with them.²⁰

Samuel said: 'If an infant is born during the festival [week] it is allowed to cut his hair²¹ during the festival [week] because there is no imprisonment²² more real than this'. [That is, only 'if . . . born] during the festival [week]' it may be done, but [if born] before then, it is [presumably] not allowed.²³

R. Phineas raised all objection: 'Every one of those mentioned [by the Sages] as being permitted to crop his hair during the festival [week] may [likewise] crop his hair during the [thirty]²⁴ days of his mourning';²⁵ [which means conversely] that every one of those who is forbidden to crop his hair during the festival [week] is [likewise] forbidden to crop his hair during the [thirty]²⁶ days of his mourning.

(1) Ibid. XV, 2, 5, 13.

(2) Ibid. 19-27.

(3) Ibid. XII, 2; cf. XV, 25ff.

(4) Ibid. XI, 24-25, 28, 40 and Num. XIX, 19.

(5) Mishmar, v. Glos. The priests and Levites were grouped in twenty-four wards to take their turn in the Temple. V. I Chron. XXIV, 1-19 (Priests) and 20-25 (Levites). Cf. Neh. XII, 44-47 and XIII, 29-31.

(6) Ma'amad, v. Glos. Palestine was divided into twenty-four stations or districts which sent their deputies of priests, Levites and lay Israelites to represent the community at the Temple service and they served for a week. While on duty the Deputies observed a daily fast during the day, from Monday to Thursday and in a side chapel recited Holy Writ. V. Ta'an. IV, 1; Talm. 26a and 27a.

(7) Trim himself and wash his garments during the festival week.

(8) A proverbial expression, protesting against discrimination. The origin of the proverb is found in Pes. 37a where it is objected to fancy-shaped loaves for Passover use, as the shaping of the piece of dough may delay the baking to the point of leavening. R. Boethus b. Zonin suggested that the use of moulds might easily obviate this fear, which evoked the (proverbial) retort.

(9) Or shirt.

(10) Or loin cloth.

(11) While washing his shirt, he is either girded with a loin cloth or wears his outer garment fastened by the belt to

avoid exposure of his body.

(12) A barber or bath attendant who is permitted to work on the fourteenth of Nisan, who mislaid or lost one of his tools, and his customers see him worried and hindered in his work.

(13) For a future adequate solution.

(14) Quoted in J.M.K. I, 1: 'For R. Judah said it is forbidden to set out on a voyage on the great sea'. The reason for his disapproval is probably on account of the risk of not arriving home in time for the festival. Cf. Shab. 19a and J. Shab. 1, 3.

(15) To attend to his personal appearance during the festival week.

(16) To attend to his personal appearance during the festival week.

(17) I.e., R. Judah does not approve of a sea voyage for mere gain or profit.

(18) All of which shows that the difference cannot be as stated on the question of a voyage for profit.

(19) That he is to be penalized if his homecoming was delayed, and not allowed to trim himself during the festival week.

(20) The accepted view is that a voyage for profit is an extenuating circumstance. V. Han., Asheri and Codes.

(21) If its hair is abnormally long and, for convenience, would best be shortened. If, however, the shortening is imperative for hygienic reasons there is no question.

(22) In the pre-natal state.

(23) Since it could have been cut before the festival.

(24) So in Tosef. II, 2. I. e., if he suffered a second bereavement before the mourning days of the first expired. V. infra 17b.

(25) V. infra 17b.

(26) V. p. 83, n. 9.

Talmud - Mas. Mo'ed Katan 14b

Now if you say that there is a difference here in the case of the infant,¹ you are thus implying that [the observance of] mourning obtains in the case of a minor, whereas it is taught: 'A minor's garment is rent out of grief of soul'?² R. Ashi said [that the negative inference is faulty, for] does it [actually] state 'but those who are forbidden'?³ Perhaps [it means to state] that some there are who are forbidden⁴ and some others who are permitted.⁵

Amemar, or some say. R. Shisha son of R. Idi, taught thus: 'Samuel said: "An infant may be cropped in the festival [week]: it makes no difference whether he was born during the festival [week] or was born before".' Said R. Phineas: We learned this also [indirectly] from [the following]: 'Every one of those mentioned [by the Sages] as being permitted to crop during the festival [week] may likewise crop his hair during the [thirty] days of his mourning'; which means conversely, but every one of those who is forbidden to crop during the festival [week] is likewise forbidden to crop during the [thirty] days of his mourning. Now if you say that a [newly-born] infant is forbidden [to be cropped] you find yourself [implying] that [the observance of] mourning obtains in the case of a minor; whereas it is taught [distinctly]: 'The garment of a minor is rent [merely] out of grief of soul'? — Said R. Ashi: [That negative inference is faulty for] does it [actually] state, 'But he who is forbidden [in the festival week] is also forbidden during his [thirty] days of mourning? Probably it means that some there are who are forbidden and some others who are permitted.

A mourner does not deport himself as one in mourning during a festival, as it is said: And thou shalt rejoice in the feast.⁶ [For], if his mourning began before [the festival], a positive precept incumbent on the community⁷ overrides one incumbent on him as an individual;⁸ and if his mourning began just then [during the festival], an individual's function cannot come and put off that of the public.

Now what about one separated [under a ban]? Should he deport himself as one in 'separation' during a festival? — Said R. Joseph: Come and hear: 'They [the Courts] deal with capital offenses, with [offenses involving judicial] floggings⁹ and monetary suits,¹⁰ [during the festival week]'. [This implies that] if one heeds not the [court's] decision, we put him under a ban.¹¹ Now if you presume that he should not deport himself during the festival like one under 'separation', [then] seeing that where one is already fallen under a ban, the festival comes and suspends [the ban],¹² shall we pronounce him banned in the first instance [during the festival]? Abaye replied: Perhaps [the object of the adjudication is] to examine the charge against him.¹³ For, should you not say thus, then 'capital offenses' therein mentioned would likewise mean indeed that they would have him slain; but surely thereby they [the judges] themselves would be debarred from 'rejoicing in the feast' [as is Scripturally ordained], as it is taught:¹⁴ Says R. Akiba: Whence may it be shown that a Sanhedrin [Court] that put a [sinning] soul to death do not taste [food] all that day? From the instructive text 'Ye shall not eat on the blood'.¹⁵ Therefore [I say] it must be only to examine the charge against him, and likewise here it is only to examine the charge against him. Said R. Joseph to him: If [you explain it] so, the result is that you delay the execution of his sentence [which is forbidden]?¹⁶ But [I take it], they come early in the morning and examine the charges against him; then they go home and eat and drink all that day¹⁷ and, coming back with the setting sun, they do give a final decision and [also] have him put to death.¹⁸

Said Abaye: Come and hear:¹⁹ OR ONE UNDER A BAN TO WHOM THE SAGES HAVE GRANTED ABSOLUTION.²⁰ Said Raba: Does it state: 'Whom the Sages granted absolution'? It says: OR ONE UNDER A BAN TO WHOM THE SAGES HAVE [JUST] GRANTED ABSOLUTION, [that is] where he [the offender] went and appeased the plaintiff and then came before our Rabbis²¹ and they then set him free [from restraints].²²

What about a leprous person; does he deport himself as a leper during the festival?²³ — Said Abaye: 'Come and hear: AND [ALSO] A NAZIR OR LEPER EMERGING FROM HIS [STATE OF] IMPURITY TO [BEGIN] HIS PURIFICATION [may crop his hair and wash his garments],²⁴ which implies that during the days of his impurity he does deport himself [as a leper]! — [No]; the Tanna considered that this goes without saying [and is to be understood thus]: It goes without saying that he does not deport himself [as a leper] during the festival.²⁵ But when [he is emerging] into his state of cleanness we might [be inclined to] restrict him, in case he might defer²⁶ making his [preliminary] offerings [of purification].²⁷ Therefore he informs us [that he may, nevertheless].²⁸ Said Raba: Come and hear:²⁹ '[It is taught]: And the leper. [in whom the plague is, his clothes shall be rent and the hair of his head shall be loose . . .],³⁰ that is meant to include a High Priest [in this rule]'. Now [we learned] a High Priest all through the year is on a par with any other person on a festival, as we learned: The High Priest may make sacrifice [on the altar] even when he be onen,³¹ without however eating thereof! From this [latter restriction of even a High Priest] you can infer [about the former] that he should deport himself as a leper

during the festival. — Infer that.

A mourner is forbidden to cut his hair, because since the Divine Law ordained the sons of Aaron:³² Let not the hair of your heads go loose,³³ we infer that for everybody else [cutting the hair] is forbidden

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- (1) Whether the infant was born during or before the festival, in which latter case he must not be cropped, and consequently on the principle just enunciated he may not be cropped on his days of mourning.
 - (2) V. infra 26h. It is done, not as an obligatory observance on the part of the child, but merely to deepen the poignancy of grief among the mourners by including the young, unknowing child in the sorrow.
 - (3) 'But those who are forbidden to crop their hair during the festival (week) are (likewise) forbidden to do it during the (thirty) days of mourning'.
 - (4) In the case of adults.
 - (5) In the case of minors.
 - (6) Deut. XVI, 14.
 - (7) The divine charge, an 'ordinance' to the community to observe the joyous celebration of the festival.
 - (8) The observance of mourning.
 - (9) Of thirty-nine stripes, for a well-attested breach of a Scriptural prohibition after due warning. V. Deut. XXV, 1-3; Mak., Sonc. ed. p. 90, n. 1.
 - (10) Claims or fines. So Tosef. M.K. II, 11.
 - (11) Shammetha, to enforce public discipline.
 - (12) I.e., his disabilities of seclusion and wearing a mourner's garb as in the case of the mourner.
 - (13) Without pronouncing judgment.
 - (14) Sanh., Sonc. ed. p. 430.
 - (15) Lev. XIX, 26.
 - (16) Cf. Aboth. V, II and Shab. 33a.
 - (17) In fulfillment of the precept of rejoicing on the Festival.
 - (18) [Since after all a final decision is given on the festival week, it follows that the ban is necessarily imposed on the disobedient and consequently proves that the regulations of the ban are in force on the festival week.]
 - (19) In support of my view.
 - (20) The relative clause is at present assumed to mean that one who is banned is automatically released by the Sages on the festival from the disabilities of a ban.
 - (21) During the festival week.
 - (22) Otherwise he remains under his disabilities during the festival.
 - (23) I.e., to remain isolated, let his hair remain long and wear torn or soiled clothes as a leper, during the festival week.
 - (24) Cf. Mishnah supra 13b.
 - (25) I.e., it is immaterial either way so long as he is still an unclean leper, as he, in any case, has to resume his disabilities after the festival. V. Ritba.
 - (26) I.e., after having trimmed himself and changed his clothes during the festival he might postpone the offerings and bring them on the last day of the festival when a private sacrifice may not be offered.
 - (27) I.e., taking two live birds and spring water for the ritual sprinkling with the hyssop, as prescribed in Lev. XIV, 2-8, after which he washed his clothes and shaved his body and was to return to the camp' (home) and after another seven days to complete his 'purification and atonement by sacrifice at the Temple.
 - (28) Crop his hair and cleanse or change his torn clothes during the festival week.

(29) That the leper deports himself as a leper in the festival week also.

(30) Sifra on Lev. XIII, 45 where by laying stress on 'And the' together with the descriptive clause 'in whom the plague is' still, the wording is taken to include especially the otherwise exceptional person of the High Priest, who may never grow long hair or wear torn clothes, even when a mourner. Lev. XXI, 10.

(31) I.e., on the day of poignant grief, when the death of his near and dear occurred. This law is based on the sad experience of Aaron who lost two of his sons on the day of his induction as High Priest. He then offered up the sacrifices, but did not partake of the holy meat. V. Lev. X, 16; 16-20. Cf. Hor., Sonc. ed. pp. 90 and 93. Any other priest may not officiate during the state of onen, except on festivals when the law of onen does not apply.

(32) When Nadab and Abihu died.

(33) I.e., keep it in trim. V. Lev. X, 6 and cf, Ezek. XLIV, 20.

Talmud - Mas. Mo'ed Katan 15a

. What about those 'separated' [under a ban], and [segregated] lepers in regard to cutting [their hair] during the festival week? — Come and hear. 'Those "separated" [under a ban] and [segregated] lepers are forbidden to cut [their hair] and wash [their garments]. If one "separated" [under a ban] died,¹ the Beth din stone his coffin; R. Judah says, not that they set up a heap of stones over him like the heap of Achan,² but the Beth din send [commissioners]³ and have a large stone⁴ placed on his coffin, which teaches you that if anyone is placed under a ban and dies in his "separation", the Beth din stone his coffin'.⁵

A mourner is obliged to muffle his head. Since the All Merciful enjoined Ezekiel: And cover not thine upper lip,⁶ we infer that everybody else is obliged [to do so].⁷ What about one 'separated' [under a ban] in regard to muffling the head? — Said R. Joseph, Come and hear: 'And they⁸ muffle themselves and sit as men "separated" [under a ban] and like mourners until Heaven grants them mercy'. Said Abaye: Perhaps it is different with one who is 'separated' [under a ban] by displeasure of Heaven⁹ [as it were]; for that is [more] serious [than being in disfavour with man]!

What about a leper, in regard to muffling the head? — Come and hear: And he shall cover his upper lip;¹⁰ we infer from this that he is obliged to muffle his head. — Infer that.

A mourner is forbidden to put on tefillin.¹¹ Since the All Merciful ordained Ezekiel: Bind thy headdress upon thee,¹² this implies that everybody else is forbidden [to do so in deep mourning]. What about one 'separated' [under a ban], in regard to tefillin? — It stands [adjourned].

What about a leper, in regard to [putting on] tefillin? — Come and hear: [Holy Writ prescribes], 'And the leper';¹³ this [amplification] is to include [even] a High Priest [in this law];¹⁴ 'his clothes shall be perumim',¹⁵ that is, they shall be torn. 'And [the hair of] his head shall be parua'.¹⁶ 'Parua' means only letting the hair grow long;¹⁷ these are the words of R. Eliezer. R. Akiba explains [otherwise]: 'Shall be' is stated in connection with the leper's head;¹⁸ and 'shall be' is stated in connection with the leper's garment.¹⁹ [Therefore] just as 'shall be' stated in connection with the garment refers to something external to the body [clothes],²⁰ so also 'shall be' stated in connection with the head refers to something external to the body.²¹ What then [is to be discarded]? Is it not the reference to tefillin? — Said R. Papa, [Not necessarily these], it may

refer to [not putting on] a cap or sudarium.²²

A mourner is forbidden to give the usual greeting [of wellbeing],²³ because the All Merciful said to Ezekiel: Sigh in silence.²⁴ What about one 'separated' [under a ban] in regard to [abstaining from] the usual greeting?²³ — R. Joseph said, Come and hear: And in regard to greeting one another 'with peace', as man to man, they [that are fasting]²⁵ behave like persons who are 'separated' [under a ban] by the Omnipresent.²⁶ Said Abaye to him, Perhaps [the case of] the 'separated' [as under a ban] by displeasure of Heaven is different because it is [more] serious.

What about a leper in regard to [abstaining from] greeting one 'with peace'? — Come and hear: [It is written]: And he shall cover his upper lip,²⁷ that is, his lips shall be compressed together, that he should behave like one 'separated' [under a ban] and like a mourner, and he is forbidden to greet one 'with peace' Infer that. Then why not solve now²⁸ [the above question] about one 'separated' [under a ban]?²⁹ — Said R. Aha b. Phineas in the name of R. Joseph: Does it [actually] state that he [the leper] is forbidden [to greet one 'with peace' like one 'separated']? It only states that he behaves like one 'separated' or like a mourner with reference to other things and at the same time that he is also forbidden to greet one 'with peace'.

A mourner is forbidden [to engage] in the words of the Torah, because the All Merciful said to Ezekiel: 'Sigh in silence'.³⁰ What about one 'separated' [under a ban engaging in] the words of the Torah? — Said R. Joseph, Come and hear: One 'separated' [under a ban] may teach [others] and others may teach him; he may be hired [for work] and others may be hired by him. One under anathema³¹ neither teaches others, nor do others recite it to him; he is not hired [for work] nor are others [to be] hired by him; but he recites to himself in order that he does not interrupt his study;³² and he makes a small stall for himself [as a means] for 'his livelihood'.³³ Whereat Rab³⁴ remarked, [As for instance] selling water at the pass of Araboth.³⁵ Infer from that.³⁶ What about a leper [engaging] in the words of the Torah? — Come and hear: [It is written], And make them known³⁷ unto thy children and thy children's children; the day that thou stoodest before the Lord thy God in Horeb. [that they may learn to fear Me all the days . . . and that they may teach their children],³⁸ that is, just as [they heard God's word] then [at Sinai] with awe, fear, trepidation and perspiration;³⁹ [so be it now studied with awe, fear, trepidation and perspiration]. Hence sad they [the Sages], that men who are [affected] with flux,⁴⁰ lepers, or such as [in error] consorted with their wife while in separation⁴¹ are allowed to read [Scripture] out of the Torah [Pentateuch], the Prophets or the Hagiographa⁴² or to recite [orally] Mishnah,⁴³ Midrash,⁴⁴ Gemara,⁴⁵ Halachah or Aggadah;⁴⁶ while those who have night pollutions are forbidden.⁴⁷ You may infer it from that.

A mourner is forbidden to wash his clothes, for it is written, And Joab sent to Tekoa and fetched thence a wise woman and said unto her: 'I pray thee, feign thyself to be a mourner and put mourner apparel, I Pray thee and anoint not thyself with oil, but be as a woman that had a long time mourned for the dead'.⁴⁸ What about the 'separated' [under a ban] and the lepers washing their clothes? — Come and hear: Persons 'separated' [under a ban] and lepers are forbidden to cut [their hair] or wash [their clothes]. You may infer it from here.

A mourner is in duty bound to rend [his garments], because the All Merciful enjoined the sons of Aaron, 'Neither rend [your clothes]'.⁴⁹ From here you infer that everyone else is bound to do

it. What about one 'separated' [under a ban] rending his garments? It stands [adjourned].

What about the leper rending his garments? — Come and hear: 'His clothes shall be perumim'⁵⁰ which means they shall be rent. [Yes], infer it.

A mourner is bound to overturn his couch, because Bar Kappara taught:

(1) Sem. V, 11 adds: 'he requires a stoning'.

(2) Josh. VII, 25.

(3) Sem. *ibid.* has: But a messenger of the Beth din takes a stone and puts it on his coffin to carry out on him the ordinance of a stoning.

(4) Cf. Lev. XXIV, 23.

(5) Cf. 'Ed. V, 6 (Sonc. ed. p. 25) and Ber. 19a.

(6) Ezek. XXIV, 17.

(7) Under similar circumstances of bereavement, as Ezekiel's grief was meant to be excessively poignant.

(8) Some of the leading Rabbis who meet to fast and pray on account of the shortage of rain. V. Ta'an. 14b.

(9) The drought being the sign of Heaven's displeasure.

(10) Lev. XIII, 45. 'Cover' here is the same term as used in Ezek. XXIV, 17; 22-23.

(11) Phylacteries. Cf. Deut. VI, 4-9; XI, 19 and Prov. III, 3; VI, 20-23.

(12) Ezek. XXIV, 17-23. Cf. Targum *ad loc.*

(13) Lev. XIII, 45. V. the full text cited by Raba p. 87.

(14) V. *supra* p. 87, n. 5.

(15) Note the phrase, also the specific meaning of the root **orp**, to tear, rend clothes, as here. It is used again twice (Lev. X, 6; and XXI, 10) and Lily in connection with Aaron and his sons; (not) to rend their garments for the dead.

(16) Note this phrase as well as the several meanings of the root **grp**; (a) to be, or get free (from restraint or debt), be loose; (b) to grow freely (of hair, foliage or branches), Num. VI, 5; (c) to let go free, without restraint (Ex. XXXII, 25); (d) to uncover, loosen, disarrange (hair etc.), Num. V, 18.

(17) V. 3b. Cf. Pseudo Jonathan on Lev. XIII, 45.

(18) V. *supra* p. 87, n. 5.

(19) V. *supra* *ibid.*

(20) I.e., his clothes are to be rent exposing parts of the body as a sign of distress and mourning.

(21) I.e., his head to be left bare, uncovered, by not putting on any external covering, as a sign of distress and mourning. Cf. Onkelos on Lev. XIII, 45.

(22) A Latin word meaning a napkin; here a cloth used as a kerchief.

(23) Lit., 'ask after peace'. E.g., Gen. XXIX, 6: 'Is it (peace) well with him? 'Is well': *ibid.* XLIII, 27. To ask such a question would be invidious and a happy reply even painful to the mourner who is in deep sorrow.

(24) Ezek. XXIV, 17; 22-23. Keep your grief to yourself, but outwardly chat and greet people freely, implying that other mourners may not greet, Han.

(25) on account of the prolonged drought.

(26) V. Ta'an. 12b.

(27) Lev. XIII, 45, with reference to a leper.

(28) From the leper's silence.

(29) Left in suspense because of Abaye's query that perhaps the demeanour of the faster is no criterion, as a public calamity such as drought, Hood, or epidemic disease etc. seems a more serious indication of divine displeasure than

the sorrow of an individual.

(30) But converse and talk freely, as if nothing is amiss; implying that other mourners are forbidden. The learned discussion on the words of the Torah is deemed as a joy. V. Ps. XIX, 9-11; CXIX, 15-16 etc.

(31) One put under herem. This is the extreme disciplinary measure taken against a refractory offender, who persists in his defiance of the first reprimand' (for seven days); the 'separation' (or exclusion) for another seven days (in Babylon and thirty days in Palestine), refusing to submit. The matter is dealt with fully infra 16a.

(32) MS.M., 'Does not impair his studies'.

(33) Cf. Sem. V, 12-13 (where the text is defective).

(34) MS.M., R. Hisda.

(35) A place proverbially notorious for its lack of water, and highly infested by brigands. Cf. Ber. 54a; Naz. 43b. The best place where a man like him would find ready customers.

(36) That one under a ban is permitted to engage in the words of the Torah.

(37) 'The things which the eyes saw', i.e., the scene at Sinai.

(38) Deut. IV, 9-10.

(39) 'And when people saw it they trembled . . .' Ex. XX, 15.

(40) Lev. XV, 2ff.

(41) I.e., within the forbidden period of menses. V. Lev. XV, 19, 24 and XX, 18.

(42) Because 'The sacred word is not subject to defilement'; besides, it cleanses the mind and heart.

(43) The Mishnah par excellence. Inserted by MS.M.

(44) Lit., 'exposition' of the Biblical text.

(45) Lit., 'oral' or 'complementary' teaching and explanations of the Mishnah received from the mouth of a master. These constitute the study of the Talmud.

(46) Halachah is matter of legal import, and Aggadah is ethical and homiletical exposition.

(47) V. Ber. 22a, where the subject is discussed at length showing the divided opinions of teachers, who ultimately inclined to recognize human weakness along with the value of the study of Torah as a moral aid. Cf. Mak. 10a and 23b (Sonc. ed. pp. 62, 169ff).

(48) II Sam. XIV, 2.

(49) Lev. X, 6. At the death of their brothers Nadab and Abihu, during their installation into their priestly office.

(50) Ibid. XIII, 45. Cf. Supra p. 89, n. 2.

Talmud - Mas. Mo'ed Katan 15b

'[God says], "I have set the likeness of mine image on them and through their sins have I upset it; let your couches be overturned¹ on account thereof".' What about one 'separated' [under a ban] and a leper overturning couches? Let this stand [adjourned].

A mourner is forbidden to engage in work, for it is written: And I shall turn your feasts into mourning;² [hence we say] that just as it is forbidden to engage in work during a Feast [festival], so is it forbidden to engage in work during mourning. What about one 'separated' [under a ban] in regard to doing work? — Said R. Joseph: 'Come and hear: "When the Sages said that it is forbidden them³ to engage in work, [about themselves, bathe, don shoes. . .], they laid this down only for the daytime, but at night it is all permitted and [the same restrictions] you find also in the case of one 'separated' and a mourner."⁴ Does not this refer to all those [restrictions]?' — No, it is only to the other things, [but not to work].

Come and hear: 'One "separated" [under a ban] teaches [others] and others teach him; he is hired [for work] and others are hired by him'.⁵ You may infer from that. What about a leper engaging in work? — Let this stand [adjourned]. A mourner is forbidden to wash himself, as it is written, And anoint not thyself with oil,⁶ and bathing is implied in anointing.⁷ What about one 'separated' [under a ban] bathing? — Said R. Joseph, Come and hear: 'When the Sages said that it is forbidden then, to wash [on the fast day] they meant only in regard to washing the whole body, but one is permitted to wash one's face, hands or feet, and [the same restrictions] you find also in the case of one "separated" [under a ban] and a mourner'⁸. Now, does not this refer to all the restrictions? — No, [only] to the others [but not to bathing]. What about the leper washing himself? — Let this stand [adjourned].

A mourner is forbidden to put on sandals [shoes], as the All Merciful ordained Ezekiel, And put thy shoes upon thy feet,⁹ which implies that for everyone else it is forbidden [to do so]. What about one 'separated' [under a ban] putting on sandals? — Said R. Joseph, Come and hear: 'When the Sages said that it is forbidden then, [on the fast day] to put on sandals, they meant only in town, but on the road it is permitted. When, for instance? When one sets out on the road he puts on [shoes], on entering town, he takes them off: and [the same] you find also in the case of one "separated" [under a ban]'.⁸ Now, does not this refer to all those [restrictions]?¹⁰ — No, [only] to the other.¹¹ What about the leper putting on sandals? — Let this stand [adjourned].

A mourner is forbidden the use of the [conjugal] bed, as it is written: And David comforted Bath-Sheba his wife and went in unto her,¹² which implies that before then¹³ it was forbidden [him]. What about one 'separated' [under a ban] in regard to the use of the [conjugal] bed? — Said R. Joseph, Come and hear: All those years that Israel spent in the wilderness they were 'separated' [under a ban]¹⁴ yet they used their [conjugal] beds.¹⁵ Said Abaye: But, maybe, the case of those who are 'separated' by [displeasure] of Heaven is different because it is less serious? [You say], 'less serious'! But you argued [before]¹⁶ that it was more serious? — He is uncertain on the point; [if you] go [and argue] this way, he rebuts it, and if you go [and argue] the other way, he [again] rebuts it. What about a leper, in regard to the use of the [conjugal] bed? — Come and hear, for it is taught: '[It is written], But [he] shall dwell outside his tent seven days',¹⁷ that is, he shall be like one 'separated' [under a ban] and like a mourner; and he is forbidden the use of the [conjugal] bed, as '[outside] his tent' means only [apart from] his wife, as it is said: Go say to them: Return ye to your tents.¹⁸ You may infer it from that. Then could not one now by this [conclusion] solve the above question [on this point] about one 'separated' [under a ban]? — Said R. Huna¹⁹ son of Phineas in R. Joseph's name: Does it state [categorically] that he [the leper] is forbidden [like one 'separated']? It only states that he is like one 'separated' [under a ban] and like a mourner in respect of other things and that he be [also] forbidden the use of the [conjugal] bed.²⁰

A mourner does not send his sacrifices [to the Temple], for it is taught: Says R. Simeon, [It is written, And thou shalt sacrifice] peace-offerings²¹ and eat there,²² and thou shalt rejoice before the Lord thy God,²³ that is, one offers 'peace-offerings' [only] at times when one is untroubled,²⁴ but not at a time when one is onen,²⁵ What about one 'separated' [under a ban], should he [then] send his offerings? — Said R. Joseph, Come and hear: All those years that Israel spent in the wilderness they were 'separated' [under a ban]²⁶ and [yet] they sent their offerings [to the

Tabernacle]. Said Abaye to him: But perhaps one ‘separated’ by [the displeasure of] Heaven is different, because it is not so serious? [You say], ‘Not so serious’! But you argued [before] that it was more serious! — [Abaye] being uncertain on the point rebutted it [either way]. What about a leper, may he send his [sacrificial] offerings? — Come and hear: And after he [a defiled priest] is cleansed²⁷ — [that is, cleansed]²⁸ after coming away from his dead near of kin — they shall reckon unto him seven days²⁹ — those are the seven days which he has to count³⁰ — and in the day that he goeth into the Sanctuary,³¹ into the inner court,³² to minister in the Sanctuary, he shall offer his sin-offering³³

(1) So MS.M.; cur. edd.: ‘overturn their couches’. Cf. Ezek. XXIV, 23 and J. Ber. III, 1.

(2) Amos VIII, 10.

(3) Those praying and fasting on account of persistent drought.

(4) Ta'an. 13a; Tosef. Ta'an. 1, 6; J. Ta'an. I, 3 twice, and J.M.K. III, 5.

(5) V. supra 15a.

(6) II Sam. XIV, 2.

(7) V. Ruth III, 3 and Yoma76.

(8) Cf. supra p. 92, nn. 5 and 6.

(9) Ezek. XXIV, 17.

(10) Including that of not wearing sandals.

(11) Exclusive of sandals.

(12) II Sam. XII, 24 and infra 21a.

(13) During the period of mourning.

(14) Deut. 1, 34-35; 43-44. Cf. Mekilta, Bo. Poem, based on Deut. II, 15-16.

(15) Deut. I, 39.

(16) V. supra p. 90.

(17) Lev. XIV, 8.

(18) Deut. V, 27. Cf. supra 7b.

(19) Var. lec. Aha.

(20) V. supra p. 93.

(21) **ohinka** derived here from **oka**, to be whole, hale and at peace.

(22) These ‘peace-offerings’ were usually brought to the Temple by the pilgrims during the festivals (of Passover, Weeks and Tabernacles) and after the altar rites had been performed and the priests given their due portions (Lev. VII, 29-34), the worshippers with their family group ate the remainder of the sacrificial meat in a state of ritual purity as joyous celebrants (Deut. XII, 6-7; 17-19; XXVII, 7).

(23) Deut. XXVII, 7.

(24) Lit., ‘whole’. Cf. n. 1.

(25) V. Supra p. 87, n. 6.

(26) V. n. 2 and Yeb. 72a. (12) Lev. XVII, 5. (Private peace-offerings). V. however Men. 45b.

(27) Ezek. XLIV, 26.

(28) V. verse 25; about the ritual sprinkling after being defiled by the dead (before one may enter the sanctuary), Num. XIX, 11-13; 19-20.

(29) The (above) ritual sprinkling from defilement by contact with the dead was done on the third and seventh days after having separated from the corpse; but the use of the phrase ‘they shall reckon seven days’ instead of ‘they shall sprinkle upon him’ is taken to be reminiscent of the seven days for a leper on his recovery and his preliminary ritual cleansing, before leaving his place of Isolation (Lev. XI V, 1-8), which were followed by another

seven days of ritual purification before he may proceed on the eighth day with his final purification and atonement. (Ibid. 8-11). Accordingly, the case of a leprous priest is read into the text of Ezekiel. For obviously it would be useless to cleanse a leprous priest (or layman) from his defilement by the dead while still being unclean as a leper, and as such unfit to enter the camp or sanctuary.

(30) As a leper, 11 the course of his cleansing.

(31) After having been purified from both defilements.

(32) As a priest.

(33) Prescribed for a recovered leper (Lev. Xlv, 19 or 22); or it might be translated, 'His (offerings for) cleansing' (cf. Lev. Xlv, 52; Num. VIII, 7; XIX, 9, 12, 19). V. supra n. 3.

Talmud - Mas. Mo'ed Katan 16a

— which is his [own meal-oblation¹ consisting of] one tenth part of an ephah [of fine flour]: These are the words of R. Judah. R. Simeon says, [the wording:] And in the day that he goeth into the sanctuary [into the inner court to minister in the sanctuary], he shall offer his sinoffering² [implies that only] when he is fit to go into the sanctuary he is fit to offer up [his own oblation]: and when he is not fit to go into the sanctuary, he is not fit to offer up [his own oblation].³ Raba said: Whence do we know⁴ the regulation that we send a messenger of the Court?⁵ — From what is written: And Moses sent to call Dathan and Abiram the sons of Eliab.⁶ And whence do we know that we summon⁷ him to attend [in person]? — From what is written, And Moses said to Korah, Be thou and all thy congregation before the Lord, thou and Aaron [tomorrow].⁸ [Whence, to appear] 'before a great personage'? — From what is written, Before the lord.⁸ [To name both parties], 'thou and So-and-so'? — From what is written, Thou and they [that are with thee] and Aaron.⁸ That we fix a time? — As it is written, To-morrow.⁸ Time and again?⁹ — As it is written: They called there,¹⁰ Pharaoh the king of Egypt [the author of] 'commotion'; he hath let the appointed time pass by. [As I live, saith the King, the Lord of Hosts, surely like Tabor among the mountains and like Carmel by the sea, so shall he come].¹¹ And whence do we know that if one behaves insolently towards the Court's messenger and the latter comes and reports it, this is not deemed slander [on his part]? — As it is written: [And Moses sent to call Dathan and Abiram the sons of Eliab]; And they said: [We will not come up]⁶ . . . Wilt thou put out the eyes of these men? [We will not come up].¹² Whence do we derive that we [may] pronounce a shammetha¹³ [imprecation]? — From the text: Curse ye Meroz.¹⁴ Whence do we derive that it must be according to the considered opinion of some prominent person? — From the text: [Curse ye Meroz] said the angel of the Lord¹⁴ [to Barak]. And whence do we derive that we pronounce the herem?¹⁵ — Front the [same] text: Curse ye a cursing.¹⁶ Whence do we derive that [it falls on one who] eats and drinks with the offender or stands within four cubits of him? — From the same text: [Curse ye a cursing] the inhabitants thereof.¹⁷ Whence do we derive that we publish the details of his offence? — From the [same] text: Because they [the denizens of Meroz] came not to the help of the Lord. And, said 'Ulla, Barak pronounced the shammetha¹⁸ against Meroz with [the blast of] four hundred horns. Some say that Meroz was [the name of] a great personage;¹⁹ others say that it was [the name of] a star,²⁰ as it is written [there]: They fought from Heaven, the stars in their courses fought against Sisera.²¹ Whence do we derive that his property may be forfeited?²² — From the text: And whosoever come not within three days, according to the counsel of the princes and the elders, all his substance should be forfeited and himself separated from the congregation of the captivity.²³ Whence do we derive that we may quarrel [with an

offender], curse him, smite him, pluck his hair and put on him an oath?²⁴ — From the text: And I contended with them, and cursed them, and smote certain of them and plucked off their hair and made them swear by God.²⁵ Whence do we derive that we may fetter, arrest and prosecute them? — From the text: [Let judgment be executed upon him with all diligence], whether it be unto death, or to uprooting, or to confiscation of goods or to imprisonment.²⁶ What is meant by ‘uprooting? Said [R.] Adda Mari, reporting Nehemiah b. Baruch, who said in the name of R. Hiyya b. Abin, who had it from Rab Judah, it mean the hardafah.²⁷ What is denoted by hardafah? — Said Rab Judah son of R. Samuel b. Shelath in the name of Rab: It means, They declare him ‘separated’²⁸ forthwith; then [if he still persists] they repeat [the same declaration] after thirty days,²⁹ and finally they pronounce the herem on him after sixty days. Said R. Huna b. Hinena, This is what R. Hisda said: They [first] warn him on Monday, [then] on the Thursday³⁰ [following] and [again on the] Monday. This rule applies if he disregards a monetary judgment; but in a case of sheer contumacy the ban is imposed forthwith. When a certain butcher had been insolent to R. Tobai b. Mattena, Abaye and Raba were appointed³¹ to investigate and they pronounced the shammetha on him. In the end, the fellow went and appeased his litigant.³² Said Abaye, What is one to do? Should we absolve him now? The shammetha had not lasted [its] thirty days.³³ Shall we not absolve him? The Rabbis want to go in to him!³⁴ Said lie to R. Idi b. Abin: ‘Have you [perchance] heard aught bearing on this?’ He replied: ‘Thus said R. Tahlifa b. Abimi as reporting Samuel: "A toot³⁵ binds and a toot releases!"' [Said Abaye] to him, Yea, but this obtains only in the case of disregarding a monetary decision, but in a case of contumacy [it holds] until it has rested on him for thirty days! Anyhow, that shows that Abaye was of opinion that if three people had pronounced the shammetha on a man three others cannot come and release him!³⁶ For the question was raised: If three people had pronounced the shammetha on a man, can three others come and remit it for him? — Come and hear: ‘One who has been "separated" [under a ban] by the master is [deemed as] "separated" from the disciple;³⁷ but one who has been "separated" by the disciple is not [considered as] "separated" from the master. One who is "separated" by his own town is also "separated" from another town; but one who is "separated" by another town is not [considered] "separated" from his own town. One who is "separated" by the Nasi [Prince] is "separated" in all Israel; but one who is "separated" by all Israel is not [thereby] "separated" from the "Prince". Rabban Simeon b. Gamaliel says that if one of the disciples had "separated" someone and died, his part is not nullified’. From this you derive three points: — [a] That if a disciple ‘separated’ someone in [defence of] his personal dignity,³⁸ the ‘separation’ lies, and you infer [b] that each person revokes his own part, and you infer [c] that if a body of three have pronounced a shammetha on a person, three others may not come and release him.³⁹

Amemar said: ‘The rule in practice is, that if a body of three have laid a shammetha on a person, a body of three others [can] come and release him’. Said R. Ashi to Amemar, But it is taught: ‘Rabban Simeon b. Gamaliel says that if one of the disciples "separated" someone and died, his part is not nullified’! Does not this mean, that it cannot be nullified at all? — No, [it means] not until a body of three others come and release him.

Our Rabbis taught: No ‘separation’ ban holds less than thirty days and no ‘reproof’⁴⁰ holds less than seven days; and although there is no direct proof on that point, there is an [indirect] ‘indication’ of it: If her father had but spit in her face, should she⁴¹ not hide in shame seven days?

[Let her be shut up without the camp seven days and after that he shall be brought in again].⁴²

R. Hisda remarked, 'Our "separation" [in Babylon] corresponds to their "reproof" [in Palestine]'. But is their 'reproof' of only seven days' duration, not more? Is it not a fact that R. Simeon, Rabbi's son, and Bar Kappara were once sitting rehearsing the lesson together when a difficulty arose about a certain passage⁴³ and R. Simeon said to Bar Kappara, 'This [matter] needs Rabbi [to explain it]', and Bar Kappara replied: 'And what forsooth can Rabbi [have to] say on this?' He went and repeated it to his father, [at which] the latter was vexed, and [when] Bar Kappara next presented himself before Rabbi, he said: 'Bar Kappara, I have never known you!'⁴⁴ He realized that he [Rabbi] had taken the matter to heart and submitted himself to the [disability of a] 'reproof' for thirty days. Again, on one occasion, Rabbi issued an order that they should not teach disciples in the open public market place. (What was his exposition?⁴⁵ — How beautiful are thy steps in sandals, O prince's daughter!⁴⁶ The roundings of thy thighs are like the links of a chain [the work of the hands of a skilled workman].⁴⁷ As the thigh is covered

(1) If he is a common priest, after full purification and re-admission into the inner court of the priests, he might on that very day officiate and offer up his own free-gift oblation (v. Men. 73-74a). This proves that as long as he is unclean, whether through contact with dead or through leprosy, he cannot bring his offerings.

(2) Ezek. XLIV, 27.

(3) That is, R. Simeon does not allow a leper and common priest or a layman to send his offerings to the Temple until after his purification and atonement by sacrifices. For a leper had to attend in person to be purified by the stated ceremony (Lev. XIV, 11, 14-18, 20).

(4) Scripturally.

(5) So amended by Bah. V. D.S. To invite one to a suit.

(6) Num. XVI, 12.

(7) The defendant.

(8) Ibid. 16.

(9) If he does not obey the first summons.

(10) 'Summoned', so the Targum.

(11) Jer. XLVI, 17-18. V. Rash. Cf. Targum and Rashi ad loc cit.

(12) Num. XVI, 12-14. V. Rashi.

(13) **ibh, nan** probably a dialectical form for **ibhsnan** from **sna** to curse, which occurs in this sense of 'cursing' in a Nabatean El-Hejra inscription (Cooke N. Sem. Inscr. No. 80p. 220 line 8); cf. infra 17a note on etymology.

(14) Judg. V, 23.

(15) V. supra p. 90, n. 5.

(16) I.e., a repeated cursing (of the defiant sinner).

(17) Cf. Judg. V, 23.

(18) Note that shammetha is here used as the equivalent of herem, or its Aramaic form ahramta.

(19) Or hero, who gave his name to the city 'Meroz'. V. Gen. IV, 17, Num. XXXII, 41-42; also cf. Alexandria, Antioch, Caesarea, Constantinople.

(20) A planet, like Mars, Mercury, Jupiter; or a constellation, like Perseus or Orion.

(21) Judg. V, 20.

(22) In the case of disobedience of the court.

(23) Ezra X, 8.

- (24) To desist from his malpractices.
- (25) Neh. XIII, 25.
- (26) Ezra VII, 26.
- (27) Active pursuit, 'prosecution'; cf. Judg. XX, 43 for the term in this sense
- (28) Repel or expel him from their midst. Niddui and herem are Mishnaic, Palestinian terms, while shammetha is a popular Babylonian term loosely used for either, and whose legal denotation was the subject of discussion in Talmudic times (e.g., Ned. 7a-b) and later in Geonic responsa; as to its precise meaning, v. B.M. Lewin's Otzar ha-Geonim IV on Mashkin, Responsa 29ff, pp. 17-19.
- (29) The ordinary period of niddui, 'separation'.
- (30) The Beth din had their regular sessions on Mondays and Thursdays: a practice said to have been one of the Ten Institutions introduced by Ezra, B.K. 82a (Sonc. ed. p. 466).
- (31) With a third person, v. infra.
- (32) Apologized to R. Tobai.
- (33) The normal period of a 'separation'. V. R. Han.
- (34) They need him to obtain their meat. [Var. lec. 'The Rabbis wish to depart' (Han.). The Rabbis, who took part in imposing the ban and who must consequently be present at the absolution, wish to depart and the opportunity of releasing him will thus be lost, v. infra].
- (35) The horn blown at banning.
- (36) [Rashi! Since he himself was anxious to perform the release. In var. lec. supra n. 6 the question is clear.]
- (37) I.e., the ban is effective also as far as the disciple is concerned; and similarly in all the other cases that follow.
- (38) [Since we find that a disciple's ban has no force as far as the teacher is concerned, which can apply only to a ban imposed in defence of the disciple's own dignity, and not to one for a general transgression.]
- (39) [(b) and (c) are inferred from the statement of R. Simeon b. Gamaliel. The phrase 'his part is not nullified' is taken to mean that it can never be nullified.]
- (40) Nezfah, a 'snub'; sometimes ge'arah, a 'shout'. Cf. Gen. XXXVII, 10 and Zech. II, 2.
- (41) Miriam.
- (42) Num. XII, 14.
- (43) **t, gna** ; something 'heard' or 'repeated', usually a halachic interpretation repeated in the name of a well-known master.
- (44) I.e., I don't (want to) know you, stay away, or I have never been able to understand your attitude towards me. B. Kappara clashed with Rabbi on several occasions. The cause, it seems, was not personal, but rather due to the different schools to which they each belonged. B. K. belonged to the 'Southern Sages' (Lydda and Caesarea) and was himself the compiler of an often quoted collection of Mishnah (Baraita).
- (45) A question interrupts the quotation.
- (46) The Torah, which is allegorically represented by Shulamith, 'Perfection' or 'Pence', the beloved of Solomon (the divine) King of Perfection or Peace. Cf. Prov. III, 13-18; VIII, 1 ff.
- (47) Cant. VII, 2. (Cf. its counterpart V, 15).

Talmud - Mas. Mo'ed Katan 16b

so the [discussions on the] words of the Torah are also [to be] under cover.)¹ — R. Hiyya went out and taught the sons of his two brothers in the [open] marketplace, Rab and Rabbah son of Kar Hana. Rabbi heard [of this and] was vexed. [When] R. Hiyya [next] presented himself before him, Rabbi said to him, 'Iyya!² Who is calling you outside?' He realized that he [Rabbi] had taken the matter to heart, and submitted himself to [the disability of] a 'reproof' for thirty days. On the

thirtieth day Rabbi sent him a message saying 'Come!' Later he sent him a message not to come! (What³ was his idea in sending the first [message] and what in sending the second? At first he thought 'part of the day may be deemed equivalent to the whole day' and in the end he thought, we do not say part of the day may be deemed equivalent to the whole day'.)⁴ In the end he came. Said Rabbi to him, Why have you come? R. Hiyya replied: 'Because you, Sir, sent for me to come'. But then I sent to you not to come! He replied: 'The one [messenger] I saw and the other I have not seen'. Thereupon he [Rabbi] cited [as appropriate] the text: When a man's ways please the Lord, He maketh even his enemies to be at peace with him.⁵ Wherefore, Sir, [asked Rabbi] did you act thus [contrary to order]? — Because, replied R. Hiyya, it is written: Wisdom crieth aloud it, the street: [She uttereth her voice in the broad places; she calleth at the head of the street; at the entrance of the gates, in the city she uttereth her words].⁶ Said Rabbi to him: 'If you read Holy Writ [once], you have not read it a second time; if you have read it a second time, you have not read it a third time; and if you have read it a third time, they [who taught you] have not explained it to you'.⁷ [The text] 'Wisdom crieth aloud in the streets' is [to be taken] in the sense in which Raba [explained it];⁸ for Raba said: 'If one studies the Torah indoors, the Torah proclaims his merit abroad'. But then is it not written [otherwise]: 'From the beginning I have not spoken in secret'?⁹ — That has [special] reference to the 'Kallah' days.¹⁰ And what [use] does R. Hiyya make of the text — 'The roundings of thy thighs'? — He explained it in reference to the dispensing of charity and acts of lovingkindness.¹¹ Thus¹² [you see] the disability of their 'reproof' [in Palestine] lasts thirty days! — The 'reproof' of a Nasi is different. And our 'reproof', how long [is its disability]? — One day [only], as in the case of Samuel and Mar 'Ukba.¹³ When they were sitting together [at the College] engaging in the revision of some theme, Mar 'Ukba sat before him¹⁴ at a distance of four cubits; and when they sat together at a judicial session, Samuel sat before him¹⁴ at a distance of four cubits and a place was dug out¹⁵ for Mar 'Ukba where he sat on a matting so that what he¹⁶ said should be heard. Every day Mar 'Uba accompanied Samuel to his house. One day he¹⁶ was [rather] engrossed in a suit, and Samuel walked behind him. When he¹⁶ had reached his house, Samuel said to him: 'Haven't you been rather a long time at it?'¹⁷ Take up now my case!¹⁸ He¹⁶ then realized that he [Samuel] felt aggrieved and submitted himself to the [disability of a] 'reproof' for one day.

There was a certain woman who sat sprawling on the footway fanning the husks out of her barley groats, and when a Collegiate was walking past her she did not make way for him. He said, 'How impudent is this woman!' She came before R. Nahman. Said he to her, Did you hear him utter the shammetha?¹⁹ She replied [she had] not. Said he to her, Go and submit yourself to the [disability of a] 'reproof' for one day.¹⁹ Zutra b. Tobiah was [once] expounding a Scriptural lesson in the presence of Rab Judah. Coming to the verse: And these are the last words of David,²⁰ he said to R. Judah. 'Last words': this implies that there were former words; which are those former [words]? He [Rab Judah] kept silent, without saying anything. Again said the former: 'Last words! This implies there were former words; which are those former [words]?' — He [then] replied: What, think you that one who does not know an explanation of that text is not an eminent man? He [Zutra] realized that he [Rab Judah] had taken the matter to heart [and] submitted himself to the [disability of a] 'reproof' for one day. Now, however, that we have come upon this question: "'Last words", this implies that there were former words', what were they? — [These:] And David spoke unto the Lord the words of this song in the day that the Lord delivered him out of the hand of all his enemies and out of the hand of Saul.²¹ The Holy One, blessed 'be

He, said to David, David do you compose a song on the downfall of Saul? Had you been Saul and he David, I would have annihilated many a David out of regard for him. Hence it is written, ‘Shiggaion²² of David, which he said unto the Lord, concerning Cush a Benjamite.²³ Was Cush that Benjamite’s name? And was not his name Saul? — But, just as a Cushite [Ethiopian]²⁴ is distinguishable by his skin, so was Saul distinguished by his deeds. In like manner you explain: ‘[And Miriam and Aaron spoke against Moses] because of the Cushite woman that he had take,; to wife.²⁵ Was she a Cushite [woman]? Was not her name Zipporah? But as a Cushite woman is distinguishable by her skin so was also Zipporah distinguished by her deeds. In like manner you explain: Now Ebed-Melek the Cushite . . . heard.²⁶ Now was his name Cushite? Was not his name Zedekiah?²⁷ But as the Cushite is distinguishable by his skin so was Zedekiah distinguished by his deeds. In like manner you explain: Are ye not as the children of the Cushites unto me, O children of Israel, saith the Lord?²⁸ Now is their name [children of] Cushites? Was not their name [children of] Israel? The truth is that as the Cushite is distinguishable by his skin, so are Israel distinguished by their ways²⁹ from all other nations.³⁰

R. Samuel b. Nahmani citing R. Jonathan. explained: [And these tire the last words of David], The saying of David the son of Jesse and the saying of the man raised on high,³¹ [means, it is] the saying of David the son of Jesse who established firmly the yoke [discipline] of repentance.³² [The spirit of the Lord spoke by the and His word was upon ny tongue]. The God of Israel said, The Rock of Israel spoke to me: Ruler over man shall be the righteous, even he that ruleth through the [reverent] fear of God.³³ What does this mean? — Said R. Abbahu, It means this: ‘The God of Israel said, to the [David] spake the Rock of Israel; I rule man; who rules Me? [It is] the righteous: for I make a decree and he [may] annul it’.³⁴

And these tire the names of the mighty of David: Josheb-basshebeth a Tahchemonite [etc.].³⁵ What does this mean? — Said R. Abbahu, It means: And these are the mighty deeds of David: ‘Josheb-basshebeth’ — [which means], sitting at the session;³⁶ [that is], When David sat at the College Session he was not seated on cushions and coverlets but on the [bare] ground.³⁷ For all the time that his Master, Ira the Jairite,³⁸ was alive he taught the Rabbis whilst being himself seated on cushions and coverlets; when his soul found rest David used to teach the Rabbis being himself seated on the ground.³⁹ Said they [the Rabbis] to him: ‘Sit, sit on the cushions and coverlets’; but he would not accede to their request.

‘Tahchemoni’.⁴⁰ Rab explained: The Holy One, blessed be He, said to him [to David], ‘Since you have humbled yourself you shall be like Me [that is], that I make a decree and you [may] annul it’. ‘Chief of the Captains’,⁴¹ [that is] you be chief next to the three Fathers. He is Adino⁴² the Eznite,⁴³ [that is] when he was sitting engaged in the [study of] Torah he rendered himself pliant as a worm, but when he went marching out to [wage] war he hardened himself like a lance. ‘On eight hundred slain at one time’, [that is] when he threw a javelin he felled eight hundred slain at one time and moaned for the [shortage of] two hundred, for it is written: How one should chase a thousand.⁴⁴ But an echo came forth and said: ‘Save only for the matter of Uriah the Hittite’!⁴⁵

Said R. Tanhuni son of R. Hiyya a man of Kefar Acco as citing R. Jacob b. Aha who reported R. Simlai; and some say, R. Tanhun, said as reporting R. Huna; and again some say, R. Huna

alone said that

- (1) The motive of this new restriction is not given. It was an old common practice to teach in the open. perhaps it was to avoid misrepresentation on the part of the passing crowds who might mistake the heated discussions for acrimonious disputations. The quotation is now resumed.
- (2) Imitating Hiyya's defective pronunciation; he could not correctly pronounce the guttural letters. Cf. Meg. 24b.
- (3) The quotation is here again interrupted.
- (4) Cf. *infra* p. 129 and Pes. 4a where R. Hiyya's action determines the former alternative to be the 'rule in practice'.
- (5) Prov. XVI, 7.
- (6) *Ibid.* I, 20-21.
- (7) Cf. Ber. 18a where R. Hiyya makes the same retort to R. Jonathan.
- (8) Much later; Rabbi died about 200 C.E. and Raba lived 299-352 C.E.
- (9) Isa. XLVIII, 16, the prophet speaking in the name of God. This is taken to refer to the Revelation when the Torah was given to all Israel assembled at Sinai and heard by all the other nations. Cf. Shab. 88b and Zeb. 116a.
- (10) These were half-yearly assemblies held in Adar and Elul, before the great Festivals.
- (11) I.e., to 'be practiced privately.
- (12) Reverting to the original question.
- (13) 'Mar' is a Babylonian title of rank and is sometimes also borne by Samuel, but mostly by the members of the Exilarch's family. Samuel was the principal of the Academy at Nehardea and the Chief justice, while Mar 'Ukba was both a disciple of Samuel and Exilarch, the supreme civil Head of the Jewish community invested with authority by the persian king. This Mar 'Ukba is probably the same as Nathan 'Ukban who succeeded his father 'Anan or Huna as Exilarch shortly before the rise of the Neo-Persian rule of the Sassanids (c. 226 C.E.). V. W. Bacher, *Jew. Encyc.* Vol. V, 289a s.v. Exilarch.
- (14) I.e., in his presence, probably sitting at his right.
- (15) Either a kind of recess or alcove in the wall or a marked-off enclosure with a rich matting for the Exilarch. [Aliter: A place was hollowed out in the ground over which the Exilarch's matting was spread for Mar 'Ukba to sit on, in order that his seat may not be on a higher level than that of Samuel; cf. Maharsha and D.S. a.l. The text is not clear.]
- (16) Mar 'Ukba.
- (17) Lit., 'is it not yet clear to you?'
- (18) So MS.M. Cur. edd. 'his case'. V. Rashi.
- (19) Which as a 'separation 'would take effect for seven days; v. R. Hisda's observation, *supra* 16a,
- (20) II Sam. XXIII, 1.
- (21) *Ibid.* XXII, 1.
- (22) **ihda** (from **vda**) is here taken to mean an error'. It was an error on his part to celebrate in song the downfall of Saul.
- (23) Ps. VII, 1.
- (24) Aithiops in Greek means 'fiery-looking', 'flashing'.
- (25) Num. XII, 1.
- (26) Jer. XXXVIII, 7ff.
- (27) Sifre on Num. XII, 1 has it obviously more correctly: Baruch, son of Neriah (Jer. XXXVI, 4ff) his disciple.
- (28) Amos IX, 7.
- (29) Sifre. *ibid.* has: 'By their commandments'.
- (30) On this antiphrasis, cf. Juvenal, Sat. VIII, 32-33: 'Somebody's dwarf we call an Atlas and an Aethiopian a

swan'. And L. Friedlander's note ad loc. quotes Isid. Orig. I, 36, 24, 'antiphrasis — hoc tropo et nani Atlantes — et vulgo Aethiopes appellantur argentei(?)'.

(31) II Sam. XXIII, 1.

(32) He showed the way of repentance for a heinous sin. Cf. p5, LI, 15 and A.Z., Sonc. ed. p. 19.

(33) II Sam. XXIII, 2-3. V. Hananel.

(34) The righteous have power to move God to change his adverse decree by prayer. Cf. Gen. XVIII, 20ff; Ex. XXXII, 7-14.

(35) II Sam. XXIII, 8.

(36) Playing on the meaning of the words: josheb _ sitting; basshebeth _ at the 'sitting' or 'Session' (of scholars).

(37) Cf. Mar 'Ukba above.

(38) II Sam. XX, 26.

(39) Cf. 'Er. 63a and Sit. 59a.

(40) II Sam. XXIII, 8. (From **ofj**), a session of the sages; but here Rab divides it into **hbunf tv**, 'be (thou) like me'.

(41) Explained as Chief of the Trio, the three Patriarchs.

(42) From **isg** = 'gentle'; he was gentle, tender.

(43) ** _ wood; the wooden lance. Cf. I Sam. XVII, 7. Cf. on this section, Seder Elijahu Rabbah Ed. M. Friedmann, III, pp. 15-16.

(44) Deut. XXXII, 30.

(45) I Kings XV, 5.

Talmud - Mas. Mo'ed Katan 17a

if a disciple 'separates' someone in [defence of] his personal dignity his 'separation' is an [effective] . For it is taught: 'One who has been "separated" [as under a ban] by the Master is [deemed] "separated" from the disciple; but one who has been "separated" by the disciple is not [deemed] "separated" from the Master'.¹ [That means], not 'separated' from the Master; but in regard to everybody else he is ['separated']. [Now let us see; 'separated'] for what [offence]? If [it was imposed] for some offence towards Heaven, then there is no wisdom nor understanding nor counsel against the Lord!² Therefore [presumably] it is only so³ [where a disciple had pronounced it] in [defence of] his personal dignity. R. Joseph said that a Collegiate⁴ may enforce his own rights in a matter where he is perfectly certain [as to the law]. There was once a certain Collegiate whose reputation was objectionable. Said Rab Judah, How is one to act? To put the shammetha on him [we cannot], as the Rabbis have need of him [as an able teacher]. Not to put the shammetha on him [we cannot afford] as the name of Heaven is being profaned. Said he to Rabbah b. Bar Hana, Have you heard alight on that point? He replied: 'Thus said R. Johanan: What means the text, For the priest's lips should keep knowledge and they should seek the law at his mouth; for he is the messenger of the Lord of Hosts?⁵ [It means, that] if the Master is like unto a messenger of the Lord of Hosts, they should seek the law at his mouth; but if [he be] not , they should not seek the law at his mouth'. [Thereupon] Rab Judah pronounced the shammetha on him. In the end Rab Judah became indisposed. The Rabbis came to enquire about him and that man came along with them. When Rab Judah beheld him he laughed. Said the man to him: Not enough for him that he put upon that man [me] the shammetha, but he even laughs at me! Replied he [Rab Judah]: I was not laughing at you: but as I am departing to that World [beyond] I am glad to think that even towards such a personage as you I showed no indulgence. Rab Judah's soul

Talmud - Mas. Pesachim 2a

CHAPTER I

MISHNAH. ON THE EVENING [OR]¹ OF THE FOURTEENTH [OF NISAN] A SEARCH IS MADE FOR LEAVEN² BY THE LIGHT OF A LAMP.³ EVERY PLACE WHEREIN LEAVENED BREAD IS NOT TAKEN DOES NOT REQUIRE SEARCHING, THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [MUST BE SEARCHED]?⁴ [CONCERNING] A PLACE WHEREIN LEAVEN MIGHT BE TAKEN,⁵ BETH SHAMMAI MAINTAIN: TWO ROWS OVER THE FRONT OF THE WHOLE CELLAR;⁶ BUT BETH HILLEL MAINTAIN: THE TWO OUTER ROWS, WHICH ARE THE UPPERMOST.⁷

GEMARA. What is OR? — R. Huna said: Light [naghe]; while Rab Judah said: Night [lele]. Now it was assumed [that] he who says light means literally light;⁸ while he who says night means literally night.⁹ An objection is raised: As soon as the morning was light [or], the men were sent away,¹⁰ which proves that 'or' is day? — Is it then written, The 'or' was morning: [Surely] 'the morning was or' is written, as one says, Morning has broken forth. And [this verse is] in accordance with what Rab Judah said in Rab's name. For Rab Judah said in Rab's name: A man should always enter [a town] by day,¹¹ and set out by day.¹²

An objection is raised: As the light of [or] the morning, when the sun riseth,¹³ which proves that 'or' means the daytime? — Is it then written, 'or is morning': surely it is written, 'as the light of [or] the morning', and this is its meaning: 'and as the light of the morning' in this world so shall the rising of the sun be unto the righteous in the world to come.¹⁴

An objection is raised: And God called the light [or] Day¹⁵ which proves that or is daytime? — This is its meaning: the advancing of light¹⁶ He called Day.¹⁷ If so, 'and the darkness He called Night' means [similarly], the advancing of darkness He called Night:¹⁸ but surely it is an established principle that it is day until the appearance of the stars?¹⁹ Rather this is its meaning: The Merciful One summoned the light and appointed it for duty by day, and He summoned the darkness and appointed it for duty by night.²⁰

An objection is raised: Praise him all ye stars of light [or],²¹ which proves that 'or' is evening? — This is its meaning: praise him all ye stars which give light. If so, are only the stars that give light to praise [Him], while those which do not give light need not praise — yet surely It is written, Praise ye him, all his host?²² Rather he [the Psalmist] tells us this: the light of the stars too is [designated] light. What is its practical bearing? In respect of one who vows [not to benefit] from light. For it was taught: If one vows [not to benefit] from light, he is prohibited the light of stars.

An objection is raised: The murderer riseth with the light [or], he killeth the poor and needy, and in the night he is as a thief.²³

- (1) **rit**. This is the meaning finally assigned in the Gemara to OR after a considerable discussion.
- (2) Heb. **mnj**, hamez. Two words are employed in the Bible: (i) hamez, leavened stuff v. infra 42a and (ii) se'or, leaven, i.e., dough so greatly leavened as to act as a leavening agent for other dough. In this Tractate hamez will generally be translated 'leaven' except where it is necessary to distinguish it from se'or.
- (3) So that there shall be none in the house during Passover, which commences on the fifteenth.
- (4) Seeing that leaven is not generally taken into a wine cellar.
- (5) A private cellar from which supplies are drawn for table. The servant sometimes enters it while eating bread.
- (6) Must be searched.
- (7) V. infra 8b.
- (8) I.e., daybreak or morning.
- (9) Rashi deletes this, since that is so, in fact.
- (10) Gen. XLIV, 3.
- (11) Lit., 'when it is good', the allusion being to Gen. I, 4: and God saw the light, that it was good.
- (12) Thus the brethren waited for daybreak before setting out.
- (13) II Sam. XXIII, 4.
- (14) Though at sunrise in this world it is still rather dark, yet in the future world it shall be as light as when the morning is advanced in this world (R. Tam). Rashi's explanation is slightly different.
- (15) Gen. I, 5.
- (16) Lit., 'that which proceeds to grow light'.
- (17) I.e., the moment when light begins to appear marks the commencement of day. On this translation or is not a noun but a gerund: the lighting up.
- (18) The moment when darkness begins to fall marks the commencement of night.
- (19) Though darkness begins to fall earlier.
- (20) Thus wayikra is translated: and he summoned, not, 'and he called (designated)', as in E.V.
- (21) Ps. CXLVIII, 3.
- (22) Ibid. 2.
- (23) Job. XXIV, 14.

Talmud - Mas. Pesachim 2b

Now since he states, 'and in the night he is as a thief,' it follows that 'or' is day? — The meaning there is this: if the matter is as clear as light to you that he [the thief] comes [even] to take life, he is a murderer, and he [the victim] may be saved at the cost of his [the thief's] life; but if you are doubtful about it, like [the darkness of] the night, you must regard him [only] as a thief, and he [the victim] must not be saved at the cost of his life.¹

An objection is raised: Let the stars of the twilight thereof be dark: let him look for light [or], but have none; neither let it behold the eyelids of the morning.² Since he says, 'let him look for light, but have none, it follows that 'or' is day? — There Job indeed curses his destiny³ and exclaims, Heaven grant that that man [sc. himself] look for light, but have none.⁴

An objection is raised: If I say, Surely the darkness shall overwhelm me, and the light [or] about me shall be night:⁵ this proves that 'or' is day?⁶ — There David said thus: I thought, surely darkness shall overwhelm me in the future world, which resembles day; but now, even this world, which resembles night,⁷ is light about me.

An objection is raised: R. Judah said: We search [for leaven] in the evening ['or'] of the fourteenth, in the morning of the fourteenth, and at the time of removal:⁸ Now since R. Judah says, 'We search in the evening ['or'] of the fourteenth and in the morning of the fourteenth,' it follows that 'or' is evening. This proves it.

An objection is raised: From when is work forbidden on the fourteenth [of Nisan]? R. Eliezer b. Jacob said: From the time of the 'or';⁹ R. Judah said: From the [first] sparklings of the [rising] sun. Said R. Eliezer b. Jacob to R. Judah: Where then do we find a day during part of which work is forbidden while during [the other] part it is permitted? He replied, Let that [day] itself prove [this possibility], for during part of it the eating of leaven is permitted, whereas during the other part it is forbidden.¹⁰ Now since R. Judah maintains, From the [first] sparklings of the [rising] sun, it follows that by 'or' R. Eliezer b. Jacob means evening? No; what does 'or' mean? The morning dawn. If so, when he says to him, 'Where then do we find a day during part of which work is forbidden while during [the other] part it is permitted,' let him answer himself: surely there is the night, which is permitted?¹¹ — R. Eliezer b. Jacob argues thus: As for my view, it is well; we find that the Rabbis drew a distinction between night and day, for it was taught in respect of a public fast: Until when may one eat and drink? Until the commencement¹² of dawn: this is R. Eliezer b. Jacob's view. R. Simeon maintained: Until cockcrow.¹³ But on your view: where do we find that the Rabbis drew a distinction in the day itself? [To which] he replied, Let that [day] itself prove it, for during part thereof the eating of leaven is permitted while during part thereof it is forbidden? R. Judah answers R. Eliezer rightly?¹⁴ R. Eliezer says thus to him: I speak to you of work, which is [prohibited] by the Rabbis, while you answer me about leaven [on the fourteenth day], which is [prohibited] by Scripture; thus far¹⁵ the Divine Law permits, and from then Scripture forbids. And the other?¹⁶ — The [additional] hours are Rabbinical.¹⁷ And the other? — The Rabbis [merely] erected a safeguard for a Scriptural law.¹⁸

An objection is raised: Bonfires are lit only for a new moon that is visible in its [due] time, in order to sanctify it.¹⁹ And when were the bonfires lit? on the evening ['or'] following the intercalated day.²⁰ This proves that 'or' is evening. This proves it.

An objection is raised: If he [the priest] was standing all night and offering [the fats of sacrifices] on the altar, at daybreak [orah] he must wash his hands and feet:²¹ this is Rabbi's view?²² — Orah is [a] different [word].

Mar Zutra raised an objection:

(1) V. Ex. XXII, 1; the present verse lays down the conditions for the law stated there to be applicable.

(2) Job. III, 9.

(3) Mazzal is the constellation which controls one's destiny.

(4) But 'light' there is not parallel to or synonymous with morning.

(5) Ps. CXXXIX, 11.

(6) Since it is contrasted with night.

(7) By contrast, with the next; but not absolutely, Judaism being far too robust and optimistic a religion for such a view; cf. Hertz, Genesis, Additional Note A, III, p. 57.

- (8) When the leaven must be destroyed.
- (9) But even if it is the practice in a community to cease work earlier, this has no binding force; v. infra 50a.
- (10) V. infra 11b.
- (11) Though night is part of the day.
- (12) Lit., ‘ascending’.
- (13) The prohibition of work on the fourteenth is likewise merely Rabbinical.
- (14) Surely he must have perceived the answer himself!
- (15) Up to a certain hour.
- (16) Does he not admit the distinction?
- (17) V. infra 11b Mishnah. Thus they permit the first four hours and forbid the following two.
- (18) Lest the day is cloudy and one does not know exactly when it is midday; therefore they added two hours. But when the law is entirely Rabbinical, they would not apply it to part of the day only.
- (19) The Jewish month, which is lunar, consists of either twenty-nine or thirty days. During the early Talmudic age
- (20) The additional day is the thirtieth, whereby the month is full; the bonfire is lit on the evening of the thirty-first.
- (21) Lit., ‘he needs the sanctification of his hands and feet (from the laver)’, v. Ex. XXX, 17.
- (22) Thus ‘orah’ denotes daybreak, and it is now assumed that ‘or’ and ‘orah’ are identical.

Talmud - Mas. Pesachim 3a

If a woman miscarries on the evening [or] of the eighty-first day; Beth Shammai exempt her from a sacrifice, whereas Beth Hillel declare her liable.¹ Said Beth Hillel to Beth Shammai: Wherein does the evening [‘or’] of the eighty-first differ from the day of the eighty-first; seeing that it was assimilated thereto in respect of uncleanness,² shall one not assimilate it thereto in respect of sacrifice? Now since Beth Hillel say to Beth Shammai, ‘Wherein does the evening [or] of the eighty-first differ from the day of the eighty-first,’ it follows that ‘or’ is evening. This proves it.

New Moon was fixed by direct observation, not calculation, and communities at a distance from Jerusalem were informed by bonfires. These were lit only if the New Moon appeared ‘in its (due) time,’ i.e., it was fixed for the thirtieth day, the previous month thus consisting of twenty-nine days only; in that case too Beth Din formally sanctified this day. But if observation fixed it for the thirty-first day, no bonfires were lit, since the absence of bonfires on the previous day would be a sufficient signal; further, New Moon was not formally sanctified by Beth Din (Rashi). An objection is raised: one might think that it³ may be eaten on the evening [‘or’] of the third day [from sacrifice], and it is logical: Sacrifices⁴ are eaten on one day,⁵ while peace-offerings are eaten on two days: just as there the night follows the day,⁶ so here too the night should follow the day. Therefore it is stated, It shall be eaten the same day ye offer it, and on the morrow: and if aught remain until the third day [it shall be burnt with fire]:⁷ teaching, it may be eaten only during the day, but it may not be eaten during the evening [‘or’] of the third day. One might think that it must be burnt immediately;⁸ and this is logical: Sacrifices⁴ may be eaten one day and one [sc. the following] night, while peace-offerings may be eaten two days and one [sc. the intermediate] night: just as there, immediately after [the time allowed for] eating there is burning, so here too immediately after [the time allowed for] eating there is burning. Therefore it is stated, But that which remaineth of the flesh of the sacrifice, on the third day it shall be burnt with fire:⁹ teaching, you must burn it by day, but you must not burn it by night. Since he states, . . . it may be eaten in

the evening [‘or’] of the third day,’ it follows that or is evening. This proves it.

Come and hear: on the evening [‘or’] of the Day of Atonement one recites seven [benedictions] and confesses; in the morning service he recites seven and confesses; in the additional service¹⁰ he recites seven and confesses; at minhah¹¹ he recites seven and confesses; (at ne’ilah — the concluding service — he recites seven and confesses);¹² in the evening service he recites [one benediction] embodying the eighteen; R. Hanina b. Gamaliel said on the authority of his fathers: He must recite the eighteen [benedictions] in full, because he must pronounce habdalah¹³ in [the benediction] ‘Thou dost graciously grant knowledge’.¹⁴ This proves that ‘or’ is evening. This proves it.

Come and hear: For the School of Samuel¹⁵ learned: ‘In the evening¹⁶ of the fourteenth leaven is searched for by the light of a lamp’; thus proving that ‘or’ is evening!¹⁷ The fact is both R. Huna and Rab Judah are alike, agreeing that ‘or’ is evening, and there is no controversy: each Master [speaks] in accordance with his locality. In R. Huna's town they called it naghe,¹⁸ while in Rab Judah's town it is called night [lele].

And our Tanna, why does he not employ lele?¹⁹ — He employs a refined expression, and in accordance with R. Joshua b. Levi. For R. Joshua b. Levi said: one should not utter a gross expression with his mouth, for lo! the Writ employs a circumlocution of eight letters²⁰ rather than utter a gross expression, for it is said, of every clean beast . . . and of the beasts that are not clean.²¹ R. Papa said: Nine, for it is said, If there be among you any man, that is not clean by reason of that which chanceth by night.²² Rabina said: Ten, [including] the waw of tavor.²³ R. Aha b. Jacob said: Sixteen, for it is said, for he thought, Something hath befallen him he is not clean; surely he is not clean.²⁴

The School of R. Ishmael taught: one should always discourse in decent language, for lo!, the case of a zab²⁵ it is called riding, while in connection with a woman it is called sitting;²⁶ and it is said, and thou shalt choose the tongue of the subtle;²⁷ and it is said, and that which my lips know they shall speak purely.²⁸ Why [quote] ‘and it is said [etc.]’?²⁹ — [For] should you object, that is only in the case of Scripture,³⁰ but not in the case of Rabbinical [discussions], then come and hear, ‘and it is said, and thou shalt choose the tongue of the subtle’.³¹ Yet should you [still] object, that is only in reference to Rabbinical [discussions] but not secular matters, — then come and hear, ‘and it is said, and that which my lips know they shall speak purely’.

Now, is riding not written in connection with a woman, but surely it is written, And Rebekah arose, and her damsels, and they rode upon the camels?³² — There it was natural through fear of the camels.³³ But it is written, and Moses took his wife and his sons, and made them ride upon an ass?³⁴ — There

(1) A woman must bring a sacrifice eighty-one days after the birth of a daughter (v. Lev. XII, 2.6). This sacrifice suffices also for a miscarriage within the eighty days, i.e., before it was due, but not for a miscarriage (or viable birth) from the eighty-first day and onwards, since by then it was already due on account of the first birth. Now, by the evening of the eighty-first day eighty days have already passed; on the other hand, since there are no sacrifices at night, she could not offer hers until the following morning. Beth Shammai and Beth Hillel accordingly differ as

to whether that miscarriage entails a sacrifice or not.

(2) A discharge of blood on the eighty-first, whether in the evening or during the day, renders her unclean, — this is agreed by all. — A discharge between the fifteenth and the eightieth inclusive does not make her unclean; v. *ibid.* 5.

(3) Sc. the flesh of a peace-offering.

(4) Viz. the thanksoffering.

(5) I.e., only on the day they are brought.

(6) The thanksoffering may be eaten during the night following the day in which it is sacrificed.

(7) Lev. XIX, 6.

(8) After the expiration of the time allowed for its eating, i.e., on the evening of the third day.

(9) Lev. VII, 17.

(10) There is an additional service (*musaf*) on all Sabbaths and Festivals, corresponding to the additional sacrifices of those days.

(11) v. *Glos.*

(12) The bracketed passage is absent in our text but is supplied from *Yoma* 87b and *Nid.* 8b.

(13) V. *Glos.*

(14) The 'Prayer' par excellence on weekdays comprises eighteen (subsequently increased to nineteen) statutory benedictions; on Sabbaths and Festivals the first three and the last three only are recited, the intermediate twelve being omitted and replaced by one bearing on the nature of the day. A feature of all the services on the Day of Atonement is the 'confession', a recital of sins committed, not necessarily by the individual but by the people as a whole, for which reason it is couched in the plural — 'we have sinned'. The evening following the Day of Atonement is of course non-holy, but the first *Tanna* permits one benediction comprising the eighteen to be recited. Each of the benedictions bears a name, indicating its main subject: the fourth is designated, 'Thou dost graciously grant knowledge', as it is a prayer for knowledge and understanding, and on the termination of Sabbaths and Festivals *habdalah* is inserted in this benediction. For a full discussion of these benedictions v. *J.E.* art. *Shemoneh 'Esreh*; v. also *Elbogen*, J.G., 149f.

(15) The reading *infra* 7b is: the School of R. Ishmael.

(16) *Lele* — the very term employed by Rab Judah to define 'or' in our *Mishnah*.

(17) In refutation of R. Huna.

(18) *Jast.*: 'night-break'. Margin: light employed as a euphemism for darkness in the same way that a blind person is called a man with too much light.

(19) V. n. 3.

(20) I.e., uses eight letters more than is necessary.

(21) Gen. VII, 2; a single word, 'unclean', would save eight letters in the Hebrew text.

(22) Deut. XXIII, 11. Here too a single word 'unclean' would save nine letters in the Hebrew text.

(23) *Tahor* (**rivy**) is written plene, i.e., with a waw, and that makes a difference of ten letters.

(24) I Sam. XX, 26.

(25) V. *Glos.*

(26) The reference is to Lev. XV, 9 and 20: And what saddle (or, carriage) soever he that hath issue rideth upon shall be unclean. Everything also that she sitteth upon shall be unclean. Actually the conditions of defilement are the same in both cases; nevertheless, Scripture did not speak of a woman's riding, because sitting is a more modest and decent conception.

(27) Job. XV, 5.

(28) *Ibid.* XXXIII, 3.

(29) What is the purpose of the additional quotations, seeing that the first verse proves his statement?

(30) Owing to its great sanctity.

(31) This is regarded as a positive injunction to speak subtly, i.e., with a due sense of the proprieties.

(32) Gen. XXIV, 61.

(33) A woman would ride properly, not merely sit on the side, through fear of falling down from the camel's high back.

(34) Ex. IV, 20.

Talmud - Mas. Pesachim 3b

it was natural on account of his sons. But it is written, And it was so, as she rode on her ass?¹ — There it was natural through fear of the night. Alternatively, there was no fear of the night, but there was fear of David. Another alternative: there was no fear of David either, but there was the fear of the mountain. Yet is not 'unclean' written in Scripture?² Rather wherever they are equal[ly convenient], [Scripture] discourses in a refined language; but wherever more words would be required, the shorter phraseology is employed. As R. Huna said in Rab's name — others say, R. Huna said in Rab's name on R. Meir's authority: one should always teach his pupil in concise terms. And where they are equal he discourses in refined speech? Yet surely 'riding' [rokebeth] and 'sitting' [yoshebeth] are alike [in length], yet 'riding' [rokebeth] is stated? — Rakebeth is stated.³

Two disciples sat before Rab. one said, This discussion has made us [as tired] as an exhausted swine;⁴ while the other said, This discussion has made us [as tired] as an exhausted kid; and Rab would not speak to the former.

There were two disciples who sat before Hillel, one of whom was R. Johanan b. Zakkai-others state, before Rabbi, and one of them was R. Johanan: One said, Why must we vintage [grapes] in cleanness, yet need not gather [olives] in cleanness? While the other said: Why must we vintage in cleanness, yet may gather [olives] in uncleanness?⁵ I am certain that the latter will be an authorized teacher⁶ in Israel, he observed; and it did not take long before⁷ he was an authorized teacher in Israel.

There were three priests: one said, I received as much as a bean [of the shewbread]; the second said, I received as much as an olive; while the third said, I received as much as a halta'ah's tail.⁸ They investigated his pedigree⁹ and found a blemish of unfitness in him.¹⁰ But we learned: one must not investigate from the altar and above?¹¹ — Do not say, a blemish of unfitness, but a baseness which made him unfit.¹² Alternatively, there it was different, because he impaired his status himself.

A certain Syrian [i.e., non-Jew] used to go up and partake of the Passover sacrifices in Jerusalem, boasting: It is written, there shall no alien eat thereof. . . no uncircumcised person shall eat thereof,¹³ yet I eat of the very best. Said R. Judah b. Bathyra to him: Did they supply you with the fat-tail? No, he replied. [Then] when you journey up thither say to them, Supply me with the fat-tail. When he went up he said to them, Supply me with the fat-tail. But the fat-tail belongs¹⁴ to the Most High!¹⁵ they replied. Who told you [to do] this? they inquired. R. Judah b. Bathyra. answered he. What is this [matter] before us? they wondered. They investigated his pedigree, and

discovered that he was a Syrian, and killed him.¹⁶ Then they sent [a message] to R. Judah b. Bathyra: 'Peace be with thee,¹⁷ R. Judah b. Bathyra, for thou art in Nisibis¹⁸ yet thy net is spread in Jerusalem.'

R. Kahana fell sick. [So] the Rabbis sent R. Joshua son of R. Idi, instructing him, Go and find out what is wrong with him.¹⁹ He went and found him dead.²⁰ Thereupon he rent his garment and turned the rent behind him²¹ and went along weeping. He has died? asked they of him. I have not said it, he answered, 'for he that uttereth evil tidings is a fool'.²² Johanan of Hukok²³ went out to some villages.²⁴ on his return he was asked, 'Has the wheat crop been successful?'²⁵ 'The barley crop has been successful,' he replied.²⁶ 'Go out and tell it to horses and asses,' they retorted, 'for it is written, Barley also and straw for the horses and swift steeds.'²⁷ What then should he have said? — Last year the wheat crop was successful; or, the lentil crop is successful.

(1) I Sam. XXV, 20.

(2) It occurs many times. The circumlocution employed in the cited instances merely serves to indicate that delicate phraseology is a matter which must also enter into consideration, v. Rashi.

(3) I.e., rokebeth is written defectively, without a waw, which makes it shorter than yoshebeth. Yoshebeth could not be written defectively, as the defective form of yoshebeth has always a special meaning (Tosaf.). R. Han. reverses it: the full form of yoshebeth is required, as a particular deduction is made from it.

(4) Lit., 'something else' — the unmentionable. The rendering 'exhausted' is Rashi's. R. Han. renders differently.

(5) V. Shab. 17a and notes a.l. The point here is that one scholar avoided the use of the word 'uncleanness', while the other did not.

(6) Lit., 'he will give teaching'.

(7) Lit., 'it was not few days until'.

(8) This is a gross expression. Halta'ah is a species of lizard (Jast.).

(9) Lit., 'after him'.

(10) They discovered that his genealogy was impure and that he was unfit to serve in the Temple.

(11) Once a priest has officiated at the altar the purity of his descent must be assumed, as priests were not allowed to officiate without full investigation in the first place.

(12) They found his own character too vile for officiating on the altar. According to this emendation, the literal translation 'after him' must be retained in the text.

(13) Ex. XII, 43,48.

(14) Lit., 'goes up'.

(15) I.e., it is burnt on the altar.

(16) For a non-Jew might not even penetrate beyond a certain point within the Temple precincts on pain of death, and a public notice gave due warning of this. Josephus An'. XV, II, GR. ** 5.

(17) This is the customary greeting in Hebrew.

(18) In the north-east corner of Mesopotamia; it contained an important Jewish community. V. Obermeyer, p. 128-130.

(19) Lit., 'what is his sentence?'

(20) Lit., 'his soul had repose.'

(21) So that it should not be immediately perceptible — this was to lessen the shock.

(22) Prov. X, 18. E.V. . . . uttereth slander, etc.

(23) In Northern Palestine; v. Josh. XIX, 34.

(24) To inspect the crops.

(25) Lit., 'comely'.

(26) By which they might understand that the former was not. He was unwilling actually to state the bad news.

(27) I Kings v, 8.

Talmud - Mas. Pesachim 4a

Rab was the son of R. Hiyya's brother and the son of his sister.¹ When he went up thither² he [R. Hiyya] asked him, 'Is Aibu alive?' '[Ask me whether] my mother is alive,' he replied. 'Is your mother alive?' asked he. 'Is then Aibu alive?' he replied.³ [Thereupon] he [R. Hiyya] said to his servant, 'Take off my shoes and carry my [bathing] things after me to the baths.' From this three [laws] may be inferred: [i] A mourner is forbidden to wear shoes; [ii] on a delayed report [of death]⁴ it [sc. mourning] is observed for one day only;⁵ and [iii] part of the day is as the whole of it.⁶

A certain man used to say, 'Judge my case'.⁷ Said they, This proves that he is descended from Dan, for it is written, Dan shall judge his people, as one of the tribes of Israel.⁸ A certain man was wont to go about and say, 'By the sea shore thorn-bushes are fir-trees.'⁹ They investigated and found that he was descended from Zebulun, for it is written, Zebulun shall dwell at the haven of the sea.¹⁰ And now that it is established that all agree that 'or' means evening, consider: according to both R. Judah and R. Meir,¹¹ leaven is forbidden from six hours¹² and onward only, then let us search in the sixth [hour]? And should you answer, The zealous are early [to perform] religious duties, then let us search from the morning? For it is written, and in the eighth day the flesh of his foreskin shall be circumcised,¹³ and it was taught: The whole day is valid for circumcision, but that the zealous are early [to perform] their religious duties, for it is said, And Abraham rose early in the morning!¹⁴ — Said R. Nahman b. Isaac: [It was fixed] at the hour when people are found at home, while the light of a lamp is good for searching.¹⁵ Abaye observed: Therefore a scholar must not commence his regular session in the evening of the thirteenth breaking into the fourteenth, lest his studies absorb him¹⁶ and he come to neglect his religious duty.

R. Nahman b. Isaac was asked: If one rents a house to his neighbour from the fourteenth, upon whom [rests the duty] to make the search? [Does it rest] upon the landlord, because the leaven is his; or perhaps upon the tenant, because the forbidden matter exists in his domain? Come and hear: If one rents a house to his neighbour, the tenant must affix a mezuzah!¹⁷ - There, surely R. Mesharsheya said: The mezuzah is the inhabitant's obligation; but how is it here? — Said R. Nahman b. Isaac to them, We learned it: If one rents a house to his neighbour, if the fourteenth occurs before he delivers him the keys, the landlord must make the search; while if the fourteenth occurs after he delivers the keys, the tenant must make search.

R. Nahman b. Isaac was asked: If one rents a house to his neighbour on the fourteenth, does it stand in the presumption of having been searched or not? What difference does it make? Let us ask him! — He is not present to be asked: hence what about troubling this one [the tenant]?¹⁸ — Said R. Nahman b. Isaac to them, We have a teaching:¹⁹ All are believed concerning the removal of leaven, even women, even slaves, even minors.²⁰ Now why are they believed?

(1) Aibu, his father, was R. Hiyya's paternal brother, while Rab's mother was R. Hiyya's sister on his mother's side.

- (2) To Palestine.
- (3) Thus he intimated that they were both dead (Rashi). Tosaf. explains it differently on the strength of a different reading.
- (4) I.e., which one receives after thirty days.
- (5) Instead of the usual seven.
- (6) The latter two follow from his order to take his bathing things to the baths. Thus he intended to observe mourning for a short while only and then proceed to the baths.
- (7) In every dispute he insisted on going to law.
- (8) Gen. XLIX, 16. Perhaps it is here translated: Dan shall enter into judgment with his people.
- (9) Even the thorn-bushes there are as valuable as fir-trees elsewhere — an exaggerated way of expressing his love for the coast. Rashi offers another explanation: By the sea-shore would I build my palaces.
- (10) Ibid. 13.
- (11) v. Mishnah infra 11b.
- (12) The day was reckoned from sunrise to sunset, hence six hours was about noon.
- (13) Lev. XII, 3.
- (14) Gen. XXII, 3.
- (15) Hence the evening was appointed instead of the morning.
- (16) Lit., 'draw him away'.
- (17) v. Glos. Presumably the same principle applies here!
- (18) Must we put him to the trouble of making a search?
- (19) Lit., 'we have learned it'.
- (20) Their testimony that the owner duly made a search is accepted.

Talmud - Mas. Pesachim 4b

Is it not because it stands in the presumption of having been searched, [the Tanna] holding, All are haberim¹ in respect to the searching of leaven.² For it was taught: If a haber dies and leaves a store-house full of produce [crops], even if they are but one day old,³ they stand in the presumption of having been tithed.⁴ How so: perhaps it is different here⁵ because they [the woman, slave or minor] state it? — Has then the statement of these any substance?⁶ What then [will you assume]? It stands in the presumption of having been searched? Then it should state, 'All houses stand on the fourteenth in the presumption of having been searched'? — What then [will you assume]? It is because of the statement of these⁷ [that the house is assumed to have been searched], but if these did not say [that it had been searched], it is not so? Then solve from this [teaching] that it does not stand in the presumption of having been searched! — No. In truth I may tell you [that generally]⁸ it does stand in the presumption of having been searched; but what we discuss here⁵ is a case where we know for certain that he [the owner] did not search, but these⁷ affirm. We searched it. You might say, Let not the Rabbis believe them. Therefore it informs us [that] since the search for leaven is [required only] by Rabbinical law, for by Scriptural law mere nullification suffices for it, the Rabbis gave them⁹ credence in [respect to] a Rabbinical [enactment].

The scholars asked: What if one rents a house to his neighbour in the presumption of its having been searched, and he [the tenant] finds that it has not been searched? Is it as an erroneous bargain¹⁰ or not? — Come and hear! For Abaye said: It is unnecessary [to say] of a town, where

payment is not made [to others] for searching that a person is pleased to fulfil a precept personally;¹¹ but even in a town where payment is made for searching [it is not an erroneous bargain], because [it is to be assumed that] one is pleased to fulfil a precept with his money.¹²

We learned elsewhere: R. Meir said: one may eat [leaven] the whole of the five [hours]¹³ and must burn [it] at the beginning of the sixth.¹⁴ R. Judah said: one may eat until four [hours],¹⁵ hold it in suspense the whole of the fifth,¹⁶ and must burn it at the beginning of the sixth.¹⁷ Thus incidentally all agree that leaven is [Scripturally] forbidden from six hours [i.e., noon] and onwards: whence do we know it? — Said Abaye, Two verses are written: Seven days shall there be no leaven found in your houses;¹⁸ and it is written, even [ak] the first day ye shall put away leaven out of your houses.¹⁹ how is this [to be understood]?²⁰ It must include the fourteenth [as the day] for removal.²¹ Yet say that it includes the night of the fifteenth [as the time] for removal; for one might argue, ‘days’ is written, [implying] only days but not nights: hence it [the verse] informs us that even nights [are included in the interdict]?²² — That is unnecessary,

(1) Plur. of haber; lit., ‘associates’. It denotes members of an association (haburah) who undertake to be very scrupulous in their religious observance, particularly in regard to uncleanness and tithes.

(2) I.e., all men are regarded as haberim in the matter under discussion, as it was universally observed.

(3) Only that day had they arrived at the stage when tithing etc. is obligatory. The stage is reached when the harvested produce is stacked up.

(4) Lit., ‘properly prepared’ — it may be assumed that the priestly and Levitical dues have been rendered. Similarly it is to be presumed that the landlord had searched the house before renting it.

(5) In the cited teaching.

(6) Their testimony is invalid where testimony is required.

(7) I.e., the woman, slave or minor.

(8) I.e., in a case such as submitted to R. Nahman b. Isaac. (12) A declaration by the owner that all leaven in the house is null and has no value whatsoever in his eyes.

(9) I.e., the woman, slave or minor.

(10) On the strength of which the tenant can retract.

(11) There the tenant is certainly unable to retract, as it is assumed that he, like all the others, is glad of this opportunity to fulfil personally a religious obligation.

(12) And even had he known beforehand that the house was not searched he would not have refrained from renting it; hence he cannot retract now.

(13) I.e., until 11 a.m.

(14) But may not wait until the end of the sixth, i.e., noon (by which time it is Scripturally forbidden to have leaven in the house), because one can err in the time.

(15) Until 10 a.m.

(16) I.e., in that hour it may neither be eaten, nor need it be burned, but it can be given to animals.

(17) V. infra 11b.

(18) Ex. XII, 19.

(19) Ibid. 15.

(20) If the leaven is only put away on the first day, as the latter verse implies, there are not seven full days without leaven, as is intimated by the former verse.

(21) I.e., ‘first’ must mean the first (immediately) preceding day before the seven; cf. infra 5a.

(22) Thus ‘yet at the first day’, etc., may mean that at the very beginning of the seven days, i.e., on the evening of

the fifteenth, all leaven must be removed, but there is no prohibition for any part of the fourteenth.

Talmud - Mas. Pesachim 5a

for the putting away of leaven is assimilated to [the prohibition of] eating leavened bread,¹ and the eating of leavened bread to the [precept of] the eating of unleavened bread. The putting away of leaven [is assimilated] to [the prohibition of] the eating of leavened bread, for it is written, seven days shall there be no leaven in your houses,² for whosoever eateth that which is leavened, that soul shall be cut off.² And [the prohibition of] the eating of leavened bread [is likened] to the [precept of] eating unleavened bread, because it is written, Ye shall eat nothing leavened; in all your habitations shall ye eat unleavened bread;³ and in respect to unleavened bread it is written, at even ye shall eat unleavened bread.⁴ Yet perhaps it is to include the night of fourteenth [as the time] for removal?⁵ — ‘The day’ is written. Then say [that it must be removed] from the morning?⁶ — ‘Ak’ divides [it].⁷

The School of R. Ishmael taught: We find that the fourteenth is called the first, as it is said, on the first, on the fourteenth day of the month.⁸ R. Nahman b. Isaac said: ‘The first’⁹ [rishon] means the preceding, for the Writ saith, Wast thou born, before [rishon] Adam?¹⁰ If so, and ye shall take you out the first [rishon] day,¹¹ — does ‘rishon’ here too mean the preceding? — There it is different, because it is written, and ye shall rejoice before the Lord your God seven days:¹² just as the seventh [means] the seventh of the Festival, so the first [means] the first of the Festival. [But] here too it is written, even the first day [rishon] ye shall put away leaven out of your houses. Seven days shall ye eat unleavened bread?¹³ — If so, let Scripture write ‘first’ [‘rishon’]; why ‘the first [ha-rishon]’? Infer from this [that it is required] for what we have stated. If so, there too¹² what is the purpose of ‘the first’ [‘ha-rishon’]? Moreover, when it is written there, on the first day shall be a solemn rest, and on the eighth day shall be a solemn rest,¹⁴ say that rishon implies the preceding? There it is different, because Scripture saith, ‘and on the eighth day shall be a solemn rest’: just as ‘eighth’ means the eighth of the Festival, so ‘first’ means [the] first of the Festival. [But still] what is the purpose of ‘the first’ [ha-rishon]?¹² — In order to exclude the Intermediate days of the Festival.¹⁵ [But the exclusion of] the Intermediate days of the Festival is derived from ‘first’ and ‘eighth’? — It is [nevertheless] required: you might argue, since the Divine Law writes, and on the eighth day, the waw [‘and’] indicates conjunction with the preceding subject, so [as to include] even the Intermediate days of the Festival too;¹⁶ hence ha-rishon informs us [otherwise]. Then let Scripture write neither the waw nor the heh?¹⁷ Moreover, when it is written there, In the first day [ha-rishon] ye shall have an holy convocation,¹⁸ does ‘rishon’ mean the preceding?¹⁹ Rather, these three [instances of] ‘rishon’ [‘first’] are necessary for what the School of R. Ishmael taught. For the School of R. Ishmael taught: As a reward for [the observance of] the three ‘firsts’²⁰ they [Israel] merited three firsts:²¹ to destroy²² the seed of Esau; the building of the Temple; and the name of the Messiah. ‘To destroy the seed of Esau,’ of whom it is written, And the first came forth red, all over like an hairy garment;²³ and ‘the building of the Temple’, whereof it is written, A glorious throne, set on high from the first²⁴ is the place of our sanctuary;²⁵ ‘and the name of Messiah,’ for it is written, First unto Zion, behold, behold them.²⁶

Raba said, [It²⁷ is deduced] from here: Thou shalt not offer the blood of my sacrifice with leavened bread.²⁸ [that means,] thou shalt not kill the passover sacrifice while leavened bread is

still in existence.²⁹ Then perhaps each person [must remove his leaven] when he kills [his sacrifice]?³⁰ Scripture meant the time for killing.³¹

It was taught likewise: '[Even] the first day ye shall put away leaven out of your houses': [this means] on the eve of the Festival. Yet perhaps that is not so, but [rather] on the Festival itself? — Therefore it is stated, 'thou shalt not offer the blood of thy sacrifice with leavened bread,' [i.e.,] thou shalt not kill the Passover sacrifice while leavened bread still exists [in thy, house]: that is R. Ishmael's view. R. Akiba said, That is unnecessary: lo, it is said, 'Even the first day ye shall put away leaven out of your houses', and it is written, no manner of work shall be done in them;³² while we find that kindling is a principal labour.³³ R. Jose said, It is unnecessary: lo, it is said, 'Even [ak] on the first day ye shall put away leaven out of your houses': [that means,] from the eve of the Festival. Or perhaps it is not so, but rather on the Festival? Therefore is stated, 'Ak', which serves to divide;³⁴ hence if [it means] on the Festival itself, can [part of it] be permitted? Surely the putting away of leaven is likened to [the prohibition of] eating leavened bread, while the prohibition of eating leavened bread is likened to [the duty of] eating unleavened bread.³⁵

Said Raba:

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- (1) Immediately the latter comes into force the former is obligatory.
 - (2) Ex. XII, 19.
 - (3) Ibid. 20. Hence from the very moment that the latter is operative the former is too, and consequently by then the leaven must already be removed.
 - (4) Ibid. 18. Hence no verse would be necessary to show that as soon as evening commences the leaven must be put away; therefore the verse quoted supra can only refer to the fourteenth.
 - (5) Since we see that leaven is to be removed on the fourteenth, perhaps it must be done at the beginning of the fourteenth, Sc. in the evening.
 - (6) As soon as day commences, not from midday.
 - (7) It is a general principle in Talmudic exegesis that ak and rak (only) imply limitations; thus ak divides the day, showing that the putting away takes place in the middle of the day, not at the beginning.
 - (8) Ibid.
 - (9) In verse 18.
 - (10) Job. XV, 7 (E.V.: Art thou the first man that was born). Hence Ex. XII, 15 is translated: yet on the preceding day — i.e., the fourteenth — ye shall put away, etc.
 - (11) Lev. XXIII, 40.
 - (12) Lev. XXIII, 40.
 - (13) By the same argument 'rishon' means first, not preceding. — Actually the order is reversed in Scripture.
 - (14) Ibid. 39.
 - (15) Lit., 'the weekday (portion) of the Festival'. It teaches that these days enjoy semi-sanctity only, and work of an urgent nature is permitted.
 - (16) That work thereon is forbidden.
 - (17) The heh is the def. art. 'the' (ha). According to the present argument the heh (ha) merely neutralizes the possible teaching of the waw: then both should be omitted.
 - (18) Ibid. 7; the reference is to Passover.
 - (19) Surely not.
 - (20) The 'first' of Passover, the 'first' of Tabernacles, and the taking of the four species (v. 40) on the 'first' day of

Tabernacles.

(21) Three things in connection with which 'first' is written.

(22) Lit., 'cut off'.

(23) Gen. XXV, 25.

(24) E.V. beginning.

(25) Jer. XVII, 12.

(26) Isa. XLI, 27.

(27) Sc. that leaven is forbidden from midday on the fourteenth.

(28) Ex. XXXIV, 25.

(29) And since the sacrificing commences immediately after noon, it follows that the leaven must already be removed by then.

(30) Thus if he kills it at 4 p.m., leaven is permitted to him until that hour.

(31) When it is time to kill the sacrifice there must be no leaven in the house, as it is inconceivable that there should be no fixed hour applicable to all.

(32) Ibid. XII, 16.

(33) Forbidden on the Sabbath, and likewise on Festivals, save when required for the preparation of food. The leaven was burnt.

(34) V. Supra p. 15, n. 8.

(35) Supra.

Talmud - Mas. Pesachim 5b

Three things may be inferred from R. Akiba: [i] There is no [other] removal of leaven save [by] burning.¹ [ii] Kindling was singled out to indicate separation.² [iii] We do not say, since kindling was permitted when it is necessary [for the preparation of food], it was also permitted when it is unnecessary.³

Our Rabbis taught: Seven days shall there be no leaven found in your house:⁴ why is this stated, seeing that it is already said, and there shall no leavened bread be seen unto thee, neither shall there be leaven seen unto thee, in all thy borders?⁵ Because it is said, Neither shall there be leaven seen unto thee, [implying] thine own thou must not see, yet thou mayest see that belonging to others and to the Most High.⁶ One might think that one may hide [leaven] or accept bailments [of leaven] from a Gentile:⁷ therefore it is stated, it shall not be found [in your houses],⁸ Now, I know this only of a Gentile who is not in your power⁹ or does not dwell with you in the [same] court-yard; how do I know it of a Gentile who is in your power and dwells with you in the [same] court-yard? Because it is stated, [leaven] shall not be found in your houses. I know this only of that which is your houses; how do I know it of [leaven] in pits, ditches and cavities?¹⁰ Because it is stated, [neither shall there be leaven seen with thee,] in all thy borders.¹¹ Yet I might still argue, [indeed on account of leaven] 'in houses' one transgresses the injunction against it being seen, found, and against hiding it and receiving [it as] bailments from a Gentile; whereas in [respect to leaven in] 'thy borders' [we say,] thine own thou must not see, yet thou mayest see that belonging to others and to the Most High. How do we [however] know to apply that which is stated in this [verse] to the other, and vice versa?¹² Therefore leaven is stated twice¹³ for a gezerah shawah.¹⁴ [Thus:] leaven is stated in connection with houses: 'no leaven shall be found in your houses', and leaven is stated in connection with the borders; 'neither shall there be leaven seen with thee [in all

thy borders]': just as with the leaven which is stated in connection with houses, one transgresses the injunctions, it shall not be seen, it shall not be found, it shall not be hidden nor accepted as bailments from Gentiles, so with the leaven which is stated in connection with the borders, one violates the injunctions, it shall not be seen, it shall not be found, it shall not be hidden nor accepted as bailments from a Gentile. And just as with the leaven which is stated in connection with the borders, [only] thine own thou must not see, but thou mayest see that belonging to others and to the Most High, so with the leaven which is stated in connection with the houses, [only] thine own thou mayest not see, but thou mayest see that belonging to others and to the Most High.

The Master said: 'I know this only of a Gentile who is not in your power or does not dwell with you in the [same] court-yard; how do I know it of a Gentile who is in your power or who dwells with you in the [same] court-yard? Because it is stated, [Leaven] shall not be found [in your houses].' Whither does this tend?¹⁵ — Said Abaye: Reverse it. Raba said: In truth you must not reverse it, but it refers to the first clause: 'Thine own thou mayest not see, yet thou mayest see that belonging to others and to the Most High.' I know this only of a Gentile who is not in your power or who does not dwell with you in the [same] court-yard.¹⁶ How do I know it of one who is in your power or who dwells with you in the [same] court-yard? Because it is stated, 'there shall not be found'. But this Tanna seeks permission yet cites a verse intimating a prohibition?¹⁷ — Because 'unto thee' 'unto thee' is stated twice.¹⁸ The Master said: 'one might think that one may hide [leaven] or accept bailments [of leaven] from a Gentile; therefore it is stated, [leaven] shall not be found [in your houses].' But you said in the first clause, 'thine own thou mayest not see, yet thou mayest see that belonging to others and to the Most High?' — There is no difficulty: the one is meant where he [the Israelite] accepts responsibility [for same]; the other, where he does not accept responsibility.¹⁹ Just as Raba said to the townspeople of Mahuza:²⁰ Remove the leaven belonging to the troops from your houses:

power or who lives with you in the same court-yard is more likely to be meant than he who is independent or living away from you. since the former is more like yourself. Whereas here the latter is taken for granted, while proof is sought for the former. since it stands in your possession if lost or stolen, and you must requite [the loss], it is as yours and is forbidden.²¹ Now, that is well on the view that that which causes [liability] for money is as money.²² But on the view that it is not as money, what can be said? — Here it is different, because Scripture saith, 'There shall not be found'.²³ Others say, That is well on the view that that which causes [liability] for money is not as money:

(1) For if it can be destroyed in any other way, his proof falls to the ground.

(2) In Ex. XX, 10 work is forbidden on the Sabbath; this is repeated in XXXV, 2 and 3, with a special prohibition against kindling a fire. Now, kindling is prohibited by the general law of Ex. XX, 10: why then is it singled out? There are two views on this: (i) In order to teach that whereas other labours are punishable by death, this is merely punishable like any other negative precept, viz., by flagellation. (ii) To teach that if one does a number of separate acts on the Sabbath, e.g., seething, reaping, and threshing, they are accounted as separate offences, just as kindling was stated as a separate offence, and a sacrifice must be offered on account of each. Now the first view postulates that kindling is not a principal labour like the rest (v. Mishnah on Shab. 73a); hence R. Akiba must agree with the second view.

- (3) There is such a view in Bez. 12b; if R. Akiba held it, his argument would lose its basis.
- (4) Ex. XII, 19.
- (5) Ex. XIII, 7. Though this is in a further chapter, the phrase, 'seeing that it is already said', is employed because it is a Talmudic principle that the written order of the Torah is not necessarily chronological.
- (6) I.e., the sanctuary, this being the meaning of 'unto thee' (E.V.: with thee).
- (7) For in the former case it cannot be seen, while in the latter it is not his property.
- (8) It must not be there at all.
- (9) Lit., 'whom you have not subjugated'.
- (10) Different shaped pits are connoted by these three words.
- (11) Ex. XIII, 7.
- (12) 'For there shall not be found' is written only in connection with 'your houses', while 'unto thee' is mentioned only in connection with 'borders'; how do we know that the implications of the one verse hold good in respect of the other?
- (13) Lit. 'leaven, leaven'.
- (14) V. Glos.
- (15) Or, towards the tail! I.e., when you say that you must not accept deposits from a Gentile, obviously he who is in your
- (16) He certainly comes under the category of 'others'.
- (17) According to Raba's explanation. when the Tanna says. 'how do I know', etc., his purpose is to show that there too it is permitted; while 'there shall not be found' intimates a more extended prohibition.
- (18) Rashi: 'Unto thee' is written twice, once in the verse already quoted, and once in Deut. XVI, 4: and there shall be no leaven seen unto (E.V. with) thee in all thy borders seven days. Here too 'unto thee' is linked with seeing; since, however, it is superfluous in this connection, on account of the verse first quoted, it is applied to 'there shalt not be found', which is made to read: there shall not be found unto thee, 'unto thee' being a permissive limitation, and it is this which the Tanna quotes. — It is a principle of exegesis that if a word or phrase is superfluous in its own context, it is applied elsewhere. (The fact that 'unto thee' is written twice in Ex. XIII, 7 is not counted, since one refers to leaven and the other to leavened bread. — V. Bez. 7b.) R. Han. interprets it differently and more simply.
- (19) If the Jew accepts responsibility for the bailment and must identify the owner against loss, it is as his own and must not be found in his house.
- (20) A large Jewish commercial town on the Tigris. where Raba had his academy; v. obermeyer. pp. 169ff.
- (21) Gentile troops were billeted in Jewish houses together with their food stores, for which the Jews were responsible.
- (22) Hence though the leaven does not belong to the Jew, yet since it throws a financial responsibility upon him it is regarded as his, i.e., as his money or property.
- (23) Which implies even if it is not his own and it can be applied only to such a case, since 'unto thee' excludes leaven in which he has no financial interest at all.

Talmud - Mas. Pesachim 6a

hence 'there shall not be found' is necessary. But on the view that it is as money. what is the purpose of 'there shall not be found'?¹ — It is necessary: you might argue, since if in existence it is returned as it is,² it does not stand in his possession.³ Hence he informs us [otherwise].

Raba was asked: Is cattle liable to arnona⁴ subject to the law of firstlings or not?⁵ Wherever

one can put him off with money.⁶ we do not ask, for he is [certainly] liable.⁷ our problem arises where he cannot put him off with money: what then? He replied: It is not subject [thereto]. But surely it was taught: It [the animal] is subject [thereto]?-There it is a case where he can put him off with money. others state, Raba said: Cattle liable to arnona is not subject to the law of firstlings. even when he can put him off with money.⁸ A dough [made of flour] liable to arnona⁹ is subject to hallah.¹⁰ What is the reason? [The facts about] cattle are generally known;¹¹ [the facts about a dough] are not generally known.¹²

Our Rabbis taught: If a Gentile enters an Israelite's court-yard with [leavened] dough in his hand,¹³ he [the Israelite] is not obliged to remove it¹⁴ if he deposits it with him, he is obliged to remove it;¹⁵ if he assigns a room to him [for the dough], he is not obliged to remove it, because it is said, '[Leaven] shall not be found'. What does he [the Tanna] mean?¹⁶ — Said R. Papa: He refers to the first clause, and says thus: If he deposits it with him, he is obliged to remove it, because it is said, '[Leaven] shall not be found'. R. Ashi said: After all it refers to the second clause, and he says thus: If he assigned a room to him he is not obliged to remove it, because it is said, '[Leaven] shall not be found in your houses,' and this is not his [house], for when the Gentile carries in [the leaven], he carries it into his own house. Shall we say that renting confers a title?¹⁷ But surely we learned: Even in the place where they [the Sages] permitted renting [to a heathen], they did not permit [renting] for a dwelling-house, because he [the heathen] introduces [his] idols therein.¹⁸ Now if you should think that renting confers a title, when he introduces [the idols] he introduces [them] into his own house? — Here it is different, because the Divine Law expresses it in the form of 'there shall not be found', [implying] that which is found in your hand [is forbidden], which excludes this [case], since it is not found in your hand.

Rab Judah said in Rab's name: If one finds leaven in his house during the Festival, he overturns a vessel upon it.¹⁹ Raba said: If

dough partly owned by a non-Jew; nevertheless this dough is subject to hallah, as explained in the text. it is of hekdesch,²⁰ this is unnecessary. What is the reason? He does indeed hold aloof from it.²¹

Rab Judah also said in Rab's name: Leaven belonging to a Gentile,²² he [the Israelite] must set up a partition of ten handbreadths around it as a distinguishing mark;²³ but if it belongs to hekdesch this is unnecessary. What is the reason? People hold aloof from it.

Rab Judah also said in Rab's name: He who sets sail, and he who sets out in a [caravan] company, before thirty days [prior to Passover], is not bound to remove [the leaven]; if within thirty days, he is bound to remove [it]. Abaye observed: When you say, if within thirty days he is bound to remove it, we said this only where his intention is to return [during Passover]; but if it is not his intention to return, he is not bound to remove [it]. Said Raba to him: But if his intention is to return, even [if he sets out] on New Year too?²⁴ Rather, said Raba: When you say. if before thirty days he is not bound to remove it, we said this only where it is not his intention to return; but if his intention is to return, even [if he sets out] on New Year too. Now Raba is consistent with his view. For Raba said: If one turns his house into a granary²⁵ before thirty days [prior to the Passover], he is not bound to remove [the leaven];²⁶ if within thirty days, he is bound to

remove it;²⁷ and even before thirty days too, we said this only when it is not his intention to clear it [the store of provisions] away; but if his intention is to clear it away, even before thirty days too he is bound to remove it.

What business have these thirty days?²⁸ — As it was taught: Questions are asked and lectures are given on the laws of Passover for thirty days before Passover. R. Simeon b. Gamaliel said: Two weeks. What is the reason of the first Tanna?

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- (1) It is obviously forbidden, since it is just like his own!
 - (2) I.e., not lost or stolen or destroyed.
 - (3) In regard to the prohibition 'there shall not be found'.
 - (4) Tax from crops and cattle paid in kind.
 - (5) Where a non-Jew has a share in an animal it is definitely not subject thereto; the question here is as explained in the text.
 - (6) I.e., the king, to whom the tax is payable, will accept money instead of the animal.
 - (7) The owner is bound to render it as a firstling.
 - (8) Because until he does pay him off the non-Jew has a claim upon it.
 - (9) I.e., a dough from which arnona is paid.
 - (10) V. Glos. and Num. XV, 20f: of the first of your dough ye shall offer up a cake for an heave-offering . . . of the first of your dough ye shall give unto the Lord an heave-offering throughout your generations. Here too 'your' excludes
 - (11) Lit., 'an animal has a sound (voice)' — i.e., it will be known that it belongs to a herd liable to arnona.
 - (12) The on-looker does not know that the dough is made of flour subject to arnona and may suspect him of violating the law.
 - (13) On the fourteenth of Nisan after noon, when leaven is forbidden.
 - (14) Since it is not his, v. supra 5b.
 - (15) Where he accepts responsibility for same.
 - (16) If anything the quotation intimates the reverse.
 - (17) So that the house becomes legally the non-Jew's.
 - (18) A.Z. 21a.
 - (19) It must not be handled and carried out, because it is mukzeh (v. Glos.), since it cannot be put to any use, all benefit from leaven being forbidden during Passover. He therefore covers it over with a vessel and burns it in the evening on the termination of the Festival.
 - (20) V. Glos.
 - (21) In any case, since it is hekdesch.
 - (22) In a Jew's house.
 - (23) The reference here is to the fourteenth, and the partition is needed lest he forget himself and eat it, The overturning of a vessel upon it does not suffice here lest he might remove it in the course of the seven days.
 - (24) He must still remove it, since he will be in the house on Passover.
 - (25) I.e., he stores provisions in it, and under them lies leaven.
 - (26) By being buried under his provisions it is as though it were removed.
 - (27) Because the obligation to remove it becomes operative in this period, and one cannot remove it thus at the very outset.
 - (28) Why is the matter dependent on this period?

Talmud - Mas. Pesachim 6b

Talmud - Mas. Pesachim 6b

Because lo! Moses was standing on the First Passover and giving instructions about the Second Passover,¹ as it is said, Moreover, let the children of Israel keep the passover in its appointed season;² and it is written, And there were certain men, who were unclean by the dead body of a man.³ And R. Simeon b. Gamaliel?⁴ — He answers you: Because he was engaged in the laws of Passover, he instructed them⁵ in all the laws of Passover. What is R. Simeon b. Gamaliel's reason? Because lo! Moses was standing at the beginning of the month and giving orders about the Passover, as it is said, This month shall be unto you the beginning of months: it shall be the first month of the year to you.⁶ And it is written, Speak ye unto all the congregation of Israel, saying, In the tenth day of this month they shall take to them every man a lamb, according to their father's houses, etc.⁶ But how do you know that he was standing at the beginning of the month; perhaps he was standing on the fourth or the fifth of the month? Rather, said Rabbah b. Shimi in Rabina's name, [It is deduced] from here: And the Lord spake unto Moses in the wilderness of Sinai, in the first month of the second year;⁷ and it is written, Moreover let the children of Israel keep the passover in its appointed season.⁸ But here too, how do you know that he was standing at the beginning of the month: perhaps he was standing on the fourth or the fifth of the month? — Said R. Nahman b. Isaac: [The implication of] 'wilderness' [here] is learned from 'wilderness' [elsewhere]. Here it is written, 'in the wilderness of Sinai,' while there it is written, And the Lord spake unto Moses in the wilderness of Sinai, in the tent of meeting, on the first day of the second month:⁹ just as there [it was] at the beginning of the month, so here too at the beginning of the month.

Now, let [the events of] the first month be written first, and then that of the second month?¹⁰ — Said R. Menasia b. Tahlifa in Rab's name: This proves that there is no chronological order¹¹ in the Torah. R. Papa observed: This was said only of two subjects; but in the same subject what is earlier is earlier and what is later is later. For should you not say thus, [how, then, apply the principle that] when a general proposition is followed by a particular specification the general proposition comprises only what is contained in the particular specification; perhaps it is a particular specification followed by a general proposition! Moreover, [it is a principle that] when a particular specification is followed by a general proposition, the generalization becomes an addition to the specification,¹² [here too] perhaps it is a generalization followed by a particularization! But if so, the same [question] applies even to two subjects? Now, that is well on the view that [when] a generalization and a specification [are] at a distance from each other, we do not interpret¹³ them as a generalization followed by a specification, then it is correct. But on the view that we do interpret [them thus], what can be said?¹⁴ — Even on the view that we do interpret, that is only [when they occur] in the same subject; but [when] in two subjects we do not interpret [them thus].

Rab Judah said in Rab's name: He who searches [for leaven] must [also] declare it null.¹⁵ What is the reason? Shall we say [it is] because of crumbs¹⁶ — but they are of no value?¹⁷ And should you answer, since they are guarded in virtue of his house,¹⁸ they are of account, surely it was taught: [If there are in a man's field] late figs, while he guards his field on account of the grapes; or if there are late grapes, while he guards his field on account of his cucumbers and gourds,¹⁹ when the owner is particular about them, they are forbidden [to a stranger] as theft and are

subject to tithes; when the owner is not particular about them, they are not forbidden as theft and are exempt from tithe!²⁰ — Said Raba: It is a preventive measure, lest he find a tasty loaf²¹ and [set] his mind upon it.²² Then let him annul it when he finds it? — He may find it after the interdict [commences], and then it does not stand in his ownership and [so] he cannot annul it. For R. Eleazar said: Two things are not in a man's ownership, yet the Writ regarded them as though they were in his ownership. And these are they: a pit in public ground²³ and leaven from six hours²⁴ and onwards.²⁵ Then let him annul it at the fourth or the fifth [hour]?²⁶ — Since it is neither the time of the prohibition nor the time of searching, he may transgress and not annul it.

(1) I.e., the Passover celebrated on the fourteenth of the second month by those who were unable to celebrate it at the proper time.

(2) Num. IX, 2.

(3) Ibid. 6. The narrative relates how Moses gave instructions about the second Passover, vv. 9 seq.

(4) How does he refute this proof?

(5) Lit., 'completed for them'.

(6) Ex. XII, 2f.

(7) Num. IX, 1.

(8) And from the beginning of the month until Passover is two weeks.

(9) Num. I, 1.

(10) Num. I, 1ff is chronologically a month later than IX. 1ff; why is it not written in that order?

(11) Lit., 'earlier and later'.

(12) So as to include all things implied in the generalization.

(13) Lit., 'judge'.

(14) v. B.K. 85a.

(15) I.e., of no account and valueless and free to all.

(16) Which may escape his search.

(17) They are therefore null in any case.

(18) When he guards his house he ipso facto guards these crumbs.

(19) The late figs and grapes which remain after the harvest never fully ripen. Here they are in a field which is guarded from intruders not for their sake but because it contains other crops yet to be gathered.

(20) Because they are regarded as ownerless, and such are exempt from tithe. Thus though they are incidentally guarded, that does not give them any value, and the same should apply here.

(21) **texukd**, a loaf made from a special brand of white flour.

(22) To keep it until after Passover.

(23) He who digs a pit in public ground is responsible for any damage it may cause, as though it were his property, though actually it is not.

(24) I.e., noon.

(25) One is culpable for its presence in his house then, though technically speaking it is no longer his.

(26) I.e., any time in the morning before noon, when it is still his. Why particularly the preceding evening, when he is making the search?

Talmud - Mas. Pesachim 7a

Then let him annul it in the sixth [hour]?¹ — Since the Rabbinical interdict is upon it,² it is like a Scriptural [interdict] and does not stand in his ownership, hence he cannot annul it. For R. Gidal

said in R. Hiyya b. Joseph's name in Rab's name: He who betroths from the sixth hour and onwards, even with wheat of Cordyene,³ we have no fear of his betrothal.⁴

But, is he unable to annul it after the prohibition [commences]? Surely it was taught: If he is sitting in the Beth Hamidrash and recollects that he has leaven at home, he annuls it in his heart, whether it is the Sabbath or the Festival. Now as for the Sabbath, it is well: this is possible where the fourteenth [of Nisan] falls on the Sabbath;⁵ but the Festival is after the prohibition [commences]⁶ — Said R. Aha b. Jacob: We treat here of a disciple sitting before his master, and he recollects that he has a rolled dough⁷ at home and fears that it may turn leaven; [therefore] he anticipates and annuls it before it turns leaven. This may be proved too: for it states, 'If he is sitting in the Beth Hamidrash'.⁸ This proves it.

Rabbah the son of R. Huna said in Rab's name: If a loaf went mouldy, if mazzah⁹ exceeds it [in quantity], it is permitted.¹⁰ How is it meant? Shall we say that he [the owner] knows that this [loaf] is leaven, what then matters it if the mazzah does exceed it?¹¹ Again if we do not know whether it is leaven or mazzah, then why particularly if the mazzah exceeds it; even if the mazzah does not exceed it too, let us go after the last?¹² Did we not learn: Money found in front of cattle dealers at all times is [accounted as] tithe; on the Temple Mount, it is hullin;⁹ in [the rest of] Jerusalem, at any other part of the year, it is hullin; at the Festival season, it is tithe.¹³ And R. Shemaia b. Zera observed thereon: What is the reason? Because the streets of Jerusalem¹⁴ were swept daily. This proves that we assume: the earlier[losses] have gone, and these [coins] are different ones. So here too let us say: the earlier[bread] has gone and this is of the present?¹⁵ — Here it is different, because its mouldiness proves its status.¹⁶ If its mouldiness proves its status, what does it matter if the mazzah exceeds it? — Said Rabbah. Do not say, 'if the mazzah exceeds it', but say, 'many days of mazzah have passed over it'.¹⁷ If so, it is obvious? — This is necessary only where it is very mouldy; you might argue, since it is very mouldy it is clear that it is certainly true leaven; therefore he informs us that since many days of mazzah have passed over it we say: every day hot mazzah¹⁸ was baked and thrown thereon, and that made it very mouldy.

Yet do we follow the last? Surely it was taught. R. Jose b. Judah said: If a chest was used for money of hullin and money of tithe,¹⁹ if it was mostly hullin, it [the money found therein] is hullin; if mostly tithe, it is tithe. But why so? let us go after the last?—Said R. Nahman b. Isaac: of what do we treat here? E.g., where it was used for money of hullin and money of tithe, and one does not know which was last. R. Zebid said: E.g., where it was used for separate packages.²⁰ R. Papa said: E.g., if it was found in a pit.²¹

of peace-offerings; when one could not stay long enough in Jerusalem to expend all his tithe money, he would distribute it among the poor or give it to his friends in Jerusalem. Consequently, if money is found in front of cattle dealers, whatever the time of the year, it is assumed to be of the second tithe. On the other hand, if it is found on the Temple Mount, we assume it to be hullin, even at Festival time, when most of money handled is tithe, because the greater part of the year is not Festival, and then ordinary hullin is in circulation and this money might have been lost before the Festival. But if found in the streets of Jerusalem, a distinction is drawn, as stated in the text. Rab Judah said: He who searches [for leaven] must pronounce a benediction. What benediction does he pronounce? R. Pappi said in Raba's name: '[. . . who hast commanded us] to remove

leaven'. R. Papa said in Raba's name: '[. . . who hast commanded us] concerning the removal of leaven'. As for [the phrase] 'to remove,' there is no disagreement at all that it certainly implies in the future.²²

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- (1) He is not likely to forget it then, since he is engaged in burning it.
 - (2) On all views, v. supra 4b.
 - (3) A district lying to the east of the river Tigris, south of Armenia. — That wheat is very hard and does not easily become leaven; nevertheless if moisture had fallen upon it after being harvested it is regarded as leaven.
 - (4) The betrothal is definitely invalid, because the wheat has no value because of the Rabbinical interdict, whereas for betrothal something of value is required (v. Kid. 2a). — Thus although the interdict at that hour is only Rabbinical, the leaven is regarded as completely valueless; hence not under his ownership.
 - (5) And he recollects before the sixth hour.
 - (6) How can he annul it then?
 - (7) I.e., a dough kneaded but not baked. He cannot leave the Beth Hamidrash to attend to it out of respect to his Master.
 - (8) If it is already leaven, what does it matter where he is; even if he were at home he could do nothing else?
 - (9) V. Glos.
 - (10) This is now assumed to mean: if there is more mazzah in the bin than this mouldy loaf, the whole is permitted.
 - (11) Surely a loaf known to be leaven cannot be permitted on that account?
 - (12) I.e., let us assume that this loaf is of the latest batch which was put there, i.e., it is mazzah, since a bread bin is cleared out every day, in order to prevent the bread from going mouldy — a necessary precaution in the hot eastern countries — and particularly so in this case, when there had been a search for leaven before the Festival.
 - (13) Shek. VII, 2. If money is found in Jerusalem, the question arises, what is its status — is it ordinary secular coins (hullin) or tithe money? This was because the second tithe (v. Deut. XIV, 22ff this was designated second-tithe) had to be eaten in Jerusalem or its monetary equivalent expended there, which money likewise was governed by the law of second tithe. Now, most of the flesh eaten in Jerusalem was bought with second-tithe money, and generally took the form
 - (14) But not the Temple Mount.
 - (15) I.e., unleavened.
 - (16) It must have been there a considerable time, hence it is leaven.
 - (17) I.e., several days of Passover have gone, and so this had had time to go mouldy even if baked as mazzah at the beginning of the Festival.
 - (18) Lit., 'bread'.
 - (19) And now we find money in it and do not know which it is.
 - (20) Of money, some being hullin and others tithe, and both were there on the same day.
 - (21) We cannot assume that the earlier coins had been removed while these were of the most recent deposit, because it might have been overlooked in a pit.
 - (22) I.e., it implies that the removal is still to be done. This phraseology is therefore certainly admitted, because a benediction is always recited prior to the actual performance of the precept to which it refers.

Talmud - Mas. Pesachim 7b

They differ only in respect of 'concerning the removal': one Master holds that it implies in the past;¹ while the other Master holds: It implies in the future.

An objection is raised: ‘Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us concerning circumcision’?² — How [else] should he say [it] there? Shall he say, ‘to circumcise’ — is it imperative that he should circumcise?³ Then what can be said of the father of the infant?⁴ — Then indeed it is so.⁵

An objection is raised: ‘Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us concerning shechitah’?⁶ — There too, how [else] shall he say it: shall he say ‘to slaughter,’ — is it imperative that he should slaughter? Then what can be said of the Passover sacrifice and [other] sacrifices?⁷ — [There] indeed it is so.⁸

An objection is raised: If one prepares a lulab⁶ for himself, he recites the blessing, ‘. . . who hast kept us in life and hast preserved us and hast suffered us to reach this season’. When he takes it in order to fulfil his obligation therewith,⁹ he recites: ‘. . . who hast sanctified us with Thy commandments and hast commanded us concerning the taking of the lulab’?¹⁰ There it is different, because in the [very] moment that he lifts it up his duty is fulfilled.¹¹ If so, [instead of stating] ‘in order to fulfil his obligation therewith,’ he should say, ‘having fulfilled his obligation therewith?’ — That indeed is so, but because he desires to teach ‘to sit in the sukkah’¹² in the second clause, he also states in the first clause, ‘to fulfil his obligation therewith’ — For he teaches in the second clause: He who makes a sukkah for himself recites: ‘Blessed art thou, O Lord . . . who has kept us in life and hast preserved us and hast enabled us to reach this season’. When he enters to sit therein he recites: ‘Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us to sit in the sukkah.’¹³ And the law is: [He recites,] ‘concerning the removal of leaven’.¹⁴

Now incidentally all agree that we must recite the benediction beforehand:¹⁵ how do we know it? — Because Rab Judah said in Samuel’s name: For all precepts a benediction is recited prior [‘ober] to their being performed — Where is it implied that this [word] ‘ober connotes priority? — Said R. Nahman b. Isaac, Because Scripture saith, Then Ahimaaz ran by the way of the Plain and overran [wa-ya’abor] the Cushite.¹⁶ Abaye said, [It follows] from this: and he himself passed over [‘abar] before them;¹⁷ alternatively, from this: and their king is passed on [wa-ya’abor] before them, and the Lord at the head of them.¹⁸

The School of Rab said: Except [for] a ritual bath and shofar.¹⁹ As for a ritual bath, it is well, because the person is not yet fit;²⁰ but what is the reason for the shofar? And should you say, because he may sound the blast [teki’ah] incorrectly;²¹ if so, the same applies even to shechitah, and circumcision too? Rather, said R. Hisda: Except for a ritual bath alone was stated. It was taught likewise: When one has a ritual bath and ascends [from the bath], on his ascending he recites: Blessed [art Thou] . . . who hast sanctified us with Thy commandments and hast commanded us concerning tebillah’.

BY THE LIGHT OF A LAMP, etc. How do we know this? — Said R. Hisda: By deriving [the meaning of] ‘finding’ from ‘finding’ and ‘finding’ from ‘searching’, and ‘searching’ from ‘searching’, and ‘searching’ from ‘lamps’, and ‘lamps’ from ‘lamp’:²² [Thus:] ‘finding’ from ‘finding’: here it is written, seven days shall there be no leaven found in your houses,²³ while

elsewhere it is written, and he searched, and began at the eldest, and left at the youngest: and the cup was found [in Benjamin's sack].²⁴ 'Finding' [is learned] from 'searching' [mentioned] in its own connection.²⁵ And 'searching' from 'lamps', as it is written, And it shall come to pass at that time, that I will search Jerusalem with lamps.²⁶ And 'lamps' from 'lamp', for it is written, The soul of man is the lamp of the Lord, searching all the innermost parts of the belly.²⁷

The School of R. Ishmael taught: In the evening of the fourteenth leaven is searched for by the light of a lamp. Though there is no proof of this, there is an allusion to it, because it is said, 'seven days shall there be no leaven [in your houses]'; and it is said, 'and he searched, and began at the eldest, and left at the youngest: and the cup was found [in Benjamin's sack]'; and it is said, 'And it shall come to pass at that time, that I will search Jerusalem with lamps'. and it is said, 'The soul of man is the lamp of the Lord, searching [all the innermost parts of the belly]'. What is the purpose of the additional quotations?²⁸ And should you answer, this 'at that time' is a statement of lenient treatment by the Merciful One, [viz.,] 'I will not search Jerusalem with the light of a torch, which gives much light, but only with the light of a lamp, the light of which is much smaller, so that great wrongdoing will be found out but petty wrongdoing will not be found out,²⁹ — then come and hear! 'The soul of man is the lamp of the Lord, [searching. etc.]'.³⁰

Our Rabbis taught: one may not search either by the light of the sun or by the light of the moon, or by the light of a torch, save by the light of a lamp,

(1) I.e., the removal has already been done. Hence this formula is inadmissible.

(2) Not, 'to circumcise'.

(3) Lit., 'is there no way that he should not circumcise'? — i.e., the obligation does not rest primarily upon the circumciser, but upon the father, whereas if the former said 'to circumcise', it would imply that it is his personal duty in every case.

(4) What if the father circumcises?

(5) He must say 'to circumcise'.

(6) V. Glos.

(7) Lit., 'sacred (animals)'. The obligation of slaughtering a sacrifice rests primarily upon its owner.

(8) He must say 'to slaughter'.

(9) V. Lev. XXIII, 40.

(10) But not 'to take the lubab'.

(11) Hence he is reciting the blessing after performing the precept, and so he cannot say 'to take'; v. Supra.

(12) V. Glos.

(13) And there the future is required because it is an obligation during the whole week of Tabernacles.

(14) That too implies the future. Consequently, this form is used by all in circumcision and shechitah.

(15) Before actually performing the precept.

(16) II Sam. XVIII, 23. I.e., he passed in front of him, and similarly 'ober, which is derived from the same root as wa-ya'abor, means in front of, i.e., prior to'

(17) Gen. XXXIII, 3.

(18) Mic. II, 13.

(19) V. Glos. Here the benediction is recited after the fulfilment of the precept.

(20) E.g., one who is unclean through nocturnal pollution may not recite a blessing; hence he is obviously unfit to recite the blessing until after the ritual bath, and all others requiring a ritual bath were treated likewise (Rashi).

- (21) In which case the obligation is not fulfilled and the benediction was unnecessarily recited, which is prohibited.
- (22) As explained in the text.
- (23) Ex. XII, 19.
- (24) Gen. XLIV, 12.
- (25) I.e., in the verse just quoted 'finding' and 'searching' are linked together.
- (26) Zeph. I, 12.
- (27) Prov. XX, 27. By comparing all these verses we learn that in order that leaven may not be found in the house it must be searched out by lamplight.
- (28) Lit., 'what is (the purpose of) "and it is said"?'
- (29) But this verse does not prove that the searching for leaven too may be carried out merely with a lamp — perhaps a torch is required.
- (30) Thus a single lamp suffices for a search.

Talmud - Mas. Pesachim 8a

because the light of a lamp is suitable for searching. And though there is no proof of the matter yet there is a hint of it, for it is said, 'seven days shall there be no leaven found [in your houses]'; and it is said, 'and he searched, and began at the eldest, [etc.]'; and it is said, 'and it shall come to pass at that time, that I will search Jerusalem with lamps'; and it is said, 'The soul of man is the lamp of the Lord, searching all the innermost parts of the belly'.

This light of the sun, where is it meant? Shall we say, in a courtyard, — but Raba said: A court-yard does not require searching, because birds frequent it.¹ While if in a hall,² — but Raba said: A hall is searched by its own light? — This is meant only in respect of a skylight in a room. But [then] what part of it? If [that which is] opposite the skylight, then it is the same as a hall? — Rather, it means [the part of the room] at the sides.

And not [by the light of] a torch? Surely Raba said, What is the meaning of the verse, And his brightness was as the light; he had rays coming forth from his hand: and there was hiding of his power?³ To what are the righteous comparable in the presence of the Shechinah? To a lamp in the presence of a torch.⁴ And Raba also said: [To use] a torch for habdalah⁵ is the most preferable [way of performing this] duty? — Said R. Nahman b. Isaac: The one⁶ can be brought into holes and chinks [in the wall], whereas the other⁷ cannot be brought into holes and chinks. R. Zebid said: The one⁶ [throws] its light forward, whereas the other⁷ [throws] its light behind.⁸ R. Papa said: Here [with a torch] one is afraid, whereas there [with a lamp] one is not afraid.⁹ Rabina said: The light of the one⁶ is steady. whereas that of the other⁷ is fitful.¹⁰ EVERY PLACE WHEREIN LEAVEN IS NOT TAKEN, etc. What does EVERY PLACE add? — It adds the following taught by our Rabbis: The topmost and the nethernmost holes of a room,¹¹ the roof of the verandah,¹² the roof of a turret,¹³ a cow's stable, hen-coops, a shed for straw, and store-houses of wine and oil do not need searching.¹⁴ R. Simeon b. Gamaliel said: A bed which makes a division in a room,¹⁵ and leaves a space¹⁶ needs searching. But the following contradicts it: A hole [lying] between a man and his neighbour,¹⁷ this one searches as far as his hand reaches and that one searches as far as his hand reaches,¹⁸ and the rest he annuls in his heart. R. Simeon b. Gamaliel said: A bed which makes a division in a room, timber and stones being arranged under it, and it leaves a space.¹⁹ does not require searching. Thus [the rulings on] a bed are contradictory and

[those on] holes are contradictory? [The rulings on] holes are not contradictory: the one refers to the topmost and the nethermost;²⁰ the other to [holes in] the middle [of the wall]. [The rulings on] a bed are not contradictory: here it is raised; there it is low down.²¹

But, do not store-houses of wine require searching? Surely it was taught. Store-houses of wine need searching; stores of oil do not need searching? — The case we discuss here is where one draws his [immediate] supplies [from it].²² If so, oil too? — As for oil, there is a limit to eating; but [in respect to] wine, there is no limit to drinking.²³ R. Hiyya taught: Stores of beer in Babylonia were made the same as stores of wine in Palestine, where one draws his supplies from them.²⁴

R. Hisda said: A fish pantry does not require searching. But it was taught [that] they require searching? — There is no difficulty: the one treats of large [fish]; the other of small.²⁵ Rabbah son of R. Huna said: Salt sheds and wax sheds²⁶ need searching.²⁷ R. Papa said: Storehouses for fuel²⁸ and storehouses for dates need searching. A Tanna taught: We do not oblige him to insert his hand into holes and chinks and search [there], on account of the danger. Which danger? Shall we say. the danger of a snake, — then when he used it, how could he use it? — This arises only where it [the wall] collapsed.²⁹ But if it collapsed, why do I need searching [at all]? Surely we learned: If ruins collapsed on leaven, it is regarded as removed? — There [the circumstances are] that a dog cannot search it out; here, that a dog can search it out. But R. Eleazar said: Those sent [to perform] a religious duty do not suffer harm? — Said R. Ashi: He may have lost a needle and come to look for it.³⁰ But is it not [regarded as the fulfilment of] a religious duty in such a case? Surely it was taught: If one declares, ‘This sela’³¹ be for charity in order that my son may live,’ or, ‘that I may merit the future world,’³²

(1) And eat up all crumbs.

(2) **vrsxft** is a pillared hall or a piazza, open on top, running in front of large houses.

(3) Hab. III, 4.

(4) Even as the light of a lamp pales before that of a torch, so does the light of the righteous before that of the Almighty. Thus a torch gives more light, and therefore it is even better than a lamp.

(5) V. Glos. A blessing is pronounced over fire for which a light must be kindled.

(6) A lamp.

(7) A torch.

(8) Therefore it is not suitable for searching.

(9) The great flame of a torch may set fire to the house; therefore his preoccupation with this fear will hinder a man from a proper search.

(10) A torch throws an unsteady, wavering light.

(11) I.e., those which are very high up or very low down in the wall, so that it is inconvenient to use them.

(12) A balcony with a sloping roof, which could not be used; other parts of the house had a flat roof.

(13) A kind of safe in which food and utensils were kept. The inside had to be searched but not the roof.

(14) No leaven is taken, into any of these.

(15) I.e., it stands in the centre, dividing the room into two parts used for separate purposes.

(16) There is a space between it and the floor, as it stands on legs.

(17) I.e., in a wall separating two rooms or houses tenanted by different people. the hole passing right through from one side of the wall to the other.

- (18) E.g., when the wall is very thick.
- (19) Between the bottom of the bed and the timber.
- (20) V. p. 33. n. 7.
- (21) If the bottom of the bed is well raised from the ground the space beneath it can be used quite easily. But if it is low down, even if a space is left it is not easy to use it, hence it need not be searched.
- (22) E.g., a private wine cellar. The servant may enter to take wine for the table while holding bread in his hand.
- (23) How much oil is to be consumed at a meal can be gauged beforehand, and further supplies will not be required. But one cannot determine beforehand how much wine will be drunk.
- (24) They must be searched.
- (25) If large fish are stored there it will be unnecessary to bring more to the table during the meal; but in the case of small fish this may be necessary, and so it must be searched.
- (26) I.e., the places where these are kept.
- (27) Salt and candles being sometimes unexpectedly required during the meal.
- (28) Wood-chips, twigs, etc.
- (29) Snakes are often found among debris, hence only the top of the ruins must be searched, but one need not investigate below the surface.
- (30) While searching for the leaven. He is, not being exclusively engaged on a religious task, exposed to danger.
- (31) A coin.
- (32) Lit., 'that I may be a son of the future world'. On the 'future world' v. Sanh., Sonc. ed. p. 601, n. 3.

Talmud - Mas. Pesachim 8b

he is completely righteous.¹ — Perhaps after he searched [for the leaven] he will come to look for it. R. Nahman b. Isaac said: [It means] on account of the danger of Gentiles, this agreeing with Pelimo. For it was taught: [In the case of] a hole between a Jew and a Syrian [i.e., a Gentile], he must search as far as his hand reaches, and the rest he annuls in his heart. Pelimo said: He does not search it at all, on account of the danger. [Now] what is the danger? Shall we say, the danger of witchcraft,² — then when he used it, how did he use it? — There when he used it it was day and there was light, therefore [the Gentile] would not suspect anything;³ but here it is night and a lamp [is used]; hence he will suspect. But R. Eleazar said: Those sent [to perform] a religious duty do not suffer harm?⁴ — Where the injury is probable it is different, for it is said, And Samuel said, How can I go? if Saul hear it, he will kill me. And the Lord said, Take a heifer with thee, etc.⁵

Rab was asked: Scholars who reside out of town, can they come in the early morning or after nightfall to the academy?⁶ — He replied: Let them come, [the risk be] upon myself and my neck. What about returning?⁷ I do not know, he answered them. It was stated: R. Eleazar said: Those sent [to perform] a religious duty will not suffer hurt, neither in their going nor in their returning. With whom [does this agree]? — With this Tanna: for it was taught. Issi b. Judah said: Seeing that the Torah said, no man shall desire thy land [when thou goest up to appear before the Lord thy God . . .],⁸ it teaches that your cow will graze in the meadow and no [wild] beast will hurt it; your fowl will go scratching in the dungheap and no weasel will injure it. Now does this not furnish an argument a minori? If these, whose nature it is to be hurt, will not be hurt; then human beings, for whom it is not natural to be hurt, how much more so!⁹ I know it only in respect of going: how do I know it of returning? Because it is stated, and thou shalt turn in the morning, and

go [back] unto thy tents:¹⁰ this teaches that you will go and find your tent in peace. But since [he is safe] even on [his] return, why [intimate it] in respect of going?¹¹ — [That is necessary] for R. Ammi's [teaching]. For R. Ammi said: Every man who owns land must make the Festival pilgrimage; but he who does not own land need not make the Festival pilgrimage.¹²

R. Abin son of R. Adda said in R. Isaac's name: Why are there no fruits of Gennesaret¹³ in Jerusalem? So that the Festival pilgrims should not say. 'Had we merely ascended in order to eat the fruits of Gennesaret in Jerusalem it would have sufficed us,' with the result¹⁴ that the pilgrimage would not be for its own sake. Similarly R. Dosehai son of R. Jannai said: Why are the thermal springs of Tiberias not [found] in Jerusalem? So that the Festival pilgrims should not say. 'Had we merely ascended in order to bathe in the thermal springs of Tiberias, it would have sufficed us,' with the result that the pilgrimage would not be for its own sake. THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [etc.]? Who has mentioned anything about a wine cellar? — This is what he [the Tanna] says: EVERY PLACE WHEREIN NO LEAVEN IS TAKEN DOES NOT REQUIRE SEARCHING, and stores of wine and stores of oil do not require searching either. THEN IN WHAT CASE DID THEY RULE, TWO ROWS OF THE WINE CELLAR [MUST BE SEARCHED]? [CONCERNING] A PLACE WHEREIN LEAVEN MAY BE TAKEN, which is one whence [private] supplies are drawn.

BETH SHAMMAI MAINTAIN: TWO ROWS, etc. R. Judah said: The two rows which they [Beth Shammai] specified [mean] from the ground up to the very ceiling;¹⁵ but R. Johanan said: [It means] a single row in the shape of a right angle.¹⁶ It was taught in accordance with Rab Judah; [and] it was taught in accordance with R. Johanan. It was taught in accordance with Rab Judah: Beth Shammai maintain: Two rows over the front [surface] of the whole cellar, and the two rows which they specified [means] from the ground up to the very ceiling. It was taught in accordance with R. Johanan: Two rows over the face of the whole cellar, [i.e.,] the outer one which looks upon the door, and the upper one which faces¹⁷ the ceiling; but that which is within this and below this does not require searching.

BETH HILLEL MAINTAIN: THE TWO OUTER ROWS, WHICH ARE THE UPPERMOST. Rab said: [That means] the upper row and the one beneath it;¹⁸ while Samuel said: [That means] the upper row and the one on the inside of it. What is Rab's reason? — Because he emphasizes: OUTER. But it [also] teaches: UPPERMOST? — That is to exclude those beneath the lower one.¹⁹ While Samuel says: 'The upper row and the one on the inside of it.' What is the reason? Because he emphasizes: UPPERMOST. But it [also] states: OUTER? — That is to exclude the inside of the inner.²⁰ R. Hiyya taught in accordance with Rab, while all tannaim recited as Samuel. And the law is as Samuel.²¹

(1) In respect of his action, notwithstanding his selfish motives. Hence in the case under discussion the same holds good.

(2) Sc. the Gentile may suspect him of witchcraft when he sees him rummaging in the hole.

(3) Lit., 'bring it up on his mind'.

(4) To be the object of these suspicions is to suffer harm.

(5) 1 Sam. XVI, 2. Thus Samuel was afraid though engaged on a Divine mission, because it was naturally dangerous.

- (6) Do they run a risk in going over the fields at such times?
- (7) After nightfall.
- (8) Ex. XXXIV, 24.
- (9) They are certainly immune from danger when going to carry out a religious duty, to which the present verse refers.
- (10) Deut. XVI, 7.
- (11) Surely that follows a fortiori.
- (12) This follows from the fact that the Almighty assures the pilgrim that his land will be safe in his absence, which proves that the command refers only to those who possess land.
- (13) A lake so named from the fertile plain lying on its western side. In the O.T., it is called Yam Kinnereth or Kinneroth; Num. XXXIV. 11; Josh. XII, 3. On its western shore lay Tiberias. — Its fruit was particularly delicious.
- (14) Lit , ‘and it would be found’.
- (15) I.e., the two outer rows of barrels from top to bottom, over their entire area.
- (16) Gam, the shape of the Grk. Gamma **. I.e. , the front row and the whole of the upper layer.
- (17) Lit., ‘sees’.
- (18) In the outermost row facing the door.
- (19) I.e., all rows from the third from the top and downwards.
- (20) Those within the second row of the top layer.
- (21) From the fact that all post-Talmudic authorities accept Rab's view, however, it would appear that this passage was absent from their texts; [v. Tosaf. Yom Tob on our Mishnah and MS.M. R. Hananel, however, has this passage and accepts Samuel's ruling.]

Talmud - Mas. Pesachim 9a

MISHNAH. WE HAVE NO FEAR THAT A WEASEL MAY HAVE DRAGGED [LEAVEN] FROM ONE ROOM TO ANOTHER OR FROM ONE SPOT TO ANOTHER.¹ FOR IF SO, [WE MUST ALSO FEAR] FROM COURT-YARD TO COURT-YARD AND FROM TOWN TO TOWN, [AND] THE MATTER IS ENDLESS.

GEMARA. The reason is that we did not see it take [leaven]; but if we saw it take [it] we do fear, and it requires a [re-]search. yet why so; let us assume that it ate it? Did we not learn: The dwellings of heathens are unclean,² and how long must he [the heathen] stay in a dwelling so that it should need searching?³ Forty days, even if he has no wife. But in every place where a weasel or a swine can enter no searching is required!⁴ — Said R. Zera, There is no difficulty: one treats of flesh, the other of bread: in the case of flesh it [the weasel] leaves nothing, [whereas in the case of bread it does leave [something] — Raba said: How compare! As for there, it is well: it is [a case of mere] ‘say’: say that there was [a burial there], say that there was not.⁵ And if you assume that there was, say that it [e.g., a weasel] ate it. But here that we see for certain that it has taken [leaven], who is to say that it ate it? Surely it is a doubt [on the one hand] and a certainty [on the other], and a doubt cannot negative a certainty. But cannot a doubt negative a certainty? Surely it was taught: If a haber⁶ dies and leaves a store-house full of produce [crops]. even if they are but one day old, they stand in the presumption of having been tithed.⁷ Now here these crops were certainly liable to tithe, and there is a doubt whether they have been tithed or not tithed, yet the doubt comes and negatives the certainty?—There it is one certainty against another certainty, as

[we presume that] they have certainly been tithed, in accordance with R. Hanina of Hozae.⁸ For R. Hanina of Hozae said: There is a presumption concerning a haber that he does not let anything untithed⁹ pass out from under his hand. Alternatively: it is a doubt [on the one hand] and a doubt [on the other]; perhaps from the very beginning say that it was not liable to tithe, in accordance with R. Oshaia. For R. Oshaia said: one may practise an artifice with his produce and take it in its husks, so that his cattle may eat thereof and it be exempt from tithes.¹⁰

But cannot a doubt negative a certainty? Surely it was taught, R. Judah said: It once happened that the bondmaid of a certain oppressor¹¹ in Rimon¹² threw her premature-born child into a pit,

(1) I.e., after a room has been searched and cleared of leaven a weasel may have brought leaven into it from elsewhere.

(2) Because they used to bury their premature births in their houses.

(3) For a buried body, before a Jew may live there.

(4) If a baby were thrown there these would eat it, Oh. XVIII, 7. — Thus the same should apply to leaven.

(5) I.e., the presence there of a dead child is merely conjectured as a possibility.

(6) V. Glos.

(7) V. Supra 4b.

(8) A province of S. W. Persia, now known as Khuzestan; Obermeyer. pp. 204ff.

(9) Lit., 'unprepared'.

(10) Produce is not liable to tithes unless it is taken into the house through the front door when its work is completed, not through the roof or the backyard. If grain is brought in in its husks its work is not complete, as this is still to be separated, and it is not liable to tithe, and need not be tithed by Scriptural law; a human being may then make a light meal of it, while cattle may eat their fill. Thus there it may never have become liable to tithe at all. Though a human being may not make a meal of it, that is only a Rabbinical law and is certainly nullified here by the presumption that the haber had tithed it. But in its essence we see that it is doubt against doubt; the doubt whether it was liable to tithe at all offset by the doubt that it may have been tithed.

(11) A powerful Jew (Rashi) who wielded his power oppressively.

(12) A town originally belonging to the tribe of Zebulun, on the north-east frontier (Josh. XIX, 13). It may correspond to the present Al-Rummanah, on the southern edge of the plain of Al-Battof, about ten kilometres north of Nazareth.

Talmud - Mas. Pesachim 9b

and a priest came and looked down it to see whether it was a male or a female;¹ and when the matter came before the Sages they declared him² clean, because weasels and martens³ were to be found there.⁴ Now here, she had certainly thrown it in, while it is doubtful whether they had dragged it away or not by that time, yet the doubt comes and negatives the certainty? — Do not say that she threw a premature child into a pit, but say, 'she threw something like a premature child into a pit', so that it is a doubt against a doubt.⁵ But it states: 'In order to see whether it was a male or a female'⁶ — This is what it says: To know whether she had aborted wind⁷ or a premature child; and should you say that it was a premature child, to see whether it was a male or a female. Alternatively. there it is a certainty against a certainty; since weasels and martens are to be found there they had certainly dragged it away by that time; [for] granted that they may have left over,⁸ yet they certainly had dragged it away by that time.

But do we say, we leave no fear that a weasel may have dragged [leaven], etc.? Surely the second clause states:⁹ What he leaves over¹⁰ he must put away in a hidden place, so that it should not require a search after it?¹¹ Said Abaye. There is no difficulty: the one [refers to a search] on the fourteenth; the other, on the thirteenth. [If one searches] on the thirteenth, when bread is [yet] to be found in all houses, it [a weasel] does not hide [leaven]; on the fourteenth, when bread is not to be found in all houses, it does hide [it]. Said Raba: Is then a weasel a prophet to know that it is the fourteenth now and people will not bake until the evening, so that it should leave [some] over and hide [it]? Rather said Raba: What one leaves over he must put away in a hidden place lest a weasel seize it in his presence and it require a search after it. It was taught in accordance with Raba: If one wishes to eat leaven after the search, what shall he do? Let him put it away in a hidden place, lest a weasel come and seize it in his presence and it require a search after it. R. Mari said: It is for fear that he may leave ten¹² and [only] ‘find nine.’¹³

If there are nine packages of mazzah and one of leaven, and a mouse comes and steals [a package], and we do not know whether it took mazzah or leaven,¹⁴ that is [similar to the case of] nine shops.¹⁵ If [one package] was separated¹⁶ and a mouse came and stole it, that is [similar to] the second clause. For it was taught: If there are nine shops all selling meat of [ritually] slaughtered [animals], and there is one shop selling meat of nebelah,¹⁷ and a man buys [meat] from one of them, but he does not know from which [shop] he bought the [meat in] doubt is prohibited; but in the case of [meat] found, we follow the majority.¹⁸

If there are two packages, one of mazzah and the other of leaven, and before them are two rooms, one searched and the other unsearched, and two mice came, one took mazzah and the other took leaven, and we do not know which [mouse] entered which [house], that is the case of two baskets. For we learned: If there are two baskets, one containing hullin¹⁹ and the other containing terumah,¹⁹ and in front of them are two se'ahs [of provisions], one of hullin and the other of terumah, and these fell into those, they [sc. the contents of the baskets] are permitted, for I assume: The hullin fell into hullin and the terumah fell into terumah.²⁰ Perhaps we say ‘I assume’

(1) To decide the period of the slave's uncleanness (v. Lev. XII, 4, 5). A heathen slave in a Jewish house was a semi-Jew, and bound to observe all the religious obligations of a Jewess.

(2) The priest.

(3) Heb. Bardelles.

(4) They may have dragged the body into one of their holes, leaving the pit itself empty. Had it been there the priest would have been defiled through stooping over it, even though he did not touch it.

(5) For the body may not have been formed yet, in which case it does not contaminate.

(6) Which implies that the body was fully formed and the mother was unclean, as after a proper birth, save that the sex had been overlooked.

(7) I.e., an unformed body.

(8) I.e., not eaten it.

(9) Infra 10b.

(10) After the search, for the following morning's meal.

(11) For otherwise a weasel may drag it away.

(12) E.g., rolls.

(13) For then it would be certain that one had been removed, and this would necessitate a further search.

(14) V. p. 33. n. 3. If mazzah, no further search is required; if leaven, it is required.

(15) Explained infra.

(16) But we do not know whether this separated package was leaven or mazzah.

(17) V. Glos.

(18) And assume it to have come out of one of the nine. In the first instance the forbidden meat is in a fixed place; technically this is called kabu'a (fixed), and it is shown in Sanh. 79b that we must then regard the doubt as equally balanced, i.e., as though there were an equal quantity of both, and we are therefore stringent. But in the second case the forbidden meal has left its fixed place and is somewhere in the street; the ordinary rule is then followed that the majority decides.

(19) V. Glos.

(20) By a similar assumption the house already searched does not need to be searched anew.

Talmud - Mas. Pesachim 10a

in the case of terumah [only], which is merely Rabbinical;¹ but do we say thus in the case of leaven, which is Scriptural?² — Is then the searching for leaven Scriptural; surely it is [only] Rabbinical, for by Scriptural law mere annulment is sufficient.³

If there is one package of leaven, and in front of it are two houses which have been searched, and there came a mouse and seized it, and we do not know whether it entered this [house] or that, that is [similar to] the case of two paths. For we learned: If there are two paths, one clean and the other unclean,⁴ and a person went through one of them and then touched⁵ clean [food], and then his neighbour came and went through the other and he touched clean [food], — R. Judah said: If they each enquire separately, they are clean;⁶ if both together, they are unclean. R. Jose said: In both cases they are unclean. Raba — others say. R. Johanan — said: If they came together, all agree that they are unclean; if consecutively, all agree that they are clean. They differ only where one comes to enquire about himself and his neighbour: R. Jose compares it to [both coming] together.⁷ while R. Judah likens it to each coming separately.⁸

If it is doubtful whether it [the mouse] entered or not,⁹ that is [similar to] the case of a plain, and [there we are involved] in the controversy of R. Eleazar and the Rabbis.¹⁰ For we learned: If a man enters a plain¹¹ in winter,¹² and there is uncleanness¹³ in a particular field,¹⁴ and he states: I walked in that place, but do not know whether I entered that field or not, — R. Eleazar declares him clean, while the Sages declare him unclean. For R. Eleazar ruled: If there is a doubt about entering, he is clean: if there is a doubt of contact with uncleanness, he is unclean.¹⁵

If it [the mouse] entered [with the leaven], and he [the master] searched but did not find it, [in like case] there is a controversy of R. Meir and the Rabbis. For we learned: R. Meir used to say: Everything which is in the presumption of uncleanness always [remains] in its uncleanness until it is known to you whether its uncleanness is gone; while the Sages rule: one searches until he reaches a rock or virgin soil.¹⁶

If it [the mouse] entered [with leaven] and he searched and found [leaven].¹⁷ — [in like case] there is a controversy of Rabbi and R. Simeon b. Gamaliel. For it was taught: If a grave was lost

in a field,¹⁸ he who enters therein is unclean. If a grave is [subsequently] found in it, he who enters therein is clean, for I assume: the grave which was lost is the same grave which was found: this is Rabbi's view. R. Simeon b. Gamaliel said: The whole field must be examined.¹⁹ If a man left nine [pieces of leaven] and found ten, there is a controversy of Rabbi and the Rabbis. For it was taught: If he left a maneh²⁰ and found two-hundred [zuz],²¹ hullin and second tithe are intermingled,²² this is Rabbi's view. But the Sages maintain: It is all hullin.²³ If he left ten and found nine, that is [analogous to] the second clause. For it was taught: If he deposited two hundred and found one maneh, [he assumes], one maneh was left lying and one maneh was taken away:²⁴ this is Rabbi's view. But the Sages maintain: It is all hullin.

(1) Nowadays.

(2) When doubt arises in a Rabbinical law we are naturally lenient; but where the law is Scriptural we are strict.

(3) Supra 4b.

(4) E.g., there is a lost grave in one of them, but we do not know in which.

(5) Lit., 'made'.

(6) Each is given the benefit of the doubt; consequently the food remains clean.

(7) Since the question is asked on behalf of both.

(8) Since there is only one man asking. — It is a principle that if a doubt of uncleanness arises in public ground, it is clean; if in private ground, it is unclean. Here the paths are public ground; hence when they come separately each is declared clean. But we cannot rule thus when they come together. since one is certainly unclean. The same principles apply mutatis mutandis to the searched houses.

(9) A mouse was seen to take a package of leaven, but we do not know whether or not it entered a room already searched.

(10) [This clause is omitted in MS.M., cf. p 43. n. 2.]

(11) Many fields together constitute a plain.

(12) It is then private ground, because the seed has already started sprouting.

(13) I.e., a grave.

(14) The field is known.

(15) For in the first case there is really a double doubt: firstly, whether he entered the field at all, and secondly, even if he did enter, whether he passed over the grave. — In our problem, however, even the Rabbis agree that a re-search is not necessary; since the search is only Rabbinical, we make the more lenient assumption (Rashi). [Apparently Rashi did not read, 'and in the controversy. . . Rabbis', cf. p. 42, n. 10.]

(16) If a pile or heap contains a portion of a corpse, so that it is unclean, while there are two other clean piles, and we do not know now which is which; if one is examined and found to be clean, that is clean, while the others are treated as unclean; if two are found to be clean, they are clean and the third is unclean; but if the three are examined and found to be clean, they are all unclean in R. Meir's opinion, unless we know definitely whether the defilement has disappeared. But the Sages maintain that he examines the ground until he reaches a rock or virgin soil which has obviously never been touched, and if it is not found we assume that a bird has flown off with it. — But in the present problem even R. Meir agrees that we are lenient, since the search is only a Rabbinical requirement (Rashi). V. however Tosaf.

(17) But he does not know whether it is the same.

(18) We do not know where it is.

(19) It may not be the same grave. Here too, presumably, even R. Simeon b. Gamaliel is lenient; cf. n. 3.

(20) Of second title.

(21) I.e., two manehs.

(22) We assume that the original maneh was left and an unknown person added another. It will therefore be necessary to redeem one maneh by exchanging it for another.

(23) For the original manehs may have been taken away. The Rabbis will make a similar assumption here and therefore the house must be searched for the nine pieces.

(24) Hence the present maneh is treated as second tithe.

Talmud - Mas. Pesachim 10b

If a man left [leaven] in this corner and finds [leaven] in another corner, there is a controversy of R. Simeon b. Gamaliel and the Rabbis. For it was taught: If an axe is lost in a house, the house is unclean, for I assume: An unclean person entered there and removed it. R. Simeon b. Gamaliel said: The house is clean, for I assume, He lent it to another and forgot, or he took it from one corner and placed it in another corner and forgot. Who mentioned anything about a corner?¹ The text is defective, and is thus taught: If an axe is lost in a house, the house is unclean, for I say: An unclean person entered there and took it. Or if he leaves it in one corner and finds it in another corner the house is unclean, for I assume, An unclean person entered there and took it from one corner and placed it in another corner. R. Simeon b. Gamaliel said: The house is clean, for I say. He lent it to another and forgot, or he took it from one corner and placed it in another corner and forgot.²

Raba said: If a mouse enters [a room] with a loaf in its mouth and he [the owner] enters after him and finds crumbs, a [fresh] search is necessary,³ because it is not a mouse's nature to make crumbs.⁴ Raba also said: If a child enters [a room] with a loaf in his hand, and he [the owner] enters after him and finds crumbs, a [fresh] search is not necessary, because it is a child's nature to make crumbs.

Raba asked: What if a mouse enters with a loaf in its mouth, and a mouse goes out with a loaf in its mouth: do we say, the same which went in went out; or perhaps it is a different one? Should you answer, the same which went in went out, — what if a white mouse entered with a loaf in its mouth, and black mouse went out with a loaf in its mouth? now this is certainly a different one; or perhaps it did indeed seize⁵ it from the other? And should you say, mice do not seize from each other, — what if a mouse enters with a loaf in its mouth and a weasel goes out with a loaf in its mouth? now the weasel certainly does take from a mouse; or perhaps it is a different one, for had it snatched it from the mouse, the mouse would have [now] been found in its mouth? And should you say, had it snatched it from the mouse, the mouse would have been found in its mouth, what if a mouse enters with a loaf in its mouth, and then a weasel comes out with a loaf and a mouse in the weasel's mouth? Here it is certainly the same; or perhaps, if it were the same, the loaf should indeed have been found in the mouse's mouth; or perhaps it fell out [of the mouse's mouth] on account of [its] terror, and it [the weasel] took it? The question stands over.

Raba asked: If there is a loaf on the top rafters, need he [take] a ladder to fetch it down or not? Do we say, our Rabbis did not put him to all this trouble, [for] since it cannot descend of its own accord he will not come to eat it;⁶ or perhaps it may fall down and he will come to eat it? Now should you say, it may fall down and he will come to eat it, — if there is a loaf in a pit, does he need a ladder to fetch it up or not? Here it will certainly not happen that it will ascend of its own

accord; or perhaps he may happen to go down to perform his requirements and come to eat it? Should you say that he may happen to go down for his purposes and come to eat it, — if a loaf is in a snake's mouth, does he need a snake-charmer to take it out or does he not need [one]? [Do we say,] our Rabbis put him to personal trouble, but they did not put him to trouble with his money; or perhaps there is no difference? The questions stand over.

MISHNAH. R. JUDAH SAID: WE SEARCH [FOR LEAVEN] ON THE EVENING OF THE FOURTEENTH, AND⁷ IN THE MORNING OF THE FOURTEENTH, AND AT THE TIME OF REMOVAL. BUT THE SAGES MAINTAIN: IF HE DID NOT SEARCH IN THE EVENING OF THE FOURTEENTH, HE MUST SEARCH ON THE FOURTEENTH; IF HE DID NOT SEARCH IN [THE MORNING OF] THE FOURTEENTH, HE MUST SEARCH AT THE APPOINTED TIME;⁸ IF HE DID NOT SEARCH AT THE APPOINTED TIME, HE MUST SEARCH AFTER THE APPOINTED TIME.⁹ AND WHAT HE LEAVES OVER¹⁰ HE MUST PUT AWAY IN A HIDDEN PLACE, SO THAT HE SHOULD NOT NEED SEARCHING AFTER IT.

GEMARA. What is R. Judah's reason? — R. Hisda and Rabbah son of R. Huna both say, It [the threefold searching] corresponds to the three 'puttings away' mentioned in the Torah: and there shall no leavened bread be seen with thee, neither shall there be leaven seen with thee;¹¹ seven days shall there be no leaven found in your houses;¹² and even on the first day shall ye put away leaven out of your house.¹³ R. Joseph objected: R. Judah said: He who has not searched at these three periods can no longer search, which proves that they differ only in respect of from now and henceforth!¹⁴ Mar Zutra recited it thus: R. Joseph objected: R. Judah said: He who has not searched at one of these three periods can no longer search, which proves that they differ in [whether] he can no longer search? — Rather R. Judah too means, where he has not searched,¹⁵ and here they differ in this: one Master¹⁶ holds, only before it is forbidden;¹⁷ but not after it is forbidden, as a preventive measure, lest he come to eat of it; while the Rabbis hold that we do not preventively forbid. But did R. Judah preventively forbid lest he come to eat thereof, — surely we learned: As soon as the 'omer¹⁸ has been offered, they used to go out and find the markets of Jerusalem filled with flour and parched corn,¹⁹

(1) We are discussing the case where it is lost.

(2) Thus here too, according to the Rabbis we fear that mice have been about, and consequently we also fear that the leaven he now finds is not the same which he left, so that a re-search is required. But on R. Simeon b. Gamaliel's view we do not fear this.

(3) To find leaven with which the mouse was seen to enter.

(4) Therefore these are not merely the loaf crumbled up.

(5) Lit., 'throw'.

(6) Therefore he may leave it there, and merely annul it.

(7) So presumably; v. Gemara.

(8) Sc. of removal, i.e., in the sixth hour (11 a.m. — noon).

(9) From noon until nightfall (Rashi). Tosaf. explains differently: 'within the mo'ed', from noon on the fourteenth until the end of Passover, translating mo'ed as festival, which meaning it generally bears; 'after the mo'ed, after Passover, for leaven kept in the house during Passover is forbidden after Passover.

(10) 'After the search in the evening, for the following morning's meal' (R. Nissim).

(11) Ex. XIII, 7.

(12) Ibid. XII, 19.

(13) Ibid. 15. — ‘Seen’ ‘found’ and ‘put away’ all mean in practice that the leaven must be put away, and corresponding to each expression there must be a search.

(14) I.e., after the time of removal, R. Judah holding that there is no searching then, while the Sages maintain that there is. But before that all agree that only one search is necessary. R. Judah meaning either in the evening or in the morning etc., the waw (translated ‘AND’ in the Mishnah) being disjunctive, or.

(15) In the evening; then he must search in the morning.

(16) R. Judah.

(17) Must one search then.

(18) V. Glos.

(19) Of the new harvest; v. Lev. XXIII, 9-14. Of course, in order to have it ready for sale on the same day the vendors must have prepared it before, and thus they handled it while it was yet prohibited.

Talmud - Mas. Pesachim 11a

[but] not with the consent of the Sages:¹ this is R. Meir's opinion. R. Judah said: They acted with the consent of the Sages.² Thus R. Judah did not preventively forbid lest one come to eat thereof? — Said Raba:³ Hadash is different: since you permit it to him only by means of plucking,⁴ he remembers.⁵ Said Abaye to him: That is well at the time of plucking, [but] what can be said of the grinding and sifting?⁶ — That is no difficulty: grinding [is done] with a handmill; sifting [is done] on top of the sieve.⁷ But as to what we learned: ‘one may reap an artificially irrigated field and [the corn] in the valleys,⁸ but one may not stack [the corn],’⁹ and we established this as [agreeing with] R. Judah, what can be said?¹⁰ — Rather, said Abaye: From hadash one holds aloof;¹¹ but one does not hold aloof front leaven.¹² Raba demurred: R. Judah is self-contradictory. while the Rabbis are not self-contradictory?¹³ — Rather, said Raba: R. Judah is not self-contradictory, as we have answered. The Rabbis too are not self-contradictory: he himself is seeking it in order to burn it, shall he then eat thereof!¹⁴ R. Ashi said: R. Judah is not self-contradictory, [for] we learned,¹⁵ ‘flour and parched corn’,¹⁶ But this [answer] of R. Ashi is a fiction:¹⁷ this is well from [the time when it is] parched ears and onwards; ‘but from the beginning until it is parched corn, what can be said?’¹⁸ And should you answer, [It is gathered] by plucking,¹⁹ as Raba [answered], then what can be said of [what we learnt that] ‘one may reap an artificially irrigated field and [the corn in] the valleys’, which we established as [agreeing with] R. Judah?²⁰ Hence R. Ashi's [answer] is a fiction.

But, wherever one does not [normally] hold aloof, did R. Judah preventively forbid? Surely we learned: A man may not pierce an eggshell, fill it with oil, and place it over the mouth of a [burning] lamp in order that it should drip,²¹ and even if it is of earthenware; but R. Judah permits it!²² — There, on account of the strictness of the Sabbath he will indeed keep aloof. Then [one ruling] of the Sabbath can be opposed to [another ruling] of the Sabbath. For it was taught: If the cord of a bucket is broken, one must not tie²³ it [together] but merely make a loop [slip-knot]; whereas R. Judah maintains: He may wind a hollow belt or a fascia²⁴ around it, providing that he does not tie it with a slip-knot.²⁵ [Thus] R. Judah's [views] are self-contradictory. and similarly the Rabbis'? — The Rabbis' [views] are not self-contradictory: oil [from one source] can be interchanged with oil [from another],²⁶ whereas looping cannot be mistaken for²⁷ knotting. R.

Judah's [views] are not self-contradictory; R. Judah's reason is not that he forbids looping on account of knotting, but because looping itself is [a form of] knotting. Now, the Rabbis may be opposed to the Rabbis. For we learned: A bucket [over a well] may be tied with a fascia but not with a cord;²⁸ but R. Judah permits it.²⁹ Now what cord is meant: Shall we say an ordinary [bucket] cord: [how does it state] 'R. Judah permits it', — surely it is a permanent knot, for he will certainly come to abandon it?³⁰ Hence it is obvious that a weaver's [rope³¹ is meant]. and [yet] the Rabbis preventively forbid a weaver's cord on account of an ordinary cord? — Even so: one rope may be mistaken for another, [whereas] looping cannot be mistaken for knotting.

But, wherever one [normally] holds aloof from it, does not R. Judah preventively forbid? Surely we learned: If a firstling is attacked with congestion, even if it should die [otherwise]. we must not bleed it: this is R. Judah's view;³² but the Sages rule: He may bleed [it], providing that he does not inflict a [permanent] blemish upon it? — There, because one is excited

(1) Lest they eat of it while preparing it.

(2) V. Men. 67b.

(3) Bah emends to Rabbah, which is the reading in Men. 67b.

(4) The new corn may not be reaped at all before the bringing of the 'omer', but must be plucked by hand.

(5) That it may not be eaten.

(6) There is nothing to remind him then of the interdict.

(7) The sieve is reversed. The unusual ways in which these are done serve as reminders.

(8) In the usual way, before the 'omer.

(9) V. Men. 71a.

(10) There is nothing there to remind one of the prohibition.

(11) As it is forbidden at all times until the 'omer, when it ceases to be hadash. Thus he is accustomed to abstain from it and is not likely to forget himself.

(12) During the year, and thus may possibly eat of it when the prohibition is already in force.

(13) That you seek to reconcile R. Judah's views only. Yet surely the Rabbis too need harmonizing, for whereas the Rabbis do not preventively forbid in the case of leaven, they do so here, as R. Meir states, 'They did not act with the consent of the Sages'.

(14) Surely we need not entertain that fear.

(15) In the above cited Mishnah.

(16) Which are not fit for eating.

(17) **†**, **USC**, V. B.M., Sonc. ed. p 47. n. 1.

(18) In the intermediate stages it is fit for eating! How could it then be handled.

(19) Which serves as a reminder.

(20) Though there is nothing there to serve as a reminder, v. infra.

(21) And replenish the contents of the lamp during Sabbath.

(22) The reason of the Rabbis is lest he take the oil for eating, which, constitutes extinguishing. R. Judah permits it, though one does not normally abstain from oil, v. Shab. 29a.

(23) The tying of a permanent knot constitutes one of the thirty-nine principal classes of forbidden work on Sabbath.

(24) A band or fillet.

(25) V. Shab. 113a.

(26) Just as he consumes oil from elsewhere, so may he come to draw supplies from this eggshell, seeing no

difference.

(27) Lit., 'interchanged with'.

(28) On the Sabbath. The first is certainly only temporary, but the second may be left there, and thus a permanent knot will have been tied on the Sabbath.

(29) V. Shab. 113b.

(30) I.e., leave it there as a thing having no other purpose than this.

(31) Which is not usually used for drawing water, and will not consequently be left there.

(32) One must not inflict a permanent blemish on a firstling. R. Judah rules that the animal must not be bled even without inflicting a permanent blemish upon it, lest one come to do so even by making a permanent blemish. Thus R. Judah forbids preventively, though people do hold aloof from sacred animals, to which category a firstling belongs.

Talmud - Mas. Pesachim 11b

about his property, if you permit him [to bleed it] in a place where a blemish is not inflicted, he will come to do it in a place where a blemish is inflicted. But the Rabbis [argue]: if you do not permit him at all, he is all the more likely to come to act [thus].

Yet do we say according to R. Judah. A man is excited over his property? Surely we learned: An animal may not be carried on Festivals, because it makes a bruise [wound], but you may scrape it; but the Sages maintain: It may neither be carried nor scraped. Now it was taught: What is currying and what is scraping? Currying is with a small-toothed strigil. and it makes a wound; scraping is with a large-toothed strigil and does not make a wound?¹ — There, since it will die if left alone, we say. a man is excited about his property; here, if he leaves it there is merely discomfort, we do not say, a man is excited about his money. Now as to R. Judah; wherein is the difference that he preventively prohibits in the case of leaven but does not preventively forbid in the case of scraping? — One bread can be mistaken for another bread, [but] currying cannot be mistaken for scraping.

MISHNAH. R. MEIR SAID: ONE MAY EAT [LEAVEN] THE WHOLE OF THE FIVE [HOURS] AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. R. JUDAH SAID: ONE MAY EAT THE WHOLE OF THE FOUR [HOURS]. KEEP IT IN SUSPENSE THE WHOLE OF THE FIFTH, AND MUST BURN IT AT THE BEGINNING OF THE SIXTH.² R. JUDAH SAID FURTHER: TWO UNFIT LOAVES OF THE THANKSOFFERING USED TO LIE ON THE ROOF³ OF THE [TEMPLE] IZTABA:⁴ AS LONG AS THEY LAY [THERE] ALL THE PEOPLE WOULD EAT [LEAVEN]; WHEN ONE WAS REMOVED, THEY WOULD KEEP IT IN SUSPENSE, NEITHER EATING NOR BURNING [IT]; WHEN BOTH WERE REMOVED, ALL THE PEOPLE COMMENCED BURNING [THEIR LEAVEN].⁵ R. GAMALIEL SAID: HULLIN MAY BE EATEN THE WHOLE OF THE FOUR [HOURS] AND TERUMAH THE WHOLE OF THE FIVE [HOURS]. AND WE BURN [THEM] AT THE BEGINNING OF THE SIXTH [HOUR].⁶

GEMARA. We learned elsewhere: If one [witness] deposes [that it took place] on the second day of the month,⁷ and another deposes, on the third of the month, their testimony is valid, because one knows of the intercalation of the [preceding] month⁸ while the other does not know

of the intercalation of the month.⁹ If one deposed, on the third, while the other deposed, on the fifth, their testimony is null. If one said: During the second hour, and the other said: During the third hour, their testimony is valid.¹⁰ If one said, during the third hour, and the other said, during the fifth, their testimony is null: this is R. Meir's view. R. Judah maintained: Their testimony stands. If one deposed, during the fifth [hour], while the other deposed, during the seventh, their testimony is null, because during the fifth [hour] the sun is in the east, whereas in the seventh it is in the west. Abaye observed: When you examine the matter, you find that on R. Meir's ruling a man does not err [in the time] at all, [while] on R. Judah's ruling a man may err in half an hour. [Thus:] on R. Meir's ruling a man does not err at all: the event [to which they testify] happened at the end of the second and the beginning of the third [hour], and when one says, during the second, [he means] at the end of the second [hour], and when the other says, during the third hour, [he means] at the beginning of the third hour.¹¹ On R. Judah's ruling a man may err in half an hour: the event happened in the middle of the fourth hour, and he who says in the third hour[meant] at the end of the third hour, and he errs in [being] half an hour before; while he who testified, in the fifth hour, [meant] at the beginning of the fifth hour, and he errs in half an hour behind.

Others say, Abaye observed: When you examine the matter, you find that on R. Meir's ruling a man may err in [just] a little, while on R. Judah's ruling a man may err in slightly more than an hour.¹² On R. Meir's ruling a man may err in [just] a little: the event occurred either at the end of the second or at the beginning of the third [hour], and one of them erred a little. On R. Judah's ruling a man may err in slightly more than an hour: the event happened either at the end of the third or at the beginning of the fifth,

(1) The animal is scraped to free it of mud, mire, etc. Thus R. Judah does not argue that if you permit one the other will be used, because a man is anxious to keep his property in good condition.

(2) V. supra 4b for notes.

(3) This is the reading of MS.M. and in the printed ed. of the Mishnah.

(4) V. Gemara.

(5) Forty loaves were brought with a thanks-offering, ten of which were leaven; two leaven loaves which had become unfit (the Gemara discusses how) were publicly exposed on the portico and served as a signal.

(6) By Biblical law leaven is permitted until midday. But people often erred in the matter of time (there were, of course, no clocks or watches in those days), and the controversy here is in respect of the extent of possible or likely errors.

(7) E.g., a murder.

(8) I.e., that it consisted of thirty days. The thirtieth day is said to be intercalated.

(9) Thinking that it consisted of twenty-nine days. This holds good only when they agree on other matters, including what day of the week it was.

(10) Because one can err in an hour.

(11) Thus there is no contradiction at all. But if it is shown that there is a contradiction, even in half an hour, one is assumed to be false and their evidence is null.

(12) Lit., 'an hour and a little'.

Talmud - Mas. Pesachim 12a

and one of them erred in just over an hour.

R. Huna the son of R. Judah went and reported this discussion before Raba. Said he: now what if we carefully examined these witnesses [and found] that the one who testified [that it took place] in the third [hour] meant at the beginning of the third hour, while he who testified [that it took place] in the fifth [meant] at the end of the fifth, so that it would be a confuted testimony and we would not execute [the accused]; shall we then arise and execute him through a doubt,¹ whereas the Merciful One has ordered, then the congregation shall judge . . . and the congregation shall deliver?² Rather said Raba: on R. Meir's ruling a man may err in two hours less a trifle, while on R. Judah's ruling a man may err in three hours less a trifle. On R. Meir's ruling a man may err in two hours less a trifle: the incident happened either at the beginning of the second or at the end of the third [hour], and one of them erred in two hours less a trifle. On R. Judah's ruling a man may err in three hours less a trifle: the incident occurred either at the beginning of the third or at the end of the fifth [hour], and one of them erred in three hours less a trifle.

We learned: They³ were examined with seven hakiroth:⁴ In which septennate [was the crime committed], in which year, in which month, on what day of the month, on what day [of the week]. at which hour and in which place? And 'ye [further] learned: What is the difference between hakiroth and bedikoth?⁵ In hakiroth, if one of them [the witnesses] replied. 'I do not know', their testimony is null; in bedikoth, even if both declare, 'We do not know', their testimony is valid. Now we questioned this: Wherein this difference between hakiroth and bedikoth? And we answered: In hakiroth, if one declares, 'I do not know', their testimony is null, because it is a testimony which cannot be rebutted;⁶ whereas with respect to bedikoth it is [still] a testimony which can be rebutted.⁷ Now if you say that a man may err in so much, then the hakiroth of which hour also [leaves] testimony which cannot be rebutted, for they can assert, 'We did indeed err'? — We allow them [the benefit of] the whole of their [possible] error: according to R. Meir we allow them from the beginning of the first hour until the end of the fifth; and logically we should give them even more at the beginning, but that people do not err between day and night. While according to R. Judah we allow them from the beginning of the first hour until the end of the sixth; and logically we should give them more at the beginning,

(1) I.e., just because we do not examine the witnesses to find out exactly what they meant.

(2) Num. XXXV. 24, 25; i.e. , the accused must be given the benefit of doubt.

(3) The witnesses in a murder trial.

(4) Lit., 'searching questions'. Two types of questions were asked, called hakiroth and bedikoth (examinations); v. Sanh. 40a.

(5) As stated, hakiroth dealt with time and place; bedikoth dealt with accompanying circumstances of the crime, e.g., the weapon, the clothes worn, etc.

(6) The Hebr. word **VNZV** used always denotes rebutting by proving that the witnesses themselves were elsewhere at the time of the alleged crime, in which case the law of retaliation applies that the witnesses are subject to the punishment which they sought to fasten upon the accused; v. Deut. XIX, 18f. This is obviously impossible unless the witnesses state the exact time and place, whereas the possibility of rebuttal is essential for the validity of testimony.

(7) Even if the witnesses are not clear on the accompanying circumstances.

Talmud - Mas. Pesachim 12b

but that people do not err between day and night; and logically we should give them more at the end,¹ but that in the fifth hour the sun is in the east while in the seventh the sun is in the west.²

We learned: R. MEIR SAID: ONE MAY EAT [LEAVEN] THE WHOLE OF THE FIVE [HOURS] AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. R. JUDAH SAID: ONE MAY EAT THE WHOLE OF THE FOUR [HOURS]. KEEP [IT] IN SUSPENSE THE WHOLE OF THE FIFTH, AND MUST BURN [IT] AT THE BEGINNING OF THE SIXTH. Now according to Abaye who maintains that on R. Meir's view a man does not err at all, let us eat [leaven] for the whole of the six [hours]?³ And even on the version which asserts [that] a man may err slightly, let us eat until the end of the sixth hour?⁴ And according to Abaye on R. Judah's view, who maintains [that] a man may err in half an hour, let us eat [leaven] until half of the sixth hour; and even on the version in which you say. A man may err in an hour and a trifle, let us eat until the end of the fifth hour? — Said Abaye: Testimony is committed to careful men,⁵ [whereas] leaven is committed to all.⁶ Now according to Raba who maintains [that] on R. Meir's view a man may err in two hours less a trifle, let us not eat [leaven] from the beginning of the fifth [hour]? — In the fifth [hour] the sun is in the east, while in the seventh the sun is in the west.⁷ If so, let us eat during the sixth [hour] too? — Said R. Adda b. Ahabah: In the sixth the sun stands in the meridian.⁸ And according to Raba who maintains on R. Judah's view [that] a man may err in three hours less a trifle, let us not eat from the beginning of the fourth [hour]? — In the fifth [hour] the sun is in the east, while in the seventh it is in the west, and all the more so in the fourth. If so, let us also eat in the fifth [hour]? — Abaye answered this on Raba's view: Testimony is committed to men of care, [whereas] leaven is committed to all.⁹ But Raba said: Now this is R. Judah's reason, but R. Judah follows his opinion. for he maintains, There is no removal of leaven save by burning; the Rabbis therefore gave him one hour in which to collect fuel.¹⁰ Rabina raised an objection to Raba: R. Judah said: When is this?¹¹ before¹² the time of removal;¹³ but at the time of removal its 'putting away' is with anything.¹⁴ Rather said Raba: It is a preventive measure on account of a cloudy day.¹⁵ If so, let us not eat even during the four hours? — Said R. Papa: The fourth [hour] is the general mealtime.¹⁶ Our Rabbis taught: The first hour [of the day] is the mealtime for gladiators;¹⁷ the second is the mealtime for robbers;¹⁸ the third is the mealtime for heirs;¹⁹ the fourth is the mealtime for labourers;²⁰ the fifth is the mealtime for scholars; the sixth is the general mealtime.²¹ But R. Papa said: The fourth [hour] is the general mealtime? — Rather reverse it: The fourth is the general mealtime; the fifth is for labourers; and the sixth is for scholars. After that it is like throwing a stone into a barrel.²² Abaye said: That was said only if nothing at all is eaten in the morning; but if something was eaten in the morning. we have nought against it.

R. Ashi said: As there is a controversy in respect of testimony. so is there a controversy in respect of leaven.²³ But it is obvious? That is precisely what we have said!²⁴ This is what he informs us: the answers which we gave are [correct] answers, and you need not say that it is dependent on Tannaim.²⁵

R. Simi b. Ashi said: They learned this²⁶ only in respect of hours;²⁷ but if one testified [that the crime was committed] before sunrise and the others testified, after sunrise, their testimony is void. That is obvious? — Rather [say] if one testified [that it was] during sunrise, their testimony is void. That too is obvious? You might say, Both testified to the same thing, while he who said

[that it was]

- (1) Lit., 'forward'.
- (2) According to R. Meir: if A testified that the crime was committed in the second hour, and B that it took place in the third, their testimony is valid (v. Supra 11b), unless they are rebutted over the whole period in which an error is possible. Thus A, if rebutted, can plead that he erred, and that the crime actually took place either in the first hour or in the third or fourth. He should also be able to plead that it took place within the hour before sunrise, since R. Meir allows for an error of nearly two hours, but that he would never mistake night for day. Similarly B, if rebutted, can plead that he erred, and that the crime took place at any time between the first and the fifth hour. Hence they are liable to be rebutted over the whole of this time; i.e., C and D testify that they were elsewhere from the first until the fifth hour, and such rebuttal is designated a rebuttal in respect of hours, and therefore the evidence, if unrefuted, is valid. By the same reasoning, according to R. Judah, who allows for a margin of nearly three hours' error, the period is from the first until the sixth hour, the seventh being disregarded, as explained in the Gemara. — This wide latitude is granted only in so far that the witnesses will not be subject to retaliation (v. p. 53, n. 4) otherwise, but the evidence none the less may be void. E.g., if it is necessary to assume that B erred in two hours and that he really meant the fifth hour, A's testimony cannot be reconciled with it on any reasoning, and as we are left with one witness only the accused cannot be condemned.
- (3) I.e., right until midday, when it is forbidden by Scriptural law.
- (4) I.e., until just before midday.
- (5) A man does not come to testify without being very careful on the question of time, as he knows that he will be cross-examined.
- (6) Every man uses his own judgment, and therefore a far wider margin of error is possible.
- (7) And the interdict of leaven commences in the seventh only; hence there is no possibility of error.
- (8) Lit., 'between the corners', — equidistant from the east and the west, and so an error is possible.
- (9) Hence in the matter of leaven people may err between the fifth and the seventh hours, in spite of the difference in the sun's position. Nevertheless, they would not err from the fourth to the seventh.
- (10) Hence the fifth hour is kept in suspense, for if one were permitted to eat then he might forget about collecting fuel.
- (11) That burning is the only form of removal.
- (12) Lit., 'not at'.
- (13) I.e., during the sixth hour, before there is the Scriptural injunction to put away leaven.
- (14) It can be destroyed in any fashion. — Then why keep it in suspense? if he forgets to collect fuel he can destroy it in another way.
- (15) When the position of the sun cannot be clearly ascertained.
- (16) Hence everybody knows it.
- (17) Whose diet requires special attention (Jast.); or perhaps, circus attendants.
- (18) Rashi: Both are rapacious, hence they eat so early; but robbers, being awake all night, sleep during the first hour of the day.
- (19) Not having to earn their living, they have their main meal earlier than others.
- (20) In the field.
- (21) Lit., 'the mealtime of all (other) men'.
- (22) No benefit is derived.
- (23) Just as R. Meir and R. Judah differ in the possible errors of time in respect to evidence, so in respect of the prohibition of leaven.
- (24) The whole of our discussion assumes that the two subjects are completely analogous.

(25) For though the views of R. Meir and R. Judah are apparently self-contradictory, they have been reconciled. R. Ashi informs us that it is unnecessary to assume that they actually represent irreconcilable opinions. there being a controversy of Tannaim as to the views of R. Meir and R. Judah.

(26) That a margin of error, perhaps up to nearly three hours, is allowed in testimony.

(27) I.e., when the witnesses state the hour of the day.

Talmud - Mas. Pesachim 13a

during sunrise was standing in the glow [before sunrise] and what he saw was merely the glare; hence he informs us [that it is not so]. R. Nahman said in Rab's name: The halachah is as R. Judah.¹ Said Raba to R. Nahman, Yet let the Master say [that] the halachah is as R. Meir, since a Tanna taught anonymously in agreement with him. For we learned: As long as it is permitted to eat [leaven] he may feed [animals with it]?² That is not anonymous. because there is the difficulty of 'it is permitted'.³ Then let the Master say [that] the halachah is as R. Gamaliel, since he makes a compromise?⁴ — R. Gamaliel does not make a compromise but states an independent view.⁵ Alternatively. Rab rules as this Tanna. For it was taught: If the fourteenth falls on the Sabbath, everything [sc. leaven] must be removed before the Sabbath, and terumoth,⁶ whether unclean, or in suspense.⁷ or clean, are burnt, and of the clean [terumah] food for two meals is left over, so as to eat until four hours:⁸ this is the ruling of R. Eleazar b. Judah of Bartotha⁹ which he stated in R. Joshua's name. Said they to him: Clean [terumoth] should not be burnt, in case eaters may be found for them?¹⁰ — He replied: They have already sought [eaters] but not found [them].¹¹ They may have spent the night without the [city] wall? said they to him¹² — Then on your reasoning, he retorted, even those in suspense should not be burnt, lest Elijah come and declare them clean?¹³ — Said they to him, it has long been assured to Israel that Elijah will come neither on the eve of the Sabbath nor on the eve of Festivals, on account of the trouble.¹⁴ It was said:¹⁵ They did not stir thence until they decided the halachah in accordance with R. Eleazar b. Judah of Bartotha which he stated in R. Joshua's name. Does that not mean even in respect of eating?¹⁶ Said R. Papa in Raba's name: No, [only] in respect of removing.¹⁷

Now Rabbi too holds this [view] of R. Nahman. For Rabin son of R. Adda related: It once happened that a certain man deposited a saddle-bag full of leaven with Johanan of Hukok,¹⁸ and mice made holes in it, and the leaven was bursting out. He then went before Rabbi.¹⁹ The first hour he said to him, 'Wait'; the second, he said to him, 'Wait'; the third he said to him, 'Wait';²⁰ the fourth he said to him, 'Wait'; at the fifth he said to him, 'Go out and sell it in the market'. — Does that not mean to Gentiles, in accordance with R. Judah?²¹ — Said R. Joseph: No, to an Israelite, in accordance with R. Meir.²² Said Abaye to him: If to an Israelite, let him take it for himself? — [He could not do this] because of suspicion.²³ For it was taught: When the charity overseers have no poor to whom to distribute [their funds], they must change the copper coins with others, not themselves.²⁴ The overseers of the soup kitchen,²⁵ when they have no poor to whom to make a distribution, must sell to others, not to themselves, because it is said, and ye shall be guiltless towards the Lord, and towards Israel.²⁶ R. Adda b. Mattenah said to R. Joseph:²⁷ You explicitly told us [that he said]. 'Go out and sell it to Gentiles,' in accordance with R. Judah.

R. Joseph said: With whom does this ruling of Rabbi agree?²⁸ With R. Simeon b. Gamaliel. For we learned: If a man deposits produce with his neighbour. even if it is suffering loss,²⁹ he must not

touch it. R. Simeon b. Gamaliel said: He must sell it by order of the court, on account of returning lost property.³⁰ Said Abaye to him, Yet was it not stated thereon, Rabbah b. Bar Hanah said in R. Johanan's name: They learned this only

(1) In our Mishnah.

(2) Conversely, when he may not eat leaven he may not feed his cattle with it. But in R. Judah's view he may not eat it during the fifth hour, and yet he may give it to his cattle. Hence this must agree with R. Meir. It is a general principle that an anonymous Mishnah states the halachah.

(3) V. infra 21a. In order to answer that difficulty the Mishnah is explained as being R. Gamaliel's view.

(4) V. Mishnah on 11b. It is a general rule that the view representing a compromise is the halachah.

(5) Lit., 'a reason of his own'. R. Gamaliel's view would be a compromise if R. Meir and R. Judah mentioned terumoth and hullin, R. Meir explicitly stating that even hullin may be eaten the whole of the five hours, and R. Judah stating that even terumah may only be eaten up to four hours. This would show that they recognize that in logic a distinction might be drawn between hullin and terumah. R. Gamaliel, in thus making the distinction, would be effecting a compromise. But they do not rule thus: hence his distinction is an entirely independent one.

(6) Plur. of terumah.

(7) I.e., when it is in doubt whether they are clean or unclean.

(8) I.e., one meal Friday evening and one Saturday morning.

(9) In Upper Galilee.

(10) E.g., guests who are priests may arrive.

(11) I.e., it is impossible to have unexpected guests, for these cannot arrive from without the town on the Sabbath, while one knows who is in town.

(12) And thus arrive unexpectedly.

(13) One of the functions ascribed to Elijah was the clearing up of all doubts.

(14) His coming then would be inopportune.

(15) Lit. — 'they said'.

(16) And he states that leaven may be eaten until four hours, even if it is terumah. This is the basis of Rab's ruling, the question being a rhetorical one.

(17) Viz., that even the clean terumoth must not be kept for Sabbath morning but must be burnt before the Sabbath. But it is possible that terumah may be eaten until the fifth hour.

(18) In Northern Palestine.

(19) It was Passover eve.

(20) The owner may come.

(21) Who holds that it is forbidden to Jews then.

(22) Who holds that a Jew may eat it during the fifth hour.

(23) E.g., that he had undervalued it.

(24) Copper coins were unsuitable for keeping a long time, being liable to tarnish and mould. Therefore they would be exchanged for silver ones.

(25) חֲמֵצָה, ; actual food was collected for this purpose, not money, and it was distributed to those in immediate need of a meal. V. B.B. 8b.

(26) Num. XXXII, 22. I.e., one must avoid even the appearance of suspicion.

(27) R. Joseph had forgotten his learning owing to an illness, and his disciples would often have to remind him of his teachings. v. Ned. 41a.

(28) Lit., 'as whom does it go'?

(29) Through mildew or mice.

(30) I.e., it is like returning lost property to its owner.

Talmud - Mas. Pesachim 13b

when there is the normal rate of decrease; but when [the loss] exceeds the normal rate of decrease, [all agree that] he must sell it by a court order. How much more so here that it is entirely lost.¹

R. JUDAH SAID FURTHER: TWO [UNFIT] LOAVES, etc. A Tanna recited before Rab Judah: on the top [gab] of the [Temple] iztaba.² Said he to him: Does he then need to hide them?³ Learn: on the roof of the [temple] iztaba [portico]. Rehaba said in R. Judah's name:⁴ The Temple Mount consisted of a double colonnade.⁵ It was taught likewise: The Temple Mount consisted of a double colonnade. R. Judah said: It was called istewawnith,⁶ [being] a colonnade within a colonnade.

UNFIT etc., why UNFIT? — Said R. Hanin: Since they were many they became unfit through being kept overnight. For it was taught: A thanksoffering may not be brought during the Feast of Unleavened Bread on account of the leaven therein.⁷ But that is obvious? — Said R. Adda b. Ahabah: We treat here of the fourteenth. and he [the Tanna] holds: Sacred food may not be brought to unfitness.⁸ Hence everybody brought it on the thirteenth, and since they were numerous they became unfit through being kept overnight. In R. Jannai's name it was said: They were fit, yet why are they called unfit? Because the sacrifice had not been slaughtered for them.⁹ Then let us slaughter [it]? — The sacrifice was lost. Then let us bring another sacrifice and slaughter [it]? — It is a case where he [the owner] had declared: 'This [animal] is a thanksoffering and these are its loaves,' this being in accordance with Rabbah. For Rabbah said: If the loaves are lost, other loaves may be brought. If the thanksoffering is lost, another thanksoffering may not be brought — What is the reason? The loaves are subsidiary¹⁰ to the thanksoffering, but the thanksoffering is not subsidiary to the loaves. Then let us redeem and free them as hullin?¹¹ — But in truth it is a case where the sacrifice was slaughtered for them, but the blood was poured out.¹² And with whom [does this agree]? With Rabbi, who said: The two things which permit, promote [to sanctity] without each other.¹³ For it was taught: The lambs of Pentecost¹⁴ sanctify the loaves only by shechitah.¹⁵ How so? If he kills them for their own purpose¹⁶ and sprinkles their blood for their own purpose, he [thereby] sanctifies the loaves. If he kills them for a purpose that is not theirs and sprinkles their blood for a purpose that is not theirs, he does not sanctify [thereby] the loaves — If he kills them for their own purpose but sprinkles their blood for a purpose that is not theirs, the bread is sanctified and not sanctified;¹⁷ this is Rabbi's ruling. R. Eleazar b. R. Simeon said: The bread always remains unsanctified until he kills [the lambs] for their own purpose and sprinkles their blood for their own purpose.¹⁸ — [No,] you may even say [that it agrees with] R. Eleazar son of R. Simeon; but the case we discuss here is where the blood was caught in a goblet and then spilled, while R. Eleazar son of R. Simeon holds as his father, who maintained: That which stands to be sprinkled is as though it were sprinkled.¹⁹ A Tanna taught: In R. Eleazar's name it was said: They [the loaves] were fit. As long as they [both] lay [there], all the people ate [leaven]; when one was removed, they kept [the leaven] in suspense, neither eating nor burning [it]; when both were removed, all commenced burning [their leaven].

It was taught, Abba Saul said:

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- (1) If unsold before it becomes interdicted.
 - (2) The word may denote a bench or a portico. The reading 'on the top' (gab) implies the former rendering. Hence the question that follows, v. Rashi.
 - (3) Surely they are intended to be exposed for public gaze.
 - (4) V. Bez., Sonc. ed. p. 54, n. 9.
 - (5) [GR. **. For a description of the Temple porticoes v. Josephus, Wars v, 5.3 v. also Derenbonrg, Essai p. 51.
 - (6) Lit., 'a double colonnade'. [kupf uhyx == GR. ** of Josephus, Wars V. 5.2. v. Hollis, F. J. Herod's Temple p. 15.]
 - (7) Forty loaves accompanied the offering, ten of which were leaven.
 - (8) A thankoffering may be eaten on the day that it is brought and the following night. But if it is brought on the fourteenth of Nisan the loaves of leaven may be eaten only until noon, and this Tanna holds that a sacrifice may not be brought at a time when the normal period for its consumption is lessened, so that it is likely to become unfit.
 - (9) I.e., we need not assume that the reference is to loaves which were in fact unfit through having been kept overnight, but even if the sacrifice had not been slaughtered they are also so designated, because the loaves may not be eaten until the thankoffering is killed on their behalf.
 - (10) Lit. , 'on account of'.
 - (11) For the loaves in that case can be redeemed.
 - (12) The loaves cannot be redeemed then.
 - (13) The slaughtering and the sprinkling of the blood are both required before the loaves may be eaten; on the other hand, one alone suffices to promote them to that degree of sanctity ('intrinsic sanctity, as opposed to 'monetary' sanctity); from which they cannot be redeemed.
 - (14) Lit., 'the solemn assembly' — the term without further qualification always refers to Pentecost.
 - (15) V. Glos. It is stated in Lev. XXIII, 19f: And ye shall offer . . . two he-lambs . . . and the priest shall wave them with the bread of the first fruits (i.e., the 'two wave loaves' mentioned in v. 17, q.v.) for a wave offering before the Lord, with the two lambs: they shall be holy to the Lord for the priest. In Men. 46a it is shown that these loaves are sanctified only by the ritual slaughter of the sacrifice.
 - (16) Lit., 'for their name — I.e., as the Pentecost sacrifices.
 - (17) The loaves are sanctified in that they become unfit if taken without the sacred precincts and that they cannot be redeemed, for they are now intrinsically holy. Yet they are unsanctified in the sense that they may not be eaten.
 - (18) Thus the statement that our Mishnah refers to a case where the offering had been slaughtered but its blood was not sprinkled and thereby the loaves were sanctified, would appear to agree with Rabbi only.
 - (19) In the sense that the animal is unfit as a sacred offering which has become unfit. Yet it may not be eaten unless the blood is sprinkled.

Talmud - Mas. Pesachim 14a

Two cows used to plough on the Mount of Anointing:¹ as long as both were ploughing. all the people ate; when one was removed, they kept [the leaven] in suspense, neither eating nor burning [it]; when both were removed, all the people began burning [their leaven]. MISHNAH. R. HANINA. THE SEGAN² OF THE PRIESTS, SAID: DURING THE DAYS OF THE PRIESTS THEY NEVER REFRAINED FROM BURNING [SACRIFICIAL] FLESH WHICH HAD BEEN DEFILED BY A DERIVATIVE UNCLEANNESS WITH FLESH WHICH HAD BEEN DEFILED BY A PRINCIPAL UNCLEANNESS, THOUGH UNCLEANNESS IS ADDED TO

ITS UNCLEANNESS.³ R. AKIBA ADDED AND SAID: DURING [ALL] THE DAYS OF THE PRIESTS THEY DID NOT REFRAIN FROM LIGHTING OIL⁴ WHICH HAD BEEN RENDERED UNFIT⁵ BY A TEBUL YOM⁶ IN A LAMP WHICH HAD BEEN MADE UNCLEAR BY THAT WHICH [OR, ONE WHO] IS UNCLEAR THROUGH A CORPSE, THOUGH UNCLEANNESS IS ADDED TO THEIR UNCLEANNESS.⁷ SAID R. MEIR: FROM THEIR WORDS WE LEARN THAT WE MAY BURN CLEAN TERUMAH TOGETHER WITH UNCLEAR TERUMAH ON PASSOVER.⁸ R. JOSE SAID: THAT IS NOT AN ANALOGY.⁹ AND R. ELIEZER AND R. JOSHUA ADMIT THAT EACH IS BURNT SEPARATELY; WHERE DO THEY DIFFER? IN RESPECT OF DOUBTFUL [TERUMAH]¹⁰ AND UNCLEAR [TERUMAH]. R. ELIEZER RULING, EACH MUST BE BURNT SEPARATELY, WHILE R. JOSHUA RULES, BOTH TOGETHER.

GEMARA. Consider: Flesh which was defiled by a derivative uncleanness, what is it? A second degree. When it is burnt together with flesh which was defiled by a principal defilement, what is it? A second degree:¹¹ [thus] it was a second degree [before] and [is] a second degree [now], then what adding of uncleanness to its uncleanness is there?—Said Rab Judah: We treat here of the derivative of a derivative, so that it¹² is a third degree, and he holds that a third may be raised to a second. But food cannot defile food, for it was taught: You might think that food should defile food, therefore it is stated, But if water be put upon the seed, and aught of their carcass fall thereon, it is unclean:¹³ it is unclean, but it does not render that which is similar thereto unclean?¹⁴ Now it is well according to Abaye who maintained: They learned this only of hullin, but in the case of terumah and sacred food they can render what is similar thereto [unclean]. And also according to R. Adda b. Ahabah in Raba's name, who maintained: They learned this only of hullin and terumah, but in the case of sacred food it does not render its like [unclean], it is correct. But according to Rabina in Raba's name, who said: The Writ states an unqualified law,¹⁵ there is no difference whether it is hullin, terumah, or sacred food, it cannot render its like [unclean], what is there to be said? — We treat here of a case where there is liquid together with the flesh, so that it is defiled on account of the liquid.¹⁶ If so, [instead of] this [phrase] ‘TOGETHER WITH FLESH WHICH HAD BEEN DEFILED WITH A PRINCIPAL UNCLEANNESS, he should state, TOGETHER WITH FLESH and liquid’ [etc.]? Rather, [reply] granted that food cannot defile food by Scriptural law, by Rabbinical law it can nevertheless defile [it].¹⁷

R. AKIBA ADDED AND SAID: DURING [ALL] THE DAYS OF THE PRIESTS THEY DID NOT REFRAIN FROM LIGHTING, etc. Consider: When oil is rendered unfit through [contact with] a tebul yom, what is it? A third degree [of defilement]; and when it is lit in a lamp which was defiled by that which [or, one who] was defiled through a corpse, what does it become? A second degree.¹⁸ [Thus] what he does inform us is that a third degree may be raised to a second; then it is the identical [teaching]?¹⁹ Said Rab Judah: We treat here of a metal lamp, for the Divine Law said,

(1) I.e., the Mount of Olives.

(2) Chief of the priests and deputy High-Priest, v. Sanh., Sonc. ed. p. 97. n. 1.

(3) The following degrees of defilement are distinguished: (i) The super principal (lit., ‘father of fathers’) of defilement, which is that borne by a corpse; (ii) principal (lit., ‘the father of’) defilement, which is that of a human being or a utensil ‘defiled by a corpse; (iii) derivative (lit., ‘offspring of’) defilement, borne by a human being,

utensil or food which is contaminated by a principal defilement — this is also known as the first degree or ‘beginning’ of defilement; (iv) the second degree of defilement, which is that of food contaminated by a principal defilement. In hullin there is nothing further, and if hullin comes into contact with something unclean in the second degree it remains clean. Terumah, however, is liable to (v) a third degree, but no further. Sacred food, i.e., the flesh of sacrifices, is liable to (vi) a fourth degree of defilement. Third degree terumah and fourth degree sacred flesh are called ‘unfit’ but not unclean, because they cannot communicate uncleanness to their own kind, i.e., to terumah and sacred flesh respectively.

(4) of terumah.

(5) V. n. 2.

(6) V. Glos.

(7) In all these cases something of a lower degree of uncleanness comes into contact with something else of a higher degree of uncleanness when they are burnt together, and their own uncleanness is increased, as explained in the Gemara.

(8) I.e., on the eve of Passover, when leaven must be burnt. R. Meir reasons that since a higher degree of uncleanness may be imposed upon terumah and sacred flesh when they must be burnt in any case, the same holds good for leaven, even if one is not unclean at all.

(9) You cannot deduce one from the other.

(10) Lit., ‘in suspense’.

(11) For the latter is a first degree and its contact renders this flesh a second degree.

(12) The flesh which is defiled thereby.

(13) Lev. XI, 38.

(14) Then what increase of uncleanness can there be in the Mishnah?

(15) Lit., ‘a full verse’.

(16) When the flesh was defiled there was water upon it, which is still there when it is burnt with the flesh defiled in a lower degree. The uncleanness of the latter is raised through contact with the water.

(17) Thus the Mishnah likewise treats of a Rabbinically enhanced defilement.

(18) The lamp being unclean in the first degree.

(19) of R. Hanina.

Talmud - Mas. Pesachim 14b

[And whosoever . . . toucheth] one that is slain by the sword,¹ [which intimates], the sword is as the slain;² hence it is a principal defilement, and he [R. Akiba] thus holds that a third may be raised to a first.³ Yet what compels Rab Judah to relate it to a metal lamp? Let him relate it to an earthen lamp, and [as to the question], what does he [R. Akiba] add? [We can reply]. For whereas there [in the first clause] it was unclean and is [now] unclean, here it was unfit and is [now] unclean?⁴ — Said Raba, Our Mishnah presents a difficulty to him: Why does it particularly state, A LAMP WHICH HAD BEEN MADE UNCLEAR BY THAT WHICH WAS UNCLEAR THROUGH A CORPSE? Let it state, which had been defiled by a sherez!⁵ Now what thing is there whose uncleanness is differentiated between the uncleanness of a corpse and [that of] a sherez? Say, that is metal.⁶

Raba said: This proves that R. Akiba holds, The uncleanness of liquids in respect of defiling others is Scriptural; for if you should think that it is Rabbinical [only], then consider: how does this lamp affect the oil? If by rendering that itself unfit, surely it is already unfit?⁷ Whence [does

this follow]: perhaps [it affected it by enabling it] to defile others by Rabbinical law?⁸ — If by Rabbinical law [only], why particularly [state when it was defiled] by a principal uncleanness? Even if [it was defiled] by a first or second degree it is still a first.⁹ For we learned: Whatever renders terumah unfit defiles liquids, making them a first, except a tebul yom?¹⁰ Hence this must prove that it is Scriptural.

SAID R. MEIR: FROM THEIR WORDS WE LEARN etc. From whose words? Shall we say, from the words of R. Hanina, the Segan of the Priests, — are they alike? There it is unclean and unclean, whereas here it is clean and unclean. Again, if from the words of R. Akiba, — are they then alike? There it is unfit and unclean, whereas here it is clean and unclean? Must we [then] say¹¹ that R. Meir holds [that] our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law,¹² which by Scriptural law is completely clean;

(1) Num. XIX, 16.

(2) In its degree of defilement. For otherwise, why specify how the person was slain? This is then understood as a general law that any metal vessel or utensil which becomes defiled through a corpse, whether at first hand or not, bears the same degree of defilement as that which contaminates it.

(3) For the oil, by contact with the lamp, is raised from a third to a first.

(4) V. p. 62, n. 2. The flesh, even in a third degree, being sacred, was definitely unclean, since there can be a fourth degree. But the oil of terumah was only unfit, without power to contaminate, whereas now by being raised to a second degree it becomes unclean. Thus this statement goes beyond R. Hanina's. — The reference must be to oil of terumah. For though there was also sacred oil, viz. 'the oil used in meal-offerings, and there a third degree is unclean in that it defiles by contact, nevertheless when unclean it cannot be used for lighting but must be burnt, like all other sacrifices which had been, invalidated for any reason, so that by burning it together with the derivative of uncleanness and rendering it thereby second, he does not increase the power of defilement.

(5) Lit., 'a creeping thing'. This too is a principal defilement, just like a man defiled by a corpse. Rashi omits 'by a sherez', the question being, what need is there for the Mishnah to define at all the source of principal defilement from which the lamp became contaminated.

(6) The rule that a metal vessel bears the same degree of defilement as that which contaminated it applies only to corpse defilement.

(7) And what does it matter whether it is of the third degree or of the first? Hence we must assume that it can now contaminate even by Scriptural law, which it could not do before.

(8) Which power it previously lacked.

(9) Lit. 'beginning' — another designation for a first degree.

(10) 'What renders terumah unfit' is anything which is unclean in the second degree. By Rabbinical law this in turn defiles liquids and actually inflicts a higher degree of uncleanness than that borne by itself, rendering them unclean in the first degree. Thus if R. Akiba were treating of Rabbinically enhanced contamination, it would be unnecessary to speak of the lamp, which bears a principal degree of uncleanness, but of anything which bears even a second degree of uncleanness.

(11) Since R. Meir derives his law from the preceding statements.

(12) E.g. if a utensil was defiled by a liquid and in its turn defiled flesh. The second defilement is only Rabbinical, for by Scriptural law liquid cannot defile a utensil.

Talmud - Mas. Pesachim 15a

Talmud - Mas. Pesachim 15a

and what does FROM THEIR WORDS mean? From the words of R. Hanina, the Segan of the Priests?¹ — Said Resh Lakish in Bar Kappara's name: our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness according to Scripture;² and what does FROM THEIR WORDS mean? From the words of R. Eliezer and R. Joshua.³ Which [teaching of] R. Joshua? Shall we say, the following [teaching of] R. Joshua? For we learned: In the case of a cask of terumah wherein a doubt of uncleanness is born,⁴ — R. Eliezer said: If it is lying in an exposed place it must be laid in a hidden place, and if it was uncovered, it must be covered.⁵ R. Joshua said: If it is lying in a hidden place, one may lay it in an exposed place, and if it is covered it may be uncovered!⁶ How compare: there it is mere indirect action, whereas here it is [defiling] with [one's own] hands? — Rather it is this [ruling of] R. Joshua. For we learned: If a cask of [wine of clean] terumah in the upper part is broken,⁷ while [in] the lower part there is unclean hullin. R. Eliezer and R. Joshua agree that if a rebi'ith⁸ thereof can be saved in purity, one must save it. But if not, R. Eliezer ruled: Let it descend and be defiled, yet let him not defile it with [his own] hands: R. Joshua said: He may even defile it with his own hands.⁹ If so, [instead of] this [phrase] 'FROM THEIR WORDS, he should state, 'FROM his WORDS'? — This is what he means: From the controversy of R. Eliezer and R. Joshua we learn [etc.] — This may be proved too,¹⁰ because he states [further]: R. ELIEZER AND R. JOSHUA AGREE [etc.].¹¹ This proves it. And thus said R. Nahman in Rabbah b. Abbuha's name [too]: our Mishnah refers to a principal uncleanness according to Scripture and a derivative uncleanness according to Scripture, and what does FROM THEIR WORDS mean? From the words of R. Eliezer and R. Joshua.

Raba raised an objection to R. Nahman: R. Jose said [to R. Meir]: The conclusion¹² is not similar to the premise. For when our Masters testified, about what did they testify? If about flesh which was defiled through a derivative uncleanness, that we burn it together with flesh which was defiled through a principal uncleanness, [then] this is unclean and that is unclean!¹³ If about oil which was rendered unfit by a tebul yom,¹⁴ that it is lit in a lamp which was defiled by one unclean through the dead, one is unfit and the other is unclean. So we too admit in the case of terumah which was defiled through a derivative uncleanness, that we may burn it together with terumah which was defiled by a principal uncleanness. But how can we burn that which is in suspense together with that which is unclean? Perhaps Elijah will come and declare it [the former] clean!¹⁵

(1) And the analogy is thus: just as Rabbinically unclean flesh may be burnt together with Scripturally unclean flesh, though the former is Scripturally clean, so may clean terumah be burnt together with unclean terumah during the sixth hour, though the former is then only Rabbinically forbidden, since by Scriptural law the interdict of leaven does not commence until the seventh hour, while the latter is already Scripturally forbidden for use on account of its defilement.

(2) The other hypothesis being a forced one.

(3) Thus R. Meir does not refer to the Mishnah at all but to the rulings of some other Sages. Strictly speaking therefore this Mishnah is irrelevant in its present position, but it is included because the subject of burning unclean together with clean is dealt with there.

(4) E.g., if there is a doubt whether an unclean person touched it.

(5) In spite of the doubt one must still protect it from certain defilement.

(6) I.e., since a doubt has arisen you are no longer bound to protect it and may even place it where the risk of contamination is greater than at present. Thus R. Joshua holds that since it is only fit for lighting one may cause it

to become unclean, and this furnishes the basis for R. Meir's analogy.

(7) And the contents thereof are running down into the lower part of the vat.

(8) A quarter of a log.

(9) If the clean terumah runs into the hullin, it becomes unclean too, and then the mixture is forbidden to priest and lay Israelite alike, unless there is one hundred times as much hullin as terumah. In the present case only unclean vessels are ready to hand to catch the terumah, which would save the hullin below. Both agree that if there is time to go, procure clean vessels and save at least a rebi'ith of the terumah, this must be done, though in the meantime some terumah will descend and render all the hullin forbidden. But where there is no time to save even a rebi'ith, we have a controversy. R. Eliezer holds that even so it must be permitted to descend, though it will thereby be defiled in any case, rather than that we should deliberately defile it by catching it in unclean vessels. But R. Joshua maintains that since it will all be defiled in any case, we may defile it ourselves, in order to save the hullin below. R. Meir's ruling in the Mishnah is based on R. Joshua's.

(10) That R. Meir refers to R. Eliezer and R. Joshua.

(11) This would be irrelevant if he had not already referred to them.

(12) R. Meir's.

(13) Whereas R. Meir deals with unclean and clean.

(14) V. Glos.

(15) How then may we defile them with our hands by burning them together?

Talmud - Mas. Pesachim 15b

As to piggul,¹ nothar,² and unclean [sacrificial flesh]. — Beth Shammai maintain: They must not be burnt together;³ while Beth Hillel rule: They may be burnt together.⁴ Now if you think that R. Meir argues from the words of R. Joshua, why does R. Jose answer him from [the view] of R. Hanina, the Segan of the Priests? — Said R. Nahman to him: R. Jose did not comprehend his [R. Meir's] reasoning, for he thought [that] R. Meir was arguing from R. Hanina, the Segan of the Priests, thereupon he said to him, I state [this law by deduction] from R. Joshua — But he answered him, Even on R. Joshua's [view] this is no true analogy, for R. Eliezer and R. Joshua admit that one must burn this separately and that separately. Yet why is this not a [true] analogy. Surely it is a perfect analogy?⁵ — There it is different, because there is a loss of hullin.⁶ To this R. Jeremiah demurred: [Surely] in our Mishnah too there is the loss of wood?⁷ — Said a certain old man to him: They cared about a substantial loss, but they did not care about a slight loss.

R. Assi said in R. Johanan's name: The controversy is [only] in respect of the sixth [hour], but in the seventh all agree⁸ that we burn them [together].⁹ R. Zera said to R. Assi: Shall we [then] say that R. Johanan holds that our Mishnah treats of a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law, and that what 'FROM THEIR WORDS' means is from the words of R. Hanina, the Segan of the Priests?¹⁰ — Yes, he replied. It was stated likewise: R. Johanan said: our Mishnah refers to a principal uncleanness according to Scripture and a derivative uncleanness by Rabbinical law, and what does 'FROM THEIR WORDS' mean? From the words of R. Hanina, the Segan of the Priests; and the controversy is [only] in respect of the sixth [hour], but in the seventh all agree that we burn them together.

Shall we say that we can support him: As to piggul, nothar and unclean sacrificial [flesh] — Beth Shammai maintain: They must not be burnt together; while Beth Hillel rule: they may be

burnt together?¹¹ — There it is different, because they possess uncleanness by Rabbinical law. For we learned: Piggul and nothar defile the hands.¹² Shall we say that this supports him: If a loaf goes mouldy and is unfit for human consumption, yet a dog can eat it, it can be defiled with the uncleanness of eatables, if the size of an egg,¹³ and it may be burnt together with an unclean [loaf] on Passover?¹⁴ — [No]: there it is different because it is merely dust.¹⁵ If so,¹⁶ what does [THEY] ADMIT mean?¹⁷ — R. Jose says thus to R. Meir: Even according to R. Joshua, who is lenient, he is lenient only in connection with doubtful and unclean [terumah],¹⁸ but not in the case of clean and unclean.¹⁹ If so,²⁰ why is it not a true analogy? Surely it is a perfect analogy?²¹ — Said R. Jeremiah: Here²² we treat of flesh which was defiled by a liquid which was defiled through a creeping thing, and R. Meir is consistent with his view, while R. Jose is consistent with his view: R. Meir [is consistent] with his view, for he maintains, The uncleanness of liquids in respect of defiling others is [only] Rabbinical; while R. Jose [is consistent] with his view, for he maintains: The uncleanness of liquids in respect of defiling others is Scriptural.²³ For it was taught:

(1) Lit., 'abomination'. The flesh of a sacrifice which the priest offered with the express intention of consuming it after the permitted time.

(2) 'Left over', flesh not consumed within the permitted period.

(3) Because the first two, though forbidden, are not unclean Biblically, and when they are burnt together they become defiled.

(4) This last portion of the Baraitha dealing with piggul, etc., is irrelevant, and is quoted merely in order to complete the Baraitha.

(5) For the wine in the cask is quite clean, yet since it is fated to be lost we may deliberately defile it.

(6) If the terumah is not deliberately defiled and allowed to flow into the lower part of the vat, v. Supra p. 67. n. 2.

(7) For fuel, if two fires must be made instead of one.

(8) Even R. Jose.

(9) Since they are then Scripturally forbidden, even the clean terumah is certainly the same as unclean.

(10) Thus: just as that which is only Rabbinically unclean may be burnt together with what is Scripturally unclean, so in the sixth hour, the terumah of leaven is then only Rabbinically forbidden, and may be burnt with unclean terumah which is Scripturally forbidden. This seems to be R. Han's interpretation. Rashi and Tosaf. on the basis of another reading explain it rather differently.

(11) This teaching was cited by R. Jose in his argument with R. Meir, he apparently agreeing with the view of Beth Hillel (v. supra and notes). Thus since piggul and nothar are Scripturally forbidden, they may be burnt together with unclean flesh, though they are thereby contaminated; and the same applies to clean terumah of leaven in the seventh hour.

(12) I.e., Rabbinically. v. infra 120a.

(13) Since it was once fit for human food, it can be defiled as food unless it becomes unfit even for a dog.

(14) I.e., even if it is terumah. Now this must certainly be R. Jose's view, for R. Meir permits them to be burnt together even if the loaf is fresh. This proves that R. Jose agrees where it is quite unfit for human consumption, and the same applies to clean terumah of leaven in the seventh hour.

(15) When it is unfit because of its mouldiness, it is worse than unclean, having no intrinsic value whatsoever.

(16) That R. Meir learns from R. Hanina.

(17) Surely R. Jose's argument that R. Eliezer and R. Joshua admit etc., is irrelevant, seeing that R. Meir is not concerned with them at all?

(18) In the two cases cited supra 15a.

(19) With which R. Meir deals.

(20) Again, that R. Meir learns from R. Hanina.

(21) For in the sixth hour the leaven is Rabbinically forbidden, and on R. Johanan's view, there is no difference according to R. Jose between what is unclean and what is forbidden for any other reason (since he maintains that in the seventh hour R. Jose agrees that they may be burnt together because both are then Scripturally forbidden) and the same principle should apply equally to R. Meir.

(22) In our Mishnah.

(23) Hence according to R. Meir this flesh is clean by Scriptural law, yet it is burnt together with flesh Scripturally unclean, and by analogy the same applies to terumah. But in R. Jose's view this flesh too was of uncleanness, and therefore it cannot be compared to terumah in the sixth hour, when it is only Rabbinically forbidden.

Talmud - Mas. Pesachim 16a

Doubtful [cases of uncleanness with] fluids,¹ in respect of becoming unclean themselves, are unclean; in respect of defiling others,² they are clean; this is R. Meir's view, and thus did R. Eleazar too rule as his words. R. Judah said: It is unclean in respect of everything. R. Jose and R. Simeon maintain: In respect of eatables, they are unclean; in respect of utensils they are clean.³ But does R. Eleazar hold that liquid is at all susceptible to uncleanness,⁴ surely it was taught: R. Eleazar said: Liquids have no uncleanness at all [by Scriptural law]; the proof is that Jose b. Jo'ezer of Zeredah⁵ testified⁶ that the stag-locust⁷ is clean [fit for food], and that the fluids⁸ in the [Temple] slaughter-house are clean.⁹ Now, there is no difficulty according to Samuel's interpretation that they are clean [only] in so far that they cannot defile other [objects], but that nevertheless they are unclean in themselves, then it is well; but according to Rab who maintained that they are literally clean,¹⁰ what can be said? — Said R. Nahman b. Isaac: [He refers] to one [ruling only].¹¹ But he states: as his words', implying that they are many; moreover, he teaches, 'and thus [etc.]'?¹² That is [indeed] a difficulty.

The [above] text [states]: 'Rab said, They are literally clean: while Samuel maintained, They are clean [only] insofar that they cannot defile other [objects], but nevertheless they are unclean in themselves'. 'Rab said: They are literally clean'. He holds that the uncleanness of liquids is Rabbinical, and when did the Rabbis decree thus? [only] in respect of liquids in general, but there was no decree in respect of the liquids of the slaughter-house.¹³ 'While Samuel maintained, They are clean [only] in so far that they cannot defile other [objects], but nevertheless they are unclean in themselves'. He holds that the uncleanness of liquids themselves is Scriptural, [but] in respect of defiling others, Rabbinical; and when did the Rabbis decree? In respect of liquids in general, but in respect of the liquids of the slaughter-house there was no decree; again, when did the Rabbis refrain from decreeing [concerning the liquids of the slaughter-house]? In respect to the defiling of other [objects], but they possess uncleanness in themselves.¹⁴

R. Huna b. Hanina said to his son: When you come before R. Papa, point out a contradiction to him: Did then Samuel say, 'They are clean in so far that they cannot defile other [objects], but nevertheless they are unclean in themselves', — read here, and the flesh that toucheth any unclean thing shall not be eaten?¹⁵ Said R. Shisha the son of R. Idi: Let it be compared to the fourth degree in the case of sacred [food].¹⁶ To this R. Ashi demurred: A fourth degree in the case of sacred [food] is not designated unclean, [whereas] this is designated unclean? — This is a difficulty. Come and hear: And all drink that may be drunk in any vessel shall be unclean?¹⁷ —

What does 'it shall be unclean' mean? It makes [solid foodstuffs] fit [to become unclean].¹⁸ [You say]. 'It makes [solids] fit'; this you know from the beginning of the verse: All food which may be eaten [that on which water cometh, shall be unclean]? — one refers to detached [liquid], and the other to attached [liquid],¹⁹ and both are necessary: for if we were informed of detached, that is because he [the owner of the eatables] assigned importance to them;²⁰ but as for attached, I would say that it is not so. And if we were informed of attached, [that may be] because it [the liquid] stands in its place it has value; but as for detached, I would say that it is not so. Thus they are necessary.

Come and hear: Nevertheless a fountain or a pit wherein is a gathering of water shall be clean?²¹ — What does 'shall be clean' mean? From his [or, its] uncleanness.²²

But can detached [liquid]²³ make [eatables] fit [to become unclean]; surely R. Jose b. R. Hanina said: The liquids of the [Temple] slaughter-house, not enough that they are clean, but they cannot [even] make [eatables] fit [to become unclean]?²⁴ Interpret this as referring to the blood,²⁵ for R. Hiyya b. Abin said in R. Johanan's name: How do we know that the blood of sacrifices does not make [anything] fit [to become defiled]? Because it is said, thou shalt pour it out [sc. the blood] upon the earth as water:²⁶ blood which is poured out as water²⁷ makes fit;

(1) E.g. . if an unclean person, whose touch defiles liquids, puts his hand into a vessel, and it is not known whether he actually touched the liquid there or not.

(2) E.g., if unclean liquid fell near food and it is unknown whether it actually touched it or not.

(3) The general principle is this: when a doubt arises in a Scriptural law, we are stringent; in a Rabbinical law, we are lenient. Now liquid can become defiled by Scriptural law (Lev. XI, 34), hence in doubt it is unclean. But there is a controversy as to whether it can defile other objects by Scriptural law. R. Meir holds that it cannot defile either food or utensils; R. Judah that it defiles both; while R. Jose and R. Simeon hold that it defiles food but not utensils.

(4) Even in respect of itself.

(5) V. Cambridge Bible I Kings XI, 26.

(6) On the historic occasion when as a result of a dispute between R. Gamaliel and R. Joshua the former was deposed from the Patriarchate and R. Eliezer b. 'Azariah appointed in his stead. An examination was then made of scholars' traditions, and they were declared valid or otherwise; v. 'Ed., Sonc. ed., Introduction, xi.

(7) Heb. ayil, of doubtful meaning.

(8) Sc. blood and water.

(9) Even by Rabbinical law. This postulates that the general uncleanness of liquids is Rabbinical only, and it was therefore not imposed in the Temple, so as not to defile the flesh of sacrifices. — The language of this Mishnah is Aramaic whereas all other laws in the Mishnah are couched in Hebrew. Weiss, Dor, I, 105 sees in this a proof of its extreme antiquity.

(10) Even in respect of themselves.

(11) R. Eleazar agrees with R. Meir that it is clean in respect of other objects, but not that it is unclean in respect of itself.

(12) Both imply that he fully agrees with R. Meir

(13) V. n. 5.

(14) I.e., the Rabbis could not free them from the uncleanness which they bear by Scriptural law.

(15) Lev. VII, 19. Hence if the liquid is unclean, the sacrificial flesh which touches it may not be eaten.

(16) I.e. , sacrifices. V. p. 62, n. 2. Thus there too it is unfit itself through defilement, yet cannot defile other flesh

of sacrifices.

(17) Lev., XI, 34. This shows that liquids contract defilement.

(18) For solids cannot be defiled unless moisture has previously been upon them. The words, 'it shall be unclean' thus refer to 'of all the food etc. 'with which the verse begins.

(19) If rain falls upon produce it renders it susceptible to defilement only if the owner of the produce desired it to fall upon something. E.g., if he put out a basin so that the rain should wash it, and subsequently produce fell into the water, it is henceforth susceptible. We are informed here that whether the water is detached from the soil, i.e., whether the rain falls into something detached from the soil, e.g., a bath (as denoted by the words 'in any vessel'), or into something attached, i.e., forming part of the soil, e.g., a pit, and then eatables receive moisture from that rain, they are now ready to be defiled. In the latter case the produce is rendered susceptible only if it comes into contact with the water with the owner's desire; in the former, even against the owner's desire. V. Hul. 16a and Rashi a.l. s.v. **rafv ihbgk**.

(20) By the mere fact that he desired that the water should fall there or by pouring it into the vessel.

(21) Lev. XI, 36. This shows that only attached water is clean, but not detached.

(22) The verse refers to one who is unclean, and states that if he takes a ritual bath (tebillah) in the water of a fountain or a pit he shall be clean, but not in the water of a bath (technically called 'drawn water'). But it does not refer to the cleanness of the water itself.

(23) Rashi: this difficulty refers to water, which can be attached too. But all other liquids are essentially detached.

(24) This proves that the power of detached liquids in this respect is only Rabbinical; for if it were Scriptural, the Rabbis have no power to make an exception in this case.

(25) But not the water.

(26) Deut. XII, 24.

(27) I.e. , the blood of non-sacrifices

Talmud - Mas. Pesachim 16b

blood which is not poured out as water¹ does not make fit. To this R. Samuel b. Ammi demurred: Behold the last-drained blood,² which is poured out like water,³ yet it does not make fit? — Said R. Zera to him, Leave the last-drained blood alone, which does not make fit even in the case of hullin. R. Samuel b. Ammi received it [the reason] from him, because the Divine Law saith, Only be sure that thou eat not the blood; for the blood is the life:⁴ blood wherewith life goes out is called blood; blood with which life does not go out is not called blood.⁵

Come and hear: If blood became unclean and he [the priest] sprinkled it unwittingly, it [the sacrifice] is accepted; if deliberately, it is not accepted?⁶ — It was Rabbinically [unclean], this not being in accordance with R. Jose b. Jo'ezer of Zeredah.⁷

Come and hear: For what does the headplate propitiate?⁸ For the blood, flesh, and the fat which were defiled, whether in ignorance or deliberately, accidentally or intentionally,⁹ whether in the case of an individual or of the community.¹⁰ [It was defiled] by Rabbinical law [only], this not being in accordance with Jose b. Jo'ezer of Zeredah.¹¹

Come and hear: And Aaron shall bear the iniquity of the holy thing:¹² now what iniquity does he bear? If the iniquity of piggul,¹³ surely it is already said, it shall not be accepted?¹⁴ If the iniquity of nothar,

after the first violent rush, The life and vitality pass out with the first blood, not with the last. surely it is already said, neither shall it be imputed [unto him that offereth it]?¹⁵ Hence he bears nought but the iniquity of defilement, which is inoperative¹⁶ in opposition to its general rule, in the case of a community.¹⁷ Does that not mean the defilement of the blood? — Said R. Papa: No: the defilement of the handfuls.¹⁸

Come and hear: If one bear unclean [kodesh] flesh in the skirt of his garment, and with his skirt do touch bread, or pottage, or wine, or oil, or any meat, shall it be defiled? And the priests answered and said, No.¹⁹

(1) I.e., the blood of sacrifices, which is sprinkled on the altar.

(2) I.e., the blood which flows out slowly

(3) It is not fit for sprinkling.

(4) Deut. XII, 23.

(5) And consequently not in category of liquids (v. Rashi).

(6) Lit. 'make acceptable'. The language is the Biblical, cf. Lev. I, 4: and it shall be accepted for him to make atonement for him i.e., the sacrifice is efficacious for its purpose. Now by Biblical law it is accepted whether the sprinkling was done deliberately or in ignorance of its uncleanness, and the flesh may be eaten by the priests, but the Rabbis penalized the priests by not permitting the flesh to be eaten in the former case, though another sacrifice is not required (v. Git. 54a). Incidentally we see that blood can become unclean, and thus liquids in general, which contradicts Rab.

(7) Who testified that the Rabbinical decree of uncleanness was not applied to the liquids of the Temple slaughter-house. This Tanna obviously holds that it was.

(8) The reference is to Ex. XXVIII, 38, q.v. 'That they may be accepted before the Lord is understood to mean that the head plate makes sacrifices acceptable and procures atonement in spite of certain irregularities.

(9) This appears to contradict the preceding statement, but v. infra 80b on the discussion of this passage.

(10) Thus here too it is stated that the blood becomes defiled.

(11) V. n. 5.

(12) Ibid. 'Shall bear' means shall make atonement for.

(13) V. Glos.

(14) Lev. XIX, 7.

(15) Lev. VII, 13.

(16) Lit., 'permitted'.

(17) Public sacrifices, or private sacrifices which the entire community had to bring. e.g., the Passover, were permitted even in defilement. For notes v. Yoma, Sonc. ed. p. 27, notes.

(18) Of meal which were burnt on the altar, v. Lev. II. 2. This burning was the equivalent of the sprinkling of the blood in the case of an animal sacrifice, atonement being dependent thereon.

(19) Hag. II, 12.

Talmud - Mas. Pesachim 17a

Whereon Rab said: The priests erred?¹ — Is this view [propounded] against any but Rab? Rab learned, 'the liquids of the slaughter-house'; but the liquids of the altar² can be defiled.³ [To turn to] the main text: 'Rab said: The priests erred; but Samuel maintained, The priests did not err'.

Talmud - Mas. Rosh HaShana 2a

CHAPTER I

MISHNAH. THERE ARE FOUR NEW YEARS.¹ ON THE FIRST OF NISAN² IS NEW YEAR FOR KINGS³ AND FOR FESTIVALS.⁴ ON THE FIRST OF ELUL⁵ IS NEW YEAR FOR THE TITHE OF CATTLE.⁶ R. ELEAZAR AND R. SIMEON, HOWEVER, PLACE THIS ON THE FIRST OF TISHRI.⁷ ON THE FIRST OF TISHRI⁸ IS NEW YEAR FOR YEARS,⁴ FOR RELEASE AND JUBILEE YEARS,⁹ FOR PLANTATION¹⁰ AND FOR [TITHE OF] VEGETABLES.¹¹ ON THE FIRST OF SHEBAT¹² IS NEW YEAR FOR TREES,¹³ ACCORDING TO THE RULING OF BETH SHAMMAI; BETH HILLEL, HOWEVER, PLACE IT ON THE FIFTEENTH OF THAT MONTH.

GEMARA. FOR KINGS. Why this law?¹⁴ — R. Hisda said: For dealing with documents,¹⁵ as we have learnt: 'Bonds if antedated are invalid,¹⁶ but if postdated are valid'.

Our Rabbis learnt: If a king ascended the throne on the twenty-ninth of Adar, as soon as the first of Nisan arrives¹⁷ he is reckoned to have reigned a year. If on the other hand he ascended the throne on the first of Nisan, he is not reckoned to have reigned a year till the next first of Nisan comes round.

The Master has said, 'If a king ascends the throne on the twenty-ninth of Adar, as soon as the first of Nisan arrives he is reckoned to have reigned a year.'

(1) I.e., the year is reckoned to commence at different dates for different purposes, as the Mishnah goes on to specify.

(2) The first month of the Jewish calendar (in Biblical times known as 'the month of Abib', or the springing corn), commencing in the latter half of March or the earlier part of April.

(3) If a document is dated with a certain year in a king's reign, the year is reckoned to have commenced in Nisan, no matter in what month the king came to the throne. The Gemara discusses what kinds of kings are meant — whether Israelitish or other.

(4) The meaning of this is discussed infra in the Gemara.

(5) The sixth month of the Jewish calendar.

(6) For purposes of tithing it was necessary to specify the year in which cattle were born, because cattle born in one year could not be given as tithing for cattle born in another, v. Lev. XXVII, 32.

(7) So that according to these authorities there were only three New Years.

(8) The seventh month.

(9) I.e., from the first of Tishri in these years ploughing and similar operations were forbidden. V. Lev. XXV, 4, 11.

(10) For reckoning the years of 'uncircumcision'. V. Lev. XIX, 23.

(11) I.e., those gathered after this date could not be used as tithing for those gathered before. Cf. n. 6.

(12) The eleventh month.

(13) For tithing the fruit. V. notes 6 and 11.

(14) Why should we not be content to reckon the year of the king from the day on which he ascended the throne?

(15) I.e., to enable us to determine which are antedated.

(16) If a man borrowed money in Tishri and the bond was dated in Tammuz (the fourth month of the Jewish calendar) the bond is invalid and does not give the lender any right to seize property which the borrower may have sold even subsequent to Tishri. This is a fine for having conspired to seize by means of the bond property which had been sold prior to the making of the loan. Now if the reigning king came to the throne some time between Tammuz and Tishri, then if we reckoned his years from the date of his accession, Tishri would always come before Tammuz, and the document should therefore be valid. To prevent this leading to confusion, it was consequently ordained that the king's year should always be regarded as commencing with Nisan. Tosaf. point out that it is very difficult to conceive of an instance where this might actually lead to confusion, as scribes can usually be trusted to remember the year of the reign; the example Tosaf. give is where the king came to the throne on the first of Nisan and a scribe has to write a document on the first of Nisan in the following year. In such a case the scribe might easily think that the king came to the throne on the second of Nisan, and so, but for the regulation, might date the document a whole year wrong.

(17) I.e., on the next day.

Talmud - Mas. Rosh HaShana 2b

This teaches us that Nisan is the New Year for kings, and that one day in a year is reckoned as a year. 'But if he ascended the throne on the first of Nisan he is not reckoned to have reigned a year till the next first of Nisan comes round'. This surely is self-evident? — It had to be stated in view of the case where his election to the throne was determined upon¹ in Adar. You might think that in that case we should reckon him [by the next first of Nisan] to have reigned two years. We are therefore told [that this is not so].

Our Rabbis learnt: If [a king] died in Adar and was succeeded by another in Adar, we can designate [the rest of] the year [up to the first of Nisan] as belonging to either.² If he died in Nisan and was succeeded by another in Nisan, we can date the year by either.³ If he died in Adar and was succeeded by another in Nisan, the earlier year is dated by the first and the later by the second.

The Master has here said, 'If he died in Adar and was succeeded by another, we can date the year by either'. Surely this is obvious? — You might think that we never date the same year by two kings;⁴ hence we are told [that this can be done]. 'If the first died in Nisan and was succeeded by another in Nisan, the year may be dated by either'. This also seems to be obvious? — You might think that when we lay down that a day in the year is reckoned as a year we mean only at the end of the year but not at the beginning;⁵ therefore we are told [that this is not so]. 'If the first died in Adar and he was succeeded by another in Nisan, the earlier year is dated by the first and the later by the second'. This surely is obvious? — It had to be stated in view of the case where his election was determined upon from Adar and he is succeeding his father.⁶ In that case you might think that we should reckon two years to him. We are therefore told [that this is not so].

R. Johanan said: How do we know [from the Scripture] that the years of kings' reigns are always reckoned as commencing from Nisan? Because it says, And it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year of Solomon's reign over Israel, in the month of Ziv which is the second month.⁷ Here

Solomon's reign is put side by side with the exodus from Egypt,⁸ [to indicate that] just as [the years from] the exodus from Egypt are reckoned from Nisan, so [the years of] Solomon's reign commenced with Nisan.

But how do we know that the years from the exodus from Egypt itself are reckoned as commencing with Nisan? Perhaps we reckon them from Tishri?⁹ — Do not imagine such a thing. For it is written, And Aaron the priest went up into Mount Hor at the commandment of the Lord, and died there, in the fortieth year after the children of Israel were come out of the land of Egypt, in the fifth month,¹⁰ on the first day of the month,¹¹ and it is further written, And it came to pass in the fortieth year, in the eleventh month,¹² on the first day of the month, that Moses spoke, etc.¹³ Now since the text when referring to Ab places it in the fortieth year and again when referring to [the following] Shebat places it also in the fortieth year, we may conclude that Tishri is not the beginning of the year.¹⁴ [This, however] is not conclusive. I grant you that the former text states explicitly that [the year spoken of was] ‘from the going forth from Egypt’; but how do we know that [the year mentioned in] the latter text is reckoned from the exodus?¹⁵ Perhaps it is from the setting up of the Tabernacle?¹⁶ — [We may reply to this] on the model of R. Papa, who said [in another connection]¹⁷ that the occurrence of the expression ‘twentieth year’ in two contexts provides us with a *gezerah shawah*:¹⁸ so here, [I may say that the occurrence of] the expression ‘fortieth year’ in the two contexts provides us with a *gezerah shawah*, [showing that] just as in the one case¹⁹ [the date is reckoned] from the Exodus, so in the other case²⁰ also.

But how do you know that [in respect of these two incidents] that of Ab was prior? Perhaps that of Shebat was prior?²¹ — Do not imagine such a thing. For it is written [in connection with the latter], ‘After he had smitten Sihon’;²² and when Aaron died Sihon was still alive, as it is written

(1) By the notables of the State. Lit. ‘they (i.e., their votes) have been counted for him’.

(2) I.e., we can regard the remaining days of the year as belonging either to the last year of the late king or the first year of the new king.

(3) And similarly if the second ascended the throne in any other month of the year.

(4) But reckon the whole as belonging to the one who has died.

(5) E.g., if the first king died after only reigning a few days in the year.

(6) This point is mentioned here because we have already been told above that his mere election does not affect the dating.

(7) I Kings. VI. 1.

(8) I.e., the event recorded is dated by both of them.

(9) Which is the beginning of years reckoned from the creation.

(10) Ab.

(11) Num. XXXIII, 38.

(12) Shebat.

(13) Deut. I, 3.

(14) As otherwise Ab and Shebat would fall in different years.

(15) As it simply says ‘In the fortieth year’, without specifying from when.

(16) Which was in Nisan of the second year of the exodus.

(17) V. infra 3b.

(18) V. Glos.

(19) The death of Aaron.

(20) The address of Moses.

(21) I.e., the address of Moses was prior to the death of Aaron, the fortieth year having commenced with the Tishri preceding Moses' address.

(22) Deut. I, 4.

Talmud - Mas. Rosh HaShana 3a

And the Canaanite the king of Arad heard.¹ What was the report that he heard? He heard that Aaron had died and that the clouds of glory had departed, and he judged that it was now permitted to attack Israel; and this is intimated in the verse, And all the congregation saw [wa-yiru] that Aaron was dead,² [commenting on which] R. Abbahu said, Do not read wayiru, but wa-yerau [and they were seen],³ [the next word⁴ being translated] in accordance with the dictum of Resh Lakish; for Resh Lakish said, Ki has four significations — 'if', 'perhaps', 'but' 'for'.⁵ [In objection to this it may be asked], Are the two things alike?⁶ [The verse] there speaks of Canaan, whereas [here] it [speaks of] Sihon? — It has been taught: Sihon, Arad, and Canaan are all one. He was called Sihon as resembling a sayyah [foal] of the wilderness, he was called Canaan after his kingdom; and as for his real name, this was Arad. According to other authorities, he was called Arad as resembling an 'arad [wild ass] of the wilderness, and Canaan after his kingdom, while as for his real name, this was Sihon.

But can I not suppose that New Year is in Iyar?⁷ — Do not imagine such a thing. For it is written, And it came to pass in the first month in the second year on the first day of the month that the tabernacle was reared up,⁸ and it is written elsewhere, And it came to pass in the second year in the second month . . . that the cloud was taken up front over the tabernacle of the testimony.⁹ Seeing that the text when referring to Nisan places it in the second year and when referring to Iyar places it also in the second year, we may conclude that Iyar is not New Year. Can I suppose then that New Year is in Sivan?¹⁰ — Do not imagine such a thing. For it is written, In the third month after the children of Israel were gone forth out of the land of Egypt;¹¹ and if Sivan is New Year, it should say, 'In the third month in the second year after the children of Israel etc.' But why not say that New Year is in Tammuz,¹² in Ab,¹³ in Adar?¹⁴ — Rather, said R. Eleazar, we learn [that Nisan is New Year] from here: And he began to build in the second month in the second¹⁵ in the fourth year of his reign.¹⁶ What [is here meant by] 'in the second'? Does not [the superfluous word] mean the second by which his reign is reckoned? Rabina strongly demurred to this. Why not, [he said], suppose it to mean the second day of the month? — In that case it would have said distinctly, 'on the second day of the month'.¹⁷ But may I not suppose it means on the second day of the week? [This cannot be for two reasons.] One is that we never find the second day of the week mentioned in Scripture, and the other is that the second 'sheni' [second] is put on the same footing as the first sheni, [indicating that] just as the first sheni refers to a month, so the second sheni refers to a month.

It has been taught in accordance with R. Johanan: How do we know [from the Scripture] that the years of kings' reigns are always reckoned as commencing from Nisan? Because it says, 'And it came to pass in the four hundred and eightieth year after the children of Israel were come out of

the land of Egypt etc.,’ and it is further written, ‘And Aaron the priest went up to Mount Hor at the commandment of the Lord, etc.,’ and it is further written, ‘And it came to pass in the fortieth year in the eleventh month’,¹⁸ and it is further written, ‘After he had smitten Sihon etc.,’ and it is further written, ‘And all the congregation saw that Aaron was dead etc.,’ and it is further written, ‘And it came to pass in the first month in the second year etc., and it is further written, ‘And it came to pass in the second year in the second month etc.,’ and it is further written, ‘In the third month after the children of Israel were gone forth out of the land of Egypt etc.,’ and it is further written, ‘And he began to build etc.’

R. Hisda said: The rule [that New Year for kings is in Nisan] was only meant to apply to the kings of Israel, but the years of non-Israelitish kings are reckoned from Tishri,¹⁹ as it says, The words of Nehemiah the son of Hachaliah. Now it came to pass in the month of Kislev,²⁰ in the twentieth year²¹ etc., and it is written further, ‘And it came to pass in the month of Nisan in the twentieth year of Artaxerxes.’²² Now since when speaking of Kislev he places it in the twentieth year and when speaking of Nisan he places it also in the twentieth, we may conclude that New Year is not in Nisan. [This, however, is not conclusive]. In the latter text, it is true, it is expressly stated that [it was the twentieth year] of Artaxerxes, but in the former how do we know that the reign of Artaxerxes is referred to? Perhaps

(1) Num. XXXIII, 40. (V. Tosaf. s.v. **gnahu**). The text continues in the E.V., of the coming of the children of Israel, but the Talmud renders (more in accordance with the original), ‘when the children of Israel came’. The text thus does not state what he heard and so leaves room for the exposition which follows.

(2) Num. XX, 29.

(3) I.e., became visible, the clouds of glory having previously served as a screen to them.

(4) In the original.

(5) And here if we read wa-yerau, ‘ki’ means ‘for’. Apparently Resh Lakish means that these four significations are in addition to the usual one of ‘that’, which must be the meaning here if we keep the reading wa-yiru.

(6) Viz., your exposition and your argument.

(7) The second month.

(8) Ex. XL, 17.

(9) Num., X, 11.

(10) The third month.

(11) Ex. XIX, 1.

(12) The fourth month.

(13) The fifth month.

(14) The twelfth month. The months between Ab and Adar have already been excluded above where it was shown that Ab and Shebat must be in the same year.

(15) E.V., ‘on the second day’.

(16) II Chron. III, 2.

(17) This being the usual formula of the text.

(18) This citation is inserted in the text on the authority of Maharsha. It is certainly necessary.

(19) The seventh month.

(20) The ninth month.

(21) Neh., I, 1.

(22) Ibid, II, 1.

Talmud - Mas. Rosh HaShana 3b

some other system of dating is adopted? — R. Papa replied: The occurrence in each text of the expression ‘twentieth year’ provides us with a *gezerah shawah*,¹ [indicating that] just as in the latter case it means ‘of the reign of Artaxerxes’, so in the former. But how do you know that the incident of Kislev was prior? Perhaps the incident of Nisan was prior?² — Do not imagine such a thing, since it has been taught: The things that Hanani told Nehemiah in Kislev were related by Nehemiah to the king in Nisan. ‘The things that Hanani told Nehemiah’, as we read, The words of Nehemiah the son of Hachaliah. Now it came to pass in the month of Kislev, in the twentieth year, as I was in Shushan the castle, that Hanani, one of my brethren, came out of Judah, he and certain men; and I asked them concerning the Jews that had escaped, that were left of the captivity, and concerning Jerusalem. And they said unto me: The remnant that are left of the captivity there in the province are in great affliction and reproach; the wall of Jerusalem also is broken down, and the gates thereof are burned with fire.³ These things ‘were related by Nehemiah to the king in Nisan,’ as we read, And it came to pass in the month Nisan, in the twentieth year of Artaxerxes the king, when wine was before him, that I took up the wine and gave it unto the king. Now I had not been beforetimes sad in his presence. And the king said unto me, Why is thy countenance sad, seeing thou are not sick? This is nothing else but sorrow of heart. Then I was very sore afraid. And I said unto the king, Let the king live for ever; why should not my countenance be sad, when the city, the place of my fathers’ sepulchres, lieth waste and the gates thereof are consumed with fire? Then the king said to me: For what dost thou make request? So I prayed to the God of heaven. And I said unto the king: If it please the king and if thy servant have found favour in thy sight, that thou wouldst send me unto Judah, unto the city of my fathers’ sepulchres, that I may build it. And the king said unto me, the queen also sitting by him, For how long will thy journey be and when wilt thou return? So it pleased the king to send me; and I set him a time.⁴

R. Joseph sought to disprove [the statement that the years of non-Israelitish kings are reckoned from Tishri, as follows]: [It is written], In the four and twentieth day of the month, in the sixth month, in the second year of Darius the king,⁵ and it is further written, In the seventh month in the second year in the one and twentieth day of the month.⁶ Now if it is [as you say], then we should have here ‘in the seventh month in the third year’! — R. Abbahu replied: Cyrus was a worthy king,⁷ and therefore they reckoned his years like those of the kings of Israel.⁸

R. Joseph demurred strongly against this [last notion]. For one thing [he said, if this is so,] then there is a contradiction between two biblical texts. For it is written, And the house⁹ was finished on the third day of the month of Adar, which was the sixth year of Darius the king,¹⁰ and in connection with this it has been taught: ‘At that period, in the year following,¹¹ Ezra went up from Babylon along with his band of exiles’. Now it is written further, And he [Ezra] came to Jerusalem in the fifth month, which was in the seventh year of the king; and if it is [as you say], it should be ‘in the eighth year’? Further, is there any connection [between your answer and the question]? You speak of Cyrus and the text¹² speaks of Darius! — It has been taught: ‘Cyrus,¹³ Darius, and Artaxerxes¹⁴ were all one. He was called Cyrus because he was a worthy king;¹⁵ Artaxerxes after his realm;¹⁶ while Darius was his own name. All the same, the contradiction still remains?¹⁷ — There is no contradiction. The one verse¹⁸ speaks of him before he degenerated,¹⁹

the other after he degenerated.

R. Kahana strongly demurred to this [saying], Did he indeed degenerate? Is it not written,

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- (1) V. Glos.
 - (2) And the year might therefore commence with Nisan.
 - (3) Neh., I, 1-3.
 - (4) Neh. II, 1-6. It is not clear why the last three verses are quoted.
 - (5) Hag. I, 15.
 - (6) Ibid. II, 1. This verse follows immediately on the one just quoted and it is assumed that it refers to the same year as the preceding verse; therefore the words 'in the second year', which appear in the quotation as given in the Talmud in brackets, are not found in this verse (Rashi).
 - (7) The Hebrew word is kasher, which contains the same consonants as the name Koresh (Cyrus).
 - (8) I.e., commenced them with Nisan.
 - (9) The Second Temple.
 - (10) Ezra, VI, 15.
 - (11) Which would be the seventh year of Darius.
 - (12) In Haggai.
 - (13) The Second.
 - (14) Mentioned together in Ezra, VI, 14.
 - (15) V. supra, p. 8, n. 4.
 - (16) [The Persian Artakhshathra means 'by whom empire is perfected'].
 - (17) Between the statements in Haggai and in Ezra.
 - (18) In Haggai, which reckons his years from Nisan.
 - (19) Lit., 'fermented', a metaphor either from wine turning to vinegar or from flour becoming leaven. The 'evil imagination' is often compared by the Sages to a 'leaven'.

Talmud - Mas. Rosh HaShana 4a

And that which they have need of, both young bullocks and rams and lambs, for burnt-offerings to the God of heaven, wheat, salt, wine and oil, according to the word of the priests that are in Jerusalem, let it be given them day by day without fail?¹ — Said R. Isaac to him: [Here is something] out of your own package:² That they may offer sacrifices of sweet savour unto the God of heaven, and pray for the life of the king and of his sons.³ But even so, is not the action still a meritorious one, seeing that it has been taught: 'If a man says, I offer this sela' for charity in order that my children may live and in order that through it I may merit the future world, he may still be a wholly righteous man?' — There is no contradiction; this statement applies to Israelites, there we speak of heathens.⁴

Alternatively I may say that we know he deteriorated because it is written, with three rows of great stones and a row of new timber, and let the expenses be given out of the king's house.⁵ Why did he make these conditions? He thought to himself, If the Jews revolt against me, I will burn it with fire. But did not Solomon do the same thing, as it is written, three rows of hewn stone and a row of cedar beams?⁶ — Solomon placed the wood above and he placed it below; Solomon sunk it in the building and he did not sink it in the building; Solomon plastered it over and he did not

plaster it over.

R. Joseph, (or, as some say, R. Isaac) said: Whence do we know that he deteriorated? From here: And the king said unto me, the shegal also sitting by hint.⁷ What is 'shegal'? Rabbah b. Lema said In the name of Rab, a she-dog.⁸ But if that is so, what are we to make of the verse, But hast lifted up thyself against the Lord of heaven, and they have brought the vessels of His house before thee, and thou and thy lords, thy shegaloth and thy concubines have drunk wine in them.⁹ Now how can 'shegal' here be a dog? Do dogs drink wine? — This is no difficulty, as [we can suppose that] it was taught to drink. But what of the verse where it is written, Kings' daughters are among thy favourites, at thy right hand doth stand the shegal in gold of Ophir?¹⁰ Now if 'shegal' is a dog, what promise is the prophet bringing to Israel? — What he means is this: Because the Torah is as dear to Israel as a 'shegal' to the heathens, you have earned as your reward the gold of Ophir. Alternatively I may say that 'shegal' does as a rule mean 'queen', but in this case Rabbah b. Lema had a tradition [that it means 'dog'], and the reason why [in the text] it is called 'shegal' is because it was as dear to him¹¹ as a queen; or, possibly, because he put it on the queen's seat.

Alternatively I may say that we know he deteriorated from here: Unto a hundred talents of silver and to a hundred measures of wheat and to a hundred baths of wine and salt without prescribing how much.¹² At first there was no limit, but now he made a limit. But perhaps at first he simply had not decided on the limit? The truth is that the best explanation is that which was given first.

AND FOR FESTIVALS. How can [New Year] for the festivals be on the first of Nisan? It is surely on the fifteenth of Nisan?¹³ — R. Hisda said: What it means is that the festival which occurs in it is the New Year for the festivals. The legal import of this rule is for determining when one who makes a vow transgresses the precept of 'not delaying'.¹⁴ and R. Simeon is here followed, as it has been taught: Whether a man makes a vow, or sanctifies,¹⁵ or makes a valuation,¹⁶ as soon as three festivals elapse [before he carries out his word], he transgresses the precept of 'not delaying'. R. Simeon says: The three festivals must be in order, with Passover first. So too R. Simeon b. Yohai used to say: The festivals [referred to] are sometimes three [in number], sometimes four, sometimes five. For instance, if a man made a vow before Passover, they are three, if before Pentecost five, if before Tabernacles four.

Our Rabbis taught: Those who are liable for a money valuation,¹⁷ for a valuation,¹⁸ for a herem,¹⁹ for consecrations,²⁰ for sin-offerings, trespass-offerings, burnt-offerings and peace-offerings, charity contributions, tithes, firstborn and tithe of cattle, paschal lamb,

(1) Ezra, VI, 9.

(2) I.e., the next words in the same passage confute you.

(3) Which would show that his motives were not pure.

(4) And therefore the king's action was not meritorious. [Heathens are assumed to regret the good deed should the attached condition not be realized (Rashi and Tosaf.)].

(5) Ezra, VI, 4. These words occur in the rescript issued by the first Cyrus authorizing the building of the Temple. We must suppose therefore that Darius intended at first to allow them to build it wholly of stone, but on consulting

the rescript changed his mind. V. Tosaf. s.v. **lcsbu**

(6) I Kings, VI, 36.

(7) Neh. II, 6.

(8) For immoral purposes.

(9) Dan. V, 23.

(10) Ps. XLV, 10.

(11) Artaxerxes.

(12) Ezra VII, 22, referring to the appropriations for the builders of the Temple.

(13) The first day of Passover, the first of the festivals.

(14) Deut. XXIII, 22: When thou shalt vow a vow to the Lord thy God, thou shalt not delay to pay it.

(15) I.e., dedicates an object to the Sanctuary.

(16) Saying, 'I dedicate to the sanctuary the value of such-and-such a person'. V. Lev. XXVII, 1-8.

(17) By saying, 'I dedicate to the Sanctuary my own price'.

(18) V. supra, n. 4.

(19) Something devoted. V. Lev. XXVII, 28, 29.

(20) Objects dedicated to the Sanctuary.

Talmud - Mas. Rosh HaShana 4b

gleanings, forgotten sheaves and corners of the field,¹ as soon as three festivals have elapsed transgress the precept of 'not delaying'. R. Simeon said: The three festivals must be in order, with Passover first. R. Meir said: As soon as one festival has passed, he transgresses the precept of 'not delaying'. R. Eliezer b. Jacob said: As soon as two festivals have elapsed, he transgresses the precept of 'not delaying'. R. Eleazar son of R. Simeon said: As soon as the feast of Tabernacles has passed, he transgresses the precept of 'not delaying'.

What is the reason of the First Tanna?² — Let us see, [he says]: The text³ has been speaking of them⁴ [the three festivals]. Why then does it repeat,⁵ on the feast of unleavened bread, on the feast of weeks, and on the feast of tabernacles? We must understand it to be laying down the rule for 'not delaying'.⁶ R. Simeon again says that there was no need [even so] to repeat 'on the feast of tabernacles', of which the text was just speaking.⁷ Why then was it mentioned? To show that this one must be the last. What is R. Meir's reason?⁸ — Because it is written, And thither thou shalt come and thither ye shall bring.⁹ What do the Rabbis [say to this]? — They say that this constitutes only a positive injunction.¹⁰ What has R. Meir [to say to this]? — [He says that] since the All-Merciful told him to bring and he did not bring, automatically he has transgressed the precept of 'not delaying'. What is the reason of R. Eliezer b. Jacob?¹¹ Because it is written, These ye shall offer unto the Lord in your appointed seasons;¹² the minimum of 'seasons' is two. What do the Rabbis [say to this]? — [They say] that this word is required for the exposition of R. Jonah; for R. Jonah said,¹³ All the festivals are put on the same footing with one another, to show that all¹⁴ atone for the uncleanness of the Sanctuary and its holy things.¹⁵ What is the reason of R. Eleazar son of Simeon?¹⁶ As it has been taught: R. Eleazar son of Simeon said: There was no need for the feast of Tabernacles to be mentioned in this verse,¹⁷ as the text was already speaking of it. Why then was it mentioned? To show that this one is the determining factor. What exposition then do R. Meir and R. Eliezer b. Jacob give of the words 'on the feast of unleavened bread and on the feast of weeks and on the feast of tabernacles'? — They require them for the

same purpose as R. Eleazar b. Oshaia. For R. Eleazar b. Oshaia said: How do we know that [a sacrifice due but not brought on] Pentecost¹⁸ can be made up for during the next seven days? Because it says, On the feast of unleavened bread and on the feast of weeks and on the feast of tabernacles. Just as [a sacrifice not brought on the first day of] the feast of Passover can be made up for during the next seven days,¹⁹ so [a sacrifice not brought on] the Feast of Weeks can be made up for during the next seven days.

But why should not the Feast of Weeks be put on the same footing [in this respect] as the feast of Tabernacles, so that just as in that case [the duration of the festival is] eight days, so here eight days [should be allowed]? — The eighth day [of Tabernacles] is a separate festival.²⁰ I can still say that we call the eighth day a separate festival in respect of P'Z'R' K'SH'B',²¹ but that in the matter of compensation all agree that this can be made on it for the first day, as we have learnt: If one did not bring his festival sacrifice on the first day of Tabernacles, he can bring during the whole of the festival, including the last day of the festival? — If you grasp a lot you cannot hold it, if you grasp a little you can hold it.²²

But what injunction the²³ did the All-Merciful indicate by mentioning the festival of Tabernacles [in this verse]? — [It is mentioned] in order to be put on the same footing as the feast of Passover [in this respect]:

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- (1) If an owner took these, he has to restore them to the poor.
 - (2) Who requires three festivals in any order.
 - (3) Viz., Deut. XVI.
 - (4) Lit. he set out from these'.
 - (5) In v. 16, after saying, three times a year shall all thy males appear, etc.
 - (6) As much as to say, 'Come before God to pay your vows, and do not come empty-handed.'
 - (7) In vv. 13-15.
 - (8) For requiring only one festival.
 - (9) Deut. XII, 5, 6. As much as to say, 'each time you come, bring your vows'.
 - (10) And if he does not carry it out, he is still not guilty of 'delaying'.
 - (11) Who requires two festivals.
 - (12) Num. XXIX, 39. The 'these' here strictly refers to obligatory sacrifices, but as the text goes on, besides your vows and free will-offerings, these can also be included in the rule.
 - (13) Sheb. 10.
 - (14) The he-goats for sin-offering brought on festivals; v. Num. XXVIII and XXIX.
 - (15) V. Shebu. 10a.
 - (16) Who says that Tabernacles must be the last,
 - (17) Viz., Deut. XVI, 16.
 - (18) 'Azereth.
 - (19) This is learnt from the words, And ye shall keep it as a feast to the Lord . . . seven days (Ex. XII, 14, 15). V. Hag. 9a.
 - (20) Standing in the same relation to Tabernacles as Pentecost to Passover.
 - (21) P== payyes (casting lots); on the eighth day the twenty-four mishmaroth (wards) of the priests cast lots to see which should officiate, but not on the preceding days, when all officiated in order. Z == zeman (time); the blessing sheheheyanu (who has kept us alive) is said on the eighth day, as on the first days of other festivals. R == regel

(festival); the eighth day is no longer termed 'Tabernacles' but is known as 'the eighth day of solemn assembly'. K == Korban (offering); the sacrifice of the day (one bullock, one ram and seven sheep) was quite different from that of the days of Tabernacles. SH == shir (song); the psalm chanted by the Levites was not the same as that for Tabernacles. B == berakah (blessing); on this day, in the time of the Monarchy, a blessing was said for the king, in memory of the dedication of the Temple, when, as we read, on the eighth day the people blessed the king (I Kings, VIII, 66) Cf. Yoma 3a, Suk. 48a.

(22) A proverbial saying, indicating here that Pentecost should be put on a level in this respect with Passover which has the smaller number of days, not with Tabernacles.

(23) If the Feast of Weeks is not to be put on the same footing as Tabernacles.

Talmud - Mas. Rosh HaShana 5a

just as on the feast of Passover [the celebrant is] required to stay overnight¹ [in Jerusalem], so on the feast of Tabernacles he is required to stay overnight. How do we know this in the case of Passover? — Because it is written,² And thou shalt turn in the morning and go unto thy tents.³

But whence then do the First Tanna and R. Simeon⁴ derive the rule of compensation for the Feast of Weeks? — They derive it from the statement of Rabbah b. Samuel; for Rabbah b. Samuel stated: The Torah said, Count days⁵ and sanctify the new moon,⁶ count days and sanctify the Feast of Weeks,⁷ [indicating that] just as the new moon [is sanctified for the period corresponding with the unit of time] by which it is counted,⁸ so the Feast of Weeks [is sanctified for the period corresponding with the unit of time] by which it is counted.⁹ [In that case] I should say that [the compensation period of] the Feast of Weeks is only one day?¹⁰ — Raba replied: Do we count only days to the Feast of Weeks and not weeks [also]? Has not a Master said, It is a mizwah to count days and it is also a mizwah to count weeks?¹¹ And further, we read in the text, 'the feast of weeks'.¹²

But can the paschal lamb¹³ be offered on any of the festivals? The paschal lamb [surely] has a fixed date:¹⁴ if it is brought then, well and goods but if not, it is rejected?¹⁵ — R. Hisda replied: The paschal lamb is mentioned incidentally. R. Shesheth said: 'Paschal lamb' here means the peace-offering [brought] in lieu of the paschal lamb.¹⁶ But if that is so, this is covered by the term peace-offerings?¹⁷ — Our authority mentions the peace-offering [which is brought] in lieu of the paschal lamb and he also mentions the peace-offerings which are brought for their own sake. You might be inclined to think that [the former] being brought in lieu of the paschal lamb

(1) I.e., the first night of the intermediate days (Rashi).

(2) In connection with the paschal lamb.

(3) Deut. XVI, 7. The morning of the first day of the festival obviously cannot be meant, as on that day the celebrant had to bring his festival offering.

(4) Who require the whole of this verse for the rule of 'not delaying'.

(5) As it is written. Ye shall not eat it one day, nor two days, nor five days, nor ten days, nor twenty days, but a whole month (Num. XI, 19, 20).

(6) By sacrifices, v. Num. XXVIII, 11.

(7) V. Lev. XXIII, 15. [Read with R. Hananel, Count weeks and sanctify the Feast of Weeks, v. Lev. XXIII, 15].

(8) It is counted by days and is sanctified for one day.

- (9) It is counted by weeks and is sanctified for one week.
- (10) Since it also says, 'Ye shall count fifty days'. Ibid. 16.
- (11) To say, e.g., 'seven days which are one week to the 'omer'.
- (12) Deut. XVI, 16.
- (13) Mentioned above (p. 11) among the objects to which the rule of 'not delaying' applies.
- (14) Viz., the fourteenth of Nisan.
- (15) Lit., 'pushed away'.
- (16) Lit., 'peace-offerings of the paschal lamb'. If the paschal lamb was not brought at the proper time through being lost, another was declared to be a peace-offering in its place, and this came under the rule of 'not delaying'.
- (17) Which also occurs in the Baraitha quoted.

Talmud - Mas. Rosh HaShana 5b

is on the same footing as the paschal lamb.¹ Therefore we are told [that this is not so].

What is the authority [in the Scripture] for these rules? — As our Rabbis have taught: 'When thou shalt vow a vow:² this tells me only [the rule for] a vow; how do I know that a freewill-offering³ is also included? We have here the term 'vow' and in another place⁴ we find the expression if a vow or a free will-offering; just as there a freewill-offering goes with the vow, so here, a freewill-offering goes with it. To the Lord thy God: this indicates money valuations, valuations, devoted things, and consecrated things.⁵ Thou shalt not be slack to pay it: it, but not its substitute.⁶ For he will surely require it: this indicates sin-offerings, trespass-offerings, burnt-offerings and peace-offerings.⁷ The Lord thy God: this indicates charity contributions, tithes and firstborn.⁸ From thee: this indicates gleanings, forgotten sheaves and corners of the field. And it will be sin in thee; but not sin in thy offering.⁹

The Master has [just] said: "'Thou shalt not be slack in paying it"; It and not its substitute'. Substitute for what? If the substitute for a burnt-offering or a peace-offering is meant, this is actually offered.¹⁰ If the substitute for a sin-offering, this is allowed to perish.¹¹ How then are we to understand 'its substitute'? — The substitute for a thanksgiving-offering, as R. Hiyya taught: If a thanksgiving offering became mixed up with its substitute and one of them died, there is no remedy for the other,¹² For what is he [the owner] to do? Shall he offer it and offer the bread¹³ with it? Perhaps it is the substitute.¹⁴ Shall he offer it without the bread? Perhaps it is the original thank-offering. But [if that is so,] seeing that it cannot be offered, why do I require a text to exclude it? — R. Shesheth replied: In point of fact, [the intention of the verse is] to exclude the substitutes for burnt-offerings and peace-offerings, and we are dealing here with the case of one which was kept over during two festivals and then became blemished and the owner made it profane by substituting another and this was kept over one festival. You might imagine in this case that since it takes the place of the first, it is as if it had been kept over for three festivals; therefore we are told that this is not so. But on the view of R. Meir who said that as soon as one festival has been allowed to elapse there is a transgression of the precept 'not to delay', what can be said? — Raba replied: Here we are dealing with a case where the animal became blemished during the festival and he declared it profane [by substituting another], and this was kept over the festival. You might imagine that since it takes the place of the first it is as if it had been kept over during the whole of the festival.¹⁵ Therefore we are told [that this is not so].

"And it will be sin in thee," but not sin in thy offering'. Do we derive this lesson from here? Surely it is derived from the text adduced by the 'Others', as it has been taught: 'Others say, I might say that a firstling after a year has passed¹⁶ is like consecrated things that have become disqualified¹⁷ and so is disqualified. Therefore it says, And thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of thy herd and of thy flock.¹⁸ Here firstling is mentioned alongside of tithe, [to indicate that] just as tithe is not disqualified by being kept from one year to another,¹⁹ so a firstling is not disqualified by being kept from one year to another.' — It was still necessary [to learn the lesson in the other way]. For you might have imagined that this applies only to a firstling, which is not for appeasement, but consecrated²⁰ things which are for appeasement²¹ will not appease [if kept over]. Therefore I am told that this is not so.

But still [I may object that]

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- (1) And the transgression of 'not delaying' is incurred with the passing of one festival (Rashi).
 - (2) Deut. XXIII, 22.
 - (3) In making a vow a man said, 'I undertake to bring such-and-such an offering'; in making a freewill-offering he said, 'I undertake to bring this animal as an offering'.
 - (4) Lev. VII, 16.
 - (5) V. supra p. 11 nn. 5-8. Because all these went for the repair of the Temple and not to the priests.
 - (6) This is explained below.
 - (7) All these as distinct from the vow and freewill-offerings were an obligation the fulfilment of which could be demanded. The burnt-offerings and peace-offerings referred to are those which were brought as an additional offering on the festival. If they had been already set aside, they could be brought on a subsequent festival (V. Tosaf., s.v. **uk̄t**).
 - (8) The words 'the Lord thy God' here are strictly speaking superfluous, and can therefore be used for an exposition.
 - (9) I.e., the offering is not disqualified thereby.
 - (10) If the original animal was lost and another substituted and then the first was found, both are offered and the substitute also comes under the rule of 'not delaying'.
 - (11) And never offered.
 - (12) I.e., it must be allowed to perish.
 - (13) V. Lev. VII, 12, 13.
 - (14) And according to Men. 79b, bread was not to be brought with the substitute of a thanksgiving-offering.
 - (15) And thus, according to R. Meir, is the rule of 'not delaying' transgressed.
 - (16) A firstling has to be sacrificed within its first year, v. Deut. XV, 20.
 - (17) For being offered on the altar.
 - (18) Deut. XIV, 23.
 - (19) Because it says, At the end of every three years thou shalt bring forth all the tithe etc., Deut. XIV, 28.
 - (20) E.g., burnt — and sin-offerings.
 - (21) Heb. **ubmr̄k** Lev. I, 3 et al. E.V. 'that he (it) may be accepted.'

Talmud - Mas. Rosh HaShana 6a

the lesson is derived from the exposition of Ben ‘Azzai, as It has been taught: Ben ‘Azzai said: What is the point of the word otho [it]?¹ Since it says, Thou shalt not be slack in paying it,² I might think that a vow which is delayed also fails to appease. Therefore it says, ‘it’: this one fails to appease, but a delayed vow does not fail to appease! — No; [what we must say is], “in thee a sin”, but not in thy wife a sin’. For you might think that, since R. Johanan [or, as some say, R. Eleazar] has said, ‘A man's wife dies only because money is [rightfully] demanded of him and he has it not,³ as it says, Why should he take thy bed from under thee’?⁴ and so I would say that his wife will die also because of this transgression of ‘not delaying’. We are therefore told [that this is not so].

Our Rabbis taught: ‘That which is gone out of thy lips:⁵ this is an affirmative precept.⁶ Thou shalt observe: this is a negative precept. And do: this is an injunction to the Beth din to make thee do, According as thou hast vowed: this means a vow. To the Lord thy God: this means sin-offerings and trespass-offerings, burnt-offerings and peace-offerings.⁷ A freewill-offering:⁸ this has its literal meaning. Even that which thou hast promised: this means things sanctified for the repair of the Temple. With thy mouth: this means charity.’

The Master has here said that “that which is gone out of thy lips” implies an affirmative precept’. Why do I require the words for this purpose? This lesson can be derived from the words, and thither thou shalt come and thither ye shall bring.⁹ “Thou shalt observe”; this implies a negative precept’. Why do I require these words? This lesson can be derived from ‘thou shalt not be slack in paying it’.¹⁰ “And do”: this is an injunction to the Beth din to make thee do’. Why do I require these words? This lesson can be derived from he shall bring it,¹¹ as it has been taught: He shall bring it: this teaches us that he is to be constrained¹² [if necessary]. I might say, even against his will. Therefore it says, of his own will.¹³ What is to be done then? We constrain him until he says ‘I am willing’. [What is the answer?] — The one [set of texts¹⁴ deal with the case] where he had pledged himself but had not yet set aside the animal, the other with the case where he had set it aside but had not yet offered it. And both are required. For if the rule had been laid down only for the case where he had pledged himself but had not yet set aside the animal, [I might say that the reason is] because he has not yet carried out his word, but where he has set it aside but not yet offered it I might argue that wherever it is, it is in the treasury of the All-Merciful. These texts therefore were necessary. And if again the rule had been laid down only for the cases where he has set the animal aside but not yet offered it, I might say that the reason is because he is keeping it by him, but if he has pledged himself without having yet set it aside I might argue that his mere word counts for nothing. Therefore these texts are also necessary.

But how can you say that [one set of texts is] where he has pledged himself but not yet set aside, seeing that ‘freewill-offering’ is mentioned, and we have learnt, What is a vow? When a man says, I pledge myself to bring a burnt-offering. What is a freewill-offering? Where a man says, I declare this to be a burnt-offering. What is the difference [in practice] between a vow and a freewill-offering? If [an animal set aside to perform] a vow dies or is stolen, he has to replace it, but if a freewill-offering dies or is stolen he is not bound to replace it! — Raba replied: You can find a freewill-offering of this kind¹⁵ in the case where he said, ‘I pledge myself to bring a burnt-offering on condition that I shall not be obliged to replace it’.

“With thy mouth”: this is charity’. Raba said: For [paying] charity-offerings one becomes liable at once. What is the reason? Because the poor are waiting.¹⁶ Surely this is obvious? — [Not so, since] you might think that, as charity is mentioned in the passage dealing with offerings, [it need not be paid] till three festivals have elapsed, as in the case of offerings. We are therefore told that this is not so. Only the others [the offerings] were made by the All-Merciful dependent on the festivals, but this [charity] is not so, because the poor are waiting.¹⁷

Raba said: As soon as one festival has elapsed, he transgresses an affirmative precept. The following objection was raised:¹⁸ R. Joshua and R. Pappias testified regarding the offspring of a peace-offering¹⁹ that it should also be brought as a peace-offering. R. Pappias said: I testify that we had a heifer which was sacrificed as a peace-offering, and we ate it on Passover, and we ate its young as a peace-offering on the Festival.²⁰ Now I can understand why it was not offered on Passover, the ground being that it was still too short-lived.²¹ But how could the young be kept over Pentecost, which would involve the transgression of an affirmative precept? — R. Zebid said in the name of Raba: It may have been

(1) In Lev. VII, 18, If any of the flesh . . . be eaten on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it. The word otho could be dispensed with.

(2) Deut. XXIII, 22.

(3) E.g., if he vows without having the wherewithal to pay.

(4) Prov. XXII, 27, referring to those who go surety.

(5) Deut. XXIII, 24.

(6) Because we understand the word ‘carry out’.

(7) V. supra, p. II

(8) Heb. **vcsb** E.V., ‘freely’.

(9) Deut. XII, 5, 6. V. p. 12, n. 8.

(10) Which occurs just above in Deut. XXIII, v. 22.

(11) Lev. I, 3.

(12) By physical force.

(13) **ubmrk** E.V., ‘that he may be accepted’.

(14) Explicitly in Deut. XXIII, verse 24, and by derivation in verse 22; v. supra p. 5b (Rashi).

(15) One in respect of which he has pledged himself without setting aside.

(16) Lit., ‘are standing’.

(17) Lit., ‘are to be found’. MS.M. omits, ‘Only . . . waiting’.

(18) ‘Ed. 7.

(19) If the animal was consecrated when pregnant, or became pregnant subsequently, and gave birth before being sacrificed.

(20) Heb. **dj**, which usually designates Tabernacles.

(21) Lit. ‘deficient in time’. I.e., not yet eight days old. V. Lev. XXII, 27.

Talmud - Mas. Rosh HaShana 6b

that it was sick on Pentecost. R. Ashi said: What is meant by the statement ‘we ate its young as a peace-offering on the Festival’? it means, the Feast of Weeks. What says the other to this? — [He says that] wherever [Pentecost] is mentioned in connection with Passover, it is called ‘Assembly’

[‘azereth].¹

Raba said: As soon as three festivals have elapsed, he transgresses every day the precept of ‘not delaying’. The following was cited in objection to this: [The rule] both for a firstling and for all consecrated animals is that so soon as they have been kept back a year [even] without three festivals,² or three festivals even it less than a year, the precept of ‘not delaying’ is transgressed. What objection is there here?³ — R. Kahana said: The objection is a sound one.⁴ See now: the Tanna is looking for prohibitions; let him then state, ‘he transgresses the precept of "not delaying" every day’.⁵ What says the other to this? — [He says that] the Tanna is only anxious to stamp the act as forbidden;⁶ he does not look for extra prohibitions.⁷

[To revert to] the [above] text: ‘[The rule] both for a firstling and for all consecrated animals is that so soon as they have been kept back a year even without three festivals or three festivals even if less than a year, the precept of "not delaying" is transgressed’. I grant that three festivals without a year are possible; but how is a year possible without three festivals? And I still grant that this is possible for one who requires the three festivals to be in order, but for one who does not require them to be in order how is it possible? And I still grant that this is possible for Rabbi in a leap year, since it has been taught, [It is written] ‘a complete year’⁸ : Rabbi says, he [the seller] reckons three hundred and sixty-five days, which is the number of days in the solar year, while the Sages say that he reckons twelve months from day to day,⁹ and if it is a leap year he gets the benefit.¹⁰ — It is possible for Rabbi [to have a year without three festivals] in the case where one sanctified the animal after¹¹ the festival of Passover, since when the end of the next second Adar¹² comes round the year is completed but the number of festivals is not completed. But for the Rabbis how is it possible? — [It is possible] on the basis of what R. Shemaiah learnt: Pentecost is sometimes on the fifth of the [third] month, sometimes on the sixth, and sometimes on the seventh. For instance, if both of them¹³ are full,¹⁴ it is on the fifth;¹⁵ if both of them are defective,¹⁶ it is on the seventh; if one is full and the other defective, it is on the sixth.¹⁷ Who is the Tanna who takes a different view from R. Shemaiah?¹⁸ It is the ‘Others’, as it has been taught: Others say that between Pentecost and Pentecost, between New Year and New Year there is always an interval of four days [of the week],¹⁹ or, in a leap year, five.²⁰

R. Zera asked: Does the rule of ‘not delaying’ apply to an heir?²¹ [Do we reason that] the All-Merciful has said ‘When thou shalt vow a vow’, and he has not made a vow, or [perhaps we apply the text], and thither thou shalt come and thither shall ye bring,²² and he also is liable?²³ — Come and hear, since R. Hiyya has taught: ‘From thee [me’imak]’:²⁴ this excludes the heir. But this ‘me’imak’ is required to bring under the rule gleanings, forgotten sheaves, and corners of the field?²⁵ — I expound ‘imak, and I expound me’imak.²⁶

R. Zera also asked: Does the rule of ‘not delaying’ apply to a woman? Do we reason that she is not obliged to appear [at Jerusalem on the festivals]²⁷ or perhaps do we reason that she is enjoined to rejoice?²⁸ — Abaye replied: Is not the answer provided by the fact that she is enjoined to rejoice? But could Abaye say this, seeing that Abaye has said that a woman is made joyful by her husband?²⁹ Abaye was answering R. Zera on his own premises.

The question was raised: From what day is the year of the firstling reckoned? — Abaye said,

From the hour of its birth; R. Aha b. Jacob said, From the time when it can be used for appeasement.³⁰ Nor is there any conflict of opinion between them; one speaks of an animal without blemish,³¹

- (1) The Rabbinic term for Pentecost; and therefore **dj** here must mean Tabernacles.
- (2) This statement is discussed infra.
- (3) There is no contradiction between this statement and that of Raba.
- (4) Lit., 'he who raises the objection objects well'.
- (5) And since he does not say so, we presume that he is in disagreement with Raba.
- (6) Lit., 'to fix it in a prohibition'.
- (7) But all the same he would agree with Raba.
- (8) Within which a house sold in a walled city could be compulsorily redeemed. Lev. XXV, 29.
- (9) Which in an ordinary year is only 354 days according to the Jewish calendar.
- (10) The year in this case being 383 days.
- (11) Strictly speaking it must be during Passover, since 365 days would not elapse from after Passover till the end of the next Adar sheni. Or 'the end of Adar' may be used loosely to signify the days between then and Passover.
- (12) The second Adar in a leap year.
- (13) The months of Nisan and Iyar.
- (14) I.e., contain thirty days.
- (15) This being the fiftieth day from the second day of Passover.
- (16) I.e., contain only 29 days.
- (17) Hence if Pentecost is in one year on the fifth and he sanctifies on the sixth, and the next year Pentecost is on the seventh, a full twelvemonth can pass without three festivals.
- (18) And would not count a year without three festivals.
- (19) They held that the months are full and defective in strict rotation, and the twelvemonth consequently has 354 days, which is four days over 50 weeks. On this view, Pentecost must always be on the sixth of Sivan.
- (20) It being assumed that the intercalary month consists always of twenty-nine days. i.e., four weeks and a day.
- (21) Whose father made a vow which he had not fulfilled before his death.
- (22) V. supra p. 12, n. 8.
- (23) To 'come' and consequently to 'bring'.
- (24) Deut. XXIII, 22.
- (25) V. supra p. 11.
- (26) 'Imak' means 'from thee', and this would be sufficient for the rule; we therefore derive an additional lesson from the form me 'imak (lit., 'from with thee').
- (27) Since it says, shall all thy males appear (Deut. XVI, 16).
- (28) Which implies partaking of the peace-offerings. v. pes. 109a, and as she must go to Jerusalem for this purpose, she must also 'not delay' the vow'
- (29) With fine clothes, v. Kid. 34b.
- (30) I.e., sacrifice, viz., on the eighth day, v. Lev. XXII, 27.
- (31) Which can be sacrificed on the eighth day.

Talmud - Mas. Rosh HaShana 7a

, the other of an animal with a blemish.¹ Can a blemished animal be eaten [on the day of birth]?²
[We speak of one] of which we know for certain that it has not been born prematurely.³

Our Rabbis taught: On the first of Nisan is New Year for months,⁴ for leap-years,⁵ and for the offering of shekalim,⁶ some say, also for the renting of houses.⁷

‘New Year for months’: whence do we know this? — Because it is written, This month shall be unto you the beginning of months, it shall be the first month of the year to you. Speak ye unto all the congregation of Israel saying, In the tenth day of this month they shall take unto then: every man a lamb, according to their fathers’ houses, a lamb for a household. . . and ye shall keep it until the fourteenth day of the same month, and they shall kill it⁸ etc. It is also written [elsewhere],⁹ Observe the month of Abib¹⁰ [springing corn]. Now which is the month in which there is springing corn? You must say this is Nisan; and this is called ‘first’. But cannot I say that it is Iyar? — We require springing corn’, and there is none. But cannot I say that it is Adar? — We require the bulk of the springing corn, and this we have not [in Adar]. But does the text say, ‘the bulk of the springing corn’? Rather, said R. Hisda; we learn it from here: Howbeit on the fifteenth day of the seventh month, when ye have gathered in the fruits of the land.¹¹ What is the month in which there is ‘gathering in’?¹² You must say that this is Tishri, and the text calls it ‘seventh’. But cannot I say that it is Marheshvan, and by ‘seventh’ is meant the seventh to Iyar? — We require ‘gathering in’, and this we have not [in Marheshvan]. But cannot I say that it is Elul, and by seventh’ is meant seventh to Adar? — We require the bulk of the ingathering, which we have not [in Elul]. But does the text say, ‘the bulk of the ingathering’? — The fact is, said Rabina, that we cannot learn this from the Torah of Moses our teacher, but we have to learn it from the later Scriptures,¹³ [viz.,] Upon the four and twentieth day of the eleventh month, which is the month Shebat.¹⁴ Rabbah b. ‘ulla said, [We learn it] from here: So Esther was taken unto king Ahasuerus into his house royal in the tenth month which is the month Tebeth.¹⁵ R. Kahana said: [We learn it] from here, In the fourth day of the ninth month, even in Kislev.¹⁶ R. Aha b. Jacob said, [We learn it] from here: Then were the king's scribes called at that time in the third month which is the month of Sivan.¹⁷ R. Ashi said, [We learn it] from here: They cast pur, that is, the lot, before Haman from day to day and from month to month to the twelfth month, which is the month Adar.¹⁸ If you prefer, I can learn it from here: In the first month which is the month Nisan.¹⁹ Why did not all the others derive it from here?²⁰ — Perhaps ‘first’ here means, ‘first in relation to his [Haman's] affair’.²¹

Why did not our Tanna²² [reckon the first of Nisan as the New Year for months]? — Our Tanna speaks only of years, he does not speak of months.

‘For leap years’. Do we reckon [a New Year] for leap years from Nisan?²³ Has it not been taught: ‘A leap year is not decreed²⁴ before New Year,²⁵ and if such a decree is issued it is not effective. In cases of emergency,²⁶ however, the decree may be issued immediately after New Year, and even so the intercalary month must be [the second] Adar’!²⁷ — R. Nahman b. Isaac replied: What is meant here by ‘leap years’? The closing of a leap year, as we have learnt: ‘They testified that the year may be declared a leap year throughout the whole of Adar, since others asserted that this could be done only until Purim.’²⁸ What was the reason of those who held that this could be done only until Purim? — Since a Master has stated that ‘enquiries are made regarding the laws of Passover for thirty days before Passover,²⁹ People might be led into neglecting the rules of leaven.³⁰ What says the other to this? — He says that people know that a

leap year depends on calculation, and they say to themselves that the Rabbis have only now got the calculation right.³¹

What of our Tanna?³² — He speaks only of commencements, not of terminations.

‘And for the offering of shekalim’.³³ How do we know this [from Scripture]? — R. Josiah said: The Scripture says, This is the burnt-offering of each month in its month throughout the months of the year.³⁴ The Torah here enjoins:³⁵ ‘Renew [the year] and bring an offering from the new contributions’. That the ‘year’ here commences with Nisan is learnt by analogy with the text,³⁶ It is the first to you of the months of the year.³⁷ But why not suppose it is Tishri from the analogy of, From the beginning of the year?³⁸ — To a year with which months are mentioned we apply the analogy of a year with which months are mentioned, but to a year with which months are not mentioned, we do not apply the analogy of a year with which months are not mentioned.

Rab Judah said in the name of Samuel: It is proper to bring the congregational sacrifices that are offered on the first of Nisan from the new contributions. If, however, they are brought from the old, the duty has been performed,³⁹ but not in the most appropriate manner.⁴⁰ It has been taught to the same effect: ‘It is proper to bring the congregational sacrifices which are offered on the first of Nisan from the new contributions; if, however, they were brought from the old, the duty has been performed, but not in the most appropriate manner. If a private person has offered them from his own property, they are unexceptionable, provided he hands them over to the congregation’. Surely this is self-evident? — You might think that we should have some scruples [in accepting them], in case

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- (1) Which can be eaten as ordinary non-sacrificial flesh,
 - (2) Perhaps it has been born prematurely and cannot survive, v. Shab. 135b.
 - (3) Lit., ‘that its months have been completed’.
 - (4) I.e., the order of months commences with Nisan.
 - (5) V. infra.
 - (6) For first using for the purchase of congregational sacrifices the shekalim that were collected in Adar. Cf. Meg. 29b.
 - (7) V. infra.
 - (8) Ex. XII, 2-6. Only the first of these verses need have been quoted.
 - (9) In connection with the Passover.
 - (10) Deut. XVI, 1.
 - (11) Lev., XXIII, 39.
 - (12) When the produce is brought in from the fields to save it from the approaching rain.
 - (13) Lit., ‘words of Kabbalah’ (tradition), a name given in the Talmud to the Prophetical writings and the Hagiographa, v. B.K., Sonc. ed., p. 3, n. 3.
 - (14) Zech. I, 7.
 - (15) Esth. II, 16.
 - (16) Sech. VII, 1.
 - (17) Esth. VIII, 9.
 - (18) Ibid., III, 7.
 - (19) Ibid.

- (20) Since Nisan is mentioned explicitly.
- (21) With regard to the others also it might be asked why more than one quotation is needed. Perhaps the idea was to show that there had been no change in the names of the months since the time of 'kabbalah'. V. however, Tosaf. s.v. **hrcsn**.
- (22) The Tanna of our Mishnah.
- (23) I.e., can the Beth din even in Nisan declare that the year just begun is to be a leap year?
- (24) In the time of the Second Temple the calendar was not fixed, but the Beth din declared any year a leap year (i.e., inserted an intercalary month) according as they judged necessary, subject to certain rules.
- (25) Because if this were done, by the time Adar came round people might forget.
- (26) E.g., if they were afraid that they might be prevented from issuing the decree later.
- (27) V. Sanh., Sonc. ed. p. 55 notes. (15) R. Joshua and R. Pappias. Sanh. 87a Ed. VII, 7.
- (28) And once Purim had passed, the next month had to be Nisan of the next year and not the second Adar of the present year.
- (29) I.e., the emissaries of the Beth din instructed the public on the matter during this time.
- (30) If in the interval Passover was postponed for a month, they would not observe the new date of the Passover.
- (31) Lit., 'this calculation had not been completed by the Rabbis till now'.
- (32) Why does he not include leap years.
- (33) In Adar a shekel had to be contributed by every Israelite for the purchase of congregational sacrifices during the coming year.
- (34) Num. XXVIII, 14.
- (35) By the superfluous expression, 'throughout the months of the year'.
- (36) 'And we derive (the meaning of) "year" from "year" (commencing) with Nisan'.
- (37) Ex. XII, 2.
- (38) Deut. XI, 12, referring to the rainfall.
- (39) In respect of the sacrifice itself.
- (40) Lit. 'he has omitted a precept'.

Talmud - Mas. Rosh HaShana 7b

he has not transferred them with all his heart.¹ We are told therefore [that this is not necessary].

Why does our Tanna [not reckon New Year for shekalim]? — Since it is laid down that if the sacrifices are brought [from the old contributions] the duty is still performed, he was not certain [whether this should be counted a New Year].

'Some say, Also for the renting of houses'. Our Rabbis have taught: 'If a man lets a house to another for a year, he reckons it as twelve months from day to day.² If, however, he stipulates "for this year", then even if the tenant only entered into occupation³ on the first of Adar, as soon as the first of Nisan arrives,⁴ a year has been completed.' And even according to those who say that one day in the year is reckoned as a year, this does not apply here, because a man would not trouble to rent a house for less than thirty days. But why should I not say that Tishri [is the New Year for letting houses]?⁵ — It is taken for granted that when a man takes a house [in Tishri], he takes it for the whole of the rainy season. Why do the first Tanna of the Baraitha and our Tanna [not reckon the renting of houses]? — In Nisan also there is often cloudy weather.⁶

ON THE FIRST OF ELUL IS NEW YEAR FOR THE TITHE OF CATTLE. Who is the authority for this? — It is R. Meir, as it has been taught: ‘R. Meir says, On the first of Elul is New Year for the tithing of cattle’. Who is the authority in respect of festivals? It is R. Simeon,⁷ Now look at the succeeding clause: R. ELEAZAR AND R. SIMEON SAY, ON THE FIRST OF TISHRI. [Am I to say that] the first and third statements here follow the authority of R. Simeon and the middle one that of R. Meir? — R. Joseph said: The authority here is Rabbi, and he decides now in accordance with one, now with another Tanna. In respect of festivals he concurs with R. Simeon, and in respect of tithing of cattle he concurs with R. Meir. If that is so, how can he say FOUR [New Years]? There are five?⁸ — Raba replied: There are four according to all authorities. There are four according to R. Meir, excluding the festivals,⁹ and four according to R. Simeon, excluding the tithing of cattle.¹⁰ R. Nahman b. Isaac said: [The meaning of our Mishnah is], There are four months in which there are a number of New Years.¹¹

An objection was raised: ‘The sixteenth of Nisan is the New Year for the ‘Omer;¹² the sixth of Sivan is the New Year for the two loaves’.¹³ Now [this being so], according to Raba the Mishnah should say six, and according to R. Nahman b. Isaac five? — R. Papa said: In fixing the number, [the Tanna] reckons only such [New Years] as commence with the evening,¹⁴ he does not reckon those that do not commence with¹⁵ the evening.¹⁶ But what of festivals which [in respect of vows] do not commence with the evening¹⁷ and yet are reckoned? — Since he has to bring [his vow], he becomes guilty [of ‘delaying’] from the very commencement [of the festival].¹⁸ But what of Jubilees which do not commence with the evening,¹⁹ and yet are reckoned in? — This follows the view of R. Johanan b. Ishmael the son of R. Johanan b. Beroka, who said that the Jubilee commences with the New Year. R. Shisha the son of R. Idi said: In fixing the number, [the Tanna] reckoned only New Years that are not inaugurated with some ceremony,²⁰ but he does not reckon those that are inaugurated with a ceremony.²¹ But what of festivals, which [in respect of vows] are inaugurated with a ceremony,²² and yet are not reckoned? — The [transgression of] ‘not delaying’ comes automatically.²³

(1) Lit., ‘very well’.

(2) I.e., from a date in one month to the same date in the same month next year.

(3) Lit., ‘stood’.

(4) I.e., as soon as thirty days have passed.

(5) So that, if a man rents a house on the first of Elul for a year, he takes it only to the first of Tishri.

(6) And therefore at no time would a man if he took a house for a year mean merely thirty days.

(7) As explained above, that R. Simeon requires three festivals in order in the matter of vows, and he is therefore the authority for the first statement in the Mishnah, that there is a New Year for festivals.

(8) The New Year for festivals being on the fifteenth of Nisan.

(9) Since R. Meir is of the view that the transgression is involved after the lapse of one festival. V. supra 4b.

(10) I.e., the first of Elul as a separate New Year; since R. Simeon places it on the first of Tishri which is in any case a new year.

(11) There being two in Nisan, and these are counted as one.

(12) I.e., for making permissible the new corn. Lev. XXIII, 14.

(13) For bringing meal-offerings from the new corn. Ibid. 17.

(14) E.g., the New Year for kings commences with the evening of the first of Nisan.

(15) Lit., ‘full’.

(16) As instanced presently.

(17) It being assumed that the precept of 'not delaying' is not transgressed till the hour arrives when the animal vowed may be offered, i.e., till the perpetual offering of the morning is brought.

(18) Even though he is unable to bring the sacrifice till the morning.

(19) But which are ushered in with a blast of the shofar on the Day of Atonement, in the daytime.

(20) Lit. 'depend on an act'. I.e., the New Years which begin with the advent of the day itself.

(21) The prohibition of the new corn for personal consumption and for offerings respectively is raised only by the offering of the Omer and the two loaves.

(22) No sacrifice could be offered before the bringing of the daily morning sacrifice.

(23) As soon as the Festival sets in.

Talmud - Mas. Rosh HaShana 8a

But what of Jubilees?¹ — This follows the authority of R. Ishmael the son of R. Johanan b. Beroka. R. Ashi said: [The meaning of our Mishnah is,] There are four New Years which fall on four firsts of the month.² [Do you then reckon] the first of Shebat [as one and so] follow Beth Shammai?³ — He [R. Ashi] meant it in this way: There are three according to all authorities; with regard to the first of Shebat there is a difference of opinion between Beth Shammai and Beth Hillel.

R. ELEAZAR AND R. SIMEON SAID, ON THE FIRST OF TISHRI. R. Johanan said: They both based their opinions on the same verse, viz., The rams have mounted the sheep⁴ and the valleys also are covered over with corn, they shout for joy, yea, they sing.⁵ R. Meir reasoned: When do the rams mount the sheep? At the time when the valleys are covered over with corn. And when are the valleys covered over with corn? In Adar. The sheep conceive in Adar and bear in Ab,⁶ and their New Year is in Elul. R. Eleazar and R. Simeon said: When do the rams mount the sheep? At the time when they [the ears of corn] shout for joy and sing.⁷ When do the ears of corn burst into song? In Nisan. They conceive in Nisan and bear in Elul, and their New Year is in Tishri. How then does the other [R. Meir] account for the words, 'they shout for joy, yea they sing'? — This refers to the late ones, whose conception takes place in Nisan. But how then does the other [R. Eleazar] account for the words, the valleys are covered with corn? — That refers to the early ones, whose conception takes place in Adar. Now according to R. Meir, there is no difficulty; the text says, 'The rams mount the sheep', to wit at the time when 'the valleys are covered with corn', but there are some also [which do not conceive till] they shout aloud and sing'. But on the view of R. Eleazar and R. Simeon, the clauses should be reversed, thus: 'The rams mount the sheep', to wit, at the time when the ears of corn 'shout for joy and sing', but there are some which do so [already] 'when the valleys are covered with corn'? — The fact is, said Raba, that all authorities hold that the rams mount the sheep at the time when the valleys are covered with corn, which is in Adar, but where they differ is in the exposition of the following text, viz., Thou shalt surely tithe,⁸ [in regard to which we have learnt that] the Scripture speaks of two tithes, the tithe of cattle and the tithe of corn. Now R. Meir was of opinion that the tithe of cattle is put on the same footing as the tithe of corn in this way: just as corn becomes liable to tithe, soon after it reaches completion,⁹ so cattle becomes liable to tithe soon after it reaches completion.¹⁰ R. Eleazar and R. Simeon again held that the tithe of cattle is put on the same footing as the tithe of corn in this way: just as the New Year for the tithe of corn is in Tishri, so

the New Year for the tithe of cattle is in Tishri.

ON THE FIRST OF TISHRI IS NEW YEAR FOR YEARS. What legal bearing has this? — R. Papa said: For [determining the validity of] documents, as we have learnt, ‘Bonds if antedated are invalid, but if postdated are valid’.¹¹ But we have learnt, ON THE FIRST OF NISAN IS NEW YEAR FOR KINGS, and we asked, What is the legal bearing of this, and R. Hisda replied, For [determining the validity of] documents?¹² — There is no contradiction; the one statement refers to kings of Israel, the other to kings of other nations. What then of the dictum of R. Hisda, ‘This statement refers only to the kings of Israel, but for the kings of other nations we reckon from Tishri’; was R. Hisda telling us only something that we already know from a Mishnah? — No; R. Hisda wanted to tell us the import of some Scriptural verses.¹³ If you like I can say that R. Hisda explains the Mishnah here in the same way as R. Zera, since R. Zera said [that it¹⁴ means], for reckoning cycles,¹⁵ in this following the view of R. Eleazar, who said that the world was created in Tishri.¹⁶ R. Nahman b. Isaac [explained the Mishnah to refer] to the Divine judgment ‘as it is written, From the beginning of the year to the end of the year,¹⁷ [which means], From the beginning of the year sentence is passed as to what shall be up to the end of it. How do we know that this takes place in Tishri? — Because it is written, Blow the horn at the new moon, at the covered time [keseh]¹⁸ for our feastday.¹⁹ Which is the feast

(1) V. n. 2.

(2) And for this reason the New Year for the Omer and the two loaves are not included in our Mishnah.

(3) V. Mishnah.

(4) E.V., ‘The meadows are clothed with flocks’.

(5) Ps. LXV, 14.

(6) Six months being allowed for pregnancy.

(7) A poetic description of the rustling of the ears. It is doubtful whether we can find here an allusion to the idea that ‘all creatures sing a certain chant before the Holy One, blessed be He’.

(8) Lit., ‘tithing thou shalt tithe’, Deut., XIV, 22.

(9) I.e., after it has become thoroughly dried in the fields, in Elul, v. infra 12a.

(10) I.e., after it is born, in Ab.

(11) V. supra, p. 2, n. 2.

(12) Which shows that the year for documents is dated from Nisan and not Tishri.

(13) I.e., he was telling us that we can learn from the Scriptures that the years of non-Israelitish kings are reckoned from Tishri. V. supra p. 7.

(14) The statement ON THE FIRST OF TISHRI IS THE NEW YEAR FOR YEARS.

(15) I.e., the cycle of Tishri is the first of the four cycles of the year, v. infra p. 43, n. 9. The year is divided into four cycles called Tekufoth, the Tekufah of Nisan (Vernal Equinox); Tammuz (Summer Solstice); Tishri (Autumn Equinox); Tebeth (Winter Solstice). The term Tekufah is also applied to the season itself.

(16) V. infra 10b.

(17) Deut. XI, 12. The verse continues, the eyes of the Lord thy God are always upon it (the land of Canaan).

(18) E.V., ‘appointed time’, or ‘full moon’.

(19) Ps. LXXXI, 4.

on which the moon is covered over [mithkaseh]? You must say that this is New Year;¹ and it is written [in this connection], For it is a statute for Israel, an ordinance for the God of Jacob.²

Our Rabbis taught: 'For it is a statute for Israel, an ordinance for the God of Jacob': this teaches that the heavenly Beth din does not assemble for judgment until the Beth din on earth has sanctified the month'.

Another [Baraitha] taught: 'For it is a statute for Israel'; this tells me only that Israel [are judged]; how do I know that this applies also to the [other] nations of this world? Because it is written, an ordinance for the God of Jacob'. If that is the case, what is the point of saying, For it is a statute for Israel?³ — It teaches that Israel are brought up for trial first. And this is in harmony with the [following] saying of R. Hisda. For R. Hisda said: Where a king⁴ and a community appear together, the king is brought up for judgment first, as it says, the judgment of his servant [Solomon] and the judgment of his people.⁵ What is the reason? — If you like I can say, because it is not seemly that the king should stand outside, and if you like I can say, [the king is tried] before [the Divine] wrath becomes really fierce.⁶

FOR RELEASE YEARS. How do we know this [from the Scripture]? — Because it is written, And in the seventh year shall be a sabbath of solemn rest for the land,⁷ and that this commences with Tishri we learn from the analogy with the word 'year'⁸ in from the beginning of the year.⁹ But let us learn that it is Nisan from analogy with the word 'year' in the text, it is the first to you of the months of the year?¹⁰ — We draw an analogy to a year with which months are not mentioned from a year with which months are not mentioned, but we do not draw an analogy to a year with which months are not mentioned from a year with which months are mentioned.¹¹

AND FOR JUBILEE YEARS. [is the New Year for] Jubilees on the first of Tishri? Surely [the New Year for] Jubilees is on the tenth of Tishri, as it is written, on the day of atonement shall ye make proclamation with the horn?¹² — What authority is here followed? R. Ishmael the son of R. Johanan b. Beroka, as it has been taught: And ye shall hallow the fiftieth year.¹³ What is the point of these words? [It is this]. Since it says, On the day of atonement [ye shall make proclamation],¹² I might think that the year is sanctified only from the Day of Atonement onwards. Therefore it says, And ye shall sanctify the fiftieth year. This teaches that it is sanctified from its inception. On this ground R. Ishmael the son of R. Johanan b. Beroka laid down that from New Year to the Day of Atonement slaves were neither dismissed to their homes nor subjected to their masters, but they ate and drank and made merry, wearing garlands on their heads.¹⁴ When the Day of Atonement came, the Beth din sounded the horn; slaves were dismissed to their homes and fields returned to their original owners. And the Rabbis [— what do they make of this verse]? — [They say it teaches that] you are to sanctify years but not months.¹⁵

Another [Baraitha] taught: 'It is a Jubilee.'¹⁶ What is the point of these words? — Since it says, And ye shall hallow the fiftieth year,¹³ I might think that, just as it is sanctified from its inception onwards, so it remains sanctified [for a time] after its termination. And there would be nothing to wonder at in this, seeing that we [regularly] add from the profane on to the holy.¹⁷ Therefore it says, it is a Jubilee to you, the fiftieth year, [to show that] you are to sanctify the fiftieth year, but not the fifty-first year.¹⁸

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- (1) The only feast which takes place when the moon is hidden.
 - (2) Ibid. 5.
 - (3) For if the other nations are judged, a plus forte raison Israel.
 - (4) Israel being regarded as a king in relation to the other nations.
 - (5) I Kings, VIII, 59.
 - (6) Being inflamed by the sins of the community.
 - (7) Lev. XXV, 4.
 - (8) And he derives (the meaning of) 'year' from 'year' (commencing) with Tishri.
 - (9) Deut. XI, 12, which refers to Tishri.
 - (10) Ex. XII, 2.
 - (11) V. supra p, 7a.
 - (12) Lev. XXV, 9. referring to the Jubilee.
 - (13) Ibid 10. These words are apparently superfluous, it having already been said, and thou shalt number forty-nine years.
 - (14) In sign of their approaching freedom.
 - (15) Cf. infra 24a.
 - (16) Lev. XXV, II.
 - (17) V. infra.
 - (18) The word 'it' being specific.

Talmud - Mas. Rosh HaShana 9a

And the Rabbis [— what do they make of these words]?¹ — [They say]: You are to count the fiftieth year, but you are not to count the fifty-first,² to exclude the view of R. Judah, who said that the fiftieth year is reckoned both ways.³ We are here told that this is not so.

And how do we know [from the Scripture] that we add from the profane on to the holy?⁴ — As it has been taught: In plowing time and in harvest time thou shalt rest.⁵ R. Akiba, [commenting on this,] said: There was no need [for Scripture] to specify the ploughing and harvest of the Sabbatical year, since this has already been mentioned [in] thy field thou shalt not sow etc.⁶ What must be meant therefore is the ploughing of the year before the seventh which is passing into the seventh,⁷ and the harvest of the seventh year which is continuing into the period after the seventh year.⁸ R. Ishmael said: Just as ploughing is optional,⁹ so the harvest [here referred to] is an optional one, excluding the harvesting of the 'Omer, which is a religious duty.¹⁰ Whence then does R. Ishmael derive the rule that an addition is to be made from the profane on to the holy? — From what has been taught: And ye shall afflict your souls on the ninth day:¹¹ I might think [literally] on the ninth day. It therefore says, In the evening.¹² if in the evening, I might think, after dark? It therefore says, 'or, the ninth day'.¹³ What then am I to understand? That we begin fasting while it is yet day; which shows that we add from the profane on to the holy. I know this [so far] only in regard to the inception [of the holy day]; how do I know it in regard to its termination? Because it says, from evening to evening.¹² So far I have brought only the Day of Atonement under the rule; how do I know that it applies to Sabbaths also? Because it says, ye shall rest.¹⁴ How do I know that it applies to festivals? Because it says, your Sabbath.¹⁴ How am I to understand this? That wherever there is an obligation to rest, we add from the profane on to

the holy.

What then does R. Akiba make of this, ‘and ye shall afflict your souls on the ninth day’? — He requires it for the lesson learnt by R. Hiyya b. Rab from Difti.¹⁵ For R. Hiyya b. Rab from Difti learnt: ‘And ye shall afflict your souls on the ninth day’. Do we then fast on the ninth day? Is it not on the tenth day that we fast? [We do]; but [the use of this word] indicates that if a man eats and drinks on the ninth day, the Scripture accounts it to him

(1) They have no need of this lesson, seeing that they do not consider the year sanctified from its inception. (Cf. Tosaf. s.v. **ibcru** 8b).

(2) Lit. ‘the year fifty and first’. So our texts, the meaning being, according to Rashi, that you are not to reckon the fiftieth year as fiftieth to the Jubilee and first to the next septennate. Tosaf., by a slight change of wording, renders: ‘You are to count the fiftieth year (as fiftieth to the Jubilee), but you are not to count the fiftieth year as one (to the following septennate)’, which is a smoother reading.

(3) As fiftieth to the Jubilee and first to the next septennate.

(4) I.e., add a little from the ordinary week-day on to the holy day.

(5) Ex. XXXIV, 21.

(6) Lev. XXV, 4.

(7) Ploughing under trees in the sixth year which will benefit them in the seventh.

(8) Stuff which grows of itself and reached a third of its growth in the seventh year.

(9) As there is no ploughing, which is considered a religious duty.

(10) R. Ishmael takes the words ‘in plowing time etc.’ to refer to the Sabbath, and learns from them that the ‘Omer to be brought on the second day of Passover may be reaped on Sabbath, v. Mak. 8b.

(11) Lev. XXIII, 32.

(12) Ibid.

(13) And after dark would be on the tenth.

(14) Lev. XXIII, 32.

(15) Dibtha, below the Tigris, S.E. of Babylon.

Talmud - Mas. Rosh HaShana 9b

as if he fasted on both the ninth and the tenth days.¹

Our Rabbis taught: It is a Jubilee² — ‘A Jubilee’³ even though they did not observe the release of fields, even though they did not observe the blowing of the trumpet.⁴ I might say [that it is still a Jubilee] even though they did not observe the dismissal of slaves. Therefore it says, ‘it is’.⁵ So R. Judah. R. Jose said: ‘It is a Jubilee’, — ‘A Jubilee’³ even though they did not release fields, even though they did not dismiss slaves. I might think [that it is still a Jubilee] even if they did not blow the trumpet. It therefore says, ‘it is’. Now⁶ since one text brings some cases under the rule and another text excludes others from it, why should I expound: ‘A Jubilee’,⁷ even though they did not dismiss, but it is not a Jubilee unless they blew the trumpet? Because it is possible that there should be no [opportunity for]⁸ dismissing slaves, but it is not possible that there should be no [opportunity for] blowing the trumpet.⁹ Another explanation is that the performance of the latter depends on the Beth din, but the performance of the former does not depend on the Beth din.¹⁰ What need is there for the alternative explanation? — Because you might argue that it is

impossible that there should not be someone in some part of the world who has not a slave to dismiss. Therefore I say that the one depends on the Beth din but the other does not depend on the Beth din.

I understand R. Jose's point of view, his reason being as he stated. But what is R. Judah's reason? — The text says, And ye shall proclaim liberty throughout the land,¹¹ and he holds that a text may be expounded in connection with the clause immediately preceding it, but not with the one before that.¹²

All authorities agree that the word *deror*¹³ means freedom. What does this tell us? — As it has been taught: The word *deror* means freedom. R. Judah said: What is the significance of the word *deror*? [The freedom of] one who dwells [medayyer] where he likes¹⁴ and can carry on trade in the whole country.

R. Hiyya b. Abba said in the name of R. Johanan: The views given above are those of R. Judah and R. Jose, but the Sages say that [the neglect of] any of these three ceremonies renders the Jubilee inoperative. Their view was that a text can be expounded in connection both with the clause immediately preceding it and with the one before that and with the one that follows it.¹⁵ But it is written 'Jubilee'?¹⁶ — This is to show that it must be kept even outside of Palestine. But it is written 'throughout the land'?¹⁷ — This means that when liberation is carried out in the land it is carried out abroad, and when it is not carried out in the land it need not be carried out abroad.

AND FOR PLANTATION. How do we know this [from the Scripture]? — Because it is written, Three years [it shall be] uncircumcised,¹⁸ and it is written, and in the fourth year,¹⁹ and we learn that this year commences with Tishri from the analogy of the word 'year' in the text from the beginning of the year.²⁰ But why not conclude that it commences with Nisan from the analogy of the word 'year' in It is the first to you of the months of the year? — We draw an analogy to a year with which months are not mentioned from a year with which months are not mentioned, but we do not draw an analogy to a year with which months are not mentioned from a year with which months are mentioned.

Our Rabbis taught: 'If one plants or bends over²¹ or grafts a tree in the year before²² the Sabbatical year thirty days before New Year — in all three cases, [by New Year] a year has passed for him,²³ and he can preserve the growth during the seventh year. [If he does so] less than thirty days before New Year, the interval [up to New Year] does not count as a year for him and he may not preserve the growth in the Sabbatical year

(1) Because the eating and drinking on the ninth day is called in the text 'fasting'.

(2) Lev. XXV, 11.

(3) Added by Bah.

(4) The superfluous word 'Jubilee' shows that even in these cases the year is observed as a Jubilee for the abstaining from sowing etc.

(5) **thv** This word having a limiting force.

(6) This is a continuation of R. Jose's statement.

(7) So Bah; cur. edd. 'It is a Jubilee'.

- (8) Lit., 'it is possible for the world'. E.g.. if no Israelite had a slave.
- (9) It is hardly possible that there should be no trumpet.
- (10) Because the Beth din may not be able to compel all persons to dismiss their slaves.
- (11) Just before the words 'it is a Jubilee'.
- (12) Hence we apply the limiting force of the words 'it is' to the dismissal of slaves, but not to the blowing of the trumpet, which does not immediately precede.
- (13) In Lev. XXV, 10. E.V. 'liberty'.
- (14) [**trhhs hc** , Lit., 'in a dwelling place'. MS.M.; **trhhs** (carrier). As a carrier carries (or, goes round with) his load everywhere he likes].
- (15) Viz., 'and ye shall return everyone unto his possession'.
- (16) This should cancel the limiting force of 'it is'.
- (17) So how can you say that it should be kept outside of Palestine?
- (18) Lev. XIX, 23.
- (19) Ibid. 24.
- (20) V. supra p. 31.
- (21) A branch from a tree and plants it in the ground without separating it from the parent tree.
- (22) Lit., 'in the eve of'.
- (23) I.e., the thirty days count as one of the years of 'uncircumcision'.

Talmud - Mas. Rosh HaShana 10a

. The fruit of such a plantation is forbidden until the fifteenth of Shebat,¹ whether as "uncircumcised" in [the year of] "uncircumcision", or as fourth year fruit in the fourth year,² What is the ground for this ruling? — R. Hiyya b. Abba said in the name of R. Johanan (though some trace it back to the authority of R. Jannai): Scripture says, And in the fourth year. . . and in the fifth year.³ There are occasions when fruit appears in the fourth year and it is still forbidden on account of 'uncircumcision', and there are occasions when fruit appears in the fifth year and it is still forbidden on account of 'fourth year'.

Shall I say that that is not [in agreement with] R. Meir,⁴ since R. Meir has affirmed⁵ that one day in the year is reckoned as a year, as it has been taught: 'Par [bullock] is mentioned in the Torah without further qualification and means an animal twenty-four months and one day old. So R. Meir. R. Eleazar says, it means an animal twenty-four months and thirty days old. For R. Meir used to say: Wherever 'egel [calf] is mentioned in the Torah without further qualification, it means of the first year; ['egel]⁶ ben bakar [young ox] means, of the second year; par [bullock] means, of the third year'! — You may still say [it is in agreement with] R. Meir. When R. Meir said that one day in a year is counted as a year, he meant at the end of a period,⁷ but not at the beginning.⁸

Raba said: Cannot we apply here an argument a fortiori,⁹ [to wit]: Seeing that in the case of a niddah,¹⁰ though the beginning of the [seventh] day is not reckoned as concluding her period,¹¹ the end of the [first] day yet counts for the beginning of her period,¹² in the case of [a period of] years where one day is counted [as a whole year] at the end,¹³

(1) Although three years are reckoned to have been completed by the previous New Year.

- (2) Tosef. Sheb. I.
- (3) Ibid. 24, 25. Stress is laid in the exposition on the word 'and'.
- (4) The view that thirty days are required to count as a year.
- (5) Lit., 'for if like R. Meir, surely he said'.
- (6) But par ben bakar means 'of the third year'. V. Tosaf. s.v. **kdg**.
- (7) E.g., the three-yearly period of the par.
- (8) E.g., of the three-yearly period of 'uncircumcision.
- (9) To show that it makes no difference whether the day is at the beginning or the end of the period.
- (10) A menstruous woman.
- (11) Her period of uncleanness ending only at nightfall on the seventh day, and not at any hour earlier in the day.
- (12) I.e., if she begins counting in the middle of a day, as soon as nightfall arrives she is reckoned as having completed one day. [The reference here is to Niddah who according to Biblical law was allowed to cleanse herself when seven days had passed from her first menstrual flow, provided it ceased on the seventh day before sunset. This law was later replaced by the more stringent Rabbinic rule necessitating a period of seven clean days after a single blood issue.]
- (13) As in the case of the par.

Talmud - Mas. Rosh HaShana 10b

does it not follow that one day should be counted [as a year] at the beginning? — What then? Will you say [that the passage quoted¹ follows] R. Eleazar? [How can this be, seeing that] R. Eleazar requires thirty days and thirty days,² as we have learnt: 'It is not allowed to plant nor to bend over nor to graft in the year before the Sabbatical year less than thirty days before New Year, and if one did plant or bend over or graft, he must uproot the plant. So R. Eleazar. R. Judah said: If a grafting does not take within three days, it will not take at all. R. Jose and R. Simeon said that it takes two weeks',³ and [commenting on this] R. Nahman said in the name of Rabbah b. Abbuha: On the view that thirty days are the period [for taking] we require thirty days and thirty;⁴ on the view that three days are the period, thirty-three days are required; on the view that two weeks are the period, two weeks and thirty days are required. Now even if [we accept the view of] R. Judah, thirty-three days are required? — The truth is [that the statement in question follows] R. Meir, and when it says thirty days, it means the thirty days of taking. In that case it should say thirty-one days?⁵ — He held that the thirtieth day counts both ways.

R. Johanan said: Both of them [R. Meir and R. Eleazar] based their views on the same verse, viz., And it came to pass in the one and six hundredth year, in the first month, on the first day of the month.⁶ R. Meir reasoned: Seeing that the year was only one day old and it is still called a year, we can conclude that one day in a year is reckoned as a year. What says the other to this? — [He says that] if it were written, 'In the six hundred and first year', then it would be as you say. Seeing, however, that it is written, 'In the one and six hundredth year', the word 'year' refers to 'six hundred', and as for the word 'one', this means 'the beginning of one'.⁷ And what is R. Eleazar's reason? — Because it is written, 'In the first month on the first day of the month. Seeing that the month was only one day old and it is yet called 'month', we can conclude that one day in a month is reckoned as a month; and since one day in a month is reckoned as a month, thirty days in a year are reckoned as a year, a month being reckoned by its unit and a year by its unit.

(We infer from what has just been said that both [R. Meir and R. Eleazar] were of opinion that the world was created in Nisan.)⁸

It has been taught: R. Eliezer says: In Tishri the world was created; in Tishri the Patriarchs⁹ were born; in Tishri the Patriarchs died; on Passover Isaac was born; on New Year Sarah, Rachel and Hannah were visited;¹⁰ on New Year Joseph went forth from prison

(1) Where it says that less than thirty days does not count for planting etc.

(2) To elapse before a year is completed for 'uncircumcision' — thirty days for the 'taking' and thirty for the addition from the profane on to the holy (Rashi).

(3) Sheb. II, 6.

(4) To count for a year of 'uncircumcision'. V. p. 37, n. 11.

(5) Thirty days for taking and one for the addition.

(6) Gen. VIII, 13.

(7) I.e., it merely gives the date, but gives no indication that a day can be counted as a year.

(8) Because both agree that 'the first day of the first month' in the text marks the beginning of another year. Rashi points out that both might equally well hold that the 'first month' here means Tishri, it being so called as first month to the creation and he therefore rejects this sentence. But v. Tosaf. s.v. **kkfn**.

(9) Abraham and Jacob.

(10) I.e., remembered on high.

Talmud - Mas. Rosh HaShana 11a

; on New Year the bondage of our ancestors in Egypt ceased;¹ in Nisan they were redeemed and in Nisan they will be redeemed in the time to come. R. Joshua says: In Nisan the world was created; in Nisan the Patriarchs were born; in Nisan the Patriarchs died; on Passover Isaac was born; on New Year Sarah, Rachel and Hannah were visited; on New Year Joseph went forth from prison; on New Year the bondage of our ancestors ceased in Egypt; and in Nisan they will be redeemed in time to come.

It has been taught: 'R. Eliezer says: Whence do we know that the world was created in Tishri? Because it says, And God said, Let the earth put forth grass, herb yielding seed, and fruit-tree.² Which is the month in which the earth puts forth grass and the trees are full of fruit? You must say that this is Tishri. That time was the season of rainfall,³ and the rain came down and the plants sprouted, as it says, And a mist went up from the earth.⁴

R. Joshua says: Whence do we know that the world was created in Nisan? Because it says, And the earth brought forth grass, herb yielding seed after its kind, and tree bearing fruit.⁵ Which is the month in which the earth is full of grass and trees [begin to] produce fruit? You must say that this is Nisan. That time was the period when cattle, beasts and fowls copulate with one another, as it says, The rains have mounted the sheep etc.⁶ And how does the other explain the text, 'tree bearing fruit'? — This signifies a blessing for future generations. And what does the other make of the words 'fruit-tree'? — This is to be explained in accordance with the dictum of R. Joshua b. Levi; for R. Joshua b. Levi said: All creatures of the creation were brought into being with their full stature, their full capacities, and their full beauty, as it says, And the heaven and the earth

were finished, and all the host of them [zeba'am]. Read not zeba'am, but zibyonam [their beauty].

R. Eliezer said: Whence do we know that the Patriarchs were born in Tishri? Because it says, And all the men of Israel assembled themselves unto King Solomon, at the feast in the month Ethanim;⁷ that is, the month in which the mighty ones [ethanim] of the world were born. How do you know that this word ethan means 'mighty'? — Because it is written, Thy dwelling-place is firm [ethan],⁸ and it also says, Hear, ye mountains, the Lord's controversy, and ye mighty rocks [ethanim] the foundations of the earth.⁹ It also says, The voice of my beloved, behold he cometh, leaping upon the mountains, skipping upon the hills,¹⁰ [where] 'leaping upon the mountains' means, for the merit of the patriarchs, and 'skipping upon the hills' means, for the merit of the matriarchs.

R. Joshua said: Whence do we know that the patriarchs were born in Nisan? Because it says, and it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year in the month of Ziv¹¹ — that is, the month in which the brilliant ones [zewthane] of the world were born. But how does he explain the expression 'month of Ethanim'? — It means, [the month] which is strong in religious duties.¹² What does the other make of the expression 'in the month of Ziv'? — It means, the month in which there is splendour for the trees, for so Rab Judah has said: When a man goes abroad in the days of Nisan and sees trees blossoming, he should say, 'Blessed is He that hath not left His world short of anything and has created therein goodly creatures and goodly trees to rejoice mankind'.

He who holds that they were born in Nisan holds that they died in Nisan, and he who holds that they were born in Tishri holds that they died in Tishri, as it says, I am a hundred and twenty years old this day.¹³ The word 'this day' seems here superfluous. What then is the point of it? [As much as to say], This day my days and years have reached full measure, which teaches that the Holy One, blessed be He, sits and completes the years of the righteous from day to day and from month to month, as it says, The number of thy days I will fulfil.¹⁴

Whence do we know that Isaac was born on Passover? — Because it is written, On the [next] festival¹⁵ I will return unto thee.¹⁶ Now when was he [the angel] speaking?¹⁷ Shall I say [he was speaking] on Passover and referring to Pentecost? Could she bear in fifty days?¹⁸ Shall I say then that [he was speaking on] Pentecost and was referring to Tishri? Even in five months could she bear? I must suppose then that he was speaking on Tabernacles and referring to Passover.¹⁹ Even so, could she bear in six months? — It has been taught that that year was a leap year. All the same, if the Master deducts the days of uncleanness,²⁰ the time is too short? — Mar Zutra replied: Even those who hold that when a woman bears at nine months she does not give birth before the month is complete²¹ admit that if she bears at seven months she can give birth before the month is complete, as it says, And it came to pass after the cycle of days;²² the minimum of cycles is two, and the minimum of days is two.

'On New Year Sarah, Rachel and Hannah were visited'. Whence do we know this? — R. Eliezer said: We learn it from the two occurrences of the word 'visiting', and the two occurrences of the word 'remembering'. It is written concerning Rachel, And God remembered Rachel,²³ and it is written concerning Hannah, And the Lord remembered her,²⁴ and there is an analogous

mention of ‘remembering’ in connection with New Year, as it is written, a solemn rest, a remembering of the blast of the trumpet.²⁵ The double mention of visiting [is as follows]. It is written concerning Hannah, For the Lord had visited Hannah,²⁶ and it is written concerning Sarah, And the Lord visited Sarah.²⁷

‘On New Year Joseph went forth from the prison’. Whence do we know this? — Because it is written, Blow the horn on the new moon, on the covering day for our festival . . .

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- (1) Six months before the redemption.
 - (2) Gen. I, 11.
 - (3) Lit., ‘fructification’.
 - (4) Gen. II, 6. This is supposed to have been at the time of the creation, and is therefore a proof that the world was created in Tishri.
 - (5) Gen. I, 12. ‘Bearing fruit’ is taken to mean, ‘about to bear fruit’.
 - (6) Ps. LXV, 14. ‘The meadows are clothed with flocks’. This Psalm is supposed to refer to the creation.
 - (7) I Kings VIII, 2. The verse continues, ‘which is the seventh month’.
 - (8) Num. XXIV, 21.
 - (9) Micah VI, 2.
 - (10) Cant. II, 8. This verse is adduced to show that mountains’ can refer to the Patriarchs.
 - (11) I Kings VI, 1. The text says that this was the second month, but sometimes the Nisan tekufah (vernal equinox) is late in occurring, in which case the month of Iyar may according to solar calculation still be Nisan (Rashi).
 - (12) As a number of festivals occur in it.
 - (13) Deut. XXXI, 2.
 - (14) Ex. XXIII, 26.
 - (15) Heb. **sgunk** E.V. ‘at the set time’.
 - (16) Gen. XVIII, 14. Said by the angel to Abraham with reference to the birth of Isaac.
 - (17) Lit., ‘standing’.
 - (18) The interval between Passover and Pentecost.
 - (19) According to another tradition (based on the words, knead and prepare unleavened cakes), the angels appeared to Abraham on Passover. Cf. Tosaf. s.v. **tkt** .
 - (20) According to tradition, Sarah became niddah (v. Glos.) on that day.
 - (21) Lit., ‘defective (months)’. I.e., less than twenty-nine or thirty days.
 - (22) I Sam. I, 20 (E.V. ‘when the time was come about’). This is taken as proof by the Talmud that Hannah bore after six months and two days.
 - (23) Gen. XXX, 22.
 - (24) I Sam. I, 19.
 - (25) Lev. XXIII, 24.
 - (26) I Sam. II, 21.
 - (27) Gen. XXI, 1 .

Talmud - Mas. Rosh HaShana 11b

He appointed it for Joseph for a testimony when he went forth¹ etc.

‘On New Year the bondage of our ancestors ceased in Egypt’. It is written in one place, and I

will bring you out from under the burdens of the Egyptians,² and it is written in another place, I removed his shoulder from the burden.³ ‘In Nisan they were delivered’, as Scripture recounts. ‘In Tishri they will be delivered in time to come’. This is learnt from the two occurrences of the word ‘horn’. It is written in one place, Blow the horn on the new moon,⁴ and it is written in another place, In that day a great horn shall be blown.⁵ ‘R. Joshua says, In Nisan they were delivered, in Nisan they will be delivered in the time to come’. Whence do we know this? — Scripture calls [the Passover] ‘a night of watchings’,⁶ [which means], a night which has been continuously watched for from the six days of the creation. What says the other to this? — [He says it means], a night which is under constant protection against evil spirits.⁷

R. Joshua and R. Eliezer are herein consistent [with views expressed by them elsewhere], as it has been taught: ‘In the sixth hundredth year of Noah's life, in the second month, on the seventeenth day of the month.’⁸ R. Joshua said: That day was the seventeenth day of Iyar, when the constellation of Pleiades sets at daybreak and the fountains begin to dry up, and because they [mankind] perverted their ways, the Holy One, blessed be He, changed for them the work of creation and made the constellation of Pleiades rise at daybreak and took two stars from the Pleiades and brought a flood on the world. R. Eliezer said: That day was the seventeenth of Marheshvan, a day on which the constellation of Pleiades rises at daybreak, and [the season] when the fountains begin to fill

(1) Ps. LXXXI, 4-6.

(2) Ex. VI, 6.

(3) Ps. LXXXI, 7 in reference to Joseph.

(4) Ibid. 4.

(5) Isa. XXVII, 13.

(6) Ex. XII, 42.

(7) I.e., on this night they are not allowed to roam as on other nights.

(8) Gen. VII, 11.

Talmud - Mas. Rosh HaShana 12a

, and because they perverted their ways, the Holy One, blessed be He, changed for them the work of creation, and caused the constellation of Pleiades to rise at daybreak and took away two stars [from it] and brought a flood on the world’.¹ Now accepting the view of R. Joshua, we can understand why the word ‘second’ is used;² but on R. Eliezer's view, what is meant by ‘second’? — [It means], the second to [the day of] judgment.³ Again, on R. Joshua's view we see what change there was in the work of creation; but on R. Eliezer's view what change was there?⁴ — The answer is found in the dictum of R. Hisda; for R. Hisda said: With hot liquid they sinned and with hot liquid they were punished. ‘With hot liquid they sinned’, namely, in [sexual] transgression. ‘With hot liquid they were punished’: it is written here⁵, and the waters assuaged,⁶ and it is written elsewhere, and the wrath of the king was assuaged.⁷

Our Rabbis taught: ‘The wise men of Israel follow R. Eliezer in dating the Flood⁸ and R. Joshua in dating the annual cycles,⁹ while the scholars of other peoples follow R. Joshua in dating the Flood also’.

AND FOR VEGETABLES. A Tanna taught: 'For vegetables and for tithes and for vows'. What is meant by vegetables? The tithes of vegetables? But this is the same as 'tithes'? — [The Tanna] mentions first a tithes prescribed by the Rabbis and then those prescribed by the Torah.¹⁰ But let him mention those prescribed by the Torah first? — Since he was specially pleased with the others,¹¹ he mentions them first. And our Tanna [— why does he not mention tithes]? — He mentions a tithes prescribed by the Rabbis,¹² and [leaves us to infer] a fortiori those prescribed by the Torah. Why does not the Tanna here say simply 'tithes' [in the singular]? — He desires to include both the tithes of cattle and the tithes of cereals. Then why does he not say 'vegetable' [in the singular]? — He refers to two kinds of vegetables, as we have learnt: '[Tithes is to be given from] vegetables which are commonly made up into bundles, from the time they are so made up, and from those which are not commonly so made up, from the time when he fills a vessel with them.

Our Rabbis taught: If one¹³ gathered herbs on the eve of New Year before sunset, and then gathered some more

(1) There seems to be some confusion in the text here. To make it astronomically correct we should read (with the Seder Olam) in the dictum of R. Joshua, 'When Pleiades rises at daybreak', and in the dictum of R. Eliezer, 'sets at daybreak'.

(2) Because we find Nisan called the first month in the Torah.

(3) Which is also recognized by Scripture as the beginning of a year in the text, 'The eyes of the Lord are upon it (the Land of Israel) from the beginning of the year'.

(4) Seeing that it was the season of rain.

(5) In connection with the Flood.

(6) Gen. VIII, 1.

(7) Esth. VII, 10.

(8) I.e., the years of Noah and the calendar from Tishri; Tishri being the New Year for years.

(9) They hold that the world was created in Nisan, v. supra p. 30, n. 5.

(10) Tithes for all other kinds of produce apart from vegetables are derived by the Rabbis from biblical texts. But v. Tosaf. s.v. **tb**, .

(11) Because they were a rabbinic innovation.

(12) I.e., tithes for vegetables.

(13) Apparently a non-Jew is meant (Tosaf.).

Talmud - Mas. Rosh HaShana 12b

after sunset, terumah¹ and tithes are not given from one lot for another, because terumah and tithes are not given from the new for the old nor from the old for the new. If it was at the meeting point of the second and third years² [of the septennial cycle], from that [which is plucked in] the second year first and second tithes³ [have to be given], [and from that which was plucked in] the third year, first tithes and the tithes of the poor.

Whence this rule? — R. Joshua b. Levi says: [It is written], When thou hast made an end of tithing all the tithes of thine increase in the third year, which is the year of the tithes.⁴ This means

the year in which there is only one tithe.⁵ How is then one to act? [He gives] the first tithe and the tithe of the poor, and the second tithe is omitted. Is this correct, or should the first tithe also be omitted? — [Not so], because it says, Moreover thou shalt speak unto the Levites and say unto them, When ye take of the children of Israel the tithe which I have given you from them for your inheritance.⁶ The text here compares the tithe [of the Levites] to an inheritance, [to signify that] just as an inheritance is to be held uninterruptedly, so their tithe is to be given without interruption. It has been taught to the same effect: ‘When thou hast made an end of tithing etc.’ [This means] a year in which there is only one tithe. How is one to act? [He gives] first tithe and tithe of the poor, and the second tithe is omitted. Should perhaps the first tithe also be omitted? — [Not so], because it says, and the Levite shall come,⁷ which means to say, every time he comes give him.⁸ So R. Judah. R. Eliezer b. Jacob says: We have no need [to appeal to this text].⁹ It says, Moreover thou shalt speak unto the Levites and say unto them, When ye take from the children of Israel the tithe which I have given you from them for your inheritance.¹⁰ The text here compares the tithe to an inheritance, to signify that just as an inheritance is held uninterruptedly, so the tithe is to be given without interruption.

AND FOR VOWS. Our Rabbis taught: If one is interdicted by vow to have no benefit from another person for a year, he reckons twelve months from day to day. If he said ‘for this year’, then even if he made the vow on the twenty-ninth of Elul, as soon as the first of Tishri arrives a year is completed for him; and this even on the view of those who say that one day in a year is not counted as a year. For he undertook to mortify himself, and he has mortified himself. But why not say [that his year ends in] Nisan? — In respect of vows, follow the ordinary use of language.¹¹

We have learnt elsewhere: ‘Fenugrec¹² [becomes liable to tithe] from the time when it grows;¹³ produce¹⁴ and olives, from the time when they have grown a third’. What is meant by ‘from the time when it grows’? — From the time when it grows sufficiently for resowing.¹⁵ ‘Produce and olives from the time when they are a third grown’. Whence this rule? — R. Assi said in the name of R. Johanan (some trace it back to the name of R. Jose the Galilean): Scripture says: At the end of every seven years, in the set time of the year of release, in the feast of Tabernacles.¹⁶ Now how comes the year of release to be mentioned here? The feast of Tabernacles is already the eighth year? It is in fact to intimate to us that if produce has grown a third in the seventh year before New Year, the rules of the seventh year are to be applied to it in the eighth year.¹⁷

Said R. Zera to R. Assi:

(1) V. Glos.

(2) Lit., ‘if the second entered into the third’. In the second year a tithe was taken to Jerusalem to be consumed there; in the third year a tithe was given to the poor, but not taken to Jerusalem. The first tithe which went to the Levites was given every year. v. infra.

(3) I.e., tithe of the Levites and tithe for Jerusalem.

(4) Deut. XXVI, 12.

(5) I.e., one of the two regular tithes.

(6) Num. XVIII, 26.

(7) Deut. XIV, 29.

(8) In the third year also.

(9) R. Eliezer apparently was not completely satisfied with the proof from this text, because it speaks of the Levite as in the category of the poor.

(10) Num. XVIII, 26.

(11) And men ordinarily talk of the year as beginning in Tishri.

(12) Or 'fenugreek', a leguminous plant allied to clover.

(13) I.e., its year is determined by the time of its growth and not of its gathering, as in the case of vegetables.

(14) **vtuc, v** It is a question whether this includes grapes or not. V. Tosaf.

(15) Cf. Tosaf. s.v. **j nm, an**.

(16) Deut. XXXI, 10.

(17) Tosaf. (s.v. **dvbn**) points out that this would seem to come under the rule already given above of adding from the profane on to the holy, and answers that from this verse we should learn only that the produce if harvested must be treated as seventh-year produce e.g. in respect of trading interest, but not that it is forbidden to harvest it.

Talmud - Mas. Rosh HaShana 13a

But perhaps even though it has not begun to ripen at all, the All-Merciful has still laid down that it is to be left alone until the feast of Tabernacles? — Do not imagine such a thing. For it is written, and the feast of ingathering [asif] at the end of the year.¹ Now what is 'ingathering'? Shall I say it means the feast which comes at the time of ingathering? This is already signified in the words when thou gatherest in.² What then must be meant here by asif? Harvesting;³ and the Rabbis take it for granted that all produce which is harvested by Tabernacles must have grown to a third by New Year, and Scripture applies to it the words at the end of the year.⁴ Said R. Jeremiah to R. Zera: And were the Rabbis certain that there is this distinction between a third and less than a third?⁵ He replied to him: Am I not always telling you not to let yourself go beyond the established rule? All the measurements laid down by the Sages are of this nature. In forty se'ahs [of water] a ritual bath may be taken; in forty se'ahs less a kurtub⁶ it may not be taken. [A quantity of food equal to the] size of an egg can be rendered unclean as foodstuff; if it is short of that quantity by a grain it cannot be rendered unclean. [A piece of cloth] three handbreadths by three can be rendered unclean by being trodden on,⁷ less than this quantity by one hair is not so rendered unclean. R. Jeremiah subsequently said: What I said is of no account. For R. Kahana was asked by members of the college, Whence did the Israelites bring the omer which they offered on their entry into the Land [of Israel]? If you say, it grew⁸ while still in the possession of the heathen, [this cannot be, since] the All Merciful prescribed your harvest⁹ and not the harvest of the stranger. (But how do we know that they [the Israelites] offered it at all? Perhaps they did not offer it at all? — Do not imagine such a thing. For it is written, And they did eat of the produce of the land on the morrow after the Passover.¹⁰ On the morrow after the Passover they ate, but not before, [which shows that] they brought the omer and only then ate. Whence then did they obtain it?) — He [R. Kahana] replied to them: All that had not grown to a third while in the possession of the stranger [was fitting for their use]. Now [it might be argued here also that] perhaps it had grown [in the possession of the stranger] and they were not certain. The fact, however, [that they ate it] shows that they were certain. So here,¹¹ the Rabbis are certain. But perhaps [the Israelites brought the omer from] corn which had not commenced to grow [when they entered the land], but where it had grown to a quarter they were not certain about the difference between a third and less than a third?¹² — Do not imagine such a thing. For it is written, And the people went up from the Jordan on the tenth of the month.¹³ Now if you assume that by then the corn had not

grown at all, could it become ripe in five days? But [on your assumption] that it had grown to a fourth or a fifth, could [such corn] become ripe in five days? What you consequently have to answer [even on this assumption] is that the land of Canaan is called 'the land of the hind';¹⁴ so [on the other assumption] you can answer that it is called 'the land of the hind'.

R. Hanina objected strongly to the statement made above. Can you, he said, maintain that this 'asif' is 'harvesting', seeing that it is written, when thou gatherest in from thy threshing floor and from thy wine press,¹⁵ and [commenting on this] a Master has said, The verse speaks of the waste of the threshing floor and the wine press?¹⁶ Said R. Zera: I thought I was sure of this,¹⁷ and now R. Hanina has come and put a spoke in my wheel.¹⁸ How then do we know [this rule about a third]? — As it has been taught: R. Jonathan b. Joseph says: And it shall bring forth produce for the three years;¹⁹

(1) Ex. XXIII, 16.

(2) Ibid.

(3) The verse meaning that the harvest gathered in at this season belongs to the year going out.

(4) Which shows that it is regarded as belonging to the year which is going out.

(5) Viz., that what is grown to a third belongs to one year, and what is less grown to another year. This seems to R. Jeremiah rather arbitrary.

(6) A small liquid measure equal to 1/64 of a log.

(7) By one who had a flux.

(8) A third (Rashi).

(9) Ye shall bring the sheaf of the firstfruits of your harvest unto the priest. Lev. XXIII, 10.

(10) Josh. V, 11.

(11) With reference to the corn that is harvested at the season of Tabernacles.

(12) And it was not from such corn that they brought the omer.

(13) Josh. IV, 19.

(14) Dan. XI, 16 (E.V. beautiful land). The Sages say that the Land of Israel is compared to a hind on account of its swiftness in bringing its products to maturity. Keth. 112.

(15) Deut. XVI, 13. 'From' is taken in the partitive sense.

(16) To show that it may be used for covering the sukkah; and the phrase, Festival of 'asif' ('ingathering') here too has the same signification — the festival that comes at the time when people 'gather in' the waste products for the sukkah.

(17) Lit., 'this thing was in our hand'.

(18) Lit., 'has thrown into it an axe'.

(19) Lev. XXV, 21.

Talmud - Mas. Rosh HaShana 13b

read not lishlosh [for three], but lishlish [to a third].¹ But this text is required for its literal meaning?² It is written in another verse, And ye shall sow for the eighth year and eat of the produce, the old store, until the ninth year.³

We have learnt elsewhere:⁴ 'Rice, millet, hanie⁵ and sesame,⁶ if they have taken root by New Year, are for purposes of tithe counted⁷ as belonging to the year before [the New Year],⁸ and are

permitted in the seventh year.⁹ Otherwise they are forbidden in the seventh year,⁹ and are reckoned for tithe as belonging to the next year.¹⁰ Rabbah said: The Rabbis have laid down that [the tithe year of] a tree is determined by its blossoming, that of produce and olives by their becoming a third grown, that of vegetables by their ingathering. In which class have these been placed by the Rabbis? — Rabbah answered himself by saying: Since they are gathered for shelling as required,¹¹ the Rabbis made the taking root the determining factor.¹²

Said Abaye to him: Can he not collect the whole crop in a heap,¹³ so that ex post facto he will have set aside from the new crop in it for the new crop in it, and from the old crop in it for the old crop?¹⁴ Has it not been taught:¹⁵ ‘R. Jose b. Kippar says in the name of R. Simeon Shezuri: If Egyptian beans have been sown for seed and part takes root before New Year and part after, terumah and tithe must not be given from one lot for another, because terumah and tithe are not given from the new for the old nor from the old for the new. How then is one to manage? He collects the whole crop in a heap, so that in the end he gives terumah and tithe from the new crop in the heap for the new crop in the heap, and from the old crop in the heap for the old crop in the heap! — He replied to him: You cite R. Simeon Shezuri. R. Simeon Shezuri held that mixing can be relied on,¹⁶ whereas the Rabbis held that mixing cannot be relied on.

R. Isaac b. Nahmani said in the name of Samuel: The halachah follows the ruling given by R. Jose b. Kippar in the name of R. Simeon Shezuri. R. Zera strongly demurred to this. Did Samuel, he asked, really say this? Has not Samuel said: Mixing is not relied on for anything save wine and oil? — R. Zera overlooked the following dictum of Samuel: The determining factor is in all cases the full ripening.¹⁷

(1) Meaning that it is considered ripe when it has grown a third.

(2) And how therefore can you use it for a deduction?

(3) Ibid. 22. This shows that the produce of the sixth year will last three years, and therefore the other verse is not required to tell us this and may be used for a deduction.

(4) Sheb. II, 7.

(5) A species of millet.

(6) These are all counted as varieties of pulse.

(7) In an ordinary year.

(8) Second or third as the case may be. V. p. 44, n. 6.

(9) Viz. , those that take root in the sixth.

(10) V. Sheb. II, 7.

(11) I.e., some before New Year and some after. [The phrase **ihfrp ihfrp ihuag** is difficult. Rashi renders: They (their gathering) are made (as they are needed) for shelling. R. Hananel reads **ihdrp** (‘beds’) and renders, They ripen (at different times) in different beds, even though they may ‘take’ at the same time].

(12) Because otherwise it would be difficult to keep the old and the new separate for tithing purposes without great inconvenience.

(13) Lit., ‘heap up his threshing-floor in the middle of it’.

(14) Abaye holds that if the whole crops old and new, is well mixed together, then when he sets aside terumah and tithe from it, the proportion of old and new in the terumah and tithe will be the same as the proportion of old and new in the whole crop.

(15) Tosef. Sheb. II.

(16) To produce old and new in proper proportions in the tithe. Lit., 'there is mixing'.

(17) And therefore in fact tithe is given from Egyptian beans all together, whether they took root in the outgoing or in the incoming year, which is as R. Simeon Shezuri said, in so far that the two crops can be tithed together, although according to each for a different reason. For on the view of Samuel the whole is regarded as belonging to the incoming year, which is not what R. Simeon said.

Talmud - Mas. Rosh HaShana 14a

And all three dicta of Samuel are necessary.¹ For if he had told us only that the law follows R. Simeon b. Shezuri, I should have said that his reason was because we can rely on mixing; he tells us therefore that mixing is not to be relied on for anything. And if he had told us that mixing is not to be relied on for anything, I should have said that he holds with the Rabbis;² therefore he tells us that the halachah follows R. Simeon Shezuri. If again we had only these two dicta, I should have said that Samuel contradicts himself;³ he therefore tells us that the determining factor is in all cases the full ripening.⁴ And if he had told us [only] that the determining factor is in all cases the full ripening, I should have said that this applies also to produce and olives. Therefore he tells us that the halachah follows R. Simeon Shezuri where he expresses a different view.⁵ [But if so], let him indicate [only] these two points; why does he tell us that mixing is not in all cases to be relied on? — His object is to tell us that for wine and oil mixing is to be relied on.

It has been taught: R. Jose the Galilean says: After that thou hast gathered in from thy threshing-floor and from thy wine press:⁶ [this tells us that] just as the [produce brought to the] threshing floor and the wine press have this special feature, that they are nurtured by the waters⁷ of the outgoing year and are [consequently] tithed for the outgoing year, so all products which are nurtured by the waters of the outgoing year are tithed for the outgoing year. This excludes vegetables, which are nurtured by the waters of the current year⁸ and are [consequently] tithed for the current year. R. Akiba said: 'After that thou hast gathered it, from thy threshing-floor and thy wine press:' just as [the products brought to the] threshing-floor and wine press have this special feature that they are nurtured by rain water⁹ and [consequently] are tithed for the outgoing year, so all products that are nurtured by rain water are tithed for the outgoing year. This excludes vegetables, which are nurtured by all kinds of water¹⁰ and are consequently tithed for the current year. Where do they [R. Jose and R. Akiba] differ in practice? — R. Abbahu said: They take different views with regard to seedless onions and Egyptian beans, as we have learnt:¹¹ Seedless onions and Egyptian beans which have been kept without water for thirty days before New Year [and are gathered after New Year] are tithed for the outgoing year and are permitted in the Sabbatical year. Otherwise they are forbidden in the Sabbatical year and are tithed for the current year.¹²

ON THE FIRST OF SHEBAT IS NEW YEAR FOR TREES. What is the reason? — R. Eleazar said in the name of R. Oshaia: Because [by then] the greater part of the year's rain has fallen¹³ and the greater part of the cycle¹⁴ is still to come. What is the sense of this? What it means is this: 'Although the greater part of the cycle is still to come, yet since the greater part of the year's rain has fallen, [therefore etc.]'.

Our Rabbis taught: 'It is recorded of R. Akiba that he once plucked a citron tree on the first of

Shebat and gave two tithes from

- (1) For making clear to us his point of view.
- (2) So that if old and new have become mixed together, tithe for both parts of the mixture must proportionately be given from some other quarter.
- (3) By saying on the one hand that the law follows R. Simeon, which would imply that mixing can be relied on, and on the other that mixing cannot be relied on.
- (4) And this is the reason why the law follows R. Simeon.
- (5) From the Rabbis. That is, only in the case of beans etc. but not of produce, where Samuel would hold that the decisive factor is the growth of a third. [R. Hananel reads 'where they (R. Simeon b. Shezuri and the Rabbis) differ'].
- (6) Deut. XVI, 13.
- (7) This apparently includes both rain water and irrigation.
- (8) Lit., 'the year that covers'. The year in which they are gathered.
- (9) Lit., 'most (kinds of) water'.
- (10) Including irrigation.
- (11) Sheb. II, 9.
- (12) Rashi gives two views as to what is implied in this. According to one opinion, if these vegetables have been kept without water for the last thirty days of the outgoing year, then R. Jose would hold that they must have been nurtured by the rain water of that year, and so are to be tithed for that year; whereas R. Akiba would hold that their growth is due in part to irrigation. and so they would be tithed for the next year; and the Mishnah quoted follows R. Jose. The other opinion is that as they have not been irrigated for thirty days, it is R. Akiba and not R. Jose who would hold that they have been nurtured by the rain of the outgoing year, and the Mishnah therefore follows R. Akiba. It was customary to withhold water from these two species for thirty days before plucking them so as to harden them.
- (13) And the trees now begin to blossom.
- (14) The cycle of Tebeth; i.e., the winter season beginning at the winter solstice. V. supra p. 30, n. 5.

Talmud - Mas. Rosh HaShana 14b

it,¹ one² in accordance with the ruling of Beth Shammai and one³ in accordance with the ruling of Beth Hillel.⁴ R. Jose b. Judah said: He did not follow the [two] rulings of Beth Shammai and Beth Hillel, but the [two] rulings of Rabban Gamaliel and R. Eliezer, as we have learnt:⁵ 'A citron tree follows the rule of a tree in three respects and of a vegetable in one respect. It follows the rule of a tree in three respects — for 'uncircumcision,'⁶ for fourth-year fruit, and for the Sabbatical year. It follows the rule of a vegetable in one respect, its tithe [year] being determined by its plucking. So Rabban Gamaliel. R. Eliezer, however, says that a citron follows the rule of a tree in all respects.⁷

But is it right to adopt the harder rule from both sides?⁸ Has it not been taught: 'As a general principle, the halachah follows Beth Hillel. If one prefers, however, to adopt the rule of Beth Shammai, he may do so, and if he desires to adopt the rule of Beth Hillel he may do so. One, however, who adopts the more lenient rulings of both Beth Shammai and Beth Hillel [on the same subject] is a bad man, while to one who adopts the more stringent rulings of both Beth Shammai and Beth Hillel may be applied the verse, But the fool walketh in darkness.'⁹ No; either one must

follow Beth Shammai both where they are more severe and more lenient or Beth Hillel both where they are more severe and more lenient’? — [The answer is that] R. Akiba was doubtful about the tradition, and did not know whether Beth Hillel fixed [the New Year for trees] on the first of Shebat or on the fifteenth of Shebat.¹⁰

‘R. Jose b. Judah said: He did not adopt the two rulings of Beth Shammai and Beth Hillel, but of Rabban Gamaliel and R. Eliezer [But would R. Jose hold that] in respect of the first of Shebat he adopted the ruling of Beth Shammai?’¹¹ — R. Hanina (or some say R. Hananiah) said: The case here is one of a citron which had blossomed before the fifteenth of Shebat of the previous year,¹² and R. Akiba might equally well have done the same thing at all earlier date,¹³ but this happened to be the actual date. Rabina said: Combine¹⁴ the two statements. It was not the first of Shebat but the fifteenth of Shebat,¹⁵ and he [R. Akiba] did not adopt the two rulings of Beth Shammai and Beth Hillel but of Rabban Gamaliel and R. Eliezer.

Rabbah son of R. Huna said: Seeing that Rabban Gamaliel has said that the tithe year of a citron tree is determined by its plucking like that of a vegetable, its New Year [like that of a vegetable] must be the first of Tishri. The following was cited in objection to this: ‘R. Simeon b. Eleazar says: If a man plucked the fruit of a citron tree on the eve of the fifteenth of Shebat before sunset, and then plucked some more after sunset, terumah and tithe must not be given from one lot for the other because terumah and tithe are not given from the new for the old nor from the old for the new. [If it was at the meeting point of the third and] fourth years, [from the fruit of] the third year he gives first tithe and the tithe of the poor, and from the fruit of the fourth year the first tithe and the second tithe’.¹⁶

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- (1) The second tithe for the second year and the poor tithe for the third.
 - (2) The poor tithe.
 - (3) The second tithe.
 - (4) Who say that the New Year begins only on the fifteenth of Shebat.
 - (5) Bek. II, 6.
 - (6) ‘Orlah, v. Glos.
 - (7) And its tithe-year is determined by its blossoming. Being in doubt whether to follow R. Gamaliel or R. Eliezer, R. Akiba gave two tithes.
 - (8) Where two authorities give each two rulings with regard to a certain subject, one being more stringent in respect of one point and the other in respect of the other. For instance, Beth Shammai rule that the lack of one vertebra in a human spine still leaves it capable of defiling by ‘overshadowing’ (v. Glos. s.v. ohel) but does not make an animal trefa (v. Glos.) whereas Beth Hillel says that it makes an animal trefa but leaves it incapable of defiling by overshadowing. Here Beth Shammai are more stringent in the matter of defilement and Beth Hillel in the matter of trefa (v. ‘Er. 6b). So here, R. Akiba took on himself two burdens when one would have sufficed.
 - (9) Eccl. II, 14.
 - (10) And he followed Beth Hillel only.
 - (11) [For according to Beth Hillel, even if the tithe is determined by the blossoming he would still not be liable to the tithe of third year, which would not begin before the fifteenth of Shebat.]
 - (12) When the third year began, and the fruit had been left on the tree. A citron can remain on the tree for several years.
 - (13) R. Akiba following Beth Hillel and the two rulings of R. Gamaliel and R. Eliezer, the blossoming having

taken place in the second year.

(14) In R. Jose's statement.

(15) When unquestionably a New Year would have commenced for trees.

(16) Tosef., R.H.I., cf. supra p. 44, nn. 6-7.

Talmud - Mas. Rosh HaShana 15a

Now which authority is reported to make plucking the determining factor? Rabban Gamaliel; and he says here Shebat?¹ — The statement should have been reported differently,² [thus]: Rabbah b. bar Huna said: Although Rabban Gamaliel said that [the tithe-year of] a citron tree is determined by its plucking like [that of] a vegetable, yet its New Year is Shebat.

Why in the former statement³ is the expression used, 'if it was the meeting point of the second and third years', and in this statement the expression, 'if it was the meeting point of the third and fourth years'? — This points out to us incidentally that the citron tree suffers from being handled, and since everybody handles it in the seventh year,⁴ it does not yield fruit till the third year [after blossoming].

R. Johanan inquired of R. Jannai: When is the New Year of the citron tree? — He replied: In Shebat. Do you mean [he asked further] Shebat of the calendar⁵ or Shebat of the cycle?⁶ — He replied: Shebat of the calendar.⁷

Raba inquired of R. Nahman (or, according to others, R. Johanan inquired of R. Jannai): Suppose it was a leap year, what is the rule?⁸ — He replied: Do as in ordinary years.⁹

Rabbah said: A citron tree which has blossomed in the sixth year and ripened in the seventh¹⁰ is not liable to tithe and not liable to clearance;¹¹ while one which has blossomed in the seventh year and produced fruit in the eighth is not liable to tithe but is liable to clearance. Said Abaye to him: Your second clause is unobjectionable, because [you can say that] you take the more stringent view.¹² But your first clause [surely involves a contradiction]? [For you say], 'It is not liable to clearance'. Why so? Because we say, Make the blossoming the determining factor.¹³ But if so, it should surely be liable to tithe? — He replied to him: Everybody handles it, and you say it should be liable to tithe! R. Hamnunah, however, said: A citron tree which blossoms in the sixth year and ripens in the seventh is always reckoned as belonging to the sixth, and one which blossoms in the seventh and ripens in the eighth is always regarded as belonging to the seventh. The following was cited in objection: 'R. Simeon b. Judah said in the name of R. Simeon: A citron tree which blossoms in the sixth year and ripens in the seventh is not liable to tithe and not liable to clearance, since no fruit is liable to tithe which has not both grown and been plucked in a period of liability.¹⁴ A citron tree which blossoms in the seventh year and ripens in the eighth year is not liable either to tithe or to clearance, since no fruit is liable to clearance which has not both grown and been plucked in the seventh year'. Now the first part of this statement seems to contradict R. Hamnunah,¹⁵ and the second part both Rabbah and R. Hamnunah?¹⁶ — There is a difference of Tannaim on this point,¹⁷ as it has been taught: 'R. Jose said: Abtolmus testified in the name of five elders that a citron is determined by its plucking in the matter of tithe. Our teachers, however, took a vote in Usha and decided that it is determined by its plucking for purposes both of tithe

and of Sabbatical year'. How does Sabbatical year come to be mentioned here? —

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- (1) And not Tishri.
 - (2) Lit., 'if the statement was made it was stated thus'.
 - (3) In the Tosef. quoted on 12a ad fin.
 - (4) Since, like all other trees, it is common property in that year.
 - (5) I.e., the lunar month Shebat-thirty days from the first of Tebeth.
 - (6) Thirty days from the cycle of Tebeth (Winter Solstice, usually Dec. 22).
 - (7) In spite of the fact that fructification is due to the action of the sun.
 - (8) Do we make the New Year in Shebat which comes next to Tebeth, or in First Adar which takes the place of Shebat in this year?
 - (9) Lit., 'follow most of the years'. I.e., adhere to Shebat.
 - (10) Lit., 'the daughter of the sixth which enters into the seventh'.
 - (11) In the third and sixth years of the Septennate. V. Deut. XXVI, 13.
 - (12) I.e., the view which is more stringent in this case, viz., that we go by the blossoming and not by the plucking. And since we do this for purposes of clearance, we also do it for purposes of tithes, although this means taking the more lenient view. (V. Tosaf s.v. **tnkac**).
 - (13) And so it belongs to the sixth year.
 - (14) And the seventh year is not a period of liability for tithe.
 - (15) Who holds that if it blossoms in the sixth it is liable to tithe.
 - (16) Who both hold that if it blossomed in the seventh year it is liable to clearance.
 - (17) As to whether we go by the plucking or the blossoming for purposes of the Sabbatical year.

Talmud - Mas. Rosh HaShana 15b

There is an omission in the statement, which should read as follows: '[Abtolmus testified that] a citron tree is determined by its plucking for purposes of tithe and by its blossoming for purposes of the Sabbatical year.¹ Our teachers, however, took a vote in Usha and decided that it is determined by its plucking for purposes both of tithe and of Sabbatical year'.

It has been stated: R. Johanan and Resh Lakish both lay down that a citron tree which blossoms in the sixth year and ripens in the seventh year is always reckoned as belonging to the sixth year.² When Rabin came [from Palestine], he said in the name of R. Johanan: A citron which blossomed in the sixth year and ripened in the seventh, even though [at the beginning of the seventh] it was no bigger than an olive and it subsequently became as big as a loaf, can render one guilty of breaking the rule of tebel.³

Our Rabbis taught: If the fruit of a tree blossoms before the fifteenth of Shebat, it is tithed for the outgoing year; if after the fifteenth of Shebat, it is tithed for the incoming year. R. Nehemiah said: This rule applies only to trees which produce two broods in a year.⁴ (Two broods,⁵ do you say? — He should say, as it were two broods).⁶ Trees, however, which produce only one brood, like date trees, carob trees and olive trees, even though they blossom before the fifteenth of Shebat are tithed for the incoming year.

R. Johanan said: In regard to carob trees, it has become the general custom to follow the rule

of R. Nehemiah. Resh Lakish sought to confute R. Johanan from the following: 'As regards wild fig-trees, their seventh year is the second year [of the Septennate] because [after blossoming] their fruit takes three years to grow'.⁷ — He made no answer.⁸ Said R. Abba the priest to R. Jose: Why did he make no answer? He could have said to him, I give the view of R. Nehemiah, and you bring against me the view of the Rabbis! — [He could not have answered him thus], because Resh Lakish could have retorted: Do you abandon the Rabbis and follow R. Nehemiah? — But he could have said to him, I speak to you of the general custom, and you speak to me of a prohibition?⁹ — [He could not answer thus], because he could have said to him: Where a prohibition applies, even if there is a general custom, do we allow it? — But he could have said to him: I speak to you of the tithe of carobs, which is Rabbinical, and you speak to me of the Sabbatical year, which is Pentateuchal! — The truth is, said R. Abba the priest, I wonder whether Resh Lakish put this question. Whether he put this question? But we are distinctly told that he did so! — What R. Abba should say is, whether he [R. Johanan] admitted the difficulty or not.¹⁰

(1) And this is the view taken by Rabbah and R. Hamnunah in respect of the law of clearance. For the purposes of tithes, however, Rabbah is of the opinion that although Abtolmus makes the plucking the decisive factor, he would nevertheless exempt from tithe a citron tree which blossomed in the sixth year and ripened in the seventh, for the reason that it is handled by everybody (Rashi).

(2) Whether for purposes of the Sabbatical year or tithes.

(3) V. Glos. If it was consumed before tithe was given for it, R. Johanan being of the opinion that we go by the blossoming.

(4) R. Nehemiah's statement is here interrupted while the use of the strange word 'broods' is explained.

(5) Heb. , **ufhrc** , a word strictly applicable only to broods of birds.

(6) I.e., their fruit is not all gathered at one time; e.g.. figs; cf. supra 13b, the rule in the case of beans.

(7) Sheb. V, 1 . Which would show that the blossoming is the determining factor in all trees, even those which are all plucked at one time.

(8) Lit. 'he was silenced'.

(9) The prohibition to determine the year by the plucking.

(10) I.e. , whether his silence was due to the fact that he had no answer, or to the fact that he thought it obvious that tithe of carobs, which is Rabbinical, could not be put on the same footing as produce of the Sabbatical year which is Pentateuchal.

Talmud - Mas. Rosh HaShana 16a

MISHNAH. AT FOUR SEASONS [DIVINE] JUDGMENT IS PASSED ON THE WORLD:¹ AT PASSOVER IN RESPECT OF PRODUCE; AT PENTECOST IN RESPECT OF FRUIT; AT NEW YEAR ALL CREATURES PASS BEFORE HIM [GOD] LIKE CHILDREN OF MARON,² AS IT SAYS, 'HE THAT FASHIONETH THE HEART OF THEM ALL, THAT CONSIDERETH ALL THEIR DOINGS',³ AND ON TABERNACLES JUDGMENT IS PASSED IN RESPECT OF RAIN.

GEMARA. Which produce is referred to? Shall I say, the produce which is already grown?⁴ If so, then when were the hardships decreed which it has already suffered? It must be then the produce which is to be sown later.⁵ You assume then that only one judgment is passed. But it has been taught: 'If some calamity or misfortune⁶ happens to produce before Passover, it is in virtue

of a judgment passed on the previous Passover, if after Passover, of a judgment passed at the Passover which has just gone.⁷ If a calamity or misfortune happens to a man before the Day of Atonement, it is in virtue of a judgment passed on the last Day of Atonement, if just after the Day of Atonement, of a judgment passed on the one just gone'! — Raba replied: This shows that two judgments are passed on the produce.⁸ Abaye remarked: Therefore if a man sees that the slow-maturing seed⁹ is doing well he should sow the quick-maturing seed¹⁰ in good time, so that it may be well grown before the time comes to judge it.¹¹

Our Mishnah seems to agree neither with R. Meir nor with R. Judah nor with R. Jose nor with R. Nathan. For it has been taught: 'All are judged¹² on New Year and their doom is sealed on the Day of Atonement. So R. Meir. R. Judah says: All are judged on New Year and the separate dooms are sealed each in its time — on Passover in respect of produce, on Pentecost in respect of fruit, on Tabernacles judgment is passed in respect of rain, and man is judged on New Year and his doom is sealed on the Day of Atonement. R. Jose says: Man is judged every day, as it says, And thou dost visit him every morning.¹³ R. Nathan says: Man is judged every moment, as it says, Thou dost try him every moment'.¹⁴ Should you maintain that it is after all in accordance with Rabbi Judah, [the seasons] mentioned in our Mishnah referring to the final doom, we may retort that if so there is a difficulty with the case of man!¹⁵ — Raba replied: This Tanna [of our Mishnah] follows the Tanna of the school of R. Ishmael, since it has been taught in the school of R. Ishmael: 'At four seasons judgment is passed on the world, on Passover in respect of produce, on Pentecost in respect of fruit, on Tabernacles judgment is passed in respect of rain, and man is judged on New Year and his doom is sealed on the Day of Atonement'. The statements of the Mishnah must then be taken to refer to the preliminary judgment.

R. Hisda said: What is the reason of R. Jose? — [How can you ask this?] Surely it is as he has stated, [viz., the text], 'And thou dost visit him every morning'! — What we mean is this: What is his reason for not taking the same view as R. Nathan? — 'Trying' merely means scrutinizing. But 'visiting' also merely means scrutinizing? The truth is, said R. Hisda, that R. Jose's reason is to be found in this text: To do the judgement of his servant and the judgement of his people Israel, as every day shall require.¹⁶

R. Hisda further said: If a king and a people present themselves together, the king stands his trial first, as it says, To do the judgement of his servant and the judgement of his people Israel.¹⁶ What is the reason? — If you like, I can say, because it is not proper that a king should remain outside, or if you like I can say, [so that he may be judged] before the [divine] anger waxes hot.¹⁷

R. Joseph said: Whose authority do we follow nowadays in praying [daily] for the sick and for the ailing?¹⁸ — Whose authority? That of R. Jose.¹⁹ Or if you like I can say that it is after all that of the Rabbis,²⁰ but that at the same time we follow the counsel of R. Isaac. For R. Isaac said: Supplication²¹ is good for a man whether before the doom is pronounced or after it is pronounced.²²

It has been taught: R. Judah said in the name of R. Akiba: Why did the Torah enjoin on us to offer an 'Omer on Passover? Because Passover is the season of produce. Therefore the Holy One, blessed be He, said, Bring before Me an 'Omer' on Passover so that your produce in the fields

may be blessed.²³ Why did the Torah enjoin on us to bring two loaves on Pentecost? Because Pentecost is the season for fruit of the tree. Therefore the Holy One, blessed be He, said: Bring before Me two loaves on Pentecost so that the fruit of your trees may be blessed.²⁴ Why did the Torah enjoin on us to pour out water on Tabernacles?²⁵ The Holy One, blessed be He, said, Pour out water before Me on Tabernacles, so that your rains this year may be blessed. Also recite before Me on New Year [texts making mention of] kingship, remembrance, and the shofar-kingship, so that you may proclaim Me king over you; remembrance, so that your remembrance may rise favourably before Me; and through what? Through the shofar.²⁶

R. Abbahu said: Why do we blow on a ram's horn? The Holy One, blessed be He, said: Sound before Me a ram's horn so that I may remember on your behalf the binding of Isaac the son of

Abraham,²⁷ and account it to you as if you had bound yourselves before Me.

R. Isaac said: Why do we sound the horn on New Year? — [You ask], why do we sound? The All-Merciful has told us to sound!²⁸ — What he means is, why do we sound a teru'ah?²⁹ [You ask] why do we sound a teru'ah? The All-Merciful has proclaimed 'a memorial of teru'ah!³⁰ — What he means is, why do we sound a teki'ah and teru'ah!³⁰ — sitting

(1) In accordance with its actions during the preceding year. By the 'world' here is probably meant only the people of Israel

(2) The general sense of this obscure expression is 'one by one', 'in single file'. Its precise meaning is discussed in the Gemara infra p. 18a q.v.

(3) Ps. XXXIII, 15.

(4) Having been sown in the previous autumn.

(5) In the coming autumn.

(6) **xbut ut hire**. The former by an 'act of God', the latter by an act of man', Aruch.

(7) Lit. , 'to come'. I.e., the Passover after which it had been sown.

(8) I.e., the same produce is judged in two years.

(9) Wheat and cummin, which are sown in October.

(10) Barley, 'which is sown in January or February.

(11) At the next Passover, and meanwhile it profits from the favourable judgment of the preceding Passover.

(12) This means apparently, 'all judgments are passed'.

(13) Job VII, 18.

(14) Ibid. Tosef. R.H. I.

(15) Whose judgment according to the Mishnah is on New Year.

(16) I Kings VIII, 59.

(17) Cf. supra 8b.

(18) V. P.B. p 47.

(19) Who holds that man is judged daily; v. Ned. 49a.

(20) I.e. our Mishnah.

(21) Lit., 'crying'.

(22) So that daily prayer for the sick is of some effect though judgment has already been pronounced on New Year.

(23) Passover being the season when judgment is pronounced on the produce.

(24) The connection between the loaves and fruit lies in the fact that firstfruits were not brought to the Temple

before Pentecost.

(25) The ceremony of water-pouring on Tabernacles (v. Suk. 48a) was derived by the Rabbis from hints in the Pentateuch, though it is not expressly mentioned there (V. Ta'an 2b-3a).

(26) V. infra 34b.

(27) Because eventually Abraham offered a ram in place of Isaac.

(28) In the verse Sound (tik'u) the horn on the New Moon, on the appointed day of our festival. Ps. LXXXI, 4.

(29) Because the word tik'u implies only the teki'ah sound. For teru'ah and teki'ah v. Glos.

(30) Lev. XXIII, 24. E.V. 'a memorial proclaimed with the blast of horns'.

Talmud - Mas. Rosh HaShana 16b

and then again sound a teki'ah and teru'ah standing? — It is so as to confuse the Accuser.¹

R. Isaac further said: If the shofar is not sounded² at the beginning of the year, evil will befall at the end of it. Why so? Because the Accuser has not been confused.

R. Isaac further said: Every year which is poor³ at its opening becomes rich before it ends, as it says, From the beginning of the year — where the word is spelt meroshith⁴ — 'unto the end'; such a year is destined to have a 'latter end'.⁵

R. Isaac further said: Man is judged only according to his actions up to the time of judgment,⁶ as it says, God hath heard the voice of the lad as he is there.⁷

R. Isaac further said: Three things call a man's iniquities to mind, namely, a shaky wall,⁸ the scrutinizing of prayer,⁹ and calling for [Divine] judgment on one's fellow man. For R. Abin said: He who calls down [Divine] judgment on his neighbour is himself punished first [for his own sins], as it says, And Sarai said unto Abram, My wrong be upon thee,¹⁰ and it is written later, And Abraham came to mourn for Sarah and to weep for her.¹¹

R. Isaac further said: Four things cancel the doom of a man, namely, charity, supplication, change of name and change of conduct. Charity, as it is written, And charity delivereth from death.¹² Supplication, as it is written, Then they cried unto the Lord in their trouble, and he delivered them out of their distresses.¹³ Change of name, as it is written, As for Sarai thy wife, thou shalt not call her name Sarai, but Sarah shall her name be;¹⁴ and it continues, And I will bless her and moreover I will give thee a son of her. Change of conduct, as it is written, And God saw their works, and it continues, and God repented of the evil which he said he would do unto them and he did it not.¹⁵ Some say that change of place [also avails], as it is written, Now the Lord said unto Abram, Get thee out of thy country, and it proceeds, and I will make of thee a great nation.¹⁶ And the other [— why does he not reckon this]? — In that case it was the merit of the land of Israel which availed him.

R. Isaac further said: It is incumbent on a man to go to pay his respects to his teacher on festivals, as it says, Wherefore wilt thou go to him today? It is neither new moon nor sabbath,¹⁷ from which we infer that on New Moon and Sabbath¹⁸ one ought to go.¹⁹

R. Isaac further said: A man should purify himself for the festival, as it says, and their carcasses ye shall not touch.²⁰ It has been taught to the same effect: ‘And their carcasses ye shall not touch’. I might think that [ordinary] Israelites are cautioned not to touch carcasses. Therefore it says, Say unto the priests the sons of Aaron;²¹ [which shows that] the sons of Aaron are cautioned but ordinary Israelites are not cautioned. May we not then argue a fortiori: Seeing that in the case of a serious uncleanness,²² while the priests are cautioned Israelites are not cautioned, how much less [are they likely to be cautioned] in the case of a light uncleanness!²³ What then am I to make of the words, ‘and their carcasses ye shall not touch’? — On the festival.

R. Kruspedai said in the name of R. Johanan: Three books are opened [in heaven] on New Year, one for the thoroughly wicked,²⁴ one for the thoroughly righteous, and one for the intermediate. The thoroughly righteous are forthwith inscribed definitively in the book of life; the thoroughly wicked are forthwith inscribed definitively in the book of death;²⁵ the doom of the intermediate is suspended from New Year till the Day of Atonement; if they deserve well, they are inscribed in the book of life; if they do not deserve well, they are inscribed in the book of death. Said R. Abin, What text tells us this? — Let them be blotted out of the book of the living, and not be written with the righteous.²⁶ ‘Let them be blotted out from the book — this refers to the book of the wicked. ‘Of life — this is the book of the righteous. ‘And not be written with the righteous’ — this is the book of the intermediate. R. Nahman b. Isaac derives it from here: And if not, blot me, I pray thee, out of thy book which thou hast written,²⁷ ‘Blot me, I pray thee’ — this is the book of the wicked. ‘Out of thy book’ — this is the book of the righteous. ‘Which thou has written’ — this is the book of the intermediate.

It has been taught: Beth Shammai say, There will be three groups at the Day of Judgment²⁸ — one of thoroughly righteous, one of thoroughly wicked, and one of intermediate. The thoroughly righteous will forthwith be inscribed definitively as entitled to everlasting life; the thoroughly wicked will forthwith be inscribed definitively as doomed to Gehinnom, as it says. And many of them that sleep in the dust of the earth shall awake, some to everlasting life and some to reproaches and everlasting abhorrence.²⁹ The intermediate will go down to Gehinnom

(1) Heb. ‘Satan’. The devotion of the Jews to the precepts nullifies Satan's accusation against them (Rashi). [The Shofar on New Year is blown twice: once at the close of the morning prayer and the reading of the Law when the congregation is seated, and again during the Musaf prayers while the people stand. According to J.R.H. IV, 8 the Shofar was originally blown only at the morning service, whence it was transferred to a later hour in the Musaf because their enemies on one occasion took the Shofar blasts early in the morning as a call to arms, whereupon they attacked the Jews. The custom of blowing the Shofar at Musaf service was retained even after the rite had been restored to the morning service].

(2) [This does not apply where New Year falls on Sabbath, in which case the Shofar may not be blown, but where the rite was omitted through some other cause (Tosaf.)].

(3) I.e., in which Israel humble themselves and make themselves poor in spirit.

(4) Defectively, and can be read , **harn** from the poverty of’.

(5) Apparently there is an allusion here to the verse, ‘for the latter end of that man is peace’. Ps. XXXVII.

(6) And not in view of those which he is likely to commit at some later time. Lit., ‘of that hour’.

(7) Gen. XXI, 17. Stress is laid on the words as he is there (E.V. ‘where he is’); Ishmael was still righteous, whatever he was destined to become in the future.

- (8) By passing under a shaky wall a man, as it were, 'tempts Providence'.
- (9) Lit., 'speculation in prayer'. To see whether it produces an effect or not. [Or, 'expectation of the immediate grant of one's request'. The offence lies in the presumption of claiming that God must answer prayer of any kind whatsoever. V. Abrahams, I, Pharisaism and Gospels II, 78ff].
- (10) Gen. XVI, 5.
- (11) Which shows that Sarah died first. Ibid. XXIII, 2.
- (12) Prov. X, 2 (E.V. 'righteousness').
- (13) Ps. CVII, 6.
- (14) Gen. XVII, 15.
- (15) Jonah III, 10.
- (16) Gen. XII, 1, 2.
- (17) II Kings IV, 23.
- (18) Which is a generic name for all holy days.
- (19) [R. Hananel's text reads on 'But we have said (only) on festivals (whereas the verse speaks of New Moon and Sabbaths)? — If the teacher resides near him he must go to pay him his respects every Sabbath and New Moon; if he resides at a long distance, he must go to pay him his respects (only) on Festivals].
- (20) Lev. XI, 8.
- (21) Lev. XXI, 1. The text continues, there shall none defile himself for the dead among his people.
- (22) That of a dead body.
- (23) That of an animal carcass.
- (24) I.e. , those whose bad deeds definitely outweigh their good.
- (25) The life and death in the future world (i.e., of the soul) is meant. V. Tosaf. s.v. **ihm, j bu** .
- (26) Ps. LXIX, 29.
- (27) Ex. XXXII, 32.
- (28) When the dead will arise in the flesh. V. Tosaf. s.v. **ouhk** .
- (29) Dan. XII, 2.

Talmud - Mas. Rosh HaShana 17a

and squeal¹ and rise again, as it says, And I will bring the third part through the fire, and will refine them as silver is refined, and will try them as gold is tried. They shall call on my name and I will answer them.² Of them, too, Hannah said, The Lord killeth and maketh alive, he bringeth down to the grave and bringeth up.³ Beth Hillel, however, say: He that abounds in grace inclines [the scales] towards grace,⁴ and of them David said, I love that the Lord should hear my voice and my supplication,⁵ and on their behalf David composed the whole of the passage, I was brought low and he saved me.⁶

Wrongdoers of Israel who sin with their body⁷ and wrongdoers of the Gentiles who sin with their body go down to Gehinnom and are punished there for twelve months. After twelve months their body is consumed and their soul is burnt and the wind scatters them under the soles of the feet of the righteous as it says, And ye shall tread down the wicked, and they shall be as ashes under the soles of your feet.⁸ But as for the minim⁹ and the informers and the scoffers,¹⁰ who rejected the Torah and denied the resurrection of the dead, and those who abandoned the ways of the community,¹¹ and those who 'spread their terror in the land of the living',¹² and who sinned and made the masses sin, like Jeroboam the son of Nebat and his fellows — these will go down to

Talmud - Mas. Shabbath 2a

CHAPTER I

MISHNAH. THE CARRYINGS OUT¹ OF THE SABBATH² ARE TWO WHICH ARE FOUR WITHIN, AND TWO WHICH ARE FOUR WITHOUT.³ HOW SO? THE POOR MAN STANDS WITHOUT AND THE MASTER OF THE HOUSE WITHIN: [i] IF THE POOR MAN STRETCHES HIS HAND WITHIN AND PLACES [AN ARTICLE] INTO THE HAND OF THE MASTER OF THE HOUSE, OR [ii] IF HE TAKES [AN ARTICLE] FROM IT AND CARRIES IT OUT, THE POOR MAN IS LIABLE,⁴ AND THE MASTER OF THE HOUSE IS EXEMPT.⁵ [AGAIN] [i] IF THE MASTER OF THE HOUSE STRETCHES HIS HAND WITHOUT AND PLACES [AN OBJECT] IN THE POOR MAN'S HAND, OR [ii] TAKES [AN OBJECT] THEREFROM AND CARRIES IT IN, THE MASTER IS LIABLE, WHILE THE POOR MAN IS EXEMPT.⁶ [iii] IF THE POOR MAN STRETCHES HIS HAND WITHIN AND THE MASTER TAKES [AN OBJECT] FROM IT, OR PLACES [AN OBJECT] THEREIN AND HE CARRIES IT OUT, BOTH ARE EXEMPT; [iv] IF THE MASTER STRETCHES HIS HAND WITHOUT AND THE POOR MAN TAKES [AN OBJECT] FROM IT, OR PLACES [AN ARTICLE] THEREIN AND HE CARRIES IT INSIDE, BOTH ARE EXEMPT.⁷

GEMARA, We learnt elsewhere:⁸ [False] oaths are two which are four:⁹

(1) Lit., 'outgoings'.

(2) i.e., the acts of transporting objects from private to public ground or vice versa, which are forbidden on the Sabbath, Tosaf. observes that the phraseology, 'outgoings,' **utmh** instead of the more usual 'carryings out' , **utmv** is based on Ex. XVI, 29: let no man go out of his place on the seventh day.

(3) I.e., by Biblical law two acts of carrying out are interdicted to the person standing in a private domain ('within') and two to the person standing in public ground ('without'); to each two the Rabbis added another two, thus making 'TWO WHICH ARE FOUR.' Tosaf. is much exercised with the question why this is taught at the beginning of the Tractate, instead of in the seventh chapter, where all the principal forbidden acts of the Sabbath, including this, are enumerated, and offers various answers. L. Blau in MGWJ.,1934 (Festschrift), P. 124f maintains that this was originally part of the Mishnah of Shebu. I, 1, which is quoted at the beginning of the Gemara (infra), where a number of subjects, having no inner connection, are grouped together by the catch phrase 'two which are four.' As an aid to the memory each subject was then put at the head of the Tractate to which it refers.

(4) For desecrating the Sabbath.

(5) Because the poor man performs the two acts which together constitute 'carrying out' in the Biblical sense, viz., he removes an object from one domain and replaces it in another. (When he withdraws the object into the street, holding it in his hand, he is regarded as having deposited it in the street.) The master, on the other hand, is quite passive, performing no action at all.

(6) In both cases here the master performs the two acts, the poor man being passive. Thus there are two Biblically forbidden acts for each.-'Liable' means to a sin-offering, if the acts are committed unwittingly, or to death (in theory, hardly in practice) if committed knowingly, and can apply here only to a Biblical interdict.

(7) In iii and iv each performs one act only, either removing from one domain or depositing in another. This is Rabbinically forbidden, and involves no liability. (When the master places an object into the poor man's

outstretched hand, which is already in the house, he, and not the poor man, is regarded as having removed it from the private domain.)

(8) Shebu. I, 1.

(9) In Lev. V, 4-7 (q.v.) a variable sacrifice (vv. 6-7) is imposed for taking a false oath (v. 4 is so explained). 'To do evil, or to do good,' is interpreted as meaning that one swears, 'I will eat,' or 'I will not eat,' which are the two referred to, viz., a positive or a negative oath relating to the future. These are further increased to four by including similar oaths relating to the past: 'I ate,' or 'I did not eat.'

Talmud - Mas. Shabbath 2b

the forms of consciousness of uncleanness are two which are four;¹ the appearances of leprosy are two, which are four;² the carryings out of the Sabbath are two which are four.³ Now, why is it taught here, TWO WHICH ARE FOUR WITHIN, AND TWO WHICH ARE FOUR WITHOUT; whereas there it is [simply] stated, 'two which are four,' and nothing else? — Here, since the Sabbath is the main theme, [both] principal [forms of labour] and derivatives are taught;⁴ but there, since the main theme is not the Sabbath, principal labours only are taught, but not derivatives. What are the principal labours? — carryings out! But the carryings out are only two?⁵ And should you answer, some of these involve liability, and some do not involve liability⁶ — surely it is taught on a par with the appearances of leprosy: just as there all involve liability,⁷ so here too all involve liability?—Rather said R. Papa: here that the Sabbath is the main theme, acts of liability and non-liability are taught;⁸ there, since the Sabbath is not the main theme, only acts of liability are taught, but not of exemptions.⁹ Now, what are the cases of liability-carryings out? But the carryings out are [only] two?¹⁰ — There are two forms of carrying out and two of carrying in. But 'carry ings out' are taught?—Said R. Ashi: The Tanna designates carrying in' too as 'carrying out.'¹¹ How do you know it? — Because we learnt: If one carries out [an object] from one domain to another, he is liable. Does this not mean even if he carries [it] in from the public to a private domain, and yet it is called 'carrying out.' And what is the reason? — Every removal of an article from its place the Tanna designates 'carrying out.' Rabina said: Our Mishnah too proves it, because CARRYINGS OUT are taught, yet straightway a definition of carrying in is given; this proves it. Raba said: He [the Tanna] teaches [the number of] domains; the domains of the Sabbath are two.¹²

R. Mattenah objected to Abaye: Are there eight?¹³ but there are twelve!¹⁴ — But according to your reasoning, there are sixteen!¹⁵ Said he to him, That is no difficulty: as for the first clause, it is well:

(1) In Lev. V, 2f, 5-7 a variable sacrifice is also decreed for transgressing through uncleanness. According to the Talmud (Shebu. 7b) this refers to the eating of holy food, e.g., the flesh of sacrifices, and entering the Temple while unclean. Further, liability is contracted only if one was originally aware of his uncleanness, forgot it, and ate sacred food or entered the Temple, and then became conscious of it again. Thus there are two, viz., forgetfulness of uncleanness when eating sacred food, and same when entering the Temple. To these another two are added: forgetfulness of the sacred nature of the food and forgetfulness of the sanctity of the Temple while being aware of one's uncleanness.

(2) The two are 'a rising' and 'a bright spot' (Lev. XIII, 2), which, in order to be unclean, must be snowy white and white as wool respectively. To these the Rabbis added, by exegesis, the whiteness of the plaster of the Temple

and the whiteness of the white of an egg respectively—in each case a darker shade.

(3) Bah, on the basis of the text in Shebu. I, 1, reverses the order of the last two.

(4) Labours forbidden on the Sabbath are of two classes: (i) principal labours (aboth, lit., ‘fathers’) and (ii) derivatives (toledoth, lit., ‘offsprings’), which are prohibited as partaking of the nature of the principal labours. Both are regarded as Biblical. Carrying out from private into public ground is a principal labour, while the reverse is a derivative thereof (infra 96b).

(5) Viz., that of the poor man who takes an article from the houseowner’s hand, and that of the master of the house who puts an article into the poor man’s hand. Where then are the ‘two which are four?’

(6) I.e., two carryings out impose liability, as in preceding note, and another two are forbidden yet do not involve liability. Viz., if the poor man stretches his hand within, receives an article, and withdraws it; likewise, if the master of the house puts forth his hand with an object which the other takes, as explained on p. 1, n. 5 on the Mishnah. — Thus there are ‘two which are four,’ all referring to carrying out.

(7) To the purificatory sacrifices of a leper (Lev. XIV).

(8) V. notes on Mishnah.

(9) Two instances of carrying out, and two of carrying in, as explained in the Mishnah.

(10) Though there is liability for carrying in, the Mishnah in Shebu. speaks only of ‘carryings out.’

(11) Employing ‘carrying out’ in the wider sense of transporting between private and public ground.

(12) I.e., in respect of the Sabbath we recognize two domains, public and private, carrying between which is prohibited. On account of these two four acts are forbidden to a person standing within and four to a person standing without, and that is the meaning of ‘TWO WHICH ARE FOUR,’ both here and in Shebu. (Rashi). Riba explains it differently. — Actually four domains are distinguished (infra 6a), but these are the principal two.

(13) ‘TWO WHICH ARE FOUR WITHIN, AND TWO WHICH ARE FOUR WITHOUT.’

(14) In addition to the four acts which involve liability, there are eight which do not. Viz., two acts of removal by the poor man without depositing, i.e., if he stretches his hand into the house and the master takes an object from him, or the master puts his hand without and the poor man places an object in it. Reversing these, we have two acts of depositing by the poor man without removal. These four, again, are also to be viewed from the standpoint of the master of the house, which gives eight in all.

(15) For the two actions which involve liability for the poor man are likewise to be regarded from the standpoint of the master of the house, and vice versa, which yield another four.

Talmud - Mas. Shabbath 3a

he does not teach what involves no liability and is [also] permitted.¹ But the last clause, where no liability is involved, yet it is forbidden, is indeed difficult.² (But is there in the whole [of the laws relating to] Sabbath [an action described as involving] no liability [yet] permitted: did not Samuel say: Everything [taught as] involving no liability on the Sabbath, involves [indeed] no liability, yet it is forbidden, save these three, which involve no liability and are [also] permitted: [viz.,] the capture of a deer,³ the capture of a snake, and the manipulation of an abscess?⁴ — Samuel desires to say this only of exemptions where an act is performed; but as for exemptions where no act [at all] is done, [of such] there are many?)

Yet still there are twelve? — Non-liable acts whereby one can come to the liability of a sin-offering are counted; those whereby one cannot come to the liability of a sin-offering are not counted.⁵

‘BOTH ARE EXEMPT?’ But between them a [complete] action is performed! — It was taught: [And if anyone] of the common people sin unwittingly, in doing [any of the things etc.]:⁶ only he who performs the whole of it [a forbidden action], but not he who performs a portion thereof. [Hence] if a single person performs it, he is liable; if two perform it, they are exempt. It was stated likewise: R. Hiyya b. Gamada said: It emanated⁷ from the mouth of the company⁸ and they said: ‘In doing’: if a single person performs it, he is liable: if two perform it, they are exempt.

Rab asked Rabbi: If one's neighbour loads him with food and drink, and he carries them without, what is the law? Is the removing⁹ of one's body like the removing of an article from its place, and so he is liable; or perhaps it is not so? He replied: He is liable, and it is not like his hand.¹⁰ What is the reason? — His body is at rest¹¹ whereas his hand is not at rest.¹²

(1) E.g., if the man without extends his hand and places an article into the hand of the man within, the latter commits no action at all, being passive throughout, and, as far as the Sabbath is concerned, he does nothing forbidden.

(2) Why these are not counted as separate actions, as explained in n. 4.

(3) V. infra 106b end and 107a.

(4) V. infra 107a.

(5) Stretching out one's hand with an article from a private to a public domain or vice versa may involve a sin-offering, viz., by depositing the said article in the new domain. But acceptance can never lead to this (Riba).

(6) Lev. IV, 27.

(7) Lit., ‘it was cast forth’.

(8) Of scholars — i.e., it was generally ruled.

(9) Lit., ‘uprooting’.

(10) For, as stated in the Mishnah, if an article is placed in one's hand and he withdraws it, he is exempt.

(11) Hence the article upon his body is likewise at rest, and he effects its removal,

(12) On the ground: hence he does not actually remove the article from its place.

Talmud - Mas. Shabbath 3b

Said R. Hiyya to Rab: Son of illustrious ancestors! Have I not told you that when Rabbi is engaged on one Tractate you must not question him about another, lest he be not conversant with it. For if Rabbi were not a great man, you would have put him to shame, for he might have answered you incorrectly.¹ Still, he has now answered you correctly, for it was taught: If one was laden with food and drink while it was yet day,² and he carries them out after dark, he is culpable, because it is not like his hand.³

Abaye said: I am certain that a man's hand is neither like a public nor like a private domain:⁴ it is not like a public domain [this follows] from the poor man's hand;⁵ it is not like a private domain — [this follows] from the hand of the master of the house.⁶ Abaye propounded: Can a man's hand become as a karmelith:⁷ did the Rabbis penalize him not to draw it back to himself, or not? — Come and hear: If one's hand is filled with fruit and he stretches it without — one [Baraitha] taught: He may not draw it back; another taught: He may draw it back. Surely they differ in this: one Master holds that it [the hand] is like a karmelith, and the other holds that it is not? [No.] All agree that it is like a karmelith, yet there is no difficulty: the one [refers to a case where it is]

below ten [handbreadths], and the other [where it is] above ten [handbreadths].⁸ Alternatively, both [Baraitas refer] to [a hand) below ten, and [hold that] it is not like a karmelith, yet there is no difficulty: one [speaks of a case] while it is yet day; the other, when it is already dark [the Sabbath has commenced]. [If he stretches out his hand] while it is yet day, the Rabbis did not punish him;⁹ if after sunset, the Rabbis punished it. On the contrary, the logic is the reverse: [if he stretches out his hand] by day, so that if he throws it [the article] away he does not come to the liability of a sin-offering,¹⁰ let the Rabbis penalize him; but if [he does it] after nightfall, so that if he throws it away he incurs the liability of a sin-offering, the Rabbis should not punish him. Now, since we do not answer thus,¹¹ you may solve R. Bibi b. Abaye's [problem]. For R. Bibi b. Abaye asked: If a person places a loaf in an oven,¹² do the Rabbis permit him to remove it before he incurs the liability of a sin-offering, or not?¹³ Now you may deduce that they do not permit it!¹⁴ That is no difficulty, and indeed solves it! Alternatively, you cannot solve it, after all: [and reply thus],¹⁵ The one Baraita refers to an unwitting, the other to a deliberate act. Where it is unwitting, the Rabbis did not punish him¹⁶ for it; where it is deliberate, they punished.¹⁷ Another alternative: both [Baraitas] refer to an unwitting act, but here they differ as to whether they [the Rabbis] punished an unwitting [offender] on account of a deliberate one: one Master holds that they did punish an unwitting [offender] on account of a deliberate one; the other, that they did not punish an unwitting [offender] on account of a deliberate one. Another alternative: after all, they did not punish [the one on account of the other], yet there is no difficulty. The one [Baraita] means into the same courtyard; [

(1) Lit., 'he would have given you an answer which is not an answer.'

(2) I.e., before sunset on Friday.

(3) As explained above.

(4) If a man stands in one and stretches out his hand into the other, the hand is not accounted the same as his body, to have the legal status of the domain in which the body is.

(5) For the Mishnah states that if the Master takes an article from the poor man's hand stretched within he is exempt.

(6) If the poor man takes an object from it, he is not liable.

(7) V. infra 6a. A karmelith is part of a public domain which is but little frequented, therefore regarded as neither public nor private ground; by Rabbinical law one may not carry from a karmelith to a public or a private domain, or vice versa. Now, as we have seen, when one stretches out his hand into another domain, it does not enjoy the body's status. Yet does it occupy the intermediate status of a karmelith, and since it holds an object, its owner shall be forbidden to withdraw it until the termination of the Sabbath?

(8) V. infra 100a. If the hand is within ten handbreadths from the ground it is in a public domain, and therefore the Rabbis ordered that he must not withdraw it. But if it is above, it is in a place of non-liability; hence he is not penalized.

(9) Lit. 'it' sc. his hand. They did not compel him to keep his hands stretched out till the termination of the Sabbath.

(10) Since he does not perform a complete forbidden act on the Sabbath.

(11) This reversed answer.

(12) Lit., 'sticks a loaf to (the wall of) an oven.'

(13) If it remains in the oven until baked he incurs a sin-offering for baking on the Sabbath. On the other hand, it is Rabbinically forbidden to remove bread from the oven on the Sabbath. How is it here?

(14) Since the reverse answer is not given, we see that the Rabbis do not abrogate their interdict even when it leads

to a liability to a sin-offering.

(15) To reconcile the two Baraitas.

(16) V.n.1.

(17) Thus this has no bearing on R. Bibi b. Abaye's problem.

Talmud - Mas. Shabbath 4a

the other, into a different courtyard.¹ Even as Raba asked R. Nahman: If a person holds a handful of produce in his hand and he extends it without,² may he withdraw it into the same courtyard? He replied, It is permitted. And what about another courtyard? Said he to him, It is forbidden. And what is the difference? — When you measure out a measure of salt for it!³ There his intention is not carried out; here his intention is carried out.⁴

[To revert to] the main text: 'R. Bibi b. Abaye propounded: If one places a loaf of bread in an oven, do they permit him to remove it before he incurs the liability of a sin-offering or not?' R. Aha b. Abaye said to Rabina: What are the circumstances? Shall we say [that he did it] unwittingly and he did remind himself;⁵ then whom are they to permit?⁶ Hence it must surely mean that he did afterwards become aware thereof,⁷ but then would he be liable? Surely we learnt: All who are liable to sin-offerings are liable only if the beginning and end [of the forbidden action] are unwitting. On the other hand, if his problem refers to a deliberate action, he should have asked [whether he may remove it] before he comes to an interdict involving stoning!⁸ -R. Shila said: After all, it means unwittingly; and [as to the question] 'whom are they to permit?', [the reply is], Others. R. Shesheth demurred: Is then a person told, 'Sin, in order that your neighbour may gain thereby?'⁹ Rather, said R. Ashi, after all it refers to a deliberate act; but say [in the problem], before he comes to an interdict involving stoning.¹⁰ R. Aba son of Raba recited it explicitly: R. Bibi b. Abaye said: If one places a loaf in an oven, he is permitted to remove it before he comes to an interdict involving stoning.

IF THE POOR MAN STRETCHES OUT HIS HAND. Why is he liable? Surely removal and depositing must be from [and into] a place four [handbreadths] square,¹¹ which is absent here?¹² — Said Rabbah: The author of this [Mishnah], is R. Akiba, who maintains: We do not require a place four by four. For we learnt: If one throws [an article] from one private domain to another and public ground lies between: R. Akiba holds him liable; but the Sages hold him not liable. R. Akiba holds: We say, An object intercepted by [air] is as though it rested there;¹³ While the Rabbis maintain: We do not say, An object intercepted by [air] is as though it rested there. Shall we say that Rabbah is certain that they differ as to whether an object intercepted is considered at rest,

(1) When one stands in a courtyard, which is private ground, and stretches his laden hand into the street, he may withdraw it into the same courtyard, but not into an adjoining one and drop the article there.

(2) I.e., into the street.

(3) A jesting remark: then I will tell you the difference.

(4) If he stretches out his hand into the street he wants to remove the produce from that courtyard. Hence he may draw it back into the same, when his intention remains unfulfilled, but not into an adjoining courtyard, whereby his intention would be carried out.

- (5) Before it was completely baked, that it was the Sabbath, or that baking on the Sabbath is forbidden.
- (6) Being unaware of anything wrong, he does not come to ask.
- (7) Before it was baked.
- (8) Which is the penalty for the deliberate desecration of the Sabbath, and not 'before he incurs the liability of a sin-offering'?
- (9) Can one be told to infringe the minor injunction of removing bread from an oven in order to save his neighbour from the greater transgression of baking on the Sabbath?
- (10) From this it is obvious that R. Bibi's original question was merely whether he is permitted to remove it or not. 'Before he incurs etc.,' was a later addition, which R. Ashi emends. The same assumption must be made in similar cases. V. Kaplan, Redaction of the Talmud, Ch. XIII.
- (11) Removal from one domain and depositing in the other necessitates in each case that the object shall rest upon a place four handbreadths square.
- (12) A person's hand does not fulfil this condition.
- (13) Hence when it crosses public ground it is as though it rested there, and so liability is incurred.

Talmud - Mas. Shabbath 4b

and when it [crosses the public domain] within ten handbreadths [of the ground]?¹ But surely Rabbah asked a question thereon. For Rabbah propounded: Do they disagree when it is below ten, and they differ in this: R. Akiba holds, An object intercepted is as though it rested, while the Rabbis hold that it is not as though it rested; but above ten all agree that he is not liable, all holding that we do not derive throwing from reaching across?² Or perhaps they disagree when it is above ten, and they differ in this: R. Akiba holds, We derive throwing from reaching across, while the Rabbis hold, We do not learn throwing from reaching across; but below ten all agree that he is liable. What is the reason? We say that an object intercepted is as though it rested?—That is no difficulty: after propounding, he solved it that R. Akiba holds that an object intercepted is as though it rested.³

But perhaps he [R. Akiba] does not require depositing [on a place four handbreadths square], yet he may require removal [from such a place]?⁴ Rather, said R. Joseph, the author of this [Mishnah] is Rabbi. Which [ruling of] Rabbi [intimates this]? Shall we say, This [ruling of] Rabbi: If one throws [an object]⁵ and it comes to rest upon a projection,⁶ of a small size,⁷ Rabbi holds him liable; the Sages exempt him? [But] surely there, as we will state below, it is in accordance with Abaye. For Abaye said: The reference here is to a tree standing in private ground while its branch inclines to the street, and one throws [an article] and it comes to rest upon the branch,⁸ Rabbi holding, We say, cast the branch after its trunk;⁹ but the Rabbis maintain; We do not rule, Cast the branch after its stock? — Rather it is this [ruling of] Rabbi. For it was taught: If one throws [an article] from public to public ground, and private ground lies between: Rabbi holds him liable; but the Sages exempt him. Now, Rab Judah said in Samuel's name: Rabbi imposed a twofold liability, one on account of carrying out and one on account of carrying in:¹⁰ this proves that neither removal nor depositing requires a place four by four. But surely it was stated thereon, Rab and Samuel both assert,

(1) For the space above ten does not rank as public ground.

(2) If one reaches over an object from private to private ground across public ground, even if it is above ten

handbreadths, he is liable.

(3) Var. lec.:... he solved it. Granted that R. Akiba holds, An object intercepted is as at rest, yet perhaps (etc., continuing text as in next paragraph).

(4) This objection reverts to Rabbah's answer that our Mishnah agrees with R. Akiba.

(5) In the street.

(6) A bracket moulding, or anything which projects from the wall of a house; both the house and the projection are private ground.

(7) Lit., 'whatever (size) it is'. I.e., very small, less than four square.

(8) Which is a projection of the tree.

(9) Hence it is private ground, and therefore liability is incurred. — The tree as a whole is regarded, and so we have 'a place four by four.'

(10) When the object enters the air space in a private domain, there is 'carrying in' from public to private ground; when it leaves it and re-enters the public domain, there is 'carrying out' from private to public ground. Since the man's act has caused both, he is liable twice over.

Talmud - Mas. Shabbath 5a

Rabbi imposed liability only in the case of a covered-in private domain, for we say that a house is as though it were full,¹ but not in one which is uncovered. And should you answer, Here too [in our Mishnah it speaks of] it as covered, [I might retort] that is well of a covered private ground, but is one liable for a covered public ground? Did not R. Samuel b. Judah say in the name of R. Abba in the name of R. Huna in Rab's name: If one carries an article four cubits in covered public ground, he is not liable, because it is not like the banners of the wilderness?² — Rather, said R. Zera, the authority of this is the 'others.'³ For it was taught: Others say: If he stands still in his place and catches it, he [the thrower] is liable; if he moves from his place and catches it, he [the thrower] is exempt.⁴ [Now it states], 'If he stands in his place and catches it, he [the thrower] is liable', — but surely there must be depositing on an area four [handbreadths square], which is absent! Hence this proves that we [i.e., 'others'] do not require a place four by four. Yet perhaps only depositing [on such an area] is not required, but removal [from such] may be necessary? And even in respect to depositing too: perhaps it means that he spread out his garment and caught it, so that there is also depositing [on such an area]? — Said R. Zera: Our Mishnah also means that he removes it [the article] from a basket and places it in a basket, so that there is depositing too [in a place four square]. But HIS HAND is stated? — Learn: a basket in HIS HAND. Now, that is well of a basket in a private domain; but a basket in public ground ranks as a private domain?⁵ Must we then say that it does not agree with R. Jose son of R. Judah? For it was taught: R. Jose son of R. Judah said: If one fixes a rod in the street, at the top of which is a basket, [and] throws [an article] and it comes to rest upon it, he is liable.⁶ For if it agrees with R. Jose son of R. Judah, WHERE THE MASTER OF THE HOUSE STRETCHES HIS HAND WITHOUT AND PLACES [AN OBJECT] IN THE POOR MAN'S HAND, why is he LIABLE? Surely he [merely] carries it from private ground to private ground! — You may even say [that it agrees with] R. Jose son of R. Judah: There it is above ten [handbreadths];⁷ here it is below ten.⁸ This⁹ presented a difficulty to R. Abbahu: Is then 'a basket in his hand' taught: surely HIS HAND [alone] is stated! Rather, said R. Abbahu, it means that he lowered his hand to within three handbreadths [of the ground] and accepted it.¹⁰ But HE STANDS is taught!¹¹ — It refers to one who bends down. Alternatively, [he is standing] in a pit; another alternative: this refers to a dwarf. Raba demurred:

Does the Tanna trouble to inform us of all these!¹² Rather, said Raba, A man's hand is accounted to him as [an area] four by four. And thus too, when Rabin came,¹³ he said in R. Johanan's name: A man's hand is accounted to him as [an area] four by four.

R. Abin said in the name of R. Elai in R. Johanan's name: If one throws an article and it alights on his neighbour's hand, he is liable. What does he inform us? [that] a man's hand is accounted to him as [an area] four by four! But surely R. Johanan already stated it once? — You might argue. That is only when he himself accounts his hand such,¹⁴ but where he does not account his hand as such,¹⁵ I might say [that it is] not [so]. Therefore we are informed [otherwise].

R. Abin said in R. Elai's name in the name of R. Johanan: If he [the recipient stands still in his place and catches it, [the thrower] is liable; if he moves from his place and catches it, he [the thrower] is exempt. It was taught likewise: Others say: If he stands still in his place and catches it, he [the thrower] is liable; if he moves from his place and catches it, he [the thrower] is exempt.¹⁶ R. Johanan propounded: What if he throws an article and himself moves from his place, and catches it? What is his problem?¹⁷ — Said R. Ada b. Ahaba: His problem concerns two forces in the same man: are two forces in the same man accounted as the action of one man, hence he is liable, or perhaps they count as the action of two men?¹⁸ The question stands over.

R. Abin said in R. Johanan's name: If he puts his hand into his neighbour's courtyard and receives [some] rain, and then withdraws it, he is liable. R. Zera demurred: What does it matter whether his neighbour loads him¹⁹ or Heaven loads him; he himself did not effect removal? — Do not say, he [passively] receives rain, but, he catches it up.²⁰ But removal must be from a place four [square], which is absent? — Said R. Hiyya son of R. Huna: E.g., he catches it up [as it rebounds] from the wall. But even on the wall, it does not rest there?²¹ — It is as Raba²² said [elsewhere], It refers to a sloping wall; so here too it refers to a sloping wall. Now, where was Raba's [dictum] said? — In connection with the following. For we learnt:

(1) Of articles — i.e., it is accounted as though lacking air space entirely, and immediately an object enters therein, we regard it as lying on the ground.

(2) It is stated *infra* 49b and 96b that the definition of what constitutes forbidden work on the Sabbath is dependent on the work that was done in connection with the Tabernacle in the wilderness. Carrying was necessary, and so carrying an article four cubits is work. But there it was done under the open sky; hence Rab's dictum, and the same applies here. By 'banners of the wilderness' is meant the whole disposition and encampment of the Israelites, and they did not have any covered-in public ground.

(3) In *Hor.* 13b 'others' is identified with R. Meir.

(4) If A throws an article in the street to B, and B catches it while standing in his place, A is liable, because he is regarded as having both removed and deposited it. But if B moves away and catches it, A did not effect its deposit, since it does not lie where it would have done on account of his throw.

(5) Why then should he be liable in respect of carrying out?

(6) For it ranks as private ground, *v. infra* 101a.

(7) Then it ranks as private ground.

(8) Then it is public ground.

(9) Explanation of R. Abba.

(10) Everything within three handbreadths is regarded as the ground itself on the principle of *labud* (*v. Glos*), and

thus the hand becomes a place four square.

(11) And he would have to be sitting for his hand to be so low.

(12) Surely he does not state a law which requires all these conditions. He should rather have taught: If the poor man spreads out his garment, etc.

(13) From Palestine to Babylon. Rabin and R. Dimi were two Palestinian amoraim who travelled between the Palestinian and the Babylonian academies to transmit the teachings of one to the other.

(14) If one intentionally deposits an article in his neighbour's hand, or takes an article into his own, in each case he accounts the hand as a resting place, i.e., an area four square.

(15) I.e., when it merely chances to alight on a man's hand.

(16) V. supra 5a notes.

(17) On what grounds should he be exempted: did he not remove it from one place and deposit it in another?

(18) The throw is one manifestation of his force: the catch arrests that force and is in the nature of a counter act; hence they may be regarded as performed by two people, which involves no liability.

(19) In which case the Mishnah declares him exempt.

(20) Actively. This is assumed to mean that he intercepts the flow of rain, beating it with one hand into the other.

(21) The side of a wall — it being assumed that an ordinary vertical one is meant — affords no resting place for the rain, whereas removal must be from a place where it can stay.

(22) Rashal reads: Rabbah.

Talmud - Mas. Shabbath 5b

If he is reading a scroll on a threshold, and it rolls out of his hand,¹ he may rewind it to himself.² If one is reading on the top of a roof,³ and the scroll rolls out of his hand, — before it comes within ten handbreadths [of the ground] he may wind it back himself;⁴ if it comes within ten handbreadths, he must turn the written side inwards.⁵ Now, we pondered thereon: why must he turn the written side inwards, surely it did not come to rest?⁶ and Raba answered: This refers to a sloping wall.⁷ Yet may it not be urged that Raba said this [only] of a scroll, whose nature it is to rest [where it falls]; but is it the nature of water to rest?⁸ Rather, said Raba, [R. Johanan spoke of a case] where he collected [the rain] from the top of a [water] hole. 'A hole'! But then it is obvious? — You might argue, Water upon water is not at rest;⁹ [therefore] he [R. Johanan] informs us [that it is].

Now Raba follows his opinion. For Raba said: Water [lying] upon water, that is its [natural] rest; a nut upon water, that is not its [natural] rest.¹⁰ Raba propounded: If a nut [lies] in a vessel, and the vessel floats on water,¹¹ do we regard the nut, which is at rest,¹² or the vessel, which is not at rest, since it is unstable? The question stands over.

In respect to oil floating upon wine R. Johanan b. Nuri and the Rabbis differ. For we learnt: If oil is floating upon wine¹³ and a tebul yom¹⁴ touches the oil, he disqualifies the oil only. R. Johanan b. Nuri said: Both are attached to each other.¹⁵

R. Abin said in R. Elai's name in the name of R. Johanan: If one is laden with food and drink and goes in and out all day,¹⁶ he is liable only when he stands still.¹⁷ Said Abaye: Providing that he stands still to rest.¹⁸ How do you know it? — Because a Master said: Within four cubits, if he stops to rest, he is exempt; to shoulder his burden, he is liable. Beyond four cubits, if he stops to

rest, he is liable; to rearrange his burden, he is exempt.¹⁹ What does he [R. Johanan] inform us — that the original removal was not for this purpose?²⁰ But R. Johanan stated it once. For R. Safra said in R. Ammi's name in R. Johanan's name: If one is carrying articles from corner to corner [in private ground] and then changes his mind and carries them out, he is exempt, because his original removal was not for this purpose? — It is dependent on Amoraim: one stated it in the former version; the other stated it in the latter version.²¹

Our Rabbis taught: If one carries [an article] from a shop to an open space via a colonnade,²² he is liable; but Ben 'Azzai holds him not liable. As for Ben 'Azzai, it is well: he holds that walking is like standing.²³ But according to the Rabbis, granted that they hold that walking is not like standing, yet where do we find liability for such a case?²⁴ — Said R. Safra in the name of R. Ammi in R. Johanan's name:

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- (1) Into a public domain skirting it.
 - (2) This refers, e.g., to a threshold three handbreadths above the ground and four handbreadths square. This constitutes a karmelith (v. p. 6, n. 7), and even if it entirely falls out of his hand it is only Rabbinically prohibited to carry it back; hence here that he retains one end there is not even that.
 - (3) Which is a private domain. In the East all roofs were flat and put to use; T.A.I, p. 33.
 - (4) Because only the first ten handbreadths above the street surface count as public ground.
 - (5) He must not draw it back, since it has entered public ground, so he reverses it, because it is degrading for a scroll to lie open with its writing upward.
 - (6) Hence he should be permitted to roll it back.
 - (7) V.'Er., Sonc. ed., p. 697 and notes.
 - (8) It does not stay even on a sloping wall.
 - (9) The article must be removed from a place where it may be regarded as naturally at rest, e.g., a stone lying on the ground.
 - (10) And if one picks it up and carries it without, he is not liable.
 - (11) And he lifts up both and carries them out.
 - (12) In the vessel.
 - (13) Both of terumah.
 - (14) V. Glos. He renders terumah (q.v. Glos.) unfit for food.
 - (15) And both become unfit. Thus in respect to the Sabbath too: the Rabbis hold that the oil is not at rest upon the wine, whereas R. Johanan b. Nuri holds that the oil is at rest upon the wine. The same applies to oil floating upon water: wine is mentioned on account of the quotation, as there is no terumah of water.
 - (16) From private to public ground.
 - (17) And then goes in or out; this alone constitutes removal. He was laden in the first place to carry the stuff from one part of a private domain to another, and if he goes out instead it is not removal, since when the food was moved at first there was no intention of carrying from a private to a public domain; v. supra 3a.
 - (18) But if he stops merely to rearrange the burden, it is all part of his walking.
 - (19) One is liable for carrying an article four cubits over public ground, providing that he himself removes it from the first spot and deposits it on the other. Now, if he stops to rest within the four cubits, that constitutes depositing, and when he restarts there is a fresh removal; consequently, the article was carried four cubits with a single removal and deposit, and so he is exempt. But if he stops to rearrange the burden, it is still part of the first removal; therefore he is liable. Hence if he stops to rest after walking four cubits, he is regarded as depositing the article there, and is liable. But if he stops to rearrange his burden, he is still engaged in walking, and should

another relieve him of it before he stops to rest, both are exempt.

(20) Viz., to carry it without, and so he is not liable.

(21) R. Johanan did not teach both, but amoraim reporting his words gave different versions of what he did state.

(22) The shop is private ground, the open space is public ground, and the colonnade ranks as a karmelith, being occupied by stall holders and not frequented as a public thoroughfare.

(23) When he walks through the colonnade it is as though he stood there. Hence he performs two separate actions: (i) carrying an object from private ground to a karmelith; (ii) carrying an object from a karmelith to public ground. Neither of these imposes liability.

(24) In Scripture, by analogy with the Tabernacle (v. p. 11, n. 2) we find liability only for direct transference from private to public ground.

Talmud - Mas. Shabbath 6a

Compare it to one who carries an article in the street: there, surely, though he is not liable as long as he holds it and proceeds, yet when he lays it down he is liable; so here too, it is not different. How compare! there, wherever he puts it down it is a place of liability; but here, if he deposits it in the colonnade, it is a place of non-liability? Rather compare it to one who carries an article [in the street] exactly four [cubits].¹ There, surely, though he is exempt if he deposits it within the four cubits, yet when he deposits it at the end of the four cubits he is liable; so here too, it is not different. How compare? There it is a place of exemption [only] as far as this man is concerned, but to all others² it is a place of liability; but here it is a place of exemption for all? Rather compare it to one who carries [an object] from private to public ground through the sides of the street:³ there, surely, though he is exempt if he lays it down in the sides of the street, yet when he lays it down in the street [itself] he is liable; so here too it is not different.

R. Papa demurred thereto: that is well according to the Rabbis, who maintain that the sides of the street are not regarded as the street; but according to R. Eliezer [b. Jacob],⁴ who rules that the sides of the street are regarded as the street, what can be said? — Said R. Aha son of R. Ika to him: Granted that you know R. Eliezer [b. Jacob] to rule that the sides of the street are regarded as the street where there is no fencing;⁵ but do you know him [to rule thus] where there is fencing?⁶ Hence it⁷ is analogous to this.

R. Johanan said: Yet Ben 'Azzai agrees in the case of one who throws.⁸ It was taught likewise: If one carries [an object] from a shop to an open place through a colonnade, he is liable, whether he carries [it] out or carries [it] in; or whether he reaches it across or throws it. Ben 'Azzai said: If he carries it out or in, he is exempt; if he reaches it across or throws it, he is liable.

Our Rabbis taught: There are four domains in respect to the Sabbath; private ground, public ground, karmelith, and a place of non-liability. And what is private ground? A trench ten [handbreadths] deep and four wide, and likewise a wall ten [handbreadths] high and four broad, — that is absolute private ground.⁹ And what is public ground? A highroad,¹⁰ a great public square,¹¹ and open alleys,¹² — that is absolute public ground. One may not carry out from this private to this public ground, nor carry in from this public to this private ground; and if one does carry out or in, unwitting, he is liable to a sin-offering; if deliberately, he is punished by kareth¹³ or stoned.¹⁴ But the sea, a plain, a colonnade, or a karmelith, ranks neither as public nor as private

ground:¹⁵ one must not carry [objects] about¹⁶ within it and if he does, he is liable; and one must not carry out [an object] thence into public ground or from the public ground into it, nor carry [an object] from it into private ground or from the private ground into it; yet if he does carry out or in, he is not liable. As to courtyards with many owners¹⁷ and blind alleys,¹⁸ if an 'erub is made, they are permitted; if an 'erub is not made, they are forbidden.¹⁹ A man standing on a threshold²⁰ may take [an object] from the master of the house, or give [it] to him, and may take [an object] from the poor man or give [it] to him; providing however that he does not take from the master of the house and give to the poor man or from the poor man and give it to the master of the house;²¹ and if he does take and give, the three are exempt. Others state, A threshold serves as two domains: if the door is open, it is as within; if shut, it is as without. But if the threshold is ten [handbreadths] high and four broad, it is a separate domain.²² The Master said: 'That is [absolute] private ground.' What does this exclude?²³ — It excludes the following [view] of R. Judah. For it was taught: Even more than this did R. Judah say: If one owns two houses on the opposite sides of the street,²⁴ he can place

(1) Lit., 'from the beginning of four to the end of four'.

(2) To whom the limit of four cubits terminates at this particular spot.

(3) E.g., if the wall of a private courtyard fronting on the street is broken through, the place of the wall is called the sides of the street. In 'Er. 94b (quoted below) it is disputed whether this is private or public ground; yet when one carries an object into the street through the breach he is certainly liable.

(4) b. Jacob is omitted in 'Er. 94b and Keth. 31a.

(5) Rashi: stakes against which vehicles rub to protect the wall.

(6) And yet if one carries through the breach into the street he is liable.

(7) The case of the colonnade.

(8) From a shop to an open place through a colonnade: he is then liable.

(9) Even if they are in a public thoroughfare. A house, of course, is also private ground.

(10) Jast.: a camp.

(11) Or, an open place.

(12) i.e., open at both ends into streets.

(13) If he was not formally warned.

(14) If formally warned.

(15) The former, because they are not for the general passage of the multitude; the latter, because they are not enclosed. It should be observed that 'public ground' does not mean any ground that is open to the public, but that which is actually frequented by the masses.

(16) Lit., 'carry and give,' across a distance of four or more cubits.

(17) I.e., a courtyard into which many houses open and which itself abuts on the street. The inhabitants of these houses own the courtyard in common and must pass through it into the street.

(18) These too are provided with courtyards through which the inhabitants pass into the streets.

(19) For 'erub v. Glos. If the separate householders make an 'erub, e.g., each contributing a little flour for baking a large loaf, all the houses and the courtyard into which they open are counted as one domain, and carrying between them is permitted. Again, if all the courtyards are thus joined by an 'erub, carrying is permitted between the courtyards themselves and between them and the blind alley on which they abut.

(20) This is less than four handbreadths square, and is a place of non-liability, i.e., not a separate domain at all, but counted with public or private ground indifferently.

(21) This is a Rabbinical measure, lest one treat the Sabbath lightly and carry direct between public or private

ground.

(22) Like the trench or wall mentioned above. it is private ground, yet not part of the house, and carrying between the two is prohibited.

(23) The emphasis suggests that only that is private ground.

(24) Facing each other.

Talmud - Mas. Shabbath 6b

a board or a beam at each side¹ and carry between them.² Said they to him: A street cannot be made fit [for carrying] by an 'erub in this way.³ And why is it called 'absolute' [public ground]? — You might argue, The Rabbis differ from R. Judah, [maintaining] that it is not private ground only in respect of carrying [therein]:⁴ but in respect of throwing⁵ they agree with R. Judah:⁶ hence we are informed [otherwise].

The Master said: 'That is [absolute] public ground.' What does this exclude? — It excludes R. Judah's other [ruling]. For we learnt: R. Judah said: If the public thoroughfare interposes between them, it must be removed to the side; but the Sages maintain: It is unnecessary.⁷ And why is it called 'absolute'? — Because the first clause states 'absolute', the second does likewise. Now, let the desert too be enumerated, for it was taught: What is public ground? A high-road, a great open space, open alleys and the desert?—Said Abaye, There is no difficulty: The latter means when the Israelites dwelt in the desert; the former refers to our own days.⁸

The Master said: 'If one carries out or in, unwittingly, he is liable to a sin-offering; if deliberately, he is punished by kareth or stoned.' 'Unwittingly, he is liable to a sin-offering': but it is obvious? — It is necessary [to state] 'If deliberately, he is punished by kareth or stoned.' But that too is obvious? — We are informed the following, in agreement with Rab. For Rab said, I found a secret scroll of the school of R. Hiyya⁹ wherein it is written, Issi b. Judah said: There are thirty-nine principal labours, but one is liable only [for] one. Yet that is not so? for we learnt: The principal labours are forty less one: and we pondered thereon, Why state the number?¹⁰ And R. Johanan answered: [To teach] that if one performs all of them in one state of unawareness,¹¹ he is liable for each separately! Rather, say thus: for one of these he is not liable; and so we are informed here that this one [sc. carrying] is of those about which there is no doubt.

The Master said: 'But the sea, a plain, a colonnade, and a karmelith rank neither as public nor as private ground.' But is a plain neither private nor public ground? Surely we learnt: A plain: in summer it is private ground in respect to the Sabbath and public ground in respect to uncleanness;¹² in winter it is private ground in both respects!¹³ — Said 'Ulla: After all it is a karmelith; yet why is it called private ground? Because it is not public ground.¹⁴ R. Ashi said:

(1) Of one of the houses.

(2) R. Judah holds that two partitions facing each other render the space between private ground by Biblical law. The outside walls of the houses are two such partitions, while the two are added to mark out this particular space and distinguish it from the rest of the street.

(3) V. 'Er., Sonc. ed., p. 32 notes.

(4) Forbidding it as a precautionary measure, lest one carry in public ground too.

(5) An object from other public ground into this.

(6) That liability is incurred, because by Biblical law two partitions constitute private ground,

(7) A well ten handbreadths deep and four broad in a public highway is private ground, as stated above; consequently, if one draws water and places it at the side, he desecrates the Sabbath. Therefore the Rabbis enacted that it should be surrounded by boards, even at some distance, and placed at intervals, providing that there is not a gap of more than ten cubits between any two; this renders the whole private ground, as though it were entirely enclosed. But R. Judah maintains that if the actual road taken by travellers lies between these boards, it destroys its character as private ground and makes it public ground in spite of the boards, and therefore it must be diverted. The emphasis in our Baraitha — that is public ground — is to reject this view of R. Judah.

(8) When it is not frequented.

(9) **ohr, x, kdn** Rashi: When a scholar heard a new law which had no authoritative tradition behind it and was thus rejected by the schools, he committed it to writing for fear that he might forget it, and kept it secret. Weiss, Dor, II, 189 thinks that the scroll contained views which R. Juda ha-Nasi had desired to exclude from his authoritative compilation, and therefore it was kept concealed. — On these lines a very considerable portion of the Baraitha would have had to be kept secret! Kaplan, Redaction of the Talmud, p. 277 suggests that the concealed scroll contained laws which were unsuited for unrestricted publicity. He also suggests that the phrase may not mean 'concealed' but written in a 'concealed', i.e. esoteric style. But there is nothing particularly esoteric about the style of the law quoted here. V. also Levi, Worterbuch s.v.

(10) Since they are all stated separately,

(11) I.e., he is unaware throughout that these are forbidden on the Sabbath.

(12) In summer it is not sown, hence a few may pass through it, yet not many will trouble to leave the highway. Hence carrying therein is permitted. With respect to uncleanness, it is a general principle that if a doubt arises in a strictly private place, a stringent ruling is given, and the article or person concerned is unclean; if it arises in a public i.e., not a strictly private place, we are lenient. Hence, since the plain is not strictly private, it ranks as public ground.

(13) Since it is sown, no stranger enters therein.

(14) And as the main purpose of that Mishnah is to draw a distinction between the Sabbath and uncleanness, that is sufficient, without pointing out that it is a karmelith.

Talmud - Mas. Shabbath 7a

E.g., when it has barriers,¹ and [this is] in accordance with the following dictum of 'Ulla in R. Johanan's name: An enclosure more than two se'ahs [in area]² which is not enclosed in attachment to a dwelling place,³ even if it is a kor or two kor [in area],⁴ if one throws [an article] therein [from public ground] he is liable. What is the reason? It is a partitioned area, but it lacks inhabitants.⁵ Now, as for R. Ashi, it is well that he does not explain it as 'Ulla;⁶ but why does 'Ulla not explain it in accordance with his own dictum? — He answers you: if it has barriers, is it called a plain: [surely] it is an enclosure! And R. Ashi?⁷ - 'Private ground' is taught.⁸

'And a karmelith.' Are then all these [sea, plain and colonnade] too not karmelith? — When R. Dimi came,⁹ he said in the name of R. Johanan: This is necessary only in respect of a corner near a street¹⁰ : though the masses sometimes press and overflow therein,¹¹ yet since it is inconvenient for [general] use, it ranks as a karmelith.

When R. Dimi came, he said in R. Johanan's name: [The place] between the pillars¹² is treated

as a karmelith. What is the reason? Though the general public walk through there, since they cannot proceed with ease,¹³ it is as a karmelith. R. Zera said in Rab Judah's name: The balcony in front of the pillars is treated as a karmelith. Now, he who stated thus of [the ground] between the pillars, — how much more so the balcony!¹⁴ But he who mentions the balcony-only the balcony [ranks as a karmelith], because it is inconvenient for [general] use, but not [the ground] between the pillars, which is convenient for [general] use.¹⁵ Another version: but [the place] between the pillars, through which the public occasionally walk, is as public ground.

Rabbah b. Shila said in R. Hisda's name: If a brick is standing upright in the street, and one throws [an article]¹⁶ and it adheres to its side, he is liable; on top, he is not liable.¹⁷ Abaye and Raba both state: Providing that it is three handbreadths high, so that the public do not step on it;¹⁸ but thorns and shrubs, even if not three [handbreadths] high.¹⁹ Hiyya b. Rab maintained: Even thorns and shrubs, but not dung.²⁰ R. Ashi ruled: Even dung.

Rabbah, of the school of R. Shila, said: When R. Dimi came,²¹ he said in the name of R. Johanan: No karmelith can be less than four [handbreadths square].²² And R. Shesheth said: And it extends²³ up to ten. What is meant by, 'and it extends up to ten?' Shall we say that only if there is a partition ten [handbreadths high] is it a karmelith, not otherwise;²⁴ but is it not? Surely R. Gidal said in the name of R. Hiyya b. Joseph in Rab's name: In the case of a house, the inside of which is not ten [hand breadths in height] but its covering makes it up to ten, it is permitted to carry on the roof over the whole [area];²⁵ but within, one may carry only four cubits!²⁶ But what is meant by 'and it extends up to ten?' That only up to ten is it a karmelith, but not higher.²⁷ And even as Samuel said to Rab Judah, Keen scholar!²⁸ In matters concerning the Sabbath do not consider²⁹ aught above ten. In what respect? Shall we say, that there is no private ground above ten? Surely R. Hisda said: If one fixes a rod in private ground³⁰ and throws [an article from the street] and it alights on the top, even if it is a hundred cubits high, he is liable, because private ground extends up to heaven!

(1) i.e., it is enclosed by a fence, wall, etc. Though the Rabbis treat it as a karmelith in so far that carrying therein is forbidden, it is nevertheless private ground by Biblical law, and carrying between it and public ground involves liability. It is in that sense that the Mishnah designates it a private domain.

(2) Se'ah is primarily a measure of capacity; by transference it is used as a surface measure on the basis that two se'ahs' seed require an area of five thousand square cubits.

(3) V. Rashi: Aliter: which is not enclosed for living purposes.

(4) 1 kor = 6 se'ahs.

(5) An enclosed place is private ground by Biblical law, whatever its size. Now, if it is attached to a dwelling (or enclosed for living purposes), e.g., a house stood in a field and then the field, upon which one of the doors of the house opens, was enclosed, it remains private ground by Rabbinical law too. But if it is not connected with a house, it is private ground only up to the area of two se'ahs; beyond that one may not carry therein by Rabbinical law. Since, however, it is private ground by Biblical law, if one throws an article into it from public ground he is liable, and to this the Mishnah quoted refers when it states that a plain is private ground.

(6) Viz., that the Mishnah means that it is a karmelith, because he prefers to explain it in accordance with 'Ulla's other dictum.

(7) That being so, why does he not accept 'Ulla's explanation?

(8) Which is definitely not a karmelith.

- (9) V. p. 12, n. 9.
- (10) At which stood a house the front of which the owner had thrown open to the public.
- (11) When the street is very crowded.
- (12) Pillars were erected in public squares or markets, upon which traders hung their wares.
- (13) Lit., 'directly'. On account of the numerous pillars, which were not always in a straight line.
- (14) Which is even less convenient. — The balcony was used as a stand for traders' stalls.
- (15) In his opinion.
- (16) Across a distance of at least four cubits.
- (17) When an article lies in the street and is less than ten handbreadths high and four square it is a place of non-liability; but that is only in respect of what can be put to a well-defined, natural use; e.g., the top of a low wall or of a brick, upon which articles may be placed. But the side of a wall or a brick can only give accidental service, as in the example, and in that case everything less than ten handbreadths high is as the street itself, and so when one throws an article and after traversing four cubits it cleaves to the side of the brick, it is as though it fell in the street, and he is liable. But the top, which, as explained by Abaye and Raba, is three handbreadths high, constitutes a separate domain — a place of non-liability.
- (18) Then it is not part of the street; v. preceding note. [Whether the surface area of the brick has to be four square handbreadths v. Tosaf. a.l.].
- (19) Rank as a separate domain, because people avoid stepping on them.
- (20) People wearing thick shoes may step upon the former; but dung is avoided.
- (21) V. P. 12, n. 9.
- (22) If it is, it is not a karmelith but a place of non-liability.
- (23) Lit., 'takes hold'.
- (24) I.e., an enclosed space less than two se'ahs in area and not attached to a house (v. p. 21, n. 7) is a karmelith only if its fencing is ten handbreadths high.
- (25) The roof is ten high, and therefore private ground.
- (26) Since it is unfit for a dwelling, its walls are disregarded and it ranks not as a private domain but as a karmelith (R. Han.). This is the reverse of our hypothesis.
- (27) If its top is more than ten handbreadths above ground level it is not a karmelith.
- (28) Or, man of long teeth.
- (29) Lit., 'be'.
- (30) A rod is generally less than four handbreadths square.

Talmud - Mas. Shabbath 7b

But [if it means] that there is no public ground above ten,¹ it is our Mishnah! For we learnt: If one throws [an article] four cubits on to a wall above ten handbreadths, it is as though he throws it into the air;² if below ten, it is as though he throws it on to the ground.³ Hence he must refer to a karmelith, [teaching] that there is no karmelith above ten. And [R. Dimi and R. Shesheth inform us that] the Rabbis treated it with the leniencies of both private and public ground. 'With the leniencies of private ground': that only if [it measures] four [handbreadths square] is it a karmelith, but if not it is simply a place of non-liability. 'With the leniencies of public ground': only up to ten is it a karmelith, but above ten it is not a karmelith.

[To revert to] the main text: 'R. Gidal said in the name of R. Hiyya b. Joseph in Rab's name: In the case of a house, the inside of which is not ten [handbreadths in height] but its covering makes

it up to ten, it is permitted to carry on the roof thereof over the whole [area]; but within, one may carry only four cubits.' Said Abaye: But if one digs out four square [handbreadths]⁴ and makes it up to ten, carrying over the whole is permitted. What is the reason? [The rest] is [as] cavities of a private domain, and such are [themselves] a private domain.⁵ For it was stated: The cavities of a private domain constitute private ground. As to the cavities of a public domain,⁶ — Abaye said: They are as public ground; Raba said: They are not as public ground.⁷ Said Raba to Abaye: According to you who maintains that the cavities of public ground are as public ground, wherein does it differ from what R. Dimi, when he came, said in the name of R. Johanan: 'This is necessary only in respect of a corner near to the street',⁸ — yet let it be as cavities of a public domain? — There the use thereof is inconvenient; here the use thereof is convenient.

We learnt: If one throws an article four cubits on to a wall, above ten handbreadths, it is as though he throws it into the air; if below ten, it is as though he throws it on to the ground.⁹ Now we discussed this: why 'as though he throws it on the ground'; surely it does not rest [there]?¹⁰ And R. Johanan answered: This refers to a juicy cake of figs.¹¹ But if you maintain that the cavities of public ground are as public ground, why relate it to a juicy cake of figs; relate it to a splinter or any article and it is a case where it alighted in a cavity?—Sometimes he answered him, A splinter or any other article are different, because they fall back;¹² sometimes he answered him: The reference must be to a wall not possessing a cavity. — How do you know it? — Because the first clause states: If one throws above ten handbreadths, it is as though he throws it into the air. Now if you imagine that this refers to a wall with a cavity, why is it as though he throws it into the air; surely it came to rest in the cavity?¹³ And should you answer, Our Mishnah [refers to a cavity] that is not four square, — surely did not Rab Judah say in R. Hiyya's name: If one throws [an article] above ten handbreadths and it goes and alights in a cavity of any size,¹⁴ we come to a controversy of R. Meir and the Rabbis, R. Meir holding, We [imaginarily] hollow it out to complete it,¹⁵ while the Rabbis maintain, We do not hollow it out to complete it.¹⁶ Hence it surely follows that the reference is to a wall without a cavity. This proves it.

[To revert to] the main text: R. Hisda said: If one fixes a rod in private ground and throws [an article from the street] and it alights on the top, even if it is a hundred cubits high, he is liable, because private ground extends up to heaven'. Shall we say that R. Hisda holds with Rabbi?¹⁷ For it was taught: If one throws [an object] and it alights upon a projection of whatever size; Rabbi holds him liable; the Sages exempt him!

(1) I.e., anything above ten handbreadths from ground level is not treated as public ground.

(2) He is not liable.

(3) And since it traverses four cubits, he is liable. — Why then need Samuel state it?

(4) I.e., he lowers the level of four square handbreadths of the ground.

(5) Cavities in a wall bounding private ground rank as private ground. Here, the lowered portion is true private ground, and the rest is regarded as cavities in an imaginary wall surrounding it.

(6) I.e., in a wall fronting a street.

(7) But constitute a separate domain. If four handbreadths square, they are a karmelith; if less, a place of non-liability.

(8) V- supra 7a, notes, it is there accounted as a karmelith.

(9) Mishnah, infra 100a.

- (10) Since it must rebound at least slightly, the final distance is less than the four cubits that is the least for which a penalty is incurred.
- (11) Which sticks.
- (12) Lit., 'come again'. Even if they do not rebound.
- (13) Which, if four handbreadths square, is private ground.
- (14) I.e., less than four square.
- (15) Where the wall is thick enough, we regard the small cavity as enlarged to four square, and liability is incurred.
- (16) And since the Mishnah under discussion is anonymous, it reflects R. Meir's view; v. Sanh. 86a.
- (17) That depositing upon a place four handbreadths square is not required.

Talmud - Mas. Shabbath 8a

— Said Abaye: In the case of private ground none differ, agreeing with R. Hisda. But here the reference is to a tree standing in private ground, while a branch inclines to the street, and one throws [an article] and it alights on the branch: Rabbi holds, We say, Cast the branch after its trunk; but the Rabbis maintain, We do not say, Cast the branch after its trunk.¹

Abaye said: If one throws a bin² into the street, [even] if it is ten [handbreadths] high but not six broad, he is liable; if six broad, he is exempt.³ Raba said: Even if it is not six broad, he is [still] exempt. What is the reason? It is impossible for a piece of cane not to project above ten.⁴ If he overturns it,⁵ mouth downwards, [and throws it], then if it is a shade more than seven [in height] he is liable; if seven and a half, he is exempt.⁶ R. Ashi said: Even if it is seven and a half, he is liable. What is the reason? The walls are made for their contents.⁷

'Ulla said: If there is a column nine [handbreadths high] in the street, and the public rest and rearrange their burdens thereon,⁸ and one throws [an object] and it alights upon it, he is liable. What is the reason? It if is less than three, the multitude step upon it;⁹ from three to nine, they neither walk upon it nor arrange their burdens upon it;¹⁰ nine, they certainly re-arrange their burdens upon it.¹¹ Abaye asked R. Joseph: What of a pit?¹² — He replied: The same holds good of a pit. Raba said: It does not hold good of a pit. What is the reason? Service through difficulty is not designated service.¹³

R. Adda b. Mattenah raised an objection before Raba: If one's basket is lying in the street, ten [handbreadths] high and four broad,¹⁴ one may not move an object] from it into the street or from the street into it; but if less, one may carry; and the same applies to a pit. Surely that refers to the second clause?¹⁵ — No: to the first clause.

He raised an objection:

(1) V. supra 4b for notes.

(2) Jast.: a large round vessel, receptacle of grain, water, etc.

(3) A circle with a diameter of six is the least (roughly) in which a square of four can be inscribed. Now, as stated above (6a), an object four square is a separate domain itself, and no liability is incurred for throwing one domain into another.

(4) Since it is ten handbreadths high, it is impossible that the top and bottom canes of the circumference shall be

absolutely even and straight, and so something must project above ten from ground level, which is a place of non-liability, not public ground. But in order to incur liability the whole of the article thrown must rest in public ground.

(5) Where it was less than six handbreadths broad (Rashi).

(6) It is a principle that the walls of an object are regarded as extending beyond its opening down to the ground itself as soon as that opening comes within a shade less than three handbreadths from the ground. V. Glos. s.v. labud. Hence, when this overturned bin, which is a shade more than seven in height (and certainly if less), enters within just under three handbreadths from the ground and is regarded as already resting on the ground, the whole is within ten from the ground, and therefore he is liable. But if it is slightly taller than this it is partly above ten; hence there is no liability.

(7) I.e., to enable it to be used as a receptacle, and not to create an imaginary extension downwards.

(8) it being of the exact height to facilitate this.

(9) And it is therefore part of the street.

(10) It is too low for the latter purpose.

(11) And since it is thus put to public use, it is part of the thoroughfare.

(12) Nine deep.

(13) It can only be used with difficulty; therefore it is not part of the street.

(14) As such it is private ground; v. supra fol. 6a.

(15) sc. o n nine handbreadths.

Talmud - Mas. Shabbath 8b

If one intends to take up his Sabbath abode in a public ground, and places his 'erub¹ in a pit above ten handbreadths, it is a valid 'erub; if below ten handbreadths, it is not a valid 'erub.² How is this meant? Shall we say, [he placed it] in a pit ten [handbreadths] in depth, and 'above' means that he raised [the bottom] and set it [the 'erub] there;³ and 'below' means that he lowered it⁴ and set it there: what is the difference between above and below? He is in one place and his erub in another!⁵ Hence it must surely refer to a pit not ten deep,⁶ and it is taught, it is a valid 'erub, which proves that use with difficulty is regarded as use?⁷ Sometimes he answered him: Both he and his 'erub were in a karmelith,⁸ and why is it called public ground? Because it is not private ground.⁹ And sometimes he answered him: He was on public ground while his 'erub was in a karmelith, this agreeing with Rabbi, who maintained: Whatever is [interdicted] as a shebuth¹⁰ was not forbidden at twilight.¹¹ And do not think that I am merely putting you off, but I say it to you with exactitude.¹² For we learnt: If there is a water pool and a public road traverses it, if one throws [an object] four cubits therein, he is liable. And what depth constitutes a pool? Less than ten handbreadths. And if there is a pool of water traversed by a public road, and one throws [an object] four cubits therein,¹³ he is liable. Now, as for mentioning this pool twice, it is well; one refers to summer and the other to winter, and both are necessary. For if we were informed [this about] summer, [it might be said the reason] is because it is the practice. of people to cool themselves;¹⁴ but in winter I would say [that it is] not [so]. And if we were informed this of winter, [it might be id the reason] is because becoming mud-stained¹⁵ it may happen that he goes down [into the water]; but in summer [I would say that it is] not [so]; thus both are necessary. But why mention traversing, twice? Hence. it must surely follow that a passage under difficulties¹⁶ is regarded as a [public] passage, whereas use under difficulties is not regarded as [public] use.¹⁷ This proves it . Rab Judah said: In the case of a bundle of canes: if one repeatedly throws it down

and raises it,¹⁸ he is not liable unless he lifts it up.¹⁹

The Master said: 'A man standing on a threshold may take [an object] from or give [it] to the master of the house, and may take an object] from or give [it] to the poor man.' What is this threshold? Shall we say, a threshold of a public road?²⁰ [How state that] he 'may take [an object] from the master of the house'? Surely he [thereby] carries [it] from private to public ground! Again, if it is a threshold of a private domain-[how state that] 'he may take [an object] from the poor man'? Surely he [thereby] carries [it] from public to private ground? Or again if it is a threshold of a karmelith,²¹ — [how state that] 'he may take or give' [implying] even at the very outset? But after all, the prohibition does exist.²² Rather it must mean a threshold which is merely a place of non-liability, e.g., if it is not four [handbreadths] square. And [it is] even as what R. Dimi, when he came,²³ said in the name of R. Johanan: A place which is less than four square, the denizens both of public and private ground may rearrange their burdens upon it, provided that they do not exchange.²⁴

The Master said: 'Providing that he does not take from the. master of the house and give to the poor man or the reverse, and if he does take and give [from one to the other], the three are exempt.' Shall we say that this refutes Raba? For Raba said: if one carries an object full four cubits²⁵ in the street, even if he carries it

(1) V. Glos.

(2) Lit., 'his 'erub is an 'erub ... his 'erub is not an 'erub.' On the Sabbath one may not go more than two thousand cubits out of the town. This, however, may be extended by placing some food (called an 'erub) at any spot within the two thousand cubits on Friday; by a legal fiction that spot becomes the Sabbath abode, since he can now eat his meal there, and from there he is permitted to walk a further two thousand cubits in any direction. This food must so be placed that it is permissible to take it on the Sabbath.

(3) E.g., he placed a small board on the bottom and the food upon it.

(4) E.g., by removing some of the earth at the bottom.

(5) The whole of that pit being ten deep, it is private ground (supra 6a), and no object in it, even if raised to the very edge, may be taken out into the thoroughfare. Hence the 'erub is inaccessible, and therefore invalid.-'He is in one place' — sc. in public ground, 'and his 'erub in another,'-in private ground.

(6) 'Above' and 'below' referring to the bottom of the pit.

(7) For otherwise it would not be regarded as public ground.

(8) E.g., the pit was in a plain; supra fol. 6a.

(9) Cf. supra 6b.

(10) V. Glos. This includes carrying between public ground and a karmelith.

(11) On Friday, because it is doubtful whether twilight belongs to the day (Friday) or night (the Sabbath), while a shebuth itself is not a stringent prohibition. Hence he could have taken out his food at twilight, which is just the time when the 'erub acquires that spot for him as his resting place for the Sabbath,

(12) Viz., that service with difficulty is not regarded as public use.

(13) I.e., it travels four cubits before it alights.

(14) Hence it is open for public use.

(15) Through travelling.

(16) As when the public road traverses a pool.

(17) This is deduced from the emphasis on 'traversing'.

- (18) Thus moving it: yet he does not actually lift it entirely from the ground at any moment.
- (19) Lit., 'removes it' completely from the ground.
- (20) Rashi: e.g., one leading to an alley.
- (21) Being four handbreadths square but less than ten high, so that it does not rank as private ground.
- (22) Of carrying between a karmelith and public or private ground, though its infringement is not punishable.
- (23) V. p. 12, n. 9.
- (24) Using it as a means of transport between public and private ground.
- (25) Lit., 'from the beginning of four to the end of four.'

Talmud - Mas. Shabbath 9a

across [or, over] himself,¹ he is liable.² -There it does not come to rest [in the place of non-liability], whereas here it does.³

'Others state, A threshold serves as two domains: if the door is open, it is as within; if the door is shut, it is as without.'⁴ Even if it has no stake?⁵ But R. Hama b. Goria said in Rab's name: That which lies within the opening requires another stake to permit it.⁶ And should you answer that [the reference is to a threshold which] is not four square: surely R. Hama b. Goria said in Rab's name: That which lies within the opening, even if less than four square, requires another stake to permit it!-Said Rab Judah in Rab's name: The reference here is to the threshold of an alley, half of which [threshold] is covered and half uncovered, the covering being toward the inner side: [hence] if the door is open, it is as within; if the door is shut, it is as without.⁷ R. Ashi said: After all, it refers to the threshold of a house, and e.g., where it is covered over with two beams, neither being four [handbreadths wide], and there are less than three [handbreadths] between them, while the door is in the middle: if the entrance is open, it is as within, if shut, it is as without.⁸

'But if the threshold is ten [handbreadths] high and four broad, it is a separate domain.' This supports R. Isaac b. Abdimi. For R. Isaac b. Abdimi said, R. Meir⁹ used to teach: Wherever you find two domains which are really one, e.g., a pillar in private ground ten high and four broad, one may not re-arrange a burden thereon, for fear of a mound in a public domain.¹⁰

(1) Rashi: above his hand; i.e., through space more than ten handbreadths from the ground, which is a place of non-liability. R. Han. and Tosaf.: from the right to the left hand, i.e., across his body.

(2) On Rashi's interpretation the difficulty is obvious: carrying an object via a place of non-liability is the same as transferring it from public to private ground by way of a threshold, which is a similar place, yet Raba rules that the former imposes liability, whereas the Baraita states that the three are exempt. According to R. Han. and Tosaf. the difficulty appears to be this: when a person passes an object from one hand to another, his own body not moving, he is in a similar position to this man who stands on the threshold and takes the one and gives to the other, himself not moving, and its passing his stationary body in the former case is the same as when in the latter case it is laid down on the threshold; so, at least, one might argue. (Tosaf. a.l. s.v. **tnhk** and in 'Er. 98a s.v. **rntvu**)

(3) Hence in the case posited by Raba we disregard the method of its passage and condemn him for carrying an object four cubits in the street.

(4) Rashi: this is now assumed to refer to a threshold lying at the opening of a blind alley between it and the public road. An alley was made fit for carrying by planting a stake at the side of the opening, which by a legal fiction was

regarded as a complete partition stretching right across, and it is understood that this threshold is excluded from the partitioning influence of a stake, which was fixed at the inner side of the threshold. Tosaf. explains it somewhat differently.

(5) On the outer side; v. preceding note.

(6) 'That which ... opening' is understood to mean the threshold, it being assumed that the stake is fixed on its inner side, so that the threshold does not come within its influence and therefore it must be enclosed, as it were, and converted into private ground before carrying therein is permitted. This contradicts the Baraita.

(7) This alley was rendered fit for carrying not by a stake but by a beam across its front (v. 'Er. 11b); and it was also furnished with a door or gate at its opening. Now, the threshold referred to here lies in front of the door, while the beam overhead covers the inner half of the threshold. If the door is open (it opened inwards) the whole threshold is counted as part of the alley, and so it is permitted; if it is closed, the threshold is shut out, and even the portion under the beam is forbidden.

(8) The entrance was covered over from above; if the cover was a single beam four handbreadths wide, everything beneath it, including the threshold, is permitted, as imaginary partitions are assumed to descend from the sides of the beam parallel to the house and enclose the entrance. But this assumption is not made when the beam is less than four in width. Again, when two beams are less than three handbreadths apart, the whole, including the space, is regarded as one, on the principle of labud, providing that there is nothing between them to break their imaginary unity. Now, the reference here is to a threshold in the middle of which the door is set. If this entrance is open, nothing breaks the unity above, and since the width of the two beams plus the space between is four cubits, the threshold is permitted. But if it is shut, the door coming between the two beams above forbids the assumption that they are united, and by corollary, the imaginary existence of partitions; hence the threshold remains forbidden.

(9) Who is the 'others' mentioned as authors of this teaching, v. supra p. 11, n. 3.

(10) Of the same size; since such constitutes private ground, one may not move an article from it into the street, and so even when situated in private ground it is also forbidden, lest one lead to the other.

Talmud - Mas. Shabbath 9b

MISHNAH. ONE MUST NOT SIT DOWN BEFORE A BARBER NEAR MINHAH¹ UNTIL, HE HAS PRAYED: NOR MAY HE ENTER THE BATHS OR A TANNERY, NOR TO EAT NOR FOR A LAWSUIT,² YET IF THEY BEGAN, THEY NEED NOT BREAK OFF.³ ONE MUST BREAK OFF FOR THE READING OF THE SHEMA', BUT NOT FOR PRAYER.⁴

GEMARA. Near what minhah?⁵ Shall we say, near the major minhah? But why not, seeing that there is yet plenty of time in the day? But if near the minor Minhah: YET IF THEY BEGAN THEY NEED NOT BREAK OFF? Shall we say that this is a refutation of R. Joshua b. Levi? For R. Joshua b. Levi said: As soon as it is time for the minhah service one may not eat⁶ anything before he has recited the minhah service. — No. After all [it means] near the major minhah, but the reference is to a hair-cut in the fashion of Ben' Elasa.⁷ [Similarly.] [NOR MAY HE ENTER] THE BATHS [means] for the complete process of the baths; NOR A TANNERY, for tanning on a large scale; NOR EAT at a long meal [of many courses]:⁸ NOR FOR A LAWSUIT, at the beginning of the trial.

R. Aha b. Jacob said: After all, it refers to our mode of hair cutting and why must he not sit down [for it] at the very outset? For fear lest the scissors be broken.⁹ [Similarly] NOR TO THE BATHS [means] merely for sweating; [and] why not [do this] in the first place? For fear lest he

faint [there].¹⁰ NOR A TANNERY, merely to inspect it:¹¹ [and] why not at the very outset? Lest he see his wares being spoilt, which will trouble him.¹² NOR TO EAT [means even] a small meal: [and] why not at the very outset? Lest he come to prolong it. NOR TO A LAWSUIT, for the end of the trial; [and] why not [enter] at the very outset? Lest he see an argument to overthrow the verdict.¹³

What is the beginning of a hair-cut?¹⁴ — Said R. Abin: When the barber's sheet is placed on one's knees. And when is the beginning of a bath? Said R. Abin: When one removes his cloak.¹⁵ And when is the beginning of tanning? When he ties [an apron] round his shoulders. And when is the beginning of eating? Rab said: When one washes his hands; R. Hanina said: When he loosens his girdle. But they do not differ: the one refers to ourselves [Babylonians]: the other to them [Palestinians].¹⁶ Abaye said: These Babylonian scholars, on the view that the evening service is voluntary,¹⁷ once they have undone their girdle [to eat], we do not trouble them;¹⁸ but on the view that it is obligatory, do we trouble them? But what of the minhah service, which all agree is obligatory, and still we learnt, YET IF THEY BEGAN, THEY NEED NOT BREAK OFF; whereon R. Hanina said, [That means] when he loosens his girdle?

(1) The afternoon service.

(2) Lest he forget about the service. This refers to weekdays, and is taught here because of its similarity to the next Mishnah on 11a.

(3) For the service — providing that there will still be time when they finish.

(4) The Shema' ('hear') is the name of the Biblical passages Deut. VI, 4-9; XI, 13-21; Num. XV, 37-41 the first of which commences with that word shema' (Hear O Israel, the Lord our God the Lord is One). The 'prayer' par excellence is the 'Eighteen Benedictions.' Both the shema' and the service must be recited daily, but the former is regarded as a Biblical obligation whereas the latter is a Rabbinical institution (v. Elbogen, *Judische Gottesdienst*, 27ff; J.E. art. Shemoneh Esreh); hence the activities mentioned in the Mishnah must be interrupted as soon as it is time to recite the shema', even though it can be recited later, but not for the 'service.'

(5) The Talmud distinguished two times for minhah: the major, i.e., first minhah, at 12:30 p.m. and the minor, i.e., the late minhah, from 3:30 to sunset, which was calculated as at 6 p.m. but the service was not generally delayed after the minor minhah, i.e., after 3:30. V. Elbogen, *op. cit.* pp. 98ff; J. E. XVIII, 59b.

(6) Lit., 'taste'.

(7) The son-in-law of R. Judah ha-Nasi; he cropped his hair closely in the manner of the High Priest, v. Sanh. 22b. This was a long process and if one commenced it even before the major minhah he might be too late for the service.

(8) For descriptions of long meals and short meals v. T.A. III, pp. 28f.

(9) And by the time another pair is procured it may be too late for the service.

(10) Or, be overcome by weakness.

(11) Even not to superintend the whole process.

(12) And make him forget about the service.

(13) Which will necessitate starting afresh.

(14) So that it shall be unnecessary to break it off for the service.

(15) I.e., when he starts undressing.

(16) Rashi: the Babylonians were tightly belted, so they loosened the girdle before eating; but for the Palestinians this was unnecessary. R. Han. reverses it.

(17) It is disputed in Ber. 27b whether the evening service is compulsory or voluntary.

(18) To refrain from their meal until they have prayed.

Talmud - Mas. Shabbath 10a

— There¹ drinking is rare; here it is usual.² Alternatively, as for minhah, since it has a fixed time, one is afraid³ and will not come to transgress; but as for the evening service, since there is time for it all night, he is not afraid, and may come to transgress.

R. Shesheth demurred: Is it any trouble to remove the girdle!⁴ moreover, let him stand thus [ungirdled] and pray?—Because it is said, prepare to meet thy God, O Israel.⁵ Raba son of R. Huna put on stockings and prayed, quoting, ‘prepare to meet etc.’ Raba removed his cloak,⁶ clasped his hands and prayed, saying, ‘[I pray] like a slave before his master.’ R. Ashi said: I saw R. Kahana, when there was trouble in the world, removing his cloak, clasp his hands, and pray, saying, ‘[I pray] like a slave before his master.’ When there was peace, he would put it on, cover and enfold himself and pray, quoting, ‘Prepare to meet thy God, O Israel.’⁷

Raba saw R. Hamnuna prolonging his prayers.⁸ Said he, They forsake eternal life and occupy themselves with temporal life.⁹ But he [R. Hamnuna] held, The times for prayer and [study of the] Torah are distinct from each other. R. Jeremiah was sitting before R. Zera engaged in study; as it was growing late for the service, R. Jeremiah was making haste [to adjourn]. Thereupon R. Zera applied to him [the verse], He that turneth away from hearing the law, even his prayer is an abomination.¹⁰

When is the beginning of a lawsuit? R. Jeremiah and R. Jonah one maintains: When the judges wrap themselves round;¹¹ and the other says: When the litigants commence [their pleas]. And they do not differ: the latter means when they are already engaged in judging;¹² the former, when they are not already engaged in judging.

R. Ammi and R. Assi were sitting and studying between the pillars;¹³ every now and then they knocked at the side of the door and announced: If anyone has a lawsuit, let him enter and come. R. Hisda and Rabbah son of R. Huna were sitting all day [engaged] in judgments, and their hearts grew faint,¹⁴ [whereat] R. Hiyya b. Rab of Difti¹⁵ recited to them, and the people stood about Moses from the morning into the evening;¹⁶ now, can you really think that Moses sat and judged all day? when was his learning done? But it is to teach you, Every judge who judges with complete fairness¹⁷ even for a single hour, the Writ gives him credit as though he had become a partner to the Holy One, blessed be He, in the creation.¹⁸ [For] here it is written, ‘and the people stood about Moses from the morning into the evening’; whilst elsewhere it is written, and there was morning, and there was evening, one day.¹⁹

Until when must they [the judges] sit at judgment?—R. Shesheth said: Until the time of the [main] meal [of the day]. R. Hama observed, What verse [teaches this]? For it is written, Woe to thee, ☉ land, when thy king is a child, and thy princes eat in the morning! Happy art thou, ☉ land, when thy king is the son of nobles, and thy princes eat in due season, for strength, and not for drunkenness!²⁰ [i.e.,] in the strength of the Torah and not in the drunkenness of wine.²¹

Our Rabbis taught: The first hour [of the day]²² is the mealtime for gladiators;²³ the second, for robbers;²⁴ the third, for heirs;²⁵ the fourth, for labourers,²⁶ the fifth, for all [other] people. But that is not so, for R. Papa said: The fourth [hour] is the mealtime for all people?-Rather the fourth hour is the mealtime for all [other] people, the fifth for [agricultural] labourers, and the sixth for scholars. After that it is like throwing a stone into a barrel.²⁷ Abaye said: That was said only if nothing at all is eaten in the morning; but if something is eaten in the morning, there is no objection.²⁸

R. Adda b. Ahabah said: One may recite his prayers [the Eighteen Benedictions] at the baths. An objection is raised: If one enters the baths in the place where people stand dressed,²⁹ both reading [the shema'] and prayer [the Eighteen Benedictions] are permissible, and a greeting of 'Peace'³⁰ goes without saying; and one may don the phylacteries there,³¹ and it goes without saying that he need not remove them [if already wearing them]; in the place where people stand undressed,³² a greeting of 'Peace' is not permissible there³³ and reading and praying goes without saying; the phylacteries must be removed, and it goes without saying that they must not be donned!-When R. Adda b. Ahabah made his statement it referred to baths in which no one is present. But did not R. Jose b. Hanina say: The baths of which they [the Rabbis] spoke are even those in which none are present; the privy closet of which they spoke³⁴ means even such as contains no excrement?-Rather, when R. Adda stated [his ruling] it was in reference to new [baths].³⁵ But surely [this is just what] Rabina propounded: What if a place is designated for a privy closet; is designation recognized or not?³⁶ and it was not solved. Now did not the same [query of his] apply to baths?³⁷ No. Perhaps

(1) At minhah time.

(2) It was not customary to drink much by day; but the evening meal was often prolonged through drinking; therefore, on the view that the evening service is obligatory, one must refrain from his meal even if he has removed his girdle.

(3) Careful not to overstep it.

(4) Surely you cannot maintain that by that slight act he has commenced his meal.

(5) Amos IV, 12. When it is customary to wear a girdle, it is not fitting to pray without one.

(6) Rashi: divested himself of his costly upper cloak as a mark of humility.

(7) On these preparations for prayer cf. MGWJ. 1935 Vol. 4, pp. 330f.

(8) Though the general order and contents of the service, e.g., the Eighteen Benedictions (v. Elbogen, op. cit. pp. 5, 27: **hkm** and **t**, **ukm** refer to these) was settled, the actual text was left to each individual (ibid, pp. 41 seqq.), and R. Hamnuna may have thus prayed at great length; or perhaps this length was due to devotional intensity.

(9) They spend time in prayer which might be more usefully employed in study: the former, which is a petition for health, sustenance, etc., he called temporal life — not with great exactitude, as it also contains prayers for knowledge, repentance, and forgiveness. This is interesting as shewing the high place occupied by study as a religious observance in itself,

(10) Prov. XXVIII, 9.

(11) In their praying shawls (tallith), that they might be duly impressed with the solemnity of dispensing justice,

(12) Having started earlier with a different suit.

(13) Of the Beth Hamidrash.

(14) Rashi: they grieved at not being able to study. Or literally, because they had not eaten all day.

(15) A town probably to be identified with Dibtha, in the vicinity of Wasit on the Tigris; Obermeyer, p. 197.

- (16) Ex. XVIII, 13.
- (17) Lit., 'who judges a true judgment according to its truth'. V. Sanh., Sonc. ed., p. 27, n. 8.
- (18) Lit., 'work of the Beginning'.
- (19) Gen. 1, 5. The deduction is based on the similarity of the phrases used in both cases.-Thus, according to Rashi's first reason for their faintness (v. n. 4) he comforted them with the assurance of great reward. According to the second, he told them that they were not bound to sit and judge all day.
- (20) Eccl. X, 16f.
- (21) Translating: thy princes, viz., judges, do not eat the first thing in the morning, but sit and judge until the proper time for eating.
- (22) Which was reckoned from six a.m. to six p.m.
- (23) Whose diet required special attention (Jast.); or perhaps, circus attendants.
- (24) Rashi in Pes. 12b: both are rapacious, hence they eat so early; but robbers, being awake all night, sleep during the first hour of the day.
- (25) Not having to earn a living, they can eat earlier than others.
- (26) In the field.
- (27) Rashi: no benefit is derived.
- (28) To postponing the main meal,
- (29) In the outer chamber.
- (30)) Lit., 'enquiring after one's Peace.'
- (31) In Talmudic times these were worn all day, not only at the morning service as nowadays.
- (32) In the inner chamber.
- (33) V. infra.
- (34) In the same connection.
- (35) I.e., which had never been used, but merely (designated for baths
- (36) Does designation subject the place to the laws appertaining to a privy?
- (37) But surely he could have solved it on the latest interpretation from R. Adda's ruling.

Talmud - Mas. Shabbath 10b

a privy is different, because it is offensive.¹

'A greeting of 'Peace' is not permissible there'. This supports the following dictum of R. Haninuna on 'Ulla's authority: A man may not extend a greeting of 'Peace' to his neighbour in the baths, because it is said, And he called it, The Lord is peace.² If so, let it also be forbidden to mention, By faith!³ in a privy, for it is written, the faithful God?⁴ And should you answer, that indeed is so: but R. Hama b. Goria said in Rab's name, By faith! may be mentioned in a privy?-There the Name itself is not so designated, as we translate it, God is faithful; but here the Name itself is designated 'Peace,' as it is written, and he called it, The Lord is Peace.⁵

Raba b. Mehasia also said in the name of R. Hama b. Goria in Rab's name: If one makes a gift to his neighbour, he must inform him [beforehand], as it is written, that ye may know that I the Lord sanctify you:⁶ It was taught likewise: That ye may know that I the Lord sanctify you: The Holy One, blessed be He, said to Moses, I have a precious gift in My treasure house, called the Sabbath, and desire to give it to Israel; go and inform them. Hence R. Simeon b. Gamaliel said: If one gives a loaf to a child, he must inform his mother. What shall he do to him?⁷ — Said Abaye,

He must rub him with oil and paint⁸ him with kohl.⁹ But nowadays that we fear witchcraft what [shall be done]?¹⁰ -Said R. Papa: He must rub him with the self-same kind.¹¹ But that is not so, for R. Hama son of R. Hanina said: If one makes a gift to his neighbour, he need not inform him, as it is said, and Moses did not know that the skin of his face shone by reason of his speaking with him?¹² — There is no difficulty: the one refers to a matter which is likely to be revealed; the other, to one which is not likely to be revealed. But the Sabbath is a matter which stood to be revealed!-Its reward did not stand to be revealed.¹³

R. Hisda was holding two [priestly] gifts of oxen in his hand.¹⁴ Said he, 'Whoever will come and tell me a new dictum in Rab's name, I will give them to him.' Said Raba b. Mehasia to him, Thus did Rab say: If one makes a gift to his neighbour he must inform him, as it is said, 'that ye may know that I the Lord sanctify you'. Thereupon he gave them to him. Are Rab's dicta so dear to you? asked he. Yes, he replied. That illustrates what Rab said, he rejoined, A garment is precious to its wearer.¹⁵ Did Rab indeed say thus! he exclaimed; I rate the second higher than the first, and if I had another [priestly gift] I would give it to you.

Raba b. Mehasia also said in the name of R. Hama b. Goria in Rab's name: A man should never single out¹⁶ one son among his other sons, for on account of the two sela's weight of silk, which Jacob gave Joseph in excess of his other sons, his brothers became jealous of him and the matter resulted in our forefathers' descent into Egypt.¹⁷

Raba b. Mehasia also said in the name of R. Hama b. Goria in Rab's name: A man should always seek to dwell in a city but recently populated, for since it is but recently populated its sins are few, as it is said, behold now, this city is near [kerobah] to flee to, and it is a little one.¹⁸ What is meant by 'kerobah'? Shall we say that it is near and small? But surely they could see that for themselves! Rather [he meant,] because it has been recently populated¹⁹ its sins are few. R. Abin said: What verse [supports this]? Oh, let me [na] escape thither:²⁰ the numerical value of na is fifty-one;²¹ whereas that of Sodom is fifty-two, whilst its peace

(1) Hence mere designation may suffice there, yet be ineffective in respect to baths.

(2) Judg. VI, 24. The form of the greeting was 'Peace unto thee,' 'What is thy peace?'

(3) By my word! A term of asseveration,

(4) Deut. VII, 9.

(5) 'Faithful' is an adjective; 'peace' is a predicative substantive referring to God.

(6) Ex. XXXI, 13.

(7) To the child, that his mother may know.

(8) Lit., 'fill',

(9) A powder used for painting the eyelids.-His mother, seeing this, will enquire who did it, and so the child will tell her about the loaf too.

(10) The mother may think that the child was put under a spell.

(11) Of whatever he gives him.

(12) Ex. XXXIV, 29.

(13) And this Moses was bidden to do.

(14) He was a priest, v. Ber. 44a. The 'gifts' are the priestly dues, viz., the shoulder, jaws and the maw.

(15) And you, being Rab's disciple, cherish his sayings.

- (16) Lit., 'distinguish'.
 (17) Lit., 'and the matter was rolled on and our forefathers descended' etc.
 (18) Gen. XIX, 20.
 (19) Likewise expressed by kerobah.
 (20) Gen. XIX, 20.
 (21) Heb. **tb**; every letter in Hebrew is also a number.

Talmud - Mas. Shabbath 11a

[lasted] twenty-six [years], as it is written, Twelve years they served Chedorlaomer, and thirteen years they rebelled. And in the fourteenth year, etc.¹ Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: Every city whose roofs are higher than the synagogue will ultimately be destroyed, as it is said, to exalt the house of our God, and to repair the ruins thereof.² Yet that refers only to houses; but as for towers and turrets, we have no objection. R. Ashi said: I achieved for the town of Mehasia³ that it was not destroyed.⁴ But it was destroyed!⁵ -It was not destroyed as a result of that sin.

Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: [Let one be] under an Ishmaelite but not under a 'stranger';⁶ under a stranger but not under a Gueber;⁷ under a Parsee but not under a scholar; under a scholar but not under an orphan or a widow.⁸

Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: Rather any complaint, but not a complaint of the bowels; any pain, but not heart pain; any ache, but not head ache; any evil, but not an evil wife! Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: If all seas were ink, reeds pens, the heavens parchment, and all men writers, they would not suffice to write down the intricacies of government. Said R. Mesharshia, What verse [teaches this]? The heaven for height, and the earth for depth, and the heart of kings is unsearchable.⁹

Raba b. Mehasia also said in the name of R. Hama b. Gorias in Rab's name: Fasting is as potent against a dream as fire against tow.¹⁰ Said R. Hisda: Providing it is on that very day. R. Joseph added: And even on the Sabbath.¹¹

R. Joshua son of R. Idi chanced on the home of R. Ashi. A third grown calf¹² was prepared for him and he was invited, 'Master, partake somewhat.' 'I am engaged in a fast,' he replied. 'And do you not accept Rab Judah's ruling in Rab's name: One may borrow his fast and repay it?'¹³ 'It is a fast on account of a dream,' he answered, 'and Raba b. Mehasia said in the name of R. Hama b. Gorias in Rab's name: Fasting is as potent against a dream as fire against tow; and R. Hisda said, Providing it is on that very day; and R. Joseph added: And even on the Sabbath.'

YET IF THEY BEGAN, THEY NEED NOT BREAK OFF. ONE MUST BREAK OFF FOR THE READING OF THE SHEMA', [BUT NOT FOR PRAYER]. But the first clause teaches, THEY NEED NOT BREAK OFF?-The second clause refers to study.¹⁴ For it was taught: If companions [scholars] are engaged in studying, they must break off for the reading of the shema', but not for prayer. R. Johanan said: This was taught only of such as R. Simeon b. Yohai and his

companions, whose study was their profession; but we¹⁵ must break off both for the reading of the shema' and for prayer. But it was taught: Just as they do not break off for the service, so do they not break off for the reading of the shema'?'-That was taught in reference to the intercalation of the year.¹⁶ For R. Adda b. Ahabah said, and the Elders of Hagraunia¹⁷ recited likewise: R. Eleazar b. Zadok said: When we were engaged in intercalating the year at Yabneh,¹⁸ we made no break for the reading of the shema' or prayer.

MISHNAH. A TAILOR MUST NOT GO OUT WITH HIS NEEDLE NEAR NIGHTFALL,¹⁹ LEST HE FORGET AND GO OUT,²⁰ NOR A SCRIBE WITH HIS QUILL; AND ONE MAY NOT SEARCH HIS GARMENTS [FOR VERMIN, NOR READ BY THE LIGHT OF A LAMP.²¹ IN TRUTH IT WAS SAID, THE HAZZAN²² MAY SEE WHERE THE CHILDREN READ,²³ BUT HE HIMSELF MUST NOT READ. SIMILARLY IT WAS SAID, A ZAB MUST NOT DINE TOGETHER WITH A ZABAH,²⁴ AS IT MAY LEAD TO SIN.²⁵

GEMARA. We learnt elsewhere: One must not stand in private ground and drink in public ground, or on public ground and drink in private ground;²⁶ but if he inserts his head and the greater part [of his body] into the place where he drinks, it is permitted;

(1) Ibid. XIV, 4f. During the twelve years of servitude, the thirteen of rebellion, and the fourteenth of war, they were not at peace; this leaves 26 years of peace before its destruction.

(2) Ezra IX, 9. Thus, when 'the house of our God' is exalted, the ruins are repaired; the present saying is its converse.

(3) A famous town near Sura on the Euphrates (Obermeyer, p. 188) which possessed an academy of which R. Ashi was the principal.

(4) By not permitting houses to be built higher than the Synagogue.

(5) There is evidence that Mehasia was still standing in the second half of the seventh; consequently the destruction mentioned here must have been a partial one; *ibid.* p. 290.

(6) Var. lec.: Edomite. Jast.: rather under Arabic dominion than under Byzantium.

(7) Parsee, v. Git., Sonc. ed., p. 63, n. 2.

(8) A scholar is quick to punish; and God himself punishes an affront to an orphan or widow.

(9) Prov. XXV, 3.

(10) Dreams were believed portents foreshadowing the future, though, as seen here, the evil they foretold might be averted. Cf. Ber. 55-58. B.B. 10a; Yoma 87b et passim. Though R. Meir said, 'Dreams neither help nor harm,' (Hor. 13b) we find that he was warned against a certain innkeeper in a dream (Yoma 38b).

(11) Though otherwise fasting is forbidden on the Sabbath, a dream-fast is permitted.

(12) So Rashi in 'Er. 63a.

(13) If one vows to fast, he may 'borrow,' i.e., postpone it and subsequently 'repay,' i.e., keep it later.

(14) Lit., 'words of Torah.'

(15) Who interrupt our studies for business.

(16) The Jewish year consists of twelve lunar months. As this is about eleven days shorter than the solar year, an additional month was periodically intercalated, and when the Intercalatory Board deliberated the question of prolonging the year, they did not interrupt themselves for the shema or the service.

(17) A town in immediate proximity to Nehardea on the Euphrates. By the middle of the fourth century Nehardea was already on the decline and many scholars preferred to live in Hagraunia, as shown by the phrase, the Elders (i.e., the leading scholars) of Hagraunia. Obermeyer, pp. 265-267.

(18) The famous town N.W. of Jerusalem which R. Johanan b. Zakkai made the chief academical centre and the seat of the Sanhedrin after the fall of the Jewish state in 70 C.E.

(19) Of the Sabbath.

(20) In the evening.

(21) Lest the light flickers and he tilts the lamp that the oil should flow more freely, which is forbidden on the Sabbath.

(22) Lit., 'supervisor.' In the Talmudic period the word did not denote synagogue reader, as in modern times, but was applied to various functionaries, e.g., the person who supervised children's studies in the synagogue, the beadle, the court crier, and the janitor at academical debates. Possibly the same man combined a number of these functions. V. Sot., Sonc. ed., p. 202, n. 4.

(23) V. Gemara.

(24) On zab and zabah v. Glos.

(25) Viz., intimacy, which is forbidden.

(26) On the Sabbath. He must not put his head into the other domain, lest he draw the drinking cup to himself, thus transferring an object from one domain to another.

Talmud - Mas. Shabbath 11b

and the same applies to a wine vat.¹ The scholars propounded: What of a karmelith?² -Abaye said: It is precisely the same. Raba said: That itself³ is only a preventive measure:⁴ are we to arise and enact a preventive measure⁵ to safeguard⁶ another preventive measure!⁷

Abaye said, Whence do I say it? Because it is taught, and the same applies to a wine vat. Now what is this wine vat? If private ground, it has [already] been taught: if public ground, it has [also] been taught. Hence it must surely refer to a karmelith. Raba said: 'And the same applies to a wine vat' is [stated] in reference to tithes; and R. Shesheth said likewise, 'And the same applies to a wine vat' refers to tithes. For we learnt: One may drink [wine] over the vat in [a dilution of] both hot or cold [water], and is exempt [from tithing]: this is R. Meir's view. R. Eleazar son of R. Zadok holds him liable. But the Sages maintain: For a hot [dilution] he is liable; for a cold one he is exempt, because the rest is returned.⁸ We learnt: A TAILOR MUST NOT GO OUT WITH HIS NEEDLE NEAR NIGHTFALL, LEST HE FORGET HIMSELF AND GO OUT. Surely that means that it is stuck in his garment?⁹ -No: it means that he holds it in his hand.¹⁰ Come and hear: A tailor must not go out with a needle sticking in his garment. Surely that refers to the eve of Sabbath?-No; that was taught with reference to the Sabbath. But it was taught, A tailor must not go out with a needle sticking in his garment on the eve of the Sabbath just before sunset?-The author of that is R. Judah, who maintained, An artisan is liable [for carrying out an object] in the manner of his trade.¹¹ For it was taught: A tailor must not go out with a needle stuck in his garment, nor a carpenter with a chip behind his ear,¹² nor a [wool] corder with the cord in his ear, nor a weaver with the cotton¹³ in his ear, nor a dyer with a [colour] sample round his neck, nor a money-changer with a denar¹⁴ in his ear; and if he does go forth, he is not liable, though it is forbidden: this is R. Meir's view.¹⁵ R. Judah said: An artisan is liable [for carrying out an object] in the manner of his trade, but all other people are exempt. One [Baraita] taught: A zab must not go out with his pouch;¹⁶ yet if he goes out he is not liable, though it is forbidden. And another taught: A zab must not go out with his pouch, and if he goes out he is liable to a sin-offering!-Said R. Joseph, There is no difficulty: the former is R. Meir; the latter R. Judah.

Abaye said to him. When have you heard R. Meir [to give this ruling], in respect to something which it is not natural [to carry thus]; but have you heard him in respect to something which demands that mode [of carrying]? For should you not say so, then if an unskilled worker hollows out a measure from a log on the Sabbath, would he indeed be exempt on R. Meir's view?¹⁷ Rather, said R. Hammuna, there is no difficulty; the one refers to a zab who has had two attacks,¹⁸ the other to a zab who has had three attacks.¹⁹ Now, why does a zab of two attacks differ in that he is liable? [Presumably] because he requires it for examination!²⁰ But then a zab of three attacks also requires it for counting?²¹ It holds good only for that very day.²² Yet still he needs it to prevent the soiling of his garments?—Said R. Zera, This agrees with the following Tanna, who maintains, The prevention of soiling has no [positive] importance.²³ For we learnt: If one overturns a basin on a wall, in order that the basin be washed [by the rain], it falls within [the terms of], ‘and if it [water] be put [etc.]’; if in order

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- (1) This is now assumed to mean that one must not stand in either a public or private ground, as the case may be, and drink from the vat.
 - (2) May one stand in public or private ground and drink in a karmelith, or vice versa?
 - (3) The prohibition of actually transporting an object between a karmelith and public or private ground.
 - (4) V. supra 6a on karmelith.
 - (5) Sc. the prohibition of standing in one domain and drinking in another.
 - (6) Lit., ‘for’.
 - (7) Surely not.
 - (8) The vat is the utensil into which the expressed juice of the grapes runs, whence it descends into the pit beneath. Once it is in the pit its manufacture as wine is complete, and it is liable to tithes, before the rendering of which nothing at all may be drunk. But while it is yet in the vat its manufacture is not complete, and so a little wine may be drunk even before the rendering of the tithes. That, however, is only if it is drunk directly over the vat; if it is taken out, that action itself confers upon it the status of finished wine, and the tithes, etc., must first be given. Thus, when it is taught, ‘and the same applies to a wine vat’, it means that if one drinks wine from the vat, he is regarded as taking it away, unless he has his head and greater part of his body in the vat, and must render the tithes before he drinks.—Wine was not drunk neat, but diluted with water; if it is diluted with cold water, the rest can be poured back into the vat; if with hot water, it cannot, the hot mixture injuring the rest. R. Meir holds that in both cases, since he does not take it away from the vat, he can drink a little without tithing; R. Eleazar b. R. Zadok rejects this view. The Sages agree with R. Meir if it is diluted with cold water; if it is diluted with hot, since the rest cannot be returned into the vat, it is as though it were carried away, and therefore may not be drunk.
 - (9) Then even carrying it out on the Sabbath is only Rabbinically forbidden as a preventive measure, lest one carry in general, and yet he must also not go out before the Sabbath as a preventive measure lest he go on the Sabbath itself. Thus we have one preventive measure to safeguard another in respect to the Sabbath.
 - (10) This is Biblically forbidden on the Sabbath.
 - (11) And this is such; thus he regards it as Biblically forbidden.
 - (12) Rashi: this was the sign of his trade, and he wore it that he might be recognized and offered employment.
 - (13) Krauss in T.A. 1. p. 249 and p. 281 a.l. translates: a small distaff, carried behind the ear as an indication of a man's trade.
 - (14) A coin.
 - (15) He regards these as unnatural ways of carrying, whereas Scripture prohibits only the natural mode of any particular form of labour.
 - (16) To receive his discharge.

(17) Because he did not do it in a professional manner? Surely not, for if so only a skilled worker will be liable for doing something of his own trade. Hence it must be that a person is liable for doing any labour in the manner natural to himself, and the same applies to a zab and his pouch.

(18) Lit., 'sights' -of discharge.

(19) When a zab has had three attacks he must bring a sacrifice (Lev. XV, 13-15). Consequently, after two attacks he needs this pouch to see whether he has a third (which otherwise may pass unknown to him), and since he needs it that is the natural way for him to carry it, and therefore he is liable.

(20) As in last note.

(21) After he ceases to discharge he must count seven consecutive days of cleanness, i.e., in which there is no discharge (ibid.): a single attack during this period necessitates counting afresh from the following day. Hence he too needs this pouch for that period.

(22) I.e., he is not liable only if he had the third attack on that Sabbath itself; he does not need the pouch then, as in any case he commences counting only on the next day.

(23) I.e., when a thing is done not for its own sake but to prevent something from being soiled, it is not regarded as a positive act and involves no liability.

Talmud - Mas. Shabbath 12a

that the wall be not damaged [by the rain], it does not fall within [the terms of] 'and if it be put [etc.]'¹ But how compare! There he does not want that fluid at all, whereas here he needs this pouch to receive the discharge.² This can only be compared to the second clause: If a tub³ is placed so that the dripping [of water] should fall therein, the water which rebounds or overflows is not within [the meaning of] 'and if [water] be put'; but the water inside it is within [the meaning of] and if [water] be put!⁴ -Rather, said both Abaye and Raba, There is no difficulty: the one is according to R. Judah; the other agrees with R. Simeon.⁵

The School of R. Ishmael taught: A man may go out with his tefillin⁶ on the eve of Sabbath near nightfall.⁷ What's the reason? Because Rabbah son of R. Huna said: One must feel his tefillin every now and then, [inferring] a minori from [the High Priest's] headplate. If in the case of the headplate, which contained the Divine Name⁸ only once, yet the Torah said, and it shall always be on his forehead,⁹ [i.e.,] his mind must not be diverted from it; then with the tefillin, which contain the Divine Name many times, how much more so! therefore he is fully cognizant thereof.¹⁰

It was taught: Hanania said: One must examine¹¹ his garments on Sabbath eve before nightfall. R. Joseph observed: That is a vital¹² law for the Sabbath.¹³

ONE MAY NOT SEARCH HIS GARMENTS [FOR VERMIN] etc. The scholars propounded: [Does this mean] , ONE MAY NOT SEARCH HIS GARMENTS by day, lest he kill [the vermin], and would this agree with R. Eliezer, (for it was taught, R. Eliezer said: If one kills vermin on the Sabbath, it is as though he killed a camel),¹⁴ while ONE MAY NOT READ BY THE [LIGHT OF A LAMP, lest he tilt it? Or perhaps, both are [forbidden] lest he tilt [the lamp]?¹⁵ -Come and hear: One may not search [his garments] nor read by the light of a lamp. But is it stronger than our Mishnah?¹⁶ Come and hear: One may not search his garments by the light of a lamp, nor read by the light of a lamp, and these are of the halachoth stated in the upper chamber of Hananiah b. Hezekiah b. Garon.¹⁷ This proves that both are on account lest he tilt [the

lamp]; this proves it.

Rab Judah said in Samuel's name: [It is forbidden] even to distinguish between one's own garments and his wife's [by lamp light]. Said Raba: That was stated only of townspeople;¹⁸ but those of country folk¹⁹ are easily distinguished. And [even] in the case of townspeople this was stated only of old women; but those of young women are readily distinguishable. Our Rabbis taught: One must not search [his garments] in the street out of decency. In like way R. Judah-others state, R. Nehemiah-said: One must not cause himself to vomit in the street, out of decency. Our Rabbis taught: If one searches his garments [on the Sabbath] he may press [the vermin] and throw it away, providing that he does not kill it. Abba Saul said: He must take and throw it away, providing that he does not press it. R. Huna said, The halachah is, he may press and throw it away, and that is seemly, even on weekdays. Rabbah killed them, and R. Shesheth killed them.²⁰ Raba threw them into a basin of water. R. Nahman said to his daughters, 'Kill them and let me hear the sound of the hated ones.'²¹

It was taught, R. Simeon b. Eleazar said: Vermin must not be killed on the Sabbath: this is the view of Beth Shammai; while Beth Hillel permit it. And R. Simeon b. Eleazar said likewise on the authority of R. Simeon b. Gamaliel: One must not negotiate for the betrothal of children [girls],²² nor for a boy, to teach him the book²³ and to teach him a trade,²⁴ nor may mourners be comforted, nor may the sick be visited on the Sabbath.²⁵ that is the ruling of Beth Shammai; but Beth Hillel permit it.

Our Rabbis taught: If one enters [a house] to visit a sick person [on the Sabbath], he should say, 'It is the Sabbath, when one must not cry out, and recovery will soon come.' R. Meir said, [One should say] 'It [the Sabbath] may have compassion.'²⁶

(1) V. Lev. XI, 38. Foodstuffs, e.g., grain, fruit, etc., cannot become unclean unless moisture has fallen upon them after being harvested; also, this moisture must be such as the owner of the foodstuffs desires. Now, in the first instance the rain was desired; hence, even if it rebounds from the basin on to the fruit, it is regarded as desired moisture, though it was not wanted for the latter, and the fruit is henceforth liable to uncleanness. But in the second it was not wanted at all, and therefore does not render the fruit liable. This proves that an action to prevent another thing from being soiled (here, to save the wall from damage) has no positive value.

(2) And precisely because he needs the pouch he should be liable.

(3) Or kneading trough.

(4) The latter is desired, and therefore if it comes into contact with fruit the fruit is liable to uncleanness, but the water that squirts or overflows is not desired. This shows that when a man's intentions are fulfilled, the action is of positive value; so here too, he carries the pouch with a definite intention, which is fulfilled. Hence he should be liable!

(5) R. Judah maintains that one is culpable for an act even if that which necessitates it is undesired; while R. Simeon holds that there is no liability for such. Thus, here the carrying of the pouch is necessitated by the discharge, but the discharge itself is certainly unwanted.

(6) V. Glos. phylacteries.

(7) In Talmudic times the phylacteries were worn all day and in the street, but not on the Sabbath.

(8) Lit., 'mention'.

(9) Ex. XXVIII, 38.

- (10) And need not fear that he will go out with them after nightfall,
- (11) Lit., 'feel'; to see whether there is anything attached to them or in them.
- (12) Lit., 'great'.
- (13) In general, steps must be taken before the Sabbath to avoid the desecration of the Sabbath.
- (14) I.e., it is a complete labour, and forbidden.
- (15) In which case HE MAY NOT SEARCH HIS GARMENTS at night only.
- (16) The same question of interpretation arises here.
- (17) V. Mishnah infra 13b.
- (18) Rashi: being idle, the men wear wide garments like women's.
- (19) Land workers. (11) Whose garments were more like those of men.
- (20) Even on the Sabbath (Rashi).
- (21) Of their death?
- (22) On marrying young v. T.A. II, pp, 28f.
- (23) I.e., for his elementary education. The obligation of a child's education lies primarily upon his father (Kid. 30a), and was left to him originally, public instruction being given to adults only. By the reforms of R. Simeon b. Shetah and Joshua b. Gamala elementary schools were set up for children from the age of six or seven and upwards (J. Keth VIII, ad fin.). From this passage we may conclude that the system of engaging private teachers was also in vogue in the education of girls, v. Kid., Sonc. ed., p. 141, n. 1 and Ned., p. 107, n. 2. It may be observed that only boys are referred to here.
- (24) This was definitely obligatory upon the father; Kid. 29a.
- (25) Both are too sad for the Sabbath.
- (26) The due observance of the Sabbath will bring recovery in its wake.

Talmud - Mas. Shabbath 12b

R. Judah said, 'May the Omnipresent have compassion upon you and upon the sick of Israel.' R. Jose said, 'May the Omnipresent have compassion upon you in the midst of the sick of Israel.' Shebna, a citizen of Jerusalem, on entering would say 'Peace'; and on leaving, 'It is the Sabbath, when one must not cry out and healing will soon come, His compassion is abundant and enjoy the Sabbath rest in peace.' With whom does this dictum of R. Hanina agree: One who has an invalid in his house should combine him with other Jewish sick?¹ With whom? — With R. Jose.

R. Hanina also said: It was [only] with difficulty that comforting mourners and visiting the sick was permitted on the Sabbath.²

Rabbah b. Bar Hanah said: When we followed R. Eleazar to inquire after a sick person, sometimes he would say to him, [in Hebrew], 'The Omnipresent visit thee in peace'; at others, he said, [in Aramaic], 'The Omnipresent remember thee in peace'. But how might he do thus: did not Rab Judah say, One should never petition for his needs in Aramaic; and R. Johanan said: When one petitions for his needs in Aramaic, the Ministering Angels do not heed him, for they do not understand Aramaic ?³ — An invalid is different, because the Divine Presence is with him. For R. 'Anan said in Rab's name, How do you know that the Divine Presence supports an invalid? Because it is written, The Lord supports him upon the couch of languishing.⁴ It was taught likewise: One who enters [a house] to visit the sick may sit neither upon the bed nor on a seat, but must wrap himself about⁵ and sit in front of him,⁶ for the Divine Presence is above an invalid's

pillow, as it is said, The Lord supports him upon the couch of languishing. And Raba said in Rabin's name: How do we know that the Holy One, blessed be He, sustains the sick? Because it is said, The Lord supports him on the couch of languishing.

NOR MUST HE READ BY THE LIGHT OF A LAMP. Raba said: Even if it is as high as twice a man's stature, or as two ox-goads [height],⁷ or even as ten houses on top of each other.⁸

One alone may not read, but for two [together] it is well?⁹ But it was taught: Neither one nor two! — Said R. Eleazar, There is no difficulty: the former refers to one subject; the latter to two.¹⁰ R. Huna said: But by [the light] of an open fire even ten people are forbidden.¹¹ Said Raba: If he is an important man,¹² it is permitted.

An objection is raised: One must not read by the light of a lamp, lest he tilt [it]. Said R. Ishmael b. Elisha, 'I will read and will not tilt.' Yet once he read and wished to tilt. 'How great are the words of the Sages!' he exclaimed, 'who said, One must not read by the light of a lamp.' R. Nathan said, He read and did tilt [it], and wrote in his note book, 'I, Ishmael b. Elisha, did read and tilt the lamp on the Sabbath. When the Temple is rebuilt I will bring a fat sin-offering.'¹³ -R. Ishmael b. Elisha was different, since he treated himself as an ordinary person in respect to religious matters.

One [Baraita] taught: An attendant may examine glasses and plates by the light of a lamp; and another taught: He must not examine [them]! There is no difficulty: one refers to a permanent attendant, the other to a temporary one.¹⁴ Alternatively, both refer to a permanent attendant yet there is no difficulty: one refers to [a lamp fed with] oil, the other to naphtha.¹⁵

The scholars propounded: What of a temporary attendant and a [lamp fed with] oil?-Rab said: There is the halachah, but we do not teach thus.¹⁶ R. Jeremiah b. Abba said: There is the halachah and we teach it so. R. Jeremiah b. Abba chanced to visit R. Assi. Now, his¹⁷ attendant arose and examined [the glasses] by candlelight.¹⁸ Thereupon his [R. Assi's] wife said to him [R. Assi], 'But you do not act thus!' 'Let him be,' he answered her, 'he holds with his master.'¹⁹

IN TRUTH IT WAS SAID, THE HAZZAN etc., But you say in the first clause, [HE] MAY SEE; Surely that means to read?²⁰ -No: to arrange the beginnings of the sections.²¹ And Rabbah b. Samuel said likewise: But he may arrange the beginnings of the sections; But not the whole section?

(1) I.e., pray for him as one of many.

(2) Because both induce grief, which is contrary to the spirit of the Sabbath, which is 'a day of delight.'

(3) Angels were held to mediate between God and man, carrying the prayers of the latter to the Former (Tobit XII, 12, 15). This is not to be compared with prayer to or worshipping angels, from which Judaism is free. 'Not as one who would first send his servant to a friend to ask for aid in his hour of need should man apply to Michael, or Gabriel, to intercede for him; but he should turn immediately to God Himself, for 'whosoever shall call on the name of the Lord shall be delivered'. (Joel III, 5; Yer. Ber. IX, '3a. Many Rabbinical authorities disapprove even of invoking angels as mediators, as shown by the passage quoted; v. Zunz, S P. p. 148,)

(4) Ps. XLI, 4. — Hence he does not need the angel's intercession,

- (5) In a spirit of reverence.
- (6) In Ned. 40a the reading is, 'upon the ground.'
- (7) Probably twice the height of an ass and its saddle.
- (8) Though the lamp is inaccessible and cannot be tilted, the Rabbis enacted a general measure without distinctions.
- (9) This follows from the use of the singular in the Mishnah. But when two read, each may remind the other should he wish to tilt the lamp.
- (10) When both are reading the same subject in the scroll, each can remind the other. But if they are occupied with different subjects, neither thinks of his companion.
- (11) Each sits at a distance from the other, and any one may forget himself and stir up the fire.
- (12) Who is not accustomed even on weekdays to trim the lamp.
- (13) This shows that the prohibition applies even to a great man like R. Ishmael b. Elisha.
- (14) The former is more careful, and may tilt the lamp to see whether there is the least grease on the crockery; hence he must not examine them by a lamp.
- (15) The latter emits an unpleasant odour, and so one naturally refrains from tilting.
- (16) It is permitted, but this must not be publicly diffused.
- (17) R. Jeremiah's.
- (18) In R. Assi's house; he was not of course a permanent attendant.
- (19) The light of naphtha (or of a candle) is the same as the light of an oil-fed lamp,
- (20) How then explain BUT HE HIMSELF MAY NOT READ?
- (21) In ancient times the Pentateuch portion which was part of the Sabbath service was read by a number of worshippers (on Sabbaths, seven), whilst the hazzan prompted them.

Talmud - Mas. Shabbath 13a

An objection is raised: R. Simeon b. Gamaliel said: School children used to prepare their [Biblical] portions and read by lamplight?¹ — There is no difficulty: I can answer either [that it means] the beginnings of the sections; or that children are different: since they are in awe of their teacher, they will not come to tilt it.

SIMILARLY ... A ZAB MUST NOT DINE, [etc.]. It was taught, R. Simeon b. Eleazar said: Come and see how far purity has spread in Israel! For we did not learn, A clean man must not eat with an unclean woman, but A ZAB MUST NOT DINE TOGETHER WITH A ZABAH, AS IT MAY LEAD To SIN.² Similarly, a zab, a parush³ may not dine with a zab, who is an 'am ha-arez,⁴ lest he cause him to associate with him. But what does it matter if he does cause him to associate with him? Rather say [thus]: lest he offer him unclean food to eat. Does then a zab who is a parush not eat unclean food?⁵ -Said Abaye: For fear lest he provide him with unfit food.⁶ Raba said: The majority of the 'amme ha-arez do render tithes, but [we fear] lest he associate with him and he provide him with unclean food in the days of his purity.⁷

The scholars propounded: May a niddah⁸ sleep together with her husband, she in her garment and he in his?⁹ - Said R. Joseph, Come and hear: A fowl may be served together with cheese at the [same] table, but not eaten [with it]: this is Beth Shammai's view. Beth Hillel rule: It may neither be served nor eaten [together]!¹⁰ -There it is different, because there are no [separate] minds.¹¹ It is reasonable too that where there are [separate] minds it is different, because the

second clause teaches, R. Simeon b. Gamaliel said: Two boarders¹² eating at the same table, one may eat meat and the other cheese, and we have no fear.¹³ But was it not stated thereon, R. Hanin b. Ammi said in Samuel's name: This was taught only when they do not know each other;¹⁴ but if they do, they are forbidden? And here too they know each other!-How compare! There we have [separate] minds but no unusual feature;¹⁵ but here there are [separate] minds and an unusual feature.¹⁶

Others state, Come and hear: R. Simeon b. Gamaliel said: Two boarders may eat at the same table, one meat and the other cheese. And it was stated thereon, R. Hanin b. Ammi said in Samuel's name: This was taught only if they do not know each other, but if they do, it is forbidden; and these two know each other! — [No.] There we have [separate] minds but nothing unusual, whereas here there are [separate] minds and an unusual feature.

Come and hear: A ZAB MUST NOT DINE TOGETHER WITH A ZABAH, LEST IT LEAD TO SIN!¹⁷ — Here too there are [separate] minds but nothing unusual.

Come and hear: And hath not eaten upon the mountains, neither hath lifted up his eyes to the idols of the house of Israel, neither hath defiled his neighbour's wife, neither hath come near to a woman who is a niddah:¹⁸ thus a woman who is a niddah is assimilated to his neighbour's wife: just as his neighbour's wife, he in his garment and she in hers is forbidden, so if his wife is a niddah, he in his garment and she in hers is forbidden. This proves it. Now, this disagrees with R. Pedath. For R. Pedath said: The Torah interdicted only intimacy of incestuous coition, as it is said, None of you, shall approach to any that is near of kin to him, to uncover their nakedness.¹⁹

'Ulla, on his return from the college,²⁰ used to kiss his sisters on their bosoms; others say, on their hands. But he is self-contradictory, for 'Ulla said, Even any form of intimacy is forbidden,²¹ because we say, 'Take a circuitous route, O nazirite, but do not approach the vineyard.'²² [It is taught in the] Tanna debe Eliyahu:²³ It once happened that a certain scholar who had studied much Bible and Mishnah²⁴ and had served scholars much,²⁵ yet died in middle age. His wife took his tefillin and carried them about in the synagogues and schoolhouses and complained to them, It is written in the Torah, for that is thy life, and the length of thy days:²⁶ my husband, who read [Bible], learned [Mishnah],

(1) [This proves that children may read on Friday night by lamplight? Our Mishnah affords no such proof as it could refer to children who read in disregard of the prohibition, v. Tosaf. a.l.].

(2) But there was no need to interdict the first, because even Israelites ate their food only when it was ritually clean (though under no obligation) and would not dine together with an unclean woman, sc. a niddah (v. Glos.) in any case.

(3) Lit., 'separated,' v. text note.

(4) Lit., 'people of the earth', 'the rural population'; the term is synonymous with ignoramus and law breaker, for living on the land they were only partially accessible to the teachings of the Rabbis, and in particular were negligent of ritual purity and the separation of tithes. Those who held aloof from them (separatists) were known as perushim (sing. parush), who were very particular in matters of purity and tithes; v. also Glos. s.v. haber.

(5) Whatever he eats is unclean, since his contact defiles food.

(6) I.e., food from which the priestly and Levitical dues were not rendered,

- (7) If he is a visitor, he will continue even when he becomes clean.
- (8) V. Glos.
- (9) Taking precaution to avoid all bodily contact. Intimacy, of course, is forbidden: do we fear that this may lead to it?
- (10) And the halachah is always as Beth Hillel. They may not be served lest they be eaten together, and by analogy the answer to our problem is in the negative.
- (11) There is no one to restrain the diner from eating the fowl and the cheese together. But here each may restrain the other.
- (12) Or travellers lodging at an inn.
- (13) The assumed reason is that each restrains the other.
- (14) Then one does not take from the other.
- (15) Lit., 'change'. There is nothing on the table to remind one diner that he must not eat of his neighbour's.
- (16) Viz., that they take care to avoid all bodily contact.
- (17) And the same applies here.
- (18) Ezek. XVIII, 6.
- (19) Lev. XVIII, 6. 'Incest' in the Talmud includes adultery.-The same applies to a niddah.
- (20) The term Be Rab denotes either the great Academy founded by Rab or college in general.
- (21) With consanguineous relations, such as a sister.
- (22) A nazirite must not eat grapes or drink wine (v. Num. VI, 1-3); as a precaution he is forbidden even to approach a vineyard. The same reasoning holds good here.
- (23) This is the Midrash consisting of two parts, 'Seder Eliyahu Rabbah' and 'Seder Eliyahu Zuta'. According to the Talmud Keth. 106a the Prophet Elijah taught this Midrash, the Seder Eliyahu, to R. 'Anan, a Babylonian amora of the third century. Scholars are agreed that the work in its present form received its final redaction in the tenth century C.E., though they are not agreed as to where it was written. V. Bacher, Monatschrift, XXIII, 267 et seqq.; in R.E.J. XX, 144-146; Friedmann, introduction to his edition of Seder Eliyahu.
- (24) Kara refers to the study of the Bible; shanah to the study of the Mishnah.
- (25) 'Serving scholars', i.e., being in personal attendance on scholars, was one of the requisites of an academical course.
- (26) Deut. XXX, 20.

Talmud - Mas. Shabbath 13b

and served scholars much, why did he die in middle age? and no man could answer her. On one occasion I¹ was a guest at her house,² and she related the whole story to me. Said I to her, 'My daughter! how was he to thee in thy days of menstruation?' 'God forbid!' she rejoined; 'he did not touch me even with his little finger.' 'And how was he to thee in thy days of white [garments]?'³ 'He ate with me, drank with me and slept with me in bodily contact, and it did not occur to him to do other.' Said I to her, 'Blessed be the Omnipresent for slaying him, that He did not condone on account of the Torah!⁴ For lo! the Torah hath said, And thou shalt not approach unto a woman as long as she is impure by her uncleanness.'⁵ When R. Dimi came,⁶ he said, It was a broad bed. In the West [Palestine] they said, R. Isaac b. Joseph said: An apron interposed between them.⁷ MISHNAH. AND THESE ARE OF THE HALACHOTH WHICH THEY STATED IN THE UPPER CHAMBER OF HANANIAH B. HEZEKIAH B. GARON, WHEN THEY WENT UP TO VISIT HIM. THEY TOOK A COUNT, AND BETH SHAMMAI OUTNUMBERED BETH HILLEL.; AND ON THAT DAY THEY ENACTED EIGHTEEN MEASURES.⁸

GEMARA. Abaye said to R. Joseph: Did we learn, THESE ARE or AND THESE ARE? Did we learn AND THESE ARE [viz.,] those that we have stated [in the former Mishnah]; or did we learn THESE ARE [viz.,] those that are to be stated soon?⁹ -Come and hear: One may not search his garments by the light of a lamp, nor read by the light of a lamp; and these are of the halachoth stated in the upper chamber of Hananiah b. Hezekiah b. Garon. This proves that we learnt, AND THESE ARE;¹⁰ this proves it.

Our Rabbis taught: Who wrote Megillath Ta'anith?¹¹ Said they, Hananiah b. Hezekiah and his companions, who cherished their troubles.¹² R. Simeon b. Gamaliel observed: We too cherish our troubles, but what can we do? For if we come to write [them down], we are inadequate.¹³ Another reason is: a fool is not assailed.¹⁴ Another reason: the flesh of the dead does not feel the scalpel. But that is not so, for did not R. Isaac say, Worms are as painful to the dead as a needle in the flesh of the living, for it is said, But his flesh upon him hath pain, And his soul within him mourneth?¹⁵ Say: The dead flesh in a living person does not feel the scalpel.

Rab Judah said in Rab's name: In truth, that man, Hananiah son of Hezekiah by name, is to be remembered for blessing:¹⁶ but for him, the Book of Ezekiel would have been hidden,¹⁷ for its words contradicted the Torah.¹⁸ What did he do? Three hundred barrels of oil were taken up to him and he sat in an upper chamber and reconciled¹⁹ them.

AND ON THAT DAY THEY ENACTED EIGHTEEN MEASURES. What are the eighteen measures?-For we learnt: The following render terumah unfit:²⁰ one who eats food of the first degree or the second degree, or who drinks unclean liquid;²¹ one who enters with head and the greater part of his body into drawn water;²² a clean person upon whose head and the greater part of his body there fell three logs²³ of drawn water; a Book;²⁴ one's hands;²⁵ a tebul yom;²⁶ and food or utensils which were defiled by a liquid.²⁷

which Tanna [holds that] one who eats food of the first or of the second degree [merely] renders unfit

(1) Elijah, the supposed author of the Tanna debe Eliyahu; v. n. 1.

(2) Elijah was believed to visit the earth and speak to people.

(3) When a niddah's discharge ceased, she donned white garments and examined herself for seven consecutive days, which had to pass without any further discharge of blood before she became clean. During this time she was forbidden to her husband.

(4) He showed no unfair favoritism because of the man's learning.

(5) Lev. XVIII, 19.

(6) V. p. 12, n. 9.

(7) But they were not actually in bodily contact.

(8) Scholars are divided as to when this took place. Z. Frankel, Darke ha-Mishnah assigns it to the beginning of the division of the two schools. Graetz maintains that it took place about four years before the destruction of the Temple; Weiss favours the last generation before the destruction, not long after the death of Agrippa I. V. also Halevi, Doroth, 1, 3, 580 seq.

(9) Lit., 'before us'. The actual eighteen were forgotten in course of time-hence Abaye's question.

- (10) Since the halachoth quoted are given in the previous Mishnah.
- (11) 'The scroll of fasting', containing a list of the days on which fasting is forbidden. Thirty five days are listed; on fourteen public mourning was forbidden, whilst fasting was prohibited on all. V. J.E. VIII, 427.
- (12) I.e., the days of victorious release from their troubles, and declared the minor festivals.
- (13) Every day marks the release from some trouble.
- (14) I.e., he does not perceive the troubles which surround him. So we too do not perceive our miraculous escapes.
- (15) Job XIV, 22.
- (16) Lit., 'for good'.
- (17) The technical term for exclusion from the Canon'
- (18) E.g. Ezek. XLIV, 31; XLV, 20, q.v.
- (19) Lit., 'expounded them'.
- (20) For terumah v. Glos. 'Unfit' denotes that it may not be eaten on account of defilement, but does not defile any other terumah by its contact; 'unclean' denotes that it defiles other food too by its touch.
- (21) Various degrees of uncleanness are distinguished. The greatest of all is that of a human corpse, called the prime origin (lit., 'father of fathers') of uncleanness; this is followed in successively decreasing stages by 'origin' (lit., 'father') of uncleanness, first, second, third and fourth degrees of uncleanness. When an object becomes unclean through contact with another, its degree of defilement is one stage below that which defiles it. By Biblical law unclean food or drink does not defile the person who eats it; but the Rabbis enacted that it does, and so he in turn renders terumah unfit by contact.-Ordinary unsanctified food (hullin) does not proceed beyond the second degree; i.e., if second degree hullin touches other hullin the latter remains clean; but if it touches terumah, it becomes a third degree. Again, terumah does not go beyond the third degree (hence it is then designated 'unfit', not 'unclean' in respect of other terumah); but if it touches flesh of sacrifices (hekdesch) it renders this unfit, and it is called 'fourth degree'.
- (22) Water which had passed through a vessel, as opposed to 'living water', i.e., well water, river water, or rain water collected in a pit.
- (23) 1 log = 549.4 cu.centimetres; v. J.E. Weights and Measures.
- (24) Any of the Books of the Bible.
- (25) Before washing.
- (26) V. Glos.
- (27) All these render terumah unfit-they are all discussed in the Gemara.

Talmud - Mas. Shabbath 14a

but does not defile?¹ -Said Rabbah b. Bar Hanah, It is R. Joshua. For we learnt: R. Eliezer said: One who eats food of the first degree is [himself defiled in] the first degree; of the second degree, is [defiled in] the second degree, of the third degree, is [defiled in] the third degree.² R. Joshua said: One who eats food of the first or of the second degree is [defiled in] the second degree;³ of the third degree, [he enters] the second degree in respect of hekdesch,⁴ but not in respect of terumah,⁵ this referring to hullin subjected to the purity of terumah.⁶

When one eats food of the first or of the second degree, why did the Rabbis decree uncleanness in his case? Because one may sometimes eat unclean food [hullin] and take a liquid of terumah and put it in his mouth and thus render it unfit.⁷ When one drinks unclean liquid, why did the Rabbis decree uncleanness in his case?-Because he may sometimes drink unclean liquid and take food of terumah and put it in his mouth, and thus render it unfit. But it is the same thing!⁸ -You

might argue, The first is usual but not the second:⁹ therefore he informs us [that it is not so]. And one who comes with his head and the greater part of his body] into drawn water, why did the Rabbis decree uncleanness in his case?-Said R. Bibi in R. Assi's name: Because originally people performed tebillah¹⁰ in collected pit water, which was stagnant [noisome], and so they poured drawn water upon them selves.¹¹ [But when] they began to make this a fixed [law], the Rabbis imposed uncleanness thereon. What is meant by 'a fixed [law]?' Abaye said: They maintained, Not this [pit water] purifies, but both together purify. Said Raba to him, Then what did it matter, seeing that they did perform tebillah in this [the pit water]? But, said Raba, they maintained, Not this [the pit water] purifies but that [the drawn water].¹²

And a clean person upon whose head and the greater part of his body there fell three logs of drawn water, why did the Rabbis decree uncleanness in his case? For if not this, the other would not stand.¹³

And why did the Rabbis impose uncleanness upon a Book? Said R. Mesharsheya: Because originally food of terumah was stored near the Scroll of the Law, with the argument, This is holy and that is holy.¹⁴ But when it was seen that they [the Sacred Books] came to harm,¹⁵ the Rabbis imposed uncleanness upon them.¹⁶ 'And the hands'?-Because hands are fidgety.¹⁷ It was taught: Also hands which came into contact with a Book¹⁸ disqualify terumah, on account of R. Parnok['s dictum]. For R. Parnok said in R. Johanan's name: One who holds a Scroll of the Law naked¹⁹ will be buried naked. 'Naked!' can you really think so? Rather said R. Zera, [It means] naked without good deeds.²⁰ 'Without good deeds!' can you really think so?²¹ Rather say, naked, without that good deed [to his credit].²² Which was first enacted? Shall we say that the former was first enacted?²³

(1) 4. P. 55, n. 5.

(2) Hence, when he eats defiled food in the first degree, he defiles terumah, not merely renders it unfit (v. p. 55, nn. 5, 6).

(3) Hence in both cases he merely renders terumah unfit.

(4) Flesh of sacrifices.

(5) If he touches hekdesch he defiles it in the third degree, being regarded himself as second degree in respect thereto; but he does not affect terumah at all.

(6) People (particularly perushim, v. p. 51, n. 1) voluntarily treated hullin as terumah; then it could become unfit in the third degree, but not otherwise (v. p. 55, n. 6), and this is the only way in which it is possible for a person to eat hullin of the third degree, v. Hul. 33b.

(7) For it may touch the food still in his mouth. Unfit terumah may not be eaten.

(8) Both being based on the same reason, the second is a corollary of the first and need not be stated.

(9) So that a Rabbinical measure is not required in the second case.

(10) I.e., took a ritual bath to be purified of defilement.

(11) The correct reading appears to be: three logs of drawn water; v. Marginal Gloss to cur. edd.

(12) This would lead to the neglect of proper tebillah.

(13) A general measure had to be enacted that three logs of drawn water defiled a person, whether it came upon him by his intention or accidentally. Had the Rabbis drawn a distinction, the former too would have remained unobserved.

(14) Hence it is fitting that they be placed together.

- (15) The food attracted mice, which naturally injured the Books too.
- (16) To put an end to the practice.
- (17) They are active and apt to touch things. Hence unless their owner has taken care that they should not touch a ritually unclean object after he washed them, they are treated as unclean.
- (18) Lit., 'which come on account of a Book.'
- (19) Without its wrapping.
- (20)) As though he had never performed a good deed or fulfilled a precept.
- (21) Surely that act does not nullify all his meritorious deeds!
- (22) If he took it for Study or to wrap it up after the public reading likewise a 'good deed'-it is not accounted to him (Tosaf.). Tosaf. also observes that presumably this applies to any of the Books of the Bible.-The reference is to the actual parchment; but there is no objection to the modern practice of elevating the uncovered Scroll whilst holding it by the rollers on which it is wound. The Sephardi Jews, i.e., the descendants of the Spanish Jews, have the entire parchment of the Scroll from end to end shielded with silk or cloth.
- (23) Viz., that hands in general are unclean.

Talmud - Mas. Shabbath 14b

But since this was first enacted, why was the other too needed?-Rather the latter was first decreed, and then it was enacted in respect of all hands.

'And a tebul yom.' But the law of tebul yom is Biblical, for it is written, and when the sun is down, he shall be clean; [and afterwards he shall eat of the holy things,¹ i.e., terumah]?-Delete tebul yom from here.

'And food which was defiled through liquid'. Through liquid of which [uncleanness]?² Shall we say, through liquid which was defiled by a [dead] reptile:³ then its law is Biblical,⁴ for it is written, and all drink that may be drunk [in every such vessel shall be unclean]?⁵ _ Rather it means through liquid defiled by the hands, and it is a preventive measure on account of liquid defiled by a reptile.⁶

'And vessels which were defiled by liquid'. Vessels which were defiled by liquid of which [uncleanness]?⁷ Shall we say, By the liquid of a zab? But that is Biblical, for it is written, and if the zab spit upon him that is clean; [then he shall wash his clothes, and bathe himself in water],⁸ [meaning] what is in the clean man's hand have I declared unclean unto thee!⁹ Rather it refers to liquid defiled by a reptile, and it is a preventive measure on account of the fluid of a zab.¹⁰

'And the hands'. Did then the disciples of Shammai and Hillel¹¹ decree this: [Surely] Shammai and Hillel [themselves] decreed it! For it was taught, Jose b. Jo'ezer of Zeredah¹² and Jose b. Johanan of Jerusalem¹³ decreed uncleanness in respect of the country of the heathens and glassware.¹⁴ Simeon b. Shetah instituted the woman's marriage settlement¹⁵ and imposed uncleanness upon metal utensils.¹⁶ Shammai and Hillel decreed uncleanness for the hands. And should you answer, [It means] Shammai and his band and Hillel and his band [of scholars];¹⁷ surely Rab Judah said in Samuel's name: They enacted eighteen measures, and they differed on eighteen measures,¹⁸ whereas Hillel and Shammai differed only in three places; for R. Huna said, in three places they differed, and no more! And should you answer, They [Hillel and Shammai]

came and decreed that it be suspended,¹⁹ while their disciples came and decreed that it be burnt.²⁰ surely Ilia said: The original decree concerning hands was for burning?-Rather, they [Hillel and Shammai] came and decreed it, yet it was not accepted from them; then their disciples came and decreed, and it was accepted from them.²¹

But still, Solomon decreed it? For Raba Judah said in Samuel's name, When Solomon instituted 'erubin²² and the washing of the hands, a Heavenly Echo came forth and declared, 'My son, if thine heart be wise; My heart shall be glad, even mine';²³ and 'My son, be wise, and make my heart glad, That I may answer him that reproacheth me'?²⁴

(1) Lev. XXII, 7.

(2) I.e., how did this liquid itself become unclean?

(3) Lit., 'which come on account of a reptile'.

(4) Sc. that this food disqualifies terumah.

(5) Ibid. XI, 34. Though that refers to a liquid defiled through an earthenware vessel, the Talmud deduces in Pes. 18b that the same holds good if it is defiled by a reptile. Now, the latter is original ('father of') uncleanness; the fluid is first degree, and the food is second degree, and therefore it renders terumah the third degree, i.e., unfit (v. p. 55, n. 6), and all this is Biblical law, not a Rabbinical enactment.

(6) The latter is Biblical; but if the former were not declared unclean, it would be thought that the latter is not unclean either.

(7) How did the liquid itself become unclean?

(8) Ibid. XV, 8.

(9) This interpretation is not really germane to the difficulty which arises directly from the verse; v. Rashi. Since the clothes are to be washed etc., the saliva must rank as original ('father of') uncleanness, for only such defiles garments and man. The vessels therefore defiled by the saliva (or any fluid emanating from a zab) are unclean in the first degree, and defile terumah by Biblical law.

(10) The former is unclean in the first degree, and by Biblical law does not (defile vessels (v. previous note); nevertheless the Rabbis enacted that it shall defile vessels, which in turn render terumah unfit, lest it might be confused with the fluid of a zab, which will also be held incapable of defiling vessels.

(11) As is implied by the terms Beth Shammai, Beth Hillel.

(12) A town in Persia; Neub. Geogr. p. 275.

(13) Two Rabbis of the early Maccabean period (second century B.C.E.); together they formed the beginning of the Zugoth (duumvirate) which governed Jewish religious life until Hillel and Shammai. It may be observed that the title 'Rabbi' is not prefixed to their names: the famous letter of Sherira Gaon to Jacob b. Nissim, quoted by Nathan b. Jehiel in the Aruk (s.v. declares that this title dates from the time of R. Johanan b. Zakkai only.

(14) The former, to stem the emigration of Jews from Palestine consequent upon the troublous times of the Maccabees; and the latter probably because glassware was manufactured in those countries, or because they learnt at that time that its manufacture was similar to that of earthenware; Weiss, Dor. 1, 105

(15) When a woman married, she brought a dowry to her husband, which was returnable if he divorced her. Originally the security for the return of the dowry was deposited with her father. This went through a number of changes until Simeon b. Shetah enacted that the husband should trade with the dowry and mortgage all his effects for its repayment, the purpose being to make divorce more difficult. This is the meaning of the present passage, not that he actually instituted the marriage settlement itself, J, Keth. end of chapter VIII, and Weiss, Dor. 1, 144 and note a.l.

(16) This is discussed below,.

(17) I.e., enacted the eighteen measures.

(18) I.e., these eighteen measures which they enacted jointly were originally subjects of controversy between them (Rashi).

(19) I.e., that the hands are only suspected of uncleanness, and if they touch terumah it is 'suspended', and may neither be eaten, as clean, nor burnt as unclean.

(20) Ruling that the hands are definitely unclean, not merely suspected.

(21) The need for renewing some of the early Rabbinical enactments, to which reference is made in the present discussion, arose through the interdict which the Sadducees laid upon their observance; Weiss, Dor, I, 143f; cf. Halevi, Doroth, I, 3, pp. 584 seq.

(22) V, Glos. and p. 18, n. 7.

(23) Prov. XXIII, 15.

(24) Ibid. XXVII, 11.

Talmud - Mas. Shabbath 15a

— Solomon came and decreed in respect of holy things,¹ while they came and instituted [it] in respect of terumah.

[To revert to] the main text: 'Rab Judah said in Samuel's name: They enacted eighteen measures, and differed in eighteen 'But it was taught: They were in agreement?—On that day they differed and [only] on the morrow were they in agreement.'²

[To revert to] the main text: R. Huna said: In three places Shammai and Hillel differed: Shammai said: Hallah³ is due from a kab [of flour]; Hillel said: From two kabs: but the Sages ruled neither as the one nor as the other, but a kab and a half is liable to hallah. When the measures were enlarged, they said, Five quarters of flour are liable to hallah. R. Jose said: [Exactly] five are exempt; just over five are liable.⁴

And the second?—Hillel said: A hin full of drawn water renders a mikweh unfit. (For one must state [a dictum] in his teacher's phraseology. Shammai maintained: nine kabs). But the Sages ruled neither as one nor as the other, until two weavers⁵ came from the dung gate of Jerusalem and testified on the authority of Shemaiah and Abtalion that three logs of drawn water render a mikweh unfit, and the Sages ratified their words.⁶

And the third?—Shammai said: All women, their time suffices them; Hillel maintained: From examination to examination; but the Sages ruled neither as the one nor as the other, but a full day⁷ reduces [the time] between examination and examination, and [the time] between examination and examination reduces a full day.⁸ And are there no more? But there is [this]: Hillel said: One shall lay [hands]; while Shammai ruled that one must not lay [hands]?⁹ — R. Huna spoke only of those concerning which there is no dispute of their teachers in addition.¹⁰ But there is also [this:] When one vintages [grapes] for the vat [i.e., to manufacture wine], Shammai maintains: It is made fit [to become unclean]; while Hillel ruled: It is not made fit.¹¹ — That is excepted, for there Hillel was silenced by Shammai'.¹²

'Jose b. Jo'ezer of Zeredah and Jose b. Johanan of Jerusalem decreed uncleanness in respect of

the country of the heathens and glassware.’ But the Rabbis of the ‘eighty years’ decreed this? For R. Kahana said, When R. Ishmael son of R. Jose fell sick, they [the Rabbis] sent [word] to him, ‘Rabbi, Tell us the two or three things which you stated [formerly] on your father's authority.’ He sent back, ‘Thus did my father say: One hundred and eighty years before the destruction of the Temple the wicked State [sc. Rome] spread over Israel.¹³ Eighty years before the destruction of the Temple uncleanness was imposed in respect of the country of heathens and glassware. Forty years before the destruction of the Temple the Sanhedrin went into exile¹⁴ and took its seat in the trade Halls.¹⁵ (in respect to what law [is this stated]?)—Said R. Isaac b. Abdimi, To teach that they did not adjudicate in laws of fines.¹⁶ ‘The laws of fines’ can you think so!¹⁷ But say: They did not adjudicate in capital cases.¹⁸) And should you answer, They [Jose b. Jo'ezer and Jose b. Johanan] flourished during these eighty years too: surely it was taught: Hillel and Simeon [his son], Gamaliel and Simeon wielded their Patriarchate during one hundred years of the Temple's existence;¹⁹ whereas Jose b. Jo'ezer of Zeredah and Jose b. Johanan were much earlier!²⁰

(1) That the hands must be washed before eating e.g., flesh of sacrifices.

(2) V. Halevi, *Doroth*, 1, p. 600 for a discussion of a variant which he considers correct.

(3) V. *Glos.*

(4) 1 kab = four logs = 2197.4 cu.cm. The controversy centres on the interpretation of ‘your dough’ in Num. XV, 20. The Talmud does not state when the measures were enlarged, but the enlargement was by one fifth, i.e., one ‘Sephoric’ log (which was the name of the new measure) == one and one fifth Jerusalem log, as the old one was called; v. ‘Ed., *Sonc. ed.*, p. 2, n. 3.

(5) V. Halevi, *op. cit.*, p. 122, n. 59.

(6) A mikweh (v. *Glos.*) must be filled with ‘living’ water, as opposed to ‘drawn’ water, i.e., water drawn in vessels, and it must contain not less than forty se'ahs. The controversy refers to the quantity of drawn water which, if poured into the mikweh before it contains forty se'ahs of ‘living’ water, renders it unfit. The hin is a Biblical measure, equal to twelve logs. The passage ‘for one must state (a dictum) in his teacher's phraseology’ is difficult, and various interpretations have been advanced. They are discussed by Halevi in *Doroth*, 1, 3, 95-7, who explains it thus: The teachers referred to are not Shemaiah and Abtalion, Hillel's masters in Palestine, but his Babylonian teachers (unnamed). Now hin is not the usual Mishnaic term but Biblical. This, however, was sometimes preferred to Babylonian because it was constant, whereas the Babylonian measure varied in different places (cf. J. E. XIII, 488 s.v. Cab.). Thus Hillel said a hin full instead of twelve logs, in order to be faithful to his teacher's phraseology. V. ‘Ed., *Sonc. ed.*, p. 2 notes.

(7) Lit., ‘from time to time’, the technical phrase for a twenty-four hour day.

(8) A menstruous woman defiles whatever food she touches. Shammai maintains that this is only from when she discovers her discharge, but not retrospectively. Hillel holds that since her discharge may have been earlier, though she has only now observed it, her uncleanness is retrospective to when she last examined and found herself clean. Thus Shammai said, Their time, sc. when they actually find that they are unclean, suffices them and it has no retrospective effects; whilst Hillel rules, They are retrospectively unclean from the present examination to the last. The Sages make a compromise: she is retrospectively unclean for twenty-four hours or from the last examination, whichever is less. V. ‘Ed., *Sonc. ed.*, p. 1 notes.

(9) When a man brings a freewill-offering, part of the ritual consists in his laying hands upon the head of the animal (v. Lev. I, 4; III, 2, 8). The dispute refers to festivals.

(10) This matter was disputed by Shammai and Hillel's predecessors too; v. Hag. 16a. For the importance of this particular question v. Frankel, *Darke ha-Mishnah*, p. 44; Weiss, *Dor. I*, 104.

(11) V. P. 45, nn. 1, 4; the same applies to grapes. Now, if the grapes are to be eaten, the liquid they exude whilst

being gathered does not subject them to uncleanness, since their owner is displeased therewith. But when they are vintaged for wine they differ; V. infra 17a for the full discussion.

(12) I.e., he was unable to refute his proofs and accepted Shammai's ruling.

(13) Judea appears to have entered into official relations with Rome for the first time in 161 B.C.E. at the instance of Judas Maccabeus; Margolis and Marx, *Jewish History*, p. 145. But the first step which laid Judea under subjection of Rome was the quarrel of Hyrcanus II and Aristobulus II over the throne, when both brothers appealed to Pompey (e. 66 C.E). A date midway between these two is given here (110 B.C.E.) which may be assumed as merely approximate. This corresponds roughly to the death of Hyrcanus I in 106 B.C.E.

(14) I.e., they forsook their locale in the Chamber of Hewn Stones in the Temple.

(15) A place on the Temple Mount Hannuth, v. Sanh., Sonc. ed., p. 267, n. 11.

(16) E.g., the fine for seduction, Deut. XXII, 29.

(17) Any court in Palestine consisting of ordained judges was competent to adjudicate in laws of fine, whatever its locale.

(18) V. Krauss, op. cit., pp. 23f.

(19) I.e., Hillel commenced his Patriarchate a hundred years before the destruction of the Temple, and he was followed by Simeon, Gamaliel and Simeon, his direct descendants, the four spreading over that century. V, Halevi, *Doroth*, I, 3, pp. 706 seq.

(20) V. P. 59, n. 4.

Talmud - Mas. Shabbath 15b

Rather say they came and decreed in respect to a clod, that it be burnt,¹ but nothing at all in respect to the atmosphere;² while the Rabbis of the eighty years came and decreed in respect to the atmosphere that it [terumah] be suspended.³ Shall we say that the original enactment was for burning? Surely Ilfa said: The original decree concerning hands was for burning. Thus, only concerning hands was the original decree for burning, but concerning nothing else?—Rather say they came and decreed in respect to a clod, that it be suspended, and nothing at all in respect to the atmosphere; and then the Rabbis of these eighty years came and decreed in respect to a clod that it be burnt and in respect to the atmosphere that it be suspended. Yet still, that⁴ was decreed in Usha?⁵ For we learnt: Terumah is burnt on account of six doubtful cases [of uncleanness]: — [i] The doubt of Beth ha-Peras;⁶ [ii] The doubt of earth which comes from the land of the heathens;⁷ [iii] The doubt attached to the garments of an 'am ha-arez;⁸ [iv] the doubt of vessels which are found;⁹ [v] doubtful saliva;¹⁰ and [vi] the doubtful human urine near cattle urine.¹¹ On account of their certain contact, which is doubtful defilement, terumah is burnt.¹² R. Jose said: It is burnt even on account of their doubtful contact in a private domain.¹³ But the Sages maintain: [If there is doubtful contact] in a private domain we suspend it; in public ground, it [the terumah] is clean. Now 'Ulla observed, These six cases of doubt were enacted at Usha!¹⁴—Rather say they [Jose b. Jo'ezer and Jose b. Johanan] came and decreed suspense in respect of a clod and nothing at all in respect of atmosphere; then the Rabbis of the eighty years came and decreed suspense in both cases; then they came at Usha and decreed burning in respect of a clod, and as to the atmosphere they left it in status quo.

Why did the Rabbis impose uncleanness upon glassware? — Said R. Johanan in the name of Resh Lakish, Since it is manufactured from¹⁵ sand, the Rabbis declared it the same as earthenware.¹⁶ If so, let them be incapable of purification in a mikveh?¹⁷ Why then did we learn,

And the following interpose in utensils: pitch and myrrh gum in the case of glass vessels?¹⁸ -The circumstances here¹⁹ are e.g., they were perforated, and molten lead was poured into them, this agreeing with R. Meir, who maintained, Everything depends on the support.²⁰ For it was taught: If glass vessels are perforated and [molten] lead is poured into them,-said R. Simeon b. Gamaliel: R. Meir declares them unclean, while the Sages declare them clean.²¹ If so,²²

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- (1) Sc. terumah which came into contact with a clod of earth from the 'land of the heathens', as something definitely unclean.
 - (2) When terumah enters the atmosphere of the 'land of the heathen' with nothing intervening between it and the ground.
 - (3) On 'suspended' v. p. 60, n. 2
 - (4) The enactment of burning in respect to a clod.
 - (5) A city in Galilee, near Sepphoris and Tiberias, and the scene of an important Rabbinical synod or synods about the time of the Hadrianic persecution in the middle of the second century C.E. V. J.E. 'Synod of Usha'.
 - (6) A field one square peras (peras half the length of a furrow — fifty cubits) in area, declared unclean because a grave was ploughed in it and the crushed bones scattered over the field, so that their exact position is not known, If terumah enters its atmosphere it must be burnt, though it is doubtful whether it was actually over the crushed bones.
 - (7) I.e., any earth which comes thence.
 - (8) V. P. 51, n. 1. His garments are doubtful, because his wife may have sat upon them while a menstruant; v. Hag. 18b.
 - (9) And it is unknown whether they are clean or not.
 - (10) All saliva found is suspected of uncleanness, as it may be of a zab; v. p. 58, n. 10.
 - (11) This is not the same as the preceding, where the substances themselves were not in doubt; e.g., the object was definitely a utensil, or saliva. Here, however, there is a double doubt; it may not be human urine at all, but cattle urine; and even if it is, it may not be a zab's (only his defiles). Yet the Rabbis ruled it definitely unclean, even when found near cattle urine, so that it might be supposed that this is the same.
 - (12) If terumah comes definitely into contact (or as explained in n. 2) with these, which renders it doubtfully unclean, it is burnt.
 - (13) Cf. p. 20, n. 5.
 - (14) The difficulty arises from ii.
 - (15) Lit., 'the beginning of its making'.
 - (16) Other edd. omit 'R. Johanan said in the name of', reading simply Resh Lakish. It is certainly unlikely that R. Johanan, who, as head of the Academy at Tiberias enjoyed a superiority over Resh Lakish, his contemporary, would report his statement.
 - (17) Just as earthenware.
 - (18) Mik. IX, 5. When a utensil is purified in a mikweh, nothing must interpose between it and the water; if it does, the immersion is ineffective: pitch and gum on the side of a glass vessel constitute an interposition.
 - (19) In Mik. IX, 5.
 - (20) The perforated glass vessel is supported by the lead, i.e., it can be used only through the lead. Hence, according to R. Meir, it is a metal, not a glass vessel.
 - (21) Rashi in R.H. 19a offers two explanations: (i) When an unclean vessel is perforated, it becomes clean, since it can no longer be used as a vessel. Now, if a metal utensil is thus broken and then repaired, it reverts to its former state, but not so a glass vessel (infra 16a). R. Meir maintains that a glass vessel supported by metal is treated as metal; while the Rabbis hold that it is still regarded as a glass vessel. (ii) A clean glass vessel supported by metal

becomes Biblically unclean, according to R. Meir, as a metal utensil, while the Rabbis hold that it is Biblically clean, as a glass vessel, and is subject to defilement only on account of the Rabbinical enactment; the reasoning being the same as before. Tosaf. a.l. s.v. **VSIVH** is inclined to agree with the second interpretation.

(22) Since they are treated as earthenware vessels.

Talmud - Mas. Shabbath 16a

let them not become unclean through their [flat or convex] backs.¹ Why did we learn, Earthen vessels and nether vessels² are alike in regard to their uncleanness: they become defiled and defile [other objects] through their air space;³ they become unclean through their outside,⁴ but they cannot be defiled through their backs;⁵ and their breaking renders them clean.⁶ Thus, only earthen and nether vessels are alike in regard to their uncleanness, but not other things?⁷ -I will tell you: since they can be repaired when broken,⁸ they were assimilated to metal utensils.⁹

If so, let them revert to their former uncleanness, like metal utensils? For we learnt: Metal vessels, both flat and hollow,¹⁰ are subject to defilement. If broken, they become clean; if remade into utensils, they revert to their former uncleanness. s. Whereas in respect to glass vessels we learnt: Wooden, skin, bone and glass utensils, if flat, they are clean;¹¹ if hollow, they are unclean;¹² if broken, they become clean; if remade into vessels, they are liable to defilement from then onwards. [Thus] only from then onwards, but not retrospectively?-The uncleanness of glass utensils is Rabbinical, and [the resuscitation of] former uncleanness is [also] Rabbinical: now, in the case of that which is unclean by Scriptural law, the Rabbis have imposed [retrospective] uncleanness upon it, but upon that which is unclean by Rabbinical law the Rabbis have imposed no [retrospective] uncleanness.

Yet at least let their flat utensils be unclean, since flat metal utensils are [susceptible to uncleanness] by Scriptural law!-The Rabbis made a distinction in their case, so that terumah and sacred food should not be burnt on their account.¹³

(1) If an unclean object touches them on the back, which is flat or convex, they should not become unclean, in accordance with the Mishnah quoted.

(2) Rashi: a kind of white earth; Jast.: a vessel made of alum crystals.

(3) If an unclean object is suspended in the hollow of one of these vessels, even if it does not touch its side, it becomes unclean. Again, if a clean object is suspended in the hollow of an unclean vessel, though it does not actually touch it, it too becomes unclean.

(4) E.g., if the base is concave, and an unclean object is suspended from the outside in the hollow.

(5) Which are flat or convex.

(6) If these vessels, being already unclean, are broken, they become clean; cf. p. 65, n. 7.

(7) yet glass vessels too should be the same according to Resh Lakish's reason.

(8) By being melted down and refashioned, which is impossible with earthen utensils.

(9) Which can be repaired in the same way.

(10) Lit., 'those of them which receive'.

(11) I.e., they cannot be defiled.

(12) As in n. 7.

(13) For these must not be burnt when defiled by Rabbinical law, except in the six cases of doubtful uncleanness

enumerated on 15b.

Talmud - Mas. Shabbath 16b

R. Ashi said: After all, it is similar to earthen utensils, and as for your difficulty, 'let them not become unclean through their [flat or convex] backs', [the reply] is because its inside is as visible as its outside.¹

'Simeon b. Shetah instituted a woman's marriage settlement and imposed uncleanness upon metal utensils.' But [the uncleanness of] metal utensils is Biblical, for it is written, howbeit the gold, and the silver [... etc.]?² -This [the Rabbinical law] was necessary only in respect of former uncleanness.³ For Rab Judah said in Rab's name: It once happened that Queen Shalzion⁴ made a banquet for her son and all her utensils were defiled. Thereupon she broke them and gave them to the goldsmith, who melted them down and manufactured new utensils of them. But the Sages declared, They revert to their previous uncleanness. What is the reason?-They were concerned there to provide⁵ a fence against the water of separation.⁶

Now, that is well on the view that they [the Sages] did not rule thus in respect of all forms of defilement but only in respect of the defilement of the dead:⁷ then it is correct. But on the view that they ruled thus for all forms of uncleanness, what can be said?-Abaye answered: As a preventive measure lest he might not perforate it to the standard of purification.⁸ Raba said: As a preventive measure lest it be said that tebillah⁹ of that very day is effective for it.¹⁰ Wherein do they differ?-They differ where a smith refashioned it.¹¹ And what is another?¹² For we learnt: If one places vessels under a spout to catch rain water therein, whether they are large vessels or small, or even vessels [made] of stone, earth¹³ or dung, they render the mikweh unfit. It is all one whether he places or forgets them [there]: that is Beth Shammai's view; but Beth Hillel declare it clean¹⁴ if he forgets them.¹⁵ Said R. Meir: They took a count, and Beth Shammai outnumbered Beth Hillel. Yet Beth Shammai admit it that if he forgets [the utensils] in a courtyard,¹⁶ it is clean.¹⁷ R. Jose said: The controversy still stands in its place.¹⁸

R. Mesharsheya said: The scholars of Rab¹⁹ said: All agree that, if he places them [under the spout] when clouds are massing, they²⁰ are unclean;²¹ [if he places them there] when the clouds are dispersed, all agree that they are clean.²² They differ only if he places them there when the clouds were massing, but they then dispersed, and subsequently massed together again:²³ one Master [Beth Hillel] holds that his intention was nullified,²⁴ while the other Master holds that his intention was not nullified.

Now, according to R. Jose, who maintained, The controversy still stands in its place, they are less [than eighteen]?²⁵ -Said R. Nahman b. Isaac: On that same day they also enacted that the daughters of Cutheans²⁶ are niddoth²⁷ from their cradles.²⁸

And what is another? For we learnt: All movable objects induce uncleanness by the thickness of an ox-goad.²⁹ Said R. Tarfon,

(1) From without; hence it is all regarded as the inside.

- (2) Num. XXXI, 22. The text continues: everything that may abide the fire, ye shall make go through the fire, and it shall be clean; nevertheless it shall be purified with the water of separation.
- (3) V, supra a.
- (4) i.e., Salome Alexandra, wife and successor of Alexander Jannai and according to the Talmud, sister of Simeon b. Shetah.
- (5) Lit., 'on account of'.
- (6) V. n. 2.; i.e., they were anxious to safeguard this law, which would fall into disuse if the expedient of melting and refashioning were widely adopted.
- (7) Only then is the former uncleanness revived.-The verse quoted in n. 2. refers to such.
- (8) The hole which removes its status of a utensil must be of a certain size, — large enough to permit a pomegranate to fall through.
- (9) V. Glos.
- (10) When it is purified by means of tebillah it may not be used until the evening; but making a hole and repairing it permits its immediate use. One seeing this vessel thus used on the same day may think that it underwent tebillah, and that the latter too releases it for immediate use.
- (11) Abaye's reason still holds good, for one may think that a small note too would have sufficed. But Raba's reason does not operate, for it is plainly evident that this was newly remade.
- (12) Of the eighteen enactments.
- (13) Roughly manufactured, without being kneaded and baked.
- (14) I.e., the mikweh retains its powers of purification.
- (15) V. p. 61, n. 3. The spout was fixed in the earth before it was actually a spout, and after fixing it was made hollow to act as a water duct to the mikweh. In that case the water that passes through it is regarded as 'living water'. When, however, the water falls from the spout into vessels, it becomes 'drawn water', which renders the mikweh unfit. This holds good whether they are very large vessels, too big to be susceptible to uncleanness, e.g., a tub more than forty se'ahs in capacity, or very small, so that I might think of disregarding them altogether; also, even if of dung, when they are not regarded as vessels at all in respect to uncleanness. If they are merely forgotten there, Beth Hillel maintain that the water is not 'drawn', since it was unintentional.
- (16) But not under the spout, and they are filled with the rain water which flows thence into the mikweh.
- (17) V. n. 3. Because he had no intention at all of filling it, since he did not place it under the spout.
- (18) I.e., they differ here too.
- (19) The term debe Rab means either the disciples of the Academy founded by Rab or scholars in general; Weiss, Dor, III, 158 (Ed. 1924).
- (20) Utensils purified in the mikweh.
- (21) Because the mikweh was rendered unfit, as above. For he showed that he desired the water to flow into the utensils, and though he had forgotten them by the time the rain descended, his original intention was fulfilled, and the water is regarded as drawn.
- (22) Since there were no clouds, his placing the utensils there was not with the intention of filling them.
- (23) And by then he has forgotten them.
- (24) By the dispersal of the clouds; hence the subsequent filling does not render the water drawn.
- (25) Since there is a controversy, the halachah agrees with Beth Hillel, that the mikweh is fit.
- (26) The Cutheans were the descendants of the heathens who settled in Samaria after the destruction of the Northern Kingdom. They accepted a form of Judaism, and the Rabbis' attitude towards them varied. At times they were regarded as Jews, but they were subsequently declared non-Jews. The present enactment treats them as Jews, who, however, are looked upon with disfavour.
- (27) Pl. of niddah, a menstruant woman.

(28) I.e., from birth they are treated as unclean, like a niddah. The purpose of this enactment was to discourage intermarriage with them (Tosaf.).

(29) This refers to the defilement caused by a dead person, not by contact but through the fact that both the dead person and the object defiled are under the same covering, e.g., the roof of a house or an overhead awning (cf. Num. XIX, 14f), which induces uncleanness to the object defiled. The width of the covering object must not be less than the thickness of an ox-goad, for which v. infra '7a.

Talmud - Mas. Shabbath 17a

May I bury my children,¹ if this is not an erroneous halachah, for the hearer heard [a ruling] and erred [therein]. [Viz.,] a peasant was passing with an ox-goad on his shoulder and one end thereof overshadowed a grave, and he was declared unclean in virtue of [the law of] utensils which overshadowed the dead.² R. Akiba said, I will rectify [it] so that the words of the Sages³ may be fulfilled. [Viz.,] all movable objects induce uncleanness in their bearers by the thickness of an ox-goad; [and induce uncleanness] in themselves, by any thickness; and in other people or utensils, by the width⁴ of a handbreadth. And R. Jannai observed: and the ox-goad of which they spoke is not a handbreadth in thickness but in circumference, and they enacted [this law] concerning its circumference on account of its thickness.⁵ But according to R. Tarfon who said, 'May I bury my children but this halachah is incorrect!' they are less [than eighteen]? — Said R. Nahman b. Isaac, That the daughters of Cutheans are niddoth from their cradles was also enacted on that same day; and on the other [question]⁶ he agrees with R. Meir.⁷

And another?-When one vintages [grapes] for the vat [I.C., to manufacture wine], Shammai maintains: It is made fit (to become unclean); while Hillel ruled, It is not made fit.⁸ Said Hillel to Shammai: Why must one vintage [grapes] in purity, yet not gather [olives] in purity?⁹ If you provoke me, he replied, I will decree uncleanness in the case of olive gathering too. A sword was planted in the Beth Hamidrash and it was proclaimed, 'He who would enter, let him enter, but he who would depart, let him not depart!'¹⁰ And on that day Hillel sat submissive before Shammai, like one of the disciples,¹¹ and it was as grievous to Israel¹² as the day when the [golden] calf was made. Now, Shammai and Hillel enacted [this measure], but they would not accept it from them; but their disciples came¹³ and enacted it, and it was accepted from them.¹⁴

[Now,] what is the reason?¹⁵ -Said Ze'iri in R. Hanina's name: For fear lest he vintage it into unclean baskets.¹⁶ Now, that is well on the view that an unclean vessel renders fluid effective;¹⁷ but on the view that an unclean vessel does not render fluid effective, what can be said?-Rather, said Ze'iri in R. Hanina's name: For fear lest he vintage it in pitch lined baskets.¹⁸ Raba said: It is a preventive measure on account of tightly cleaving, [clusters].¹⁹ R. Nahman said in Rabbah b. Abbuha's name: [It is a preventive measure, for] a man sometimes goes to his vineyard to see if the grapes are ready for vintaging, takes a bunch of grapes to squeeze it, and sprinkles [the juice] on the grapes, and at the time of gathering the moisture is still dripping on them.

And another?-Said

(1) Lit., 'may I cut off my children that this halachah is cut off'.

(2) I.e. any utensil which overshadows the dead becomes itself unclean, whatever its width, and the peasant was

Talmud - Mas. Sukkah 2a

CHAPTER I

MISHNAH. A SUKKAH¹ WHICH² IS MORE THAN TWENTY CUBITS HIGH IS NOT VALID, R. JUDAH, HOWEVER, DECLARES IT VALID. ONE WHICH IS NOT TEN HAND BREADTHS HIGH, OR WHICH HAS NOT THREE WALLS, OR WHICH HAS MORE SUN THAN SHADE, IS NOT VALID.

GEMARA. We have learnt elsewhere³ : If the [cross-beam above an] alley-entry⁴ is more than twenty cubits high, it must be lowered. R. Judah says this is unnecessary. Now wherein lies the difference [between the two cases that] with regard to the Sukkah it is declared NOT VALID, while with regard to [the cross-beam over] the alley-entry, a remedy is indicated? — With regard to the Sukkah, since it is a Pentateuchal⁵ ordinance, it [was proper categorically to] state, NOT VALID;⁶ with regard to [the cross-beam over] an alley-entry, however, since the injunction is only Rabbinical,⁷ a remedy is given.⁸ And, if you wish, you may say that even with a Pentateuchal command a remedy may be given, but with regard to the Sukkah, as the ordinances relating thereto are many it was briefly stated, NOT VALID⁹ [while in the case of a cross-beam over] an alley-entry, since the regulations thereof¹⁰ are not many, a remedy is indicated.

Whence do we know this?¹¹ — Rabbah answered: Scripture says, That your generations may know¹² that I made the children of Israel to dwell in booths,¹³ [with a booth] up to twenty cubits [high] a man 'knows' that he is dwelling in a booth, but with one higher than twenty cubits he does not 'know' that he is dwelling in a booth, since his eye does not descry it.¹⁴ R. Zera replied: From the following verse, And there shall be a booth for a shadow in the daytime from the heat.¹⁵ [With a booth] up to twenty cubits [high] a man sits in the shade of the booth;¹⁶ but with one higher than twenty cubits he sits, not in the shade of the booth¹⁶ but in the shade of its walls.¹⁷ Said Abaye to him, ¹⁸ But if so, if a man made his Sukkah in Ashteroth Karnayim¹⁹ would it also be no valid Sukkah? — He answered him: In that case, remove the 'Ashteroth Karnayim' and there will remain the shade of the Sukkah, but here, remove the walls, and you have no shade of a Sukkah.²⁰

Raba replied: [It is derived] from the following verse, Ye shall dwell in booths seven days,²¹ the Torah declared, For the whole seven days leave thy permanent abode and dwell in a temporary abode. [With a booth] up to twenty cubits [high] a man makes his abode a temporary one; [in one] higher than twenty cubits, a man does not make his abode temporary, but permanent.²² Said Abaye to him, But if so, if he made walls of iron and placed the [proper] covering²³ over them, would it also²⁴ be no valid Sukkah. The other answered him, it is this that I mean to tell you: [In a booth] up to twenty cubits, which a man makes his temporary abode, even if he makes it permanent, he has fulfilled his obligation; [but in one] higher than twenty cubits, such as a man makes his permanent abode, even if he makes it temporary, he has not fulfilled his obligation.

(1) The booth set up at the Feast of Tabernacles in fulfilment of Lev. XXIII, 42.

(2) In its interior.

- (3) 'Er. I, 1.
- (4) If an alleyway has courtyards opening into it, while on one side it is open to a public domain, a cross-beam placed over the entrance imparts to it some of the characteristics of a private domain within which freedom of movement on the Sabbath is permitted.
- (5) V. Supra n. 1.
- (6) The suggestion of a remedy might have been misunderstood as being mere advice the neglect of which did not vitally affect the performance of the precept, and so it would be concluded that ex post facto the Sukkah may be deemed fit. (V. Tosaf. 'Er. 2a s.v. **Vfux** contra Rashi).
- (7) According to the Pentateuchal ordinance three walls suffice to make an enclosure private.
- (8) There is no need for so much precaution in the case of a Rabbinical, as in that of a Pentateuchal law.
- (9) Thus presenting a succinct ruling covering all disqualifications. Were remedies for each disqualification to be indicated the ruling would have extended to undue lengths, contrary to the principle of brevity in teaching (v. Pes. 3b).
- (10) Given in the cited Mishnah 'Er. I, 1.
- (11) That the prescribed height of a Sukkah is Pentateuchal.
- (12) Emphasis on 'know'.
- (13) Lev. XXIII, 43.
- (14) The roof covering **lfX** Which is the essential feature of the Sukkah.
- (15) Isa. IV, 6.
- (16) Sc. the roof (cf. supra n. 5).
- (17) Whose shadows completely fill the interior and render that of the roof superfluous.
- (18) R. Zera.
- (19) A glen between two high mountains where the sun cannot penetrate. Lit., 'Ashteroth of the two horns', v. Gen. Xlv, 5.
- (20) Since the high roof would not suffice to exclude the sunshine that comes streaming in from the sides.
- (21) Lev. XXIII, 42.
- (22) Such a high structure requires firm foundations and walls and these give it the characteristics of a permanent abode.
- (23) **lfX**, 'to cover' refers especially to the valid covering of a Sukkah,
- (24) Since it is a permanent structure.

Talmud - Mas. Sukkah 2b

All¹ do not agree with [the deduction of] Rabbah, since that [verse]² refers to the knowledge of [future] generations. Nor do they agree with R. Zera, since that verse³ refers to the Messianic age.⁴ [What, however, does] R. Zera [answer to this objection]?- [he could answer], If so, the verse could read 'And there shall be a covering for a shadow in the daytime'. Why then was it stated, 'And there shall be a booth for a shadow in the daytime'? Hence you must infer therefrom both points.⁵

Nor do they⁶ agree with Raba, on account of the objection of Abaye.⁷

Whose authority is followed in the statement made by R. Josiah in the name of Rab, that the difference of opinion⁸ is where the walls do not reach the covering, but where the walls do reach the covering the sukkah is valid, even if it is higher than twenty cubits?

‘Whose authority is followed’ [you ask]? it is in accordance with Rabbah whose reason⁹ is that the eye does not descry it, but where the walls reach the covering, the eye¹⁰ does descry it.

Whose authority is followed in the statement made by R. Huna in the name of Rab, that the difference of opinion⁸ is where the area of the sukkah was only four cubits square but where it was more than four cubits square [both agree] that even if it is higher than twenty cubits it is valid? — In agreement with whom [you ask]? In agreement with R. Zera who gives as the reason¹¹ the [character of the] shade, and, since it¹² is spacious- there is the shade of a Sukkah.¹³

Whose authority is followed in the statement made by R. Hanan b. Rabbah in the name of Rab, that the difference of opinion¹⁴ is only where [the Sukkah] can contain [only] a person's head, the greater part of his body, and his table,¹⁵ but where it is larger than this [both agree] that even if it is higher than twenty cubits it is valid? — In agreement with whom [you ask]? In agreement with none.¹⁶

It is understandable that R. Josiah disagrees with R. Huna and with R. Hanan b. Rabbah, since they lay down a [minimum] measurement in the extent [of the Sukkah] while he does not lay down a minimum measurement as to the extent [thereof]; but [as regards] R. Huna and R. Hanan b. Rabbah, can we say that they differ on [what minimum of extent constitutes] the validity of the Sukkah, the former¹⁷ holding the opinion that the validity of the sukkah [depends upon its being a minimum of] four cubits [square] while the latter¹⁸ holds that the validity of the sukkah [depends, upon its capacity of] containing his head, the greater part of his body, and his table?— No! Both may agree that the validity of the Sukkah [depends upon its capacity of] containing his head, the greater part of his body, and his table, but here they differ on the following principle: One master¹⁸ holds the opinion that they¹⁹ differ where the Sukkah [can] contain [only] his head, the greater part of his body, and his table, but if it is larger than this both agree that it is valid,²⁰ while the other master¹⁷ holds the opinion that they differ [about a Sukkah whose size is] between [one capable of] containing his head, the greater part of his body and his table, and one four cubits square, but if it is more than four cubits square, both agree that it is valid.²¹

It was objected:²² A Sukkah which is higher than twenty cubits is not valid, but R. Judah declared it valid up to a height of forty or fifty cubits. R. Judah stated, ‘It happened with Queen Helena²³ in Lydda²⁴ that her Sukkah was higher than twenty cubits, and the elders nevertheless were going in and out of it and spoke not a word to her [in disagreement]’. They said to him, ‘Is²⁵ this a proof? She was a woman and [therefore] free from the obligation of the Sukkah’.²⁶ He answered them, ‘Did she not have seven sons? And besides, she did nothing except in accordance with the command of the Sages’. Why does he have to add ‘and besides, she did nothing except in accordance with the command of the Sages’? Thus he said to them: If you will answer [with regard to her seven sons] that her sons were minors²⁷ and minors are free from [the obligation of] the sukkah, since [however] she had seven, there must have been at least one²⁸ who was [old enough] not to be dependent on his mother; and if you will object that [the duty of educating] a child who is not dependent on his mother is merely a Rabbinical injunction, and she took no heed of a Rabbinical injunction, I²⁹ add ‘and besides, she did nothing except in accordance with the command of the Sages’. Now this [Baraita] is well according to the authority who says that

their³⁰ difference of opinion was in the case where the walls did not reach the covering;³¹ since it is the custom of a queen to sit in a sukkah whose walls do not reach the roof

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- (1) The Amoras, supra 2a, who dealt with the question, whence is it derived that the prescribed height of a Sukkah is Pentateuchal.
 - (2) Lev. XXIII, 43.
 - (3) Isa. IV, 6.
 - (4) When there shall be booths for shelter against heat etc.
 - (5) That (a) there will be a Sukkah in the Messianic age and (b) only one whose roof provides the necessary shadow is valid.
 - (6) V. supra n. 3.
 - (7) Supra 2a ad fin.
 - (8) In our Mishnah, between the first anonymous authority and R. Judah.
 - (9) For the ruling of the first Tanna.
 - (10) Travelling up the walls.
 - (11) For the ruling of the first Tanna.
 - (12) The Sukkah.
 - (13) Sc. the roof covering.
 - (14) V. p. 3, n. 10.
 - (15) They used to eat reclining on a couch by the table.
 - (16) Since even when the Sukkah can contain more than his head, greater part of his body and table, all the reasons given by the above authorities for disqualifying a Sukkah higher than twenty cubits still apply.
 - (17) R. Huna.
 - (18) R. Hanan b. Rabbah.
 - (19) The anonymous authority in our Mishnah and R. Judah.
 - (20) Even when higher than twenty cubits.
 - (21) I.e., according to R. Zera, since on account of its spaciousness there is the shade of a Sukkah in it.
 - (22) Against the Amoras who laid down supra the principles on which the authorities in our Mishnah differ.
 - (23) A famous royal convert to Judaism, about the year thirty C.E. She was Queen Adiabene, wife of Monobaz I, and mother of Monobaz II. She visited Palestine about forty-three C.E. and presented a golden portal to the Temple (Yoma 37a). She was buried in Jerusalem.
 - (24) A town in Palestine, west of Jerusalem, noted as a seat of scholarship after the destruction.
 - (25) Lit., 'from there'.
 - (26) Since it is a commandment dependent upon a specified time for its performance from which women are exempt.
 - (27) Under thirteen years of age.
 - (28) Who, although still a minor, must be educated in the observance of the commandments of the Torah.
 - (29) Lit., 'come and hear'.
 - (30) That of R. Judah and the first Tanna in our Mishnah.
 - (31) Of the Sukkah.

Talmud - Mas. Sukkah 3a

because of ventilation; but according to the authority who states that they differed only in the case of a small' Sukkah,¹ is it then customary for a queen to sit in a diminutive sukkah?² — Rabbah b.

Adda answered, The ruling was necessary only in the case of a Sukkah constructed with many recesses.³ Is it then customary for a queen to sit in a sukkah with many recesses? — R. Ashi answered: [The ruling] was necessary only in the case of the recesses in it.⁴ The Rabbis hold the opinion that her sons sat in the proper Sukkah, while she sat in one of the recesses for reasons of modesty, and hence they⁵ made no remark,⁶ while R. Judah was of the opinion that her sons sat with her,⁷ and still they⁵ made no remark.

R. Samuel b. Isaac⁸ stated, The halachah is that [the Sukkah] must be able to contain his head, the greater part of his body, and his table. R. Abba said to him, In agreement with whom is this ruling? Is it in agreement with Beth Shammai?⁹ -The other answered him,, According to whom else? Another version: R. Abba said to him, Who holds this opinion?-He answered, ‘Beth Shammai, and¹⁰ do not budge from it’.

R. Nahman b. Isaac demurred: Whence do we know that Beth Shammai and Beth Hillel are in dispute concerning a small Sukkah? Perhaps their dispute concerns a large Sukkah, as for instance, where a man sat at the entrance of the Sukkah with his table inside the house,¹¹ Beth Shammai holding the opinion that we prohibit it lest he be drawn after the table, while Beth Hillel hold that we do not prohibit it? This, furthermore, may be deduced also [from the wording], for it was stated, ‘If his head and the greater part of his body were within the Sukkah but his table was within the house, Beth Shammai declare it invalid, and Beth Hillel declare it valid;’¹² but if it is [as you say]¹³ it ought to read, [If the Sukkah can] contain, or cannot contain [his head etc.].¹⁴

But do they not dispute concerning a small Sukkah? Has it not in fact been taught: [If a Sukkah can] contain his head, the greater part of his body and his table, it is valid. Rabbi says, It must be four cubits square. While in another [Baraita] it has been taught: Rabbi says, Any Sukkah which is not four cubits square is invalid, while the Sages say, Even if it can contain only his head, and the greater part of his body it is valid. Whereas of ‘his table’ there is no mention. Does not thus¹⁵ a contradiction arise between the two [Baraitas]? We must consequently infer therefrom that one is [according to] Beth Shammai, and the other according to Beth Hillel!¹⁶

Mar Zutra observed, The wording of this Mishna!¹² also proves it,¹³ since it says: ‘Beth Shammai declare it invalid, and Beth Hillel declare it valid’, and if it were [as you say]¹⁷ it ought to read: Beth Shammai say’, He has not fulfilled his obligation while Beth Hillel say that he has.¹⁸ But do not the words, ‘He [whose head etc.] were’¹⁹ present a difficulty? — The fact is that they differ on two [points], on a small Sukkah and a large one, but the text is defective and is to be read thus: ‘He whose head and the greater part of his body were within the sukkah and his table within the house,²⁰ Beth Shammai say, He has not fulfilled his obligation and Beth Hillel say, He has; and if it is [able to] contain only his head and the major part of his body alone,²¹ Beth Shammai declare it invalid and Beth Hillel valid.’ Who is the authority for that which our Rabbis taught: ‘A house which is not four cubits square is free from the obligations of Mezuzah²² , and parapet,²³ does not contract levitical uncleanness from leprosy,²⁴ is not irredeemable among the dwelling houses of a walled city,²⁵ nor does one return on its account from the array of war,²⁶ nor need an ‘Erub²⁷ be prepared for it, nor Shittuf,²⁷ nor does one place therein an ‘Erub²⁸

(1) But agreed where it was a large one.

- (2) Obviously not. Why then did the Rabbis in this case differ from R. Judah?
- (3) Since each recess was small the Rabbis may well have regarded it as invalid.
- (4) Sc. It was a large Sukkah with recesses in it.
- (5) The elders.
- (6) Since a woman is exempt from Sukkah.
- (7) In the recesses.
- (8) Var. lec., R. Huna.
- (9) It cannot be in agreement with Beth Hillel who (infra 28a) do not require a Sukkah to be capable of containing also one's table.
- (10) Although the halachah is usually according to Beth Hillel.
- (11) I.e., the Sukkah was built on to the house
- (12) Mishnah infra 28a.
- (13) That the point at issue is a small Sukkah.
- (14) It may, therefore, be concluded that the point at issue is a Sukkah that was large.
- (15) Since the former does, and the latter does not mention 'his table'.
- (16) Which proves that Beth Shammai and Beth Hillel dispute concerning a small Sukkah.
- (17) That the dispute related to a large Sukkah.
- (18) Since the Sukkah itself is valid.
- (19) As has been pointed out supra in support of R. Nahman b. Isaac's demur.
- (20) Referring to a large Sukkah.
- (21) Referring to a small Sukkah.
- (22) V. Deut. VI, 9 and Glos.
- (23) V. Ibid. XXII, 8.
- (24) V. Lev. XIV, 34ff
- (25) V. Ibid. XXV, 29, 30. Houses in walled cities, if sold, were irredeemable after twelve months, and remained in perpetuity the buyers', v. Lev. XXV, 30. A structure less than four cubits square is not regarded as a 'house', and none of the above-mentioned laws are applicable to it. It may be redeemed at any time, and if it was not redeemed it returns to the seller in the jubilee year.
- (26) V. Deut. XX, 5.
- (27) V. Glos,
- (28) I.e., this structure cannot be regarded as one of the houses wherein the 'Eruv of the courtyard may be placed.

Talmud - Mas. Sukkah 3b

nor make of it an extension¹ between two cities, nor can brothers or partners divide it “?² Must we say that it agrees with Rabbi,³ and not with the Rabbis?⁴ — No! One can even say that it agrees with the Rabbis. The Rabbis say it⁵ only with regard to a Sukkah which is a temporary abode, but with regard to a house which is a permanent abode, even the Rabbis admit that if it has an area of four cubits square, people dwell therein,⁶ otherwise, they do not dwell therein.

The Master said, 'It is free from the obligations of Mezuzah, and parapet, does not contract levitical uncleanness from leprosy, is not irredeemable among the houses of a walled city, nor does one return on its account from the array of war'. What is the reason? — Because the term 'house' occurs in all [these commandments].⁷

‘Nor need an ‘Erub be prepared for it, nor Shittuf, nor does one place therein an ‘Erub’. What is the reason?—Since it is unsuitable as a dwelling.⁸ Now the ‘Erub of courtyards is not placed therein, but a Shittuf⁹ may be placed therein. What is the reason? — Since it is no worse than a courtyard within an alleyway as we have learnt, ‘The ‘Erub of courtyards [are placed] in a courtyard, and the shittuf of an alley in the alley’,¹⁰ and the point was raised, [How can it be said that], ‘The ‘Erubs of courtyards [are placed] in a courtyard’? Have we not in fact learnt,¹¹ If a man placed his ‘Erub in a gatehouse¹² or in an exedra, or in a gallery, it is no valid ‘Erub,¹³ and he who dwells therein cannot be a cause of prohibition?¹⁴ — Say rather, ‘Erubs of courtyards [are placed] in a house of the courtyard, and the Shittufs of alleys in a courtyard of the alley; and this¹⁵ is no worse than a courtyard in an alley.

‘Nor make of it an extension between two cities’. Since it is not regarded even as an outpost.¹⁶ What is the reason?— Outposts are suitable for their purpose,¹⁷ but this is unsuitable for anything.¹⁸

‘Nor can brothers or partners divide it’. The reason apparently is that it is not four cubits square, but if it were four cubits square, [presumably] they could divide it.¹⁹ But have we not learnt, A courtyard should not be divided unless there be four cubits to each [of the parties]?²⁰ — Say rather, The law of division²¹ does not apply to it, as [it does in the case of] a courtyard. For R. Huna ruled, ‘A courtyard is divided according to the number of its doors’,²² and R. Hisda said, ‘Four cubits are allowed for each door and the remainder is divided equally’, but this²³ applies only to a house which is intended to stand, [and therefore] we allow it a [share in the] courtyard; but as to this [a hovel] which is intended to be demolished, we do not allow it [a share in the] courtyard.

If [a Sukkah] was more than twenty cubits high and he diminished its [height] with bolsters and cushions it is not a [valid] diminution,

(1) A legal fiction whereby a house between two cities’ (situated at a distance of a hundred and forty-one and a third cubits from each other) ‘extends’ the boundaries of each if it was equidistant from both. The two cities are then treated as one, and walking from one to the other and along distances of two thousand cubits from each city in all directions is permitted on the Sabbath.

(2) If it fell to brothers as an inheritance, or if it belonged to partners who wish to dissolve their partnership. V. Mishnah B.B., I, 6.

(3) Who regards a Sukkah less than four cubits square as invalid.

(4) Is it likely, however, that an anonymous Baraitha represents the view of an individual against that of the majority?

(5) That a structure less than four cubits is valid.

(6) And it can, therefore, be regarded as a ‘house’.

(7) V. Deut. VI, 9; XXII, 8; Lev. XIV, 35; XXV, 29; Deut. XX, 5.

(8) And consequently unfit for an ‘erub whose function is to combine all the residents into one group that virtually dwells in the house where it is deposited. For the same reason only the resident of a house that is suitable as a dwelling imposes restrictions on his neighbours unless he joined in the ‘Erub. One that is ‘unsuitable may be regarded as non-existent (cf. ‘Er. 49a).

(9) Whose function is not the combination of dwellings but that of courtyards.

- (10) 'Er. 85b.
- (11) Mishnah 'Er. VIII, 4.
- (12) A porter's lodge.
- (13) Cf. supra n. 2 mut. mut.
- (14) To the other inmates as regards carrying in the courtyard. How then could it be said that an 'Erub deposited in an open courtyard is valid?
- (15) A house less than four cubits square.
- (16) **ihdruc** Gr. ** an isolated turret outside a city.
- (17) A night's lodging.
- (18) Lit., 'for its purpose', to serve as a dwelling for which purpose a house is built.
- (19) I.e., presumably they could compel each other to divide.
- (20) B.B. 11a.
- (21) As explained presently by R. Huna and R. Hisda.
- (22) V. B.B., Sonc. ed., p. 54, n. 5.
- (23) That house owners are entitled to certain shares in their common courtyard.

Talmud - Mas. Sukkah 4a

even though he abandoned them¹ since his intention is canceled by that of other men;² if [he spread] straw [in order to diminish the height] and abandoned it, it is a [valid] diminution, and much more so is this the case with earth which he abandoned. [If he spread] straw which he had no intention of removing³ or earth concerning which his intention is unknown — this is a matter of dispute between R. Jose and the Rabbis. For we have learnt, If a house was filled with straw or gravel and the owner announced his intention to abandon it, it is duly abandoned.⁴ [Thus only if] he expressly abandoned it,⁵ is it not regarded as abandoned, but if he did not expressly do so, it is not so regarded; and with regard to this we have learnt, R. Jose ruled: Straw which he has no intention of removing is like ordinary earth⁶ and is deemed to be abandoned; earth which he intends to remove [later] is like ordinary straw⁶ and is not deemed to be abandoned.⁷ [If a Sukkah] was more than twenty cubits high but palm-leaves⁸ hung down within the twenty cubits, if the shade⁹ is more than the sun,¹⁰ it is valid, otherwise it is invalid. If [the sukkah] was ten handbreadths high¹¹ and palm-leaves hung down within the ten cubits, Abaye¹² intended to say that if the sun [that penetrates through them] is more than their shade, it is valid,¹³ [but] Raba said to him, This is a house [whose roof] hangs low down, and no man lives in such a dwelling. If it was higher than twenty cubits and he built a ledge at the middle wall¹⁴ along its whole length¹⁵ and it¹⁶ has the minimum size of a valid Sukkah,¹⁷ it¹⁸ is valid.¹⁹ If [he built the ledge] on a side [wall], — if from the edge of the ledge to the wall [opposite] there are four cubits,²⁰ it²¹ is invalid; but if the distance was less than four cubits, it¹⁸ is valid.²² What principle does he teach us by this ruling? That we apply the rule of the 'curved wall'?²³ But have we not [already] learnt it: A house [the middle of whose flat roof] is missing and one placed the valid covering of a Sukkah upon it,²⁴ if there are four cubits from the [top of the] wall to the covering, it²⁵ is invalid;²⁶ which [shows that] if the distance was less than this it is valid?²⁷ — One might have thought that only there²⁸ [it is valid] since [each side] is suitable [to serve] as a wall;²⁹ but that here³⁰ since it³¹ is unsuitable for a wall, one might say that it is invalid, [therefore] we were taught [that even here the principle³² is applied].

If [a sukkah] was higher than twenty cubits and one built a platform in the middle of it, if there are four cubits on every side between the edge of the platform and the wall, it³³ is invalid; but if the distance is less than four cubits, it is valid. What principle does this teach us? That we apply the rule of the 'curved wall'?³⁴ But is not this principle identical with the former one?—One might have thought that we apply the rule of the 'curved wall' on one side only, but not on every side, therefore we were taught [that we apply it to all sides also].

If [a Sukkah] was less than ten handbreadths in height and one hollowed out³⁵ [a hole]³⁶ in order to bring it to [ten handbreadths], — if there was a distance of three handbreadths from the brim of the hollow to the wall, it is invalid;

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- (1) I.e., he declared them to be null and void and as part of the ground for the duration of the Festival. ‘
 - (2) Who would still regard them as cushions.
 - (3) During the Festival; but he did not actually pronounce the formula of annulment.
 - (4) And the house is regarded as filled in respect of the laws of ohel, v. ‘Er., Sonc. ed., fol. 78b, notes.
 - (5) I.e., pronounced the formula of annulment.
 - (6) Concerning which the owner's intention is unknown.
 - (7) It has thus been shown that all agree that straw or earth that had been explicitly abandoned is deemed to be duly abandoned, and that straw about which the owner's intention is not known and earth which he intends to remove is not regarded as abandoned, while as regards straw or earth which the owner does not intend to remove and earth about which the owner's intention is not known there is a divergence of view between R. Jose, who deems it to be abandoned, and the Rabbis.
 - (8) Which form the roof covering.
 - (9) Of the palm-leaves that hang down.
 - (10) Since the palm-leaves may be regarded as a valid covering within the twenty cubits.
 - (11) The minimum height.
 - (12) On the analogy of the previous ruling.
 - (13) Since their presence adds no substantial shade.
 - (14) A Sukkah generally has only three walls, the fourth side being the door. The 'middle wall' is the one between the two side walls.
 - (15) So that it reached the side walls.
 - (16) The ledge.
 - (17) Seven handbreadths and a fraction square.
 - (18) The entire Sukkah, even the area between the ledge and the door.
 - (19) The area of the ledge being regarded as a small valid Sukkah with three walls, while the remainder is treated as an extension of it (cf. infra 19a).
 - (20) Since in this case the ledge had no more than two walls.
 - (21) The entire Sukkah.
 - (22) Because the roof, (cf. infra 6b) above the area between the ledge and the opposite wall is regarded as a continuation of that wall which thus serves as a third wall for the ledge.
 - (23) Sc., that a part of a ceiling may be regarded as the curved extension of a wall that adjoined it.
 - (24) The hole.
 - (25) The entire house.
 - (26) As a Sukkah.
 - (27) Infra 17a. Why then should the same principle be taught twice?

- (28) In the case of the broken roof.
- (29) I.e., it is not higher than the permitted maximum
- (30) In the case of the ledge, where the wall opposite is higher than the permitted size.
- (31) The wall opposite the ledge.
- (32) Of 'curved wall'.
- (33) The entire Sukkah, even on the platform.
- (34) Sc. that a part of a ceiling may be regarded as the curved extension of a wall that adjoined it.
- (35) In the floor.
- (36) Extending over an area of the prescribed minimum size of a Sukkah (Rashi).

Talmud - Mas. Sukkah 4b

if the distance was less than three handbreadths¹ it is valid. Why do we say there² 'less than four cubits', and here 'less than three handbreadths'? In the former case where there is a wall,³ it is sufficient [if the distance is] 'less than four cubits'; in the latter case, however, where a wall has to be made,⁴ [if the distance is] 'less than three handbreadths' it is [valid]; otherwise it is not.

If [a sukkah] was more than twenty cubits high and one erected in it⁵ a pillar ten handbreadths high, and large enough for a valid sukkah,⁶ [in this case] Abaye intended to say the partitions⁷ are deemed to be continued upward,⁸ [but] Raba said to him: Recognizable partitions are necessary, which these are not.

Our Rabbis taught: If a man drove four poles into the ground and put the sukkah-covering on them, R. Jacob declares it valid and the Sages declare it invalid. R. Huna stated: The dispute relates only [to poles erected] on the edge of a roof, where R. Jacob holds that we apply the rule of 'the partition continues upward'⁹ while the Sages hold that we do not apply the rule of 'the partition continues upward'; but [if they were erected] in the middle of the roof,¹⁰ all agree that [the Sukkah is] invalid.¹¹ R. Nahman, however, maintained that the dispute relates only [to poles erected] in the middle of the roof.¹² It was asked: [Does he mean that] the dispute concerns only [poles that were erected] in the middle of the roof, but if such were erected on the edge of the roof all agree that it is valid,¹³ or is it possible [that he means that] the dispute concerns both cases? — The question remains undecided.¹⁴

An objection was raised: If one drove poles in the ground and placed the Sukkah-covering over them, R. Jacob declares [such a sukkah] valid, and the Sages declare it invalid. Now the earth, surely, is [in respect of partitions] like the middle of a roof¹⁵ and still R. Jacob regards [the Sukkah] as valid. Is this not, then, a refutation of R. Huna?¹⁶ — It is indeed a refutation. Moreover, [presumably] they dispute¹⁷ concerning the middle of the roof, only, but where [poles are put up] on the edge of the roof they all agree that it is valid. Must it then be said that this will refute R. Huna on two points?¹⁸ -R. Huna could answer you: They disagree about poles in the middle of the roof, and likewise also about those on the edge, and the reason why the dispute concerns the middle of the roof is in order to show you how far R. Jacob's view extends viz., that even where the poles were in the middle of the roof he holds [the Sukkah] to be valid.

Our Rabbis taught: If a man drove four [round shaped] poles into the ground and covered them

with the Sukkah-covering, R. Jacob ruled, We see: If it is found that on being planed and smoothed¹⁹ there would remain the width of a handbreadth on two adjacent sides,²⁰ they²¹ are treated as deymads,²² but if not, they cannot be treated as deymads for R. Jacob used to say, The prescribed minimum width of the deymads of a Sukkah is a handbreadth;²³ but the Sages say, Only if two [of the adjacent walls] are proper [walls], may the width of the third be only a handbreadth.

ONE OF WHICH IS NOT TEN HANDBREADTHS HIGH. Whence do we know this?- It was stated, Rab, R. Hanina, R. Johanan and R. Habiba learnt: (throughout all Seder Mo'ed²⁴ when these pairs are mentioned together [some] substitute the name of R. Jonathan for that of R. Johanan), the ark [of the covenant] was nine handbreadths high,²⁵ and the ark cover one handbreadth,²⁶ making a total of ten handbreadths, and it is written, And there I will meet with thee, and I will speak with thee from above the ark-cover;²⁷

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- (1) So that the rule of labud (v. Glos.) can be applied.
 - (2) In the case of the ledge.
 - (3) Since its height was no less than ten handbreadths.
 - (4) Since one lower than ten hand breadths cannot be regarded as a valid wall.
 - (5) Far away from the walls.
 - (6) I.e., its top had an area of no less than seven handbreadths and a fraction square.
 - (7) Sc. the side of the pillar.
 - (8) As far as the ceiling, and that, since the sides are no less than ten handbreadths high and the distance between the top of the pillar and the roof is less than twenty cubits, the pillar constitutes a valid Sukkah.
 - (9) The walls of the house, may, therefore, be regarded as continuing upward and forming walls for the Sukkah.
 - (10) So that the house walls are removed front the poles.
 - (11) The poles alone being insufficient to constitute valid walls.
 - (12) R. Jacob holding that poles provided the width of each is no less than a handbreadth, constitute valid walls for a Sukkah, while the Sages hold that a Sukkah must have no less than two valid walls adjacent to each other and a third one of the minimum width of a handbreadth.
 - (13) On the principle of upward extension.
 - (14) Teku (v. Glos.).
 - (15) Since in neither case are there any partitions beneath the poles to which the rule of 'partitions continue upward' could be applied.
 - (16) Who holds that, where the poles were erected in the middle of a roof, all agree that the Sukkah is invalid.
 - (17) R. Jacob and the Rabbis, in the Baraitha just cited.
 - (18) His statement (a) that all agree that poles in the middle of a roof constitute no valid Sukkah is refuted by the explicit statement in the Baraitha, while his statement (b) that the dispute concerns poles erected on the edge of the roof is refuted by the inference just made.
 - (19) I.e., cut into a rectangular shape and a portion of the inside removed.
 - (20) Of each pole.
 - (21) Each of the corner-pieces.
 - (22) **snuls** a rectangular corner-piece. The word is of uncertain derivation. Probably a hybrid, ****+sung**, 'two columns' (Levy).
 - (23) Unlike in the case of wells in connection with Sabbath, where the minimum is one cubit on each side, v, 'Er. 17b.

(24) The Order to which this tractate belongs.

(25) A cubit and a half. V. Ex. XXV, 10. One cubit is equivalent to six handbreadths.

(26) V. infra for the proof of this statement.

(27) Ex. XXV, 22.

Talmud - Mas. Sukkah 5a

and it has been taught, R. Jose stated, Neither did the Shechinah¹ ever descend to earth, nor did Moses or Elijah ever ascend to Heaven,² as it is written, 'The heavens are the heavens of the Lord, but the earth hath He given to the sons of men'.³ But did not the Shechinah descend to earth? Is it not in fact written, And the Lord came down upon Mount Sinai?⁴ — That was above ten handbreadths [from the summit]. But is it not written, And His feet shall stand in that day upon the Mount of Olives?⁵ — That will be above ten handbreadths. But did not Moses and Elijah ascend to Heaven? Is it not in fact written, And Moses went up unto God?⁶ — [That was] to a level lower than ten [handbreadths from heaven]. But is it not written, And Elijah went up by a whirlwind into heaven?⁷ — [That was] to a level lower than ten handbreadths. But is it not written, He⁸ seizeth hold of the face of His throne, and He spreadeth His cloud upon him,⁹ and R. Tanhum said: This teaches that the Almighty spread some of the radiance of¹⁰ his Shechinah and his cloud upon him?¹¹ — That was at a level lower than ten handbreadths. But in any case is it not written, 'He seizeth hold of the face of His throne'?¹² — The throne was well lowered for his sake until [it reached a level] lower than ten handbreadths [from Heaven] and then he¹¹ seized hold of it.

One can well understand that the ark was nine [handbreadths high] since it is written, And they shall make an ark of acacia wood: two cubits and a half shall be the length thereof, and a cubit and a half the breadth thereof, and a cubit and a half¹³ the height thereof,¹⁴ but whence do we know that the ark-cover was a handbreadth [high]? — From that which R. Hanina learned: As for all the vessels which Moses made, the Torah gave the measurements of their length and breadth and height, [while in the case of] the ark-cover its length and its breadth are given,¹⁵ but not its height.¹⁶ Proceed, therefore, to deduce it from the smallest of the vessels, concerning which it is said, And thou shalt make unto it a border of a handbreadth round about.¹⁷ Just as there the height was a handbreadth so was it there also a handbreadth. But why should not our deduction be made from the vessels themselves?¹⁸ — If one select the greater, one does not select well; if one select the lesser, one selects well.¹⁹ But why should not our deduction be made from the plate of gold,²⁰ as it was taught: 'The ziz²¹ was in the shape of a plate of gold two finger-breadths broad and stretching from ear to ear, and upon it were engraved two lines, Yod and He²² above, and Kodesh²³ [followed by a] Lamed²⁴ below,²⁵ and R. Eliezer son of R. Jose said, I saw it in Rome²⁶ and it had Kodesh Ladonai²⁷ on one line? — We deduce [the measurements of a] vessel from another vessel, but we do not deduce [the measurements of a] vessel from an ornament. Why then should we not deduce from the crown,²⁸ of which a master stated, The crown was on the smallest possible size?²⁹ — We deduce the size of a vessel from that of another vessel, but not from the appurtenances of a vessel. If so, [it may be objected] was not the border also an appurtenance of a vessel?³⁰ — The border was below [the top of] the table.³¹ This is correct according to the authority who holds that the border was below, but according to the authority who holds that it was above³² what can one answer³³ seeing that it³⁴ was only an appurtenance of a vessel? — The fact is that one adduces the size of a thing some of whose measurements are

given by the Torah from another thing whose measurements are given by the Torah, but no deduction can be made from the plate of gold or the crown of which the Torah gave no measurements at all.

R. Huna said: [The height of the ark-cover may be deduced] from the following verse, Upon the face of the ark-cover' on the east,³⁵ and a 'face' is not smaller than a handbreadth. But perhaps it means a face like that

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- (1) V. Glos.
 - (2) This is no doubt a polemic against the doctrine of the Ascension.
 - (3) Ps. CXV, 16. Now since the Shechinah descended as low as the ark-cover it may be concluded that the boundary of the earth is at that level, viz., ten handbreadths from, the ground. Consequently a wall whose height is less than ten handbreadths cannot be regarded as a valid wall.
 - (4) Ex. XIX, 20.
 - (5) Zech. XIV, 4.
 - (6) Ex. XIX, 3.
 - (7) II Kings II, 11.
 - (8) Moses.
 - (9) Job XXVI, 9. (E.V., 'it').
 - (10) R. Tanhum explains the word **zarp** Parshez as a notarikon, an abbreviation for Paras SHaddai Ziw, 'The Almighty spread the radiance of'.
 - (11) Moses.
 - (12) The throne, surely, is in heaven.
 - (13) I.e., nine handbreadths (a cubit equals six handbreadths).
 - (14) Ex. XXV, 10.
 - (15) Ex. XXV, 17.
 - (16) I.e., its thickness.
 - (17) Ibid. v. 25.
 - (18) Which were higher than a handbreadth.
 - (19) Proverb. Lit., 'If thou hast seized much, thou hast not seized; if thou hast seized little, thou hast seized.' The lesser is included in the greater, but the greater is not included in the lesser. The selection of the lesser is, therefore, the safer course.
 - (20) Ex. XXVIII, 36; which was smaller than a handbreadth.
 - (21) E.V., 'plate of gold'. It was worn by the High priest on his forehead.
 - (22) One of the divine names.
 - (23) 'Holy'.
 - (24) 'To'.
 - (25) Sc. the divine name Yod He appeared on the left in the first line while 'Holy to' appeared on the right in the second line, so that by reading from right to left (as Semitic languages are to be read) one obtained the phrase 'holy to the Lord' (cf. Tosaf. s.v. **ase** a.l.).
 - (26) R. Eliezer accompanied R. Simeon b. Yohai to Rome, and saw there the vessels of the Temple which Titus had carried off after the destruction of the Temple in 70 C.E. V. Bacher, Agg. Tann, Heb. ed. Part II, vol. II, p. 100.
 - (27) 'Holy to the Lord'.
 - (28) Ex. XXV, II. The crown of gold round the ark.

- (29) Lit., 'anything'.
- (30) How then could deduction be made from it?
- (31) Joining its legs together and forming part of the structure.
- (32) And thus served only as an ornament.
- (33) To the objection, why should deduction be made from it and not from the crown.
- (34) Like the crown.
- (35) Lev. XVI, 14.

Talmud - Mas. Sukkah 5b

of the Bar-Yokani?¹ — If one select the greater, one does not choose well, if one select the lesser, one does select well. Might it not be said that the face meant was one like that of a zipartha² which is very small? — R. Aha b. Jacob answered, R. Huna draws an analogy between two expressions of 'face'.³ It is written here, '[Upon the face of the ark-cover]', and it is written elsewhere,⁴ From the face of Isaac his father.⁵ But why should we not deduce from the 'face' Above, concerning which it is written, As one seeth the face of God, and thou wast pleased with me?⁶ -If one selects the greater, one does not select well; if one select the lesser, one selects well. Then why should we not deduce from the cherub,⁷ concerning which it is written, Toward the face of the ark-cover shall the faces of the cherubim be?⁸ — R. Aha b. Jacob answered, We have a tradition that the face of the cherubim was not less than a handbreadth, and R. Huna too made his deduction from this verse.⁹ What is the derivation of cherub?- R. Abbahu said, 'Like a child', for in Babylon they call a child Rabia.¹⁰ Said Abaye to him: If so,¹¹ how will you explain the Scriptural text, The first face was the face of the cherub and the second face the face of a man,¹² seeing that the face of a cherub is the same as that of a man?¹³ — [One¹⁴ has] a large face and the other a small face.¹⁵

But whence do we know that the height of the interior space¹⁶ exclusive of the covering, must be ten [handbreadths] seeing that it might be said that the covering¹⁷ also is included? — The fact is that the deduction¹⁸ is made from the Temple covering of which it is written, And the house which King Solomon built for the Lord, the length thereof was threescore cubits, and the breadth thereof twenty cubits, and the height thereof thirty cubits,¹⁹ and it is written, The height of the one cherub was ten cubits and so was it of the other cherub,²⁰ and it was taught, Just as we find in the Temple that the cherubim²¹ reached to a third of the height thereof²² so also in the Tabernacle²³ they reached to a third of its height.²⁴ Now what was the height of the Tabernacle? Ten cubits, as it is written, Ten cubits shall be the length of a board.²⁵ How much is this? Sixty handbreadths. How much is a third? Twenty handbreadths. Deduct the ten of the ark and the ark-cover,²⁶ and ten handbreadths remain; and it is written, And the cherubim shall spread out their wings on high, covering the ark-cover with their wings.⁹ [From which we see that] the Divine Law calls [the wings that were stretched] above a height of ten handbreadths²⁷ a 'covering'.²⁸ But whence do we know that their wings were above their heads? Is it not possible that they were on a level with their heads.²⁹ — R. Aha b. Jacob answered, It is written 'On high'. But perhaps this means that the wings were raised very high?³⁰ — Is it then written, 'On high, on high'?

This explanation is satisfactory according to R. Meir, who says that all the cubits [in the Sanctuary] were normal cubits,³¹ but according to R. Judah who says that the cubits of the edifice

were six handbreadths, but of the vessels were five, what can be said? For how much [then] were the ark and cover?³² Eight and a half,³³ so that eleven and a half handbreadths are left.³⁴ Shall we [therefore] say that [according to R. Judah] a Sukkah must be [at least] eleven and a half [handbreadths high]? — The fact is that according to R. Judah the law³⁵ was learnt as a tradition, for R. Hiyya b. Ashi citing Rab stated: The laws concerning [minima],³⁶ standards, interpositions³⁷ and partitions³⁸ are [a part of the] halachah that was given to Moses on Sinai. But are not the laws relating to minima Pentateuchal, since it is written, A land of wheat and barley, and vines and fig-trees and pomegranates, a land of olive-trees and honey,³⁹ and R. Hanin stated that all this verse was said in allusion to the prescribed minima. ‘Wheat’ is an allusion to the leprous house as we have learnt: He who enters a leprous house with his clothes on his shoulders, and his sandals and rings in his hand, both he and they become instantaneously unclean;⁴⁰ [

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- (1) A legendary bird of huge dimensions. Cf. Bek. 57b. Kohut (11 p. 178) connects it with Varaghna (Bactrian), an ostrich.
 - (2) The smallest known bird. Probably a humming bird.
 - (3) Which does not occur in connection with the zipartha.
 - (4) Gen. XXVII, 30.
 - (5) As in the latter case the reference is to a human face so it is also in the former.
 - (6) Gen. XXXIII, 10.
 - (7) Which might have been smaller than a handbreadth.
 - (8) Ex. XXV, 20.
 - (9) Ex. XXV, 20.
 - (10) The first letter of the word **curf** is regarded by him as the caph of comparison. R. Abbahu was a Palestinian.
 - (11) That the size of the face of a cherub is no less than a handbreadth.
 - (12) Ezek. X, 14.
 - (13) If their sizes are identical why were they mentioned separately?
 - (14) A human being.
 - (15) But the size of neither is less than a handbreadth.
 - (16) Of a Sukkah.
 - (17) As in the case of the ark and ark-cover.
 - (18) That the height of the interior of a Sukkah must be no less than ten handbreadths.
 - (19) I Kings VI, 2.
 - (20) Ibid. 26.
 - (21) Standing on the floor.
 - (22) Ten (the height of a cherub) is a third of thirty (the height of a house).
 - (23) Standing on the ark (inclusive of the ark and ark-cover).
 - (24) Of the Tabernacle.
 - (25) Ex. XXVI, 16.
 - (26) To arrive at the height of the cherubim.
 - (27) From the ark-cover.
 - (28) Rt. **lfx**, the same as that of the word used for the covering of a Sukkah.
 - (29) In which case, the hollow space between the wings and the ark-cover was only ten handbreadths minus the thickness of the wings.
 - (30) Sc. above the height of ten handbreadths.
 - (31) Six handbreadths.

- (32) Which are 'vessels'.
- (33) One and a half cubits of the ark (five plus two and a half) seven and a half handbreadths, and the ark-cover one handbreadth.
- (34) Between the ark-cover and the wings of the cherubim.
- (35) On the minimum height of a Sukkah.
- (36) The minimum quantities for forbidden things etc.
- (37) The amount of foreign matter which in ritual cleansing constitutes a bar between one's body and the water.
- (38) For purposes of Sabbath, Sukkah etc.
- (39) Deut. VIII, 8.
- (40) Since the clothes, sandals and rings were only carried by the man but not worn, they, like himself come under the Pentateuchal law of 'He that goeth into the house... shall be unclean' (Lev. XIV, 46).

Talmud - Mas. Sukkah 6a

if however he was dressed in his garments, and his sandals were on his feet, and his rings on his fingers, he becomes instantaneously unclean, but they¹ remain clean² unless he carries there long enough to eat half a loaf of wheaten bread but not of barley bread,³ while in a reclining position and eating with condiment.⁴ 'Barley'? As we have learnt, A barley-corn's bulk of a bone⁵ defiles by contact and by carrying, but not by 'overshadowing'.⁶ 'Vines' are an allusion to the fourth part [of a log of wine which is the minimum prohibited] to a Nazirite.⁷ 'Fig-trees' allude to the size of a dry fig [which is the minimum measurement for transgressing the law against] the carrying out⁸ of [food] on the Sabbath. 'Pomegranates'? As we have learnt: All [defiled wooden] vessels belonging to householders⁹ [become clean if the breaches in them] are as large as pomegranates.¹⁰ 'A land of olive-trees' [is an allusion to the] land all of whose [minima] standards [for permitted and forbidden things] is the bulk of an olive. How can it possibly mean 'all whose [minima] standards'? Are there not those which we have just mentioned? — Say rather, 'The majority of whose [minima] standards are the bulk of an olive'. 'Honey' alludes to the size of a large date,¹¹ [which is the minimum size forbidden] on the Day of Atonement. Does it not then clearly follow that the [minima] standards are Pentateuchal?¹² — Do you then imagine that the [minima] standards were actually prescribed in the Pentateuch? [The fact is that] they are but traditional laws while the Scriptural verse is merely a support.

But are not [the laws of] interposition Pentateuchal, as it is written, And he shall wash his flesh in water¹³ [which implies] that nothing should interpose between him and the water? The traditional law comes [to teach] concerning one's hair, in agreement with a statement of Rabbah b. Bar Hana, for Rabbah b. Bar Hana stated: One knotted hair constitutes an interposition;¹⁴ three hairs do not, but I do not know [the law in the case of] two. But is not the law relating to one's hair also Pentateuchal, since it was written, And he shall wash [eth] his flesh in water¹³ and [the word] 'eth' includes that which is joined to his body, i.e., his hair?¹⁵ — The traditional law comes to teach with reference to [the ruling reported by] R. Isaac; for R. Isaac said:

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- (1) Since they were worn in the usual manner.
- (2) They are included in the category of 'clothes' which are only to be washed (cf. Lev. XIV, 47).
- (3) Wheaten bread is the more easily eaten.
- (4) Neg. XIII, 9.

- (5) Of a corpse.
- (6) Ohal. II, 3. 'Overshadowing' or ohel is the technical term, based on Num. XIX, 14 for the defilement conveyed by a dead body to everything within the same house or under the same roof or cover. Only a backbone, a skull or the greater part of the limbs of the body cause the defilement of a person in such circumstances.
- (7) Num. VI, 3.
- (8) From a private into a public domain and vice-versa.
- (9) As opposed to those of craftsmen.
- (10) Kel. XVII, 1. If wooden vessels which are unclean become broken, they revert to their cleanliness if the breach is so large, since no householder would continue the use of utensils broken to such an extent, and by losing the status of a utensil, an object becomes levitically clean. In the case of a craftsman's utensils, even holes as small as an olive, are sufficient to deprive them of the legal status of utensils, since they cause the utensils to be unfit for sale, and they consequently become clean.
- (11) 'Honey' in the Bible is regarded as referring to dates' honey.
- (12) How then could Rab maintain supra 5b that they formed part of the traditional code given orally to Moses at Sinai?
- (13) Lev. XIV, 9.
- (14) Because it is possible to tie it so closely that no water could penetrate.
- (15) The , **ט** of the object is interpreted as including something not specifically mentioned.

Talmud - Mas. Sukkah 6b

According to the word of the Torah¹ if most [of one's hair is covered]² and one minds it, an interposition is constituted,³ and if one does not mind it, no interposition is constituted. [The Rabbis] however enacted a prohibition against [a covering of] most of one's hair, even if one does not mind it, as a preventive measure [against the possibility of allowing an interposition on] most of one's hair where one does mind it, and that [a covering over] the minor part of one's hair where one minds it [shall constitute an interposition] on account [of the possibility of allowing an interposition over] most of one's hair where one minds it. Then why should not a prohibition be enacted against an interposition over the lesser part of one's hair where one does not mind it as a preventive measure against [the possibility of allowing an interposition over] the lesser part where one does mind it or the major part which one does not mind? — This ruling⁴ itself is only a restrictive enactment; shall we come and institute a restrictive enactment against the possibility of infringing another restrictive enactment?⁵

[As for the laws of] partitions, these are those referred to above.⁶ That is satisfactory according to R. Judah,⁷ but according to R. Meir⁸ what can one say?⁹ — That the tradition refers to [the legal fiction] of extension,¹⁰ junction¹¹ and the curved wall.¹²

OR WHICH HAS NOT THREE WALLS. Our Rabbis taught: Two [walls] must be of the prescribed dimensions, and the third [may be] even one handbreadth.¹³ R. Simeon says: Three walls must be of the prescribed dimensions, and the fourth [may be] even one handbreadth.¹³ On what principle do they differ? — The Rabbis hold that the traditional Scriptural text¹⁴ is authoritative, while R. Simeon holds that the traditional reading¹⁵ is authoritative. 'The Rabbis hold that the traditional Scriptural text is authoritative', and the word Sukkoth occurs twice defectively and once plene, making four references.¹⁶ Deduct one¹⁷ for the law itself,¹⁸ and three

remain; two [walls at least] must be of the prescribed dimensions, and tradition came and diminished [the prescribed minimum of] the third, reducing it to only one handbreadth. ‘R. Simeon holds that the traditional reading is authoritative’. The word Sukkoth¹⁹ is read thrice, which²⁰ equals six [references]. Deduct one Scriptural reference²¹ for the law itself and four remain; three walls at least of prescribed dimensions, and tradition came and diminished the [prescribed minimum of the] fourth and reduced it to a handbreadth. And if you wish, you can say that they²² are unanimous that the traditional reading is authoritative²³ but they differ in this; that one Master²⁴ holds that the covering heeds a Scriptural reference,²⁵ while the other Master²⁶ holds that it does not.²⁷ And if you wish you can say that they are unanimous that the traditional Scriptural text is authoritative,²⁸ but they differ on this principle; that one Master²⁴ holds that the tradition comes to diminish [the implications of Scripture]²⁹ while the other²⁶ holds that tradition comes and adds to it.³⁰

And if you wish you can say that both agree that tradition comes to diminish and that the traditional Scriptural text is authoritative, but they differ as to whether one uses first [references] for exegesis. One Master²⁶ holds that we employ first references for exegesis, and the other Master³¹ holds that we do not.

R. Mattenah said: The reason of R. Simeon is a derivation from the following verse: And there shall be a Sukkah for a shadow in the day-time from the heat, and for a refuge and for a covert from storm and from rain.³² Where is this handbreadth [of a wall]³³ placed? — Rab said: It is placed at right angles to one of the projecting [walls].³⁴ R. Kahana and R. Assi said to Rab:

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- (1) ‘Torah’ here means the halachah received by Moses on Sinai (Rashi).
 - (2) With mud; or each hair was knotted singly.
 - (3) So far in virtue of the halachah given to Moses on Sinai.
 - (4) That an interposition (a) over a minor part which one minds or (b) over a major part which one does not mind.
 - (5) Of course not. Hence the permissibility of an interposition over a minor portion which one does not mind.
 - (6) The height of a Sukkah.
 - (7) Who does not derive these laws from a Scriptural text.
 - (8) Who deduced the height of ten handbreadths from Scriptural verses.
 - (9) Sc. how could such laws which are Pentateuchal be described as merely traditional?
 - (10) **Sud** a partition that does not reach (a) the ground or (b) the ceiling may in certain conditions be deemed to touch the ground and the ceiling respectively.
 - (11) **SuCS** small interstices, of less than three handbreadths, are disregarded, and the wall is deemed to be a solid whole.
 - (12) **vnueg ipus** if a portion of the roof of a Sukkah consists of materials that are legally unfit for the purpose the Sukkah may nevertheless be valid if that portion is adjacent to any of its walls and terminates within a distance of four cubits from that wall. That portion of the roof together with the wall it adjoins are regarded as one curved wall; and the space under the remainder of the roof, consisting of suitable materials, may be used as a proper Sukkah.
 - (13) In width.
 - (14) The letters without the vowels, Sanh., Sonc. ed., p. 10, n. 4.
 - (15) Irrespective of the spelling.
 - (16) When the word , **FX** is written defectively it is regarded as singular, each word counting as one, and when it

is plene it is regarded as a plural counting as two

(17) Of the words denoting Sukkoth.

(18) I.e., the law of Sukkah in general, that a Sukkah has to be made.

(19) In the plural.

(20) Since each plural form denotes two.

(21) I.e., one word Sukkoth in the plural which denotes two.

(22) The Rabbis as well as R. Simeon.

(23) And there are therefore four references free for interpretation.

(24) Sc. the Rabbis.

(25) So that one of the four references is required for the roof and only three remain for the walls.

(26) R. Simeon.

(27) And four free references for the walls remain.

(28) The number of free references is consequently three.

(29) Thus reducing the third wall to one handbreadth.

(30) I.e., Scripture teaches us the necessity of three walls and tradition adds a fourth.

(31) Sc. the Rabbis.

(32) Isa. IV, 6; unless there are four walls, the Sukkah is no refuge from storms.

(33) Of the third wall according to the Rabbis and of the fourth according to R. Simeon.

(34) Sc. if, for instance, (according to the Rabbis) there are only two walls running respectively from north to south along the east and from east to west along the south, meeting each other at south east, the small handbreadth wall is to be placed either at the northern end of the eastern wall or at the western end of the southern wall.

Talmud - Mas. Sukkah 7a

Why not place it in a slanting position?¹ Rab remained silent. It was also stated: Samuel said in the name of Levi: It is placed at right angles to one of the projecting [walls], and so it is ruled in the Beth Hamidrash that it is placed at right angles to one of the projecting [walls]. R. Simon (or, as some say, R. Joshua b. Levi) ruled: One makes [the additional wall of the width of] a loose² handbreadth and places it within three handbreadths of the wall, since whatever is less than three handbreadths from the wall is regarded as joined to the wall.³

Rab Judah said, A Sukkah made like an [open] alley-way⁴ is valid, and this handbreadth [wall] is placed in whatever side one pleases.⁵ R. Simon (or, as some say, R. Joshua b. Levi) says, He makes a strip of slightly more than four [handbreadths]⁶ and places it within three handbreadths of the wall, since whatever is less than three handbreadths from the wall is regarded as joined to the wall. But why did you say in the previous case⁷ that one loose handbreadth suffices while here you say that there must be a strip of four handbreadths? — In the previous instance where there are two valid walls,⁸ a loose handbreadth suffices, but here, where there are no two valid walls,⁹ if there is a strip of four handbreadths it is valid, otherwise, it is not [valid]. Raba ruled, It¹⁰ is only permitted if it has the form of a doorway.¹¹ Another version is that Raba said, And it¹⁰ is also valid if it has the form of a doorway.¹² Another version is that Raba said: And in addition,¹³ the form of a doorway [to the intervening part] is necessary.¹⁴ R. Ashi found R. Kahana making [the third wall of a Sukkah] a loose handbreadth wide¹⁵ and constructing also the form of a doorway. He said to him: Does not the Master hold the opinion of Raba who said that it is also valid with the form of a doorway?¹⁶ — He answered: I accept the other reading of [the statement of] Raba

viz., that in addition [to a board of the size of a handbreadth] the form of a doorway is also necessary.

‘Two walls must be of the prescribed dimensions etc.’¹⁷ Raba¹⁸ said, And similarly with regard to the Sabbath.¹⁹ Since [the handbreadth] is regarded as valid wall of the Sukkah it is also regarded as a valid wall in respect of the Sabbath.²⁰ Abaye raised an objection against him: Do we then apply the rule of ‘since’?²¹ Was it not in fact taught: ‘[The rules relating to the structure of] the wall of a Sukkah are the same as those relating to that of the Sabbath,²² provided only that there is no gap of three handbreadths between any two reeds.²³ And the [law relating to the] Sabbath is more [stringent] than that of Sukkah, in that the [wall for purposes of] the Sabbath is valid only if its standing portion is more than that which is broken,²⁴ which is not the case with the Sukkah’. Now this means, does it not, that the law relating to the Sabbath of the Sukkah²⁵ is more [stringent] than that relating to the Sukkah itself,²⁶ and that we do not apply the rule of ‘since’?²⁷ — No, [it means that the law relating to] the ordinary Sabbath is more [stringent in its requirements with regard to a valid wall] than [the law relating to] the Sabbath of the Sukkah.²⁸ But if this is so,²⁹ why was it not also stated: [The law relating to] the ordinary Sukkah³⁰ is more [stringent] than [that of] the Sukkah of Sabbath,³¹ since [the validity of] the ordinary Sukkah demands a width of a loose handbreadth [for the third wall] while [the validity of] the Sukkah of Sabbath does not require the width of a loose handbreadth [for a wall] but a side-post alone is sufficient,³² for it is you who ruled³³ that if one placed Sukkah-covering over an alleyway which has a side-post it is valid?³⁴ — There was no need to mention this,³⁵ [since it is obvious³⁶ that] if we apply [the rule of ‘since’] from the less stringent³⁷ to the more stringent,³⁸ we certainly apply it From the more stringent to the less stringent.³⁹ [Reverting to] the main subject; ‘Rab ruled:

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- (1) So that it would be facing two walls and the Sukkah would seem to have four walls. Lit., ‘as the head of an ox’, so
 - (2) A handbreadth is four fingerbreadths and the ‘loose handbreadth’ is measured by holding the fingers loosely, not pressed against one another.
 - (3) The total width now being four handbreadths and the prescribed minimum size of a Sukkah wall being seven handbreadths, the wall constitutes the greater part of a valid Sukkah wall.
 - (4) The two walls facing one another.
 - (5) Since either wall at either end is a projecting wall.
 - (6) The width of one handbreadth not being enough in this case.
 - (7) Where the walls were at right angles to one another.
 - (8) Cf. previous note.
 - (9) Since each stands isolated from the other.
 - (10) A Sukkah that has one wall less than the required number of walls.
 - (11) I.e., it is not enough to attach one board of the width of four handbreadths to one of the walls, but two posts each half a handbreadth in width must be attached to each opposite wall with a cross-beam joining them (cf. ‘Er. 11b).
 - (12) Instead of a board of the width of a handbreadth; sc. either the one or the other contrivance renders the Sukkah valid.
 - (13) To a board of the width of a handbreadth.
 - (14) Sc. one of the posts on which the cross-beam lies (cf. supra n. 2) must be a full handbreadth wide.
 - (15) In agreement with the ruling of R. Simon supra.

- (16) Without the addition of a board of the full width of a handbreadth.
- (17) Supra 6b.
- (18) Var. lec. Rabbah.
- (19) Sc. though at least three walls are necessary to constitute a private domain to permit carrying therein on the Sabbath, on the Sabbath of Tabernacles the Sukkah is regarded as a private domain even though it has only two normal walls and one of the width of a handbreadth, and if he set up such a Sukkah next to his entrance of this house adjoining the street, he may carry in and out of it into his house.
- (20) As the third narrow wall is on such a Sabbath, as on any other day, deemed valid as a wall for the Sukkah it is ipso facto deemed valid as a wall in respect of enclosing a private domain, and if such a Sukkah is set up at the entrance of a house opening out into the street, one may carry out of the house into the Sukkah and vice versa.
- (21) 'Since (the handbreadth wall) is regarded etc.'
- (22) Sc. the same relaxation of the law (cf. 'Er. 16b) is applicable in both cases.
- (23) That make up the fence.
- (24) A technical term meaning that the space of wall must exceed the interstices.
- (25) Sc. the Sabbath in the week of Tabernacles.
- (26) Sc. that though the Sukkah is valid as a Sukkah, it is not valid to carry therein on the Sabbath unless the wall space is more than the interstices.
- (27) Since the walls are valid in respect of the Sukkah they are also valid in respect of the Sabbath.
- (28) For on the Sabbath of the Festival the rule of 'since' (cf. n. 6) is well applied.
- (29) That the comparison is only between the Sabbath generally and the Sabbath of the festival.
- (30) Of the festival weekdays.
- (31) Cf. supra n. 4.
- (32) Since we compare the wall of Sabbath to the wall of Sukkah, two opposite walls and a side-post should suffice in the case of the latter as in that of the former.
- (33) By' applying the rule of 'since etc.'.
- (34) On the Sabbath.
- (35) That the law relating to a Sukkah generally is more restrictive than that relating to a Sukkah on the Sabbath.
- (36) By an inference from the ruling in the earlier clause.
- (37) Sukkah.
- (38) Sabbath.
- (39) Viz., that a sidepost that effects validity in respect of the Sabbath also effects it in respect of Sukkah.

Talmud - Mas. Sukkah 7b

If one placed Sukkah-covering over an alley-way which has a side-post it is valid'. Rab further ruled: If one placed Sukkah-covering over the [upright] boards around wells¹ it is valid [as a Sukkah]. And the enunciation of [all the three laws² was] necessary. For if he had mentioned only [the law relating to] the alley-way one would have assumed [that there the Sukkah is valid]³ because it had two proper walls, but that in the case of partitions of wells, which have not two proper walls, the Sukkah is not valid. And if we had been informed of the boards around wells only, one would have assumed [that there the sukka is valid] because there are four walls, but that if one placed sukka-covering over an alleyway, where there are no walls, it is not [valid]. And if we had been informed of both those laws [but not of the third,] one would have assumed that from the more stringent to the less stringent [we apply the rule of 'since'] but not from the less stringent to the more. [Therefore all the three enunciations were] necessary.

OR WHICH HAS MORE SUN THAN SHADE IS NOT VALID.

Our Rabbis taught: [This⁴ applies only where] the sunshine is due to the scanty covering, but not where it is due to [interstices in] the walls, while R. Josiah says,⁴ Even where it is due to [interstices in] the walls. R. Yemar b. Shelemiah said in the name of Abaye, What is the reason of R. Josiah?⁵ — Because it is written: And thou shalt cover the ark with the veil.⁶ Now since the ‘veil’ was a partition⁷ and the Divine Law nevertheless called it a ‘covering’ it is evident that a wall must be as [close] as the covering. And [how do] the Rabbis [explain this verse]? — It⁸ means that the veil should bend over a little [at the top] so that it might look like a covering.

Abaye said: Rabbi, R. Josiah, R. Judah, R. Simeon, R. Gamaliel, Beth Shammai, R. Eliezer and ‘Others’⁹ -all hold the opinion that the Sukkah must be constructed like a permanent abode. ‘Rabbi’? — As it has been taught: Rabbi said, A sukkah which is not four cubits square¹⁰ is invalid.¹¹ ‘R. Josiah’? — As we have [just] stated. ‘R. Judah’? — As we have learnt: A SUKKAH WHICH IS MORE THAN TWENTY CUBITS HIGH IS NOT VALID, R. JUDAH, HOWEVER, DECLARES IT VALID.¹² ‘R. Simeon’? — As it has been taught: Two [walls] must be of the prescribed dimensions and the third [may be] even one handbreadth.¹³ ‘R. Gamaliel’? — As it has been taught: If a man erects his Sukkah on the top of a waggon or on the deck of a ship, R. Gamaliel declares it invalid and R. Akiba declares it valid.¹⁴ ‘Beth Shammai’? — As we have learnt: If his head and the greater part of his body were within the Sukkah and his table was within the house, Beth Shammai declare it invalid, and Beth Hillel declare it valid.¹⁵ ‘R. Eliezer’? — As we have learnt: If a man makes his sukkah like a cone-shaped hut¹⁶ or if he propped it up against a wall,¹⁷ R. Eliezer declares it invalid, since it has no roof, and the Sages declare it valid.¹⁸ The ‘Others’? As it has been taught: Others Say: A Sukkah made like a dovecote¹⁹ is invalid, since it has no corners.

R. Johanan said: If a sukkah was [round shaped] like a furnace,²⁰ provided twenty-four men can sit around its circumference,²¹ it is valid, otherwise it is invalid. According to whom [is this²² state — ment made]? Obviously²³ according to Rabbi who says that a sukkah which is not four cubits square is invalid. But consider: A man occupies the space of a cubit, and where the circumference [of a circle] is three handbreadths, its diameter is one handbreadth,²⁴ should it not then²⁵ suffice²⁶ if only twelve men²⁷ [can sit around it]?²⁸

(1) For the convenience of Pilgrims on the Festivals it was enacted that four corner-pieces placed round a well in a public domain impart to the enclosure the status of a private domain where cattle could be watered on the Sabbath. v. ‘Er. 17b.

(2) Laid down by Rab; viz., those relating to a Sukkah on Sabbath, the alley-way, and the boards around wells.

(3) By the application of the rule of ‘since etc.’.

(4) That the Sukkah is invalid.

(5) For requiring the walls to be as close as the covering.

(6) Ex. XL, 3.

(7) Cf. Ex. XXVI, 33.

(8) The expression ‘Thou shalt cover’.

(9) R. Meir. When Hakam under the presidency of R. Simeon b. Gamaliel II, he together with R. Nathan was

involved in a conflict with R. Simeon and was expelled from the Sanhedrin. He was later re-admitted, but henceforth his statements were recorded under the anonymous authorship of 'Others'. Bacher, *Ag. Tann.* II, 2, J.E. VIII, 434.

(10) The minimum area of a house.

(11) *Supra* 3a.

(12) *Supra* 2a.

(13) *Supra* 6b.

(14) 'Infra 23a.

(15) *Infra* 28a.

(16) I.e., its walls slope to a point and there is no roof; like a bell-tent.

(17) Sc. it was not provided with a roof but its wall sloped from the ground to an adjoining wall.

(18) *Infra* 19b.

(19) Round shaped.

(20) R. Johanan disagrees with the 'others' *supra*.

(21) Each man is assumed to occupy one cubit space.

(22) Which requires such a large size for a round shaped Sukkah.

(23) Since no other authority required so large a size.

(24) Among the Babylonians $\pi \approx 3$ (V. Feldman, *Rabbinical Mathematics and Astronomy*, 1931, p. 22).

(25) Since the circumference is three times the diameter.

(26) According to Rabbi who prescribes the size of four cubits square.

(27) Three times four (cf. *supra* n. 3).

(28) Why then did R. Johanan speak of twenty-four men?

Talmud - Mas. Sukkah 8a

— That¹ applies only to a circle, but in the case of a square, a greater perimeter is required.² But consider: By how much is a square greater than its [inscribed] circle? By a quarter. Should it then not suffice if only sixteen [men can be seated around it]?³ -That⁴ is so in the case of a circle inscribed within a square, but if a square is to be inscribed within a circle a greater circumference is required on account of the projection of the corners.⁵ But consider: If the side of a square is a cubit, its diagonal is approximately one and two fifths cubits.⁶ Should not then [a circumference equivalent to] sixteen and four fifths [cubits]⁷ suffice?⁸ — [R. Johanan] gave only an approximate figure. But is it not to be maintained that one may be assumed to give all approximate figure only [where the discrepancy is] small, but could such all assumption be made [where the discrepancy is] big? — Mar Kashisha the son of R. Hisda said to R. Ashi: Do you think that a man occupies one cubit? [The fact is that] three men occupy two cubits. How much then does this [amount to for twenty-four men]? Sixteen cubits; and we [really] demand here sixteen and four fifths,⁹ [because, as has been said, R. Johanan] gave only an approximate figure. But is it not to be maintained that one may be assumed to give approximate figures only when the law is thereby restricted, but could such an assumption be made where a law is thereby relaxed?—R. Assi answered R. Ashi: In truth, a man occupies a cubit-space, but R. Johanan does not include the space occupied by the men.¹⁰ How many [cubits] does this¹¹ [amount to]? Eighteen;¹² while sixteen and four-fifths suffice. That is [then] what was meant [when it was stated] that he only gave an approximate figure; and in this case it is in the direction of stringency.¹³

The Rabbis of Caesarea¹⁴ (and some say, The judges of Caesarea) maintain, The circumference of a circle inscribed in a square is a quarter;¹⁵

- (1) That the perimeter is approx. only three times the diameter.
- (2) Since the diameter is not equal to the side, but to the diagonal of the square.
- (3) ** being regarded as equivalent to three, a square is one quarter larger than its inscribed circle. If a circle with a diameter of four cubits accommodates four times three is twelve men, a square of four cubits provides seating capacity for four times four is sixteen men. A circumference of sixteen cubits should, therefore, have sufficed.
- (4) That a square exceeds a circle by a quarter, and that a four cubits square contains a perimeter of sixteen, and a circle one of twelve cubits.
- (5) The circumferences of the Sukkah must, therefore, be large enough to contain a square of four cubits.
- (6) Actually it is 1.4142.
- (7) Lit., 'seventeen less a fifth'. The diagonal of the square being equal to $(4+4 \times 2/5 =) 5 \frac{3}{5}$ cubits, and ** being approximately equivalent to three, a circumference of $3 \times 5 \frac{3}{5}$ cubits $16 \frac{4}{5}$ cubits ought to suffice. (For this whole discussion of Feldman, op. cit., pp. 28-30). Cf. also 'Er., Sonc. ed., p. 531ff, notes.
- (8) I.e., space for no more than sixteen men. Why then did R. Johanan prescribe a space for twenty-four men?
- (9) V. p. 29, n. 13.
- (10) The men are considered as sitting round the circumference of the Sukkah they themselves forming a circumference of twenty-four cubits (equivalent to the space occupied by twenty-four men) with a diameter of eight cubits. But the inner circumference formed by the Sukkah is smaller since its diameter is eight minus two (the space occupied lengthways by the legs of two men, one sitting at each end) is six cubits.
- (11) For the circumference of the Sukkah.
- (12) Since a diameter of six cubits has a circumference of eighteen cubits.
- (13) Instead of a circumference of $16 \frac{4}{5}$ one of eighteen cubits is prescribed while the difference in the diameter $(6 - 5 \frac{3}{5} = \frac{2}{5})$ is even less
- (14) Caesarea Maritima, a famous seat of learning in the second and third century, the seat of R. Abbahu. The 'rabbis of Caesarea' are often quoted. V. Bacher, Die Gelehrten von Caesarea in MGWJ. XLV, p. 298.
- (15) I.e., a quarter less than the perimeter of the square.

Talmud - Mas. Sukkah 8b

but the square inscribed within that circle is a half.¹ But this² is not correct, for we see that these are not so much bigger. R. Levi said in the name of R. Meir: If the two booths of the potters are one within the other,³ the inner one⁴ is not valid as a Sukkah,⁵ and is obliged to have a Mezuzah⁶ while the outer one⁷ is valid as a Sukkah,⁸ and is free from the obligation of a Mezuzah.⁹ But why should this be so? Why should not the outer one be regarded as the gate-house of the inner one, and¹⁰ therefore be obliged to have a Mezuzah? — Because neither [booth] is of a permanent nature.¹¹

Our Rabbis taught: [Mnemonic,] Ganbak.¹² A booth of Gentiles,¹³ women, cattle or Samaritans and any booth whatever¹⁴ is valid, provided that it is covered according to the rule. What is meant by 'according to the rule'?¹⁵ — R. Hisda answered: Provided that [the covering] was made [with the intention of providing] the shade for the Sukkah.¹⁶ What does 'any booth whatever' include? — It includes the booths [whose mnemonic is] Rabbash,¹⁷ as our Rabbis taught: The booth of shepherds, the booth of field-watchers, the booth of city guards, and the booth of

orchard-keepers,¹⁸ and any booth whatever¹⁹ is valid, provided that it is covered according to the rule. What is meant by ‘according to the rule’?²⁰ — R. Hisda answered: Provided [the covering] was made [with the intention of providing] the shade for the Sukkah. What does ‘any booth whatever’ include? — It includes the booths [whose mnemonic] is Ganbak.²¹ The Tanna of Ganbak²² regards these booths as possessing greater validity²³ because they are permanent, and therefore he used the expression, any booth whatever’ to include Rakkash which are not permanent,²⁴ while the Tanna of Rakkash regards the latter as possessing greater validity since they belong to those who are bound [by the commandment of Sukkah]²⁵ and therefore he used the expression, ‘any booth whatever’ to include the Ganbak booths which belong to those who are not bound [by the commandment of Sukkah].

(1) Of the circumscribed square. Thus if a circumference is twenty-four cubits (the figure given by R. Johanan) the circumscribed square has a perimeter of $24 + 24/3 = 32$ cubits, while the inscribed square has a perimeter of approximately: $32/2 = 16$ cubits (the measurements prescribed by Rabbi).

(2) That the perimeter of the circumscribed square is twice the perimeter of the inscribed square and that the circumference of the circle is, therefore, bigger than the latter by a half of its perimeter. V. ‘Er., Sonc. ed., p. 533, n. 6.

(3) A potter worked and lived in his inner booth and displayed his wares in the outer one.

(4) Since he works and lives in it throughout the year.

(5) Because his dwelling in it during the festival would in no way indicate that he is performing the commandment of Sukkah,

(6) As any other dwelling.

(7) In which he lives only during the festival.

(8) It being obvious to all that he is performing the commandment.

(9) Being only a temporary dwelling, it is free from the obligation of Mezuzah, even during the festival. Throughout the year it is free from the obligation since it is not used as a dwelling.

(10) In accordance with the ruling in Men. 33b.

(11) Sc. even the inner one cannot be regarded as important enough to have a gate-house.

(12) The word **l"cbd** consists of the initial letters of **ohud, ohab, vnvc,** and **oh, uf** Gentiles, women, cattle and Samaritans, whose booths are discussed in what follows.

(13) Used only as a summerhouse.

(14) This will be explained infra.

(15) It cannot simply refer to rules like those enunciated in our Mishnah, which are applicable to all Sukkahs, since this would be self-evident.

(16) Not merely for privacy. While it is not essential for a Sukkah to be made expressly in connection with the festival, it cannot be valid unless it was originally made to serve as a protection from the sun.

(17) **a'cer** initials of **ohgur, ohmhe ihbdruc** and **, urhp hrnua** — shepherds, fieldwatchers, city guards and orchard-keepers.

(18) All these are male Israelites who are subject to the commandment of Sukkah; but their booths are not made for the festival.

(19) This will be explained infra.

(20) V. p. 31, n. 13.

(21) V. p. 31, n. 10.

(22) Who classes the Rakkash booths under ‘any booth whatever’.

(23) Than the Rakkash booths.

(24) Since they are moved from place to place.

(25) Cf. supra n. 1.

Talmud - Mas. Sukkah 9a

[MISHNAH. BETH SHAMMAI DECLARE AN OLD SUKKAH¹ INVALID,² BUT BETH HILLEL PRONOUNCE IT VALID. WHAT IS AN OLD SUKKAH? ONE MADE THIRTY DAYS BEFORE THE FESTIVAL; BUT IF ONE MADE IT FOR THE PURPOSE OF THE FESTIVAL, EVEN AT THE BEGINNING OF THE YEAR, IT IS VALID.

GEMARA. What is Beth Shammai's reason?³ -Scripture says, The festival of Sukkoth, for seven days unto the Lord,⁴ [implying therefore] a Sukkah made expressly for the sake of the Festival. And Beth Hillel?⁵ - They need that [verse] for the same deduction as that of R. Shesheth, R. Shesheth having said in the name of R. Akiba, Whence do we know that the wood of the Sukkah is forbidden⁶ all the seven [days of the Festival]? From Scripture which states, 'The Festival of Sukkoth, seven days to the Lord'; and it was taught, R. Judah b. Bathyra says: Just as the Name of Heaven rests upon the Festival offering,⁷ so does it rest upon the Sukkah, since it is said, 'The Festival of Sukkoth, seven days to the Lord': just as the Festival [offering] is 'to the Lord', so is the sukkah also 'to the Lord'. And Beth Shammai also, do not they need the verse for this deduction?-Yes, indeed. What then is Beth Shammai's reason?⁸ -There is another Scriptural verse. Thou shalt make⁹ the Festival of Sukkoth for seven days.¹⁰ This implies a sukkah made expressly for the sake of the Festival. And Beth Hillel?¹¹ -They need this [verse for the deduction] that a sukkah may be made in the intermediate days of the Festival.¹² And Beth Shammai? — They hold the same opinion as R. Eliezer, who laid down that no sukkah may be made in the intermediate days of the Festival.¹³

Do not Beth Hillel, however, agree with the statement Rab Judah cited in the name of Rab: If a man made [zizith]¹⁴ from the hanging web or woof,¹⁵ or sewing threads,¹⁶ they are invalid;¹⁷ but if he made them from a tuft [sewn to a garment]¹⁸ they are valid.¹⁹ When I repeated this in the presence of Samuel,²⁰ he said to me, Even if made from a tuft [sewn to a garment] they are also not valid, because²¹ it is necessary that the weaving²² shall be done specifically for its purpose?²³ Here too then we should require a Sukkah²⁴ to be made specifically for its purpose?²⁵ — [Zizith are] different, since Scripture says, Thou shalt make to thee twisted cords:²⁶ 'to thee' [means] for the specific purpose of thy obligation. But here also [Scripture says], 'The Festival of Sukkoth thou shalt make to thee', 'to thee' meaning for the specific purpose of thy obligation? That [phrase]²⁷ is needed to exclude a stolen [Sukkah].²⁸ But in the other case too it²⁷ is needed to exclude stolen [zizith]? — In that case there is another verse, [that serves the purpose], And they shall make to them,²⁹ i.e., of their own.

(1) This is explained anon.

(2) The reason is given in the Gemara infra.

(3) For their ruling in our Mishnah.

(4) Lev. XXIII, 34. Emphasis on 'Sukkah. . . for the Lord'.

(5) How, in view of this text, can they maintain their view?

(6) To be used for secular purposes.

- (7) To render it forbidden before its prescribed portions have been burnt on the altar.
- (8) For their ruling in our Mishnah.
- (9) J.T. 'keep', A. V., 'observe'.
- (10) Deut. XVI, 13; emphasis on 'make'.
- (11) How, in view of the text, can they maintain their view?
- (12) If one did not make it prior to the Festival.
- (13) Infra 27b.
- (14) v. Glos. and cf. Num. XVI, 38.
- (15) Sc. he twisted into zizith threads hanging over from a woven garment.
- (16) That were used in the sewing of a garment and ends of which were hanging from that garment.
- (17) Since they were not attached to the garment as zizith, but merely formed a part of the web etc.
- (18) Sc. a tuft of wool was sewn to the garment and then was cut into strips and twisted into zizith.
- (19) Since their attachment to the garment was made for the purpose of the zizith.
- (20) whose school Rab Judah attended for a time after Rab's death.
- (21) Cur. edd. insert in parenthesis 'thus it is seen clearly'.
- (22) Not merely the attachment of the zizith.
- (23) I.e., that of zizith.
- (24) According to Beth Hillel,
- (25) An objection against Beth Hillel who ruled that the Sukkah need not be made specifically for the purpose of Sukkoth.
- (26) Deut. XXII, 12.
- (27) 'To thee'.
- (28) Sc. with a stolen Sukkah the commandment cannot be fulfilled.
- (29) Num. XV, 38. **OVK**'for themselves'.

Talmud - Mas. Sukkah 9b

MISHNAH. IF ONE MADE HIS SUKKAH UNDER A TREE, IT IS AS IF HE MADE IT WITHIN THE HOUSE.¹ IF ONE SUKKAH IS ERECTED ABOVE ANOTHER, THE UPPER ONE IS VALID BUT THE LOWER IS INVALID.² R. JUDAH SAID, IF THERE ARE NO OCCUPANTS IN THE UPPER ONE, THE LOWER ONE IS VALID.

GEMARA. Raba said, [Our Mishnah] was taught only in respect of a tree whose shade is greater than the sun [shining through its branches] but if the sun is more than its shade, it is valid. Whence [do we know this]? Since it states, IT IS AS IF HE MADE IT WITHIN THE HOUSE. Now for what purpose does it state IT IS AS IF HE MADE IT WITHIN THE HOUSE? Let it simply state 'it is invalid'? But the fact is that he taught us this, that the tree³ [referred to is] like a house, just as in a house the shade is more than the sunshine, so the tree has more shade than sunshine.

But even where the sun is more than the shade, what is the advantage, seeing that all invalid covering is joined to a valid one?⁴ — R. Papa answered: [This⁵ is a case] where [the branches of the tree] were interwoven.⁶ If the branches were interwoven,⁶ why⁷ mention the case at all? — One might have thought that it should be prohibited where it is interwoven as a preventive measure against the possibility of regarding it as valid even where it was not interwoven,⁸

[therefore the Mishnah] informs us that no such preventive measure has been enacted. Have we not learnt this also: If a man trained upon it [a sukkah] vine, or a gourd, or ivy, and he covered [it with a valid covering], it is invalid.⁹ But if the valid covering exceeded these in quantity, or if one cut them,¹⁰ it is valid.¹¹ Now to what case does this¹² refer? Shall I say where he did not interweave them,¹³ then obviously the invalid covering is joined to¹⁴ the valid one?¹⁵ Must it not then¹⁶ refer to a case where one did interweave them;¹³ and hence it may be inferred that no preventive measure was in such a case deemed necessary?¹⁷ — One might have presumed that [this¹⁸ is permissible] only ex post facto but not ab initio, hence we were informed [that¹⁹ even ab initio it is permissible]. IF ONE SUKKAH IS ERECTED ABOVE ANOTHER. Our Rabbis taught, Ye shall dwell in Sukkoth,²⁰ but not in a sukkah under another sukkah, nor in a Sukkah under a tree, nor in a Sukkah within the house. On the contrary! Does not the word Sukkah²¹ imply two? — R. Nahman b. Isaac answered, The word is written defectively.²² R. Jeremiah said: Sometimes both²³ are valid, sometimes both invalid; sometimes the lower one is valid and the upper invalid, and sometimes the lower one is invalid and the upper one valid. ‘Sometimes both are valid’. In what circumstances? When in the lower one the sun is more than the shade,²⁴ and in the upper the shade is more than the sun, and the upper one is within twenty [cubits from the ground].²⁵ ‘Sometimes both are invalid’. In what circumstances? When in both of them the shade is more than the sun, and the upper one is more than twenty cubits [high].²⁶ ‘Sometimes the lower one is valid and the upper invalid’.

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- (1) I.e., it is as though there are two roofs, and it is, therefore, invalid
 - (2) The reason is given in the Gemara infra.
 - (3) Which renders a Sukkah under it invalid.
 - (4) The covering of a Sukkah must be made of plants that are detached from the ground. Growing ones are invalid. The presence of the invalid covering of the tree should, therefore, invalidate the Sukkah.
 - (5) The ruling in our Mishnah.
 - (6) Lit., ‘he pressed them down’. The branches of the tree were pressed down and interwoven with the valid covering, and, since the former are less in quantity than the latter, the Sukkah is valid (cf. infra 11a).
 - (7) Since the ruling is so obvious why did the Mishnah have to state ‘AS IF HE MADE IT IN THE HOUSE’; and what need of Raba's ruling?
 - (8) Invalid materials that are not interwoven with valid ones render a Sukkah invalid.
 - (9) On account of the invalid covering which remained isolated from the valid one.
 - (10) And thus detached them from the growing tree.
 - (11) Infra 11a.
 - (12) The Mishnah just cited.
 - (13) The invalid with the valid material.
 - (14) But not interwoven with.
 - (15) And the Sukkah therefore would be invalid.
 - (16) Since the Sukkah was stated to be valid.
 - (17) And the question re-arises: Why should the same law be repeated here?
 - (18) The joining of the two materials.
 - (19) Provided the two materials were interwoven.
 - (20) Lev. XXIII, 42.
 - (21) The plural form of Sukkah.
 - (22) V. supra. Traditional spelling is , **fx** a singular form.

- (23) Sukkoth that were put up on the top of one another.
- (24) Its covering can, therefore, be disregarded.
- (25) The covering of the upper one is thus valid for both, since they are regarded as one Sukkah.
- (26) I.e., from the roof of the lower one. The lower one is invalid since it is a Sukkah under a Sukkah, and the upper one is similarly invalid since it is more than twenty cubits high.

Talmud - Mas. Sukkah 10a

In what circumstances? When the lower one has more shade than sun, and the upper one more sun than shade,¹ and both are within twenty cubits [from the ground].² ‘And sometimes the upper one is valid and the lower invalid’. In what circumstances? When in both of them the shade is more than the sun, and the upper one is within twenty cubits.³ [But is not all this] self-evident? — The statement of the case of the ‘lower one valid and the upper one invalid’ was necessary. As it might have been thought that [the lower sukkah] would be prohibited as a preventive measure lest one also joins⁴ an invalid covering⁵ to a valid covering,⁶ therefore it teaches us [that it is valid].⁷

How much [space] should there be between [the roof of] one sukkah and that of the other to invalidate the lower one?⁸ R. Huna replied, A handbreadth,⁹ since we find a handbreadth [prescribed as the minimum size] with regard to overshadowing in cases¹⁰ of uncleanness, as we have learnt.¹¹ [A space of] one handbreadth square and one handbreadth high¹² acts as a carrier of uncleanness and as an interposition to it,¹³ but if it is less than one handbreadth high it neither conveys nor interposes.¹⁴ R. Hisda and Rabbah son of R. Huna [however,] say, Four [handbreadths], since we do not find a place of any [legal] importance¹⁵ to be less than four [handbreadths];¹⁶ while Samuel says, Ten [handbreadths]. What is the reason of Samuel? — As its validity, so is its invalidity. Just as its validity [is effected by a height of] ten handbreadths,¹⁷ so is its invalidity [effected by] ten handbreadths.¹⁸

We have learnt: R. JUDAH SAID, IF THERE ARE NO OCCUPANTS IN THE UPPER ONE, THE LOWER ONE IS VALID. Now what is the meaning of ‘THERE ARE NO OCCUPANTS’? If we say, actual occupants, are then occupants [it could be objected] a determining factor?¹⁹ Must [we then] not [say] that ‘THERE ARE NO OCCUPANTS means that the Sukkah is unsuitable for occupation? And how is this possible? Where it is less than ten handbreadths high. May we not, therefore, infer that the first Tanna²⁰ holds the opinion that even if it is unsuitable for occupation it is still invalid?²¹ — When R. Dimi, came,²² he said, In the West²³ they say,²⁴ if the lower one cannot bear the weight of²⁵ the bolsters and the cushions of the upper one, the lower one is valid.²⁶ This implies [does it not] that the first Tanna²⁷ holds the opinion that even if the lower one is not able to bear their weight, it is still invalid?²⁸ -The difference between them²⁹ is³⁰ where it can bear the weight with difficulty.³¹

MISHNAH. IF ONE SPREAD A SHEET³² OVER IT³³ BECAUSE OF THE SUN OR BENEATH IT BECAUSE OF FALLING [LEAVES], OR IF HE SPREAD [A SHEET] OVER THE FRAME OF A FOURPOST BED,³⁴ [THE SUKKAH] IS INVALID.³⁵ ONE MAY SPREAD IT, HOWEVER, OVER THE FRAME OF A TWO-POST BED.³⁶

GEMARA. R. Hisda stated, [Our Mishnah] speaks only [of a sheet spread] BECAUSE OF

FALLING [LEAVES],³⁷ but if [it was spread] in order to beautify [the Sukkah], it is valid.³⁸ But is not this obvious! For have we not learnt, BECAUSE OF FALLING [LEAVES]? One might have said that the law is the same even [where the sheet served the purpose] of beautifying [the Sukkah] and that the reason why it was stated, BECAUSE OF FALLING [LEAVES], is that he mentions what is the common practice, therefore he informs us this.³⁹

Can we say that the following supports [R. Hisda's view]: If he covered it⁴⁰ according to the rule, and adorned it with embroidered hangings and sheets, and hung therein nuts, almonds, peaches, pomegranates, bunches of grapes, wreaths of ears of corn, [phials of] wine, oil or fine flour, it is forbidden to make use of them⁴¹

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- (1) And thus its covering which is an invalid one cannot invalidate the lower Sukkah.
 - (2) If the roof of the upper Sukkah, however, was above twenty cubits from the ground its invalid material (since all Sukkah roofs above twenty cubits height are invalid) would be deemed to be joined to the roof of the lower Sukkah and to render it invalid in consequence.
 - (3) Of the roof of the lower one. Being a valid Sukkah it invalidates the lower one on the ground of the latter's being a Sukkah under a Sukkah.
 - (4) I.e., regards the roof of the upper, and of the lower Sukkah as one.
 - (5) Sc. the covering of the upper Sukkah where it is higher than twenty cubits.
 - (6) And thus use an invalid Sukkah.
 - (7) Thus indicating that no preventive measure was deemed necessary.
 - (8) As a Sukkah under a Sukkah.
 - (9) I.e., if it is less than this, the two roofs are regarded as one.
 - (10) Lit., 'tents'.
 - (11) V. marg. glos. Cur. edd. in parenthesis, 'for it was taught'.
 - (12) I.e., a cubic handbreadth between the level on which the contaminating object lies and the object that forms the 'roof' or 'tent' above it.
 - (13) It acts as a carrier in that whatever is under the same 'roof' as the unclean object is unclean, and as an interposition in that whatever lies above the 'roof' is not defiled.
 - (14) Ohal. III, 7. Cf. prev. n. mut. mut.
 - (15) A private domain, for instance.
 - (16) V. Shab. 7a. A space between the upper and lower roof that was less than four handbreadths cannot, therefore, be regarded as forming an upper Sukkah above the lower one.
 - (17) The roof of a Sukkah must be at least ten handbreadths high to render the Sukkah valid.
 - (18) If the roof of the Sukkah above it is, however, lower than ten handbreadths, the lower Sukkah remains valid.
 - (19) Of course not.
 - (20) The authority of the anonymous first part of the Mishnah who differs from R. Judah.
 - (21) Which is refutation of Samuel.
 - (22) From Palestine to Babylon.
 - (23) Palestine.
 - (24) In explanation of R. Judah's ruling, IF THERE ARE NO OCCUPANTS'.
 - (25) Lit., receive .
 - (26) Since the upper one is not strong enough to be regarded as a Sukkah. As a Sukkah cannot be valid unless its floor can bear the prescribed weight so also, on the principle, 'As its validity so is its invalidity' laid down by Samuel, it cannot cause the invalidity of the lower Sukkah unless the latter's roof which is its floor can bear the

prescribed weight. Where the upper one, however, is less than ten handbreadths high even the first Tanna agrees that it cannot affect the validity of the lower one, in agreement with Samuel.

(27) Who differs from R. Judah.

(28) Apparently we may. Now, since in this respect the first Tanna does not uphold Samuel's principle, and since the question of height depends on the same principle, may it not be contended that he differs from Samuel as regards the height also?

(29) The first Tanna and R. Judah.

(30) Not the complete ability or inability to bear the weight mentioned.

(31) According to the first Tanna this invalidates the lower one; according to R. Judah, it does not. Where, however, it cannot bear the weight at all, the first Tanna on Samuel's principle, agrees with R. Judah.

(32) A sheet (cf. infra 11a) is subject to ritual defilement and is, therefore, invalid as a Sukkah-covering.

(33) The roof of a Sukkah.

(34) And thus made a tent within the Sukkah. ; ubhe Gr. **, four poles over which a covering is placed.

(35) In the former case, because of the unsuitability of the covering, and in the latter case because of the intervention of a tent.

(36) A bed frame with only two poles, one on each side, the top of which being less than a handbreadth in width it cannot be regarded as a valid tent (v. Gemara infra).

(37) In which case it is regarded as a part of the roof and therefore causes the invalidity of the Sukkah.

(38) Since the sheet does not serve the purpose of a roof covering.

(39) That the Sukkah is valid if a sheet was intended to beautify it.

(40) The Sukkah.

(41) To eat, for instance, any of the fruit.

Talmud - Mas. Sukkah 10b

until the conclusion of the last day of the Festival, but if¹ he expressed a condition about them,² all depends on [the terms of] his condition?³ — No! It is possible [that the statement was made with reference to sheets] at the side [of the Sukkah].⁴ It was stated: The adornments of a Sukkah do not diminish [the height of] the Sukkah.⁵ R. Ashi said, But at the side, they do diminish [the size of a Sukkah].⁶

Minyamin, the servant of R. Ashi, had his shirt soaked in water, and he spread it out on their Sukkah. R. Ashi said to him, 'Remove it, lest they say that it is permissible to use as a covering something which is susceptible to defilement'. 'But [the other asked] can they not see that it is wet?'⁷ 'I mean [the first answered] when it is dry'.⁸

It was stated: The adornments of a Sukkah⁹ which are removed four [handbreadths from the roof] R. Nahman declared valid,¹⁰ and R. Hisda and Rabbah son of R. Huna declare invalid.¹¹ R. Hisda and Rabbah son of R. Huna once came to the house of the exilarch, and R. Nahman¹² sheltered them in a Sukkah whose adornments were separated four handbreadths [from the roof]. They were silent and said not a word to him. Said he to them, 'Have our Rabbis¹³ retracted their teaching?'¹⁴ -"We", they answered him, are on a religious errand,¹⁵ and [therefore] free from the obligation of the Sukkah'.¹⁶

Rab Judah said in the name of Samuel, It is permissible to sleep in a canopied bed in a Sukkah,

even though it has a flat roof, provided it is not ten [handbreadths] high.¹⁷

Come and hear: He who sleeps in a canopied bed in a Sukkah has not fulfilled his obligation?¹⁸ - Here we are dealing with a case of one that was ten [handbreadths] high. It was objected: He who sleeps under the bed in a Sukkah has not fulfilled his obligation?¹⁹ — But, surely, Samuel has explained that [this refers to] a bed ten [handbreadths] high. Come and hear: OR IF HE SPREAD [A SHEET] OVER THE FRAME OF A FOUR-POST BED, [THE SUKKAH] IS INVALID? — There also it is a case where they are ten [handbreadths] high. But surely, it was not taught thus, for it has been taught, naklitin [means a frame with] two [poles], and kinofoth [means a frame with] four [poles]; if one spread a sheet over the frame of kinofoth it is invalid, if over naklitin, it is valid, provided that the naklitin are not ten [handbreadths] high above the bed. This implies that kinofoth [are invalid] even if they are less than ten [handbreadths high]? — Kinofoth are different, since they are permanent.²⁰ But, behold the case of one Sukkah above another, which is also permanent; and Samuel nevertheless said, ‘As its validity so is its invalidity’?²¹ — I will explain: In the latter case, [when it is a question] of invalidating a Sukkah,²² [the upper one must be ten [handbreadths] high,²³ but here, [where it is a question] of making a tent,²⁴ even less than ten [handbreadths suffices] also to constitute a tent.²⁵

R. Tahlifa b. Abimi said in the name of Samuel, He who sleeps naked in a canopied bed, may put his head out of the canopied bed and read the Shema’.²⁶ It was objected: He who sleeps in a canopied bed naked may not put his head out of it and read the Shema’? — The latter refers to a case where [the canopy] was ten [handbreadths] high.²⁷ This stands to reason also, since it was stated in the final clause: To what can it be compared? To a man standing naked in a house, in which case he may not put his head out of the window and read the Shema’. This is conclusive.

(1) Prior to the Festival.

(2) I.e., he made a declaration that he desired to retain full possession ‘during the twilight of the first day’ of the Festival of any of the objects mentioned. Unless the declaration is made at the proper time and in this form the objects assume the sanctity of the Sukkah and no subsequent declaration can remove it.

(3) Bezaḥ 30b, which shows that ornamental sheets do not invalidate a Sukkah. Does not this then provide support to R. Hisda’s view?

(4) One, however, hung under the roof may well invalidate a Sukkah, even if its purpose was ornamental.

(5) If it was higher than twenty cubits and the sheet hung lower, it is still invalid, since a sheet is unsuitable as a Sukkah-covering.

(6) If the presence of the adornments caused it to be less than the minimum of seven handbreadths square.

(7) And that it was spread out for the purpose of drying only.

(8) Only then is it necessary to remove it from the Sukkah.

(9) Sheets spread under the Sukkah roof as decorations (Rashi).

(10) Because their identity is merged in that of the roof.

(11) Since they form a ‘tent’ that intervenes between the roof and the habitable part of the Sukkah.

(12) R. Nahman was chief in authority at the exilarch’s house.

(13) Sc. R. Hisda and Rabbah b. R. Huna.

(14) Cited supra.

(15) It was regarded as a religious duty to visit one’s master, or the exilarch, on the Festivals.

(16) A person engaged on a religious errand is free from other religious duties (cf. infra 25a).

- (17) Above the bed. It cannot be regarded as a valid tent unless it is ten handbreadths high.
- (18) An objection against Samuel's ruling just cited.
- (19) *infra* 20b.
- (20) Hence they may be regarded as a proper tent. The poles of a canopied bed, however, are not permanent, and cannot be regarded as a valid tent unless they are ten handbreadths high.
- (21) *Supra* 10a; which shows that even a permanent structure cannot be valid unless it is ten handbreadths high.
- (22) On the ground that one Sukkah is above another.
- (23) Otherwise it cannot invalidate the lower Sukkah.
- (24) Under which it should be forbidden to sleep but the rest of the Sukkah remaining valid.
- (25) If it is to be permanent.
- (26) The Scriptural reading Deut. VI, 4f, which had to be read twice daily; otherwise it is forbidden to read while naked. V. Ber. 24b and 25b.
- (27) Which has, therefore, the legal status of a room. As a naked person is forbidden to read the Shema' even if he puts his head out of a window (because the greater part of his body is still in the room) so it is forbidden to read the Shema' while the greater part of one's body remained in the canopied bed. A canopy that is lower than ten handbreadths is regarded as a covering or cloak.

Talmud - Mas. Sukkah 11a

But as to a house, even though it is not ten [handbreadths] high, since it is permanent it constitutes a valid tent,¹ for it is no worse than the frame of a four-post bed.

Another version is that Rab Judah said in the name of Samuel, It is permitted to sleep in a bridal-bed in a Sukkah, since it has no roof,² even though it be ten [handbreadths] high. It was objected: He who sleeps in a canopied bed in a Sukkah has not fulfilled his obligations? — Here we are dealing with the case of one which has a roof³. Come and hear: *Naklitin* [means a frame with] two [poles]; *kinofoth* [means a frame with] four [poles], if he spread a canopy over the frame of *kinofoth* it is invalid,³ over that of *naklitin* it is valid, provided that the *naklitin* are not ten [handbreadths] high above the bed. But if they are ten [handbreadths] high above the bed, it is invalid, [is it not] even though it has no roof?—*Naklitin* are different, since they are permanent. If they are permanent, why are they not [subject to the same law as] *kinofoth*?⁴ — As compared to *kinofoth* they are not [considered] permanent,⁵ but compared to the bridal-bed they are [considered] permanent.⁶

Rabbah son of R. Huna expounded, It is permitted to sleep in a canopied bed [in a Sukkah] even though it has a roof and even though it is ten [handbreadths] high. According to whom [is this opinion expressed]?—According to R. Judah who said that a temporary tent⁷ cannot nullify a permanent one,⁸ as we have learnt: R. Judah said, We were accustomed to sleep under a bed⁹ in the presence of the Elders.¹⁰ Why then does he not say, The halachah is as R. Judah?—If he had said, The halachah is as R. Judah, I might have presumed that this applies only to a bed which is made [to be slept] upon,¹¹ but not to a canopied bed which, is made [to be slept] within,¹² hence he informs us that the reason of R. Judah is¹³ that a temporary tent cannot nullify a permanent one, no matter whether it be an ordinary bed¹⁴ or a canopied bed.¹⁵

MISHNAH. IF HE TRAINED A VINE OR A GOURD OR IVY OVER [THE SUKKAH]

AND COVERED IT WITH THE COVERING OF A SUKKAH, IT IS NOT VALID.¹⁶ IF [HOWEVER] THE SUKKAH-COVERING EXCEEDS THEM IN QUANTITY, OF IF HE CUT THEM,¹⁷ IT IS VALID. THIS IS THE GENERAL RULE. WHATEVER IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS AND DOES NOT GROW FROM THE SOIL MAY NOT BE USED FOR SUKKAH-COVERING, BUT WHATEVER IS NOT SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS AND GROWS FROM THE SOIL MAY BE USED FOR SUKKAH-COVERING.

GEMARA. R. Joseph sat¹⁸ before R. Huna, and in the course of the session he stated, [with reference to the ruling] OR IF HE CUT THEM, IT IS VALID, Rab said, But he must shake them.¹⁹ Said R. Huna to him, This has been said by Samuel! R. Joseph turned away his face [in annoyance] and retorted, Did I then tell you that Samuel did not say it? Rab said it and Samuel also said it. It is this that I say, said R. Huna to him, As to that, Samuel said it, and not Rab, since Rab declares it valid [without shaking],²⁰ as in the case of R. Amram the Pious who attached fringes to the aprons of the women of his house.²¹ He hung them²² but did not cut off the ends of the threads.²³ When he came before R. Hiyya b. Ashi²⁴ the latter said to him, Thus said Rab, [In such a case the threads] may be cut and they are valid. Thus it is obvious that their cutting is their [valid] preparation, so here also,²⁵ their cutting is their [valid] preparation. But does Samuel hold the opinion that we do not say that their cutting is their [valid] preparation? Did not Samuel in fact teach in the name of R. Hiyya, If one attached [zizith] to two corners in one²⁶ and then cut the ends of these threads, the zizith are valid. Does not this mean that he first knotted them and then cut them?²⁷ -No, he cut them first²⁸ and afterwards knotted them. If he cut them first and then knotted them, why mention it?²⁹ -One would have thought

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- (1) And therefore if a person is naked he cannot put his head out and read the Shema'.
 - (2) The cover was sloping from above the bed around it.
 - (3) Sc. one may not use it within a Sukkah.
 - (4) And thus render their use in a Sukkah forbidden.
 - (5) Hence they cause no invalidity where they are lower than ten handbreadths.
 - (6) They cause, therefore, invalidity where they are ten handbreadths high even if they have no roof, while a canopied bed that has no roof causes no invalidity even where it is ten handbreadths high.
 - (7) The canopied bed.
 - (8) The Sukkah which in comparison with it may be regarded as permanent.
 - (9) In a Sukkah. The movable bed being regarded as temporary and the Sukkah as permanent.
 - (10) Infra 20b.
 - (11) And not under it. As the bed was never intended to serve as a 'tent' a person's occasional use of it for the purpose of sleeping under it cannot confer upon it the status of a valid tent.
 - (12) And the roof thereof might, therefore, be regarded as constituting a valid tent.
 - (13) Not the one just suggested.
 - (14) Under which one sleeps.
 - (15) Within which one sleeps.
 - (16) Since a growing plant may not be used as a Sukkah-covering.
 - (17) From the ground, after he had trained them on the Sukkah.
 - (18) In the college.
 - (19) After they had been cut. Sc. each branch must be raised and put back in position so that the covering is made

from valid materials. If no moving or shifting takes place after the plants had been cut the Sukkah remains invalid since it was made from invalid materials. The mere cutting of them from the ground does not alter the fact that the covering was made from invalid materials.

(20) The cutting alone is regarded as the 'making' of the covering.

(21) R. Amram was of the opinion, not generally held, that women are bound to wear fringes.

(22) On the four corners of the garments.

(23) He folded one thread four times, and attached it to the garment. By subsequently cutting it he made of it the eight requisite threads.

(24) To inquire whether the mere cutting of the long thread constitutes the 'making' of the fringes.

(25) In the case of the Sukkah where the branches were only cut and not shifted.

(26) Long threads folded in four were passed through the two corners, and then separated by being cut in the middle.

(27) In agreement with Rab.

(28) Immediately after insertion before he wound the prescribed number of coils and made the necessary knots.

(29) It is obvious that it is valid.

Talmud - Mas. Sukkah 11b

that it was necessary to insert the threads in one corner at a time, which was not the case here, therefore he informed us [that it was not so].

It was objected: If he hung them¹ and did not cut their ends, they are invalid. Does not this mean invalid for ever,² and is thus a refutation of Rab?-[No!] Rab can answer: What is the meaning of 'invalid'? Invalid until they are cut. Samuel, however, says, [It means] invalid for ever. And so said Levi, They are invalid for ever. And so said R. Mattenah in the name of Samuel: They are invalid for ever. Another version is that R. Mattenah said, A [similar] incident happened to me, and when I came before Samuel he told me, They are invalid for ever.

It was objected: If he inserted them³ and then cut their ends, they are invalid; and it was also taught concerning a Sukkah: Thou shalt make⁴ [implies] but not from that which is already made, hence they⁵ inferred, If one trained a vine or a gourd or ivy [over the walls of a Sukkah] and then covered them with the Sukkah-covering it is invalid. Now, how is this to be understood? If you say that it is a case where one did not cut them,⁶ why then give the reason because of "'Thou shalt make" [implies] but not from that which is already made'? Let him rather give the reason that they are joined to the ground? Consequently it must be a case where he cut them,⁶ and yet it is taught that it is invalid. Deduce then, therefrom that we do not say that their cutting⁶ is their [valid] preparation. And is not this then a refutation of Rab?Rab can answer that there we are dealing with a case where he pulled them [from the trunk]⁷ so that their 'making' is not apparent. At all events, [does not the case where] 'he inserted them and then cut their ends'⁸ present a difficulty against Rab?⁹ — It is a difficulty.

Can we say that [their dispute¹⁰ accords with a dispute of] Tannas? [As we have learnt], If one transgressed and¹¹ plucked them,¹² [the myrtle is still] invalid, so R. Simeon b. Jehozadak, while the Sages declare it valid. Now they¹³ were of the opinion that everyone¹⁴ agrees that [the components of] a lulab¹⁵ must be tied together, and that we deduce [the law of] lulab from that of

Sukkah, concerning which it is written 'thou shalt make', [which implies]'but not from what which is made'. Do they [then] not dispute on this principle, that the one who declared it¹⁶ valid is of the opinion that with regard to the Sukkah we say that 'their cutting is their [valid] preparation', and [therefore] with regard to lulab also we say that their plucking is their [valid] preparation; while the one who declares it invalid is of the opinion that with regard to the Sukkah we do not say that 'their cutting is their valid preparation', and [therefore] with regard to lulab also we do not say that their plucking is their [valid] preparation?¹⁷ — No! Everyone may agree that with regard to the Sukkah we do not say that their cutting is their [valid] preparation, but here they differ on the principle whether we deduce the law of lulab from that of Sukkah. The one who declares it¹⁶ valid is of the opinion that we do not deduce lulab from Sukkah, while the one who declares it invalid says that we do deduce lulab from sukkah. And if you wish you may say that if we were of the opinion that¹⁸ the [components of the] lulab must be tied together,¹⁹ [we must admit that] all agree that we do deduce the law of lulab from that of Sukkah,²⁰ but here they dispute on the following: One Master²¹ holds the opinion that it²² must be tied together²³ while the other holds that it need not be tied together; and their dispute is analogous to that of the following Tannas of whom it has been taught: A lulab, whether [its components] be tied together or not, is valid, while R. Judah says, If tied together it is valid, if not, it is invalid.²⁴ What is the reason of R. Judah?—He deduces the word 'take'²⁵ from the word 'take' mentioned in connection with the bundle of hyssop. It is written there, And ye shall take a bundle of hyssop,²⁶ and it is written here, And ye shall take you on the first day etc.²⁷ Just as there it was taken in a 'bundle',²⁸ so here also it must be taken in a bundle.²⁸ And the Rabbis?²⁹ — They do not deduce 'take' from 'take'.³⁰

According to whom is that which has been taught, It is a religious duty to tie [the components of] the lulab together, but if one did not tie them, it is [still] valid? If it is according to R. Judah, why is it valid if one does not tie them, and if it is according to the Sages, why is it 'a religious duty'?³¹ -It is in fact according to the Rabbis, but [it is a religious duty]³¹ since it is written, This is my God and I will glorify him³² [which implies] glorification³³ before Him in [the due performance of] religious duties.

THIS IS THE GENERAL RULE: WHATEVER IS SUSCEPTIBLE TO [RITUAL] UNCLEANLINESS etc. Whence do we know this?Resh Lakish said: Scripture says, But there went up a mist from the earth;³⁴ just as a mist is a thing that is not susceptible to [ritual] uncleanliness and originates from the soil, so must [the covering of] the Sukkah³⁵ [consist of] a thing that is not susceptible to [ritual] uncleanliness, and grow from the soil. That is satisfactory according to the authority who says that [the booths of the wilderness were] clouds of glory, but according to the authority who says [the Israelites] made for themselves real booths, what can one say?³⁶ For it has been taught: For I made the children of Israel to dwell in booths,³⁷ These³⁸ were clouds of glory, so R. Eliezer. R. Akiba says, They made for themselves real booths. Now this³⁹ is satisfactory according to R. Eliezer, but according to R. Akiba, what can one say?³⁶ — When R. Dimi came,⁴⁰ he explained in the name of R. Johanan, Scripture says, The Festival [hag] of Sukkoth thou shalt keep.⁴¹ The Sukkah is thus⁴² compared to the Festival [offering].⁴³ Just as the Festival offering is a thing which is not susceptible to [ritual] uncleanliness and grows from the soil,⁴⁴ so the Sukkah must be unsusceptible to [ritual] uncleanliness and grow from the soil.

- (1) The threads of the zizith.
- (2) Even though they were subsequently cut.
- (3) The threads of the zizith.
- (4) Sc. the Sukkah, Deut. XVI, 13.
- (5) The Rabbis.
- (6) From the ground.
- (7) I.e., he pulled the branches from the vine etc., until they broke, but the bark was still attached (cf. Tosaf. a.l.).
- (8) Cited supra.
- (9) According to whom they should be valid, whereas the Baraitha declares them invalid.
- (10) On the question whether 'their cutting is their valid preparation'.
- (11) On the festival day.
- (12) The berries of a myrtle that is to be attached to the festive wreath. Such a myrtle must have more leaves than berries; but it is forbidden in the Festival to remove any of the berries though this may well be done on a weekday.
- (13) The Rabbis at the college who raised the argument.
- (14) Sc. both the Tannas mentioned.
- (15) The palm-branch used on the Festival of Tabernacles. V. infra. To it are tied the myrtle and willow and the tying together of the plants is regarded as analogous to the preparation of a Sukkah.
- (16) The myrtle.
- (17) Cf. supra p 45, n. 9.
- (18) According to the Tannas mentioned.
- (19) So that the term of 'making' or 'preparation' might be applied.
- (20) Sc. as in the case of Sukkah 'cutting' is not regarded as 'making' so in the case of the lulab also 'plucking' is not regarded as 'making and the myrtle is invalid.
- (21) R. Simeon.
- (22) The festive wreath.
- (23) Hence the term of 'making' may well be applied to it. As the binding is done prior to the festival the plucking of the berries during the festival is of no avail since at that time the wreath is already made.
- (24) Infra 33a.
- (25) Mentioned in connection with the festive wreath.
- (26) Ex. XII, 22.
- (27) Lev. XXIII, 40.
- (28) Or 'tied together'.
- (29) How, in view of this deduction, can they maintain their view.
- (30) Sc. they did not receive this analogy from their teachers; and no Gezerah shawah (v. Glos.) analogy is valid unless it can be traced through a chain of uninterrupted tradition from Moses.
- (31) 'To tie (the components of) the lulab together'.
- (32) E.V., 'I will praise him'. Ex. XV, 2.
- (33) Lit., 'be glorified'.
- (34) Gen. II, 6.
- (35) Since the Sukkah is commemorative of the clouds (v. infra).
- (36) In explanation of the ruling of our Mishnah.
- (37) Lev. XXIII, 43.
- (38) Booths.
- (39) The explanation of Resh Lakish.
- (40) From Palestine to Babylon.

(41) Deut. XVI, 13.

(42) Since it appears in juxtaposition with hag.

(43) Hagigah, from the same rt. as hag.

(44) Since animals are fed on that which grows from the ground. R. Johanan regards them also as growing from the ground.

Talmud - Mas. Sukkah 12a

And if [you will suggest]: Just as the Festival offering was a live animal so the Sukkah must be [of something which is] alive, [it may be replied that] when Rabin came, he said in the name of R. Johanan, Scripture says, After that thou hast gathered in from thy threshing-floor and thy winepress. The verse thus speaks of the leavings of the threshing-floor and the leas of the wine-press.¹ But perhaps it means the actual threshing-floor and the actual wine-press?² - Zera answered, It is written winepress', and³ it is impossible to cover the Sukkah with this!³ R. Jeremiah demurred: But perhaps it means the solidified wine that comes from Senir, which resembles fig-cakes?⁴ R. Zera observed, We had something in our hands, and R. Jeremiah came and cast an axe at it.⁵ R. Ashi replied, 'From thy threshing-floor',⁶ [implies] but not the threshing-floor itself,⁷ from thy wine-press',⁶ [implies] but not the wine-press itself.⁸ R. Hisda replied,⁹ The deduction is made from this verse, Go forth unto the mount and fetch olive-branches, and branches of wild olive, and myrtle-branches and palm-branches, and branches of thick trees.¹⁰ Are not myrtle-branches, the same as branches of thick trees?¹¹ — R. Hisda answered: The wild myrtle¹² [were to be fetched] for the Sukkah, while the branches of thick trees,¹³ for the lulab.

MISHNAH. BUNDLES OF STRAW, BUNDLES OF WOOD, AND BUNDLES OF BRUSHWOOD MAY NOT SERVE AS SUKKAH-COVERING, BUT ALL OF THEM,¹⁴ IF THEY ARE UNTIED, ARE VALID. ALL MATERIALS, HOWEVER,¹⁵ ARE VALID FOR THE WALLS.

GEMARA. R. Jacob said, I heard from R. Johanan [the explanation of] two things,¹⁶ this one,¹⁷ and the following:¹⁸ If one hollows out a haystack to make of it a Sukkah, [the hollow] is no [valid] Sukkah.¹⁹ The reason for one of them he attributed to a Rabbinical enactment lest [a man use his] store-house as a Sukkah,²⁰ and as a reason for the other he gave, because 'thou shalt make', [implies] but not from that which is made; but I do not remember which of them is on account of a 'store-house', and which on account of "'thou shalt make" but not from that which is made'. R. Jeremiah said, Let us see:²¹ R. Hiyya b. Abba said in the name of R. Johanan, Why did they say that bundles of straw, bundles of wood, and bundles of brushwood may not serve as sukkah-covering? Because it may happen²² that a man returns in the evening from the field with his bundle on his shoulder, and raising it up he places it on his hut to dry it,²³ and then²⁴ he might decide to leave it there as a sukkah-covering, but the Torah said, 'Thou shalt make', [which implies], but not from that which is made.²⁵ Now since this is forbidden as a restrictive measure against the possibility of the use of a store-house²⁶ [as a Sukkah]²⁷ the other²⁸ must have been forbidden on the ground of 'thou shalt make' [which implies], but not from that which is made.²⁹ And R. Jacob?³⁰ -He had not heard that [statement] of R. Hiyya b. Abba. R. Ashi said:³¹ Are then bundles of straw, bundles of wood and bundles of brushwood forbidden only because of the

possible use of a store-house³² and not because of the injunction 'thou shalt make' [which implies], but not from that which is made,³³ and is the hollowing out of a haystack forbidden only because of the injunction 'thou shalt make' which implies but not from that which is made, and not because of the possible use of a store-house?³⁴ And R. Johanan?³⁵ — He can answer you that here where it states, MAY NOT SERVE AS A SUKKAH-COVERING, it means that only at the outset

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- (1) Which grow from the ground and are unsusceptible to ritual uncleanness.
 - (2) Which includes the grain and the grapes both of which are susceptible to ritual uncleanness.
 - (3) Since it contains only a liquid.
 - (4) And is, therefore, suitable as a roof covering.
 - (5) I.e., R. Jeremiah has destroyed what the former thought was a satisfactory explanation of the ruling in our Mishnah.
 - (6) Emphasis on 'from'.
 - (7) Hence the deduction that the text 'speaks of the leavings of the threshing-floor' etc.
 - (8) V. p. 48, n. 16.
 - (9) In reply to the question, Whence does our Mishnah deduce that WHATEVER IS SUSCEPTIBLE TO RITUAL UNCLEANLINESS etc.
 - (10) Neh. VIII, 15. All the varieties enumerated are unsusceptible to ritual uncleanness and grow from the ground.
 - (11) 'Branches of thick trees' in Lev. XXIII, 40 is regarded (v. infra 32b) as referring to myrtle. Why then should the same thing be mentioned twice?
 - (12) This is the species referred to in 'myrtle branches', which has only one or two leaves in each row and is, therefore, invalid for the lulab. V. infra 32b.
 - (13) Having three leaves in each row.
 - (14) Straw, wood and brushwood.
 - (15) Though invalid for the Sukkah roof.
 - (16) Sc. rulings in the Mishnah.
 - (17) The ruling in our Mishnah on the invalidity of bundles.
 - (18) Lit., 'and the other'.
 - (19) Infra 15a.
 - (20) A restrictive enactment of the Rabbis lest a man regard also his 'store-house', i.e., a room not used throughout the year, as a valid Sukkah.
 - (21) Whether another statement of R. Johanan might throw light on R. Jacob's uncertainty.
 - (22) Any time in the year.
 - (23) Sc. with no intention to use it for shelter from the sun.
 - (24) On the approach of the festival of Tabernacles.
 - (25) As in the latter case a Pentateuchal prohibition is involved, since the bundle was never intended to serve as a Sukkah, a Rabbinical prohibition was imposed even in the case where bundles were used expressly for the festival Sukkah.
 - (26) Sc. bundles 'stored' on a hut during the summer for the winter.
 - (27) I.e., merely as a Rabbinical prohibition.
 - (28) 'If one hollows out a haystack' etc.
 - (29) I.e., the prohibition must be Pentateuchal.
 - (30) Why, in view of the last cited statement of R. Johanan, was he uncertain as to what applied to which?

(31) In objection to R. Jacob.

(32) I.e., a Rabbinical prohibition.

(33) A Pentateuchal prohibition.

(34) Sc. since our Mishnah might refer not only to bundles that were laid on the walls for the purposes of serving as a Sukkah (forbidden only Rabbinically as a preventive measure) but also to such as were stored there during the year (forbidden Pentateuchally), and since the Mishnah cited might refer not only to the usual haystack (forbidden Pentateuchally) but also to one whose sheaves that are to serve as the Sukkah roof were duly shaken and shifted with the specific intention of using them as a roof for the Festival Sukkah (forbidden only Rabbinically as a preventive measure), how could R. Jacob maintain in the name of R. Johanan that only a Pentateuchal, or only a Rabbinical prohibition applied to either Mishnah?

(35) How, in view of R. Ashi's contention, can he assign only one reason for each.

Talmud - Mas. Sukkah 12b

it is invalid, because of the possible use of a store-house;¹ according to the Biblical law, however, it is valid; while in the other case where it is stated categorically that it is no Sukkah, implying even when he has made it, it is no Sukkah even Pentateuchally. Rab Judah said in the name of Rab, If one covered a Sukkah with plain² arrow-shafts, it is valid; with bored³ shafts, it is invalid. 'With plain arrow-shafts it is valid'; but is not this obvious? I might have said that these should be forbidden on account of bored ones, therefore he informs us [that they are not forbidden]. 'With⁴ bored shafts, it is invalid', is not this obvious? — I might have thought that a receptacle which is made to be [permanently] filled up is not regarded as a receptacle, therefore he informs us [that it is].

Rabbah b. Bar Hana said in the name of R. Johanan, 'If one covered a Sukkah with flax-stalks that had been soaked and baked, it is invalid;⁵ with flax stalks in their natural state it is valid; with flax-stalks in an intermediate stage of preparation, I do not know [whether it is valid or not]'. But as to what constitutes an intermediate stage,⁶ I⁷ do not know whether if it has been pounded and not corded it is regarded as in an intermediate stage,⁸ but if it has been soaked and not pounded it is regarded as being in its natural state,⁹ or perhaps, even if it has been soaked but not pounded, it is also regarded as being in an intermediate stage.¹⁰

Rab Judah ruled, One may use licorice-wood or wormwood as a Sukkah-covering. Abaye ruled, Licorice-wood may be employed, but not wormwood. What is the reason?— Since

(1) Ex post facto, however, it is obviously permitted. The prohibition, therefore, can only be Rabbinical.

(2) Lit., 'male shafts'. The shaft, being plain and inserted into the arrow head, is regarded as a piece of unprepared wood, which is unsusceptible to ritual uncleanness

(3) Lit., 'female shafts'. Having a hole bored at one of its ends into which the arrow-head is inserted, the shaft is regarded as a valid receptacle which is susceptible to ritual uncleanness.

(4) Cur. edd. in parenthesis 'The Master said'.

(5) Since such stalks are susceptible to ritual uncleanness (cf. Shab. 27b).

(6) In the view of R. Johanan.

(7) The speaker, Rabbah b. Bar Hana.

(8) And its validity is, therefore, a matter of doubt.

(9) And is consequently valid.

(10) And its validity is, therefore, a matter of doubt.

Talmud - Mas. Sukkah 13a

they give an unpleasant odour, one might leave [the Sukkah]¹ and depart.

R. Hanan b. Raba said, Izma and hegel² may be employed as a Sukkah-covering; [while] Abaye said, Izma may be used, but not hegeh. What is the reason?—Since their leaves fall off, one might leave the Sukkah and depart. R. Giddal said in the name of Rab, The forked portion of a palm tree³ may be used as a Sukkah-covering, even although [the branches] are joined together,⁴ [since] a natural joining⁵ is not considered a joining; and even although one later joined them⁶ [the covering is valid, since] joining of one thing [to itself] is not considered a joining.

R. Hisda said in the name of Rabina b. Shila, One may cover the Sukkah with forked reeds, even though they are joined,⁴ [since] a natural joining is not considered a joining; and even though one later joins them,⁶ the joining of one thing [to itself] not considered as a proper joining.

So it was also taught: Reeds and forked reeds may be used as a Sukkah covering. As to reeds, this is obvious?⁷ — Read: Reeds of the forked variety⁸ may be used as a Sukkah-covering.

R. Hisda [further] stated in the name of Rabina b. Shila, A man fulfils his obligation⁹ on Passover with bitter herbs of the marsh,¹⁰ It was objected: Hyssop but not Greek hyssop, or stibium-hyssop, or wild hyssop, or Roman hyssop or any kind of hyssop which has a special¹¹ name?¹² — Abaye answered: Whatever had different names prior to the Giving of the Law, and yet the Torah makes specific mention of the general name only obviously [the intention is to exclude such of the species which] have special names;¹³ but the former¹⁴ did not have different names before the Giving of the Law at all.¹⁵

Raba answered: Their ordinary name is really ‘bitter herbs’,¹⁶ but they are called ‘bitter herbs of the marsh’, because they are found in marshes.

R. Hisda said, The joining of one thing [to itself] is not considered a proper joining;¹⁷ of three things, it is considered a joining; of two, there is a dispute between R. Jose and the Rabbis, as we have learnt, The commandment [to take a bunch] of hyssop [requires the taking of] three stalks having three buds.¹⁸ R. Jose says, Three buds,¹⁹ and its remnants²⁰ [continue valid] if two [stalks remained] and if there is aught [of each] of the stumps.²¹ Now it was assumed that since²² its remnants [are valid] with two, at the outset also two are valid, and that the reason he teaches three is to indicate what is the most proper observance of the commandment;²³ consequently since R. Jose requires three only for the most proper observance of the commandment according to the Rabbis²⁴ three are indispensable.²⁵ But has it not been taught, R. Jose says, If at the outset a bunch of hyssop has only two stalks²⁶ or if its remnants²⁷ consist of one, it is invalid, since a bunch is not valid unless at the outset it contains three and its remnants are no less than two? — Reverse [the assumption]:²⁸ According to R. Jose three are indispensable, according to the Rabbis three are required only for the proper observance of the commandment. So it has also been

taught: If²⁹ a bunch of hyssop contains two stalks at the outset or if its remnant consists of one it is valid, since it is not invalid unless at the outset or when it is a remnant it consists of one. But is a remnant of one invalid? Have you not [just] said that a remnant of one is valid?

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- (1) Cf. Bah.
 - (2) Species of thorns and prickly shrubs.
 - (3) Either (a) where the ramification starts or (b) its upper portion.
 - (4) And thus have the appearance of a bundle which is invalid for a Sukkah-covering.
 - (5) Lit., 'a binding by the hands of heaven.'
 - (6) At their upper ends.
 - (7) Why then should they at all be mentioned?
 - (8) Sc. the waw in **ihbreusu** is not to be rendered 'and' but 'of', 'that are'.
 - (9) Of eating bitter herbs (cf. Ex. XII, 8).
 - (10) Probably succory (Jast.).
 - (11) Lit., 'accompanying'.
 - (12) Since hyssop in the Bible means ordinary hyssop only, so should 'bitter herbs' presumably mean only ordinary bitter herbs, but not that of the marsh.
 - (13) [Lit., 'it is known that it has a special name' (to be excluded). The text is not clear. MS.M.: 'such has (a species of) a special name (to be excluded)].
 - (14) Bitter herbs.
 - (15) All its varieties, therefore, are admissible.
 - (16) Hence they are admissible like the ordinary bitter herbs.
 - (17) Either in respect of the designation of 'bundle' which is invalid for a Sukkah roof or in that of 'bunch' in the case of hyssop.
 - (18) One bud on each stalk.
 - (19) This will be discussed infra.
 - (20) Sc. if one stalk has become broken by use.
 - (21) Parah XI, 9.
 - (22) According to R. Jose.
 - (23) Sc. the commandment is best observed with three, though it is considered fulfilled if only two are taken.
 - (24) Who differ from him.
 - (25) Thus we see that according to R. Jose, two can constitute a 'bunch' or 'joining', whereas according to the Rabbis three are required.
 - (26) Instead of three.
 - (27) The bunch having originally contained three stalks.
 - (28) Made supra in connection with R. Hisda's statement.
 - (29) According to the Rabbis. V. next note.

Talmud - Mas. Sukkah 13b

— Say rather, Unless at the outset, [it contains] no more than the permitted number for its remnant, viz., one.¹

Meremar expounded, The bundles of Sura² are valid as a Sukkah-covering.³ Although [the seller] binds them together he does so merely to facilitate their counting.⁴ R. Abba said, As for

cone-shaped bundles of bulrushes, as soon as the top-knots are untied they are valid [as a Sukkah-covering]. But are they not still tied at the bottom?⁵ — R. Papa answered, [This is a case] where he loosens them.⁶ R. Huna the son of R. Joshua said, one can even ‘say that [it is valid though] he does not loosen them, since a binding which is not made to facilitate transport⁷ is not considered a binding. R. Abba said in the name of Samuel, Herbs concerning which the Sages said that a man fulfils with them his obligation on Passover,⁸ carry⁹ ritual defilement,¹⁰ do not¹¹ act as an interposition to ritual defilement¹² and cause invalidity in a Sukkah-covering in the same manner as an air space.¹³ What is the reason? — Since when they wither they crumble and fall, they are regarded as though they were not there.

R. Abba further said in the name of R. Huna, He who cuts grapes for the vat, does not render their ‘handles’ [stalks] susceptible to [ritual] uncleanness;¹⁴ while R. Menashia b. Gada said in the name of R. Huna, He who cuts [ears of corn] for a Sukkah-covering¹⁵ does not render their handles susceptible to uncleanness. He who holds this opinion with regard to the cutting [of ears], certainly holds it with regard to the cutting of grapes,¹⁶ since one does not desire [any stalks] lest they suck up one's wine; he who holds the opinion that the cutting of grapes¹⁶ does not render their stalks susceptible to the uncleanness, holds that the cutting [of ears]¹⁵ does render them susceptible since one is pleased to use [the ears] for the Sukkah-covering in order that [the grains] be not scattered.¹⁷

Must we say that the [ruling of] R. Menashia b. Gada¹⁸ is a point at issue between Tannas? For it has been taught, Boughs of fig-trees on which there are figs, branches of vines on which there are grapes, or straws on which there are ears of corn or palm-branches on which there are dates, all these, if the inedible part is greater than the edible are valid [for a Sukkah-covering], otherwise, they are invalid. ‘Others’¹⁹ say, [They are not valid] unless the straw²⁰ is more than both the ‘handle’²¹ and the food. Now do they not differ on this principle, that one Master²² holds the opinion they²³ render the handles²⁴ susceptible to uncleanness,²⁵ while the other Master holds the opinion that they do not render the ‘handles’ susceptible to uncleanness? — According to R. Abba,²⁶ there is certainly²⁷ a dispute of the Tannas,²⁸ but according to R. Menashia b. Gada,²⁹ must we say that [his ruling is] in agreement only with one of the Tannas?³⁰ — R. Menashia can answer you, All³¹ agree that he who cuts ears for a Sukkah-covering does not render the ‘handles’ susceptible to uncleanness, but here we are dealing with a particular case where he cuts them for food,³² and then changed his mind [and used them] for a Sukkah-covering. But if he cut them for food, what is the reason [for the view] of the Rabbis?³³ And if you will answer that the Rabbis³⁴ are of the opinion that since he changed his mind about them [to use them] for a Sukkah-covering, his original intention³⁵ becomes annulled, [it may be objected], does then one's intention become annulled in such a case?³⁶ Have we not learnt:³⁷ All vessels

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- (1) Thus it has been shown that the number of three stalks mentioned supra in the name of the Rabbis refers only to what is expected for the most proper observance of the commandment. If the number is to be insisted upon as indispensable this last cited Baraita, could agree neither with R. Jose nor with the Rabbis.
 - (2) Reeds tied into bundles which were on sale at Sura.
 - (3) Sc. they are not to be classed with ordinary bundles which are invalid for the purpose.
 - (4) He has no intention of keeping them together for storage. Any one buying them usually unbinds them before putting them out to dry. Hence their validity for the Sukkah even before they are unbound.

- (5) Since the reeds are also woven together at the bottom.
- (6) Sc. undid the ends of the cord that hold them together. The woven part may still remain.
- (7) If they are carried about they fall apart.
- (8) As, for instance, bitter herbs, lettuce or endives prescribed for the first Passover evening meal.
- (9) While they are still fresh.
- (10) Sc. they serve as ohel (v. Glos.).
- (11) If they form a horizontal partition between a clean and an unclean object.
- (12) This is a Rabbinical restriction. Pentateuchally they act as an interposition until they become dry.
- (13) The space they occupy is regarded as air space, and just as an air space of three handbreadths in the roof of the Sukkah invalidates it, so does a covering of these herbs.
- (14) Lit., 'they have no handles', since the stalks serve no useful purpose in the case of grapes for a vat. Handles of vessels or stalks of fruit are susceptible to ritual uncleanness only where they are needed for the purpose of lifting the object with their aid.
- (15) And produce is attached to them.
- (16) For a vat.
- (17) In the absence of the stalks the grains could not be used at all as a roof covering.
- (18) That 'he who cuts ... does not render their stalks susceptible etc.'
- (19) V. supra 7b.
- (20) I.e., the inedible portion of the branch or stalk.
- (21) Sc. the part of the stalk near the fruit whereby the latter can be lifted.
- (22) The 'Others'.
- (23) I.e., both he who cuts grapes and he who cuts ears of corn for Sukkah-covering.
- (24) V. supra n. 10.
- (25) And, therefore, they are regarded in the same light as the fruit and are unfit for the Sukkah roof unless the inedible portion exceeds both them and the edible portion.
- (26) Who ruled that only in the case of grapes are handles not susceptible but in the case of ears the handles are susceptible.
- (27) Since the first Tanna holds that in either case the 'handles' are not susceptible.
- (28) R. Abba holding the same view as the 'Others' who hold that 'handles' are susceptible.
- (29) Who holds that if one cuts ears for a Sukkah-covering it does not render the 'handles' susceptible to ritual uncleanness.
- (30) The first Tanna. Sc. must it be admitted that the 'others' always maintain that the handles in the case of 'ears of corn' are rendered susceptible to uncleanness, in complete contradiction of it. Menashia's ruling, or is it possible to explain the view of the 'others' as applying to a particular case only?
- (31) Even the 'others'.
- (32) When they are rendered susceptible to uncleanness.
- (33) The first Tanna, who ruled that the 'handles' are not rendered susceptible to uncleanness.
- (34) Sc. the first Tanna.
- (35) Of using them for food.
- (36) That of susceptibility to ritual uncleanness.
- (37) Kelim XXV, 9.

Talmud - Mas. Sukkah 14a

can be rendered susceptible to uncleanness by intention,¹ but cannot be rendered insusceptible

except by an act of change,² since³ an act can disannul a [prior] act or intention, while an intention cannot disannul either a [previous] act or a [previous] intention? And if you will say that this⁴ refers only to vessels which are of importance but that ‘handles’ which are needed only as aids for the eating of the food,⁵ are made [susceptible to uncleanness] by intention and are also unmade by intention [it may be objected], Have we not learnt: The stalks of all foodstuffs that are threshed⁶ in the threshing-floor⁷ are insusceptible to ritual uncleanness,⁸ and R. Jose declares them susceptible?⁹ It is explicable according to the authority who says that ‘threshing’ here means loosening [the sheaves],¹⁰ but according to the authority who says that ‘threshing’ here really means ‘threshing’,¹¹ what can one answer?¹² — That in the previous case also,¹³ he actually threshed them.¹⁴ If so,¹⁵ what is the reason of the ‘others’?¹⁶ They hold the same opinion as R. Jose, as we have learnt, R. Jose declares them susceptible to uncleanness. How can you compare them?¹⁷ One can understand there¹⁸ the reason of R. Jose, that [the stalks] have a use according to R. Simeon b. Lakish, as R. Simeon b. Lakish said, Since one can [the more easily] turn them¹⁹ with the pitchfork,²⁰ but in this case,²¹ what use have they?²² --To seize hold of them by their haulms when he takes it²³ to pieces.

[Reverting to] the main text, ‘The stalks of all foodstuffs that are threshed in the threshing-floor are unsusceptible to uncleanness, and R. Jose declares them susceptible’. What is the meaning of ‘threshed’ here? — R. Johanan says, Actual threshing. R. Eleazar²⁴ says, Untying the bundle. One can understand according to R. Eleazar,²⁴ who says that ‘threshing’ means untying the bundle, that this²⁵ is the reason why R. Jose declares them susceptible to uncleanness, but according to R. Johanan who says that ‘threshing’ means actual threshing, why²⁶ does R. Jose declare them susceptible to uncleanness? — R. Simeon b. Lakish answered, Since he can [the more easily] turn them with a pitch fork.

R. Eleazar²⁴ said, Why are the prayers of the righteous likened to a pitchfork?²⁷ To teach thee that just as the pitchfork turns the corn from place to place in the barn, so the prayers of the righteous turn the mind of the Holy One, blessed be He, from the attribute of harshness to that of mercy.

MISHNAH. PLANKS MAY BE USED FOR THE SUKKAH-COVERING. THESE ARE THE WORDS OF R. JUDAH. R. MEIR FORBIDS THEM. IF ONE PLACES OVER IT²⁸ A PLANK FOUR HANDBREADTHS WIDE, IT IS VALID PROVIDED THAT HE DOES NOT SLEEP UNDER IT.²⁹

GEMARA. Rab said, The dispute³⁰ concerns planks which are four [handbreadths wide],³¹ in which case R. Meir holds the preventive measure against [the possible use of] an ordinary roofing,³² while R. Judah disregards this preventive measure against [the use of] an ordinary roofing, but in the case of planks which are less than four handbreadths wide all agree that the Sukkah is valid.³³ Samuel however says that the dispute³⁴ concerns planks which are less than four [handbreadths wide],³⁵ but if they are four [handbreadths wide], they are invalid according to all.³⁶ If they are ‘less than four’ [you say, does this then imply,] even less than three? But [in this case] are they not mere sticks?³⁷ — R. Papa answered, He³⁸ means thus, If they are four [handbreadths wide] the Sukkah is invalid according to all,³⁶ if they are less than three, it is valid according to all.³⁹ What is the reason? Since they are mere sticks. In what do they⁴⁰ dispute? In

[planks that are] from three to four [handbreadths wide]. One Master⁴¹ holds the opinion that since there is not in them the minimum extent of a 'place'⁴² we do not make a restrictive enactment,⁴³ and the other Master⁴⁴ holds the opinion that since the law of labud⁴⁵ can no longer apply to them⁴⁶ we make a restrictive enactment.

We learned: IF ONE PLACES OVER IT A PLANK WHICH IS FOUR HANDBREADTHS WIDE, IT IS VALID, PROVIDED THAT HE DOES NOT SLEEP UNDER IT. Now it is well according to Samuel who says that the dispute is where there are not four [handbreadths] but where there are four, all agree that it is invalid; for this reason he must NOT SLEEP UNDER IT. But according to Rab who says that the dispute is where there are four [handbreadths] but where there are less than four all agree that it is valid, why, according to R. Judah, may he NOT SLEEP UNDER IT? — Do you then think that this statement⁴⁷ is according to all? The concluding statement agrees in fact with R. Meir [only]. Come and hear: Two sheets combine,⁴⁸

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- (1) Sc. if the owner intended them to be used in their present state as finished products for a purpose for which they are fully suitable. The fact that for any other purposes they could not be regarded as finished products cannot affect the owner's intention.
 - (2) In the shape or structure of the vessel.
 - (3) V. Bah.
 - (4) That an intention cannot be annulled by an intention.
 - (5) One only holds the fruit by its stalk when eating it.
 - (6) Lit., 'trampled'.
 - (7) This is explained infra.
 - (8) Because by the threshing the owner has indicated that he has no use for the stalks.
 - (9) 'Ukzin I, 5. Cur. edd. enclose 'and R. Jose. . . susceptible' in parenthesis.
 - (10) The loosening of the sheaves is regarded as an intention to thresh and, therefore, the stalks are unnecessary, and this intention disannuls their previous susceptibility to uncleanness.
 - (11) An actual act.
 - (12) To the objection, How can it be maintained (supra 3b ad fin.) that an intention alone can annul an intention?
 - (13) Lit., 'here also' in the dispute of the first Tanna and the 'others'.
 - (14) I.e., after having decided to use them as Sukkah-covering.
 - (15) That an act was performed.
 - (16) Who still regard them as susceptible to uncleanness.
 - (17) The case in dispute between the first Tanna and the 'others' and that between the first Tanna and R. Jose here.
 - (18) In the case of the threshing.
 - (19) The ears.
 - (20) Even after threshing, the stalks are useful, that the pitchfork may hold the corn, and therefore they are susceptible to uncleanness.
 - (21) Where he cuts the ears for the purpose of the Sukkah.
 - (22) Apparently none. Why then should they be susceptible to uncleanness?
 - (23) The Sukkah roof.
 - (24) V. marg. glos. Cur. edd. in parenthesis 'Eliezer'.
 - (25) Since it is only a very slight act and this does not affect their status as handles.
 - (26) In view of the fact that an important act had been performed.
 - (27) The verb ר , ג 'to entreat' in Gen. XXV, 21, is homiletically connected with ר , ג 'a pitchfork'.

- (28) A Sukkah.
- (29) The plank.
- (30) Between R. Judah and R. Meir in our Mishnah.
- (31) Such planks are used in the usual construction of house roofs.
- (32) Lit., ‘beams’. Since roofs were made of planks of this size, if such planks were permitted on a Sukkah, one would regard an ordinary roof also as valid for the purpose.
- (33) Since no one is likely to draw an analogy between such narrow boards and the wide ones of an ordinary roof
- (34) Between R. Judah and R. Meir in our Mishnah.
- (35) Only in this case does R. Judah permit their use (cf. prev. note).
- (36) Sc. even R. Judah.
- (37) How then could R. Meir disallow their use.
- (38) Samuel.
- (39) Sc. even according to R. Meir.
- (40) R. Judah and R. Meir.
- (41) R. Judah.
- (42) A structure smaller than four handbreadths is not considered a ‘place’ (v. supra).
- (43) V. supra n. 2.
- (44) R. Meir.
- (45) V. supra 6b and Glos.
- (46) Even if each plank were to be regarded as a mere air space. It applies only to an air space of less than three handbreadths in width.
- (47) Just cited from our Mishnah.
- (48) To form four handbreadths, to render the Sukkah-covering invalid.

Talmud - Mas. Sukkah 14b

two boards do not combine. R. Meir says, Boards also are like sheets.¹ It is well according to Samuel who says that the dispute is where there are not four [handbreadths], but where there are four handbreadths all agree that it is invalid, [since it may be explained:] What does ‘combine’ mean? That they combine to make four [handbreadths]. But according to Rab, who says that their dispute is where there are four [handbreadths], but where there are not four handbreadths all agree that it is valid, how is it² to be explained? If there are four [handbreadths]³ why need they combine; if there are not, why [is it invalid]? Are they not mere sticks? — Indeed [it is a case] where there are four handbreadths, and what [is meant by] combine is that they combine to form four cubits⁴ at the side.⁵

Another version: It is well according to Samuel, who says that the dispute is where there are not four [handbreadths], but where there are four, all agree that it is invalid, [since it may be explained:] What is meant by ‘combine’? That they combine to form four cubits at the side. But according to Rab, it is well according to R. Meir, since what is meant by ‘combine’ may be that they combine to form four cubits at the side, but according to R. Judah, who says that even if there are four [handbreadths] the Sukkah is valid, what could be the meaning of ‘they do not combine’? Are they not like mere sticks?⁶ — Since R. Meir said ‘they combine’, R. Judah said ‘they do not combine’. It has been taught in agreement with Rab, and it has been taught in agreement with Samuel. ‘It has been taught in agreement with Rab’, If he covered the Sukkah

with planks of cedar which are not four [handbreadths wide], it is valid according to all. If they have four [handbreadths], R. Meir declares it⁷ invalid and R. Judah valid. R. Judah said, It happened in a time of peril⁸ that we brought planks which were four [handbreadths wide]⁹ and we laid them over a balcony and sat under them. They¹⁰ said to him, Is this a proof? A time of peril is no proof.

‘It has been taught in agreement with Samuel’, If one covered the Sukkah with planks of cedar which are four [handbreadths wide] it⁷ is invalid according to all; if they have not four [handbreadths] R. Meir declares it⁷ invalid and R. Judah valid. But R. Meir admits that if there is a space of one plank between every two planks,¹¹ a man may place laths¹² between them and the Sukkah is valid,¹³ and R. Judah agrees that if he placed on it a plank four handbreadths wide, [although] the Sukkah is valid, a man may not sleep under it,¹⁴ and if he sleeps beneath it he has not fulfilled his obligation.¹⁵

It was stated: If he placed the planks¹⁶ on their sides,¹⁷ R. Huna declared it⁷ invalid,¹⁸ and R. Hisda and Rabbah son of R. Huna declared it valid.¹⁹ R. Nahman once came to Sura and R. Hisda and Rabbah son of R. Huna came in to him and asked, If he placed them on their sides, what is the law?²⁰ He said to them, It is invalid, since they are regarded as metal spits.²¹ R. Huna said to them, Did I not tell you, Say as I do? They answered him, Did then the Master give us a reason when he did not accept his ruling? He said to them, Did you ask me for a reason and I would not give you?

Can we say that the following provides support for his view:²² If [the Sukkah] cannot contain his head, the major part of his body and his table, or if a breach has been made in it²³ large enough for a kid to jump in headlong,²⁴ or if he placed on it a plank four handbreadths wide, even if only three handbreadths of it enter within, it²⁵ is invalid. How is this [last sentence]²⁶ meant? Surely that he placed them²⁷ on their sides?²⁸ — No! Here we are dealing with a case where he placed it²⁹ above the entrance of the booth,³⁰ with three [of the four handbreadths] within and one protruding outside, in which case it is considered as a lath protruding from the Sukkah, and every lath protruding from a Sukkah is regarded as [part of the] Sukkah.³¹

(1) Infra 17b.

(2) The ruling of R. Meir just cited.

(3) In the width of each board.

(4) Not in the middle of the roof where invalid material of the width of four handbreadths is sufficient to invalidate the Sukkah.

(5) Of the Sukkah, where invalid covering does not invalidate the Sukkah unless it covers four cubits of space.

(6) Which, obviously, do not combine to invalidate a Sukkah.

(7) The Sukkah.

(8) When the performance of religious rites was forbidden.

(9) Which the heathens did not suspect to serve any ritual purpose.

(10) The Rabbis who differed from his view.

(11) Irrespective of the size of the latter.

(12) Lit., ‘refuse’, sc. of the threshing-floor etc.

(13) This is explained infra 18a.

- (14) The plank.
- (15) Of living in a Sukkah.
- (16) That were four handbreadths wide.
- (17) Which were less than three handbreadths in width.
- (18) For the reason given by R. Nahman *infra*.
- (19) Since no house roof is constructed in such a manner there was no need to enact a preventive measure as in the case of flat-lying planks.
- (20) They thought he might agree with their view.
- (21) I.e., since a plank of four handbreadths is invalid, as is any metal object, in whatever position it is placed, it is still invalid.
- (22) R. Nahman's.
- (23) In one of the Sukkah walls near the ground.
- (24) Without forcing its way in, i.e., one of three handbreadths.
- (25) The Sukkah.
- (26) That a plank of four handbreadths should cover only three.
- (27) The planks.
- (28) And covered all the Sukkah with them.
- (29) One plank only.
- (30) Sc. the side where there was no wall and to which the principle of 'curved wall' (v. *supra* 4a) does not apply.
- (31) V. *infra*, 19a. Hence it is that the one handbreadth without is deemed to be added to the three within to constitute an invalid covering.

Talmud - Mas. Sukkah 15a

MISHNAH. IF A ROOF [OF TIMBER]¹ HAS NO PLASTERING, R. JUDAH SAYS THAT BETH SHAMMAI RULED THAT² HE SHOULD LOOSEN [ALL THE PLANKS] AND REMOVE ONE FROM BETWEEN EACH TWO,³ WHILE BETH HILLEL RULED HE SHOULD EITHER LOOSEN [THE PLANKS] OR REMOVE ONE FROM BETWEEN TWO. R. MEIR RULED, HE SHOULD REMOVE ONE FROM BETWEEN TWO, BUT NOT LOOSEN.⁴

GEMARA. It is well according to Beth Hillel; their reason is that 'Thou shalt make', [implies] but not from that which is [already] made,⁵ so that if he loosens [the planks] he performs an action,⁶ and if he removes one from between two he performs an action;⁶ but what is the reason of Beth Shammai? If it is that 'Thou shalt make' [implies] but not from that which is [already] made, one act only⁷ should be sufficient; if it is because of a restriction on account [of the possible use]⁸ of all ordinary roofing,⁹ it should suffice if he removes one from between two?¹⁰ — Indeed it is because of a restriction on account [of the possible use] of an ordinary roofing, but they mean thus: Even although he loosens them, if he removes one from between two,¹¹ it is [valid], otherwise it is not. If so, read the concluding [part:] R. MEIR RULED, HE SHOULD REMOVE ONE FROM BETWEEN TWO, BUT NOT LOOSEN. Is not R. Meir's view thus identical with that of Beth Shammai? — He¹² means thus: Beth Shammai and Beth Hillel did not dispute on this point.¹³ What [then] does [the Mishnah] teach us?¹⁴ That R. Meir holds that a preventive measure [has been enacted] against the possible use⁸ of an ordinary roofing, while R. Judah disregards the preventive measure against [the use of] an ordinary roofing? But have they not already disputed

on this point, seeing that we have learnt, Planks may be used for the Sukkah covering, these are the words of R. Judah; R. Meir forbids them?¹⁵ — R. Hiyya b. Abba answered in the name of R. Johanan, The former Mishnah deals with planed boards¹⁶ and they forbade them as a preventive measure against [the possible use⁸ of] vessels.¹⁷ But according to Rab Judah who citing Rab said,¹⁸ ‘If he covered the Sukkah with plain arrowshafts, it is valid; with bored arrow-shafts, it is invalid’,¹⁸ and he does not restrict plain shafts on account of [the possible use of] bored ones; here also we should not restrict planed boards on account of [the possible use of] vessels? You are consequently obliged to say that the dispute in the former [Mishnah] is on the question whether a preventive measure against the possible use of an ordinary roofing has been enacted and that the dispute in the latter Mishnah is also on the same question; but why should they dispute the same question twice? — The latter [Mishnah] is what R. Judah said to R. Meir: ‘Why [he said in effect] do you forbid planks?’¹⁹ As a preventive measure against [the possible use of] an ordinary roofing? But it is Beth Shammai only who hold this opinion while Beth Hillel do not enact any preventive measure’.²⁰ To this R. Meir answers that Beth Shammai and Beth Hillel do not dispute this point at all. This is correct according to Rab who says that the dispute²¹ is where the planks are four [handbreadths wide], since in such a case R. Meir holds that a preventive measure [has been enacted] against [the possible use of] an ordinary roofing while R. Judah disregards the preventive measure against all ordinary roofing; but according to Samuel, who says that the dispute²¹ is where the planks are not four [handbreadths wide], but that where they are four handbreadths wide all agree that it²² is invalid, on what principle do they dispute in the latter [Mishnah]?²³ They dispute on [the question of] the annullment of a roof.²⁴ One Master²⁵ holds the opinion that²⁶ by this means it becomes annulled,²⁷ while the other Master²⁸ holds the opinion that by this means it does not become annulled.²⁹

MISHNAH. IF ONE ROOFS HIS SUKKAH WITH IRON SPITS OR THE LONG BOARDS OF A BED,³⁰ AND THE SPACE BETWEEN THEM³¹ EQUALS THEM,³² IT³³ IS VALID. IF HE HOLLOWS OUT A HAYSTACK TO MAKE FOR HIMSELF A SUKKAH, IT IS NO VALID SUKKAH.

GEMARA. Can we say that this³⁴ is a refutation of R. Huna, the son of R. Joshua, since it was stated, If the breach is equal to that which is standing,³⁵ R. Papa says it is permitted,³⁶ and R. Huna the son of R. Joshua says it is forbidden?³⁷ — R. Huna the son of R. Joshua can answer, ‘What is meant by EQUALS THEM? That it can easily pass through them.’³⁸

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- (1) The planks of such a roof were usually no less than four handbreadths wide.
 - (2) If it is desired to use the room as a Sukkah.
 - (3) Being replaced by suitable material.
 - (4) Loosening being of no avail at all.
 - (5) Sc. from invalid materials or as a house and not as a Sukkah.
 - (6) For the express purpose of the Sukkah.
 - (7) Loosen or remove.
 - (8) As a Sukkah.
 - (9) V. supra 12a.
 - (10) By which the solidity of the roof is broken up.
 - (11) So that (a) he performs an act for the express purpose of the Sukkah and (b) he breaks up the solidity of the

roof and there is no need to provide against the possible use of a solid roof for a Sukkah.

(12) R. Meir.

(13) Both agreeing as to the necessity for removing one from between two.

(14) By giving the views of R. Judah and R. Meir.

(15) Mishnah supra 14a.

(16) Less than four handbreadths in width, so that no preventive measure against the possible use of all ordinary roofing was necessary.

(17) Vessels are susceptible to ritual contamination and are, therefore, invalid for a Sukkah-covering. Planed boards are not proper 'vessels' and are not susceptible to ritual uncleanness, but, as they can be used for certain purposes, they are forbidden as a Sukkah-covering lest one regard proper vessels also as permitted.

(18) Supra 12b.

(19) In the Mishnah supra 14a.

(20) An objection thus arises against R. Meir: Why does he adopt the view of Beth Shammai against the more authoritative one of Beth Hillel?

(21) Between R. Meir and R. Judah.

(22) The Sukkah.

(23) Sc. since the planks in an ordinary roof are usually no less than four handbreadths wide why does R. Judah maintain that according to Beth Hillel the Sukkah is nevertheless valid?

(24) Sc. whether what was once a roof can be annulled by removing planks, or by the performance of any other act which indicates that the man is aware that a Sukkah is valid only if it was made for the purpose.

(25) R. Judah.

(26) According to Beth Hillel.

(27) No preventive measure being deemed necessary.

(28) R. Meir.

(29) Even according to Beth Hillel, a preventive measure having been enacted.

(30) Iron spits, since they are metal, and side pieces of a bed since they are 'vessels' are invalid for a Sukkah since they are susceptible to ritual uncleanness.

(31) Which is filled in with a valid Sukkah-covering.

(32) I.e., their thickness.

(33) The Sukkah.

(34) The first ruling in our Mishnah.

(35) This deals with a barrier for the purpose of establishing a private enclosure to carry within it on the Sabbath.

(36) To carry objects within the enclosure.

(37) 'Er. 15b. Now since in the circumstances mentioned a partition is invalid in the case of the Sabbath why is the roof valid in that of Sukkah?

(38) Sc. between the spits or boards, so that the space between, which will be covered with suitable materials, is slightly wider.

Talmud - Mas. Sukkah 15b

But is it not possible to measure them exactly'?¹ — R. Ammi answered, This is a case where he makes it larger.² Raba said, one can even say that he does not make it larger, but if they³ were placed as the web, he places [the valid covering] as the woof; if as the woof, he places them as the web.⁴ OR THE LONG BOARDS OF A BED. Can we say that this⁵ confirms [a statement of] R. Ammi b. Tabyomi, for R. Ammi b. Tabyomi said, If he covered the Sukkah with discarded⁶

vessels it is invalid? — [No,] as R. Hanan said elsewhere in the name of Rabbi, ‘With the long board and two legs, or with the short board⁷ and two legs’,⁸ so here also it may refer to the long board and two legs, or the short board and two legs.⁹ Where was this statement of R. Hanan in the name of Rabbi stated? — In connection with what we have learnt:

- (1) The questioner assumed that the previous answer meant that the phrase EQUALS THEM denotes a space between boards and the like which is usually larger than the objects between which it intervenes.
- (2) I.e., the Mishnah actually referred only to a case where one did make it larger.
- (3) The boards or the spits.
- (4) I.e., the valid covering is placed crosswise to the invalid, and, therefore, always exceeds it in volume.
- (5) The prohibition to use boards that can no longer be regarded as ‘vessels’ on account of having once formed a part of a ‘vessel’.
- (6) Lit., ‘worn out’.
- (7) The short boards are at the head and foot of the bed, the long at the sides. V. Kelim XVIII, 5.
- (8) It will be explained infra why these may be regarded as vessels and what purpose they can serve.
- (9) Which may be regarded as a proper vessel.

Talmud - Mas. Sukkah 16a

A bed can become unclean [only] when it is assembled¹ and be rendered clean only when it is assembled, these are the words of R. Eliezer, but the Sages say, it can become unclean when it is in parts and become clean when in parts.² What are [these parts]? — R. Hanan said in the name of Rabbi, The long board and two legs or the short board and two legs. For what is it³ fit?⁴ — For placing against a wall and sitting upon it, and for tying it with ropes.⁵

[Reverting to] the main text: ‘R. Ammi b. Tabyomi said, If he covered with discarded vessels it is invalid’. What are discarded vessels? — Abaye said, Small strips of cloth less than three [handbreadths] square which are unfit to be used either by rich or by poor. It has been taught in agreement with R. Ammi b. Tabyomi: In the case of a matting of rushes or straw, the remnants thereof, even if diminished,⁶ may not be used for a Sukkah-covering;⁷ in that of a mat of reeds, a large one⁸ may be used for a Sukkah-covering, a small one⁹ may not be used for a Sukkah-covering.¹⁰ R. Eliezer said, The former also is susceptible to [ritual] uncleanness¹¹ and may not be used as a Sukkah-covering.¹²

IF HE HOLLOWS OUT A HAYSTACK. R. Huna said, This only refers to where there is not a hollow of one handbreadth [in height] extending to seven [handbreadths square],¹³ but if there is a hollow of one handbreadth extending to seven, it is a [valid]¹⁴ Sukkah. So it has also been taught; If he hollows out a haystack to make for himself a Sukkah, it is a [valid] Sukkah. But have we not learnt, IT IS NO SUKKAH? Deduce, therefore, therefrom [that the explanation is] according to R. Huna. This is conclusive.

Some put it¹⁵ in the form of a contradiction. We have learnt: IF HE HOLLOWS OUT A HAYSTACK TO MAKE FOR HIMSELF A SUKKAH, IT IS NO SUKKAH. But has it not been taught that it is [a valid] Sukkah? — R. Huna answered, There is no difficulty. The latter refers to where there is a hollow of a handbreadth extending to seven [handbreadths]¹³ while the former

refers to where there is no hollow of a handbreadth extending to seven [handbreadths].

MISHNAH. IF ONE SUSPENDS THE WALLS¹⁶ FROM ABOVE DOWNWARDS,¹⁷ IF THEY¹⁸ ARE HIGHER THAN THREE HANDBREADTHS FROM THE GROUND, IT IS INVALID. IF HE RAISES THEM FROM THE BOTTOM UPWARDS, IF THEY BE TEN HANDBREADTHS HIGH, IT IS VALID.¹⁹ R. JOSE SAYS, JUST AS FROM THE BOTTOM UPWARDS A HEIGHT OF TEN HANDBREADTHS SUFFICES SO FROM THE TOP DOWNWARDS DOES A HEIGHT OF TEN HANDBREADTHS [SUFFICE].

GEMARA. On what principle do they²⁰ differ? — One Master²¹ holds the opinion that a hanging partition²² renders [the Sukkah] valid, and the other Master²³ holds the opinion that a hanging partition does not render it valid.²⁴

We have learnt elsewhere, If there be a cistern between two courtyards,²⁵ they²⁶ may not take water therefrom on the Sabbath,²⁷ unless a partition ten handbreadths high be made either from above, or from below,²⁸ within²⁹ its rim.³⁰ R. Simeon b. Gamaliel says,

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- (1) When all its parts are joined together.
 - (2) Kelim XVIII, 9.
 - (3) The long or short board with the legs.
 - (4) That it should in consequence have the status of a 'vessel'.
 - (5) To form a couch (v. Rashi). [Aliter: and to sit upon it for twisting ropes. Cf. Aruch; MS.M. omits 'and sitting upon it', which Rashi also did not seem to read.]
 - (6) From the minimum required to make them susceptible to uncleanness, i.e., six handbreadths square, v. Kel. XXVII, 2.
 - (7) Since in origin they constituted a vessel.
 - (8) Which cannot be regarded as a 'vessel' since it is usually used as a covering.
 - (9) Which may be regarded as a vessel.
 - (10) On account of its susceptibility to ritual uncleanness.
 - (11) In his opinion a large one also is used as a rule for sitting purposes and must, therefore, be regarded as a vessel.
 - (12) V. infra Mishnah I, 11.
 - (13) The minimum size of a Sukkah.
 - (14) [The reason for invalidating a Sukkah which has been hollowed out of the haystack is as stated supra 12a "thou shalt make" which implies but not from that which has been made'. This reservation it is to be noted applies only to the Sukkah-covering but not to the walls. Now, if in piling up the haystack there was left a space below of the mentioned dimensions, the top of the haystack can be said to have been constructed in the very first instance to provide a covering (for the space below) and as such is valid for the Sukkah which has been hollowed out. Where, however, there was no such space left in the first instance, the covering which the top of the haystack provides comes into existence only as the automatic result of the hollowing out and consequently is invalid for the Sukkah; so Rashi. For another interpretation v. R. Han.]
 - (15) R. Huna's explanation.
 - (16) Of a Sukkah.
 - (17) This refers, of course, to walls woven from reeds, branches or textile.
 - (18) Sc. their lower ends.

- (19) Even though they do not reach the roof.
- (20) R. Jose and the first Tanna in our Mishnah.
- (21) R. Jose.
- (22) If it is ten handbreadths high.
- (23) The first Tanna.
- (24) When its lower end, however, is within three handbreadths from the ground it is no longer regarded as a hanging partition but as one resting on the ground.
- (25) Between which there was no 'erub (v. Glos.), and one half of the cistern was in one courtyard while the other half was in the other courtyard, and the partition between the courtyards was suspended above the cistern.
- (26) The tenants of either courtyard.
- (27) Since each group of tenants would thereby be carrying the water of the other group from the latter's domain into their own.
- (28) Near the water.
- (29) Cf. Rashi. Lit., 'or within', referring to 'from above'.
- (30) This is a special relaxation of the law of partitions in the case of water. Where the suspended partition, however, is without the rim, as is the case with the wall between the courtyards, since it was not especially made for the water, it cannot be regarded as valid.

Talmud - Mas. Sukkah 16b

Beth Shammai say, [The partition may be suspended] from above, and Beth Hillel say, Only from below. R. Judah said, A partition¹ should not be [subjected to] greater [restrictions] than the wall between them.² Rabbah b. Bar Hana said in the name of R. Johanan, R. Judah spoke according to the view of R. Jose³ who said that a hanging partition validates. But in fact it is not so! Neither does R. Judah hold the opinion of R. Jose,⁴ nor does R. Jose hold the opinion of R. Judah.⁵ 'R. Judah does not hold the opinion of R. Jose', for R. Judah speaks only there with regard to the 'erub of courtyards,⁶ which is a Rabbinical injunction, but here, with regard to the Sukkah which is a Pentateuchal commandment, he does not [say so]. 'Nor does R. Jose hold the opinion of R. Judah,' for R. Jose speaks only here with regard to the Sukkah which is merely a positive commandment⁷ but with regard to the Sabbath, the interdiction of which involves stoning, he does not say so.⁸ And if you will retort⁹ with regard to the incident which occurred at Sepphoris,¹⁰ on whose authority was it done?¹¹ Not on the authority of R. Jose,¹² but on that of R. Ishmael son of R. Jose.¹³ What was this incident? — [That concerning which] when R. Dimi came¹⁴ he related that on a certain occasion they forgot to bring a Scroll of the Law¹⁵ on the eve of the Sabbath. On the morrow, they stretched sheets over the pillars¹⁶ and¹⁷ brought the Scroll of the Law and read therein. Can it mean that they [really] spread them out? Whence then did they bring them on the Sabbath?¹⁸ — Rather they found sheets [already] spread over the pillars, and therefore they brought the Scroll of the Law and read therein. R. Hisda stated in the name of Abimi, A matting slightly more than four handbreadths [wide] is permitted as a Sukkah wall.¹⁹ How does one place it? — One suspends it in the middle less than three [handbreadths] from the ground and less than three from the top,²⁰ and whatever [space] is less than three handbreadths is treated as labud.²¹ But is not this obvious? — One might have said that we apply the law of labud once, but we do not apply labud twice [to the same wall], therefore he informed us of this. It was objected: A matting slightly more than seven [handbreadths] is permitted as a Sukkah wall!²² — With reference to what was this taught? With reference to a large Sukkah,²³ and what does it inform

us?²⁴ That walls may be suspended from above downwards in agreement with R. Jose.²⁵

R. Ammi said, A board which is slightly more than four [handbreadths] wide²⁶ is²⁷ permitted for a Sukkah wall when he places it less than three [handbreadths] from the termination of the adjacent wall, since a space less than three [handbreadths] is²⁸ treated as labud.²⁹ What does he inform us? — He informs us this: That the minimum extent of a small Sukkah is seven [handbreadths].

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- (1) Within the cistern.
 - (2) The two courtyards, 'Er. 86b. I.e. the wall alone, though suspended above the cistern, is a valid partition in respect of the movement of objects on the Sabbath.
 - (3) Of our Mishnah.
 - (4) That a suspended partition is valid in a Sukkah.
 - (5) That a suspended partition is valid on the Sabbath in the case of the cistern.
 - (6) V. supra 3b.
 - (7) The punishment for which transgression is comparatively mild.
 - (8) Even in the case of a Rabbinical injunction.
 - (9) Since R. Jose does not agree with R. Judah in the case of Sabbath.
 - (10) V. infra, where a suspended partition was treated as valid in the case of Sabbath.
 - (11) Seeing that R. Jose who was the rector of the academy of Sepphoris (v. Sanh. 32b) did not agree with such a view.
 - (12) Who at that time was no longer alive.
 - (13) His son.
 - (14) From Palestine to Babylon.
 - (15) The Scroll was in one of the houses of the courtyard where stood the Synagogue. As there was no 'erub prepared it was forbidden to carry from the house to the Synagogue on the Sabbath, and they, therefore, adopted the following device.
 - (16) That were situated between the house and the Synagogue.
 - (17) Having thus formed a sort of private domain.
 - (18) When the carrying of objects is forbidden.
 - (19) If it is as long as the required wall.
 - (20) The Sukkah referred to is one that is exactly ten handbreadths high, and the placing of a matting slightly more than four in the middle leaves a space of less than three on either side.
 - (21) V. supra 6b, and Glos.
 - (22) Since it prescribes the minimum of seven handbreadths, it follows that only one labud is permitted.
 - (23) I.e., one more than ten handbreadths in height which precludes the assumption of more than one labud. All that can be done is to suspend the mat at a distance of less than three handbreadths from the roof so that its size (being slightly more than seven handbreadths) combines with the space between it and the roof (which is somewhat less than three handbreadths) to constitute (by the rule of labud) a suspended wall of ten handbreadths in height.
 - (24) Sc. is it not obvious that a ten handbreadths high wall is valid?
 - (25) Supra.
 - (26) And is ten handbreadths high.
 - (27) Placed vertically.
 - (28) By the rule of labud.

(29) And thus a wall of the prescribed minimum length of seven handbreadths is obtained.

Talmud - Mas. Sukkah 17a

MISHNAH. IF ONE REMOVED THE SUKKAH-COVERING THREE HANDBREADTHS¹ FROM THE WALLS, IT IS INVALID.² IF [THE ROOF OF] A HOUSE IS BREACHED,³ AND HE PLACED A SUKKAH-COVERING OVER IT, IF THERE IS A DISTANCE OF FOUR CUBITS FROM THE WALL TO THE COVERING, IT IS INVALID.⁴ SIMILARLY IN THE CASE OF A COURTYARD WHICH IS SURROUNDED BY AN EXEDRA.⁵ IF [THE COVERING OF] A LARGE SUKKAH WAS SURROUNDED WITH A MATERIAL WHICH IS INVALID FOR A SUKKAH-COVERING, IF THERE IS A SPACE OF FOUR CUBITS⁶ BENEATH IT, IT IS INVALID.⁷

GEMARA. Why are all these [rulings]⁸ needed? — It is necessary [to state them all]. For if he⁹ had only informed us of [the roof of] a house which is breached, [one would have said that the validity¹⁰ applied to this case only] because the partitions are made for the house,¹¹ but in the case of a courtyard which is surrounded by an exedra, where the partitions are not made for the exedra it does not apply;¹² and if he had informed us of those two,¹³ [one would have said that the validity¹⁰ applied to these cases only] because their covering might be a valid covering,¹⁴ but in the case of a large Sukkah which is surrounded with a material which is invalid for a Sukkah-covering, since the very material of the covering is invalid, it does not apply, [therefore it is] necessary [to mention all].

Rabbah stated, I found the Rabbis of the College of Rab sitting and saying,¹⁵ ‘An air space invalidates¹⁶ if it is three [handbreadths wide]; an invalid covering invalidates¹⁶ if it is four [handbreadths wide]’, and I said to them, Whence do you know that an air space of three [handbreadths] invalidates? [Presumably] because we learned: IF THE SUKKAH-COVERING IS THREE HANDBREADTHS DISTANT FROM THE WALLS, IT IS INVALID. [But if so,] invalid Sukkah-covering too should not invalidate¹⁶ unless it extends to four cubits, since we have learnt: IF [THE ROOF OF] A HOUSE IS BREACHED AND HE PLACED A SUKKAH-COVERING OVER IT, IF THERE IS A DISTANCE OF FOUR CUBITS FROM THE WALL TO THE COVERING, IT IS INVALID. And they said to me, This is no evidence¹⁷ since Rab and Samuel both say that¹⁸ the reason of its validity is because [the roof is regarded as the continuation] of a ‘curved wall’;¹⁹ and I said to them, What [would the law be] if the invalid Sukkah-covering were less than four [handbreadths], with an air space²⁰ of less than three [handbreadths]? [Surely] it would be valid.²¹ And what if he filled in this space with spits?²² [Surely] it would be invalid.²³ Now should not an air-space which invalidates with three [handbreadths]²⁴ be treated like invalid covering which only invalidates with four?²⁵ And they answered me, ‘If so, then even according to you, who say that invalid covering invalidates only if there are four cubits, how [would it be] if there was invalid covering of less than four cubits, and [next to it] an air space of less than three handbreadths? [Surely] it would be valid. And if he filled in this space with spits? [Surely] it would be invalid. Now [can it not similarly be argued] should not an air space which invalidates with three [handbreadths] be like the Sukkah-covering which invalidates [only] if there are four cubits?’ And I answered them, ‘How can you compare the two cases? It is well according to me who say four cubits,

Talmud - Mas. Ta'anith 2a

CHAPTER I

MISHNAH. WHEN DO WE [BEGIN TO] MAKE MENTION OF THE POWER OF RAIN?¹ R. ELIEZER SAYS: ON THE FIRST DAY OF THE FEAST.² R. JOSHUA SAYS: ON THE LAST DAY OF THE FEAST. R. JOSHUA SAID TO HIM: SEEING THAT RAIN ON THE FEAST IS A SIGN OF [GOD'S] ANGER³ WHY MAKE MENTION OF IT? THEREUPON R. ELIEZER SAID TO HIM: I ALSO DID NOT SAY TO PRAY⁴ BUT TO MAKE MENTION [IN THE WORD] 'HE CAUSETH THE WIND TO BLOW AND THE RAIN TO FALL'⁵ -IN ITS DUE SEASON. HE [R. JOSHUA] REPLIED TO HIM: IF THAT IS SO ONE SHOULD AT ALL TIMES MAKE MENTION OF IT.

WE PRAY FOR RAIN ONLY CLOSE TO THE RAINY SEASON. R. JUDAH SAYS: THE LAST TO STEP BEFORE THE ARK⁶ ON THE LAST DAY OF THE FEAST MAKES MENTION, THE FIRST DOES NOT; ON THE FIRST DAY OF PASSOVER THE FIRST MAKES MENTION, THE LAST DOES NOT.

GEMARA. What has the Tanna [in mind] when he teaches WHEN etc.?⁷ -The Tanna refers to [a Mishnah] elsewhere which teaches: We make mention of the Power of Rain in the [benediction of] the Revival of the Dead,⁸ and we pray for [rain] in the Benediction of the Years⁹ and [we insert] the Habdulah¹⁰ in [the benediction] 'Thou favourest man with knowledge'.¹¹ [With that passage in mind] the Tanna now teaches: When do we [begin] to make mention of the Power of Rain? Would it not have been more appropriate to teach it there, why did he leave it until now? — [Say] rather, because the Tanna had just completed [learning the Tractate] Rosh Hashanah¹² where we have learnt: And on the Feast [the world] is judged through water. And, [as there] he taught: 'And on the Feast [the world] is judged through water,' therefore there he teaches: When do we [begin] to make mention of the Power of Rain. But let him teach: When do we [begin] to make mention of Rain: why, the Power of Rain?-R. Johanan said: Because Rain comes down by the Power [of God], as it is said, Who doeth great things und unsearchable, marvellous things without number.¹³ And it is [further] written, Who giveth rain upon the earth, and sendeth waters upon the fields.¹⁴ Where [in these verses is this idea] implied? — Rabbah b. Shila replied: It is derived from the analogous use of the word heker in verses treating of Creation. Here it is written, 'Who doeth great things and unsearchable'. And there it is written, 'Hast thou not known? hast thou not heard that the everlasting God, The Lord, the Creator of the ends of the earth, fainteth not, neither is weary? His discernment is past searching out.'¹⁵ And [of Creation] it is [also] written, Who by Thy strength settest fast the mountains, Who art girded about with might.¹⁶ Whence do we know that mention of

Rain is to be made in the Prayer?¹⁷ - It has been taught: To love the Lord your God and to serve Him with all your heart.¹⁸ What is Service of Heart? You must needs say, Prayer. And the verse following reads, That I will give the rain of your land in its season, the former rain and the latter rain.¹⁹

R. Johanan said: Three keys the Holy One blessed be He has retained in His own hands and not entrusted to the hand of any messenger, namely, the Key of Rain, the Key of Childbirth, and the Key of the Revival of the Dead. The Key of Rain, for It is written, The Lord will open unto thee His good treasure, the heaven to give the rain of thy land in its season,²⁰ The Key of Childbirth, for it is written, And God remembered Rachel, and God hearkened

(1) The term 'power of Rain' is applied to the phrase 'He causeth the wind to blow and the rain to fall' inserted in the second benediction of the prayer known as 'the Eighteen Benedictions' — The Tefillah (v. Glos.) On the expression POWER OF RAIN v. infra.

(2) The Feast, **dj V**, the name by which the festival of Tabernacles is referred to in Mishnah and Talmud. Cf. I Kings VIII, 2, 65; Neh. VIII, 14, 15.

(3) Lit., curse, v. Suk. 28b.

(4) I.e., to insert in the ninth benediction the words, 'Give dew and rain for a blessing upon the face of the earth'.

(5) V. n. 1.

(6) To step before the Ark (tebah), a technical term denoting the recitation of the tefillah or the Amidah by the reader. V. R.H., Sonc. ed. p. 160, n. 9.

(7) What is the Tanna's authority that the power of rain has to be mentioned at all?

(8) The second benediction.

(9) The ninth benediction.

(10) Additional prayer inserted in the fourth benediction in the evening service at the termination of Sabbath and festivals.

(11) Ber. 33a.

(12) The order of the tractates of the Mishnah mentioned here is the same as given by the Gaon Sherira of Pumbeditha (968 C.E.) in the letter addressed by him to the community of Kairwan. (V. Neubauer Med. Jew. Chronicles, p. 13). The same sequence is given by Maimonides in the Introduction to his Commentary on the Mishnah.

(13) Job V, 9-10. The Gemara cites IX, 10, but the commentators substitute for it V, 9 which makes the sequence of ideas clearer.

(14) V. supra n. 5.

(15) Isa. XL, 28.

(16) Ps. LXV, 7. Rabbah b. Shilah infers from the analogous use of the word **rej**, in Job (where it speaks of rain) and Isaiah (where it refers to Creation) that just as God displayed 'Power' at Creation so too 'Power is a concomitant of rain. Hence the expression, POWER OF RAIN.

(17) The Tefillah.

(18) Deut. XI, 13.

(19) Ibid. v. 14.

(20) Deut. XXVIII, 12.

Talmud - Mas. Ta'anith 2b

to her, and opened her womb.¹ The Key of the Revival of the Dead, for it is written, And ye shall know that I am the Lord, when I have opened your graves.² In Palestine they said: Also the Key of Sustenance, for it is said, Thou openest thy hand etc.³ Why does not R. Johanan include also this [key]? — Because in his view sustenance is [included in] Rain.⁴

R. ELIEZER SAYS: ON THE FIRST DAY OF THE FEAST etc. The question was asked, Whence did R. Eliezer derive this? Did he learn it from Lulab⁵ or from the Libation of Water?⁶ If he learnt it from Lulab, then just as the obligation of the use of the Lulab comes into force on the [first] day of Tabernacles, so too should we begin to make mention of rain on that day. Or perhaps he learnt it from Libation. [If so, then] just as Water Libation may be [carried out] on the evening [preceding the first day] — (for a Master [interpreting the verse], And the meal-offering thereof and their drink-offerings,⁷ said, Even by night)-so too should one begin to make mention of rain on that evening!⁸ — Come and hear: R. Abbahu said: R. Eliezer deduced it from Lulab only. Some there are who say: R. Abbahu had a tradition. Whilst others say: He based it on a Baraitha. Which is the Baraitha? — It has been taught: ‘When do we [begin to] make mention of Rain? R. Eliezer says: From the time of the taking up of the Lulab; R. Joshua says, From the time when the Lulab is discarded.⁹ Said R. Eliezer: Seeing that these Four Species are intended only to make intercession for water,¹⁰ therefore as these cannot [grow] without water so the world [too] cannot exist without water. R. Joshua said to him: Is not rain on the Feast a sure sign of [God's] anger? R. Eliezer replied: I too did not say to pray but to make mention. And just as one makes mention of the Revival of the Dead all the year round¹¹ although it will take place only in its proper time, so too should mention be made of the Power of Rain all the year round although it comes only in its due season. Therefore if one desires to make mention all the year round he may do so. Rabbi says: I hold the view that when one ceases to pray [for rain]¹² one should also no longer make mention of it. R. Judah b. Bathyra says: On the second day of the Feast one [begins] to make mention. R. Akiba says: On the sixth day of the Feast. R. Judah says in the name of R. Joshua: The last to step before the Ark on the last day of the Feast makes mention, the first does not; on the first day of Passover the first makes mention, the last does not. Did not then R. Eliezer reply well to R. Joshua?- R. Joshua can answer you: It is quite in order to make mention of the Revival of the Dead [all the year round], since any day may be its time, but is rain reasonable at all times? Have we not learnt: Should Nisan terminate and then rain fall it is a sign of [God's] anger, for it is said, Is it not wheat harvest to-day etc.?’¹³

‘R. Judah b. Bathyra says: on the second day of the Feast one [begins] to make mention’. What is R. Judah b. Bathyra's reason? — It has been taught: R. Judah b. Bathyra says, Of the second day of the Feast, Scripture Says, we-niskehem,¹⁴ [‘and their drink-offerings’] and of the sixth day, u-nesakeah¹⁵ [‘and its drink-offerings’] and of the seventh day, kemishpatam¹⁶ [according to their rule]. Note [the letters] Mem, Yod, Mem which form the word mayim [‘water’].¹⁷ Here you have the biblical allusion to the Libation of Water. And what makes him [R. Judah b. Bathyra] fix it on the second day? — Because [the first of the allusions to the Water Libation] is found in connection [with the order for] the second day. Hence why we should [begin] to make mention on the second day. R. Akiba says: On the sixth day of the Feast one [begins] to make mention, for of the sixth day Scripture says, And its drink-offerings.¹⁸ Scripture thus speaks of two libations,¹⁹ the Libation of Water and the Libation of Wine. Perhaps both Libations must be of wine? — He [R. Akiba] is of the same opinion as R. Judah b. Bathyra who said, There is an allusion to water.²⁰

(1) Gen. XXX, 22. R. Joshua stresses the connection between **j , pn** key (lit., opener’) and the verb **j , p** to open, in the verses cited.

(2) Ezek. XXXVII, 13.

(3) Ps. CXLV, 16.

- (4) Since it comes through rain.
- (5) The Palm-branch. Term applied to the Four Plants used in the service on Tabernacles. Cf. Lev. XXIII, 40.
- (6) [The vessel for the Water Libation was filled the preceding evening, v. Suk. 51 b. Aliter: The drink-offerings of wine brought in conjunction with animal sacrifices could be offered on the evening following the animal sacrifice, v. p. 4, n.1.]
- (7) Num. XXIX, 18.
- (8) [On this first interpretation of Rashi this verse is irrelevant and is to be omitted, v. Rashi. On the second interpretation the argument will run as follows: Should R. Eliezer deduce his opinion from the Water Libation, the mention of rain would have to be mentioned in the evening, seeing that the evening is a time at which drink-offerings (of wine) may be offered. Once, however, it is granted that the mention of rain starts on the evening, it will have to be the preceding, so as to be on the same day as the Water Libation (the night always being counted with the following day). V. Tosaf, s.v. **thgcht**. On this interpretation the text should read as 'Libation (not 'Water Libation') may be on the evening', v. Me'iri a.I. where also other interpretations of this difficult passage are given.]
- (9) On the seventh day of the Feast.
- (10) V. Suk. 37b.
- (11) In the second benediction.
- (12) On the first day of Passover.
- (13) I Sam. XII, 17.
- (14) Num. XXIX, 18.
- (15) Ibid. 31.
- (16) Ibid. 33.
- (17) The **n** of **ovhfxb**, the **h** of **vhfxb**, and the **n** of **oypanf** taken, together spell the word, **ohn** water.
- (18) The plural form implies (at least) two drink-offerings. [It is taken to refer to the festival, in contradistinction to the phrase, 'their drink-offering' mentioned in the sixth day where 'their' has reference to the sacrifices.]
- (19) On the Festival of Tabernacles.
- (20) I.e., he accepts the allusion supplied by the letters Mem, Yod, Mem.

Talmud - Mas. Ta'anith 3a

If he accepts the view of R. Judah b. Bathyra let him also agree with him [that one begins to make mention on the second day of the Feast]? — R. Akiba holds the view that the additional Libation occurs in the text¹ on the sixth day.

It has been taught: R. Nathan says, In the holy place shalt thou pour out a drink-offering of strong drink unto the Lord.² Scripture [here] speaks of two Libations, the Libation of Water and the Libation of Wine.³ Perhaps both are of wine?— If it were so, he should have said, either hassek hassek or nasok nesek. What is the force [of the words] hassek nesek? — From this is to be inferred, that one points to the Libation of Water, and the other to the Libation of Wine.⁴

Who is the authority for that which we have learnt, The Libation of Water [is performed] throughout the seven days [of the Feast]? Is it R. Joshua? He would have stated on one day only!⁵ Is it R. Akiba? According to him it is performed on two days!⁶ Is it R. Judah b. Bathyra? According to him it is performed on six days?⁷ — I can still say, It is R. Judah b. Bathyra and he

will hold the same opinion as R. Judah of the following Mishnah. For we have learnt: R. Judah says, A vessel of a log⁸ capacity was used for Libation throughout the eight days [of the Feast]; but he [R. Judah b. Bathyra] excludes the first day and includes the eighth day.⁹ Why does he exclude the first day? Is it because the [first of the] biblical allusions to water [is to be found] on the second day? Then the eighth day too should be excluded seeing that the last [of the] allusions to water is on the seventh day! — It must then be R. Joshua, and as for the Libation of Water being performed throughout the seven days [of the Feast] this is founded on a tradition;¹⁰ for R. Ami said in the name of R. Johanan, in the name of R. Nehunia a native¹¹ of the Plain of Beth-Hawartan,¹² the laws concerning the Ten Young Trees,¹³ the Willow of the Brook,¹⁴ and the Libation of Water are laws [communicated] to Moses from Sinai.¹⁵

‘R. Judah in the name of R. Joshua says: The last to step before the Ark on the last day of the Feast makes mention [of rain], the first does not; on the first day of Passover the first makes mention, the last does not. Which R. Joshua? Is it R. Joshua of our Mishnah? Surely he said, ON THE LAST DAY OF THE FEAST ONE MAKES MENTION? Or, is it R. Joshua of the Baraitha? Surely he said: From the day that the Lulab is discarded? And further, when it is taught: R. Judah says in the name of Ben Bathyra: The last to step before the Ark on the last day of the Feast makes mention. Which Ben Bathyra [is meant]? Is it R. Judah b. Bathyra? Surely he said: On the second day of the Feast one makes mention? — R. Nathan bar Isaac replied: [In both passages cited] it is R. Joshua b. Bathyra. Sometimes he is called by his own name and some times he is referred to by his father's name; by the one before his ordination, and by the other after his ordination.

It has been taught: The Sages did not make it obligatory on one to make mention of dew and winds, but if one desires to make mention he may do so. What is the reason? — R. Hanina said: Because they are never withheld. And how do we know that dew is never withheld? — For it is written, And Elijah the Tishbite, who was of the settlers of Gilead, said to Ahab: As the Lord the God of Israel liveth, before whom I stand, there shall not be dew nor rain these years but according to my word.¹⁶ And it is written further, Go, show thyself unto Ahab, and I will send rain upon the land.¹⁷ Of dew, however, Scripture does not speak. Why?

(1) Lit., ‘written’.

(2) Num. XXVIII, 7.

(3) On the Festival of Tabernacles.

(4) The two different word formations of the root, **lxb** seem to point to two kinds of libation.

(5) On the seventh day, since R. Joshua says: We begin to make mention from the time when the Lulab is discarded. [The question is not quite clear. Rashi did not seem to have this passage which is also omitted by MS.M.]

(6) On the sixth and seventh day. Cf. 2b.

(7) From the second until the seventh inclusive.

(8) A liquid measure equal to the contents of six eggs.

(9) [I.e., whilst R. Judah b. Bathyra agreed with R. Judah that the Water Libation continued to the eighth day, he differs in so far that he holds that the rite began only with the second day, so that it lasted only seven days.]

(10) [Var. lec. omit R. Joshua and read, ‘It must then be that as for the libation of water being performed etc.’ On this reading all authorities agree that the rite is performed for seven days, the difference between them being only

as to where the allusion is to be found, v. D.S. a.l.]

(11) Lit., 'a man of'.

(12) Perhaps Beth Hawran, east of the Jordan. V. Neubauer, *Geog. du Talmud*, p. 50.

(13) All work in a tree-planted field had to be discontinued thirty days before the end of the sixth year of the Sabbatical cycle; but where ten saplings are spread over an area of fifty square cubits they may be cultivated right until the end of the sixth year. V. Sheb. 1, 6.

(14) The use of the Willow in the daily processions around the altar during the festival of Tabernacles. V. Suk. IV, 5-6.

(15) A phrase often denoting a law which has no scriptural basis and the origin of which is no longer known. V. Moore, *Judaism I*, 256.

(16) I Kings XVII, 1.

(17) I Kings XVIII, 1.

Talmud - Mas. Ta'anith 3b

Because it is never withheld. But if it is never withheld, why did Elijah take an oath on it? — This is what he conveyed to him [Ahab]. The dew of blessing also would not fall. Then the dew of blessing should also have been restored? — Because the difference would not have been discernable. How do we know that winds are not withheld? R. Joshua b. Levi said: Scripture says, For I have spread you abroad as the four winds of heaven, saith the Lord.¹ What does the prophet desire to convey? Shall we say that the Holy One, blessed be He, spoke thus to Israel, 'I have scattered you to the four corners of the world'. If so, Scripture should have said not 'as the four' but 'to the four'. But this is what he meant: 'As the world cannot endure without winds, so too the world cannot exist without Israel'. R. Hanina said: Therefore, if in the summer one inserted [in the Tefillah the words], 'He causeth the wind to blow', he is not compelled to repeat [the Tefillah]; if, however, he said, 'He causeth the rain to fall', he is compelled to repeat [it]. Similarly, if in winter one did not insert, 'He causeth the wind to blow', he is not compelled to repeat; if, however, he did not say, 'He causeth the rain to fall', he is compelled to repeat. And furthermore, even if he said, 'He causeth the wind to pass and the dew to disappear',² he is not compelled to repeat.

A Tanna taught: The Sages did not make it obligatory to make mention of clouds and winds, but if one desires to make mention he may do so. What is the reason? Is it because they are never withheld? But are they never withheld? Did not R. Joseph learn, 'And He will shut up the heaven,³ means, in respect of clouds and winds. You say that this verse is in respect of clouds and winds, perhaps it is not so but means in respect of rain? When Scripture adds, So that there shall be no rain, rain is thus already referred to. What then is the force of [the words], And He will shut up the heaven? [It must mean] in respect of clouds and winds'. There will then be a contradiction between 'winds and winds' and between 'clouds and clouds'? — There is really no contradiction between clouds and clouds'. In the one case [the reference is] to early clouds⁴ and in the other to late clouds.⁵ Between winds and winds' too there is no contradiction; in the one case they are normal winds and in the other extraordinary winds.⁶ But are not extraordinary winds suitable for⁷ [winnowing] in the barn? — This can be done with sieves [independently of the wind].

A Tanna taught: The clouds and the winds are secondary to rain.⁸ Which are they? 'Ulla said,

or as some say, R.⁹ Judah said: Those that come after the rain. Can we then say that these are beneficial? Is it not written, The Lord will make the rain of thy land powder and dust,¹⁰ and on this ‘Ulla, or as some say, R. Judah commented, [This refers to] the wind following the rain?’¹¹ — There is no contradiction; in the one case [it speaks] of when the rain comes down gently and in the other when it comes down with vehemence.¹² In the latter it throws up dust, and in the former it does not.

Rab Judah further said: Wind after rain is as beneficial as rain, clouds after rain as beneficial as rain, sunshine after rain as beneficial as twofold rain. What does this exclude? — The glow after sunset and sunshine between clouds.

Raba said: Snow is beneficial to the mountains as fivefold rain to the earth, as it is said, For he saith to the snow, ‘Fall thou on the earth’; likewise to the shower of rain and to the showers of His mighty rain.¹³

Raba further said: Snow is beneficial to the mountain, heavy rain to the trees, gentle rain to the fruits of the field,

(1) Zech. II, 10.

(2) Lit., ‘to fly away’.

(3) Deut, XI, 17.

(4) Before the rain. These are never withheld.

(5) After the rain. [Such clouds depend on the rain and are withheld, nevertheless, as clouds as a whole are never withheld, no mention need be made of them.]

(6) [Such are withheld. Since, however, they are not particularly beneficial no mention need be made of them,.

(7) [R. Gershom reads, ‘are necessary’].

(8) I.e., they are almost as beneficial as rain.

(9) [Read with MS.M., Rab Judah.]

(10) Deut. XXVIII, 24.

(11) The wind raises dust which in turn sticks to the damp produce.

(12) [Cur. edd. insert here in brackets, ‘If you wish I can tell you’, but this is best left out.]

(13) Job XXXVII, 6.

Talmud - Mas. Ta'anith 4a

drizzling rain [‘urpila] even to the seeds under a hard clod. What is ‘urpila? ‘Uru pili [‘Wake up ye cracks’].

Raba further said: A young scholar may be likened to the seeds under a hard clod; once he has sprouted he soon shoots forth.

Raba further said: If a young scholar gets into a rage it is because the Torah inflames him, as it is said, Is not my word like a fire? said the Lord.¹

R. Ashi said:² A scholar who is not as hard as iron is no scholar, as it is said, And like a

hammer that breaketh the rock in pieces.³ R. Abba said to R. Ashi: You have learnt this from that verse but we have learnt it from the following verse: A land whose stones are iron.⁴ Do not read, abaneha [stones] but boneha [builders].⁵ Rabina said: Despite this, a man should train himself to be gentle, for it is said, Therefore remove vexation from thy heart, etc.⁶

R. Samuel b. Nahmani said in the name of R. Jonathan: Three [men] made haphazard requests,⁷ two of them were fortunate in the reply they received and one was not, namely, Eliezer, the servant of Abraham; Saul, the son of Kish; and Jephtha the Gileadite. Eliezer, the servant of Abraham, as it is written, So let it come to pass, that the damsel to whom I shall say, 'Let down thy pitcher etc.'⁸ She might have been lame or blind, but he was fortunate in the answer given to him in that Rebecca chanced to meet him. Saul, the son of Kish, as it is written, And it shall be, that the man who killeth him, the king will enrich him with great riches, and will give him his daughter.⁹ [He] might have been a slave or a bastard. He too was fortunate in that it chanced to be David. Jephtha, the Gileadite, as it is written, Then it shall be, that whatsoever cometh forth out of the doors of my house etc.¹⁰ It might have been an unclean thing. He, however, was fortunate in that it so happened that his own daughter came to meet him. This is what the prophet had in mind when he said to Israel, Is there no balm in Gilead? Is there no physician there?' And it is further written, Which I commanded not, nor spake it, neither came it to my mind.¹¹ 'Which I commanded not': This refers to the sacrifice of the son of Mesha, the king of Moab, as it is said, Then he took his eldest son that should have reigned in his stead and offered him for a burnt-offering.¹² 'Nor spake it'; This refers to the daughter of Jephtha.¹³ 'Neither came it to my mind': This refers to the sacrifice of Isaac, the son of Abraham.

R. Berekiah said: The Congregation of Israel also made a thoughtless request, yet God granted that request,¹⁴ as it is said, And let us know, eagerly strive to know the Lord. His going forth is sure as the morning: and He shall come to us as the rain.¹⁵ The Holy One, blessed be He, said to her [Israel]: My daughter, thou askest for something¹⁶ which at times is desirable and at other times is not desirable, but I will be unto thee something which is desirable at all times, as it is said, I will be as dew unto Israel.¹⁷ She further made another thoughtless request. She said before Him,: O God, Set me as a seal upon thy heart,- as a seal upon thine arm.¹⁸ Thereupon the Holy One, blessed be He, replied to her: My daughter, thou askest for something which at times can be seen and at other times cannot be seen. I, however, will make of thee something which can be seen at all times, as it is said, Behold I have graven thee upon the palms of My hands.¹⁹

WE PRAY FOR RAIN ONLY etc. [The scholars] were of the opinion that 'praying' and 'making mention' are one and the same thing. Who is the authority for this?-Raba replied: It is R. Joshua, who said, [We begin to make mention of rain] from the time when the Lulab is discarded —²⁰ Abaye said to him: You can even say, that it is R. Eliezer; 'praying', however, is one thing and 'making mention' is another. Others have the reading:

(1) Jer. XXIII, 29.

(2) [So MSS. cur. edd., And R. Ashi said.]

(3) Ibid.

(4) Deut. VIII, 9.

(5) Cf. Ber. 64a for a similar example of **hre**, **kt**. The scholar as the builder of minds must be adamant and

determined if he is to succeed in his lofty mission.

(6) Eccl. XI, 10.

(7) Lit., 'asked not in a proper manner', two they answered in a proper manner, and one they answered in a non-proper manner.

(8) Gen. XXIV, 14.

(9) I Sam. XVII, 25.

(10) Jud. XI, 31. (11) Jer. VIII, 22. [Was there no remedy for Jephtha? Surely he could have had his

(11) *ibid.* XIX, 5.

(12) II Kings III, 27.

(13) [So MS.M., cur. ed., 'this refers to Jephtha'.]

(14) Cf. *supra* p. 10, n. 7.

(15) Hos. VI, 3.

(16) I.e., rain.

(17) Hos. Xlv, 6.

(18) Cant. VIII, 6.

(19) Isa. XLIX, 16. A seal on the heart and arm is not always visible. Hence the reply of God.

(20) *Supra* 2b. After the seventh day which is close to the rainy season.

Talmud - Mas. Ta'anith 4b

Shall we say it is R. Joshua, who said, From the time when the Lulab is dis-

vow annulled by appealing to Phinehas who was in Gilead for a remission of the vow; cf. Gen. Rab. LX, .] carded? — Raba replied: You can even say that it is R. Eliezer; 'praying', however, is one thing and 'making mention' is another,

R. JUDAH SAYS: THE LAST TO STEP BEFORE THE ARK etc. The following was cited in contradiction to this: Until when do we [continue] to pray for rain? R. Judah says: Until Passover is over; R. Meir says, Until the end of Nisan! — R. Hisda replied: The two statements [of R. Judah] are not contradictory; the one refers to 'praying' and the other to 'making mention'; 'praying'¹ one continues [until] the end of Passover] but 'making mention' is discontinued on the first day [of Passover]. 'Ulla said: This [solution of the contradiction] by R. Hisda is as difficult as vinegar to the teeth, and as smoke for the eyes. If one makes mention of rain at such times when it is not permissible to pray for² [it], how much more so should one make mention of rain when it is permissible to pray for it? — It must be, says 'Ulla, that [there is a dispute] between two Tannaim as to the opinion of R. Judah. R. Joseph said: What is the meaning of, 'Until Passover is over'? Until the first reader on the first day of Passover is over [with his prayers].³ Said Abaye to him: Is there then a place in the Festival [Tefillah] for inserting the prayer for rain? He replied to him: Yes, the Meturgeman⁴ 'prays' — Does then the Meturgeman ever pray for something of which the community has no need? Therefore, the better solution is that of 'Ulla.

Rabbah said: What is the meaning of, 'Until Passover is over'? Until the time limit for the slaughtering of the Paschal offering has passed;⁵ and as at its beginning⁶ so at its end; just as at its beginning one makes mention [of rain] although one has not yet [begun] to pray,⁷ so too at its end he makes mention although he no longer has to pray.⁸ Abaye replied: I can understand that one

should make mention at the beginning, seeing that making mention is a form of propitiation [prefatory to prayer] but as for the end, what place is there for such propitiation? Therefore, the better solution is that of ‘Ulla.

R. Assi said in the name of R. Johanan, The halachah is according to R. Judah. Thereupon R. Zera asked R. Assi: Could then R. Johanan [really] have said so? Have we not learnt: We [begin] to pray for rain on the third of Marcheshvan; Rabban Gamaliel said: On the seventh of the same month — And with reference to this R. Eleazar declared: The halachah is according to Rabban Gamaliel. He [R. Assi] replied to him: You set one authority against another!⁹ Moreover, if you like I will say there is no contradiction; the one [case] speaks of ‘praying’ and the other of ‘making mention’.¹⁰ But did not R. Johanan say: Whenever one prays one should also make mention? That [rule] applies only to the discontinuation [of ‘praying’].¹¹ But did not R. Johanan say: When one begins to make mention one should also [begin] to pray; when one discontinues to pray one should also cease to make mention? — There is really no contradiction; one statement refers to us [Babylonians] and the other to them [Palestinians],¹² Why should we be different? — Is it because we have produce in the field?¹³ They also have Pilgrims?¹⁴ -R. Johanan speaks [of con — ditions] after Temple times.¹⁵ Now that you have arrived at this conclusion [I can say], Both teachings apply equally to them [Palestinians] and there is no contradiction; the one speaks [of conditions] in Temple times and the other [of conditions] after Temple times. But as for us who observe two days [of the festival],¹⁶ what shall our practice be? — Rab says: He begins [to make men-tion] in the Additional Service of the Eighth Day of the Feast, he discontinues in the Afternoon Service and in the Evening Service and in the Morning Service but resumes in the Additional Service of the second day. Samuel said to them [to the scholars]: Go and say to Abba:¹⁷ After you have declared the day holy¹⁸ can you declare it again a weekday?¹⁹ — Therefore Samuel said: He begins [to make mention] in the Additional Service and in the Afternoon Service and discontinues in the Evening Service and in the Morning Service [of the following day], and resumes it in the Additional Service

(1) V. supra p. 1, n. 4.

(2) I.e., in the musaf of the last day of the Feast of Tabernacles, the ‘prayer’ for rain being inserted only in the weekday Tefillah

(3) I.e., the Shaharith Tefillah. (v. Glos.). [MS.M. ‘until the time of the first... is over’].

(4) The translator or interpreter. The function of this official in Talmudic times was to interpret to the audience in the Synagogue in a popular manner and to enlarge upon the theme of the rabbi lecturing. Rashi, feeling that in our passage no such official could be referred to, explains that here the lecturing rabbi and interpreter are one and the same person, he who lectures on the first day of Passover, and that he included in his address a prayer for rain. V. however, the commentary of R. Hananel ad loc.

(5) I.e., noon of the fourteenth of Nisan.

(6) I.e., of the rainy season.

(7) V. supra p. 1, n. 4.

(8) Having ceased to pray on the preceding day in the afternoon service, v. Rashi.

(9) R. Eleazar against R. Johanan.

(10) Which begins on the seventh whereas in regard to mentioning R. Johanan will rule in accordance with R. Judah.

(11) At the end of the rainy season we stop at the same time both the making of mention and the praying for rain;

but at the beginning of the rainy season we commence with the making mention of rain and at a later date we also add the formal prayer for rain.

(12) [In Babylonia the harvest was gathered later than in Palestine and consequently the prayer for rain would also begin later].

(13) And therefore rain was not opportune as long as the harvest had not been gathered in.

(14) And therefore mention of rain should be put off as late as possible to enable the Pilgrims to reach home in comfort before the rains set in. MISHNAH. UNTIL WHEN DO WE PRAY FOR RAIN? R. JUDAH SAYS: UNTIL THE PASSOVER IS OVER. R. MEIR SAYS: UNTIL

(15) When pilgrimages to Jerusalem, no longer took place.

(16) [Because of doubt, In this case whether it is the eighth or seventh day of the Festival of Tabernacles.]

(17) I.e., Rab. His proper name was Abba Arika.

(18) By making mention of rain indicating thereby that it is the eighth day of the Festival.

(19) [By discontinuing it at the afternoon service and then implying that it is still the seventh day which belongs to the half holiday.]

Talmud - Mas. Ta'anith 5a

. Raba said: Once he has begun [to make mention] he should not discontinue. And so said R. Shesheth: Once he has begun he should not discontinue. Rab also retracted his statement. For R. Hananel said in the name of Rab: One counts twenty-one days from New Year¹ and begins to make mention in the same way as one counts Ten Days [of Penitence] from the New Year until the Day of Atonement; and once he has begun he should not discontinue. And the law is, once he has begun he should not discontinue.

THE END OF NISAN, AS IT IS SAID: AND HE CAUSETH TO COME DOWN FOR YOU THE RAIN, THE FORMER RAIN AND THE LATTER RAIN, AT THE FIRST.²

GEMARA. R. Nahman said to R. Isaac: Does then the former rain [fall] in Nisan? The former rain surely [falls] in Marcheshvan. It has been taught: Former rain, [falls] in Marcheshvan and latter rain in Nisan. He replied: Thus said R. Johanan, This verse³ was fulfilled in the days [of the prophet] Joel, the son of Pethuel, That which the palmer-worm hath left hath the locust eaten etc.⁴ In that year, although Adar had passed yet no rain had fallen, and it was not until the first of Nisan that the first rain, came down. Thereupon the prophet said to Israel, 'Go and sow' — They replied, If a man has a kab⁵ of wheat or two kabim of barley, should he eat them and keep himself alive, or sow them and die? He answered: 'Despite this, go and sow' — A miracle happened for them and they discovered whatever [grain] which was hidden [in the chinks of] the walls and in the ant-holes; they proceeded to sow on the second, on the third, and on the fourth and the second rain came down on the fifth of Nisan; on the sixteenth of Nisan they offered the 'Omer;⁶ and thus it so came about that the grain which should take six months to ripen ripened in eleven days.⁷ To that generation was applied the scriptural verses, They that sow in tears shall reap in joy. Though he goeth on his way weeping that beareth the measure of seed etc.⁸ What is the meaning of, 'Though he goeth on his way weeping that beareth the measure etc.'? — Rab Judah said: When the ox is ploughing, on his forward journey he weeps, but on his return journey he eats the young green from the furrows — And this is the force of the words, 'He shall come home with joy' — What is the meaning of, 'Bearing his sheaves'? — R. Hisda said: Others say it was

taught in a Baraitha: The stalk was then one span and the ear two spans.

R. Nahman said to R. Isaac: What is the meaning of the scriptural verse, For the Lord hath called for a famine, and it shall also come upon the land seven years?⁹ What had they to eat during these seven years? — He replied: Thus said R. Johanan, In the first year they ate what was stored up in the houses, in the second what was in the fields, in the third the flesh of clean animals, in the fourth the flesh of unclean animals, in the fifth the flesh of forbidden animals and reptiles, in the sixth the flesh of their sons and daughters and in the seventh the flesh of their own arms and thus the verse of Scripture was fulfilled, They eat every man the flesh of his own arms.¹⁰

Further, R. Nahman said to R. Isaac: What is the meaning of the scriptural verse, The Holy One in the midst of thee and I will not come in to the city?¹¹ [Surely it cannot be that] because the Holy One is in the midst of thee I shall not come into the city! He replied: Thus said R. Johanan: The Holy One, blessed be He, said, 'I will not enter the heavenly Jerusalem until I can enter the earthly Jerusalem'. Is there then a heavenly Jerusalem?—Yes; for it is written, Jerusalem thou art builded as a city that is compact together.¹²

R. Nahman further said to R. Isaac: What is the meaning of the verse, But they are altogether brutish and foolish; the vanities by which they are instructed are but a stock?¹³ — He replied: Thus said R. Johanan, There is one thing that brings about the perdition of the wicked in Gehenna¹⁴ and that is, idolatrous worship. Here it is written, 'The vanities by which they are instructed' and elsewhere [of the idols] it is written, They are a vanity, a work of delusion.¹⁵

R. Nahman further said to R. Isaac: What is the meaning of the verse, For my people have committed two evils?¹⁶ Were they only two? Has he then ignored the fact that they were twenty-four?¹⁷ — He [R. Isaac] replied: There is one [evil]

(1) [I.e., from the first day of New Year to the eighth day of the Festival of Tabernacles. This is despite the general rule that where a Jewish month has two New Moon days, the days of the month are counted from the second day].

(2) Joel II, 23. E.V. 'at first'.

(3) I.e., Joel I, 4.

(4) Joel I, 4.

(5) A measure of capacity equal to one-sixth of a se'ah.

(6) V. Glos.

(7) From the fifth of Nisan to the sixteenth.

(8) Ps. CXXVI, 5-6.

(9) II Kings VIII, 1.

(10) Isa, IX, 19.

(11) Hosea XI, 9- The A.V. renders, I will not come in fury. Cf. Tosaf, s.v. **tk**.

(12) Ps. CXXII, 3. Stressing the word **vrcuj a** R. Johanan adduces from the verse that Jerusalem has a **vrcj** a companion (or prototype) in heaven. Both are said to be situated exactly opposite each other. [The verse in Hosea is thus taken to mean: There is a holy (city) in thy midst (referring to the earthly Jerusalem) and I (i.e., God) will not enter the city (the heavenly Jerusalem)].

(13) Jer. X, 8.

(14) A play upon the word **lrgcū** the root of which (**rgc**) in the Pi'el means, to destroy, to remove. The

wicked, by following the instructions of idols that are but wood, find themselves fooled and are carried off into Gehenna.

(15) Jer. X, 15.

(16) Ibid. II, 13.

(17) [Aliter: 'Has he forgiven them the twenty-four?'] The twenty-four sins enumerated in Ezek. XXII; according to some commentators the sins in transgressing the commandments contained in the twenty-four canonical books of Scripture. [Some take twenty-four as a round number. For other renderings v. Aruchs.v. **rag**].

Talmud - Mas. Ta'anith 5b

which is equal to two, and that is, idolatrous worship, for it is written, For my people have committed two evils: they have forsaken me, the fountain of living waters and hewed them out cisterns, broken cisterns.¹ And further it is written, For pass over to the isles of the Kittites, and see, and send unto Kedar, and consider diligently etc. Hath nation changed its gods, which are yet no gods? But my people hath changed its glory for that which doth not profit.²

A Tanna taught: The Kittites worship fire and the Kedarites water, and although they know that water extinguishes fire they have yet not changed their gods but my people hath changed their God for that which doth not profit.

R. Nahman further said to R. Isaac: What is the meaning of the verse, And it came to pass when Samuel was old.³ Did Samuel ever reach old age? He lived only for fifty-two years. For a Master said: If a man dies in his fifty-second year he is said to have died at the age reached by Samuel, the Ramathite?⁴ — He replied: Thus said R. Johanan: Old age came prematurely upon him, for it is written, It repenteth Me that I have set up Saul to be king.⁵ Samuel complained before Him: Sovereign of the Universe! You have made me equal to Moses and Aaron, for it is written, Moses and Aaron are amongst His priests, and Samuel among them that call upon His name.⁶ As in the case of Moses and Aaron the work of their hands did not come to nought in their lifetime, so too let not the work of my hands come to nought in my lifetime. The Holy One, blessed be He, replied: How shall I act? Shall Saul die? Of this Samuel will not approve. Shall Samuel die young? People will speak ill of him.⁷ Shall neither Saul nor Samuel die? The time has come for David to reign and one reign may not encroach on another even by a hair's breadth. Thereupon the Holy One, blessed be He, said: I will make him prematurely old and this is what is written, Now Saul was sitting in Gibeah, under the Tamarisk tree in Ramah.⁸ How comes Gibeah to Ramah?⁹ This is to teach you that it was the prayer of Samuel the Ramathite that was the cause of Saul's two and a half years'¹⁰ sojourn as king in Gibeah? Should then one man be put aside because of another? — Yes, for R. Samuel b. Nahmani said in the name of R. Jonathan: What is the meaning of the verse, Therefore have I hewed them by the prophets, I have slain them by the words of my mouth?¹¹ Scripture does not say, by their works,' but, 'by the words of my mouth', this proves that one may be put aside because of another.

R. Nahman and R. Isaac were sitting at a meal and R. Nahman said to R. Isaac: Let the Master expound something. He replied: Thus said R. Johanan: One should not converse at meals lest the windpipe acts before the gullet and his life will thereby be endangered. After they ended the meal he added: Thus said R. Johanan: Jacob our patriarch is not dead. He [R. Nahman] objected: Was

it then for nought that he was bewailed and embalmed and buried?—The other replied: I derive this from a scriptural verse, as It is said, Therefore fear thou not, O Jacob, My servant, saith the Lord; neither be dismayed, O Israel,— for, lo, I will save thee from afar and thy seed from the land of their captivity.¹² The verse likens him [Jacob] to his seed [Israel]; as his seed will then be alive so he too will be alive.

R. Isaac said: Whosoever repeats [the name] Rahab, Rahab, becomes immediately subject to an onset of issue.¹³ Thereupon R. Nahman said to him: I have repeated it and was not in any way affected. R. Isaac replied: I speak only of one who knew her intimately (and recalls her likeness).¹⁴ When they were about to part, [R. Nahman] said: Pray Master, bless me. He replied: Let me tell you a parable — To what may this be compared? To a man who was journeying in the desert; he was hungry, weary and thirsty and he lighted upon a tree the fruits of which were sweet, its shade pleasant, and a stream of water flowing beneath it; he ate of its fruits, drank of the water, and rested under its shade. When he was about to continue his journey, he said: Tree, O Tree, with what shall I bless thee? Shall I say to thee, ‘May thy fruits be sweet’? They are sweet already; that thy shade be pleasant? It is already pleasant; that a stream of water may flow beneath thee? Lo, a stream of water flows already beneath thee; therefore [I say], ‘May it be [God’s] will that all the shoots taken from thee

(1) Jer. II, 13.

(2) Ibid. v. 10-11.

(3) I Sam. VIII, 1.

(4) M.K. 28a.

(5) I Sam. XV, 11.

(6) Ps. XCIX, 6.

(7) Saying that he died young on account of his sins.

(8) I Sam. XXII, 6.

(9) Gibeah being in Benjamin while Ramah is in Ephraim.

(10) V. Seder ‘Olam XIII.

(11) Hos. VI, 5.

(12) Jer. XXX, 10.

(13) Cf. Josh. II. According to Meg. 15a, she was a very beautiful woman. The thought of her physical beauty may lead one to harbour impure thoughts.

(14) Lit., ‘her name’. [The words in brackets are bracketed also in the original, and left out in many edd.]

Talmud - Mas. Ta'anith 6a

be like unto thee’. So also with you. With what shall I bless you? With [the knowledge of the Torah?] You already possess [knowledge of the Torah]. With riches? You have riches already. With children? You have children already. Hence [I say], ‘May it be [God’s] will that your offspring be like unto you’.

Our Rabbis have taught: [‘Former rain is termed] ‘yoreh’,¹ because it warns² people to plaster their roofs and to gather in their fruits and to attend to all their needs.³ Another explanation: It saturates⁴ the ground and waters it right down to its depths, as it is said, Watering her ridges

abundantly, settling down the furrows thereof, thou makest her soft with showers; thou blessest the growth thereof.⁵ Another explanation: [It is termed] ‘yoreh’ because it comes down⁶ gently and not heavily. Or perhaps [it is termed] ‘yoreh’ because it causes the fruit to fall⁷ and it washes away the seed, and the trees? The text [therefore] adds ‘malkosh’ [‘latter rain’];⁸ just as latter rain is a blessing, so too is former rain. Or perhaps [it is termed] ‘malkosh,’⁹ because It razes the houses to the ground and it shatters the trees and brings up the crickets? The text [therefore] adds ‘yoreh’; just as former rain is a blessing so too is latter rain. How do we know that ‘yoreh’ itself is a blessing? — For it is written, Be glad then ye children of Zion, and rejoice in the Lord your God; for He giveth you the former rain [moreh] in just measure and He causeth to come down for you the rain, the former rain and the latter rain, at the first.¹⁰

Our Rabbis have taught: Former rain [falls] in Marcheshvan and latter rain in Nisan. You say, Former rain in Marcheshvan and latter rain in Nisan; perhaps it is otherwise, former rain in Tishri and latter rain in Iyar? The text [therefore] adds, in its due season.¹¹ R. Nehilai b. Idi said in the name of Samuel: [‘Latter rain’ is termed] ‘malkosh’ because it is a thing that removes the stiff-neckedness of Israel.¹² The school of R. Ishmael taught: It is something that fills the stalks with grain.¹³ In a Baraitha it has been taught: [It is] something which falls both upon the ears and upon the stalks.¹⁴

Our Rabbis have taught: Former rain [falls] in Marcheshvan and latter rain in Nisan. You say, Former rain in Marcheshvan; perhaps, on Kislev? The text [therefore] adds, ‘in its due season, former rain and latter rain, as latter rain is that which comes in due season (since should Nisan pass and no rain fall, it is not a sign of blessing)¹⁵ so too former is that which comes in due season.

Another [Baraitha] teaches: Former rain [falls] in Marcheshvan and latter rain in Nisan; this is the opinion of R. Meir; but the Sages say: Former rain [falls] in Kislev. Who are the Sages? R. Hisda replied: It is R. Jose. For it has been taught: Which is the first rainfall?¹⁶ The early [rain] falls on the third of Marcheshvan, the intermediate on the seventh, the late on the seventeenth; this is the opinion of R. Meir. R. Judah says: On the seventh, on the seventeenth, and on the twenty-third. R. Jose says: On the seventeenth, on the twenty-third and on the first of Kislev. And likewise R. Jose used to say: The individuals do not begin to fast until the first day of Kislev. R. Hisda said: The halachah is according to the opinion of R. Jose.

Amemar reported R. Hisda's statement in the following version: On the third day of Marcheshvan we pray for rain; Rabban Gamaliel says, On the seventh of the month. R. Hisda said: The halachah is according to Rabban Gamaliel. In accordance with whose view then is the following which has been taught: R. Simeon b. Gamaliel says: If rain falls on seven days in succession you may consider it as the combination of the first, the second [or the second] and the third rainfall?¹⁷ — It is in accordance with the opinion of R. Jose.¹⁸ R. Hisda said: The halachah is according to R. Jose. The reason for giving a date for the first rainfall is evident seeing that from that date we begin to pray for rain; likewise the date of the third rainfall is given because from that date we begin to fast; but what may be the reason for giving the date of the second rainfall?—R. Zera replied: It has to do with Vows. For we have learnt:

- (1) The reference is to Deut. XI, 14.
- (2) Lit., 'teaches'. connecting **vruh** with the root **vrh**, to teach.
- (3) In preparation of the Winter.
- (4) Connecting **vruh** with the root **zur**, to saturate.
- (5) Ps. LXV, 11.
- (6) Connecting **vruh** with the root **srh** to descend.
- (7) Connecting **vruh** with the root **vrh** to throw.
- (8) Deut. XI, 14.
- (9) According to Rashi **aukn** is connected with **aek** (cf. Amos VII, 1) which he takes to mean, grasshopper.
- (10) Joel II, 23.
- (11) Deut. XI, 14.
- (12) **ktrah ka ivh, uhae kna rcs**
- (13) **vhaec vtuc, tknna**
- (14) **ihaev kgu , ukhknv kg sruha rcs**
- (15) [The words in brackets which appear bracketed also in the original seem irrelevant here. They are more appropriate in the preceding paragraph after the words, 'In its due season' where in point of fact they so occur in some edd.].
- (16) [**vbuatr vghcr**. The yoreh (former rain) consists of three rainfalls, each being termed rebi'ah; when each is due is the point at issue in the discussion that follows. The word 'first' is accordingly difficult and is omitted by R. Hananel and MSS. of the Tosef. Ta'an. I from where the passage is quoted.]
- (17) [The words in square brackets are supplied from MS.M.; v. also Tosef. loc. cit.]
- (18) [According to R. Jose each rainfall is due within seven days of the other].

Talmud - Mas. Ta'anith 6b

If one interdicts himself by a vow [from the enjoyment of anything] until the rainy season or until rain has fallen, then his vow remains operative until the second rainfall.¹ R. Zebid said: It has to do with Olives — We have learnt: When is it permissible for any man to take of the gleanings² [of the field] and of the forgotten sheaves³ and of the corners of the field?⁴ After the nemushot have departed. When [is it permissible to take] of the grapes that have fallen off the branches and of the gleanings of the vine?⁵ After the poor have left the vineyard and have come back again. When of the olives?⁶ After the second rainfall.⁷ Who are the nemushoth?— R. Johanan said: Old People who walk on a staff⁸. Resh Lakish said: Those who glean behind the gleaners.⁹

R. Papa said: [The date of the second rainfall is necessary] so that travellers should know whether they may walk on private paths¹⁰ [across the fields]. For a Master said:¹¹ It is permissible for any one to walk on private paths until the second rainfall. R. Nahman b. Isaac said: [The date is necessary] for the disposal of the produce grown during the sabbatical year. For we have learnt: Until when is it permissible to derive benefit from the burning of straw and stubble grown in the sabbatical year? Until the second rainfall.¹² Why? Because it is written, And for thy cattle, and for the beasts that are in thy land;¹³ so long as there is food for the beast in the field you may feed your cattle in the house, but when there is no more food in the field for the beast to eat, you must withhold food that is in your house from the cattle.

R. Abbahu said: What is the meaning of rebi'ah?¹⁴ That which fructifies the ground — This is

according to the teaching of Rab Judah who said: Rain is the husband of the soil, for it is written, For as the rain cometh down and the snow from heaven, and returneth not thither except it water the earth, and make it bring forth and bud.¹⁵

R. Abbahu further said: The first rainfall [to be beneficial] should be sufficient to penetrate the soil one handbreadth deep, the second should be sufficient to make of it a stopper for a cask.

R. Hisda said: When it has rained sufficient to make [of the soil] a stopper for a cask then [the curse contained in the words ‘and He will shut up’¹⁶ does not apply.

R. Hisda further said: If rain came down before [the time for reciting in the Shema’], ‘and He will shut up’ then the curse contained in these words does not apply.¹⁷ Abaye thereupon interjected: This only holds good when the rain fell before [the time for the recital of the words,] ‘and He will shut up’ in the evening [Shema’], but if rain fell before [the time for their recital in] the morning [Shema’] then the curse can still be said to apply.¹⁸ For R. Judah b. Isaac said: The morning clouds have no significance, for it is written, O Ephraim, what shall I do unto thee? For your goodness is as the morning cloud, etc.¹⁹ Said R. Papa to Abaye: But people say, if it rains when the gates are opened [in the morning], ‘lay down thy sack ass-driver and sleep’!²⁰ — This is no contradiction. In the one case the heavens are overcast with thick clouds and the other with light clouds.²¹

Rab Judah said: Happy is the year wherein [the month of] Tebeth is widowed.²² Some say it is so because the gardens do not lie waste²³ [or, because the schools are not empty]; others say, Because the grain will not become subject to blast. Is that so? Did not R. Hisda say: Happy is the year wherein [the month of] Tebeth is muddy!²⁴ — This is no contradiction. The former is the case when rain had already fallen [in the previous months] and the latter when it had not yet fallen.

R. Hisda further said: If rain falls on some parts of the country and not on others then [the curse contained in the words], ‘and He will shut up’ cannot be said to apply. Is that so? Is it not written, And I also have withholden the rain from you, when there were three months to the harvest: and I caused it to rain upon one city and caused it not to rain upon another city; one piece was rained upon etc.²⁵ And referring to this verse, Rab Judah said in the name of Rab: Both are a curse! — There is no contradiction. In the one case [Scripture speaks of] abnormal rain and in the other of normal rain. R. Ashi said: This can in fact be proved from the use of the word timoter in the verse, that is to say, it will be a place [flooded by] rain.²⁶ And thus [the interpretation] is proved.

R. Abbahu said: When do we [begin to] recite the benediction over rain?²⁷ When the bridegroom goes forth to meet the bride.²⁸ What benediction should one recite? — Rab Judah said in the name of Rab: ‘We give thanks unto Thee, O Lord, our God for every single drop which thou hast caused to fall upon us’. And R. Johanan concluded the benediction thus: ‘Though our mouths were full of song as the sea, and our tongues of exultation as the multitude of its waves, etc.!’ until, ‘Let not Thy mercies forsake us O Lord, our God, even as they have not forsaken us. Blessed art Thou to Whom abundant thanksgivings are due’. ‘Abundant

thanksgivings' and not 'all the thanksgivings'? — Raba replied: Read, 'The God to Whom thanksgivings are due'. R. Papa said: Therefore

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- (1) V. Ned. 62b for slight variants.
 - (2) Lev. XIX, 9.
 - (3) Deut. XXIV, 19.
 - (4) Lev. XIX, 9.
 - (5) Lev. XIX, 10.
 - (6) Deut. XXIV, 20.
 - (7) Pe'ah VIII, 1.
 - (8) These walk slowly and usually leave nothing behind them.
 - (9) The poor who come for the second gleanings.
 - (10) , **uarv hkhca** Lit., (a) 'paths of permission', i.e., paths which the court has sanctioned for the use of the public (Rashi); (b) 'paths of (private) property', R. Gershon.]
 - (11) B.K. 81a. Till then no injury can be done to the seeds sown.
 - (12) Sheb. IX, 7.
 - (13) Lev. XXV, 7.
 - (14) V. supra p. 20 n. 7.
 - (15) Isa. LV, 10.
 - (16) Deut. XI, 17.
 - (17) Although there most of the rain required has not yet fallen.
 - (18) Since they did not fall during the day they are not beneficial.
 - (19) Hos. VI, 4.
 - (20) Rain will continue to fall and there will be plenty of supplies available and consequently the prices will fall.
 - (21) Such have no significance.
 - (22) I.e., without rain. Cf. supra the statement of Rab Judah, Rain is the husband of the soil.
 - (23) As there is no rain people are able to attend undisturbed to the cultivation of the soil. **tmhcr** , , a garden. The word is also applied figuratively to mean, School or College Assembly. As the roads are in good condition the scholars are able to attend the lectures at the School Assembly.
 - (24) Heavy rains fall.
 - (25) Amos IV, 7.
 - (26) **ryn** , rendered as if the word were made up of the three words, **ryn ouen tv** , .
 - (27) Cf. Ber. 54a.
 - (28) When the accumulated rain-water rebounds to meet every additional drop of rain as it falls.

Talmud - Mas. Ta'anith 7a

we should say both 'the God to Whom thanksgivings are due' and 'to Whom abundant thanksgivings are due'.

R. Abbahu said: The day when rain fails is greater than [the day of] the Revival of the Dead, for the Revival of the Dead is for the righteous only whereas rain is both for the righteous and for the wicked. And he differs from the opinion of R. Joseph who said: As [rain] is equal to the Revival of the Dead the mention of it has therefore been inserted in the section of the Revival of the Dead.¹

Rab Judah said: The day when rain falls is as great as the day when the Torah was given, as it is said, My doctrine shall drop as the rain:² and by 'doctrine' surely, Torah is meant as it is said, For I give you good doctrine, forsake ye not my Torah.³ Raba said: It is even greater than the day when the Torah was given, as it is said, My doctrine shall drop as the rain.⁴ Who is dependent upon whom? You must needs say, the lesser upon the greater.⁵

Raba pointed out a contradiction. It is written 'My doctrine shall drop as the rain', and immediately on this follows, My speech shall distil as dew.⁶ [The implication here is]. if the scholar is a worthy person then he is like unto dew, but if he is not then drop him like rain.⁷

It has been taught in a Baraitha: R. Banna'ah used to say: Whosoever occupies himself with the Torah for its own sake his learning becomes an elixir of life to him, for it is said, It is a tree of life to them that grasp it;⁸ and it is further said, It shall be as health to thy navel;⁹ and it is also said, For whoso findeth me findeth life.¹⁰ But, whosoever occupies himself with the Torah not for its own sake, it becomes to him a deadly poison, as it is said, My doctrine shall drop as the rain, and 'arifa surely means, death, as it is said, And they shall break [we'arfu] the heifer's neck there in the valley.¹¹

R. Jeremiah said to R. Zera: Pray, Master, come and teach. The latter replied: I do not feel well enough¹² and am not able to do so. [Then said R. Jeremiah] Pray, Master, expound something of an aggadic character, and he replied: Thus said R. Johanan: What is the meaning of the verse, For is the tree of the field man?¹³ Is then man the tree of the field? [This can only be explained if we connect the verse with the words immediately before it] where it is written, For thou mayest eat of them, but thou shalt not cut them down; but then again it is written, 'It thou shalt destroy and cut down'?¹⁴ How is this to be explained?-If the scholar is a worthy person learn [eat] from him and do not shun [cut] him, but if he is not destroy him and cut him down.

R. Hama b. Hanina said: What is the meaning of the verse, Iron sharpneth iron?¹⁵ This is to teach you that just as in the case of one [iron] iron sharpeneth the other so also do two scholars sharpen each others mind by halachah.

Rabbah b. Hanah said: Why are the words of the Torah likened to fire, as it is said, Is not my word like as fire? saith the Lord?¹⁶ This is to teach you that just as fire does not ignite of itself so too the words of the Torah do not endure with him who studies alone. This is in agreement with what R. Jose b. Hanina said: What is the meaning of the verse, A sword is upon the lonely,¹⁷ and they shall become fools?¹⁸ This means, destruction comes upon the enemies¹⁹ of such scholars who confine themselves to private study; and what is even more they become stultified, as it is said, And they shall become fools; and what is more they are guilty of sin. For here it is written, And they shall become fools, and there it is written, For that we have done foolishly and for that we have sinned.²⁰ If you wish, you can infer it from the following verse, The princes of Zoan are become fools . . . they have caused Egypt to go astray.²¹

R. Nahman b. Isaac said: Why are the words of the Torah likened to a tree, as it is said, It is a tree of life to them that grasp it? This is to teach you. just as a small tree may set on fire a bigger

tree so too it is with scholars, the younger sharpen the minds of the older. This will be in agreement with what R. Hanina said: I have learnt much from my teachers, and from my colleagues more than from my teachers, but from my disciples more than from them all.

R. Hanina b. Papa pointed out a contradiction . It is written, Unto him that is thirsty bring ye water;²² and it is also written Ho, everyone that thirsteth come ye for water.²³ If he is a worthy disciple, then, ‘Unto him that is thirsty bring ye water’, but if he is not, then, ‘Ho, everyone that thirsteth come ye for water’.

R. Hanina b. Hama pointed out a contradiction. It is written, Let thy springs be dispersed abroad,²⁴ and it is also written, Let them be only thine own!²⁵ If he is a worthy disciple. ‘Let thy springs be dispersed abroad,’²⁶ but if not, ‘Let them be thine own’.

R. Hanina b. Ida said: Why are the words of the Torah likened unto water-as it is written, ‘Ho, everyone that thirsteth, come ye for water’? This is to teach you, just as water flows from a higher level to a lower, so too the words of the Torah endure only with him who is meekminded. R. Oshaia said: Why are the words of the Torah likened unto these three liquids, water, wine and milk — as it is written, ‘Ho, everyone that thirsteth come ye for water’; and it is written, Come ye, buy and eat; yea, come buy wine and milk without money, and without price?²⁷ This is to teach you, just as these three liquids can only be preserved in the most inferior of vessels, so too the words of the Torah endure only with him who is meekminded. This is illustrated by the story of the daughter of the Roman Emperor²⁸ who addressed R. Joshua b. Hanania, ‘O glorious Wisdom in an ugly vessel’. He replied, ‘Does not your father keep wine in an earthenware vessel?’ She asked, ‘Wherein else shall he keep it?’ He said to her, ‘You who are nobles should keep it in vessels of gold and silver’. Thereupon she went and told this to her father and he had the wine put into vessels of gold and silver and it became sour. When he was informed of this he asked his daughter, ‘Who gave you this advice?’ She replied. ‘R. Joshua b. Hanania’ — Thereupon the Emperor had him summoned before him and asked him, ‘Why did you give her such advice?’ He replied, ‘I answered her according to the way that she spoke to me’. But are there not good-looking people who are learned?

(1) V. supra 2a.

(2) Deut. XXXII, 2.

(3) Prov. IV, 2.

(4) E. V. ‘my teaching’. Deut. XXXII, 2.

(5) Hence the Torah, which is compared to rain, is the less important.

(6) Deut. XXXII, 2.

(7) **uvprug** from the root ; **rg**, to break the neck, to destroy; cf. Ex. XIII, 13. Hos. X, 11. Drop him with all your might just as the heavy rains coming down with force on the crops crush them.

(8) Prov. III, 18.

(9) Ibid. v. 8.

(10) Prov. VIII, 35.

(11) Deut. XXI, 4.

(12) Lit., ‘my heart is faint’.

(13) Deut. XX, 19.

- (14) Ibid. v. 20.
- (15) Prov. XXVII, 17.
- (16) Jer. XXIII, 29.
- (17) **ohsc** from **SSC** to be alone. E.V. 'boasters'.
- (18) Jer. L, 36.
- (19) A euphemism for the scholars themselves.
- (20) Num. XII, 11.
- (21) Isa. XIX, 13.
- (22) Isa. XXI, 14.
- (23) Isa. LV, 1.
- (24) Prov.V, 16.
- (25) Ibid. v. 17.
- (26) Reveal the secrets of the Torah unto him.
- (27) Isa. LV, 1.
- (28) Hadrian.

Talmud - Mas. Ta'anith 7b

— If these very people were ugly they would be still more learned.¹ Another explanation: Just as these three liquids can become unfit for consumption only through inattention,² so too the words of the Torah are forgotten only through inattention.

R. Hania b. Hanina said: The day when rain falls is as great as the day on which heaven and earth were created, as it is said, Drop down, ye heavens from above, and let the skies pour down righteousness: let the earth open, that they may bring forth salvation, and let her cause righteousness to spring up together; I the Lord have created it.³ It is not said, 'I created them', but I have created it.⁴

R. Oshaia said: The day when rain falls is great for on it even salvation springs forth and waxes great, as it is said, 'Let the earth open, that they may bring forth salvation'.

R. Tanhum b. Hanilai said, No rain falls unless the sins of Israel have been forgiven, as it is said, Lord, Thou hast been favourable unto Thy land, Thou hast turned the Captivity of Jacob. Thou hast forgiven the iniquity of Thy people, Thou hast pardoned all their sins. Selah.⁵ Ze'iri of Dahabath⁶ said to Rabina: You have learnt it from this verse, but we have learnt from the following verse, Then hear Thou in heaven and forgive the sin etc.⁷

R. Tanhum the son of R. Hiyya of Kefar Acco⁸ said: Rain is withheld only when the enemies of Israel⁹ have merited destruction as it is said, Drought and heat consume the snow waters; so doth the nether world those that have sinned.¹⁰ Ze'iri of Dahabath said to Rabina: You have learnt from this verse, but we have learnt it from the following verse, And He will shut up the heaven . . . and ye perish quickly.¹¹

R. Hisda said: Rain is withheld only because of the neglect to bring heave-offerings and tithes, as it is said, Drought and heat¹² consume the snow waters. How is this derived from the verse? —

In the school of R. Ishmael it was taught: Because you have not performed in the summer the things I have commanded you, you shall be denied snow waters in the winter.

R. Simeon b. Pazzi said: Rain is withheld only because of those who talk slander, as it is said, The north wind bringeth forth rain, and a backbiting tongue an angry countenance.¹³

R. Salla said in the name of R. Hamnuna: Rain is withheld only because of the insolent, as it is said, Therefore the showers have been withheld, and there hath been no latter rain; yet thou hadst a harlot's forehead etc.¹⁴

R. Salla further said in the name of R. Hamnuna: Any man who is insolent stumbles in the end into sin, for it is said, 'Thou hadst a harlot's forehead'. R. Nahman said: It is evident that he [actually] stumbled into sin, for it is said 'Thou hadst' and not, 'thou wilt have'. Rabbah the son of R. Huna said: It is permissible to call 'wicked' any one who is insolent, as it is said, A wicked man hardeneth his face.¹⁵ R. Nahman the son of R. Isaac said: One may even hate him, as it is said, And the boldness of his face is changed.¹⁶ Do not read yeshuneh [changed] but yesuneh [hated].

R. Kaltina said: Rain is withheld only because of the neglect of the Torah, as it is said, By slothfulness the rafters sank in [yimak].¹⁷ Because of the sloth displayed by Israel in not occupying themselves with the Torah the enemy of the Holy One, blessed be He,¹⁸ becomes Poor. Mak, actually means, poor, as it is said, But if he be too poor [mak] for thy valuation.¹⁹ Mekoreh actually denotes God, as it is said, Who layest [ha-mekoreh] the beams of Thine upper chambers in the waters.²⁰ R. Joseph derived it from the following verse, And how men see not the light which is bright in the skies; but the wind passeth and cleanseth them.²¹ And 'light' surely means Torah, as it is said, For the commandment is a lamp and the teaching [Torah] is light.²² 'Which is bright in the skies': [With reference to this] it was taught In the school of R. Ishmael: Even when the heavens are full of white spotted clouds ready to cause dew and rain to fall a wind passes and cleanses them.²³

R. Ammi said: Rain is withheld only because of the sin of violent robbery, as it is said, He covereth His hands with the lightning;²⁴ that is to say, for the sin [of violent robbery committed by] their hands He covereth the light. And 'hands' surely signifies, violent robbery, as it is said, And from the violence that is in their hands,²⁵ and 'light' Surely [stands for] rain, as it is said, He spreadeth abroad the cloud of His lightning.²⁶ What is then his remedy? — Let a man make many prayers, as it is said, And giveth it a charge that it strike the mark [be-mafgi'ah],²⁷ and pegi'ah is prayer, as it is said, Therefore pray not thou for this people . . . neither make intercession [tifga'] to me.²⁸

R. Ammi further said: What is the meaning of the verse, If the iron be blunt, and one do not whet the edge?²⁹ If you see the sky hard as iron so that neither dew nor rain fall, this is to be attributed to the deeds of the generation which are corrupt, as it is said, And one do not whet the edge. What then shall be their remedy? Let them make many prayers [for mercy], as it is said, Then must he put to more strength; but wisdom is profitable to direct.³⁰ [The latter words indicate,] how much more [efficacious their prayer would prove] if their deeds had originally been

righteous.³¹

Resh Lakish said: If you see a student

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- (1) They would be meek and devote themselves even more to their studies.
 - (2) If one neglects to cover them.
 - (3) Isa. XLV, 8.
 - (4) Thus referring to the rain.
 - (5) Ps. LXXXV, 2, 3.
 - (6) Place not identified. Rashi reads: Said Mar Ze'iri to Rabina.
 - (7) I Kings VIII, 36.
 - (8) [Caphare Accho in lower Galilee; v. Hildesheimer, Beitrage, p. 81.]
 - (9) A euphemism for Israel themselves.
 - (10) Job XXIV, 19.
 - (11) Deut. XI, 17.
 - (12) **vhm** drought, is here connected with **vum** to command and **Ouj** heat, taken to mean, summer. With the completion of the harvest heave-offerings tithes have to be brought.
 - (13) Prov. XXV, 23
 - (14) Jer. III, 3.
 - (15) Prov. XXI, 29.
 - (16) Eccl. VIII, 1.
 - (17) Ibid. X, 18.
 - (18) A euphemism for God Himself. God is unable (lit., 'too poor') to send rain because Israel do not merit it.
 - (19) Lev. XXVII, 8.
 - (20) Ps. CIV, 3.
 - (21) Job XXXVII, 21.
 - (22) Prov. VI, 23.
 - (23) Because of their disregard of the Torah which is compared to light, the wind disperses the clouds that were bringing the rain.
 - (24) Job. XXXVI, 32.
 - (25) Jonah III, 8.
 - (26) Job XXXVII, 11. [The meaning then of the verse is: On account of hands (violence). He covers the lightning (withholds rain).]
 - (27) Job XXXVI, 32.
 - (28) Jer. VII, 16. All interplay upon the word **gdp** meaning both to strike and to intercede. [Var. lec. omit: 'What is then his remedy? . . . to me' which passage is apparently an intrusion from infra p. 31. V. D.S. It is a well established Talmudic teaching that no amends can be made for robbery by prayer alone; this must be accompanied by restitution, v. infra 16a and Yoma 85b.]
 - (29) Eccl. X, 10. R. Ammi recalling the words **kzrcf ofhna , t h, , bu** in Lev. XXVI, 19 endeavours to find an allusion in **kzrc** in the verse quoted. to the hardness of the heavens. He takes the negative **tk** as **uk** 'to it', 'of it' and interprets the word **keke** 'to whet', in the later Hebrew sense of, 'to be corrupt', thus rendering the face of it (of the generation) is corrupt.
 - (30) Eccl. X, 10.
 - (31) **rhafv** from the root **raf** to be proper. Cf. Esth. VIII, 5.

Talmud - Mas. Ta'anith 8a

Talmud - Mas. Ta'anith 8a

to whom his studies are as hard as iron,¹ it is because he has failed to systematize his studies, as it is said, And one do not whet the edge.² What is his remedy? Let him attend the school even more regularly, as it is said, Then must he put to more strength; but wisdom is profitable to direct. [The latter words indicate] how much more profitable would his efforts be if he had originally systematized his studies. Thus for example, Resh Lakish made it his practice to repeat in systematic order his studies forty times corresponding to the forty days³ during which the Torah was given, and only then would he come before R. Johanan. R. Adda b. Abbahu made it his practice to repeat in systematic order his studies twenty-four times corresponding to the [twenty-four books⁴ which embody] the Torah, the Prophets and the Hagiographa, and only then would he come before Raba.

Raba said: If you see a student who finds his studies as hard as iron, it is because his teacher does not encourage him,⁵ as it is said, 'and one do not whet the edge'.⁶ What is his remedy? Let him seek many companions [to intercede for him with his teacher], as it is said. 'Then must he put to more strength; but wisdom is profitable to direct.' [The latter words indicate,] how much more successful he would have been had his efforts originally found favour with his teacher.

R. Ammi further said: What is the meaning of the verse, If the serpent bite before it is charmed, then the charmer hath no advantage?⁷ If you see a generation over whom the heavens are rust coloured⁸ like copper so that neither dew nor rain falls, it is because that generation is wanting in men who pray softly.⁹ What then is their remedy? Let them go to one skilled in the art of praying softly, as it is written, The noise thereof telleth concerning it.¹⁰ 'Then the charmer hath no advantage' [means]: 'As to him who is skilled in the art of praying softly and does not do so what benefit has he?'¹¹ But if he has prayed softly and was not answered, what is his remedy? Let him go to the most pious man of that generation that he may intercede abundantly for him, as it is said, And giveth it a charge that it strike the mark [be-mafgia'h]. and striking the mark [pegi'ah] is prayer, as it is said, Therefore pray not thou for this people, neither lift up cry nor prayer for them, neither make intercession [tifga'] to Me.¹² But if he did pray softly and proved successful and on account of this he becomes overproud he thereby brings divine displeasure upon the world, as it is said, The cattle also concerning the storm that cometh up.¹³

Raba said: Two scholars who reside in the same city but are intolerant of each other in matters of halachah provoke anger and bring it upon themselves, as it is said, The cattle also concerning the storm that cometh up.¹⁴

Resh Lakish said: What is the meaning of the verse, If the serpent bite before it is charmed, then the charmer hath no advantage? In the Messianic age all animals will assemble and come to the serpent and say to him, 'The lion claws [his victim] and devours him, the wolf tears him and devours him, but as for thee what benefit dost thou derive? His reply will be, The charmer hath no advantage.¹⁵

R. Ammi said: A man's prayer is only answered if he takes his heart into his hand,¹⁶ as it is said, Let us lift up our heart with our hands.¹⁷ [But it is not so. Surely]¹⁸ Samuel appointed an amora¹⁹

to act for him and his exposition ran thus: But they beguiled Him with their mouth, and lied unto Him with their tongue. For their heart was not steadfast with Him, neither were they faithful in His covenant; and yet, But He being full of compassion, forgiveth iniquity etc.²⁰ — This is no contradiction. The one refers to the individual, and the other to the community.²¹

R. Ammi said: Rain falls only for the sake of Men of Faith,²² as it is said, Truth springeth out of the earth and righteousness hath looked down from heaven.²³

R. Ammi further said: Come and see how great the Men of Faith are as is evidenced from the episode of the Weasel²⁴ and the Well. If this is the case with one who trusts in the Weasel and the Well how much more so if one trusts in the Holy One blessed be He!

R. Johanan said: He who leads a righteous life [on earth below]²⁵ is judged strictly [in heaven] above, as it is said, Truth springeth out of the earth and righteousness hath looked down from heaven. R. Hiyya b. Abin in the name of R. Huna [adduced this lesson] from this verse, And Thy wrath according to the fear that is due unto Thee.²⁶ Resh Lakish said: [It may be adduced] from this verse, Thou didst take away him that joyfully worked righteousness, those that remembered Thee in Thy ways — behold Thou wast wroth, and we sinned-upon them have we stayed of old, that we might be saved.²⁷

R. Joshua b. Levi said: He who joyfully bears the chastisements that befall him brings salvation to the world as it is said, ‘Upon them have we stayed of old, that we might be saved’.

Resh Lakish said: What is the meaning of the verse, And He will shut up the heaven?²⁸ — When the heavens are shut up so that neither dew nor rain falls it is like to a woman who is in labour but who cannot give birth. This is in keeping with what Resh Lakish said in the name of Bar Kappara: ‘Withholding’ is applied to rain, and ‘withholding’ is applied to a woman;

(1) He cannot grasp what he learns.

(2) Taking **keke** as a reduplication of **ke** light, clear. I.e., he did not make it clear unto himself: **ohbp** the meaning of a passage in the Torah, cf. Aboth III, 11,

(3) Ex. XXXIV, 28.

(4) On the twenty-four books of the Bible v. Blau, Zur Einleitung in die heilige Schrift, pp. 6ff.

(5) Does not show him a cheerful countenance. Cf. Aboth 1, 15 , **uph ohbp rcxc**.

(6) [Taking **keke** in the sense of ‘corrupting’ to make unpleasant. He showed a displeasing countenance to him.]

(7) Eccl. X, 11.

(8) Taking **lab** to bite, in the Aramaic sense of **l** , **a** to become rusty coloured; **aj b** shortened for , **aj b** copper. The heavens are, so to speak, covered with a deposit of copper-rust and this prevents rain and dew from falling.

(9) **aj k** to charm, is also used in the sense of, to whisper. and then to pray. The Tefillah (v. Glos.) was recited in silence.

(10) Job XXXVI, 33. Connecting **gr** noise, from root **gur** to shout, with **gr** friend from root **vgr** to associate with. The context in Job deals with rain.

(11) He himself suffers with others from the drought that follows.

(12) V. supra p. 30, n. 3. [MS.M omits: ‘But if he has prayed . . . to me’.]

- (13) Job XXXVI, 33- The verse is generally interpreted, that the cattle through their greater sensitiveness to atmospheric conditions feel in advance the coming of the storm. The Gemara reads **vben** (for **vben** of the Massoretic Text) in the sense of, acquire, and it takes ; **t** to be a noun meaning anger; and **vkug** exalted or elated (with pride). The meaning of the verse according to this interpretation would be: He brings upon the world divine displeasure who is overbearing with pride because his prayer was answered.
- (14) Raba takes **vben=...c tbe, v** to provoke; ; **t** as previously, and **vkugh kg=** that cometh up.
- (15) Heb. **iia kv kgc** lit., ‘the man of tongue’; figuratively, the slanderer. The allusion here is to the tempting of Eve, Gen. III.
- (16) He feels deeply what he prays.
- (17) Lam. III, 41.
- (18) So Bomberg ed. and inserted in cur. edd. in square brackets, p. 33 n. 1.
- (19) Same as Meturgeman. V. supra p. 12, n. 4.
- (20) Ps. LXXVIII, 36-38. [MS.M. adds: ‘Do these (verses) not contradict one another’. This reading makes unnecessary the insertion noted on p. 32, n. 7. V. Marginal Glosses.]
- (21) The prayers of a community are accepted even if they do not come up to the higher standard set by R. Ammi.
- (22) Trustworthy men, honest in business. Cf. Prov. XXVIII, 20 , **ubunt aht**.
- (23) Ps. LXXXV, 12. R. Ammi takes the verse to mean: When there is truth on earth righteousness symbolizing rain, (cf. Isa. XLV, 8) looketh down from heaven.
- (24) An allusion to the story of a young man who extracted a promise of marriage from a maiden who had fallen into a well, if he rescued her. The well and a passing weasel were made witnesses to the undertaking and avenged subsequently the maiden for the young man's breach of promise. V. Rashi and Tosaf. a.l. and Aruch s.v. **skj** .
- (25) The greater the man the more strictly he is judged for his actions. R. Johanan takes **esm** in the sense of strict justice **ihs**.
- (26) Ps. XC, 11.
- (27) Isa. LXIV,4.
- (28) Deut. XI, 17.

Talmud - Mas. Ta'anith 8b

‘withholding’ is applied to a woman, as it is said, For the Lord had fast closed up all the wombs;¹ and ‘withholding’ is applied to rain, as it is written, ‘And He will shut up the heaven.’ ‘Bearing’ is applied to a woman, and ‘bearing’ is applied to rain; ‘bearing’ is applied to a woman, as it is written, And she conceived and bore a son;² and ‘bearing’ is applied to rain, as it is written, And make it bear³ and bud.⁴ ‘Remembering’ is applied to a woman and ‘remembering’ is applied to rain; ‘remembering’ is applied to a woman, as it is written, And the Lord remembered Sarah;⁵ and ‘remembering’ is applied to rain, as it is written, Thou hast remembered the earth, and watered her, greatly enriching her, with the river of God that is full of water.⁶ What is the meaning of, ‘With the river of God that is full of water’? — A Tanna taught: There is in heaven a kind of chamber from which the rain issues.

R. Samuel b. Nahmani said: What is the meaning of the verse, Whether it be for correction, or for His earth, or for mercy, that He cause it to come?⁷ If the rain is ‘for correction,’ [then it falls] upon the mountains and upon the hills; if it is ‘for mercy’, He causes it to come upon His earth, upon the fields and upon the vineyards;⁸ if it is ‘for correction’, upon the trees; if it is upon His earth, upon the seeds [in the ground]; if it is ‘for mercy’, He causes it to come for cisterns, pits

and caves.

In the days of R. Samuel b. Nahmani there was a famine and pestilence. People asked, What shall we do? Shall we pray for [the removal] of the two? That is not possible. Let us then pray for [the removal of] the pestilence and we will endure the famine. Thereupon R. Samuel b. Nahmani said to them: Let us rather pray [for the removal of] the famine, because when the All-Merciful gives plenty, He gives it for the living, as it is said, Thou openest Thy hand, and satisfiest every living thing with favour.⁹ How do we know that it is not fitting to pray for two things [at the same time]? — Because it is written, So we fasted and besought our God for this.¹⁰ ‘This’ would indicate that there were other things to pray for. In the West [Palestine] it was reported in the name of R. Haggai that it could be adduced from this verse, That they might ask mercy of the God of heaven concerning this secret.¹¹ ‘This would indicate that there were other things too [to pray for]. In the days of R. Zera there was a religious persecution and fasting was also prohibited. R. Zera said to his colleagues: Let us now resolve to fast and when the decree is rescinded we will observe these fasts. His colleagues asked him: What is your authority for this? He replied: Because it is written, Then said he unto me, ‘Fear not, Daniel, for from the first day when thou didst set thy heart to understand, and to humble thyself before thy God, thy words were heard’.¹²

R. Isaac said: If rain falls on the eve of Sabbath then though the years be [years of drought] as in the days of Elijah¹³ it is yet none-the-less but a sign of [divine] anger.¹⁴ This is in agreement with the statement of Rabbah b. Shila who said: The day when rain falls is as hard [to bear]¹⁵ as a day of Judgment.¹⁶ Amemar said: Were it not that mankind must have rain we would pray and have it cease.

R. Isaac further said: Sunshine on the Sabbath is an act of kindness towards the poor, as it is said, But unto you that fear My name shall the sun of righteousness arise with healing in its wings.¹⁷

R. Isaac further said: The day when rain falls is great for thereon even the peruta¹⁸ in one's purse is blessed, as it is said, To give the rain of Thy land in its season, and to bless all the work of thy hands.¹⁹

R. Isaac further said: Blessing is only possible in things hidden from sight, as it is said, The Lord will command the blessing with thee in thy barns.²⁰ In the school of R. Ishmael it was taught: Blessing is only possible in things not under the direct control of the eye, as it is said, ‘The Lord will command the blessing with thee in thy barns.’

Our Rabbis have taught: On entering the barn to measure the new grain one shall recite the benediction, ‘May it be Thy will O Lord, our God, that Thou mayest send blessing upon the work of our hands’. Once he has begun to measure he says, ‘Blessed be He who sends blessing into this heap’. If, however, he first measured the grain and then recited the benediction then his prayer is in vain, because blessing is not to be found in anything that has been already weighed or measured or numbered, but only in a thing hidden from sight.

(Mnemonic: Gathering of Armies, Charity, Tithes, Sustenance.)

R. Johanan said: The day on which rain falls is as great as the day of the Gathering of exiled [Israel,] as it is said, Turn our captivity: O Lord, as the streams in the dry land.²¹ By 'streams' rain is meant, as it is said, And the channels of the sea appeared.²²

R. Johanan further said: The day when rain falls is great, for thereon even warring armies cease [fighting], as it is said, Watering her ridges abundantly, settling down the furrows thereof.²³

R. Johanan further said: Rain is withheld only on account of those who subscribe to charity in public and fail to pay, as it is said, As vapours and wind without rain, so is he that boasteth himself of a false gift²⁴

R. Johanan further said: What is the meaning of the verse

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- (1) Gen. XX, 18.
 - (2) Ibid. XXX, 23.
 - (3) E.V. bring forth.
 - (4) Isa. LV, 10.
 - (5) Gen. XXI, 1.
 - (6) Ps. LXV, 10.
 - (7) Job XXXVII, 13.
 - (8) [The text from this point to the end of the passage is in disorder and omitted in MS.M.]
 - (9) Ps. CXLV, 16.
 - (10) Ezra VIII, 23.
 - (11) Dan. II, 18.
 - (12) Dan. X, 12. The good intention was acceptable as a good deed.
 - (13) Cf. 1 Kings XVII, 7ff
 - (14) Because the rain prevents the people from making the necessary preparations for Sabbath.
 - (15) Owing to the inconvenience and discomfort to which people are put.
 - (16) Mondays and Thursdays when the Beth din met and the people could have their cases tried (Rashi).
 - (17) Mal. III, 20. You that fear my name, I.e., those who keep the Sabbath. On the Sabbath the poor have the time and leisure to enjoy the sunshine.
 - (18) Smallest coin. The word is used for money in general.
 - (19) Deut. XXVIII, 12.
 - (20) Deut. XXVIII, 8. R. Isaac connects the Hebrew word **lhxctc** with **tnx** to hide, conceal.
 - (21) Ps. CXXXVI, 4.
 - (22) II Sam. XXII, 16. The same word **ohcpt** is used in both verses.
 - (23) Ps. LXV, n. 'Watering ridges' implies rain. **sisd** 'furrows' has also the meaning of, 'army'.
 - (24) Prov. XXV, 14. Both act deceitfully and disappoint.

Talmud - Mas. Ta'anith 9a

, Thou shalt surely tithe?¹ Give tithes that you may be enriched.² R. Johanan met the young son³ of Resh Lakish and said to him, 'Recite to me the Bible verse [you have learnt to-day]. The latter replied, 'Thou shalt surely tithe', at the same time asking, 'What may be the meaning of these

words?' R. Johanan answered, 'Give tithes that you may be enriched' . The boy then asked, 'Whence do you adduce this?' R. Johanan replied: 'Go test it [for yourself]'. The boy thereupon asked: Is it permissible to try the Holy One, blessed be He, seeing that it is written, Ye shall not try the Lord?⁴ -R. Johanan replied: Thus said R. Oshaia: The case of tithe-giving is excepted [from the prohibition], as it is said, Bring ye the whole tithe unto the storehouse, that there may be food in My house, and try Me now herewith, saith the Lord of Hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall be more than sufficiency.⁵ (What is the meaning [of the words], 'That there shall be more than sufficiency?' — R. Rami b. Hama said in the name of Rab: Until your lips grow weary from saying, 'It is enough'.) The boy thereupon exclaimed, Had I reached this verse [in my Bible studies] I should need neither you nor R. Oshaia, your teacher. On another occasion R. Johanan met the young son of Resh Lakish sitting and reciting the verse, The foolishness of man perverteth his way; and his heart fretteth against the Lord.⁶ R. Johanan thereupon⁷ exclaimed in amazement: Is there anything written in the Hagiographa to which allusion cannot be found in the Torah? The boy replied: Is then this verse not alluded to in the Torah, seeing that it is written, And their heart failed them, and they turned trembling one to another, saying: 'What is this that God hath done unto us?'⁸ R. Johanan lifted up his eyes and stared at him, whereupon the boy's mother came and took him away, Saying to him, 'Go away from him, lest he do unto you as he did unto your father'.⁹

R. Johanan further said: Rain may fall even for the sake of an individual but sustenance [is granted] only for the sake of the many. [That] rain [may fall] for the sake of even one man may be learnt from the verse where it is written, The Lord will open unto thee his good treasure, the heaven to give the rain of thy land;¹⁰ sustenance for the sake of the many, as it is written, Behold I will cause to rain bread for you.¹¹

An objection was raised: R. Jose the son of R. Judah says: Three good leaders had arisen for Israel, namely. Moses, Aaron and Miriam, and for their sake three good things were conferred [upon Israel], namely, the Well,¹² the Pillar of Cloud and the Manna; the Well, for the merit of Miriam; the Pillar of Cloud for the merit of Aaron; the Manna for the merit of Moses. When Miriam died the well disappeared, as it is said, And Miriam died there,¹³ and immediately follows [the verse], And there was no water for the congregation; and it returned for the merit of the [latter] two. When Aaron died the clouds of glory disappeared, as it is written, And the Canaanite, the king of Arad heard.¹⁴ What news did he hear? He heard that Aaron had died, and that the clouds of glory had disappeared; he thought that he was free to make war on Israel. Therefore it is written, And all the congregation saw that Aaron was dead.¹⁵ With reference to which R. Abahu said: Do not read, 'they saw' [wayir-u] but 'they were seen' [wayyero-u].¹⁶ This is also in accordance with the view of Resh Lakish who said: [The word] ki may be used in four different senses, namely, 'if' 'perhaps'. 'but', 'because'.¹⁷ The two [the Well and the Cloud] returned because of the merit of Moses, but when Moses died all of them disappeared, as it is said, And I cut off the three shepherds in one month.¹⁸ Did they then all [three] die in one month? Did not Miriam die in Nisan, Aaron in Ab and Moses in Adar? This therefore is meant to teach you that the three good gifts which were given because of their merit were nullified and they all disappeared in one month. Thus we find that sustenance¹⁹ may be granted for the sake of one individual! — The case of Moses is exceptional; as he prayed on behalf of the many, he himself is regarded as a multitude.

R. Hunah b. Manoah and R. Samuel b. Idi and R. Hiyya of Wastanya²⁰ were wont to attend the discourses of Raba. When Raba died they came to those of R. Papa and whenever he expounded to them a law which did not appeal to them they winked at one another, and thus hurt him greatly.

(1) **rag, rag** Deut. XIV, 22.

(2) A play upon the words **rag**, to give tithes, and **rag**, to grow rich.

(3) The boy was a nephew of R. Johanan, being the son of his sister.

(4) Deut. VI, 16.

(5) Mal. III, 10.

(6) Prov. XIX, 3.

(7) [So MS.M. Cur. ed. Insert 'sat'.]

(8) Gen. XLII, 28. First they sold their brother and then they complained at the punishment meted out to them by God.

(9) In B.M. 84a it is related that R. Johanan was the cause of R. Lakish's untimely death.

(10) Deut. XXVIII, 12.

(11) Ex. XVI, 4.

(12) A rock that accompanied the Israelites throughout their wanderings in the wilderness. Cf. Shab. 35a.

(13) Num. XX, 1.

(14) Ibid. XXI, 1.

(15) Ibid. XX, 29.

(16) With the disappearance of the Pillar of Cloud Israel became visible and exposed to the enemy.

(17) 'Ki' here on the reading of R. Abbahu is rendered 'because'.

(18) Zech. XI, 8.

(19) I.e., the manna.

(20) [Astunia, near Pumbeditha, v. Obermeyer, p. 229.]

Talmud - Mas. Ta'anith 9b

In a dream he was made to recite the verse, 'And I cut off the three shepherds'. When next day these disciples took leave of him he said to them, Go in peace.¹

R. Shimi b. Ashi was wont to frequent [the discourses] of R. Papa and used to annoy him, very much with questions. One day he observed that R. Papa fell on his face² [in prayer] and he heard him saying. 'May God preserve me from the insolence of Shimi'. The latter thereupon vowed silence and annoyed him no more [with questions].

Resh Lakish too held the view that rain may fall even for the sake of an individual, for Resh Lakish said: Whence do we adduce that rain may fall even for the sake of an individual? Because it is written, Ask ye of the Lord rain in the time of the latter rain, even of the Lord that maketh lightnings, and He will give them showers of rain, to every one grass in the field.³ You might have thought, only when all need [it]. therefore Scripture says. 'to everyone'. Further, it has been taught: Had Scripture said, 'to everyone' [only] you might have thought [rain would fall] only when one needs it for all his fields, therefore Scripture adds, 'field'. Had the word 'field' [been used] you might have thought only when the whole field needs [rain] Scripture therefore adds,

‘grass’. This is borne out by the case of Daniel b. Kattina who had a garden which he was in the habit of inspecting daily and he would exclaim, ‘This bed needs water and that one does not’; and rain would fall on those beds that needed water.

What is the meaning of the verse, ‘Even the Lord that maketh hazizim [lightnings]? — R. Jose son of R. Hanina said: This teaches that God provides a haziz for each righteous man. What are hazizim? Rab Judah said: Porehoth.⁴ R. Johanan said: Porehoth are a sign of [coming] rain. What are porehoth? — R. Papa said: A thin cloud under a thick cloud. Rab Judah said: Should fine rain come down before the heavy rain then the rain will continue for some time; should it follow a heavy downpour of rain then the rain will soon cease. If before the rain, the rain will continue, of this the sieve serves as a reminder; if after a heavy rain, the rain will cease, of this goats’ excrement serves as a reminder.⁵

‘Ulla chanced to be in Babylon and observing light clouds [porehoth] he exclaimed, ‘Remove the vessels for rain is now coming’. No rain however fell and he exclaimed, As the Babylonians are false, so too is their rain.

‘Ulla chanced to be in Babylon and observing that a basketful of dates was being sold for a zuz⁶ he exclaimed, ‘A basketful of honey for a zuz and yet the Babylonians do not occupy themselves with the study of the Torah’. During the night he was in agony [from eating the dates] and he then exclaimed, ‘A basketful of knives for a zuz and yet the Babylonians occupy themselves with the study of the Torah.

It has been taught: R. Eliezer said: The whole world draws its water supply from the waters of the ocean, as it is said, But there went up a mist from the earth and watered the whole of the ground.⁷ Thereupon R. Joshua said to him: But are not the waters of the ocean salty? He replied: They are sweetened by the clouds. R. Joshua said: The whole world drinks from the upper waters, as it is said, And drinketh water as the rain of heaven cometh down.⁸ If so, what is the force of the verse, ‘But there went up a mist from the earth’? This teaches that the clouds grow in strength as they rise towards the firmament and then open their mouth as a flask and catch the rain water, as it is said, Which distil rain from His vapour,⁹ they are perforated like a sieve and they slowly distil [mehashroth] waters on the ground. as it is said, Distilling [hashroth] of waters, thick clouds of the skies;¹⁰ there is but one hand-breadth space between one drop and another, in order to teach you that the day on which rain falls is as great as the day whereon heaven and earth were created, as it is said, Who doeth great things past finding out;¹¹ and it is written, Who giveth rain upon the earth;¹² and it is also written, Hast thou not known? hast thou not heard that the everlasting God, the Lord . . . His discernment is past finding out?¹³

Whose view is supported by the verse, Who waterest the mountains from Thine upper chambers,¹⁴ which R. Johanan interprets to mean the upper chambers of the Almighty? Whose view? — It is that of R. Joshua. And R. Eliezer's¹⁵ view?—As [the waters] ultimately find their way above [Scripture] aptly terms them, ‘from Thine upper chambers’¹⁴ For if it were not so, how will you explain, Powder and dust from heaven?¹⁶ What you must [say is] that as these rise upwards [from the ground] the words, ‘from heaven’ are quite aptly applied to them. Likewise as the waters eventually find their way above Scripture aptly refers to them as, from Thine upper

chambers'. Whose view supports R. Hanina who said this, He gathereth the waters of the sea together as a heap; He layeth up the deeps in storehouses,¹⁷ [as meaning,] Who caused the storehouses to be filled with grain? The deeps-the view of R. Eliezer. And what of R. Joshua's [view]?¹⁸ — That [verse] refers to Creation of the world.

(1) **tnkac** 'Go in peace' was addressed to the dead while to the living the greeting was **tnkak** 'Go to peace'. Cf. Ber. 64a. R. Papa. by his greeting, implied that the disciples would not survive long. [MSM. however reads **okak** 'to peace'. R. Papa then in using this formula expressed the wish that the implications of the dream would not be fulfilled.]

(2) He recited the prayer known as the Tahanun. V. P. B. p. 62

(3) Zech. X, 1.

(4) [Transpose with MS.M. R. Johanan's statement after that of R. Papa which follows.]

(5) The fine flour comes first from a sieve then the heavier parts; contrariwise the goat first discharges with force then relaxes.

(6) Zuz = a denar=about a quarter of a silver shekel.

(7) Gen. II, 6.

(8) Deut. XI, 11.

(9) Job XXXVI,27.

(10) II Sam. XXII, 12. E.V. 'Gathering waters etc. '.

(11) Job V, 9.

(12) Ibid. v. 10.

(13) Isa. XL, 28.

(14) Ps. CIV, 13.

(15) How does he explain this verse?

(16) Deut. XXVIII, 24.

(17) Ps. XXXIII, 7.

(18) How does he explain this verse?

Talmud - Mas. Ta'anith 10a

Our Rabbis have taught: Palestine was created first and then the rest of the world, as it is said, While as yet He had not made the earth, nor the fields.¹ Palestine is watered by the Holy One, blessed be He, and the rest of the world is watered by a messenger, as it is said, Who giveth rain upon the earth, and sendeth waters upon the fields.² Palestine is watered by the rain and the rest of the world is watered by the residue,³ as it is said, 'Who giveth rain upon the earth, etc'.⁴ Palestine is watered first and then the rest of the world, as it is said, 'Who giveth rain upon the earth, etc'. This may be compared to a man making cheese; he removes first what is edible and discards the refuse.

The Master said: '[The waters of the ocean] are sweetened by the clouds' — Whence does he learn this? R. Isaac b. Joseph said in the name of R. Johanan: It is written, Darkness of waters, thick clouds of the skies,⁵ and it is also written, Distilling of waters, thick clouds of the skies,⁶ take away the kaf and add it to the [word written with] resh and read haksharath.⁷ As for R.

Joshua what use does he make of these verses? — He is of the opinion that these verses are the basis for the statement made by R. Dimi when he came [to Babylon] and he reported that in Palestine people say, If the clouds are bright they contain little water, but if they are dark they contain much water.⁸ In keeping with whose view is the teaching which has been taught: The upper waters remain suspended by Divine command, and their fruit is the rain-water, as it is said, The earth is full of the fruit of Thy works?⁹ This is according to R. Joshua. And as for R. Eliezer?-[He is of the opinion] that this [verse] refers to the other handiwork of God.

R. Joshua b. Levi said: The whole world is watered by the residue of the Garden of Eden, as it is said, And a river went out of Eden, etc.¹⁰ A Tanna taught: The residue of a kor¹¹ is enough to irrigate a tarkab.¹²

Our Rabbis taught: Egypt is four hundred parasangs by four hundred, and it is one sixtieth of the size of Ethiopia; Ethiopia is one sixtieth of the world, and the world is one sixtieth of the Garden [of Eden].¹³ and the Garden is one sixteenth of Eden, and Eden is one sixtieth of Gehenna;¹⁴ thus the whole world compared with the Gehenna is but as a lid to the pot. Some say that Gehenna has no limit in size; others say that Eden is without limit. R. Oshaia said: What is the meaning of the verse, O thou that dwellest upon many waters, abundant in treasures?¹⁵ What has brought it about that Babylon's treasures are full of corn? Because it dwells by many waters.¹⁶ Rab said: Babylon is rich because it harvests without rain. Abaye said: We have a tradition, Better is a flooded land than an arid land.

MISHNAH. ON THE THIRD OF MARCHESHVAN WE [BEGIN TO] PRAY FOR RAIN. R. GAMALIEL SAYS: ON THE SEVENTH, [THAT IS.] FIFTEEN DAYS AFTER THE FEAST SO THAT THE LAST ISRAELITE¹⁷ MAY REACH THE RIVER EUPHRATES.

GEMARA. R. Eleazar said: The halachah is according to R. Gamaliel. It has been taught: Hananiah says: In the Diaspora¹⁸ [we do not begin to pray] until the sixtieth day after the [Tishri] cycle.¹⁹ R. Huna b. Hiyya said in the name of Samuel: The halachah is according to Hananiah. Is it really so? Was not a question asked of Samuel: When do we begin to make mention [of the words] 'and give dew and rain'? and he replied, 'When wood is brought into the house of Tabut,²⁰ the fowler'? — Perhaps the two time limits are identical. A question was asked in the school: Is the sixtieth day counted with those that precede it or with those that follow it?²¹ -Come and hear:²² Rab said: The sixtieth day is counted with those that follow it; and Samuel said: With those that precede it.²³ R. Nahman said: The mnemonic for this is, the highlands need water, but the lowlands do not.²⁴ R. Papa said: The halachah is that the sixtieth day is counted with those that follow it.²⁵

MISHNAH. IF THE SEVENTEENTH OF MARCHESHVAN CAME AND NO RAIN FELL THE YEHDIM²⁶ [INDIVIDUALS] BEGIN TO FAST THREE FASTS; THEY MAY EAT AND DRINK AFTER IT GETS DARK²⁷ [AND ON THESE FASTS] IT IS PERMISSIBLE FOR THEM TO DO WORK, TO BATHE, TO ANOINT THEMSELVES WITH OIL, TO WEAR SHOES, AND TO HAVE

of Tabernacles may reach home without being inconvenienced by the rain. MARITAL

RELATIONS. IF THE NEW MOON OF KISLEV CAME AND NO RAIN FELL THE BETH DIN ORDAIN UPON THE COMMUNITY THREE FASTS; [ON THESE] THEY MAY EAT AND DRINK WHILST IT IS STILL DARK AND IT IS PERMISSIBLE TO DO WORK, TO BATHE, TO ANOINT ONESELF WITH OIL, TO WEAR SHOES, AND TO HAVE MARITAL RELATIONS.

GEMARA. Who are the yehidim? R. Huna said: The rabbis. R. Huna further said: The yehidim fast three fasts, [that is to say, on] Monday, Thursday and Monday. What new fact does he teach us? Has it not already been taught to us:²⁸ No fast is ordained upon the community to begin on a Thursday in order to prevent a rise in food prices.²⁹ Hence the order of the first three fasts must be, Monday, Thursday, Monday? You might have thought that this applies only to public fasts but not to those of individuals therefore he teaches us [that it applies] equally to those of individuals. The same has been taught us elsewhere: When the yehidim begin to fast they fast on Monday, Thursday and Monday, and they interrupt³⁰ their fasts on New Moon

(1) Prov. VIII, 26.

(2) Job V, 10. . **rt** taken to mean **ktrah . rt** Palestine, and , **umuj** from . **uj** (outside, field) the rest of the world (. **rtk . uj**).

(3) [MS.M. adds, of Palestine.]

(4) [The order of the last two sentences should be reversed with MS.M.]

(5) Ps. XVIII, 12.

(6) In the parallel psalm. II Sam. XXII, 12.

(7) By the manipulation of the letters in the words , **faj** and , **raj** in the verses cited the word , **rafv** is obtained, meaning 'making fit', i.e., drinkable. The meaning is the clouds make the waters drinkable. The additional change of **V** to **j** involved is quite common in Semitic languages.

(8) [This popular proverb is alluded to in the verse cited from Psalms, 'Darkness of waters — thick clouds of skies', R. Joshua being of the opinion that **uhfaj** is not a variant of , **raj** .]

(9) Ps. CIV, 13.

(10) Gen. II, 10. The continuation of the verse is, 'and from thence it was parted and became four heads'.

(11) A dry measure = 30 se'ahs. Cf. II Kings VII, 16.

(12) Tarkab, Gk. ***=3 kabs= one half se'ah. With the residue of water used for watering a space sown with a kab seed one can water a space sown with a tarkab.

(13) If the world is one sixteenth of the Garden of Eden, then it can be seen from the previous statement that the residue of the Garden of Eden is sufficient to water the whole world.

(14) [Var. lec. omit 'and the Garden . . . of Eden' which words are difficult to explain.]

(15) Jer. LI, 13.

(16) Being a low-lying country it is well irrigated and consequently it needs but little rain.

(17) Who comes on pilgrimage to Jerusalem on the feast

(18) In the first instance applied to Babylonia.

(19) The year was divided into four cycles (v. Glos. s.v. Tekufah), Tishri, Tebeth, Nisan and Tammuz. Here the Tishri Tekufah is meant—the Autumnal Equinox.

(20) A sign that the rainy season was about to set in.

(21) Exclusive or inclusive.

(22) [Omitted in MS.M.]

(23) [R. Hananel and Aruch reverse the opinions of Rab and Samuel.]

(24) Rab came from Palestine which is mountainous and so needed more rain, while Samuel came from Babylonia which was well irrigated and therefore needed less rain. [R. Hananel and Aruch (v. n. 6): Samuel's place was Nehardea which was situated higher and consequently in greater need of rain at an earlier period than Sura, the place of Rab.]

(25) And the words 'give dew and rain' are said earlier.

(26) Distinguished persons.

(27) On the night preceding the fast, the fast beginning only with dawn.

(28) V. infra 15b.

(29) Thursday being a market day, they would purchase food for the breaking of their fast and also for the Sabbath and consequently the abnormal demand for food would tend to make the prices soar.

(30) Should any such festive day coincide with their fast days.

Talmud - Mas. Ta'anith 10b

and on such festive days as are enumerated in the Scroll of Fasts.¹

The Rabbis have taught: Let not a man say, 'I am but a disciple and I am therefore not worthy to consider myself a yahid', since all Disciples of the Wise are accounted yehidim. Who is a yahid? And who is a disciple? A yahid is one worthy to be appointed Leader of the Community; a disciple is one who is asked any question of halachah connected with his studies and can answer it — even though it is on a subject dealt with in the Tractate Kallah.² Our Rabbis have taught: Not everyone desirous to consider himself a yahid may do so;³ a disciple however may do so; this is the opinion of R. Meir. R. Jose says: Anyone may do so, and may he be remembered for good, because it is not an advantage to him but a hardship. Another [Baraitha] teaches: Not everyone desirous to consider himself a yahid may do so; a disciple however may do so; this is the opinion of R. Simeon son of R. Eliezer. R. Simeon b. Gamaliel says: This only applies to things which are to his distinction⁴ but in things which cause him hardship any one may do so and may he be remembered for good, because it is not an advantage to him but a hardship.

Our Rabbis have taught: If one fasted on account of some visitation and it passed, or for a sick person and he recovered, he should nevertheless complete his fast. If one journeys from a place where they do not fast to a place where they do, he should fast with them; from a place where they do fast to a place where they do not, he should nevertheless complete his fast. If he forgot and ate and drank let him not make it patent in public nor may he indulge in delicacies, as it is written, And Jacob said to his sons: Why should you show yourself?⁵ Jacob conveyed thereby to his sons' 'When you are fully sated do not show yourselves either before Esau or before Ishmael that they should not envy you'. See that ye fall not out by the way. R. Eleazar said: Joseph said to his brethren, 'Do not busy yourselves with questions of law lest the road become uncertain for you [you lose the way]'.⁶ Is it really so; did not R. Elia b. Berackiah say: Two scholars who are journeying on the road and they do not discuss words of Torah merit to be devoured by fire, as it is written, And it came to pass, as they still went on and talked, that behold, there appeared a chariot of fire, and horses of fire, which parted them asunder?⁷ — [They parted asunder] only because they talked [of Torah] but if they had not talked they would have merited to be devoured by fire! — There is no contradiction. The latter case speaks of repeating one's studies, and the former of cogitation.

A Tanna taught: [Joseph said to his brethren] ‘Do not take big strides and bring the sun into the city’. ‘Do not take big strides’: For a Master said: Big strides rob a man of one five-hundredth part of his eyesight. ‘And bring the sun into the city’: As Rab Judah said in the name of Rab: Let a man always leave [the city by ‘daylight’,⁸ and enter it by ‘daylight, as it is said, As soon as the morning was light, the men were sent away.⁹ Rab Judah said¹⁰ in the name of R. Hiyya: He who journeys on the road should not eat more than one eats in years of famine. Why? Here [in Babylonia] they explained the reason to be in order to prevent digestive troubles¹¹ but in Palestine they said, in order [to make] his provisions last [throughout the whole journey]. What is the difference between the two [reasons]? — The difference is

(1) Megillath Ta’anith. A chronicle enumerating thirty-five eventful days in the history of the Jewish people on which fasting is forbidden. The Scroll was written between 66-70 C.E. V. Zeitlin, Megillat Taanit.

(2) There are two explanations of the term Kallah. (a) It is the name of an apocryphal tractate of the Talmud not usually studied. (b) The term signifies the half-yearly assemblies in the Babylonian schools in Adar and Elul when a particular tractate was studied and the lecture sessions thrown open to all. V. Shab. 114a and commentaries ad loc.; J.E. VII, 423. and Kid., Sonc. ed. p. 247 n. 4.

(3) With reference to the first three fasts.

(4) Cf. Ber. 16b.

(5) Gen. XLII, 1. E. V. ‘Why do you look upon one another.’

(6) [Aliter: ‘Become unsafe for you’. passers-by might be irritated by your disputes.]

(7) II Kings II, 11.

(8) Cf. Gen. 1, 4. **cu y hf** applied by the Rabbis to the daylight.

(9) Gen. XLIV, 3.

(10) [Var. lec. insert: In the name of Rab.]

(11) Which would retard the peace of the journey

Talmud - Mas. Ta'anith 11a

apparent in the case of a man on board ship¹ or of a man journeying from one inn to another.² R. Papa ate a piece of bread at every parasang; he was therefore of the opinion that the reason is in order to prevent digestive troubles.³

Rab Judah said in the name of Rab.⁴ He who starves himself in years of famine escapes unnatural death, as it is said, In famine He will redeem thee from death.⁵ [Scripture should have said] ‘from famine’. This is therefore what [Scripture] meant to convey. As a reward for starving himself in years of famine one will escape unnatural death. Resh Lakish said: A man may not have marital relations during years of famine, as it is said, And unto Joseph were born two sons before the year of famine came.⁶ A Tanna taught: Childless people may have marital relations in years of famine. Our Rabbis have taught: When Israel is in trouble and one of them separates himself from them, then the two ministering angels who accompany every man come and place their hands upon his head and say, ‘So-and-so who separated himself from the community shall not behold the consolation of the community’. Another [Baraita] taught: When the community is in trouble let not a man say, ‘I will go to my house and I will eat and drink and all will be well with me’. For of him who does so Scripture says, And behold joy and gladness, slaying oxen and killing sheep,

eating flesh and drinking wine — ‘Let us eat and drink, for to-morrow we shall die’.⁷ What follows after this [verse]? — And the Lord of Hosts revealed Himself in mine ears; surely this iniquity shall not be expiated by you till ye die. This is the conduct of the ordinary man, but what does Scripture say of the conduct of the wicked? Come ye, I will fetch wine, and we will fill ourselves with strong drink; and to-morrow shall be as this day.⁸ What follows after this [verse]? The righteous perisheth, and no man layeth it to heart . . . that the righteous is taken away from the evil to come.⁹ But rather a man should share in the distress of the community, for so we find that Moses, our teacher, shared in the distress of the community, as it is said, But Moses’ hands were heavy; and they took a stone and put it under him, and he sat thereon.¹⁰ Did not then Moses have a bolster or a cushion to sit on? This is then what Moses meant [to convey], ‘As Israel are in distress I too will share with them. He who shares in the distress of the community will merit to behold its consolation’.¹¹ Perhaps a man will say, ‘Who is there to testify against me?’ The very stones of his house and its beams testify against him, as it is written, For the stone shall cry out of the wall, and the beam out of the timber shall answer it.¹² In the school of R. Shila it was taught: The two ministering angels who accompany every man testify against him, as it is said, For He will give His angels charge over thee.¹³ R. Hidka says: A man’s own soul testifies against him, as it is said, Keep the doors of thy mouth from her that lieth in thy bosom.¹⁴ And some say: A man’s own limbs testify against him, as it is said, Ye are my witnesses saith the Lord.¹⁵

A God of faithfulness and without iniquity.¹⁶ ‘A God of faithfulness’: Just as punishment will be exacted of the wicked in the world to come even for a slight transgression which they commit, So too is punishment exacted in this world of the righteous for any slight transgression which they commit. ‘And without iniquity’: Just as the righteous will receive their reward in the world to come, even for the least meritorious act which they do, so too are the wicked rewarded in this world even for the least meritorious act which they do. Just and right is He.¹⁷ They [the Rabbis] said: When a man departs to his eternal home all his deeds are enumerated before him and he is told, Such and such a thing have you done, in such and such a place on that particular day. And he replies, ‘Yes’. Then they say to him. ‘Sign’ — And he signs, as it is said, He sealeth up the hand of every man.¹⁸ And what is even more, he acknowledges the justice of the verdict and he says. ‘You have judged me well’, in order that the words of Scripture may be fulfilled, That thou mayest be justified when Thou speakest.¹⁹

Samuel said: Whosoever fasts [for the sake of self-affliction] is termed a sinner. He is of the same opinion as the following Tanna. For it has been taught: Eleazar ha-Kappar Berabbi²⁰ Says: What is Scripture referring to when it says [of the Nazirite], And make atonement for him, for that he sinned by reason of the soul.²¹ Against which soul did he sin?²² [It must refer to the fact that] he denied himself wine. We can now make this inference from minor to major: If this man [Nazirite] who denied himself wine only is termed, Sinner, how much more so he who denies himself the enjoyment of ever so many things. R. Eleazar says: He is termed, Holy. as it is said, He shall be holy, he shall let the locks of the hair of his head grow long.²³ If this man [Nazirite] who denied himself wine only is termed, Holy. how much more so he who denies himself the enjoyment of ever so many things — How will then Samuel explain the verse wherein he is termed, Holy? — That refers to the locks growing long. And how will R. Eleazar explain the statement that he is termed, Sinner?—That is because he defiled himself [by contact with the dead]. But did R. Eleazar say so? Did he not say: Let a man always consider himself

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- (1) The former reason does not apply here, but the latter does.
 - (2) Lit., 'from station to station' where he can obtain new provisions. The latter does not apply here but the former does.
 - (3) [Of which he was not afraid owing to his corpulence, v. B.M. 84a.]
 - (4) [MS.M. adds: In the name of R. Hiyya, cf. n. 3.]
 - (5) Job V, 20.
 - (6) Gen. XLI, 50.
 - (7) Isa. XXII, 13.
 - (8) Ibid. LVI, 12.
 - (9) Ibid. LVII, 1.
 - (10) Ex. XVII, 12.
 - (11) [This sentence is omitted in MS.M.]
 - (12) Hab. II, 11.
 - (13) Ps. XCI, 11.
 - (14) Micah VII, 5. Bosom is interpreted to mean, 'soul'.
 - (15) Isa. XLIII, 10.
 - (16) Deut. XXXII, 4.
 - (17) [MS.M. reverses the application of the two texts.]
 - (18) Job XXXVII, 7.
 - (19) Ps. LI, 6.
 - (20) Or 'Beribi' v. Nazir, Sonc. ed. p. 64, n. 1. J.E. s.v. Berabbi.
 - (21) Num. VI, 11. E.V. 'dead'.
 - (22) He has sinned against his own soul.
 - (23) Num. VI, 5.

Talmud - Mas. Ta'anith 11b

as if the Holy One dwells within him, as it is said, The Holy One in the midst of thee, and I will not come in fury?¹ — This is no contradiction. The one speaks of him, who is able to bear self-affliction and the other of one who is not able. Resh Lakish says: He is termed, Pious, as it is said, The Pious man² weans his own soul but he that is cruel etc.³ R. Shesheth, said: The young scholar who would afflict himself by fasting let a dog devour his meal.⁴

R. Jeremiah b. Abba said: There are no public fasts⁵ in Babylonia except [the Fast of] the Ninth of Ab.⁶ R. Jeremiah b. Abba further said in the name of Resh Lakish: A scholar may not afflict himself by fasting because he lessens thereby his heavenly work.⁷

THEY MAY EAT AND DRINK AFTER IT GETS DARK etc. R. Ze'ira said in the name of R. Hanina: An individual who has undertaken to fast though he may have eaten and drunk the whole of the [preceding] night, yet on the morrow he should recite the [special] prayer for fast days; if, however, he has continued his fast throughout the following night he may not recite the prayer for fast days [on the next day].⁸ R. Joseph asked: What view does R. Huna take? Does he take the view that one cannot [undertake a] fast for a matter of hours? Or perhaps one can undertake a fast for hours, but if one does so he should not recite the [special] prayer for fast days?⁹ — Abaye

replied to him: It is quite definite R. Huna may hold the opinion that one can undertake a fast for a matter of hours and if one does so he may recite the [special] prayer for fast days, but here the case is different since he did not previously take upon himself¹⁰ [to fast]. Mar 'Ukba¹¹ chanced to come to Ganzaka¹² and he was asked: Is fasting for a matter of hours considered a fast or not? and he was unable to answer. [They then asked him] are wine-jars belonging to idolaters prohibited for use or not and he was unable to answer; [he was then asked] in which [garments] did Moses perform the service [in the Tabernacle] during the seven days of consecration¹³ and he was unable to answer. He went and inquired in the House of Learning and he was told, the law is that fasting for a matter of hours is considered a fast and we do recite the [special] prayer for fast days [if one has completed the fast].¹⁴ Further the law is that wine-jars belonging to idolaters may be used after twelve months; Moses performed the service during the seven days of consecration dressed in a white frock. R. Kahana taught: In a white frock without a border.¹⁵

R. Hisda said:

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- (1) Hosea XI, 9. R. Eleazar holds the view that the divine is ever present in man. How could then a man who fasts be called holy seeing that he humiliates God through his fasting.
- (2) E.V. 'merciful'. Resh Lakish takes **sxj aht** as denoting **shxj** .
- (3) Prov. XI, 17. Resh Lakish takes **knd** in the sense of, to wean (e.g.. Gen. XXI, 8). He refrains from food (Rashi). [Aliter: Resh Lakish considers the one who does not fast as pious on this view the verse is rendered: The pious man doeth good to his own soul, v. Tosaf. s.v. **knudj**]
- (4) He deserves to have no food on which to break his fast.
- (5) Observed with the same strictness as the fast of the ninth of Ab.
- (6) [The reference is (a) to rain fasts of which some were subject to the stringencies of the ninth of Ab (v. infra 30a). As Babylon could do with a minimum of rain (v. supra) such fasts were not decreed (v. Tosal s.v. **iht**); (b) To fasts decreed for some visitation. Since there was no Sanhedrin in Babylon they were not treated as public fasts. An exception to this rule is the ninth of Ab which has been decreed for all generations by a Sanhedrin of a former age. v. Me'iri, a.I.]
- (7) He weakens himself by fasting and consequently his studies suffer.
- (8) Every fast must be explicitly undertaken on the preceding day. , **hbg** , , **kce** In the case where he merges one day's fast into another for which he has failed to make that undertaking he is not entitled to recite the **ubbg** prayer (v. P. B. p. 50) since the second day's fast in the absence of the undertaking is considered no fast and can be broken at will (Rashi).
- (9) [I.e. is R. Huna's view that a fast that has not been undertaken in the preceding day is considered no fast at all, and consequently may be broken at will, or though the fast prayer is not provided for such a fast, it is nevertheless considered a fast in so far that once begun it has to be continued to the end of the stipulated time (Rashi). For other interpretations v. R. Hananel and R. Gershom.]
- (10) [I.e.. the question whether fasting by hours is considered a fast has no bearing on it. Huna's case where the individual incidentally merged one day's fast into another without at all intending the second day to be a fast. Where, however, a man vows to fast for a number of hours, the fast indeed may be considered a fast in every respect (Rashi).]
- (11) The parallel passage in A.Z. 34a has R. Akiba.
- (12) Ganzaka, identified with Shiz S.E. of Lake Urmia, N.W. Persia. V. Obermeyer. p. 10.
- (13) Lev. VIII, 33. Aaron we know did put on special priestly garments for the occasion. Cf Ex. XXIX, 29-30.
- (14) [Cf. MS.M.: 'and he who fasts by hours recites the fast prayer'; v. also A.Z. loc. cit.]

(15) To indicate that it was for temporary ministration only. V. Tosaf. A.Z. 34a.

Talmud - Mas. Ta'anith 12a

With reference to what you said that one may fast for a matter of hours this only applies if [the man concerned] had not tasted anything until the evening. Abaye said to him: This is then a full fast! — This speaks of a case where the fast was only an after thought.¹

R. Hisda further said: A fast over which the sun has not set cannot be deemed a fast. An objection was raised against this. The men of the Mishmar fast but do not complete [the day]. [There fasting] is merely in order to afflict themselves [in sympathy with the community].²

Come and hear: R. Eleazar b. Zadok said: I am a descendant of Sena'al³ of the tribe of Benjamin; once the [fast of] the ninth of Ab fell on the Sabbath and we postponed it until the day after the Sabbath and we fasted but did not complete the fast because it was our festive day!⁴ — There too the fasting was merely in order to afflict themselves [in sympathy with the community].

Come and hear: R. Johanan [once] said: 'I will fast until I return home'! — There he said this merely in order to evade the hospitality of the house of the Nasi.⁵

Samuel said: A fast which one does not undertake before sunset on the previous day is not deemed to be a fast. But what if a man does observe such a fast? — Rabbah b. Shila replied: It may be compared to a pair of bellows filled with wind.⁶ At what time should one undertake such a fast? — Rab said: During the time that one may read the Afternoon Service, and Samuel said, In the course of the Afternoon Tefillah. R. Joseph said: The view of Samuel appears the more reasonable, since it is written in the Scroll of Fasts: Therefore any man who has been subject to a fast previous to this [i.e., the incidence of these festive days] should build himself⁷ [by an undertaking]. Does this not refer to an undertaking made during prayer?⁸ — No; this only denotes that he is forbidden [to break his fast because of his previous undertaking]. R. Hiyya and R. Simeon b. Rabbi differ on this question. One reads⁹ yesar¹⁰ ['he should bind himself by his under-taking'] and the other reads, yeaser¹¹ [he is forbidden, i.e., to break his fast]. The one who reads, yesar, justifies his view in the way we have just stated, but the one who reads, yeaser, what does this mean? — It has been taught in the Scroll of Fasts: Any man who is subject to a fast previous to this [incidence of these festive days] is forbidden [to break his fast]. How is this to be understood? If a man undertook to fast on Mondays and Thursdays throughout the year and any of the festive days enumerated in the Scroll of Fasts happens to fall on those days, then if his vow was made previous to our decree his vow overrides our decree, but if our decree was made before his vow then our decree overrides his vow.

Our Rabbis taught: Until when may one eat and drink [on the night preceding a fast]? Until the rise of dawn; this is the opinion of Rabbi. R. Eliezer b. Simeon says: Until cock crow. Abaye said: This only holds good where a man had not yet finished his meal, but if he had finished his meal he may not eat again.

Raba raised an objection against this: If one had completed his meal and rose from the table, he

may eat further! — There it speaks of the case where he had not yet removed the [table].¹² Some say, Raba said: This holds good only when he has not gone to sleep, but if he has gone to sleep he may not eat again. Abaye raised an objection against this: If one had gone to sleep and then got up he may eat again! — There it speaks of the case where he was merely dozing. What constitutes dozing?-R. Ashi replied:

(1) R. Hisda's interpretation of fasting for a matter of hours is this. A man was too occupied for the first half of the day to have a meal and decides that he would end the day without food so as to make it constitute a fast. In such special circumstances the fast is a valid one, though the man had not explicitly undertaken it on the day previous (V. Rashi).

(2) V. Mishnah infra 15b and notes.

(3) Cf. Ezra II, 35. The Gemara reads Sena'ab.

(4) V. infra 26a.

(5) V. Glos.

(6) I.e., of no significance.

(7) The text reads, **rxhh**.

(8) **ukmc** in prayer. **ukmc rxhh** an undertaking made during the Minhah Tefillah the day previous.

(9) In the text of the Scroll of Fasts.

(10) **rxhh**.

(11) **rxth**.

(12) The meal is not looked upon as ended.

Talmud - Mas. Ta'anith 12b

A sleep which is no sleep, a wakefulness which is no wakefulness, he answers when he is called, but cannot recall an argument; when, however, he is reminded of something he remembers it.

R. Kahana said in the name of Rab: An individual who has undertaken a fast is forbidden to wear shoes because we fear that perhaps he has undertaken a public fast.¹ How shall he declare his vow [to be able to wear shoes]?-Rabbah b. Shila said: He should make the following declaration, 'To-morrow I shall observe before Thee a private fast'. The Rabbis said to R. Shesheth: We have seen Rabbis who come to an Assembly on a fast day wearing their shoes. Thereupon he became angry and asked them, Perhaps they even eat? Abaye and Raba used to come [to the Assembly] wearing shoes² without soles. Meremar and Mar Zutra used to change the right [shoe] to the left [foot] and the left to the right.³ The scholars of the school of R. Ashi wore their shoes as usual; they were of the same opinion as Samuel who said: In Babylonia except for the Fast of the Ninth of Ab there are no public fasts.⁴

Rab Judah said in the name of Rab: One may borrow a fast and repay it [on another day]; When I repeated this [statement] before Samuel he said to me, Did he then take a vow upon himself that he must pay it?-He merely undertook to afflict himself, if he is able he afflicts himself, if not he does not do so. Some say, Rab Judah said in the name of Rab: One may borrow his fast and repay it. When I repeated this before Samuel he said to me, This is self-evident; even if it is merely a vow, would he not have to pay a vow on the next day or on a later day?

R. Joshua, the son of R. Idi chanced to be with R. Assi, and after they had prepared in his honour a three-year-old calf⁵ they said to him, 'Will the Master partake of it?' He replied. 'I am fasting'. They said to him, 'Let the Master borrow and repay [the fast later]'. Is the Master not in agreement with the view of Rab Judah, who said in the name of Rab: One may borrow a fast and repay it? — He replied: [Mine] is a fast for a [bad] dream, and Rabbah b. Mehasiah said in the name of R. Hama b. Guriah, in the name of Rab: Fasting is as efficacious for the bad dream as fire is for tow, and upon this R. Hisda commented: And [the fast must be] on the same day; and R. Joseph added: Even if [the day] is the Sabbath. What amends shall he make [for having fasted on the Sabbath]? — He should observe an additional fast.⁶

MISHNAH. IF THESE FAST DAYS PASSED AND THERE WAS NO ANSWER TO THEIR PRAYERS, THE BETH DIN ORDAIN UPON THE COMMUNITY THREE FURTHER FASTS; [ON DAYS PRECEDING THESE FASTS] THEY MAY EAT AND DRINK [ONLY] WHILST IT IS STILL DAY, AND THEY MAY NOT [ON THESE FAST DAYS] DO WORK, NOR BATHE, NOR ANOINT THEMSELVES WITH OIL, NOR WEAR SHOES, NOR HAVE MARITAL, RELATIONS; AND THE BATHS TOO ARE CLOSED. IF THESE [DAYS] PASSED AND THERE WAS [STILL] NO ANSWER TO THEIR PRAYERS THE BETH DIN ORDAIN UPON THE COMMUNITY A FURTHER SEVEN [FASTS]. MAKING THIRTEEN IN ALL. [IN THIS RESPECT ARE] THE LATTER MORE STRINGENT THAN THE FORMER⁷ IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. ON MONDAYS THE SHUTTERS [OF THE SHOPS] ARE OPENED A LITTLE WHEN IT GETS DARK, BUT ON THURSDAYS THEY ARE PERMITTED⁸ [THE WHOLE DAY]⁹ IN HONOUR OF THE SABBATH. IF THESE PASSED AND THERE WAS [STILL] NO ANSWER TO THEIR PRAYERS THEN BUSINESS IS RESTRICTED AS ALSO IS BUILDING, PLANTING, BETROTHAL AND MARRIAGE; AND MEN GREET ONE ANOTHER AS PEOPLE LABOURING UNDER DIVINE DISPLEASURE. THE YEHIDIM¹⁰ BEGIN THEIR FASTING ANEW AND CONTINUE UNTIL THE END OF NISAN; IF NISAN PASSES AND RAIN FALLS THIS IS A SIGN OF DIVINE ANGER, AS IT IS WRITTEN, IS IT NOT WHEAT HARVEST TO-DAY, etc.¹¹

GEMARA. It is reasonable that all the other restrictions [should be forbidden] because they give pleasure, but why work which is a source of pain? — R. Hisda replied in the name of R. Jeremiah b. Abba: Scripture says. Sanctify ye a fast, call a solemn assembly, gather the elders.¹² This means that [the fast day is to be treated] like a solemn assembly. Just as it is not permissible to do work on a solemn assembly it is likewise not permissible to do work on a fast day. Perhaps just as on the solemn assembly work is forbidden from the preceding evening so too on a fast day work should close on the preceding evening? — R. Zeira replied: R. Jeremiah b. Abba explained the matter to me thus: Scripture says, Gather the elders'; it is to be like a gathering of elders, as the elders foregather by day so too the fast commences on the day. Perhaps [it commences] from noon? — R. Shisha b. Idi replied: This is a support for R. Huna who said: The assembly [of the community on a fast day] takes place in the morning. How do they spend [the day]?-Abaye replied: From morning to midday they look into the affairs of the city;¹³ from then onwards they read for a quarter of the day from the Torah and the Prophets and the rest of the day [is spent] in praying for mercy, as it is said, And they stood up in their place, and read in the book of the Law of the Lord their God a fourth part of the day; and another fourth part they confessed and

prostrated themselves before the Lord their God.¹⁴

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- (1) And therefore he must observe the fast with all the strictness of a public fast. V. supra 10a.
 - (2) [MS.M 'Used to wear shoes.' V. Tosaf. s.v. **hhct**.]
 - (3) To show that they had not forgotten that it was a fast day.
 - (4) V. note on supra 11 b.
 - (5) Another explanation is: a calf the third born of its mother.
 - (6) Lit., 'He should observe a fast for his fast'.
 - (7) [Var lec., In what respect are the latter more stringent than the former? in that on them etc.]
 - (8) V. Gemara.
 - (9) V. Mishnah text in the Gemara.
 - (10) V. supra p. 44, n. 9.
 - (11) I Sam. XII, 17.
 - (12) Joel I, 14.
 - (13) To find out if the citizens were guilty of any dishonesty or whether in the city there were men of violence (Maimonides). V. Buchler, Moses Maimonides, viii Centenary Memorial Volume, ed. by I. Epstein, pp. 13-55.
 - (14) Neh. IX, 3.

Talmud - Mas. Ta'anith 13a

Perhaps the order of the day is to be reversed? — This cannot possibly be so, seeing that it is written, Then were assembled unto me everyone that trembled at the words of the God of Israel, because of the faithlessness of them of the captivity etc.;¹ and then follows, And at the evening offering I arose from my fasting . . . and spread out my hands unto the Lord.²

Rafram b. Papa said in the name of R. Hisda: On any fast ordained on account of mourning, as for example the Ninth of Ab and a mourner, it is forbidden to bathe in warm or in cold water, but on any fast ordained merely to prevent indulgence in pleasure, as for example, a public fast day, bathing in warm water is forbidden but permissible in cold water. R. Idi b. Abin said: We too have learnt: AND THE BATHS TOO ARE CLOSED? Abaye said to him: If it were forbidden to bathe even in cold water, then it should have stated, 'and the rivers are stopped up'! — R. Shisha the son of R. Idi replied: This was the difficulty which my father felt. [He argued]. Let us see: the Mishnah already states, IT IS NOT PERMISSIBLE TO BATHE, why does it add AND THE BATHS TOO ARE CLOSED? Evidently from this is to be concluded that [bathing] in warm water is forbidden but permissible in cold water.

Shall we say that the following supports [R. Hisda]: 'All those who have to take the ritual bath³ immerse in the usual way both on the Ninth of Ab and on the Day of Atonement'. In what [water is here meant]? Is it in warm [water]? Is then [ritual] immersion in warm water permissible, seeing that such water must of a necessity be drawn⁴ [and is therefore unfit for immersion]? It must therefore be in cold [water]; and yet it is only those who have to take the ritual bath who may [immerse] but others may not?⁵ — Said R. Hana b. Kattina [No:] This [passage] has special reference to the hot springs of Tiberias. If this is so how is the concluding statement to be understood? R. Hanina, the Deputy High Priest said: Our House of God merits that a man should for its sake forego an immersion once a year.⁶ Now should you say that bathing in cold water is

permissible, let him then bathe in cold water! — R. Papa replied: [It speaks] of a place where cold water is not available.

Come and hear: When the Rabbis declared that it is not permissible to do work [on a public fast day] this applies only to the day but not to the night [preceding]; and when they declared that it is not permissible to wear shoes, this applies only within the city, but on the road it is permissible. How should a man act? When he sets out on a journey he puts his shoes on, but when he enters the city he removes them. And when they declared that it is not permissible to bathe they meant the whole body but he may wash his face, hands or feet. You will find that the same applies to one placed under the ban and also to the mourner. Now does not [this last statement] imply that they are subject to all [the restrictions mentioned previously]? This being so, of what [water does the Baraitha] speak? Shall we say warm water? Is it then permissible [for a mourner] to wash his face, hands or feet [in warm water]? Did not R. Shesheth say: The mourner may not put even his finger into warm water? Therefore [it must speak of] cold water!⁷ — No; it refers indeed to warm water, and as for your difficulty in interpreting, ‘and the same applies to one placed under the ban and also to the mourner’, [you must take] this to refer only to the remaining restrictions⁸ [and not to bathing].

Come and hear: R. Abba the Priest said in the name of R. Jose the Priest: It happened that the sons of R. Jose b. Hanina died and he bathed in cold water throughout the seven days [of mourning]! — In his case one bereavement followed close on the other. For it has been taught: Where a man suffers one bereavement close upon another and his hair weighs heavy upon him he may thin them out with a razor and he may also wash his clothes in water. R. Hisda said: With a razor but not with scissors, in water but not in natron nor in sand.

Raba said: A mourner may bathe in cold water all the seven days in the same way as he may partake of meat and wine. An objection was raised against this:

(1) Ezra IX, 4.

(2) Ezra IX, 5.

(3) E.g. a woman after menstruation or confinement. (V. Num. XIX, 17.)

(4) Ritual immersion takes place only either in running water i.e., in a stream, or in a natural spring or in a ritual bath the waters of which are directly connected with them. To be warmed, waters would have to be ‘drawn’, and this is not permissible.

(5) This supports R. Hisda.

(6) On the ninth of Ab because of national mourning.

(7) [This shows that on a public fast day, as in the case of a mourner, bathing in cold water is forbidden in opposition to R. Hisda.]

(8) I.e., working and wearing shoes.

Talmud - Mas. Ta'anith 13b

A girl who has reached adolescence¹ may not make herself unsightly during the days of mourning for her father.² This implies that a girl who has not reached adolescence may [make herself unsightly]. And in which respect [may she neglect herself]? By not bathing. [This being so], in

what water? Shall I say in warm? [Then how can you say that] a girl who has not reached adolescence may not neglect herself [in this respect]? Did not R. Hisda say: A mourner may not put even his finger in warm water? Therefore [it must speak of] cold water!³ — No; [it speaks of] painting the eyelids and dyeing the hair.

Shall we say that the following supports Raba: R. Abba the Priest said in the name of R. Jose the Priest: It happened that the sons of R. Jose b. Hanina died and he bathed in cold water throughout the seven days [of mourning]. The answer is, in his case one bereavement followed close on the other. For it has been taught: Where a man suffers one bereavement close upon another and his hair weighs heavy upon him he may thin them out with a razor and he may also wash his clothes in water. R. Hisda said: With a razor, but not with scissors, In water, but not in natron, nor in sand nor in aloe.

Some say. Raba said: The mourner may not [bathe] in cold water all the seven days. Why this differentiation [between bathing in cold water] and partaking of meat and wine?⁴ — Of these [the mourner] may partake in order to counteract his fear.⁵ Shall we say that support may be adduced from the following passage: A girl who has reached adolescence may not make herself un-sightly [during the days of mourning for her father]. This implies that one who has not reached adolescence may? And in what respect may she neglect herself? [By not bathing]. [This being so], in what water? Is it in warm water? Then how can you say that a girl who has reached adolescence may not neglect herself in this respect? Did not R. Hisda say: A mourner may not put even his finger in warm water? Therefore [it must speak of] cold water! — No; it speaks of painting the eyelids and dyeing the hair. R. Hisda said this proves⁶ that a mourner is forbidden to wash his clothes throughout the seven days of mourning.⁷ The law is, a mourner is forbidden to bathe his whole body either in warm or in cold water all the seven days; his face, hands and feet he may not [wash] in warm water but in cold water he may; anointing is not permitted at all; if, however, it is to remove the dirt it is permissible.

Where is the prayer for the fast day⁸ inserted?⁹ Rab Judah brought his son R. Isaac [to the school]¹⁰ and he expounded as follows: An individual who has taken upon himself a fast should recite the prayer for the fast day. And where does he insert it? Between the benediction for 'Redemption' and the benediction for 'Healing'.¹¹ R. Isaac demurred to this [saying]: Is it proper that an individual should insert [in his prayers] a special benediction for himself? Therefore said R. Isaac: [He includes it] in the benediction 'Thou hearkenest to the prayer'.¹² And so, too, said R. Shesheth: [In the benediction] 'Thou hearkenest to the prayer'. An objection was raised [against this]: The only difference between [the Order of Prayer] of an individual on a fast day and a community is that the former recites eighteen benedictions and the latter recite nineteen. Now what is [meant by] an 'individual' and what by a 'community'? Shall we say that [by] an 'individual' [is meant] literally and [by] 'community' the Representative of the community [leading in prayer]?¹³ If so, are the benedictions [recited by the latter] nineteen? Are they not rather twenty-four?¹⁴ Therefore the [Baraita quoted] should read thus: The only difference between an individual who has undertaken a private fast and an individual who has undertaken a public fast is that the former recites eighteen [benedictions] and the latter nineteen.¹⁵ From which one may infer that an individual may insert a special benediction for himself.¹⁶ No; [by 'community' is definitely meant], the Representative of the Community and as to your difficulty,

that the Representative recites twenty-four benedictions [and not nineteen]. [this refers] to the first three fasts when the twenty-four are not [recited]. But is this so? Is it not stated that the only difference between the first three [fasts] and the middle three [fasts] is that work is permissible on the former and forbidden on the latter? Does this not imply that with regard to the recital of the twenty-four [benedictions] both are alike?—The Tanna [of the Baraitha] has stated only one [difference] and has left out [others] — What other differences has he left out besides this one?¹⁷ And further, does he not explicitly state: The only difference etc.? — The Tanna speaks only of differences with regard to things forbidden on the fast days and not [of differences with regard to] prayers. And if you like, I can say that even on the middle three fasts the twenty-four benedictions are also not recited. But is this so? Has it not been taught: ‘The only difference between the second three [fasts] and the last seven is that on the latter the alarm is sounded and the shops are closed.’ Does this not imply that in all other respects they are alike? And should you reply that here too [the Tanna] stated one difference only and left out [others], I would object on the ground that it explicitly states, ‘The only difference’! — Do you assume the expression, ‘The only difference etc.’

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- (1) , **rduc** Twelve and a half years of age plus one day. opposed to a vrgb twelve years plus one day old.
- (2) In order not to prejudice her chances of marriage because of her unsightliness.
- (3) [And yet it is forbidden to a girl who has not reached adolescence to bathe in it during her mourning, which contradicts Raba.]
- (4) Which is permissible for the mourner.
- (5) I.e., to counteract his grief.
- (6) Which is in support of Raba. Cf. P. 59, n. 3 mutatis mutandis.
- (7) [Washing clothes is placed on a par with painting eyelids and dyeing hair (Rashi). This passage is omitted in one MS. v. D.S. a.l.]
- (8) **ubbg , kp**, v. P.B. p. 50.
- (9) [This sentence is omitted in MS.B. v. D.S.]
- (10) [**vhrcst** Lit., ‘to lead’. Various meanings have been given to the phrase: (a) Took him for a walk (Rashi. Bezah 29a); (b) Put the words in his mouth (R. Hananel, *ibid.*) i.e., prepared for him the exposition; (c) Gave him permission (Epstein J.N. MGWJ, LXIII, p. 258, adopted by Malter a.I.)
- (11) I.e., between the seventh and the eighth benedictions.
- (12) I.e., in the sixteenth benediction.
- (13) The Reader.
- (14) V. infra 15a.
- (15) V. supra 12b.
- (16) In opposition to R. Isaac.
- (17) Surely he would not stop short of just one item.

Talmud - Mas. Ta'anith 14a

to denote the absolute exclusion of any other differences? Has he not left out [mention of the taking out of] the Ark?¹ — [As for the taking out of the] Ark this cannot be considered an omission because [the Baraitha] enumerates only things done in private but not things done in public. R. Ashi said: This² may also be deduced from our Mishnah where it is learnt: IN WHAT RESPECT ARE THE LATTER MORE STRINGENT THAN THE FORMER?³ IN THAT ON

THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. This would imply that in all other respects they are alike. And should you reply that here too [the Mishnah] has stated only one [difference] and left out [others]. I would object, the Mishnah explicitly states, IN WHAT RESPECT ARE THE LATTER etc.'!⁴ — Do you assume the expression, 'IN WHAT RESPECT ARE THE LATTER etc. literally? Has he not also left out [mention of the taking out of] the Ark?— [As for the taking out of] the Ark this cannot be considered an omission because he mentions it in the next chapter. If now that you have arrived at this conclusion [the difference in respect of the recital of] the twenty-four benedictions is also no omission since he mentions it [also] in the next chapter. What is the final decision [with regard to the insertion of the special benediction for fast days]?⁵ R. Samuel b. Sasartai said, and so too R. Hiyya b. Ashi in the name of Rab: [He inserts it] between 'Redemption' and 'Healing'. R. Ashi said in the name of R. Jannai, the son of R. Ishmael: In [the benediction] 'Who hearkenest unto prayer.

One Baraitha teaches: Pregnant women and nursing mothers fast on the first fasts but not on the last; another teaches: They fast on the last but not on the first; and yet another teaches: They fast neither on the first nor on the last! — R. Ashi said: Take it that they fast on the middle set of fasts and in this way all [three Baraithas] will be reconciled.⁶

IN WHAT RESPECT ARE THE LATTER MORE STRINGENT THAN THE FORMER? IN THAT ON THEM THE ALARM IS SOUNDED AND THE SHOPS ARE CLOSED. How do we sound the alarm? — Rab Judah said: By the shofar.⁷ Rab Judah the son of R. Samuel b. Shilath in the name of Rab said: By [the recital of the] 'anenu.⁸ The scholars assumed that the authority who said by the 'anenu was opposed to the sounding of the alarm by the shofar and that the one who said by the shofar was opposed to the recital of the 'anenu. But has it not been taught: No less than seven fasts are ordained upon the community upon each of which the alarm is sounded eighteen times; [as] a sign to remember this take Jericho. Now at Jericho the shofar [was used to give the alarm]. This would be a refutation of him who said: By 'anenu [only]! Hence [we must conclude] that all are agreed that the sounding of the shofar constitutes the sounding of an alarm, and that they differ only with regard to [the recital of] the 'anenu; one takes the view that it constitutes the sounding of an alarm, and the other that it does not. The authority who says that the recital of the 'anenu constitutes the sounding of an alarm [will hold] how much more so does the sounding of the shofar, but the authority who says, 'by the shofar', would exclude the recital of the 'anenu. But has it not been taught: In the case of all other visitations that break out [in the world], as for example. Itch, Locusts, Flies, Hornets, Gnats and the invasion by Snakes and Scorpions they did not sound the alarm, but they cried aloud? And as crying can only be by mouth, the sounding of the alarm must consequently be by the shofar! — This forms a subject of dispute amongst the Tannaim, for it has been learnt: In the case of these [calamities] they sound the alarm even on the Sabbath ; when a city is surrounded by a ravaging troop, or is in danger of inundation by a river or when a ship is foundering on the sea, R. Jose said: [We may sound the alarm to summon] help but not for intercession! Now with what [is the alarm sounded]? Shall we say by the shofar? Is then the sounding of the shofar on the Sabbath permissible? It must therefore be by the recital of the 'anenu, and this is termed: 'Sounding the alarm'. This proves it.

In the time of R. Judah the Prince⁹ there was distress¹⁰

- (1) Which was taken out during the last seven fasts but not during the intermediary, v. infra 15a.
- (2) That the twenty-four benedictions are recited also during the middle three fasts.
- (3) ['THE FORMER' means those immediately preceding the middle three fasts which, taken together with what follows, seems to imply that the difference is limited to the points enumerated.
- (4) [Where as explained in the Gemara infra 15b it applies only to the last fast days (Rashi). R. Hananel explains differently.]
- (5) I.e., by an individual (Rashi).
- (6) The reconciliation of the conflicting Baraithas is arrived at in the following manner. Call the three groups of fasts A (the first three), B (the middle three) and C (the last seven). In the first Baraita B is first with regard to C; in the second B is last with regard to A; and in the third B is the middle one.
- (7) V. Glos.
- (8) The fast prayer. v. P.B. p. 50.
- (9) Text reads, Judah Nesi'ah. Nesi'ah, is the title by which the Patriarch Judah III (end of third century) was known.
- (10) Not a drought, but some other kind of visitation.

Talmud - Mas. Ta'anith 14b

; he ordained thirteen fast days and their prayer was not answered. He thought of ordaining additional fasts but R. Ammi said to him, 'Did not [the Sages] declare we should not trouble the community unduly'. Said R. Abba the son of R. Hiyya b. Abba, 'R. Ammi [in saying this] was studying his own interests',¹ for thus did R. Hiyya b. Abba say in the name of R. Johanan: The statement [cited by R. Ammi] holds good only so far [as fasts for] rain are concerned, but in the case of other forms of visitation the fasts are continued until their prayers are answered from heaven. It has been taught to the same effect: When they [the Sages] instituted the order of fasts for [twice] three days, and then a further seven days, they intended these to be applicable only in the case of fasts for rain, but in all other forms of visitation the fasts are to be continued until their prayers are answered from heaven. Shall we say that this will be a refutation of R. Ammi? — R. Ammi can answer you: The Tannaim are divided on this question. For it has been taught: Not more than thirteen fasts are ordained upon the community because we should not trouble the community unduly; this is the opinion of Rabbi. R. Simeon b. Gamaliel says: This is not the real reason² [why no additional fasts are ordained] but it is because after these thirteen fasts the time of rainfall has gone.

The inhabitants of Nineveh³ sent to enquire of Rabbi: How should we who need rain even in the Tammuz cycle act?⁴ Are we to consider ourselves individuals and [insert the special prayer for rain] in 'Who hearkenest unto prayer'. or shall we consider ourselves a community and [insert it] in the 'Blessing of the Years'?⁵ He sent [word] back to them: Consider yourselves individuals and [insert the prayer] in, 'Who hearkenest unto prayer'. An objection was raised [against this]: R. Judah said: When did this order of fasts apply? Only at such times when the seasons of the year were normal⁶ and Israel dwelt in their own land, but to-day all depends upon the years, the countries and the seasons! He replied:⁷ You cite a Baraita in refutation of Rabbi; Rabbi is a Tanna and has the right to differ [from a Baraita]. What is the final decision [with regard to this matter]? — R. Nahman said: [The blessing is inserted] in the Blessing of the Years. R. Shesheth said: In 'Who hearkenest unto prayer'. The Law is [it is inserted in]. 'Who hearkenest unto

prayer’.

ON MONDAYS THE SHUTTERS [OF THE SHOPS] ARE OPENED A LITTLE WHEN IT GETS DARK; BUT ON THURSDAYS THEY ARE PERMITTED⁸ THE WHOLE DAY IN HONOUR OF THE SABBATH. The question was raised: How did [the Mishnah] teach? Was it that on Mondays the shutters are opened a little when it gets dark and on Thursdays they are opened [a little] during the whole day in honour of the Sabbath, or perhaps, that on Mondays they are open a little and on Thursdays they are open wide for the whole day? — Come and hear: It has been taught: On Mondays they are opened slightly till the evening and on Thursdays they remain wide open the whole day in honour of the Sabbath; should there be two doors then one is kept open and the other remains closed; should there be a stand⁹ in front of the door he may open [the door] in the usual way without any compunction.

IF THESE ‘PASSED WITHOUT THEIR PRAYER BEING ANSWERED THEN BUSINESS DEALINGS ARE RESTRICTED AS WELL AS BUILDING AND PLANTING. It has been taught: By BUILDING [is to be understood] building for joyous purposes, and by PLANTING planting for joyous purposes. What is ‘building’ for joyous purposes? — Building a house for the marriage-feast of one's own son. What is ‘planting’ for joyous purposes? When one erects a royal banqueting hall.¹⁰

AND GREETING. Our Rabbis taught: Scholars do not greet one another at all; the greetings of the ignorant are reciprocated in an undertone in a solemn manner; people are seated covered in mourner's fashion and like those placed under the ban, and like men labouring under Divine displeasure, until mercy is shown to them from heaven.

R. Eleazar said: A prominent man should not fall upon his face¹¹ unless he is confident that he will be answered like Joshua. as it is said, And the Lord said unto Joshua. ‘Get thee up; wherefore now art thou fallen upon thy face?’¹² R. Eleazar further said: A prominent man should not put on sackcloth unless he is confident that he will be answered like Jehoram, the Son of Ahab, as it is said, And it came to pass, when the king heard the words of the woman, that he rent his clothes — now he was passing by upon the wall — and the people looked, and, behold, he had sackcloth within upon his flesh, etc.¹³

R. Eleazar further said: Not everyone [is answered] through rending his garments nor is everyone [answered] through falling [on his face]. Moses and Aaron [were answered] through falling [on the face], Joshua and Caleb through rending [their] garments. Moses and Aaron through falling [on the face]; for it is written, Then Moses and Aaron fell on their faces.¹⁴ Joshua and Caleb through rending [their] garments, for it is written, And Joshua the son of Num and Caleb ... rent their clothes.¹⁵ R. Ze'ira and some say, R. Samuel b. Nahmani demurred to this. Had it been written [in the verse] ‘Joshua’. it would be as you say, but seeing that the verse reads ‘And Joshua’, they may have done both.¹⁶

R. Eleazar further said: Not all [will in the Messianic era] rise [before Israel], nor will all prostrate themselves; kings will rise and princes prostrate themselves; ‘Kings will rise’, for it is written, Thus saith the Lord, the Redeemer of Israel, his Holy One

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- (1) Because he did not wish to fast.
 - (2) Lit., 'not of the same denomination'. Cf. Shebu. 3b.
 - (3) [Identified by Klein, S. (JQR. N. S. II, p. 551) with Nawa north of the Gaulan in Transjordan. The climatic conditions of the country and the stony nature of the territory rendered it necessary for them to have rain even in the summer season.]
 - (4) Heb. Tekufah, v. Glos.
 - (5) V. P.B. p. 47.
 - (6) I.e., divided according to the work regularly done in the fields-sowing in Marcheshvan and reaping in Nisan.
 - (7) [To be omitted with MS.M.]
 - (8) V. supra p. 55. n. 3.
 - (9) The stand obscures the door and it is not easily visible whether it is open or closed.
 - (10) For his son's wedding.
 - (11) Recite the Tahanum. v. P.B. p. 57.
 - (12) Josh. VII, 10; v. Meg., Sonc. ed. p. 137ff and notes.
 - (13) II Kings VI, 30.
 - (14) Num. Xlv, 5.
 - (15) Ibid. v. 6.
 - (16) The 'waw' ('and') connects it with the previous verse and conveys the meaning that Joshua and Caleb both rent their garments in the same way as they both fell on their faces.

Talmud - Mas. Ta'anith 15a

to him who is despised of men, to him who is abhorred of nations, to a servant of rulers; kings shall see and arise;¹ 'and princes will prostrate themselves,' for it is written, Princes and they shall prostrate themselves. R. Ze'ira and some say R. Samuel b. Nahmani demurred to this. Had it been written in the verse, 'And princes shall prostrate themselves', it would be as you say, but seeing that the verse reads, 'Princes and they shall prostrate themselves,' they will perhaps do both.

R. Nahman b. Isaac declared: I say furthermore, Not all are destined to share in the light nor all in the gladness. Light shall be for the righteous and gladness for the upright. 'Light for the righteous', for it is written, Light is sown for the righteous;² And gladness for the upright'. for it is written, And gladness for the upright in heart.²

CHAPTER II

MISHNAH. WHAT IS THE ORDER [OF SERVICE] FOR FAST DAYS?³ THE ARK IS TAKEN OUT TO THE OPEN SPACE⁴ OF THE CITY, WOOD ASHES ARE PLACED ON THE ARK, ON THE HEAD OF THE NASI⁵ AND ON THE HEAD OF THE AB-BETH-DIN.⁶ EVERYONE ELSE PUTS ASHES ON HIS OWN HEAD; THE ELDER AMONG THEM ADDRESSES THEM WITH WORDS OF ADMONITION [TO REPENTANCE] THUS, OUR BRETHREN, SCRIPTURE DOES NOT SAY OF THE PEOPLE OF NINEVEH, AND GOD SAW THEIR SACKCLOTH AND THEIR FASTING, BUT, AND GOD SAW THEIR WORKS, THAT THEY TURNED FROM THEIR EVIL WAY;⁷ AND IN THE PROPHETS IT IS SAID, AND REND YOUR HEART AND NOT YOUR GARMENTS.⁸ WHEN THEY

STAND UP TO PRAY THEY PLACE [AS READER] BEFORE THE ARK AN OLD MAN CONVERSANT [WITH THE PRAYERS], WHO HAS CHILDREN AND WHOSE HOUSE IS EMPTY [OF FOOD], SO THAT HIS HEART IS CONCENTRATED ON HIS PRAYER; HE RECITES BEFORE THEM TWENTY-FOUR BENEDICTIONS, THE EIGHTEEN RECITED DAILY, TO WHICH HE ADDS SIX AS FOLLOWS, ZIKRONOTH,⁹ SHOFAROTH,¹⁰ AND [THESE PSALMS]: IN MY DISTRESS I CALLED UNTO THE LORD;¹¹ I WILL LIFT UP MINE EYES UNTO THE MOUNTAINS ETC.;¹² OUT OF THE DEPTHS HAVE I CALLED THEE, O LORD;¹³ A PRAYER OF THE AFFLICTED WHEN HE FAINTETH.¹⁴ R. JUDAH SAYS: HE NEED NOT RECITE THE ZIKRONOTH AND SHOFAROTH, BUT INSTEAD HE SHOULD RECITE THE FOLLOWING SCRIPTURAL, PASSAGES, IF THERE BE IN THE LAND FAMINE, IF THERE BE PESTILENCE;¹⁵ THE WORD OF THE LORD THAT CAME TO JEREMIAH CONCERNING THE DROUGHTS;¹⁶ AND HE ENDS EACH [OF THE ADDITIONAL SIX] SECTIONS WITH ITS APPROPRIATE CONCLUDING BENEDICTION. THE FIRST HE CONCLUDES WITH, 'HE WHO ANSWERED ABRAHAM ON MT. MORIAH, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO REDEEMEST ISRAEL. THE SECOND HE CONCLUDES WITH, 'HE WHO ANSWERED OUR FATHERS AT THE RED SEA, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO REMEMBEREST ALL FORGOTTEN THINGS. THE THIRD HE CONCLUDES WITH, HE WHO ANSWERED JOSHUA IN GILGAL, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEAREST THE TRUMPET BLAST. THE FOURTH HE CONCLUDES WITH, 'HE WHO ANSWERED SAMUEL IN MIZPAH, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEarkenEST TO CRIES. THE FIFTH HE CONCLUDES WITH, 'HE WHO ANSWERED ELIJAH ON MT. CARMEL, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HEarkenEST UNTO PRAYER. THE SIXTH HE CONCLUDES WITH, 'HE WHO ANSWERED JONAH IN THE BELLY OF THE FISH, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO ANSWEREST IN TIME OF TROUBLE. THE SEVENTH¹⁷ HE CONCLUDES WITH, 'HE WHO ANSWERED DAVID AND SOLOMON HIS SON IN JERUSALEM, HE SHALL ANSWER YOU AND HEarken THIS DAY TO THE VOICE OF YOUR CRY. BLESSED ART THOU O LORD WHO HAST MERCY UPON THE LAND. IT HAPPENED

(1) Isa. XLIX, 7.

(2) Ps. XCVII, 11.

(3) For rain.

(4) According to Krauss (Syn. Alt. pp. 140-1) it was an open space in front of the synagogue.

(5) Head of the Great Sanhedrin in Jerusalem.

(6) Lit., 'Father of the Beth din', generally taken to denote the Vice-President of the Great Sanhedrin and next in dignity to the Nasi. V. Hor., Sonc. ed. p. 101, n. 6.

(7) Jonah III, 10.

(8) Joel II, 13.

(9) Lit., 'remembrances'. The term is applied to the second section of the Musaf for the New Year which consists of scriptural verses describing the mindfulness of God for man. The section ends with the prayer that God may show his mindfulness of Israel in their present calamity. Cf. R.H. 32a.

(10) Lit., 'trumpets'. The term applied to the third section of the musaf of Rosh Hashanah consisting of scriptural verses which speak of God proclaiming in thunder-notes a message to the world and especially to Israel. The section concludes with the prayer for the great trumpet to be sounded heralding the redemption of Israel. Cf. R.H. 32a.

(11) Ps. CXX.

(12) Ps. CXXI.

(13) Ps. CXXX.

(14) Ps.CII.

(15) I Kings VIII, 37-41.

(16) Jer. XIV, 1-10.

(17) V. Gemara.

Talmud - Mas. Ta'anith 15b

IN THE DAYS OF R. HALAFTA AND R. HANINA B. TRADYON THAT A MAN STEPPED BEFORE THE ARK AND COMPLETED THE ENTIRE BENEDICTION AND THEY DID NOT RESPOND, 'AMEN'.¹ [THE SYNAGOGUE ATTENDANT CALLED OUT], SOUND A TEKIAH, PRIESTS, SOUND A TEKIAH.² [THEN THE READER EXCLAIMED], HE WHO ANSWERED ABRAHAM OUR FATHER ON MT. MORIAH, HE SHALL ANSWER YOU, AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. [THE SYNAGOGUE ATTENDANT CONTINUED], SOUND A TERUAH,³ CHILDREN OF AARON, SOUND A TERUAH. [THEN THE READER EXCLAIMED], HE WHO ANSWERED OUR FATHERS AT THE RED SEA, HE SHALL ANSWER YOU AND HEARKEN THIS DAY TO THE VOICE OF YOUR CRY. AND WHEN THE MATTER CAME UP BEFORE THE WISE, THEY DECLARED, THIS⁴ WAS OUR ORDER OF PROCEDURE ONLY AT THE EASTERN GATES AND ON THE TEMPLE MOUNT.⁵

ON THE FIRST THREE [RAIN]⁶ FASTS THE MEN OF THE MISHMAR⁷ FAST BUT DO NOT COMPLETE THEIR FAST, AND THE MEN OF THE BETH-AB⁸ DO NOT FAST AT ALL. ON THE SECOND THREE [RAIN FASTS]⁹ THE MEN OF THE MISHMAR FAST AND COMPLETE THEIR FAST AND THE MEN OF THE BETH-AB FAST BUT DO NOT COMPLETE THEIR FAST; ON THE LAST SEVEN⁹ BOTH FAST AND COMPLETE THEIR FAST; THIS IS THE OPINION OF R. JOSHUA. THE SAGES, HOWEVER, SAY: ON THE FIRST THREE FASTS NEITHER FAST AT ALL, ON THE SECOND THREE, THE MEN OF THE MISHMAR FAST AND DO NOT COMPLETE THEIR FAST; BUT THE MEN OF THE BETH-AB DO NOT FAST AT ALL; ON THE LAST SEVEN, THE MEN OF THE MISHMAR FAST AND COMPLETE THEIR FAST, AND THE MEN OF THE BETH-AB FAST BUT DO NOT COMPLETE THEIR FAST.

THE MEN OF THE MISHMAR ARE PERMITTED TO DRINK WINE IN THE EVENINGS BUT NOT DURING THE DAY,¹⁰ BUT THE MEN OF THE BETH-AB MAY NOT [DRINK WINE] EITHER ON THE DAY OR ON THE PRECEDING EVENING. BOTH

THE MEN OF THE MISHMAR AND THE MEN OF THE MA'AMAD¹¹ MAY NOT CUT THEIR HAIR NOR WASH THEIR CLOTHES, BUT ON A THURSDAY THEY MAY IN HONOUR OF THE SABBATH.

THE RESTRICTION AGAINST MOURNING ON THE DAYS ENUMERATED IN THE SCROLL OF FASTS¹² APPLIES EQUALLY TO THE PRECEDING DAY BUT NOT TO THE DAY FOLLOWING. R. JOSE SAYS: IT IS FORBIDDEN [TO MOURN] BOTH ON THE PRECEDING DAY AND) THE DAY FOLLOWING. AS FOR FASTING IT IS PERMITTED ON THE PRECEDING DAY AND ON THE DAY FOLLOWING. R. JOSE SAYS: IT IS FORBIDDEN ON THE PRECEDING DAY BUT PERMITTED ON THE DAY FOLLOWING.

WE DO NOT ORDAIN UPON THE COMMUNITY A FAST TO COMMENCE ON A THURSDAY IN ORDER NOT TO CAUSE A RISE IN THE MARKET PRICES. HENCE THE FIRST THREE FASTS ARE HELD [IN THIS ORDER], MONDAY, THURSDAY, AND MONDAY; THE SECOND THREE, THURSDAY, MONDAY, AND THURSDAY; R. JOSE SAYS: JUST AS THE FIRST THREE [FASTS] SHOULD NOT COMMENCE ON A THURSDAY SO TOO NEITHER THE SECOND [THREE] NOR THE LAST [SEVEN].

WE DO NOT ORDAIN UPON THE COMMUNITY A FAST ON NEW MOON, ON HANUKKAH, OR ON PURIM, BUT IF THEY HAD ALREADY BEGUN [A SERIES OF FASTS AND ONE OF THESE FESTIVE DAYS INTERVENED] THEY DO NOT INTERRUPT [THEIR FASTS]; THIS IS THE OPINION OF RABBAN GAMALIEL. R. MEIR SAID: EVEN THOUGH R. GAMALIEL IS OF THE OPINION THAT THE [FASTS] SHOULD NOT BE INTERRUPTED HE YET AGREES THAT THEY SHOULD NOT COMPLETE THEIR FASTS. AND THE SAME APPLIES TO THE NINTH OF AB SHOULD IT FALL ON A FRIDAY.

GEMARA. WHAT IS THE ORDER [OF SERVICES] FOR FAST DAYS? THE ARK IS TAKEN out etc. Does all this apply to the first six fasts? If so, is there not a contradiction raised against this? [For it has been taught]: On the first three and also on the second three [fasts] they enter the synagogue and pray there in the same way as they pray all the year round, but on the last seven the Ark is taken to the open space of the city and ashes are placed on the Ark and also upon the head of the Ab-Beth-din, and everyone else puts ashes upon his own head. R. Nathan says: They take wood-ashes!¹³ — R. Papa replied: Our Mishnah also refers to the last seven fasts.

AND ON THE HEAD OF THE NASI: And afterwards [the Mishnah] states, EVERYONE ELSE PUTS ASHES UPON HIS OWN HEAD. But is it so? Has it not been taught: Rabbi says: Where it is a case of doing honour we begin at the most distinguished, but where it is a case of censuring we begin at the least important; as it is said, And Moses said unto Aaron, and unto Eleazar and unto Ithamar;¹⁴ but where it is a case of censuring we begin at the least important, (for a Master said:) First the serpent was cursed, and afterwards Eve and [only] then Adam?-Here [in our Mishnah] it is also a case of doing honour, because [by this act] the people convey to them¹⁵ [the thought] you are worthy to entreat for mercy on behalf of us all.

EVERYONE ELSE PUTS ASHES ON HIS OWN HEAD: R. Adda said: Seeing that everyone

else puts the ashes on his own head let also the Nasi and the Ab-Beth-din themselves take ashes and place them on their own heads! Why should someone else take ashes and put them on their head? — R. Aba of Caesarea replied: To humiliate oneself is not the same as being humiliated by others.

(1) [But the response, Blessed be the Name of the Glorious Kingdom for ever, (Me'iri) v. infra p. 77. For other interpretations v. D.S. a.l. Var. lec. 'and they answered, Amen'; v. note 5].

(2) A single long blast, V. Glos.

(3) A series of brief blasts in quick succession as for alarm. V. Glos.

(4) [The response, 'Blessed be the Name etc.', v. preceding note. On the reading 'they answered, Amen', the reference is to the custom of the synagogue attendant to call upon the priests to blow and the reader to recite the formula 'He who answered' after the conclusion of the Benediction. V. Me'iri. For other interpretations v. D.S. loc. cit.]

(5) [Var. lec. At the Eastern Gate. Others again omit: 'and on the Temple Mount' which in the context is difficult to explain. The Eastern Gate was 'the brass gate situated in the inner space of the Temple towards the East'. V. Buchler, Types p. 207.]

(6) V. supra 10a.

(7) Term applied to each of the twenty-four divisions of priests (and Levites) who did one week's duty in the Temple every half year. V. infra.

(8) Each Mishmar was subdivided into seven sections (, **uct h, C**) each detailed for duty on one day of the week, v. loc. cit.

(9) V. supra 12b.

(10) This is a general law without any reference to the rain fasts.

(11) A division of lay Israelites in attendance on the regular daily offerings v. Glos. and infra 20a.

(12) V. supra p. 45.

(13) [MS.M. omits: 'and also upon the head... wood ashes', these words being unnecessary in this connection.]

(14) Lev. X, 6. (3) [The brackets appear also in the original; these words being apparently superfluous, they are omitted in MS.M.]

(15) To the Nasi and Ab-Beth-din.

Talmud - Mas. Ta'anith 16a

And where [on the head] does he put [the ashes]?-R. Isaac said: On the place of the phylacteries, as it is said, To appoint unto them that mourn in Zion, to give unto them a garland for ashes.¹ (Mnemonic: open space, Ark, sackcloth, wood-ashes, dust, cemetery, Moriah.)

Why do they go out to the open space [of the city]?R. Hiyya b. Abba said: In order to express thereby [the idea], We have prayed in private but we have not been answered; we will [therefore] humiliate ourselves in public. Resh Lakish said: We have exiled ourselves [from the House of God] may our exile atone for us. What is the difference between the two explanations? — The difference is when they move from one synagogue to another.²

And why do they take out the Ark to the open space of the city? — R. Joshua b. Levi said: In order to express thereby [the idea], We had a vessel which we kept hidden and now because of our sins it has been rendered common.

And why do they clothe themselves in sackcloth? — R. Hiyya b. Abba said: In order to express thereby [the idea], We consider ourselves animals³ [before God].

And why do they place wood-ashes upon the Ark? — R. Judah b. Pazzi said: As if to say, I will be with him in trouble.⁴ Resh Lakish said: [As if to say] In all their afflictions He was afflicted.⁵ R. Zera said: When I first saw the rabbis placing wood-ashes on the Ark my whole body shook.

And why does everyone else put ashes on his head? — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina. One says: [To signify thereby], We are merely like ashes before Thee; and the other says: That [God] may remember for our sake the ashes of Isaac.⁶ What is the difference between them? — The difference is with regard to [the use of] ordinary dust.⁷

Why do they go to the cemetery? — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina. One says: [To signify thereby], We are as the dead before Thee; and the other says: In order that the dead should intercede for mercy on our behalf. What is the difference between them? — The difference is with regard to going to the cemetery of Gentiles.⁸ What is [the meaning of] ‘Mount Moriah’?⁹ — With regard to this there is a difference of opinion between R. Levi b. Hama and R. Hanina.¹⁰ [One says] because from this mountain instruction went forth unto Israel;¹¹ and the other says: Because it is the mountain whence fear¹² came upon the heathens.

THE ELDER AMONG THEM ADDRESSES THEM WITH WORDS OF ADMONITION. Our Rabbis have taught: If there is an elder present he addresses them; if not, then a scholar addresses them; and if there is no scholar present then a distinguished looking man addresses them. Does the term ‘elder’ here used denote one who is not a scholar? — Abaye replied: This is what is meant: If there is present an elder who is also a scholar then he addresses them, and if not, then a [younger] scholar addresses them, and if not, a distinguished looking man addresses them. [And this is what he says], ‘Our brethren, neither sackcloth nor fastings are effective but only penitence and good deeds, for we find that of the men of Nineveh Scripture does not say, And God saw their sackcloth and their fasting, but, God saw their works that they turned from their evil way.’

But let them be covered with sackcloth, both man and beast.¹³ How did they act? — They separated the animals from their young and they said, Master of the Universe, if Thou wilt not have mercy upon us we will not show mercy to these.

And let them cry mightily unto God!¹⁴ What did they say? — They said, Master of the Universe, If one is submissive and the other is not, if one is righteous and the other is not, who of them should yield?¹⁵

Let them turn everyone from his evil way and from the violence that is in their hands.¹⁶ What is the meaning of, ‘From the violence that is in their hands’? — Samuel said: Even if one had stolen a beam and built it into his castle he should raze the entire castle to the ground and return the

beam to its owner.

R. Adda b. Ahaba said: One who has sinned and confesses his sin but does not repent may be compared to a man holding a dead reptile in his hand, for although he may immerse himself in all the waters of the world his immersion is of no avail unto him; but if he throws it away from his hand then as soon as he immerses himself in forty se'ahs of water,¹⁷ immediately his immersion becomes effective, as it is said, But whoso confesseth and forsaketh them shall obtain mercy.¹⁸ And it is further said, Let us lift up our heart with our hands unto God in the heavens.¹⁹

WHEN THEY STAND UP TO PRAY THEY PLACE BEFORE THE ARK [AS READER] AN OLD MAN etc. Our Rabbis have taught: When they stand up to pray, although there may be present an elder and a scholar, they place before the Ark [as Reader] only a man conversant with the prayers. (Who is considered conversant with prayers)?²⁰ — R. Judah says: One having a large family²¹ and has no means of support, and who draws his subsistence from [the produce of] the field,²² and whose house is empty, whose youth was unblemished, who is meek and is acceptable to the people; who is skilled in chanting, who has a pleasant voice, and possesses a thorough knowledge of the Torah, the Prophets and the Hagiographa, of the Midrash, Halachoth and Aggadot and of all the Benedictions. Thereupon the Rabbis gazed on R. Isaac b. Ammi.²³

(1) Isa. LXI, 3. The Gemara takes the word **rtp**, garland, to refer to the phylacteries. So Ber. 11a in interpreting Ezek. XXIV, 17.

(2) This would constitute an 'exile' but not a humiliation.

(3) Because sackcloth is woven of the hair of animals (Rashi).

(4) Ps. XCI, 15.

(5) Isa. LXIII, 9. The thought implied is that though God punishes people He yet does not fail to have sympathy with them.

(6) This refers to the sacrifice of Isaac. Cf. Gen. XXII.

(7) For humiliation ordinary dust or earth could be used, but for recalling the sacrifice of Isaac only ashes would do.

(8) In the former case any cemetery would be used but in the latter case only a Jewish cemetery.

(9) The mount on which the Temple was built.

(10) The difference of opinion between R. Levi and R. Hama b. Hanina also in the matter accounts for the inclusion here of this passage.

(11) Taking **vhrun** from **vrh** 'to teach'. [The Sanhedrin from which proceeded all legislation governing the life of the people had its seat in the Temple Mount.]

(12) II Chron. III, 1. Taking **vhrun** from **trh**, 'to fear'. [Either (a) fear for Israel (Rashi); or (b) reverence for God.]

(13) Jonah III, 8.

(14) Ibid.

(15) Man cannot force God to yield to him. God should, however, in his great loving-kindness yield to the prayer of a man who humiliates himself before him.

(16) Jonah III, 8.

(17) The minimum requirement for ritual immersion.

(18) Prov. XXVIII, 13.

(19) Lam. III, 41.

(20) [The bracketed words appear in brackets also in the original. The statement of R. Judah that follows is hardly relevant as a definition of 'one conversant with prayers'. The words are omitted in MS.M.]

(21) **kpūyn**, lit., 'burdened'; var. lec. **kpyn** 'engages himself in work', 'labours away'.]

(22) [And thus depends for his livelihood on rain. This will make him pray with more devotion for the acceptance of his prayers].

(23) As one whom the description befits.

Talmud - Mas. Ta'anith 16b

Is not one having a large family with no means of support the same as one whose house is empty?
— R. Hisda replied: The latter refers to a man whose house is free from sin.¹

Whose youth was unblemished. Abaye said: This is one against whom no evil reputation had gone forth in his youth.

My heritage is become unto Me as a lion in the forest; she hath uttered her voice against Me; therefore have I hated her.² What is the meaning of, 'She hath uttered her voice against Me'? — Mar Zutra b. Tobiah said in the name of Rab, some say R. Hama said in the name of R. Eleazar: This refers to an unfit person who steps down before the Ark [to act] as Reader.

AND HE RECITES BEFORE THEM TWENTY-FOUR BENEDICTIONS, THE EIGHTEEN RECITED DAILY TO WHICH HE ADDS SIX MORE. Are there only six? Are they not actually seven, as we have learnt: THE SEVENTH [BENEDICTION] HE CONCLUDES WITH BLESSED BE HE WHO HAS MERCY UPON THE EARTH! — R. Nahman b. Isaac replied: [Do you know] which is THE SEVENTH? it is the seventh of the longer benedictions.³ As it has been taught: [The benediction], 'Who redeemest Israel,' is prolonged and at its conclusion [the Reader] adds, He who answered Abraham on Mt. Moriah, He shall answer you and hearken this day unto the voice of your cry. Blessed art Thou who redeemest Israel, and the congregation respond, Amen. The synagogue attendant⁴ calls out unto them, 'Blow a Teru'ah, ye children of Aaron, blow a Teru'ah, and [the Reader] resumes with, 'He who answered our fathers at the Red Sea, He shall answer you and hearken this day to the cry of your voice. Blessed art Thou O Lord who rememberest forgotten things'; and the congregation responds, Amen. The synagogue attendant calls out, Sound a Teru'ah, O ye children of Aaron, sound a Teru'ah. And likewise [he does] with the other benedictions, at one he calls out, sound a Teki'ah, and another, sound a Teru'ah. The order of service⁵ [in which the congregation responds, Amen] holds good for the country generally but not for the Temple, because the response, Amen' is not made use of in the Temple.⁶ And whence can it be adduced that the response, Amen, was not made use of in the Temple? — For it is said, Stand up and bless the Lord your God from everlasting to everlasting; and let them say: Blessed be Thy glorious Name, that is exalted above all blessing and praise.⁷ You might have thought that there shall be only one form, of praise after all Benedictions, therefore the text adds, 'Exalted above all blessing and praise'; that is to say, Give him 'praise' after every blessing. 'What then was said in the Temple? Blessed be the Lord God, the God of Israel, from everlasting to everlasting. Blessed art Thou who redeemest Israel; and the congregation respond, Blessed be the name of his glorious kingdom for ever and ever.⁸ The synagogue attendant calls out unto them, Blow a Teki'ah, O Priests, sons of Aaron, blow a

Teki'ah, and [the Reader] resumes with, he who answered Abraham on Mt. Moriah, He will answer you and hearken to the voice of your cry. Blessed art Thou, O Lord God of Israel, who remembers forgotten things; and the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant calls out, Sound a Teru'ah, O Priests, children of Aaron, sound a Teru'ah etc. And likewise [he does] with the other benedictions; at one he calls out, Blow a Teki'ah, and at another, Sound a Teru'ah, until he completes them all. R. Halafta made this order of procedure the custom of Sepphoris and R. Hananya b. Tradyon made it the custom of Siknin. When however the matter came to the notice of the Sages they declared that this custom was observed only at the eastern gates and on the Temple mount.

Some report [the passage just cited] in the form taught in the following Baraita: [The Reader] recites before them twenty-four benedictions; the eighteen recited daily, to which he adds six more. 'Where are those six included? Between the benedictions for redemption and Healing the Sick,⁹ the latter benediction being prolonged and the congregation respond, 'Amen', after every benediction. This was the custom in the country generally, but in the Temple they said, Blessed be the Lord, God of Israel from everlasting to everlasting. Blessed art Thou O Lord who redeemest Israel and there was no response, 'Amen', after it. And why all this [long response]? Because it was not customary to respond 'Amen', in the Temple. And whence can it be adduced that they did not respond, 'Amen', in the Temple? For it is said, 'Stand up and bless the Lord your God from everlasting to everlasting, and let them say: Blessed be Thy glorious name that is exalted above all blessing and praise'; that is to say, Give Him praise after every benediction.

Our Rabbis have taught: When concluding the first benediction he says: Blessed be the Lord, God of Israel from everlasting to everlasting. Blessed art Thou who redeemest Israel. And the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant calls out, Sound a Teki'ah, Priests, Sound a Teki'ah, and [the Reader] then resumes, He who answered Abraham on Mt. Moriah, He will answer you and hearken this day to the voice of your cry. And they blow a Teki'uh and sound a Teru'ah, and blow a Teki'ah [again]. When concluding the second benediction he says: Blessed be the Lord God, the God of Israel from everlasting to everlasting. Blessed art Thou who rememberest forgotten things; and the congregation respond, Blessed be the name of His glorious kingdom for ever and ever. The synagogue attendant then calls out, Sound a Teru'ah, children of Aaron, sound a Teru'ah, and the reader resumes, He who answered our fathers at the Red Sea, He will answer you and hearken this day to the voice of your cry. They then sound a Teru'ah and blow a Teki'ah and sound a Teru'ah [again]; and likewise he [does] after every benediction, at one he calls out, Blow a Teki'ah, and at another, Sound a Teru'ah, until all the benedictions are concluded. R. Halafta made this order of procedure the custom of Sepphoris and R. Hananya b. Tradyon made it the custom of Siknin. When, however, the matter was brought to the notice of the Sages, they declared that this custom was observed only at the eastern gate and on the Temple mount.

R. JUDAH SAYS: HE NEED NOT RECITE THE ZIKRONOTH AND SHOFAROTH etc.: Said R. Adda of Joppa; what may be R. Judah's reason? Because Zikronoth and Shofaroth are recited only on New Year

(1) He has no stolen goods or any property acquired by dishonest means (Rashi).

(2) Jer. XII, 8.

(3) [, **ufurtk** (so R. Hananel, R. Gershom and MS. M.). The seventh benediction of the daily Tefillah ending in, 'Who redeemest Israel' (**ktarah ktud**) was on rain fasts increased by the addition of the formula, 'He who answered etc.' inserted before its conclusion. After this followed the six additional special benedictions as described in the Mishnah thus making a total of seven long benedictions. On the reading **vfurtk** of cur. edd. render the seventh from the seventh lengthened benediction (of the daily Tefillah)] .

(4) [Hazzan. There is no certainty either in regard to the original function or rank of the Hazzan; v. Sot., Sonc. ed. p. 202, n. 4.]

(5) Lit., 'in what are these said'.

(6) [No satisfactory reason has so far been given for this regulation. Graetz, MGWJ 1872 pp. 492ff suggests that this does not mean that the response, Amen, was not allowed in the Temple, but that the solemnity of the service, heightened by the pronounciation of the Tetragrammaton as written, demanded a more extensive and impressive formula. V. also Blau, REJ. XXXIX, p. 188.]

(7) Neh. IX, 5.

(8) Cf. 'and let them say, Blessed be Thy Glorious Name etc..' cited from Neh. IX, 5.

(9) I.e., between the seventh and the eighth benedictions of the daily Tefillah.

Talmud - Mas. Ta'anith 17a

and on the [Day of Atonement of] the Jubilee year and in the time of war.¹ THE FIRST HE CONCLUDES WITH, HE WHO ANSWERED ABRAHAM etc.: A Tanna taught: Some reverse the order of the words and attribute 'crying' to Elijah and 'praying' to Samuel. True, of Samuel Scripture uses the words 'praying' and 'crying'.² but of Elijah Scripture uses only [the word] 'praying' but never 'crying'. [When Elijah says], Hear me, O Lord, hear me;³ that is an expression of 'crying'.

THE SIXTH HE CONCLUDES WITH, HE WHO ANSWERED JONAH etc.; THE SEVENTH HE CONCLUDES WITH, HE WHO ANSWERED DAVID etc. Let us see, Did not Jonah live after David and Solomon, why then is he placed first? — Because it was desired to conclude [the prayers] with, Blessed art Thou, O Lord who hast mercy upon the earth.⁴ A Tanna taught: It was reported in the name of Symmachos, [that the prayers were concluded] with, Blessed art Thou who humblest the proud.

ON THE FIRST THREE [RAIN] FASTS THE MEN OF THE MISHNAH FAST BUT DO NOT COMPLETE THEIR FAST etc. Our Rabbis have taught: Why have the Sages ruled that the Men of the Mishmar are permitted to drink wine by night and not by day, lest the work weigh too heavily on the men of the Beth-ab and then they will be called upon to help them; why have the Sages ruled that the men of the Beth-ab are forbidden [to drink] both by day and by night because they are continuously at work [in the Temple]. Hence the Sages have declared that any priest who can identify his Mishmar and his particular Beth-ab and who also knows definitely that the members of his Beth-ab were participating in the service of the Temple⁵ is forbidden to drink wine on the whole of that day.⁶ If, however, he can identify only his Mishmar but not his particular Beth-ab and yet he knows definitely that the members of his Beth-ab were participating in the service of the Temple, he is forbidden to drink wine the whole of that week.⁷ If he cannot identify his Mishmar nor his particular Beth-ab, but he knows definitely that the members of his Beth-ab

Talmud - Mas. Yoma 2a

CHAPTER I

MISHNAH. SEVEN DAYS BEFORE THE DAY OF ATONEMENT THE HIGH PRIEST WAS REMOVED FROM HIS HOUSE TO THE CELL OF THE COUNSELLORS¹ AND ANOTHER PRIEST WAS PREPARED TO TAKE HIS PLACE IN CASE ANYTHING² HAPPENED TO HIM [THE HIGH PRIEST] THAT WOULD UNFIT HIM [FOR THE SERVICE]. R. JUDAH SAID: ALSO ANOTHER WIFE WAS PREPARED FOR HIM IN CASE HIS WIFE SHOULD DIE. FOR IT IS WRITTEN,³ AND HE SHALL MAKE ATONEMENT FOR HIMSELF AND FOR HIS HOUSE. 'HIS HOUSE THAT MEANS 'HIS WIFE'. THEY SAID TO HIM: IF SO THERE WOULD BE NO END TO THE MATTER.⁴

GEMARA. We learned elsewhere: Seven days before the burning of the [red] heifer⁵ the priest who was to burn the heifer was removed from his house to the cell in the north-eastern corner before the Birah.⁶ It was called the cell of the stone chamber.⁷ And why was it called the cell of the stone chamber? Because all its functions [in connection with the red heifer] had to be performed only in vessels made of either cobble-stones,⁸ stone or earthenware. What was the reason [for that restriction]? Since a tebul-yom⁹ was permitted to [perform the ceremony of] the heifer, as we have learnt:¹⁰ They [deliberately] rendered the priest ritually impure to remove [a false notion] from the minds of the Sadducees, who used to say: 'Only by those on whom the sun has set could it be performed', the Rabbis ordained that only vessels made of cobble-stones, stone, or earthenware which are immune to impurity — should be used in connection with the heifer, lest the ceremony thereof be treated slightly.¹¹

Why [was the ceremony performed] in the north-eastern corner? — Since the heifer was a sin-offering¹² and a sin-offering had to be sacrificed in the northern corner, whereas, on the other hand, it is written about the heifer,¹³ Towards the front of the tent of meeting,¹⁴ the Rabbis ordained [for the heifer] a cell in the northeastern corner, so that [the special importance of this ceremony] be clearly recognized.

What is Birah? — Rabbah b. Bar Hana in the name of R. Johanan said: There was a place on the Temple mount called Birah. Resh Lakish said: The whole sanctuary is called Birah, as it is written, And to build the Birah for which I have made provision.¹⁵

Whence is it proved¹⁶ that it is necessary to remove the priest [from his house]? — R. Minyumi b. Hilkiyah in the name of R. Mahsiah b. Idi, in the name of R. Johanan said: The text reads:¹⁷ As hath been done this day, so the Lord hath commanded to do, to make atonement for you;¹⁸ the work la'asoth [to do] refers to the matter of the [red] heifer, the words lekapper 'alekem [to make atonement for you] refer to the work of the Day of Atonement. It is obvious that the whole of this text could not be taken as referring to the heifer, because of the words 'to atone' and the heifer has nothing to do with atonement. But let us assume that the whole text¹⁹ refers to the Day of Atonement? — They said [in answer to this suggestion]: One may infer from, the fact that the identical expression ziwvah [he commanded] is used.²⁰ Here²¹ it is written: The Lord ziwvah

[commanded] to do,²² and there²³ it is written: This is the statute of the law which the Lord ziwwah [has commanded]:²⁴ just as in the latter [passage ziwwah] refers to the heifer, so does it in the former refer to the heifer, and just as the removal [of the priest is enjoined] in the one, so must the removal [of the priest apply] to the other.

(1) Parhedrin (Gr. **), assessors, counselors. V. infra 8b. [According to Abba Saul (Mid. V, 4 cf. Bertinoro a.l.) it was identical with the wood chamber on the south of the Temple Court. It has also been identified with the Chamber of Hewn Stones, the seat of the Sanhedrin. V. Buchler, Das Synedrion, p. 23ff]

(2) Impurity.

(3) Lev. XVI, 6.

(4) His second wife too might die.

(5) Num. XIX, 2.

(6) The Temple. V. I Chron. XXIX, 1. J. Pes. 35a; Zeb. 119a.

(7) [Mishnah Parah omits 'cell'.]

(8) Or 'vessels made of dung'.

(9) Lit., 'one who has bathed in the daytime (but must wait for sunset to be perfectly clean)'. The Sadducees would exclude him from service at either ceremony until after sunset.

(10) Parah III, 7.

(11) Due to the feeling that since a tebul-yom was admitted, its degree of sanctity may not be too high.

(12) It is a 'hattath', this word meaning here purification, may also be translated as 'sin-offering'. Num. XIX, 9

(13) Ibid. XIX, 4.

(14) Lying east.

(15) I Chron. XXIX, 19.

(16) Both for the service of the Day of Atonement and the red heifer ceremony.

(17) With reference to the seven days of the consecration of the Tabernacle in the wilderness.

(18) Lev. VIII, 34.

(19) Ibid.

(20) On the Rabbinic inference from analogy, gezerah shawah, v. Glos.

(21) In connection with the consecration ceremonies.

(22) Lev. VIII, 34.

(23) In connection with the red heifer.

(24) Num. XIX, 2.

Talmud - Mas. Yoma 2b

But perhaps say that [the word] ziwwah¹ [he commanded] has reference to [the word] ziwwah which occurs in connection with the Day of Atonement,² since the verse reads,³ And he did as the Lord ziwwah [commanded] Moses?⁴ — One may infer from [the word] ziwwah used before conformity⁵ for another case in which ziwwah is used also before conformity,⁶ but one may not infer ziwwah is used before conformity⁵ for ziwwah used after conformity.⁷ Perhaps ziwwah¹ has reference to sacrifices,⁸ for it is written, On the day when the Lord zawwotho⁹ [commanded] the children of Israel?¹⁰ — One may fitly infer ziwwah⁶ from ziwwah,⁵ but one may not infer zawwotho¹¹ from ziwwah.¹² But what does it matter? Did not the school of R. Ishmael teach that [in the verse], The priest shall return or the priest shall come in,¹³ 'returning' and 'coming in' mean one and the same thing?¹⁴ — These words [of the school of R. Ishmael] apply only when

there is no identical word,¹⁵ but where such a similar word is used, the inference may be made only on the basis of absolute identity of expression. — [We stated above that the word] ‘lekapper’ [to atone] has reference to the Day of Atonement. May it not refer [also]¹⁶ to the atonement resulting from a sacrifice?¹⁷ — How could we know which priest would happen to perform the sacrifice so that he would have to be removed [from his house]?¹⁸ But why should we not really have to postulate such separation for the whole priestly division?¹⁹ — It is proper to make inference from something for which a definite time is appointed²⁰ for something which similarly is fixed for a definite time.²¹ That excludes any inference [from the consecration of the priest, an annual event] to sacrifices which are offered up every day.²² Perhaps [the reference is to] the [three] festivals?²³ — One may infer something which takes place but once a year²⁴ from something else which took place but once a year, but inference for these festivals is excluded since they do not take place but once a year. Perhaps [the reference is] to one festival.²⁵ And if you would answer [by saying], We would not know to which [it has reference], [it would be] either the festival of Passover, which Scripture always mentions²⁶ [as the first of the three], or the feast of Sukkoth, because a great number of commandments apply to it!²⁷ -The point is, however, that you may infer the [law of the priest's] removal [from his house] for seven days before the service which he is to perform on one day²⁸ from [another case in which the priest is] removed also for seven days for the service of one day;²⁹ but one may not fitly infer that [a priest must be] removed for seven days for the service of seven³⁰ days from the fact that a law exists obliging [the priest's] removal for seven days for the service of one day.²⁹ Yet perhaps [the reference is to] the Eighth Day³¹ because there would be a service of only one day? — One may infer [laws concerning] a day which is not immediately preceded by another [festival] sanctity²⁸ from another day,²⁹ which similarly is not preceded by other [festival] sanctity,²⁹ but one may not infer for a day preceded by [festival] Sanctity³² from a day unpreceded by such.

But [even if the inference by analogy be unjustified] is there no legitimate conclusion a *minori ad majus*, viz., if a day unpreceded by another [festival] sanctity requires [for the officiating priest] a seven day removal [from his family], how much more should a day preceded by another [festival] sanctity require it!³³ — R. Mesharsheya answered: Scripture expressly states this day,³⁴ that means on a day like this.³⁵ R. Ashi said:³⁶ Could there be any festival the major³⁷ part of which would require no removal [of the priest], while its attachment³⁸ would require it. And even according to the one who holds that the eighth day is [not a mere attachment to Sukkoth, but] an independent festival day, that applies only to

(1) Written in connection with the consecrations.

(2) So that the whole passage of Lev. VIII, 34 refers to that day.

(3) Lev. XVI, 34.

(4) To justify inference from identity of phrase or word, there must be in the two texts a certain identity of circumstance.

(5) As in Lev. VIII, 34 where the phrase is, ‘He commanded to do’.

(6) As in the case of the red heifer where too it is, ‘He commanded to do’.

(7) As in the case with the Day of Atonement, where the text is, ‘and he did as the Lord commanded’.

(8) So that every priest should require separation before offering a public sacrifice.

(9) From the same root as *ziwwah*. Lit., ‘His commanding’.

(10) Ibid. VII, 38.

- (11) V. nn. 14 and 15.
- (12) To justify inference by *gezerah shawah* there must be exact identity of expression.
- (13) *Ibid.* Xlv, 39.
- (14) For the purposes of inference v. *Hor.*, *Sonc. ed.*, p. 57, n. 11. So that such literalness as the insistence on differentiation between *ziwwah* and *zawwotho* is not justified.
- (15) From the congruity of which an analogy may be inferred.
- (16) V. *Tosaf. Yesh.*
- (17) Offered by an individual for atonement (*Rashi*); so that every priest would need such removal before sacrificing.
- (18) The priests were assigned their service by means of a lot. V. *infra* 22a.
- (19) Because the task may come to anyone by the allotment. And thus the question remains, perhaps the word 'lekapper' applies also to the atonement of a sacrifice, cf. n. 3.
- (20) The consecration of the priests.
- (21) The Day of Atonement.
- (22) There are many sacrifices offered up by the individuals.
- (23) [Since the sacrifices offered on festivals serve for atonement, v. *Shebu. 2a-b.*]
- (24) [The consecration of the priests 'once a year' is not to be taken literally; it means once in that particular year in which the consecration was held.]
- (25) Which is an annual event.
- (26) *Ex. XXIII, 15; Lev. XXIII, 5; Num. XXVIII, 16; Deut. XVI, 1.*
- (27) The laws touching the booths, the citron, myrtle, palm-branch and willow of the brook; the ceremony of the libation, etc.
- (28) The Day of Atonement.
- (29) I.e., the eighth day of the Consecration, v. *Lev. IX, 1ff.*
- (30) *Passover or Sukkoth.*
- (31) *Shemini 'Azereth.* The Eighth Day of the Solemn Assembly celebrated after the seventh day of the Festival of Booths (*Sukkoth*), in which case the inference would appear legitimate.
- (32) *Shemini Azereth* is preceded by the seven days of *Sukkoth*.
- (33) *Shemini 'Azereth*, which is preceded by the seven days of *Sukkoth*.
- (34) *Lev. VIII, 34.*
- (35) Confirming the earlier differentiation.
- (36) Countering the suggestion that the reference is to *Shemini 'Azereth*.
- (37) *Sukkoth* has seven days preceding the one day of 'Azereth.
- (38) *Shemini 'Azereth.*

Talmud - Mas. Yoma 3a

Pe'Z'R'K'Sh'B,¹ but in matters of complementing the sacrifice of the festival, the eighth day is but a continuation of the first day, as we have learned: He who failed to offer up the festival sacrifice² on the first day of the feast [of *Sukkoth*], may do so during the entire festive season including the last day of the feast.³

[Perhaps] say [that the reference is to] Pentecost,⁴ because that would also mean removal of the priest for seven days preceding a one-day service?⁵ — R. Abba said: One may fitly infer a case⁶ in which one ox and one ram are offered from another⁷ case in which one ox and one ram

are offered, this excludes, however, Pentecost, on which two⁸ rams are to be sacrificed. This would be right according to the opinion that on the Day of Atonement only one ram is being offered up,⁹ but what could be said according to the view that on the Day of Atonement too, two rams were to be offered up?¹⁰ For it has been taught: Rabbi¹¹ said, The ram mentioned here [in Leviticus] is the same as the one mentioned in the Book of Numbers;¹² R. Eliezer son of R. Simeon said: Two rams are here [involved], the one mentioned here and the other mentioned in the Book of Numbers!¹³ — It may be in accord even with the opinion of R. Eliezer son of R. Simeon. Because there¹⁴ one [of the rams] is offered up in fulfilment of the regular sacrifices for that day, and the other as one of the additional sacrifices, whereas in the case of Pentecost both are the regular sacrifices of that day.¹⁵ [Perhaps] say that [the reference is to] New Year¹⁶ which should also imply the removal of the priest for seven days preceding a one-day service? — R. Abbahu said, One may infer a case in which the priest offers up an ox and a ram from his own means¹⁷ from another case in which he offers up an ox and a ram from¹⁸ his own means, that excludes Pentecost¹⁹ and Rosh hashanah²⁰ on which both are offered up from public [congregational] funds. This would be right according to the opinion which holds that the words *kah leka*²¹ [‘take thee’] mean ‘take from thy own means’ and

(1) This is a mnemonical acrostic for: P (payyis allotment, by counting, of the work to be done by the priests in the sanctuary. No such counting took place during the Sukkoth festival, but it was the rule on Shemini ‘Azereth); Z (zeman — the blessing on the entrance of a festival referring to the return of the festive season. This benediction was repeated on the eve of Shemini ‘Azereth, thus constituting it an independent holy day); R (regel-festival with its own name); K (korban — having its own number of sacrifices); Sh (shir — song — Shemini ‘Azereth having its own psalm in the liturgy); B (berakah-blessing — on Shemini ‘Azereth a special prayer was offered up for the life of the king.) V. R.H. 4b. In all these respects Shemini ‘Azereth might be considered an independent festival.

(2) **dj** means (Jastrow): To turn, to celebrate an anniversary, to observe a festival, to make a periodical pilgrimage, to offer the pilgrim's festive sacrifice.

(3) The conclusion, i.e. , Shemini ‘Azereth, v. Hag. 17a.

(4) ‘Azereth means detention, gathering, concluding feast. ‘Azereth in general designates ‘Azereth Pesah’, i.e., Shabuoth (the Feast of Weeks, Pentecost) to be distinguished from Shemini ‘Azereth, the concluding festival of Sukkoth.

(5) The biblical Pentecost has one day only.

(6) The Day of Atonement, Lev. XVI, 5.

(7) The eighth day of the priest's consecration, Lev. IX, 2.

(8) Lev. XXIII, 18.

(9) The question being whether the ram demanded in Lev. XVI, 5 is identical with the one mentioned in Num. XXIX, 8, or whether two different sacrifices are implied.

(10) That would put the Day of Atonement into the same class as Pentecost and would thus preclude inference from the eighth day of the consecration of the priest for the former.

(11) R. Judah ha-Nasi, the Prince, redactor of the Mishnah.

(12) Lit., ‘one fifth of (dealing with) Numbers’. Homesh applies to one of the five books of the Torah, as well as to one of the five books of the Psalms. ‘Hamisha Homshe Torah’ — the five books of the Torah.

(13) V. infra 75b.

(14) On the Day of Atonement, Lev. XVI,3 does not call the ram a ‘musaf’ or ‘additional’ sacrifice, as in all other cases, where the phrase ‘apart from the morning burnt-offering’ occurs, to indicate that the sacrifice in question is ‘apart’ or ‘additional’ as throughout Num. XXVIII and XXIX.

- (15) So that Pentecost, having different laws, may not fitly be inferred from the eighth day of the priest's consecration.
- (16) Rosh ha-Shanah, the Jewish New Year, originally one day only, v. Bez. 5a.
- (17) Lev. XVI, 3, Herewith shall Aaron come into the holy place, i.e., he shall bring it along from his own.
- (18) At the consecration, Lev. IX, 2, Take thee, i.e., from thy own means.
- (19) Lev. XXIII, 18, And ye shall present, i.e., the community.
- (20) 'And ye shall present' also occurs in connection with the Rosh ha-Shanah sacrifices, ibid. XXIII, 25.
- (21) Lev. IX, 2.

Talmud - Mas. Yoma 3b

'aseh leka¹ ['make thee'] mean 'make from thy own means', but what could be said [in the argument above] according to the opinion [that kah leka² means 'take for thyself] from the community funds', for we have been taught:³ The expression 'kah leka' means 'mi-sheleka [from thy own] and 'aseh leka means mi-sheleka [taken from thy own funds], but we-yikehu eleka⁴ means [they shall take for them] from community funds; these are the words of R. Josiah; R. Jonathan said, Both 'kah leka' and 'we-yikehu eleka' mean from community funds, and what is intimated by saying 'kah leka' [take thee]? As it were,⁵ 'I prefer your own [private means expended on this work] to the community's [expenditure]'. (Abba Hanan said in the name of R. Eleazar: One verse reads, Make thee an ark of wood,⁶ and another,⁷ And they shall make an ark of acacia-wood,⁸ how is that?⁹ Here it refers to a time when Israel act in accordance with His will,¹⁰ there it deals with a time when they do not act in accordance with His will) — They¹¹ are disputing only as to the general meaning [of the word 'leka'] in connection with the command to 'take' or to 'do', as e.g., Take thou also unto thee the chief spices,¹² or Make thee two trumpets of silver,¹³ but in the above cases¹⁴ it is clearly indicated in the text that it is from thine own.¹⁵ For consider in [the portion of the Bible dealing with the] consecration of the priests, it is written: And unto the children of Israel thou shalt speak, saying: Take ye a he-goat for a sin-offering,¹⁶ why then the passage: And he said to Aaron: Take thee a bull-calf for a sin-offering?¹⁷ Conclude from this 'kah leka' means 'mi-sheleka', from your own. [Similarly] in connection with the Day of Atonement it reads: Herewith shall Aaron come into the holy place: with a young bullock for a sin-offering,¹⁸ etc. Why then the passage, And he shall take of the congregation of the children of Israel¹⁹ and And Aaron shall present the bullock of the sin-offering which is lo [for himself]?²⁰ Conclude from this that the word 'lo' implies it is to be brought from his own means.

R. Ashi²¹ said: It is legitimate to infer a case in which an ox is offered up as sin-offering and a ram as burnt-offering²² from another case in which an ox is offered up as sin-offering and a ram as a burnt-offering;²³ this excludes from analogy New Year²⁴ and Pentecost,²⁵ [as] in both cases both animals are offered up as burnt-offerings only.

Rabina said: One may infer a service performed by the high priest²⁶ from another service performed by the high priest²⁷ that excludes [the occasions mentioned] in all the questions [raised], because the services mentioned therein are not performed by the high priest.²⁸ Others have this version of Rabina's reply: One may infer [certain rules for] a service held for the first time from a service held for the first time. This excludes all the other cases [referred to above], because none of them took place for the first time. What does this 'first time' mean? — Does it

mean that the high priest had first performed service there?²⁹ That would be [the argument of Rabina's in] the first version. No, it means the first service of its kind held in its place, which may fitly be inferred from another service³⁰ held for the first time in its place. When R. Dimi came³¹ [from Palestine], he said: R. Johanan taught one thing, R. Joshua b. Levi two. R. Johanan taught one thing the words 'la'asoth', 'lekapper'³² refer to the service of the Day of Atonement. R. Joshua b. Levi taught two things: 'la'asoth' means the ceremony of the [red] heifer, 'lekapper' refers to the service of the Day of Atonement. How could [you say that] R. Johanan taught [only] one thing? Have we not learnt in our Mishnah: SEVEN DAYS BEFORE THE DAY OF ATONEMENT, and in another Seven days before the burning of the heifer?³³ — That³⁴ is only a special provision.³⁵ But did not R. Minyumi b. Hilkiyah in the name of R. Mahsiah b. Idi, [and the latter] in the name of R. Johanan report the [interpretation of the text], 'As hath been done this day, so hath the Lord commanded la'asoth [to do] lekapper 'alekem [to make atonement for you]'. 'La'asoth' refers to the ceremony of the heifer and 'lekapper' to the service of the Day of Atonement?³⁶ This interpretation was that of his teacher.³⁷ For when Rabina came [from Palestine]³⁸ he said: R. Johanan reported in the name of R. Ishmael that 'la'asoth' referred to the ceremony of the heifer, and 'lekapper' to the work of the Day of Atonement.

Said Resh Lakish to R. Johanan: Whence do you infer this interpretation? From the Consecration Service?³⁹ Hence, just as with the Consecration Service, the omission of any prescribed form would render the service invalid [would you say that] here too⁴⁰ the omission of anything prescribed [by inference from congruity of text] for that service, would render it invalid? And if you said: Yes, indeed, surely we learnt: ANOTHER PRIEST IS PREPARED TO TAKE HIS PLACE, not another priest is removed from his house!⁴¹ And if you would say MATHKININ [one prepares] and MAFRISHIN [one removes] mean the same thing, then the Mishnah ought to use in both passages either mathkinin or mafrishin!⁴² — [R. Johanan] said to him: And whence do you, Sir, infer it?⁴³ — He answered: From [the account concerning] Sinai. For the Scriptural text reads, And the glory of the Lord abode upon Mount Sinai, and the cloud covered him⁴⁴ six days, and He called unto Moses on the seventh day.⁴⁵ Now consider: Since it is written 'and He called unto Moses on the seventh day', what do the 'six days' mean? They establish a rule⁴⁶ for anyone who enters the camp of the Shechinah⁴⁷ that he must remove himself from his house for six days. But we have learnt SEVEN?⁴⁸ — Our Mishnah conforms to the opinion of R. Judah b. Bathyra who considers the possibility of the high priest's

(1) Num. X, 2.

(2) Must not be taken literally.

(3) Men. 28b.

(4) Ex. XXVII, 20.

(5) If it were possible to assume such intimation from God.

(6) Deut. X, 1.

(7) Ex. XXV, 10.

(8) In one verse the making is demanded of Moses, in the other of the children of Israel.

(9) Contradiction to be explained.

(10) When Israel fulfil God's will, it is they who get the credit for enabling Moses to perform His will. Otherwise all the credit is given to Moses.

(11) I.e., R. Josiah and R. Jonathan. Here follows the reply to the question, how meet the above argument in the

view of R. Jonathan who holds that 'kah leka' means 'take for them from community funds'.

(12) Ex. XXX 34.

(13) Num. X, 2.

(14) In connection with the offerings of the high priest on the Day of Atonement and the eighth day of the Consecration.

(15) The private means of the high priest.

(16) Lev. IX, 3.

(17) Ibid. IX, 2.

(18) Lev. XVI, 3.

(19) Ibid. XVI, 5.

(20) Ibid. XVI, 6.

(21) He and Rabina deal with the questions raised as to why the analogy may not include other festivals besides the Day of Atonement.

(22) On the Day of Atonement the high priest offers up as his private sacrifice an ox for the sin-offering and a ram for a burnt-offering.

(23) On the eighth day of the consecration a young ox is offered up as sin-offering and a ram as burnt-offering.

(24) On Rosh ha-Shanah no ox is offered up as sin-offering, Num. XXIX, 1-6.

(25) On 'Azereth (Shabuoth) no ox is offered up as sin-offering, ibid. XXVIII, 26-31.

(26) The Day of Atonement.

(27) The Consecration.

(28) That answers all the questions raised.

(29) The first service ever performed by a high priest was that on the eighth day of the Consecration, hence it would be right to infer therefrom the service on the Day of Atonement, when the high priest for the first time offered up the community's sacrifice, on the first Day of Atonement.

(30) The service of the Day of Atonement took place in the Holy of Holies, which had never been entered before the first service on the first Day of Atonement, just as the Consecration Service included the first sacrifice on the outer altar, in priestly garments.

(31) Atha 'came' is the technical term for the return of scholars from Babylonia to Palestine and vice versa.

(32) Lekapper being the explanation of la'asoth.

(33) The priest in question was removed from his house, v. supra 2a.

(34) The rule in connection with the burning of the red heifer.

(35) Because in some other respects there is latitude in connection with the heifer service (v. supra p. 1, n. 7), some more stringent ordinances were decided upon, not, however as a matter of traditional law, but rather as an ad hoc regulation.

(36) This tradition in the name of R. Johanan is in evident conflict with the statement reported by R. Dimi.

(37) He reported only his teacher's decision, but did not surrender his own opinion.

(38) V. p. 9, n. 10.

(39) V. supra 2a and notes.

(40) With regard to the ceremony of the red heifer.

(41) So that, if the high priest were prevented from officiating the substitute priest would perform the service without the necessary previous separation, which would render his service invalid and the ceremony unprovided with a priest.

(42) Since the Mishnah deliberately uses two terms, their meaning must be different, hence Resh Lakish's question remains.

(43) The obligation to remove the priest from his house.

(44) I.e., Moses, R.V. 'it' referring to the mountain; v. infra 4a.

(45) Ex. XXIV, 16.

(46) Lit., 'build a father', a precedent, i.e., justify the conclusion from this specifically stated law to other cases.

(47) Lit., 'royal residence', then Divine Presence, here the Divine Camp, the Sanctuary.

(48) The Mishnah here speaks of a removal for seven days.

Talmud - Mas. Yoma 4a

becoming ritually impure through family contact.¹ R. Johanan said to Resh Lakish: It is right according to me who infer² from the Consecration; for this agrees with what we are taught: 'On both of them [the Priests]³ we sprinkle throughout the seven days[water] from all the sin-offerings⁴ that were there';⁵ but according to you who infer from Sinai, was there any sprinkling done on Sinai? — But⁶ according to your own reasoning, it would not be right either, for in the consecration [ceremony the sprinkling was done with] blood, whereas here with water? — That⁷ is no difficulty. For R. Hiyya taught: 'The water takes the place of blood', but according to you, was there any sprinkling on Sinai? — He answered: It was a mere additional provision.⁸

We have a teaching in accord with R. Johanan,⁹ and we have a teaching in accord with Resh Lakish.¹⁰ 'In accord with R. Johanan we have a teaching'; Scripture reads: Herewith [bezoth] shall Aaron come into the holy place,¹¹ i.e., with that mentioned in that section, the section of the Consecration. And what is mentioned in the section about the Consecration? Aaron was removed for seven days and then officiated for one day, and Moses handed over to him¹² throughout the seven days to train him in this service. Also for the future the high priest is to be removed for seven days and to officiate for one day, and two scholars of the disciples of Moses¹³ [this excludes Sadducees]¹⁴ transmitted to him throughout the seven days to train him in the service. Hence [the Rabbis] ruled that seven days before the Day of Atonement the high priest was removed from his house to the cell of the counsellors. And just as the high priest was removed, so was the priest burning the heifer removed to the cell lying in the north-eastern corner before the Temple and each of them was throughout the seven days sprinkled [with water] from all the sin-offerings that were there. And if you should ask: But during the Consecration the sprinkling was done with blood and here water, [remember] that the water takes the place of the blood. And it further says: 'As hath been done this day so the Lord hath commanded la'asoth [to do], lekapper [to make atonement] for you'.¹⁵ 'La'asoth' refers to the ceremony of the heifer, 'lekapper' means the service of the Day of Atonement.¹⁶ But the word 'be-zoth' is required for the verse itself,¹⁷ i.e., with a young bullock for a sin-offering and a ram for a burnt-offering? — Answer:¹⁸ If 'be-zoth' were meant to refer only to the sacrifices, the text should have said ba-zeh [with this] or ba-eleh [with these], why [was] 'be-zoth' [chosen]? So that you may learn both things from it.¹⁹ Why was it necessary to cite the other verse?²⁰ — You might have said only the first Day of Atonement requires that the high priest be removed at the Consecration, but on all future Days of Atonement no such removal is necessary; or [you might say] only the first²¹ high priest needed such removal but all future high priests do not require it; come and hear:²² 'As hath been done this day etc.'²³

'We have a teaching in accord with Resh Lakish': Moses went up in a cloud, was covered by the cloud, and was sanctified by the cloud in order that he might receive the Torah for Israel in

sanctity, as it is written: And the glory of the Lord abode upon Mount Sinai,²⁴ this took place after the Ten Commandments, which were at the beginning of the forty days,²⁵ this is the view of R. Jose the Galilean. R. Akiba said [with reference to] ‘And the glory of the Lord abode’ from the beginning of the [third] month, and the cloud wa-yekasehu [covered it],²⁶ i.e., the mountain,²⁷

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- (1) Lit., ‘the uncleanness of his house’. His wife might become menstruant during congress, he as one having had congress with a menstruant would be levitically impure for seven days, thus prevented from officiating on the Day of Atonement.
 - (2) The obligation to remove the priest.
 - (3) The one officiating on the Day of Atonement and the one engaged with the red heifer.
 - (4) Name by which the red heifer ashes are known, v. Num. XIX, 9.
 - (5) V. infra 8a. A reserve of ashes was kept in the sanctuary for sprinklings. V. Parah 111, 11.
 - (6) This is Resh Lakish's rejoinder.
 - (7) This is R. Johanan's reply.
 - (8) To emphasize the importance of the ceremony of the heifer, and to signify the entrance upon the sanctuary on the Day of Atonement.
 - (9) Who inferred the removal from consecration. A Baraitha — a tradition or opinion of a Tanna not reported in the Mishnah.
 - (10) Who inferred it from Sinai.
 - (11) Lev. XVI, 3.
 - (12) The eighth day of the Consecration was ministered to by Aaron, Lev. IX, 2.
 - (13) The detailed laws for the service.
 - (14) Who held divergent views as to the service and changed its order from the prescribed form.
 - (15) Lev. VIII, 34.
 - (16) This cited Baraitha is thus in support of R. Johanan.
 - (17) It cannot be torn from the text, where it has obvious and important meaning, to be used for ad hoc interpretation.
 - (18) Lit., ‘they say’, or ‘I will say’.
 - (19) Zoth is feminine, the words for bullock and ram are masc., hence ba-zeh or ba-eleh would have been more correct. The choice of be-zoth indicates that something else is implied.
 - (20) The citing of an additional verse, where the first or first ones seemed to convey sufficient information, is an indication that erroneous inference might be made, which the additional verse, through its information, prevents.
 - (21) Aaron, Lev. VIII.
 - (22) ‘Come and hear’, a technical term for refuting a wrong opinion or repelling an attack.
 - (23) ‘So the Lord commanded you’, i.e., for all the future.
 - (24) Ex. XXIV, 16.
 - (25) Ex. XXIV, 18. Cf. *ibid.* XIX, 3,9,25.
 - (26) Wa-yekasehu may be translated ‘covered him’ or ‘covered it’, Moses or the mountain, the Hebrew word *har* (mountain) being also masculine.
 - (27) Moses came down to speak to Israel (Ex. XIX, 3f), hence it would be wrong to say that the cloud covered him six days before the Revelation.

Talmud - Mas. Yoma 4b

then ‘He called unto Moses on the seventh day’. Moses and all Israel were standing there,¹ but the

purpose of Scripture was to honour Moses.² R. Nathan says: The purpose of Scripture was that he [Moses] might be purged of all food and drink in his bowels so as to make him equal to the ministering angels.³ R. Mattiah b. Heresh⁴ says, The purpose of Scripture here was to inspire him with awe, so that the Torah be given⁵ with awe, with dread, with trembling, as it is said: Serve the Lord with fear and rejoice with trembling.⁶ What is the meaning of 'And rejoice with trembling'?⁷ — R. Adda b. Mattena says in the name of Rab: Where there will be joy, there shall be trembling.⁸

In what do R. Jose the Galilean and R. Akiba differ? — In the controversy of these Tannaim. For we have been taught:⁹ On the sixth day of the month¹⁰ was the Torah given to Israel. R. Jose says on the seventh. He who says that the Torah was given on the sixth day holds that on the sixth it was given and on the seventh Moses ascended the mountain;¹¹ he who holds that the Torah was given on the seventh assumes that on the seventh both the Torah was given and Moses ascended, as it is written, And He called unto Moses on the seventh day.¹² Now R. Jose the Galilean is of the same opinion as the first Tanna,¹³ who held that the Torah was given on the sixth of the month, therefore this¹⁴ happened after the giving of the Ten Commandments: 'The glory of the Lord abode on mount Sinai and the cloud covered him six days' 'him' meaning Moses- 'And He called unto Moses on the seventh day' to receive the remainder of the Torah.¹⁵ For if the thought should come to you that 'And the glory of the Lord abode' from the New Moon [of Sivan], so that 'And the cloud covered him' referred to the mountain, and 'The Lord called unto Moses on the seventh day' to receive the Ten Commandments, surely they had received the Torah on the sixth day already and also the cloud had departed on the sixth day! — R. Akiba, however, held with R. Jose that the Torah was given to Israel on the seventh.¹⁶ Quite in accord with R. Akiba's teaching is the statement¹⁷ that the Tablets were broken on the seventeenth of Tammuz, for the twenty-four days of Sivan¹⁸ and the sixteen of Tammuz make up the forty days he was on the mountain, and on the seventeenth of Tammuz he went down and came¹⁹ to break the Tablets. But according to R. Jose the Galilean who holds that there were six days of the separation²⁰ in addition to forty days [spent] on the mountain, the Tablets could not have been broken before the twenty-third of Tammuz? — R. Jose the Galilean will answer you: The six days of the separation are included in the forty days on the mountain.

The Master said: "'And He called Moses", whilst Moses and all Israel were standing' there'. This interpretation supports the view of R. Eleazar, for R. Eleazar said: 'And He called unto Moses' whilst Moses and all Israel were standing there; the only purpose of Scripture is to do honour to Moses. They²¹ raised the following objection: [He heard the voice speaking] elaw [unto him] not lo [to him];²² hence we know that Moses heard, but all Israel did not hear?²³ - This is no difficulty. The one passage speaks of Sinai, the other of the tent of meeting.²⁴ Or, you might say, the one statement refers to the call, the other to the speech.²⁵ R. Zerika asked a question concerning the contradiction of scriptural passages in the presence of R. Eleazar, or, according to another version, he asked the question in the name of R. Eleazar. One passage reads: And Moses was not able to enter into the tent of meeting because the cloud abode thereon,²⁶ whereas another verse says: And Moses entered into the midst of the cloud?²⁷ It teaches us that the Holy One, blessed be He, took hold of Moses and brought him into the cloud. The school of R. Ishmael taught: Here²⁸ the word be-thok [in the midst] appears and it also appears elsewhere: And the children of Israel went into the midst of the sea,²⁹ just as there [the word be-thok] implies a path, as it is written: And the waters were a wall³⁰ unto them,²⁹ so here too there was a path, [for

Moses through the cloud].

And the Lord called unto Moses, and spoke unto him;³¹ why does Scripture mention the call before the speech? — The Torah teaches us good manners: a man should not address his neighbour without having first called him. This supports the view of R. Hanina, for R. Hanina said: No man shall speak to his neighbour unless he calls him first to speak to him. Rabbah said: Whence do we know that if a man had said something to his neighbour the latter must not spread the news without the informant's telling him 'Go and say it'? From the scriptural text: The Lord spoke to him out of the tent of meeting, lemor [saying] .³² At any rate it is to be inferred³³ that both hold that the omission of any detail mentioned in connection with the priest's Consecration renders the ceremony invalid, for it was said: With regard to the ceremony of Consecration R. Johanan and R. Hanina are disputing; one says: The omission of any form prescribed in connection with the ceremony renders it invalid, whilst the other holds only such matter as is indispensable on any future occasion is indispensable now, whereas such detail as is dispensable in future generations, is dispensable even the first time. One may conclude that it is R. Johanan who holds that the omission of any detail whatsoever that is mentioned in connection with the Consecration ceremony renders such ceremony invalid, because R. Simeon b. Lakish said to R. Johanan³⁴ [in the course of the argument]: 'And just as with the ceremony of Consecration the omission of any prescribed detail renders the ceremony invalid. And R. Johanan did not retort at all'. That proof is conclusive.³⁵

What is the [practical] difference between the opinions?

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- (1) Moses did not ascend the mountain nor did he separate from his circle till after the Revelation.
 - (2) All Israel were present, why then does Scripture report that the word of God came to Moses alone? — The answer is: To show him special regard.
 - (3) R. Nathan is of the opinion of R. Jose the Galilean that the call to Moses referred to in the verses was for separation after the Revelation, yet this offers no basis for necessitating separation before entering into the Sanctuary, as the object of Moses' separation was that he might be like the ministering angels.
 - (4) He too shares the opinion of R. Jose the Galilean.
 - (5) To Moses and through him to Israel.
 - (6) Ps. II, 11.
 - (7) The terms seem contradictory.
 - (8) The Torah is a source of joy. The precepts of the Lord are right, rejoicing the heart, Ps. XIX, 9, cited by Rashi. But there shall also be awe, reverence for the numen, the Lord, the Lawgiver. Tosaf. cites I Chron. XVI, 27 Strength and gladness are in His Place.
 - (9) Shah. 86b.
 - (10) Of Sivan, the first day of Shabuoth.
 - (11) Sinai.
 - (12) Ex. XXIV, 16.
 - (13) The anonymous Tanna of the Baraitha
 - (14) Moses' ascent on the mount.
 - (15) The other laws (beside the Ten Commandments) and the Oral Law.
 - (16) So that the 'Seventh day' refers to the seventh day on which the Torah was given.
 - (17) V. Ta'an. 26a.

- (18) From the seventh to the thirtieth.
- (19) Either 'came to the camp of Israel, saw the dances and broke' or paraphrastic for 'broke'.
- (20) After the Revelation.
- (21) The teachers (students) in the academy.
- (22) The passage, Num. VII, 89 reads: Moses . . . heard the voice speaking elaw (to him, which is the longer form, lo being the normal one) from above the ark-cover etc. The use, in this passage, of the longer form, seemed to suggest a closer or exclusive communication. According to Hayyug, quoted Otzar ha-Geonim VI, 1, n. 4, there is a difference of meaning derivable in accord with grammatical principles, in 'lo' and 'elaw' respectively.
- (23) So that all Israel, indeed, did not hear God's message. If so, then the only purpose of the statement ' . . . Scripture is to honour Moses' is unjustified. For Scripture does not change the fact. It was Moses alone whom the message reached.
- (24) In the tent of meeting only Moses could hear the voice. On Mount Sinai all Israel heard it, but to honour Moses, Scripture mentions him only as having done so.
- (25) The call proper, the honour of the individual call, was vouchsafed to Moses alone, the speech following was heard by all.
- (26) Ex. XL, 35.
- (27) Ibid. XXIV, 18.
- (28) The apparent contradiction is removed by the suggestion that he entered the cloud on this occasion with divine help.
- (29) Ex. XIV, 22.
- (30) The water being piled up like a wall, Israel walked along a path. The inference is from similarity of expression.
- (31) Lev. I, 1.
- (32) Lemor here is taken to mean 'to say it (to others)', or else the next few words are illustratively, not logically implied: Speak (unto the children of Israel).
- (33) From Resh Lakish's question to R. Johanan: '... just as with the Consecration service the omission of any prescribed form would render the service invalid' and R. Johanan's tacit acceptance of this view, supra 3b.
- (34) Supra 3b.
- (35) Had he held a different view, he would surely not have permitted his opponent's statement to go unchallenged.

Talmud - Mas. Yoma 5a

R. Joseph says the putting¹ of the hands [upon the head of the sacrifice] is the difference. According to the one who holds that the omission of any detail renders the ceremony invalid, [failure] to lay the hand upon the head of the sacrifice would render the ceremony invalid. According to him who holds that only the omission of what is indispensable in the future renders the ceremony invalid, [omission of] the putting of the hand on the animal's head did not render the ceremony invalid. Whence do we know that in the future [the omission of] the putting of the hands [on the animal's head] is not indispensable? - For it has been taught: And he shall lay his hand . . . and it shall be accepted for him [to make atonement for him].² Does the laying on of the hand make atonement for one? Does not atonement come through the blood, as it is said: For it is the blood that maketh atonement by reason of the life!³ Why, then, is it written: 'And he shall lay his hand on . . . and it shall be accepted for him to make atonement for him'? To say that if he performed the laying on of the hands as an unimportant part⁴ of the commandment, Scripture would account it to him as if he had not obtained proper atonement.⁵ R. Nahman b. Isaac said:

The waving⁶ is the difference. According to him who holds whatever detail is prescribed for the ceremony is indispensable, the waving is indispensable; according to him who holds that only what is indispensable for all the future is indispensable now, the waving is not indispensable. Whence do we know that for all time to come the waving is not indispensable? — For we have been taught:⁷ To be waved, to make atonement for him.⁸ Does the waving make atonement? Is it not the blood which makes atonement, as it is written, ‘For it is the blood that maketh atonement by reason of the life’? Then why does Scripture say, ‘To be waved, to make atonement for him’? To say that if he treats the waving as an unimportant part of the ceremony, Scripture accounts it to him as if he had not obtained proper atonement.

R. Papa said: The separation for seven days is the [practical] difference between the two opinions. According to the opinion that whatsoever is prescribed for the ceremony is indispensable, the separation, too, is indispensable; according to him who holds that only what is indispensable for all time to come is indispensable now, the separation is not indispensable. Whence do we know that the separation is not indispensable for all time to come? Because the Mishnah reads, [another priest] IS MADE READY FOR HIM, instead of is ‘separated for him’.⁹ Rabina said: The difference lies in the increase [in the number of garments]¹⁰ and of the anointments¹¹ necessary during the seven days. According to the opinion that whatever is prescribed in connection therewith is indispensable, the increase [in the number of garments] and anointments during the seven days, too, is indispensable. According to him who holds that only what is indispensable for all time to come, is indispensable now, these things too are not indispensable. Whence do we know that they are not indispensable for all time to come? — For it was taught: And the priest who shall be anointed and who shall be consecrated to be priest in his father's stead, shall make the atonement.¹² What does the passage come to teach?¹³ From the text: Seven days shall the son that is priest in his stead put them on [etc.],¹⁴ I would know that a priest who had put on the required larger number of garments and who had been anointed on each of the seven days¹⁵ was permitted to [‘minister in the holy place’]¹⁶ at the Consecration. Whence would I know that if he had put on the larger number of garments for but one day, and had been anointed on each of the seven days; or, if he had been anointed but one day, but has put on the larger number of garments for seven days, [he would also be permitted]? To convey that teaching, Scripture says, ‘Who shall be anointed and who shall be consecrated’, that means anointed and consecrated in whatever way.¹⁷ We have now found evidence that the larger number of garments is necessary in the first instance for the seven days. Whence do we know that anointment on each of the seven days is in the first instance required? You may infer that either from the fact that a special statement of the Torah was necessary to exclude it; or, if you wish, from the scriptural text itself, And the holy garments of Aaron shall be for his sons after him, to be anointed in them, and to be consecrated in them.¹⁸ In this passage the anointing and the donning of the larger number of garments are put on the same level. Hence, just as the donning of the larger number of garments is required for the seven days, so is the anointing obligatory for the seven days.

What is the reason of the man who holds that the forms prescribed for the ceremonies are indispensable?— R. Isaac b. Bisna said: Scripture reads And kaka [thus] shalt thou do to Aaron and his sons, — ‘thus means indispensableness.’¹⁹

You may be right with regard to any

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- (1) Lev. I, 4; VIII, 18.
- (2) Lev. I, 4.
- (3) Lev. XVII, 11.
- (4) Lit., 'a remnant'.
- (5) Lit., 'as it did not atone for him and it did'. Technically the ceremony had achieved its purpose, because essentially it is the blood which makes atonement, but since laying the hands on the animal's head is part of the ceremony (although not essential to it) and he has been negligent about it, he has obtained atonement for himself, but has not attained re-atonement with his creator, whose command he has treated slightly.
- (6) Of part of the sacrifice, Lev. VIII, 27.
- (7) Men. 93b.
- (8) Lev. XIV, 21.
- (9) If the separation of the priest were an indispensable part of the ceremony, the proposed substitute for the high priest would have to be separated too, so that in case of any mishap to the high priest he would enter upon the service properly prepared by separation. Since the Mishnah reads 'prepared' only, the separation obviously is not deemed indispensable.
- (10) The eight garments of the high priest as against the four of the ordinary priest.
- (11) Every one of the seven days the head and the eye-lids of the high priest were anointed with oil.
- (12) Lev. XVI, 32.
- (13) Obviously the service was to be performed by the high priest, why then this apparently superfluous passage?
- (14) Ex. XXIX, 30.
- (15) Of his consecration as high priest, v. infra.
- (16) That is on the Day of Atonement.
- (17) As long as he has been consecrated, even if some detail of the ceremony has been omitted.
- (18) Ex. XXIX, 29.
- (19) The emphatic expression 'thus' intimates the indispensableness of the prescribed forms, 'thus' and 'not otherwise'.

Talmud - Mas. Yoma 5b

form prescribed in this context . Whence do we know that forms not prescribed¹ here in this context are also indispensable? — R. Nahman b. Isaac said: We infer that from [the fact that in both contexts the same word] petah [is used].² R. Mesharsheya said: And keep the charge of the Lord³ indicates the indispensableness [of the prescribed forms]. R. Ashi said: For so am I commanded⁴ indicates indispensableness.

Our Rabbis taught:⁵ For so am I commanded,⁶ As I commanded,⁷ As the Lord commanded.⁸ [Of these passages], 'For so am I commanded' that they eat⁹ it whilst in mourning; 'As I commanded' [this] he said to them at the time¹⁰ of the occurrence;¹¹ 'As the Lord commanded', and not on my own authority.

R. Jose b. Hanina said: Breeches are not mentioned in the section.¹² But when it says, And this is the thing that thou shalt do unto them to hallow them, to minister,¹³ it includes the breeches and the tenth part of an ephah.¹⁴ It may rightly be said that breeches are included in the general term 'garments',¹⁵ but whence do we know about the tenth of an ephah? — [This we know] by

inferring [the meaning of the word] zeh [used here]¹⁶ from zeh [in the verse], Zeh [this] is the offering of Aaron and his sons which they shall offer unto the Lord . . . the tenth part of an ephah.¹⁷

R. Johanan in the name of R. Simeon b. Yohai said: Whence do we know that also the reading of the portion¹⁸ was indispensable? To teach us that it is said, This is the dabar [thing] which the Lord has commanded to be done,¹⁹ i.e., the speaking²⁰ thereof is indispensable. — In what order did he put the garments on them? — What is past, is past!²¹ Rather, [the question is] in what order will he put the garments on them in the future?²² — In the future, too,²³ when Aaron and his sons will come, Moses will come with them. But [the question is] how did he put the clothes on them [if we are] to understand the scriptural account?²⁴ -The sons of R. Hiyya and R. Johanan held different opinions about it. One said: Aaron was first clothed and afterwards his sons; whilst the other said: Aaron and his sons were clothed simultaneously. Said Abaye: With regard to the tunic and the mitre none disputes the fact that Aaron came first and his sons afterwards,²⁵ for both in the [text containing] the command and [the account of the] actual performance Aaron is mentioned first. What they are disputing is [the order of] the girdle.²⁶ He who says Aaron [came first] and then his sons [is of this opinion] because it is written, And he girded him with the girdle,²⁷ and only after this is it written, And he girded them with a girdle,²⁸ whereas he who holds that the girding took place without any interruption, [is of this opinion] because It is written, And thou shalt gird them with girdles, Aaron and his sons.²⁹ According to the opinion that Aaron and his sons were girded at the same time, does not Scripture first say, 'And he girded him with a girdle' and then only later is it written, 'And he girded them with a girdle'?³⁰ —

(1) In Ex. XXIX, 5, there are Instructions relative to the Consecration, such as putting on Aaron the tunic, the robe of the ephod and the ephod, the breastplate, the mitre on his head, the holy crown on the mitre. These are not mentioned in the ceremony described in Lev. VIII.

(2) Ex. XXIX, 4 and Lev. VIII, 33.

(3) Lev. VIII, 35.

(4) Ibid. VIII, 35.

(5) Zeb. 101b.

(6) Lev. X, 13.

(7) Ibid. X, 18.

(8) Lev. X, 15

(9) Lev. X, 13: Take the meal-offering and eat it, this command contradicts Deut. XXVI, 14, I have not eaten thereof in my mourning. The answer is, 'So am I commanded', i.e., a special decision from God.

(10) The death of Nadab and Abihu, Lev. X, 2.

(11) When he found that the goat of the sin-offering had been burnt, he said to them, You should have eaten it 'as I commanded you' in regard to the meal-offering.

(12) Chapters VIII and IX of Lev. which deal with the Consecration.

(13) Ex. XXIX, 1.

(14) Which the priests are obliged to offer up on the day of their Consecration. V. Men. 51b.

(15) Ex. XXIX, 5: And thou shalt take the garments and put upon Aaron.

(16) Ex. XXIX, 1.

(17) Lev. VI, 13. The inference from similarity of expression is never used 'for the purpose of deducing a new law from Scripture, but merely as an attempt to find a scriptural support for an opinion expressed by one of the

authorities in the Mishnah'. Mielziner, Intro. 148.

(18) The section on the Consecration. It was to be read as part of the ceremony.

(19) Lev. VIII, 5' Dabar may mean both 'word' and 'thing'. No further reference to the ceremony being necessary, the suggestion is made that *dabar*, the word, the reading of the word is commanded. Support may be found in the fact that the preceding verse speaks of The congregation assembled at the door of the tent of meeting, such 'assembly' for the purpose of hearing scriptural reading being expressly enjoined in Deut. XXXI, 28 and esp. at the Sukkoth festival in the year of release.

(20) The word, i.e., the section read.

(21) There is no relevance in archaeological research.

(22) I.e., in the Messianic future.

(23) There is no need for speculation. Moses will be in charge and he knows the law.

(24) There are apparent contradictions between the command as given in Ex. XXIX and the account of the ceremony in Lev. VIII respectively. In Ex. XXIX, 9: And thou shalt gird them with a girdle, Aaron and his sons intimates that this girding of father and sons took place in close succession to one another. I.e., he girded Aaron only after he had first clothed the sons with the other garments apart from the girdle, so that the girding of Aaron and his sons were, so to speak, at the same time (v. *infra*); whereas in Lev. VIII, 7: And girded him with the girdle and clothed him with the robe . . . and placed the breastplate upon him and set the mitre upon his head to be followed by *ibid.* v. 13: And Moses brought Aaron's sons and clothed them with tunics and girded them with girdles shows the girding of Aaron took place before the clothing of the sons had even begun.

(25) [Moses clothed Aaron with the tunic and the mitre before he began to clothe the sons with these garments. These would also include the breeches, as these were always to come first, v. *infra* 23b.]

(26) Whether Aaron was girded before or after the sons were clothed with the tunic and mitre.

(27) Lev. VIII, 7.

(28) *Ibid.* 13. I.e., after having first clothed them with the other garments.

(29) Ex. XXIX, 9.

(30) Cf. n. 4.

Talmud - Mas. Yoma 6a

He will tell you: This is to teach you that the girdle of the high priest was not the same [material] as that of the average priest.¹ According to the opinion that Aaron was girded and afterwards his sons,² does not Scripture say, 'And thou shalt gird them with a girdle'?- He will tell you this³ informs us that the girdle of the high priest was of the same [material] as the average priest. Was it then necessary to state: 'And he girded him with a girdle' and [then] 'And he girded them'? From that we infer that Aaron came first and then his sons. But how could it have been possible simultaneously?⁴ — This only means to indicate that [Aaron] came first.⁵

THE HIGH PRIEST WAS REMOVED. Why was he removed?[You ask] why was he removed!⁶ [Is it not] as you have said, either according to the derivation of R. Johanan, or to that of Resh Lakish? — No, this is⁷ the question: Why was he separated from his house? — It was taught: R. Judah b. Bathyra said: Let his wife be found under doubt of being a menstruant and he have congress with her.⁸ Do we speak of wicked people?⁹ — Rather, perhaps he will have congress with his wife and she will then be found to be doubtfully a menstruant.¹⁰ [The Rabbis] were discussing the decision before R. Hisda: According to whom was it made?-Obviously according to R. Akiba, who said: A menstruant makes him who had congress with her impure

[retrospectively].¹¹ For, according to the Rabbis, behold they say: A menstruant does not render impure him who had congress with her [retrospectively]. R. Hisda said to them: It may be in accord even with the Rabbis. For they conflict with R. Akiba only in the case in which [the blood stains are found] much later¹² [than the congress], but, [if they be found] very soon afterwards,¹³ they agree with him. R. Zera said: Hence it is evident that to one who had congress with a menstruant do not apply the same restrictions as do to the menstruant herself and he may bathe [for purification] in day time.¹⁴ For, if you were to say that to one who had congress with a menstruant applied the same laws that apply to her, when could he bathe? Only at night. How could he, then, officiate on the morrow,¹⁵ since he would have to await sunset for becoming ritually pure? Hence it must be [clear] that one who had intercourse with a menstruant is not subject to the same restrictions as the menstruant herself. Said R. Shimi of Nehardea: You might even say [that the above decision is in accord with the view] that one who has intercourse with a menstruant is like the menstruant, yet [would the high priest be able to officiate at the service] for we would separate him from his house an hour before sunset.¹⁶ An objection was raised: All those who are obliged to take the ritual bath must take the bath at night.¹⁷ A menstruant and a woman after confinement immerse during the day. A menstruant, then, only, but not one who had intercourse with her?¹⁸ — [No, it means], A menstruant and all whom one may include in that term.¹⁹ Another objection was raised: One to whom pollution has happened is like one who touched an unclean [dead] reptile. One who had intercourse with a menstruating woman is like one who was made unclean through a corpse.²⁰ Is it not concerning the bath?²¹ — No, it is concerning [the conditions of] their uncleanness.²² But [surely] concerning their uncleanness²³ there are direct statements in Scripture! In the first case it is written that it lasts for seven days,²⁴ and in the second case also the seven days' duration is prescribed.²⁵

(1) The girdle as described in Ex. XXXIX, 29 was to be made of fine twined linen, and blue and purple and scarlet, the work of the weaver in colours. The separate mention made of Aaron's girdle and that of his sons serves to indicate that they were not alike and that this description referred to the girdle of the high priest alone: the girdle of other priests was made of lesser material.

(2) From which one may infer that they are to be girded simultaneously, 'them', i.e., together.

(3) The answer is: The emphasis is not on the time or interval, but on the fact that father and son shall be girded with the same girdle, no distinction being allowed between the girdles worn by high priest and ordinary priest respectively.

(4) Taking the word simultaneously literally (cf. p. 21, n. 13), the question is, How could Moses have girded five men simultaneously?

(5) The Torah does not command any simultaneity. Aaron is mentioned in one passage and his sons in another, in order to emphasize that he must come first—whether in the clothing of the garments or in the girding.

(6) The first question was misunderstood. The answer implies that the source of the commandment to remove the priest was being sought.

(7) What was really intended was the practical motive of the enactment.

(8) Tosef. Yoma I.

(9) No good Jew (v. Sheb. 18b; Shulhan Aruk, Yoreh Deah 184, 2) would approach his wife unless her ritual purity were beyond doubt, how much less a high priest. Hence such contingency is unthinkable. Dealing with high priests, are we dealing with wicked men?

(10) Bloodstains may be found on the bed after congress and the doubt would arise, whether the discharge occurred before or after congress. Such a doubt would render her husband impure for seven days and ritually unfit to enter

the sanctuary.

(11) [For twenty-four hours, so that should the stain be found after congress, the husband would be considered unclean for seven days, v. Nid. 14a.]

(12) Lit., 'after after', v. next note.

(13) [Lit., 'one after' this interval is defined in Nid. 12b as time enough to get down from the bed and rinse her face (euphemistically).]

(14) A menstruant is not permitted to bathe during the seventh day of her menstrual impurity, but only at night, after sunset, the beginning of the eighth day. But he who had congress with her would be permitted to bathe during the seventh day, without having to await the sunset of the seventh day. Hence he needs to be separated for but seven days. And if on the day of the separation he had congress and the doubt of her being a menstruant arose, he would count from the day of the separation until the day before the Day of Atonement, when he would take the bath during the day, await the sunset, and then be fit to enter the sanctuary on the Day of Atonement (Rashi).

(15) He would ritually be impure at the night of the Day of Atonement, hence there would have been no sunset before the Day of Atonement when he was pure and he would be unfit to officiate on the following day; thus the whole separation would be futile.

(16) That is, on the even before the eighth day before the Day of Atonement. One hour is a very short period and unimportant, hence the separation would still be called 'one of seven days'. He could bathe on the evening before the eve of the Day of Atonement (the seventh day after having become ritually impure) and be fit to officiate on the Day of Atonement, having awaited the sunset on the day before his bath.

(17) Meg. 20a, based on Num. XIX, 19, for the law that all may bathe during the day: And on the seventh day he shall purify him and bathe himself in water and be clean at even. — That a menstruant must not bathe before the night of the seventh day is inferred from Lev. XV,19: And if a woman have an issue, she shall be in her impurity seven days. A woman after confinement is compared to a menstruant in Lev. XII, 2: If a woman be delivered . . . , then she shall be unclean for seven days; as in the days of the impurity of her sickness shall she be unclean.; v. infra 88a

(18) Here would be a Tannaitic text invalidating an Amora's inference.

(19) Since the menstruant by contact communicates her impurity, it is logical to assume that the conditions of purification would be identical. Hence the implicit statement is sufficient.

(20) Zab. V, 11.

(21) That the bath could be taken in day-time.

(22) One to whom defilement has happened is like one who touched a dead reptile in that both become clean in the evening, and are unclean in the first degree of uncleanness; and he who had intercourse with a menstruant is afflicted with uncleanness for seven days and is one of the original causes of uncleanness like him who was made unclean through a corpse.

(23) I.e., that of one who has intercourse with a menstruant.

(24) Lev. XV, 24. Her impurity be upon him, he shall be unclean seven days.

(25) Num. XIX, 11: He that toucheth the dead, even any man's dead body, shall be unclean seven days.

Talmud - Mas. Yoma 6b

Must one not hence assume that the comparison concerns their bath?¹ No, indeed it refers only to [the conditions of] their uncleanness, and it was necessary to mention that only because of the latter clause [of that Mishnah, viz.,] that one who had intercourse with a menstruant is afflicted with a graver form of impurity than he [who has become unclean through a corpse] in that he causes uncleanness of couch and seat² [such uncleanness being of a lighter nature] so as to affect

only foods and liquids.³

Come and hear:⁴ For R. Hiyya taught: A man or a woman afflicted with gonorrhoea or with leprosy, one who had intercourse with a menstruant, and one made unclean through a corpse, may take the bath during the day; a menstruant and a woman after confinement take their bath at night.⁵ This is [indeed] a refutation.⁶ Now whilst removing him from the [possible] impurity due to his house,⁷ remove him from the [possibility of] uncleanness through a corpse!⁸ R. Tahlifa, father of R. Huna, said in the name of Raba: This teaches that in the case of a community [the law of] corpse uncleanness is inoperative.⁹ Rabina said: You might also say that [the law of] corpse uncleanness is only suspended in case of a community,¹⁰ yet uncleanness due to contact with a corpse is infrequent,¹¹ whereas uncleanness due to marital life happens often. It has been said: As [to the law of] corpse-uncleanness R. Nahman said: It is inoperative in case of a community. R. Shesheth said: It is only suspended in case of an entire community. Whenever there are in the same priestly family-division¹² men, both clean and unclean ones, nobody disputes the fact that the clean ones do the service and the unclean ones forego it. The dispute concerns only the question as to whether one is obliged to make an endeavour to obtain, clean ones from another family-division. R. Nahman said: [The law of] corpse-uncleanness is inoperative in case of a community, hence we need make no such effort. R. Shesheth says: That law is only suspended in case of a community and hence we must endeavour [to find clean priests for the service].

Some hold that even in a case in which there are both clean and unclean priests in the same family-division, R. Nahman insists that even the unclean ones may officiate

(1) Since a statement as to the duration of their uncleanness, from its express form in the Torah, seems superfluous. But such repetition is illogical and hence the interpretation that it applies to the bathing is justified which proves that he who has intercourse with the menstruant may immerse by day.

(2) [As many couches as are under him become unclean although they had not been in direct contact with him, which is not the case with one who suffers corpse-uncleanness. He defiles only those couches which his body actually touches.]

(3) All original causes of uncleanness (**vtnuyv , uct**) render, by touch, man and vessels unclean, whereas the derived first and second and third causes affect only foods and liquids, but neither human beings nor 'vessels' (apparel, etc.).

(4) This phrase in our case introduces a refutation.

(5) *Infra* 88a.

(6) This Tannaitic tradition is beyond the argument of any Amora. The refutation is complete.

(7) *i.e.*, his wife.

(8) Keep away from him every company, lest someone die whilst in the same room with the high priest and render him unclean for seven days.

(9) *Lit.*, 'permissible'.

(10) It is only suspended as by emergency and every effort is due to effect a proper service in its stead.

(11) Hence no precautionary measures, such as, so to speak, quarantining the priest, are necessary.

(12) *Beth-Ab. V. Glos.*

Talmud - Mas. Yoma 7a

because the Torah has rendered all levitical impurity caused through a corpse inoperative in case of a community.¹

R. Shesheth said: Whence do I know that?² Because it has been taught: If the priest was standing and offering up the sheaf of the 'Omer³ and it became unclean in his hands⁴ let him tell and another one is brought in its place. And if there be none but this, one would say to him: 'Be clever and keep quiet'.⁵ At all events he teaches, He should tell about it and another one is brought in its place!⁶ — R. Nahman said: I admit⁷ that where there is a remnant to be eaten [one would have to make an effort to procure a substitute sacrifice].⁸ Another objection was raised: If he was offering up the meal-offering of the bullocks or rams or sheep, and it became unclean in his hand, he should say so and one brings another one in its place; but if there be none [available] but the first, one tells him, 'Be wise and keep quiet'.⁹ Does this not refer to the bullocks, rams and sheep offered up on the feast [of Sukkoth]?¹⁰ — R. Nahman will answer you: No, the word 'bullock' refers to the bullock offered up in expiation of idolatry,¹¹ and although it is a community sacrifice, since there is no definite time fixed for it, one endeavours [to find a substitute offering]; the word 'rams' refers to the ram of Aaron¹² and although it is appointed to be sacrificed at a definite time, yet, since it is the offering of an individual, one endeavours [to procure a substitute]; the word 'lambs' refers to the lamb offered up together with the 'Omer-sheaf, of which¹³ there are remnants to be eaten. — Another objection was raised:¹⁴ If [sacrificial] blood became unclean and one sprinkled it, if by mistake, it is accepted;¹⁵ if wilfully, it is not accepted!¹⁶ — This teaching refers to the sacrifice of an individual. Come and hear: For what [mistake at sacrifice] does the priest's plate¹⁷ effect pardon?¹⁸ Concerning blood, flesh, fat, which become unclean, whether by mistake or wilfully, whether by accident or voluntarily,¹⁹ whether [the sacrifice] was offered up by an individual or by the entire community.²⁰ Now if it enter your mind that the law of uncleanness is inoperative in case of a community, what need is there for [the priest's plate] to effect pardon?— R. Nahman will answer you: What has been taught about the plate's effecting pardon, refers only to the sacrifice of an individual. Or, if you like, one might say, it refers also to such community sacrifices for which no definite time has been set. — Another objection was raised:²⁰ [Touching on] And Aaron shall bear the iniquity committed in the holy things. Does he bear any kind of iniquity? If you mean the iniquity of piggul [— a sacrifice rejectable²¹ because of the intended disposal beyond the legal limits of space], concerning this Scripture has said already, It will not be accepted.²² If you mean the iniquity of nothar,²³ concerning that Scripture has said already, It shall not be imputed!²⁴

(1) The source is Num. IX, 10: If any person . . . shall be unclean by reason of a dead body or be in a journey afar off, he could postpone the offering up of his paschal lamb until the fourteenth of the month of Iyar. From this R. Shesheth infers that a person (an individual) is suspended (postpones the celebration of Passover), but not a community. Pes. 66b.

(2) That the law is only suspended, not inoperative.

(3) V. Glos.

(4) The rendering in our text seems defective. In Men. 72a it reads: If he was standing and offering up the flour-offering of the 'Omer and it became unclean, if there is another (available), he may say to him, — bring the other' in its place. And if not he says to him — 'Be clever and keep quiet'. The Tosef. reads: If he offered up the 'Omer and it became unclean he tells it and one brings another one in its place. If there be none besides the first, one says to him, 'Be clever and keep quiet about it'.

- (5) Since no substitute is available, silence is wisdom, for the priest's frontplate procures forgiveness for such mishap. V. infra.
- (6) Hence it is clear that even in the case of a community the law concerning corpse-uncleanness is but suspended, not rendered inoperative, which contradicts R. Nahman.
- (7) Although a communal sacrifice may indeed be offered up also in a state of congregational impurity, it may not be eaten in a state of impurity. V. Pes. 77b.
- (8) In the case of an 'Omer offering, where the priest takes a fistful, I admit that remnants to be consumed must be consumed in cleanliness.
- (9) This text is apparently taken from the Tosef. Men. II, yet in that text the word for 'rams' is omitted.
- (10) V. Num. XXIX, 12ff. These are community sacrifices, with a definite time appointed for them, yet the law of impurity is only suspended, for 'one brings another one in its place'.
- (11) The passage in Num. XV, 22f: And when ye shall err and not observe all these commandments, then it shall be, if done in error by the congregation . . . that all the congregation shall offer up one bullock for a burnt-offering, is assumed to refer to the main and most potent error: idolatry.
- (12) Offered up on the Day of Atonement.
- (13) The meal-offering brought with the 'Omer lamb, of which a fistful was taken by the priest and the remnants eaten.
- (14) V. Pes. 16b.
- (15) And the flesh thereof may be eaten.
- (16) [In so far that the flesh may not be eaten, though pardon is effected by means of the priest's plate (v. infra). This proves that the law of uncleanness does operate in the case of a community (which is apparently included in the general terms of this teaching).]
- (17) The source is Ex. XXVIII, 36-38: And thou shalt make a plate of pure gold and engrave upon it, like the engravings of a signet: HOLY OF THE LORD. And thou shalt put it on a thread of blue, and it shall be upon the mitre: upon the forefront of the mitre it shall be. And it shall be upon Aaron's forehead and Aaron shall bear the iniquity committed in the holy things which the children of Israel hallow.
- (18) Lit., 'Make (the sacrifice) acceptable.'
- (19) The word **iumr** (free-will) after **shzn** (wilfully) is tautologous, but it is a matter of Talmudic style, since **xbt** (accident) is mentioned, its opposite is also included, illustratively rather than logically.
- (20) Men. 25b.
- (21) Lev. VII, 18: And if any of the flesh of the sacrifice of his peace-offerings (which according to the preceding verse may be eaten only in the day that it is offered on and on the morrow) be at all eaten on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it: it shall be an abhorred thing (piggul) and the soul that eateth of it shall bear his iniquity. The term piggul although generally denoting the intention in the mind of the officiating priest to dispose of the sacrifice beyond the proper time (**vbnzk . uj**) signifies here according to Rashi the intended disposal thereof beyond the legal limits of space, (**unuenk . uj**). V. Zeb. 28a. Tosaf. explains differently.
- (22) V. note 5.
- (23) [Lit., 'left over', generally portions of sacrifice left over beyond the legal time and here with the special meaning of the intended disposal of the sacrifice beyond the legal time, so Rashi.]
- (24) Lev. VII, 18.

Talmud - Mas. Yoma 7b

Is it not hence that there is no iniquity which he bears except that concerning levitical uncleanness

which has been declared inoperative in its general rule whenever a community sacrifice is involved, and the difficulty remains for R. Shesheth?¹ Concerning this matter the Tannaim differ,² for it has been taught:³ The front plate effects pardon⁴ whether it be on the high priest's forehead or not; these are the words of R. Simeon. R. Judah said: As long as it is on his forehead it effects pardon, if it is not on his forehead, it does not effect pardon. R. Simeon said to him: The case of the high priest on the Day of Atonement proves [your contention wrong], for the plate⁵ is then not on his forehead and yet it effects pardon — R. Judah answered him: Leave the case of the high priest on the Day of Atonement alone, for to him, because the community is concerned,⁶ the law of uncleanness has been rendered inoperative. Hence it is to be inferred that according to R. Simeon⁷ the law of uncleanness is only suspended in case of a community.⁸

Abaye said: If the front plate was broken there is no conflicting opinion, all agreeing that it effects no pardon. The dispute concerns only the case when it is hung up on a peg, R. Judah holding, And it shall be upon the forehead [of Aaron] and he shall bear,⁹ whilst R. Simeon bases his opinion on, And it shall be continually upon his forehead, that they may be accepted before the Lord.¹⁰ Now what does 'continually' mean? Shall I say that it shall indeed be continually on his forehead? How is that possible? Must he not enter the privy¹¹ occasionally, must he not sleep at times?¹¹ Rather must it all imply that [the front plate] 'continually'¹² effects pardon. According to R. Judah,¹³ does not Scripture say 'continually'?¹⁴ — That word implies that he should never dismiss it from his mind;¹⁵ this is in agreement with Rabbah son of Huna, for Rabbah son of Huna said: A man is obliged to touch his tefillin¹⁶ every hour. This may be learned by inference ad majus from the front plate.

(1) Who holds that that law is only suspended, not abrogated, where a community sacrifice is involved.

(2) So that R. Shesheth may have the benefit of the support of the Tanna whose opinion he held.

(3) Pes. 77a.

(4) For uncleanness of a sacrifice.

(5) On that day, when the high priest enters the Holy of Holies, he doffs his golden garments, including the front plate, and wears simple linen.

(6) He offers up the sacrifice to make atonement for the whole congregation.

(7) Who opposes the view of R. Judah.

(8) And it is the front plate that effects the pardon. This is the dispute of the Tannaim.

(9) Ex. XXVII, 38.

(10) Ibid., the pardon dependent upon the high priest's bearing the plate.

(11) Respect for the holy garment would necessitate its removal at that time.

(12) The evidence of the text seems to favour R. Simeon's interpretation.

(13) Not only does his own interpretation appear wrong when confronted with R. Simeon's argument.

(14) The word 'continually', which cannot be referred to the wearing of the plate, needs must be applied to its efficacy.

(15) Not the outward efficacy of the plate; the attitude of the high priest towards its function is what the Torah prescribes here.

(16) Originally the tefillin were worn all day. V. Shab. 130a.

If touching the front plate, on which the mention [of God] is but inscribed once,¹ the Torah prescribes ‘And it shall be continually upon his forehead,’ i.e., he shall not dismiss it from his mind, how much more does this apply to the tefillin which contain the mention [of God] many a time!² But according to R. Simeon who says the front plate effects pardon always, does not Scripture intimate [in the passage], ‘On the forehead [of Aaron] and he shall bear’ [that the effecting of pardon depends on his bearing the plate]?- No, that passage merely serves to indicate the place of the plate. Whence does R. Judah know that there is a definite place prescribed for the front plate?³ He infers that from ‘On his forehead’. Why should not R. Simeon infer it from the passage too?⁴ -Indeed he does. Then how does he interpret ‘On the forehead [of Aaron] and he shall bear’?- He will tell you: [It means to say that] whatsoever is fit to rest ‘on the forehead’, can effect pardon, whatsoever is not fit to rest on the forehead cannot effect it. This excludes a broken plate, which, indeed, cannot effect a pardon. Whence now does R. Judah infer the law concerning a broken plate? — He derives it from the [fact that instead of] ‘the forehead’ the text has ‘his forehead’.⁵ R. Simeon, however, does not attach any significance to [the words] ‘the forehead’, [and] ‘his forehead’.⁶

Are the above Tannaim disputing the principle of the following Tannaim? For it has been taught: On both of them⁷ throughout the seven days they would sprinkle from all the sin-offerings⁸ that were there;⁹ these are the words of R. Meir. R. Jose said: They sprinkled him only on the third and seventh days. R. Hanina, the deputy high priest¹⁰ said: The priest that was to burn the red heifer they sprinkled on each of the seven days, but the high priest that was to officiate on the Day of Atonement was sprinkled only on the third and seventh day.¹¹ Is it not that their difference rests on this principle: R. Meir holds the law concerning ritual uncleanness to be only suspended in the case of community, whilst R. Jose considers it inoperative in that case.¹² But how can you understand the case of a community?¹³ If R. Jose holds that the law concerning ritual uncleanness is inoperative in case of a community, why is any sprinkling necessary? — Rather, you must assume that all agree that these Tannaim hold that law to be only suspended in case of a community and the point of issue here between them is this: R. Meir holds that we say that it is obligatory¹⁴ for the ritual immersion to be taken in its proper time,¹⁵ and R. Jose holds we do not say that it is obligatory for the ritual immersion to be taken in its proper time.¹⁵ But does R. Jose hold that we do not maintain that it is obligatory for the ritual immersion to take place in its proper time? Surely, it has been taught: One who has the name [of God] inscribed on his flesh must not bathe¹⁶ nor anoint himself nor stand at a place of filth. If he happens to have an obligatory ritual bath, he should place reed grass on that part and thus bathe.¹⁷ R. Jose says: He may go down to bathe as usual, provided he does not rub that part.¹⁸ And it is established that they are disputing the question as to whether it is obligatory for a ritual immersion to take place in its proper time; the first Tanna holding we do not say that it is obligatory for a ritual immersion to be taken in its proper time, and R. Jose affirming that we do say that it is obligatory for a ritual immersion to be taken in its proper place.¹⁹ — Rather: Everybody agrees that those two Tannaim²⁰ both hold we do say that it is obligatory for a ritual immersion to be taken in its proper time, and their dispute above concerns the following principle: R. Meir is of the opinion that we compare²¹ the [law concerning] ‘sprinkling’ to [that concerning] the immersion²² and R. Jose holds we do not compare ‘sprinkling’ to immersion’. What about R. Hanina, the deputy high priest? If he compares ‘sprinkling’ to ‘immersion’, the high priest on the Day of Atonement too [should be sprinkled on every day]. And if he does not compare ‘sprinkling’ to ‘immersion’ the

priest who burns the heifer [should] neither [be sprinkled on every day]? — In truth he does not make that comparison, the enactment²³ touching the priest who burns the heifer being a mere special stringency.²⁴

According to whose opinion is the following teaching: There is no difference between the priest who burns the heifer and the high priest on the Day of Atonement except

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- (1) In the inscription 'HOLY UNTO THE LORD'.
 - (2) In the four excerpts from the Torah, which they contain. Hence the obligation to touch tefillin all the time, as a reminder of the lessons they convey.
 - (3) Since he interprets 'On the forehead and he shall bear' as indicating interdependence of pardon and plate, whence does he know the place of the plate?- Perhaps it may be worn elsewhere too.
 - (4) The passage is simple and direct enough and untouched by the controversy.
 - (5) In the phrase 'On his forehead continually', R. Judah derives the law of the broken plate from the use of the possessive.
 - (6) There is nothing abnormal calling for special attention in the use of the possessive.
 - (7) V. supra p. 12 notes.
 - (8) With water from the ashes.
 - (9) Which remained from red heifers from the time of Moses until that period (Bertinoro). V. also Parah III, 5. From the ashes of every heifer some part was kept for future use.
 - (10) Segan. V. Sanh., Sonc. ed. p. 91, n. 1.
 - (11) Cf. Num. XIX, 19.
 - (12) Which shows that R. Jose and R. Meir differ on the same principle as R. Judah and R. Simeon.
 - (13) Lit., 'Can you hold that opinion?'
 - (14) Mizwah may mean 'commandment', 'good deed', 'ought', 'is obligatory'.
 - (15) [On the day prescribed by the law, and the same applies to the sprinkling which for the reason explained infra must take place every day.]
 - (16) Lest he blot out the name of God.
 - (17) Lest he blot out 'the name of God.
 - (18) V. Shab. 120b.
 - (19) From here it would appear that R. Jose held the ritual bath should be taken as soon as it is due.
 - (20) R. Meir and R. Jose.
 - (21) Lit., 'analogy', 'comparison', usually based on the close connection of two subjects in one and the same passage of the Torah. Arguments from Hekesh are, in general, regarded as being more conclusive than those from Gezerah Shawah, the former not admitting of refutation. Both could be applied only for the purpose of supporting a traditional law. Mielziner, l.c.
 - (22) Cf. supra p. 12.
 - (23) That he be sprinkled on the third and fifth days.
 - (24) As to the stringency v. p. 10, n. 2, but even so the sprinkling was not indispensable on any definite day; all that was prohibited was too long an interval between the first and the second sprinkling (Rashi).

Talmud - Mas. Yoma 8b

that the latter is removed for the purpose of sanctity,¹ and his fellow priests were permitted to touch him, whilst the former is removed for purposes of ritual and his colleagues forbidden to

touch him. According to whom [is this teaching]? According to the opinion either of R. Meir or of R. Jose. For if it were in accord with the opinion of R. Hanina, deputy high priest, there would be one more point of difference.²

R. Jose, the son of R. Hanina demurred to this: It is quite right that we sprinkle him on the first day,³ because that may be the third of his impurity; similarly on the second, because that may be the third day of his impurity; on the third, because that may be the third day of his impurity; on the fifth, because that may be the seventh day of his impurity; on the sixth, because that may be the seventh day of his impurity; on the seventh, because that may be the seventh day of his impurity. But on the fourth day why should there be any sprinkling at all? That day could not be in doubt as being either the third day⁴ or the seventh day⁵ of his impurity? — But, according to your own point of view, how can there be sprinkling throughout the seven days? For have we not an established rule that the sprinkling is forbidden as shebuth⁶ and as such cannot override the Sabbath?⁷ — But you must then needs say: ‘Seven days with the exception of the Sabbath’, similarly here, ‘Seven⁸ with the exception of the fourth day.’ Rabah said: For that reason since the matter of the high priest on the Day of Atonement does not depend on us but on the fixing of the calendar,⁹ he ought to be separated on the third of Tishri, and on whatever day the third of Tishri falls, we would remove him; but as to the priest who burns the heifer, since the matter depends on us,¹⁰ we should remove him on the fourth of the week, so that his fourth day would fall on the Sabbath.

TO THE CELL OF THE COUNSELLORS etc. R. Judah said, Was it the ‘cell of the parhedrin [counsellors], was it not rather the ‘cell of the buleute¹¹ [senators]’? Originally, indeed, it was called the ‘cell of the buleute’ but because money¹² was being paid¹³ for the purpose of obtaining the position of high priest and the [high priests] were changed every twelve¹⁴ months, like those counsellors, who are changed every twelve months,¹⁵ therefore it came to be called ‘the cell of the counsellors’.

We learnt elsewhere: upon the bakers¹⁶ the Sages imposed only the duty of setting apart¹⁷ enough for the heave-offering of tithe¹⁸ and hallah.¹⁹ Now, it is quite right [that they did not impose] the great heave-offering, because it has been taught:

(1) As the high priest was about to enter the sanctuary, he was removed from all, in order that he may, in solitude, take upon himself the holiness of the day, shed all pride of office and concentrate on his great responsibility viz., to obtain forgiveness of sin for Israel. As for the priest of the heifer, v. p. 2, n. 2.

(2) For according to R. Hanina, there is this additional difference that the high priest is sprinkled on the third and seventh day only, whereas the priest who is to burn the heifer is sprinkled on each of the seven days.

(3) Of the priest's separation, Num. XIX, 19: And the clean person shall sprinkle upon the unclean person on the third day, and on the seventh day; and on the seventh day shall he purify him. Ibid. 12: But if he purify himself not on the third day and on the seventh day, he shall not be clean.

(4) For, since he became separated he did not touch a corpse.

(5) For if the fourth day of his separation were the seventh day of his impurity, then the day before his separation would needs have been the third day of his impurity, and not having been sprinkled on that day, he could not be sprinkled on the seventh day of his impurity (the fourth day of his separation) for a first sprinkling on the third day of the impurity is indispensable for the second sprinkling on the seventh day.

- (6) Lit., 'rest', work forbidden by the Rabbis on the Sabbath and festivals as being out of spirit with the ceremony of the day.
- (7) I.e., the prohibition of work on the Sabbath. Pes. 65a.
- (8) 'Seven' must be understood to mean *exceptis excipiendis*, with the exception of those days on which the sprinkling is not lawful or not necessary.
- (9) Lit., 'month'. His entering the sanctuary on the Day of Atonement on the tenth of Tishri depends only on the fixing of the new moon by the Sanhedrin (Cf. Sanh. 2a), from which the tenth would be counted.
- (10) There is no definite time prescribed for the burning of the red heifer.
- (11) [**, the members of the **, the administrative body of the city of Jerusalem. V. Buchler, *Synedrion* p. 232.]
- (12) To the Hasmonean kings and their satellites.
- (13) [So Rashi cur. ed. (lit.), 'they gave money for it' etc. The phrase 'for it' (**לכך**) is obscure.]
- (14) This is not to be taken literally. On an average, as the Talmud tells later on, these high priests lasted twelve months, no longer. [MS.M. reads: 'They were changed by Heaven'. I.e., they did not survive the twelve months. Others: 'They were removed by the king when a higher price was offered him for the priesthood.' Rashi reads: 'They changed it,' 'it' referring to the chamber. Each new priest on his accession would set up a new chamber for himself.]
- (15) Rashi: The king removed his counsellors annually.
- (16) Bakers who were 'Fellows' of the pharisaic order. As such they had to undertake scrupulous observance especially of the laws of levitical purity. The *haberim* (fellows) were distinguished from the great mass of the 'amme ha-arez, the untrained multitude, who were suspects as to levitical purity and also as to the payment of tithe. V. *infra*.
- (17) From the doubtfully tithed fruit which they had brought of the 'amme ha-aretz.
- (18) *Terumath Ma'aser*. V. *Glos. s.v. terumah*. *Terumah Gedolah*. V. *Glos. s.v. terumah*.
- (19) The priest's share of the dough. V. *Demai* II, 4.

Talmud - Mas. Yoma 9a

Because he¹ sent into all the districts of Israel and he found that they² were separating only the great heave-offering;³ [it is also right that the Sages did not impose upon these bakers] the first tithe and the poor man's tithe,⁴ because [of the principle that] the claimant must produce evidence,⁵ but the second tithe, let then [the baker] separate, take it up to Jerusalem and eat it there! 'Ulla said: Because these *parhedrin*⁶ were beating them all the twelve months⁷ and telling them 'sell cheap, sell cheap,' the Sages did not burden them [to set apart the second tithe and take it up to Jerusalem].⁸ What does *parhedrin* mean? — *Porase* [managers].⁹ *Rabbah b. Bar Hana* said: What is the meaning of the passage, 'The fear of the Lord prolongeth days,' but the years of the wicked shall be shortened?¹⁰ 'The fear of the Lord prolongeth days' refers to the first Sanctuary, which remained standing for four hundred and ten years and in which there served only eighteen¹¹ high priests. 'But the years of the wicked shall be shortened'¹⁰ refers to the second Sanctuary, which abided for four hundred and twenty years and at which more than three hundred [high] priests served. Take off therefrom the forty years which *Simeon the Righteous* served,¹² eighty years which *Johanah the high priest* served,¹³ ten, which *Ishmael b. Fabi*¹⁴ served, or, as some say, the eleven years of *R. Eleazar b. Harsum*.¹⁵ Count [the number of high priests] from then on and you will find that none of them completed his year [in office].¹⁶ *R. Johanah b. Torta*¹⁷ said: Why was *Shiloh*¹⁸ destroyed? Because of two [evil] things that prevailed there, immorality and contemptuous treatment of sanctified objects. [Proof that] immorality prevailed because it is

written, Now Eli was very old, and he heard all that his sons did unto Israel, and how that they lay with the women that did service at the door of the tent of meeting. Notwithstanding R. Samuel b. Nahmani who said in the name of R. Johanan: Whosoever says, The sons of Eli sinned¹⁹ is but mistaken; it is

(1) Johanan, the high priest.

(2) The great mass of the people, exclusive of the Haberim. V. Glos. s.v. haber.

(3) V. Sot. 48a.

(4) The first tithe belonged to the Levite and was due annually; the second tithe was to be consumed by the owner in Jerusalem, annually; the third tithe was due every third year-it was the poor man's tithe.

(5) The heave-offering of the tithe, like the terumah (v. Glos.) itself, was, on penalty of death through divine action, forbidden to be eaten by a non-priest. With regard to the poor man's tithe, the baker could say: If you want to assert legal claim thereto, you will have to prove that the 'am ha-arez, from whom I bought it, has failed to give tithe thereof before he sold it to me. Unless such proof was forthcoming, there was no legal claim on the part of the Levite on the non-Levite poor to its possession.

(6) Paredroi-assessors, counsellors. The Mishnah J. reads paledroi. The Tosef. paredroi. These assessors had a bad reputation from their oppressive measures at the market places, over which, as commissioners, they had jurisdiction. So that, apart from the fact that the high priests, during the second Temple, were changed as often as these officials, the fact that they were dubbed paredroi indicates that there must have been more than one point of contact between these officials and the priests.

(7) Usually their office was of twelve months' duration. As the next line shows, these officials made full use of their twelve months' opportunity for abuse of power.

(8) The Sages preferred to give the baker haberim the benefit of the doubt that the 'amme ha-arez, as a rule, do give the tithe.

(9) Cf. "***, supervisor, purser, collector, which is logical rather than etymological.

(10) Prov. X, 27.

(11) [Var. lec., eight priests. Cf. I Chron. V, 36ff. Jehozadak who was taken to exile not being counted. V. Tosaf. s.v. **tku** and Rashi I Chron. V, 36.]

(12) Simeon the Just, High Priest Simon I, c. 300 b.c.e. ' v. Aboth, Sonc. ed., p. 2.

(13) John Hyrcanus, the Hasmonean high priest (Jastrow). V. Ber. He succeeded Simeon the Righteous as high priest (Bertinoro, Ma'as. Sh., 5, end). After eighty years serving as high priest he became a Sadducee (Ber. 29a). That makes it difficult to identify him with John Hyrcanus.

(14) V. Tosef. cf. Yoma 1. [High priest in the days of Agrippa II. He is not to be confused with the high priest of the same name who is reported by Josephus (Wars VI 2, 2) to have been executed in Cyrene after the destruction of the Temple. V. Buchler. op. cit. p. 98.]

(15) V. ibid. I. The Tosef. reads Harsoth. In Yoma 35b he is described as a model rich man who forsook his financial interests to devote himself to the Torah.

(16) Bah, in his marginal notes, inserts on the basis of text on parallel passages the following interpolation here: R. Johanan b. Torta said: 'And why all that? Because they bought the priestly office for money, for R. Assi reported that Martha, the daughter of Boethus, brought King Jannai two kabful of denars to nominate Joshua b. Gamala as one of the high priests. And R. Johanan b. Torta said (further). The same statement is made, infra 18a, in the name of R. Assi.

(17) An interesting account of Torta is given in the Pesik. Rab. XIV: (tortah being taken as the feminine of tora, hence cow. It occurs in this form in the Targum Num. XIX, 2.) He said: If a cow that has no speech and no mind, recognized her Creator, should I, whom my Maker created in His image, not go and acknowledge Him. He became

a Jew, studied, grew efficient in the Torah and they named him Johanan b. Torta.

(18) The seat of the Tabernacle after the conquest.

(19) As the text indicates. The same apologetics are elsewhere used to defend Reuben, the sons of Samuel, David, Solomon. (Shab. 55b).

Talmud - Mas. Yoma 9b

because they delayed offering up their sacrificial¹ birds Scripture accounts it to them as if they had lain with them. The [sacred] offerings were treated contemptuously, as it is written,² Yea, before the fat was made to smoke, the priest's servant came and said to the man that sacrificed: 'Give flesh to roast for the priest,' for he will not have sodden flesh of thee, but raw.' And if the man said unto him: 'Let the fat be made to smoke first of all, and then take as much as thy soul desireth': then he would say: 'Nay, but thou shalt give it me now, and if not, I will take it by force.' And the sin of the young men was very great before the Lord, — for the men dealt contemptuously with the offering of the Lord.

Why was the first Sanctuary destroyed? Because of three [evil] things which prevailed there: idolatry, immorality, bloodshed. Idolatry, as it is written: For the bed is too short for a man to stretch himself and the covering too narrow when he gathereth himself up.³ What is the meaning of 'For the bed is too short for a man to stretch himself'? R. Jonathan said: It is: This bed⁴ is too short for two neighbours to stretch themselves. And [what is the meaning of] 'the covering too narrow when he gathereth himself up'? — R. Samuel b. Nahmani said: When R. Jonathan [in his reading] came to this passage, he would cry and say: To Him, concerning Whom it is written, He gathereth the waters of the sea together like a heap,⁵ the cover became too narrow! Immorality [prevailed] as it is written: Moreover the Lord said: Because the daughters of Zion are haughty, and walk with stretched-forth necks and wanton eyes, walking and mincing as they go, and make a tinkling with their feet.⁶ 'Because the daughters of Zion are haughty', i.e., they used to walk with proud carriage. 'And wanton eyes' i.e., they filled their eyes with kohl.⁷ 'Walking and mincing as they go', i.e., they used to walk with the heel touching the toe. 'And make a tinkling with their feet', R. Isaac said: They would take myrrh and balsam and place it in their shoes⁸ and when they came near the young men of Israel they would kick, causing the balsam to squirt at them and would thus cause the evil desire to enter them like an adder's poison.

Bloodshed [prevailed] as it is written: Moreover Manaseh shed innocent blood very much, till he had filled Jerusalem from one end to another.⁹ They were wicked, but they placed their trust in the Holy One, blessed be He.¹⁰ For it is written, The heads thereof judge for reward, and the priests thereof teach for hire, and the prophets thereof divine for money; yet will they lean upon the Lord and say 'Is not the Lord in the midst of us? No evil shall come upon us'.¹¹ Therefore the Holy One, blessed be He, brought them three evil decrees as against the three evils which were their own:¹² Therefore shall Zion for your sake be plowed as a field, and Jerusalem shall become heaps and the mountain of the house as the high places of a forest. But why was the second Sanctuary destroyed, seeing that in its time they were occupying themselves with Torah, [observance of] precepts, and the practice of charity? Because therein prevailed hatred without cause. That teaches you that groundless hatred is considered as of even gravity with the three sins of idolatry, immorality, and bloodshed together. And [during the time of] the first Sanctuary did

no groundless hatred prevail? Surely it is written: They are thrust down to the sword with my people; smite therefore upon my thigh,¹³ and R. Eleazar said: This refers to people who eat and drink together and then thrust each other through with the daggers of their tongue! — That [passage] speaks of the princes in Israel, for it is written, Cry and wail, son of man; for it is upon my people,¹³ etc. [The text reads] ‘Cry and wail, son of man’. One might have assumed [it is upon] all [Israel], therefore it goes on, Upon all the princes of Israel.

R. Johanan and R. Eleazar both say: The former ones whose iniquity was revealed¹⁴ had their end¹⁵ revealed, the latter ones whose iniquity was not revealed have their end still unrevealed.

R. Johanan said: The fingernail of the earlier generations¹⁶ is better than the whole¹⁷ body of the later generations. Said Resh Lakish to him: On the contrary, the latter generations are better,¹⁸ although they are oppressed by the governments, they are occupying themselves with the Torah. — He [R. Johanan] replied: The Sanctuary will prove [my point] for it came back to the former generations, but not to the latter ones.

The question was put to R. Eleazar: Were the earlier generations better, or the later ones? — He answered: Look upon the Sanctuary! Some say he answered: The Sanctuary is your witness [in this matter].¹⁹

Resh Lakish was swimming in the Jordan. Thereupon Rabbah b. Bar Hana came and gave him the hand.²⁰ Said [Resh Lakish] to him: By God! I hate you. For it is written: If she be a wall, we will build upon her a turret of silver; if she be a door, we will enclose her with boards of cedar.²¹ Had you made yourself like a wall and had all come up in the days of Ezra, you would have been compared to silver, which no rottenness can ever affect. Now that you have come up like doors,²² you are like cedarwood, which rottenness prevails over. What is erez [‘cedar’]?- ‘Ulla said: It is sasmagor.²³ What is ‘sasmagor’?-R. Abba says it is the divine²⁴ voice as it has been taught: After the later prophets Haggai, Zechariah, and Malachi had died, the Holy Spirit²⁵ departed from Israel, but they still availed themselves of the Bath Kol.²⁶ — But did Resh Lakish talk with Rabbah b. Bar Hana?²⁷ Even with R. Eleazar, who was the master of the land of Israel, Resh Lakish did not converse²⁸ [for anyone with whom Resh Lakish conversed in the street could get merchandise without witnesses]²⁹ would he engage in conversation with Rabbah b. Bar Hana?-R. Papa said: ‘Throw a man between them’.³⁰ It was either Resh Lakish and Ze’iri or Rabbah b. Bar Hana and R. Eleazar.³¹ When he [Resh Lakish] came before R. Johanan, he said to him: This is not the reason.³² Even if they had all come up in the time of Ezra, the Divine Presence would not have rested over the second Sanctuary, for it is written:³³ God shall enlarge Japheth, and he shall dwell in the tents of Shem, [that means],

(1) Lev. XII, 8.

(2) I Sam. li, 15-17.

(3) Isa. XXVIII, 20.

(4) Manasseh the faithless king, introduced idols into the very Sanctuary. There was no room for the God of Israel, together with an idol, in his one Sanctuary.

(5) Ps. XXXIII, 7. The ad hoc exposition here is either: ‘On his cover (the idol) became His rival,’ or ‘The cover itself, used for idolatrous purposes, thus became His rival,’ the cover here standing for the Sanctuary.

- (6) Isa. III, 16.
- (7) A powder used for painting the eyelids, stibium (Jastrow).
- (8) Bah interpolates here: and walking around in the streets of Jerusalem and when they came near etc., v. D.S.
- (9) II Kings XXI, 16.
- (10) The text as it stands is in need of correction. The present rearrangement based on text in parallel passages (v. D.S.) is adopted by Bah. [Cur. edd. insert: 'This refers to the first Sanctuary'. This, on the rearrangement of the text adopted (v. n. 5), is evidently superfluous. V. D.S.]
- (11) Micah III, 11.
- (12) Ibid. 12.
- (13) Ezek. XXI, 17.
- (14) 'Who did not hide their misdeeds' (Rashi).
- (15) I.e., the end of their captivity. Jer. XXIX, 10: For thus saith the Lord: After seventy years are accomplished in Babylon, I will remember you and perform My good word to you, in causing you to return to this place.
- (16) The earlier generations are, of course, those of the first Temple, the later ones Israel since the second destruction.
- (17) Lit. , 'the belly'.
- (18) Or 'better off'. There is a slight shift in the argument. R. Johanan had referred to their value, Resh Lakish to their political and moral condition.
- (19) It came back to them after the first destruction, it has not come back to us as yet. There is only a slight difference in Hebrew between the two versions **of fihbg** and **of fshhg**.
- (20) [To help Resh Lakish out of the water. V. D.S. a.l. n. 100.]
- (21) Cant. VIII, 9.
- (22) A wall is of one piece, a door, a gate at least of two. Had Israel come from Babylon, not in parts, but at once, Jewry in Palestine may have been found worthy of a restoration of the Sanctuary.
- (23) Perhaps a comp. of sass and magor-magerah i.e. , a sawing worm. Bah reads: The worm destroys and saws it off from within.
- (24) Bath Kol (v. Glos.). Just as some part of the cedar is unaffected by the worm, surviving the ruin, so was the gift of the divine voice a remnant of God's grace, even after the destruction. V., however, Cant. Rab. VIII, 11
- (25) Of prophecy.
- (26) V. Sot. 48b.
- (27) [In the street, v. infra.]
- (28) Tosaf. a.l. suggests that he would not address R. Eleazar, but would, of course, offer him the courtesy of a reply, when addressed by him; an example is cited from Zeb. 5a.
- (29) One would trust the honesty of a man whom Resh Lakish honoured by engaging him in public conversation.
- (30) Change the account by substituting one other man for one of the persons mentioned in the original account.
- (31) 'If Resh Lakish was the swimmer, make Ze'iri the other man; or Rabbah b. Bar Hana offered the hand and R. Eleazar was the swimmer' (Rashi). [Aliter: Or Rabbah b. Bar Hana (who was a Palestinian) was the swimmer, and R. Eleazar (who was a Babylonian) offered the hand, v. Hyman, Toledoth, p.3 1076.]
- (32) Your complaint was unjustified.
- (33) Gen. IX, 27.

Talmud - Mas. Yoma 10a

although God has enlarged Japheth,¹ the Divine Presence rests only in the tents of Shem.² Whence do we know that the Persians are derived from Japheth? — Because It is written: The sons of

Japheth: Gomer, and Magog, and Madai and Javan, and Tubal, and Meshek, and Tiras.³ ‘Gomer’, i.e. Germania;⁴ ‘Magog’, i.e. Kandia;⁵ ‘Madai’, i.e. Macedonia; ‘Javan’,⁶ in its literal sense; ‘Tubal’, i.e. Beth-Unyaki;⁷ ‘Meshek’, i.e. Mysia;⁸ ‘Tiras’ — its identification is a matter of dispute between R. Simai and the Rabbis, or, according to another report, between R. Simon and the Rabbis, one holding that it is to be identified with Beth Tiryaka,⁹ and the other [authorities] declaring it is Persia. R. Joseph learnt: ‘Tiras’ is Persia, Sabtah and Raamah, and Sabteca.¹⁰ R. Joseph learnt: I.e. the inner Sakistan and the outer Sakistan.¹¹ Between the two there is [a distance] of one hundred parasangs and its circumference one thousand parasangs.¹² And the beginning of his kingdom was Babel and Erech, and Accad, and Calneh in the land of Shinar.¹³ ‘Babel’ in its usual sense; ‘Erech’ i.e. Urikath;¹⁴ ‘Accad’, i.e. Baskar;¹⁵ ‘Calneh’, i.e. Nupar —¹⁶ Ninpi. Out of that land went Ashur.¹⁷ R. Joseph learnt: ‘Ashur’, i.e. Silok.¹⁸ And builded Nineveh and Rehoboth-ir, and Calah.¹⁹ ‘Nineveh in its usual Sense; ‘Rehoboth-ir’, i.e. Perath of Meshan.²⁰ ‘Calah’ i.e., Perath de Borsif.²¹ And Resen between Nineveh and Calah — the same is the great city.²² ‘Resen’, i.e., Ctesiphon.²³ ‘The same is the great city’. [From here] I do not know yet whether by ‘the great city’ Nineveh or Resen is meant. But, as Scripture says, Now Nineveh was an exceeding great city unto God, of three days’ journey,²⁴ say that by ‘the great city’ Nineveh is meant.

Ang²⁵ Ahiman, Sheshai, and Talmi the children of Anak, were there.²⁶ A Tanna taught: ‘Ahiman’, i.e., the most skilful²⁷ of the brethren; ‘Sheshai’,²⁸ ie, he made the ground [he stepped on] like pits; ‘Talmi’, i.e., he made the ground full of ridges. Another comment:²⁹ Ahiman built Anath, Sheshai built Alush; Talmi built Talbush.³⁰ [They were called] ‘the children of Anak’, because they lorded it over the sun by reason of their height.³¹

R. Joshua b. Levi in the name of Rabbi said: Rome is designed to fall into the hand of Persia, as it was said: Therefore hear ye the counsel of the Lord, that He hath taken against Edom; and His purposes that He hath purposed against the inhabitants of Teman: surely the least of the flock shall drag them away, surely their habitation shall be appalled to them.³² Rabbah b. ‘Ullah demurred to this: What intimation is there that ‘the last of the flock’ refers to Persia? [Presumably] because Scripture reads: The ram which thou sawest having two horns, they are the kings of Media and Persia.³³ But say [perhaps] it is Greece, for it is written, And the rough he-goat is the king of Greece?³⁴ — When R. Habiba b. Surmaki came up,³⁵ he reported this interpretation before a certain scholar. The latter said: One who does not understand the meaning of the passage asks a question against Rabbi. What does, indeed, ‘the least of the flock’ mean? The youngest of his brethren, for R. Joseph learnt that Tiras is Persia.³⁶

Rabbah b. Bar Hana in the name of R. Johanan, on the authority of R. Judah b. Ila'i, said: Rome is designed to fall into the hands of Persia, that may be concluded by inference a minori ad majus: If in the case of the first Sanctuary, which the sons of Shem [Solomon] built and the Chaldeans destroyed, the Chaldeans fell into the hands of the Persians,³⁷ then how much more should this be so with the second Sanctuary, which the Persians built and the Romans destroyed, that the Romans should fall into the hands of the Persians.³⁸ Rab said: Persia will fall into the hands of Rome. Thereupon R. Kahana and R. Assi asked of Rab: [Shall] the builders fall into the hands of the destroyers? — He said to them: Yes, it is the decree of the King.³⁹ Others say: He replied to them: They too are guilty for they destroyed the synagogues. It has also been taught in accord

with the above, Persia will fall into the hands of Rome, first because they destroyed the synagogues, and then because it is the King's decree that the builders fall into the hands of the destroyers. Rab also said: The son of David will not come until the wicked kingdom of Rome will have spread [its sway] over the whole world for nine months, as it is said: Therefore will He give them up, until the time that she who travaileth hath brought forth; then the residue of his brethren shall return with the children of Israel.⁴⁰

Our Rabbis taught: All the cells in the Sanctuary were without a mezuzah⁴¹ with the exception of the cell of the counsellors, for therein there was a residence for the high priest. R. Judah said: Were there not a number of cells in the Sanctuary which had a compartment for a dwelling, yet had no mezuzah? Rather, the [reason for the] mezuzah on the cell of the counsellors was due to a preventive measure, What was the reason for R. Judah's statement? — Rabbah said, R. Judah is of the opinion, any house which is not made to serve both as a summer-home and a winter-home, is not a house.⁴² Abaye raised an objection: But it is written: And I will smite the winter-house with the summer-house!⁴³ — He answered: They are called summer-house or winter-house, but not by the general name house. Abaye raised the following objection: ‘The sukkah⁴⁴ used at the Feast [of Tabernacles] according to R. Judah renders [the fruit brought during the Feast] liable to tithe, whereas the Sages exempt it [from such duty]’,⁴⁵ and it has been learnt in connection with it: R. Judah considers [a sukkah] liable to ‘erub,⁴⁶ a mezuzah to tithe.⁴⁷ And if you should say he considers it liable to these duties only on rabbinic enactment, that could apply to ‘erub and mezuzah, but as regards tithe, can one say that it is but a rabbinic enactment, [should we not fear]

(1) Japheth here stands for Persia, as the following account endeavours to show.

(2) [I.e. , the Divine Presence rests only in the Temple built by Solomon, a descendant of Shem and not in that built by the Persians, the descendants of Japheth.]

(3) Gen. X, 2.

(4) Germania, the land of the Cimmerii. [Rieger, P. (MGWJ, 1936 p. 455) identifies it with the modern Kerman in South Persia.]

(5) Usually identified with Crete. [J. Meg. I, 11 reads: Gothia, the land of the Goths.]

(6) [J.T.loc. cit. reads, ‘Madai in its literal sense, Javan is Ephesus’. Golds. accordingly reads Madai in its literal sense, Javan is Macedonia.]

(7) Bithynia in Asia Minor.

(8) Mysia, a district in Asia Minor.

(9) Thrace.

(10) Gen. X,7.

(11) Drangania, a district in Persia (Jast.). [Golds. Scythia.]

(12) Rashi: They are a district surrounded by mountains. The outer S. includes the inner S., the inner which is one hundred parasangs’ distance from the outer, while the circumference of the outer one is one thousand parasangs.

(13) Gen.X, 10.

(14) Warka, S.E. of Babylon (Jast.).

(15) Jast. reads **rfaf** Cashkar, Cascara in Babylonia (v. Payne-Smith 1843).

(16) Ass. Nippur, modern Niffer. [Ninpi was probably an additional name by which Nippur was known and which is probably derived from the planet-god Ninib, Obermeyer p. 336.]

(17) Gen. X, 11.

(18) In Keth. 10b the reading is **telkx** Selucia, on the border of Babylonia and Assyria.

- (19) Gen. X, 11 .
- (20) Perath, according to Jastrow seems to be the general name of certain districts, thus in connection with Meshan, Messene, the island formed by the Euphrates, the Tigris and the royal canal. Berliner, Beitr. z. Geogr. 44.
- (21) A city near the site of Babel, Borsippa.
- (22) Gen. X,12.
- (23) A town on the eastern bank of the Tigris.
- (24) Jonah III, 3.
- (25) The Talmud continues with aggadic interpretation of other names.
- (26) Num. XIII, 22.
- (27) Root **inh** (denominative of **ihnh** 'right'). 'To endow with skill', 'distinguish'.
- (28) According to Rashi the name is to be connected with the root meaning 'desolation', Lam. III, 47.
- (29) Rashi omits, 'Another comment', and just adds the information as to the building activity of the giant en passant.
- (30) [Identified by Obermeyer with 'Anah, Alusa and Telbeth, three fortified island-towns on the Northern Euphrates.]
- (31) So Jast. Rashi: "With their height reaching up to the sun it surrounded their neck as a necklace does the neck.
- (32) Jer. XLIX, 20.
- (33) Dan. VIII, 20.
- (34) Dan. VIII, 21.
- (35) From Babylon to Palestine.
- (36) Tiras is mentioned last in Gen. X, 2, hence the 'youngest of the brethren'.
- (37) The destroyers fell into the hands of their enemies. Belshazzar into the hands of Darius (Rashi).
- (38) It seems logical that the destroyers fall into the hands of the builders.
- (39) The Supreme King of Kings.
- (40) Micah V, 2, interpreting the verse that the duration of the people's abandonment will be 'until the time etc.', i.e. nine months, the period of pregnancy.
- (41) The inscription of Deut. VI, 4-9, XI, 13-21 on a slip of parchment.
- (42) Only a 'house' (cf. Deut. VI, 9) requires a mezuzah, not a temporary residence.
- (43) Amos III, 15.
- (44) The booth covered with twigs for the seven days of Sukkoth (Tabernacles). Lev. XXIII, 33-44.
- (45) V. Ma'as. VII, 3. The liability to tithes begins only from the moment the produce is brought into the house, v. Ma'as. I, 3 and the point at issue between R. Judah and the Sages is whether a sukkah is considered a house in what concerns tithes.
- (46) For the purpose of regulating Sabbath limits of movement a legal community or continuity is symbolically established for the inhabitants of a city, a court etc. If the sukkah opens out into a court in which there are other dwellings too, the inhabitants of all these dwellings will contribute their share towards a dish to be deposited in one of the dwellings, by which act the dwellings are considered as common to all, and the carrying of objects across the court and from one dwelling to another will be permitted.
- (47) Only a house needs 'erub and mezuzah.

Talmud - Mas. Yoma 10b

that he may come to set aside tithe from where it is obligatory for where it is exempt and from where it is exempt for where it is obligatory?¹ -Rather, said Abaye, there is no dispute concerning the seven days [of the separation], all agreeing that [the cell] is liable [to have a mezuzah];² what

the dispute is concerned with is the other days of the year; the Rabbis would institute it as a precautionary measure on account of the seven days, whilst R. Judah does not see the need for such a measure. Raba said to him: But the teaching [of the Mishnah]³ reads, 'The sukkah of the Feast during the Feast'! Therefore says Raba: On all other days of the year they all agree that there is no obligation [for a mezuzah at the sukkah and cell], the dispute touches only the seven days, and there is a special ground in the case of the sukkah and there is a special reason in the case of the cell. There is a special reason in the case of the sukkah: R. Judah, holding in accordance with his own principle, that the sukkah must have the character of a permanent residence, hence considers [the sukkah] is liable to a mezuzah, whilst the Rabbis, following their own principle, hold that the sukkah must have the character of an incidental residence, and hence requires no mezuzah. There is also a special reason for the dispute in the case of the cell [of the counsellors]; the Rabbis hold that a dwelling not freely chosen is called a dwelling whilst R. Judah is of the opinion that such dwelling is not included in the term dwelling; only rabbinically it was arranged that a mezuzah be affixed at the cell lest the people say the high priest is being kept in prison.⁴

Who has taught the following which our Rabbis have taught:

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- (1) He might take off the tithe from something that is liable to tithe only by rabbinic enactment for some other heap (of produce), which is liable by the law of the Torah, and vice versa, thus invalidating the former and the latter.
 - (2) Even as at the sukkah.
 - (3) V. supra p. 45, n. 5. And yet it is said: 'The Sages exempt it from tithe', hence even during the seven days, according to one view, there would be exemption from the duty.
 - (4) Since only a dwelling not freely chosen does not need a mezuzah.

Talmud - Mas. Yoma 11a

All the gates that were there¹ had no mezuzah, with the exception of the gate of Nicanor,² within which the cell of the counsellors was situated. Apparently this teaching is in agreement with the Rabbis³ and not with R. Judah. For, if it were to be R. Judah's opinion [surely] he holds that [the mezuzah at the cell] itself is only a rabbinical enactment, shall we enact a preventive measure⁴ to guard another preventive measure?⁵ — You might even say it is in accord with R. Judah. [They are not two separate enactments, rather] the whole is but one measure.⁶

Our Rabbis taught: And upon thy gates:⁷ alike upon the gates of houses, upon the gates of courts, upon the gates of provinces, upon the gates of cities rests the dutiful obligation⁸ to the Omnipresent, as it is said, 'Upon the doorposts of thy house and upon thy gates'. Said Abaye to R. Safra: Why did the Rabbis not affix a mezuzah on the city gateways of Mahoza?⁹ — He answered: They serve only as supports for the Fort of Turrets [of that city].¹⁰ But the Fort of Turrets itself should have a mezuzah, for it contains a residence-compartment for the keeper of the prison! For it has been taught: A synagogue, which contains a dwelling-place for the synagogue attendant¹¹ must have a mezuzah! Rather, said Abaye, it¹² is due to a fear of danger.¹³ For it has been taught: The mezuzah of an individual's [house] should be examined¹⁴ twice every seven years, and of public buildings twice every fifty years. It happened to an Artaban¹⁵ who was examining mezuzoth in the upper market of Sepphoris¹⁶ that a quaestor found him and took from

him a thousand zuz.¹⁷ But R. Eleazar said: Messengers engaged in a mizwah do not come to harm? — Where danger is to be expected, it is different, for it is written: And Samuel said: How can I go? If Saul hear it, he will kill me. And the Lord said: Take a heifer with thee, and say: I am come to sacrifice unto the Lord.¹⁸ R. Kahana recited before Rab Judah: The straw-magazine, the stable, the wood-shed, and the store-house are exempt from the mezuzah, because the women make use of them.¹⁹ What does ‘they make use [of them]’ mean? — They bathe [therein].²⁰ Rab Judah said to him: The reason for the exemption is that they bathe [therein], but [had they been restricted to their] ordinary use, these places are liable to a mezuzah. But has it not been taught that an ox-stable is exempt from a mezuzah? Rather we must say that ‘they make use [of them]’ means they adorn themselves therein and this is what it teaches: Although the women adorn themselves therein, they are exempt from mezuzah.²¹ Said R. Kahana to him: But are the [places] wherein women adorn themselves exempt [from a mezuzah]? Surely it has been taught: An ox-stable is exempt from mezuzah, and [places] where women adorn themselves are liable to a mezuzah — What then remains now for you to say [is that] the case of [dwellings] wherein women adorn themselves is being disputed by Tannaim,²² and so on my view too²³ concerning these places [when limited to their] ordinary use, there is a dispute of Tannaim — For it has been taught: ‘Thy house’²⁴ means ‘a house appointed for thee’, thus excluding the straw-magazine, the ox-stable, the wood-shed, and the store-house which are exempt from the mezuzah. Some however declare them liable [to have a mezuzah]. In truth, they said, the privy, the tannery, the bathhouse, the house for ritual immersion are exempt from a mezuzah. Now R. Kahana explains [this teaching] according to his view, and Rab Judah explains it according to his view. ‘R. Kahana explains it according to his view’ thus: ‘Thy house’ means ‘the house appointed for thee’, thus excluding a straw-magazine, ox-stable, woodshed and store-house which are exempt from a mezuzah. Some however declare them liable. In truth, they said, the privy, the tannery, the bath-house, the house for ritual immersion and the rooms which the women make use of to adorn themselves are exempt from the mezuzah. But if this is so, it is the same as merhaz? — We are informed about public and about private bath-houses. For the thought may have occurred that only public bath-houses are exempt because they are full of uncleanness, but private bathhouses, where there is less thereof, are liable to a mezuzah, therefore he lets us know [that even private bath-houses are exempt]. ‘Rab Judah explains it in accord with his view’: This is how it is taught: ‘Thy house’ means ‘a house appointed for thee’, that excludes the straw-magazine, ox-stable, wood-shed, and store-house as exempt from mezuzah, even though women adorn themselves [therein].²⁵ Some consider houses wherein the women adorn themselves obliged to have a mezuzah. But [when restricted to their] ordinary use, all agree that they are exempt. In truth they said: The privy, the tannery, the private or public bathhouse, even though the women adorn themselves therein, are exempt from mezuzah, because they contain a great deal of uncleanness. But would, according to Rab Judah, all agree that [these places when restricted to their] ordinary use are exempt? Surely it has been taught: ‘In your gates’,²⁶ that implies alike the gates of houses, of courts, of provinces, of cities, cattle-sheds, hen-roosts, shed for straw, store-house for wine, store-house for oil — they all are liable to a mezuzah — One might assume this includes also

(1) All the gates in the eastern part of the Temple Court.

(2) Nicanor imported Corinthian bronze doors for the Temple gate called after him.

(3) I.e., the opponents of R. Judah in the Baraita supra 10a.

(4) Making the Nicanor Gate liable to a mezuzah.

- (5) V. Bez. 2b.
- (6) Result of one enactment.
- (7) Deut. VI, 9.
- (8) Of affixing a mezuzah.
- (9) A large Jewish trading town on the Tigris.
- (10) [So Jast. Obermeyer p. 168: The fort of Be Koke, a fortress adjoining Mahoza.]
- (11) Hazzan, v. Ta'an., Sonc. ed., p. 77, n. 2.
- (12) The absence of a mezuzah at the Fort of Turrets.
- (13) Rashi: Lest the king say: You are engaging in some witchcraft at the gate of my city. Perhaps because in examining the mezuzah from time to time one may find such an unpleasant quaestor as the Artaban did.
- (14) It may have deteriorated by rotting or through worms, or it may have been stolen.
- (15) A corruption or Judaization of 'tribune'.
- (16) In Upper Galilee.
- (17) A silver coin, one fourth of a shekel, one denar.
- (18) I Sam. XVI, 2.
- (19) Lit., 'are deriving benefit therein'.
- (20) In the nude, hence it would be disrespectful to affix a mezuzah.
- (21) [Rab Judah does not correct the Baraitha in stating that these places are exempt because the women make use of them. The Baraitha, in his view, means that although they make use of them, since, however, it is only for the purpose of adorning themselves and not as permanent dwellings, these places are exempt. Tosaf. s.v. ; **t**]
- (22) Whether they are liable to a mezuzah.
- (23) Explaining the phrase as meaning 'they bathe'.
- (24) Deut. VI, 9.
- (25) And which therefore might be considered dwellings.
- (26) Deut. VI, 9.

Talmud - Mas. Yoma 11b

the porter's lodge,¹ a veranda² and a balcony, therefore the text reads, 'house' — [meaning] just as 'house' means a building appointed for a dwelling it thus excludes all other buildings not appointed for a dwelling. One might have wanted to include also the privy, the tannery, the bath-house and the house for ritual immersion, therefore the text says, 'house': just as a 'house is made for dignity, so only all such are implied, which also are made for dignity, to the exclusion of these, which are not made for dignity. One might have wanted to include the mountain of the Sanctuary,³ the cells and the courts.⁴ Therefore the text says 'house': just as a 'house' is for common use so are only such [houses] as are for common use [liable] to a mezuzah — to the exclusion of these which are sacred!⁵ This is a refutation.

R. Samuel son of Rab Judah recited before Raba: Six gates are exempt from the mezuzah.- [the gates of] the straw-shed, the stable, the wood-house, the store-house, the Median⁶ gate, a gate without beams and a gate that is not ten handbreadths high. He [Raba] said to him: You started by saying six and you ended up with seven?-He replied: There is Tannaitic division of opinion concerning the Median gate, for it has been taught: An arched doorway⁷ — R. Meir declares it liable to the mezuzah, while the Sages exempt it.⁸ All agree, however, that, if the posts are ten handbreadths⁹ [high], it is liable to the mezuzah.¹⁰ Said Abaye: All agree that if the [whole]

doorway is ten handbreadths in height, but the post is not even three¹¹ it is considered nothing;¹² again, if the post is three handbreadths in height, but the [whole] doorway not even ten, it is also considered nothing.¹² They are disputing only concerning doorways the [whole] height of which is ten, with the posts three in height, but with a width less than four handbreadths, space however being left to extend it to four handbreadths.¹³ R. Meir holds one may extend¹⁴ it by digging [to the required minimum of four handbreadths], whilst the Sages hold that we do not extend it by digging it. Our Rabbis taught: The synagogue, the women's apartment, and the house belonging to partners are liable to mezuzah — Is that not self-evident? — You might have said [the scriptural] ‘Thy house’¹⁵ [means] her — but not [the woman's] house; ‘thy house’ but not their [partners'] house, hence we are taught [that they are included in the law of mezuzah]. But would you expound similarly: That your days may be multiplied and the days of your sons?¹⁶ Do only their [sons] need life, not the others [women and their daughters]? What then is the significance of ‘Thy house’? — It is as Raba said: For Raba said: The way thou enterest [thy house], and when a man moves, he moves with the right foot first.¹⁷

Another [Baraita] taught:¹⁸ The synagogue, the house belonging to partners, and the women's compartment are subject to uncleanness from house plagues. Is that not self-evident? You might have said: Then shall come he who has the house to him;¹⁹ to him’ [implies] but not ‘to her’ [woman], ‘to him’ but not ‘to them’ [partners], therefore we are told [that this is not so]. Perhaps it is really so? — Scripture says, In a house of the land of your possession,²⁰ [which includes both] — Why then ‘to him’? [That means to say that] if one devotes his house to himself exclusively, refusing to lend his belongings by pretending he did not own them, the Holy One, blessed be He, exposes him as he removes his belongings.²¹ Thus ‘to him’ excludes [from the infliction of the house plague] him who lends his belongings to others.²²

But is a synagogue subject to uncleanness from house plagues? Has it not been taught: One might assume that synagogues and houses of learning are subject to uncleanness from house plagues, therefore Scripture says: ‘He who has the house to him’, i.e., he to whom alone the house belongs, that excludes those [houses] which do not belong to him alone? — This is no difficulty: The first teaching is in accord with R. Meir, the second with Rabba, for it has been taught: A synagogue which contains a dwelling for the synagogue attendant²³ is liable to a mezuzah, but one which has no dwelling apartment, R. Meir declares it liable but the Sages exempt it. Or, if you wish, you might say: Both teachings are in accord with the Rabbis. In the one case the synagogue referred to has a dwelling [apartment], in the other it has no dwelling apartment. Or, if you wish, you might say [in accounting for the discrepancy] that in both cases the synagogue has no dwelling apartment

(1) Lit., ‘a gate-house’.

(2) Exedra.

(3) The Temple mount.

(4) In the singular: The Temple court. In the plural the various compartments there, as the men's compartment, the women's compartment.

(5) [This proves that the places enumerated in the teaching of R. Kahana, even when restricted to their ordinary use, are also subject to a difference of opinion of Tannaim whether or not they are liable to a mezuzah, which contradicts Rab Judah.]

- (6) The Median gate was usually made with an arched doorway, hence gates with such doorways came to be called Median.
- (7) Which is the same as a Median gate.
- (8) [Since it narrows down at the arch to less than four handbreadths, the required minimum of a gate, v. n. 10.]
- (9) Before the entrance began to narrow down at the arch.
- (10) 'Er. 11b.
- (11) It began to narrow down at less than three handbreadths from the ground.
- (12) And requires no mezuzah, for the minimum for any doorway is ten in height for the whole doorway, four in width, three for the posts; below it is but 'solid' earth.
- (13) Within the ten handbreadths, the minimum required height of the doorway.
- (14) By legal fiction. As long as the doorway starts on a breadth of four by three, allowing space for continued dimension up to ten, we look upon it as continuing in the same size, hence as entitled to the designation 'door', with the implication of being subject to the law of mezuzah
- (15) The possessive suffix in the Hebrew is masc. sing.
- (16) Deut. XI, 21. If you press the text so hard, excluding woman because the possessive is in the masculine form, then you should consistently expound: In order that your days, may be, where the possessive suffix, too, is masculine, that God holds out no promise for the prolongation of women's life. Perhaps benekem, which literally means 'your sons', although it is understood to include 'daughters', being usually translated as 'children' might render the consequence of such pedantic interpretation more absurd still.
- (17) Read ad hoc: instead of betheka, bi'atheka, i.e., 'thy coming in' instead of 'Thy house', to infer thence that the mezuzah should be affixed on the door-post at the right hand of him who enters. In this manner, indeed, the mezuzah is affixed, in the upper third of the post.
- (18) Men. 34a.
- (19) Lev. XIV, 35. So lit., E.V. 'he that owneth the house shall come',
- (20) Ibid. 34.
- (21) In accord with the priest's command, as prescribed: And the priest shall command that they empty the house before the priest go in to see the plague. Lev. XIV, 36.
- (22) The plague is thus seen as a punishment for niggardliness.
- (23) V. supra p. 47 n. 8.

Talmud - Mas. Yoma 12a

, the first teaching referring to big cities, the second to villages.¹ But are synagogues in big cities really not subject to uncleanness from house plagues? Has it not been taught: 'In the house of the land of your possession,'² i.e., the house of the land of your possession could become defiled through leprosy, but Jerusalem³ could not become defiled through leprosy. R. Judah said: I have heard that only the place of the Sanctuary is unaffected by the law of leprosy?⁴ Now does not that imply that synagogues and houses of learning are subject to the law of leprosy even though they be in large cities? — Read R. Judah said: I have heard that only sacred places⁵ are not subject to the law of leprosy. What principle are they disputing? — The first Tanna holds Jerusalem was not divided amongst the tribes⁶ and R. Judah holds Jerusalem was divided among the tribes, the basis of their difference being the principle on which these Tannaim differ, for it has been taught: What lay in the lot of Judah? The Temple mount, the cells, the courts. And what lay in the lot of Benjamin? The Hall,⁷ the Temple⁸ and the Holy of Holies. And a strip of land went forth from Judah's lot and went into Benjamin's territory, and on this the Temple was built — Benjamin the

Righteous was longing to swallow it every day as it is written: He coveteth him all day,⁹ therefore he obtained the privilege of becoming the host of the Omnipotent,¹⁰ as it is said: And He dwelleth between his shoulders¹¹.

The following Tanna holds that Jerusalem was not divided amongst the tribes, for it has been taught: One does not rent houses in Jerusalem, because it [the city] does not belong to them, [the inhabitants]. R. Eleazar son of R. Zadok said: Nor any beds. Therefore the innkeepers take the skin of the sacrificial animals by force.¹² Abaye said: We may learn from this that it is usual for a man to leave to his host the empty wine pitcher and the hide.¹³

But are the synagogues of the villages subject to the laws of leprosy? Has it not been taught: As a possession,¹⁴ i.e., until they conquer it. If they have conquered but not yet divided it among the tribes, or even divided it among the tribes but not divided it among the families, or even divided it among the families but before each man knows where his lot is, whence do we know [that the laws of leprosy do not apply yet]? To teach us that Scripture says: 'Then he who has the house to him' i.e., he to whom alone the house is belonging, excluding these [houses] which do not belong to him [the owner] alone.¹⁵ — It is more correct as we have answered at first.¹⁶

AND ANOTHER PRIEST IS PREPARED FOR HIM: It is obvious that if any disqualifying mishap occurred to the high priest before the morning [daily] offering, that one¹⁷ initiates the other priest with the morning burnt-offering. But if the mishap should have occurred after the morning sacrifice, how could he be initiated?¹⁸ — R. Adda b. Ahabah said: With the girdle.¹⁹ That will be in accord with him who holds that the girdle of the high priest is identical with that of the common priest,²⁰ but according to the opinion that the girdle of the high priest was not the same as that of the common priest,²¹ what can be said?²² — Abaye said: He would put on the eight garments and turn²³ with the hook, in accordance with what R. Huna said. For R. Huna said: If a non-priest turns with the hook, he incurs penalty of death.²⁴ R. Papa said:

(1) In the metropolis people from many cities assemble in the synagogue, it therefore seems to belong to everybody, i.e., to nobody, whilst in the villages those who attend are known to all, being like partners in the synagogue (Rashi).

(2) Lev. XIV, 34.

(3) Jerusalem was not divided among the tribes, but was kept in trust for all Israel and could therefore not be subject to a law applying to privately owned houses only.

(4) Meg. 26a.

(5) Instead of 'Sanctuary'. 'Sacred places' include synagogues and houses of learning.

(6) V. supra p. 52, n. 6.

(7) Ulam, leading to the interior of the Temple.

(8) The Hall containing the golden altar, Mid. IV, 1.

(9) Deut. XXXIII, 12. The ad hoc translation, lit., 'to bend over', thus to be anxious, hence (Rashi): he scratched himself in despair, was anxious to conquer it.

(10) The Ark stood in his lot.

(11) Ibid.

(12) I Tosef. Ma'as. Sh. I.

(13) Of the animal which he slaughters and consumes in the house of his host (Rashi).

(14) Lev. XIV, 34.

(15) Obviously then the synagogues in the villages are not subject to levitical uncleanness, hence the alternate answer above, 'One speaks of' synagogues in metropolises, the other of synagogues in villages', is unsatisfactory.

(16) The distinction is rather between synagogues with a dwelling for the synagogue attendant and those without it.

(17) He should officiate at the morning burnt-offering in the eight garments of the high priest.

(18) The rest of the service of the Day of Atonement is performed in four garments, how will his office of high priestly function be indicated?

(19) The high priest's girdle, which on the Day of Atonement is of fine linen (Lev. XVI, 4).

(20) [I.e. the material for the girdle prescribed for the high priest in Ex. XXXIX, 29 was also intended to be used for the girdle of the common priests, so that the girding of a linen girdle by the priest on the Day of Atonement would serve to indicate his high priestly function.]

(21) [I.e., the girdle of the common priest was of linen, the material of the girdle described in Ex. XXXIX, 29 being restricted to the high priest, so that the girding by the priest of a linen girdle on the Day of Atonement would indicate no particular high priestly function.]

(22) How would it be recognizable that he is initiated into performing the high priest's service?

(23) Rashi: Before starting on the service of the day, he puts on the eight garments, and turns on the outer altar one of the limbs of the daily burnt-offering with an iron hook. By reason of such turning that limb is more speedily consumed. He has thus done the initiative work for the office of high priest which he is to assume anon.

(24) This is only preparatory work, but since a non-priest, performing it in accord with R. Huna's opinion incurs the penalty of death, it is obviously considered as of even importance with the service proper, hence serving to initiate the newcomer into the high priest's office.

Talmud - Mas. Yoma 12b

His service¹ initiates him — Has it not been taught: All the vessels which Moses made became sanctified through being anointed. From then on they become sanctified through being used at a service.² Similarly here his service initiates him.

When R. Dimi came [from Palestine] he reported: Concerning the girdle of the common priest there is a dispute between Rabbi and R. Eleazar b. Simeon, one said it was of kil'ayim [wool and linen in the same web],³ the other said it was of fine linen.⁴ It may be ascertained that it was Rabbi who said the girdle was made of kil'ayim, for it has been taught: There is no difference between the high priest and the common priest except in the girdle, this is the opinion of Rabbi. R. Eleazar b. R. Simeon said: Not even in the girdle is there any distinction. Of what time [does this teaching speak]? If during the rest of the year, there are many points of difference, [as e.g.] the high priest [officiates] in eight garments, the common priest in four; you must say, then, that [the time discussed is] the Day of Atonement.⁵ We can tell you: In fact the discussion deals with the other days of the year, and it refers to such garments which both wear alike⁶ [the only difference being the girdle].

When Rabin came [from Palestine] he reported: Everybody agrees that the girdle of the high priest on the Day of Atonement was made of fine linen, and during the rest of the year of kil'ayim. The discussion concerned only the common priest's girdle, both on the Day of Atonement and during the rest of the year; concerning that Rabbi said it was made of kil'ayim and R. Eleazar b. Simeon of fine linen. R. Nahman b. Isaac said: We also have: Upon his flesh.⁷ Why the repetition

of 'he shall put on'? To include the mitre and the girdle for the removal of the ashes, this is the opinion of R. Judah. R. Dosa said: It is to include the provision that the [four] garments of the high priest on the Day of Atonement may be used by the common priest [during the rest of the year]. Rabbi says: There are two valid objections to this: First, that the girdle of the high priest on the Day of Atonement is different from that of the common priest; secondly, shall the garments worn for the service of most solemn sanctity be worn for ministration of lesser holiness? Rather 'he shall put on' [was repeated] to include worn-out garments.⁸ R. Dosa adheres to his principle, for it has been taught: And shall leave them there,⁹ that teaches that they must be hidden.¹⁰ R. Dosa said: [It means that] he [the high priest] shall not use them on another Day of Atonement.¹¹ Our Rabbis have taught: If a disqualifying accident occurred to him, and another was appointed in his place then the former returns [afterwards] to his office, whilst the latter has upon himself all the obligations touching the high priesthood,¹² this is the opinion of R. Meir. R. Jose says: The first returns to his office, the second becomes unfit for the office of either high priest or common priest.¹³ R. Jose said: It happened to Joseph b. Elam¹⁴ of Sepphoris that after a disqualifying accident had happened to the high priest, he was appointed in the former's place, and the Sages said: The former returns to his office, the latter is unfit to be either common priest or high priest. He cannot be high priest for the sake of preventing ill-feeling,¹⁵ nor can he any more be a common priest, for 'we may promote in [a matter] of sanctity, but not degrade'.¹⁶ Rabbah b. Bar Hana said in the name of R. Johanan:

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- (1) His officiating, without other initiation, in itself is initiating.
 - (2) Sanh. 16b.
 - (3) V. Ex. XXXIX, 29, cf. supra p. 54, n. 6.
 - (4) Byssus.
 - (5) [When the high priest too has only four garments like a common priest, the difference between them being only as regards the girdle. Whereas the high priest's girdle was on that day of linen, that of the common priests was of kil'ayim, the same as during the whole year.]
 - (6) The tunic, the breeches, mitre and girdle, the only difference being in the girdle.
 - (7) Lev. VI, 3: And the priest shall put on his linen garment, and his breeches shall he put upon his flesh.
 - (8) These may be used for the removal of the altar ashes. V. infra 23b.
 - (9) Lev. XVI, 23: And Aaron shall come into the tent of meeting, and shall put off the linen garments, which he put on when he went into the holy place, and shall leave them there.
 - (10) To prevent their being used again, or their being used for any less sacred purpose.
 - (11) But they may be used by a common priest.
 - (12) Rashi: He must not let his hair grow long nor rend the clothes, nor contract ritual impurity because of a near relative's death; nor marry a widow; but he must officiate in eight garments.
 - (13) V. infra.
 - (14) Tosef. Yoma I, 4. The reading there is corrupt, and to be corrected in accord with the reading in Tosef. s.v. **VF** and in J.Yoma 38a: It happened to Joseph ben Ulam of Sepphoris (not 'in Sepphoris', for it could have happened only in Jerusalem) who served for an hour (or: little while) as high priest and as he went out he said to the King: My lord and King: Whose were the bullock and the goat which were offered up to-day, did they come from me or from the high priest? The King understood (the trend) of his question and he replied: What is this, ben Ulam? Are you not satisfied with having served in the high priest's place for one hour before Him Who spoke and the world was created, so that you seek to obtain the high priest's office for yourself? In that moment ben Ulam understood that he was deposed from the high priesthood. V. Hor., Sonc., ed. p. 89 notes, and Meg. p. 59, n. 2.

(15) Acc. to Tosef. ibid. the ill-feeling may also attack the King and the other priests.

(16) V. infra 20b.

Talmud - Mas. Yoma 13a

The halachah is in accord with R. Jose, but R. Jose admits that if [the substitute high priest] transgressed that injunction and officiated, his service is valid. Rab Judah said in the name of Rab: The halachah is in accord with R. Jose, but R. Jose admits that if the first [high priest] dies, the second [the substitute] returns to his service. Is that not self-evident?¹ — You might have said: This would involve for him a rivalry in his lifetime,² hence he informs us³ [that this is not so].

R. JUDAH SAYS: ONE PROVIDES FOR HIM ALSO ANOTHER WIFE. But the Rabbis, too, are considering a possibility!⁴ — The Rabbis will tell you: Levitical impurity is frequent,⁵ death is infrequent.

THEY SAID TO HIM: IF SO THERE IS NO END TO THE MATTER. They gave a good answer to R. Judah! What then about R. Judah? — He will tell you: One may consider the possibility of one death, but one would not [go so far as to] consider the possibility of two [successive wives'] deaths. And the Rabbis? — [They hold that] if enactment [on the basis of consideration of the possibility] of death is justified, such [possibility] should be considered to include also two.⁶ But the Rabbis ought to apply that consideration to themselves!⁷ The Rabbis will answer you: The high priest is careful. If he be careful, why was another priest prepared [to take his place in case of accidental impurity]? — Since 'ye make the latter his rival, he will be all the more careful.

But is this arrangement⁸ sufficient? The Divine Law said: His house⁹ and that [substitute wife] is not 'his house'.¹⁰ -He betroths her [unto himself]. — But [still] as long as he does not marry her,¹¹ she is not 'his house'? — He marries her. — But then he has 'two houses' and the Divine Law said: And make atonement for himself and for his house,¹² but not for 'two houses'? — He divorces her again. If he divorces her, our question reverts to its place?¹³ — No, the provision applies to the case that he divorces her on condition; [namely], he says to her: Behold this thy letter of divorce¹⁴ [to be valid] in case thou diest.¹⁵ But perhaps she dies and he will have 'two houses'? — Rather, the case is that he says to her: Behold this thy letter of divorce [to be valid] if thou diest. If she does not die, then she is divorced;¹⁶ and if she does die, there is [still] the other one alive. But perhaps she will not die, so that her letter of divorce is valid and the other [the first] one die, and he will stay without a 'house'? Say rather: He says to her: Behold this thy letter of divorce [to be valid] if one of you die, so that if the one dies there is [still] the other one alive, and if the other one dies there is [still] this one alive. But perhaps neither of them will die and he will have 'two houses'? Furthermore on such a condition¹⁷ it, [the divorce,] is really not valid; has not Raba said: If he said: Behold this thy letter of divorce to be valid if thou drinkest no wine all the days of my life and thy life, it is not valid;¹⁸ but if he said: 'All the days of the life of So-and-so', then it is valid?¹⁹ — Rather say that he said to her: Behold this thy letter of divorce [to be valid] if thy fellow [wife] does not die. If her fellow does not die, she [the second wife] is divorced, and if she does die, then there is still the other [the second wife] alive [to be his house']. — But perhaps her fellow wife will die in the middle of the service and it will become

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- (1) Since the only reason for his disqualification was the ill-will engendered in the heart of the original high priest.
 - (2) Lit., 'from life'. When the substitute might be said to have awaited jealously the death of his predecessor.
 - (3) We do not go so far in endeavour to prevent ill-feeling.
 - (4) Since they agree to the provision of a substitute high priest.
 - (5) It may be due to pollution, to unexpected contact with the saliva of an 'am ha-arez, (Rashi).
 - (6) The death of one within a day is a rather infrequent occurrence. The only reason for considering it would be a principle, according to which we must consider possibilities, even remote. On such basis the death of two successive wives may not be said to be outside the sphere of possibility, hence: 'IF SO, THERE IS NO END.
 - (7) With even logic the Sages ought to admit that, since we are considering the possibility of accidental impurity disqualifying the incumbent high priest, it is perfectly within the sphere of possibility that the substitute, too, may suffer such accidental disqualification, hence, here too there is no end to it!
 - (8) Of preparing a substitute wife.
 - (9) Lev. XVI, 6.
 - (10) If the first wife dies, whilst the second is not yet married to him, he has no 'house' to obtain atonement for.
 - (11) Lit., 'takes her (to his home)'.
(12) Ibid. The Mishnah interprets 'his house' as his wife, v. supra 2a.
 - (13) In its original force. V. supra.
 - (14) Get. v. Glos.
 - (15) On the Day of Atonement. If she die on that day, her letter of divorce is retroactively valid, there is one 'house' only: and if she does not die but her fellow die, then she remains as the 'house', her letter of divorce being invalid. Rashi makes this significant observation: These arguments are not valid, they are answers to hypothetical questions preparing the ground for the last, satisfactory answer.
 - (16) And the first woman is his only 'house',
 - (17) Where the condition attached refers to her life.
 - (18) The purpose of the divorce is complete divorcement, whereas by the term of this letter she would remain 'connected' with him all her life.
 - (19) Git. 83b.

Talmud - Mas. Yoma 13b

retrospectively revealed that the letter of divorce of the other one was not valid and he would then have been officiating¹ at the service with 'two houses'? — Rather assume, then, that he says to her: Behold this thy letter of divorce [to be valid] if thy fellow dies. — But perhaps the fellow wife will die and the letter of divorce of the first wife will be valid and he will stand there without a 'house'? — Rather [say that] we speak of the case that he divorced them both, to the one he said: Behold this thy letter of divorce [to be valid] in case thy fellow wife does not die; and to the other one he said: Behold this thy letter of divorce [to be valid] if thou dost not enter the synagogue.² But perhaps her fellow will not die and she will not enter the synagogue, and the letter of divorce of both will be valid and he will stand without a 'house'? — Rather: To the one he says: Behold this thy letter of divorce [to be valid] in case thy fellow does not die; and to the other one: Behold this thy letter of divorce [to be valid] if I enter the Synagogue, so that if the one die, the second be available, and if the second die the first be available. What will you say in the case that her fellow wife dies in the midst of the service and retrospectively he will have officiated at the service with two 'houses'? If he saw that she was about to die, he would at once

enter the synagogue and would render the divorce retroactively valid. — R. Assi or, as some say, R. 'Awira, demurred to this: Consequently, if this be so, two widows of one brother should not be married by the brother-in-law?³ — Scripture repeats 'his sister-in-law' twice, to intimate [that even in the case of] two sisters-in-law the law of levirate marriage applies. But then a woman betrothed⁴ should not be married to her levir?⁵ — [By emphasizing] 'abroad'⁶ the betrothed woman is meant to be included.

Our Rabbis taught: The high priest may offer up a sacrifice as a mourner,⁷ but may not eat thereof. R. Judah said: Throughout the day.⁸ What does 'throughout the day' signify? — Said Raba: It means to indicate that he should be brought from his house.⁹ Abaye said to him: But now, according to R. Judah we even remove him¹⁰ [from the Sanctuary], for it has been taught: If he was standing and offering up a sacrifice on the altar, and he hears that one [of his close relatives]¹¹ died, he should leave the service and go out. This is the opinion of R. Judah; R. Jose says: He should complete his service.¹² How can you then say that we bring him from his house?¹³ — Rather, says Raba, 'throughout the day'

(1) I.e., the first part of the service.

(2) On the Day of Atonement.

(3) So shall it be done unto the man that doth not build up his brother's house. Deut. XXV, 9. Here also the word 'house' is used for 'wife' and since 'house' is taken to mean but one wife, no brother would be able to perform the levirate marriage where his dead brother had left two wives.

(4) 'Arusah', betrothed, engaged, but not 'brought home'. The betrothal carries with it almost all the legal consequences of marriage. V. Glos. s.v. Erusin.

(5) If 'house' is to be taken to refer to wife, why should a betrothed sister-in-law be subject to levirate marriage?

(6) If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not be married abroad unto one not of his kin. The word 'abroad' here is superfluous and is taken to indicate that even one who was 'still outside', not having been married properly, but only betrothed, is included in the law of the levirate marriage, v. Yeb. 13b.

(7) 'Onen' is a mourner before the burial of his kinsman, to be distinguished from 'abel', a mourner during the seven days after burial. With regard to the high priest, Lev. XXI, 11 reads: Neither shall he go into any dead body, nor defile himself for his father or for his mother; neither shall he go out of the sanctuary, nor profane the sanctuary of his God. Scripture thus permits his officiating but he is forbidden to eat of any sacred meat whilst in mourning. This is inferred ad majus from Deut. XXVI, 14 which, referring to tithe, is of lesser sanctity than the meat of sacrifices, as the Israelites say: I have not eaten thereof in my mourning.

(8) V. Hor. 12b.

(9) He should be deliberately brought to the Sanctuary from his house, so that his pre-occupation with the sacrifices may help to lessen his grief.

(10) This refers to the common priest.

(11) Father or mother or son or daughter or brother or unmarried sister. Rabbinical enactment includes the married sister.

(12) V. Hor. loc. cit.

(13) If in the case of the common priest R. Judah would have him removed if he became a mourner, would he in the case of the high priest consider it a good deed to bring him to the Sanctuary?

Talmud - Mas. Yoma 14a

Talmud - Mas. Yoma 14a

means to say that he does not officiate all that day,¹ as a preventive measure lest he eat.² Said R. Adda b. Ahabah to Raba: But did R. Judah enact a preventive measure lest he eat? Have we not learnt, R. Judah said: WE ALSO PROVIDE ANOTHER WIFE FOR HIM, LEST HIS WIFE DIE? Now when his wife dies he may perform the service [on the same day] without R. Judah becoming apprehensive lest he eat?—He replied: Now is this so?³ There, because it is the Day of Atonement, on which all the world does not eat, he, too, would not be likely to eat, but here [on any day] when all the world is eating, he would also be ready to eat — But under such conditions⁴ what mourning would be coming upon him because of her, since she is divorced from him? — Granted that no mourning would be obligatory, but he would surely be distracted.⁵ MISHNAH. THROUGHOUT THE SEVEN DAYS HE SPRINKLES THE BLOOD⁶ AND BURNS THE INCENSE⁷ AND TRIMS THE LAMPS⁸ AND OFFERS THE HEAD AND THE HIND LEG;⁹ ON ALL OTHER DAYS HE OFFERS ONLY IF HE SO DESIRES; FOR THE HIGH PRIEST IS FIRST IN OFFERING A PORTION¹⁰ AND HAS FIRST PLACE IN TAKING A PORTION.¹¹

GEMARA. Who is the authority [for our Mishnah]? — R. Hisda said: It is not in accord with R. Akiba, for if it were, R. Akiba Surely holds that if some of the sprinkling¹² fell upon a clean person, it rendered him unclean! How could he then officiate at the service?¹³ — For it has been taught: And the clean person shall sprinkle upon the unclean,¹⁴ i.e., [if sprinkled] ‘upon the unclean’, [he becomes] clean, [if sprinkled] upon the clean [he becomes] unclean, this is the opinion of R. Akiba. But the Sages hold that these matters [concerning sprinkling]¹⁵ apply only to such things as are susceptible to uncleanness. I What is it about? — As we have learnt: If he intended sprinkling an animal and [happened to] sprinkle a man, then, if there be sufficient water on the hyssop, he may repeat [the sprinkling].¹⁶ If he intended sprinkling a man and he [happened to] sprinkle an animal, then, if there be enough water on the hyssop, he may not repeat [the sprinkling].¹⁷ What is the reason for R. Akiba's view? — Let the Divine Law write ‘And the clean person shall sprinkle upon him’, what is the meaning of ‘upon the unclean,’? Infer from this that [if sprinkled] the unclean becomes clean, and [if sprinkled] the clean becomes unclean. And [what is the reason for the view of] the Rabbis? — These words emphasize that [sprinkling is right] only upon matter susceptible to uncleanness. But this¹⁸ case can be deduced a minori ad majus: If sprinkling upon an unclean makes clean, how much more shall sprinkling upon a clean [keep or make more] clean! And R. Akiba? — It is with reference to this that Solomon said: I said, I will get wisdom, but it is far from me.¹⁹ — And the Sages? [They explain] this [passage to refer] to [the fact that] he who sprinkles and he who is sprinkled are clean, whereas he who touches them [the waters of purification] is rendered unclean.²⁰ — But is he who sprinkles clean? Surely it is written, And he that sprinkleth the water of sprinkling shall wash his clothes?²¹ — ‘Sprinkleth’ here means ‘toucheth’. — But the text reads ‘sprinkleth’ and also mentions ‘toucheth’;²¹ furthermore, he who ‘sprinkleth’ must wash his clothes, whereas he who ‘toucheth’ need not wash his clothes? — Rather ‘sprinkleth’ here means ‘carrieth’ — Then let the Divine Law write ‘carrieth’, why is ‘sprinkleth’ written? — That [is meant] to let us know that there must be a quantity sufficient for the sprinkling.²² That will be right according to him who holds that a definite minimum is necessary in the sprinkling,²³ but according to him who holds there is no required minimum in the sprinkling,²³ what is there to be said? Even according to him who holds there is no required minimum [it will be right], for that refers only to the back of the man,²⁴ but in

the vessels there must be a definite quantity, as we have learnt: How much water is necessary to be sufficient for the sprinkling? Enough for dipping

- (1) Until the evening.
- (2) During the day he is forbidden by the Torah to eat, in the evening after burial the prohibition is only Rabbinical (Rashi).
- (3) This analogy is incorrect.
- (4) Since he would rush to the synagogue during her coma so that she would be divorced from him as soon as he entered it (v. infra), hence how could he be considered a mourner for his divorced wife. It is interesting to observe that sudden death does not enter among the many possibilities considered in this discussion. It would invalidate the suggestion of his leaving for the synagogue as soon as his wife was near death.
- (5) upset by reminiscent tenderness, unable, as Rashi says, to be in the prescribed happy mood for eating sacrificial meat. [V. Hul. 132b, so that but for the fact that the apprehension lest he may eat does not arise on the Day of Atonement, he would not have been allowed to perform under such conditions the Temple service lest he eat of the sacrifices, Tosaf. Yesh.]
- (6) Of the daily morning and evening sacrifices on the outer altar. Ex. XXIX, 38-42.
- (7) Mornings and evenings on the golden inner altar, ibid. XXX, 1-8.
- (8) Of the seven-branched candlestick, ibid. XXVII, 20-21; also XXX, 7-8. The trimming consisted of the following: Every evening the lamps were kindled by a priest, every morning cleaned, filled with oil, and provided with fresh wick. All this work during the seven days was performed by the high priest.
- (9) According to Tam. IV, 2-3, the sacrificial lamb, after being slaughtered, was divided into certain parts, which, as a rule, were brought on the altar by the priests chosen by the count. Head and hind leg always were offered up first.
- (10) The high priest had the prerogative to offer up at any time any portion of any sacrifice he desires, other priests could do so only during their particular week of service, v. Glos. s.v. Mishmar.
- (11) Of the flesh of the sacrifice which was distributed among the priests: he could choose any part he preferred.
- (12) Of the ashes of the red heifer mixed with running water. Num. XIX, 17.
- (13) During the seven days of his separation, since he was to be sprinkled each day.
- (14) Num. XIX, 19: And the clean person shall sprinkle upon the unclean, the words 'upon the unclean' seem superfluous, 'upon him' would have been clear enough. From this R. Akiba infers that only upon the unclean has the sprinkling a cleaning effect, with opposite effect on the clean.
- (15) The Sages also consider the words superfluous, but they find in them the intimation that sprinkling has its effect only upon things susceptible to uncleanness, hence, if sprinkled upon things unsusceptible to uncleanness it has been misused, and whatever is left of the water is invalid and may no more be used for sprinkling and cleansing.
- (16) (I.e., he can use the water left on the hyssop for a second sprinkling without necessarily dipping it again (Rash).]
- (17) V. Par. XIII, 3. [The hyssop must be dipped anew if the priest desires to perform with it another sprinkling. In having been sprinkled on the animal the water on the hyssop became disqualified as water of purification with which work has been done, and can no longer be used for ritual sprinkling. Thus the Sages infer from the superfluous words 'upon the unclean' that the water of purification may be used only for such things as are susceptible to uncleanness, and by being sprinkled on things not so susceptible it becomes invalid (Rashi). R. Hananel on the basis of another reading explains differently.]
- (18) The contention of the Sages that sprinkling could never have the effect of rendering unclean.
- (19) Eccl. VII, 23. This matter is beyond logic, it is a law which has puzzled others already.

(20) Num. XIX, 21.

(21) Num. XIX, 21.

(22) For rendering the one who carries the water unclean; that is indicated by expressing 'carrying' in terms of 'sprinkling'.

(23) V. Nid. 9a.

(24) However small the quantity of the water that reaches him from the hyssop bundle, the cleansing is achieved.

Talmud - Mas. Yoma 14b

the buds therein and for the water to be sprinkled.¹ Abaye said: [The Mishnah] may be in accord even with R. Akiba: He [the high priest] officiates all day, [and] in the evening is he sprinkled, then he takes the immersion and awaits the sunset.²

AND BURNS THE INCENSE AND TRIMS THE LAMPS. Hence [you may infer that] the incense came first and the lamps afterwards. A contradiction is raised against this:³ He to whom it fell to clear the inner altar of ashes . . . he to whom it fell to clean the candlesticks . . . he to whom it fell to burn the incense?⁴ R. Huna said: Who is the Tanna of [the Tractate] Tamid?⁵ R. Simeon of Mizpah.⁶ But surely we have learnt exactly the opposite.⁷ For we have learnt:⁸ As he⁹ came to the north-eastern corner [of the altar], he sprinkled to the east and north;¹⁰ then he came to the south-western corner and sprinkled it to the west and south. And with reference to this [Mishnaic statement] it was taught: Rabbi Simeon of Mizpah has this change in Tamid:¹¹ As he came to the north-eastern corner he sprinkled it to the east and to the north; then he came to the south-western corner, and sprinkled it to the west and afterwards to the south.¹² — Rather, said R. Johanan: Who is the authority for the order [given] in [the Tractate] Yoma? R. Simeon of Mizpah. But here is a contradiction between the order [given] in [the Tractate] Yoma and the order [given] in another passage therein: The second count decided who should slaughter, who should sprinkle [the blood], who should remove the ashes from the inner altar, who should remove the ashes from the candlestick, who should take up the limbs [of the burnt-offering] to the ramp [of the altar]. The third count: 'Fresh ones, come and be counted for the incense!'¹³ -Abaye said: This is no difficulty. The one case speaks of the trimming of the five lamps, the other of the trimming of the two lamps.¹⁴ Shall we say that the incense interrupted the trimming of the lamps? But Abaye was recounting the order [of the daily Temple service] in the name of a tradition¹⁵ and he has the trimming of the lamps interrupted by the blood of the regular daily offering?¹⁶ — I will tell you: This is no difficulty, the one refers to the [order of the daily Temple service] in accord with Abba Saul, the other in accord with the Sages, for it has been taught: He should not trim the lamps and after that burn the incense, but he should offer the incense first and then trim the lamps. Abba Saul says: He should first trim and then offer [the incense] — What is the reason for Abba Saul's view? — For it is written: Every morning, when he dresseth the lamps,¹⁷ and afterwards [it says], he shall burn it?¹⁸ — And the Sages?¹⁹ What the Divine Law intends here is

(1) Par. XIII, 5.

(2) Thus he would be clean at night and able to officiate again on the morrow. Next day exactly the same procedure will follow. V. infra 19a.

(3) The quotation is from two Mishnahs, Tam. III, 9 and *ibid.* V, 4.

(4) Here the trimming of lamps is mentioned as coming before the incense.

- (5) [Ginzberg, *Journal of Jewish Lore and Philosophy* 1, p. 200 takes this phrase to denote that the Tractate Tamid did not go through the hands of Rabbi as Redactor, but that it has come down to us in the original form with R. Simeon of Mizpah, a contemporary of R. Gamaliel II, as its compiler.]
- (6) V. Pe'ah II. He was either of Mizpah or 'Governor of the Watch-tower of the Temple' (Jastrow).
- (7) R. Simeon of Mizpah opposes the teaching reported in Tamid.
- (8) Tam. IV, 1.
- (9) The priest who sprinkled the blood.
- (10) The sprinkling had to be made in such a manner that one constituted two, it was done in form of a Greek 'gamma', from the two corners. '
- (11) [shn, c vban a difficult phrase. Rashi: 'To change the order in connection with the Tamid, the daily regular offerings'. R. Hananel: He differs with the view laid down in Tamid. Ginzberg, op. cit., p. 285 n. 1 takes it as corresponding to hbn, , 'teaches', used in introducing 'variants': R. Simeon's version of Tamid is . . .]
- (12) R. Simeon insists that two separate applications had to be made from the south-western corner, one to the west and another to the south, and thus opposes the order given in Tamid, v. infra 15a, hence he could not be an authority for the Tractate.
- (13) From here it is seen that incense was offered after the lamps, which contradicts our Mishnah here.
- (14) There were seven lamps, the trimming of which, according to this answer, was interrupted by the offering of the incense, so that five lamps were trimmed, then the incense offered, after which the last two lamps of the seven-branched candlestick were trimmed, v. infra 33a.
- (15) [trnds vnan. This expression seems to mean that Abaye could not give the precise source of his authority but referred it to 'tradition' in general, v. Bacher HUCA, 1924, p. 31.]
- (16) His account thus varies from the statement he makes here.
- (17) Ex. XXX, 7.
- (18) Ibid. in the same passage.
- (19) How do they explain this verse?

Talmud - Mas. Yoma 15a

that at the time the lamps are being trimmed there shall — [still] be a burning of the incense. For, if you would not interpret thus, [how will you account for 'at dusk'], as it is written: And when Aaron lighteth the lamps at dusk, he shall burn it.¹ Would you say here too that he shall first light the lamps and afterwards offer up the incense due at dusk? And if you will say, 'Indeed, so it is,' but has it not been taught:² From evening to morning,³ i.e., provide a sufficient quantity [of oil] that it may burn all night from evening to morning; or, according to another interpretation: 'From evening to morning', i.e., there is no service which is proper [to be performed] 'from evening to morning' except this.⁴ What then the Divine Law intends is that at the time of the lighting there shall [still] be a burning of the incense. Here also: at the time of the trimming there shall [still] be a burning of the incense. And Abba Saul?⁵ It is different there, because Scripture Says: otho [it].⁶ R. Papa said: This⁷ is no difficulty. The one account agrees with the Sages, the other with Abba Saul.⁸ How do you place the matter now: Our Mishnah in accord with the Sages, and [the Mishnah of] the count in accord with Abba Saul? Then consider the second part:⁹ They brought to him the daily sacrifice. He made the incision and another finished the slaughtering for him. He entered to burn the incense and to trim the lamps.¹⁰ That is in accord with the Sages. The beginning and the end [is then] in accord with the Sages and the middle in accord with Abba Saul?¹¹ — R. Papa will tell you: Yes, the beginning and end are in accord with the Sages and the

middle with Abba Saul.¹² It is clear why Abaye does not agree with [the interpretation of] R. Papa: because he will not explain the first and last part [of the Mishnah] as being in accord with the Sages, whilst the middle with Abba Saul. But why does not R. Papa take Abaye's point of view? He will tell you: Would he [the Tanna] teach first¹³ of the trimming of two lamps and only afterwards¹⁴ of the trimming of five lamps? And Abaye? — He will tell you: First he teaches in a general fashion [of the obligation of the high priest to be occupied during the seven days],¹⁵ and afterwards he describes the order [of the service].¹⁶

The text [above states]: He came to the north-eastern corner, and sprinkled the east and the north; then [as he came to] the south-western corner, he sprinkled the west and south, and in connection with that it was taught that R. Simeon of Mizpah had this changed in Tamid. As he came to the north-eastern corner he sprinkled the east and north; then as he came to the south-western corner he sprinkled the west and afterwards the south.¹⁷ What is the reason of R. Simeon of Mizpah? — R. Johanan in the name of one of the school of R. Jannai said: Scripture said, And one he-goat for a sin-offering unto the Lord: it shall be offered beside the continual burnt-offering, and the drink-offering thereof.¹⁸ It¹⁹ is a burnt-offering and the Divine Law²⁰ says, Deal with it as with a sin-offering — How is that to be done? He sprinkles one in such a manner as to constitute two [sprinklings], as is prescribed for a burnt-offering and he sprinkles two separate ones as is prescribed for the sin-offering. But let him make two sprinklings in such a manner as to constitute four, as is prescribed for a burnt-offering, and four full sprinklings as is prescribed for a sin-offering? — We do not find anywhere that blood brings atonement and then brings atonement again. But we do find blood, half of which is sprinkled after the manner of a sin-offering, and the other half after the manner of a burnt-offering? What you must of needs [say is] that Scripture has brought them under the same category! Here too one might say 'of needs Scripture has brought them under one category'? — Here it is a case of merely 'splitting' the sprinkling.²¹ But let him sprinkle one so as to constitute two below, as is prescribed for a burnt-offering and two separate sprinklings above as is prescribed for sin-offerings?²² — We do not find that any blood is sprinkled, half above, and half below. Not indeed? Have we not learnt: He sprinkled thereof once upwards, and seven times downwards? That was done *ke-mazlif* [like the movement of swinging a whip]. What does '*ke-mazlif*' mean? Rab Judah showed it by [imitating the movements of] a lasher.²³ But [do we] not [find any blood sprinkled half above and half below]? surely we have learnt: He sprinkled thereof upon the *tohar* of the altar seven times.²⁴ Don't you think it means upon the middle [of the front] of the altar, as people say 'the noon-light' shines, meaning by '*tihara*' the middle of the day? — Rabbah b. Shila said: No, it refers

(1) Ibid. 8.

(2) Pes. 59a.

(3) Ex. XXVII, 21.

(4) The lighting of the lamps. There is no other service that is proper from the time they have been lit in the evening till the following morning (Rashi).

(5) How does he meet this argument?

(6) Ex. XXVII, 21. Only this ('it') may be done from evening to morning and no other work, so that you are compelled to give this interpretation to the text, but with regard to the verse dealing with the trimming, no such necessity arises.

(7) He refers to the question from the apparent contradiction of the two Mishnahs in Yoma — our Mishnah and the

one infra 25a.

(8) Where incense is mentioned as coming first, the teaching is in accord with the Sages, the other passage where the lamps are first in order is in agreement with Abba Saul.

(9) Of the Mishnah of the count, infra.

(10) V. infra 31b. [This must refer to the two lamps as there is general agreement that the trimming of the five lamps must precede the incense.]

(11) That is unlikely.

(12) This is not impossible.

(13) In our Mishnah.

(14) [In the Mishnah infra 25a. Surely the trimming of the five lamps was before that of the two!]

(15) Without being concerned as to the order.

(16) [And thus infra 25a speaks of the trimming of the five lamps and infra 31b of the trimming of the two.]

(17) V. supra p. 65 notes.

(18) Num. XXVIII, 15.

(19) [The continual burnt-offering.]

(20) [By placing it in juxtaposition to a sin-offering, v. infra.]

(21) Without any evidence that this is made after the manner of a sin-offering, since both are made in one corner.

(22) The blood of the burnt-offering was sprinkled below the red line, round the middle of the altar, that of the sin-offering above the red line. V. Mid. III, 1.

(23) Above and below is not said here with regard to some line in the middle of the thickness, but it means that of the mercy seat was upwards, the seven all downwards, as one who swings a whip will make similar movements, v. Tosaf. s.v. ; **hkmnf**.

(24) [The Aramaic tohar is taken to mean 'shining' like the Hebrew zohar, infra].

Talmud - Mas. Yoma 15b

to the top of the altar itself,¹ for it is written: And the like of the very heaven for clearness.² Why does he just sprinkle first as due with the burnt-offering, and afterwards as due with the sin-offering? Let him first sprinkle as due in case of a sin-offering and after that as due with a burnt-offering! — Because it³ is a burnt-offering, it comes first.⁴ And why does he just sprinkle north-east and south-west. Let him sprinkle south-east and then north-west? — I will tell you: The burnt-offering requires the [projecting] base⁵ [of the altar], and the south-eastern corner has no [projecting] base. — Why does he sprinkle first north-east and then south-west, let him sprinkle south-west and then northeast? — Since a master said:⁶ All the turns you make in the Temple must be to the right, the east, he comes first to that [north-east].⁷ Whence do you know that it is with the burnt-offering that the Divine Law states that it should be offered up in the manner due to a sin-offering? May it not be that it is with regard to the sin-offering⁸ that the Torah says: Offer it up after the manner of the burnt-offerings? — Let not that thought arise in you. For it is written: Beside the continual burnt-offering and the drink-offering thereof.⁹ What does the Divine Law mean by this? Apply the measures [forms] of the sin-offering to the burnt-offering.

We have learnt there: The memuneh¹⁰ said to them: Go and bring a lamb from the Cell of the Lambs.¹¹ Now the Cell of the Lambs was in the north-western corner. Four cells were there: one was the Cell of the Lambs; one the Cell of the Seals,¹² one the Cell of the Fireplace,¹³ and one

cell, in which the shewbread was made.¹⁴

They raised an objection: There were four rooms in the Cell of the Fireplace, like small rooms opening into a reception room; two on holy ground, two outside of holy ground; and the ends of the flagstones [in the pavement] indicated the mark between the sacred and the secular grounds. What was their use? The south-western was the Cell of the Lambs for offerings;

(1) The word tohar may mean 'pure', 'clear', and thus here the ashes on the top of the altar were shoved aside and the clear place in the middle sprinkled.

(2) Ex. XXIV, 10.

(3) The continual daily offering.

(4) Mid. III, 1.

(5) Zeb. 51a, based on Lev. IV, 18: the blood must be sprinkled to a place on the altar below which there is a projecting base.

(6) V. infra 45a.

(7) In the case of a sin-offering (the blood of which is applied to the corner of the altar), as he goes up to the ramp of the altar and turns right, he comes to the south-eastern corner first, but he may not sprinkle the blood there, because that corner has no projecting base. He therefore goes on to the north-eastern corner, where he sprinkles. The same order is also followed with a burnt-offering, although there is no ascent of the ramp since the blood thereof was sprinkled below the line round the middle of the altar. He approaches the front of the altar from the south, then turns to the right. [The words 'the east' do not apply here, as the first sprinkling is made, as stated, in the north-east. They are mentioned as a current phraseology arising from the context in which the phrase 'all the turns you make etc.' is first used. V. infra 58b.]

(8) [The he-goat of the New Moon.]

(9) Translate ad hoc: 'upon the burnt-offering', instead of 'beside the burnt-offering', cf. supra p. 68.

(10) Temple Superintendent, v. infra p. 97' n. 4.

(11) In which lambs were kept, which had been passed as fit for sacrifices, in accord with Lev. I, 11.

(12) Shek. V, 3, 5. There were four seals in the Temple and on them was inscribed 'Calf', 'Ram', 'Kid', 'Sinner'; 'Calf' signifying drink-offerings for (sacrifices from) the herd... 'Kid' signifying drink-offerings for (sacrifices from) the flocks . . . 'Ram' signifying drink-offerings for rams, 'Sinner' signifying drink-offerings for the three beasts offered up by the lepers. Anyone who wished to obtain drink-offerings would go to Johanan who was in charge of the seals, give him money and receive from him a seal, go from him to Ahiyah who was in charge of the drink-offerings, give him the seal and receive from him the drink-offering. V. Num. XV, 1-12.

(13) In which the fire was perpetually maintained, v. Tam. I, 1.

(14) Tam. 30a.

Talmud - Mas. Yoma 16a

the south-eastern was the cell wherein they made shewbread; in the north-eastern the Hasmoneans hid the stones of the altar, which the Greek kings had defiled;¹ through the north-western they went down to the chamber of immersion!² — R. Huna said: Who is the authority for [the anonymous Mishnahs in] Middoth? R. Eliezer b. Jacob, for we have learnt: The court of the women was one hundred and thirty-five cubits long and one hundred and thirty-five cubits wide. At its four corners there were four cells. What was their use? The south-eastern was the Cell of the Nazirites, where the Nazirites cooked their peace-offerings, and cut off their hair and cast it

under the pot;³ the north-eastern was the Cell of the Wood-shed, wherein priests afflicted with a blemish were standing to examine the wood for worms—for any wood wherein a worm was found is unfit for the altar; the north-western was the Cell of the Lepers; as to the south-western, R. Eliezer b. Jacob said: I forget what its use was, whilst Abba Saul said: There they put wine and oil and it used to be called the Cell of the House of Oils.⁴ It may also be proved by reasoning that the authority for [the anonymous Mishnahs in] Middoth is R. Eliezer b. Jacob, for we have learnt: All the walls that were there [in the Temple] were high with the exception of the eastern wall, because the priest who burns the heifer stands on the Mount of Olives and looks towards the entrance of the Temple at the time the blood [of the heifer] is sprinkled.⁵

And we have learnt: All the entrances that were there; were twenty cubits high and ten cubits wide.⁶ And we have learnt: Inside this⁷ was the Soreg [a railing of lattice work].⁸ And we have learnt: Inside this was the Hel [rampart],⁹ ten cubits broad. There were twelve steps there,¹⁰ the height of each step was half a cubit and the depth of each step was half a cubit. [Furthermore]: Fifteen steps which led from the Court of the Israelites to the Court of the Women, the height and depth of each step being half a cubit.¹¹ [Furthermore we learnt]: Between the Hall¹² and the altar there were twenty-two cubits, there were twelve steps, the height and depth of each half a cubit;¹³ and we have learnt: R. Eliezer b. Jacob said: There¹⁴ was a step one cubit high and the platform¹⁵ was set thereon and on it were three steps half a cubit high each.¹⁶ Now, if you can say that the authority for the anonymous¹⁷ [Mishnahs in Tamid] is R. Eliezer b. Jacob then it will be quite right, because according to him the door is concealed;¹⁸ but if you should say that it is in accord with [the other] Rabbis, there would be left half a cubit through which the door would be visible!¹⁹ — R. Adda b. Ahaba said: It is R. Judah, for it has been taught:²⁰ R. Judah said: The altar was placed exactly in the centre of the Temple Court, measuring thirty-two cubits;

(1) The Hellenized Syrians under Antiochus Epiphanes, I Macc. IV, 44f.

(2) Mid. I, 6. An obvious contradiction of the first account above.

(3) Num. VI, 18: And the Nazirite shall shave his consecrated head at the door of the tent of meeting, and shall take the hair of his consecrated head, and put it on the fire which is under the sacrifice of peace-offerings.

(4) Mid. II, 5. R. Eliezer b. Jacob's statement, 'I forget what its use was' indicates that he was the authority of the anonymous Mishnah.

(5) V. Mid. II, 4. (5) The following statement should make what follows clear. All the entrances of the buildings on the Temple mount were twenty cubits high. Inside the Hel were twelve steps, each half a cubit high. From the Court of the Women to the Court of Israel led fifteen steps, and twelve from the Hall to the Temple. Together thirty-nine steps, each half a cubit high, making nineteen and one half cubits in toto. According to this Tanna one need not assume that the eastern wall was lower, for since the height of the entrance is twenty cubits, there would still remain one half cubit of the door, which the steps (being only nineteen and one half cubits high) could not hide, so that the priest burning the heifer could look directly from the top of the Mount of Olives into the entrance to the Temple through the various entrances which were all exactly one against the other. But since we learnt that the eastern wall was lower, the Mishnah must be in accord with Eliezer b. Jacob, according to whom two and one half cubits were added to the height of the steps, for we have learnt in his name: There was a step, one cubit high, on which stood the platform with three steps of half a cubit height each. If we add that to the nineteen and a half cubits of the combined heights of the steps, we get twenty-two cubits (v. Tosaf. Jesh.) and that height would hide from view the entrance which was only twenty cubits high. The high priest burning the heifer looked westwards from the Mount of Olives, i.e. towards the eastern wall of the Temple, that is why, according to R. Eliezer b. Jacob,

the eastern wall had to be lower, and that is the conclusive evidence that the anonymous Mishnah of Tamid is in accord with R. Eliezer.

(6) Mid. II, 3.

(7) Inside the entrance of the Temple Mount around the inner parts containing the Court of the Women and the Court of the Temple.

(8) [Or 'a stone wall', Mid. II, 3. The Soreg was the barrier beyond which heathens were not permitted to approach the Temple area, cf. Josephus, Wars, v. 5, 2.]

(9) [A raised platform going around the inner precincts.]

(10) In those ten cubits of the Hel leading up to the Court of the Women.

(11) Ibid.

(12) Ulam, leading to the interior of the Temple.

(13) Mid. III, 6.

(14) Between the Court of the Israelites and the Court of the Priests.

(15) It is the platform of the Levites, on which they stood, when singing or teaching, and from which the priests pronounced the benediction, V. Mid. II, 6.

(16) Mid. II, 2.

(17) Whenever no teacher is mentioned in the Mishnah of Middoth it is R. Eliezer b. Jacob, or whenever a Tanna is mentioned as opposing the anonymous Mishnah, he opposes R. Eliezer b. Jacob.

(18) By the height of the steps.

(19) To the priest looking across from the Mount of Olives; what necessity then was there for the eastern wall to be lower?

(20) The Tanna who said that the eastern Temple wall was lower.

Talmud - Mas. Yoma 16b

ten cubits opposite the door of the Temple, eleven cubits toward the north, and eleven cubits toward the south. With the result that the altar was exactly opposite the Temple and its walls.¹ But, if you should consider that the authority for Middoth is in accord with R. Judah, how could the altar possibly have stood in the centre of the Temple? Surely we have learnt: The Temple Court in all had a length of a hundred and eighty-seven cubits and a width of a hundred and thirty-five cubits. From east to west it extended over a hundred and eighty-seven cubits; the space which [lay] Israelites trod was eleven cubits; eleven cubits was the space which the priests trod; the altar occupied thirty-two; between Hall and altar were twenty-two cubits; the Sanctuary a hundred cubits and eleven cubits behind the place of the mercy seat.² From north to south was a hundred and thirty-five cubits; the ramp and the altar occupying sixty-two cubits, from the altar to the rings³ eight cubits; the place of the rings twenty-four; from the rings to the tables four; from the tables to the columns four;⁴ from the columns to the walls of the Temple Court eight cubits and the remainder lay between the ramp and the wall and the place of the columns.⁵ Now if you were to consider that the authority for Middoth is R. Judah, how is it possible that the altar be in the centre of the Temple, since the bigger part of the altar lies towards the south?⁶

(1) The inside of the Temple was twenty cubits, the walls were six cubits in depth, and the height of the altar was nine cubits to which must be added the thirteen and a half cubits rise in the level of the Court of the Israelites where the altar stood making a total of twenty-two and a half cubits; thus the altar would hide the Temple door, hence the lower eastern wall. V. Zeb. 58b.

- (2) [An empty space beyond the Holy of Holies, the purpose of which is not stated anywhere.]
- (3) They were set in the ground in the slaughter-house, north of the altar, and the necks of the animals were placed in them. The most holy sacrifices were slain on the north side of the altar, Zeb. 47a.
- (4) Low columns placed in the ground, to which iron hooks were attached, on which the animals were hung for flaying.
- (5) Mid. V, 1, 2.
- (6) [The figures given here as from south to north make a total of a hundred and ten cubits. To this must be added the space of four cubits occupied by the table, which is not mentioned here, then leaving a remainder of twenty-one cubits which lay equally between the ramp and the wall and the place of columns. This allows for ten and a half cubits for the space between the ramp (which was on the south of the altar) and the southern wall of the court. Deducting this from sixty-seven and a half cubits which was half the breadth of the court from south to north, we are left with fifty-seven cubits within which lay the ramp, thirty cubits in length, and twenty-seven out of the thirty-cubits of the altar proper, with the result that the larger part of the altar lay in the southern half of the court. V. Rashi.]

Talmud - Mas. Yoma 17a

Must one not rather infer that the authority [for Middoth] is R. Eliezer b. Jacob?¹ That is the right inference.

R. Adda,² the son of R. Isaac said: That cell³ was removed [from both] corners;⁴ to him that came from the north it appeared to be in the south and to him who came from the south it appeared to be in the north — It is to be proved by inference that it lay more in the south-west. Whence [can this be proved]? From a contradiction from [one statement about the] Cell of the Shewbread to [another statement about the] Cell of the Shewbread and the answer given by R. Huna, the son of R. Joshua: 'One teacher considers it as lying to the right, and the other as lying to the left'.⁵

(1) [And the entrance of the Sanctuary was covered from the sight of the priest, who burnt the heifer on the Mount of Olives, by the extra step and not by the altar, for according to him the whole altar lay in the southern half of the court. V. infra 37b.]

(2) R. Adda wishes to reconcile the two contradictory Mishnahs in regard to the position of the Cell of the Lambs.

(3) The Cell of the Lambs.

(4) [Situated on the west side it extended from north to south, though removed from both extremities.]

(5) The Tanna in Tamid (supra 15b) mentions the Cell of the Lambs in the north-west, and assuming that he is counting towards the right, the Cell of the Seals would be in the south-west, the Cell of the Fireplace in the south-east, and the Cell of the Shewbread in the north-east. Against that the objection was raised, viz., the Mishnah in Middoth places the Cell of the Shewbread in the south-east. Whereupon R. Huna said: The Tanna of Middoth counts from the right, whereas the Tanna of Tamid counts from the left. Now, if we say that the Tanna of Tamid, who says that the Cell of the Lambs lay in the north-western corner, admits that it lay more to the south-west, but that it appeared (as the Gemara above has it) to the north-west, and he started in reality counting from the south-west, that will explain the contradictory statements in Tamid and Middoth; but if you say that his statement, the Cell of Lambs lay in the north-western corner, is to be taken literally, there is no sense in the answer, for even if one counted towards the left, that cell would be lying in the south-western corner.

Talmud - Mas. Yoma 17b

Talmud - Mas. Gittin 2a

CHAPTER I

MISHNAH. THE BEARER OF A BILL OF DIVORCE [GET] FROM [A HUSBAND IN] FOREIGN PARTS¹ [TO THE LAND OF ISRAEL] IS REQUIRED TO DECLARE [ON PRESENTING IT TO THE WIFE]. 'IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED.' RABBAN GAMALIEL SAYS: [THIS DECLARATION IS] ALSO [REQUIRED] IF HE BRINGS IT FROM REKEM OR FROM HEGAR.² R. ELEAZAR SAYS: EVEN IF HE BRINGS IT FROM KEFAR LUDIM TO LUD.³ THE SAGES, HOWEVER, SAY THAT THE DECLARATION 'IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED' IS REQUIRED ONLY FROM ONE WHO BRINGS A BILL OF DIVORCE [FROM FOREIGN PARTS TO THE LAND OF ISRAEL] OR WHO TAKES IT [FROM THE LAND OF ISRAEL TO FOREIGN PARTS].⁴ THE BEARER [OF SUCH A DOCUMENT] FROM ONE PROVINCE TO ANOTHER IN FOREIGN PARTS IS ALSO REQUIRED TO DECLARE, IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED.' RABBAN SIMEON B. GAMALIEL SAYS IT IS REQUIRED EVEN IF HE TAKES IT FROM ONE GOVERNORSHIP⁵ TO ANOTHER. R. JUDAH SAYS: [FOREIGN PARTS EXTEND] FROM REKEM EASTWARDS, REKEM BEING INCLUDED; FROM ASKELON SOUTHWARDS, ASKELON INCLUDED; AND FROM ACCO⁶ NORTHWARDS, ACCO INCLUDED. R. MEIR, [HOWEVER,] HELD THAT ACCO COUNTS AS ERETZ ISRAEL IN THE MATTER OF BILLS OF DIVORCE. THE BEARER OF A BILL OF DIVORCE [FROM ONE PLACE TO ANOTHER] IN THE LAND OF ISRAEL IS NOT REQUIRED TO DECLARE, 'IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED;' IF ITS VALIDITY IS CHALLENGED IT MUST BE ESTABLISHED THROUGH THE SIGNATURES.⁷ GEMARA.

What is the reason [for this requirement]? Rabbah Says:

(1) Lit., 'province of the sea': a name given to all countries outside of Palestine and Babylonia.

(2) The Biblical Kadesh and Bared (Gen. XVI, 14), on the southern border of Palestine, [v. Targum Onkelos loc. cit. Josephus (Ant. IV. 7, 1) who names the place Arekem (cf. **oerv** in our Mishnah) identifies it with Petra. Hegar is identified by Hildesheimer, *Beitrage zur Geographie Palastinas* (pp. 53 and 68) with the wilderness of Shur on the South-western Palestine border of Egypt].

(3) Lydda. Two neighbouring places on opposite sides of the border. [Kefar Ludim was about two hours walking distance from Lud on the north-west, v. Kaftorhwa-Ferah (Luncz ed.) p. 128].

(4) The point of this remark is discussed infra 4b.

(5) GR. **. V. infra 4b.

(6) The modern Acre.

(7) I.e., by bringing proof that the signatures are authentic.

Talmud - Mas. Gittin 2b

It is because [the Jews in foreign parts] are [for the most part] ignorant of the rule of 'special

intention'.¹ Raba says: It is because it is not easy to find witnesses who can confirm the signatures.² What difference does it make [in practice] which reason we adopt? — [It does] in the case where the Get has been brought by two persons;³ or again, where it has been taken from one province to another in the Land of Israel;⁴ or again, from one place to another in the same foreign country.⁵ Seeing that Rabbah's reason is that Jews abroad are ignorant of the rule of 'special intention', why does he not require that the Get should be brought by two bearers, so as to bring this case into line with the general rule of the Torah regarding evidence?⁶ — One witness is sufficient where the question at issue is a ritual prohibition.⁷ But presumably the rule that one witness is sufficient where the question at issue is a ritual prohibition applies for instance to the case of a piece of fat of which we do not know whether it is permitted or forbidden, there being no prima facie ground for declaring it prohibited. Here, however, since there is prima facie ground for assuming the prohibition regarding a married woman,⁸ the question becomes one of prohibited sex relationship, and for disproving such a relationship the evidence of two witnesses is required?⁹ — Most [of the Jews abroad] are acquainted [with the rule of 'special intention'].¹⁰ And even if, following the practice of R. Meir, we take account of the exceptions, [it will make no difference.] for most of the scribes of the Beth din know the law, and it was the Rabbis who [on their own authority] insisted [on this declaration], and in this case,

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- (1) **vna** Lit., 'for her name': the rule that the Get must from its inception have been intended expressly for that woman.
- (2) In case the husband comes and questions the validity of the Get, and the declaration of the bearer is regarded as an authentication of the signatures by two witnesses.
- (3) Rabbah would still require the declaration, Raba not.
- (4) Here Raba would require the declaration, Rabbah not.
- (5) Here Rabbah would require the declaration, Raba not.
- (6) By the mouth of two witnesses a matter shall be established, Deut. XIX, 15.
- (7) As opposed to a pecuniary liability.
- (8) Since the recipient of the Get is a married woman she is prima facie (until we know that the Get is valid) forbidden to all other men.
- (9) V. Sot. 3.
- (10) Hence we do not suspect the husband of having broken this rule.

Talmud - Mas. Gittin 3a

on account of the danger of the woman becoming a 'deserted wife', those [same] Rabbis made a concession¹ [by allowing one bearer to suffice]. You call this a concession? It is rather a hardship. since if you require that the Get should be brought by two [bearers], there is no danger of the husband coming and challenging it² and getting it declared invalid; but if only one is required, he will be able to do so? — No. You know what a Master has told us:³ ['On the question] how many persons must be present when he [the bearer] gives [the writ] to her [the wife], there was a difference of opinion between R. Johanan and R. Haninah, one holding that [at least] two were required, and the other that [at least] three.' This being so, [the bearer] will make sure [of the husband's intentions] from the first, and [the husband] will not come [and invalidate the Get] and bring himself into trouble later.⁴ Since Raba's reason is that it is not easy to find witnesses to confirm the signatures, why does not he also require two [bearers]. so as to bring this document

into line with all others [which may require such confirmation]? — One witness is sufficient where the question at issue is a ritual prohibition. But presumably the rule that one witness is sufficient where the question at issue is a ritual prohibition applies for instance to the case of a piece of fat of which we do not know whether it is permitted or forbidden, there being no prima facie ground for declaring it prohibited. Here, however, since there is prima facie ground for assuming the prohibition regarding a married woman, the question becomes one of prohibited sex relationship, and for disproving such a relationship the evidence of two witnesses is required? — By rights no witnesses should be required for confirming [the signature on] other documents⁵ either, as may be inferred from the dictum of Resh Lakish, that signatures of witnesses to a document are just as reliable as if their evidence had been sifted in the Beth din. It is the Rabbis who on their own authority insisted [on two witnesses for this], and here on account of the danger of the woman becoming a ‘deserted wife’, these [same] Rabbis made a concession. You call this a concession? It is rather a hardship, since if you require that the Get should be brought by two bearers, there is no danger of the husband coming and challenging it and getting it declared invalid; but if only one is required, he will be able to do so? — No. You know what a certain Master has told us: [‘On the question] how many persons must be present when he gives her the Get, there was a difference of opinion between R. Johanan and R. Haninah, one holding that [at least] two were required and the other [at least] three.’ This being so, the bearer will make sure of the husband’s intentions, and [the husband] will not come [and invalidate the Get] and bring himself into trouble later.

Why did not Raba give the same reason that Rabbah gave? — He will tell you: Does the Mishnah then require him to declare, ‘In my presence it was written in her name, in my presence it was signed in her name’? And Rabbah? — He might retort that by rights the formula ought to run thus, and the reason why it does not is because if you give the bearer too many words to say, he will leave out some. As it is he may leave something out? — He might omit one word out of three,⁶ he will hardly omit one word from two.⁷

Why did not Rabbah give the reason which Raba gave? — He will tell you: If this were the reason the Mishnah should require the bearer to declare simply, ‘In my presence it was signed’ and no more, the fact that he has also to say, ‘In my presence it was written’ shows that ‘Special intention’ is required. And Raba? — He might retort that by rights the formula should run thus, but if it did the impression might be created that the confirmation of signatures to documents in general requires only one witness. And Rabbah? — He might rejoin that the two cases⁸ are not similar. There the formula is, ‘We know [this to be So-and-so’s signature],’ here it is, ‘In my presence etc.’; there a woman is debarred,⁹ here a woman is not debarred;¹⁰ there the party concerned¹¹ is debarred, here the party concerned is not debarred.¹² And Raba? — He could rejoin that here also if [the bearer] says ‘I know etc.’ his word is accepted, and since this is so there is a danger¹³ of creating the impression that confirmation of signatures to documents in general requires only one witness.

According to Rabbah, as we have seen, the reason [for requiring the declaration] is that [Jews outside the Land of Israel] are not familiar with the rule of ‘special intention’. [Assuming that this is so,] who is the authority that requires the Get to be both written

(1) To enable her to remarry.

- (2) Finding some flaw in the drafting or procedure.
- (3) *Infra* 5b.
- (4) [Lit., 'do injury' to himself (i.e., to his reputation). He realises that no attack against the validity of the Get is likely to be admitted merely on his own word so as to reverse the decision of the two or three before whom it had been presented. V. Rashi and Adreth, *Hiddushim* a.l., and *infra* p. 14, n. 2.]
- (5) I.e., relating to money matters.
- (6) If he says 'In my presence it was written in her name' which in Hebrew is expressed in three words.
- (7) The formula in the Mishnah is expressed in two Hebrew words.
- (8) The case of a Get and the case of documents in general.
- (9) From attesting.
- (10) V. *infra* 23b.
- (11) The party claiming on the document.
- (12) Because a woman may act as bearer of her own Get. *Infra* 23b.
- (13) If he says only, 'In my presence it was signed'.

Talmud - Mas. Gittin 3b

and signed with special reference to that woman? It cannot be R. Meir, for he requires only that it should be signed, but not that it should be written with this intention, as we learn:¹ 'A Get must not be written on something still attached to the soil. If it was written on something still attached to the soil, then torn off, signed and given to the woman, it is valid.'² Nor again can it be R. Eleazar, for [as we know] R. Eleazar requires that it should be written but not necessarily that it should be signed with 'special intention'.³ Nor can you maintain that after all it is R. Eleazar, and that in saying that 'special intention' is not required, he means 'not required by the Torah', but he admits that it is required by the Rabbis. This cannot be; for there are three kinds of Get [which the Rabbis have declared invalid, though they are not invalid according to the Torah], and R. Eleazar does not include among them one which has not been signed with 'special intention', as appears from the following Mishnah:⁴ Three kinds of Get are invalid, but if a woman marries on the strength of one of them, the child is legitimate. [One,] if the husband wrote it with his own hand but it was attested by no witnesses; [a second,] if there are witnesses to it but no date; [a third,] if it has a date but the signature of only one witness. These three kinds of Get are invalid, but if the woman remarries on the strength of one of them, the child is legitimate. R. Eleazar says that even though it was not attested by witnesses at all, so long as he gave it to her in the presence of witnesses it is valid, and on the strength of it she may recover her kethubah from mortgaged property, since signatures of witnesses are required to a Get only as a safeguard.⁵ Are we to say then that after all R. Meir is the authority, and that he dispenses with 'special intention' only as a requirement of the Torah but not as a requirement of the Rabbis? How can this be, in view of what we have been told by R. Nahman, that R. Meir used to rule that even if the husband found a Get ready written on a rubbish heap

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- (1) *Infra* 21b.
 - (2) Which shows that if the signing is in order, the writing does not matter.
 - (3) Because according to R. Eleazar, it is not necessary that the Get should be signed at all.
 - (4) V. *infra* 86a.
 - (5) This shows that R. Eleazar does not require the Get to be signed with 'special intention'.

Talmud - Mas. Gittin 4a

and signed it and gave it to her, it is valid? Nor can you say that this ruling means ‘valid as far as the Torah is concerned,’ for in that case R. Nahman should have said not, ‘R. Meir used to rule,’ but ‘It is a rule of the Torah’? — After all, we come back to the opinion that R. Eleazar was the authority, and [we say that] where he dispenses with the requirement of ‘special intention’ is in the case where there are no witnesses at all, but if [the Get] is signed, it must be signed with such intention. This accords with the statement of R. Abba, that R. Eleazar admitted that a Get which contains a flaw in itself¹ is invalid.

R. Ashi said: Shall I tell you who the authority [of the Mishnah] is? It is R. Judah, as shown by the following Mishnah: R. Judah declares the Get invalid unless it has been both written and signed on something not attached to the soil.² Why did we not at the outset declare R. Judah to be the authority? — We tried if possible [to base ourselves on the authority of] R. Meir because, where a Mishnah is stated anonymously [its author is] R. Meir.³ We also try if possible [to base ourselves on the authority of] R. Eleazar, because it is generally agreed that his ruling is decisive in questions of writs of divorce.

Our Mishnah says: RABBAN GAMALIEL SAYS, THE DECLARATION MUST ALSO BE MADE BY ONE WHO BRINGS A GET FROM REKEM AND FROM HEGAR. R. ELEAZAR SAYS, EVEN IF HE BRINGS IT FROM KEFAR LUDIM TO LUD. [Commenting on this passage,] Abaye said that it refers to places adjoining⁴ the Land of Israel and to places within the ambit of⁵ the Land of Israel.⁶ Rabbah b. Bar Hanah said: I have myself seen that placed and am able to state that the distance⁷ is the same as from Be Kubi to Pumbeditha. Now [from the words of the Mishnah just quoted] we infer that the first Tanna⁸ was of opinion that in these cases the declaration was not necessary. May we assume that the point of divergence between them is that one authority⁹ holds that the reason why the declaration is required is because [Jews outside of the Land of Israel] are not familiar with the rule of ‘special intention’, and he excepts [the Jews of] these places because they are familiar,¹⁰ whereas the other authority¹¹ holds that the reason [why the declaration is required] is because it is not easy to find witnesses to confirm the signatures, and he [includes the Jews of] these places because here too it is not easy?¹² — No. Rabbah can account for the difference in his way and Raba in his way. Rabbah can account for it thus: All the authorities are agreed that the reason for requiring the declaration is because of the unfamiliarity [of the Jews outside Eretz Israel] with the rule of ‘special intention’, and the point of divergence between them is that the first Tanna is of opinion that in these places on account of their proximity to Eretz Israel the Jews are familiar with the rule, whereas Rabban Gamaliel held that this was so only in the case of places which lay within the ambit of Eretz Israel but not in those which merely adjoined it, and R. Eleazar would not allow it to be so even in the case of places which lay within the ambit, no distinction being made among places which belong to ‘foreign parts’. Raba accounts for the difference thus: All the authorities are agreed that the reason for requiring the declaration is because it is not easy to find witnesses to confirm the signatures, and the point of divergence between them is that the first Tanna is of opinion that in these places, on account of their proximity to the Land of Israel, it is easy to find witnesses, whereas Rabban Gamaliel held that this was so only in places which lie within the ambit of Eretz

Israel, but not in those which only adjoin it, and R. Eleazar would not allow it to be so even in places lying within the ambit, as no distinction is to be made among places which belong to 'foreign parts'.

Our Mishnah says: [THE SAGES SAY] THE DECLARATION, 'IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED IS REQUIRED ONLY FROM ONE WHO BRINGS A GET FROM FOREIGN PARTS AND FROM ONE WHO TAKES IT THERE. We infer from this that in the opinion of the first Tanna the bearer [of a bill of divorce] to foreign parts is not required to make the declaration. May we assume that the point of divergence between the two authorities is that one holds that the reason why the declaration is required is because [Jews in foreign parts] are not familiar with the rule of 'Special intention',

(1) E.g., a wrong date, a wrong signature, etc.

(2) *Infra* 21b.

(3) *V. Sanh.* 86a.

(4) I.e., Rekem and Hegar.

(5) Lit., 'swallowed in'.

(6) I.e., Kefar Ludim. This place, though outside the boundary, would lie within a straight line drawn between two other places on the boundary, and so is said to be 'swallowed' in the Land of Israel.

(7) From Kefar Ludim to Lud.

(8) The authority for the first clause in the Mishnah.

(9) The first Tanna and R. Gamaliel.

(10) Being in the neighbourhood of Palestine.

(11) R. Eleazar.

(12) Because there is no commercial intercourse between the two places. (Rashi).

Talmud - Mas. Gittin 4b

and he excepts the bearer of a Get from Eretz Israel because there they are familiar, whereas the other authority held the reason to be because it is not easy to find witnesses to confirm the signatures, and this applies to 'foreign parts' also? — No. Rabbah¹ can account for the difference in his way and Raba in his way. Rabbah explains thus: Both authorities are agreed that the reason for requiring the declaration is because of the unfamiliarity [of the Jews outside Eretz Israel] with the rule of 'special intention', and where they diverge is on the question whether we extend the obligation properly meant for the bearer from foreign parts to the bearer to foreign parts, one holding that we do make this extension, the other that we do not. Raba explains thus: Both authorities agree that the reason for requiring the declaration is because it is not easy to find witnesses to confirm the signatures, and the Rabbis mentioned in the second clause merely made explicit what was in the mind of the first Tanna.

Our Mishnah says: THE BEARER OF A GET FROM ONE PROVINCE TO ANOTHER IN FOREIGN PARTS IS REQUIRED TO DECLARE, 'IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED'; from which we infer that if he takes it from one place to another in the same province 'in foreign parts'. he need not make the declaration. This conforms with the view of Raba but conflicts with that of Rabbah, [does it not]? — No. You must

not infer [that if the Get is taken] from one place to another in the same province ‘in foreign parts’, the declaration is not required. What you have to infer is that if it is taken from one province to another in the Land of Israel the declaration is not required. But this is stated distinctly in the following clause of the Mishnah: THE BEARER OF A GET [FROM ONE PLACE TO ANOTHER] IN THE LAND OF ISRAEL IS NOT REQUIRED TO DECLARE, ‘IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED’! — If I had only that to go by I should say that while this omission does not invalidate the Get retroactively. It is not permissible in the first instance; now I know that this is also the case.²

The objection here raised is also stated in the following form: I infer that the bearer of a Get from one province to another in the Land of Israel is not required to make the declaration. This is in conformity [is it not] with the view of Rabbah but conflicts with that of Raba? — You must not infer that [if it is taken] from one province to another in the Land of Israel the declaration is not required. The proper inference to draw is that it is not required from the bearer from one part to another of the same country in foreign parts. What then? From the bearer from one province to another in the Land of Israel it is required? Then it would be sufficient for the Mishnah to say, ‘The bearer of a Get from one province to another’ [without mentioning ‘foreign parts’]? — The fact is that it is not necessary for the bearer from one province to another in the Land of Israel either,³ since on account of the festival pilgrimages [to Jerusalem] it is always possible to find witnesses. This may have been a good reason so long as the Temple was standing, but what of the time when there is no Temple? — Since there are [Jewish law] courts regularly established, witnesses can always be found.

We have learnt: Our Mishnah says: RABBAN SIMEON BEN GAMALIEL SAYS, EVEN THE BEARER FROM ONE GOVERNORSHIP TO ANOTHER, and commenting on this R. Isaac said that there was a certain city in Eretz Israel, ‘Assasioth by name,⁴ in which were two Governors at variance with each other,⁵ and that is why the Mishnah had to put in the clause ‘from governorship to governorship’. Now this ruling conforms with the view of Raba, [does it not,] but conflicts with that of Rabbah? — Rabbah accepts Raba's reason also.⁶ Where then does a difference arise between them in practice? — If the Get was brought by two bearers, or if it was brought from one place to another in the Same province in a ‘foreign country’.⁷

We have learnt: Where the bearer of a Get from foreign parts is not able to declare, ‘in my presence it was written and in my presence it was signed’, if the Get has been signed by witnesses, its validity can be established through the signatures.⁸ We were perplexed by the expression, ‘is unable to say’.

(1) .

(2) .

(3) And yet this does not conflict with the view of Raba.

(4) [Horowitz, I. Palestine p. 63 identifies it with Essa, east of the Lake Kinnereth, which was in his view divided into two governorships, Essa and Gerasa.]

(5) So that there was no intercourse between them.

(6) So that Rabbah requires the declaration to be made in all cases in which Raba requires it, but not vice versa.

(7) In both of which cases Rabbah requires the declaration to be made but Raba does not.

(8) *Infra* 9a.

Talmud - Mas. Gittin 5a

Shall we say it refers to a deaf-mute? But can a deaf-mute be the bearer of a Get, seeing that we learn, 'All persons are qualified to be bearers of a Get except a deaf-mute, a lunatic, and a minor'? And this difficulty was solved by R. Joseph, who said that we are dealing here with a case in which he gave the woman the Get while he was still in possession of his faculties, but before he could say the formula was struck deaf and dumb. Now this conforms with the view of Raba, [does it not,] but conflicts with that of Rabbah?¹ — [This Mishnah was formulated] after the rule [of 'special intention'] had become generally known. If that is the case, even if the bearer is able to repeat the formula, [what need is there for him to do so]? — This was a precaution in case there is a return of the abuse. If that is the case, even if the bearer is not able to repeat the formula [it should still be required]? — For a man to be suddenly struck dumb is an exceptional occurrence, and the Rabbis did not take precautions against such exceptional cases. [Is that so?] For a woman to be the bearer of her own Get is very exceptional, and yet we learn:² The wife can act as bearer of her own Get [to a specified Beth din], and she is equally required to declare, 'In my presence it was written and in my presence it was signed'? — The reason for this is to avoid making any distinction between bearer and bearer. If that is so, the same rule [should apply to the] husband; why then has it been taught: If the husband brings the Get personally, he is not required to declare, 'In my presence it was written and in my presence it was signed'? — The reason why the Rabbis insisted on this declaration in the first instance was to provide against the danger of the husband coming to challenge and invalidate the Get. In this case, seeing that he brings it himself, is it conceivable that he should raise objections against it?

Come and hear: Samuel put the following question to R. Huna: If a Get is brought from foreign parts by two bearers, are they required to declare, 'In our presence it was written and in our presence it was signed', or are they not? And [R. Huna] answered that they are not required, because should they declare, 'In our presence he divorced her,' would their word not be accepted? This conforms, [does it not,] with the view of Raba and conflicts with that of Rabbah? — This Mishnah was formulated after the rule [of 'special intention'] had become generally known. If that is so, even if there is only one bearer, [the declaration should not be required]? — This was a precaution in case there is a recurrence of the abuse. If that is so, the same precaution should be taken when there are two bearers? — For a Get to be brought by two persons is exceptional, and the Rabbis did not take precautions against exceptional cases. [Is this so?] For a woman to be the bearer of her own Get is very exceptional, and yet we learn: The wife can act as bearer of her own Get, but she is equally required to declare, 'In my presence, etc.'? — The reason for this is to avoid making any distinction between bearer and bearer. If that is so, the same rule should apply to the husband; why then is it taught, If the husband brings the Get personally, he is not required to declare, 'In my presence, etc.'? — The reason why the Rabbis insisted on this declaration in the first instance was to provide against the danger of the husband coming to challenge and invalidate the Get. In this case, seeing that he brings it himself, is it conceivable that he should raise objections against it?

Come and hear: If the bearer of a Get from foreign parts gave it to the wife but did not declare,

'In my presence etc.', if the genuineness of the signatures [attached to the Get] can be established, it is valid, and if not it is invalid. From this we deduce that the purpose of requiring this declaration is to make the process of divorce easier and not more difficult.³ This conforms, [does it not,] with the opinion of Raba and conflicts with that of Rabbah? — This Mishnah was formulated after the rule [of 'special intention'] became generally known. But you yourself have maintained that it is necessary to take precautions in case there is a recurrence of the abuse? — We are dealing here with the case where the woman has remarried.⁴ If so, how can you say, 'From this we deduce that this requirement is intended to make the process of divorce easier and not more difficult'? The reason why we allow the validity of the Get to be established through its signatures is because she has remarried? — We must read the passage thus: '[The Get is valid if the signatures can be confirmed.] And should you think that if she has remarried we should be more strict and force [her husband] to put her away, we must bear in mind that the purpose of requiring this declaration is to make the process of divorce easier and not more difficult. The whole reason

(1) [For according to Rabbah even if the signatures are authenticated it does not follow that the Get was written with 'special intention'.]

(2) *Infra* 23b.

(3) It saves the trouble of securing a witness to attest the signatures.

(4) And her disregard of the precaution does not warrant the enforcement of a separation.

Talmud - Mas. Gittin 5b

why it is required is as a precaution against the risk of the husband coming to challenge and invalidate [the Get]. Seeing that here the [first] husband is raising no objection, shall we go out of our way to do so?

[An identical] difference of opinion [had already been recorded] between R. Johanan and R. Joshua b. Levi,¹ one of whom held that the reason [for requiring the declaration] was because the Jews outside the Land of Israel were not familiar with the rule of 'special intention', and the other that it was because witnesses could not easily be found to confirm the signatures. We may conclude that it was R. Joshua b. Levi who gave the reason, 'because they are not familiar with the rule of "special intention",' from the following incident. R. Simeon b. Abba once brought a Get before R. Joshua b. Levi, and said to him: Am I required to declare, 'I was present when it was written and present when it was signed'? and he replied: You need not make the declaration. It was only required in former generations, when the rule of 'special intention' was not generally known, but not in these times when the rule is known. We may therefore conclude [that it was R. Joshua b. Levi who gave this reason]. [Was this a good ruling,] seeing that Rabbah accepts Raba's reason also, and further that, as we have said, precaution should be taken in case there is a recurrence of the abuse? — There was another man with him,² although he is not mentioned [in the passage quoted] out of respect for R. Simeon.

It has been stated: [On the question] how many persons must be present when the bearer of the Get gives it to the wife there was a difference of opinion between R. Johanan and R. Haninah, one holding that a minimum of two were required and the other a minimum of three. It may be

concluded that it was R. Johanan who held that two were sufficient, [from the following incident]. Rabin son of R. Hisda brought a Get before R. Johanan, and the latter said to him: Go and give it to her in the presence of two persons, and say to them, 'In my presence it was written and in my presence it was signed.' We may therefore conclude [that R. Johanan held two to be sufficient]. May we assume that the point on which R. Johanan and R. Haninah diverge is that the one who held two persons to be sufficient considered the reason for requiring the declaration to be the general ignorance of the rule of 'special intention',³ while the one who insisted on three considered the reason to be the difficulty of finding witnesses?⁴ — [Can this be so?] We have found that it is R. Joshua who assigns as the reason ignorance of the rule of 'special intention', and so it must be R. Johanan who assigns as the reason the difficulty of finding witnesses. How then can it be R. Johanan who here says that two persons are sufficient? Moreover [is it not a fact] that Rabbah also accepts Raba's reason? No. [The reason of the declaration is because] we need witnesses who should be available to validate the Get, and the point at issue here is whether it is permitted to an agent to act as a witness and a witness as a judge. The authority who says that two persons are sufficient holds that an agent may act as witness and a witness may act as judge,⁵ whereas the one who insists on three holds that while an agent may act as witness, a witness may not act as judge. But has it not been laid down that in the case of evidence required only by the Rabbis⁶ [but not by the Torah] a witness may act as judge? No. The real point at issue is this, that one authority held that since a woman is qualified to bring the Get there is a danger [if only two persons are required] that we may rely upon her,⁷ while the other held that everyone knows that a woman is not qualified [to complete a Beth din], and therefore there is no danger.

It has been taught in agreement with R. Johanan: If the bearer of a Get from foreign parts gave it to the wife without declaring, 'In my presence it was written and in my presence it was signed,' if she marries again the second husband must put her away and a child born from the union is a mamzer.⁸ This is the opinion of R. Meir. But the Rabbis say that the child is not a mamzer. What should be done [to rectify matters?] The bearer should take the Get back from the woman, and then present it to her in the presence of two persons, declaring at the same time, In my presence it was written, and in my presence it was signed. [Are we to suppose then that] according to R. Meir, because the bearer failed [in the first instance] to make this declaration, the second husband has to put away the woman, and the child is a mamzer? — Yes: R. Meir in this is quite consistent; for so R. Hammuna has told us in the name of 'Ulla, that R. Meir used to affirm: If any variation whatever is made in the procedure laid down by the Sages for writs of divorce, the second husband has to put the woman away and the child is a mamzer.

Bar Hadaya once desired to act as bearer of a Get.⁹ Before doing so he consulted R. Ahi, who was a supervisor of writs of divorce.¹⁰ Said R. Ahi to him: You must watch the writing of every letter of the document. He then consulted R. Ammi and R. Assi, who said to him: This is not necessary, and if you think to be on the safe side, you must consider that by doing so you will be discrediting previous writs of divorce.¹¹ Rabba b. Bar Hanah once acted as bearer of a Get¹² of which half had been written in his presence and half not. He consulted R. Eleazar, who told him that even if only one line of it had been written with 'special intention' that was sufficient. R. Ashi said:

(1) Two Amoraim of an earlier generation than Rabbah and Raba.

- (2) And therefore Raba's reason did not apply.
- (3) And therefore it is sufficient if two can testify to the delivery of the Get, after having heard the bearer make, in their presence, the proper declaration.
- (4) And therefore we require three persons to be available (in case the husband comes and challenges the Get), since the confirmation of signatures must take place in the presence of three, constituting a kind of Beth din; (v. Keth. 21b).
- (5) And therefore the bearer of the Get may join with the two witnesses of the delivery to form a Beth din.
- (6) Under which category comes the confirmation of signatures. V. Keth. 1.c.
- (7) To form a third or to enable us to dispense with a third.
- (8) The product of an incestuous union. V. Glos.
- (9) From Babylon to Palestine.
- (10) An expert officer was appointed to see that the procedure was in conformity with all the regulations. (Rashi).
- (11) The bearers of which were not so particular.
- (12) See p. 15 n. 4.

Talmud - Mas. Gittin 6a

Even if he only heard the scratching of the pen and the rustling of the sheet,¹ it is sufficient. It has been taught in agreement with R. Ashi: 'If a Get is brought from foreign parts, even if the bearer was downstairs while the scribe was upstairs, or upstairs while the scribe was downstairs, the Get is valid, or even if he was going in and out all day, the Get is valid.' [Now in the case where] he is downstairs and the scribe is upstairs [you may ask, how can this be,] seeing that the bearer cannot have seen him [while writing]?² Obviously [what is meant is] that he, for instance, heard the scratching of the pen and the rustling of the sheet.³

The Master said: 'Even if he was going in and out all day the Get is valid'. Who is referred to by 'he'? Shall I say it is the bearer? Hardly; for if the Get is valid even when he was in a different room and so did not see it at all, is there any question that it is valid when he simply was going in and out [of the same room]? [Shall I say] then it is the scribe? Surely this is self-evident. Because he leaves the room sometimes [in the middle of writing]. is that any ground for declaring the Get invalid? — It is not [so self-evident]. It is necessary to state the case where he went out into the street and returned. You might say that another man [of the same name] has come across him and commissioned him to write a Get.⁴ Now we know [that this objection is not maintained].

It has been stated: Babylonia has been declared by Rab to be in the same category with the Land of Israel in respect of writs of divorce, and by Samuel to be in the same category with foreign parts.⁵ May we assume their point of divergence to be this, that one of them held the reason for requiring the declaration to be that [Jews outside the Land of Israel] are not familiar with the rule of 'special intention', so that [the Babylonians,] being familiar, [are in the same category with the Palestinians], whereas the other held the reason to be the difficulty of finding witnesses to confirm [the signatures], and the same difficulty is found [in Babylonia]? — Can you really presume this, seeing that Rabbah also accepts Raba's reason? No. Both [Rab and Samuel] agree that the Get requires confirmation. Rab, however, is of opinion that since there are Talmudical Colleges in Babylonia witnesses can always be found,⁶ while Samuel is of opinion that the Colleges are taken up with their studies.⁷ It has also been stated that R. Abba said in the name

of R. Huna: 'In Babylonia we have put ourselves on the same level as Eretz Israel in respect of bills of divorce from the time when Rab came to Babylon.'⁸ R. Jeremiah raised an objection: R. JUDAH SAYS, FOREIGN PARTS EXTEND FROM REKEM EASTWARDS, REKEM BEING INCLUDED; FROM ASKELON SOUTHWARD, ASKELON BEING INCLUDED: AND FROM ACCO NORTHWARDS, ACCO BEING INCLUDED. Now Babylon is north of Eretz Israel, as we learn from the verse of the Scripture, And the Lord said to me, Out of the north the evil shall break forth.⁹ It is true, the Mishnah continues: R. MEIR SAYS, ACCO COUNTS AS PART OF THE LAND OF ISRAEL IN THE MATTER OF BILLS OF DIVORCE; but even R. Meir only excepted Acco, which is close to Eretz Israel, but not Babylon, which is remote!¹⁰ — R. Jeremiah asked the question and he himself answered [by saying that] 'Babylon is an exception.

How far does Babylon extend? — R. Papa says: On this question there is the same difference of opinion in respect of bills of divorce as there is in respect of family descent.¹¹ R. Joseph, however, says that the difference of opinion exists only in respect of family descent, but in respect of bills of divorce all parties are agreed that Babylonia extends to the second boat of the [floating] bridge.¹² R. Hisda required [the declaration to be made by the bearer of a Get] from Ktesifon to Be-Ardashir, but not [by one who brought it] from Be-Ardashir to Ktesifon.¹³ May we presume that he considered the reason [for requiring the declaration to be that Jews in foreign parts] are not familiar with the rule of 'special intention', and that the people of Be-Ardashir are familiar? — How can you presume this, seeing that Rabbah accepts Raba's reason also? But in point of fact all authorities are agreed that confirmation [of the Get] is required, and the reason of R. Hisda is that as the people of Be-Ardashir go to Ktesifon to market, the inhabitants of the latter are familiar with their signatures,¹⁴ but not vice versa, because the Be-Ardashir [buyers] are busy with their marketing. Rabba b. Abbuha required [the declaration to be made if the Get was brought] from one side of the street to the other; R. Shesheth if it was brought from one block [of buildings] to another; and Raba even [from one house to another] within the same block. But was it not Raba who said that the reason was because it was not easy to find witnesses to confirm the signatures? — The people of Mahuzah¹⁵ are different, because they are always on the move.¹⁶

R. Hanin related the following: R. Kahana brought a Get either from Sura to Nehardea or from Nehardea to Sura, I do not know which, and consulted Rab as to whether he was required to declare, 'In my presence it was written and in my presence it was signed.' Rab said to him: You are not required,

(1) Aliter 'the sound of the pen and the paper as they were being prepared'.

(2) [It is assumed that where the bearer is upstairs he can see the scribe who is working downstairs. V. Trani, who preserves a reading to this effect.]

(3) And this is deemed to be sufficient.

(4) And therefore the Get was not written expressly for the woman to whom the bearer is intended to take it.

(5) . rtk vmuj lit., 'outside the Land'.

(6) As students and other people are always going from various places to the colleges.

(7) And therefore the students there do not recognise the signatures.

(8) In the year 219 C.E. [He founded, after his return the second time from Palestine, the school of Sura to which there flocked students from all parts. This gave an impetus to the study of the Law and made Babylonia a centre of learning for centuries (Rashi). Tosaf.: Since Rab came and insisted that Babylonia never ceased to be a centre of

Torah study, since the days of the exile of Jehoiachin with the flower of Judea. V. II Kings XXIV, 14. Obermeyer. Die Landschaft Babylonien. p. 306, points out that the name 'Babylon' stands here, as in other places in the Talmud, for Sura which was in the neighbourhood of the old great city, Babylon, and in contradistinction to Nehardea, where he had his former seat.]

(9) Jer. I, 14.

(10) [Tosaf. appeals to this question in support of its interpretation cited n. 3.]

(11) The Jews of Babylonia being reputed to have preserved their racial purity more strictly than the Jews of any other part. v. Kid. 72a.

(12) [Over the Euphrates north of Samosata, v. Berliner, A., Beitrage p. 21; v. also Kid. 72a.]

(13) [Two neighbouring places, the former on the eastern, the latter on the western bank of the Tigris. Ktesifon was the larger place of the two, and a marketing centre for the neighbouring towns. V. Obermeyer op. cit. pp. 164ff.]

(14) Because the Be-Ardashir people often buy their goods on credit against promissory notes which they leave with the Ktesifon merchants.

(15) Where Raba had his seminary.

(16) [To sell their merchandise which was brought along the Tigris and Euphrates and caravan routes to Mahuzah which was a great trading centre. V. Obermeyer op. cit. p. 173.]

Talmud - Mas. Gittin 6b

but if you have done so, so much the better. What [did Rab] mean by these last words? — [He meant] that if the husband came and raised objections against the Get, they would pay no attention to him;¹ as it has been taught: A man once brought a Get before R. Ishmael, and asked him whether he was required to declare, 'In my presence etc. Said R. Ishmael to him: My son, from where are you? He replied: Rabbi, I am from Kefar Sisai. Whereupon R. Ishmael said to him: It is necessary for you to declare that It was written and signed in your presence, so that the woman should not require witnesses [in case the husband raises objections]. After the man left, R. Ila'i came in to R. Ishmael and said to him: Is not Kefar Sisai² within the ambit of the border-line of Eretz Israel, and is it not nearer to Sepphoris than Acco is, and does not the Mishnah tell us that R. MEIR HELD THAT ACCO COUNTS AS ERETZ ISRAEL IN MATTERS OF BILLS OF DIVORCE,³ [and even the Rabbis differ from R. Meir only in regard to Acco, which is some distance away, but not in regard to Kefar Sisai which is near?]⁴ R. Ishmael said to him: Say nothing, my son, say nothing; now that the thing has been declared permissible, let it remain so. [Why should R. Ila'i have thought otherwise], seeing that [R. Ishmael] also gave as a reason 'that the woman should not require witnesses'? — [R. Ila'i] had not been told of these concluding words.

R. Abiathar sent to R. Hisda [the following instruction:] [The bearers of] writs of divorce from there [Babylon] to here [Eretz Israel] are not required to declare, 'In my presence it was written and in my presence it was signed.' May we presume that he was of opinion that the reason for requiring the declaration is because the [Jews outside Palestine] are not familiar with the rule of 'special intention', while these [the Babylonians] are familiar? — Can you really presume this, seeing that Rabbah accepts Raba's reason? No. All agree that [the reason is] because we require someone who can confirm the signatures if necessary, and in this case, as there are always people going to and fro between Babylon and Eretz Israel, witnesses can easily be found.

Said R. Joseph: Can it be maintained that R. Abiathar is an authority who can be relied upon? [Have we not] moreover evidence to the contrary? For it was he who sent a statement to Rab Judah, [running,] ‘Jews who come from there [Babylon] to here [Eretz Israel] fulfil in their own persons the words of the Scripture: They have given a boy for a harlot and sold a girl for wine and have drunk,⁵ and he wrote the words from Scripture without ruling lines under them, although R. Isaac has said that a quotation of two words [from Scripture] may be written without lines but not of three (in a Baraita it was taught that three may be written without lines but not four)? — Said Abaye to him: Because a man does not know this rule of R. Isaac, is he therefore not to be counted a great scholar? If it were a rule established by logical deduction, we might think so.⁶ But it is purely a tradition,⁷ and it is a tradition which R. Abiathar had not heard. Nay more, R. Abiathar is the authority whose view was confirmed by his Master,⁸ [in the following way]. Commenting on the text, And his concubine played the harlot against him,⁹ R. Abiathar said that the Levite found a fly with her, and R. Jonathan said that he found a hair on her. R. Abiathar soon afterwards came across Elijah and said to him: ‘What is the Holy One, blessed be He, doing?’ and he answered, ‘He is discussing the question of the concubine in Gibe’a.’ ‘What does He say?’ said Elijah: ‘[He says], My son Abiathar says So-and-so, and my son Jonathan says So-and-so,’ Said R. Abiathar: ‘Can there possibly be uncertainty in the mind of the Heavenly One?’ He replied: Both [answers] are the word of the living God. He [the Levite] found a fly and excused it, he found a hair and did not excuse it. Rab Judah explained: He found a fly in his food and a hair in loco concubitus; the fly was merely disgusting, but the hair was dangerous. Some say, he found both in his food; the fly was not her fault, the hair was.

R. Hisda said: A man should never terrorise his household. The concubine of Gibe’a was terrorised by her husband and she was the cause of many thousands being slaughtered in Israel. Rab Judah said in the name of Rab: If a man terrorises his household, he will eventually commit the three sins of unchastity,¹⁰ blood-shedding,¹¹ and desecration of the Sabbath.¹² Rabba b. Bar Hanah said: ‘The three things which a man has to say to his household just before Sabbath commences, ‘Have you set aside the tithe? Have you placed the ‘Erub? Light the lamp,’¹³

(1) Once the declaration was made.

(2) Or Simai, identified with Kefar Sumeija, N.W. of Kefar Hananiah (‘Anan); v. Kaftor wa-Ferah, p. 270, and Klein, S., Beitrage, p. 29, n. 4.

(3) Hence the declaration should not be required.

(4) [The bracketed sentence is not in the Tosef. Git. I. whence this passage is quoted.]

(5) Joel IV, 3. [He disapproved of the practice of Babylonian students marrying before graduation and then betaking themselves to the Palestinian schools for the completion of their studies, leaving their wives and children in utter destitution. (V. Nashi and Tosaf.)]

(6) As this would show R. Abiathar to be deficient in logical acumen.

(7) [The whole regulation requiring Biblical passages to be underlined is based on an ancient oral tradition going back to Moses at Sinai; v. Soferim I.]

(8) God Himself.

(9) Judg. XIX, 2.

(10) By having intercourse with his wife when she is unclean, because she is afraid to tell him.

(11) Because the members of his household run away from him and meet with fatal accidents.

(12) Because his wife through fear of him lights the lamp after dark.

(13) V. Shah. 34a.

Talmud - Mas. Gittin 7a

should be said by him gently, so that they should obey him readily. R. Ashi said: I was never taught that rule of Rabba b. Bar Hanah, but I observed it because my own sense told me to.

R. Abbahu said: A man should never terrorise his household. For there was a certain great man who terrorised his household, and in consequence they fed him with a thing to eat which is a great sin. This was R. Hanina b. Gamaliel. Do you mean to say they actually fed him with it? Why, even the beasts of the righteous are not allowed by the Holy One, blessed be He, to offend;¹ how then shall the righteous themselves be allowed so to sin? — Say, they wanted to feed him. And what was it they set before him? A piece of flesh cut from an animal still living.²

Mar 'Ukba³ sent for advice to R. Eleazar, saying: Certain men are annoying me, and I am able to get them into trouble with the government; shall I do so? He traced lines on which he wrote [quoting], I said, I will take heed to my ways, that I sin not with my tongue, I will keep a curb upon my mouth while the wicked is before me;⁴ [that is,] he added, although the wicked is before me, I will keep a curb on my mouth. Mar 'Ukba again sent to him saying: They are worrying me very much, and I cannot stand them. He replied [with the quotation], Resign thyself unto the Lord, and wait patiently [hitholel] for him;⁵ [that is to say,] he added, wait for the Lord, and He will cast them down prostrate [halalim] before thee; go to the Beth-Hamidrash early morning and evening and there will soon be an end of them. R. Eleazar had hardly spoken the words when Geniba⁶ was placed in chains [for execution].⁷

An inquiry was once addressed to Mar 'Ukba: Where does Scripture tell us that it is forbidden [in these times] to sing [at carousals]? He sent back [the following quotation] written on lines: Rejoice not, O Israel, unto exultation like the peoples, for thou hast gone astray from thy God.⁸ Should he not rather have sent the following: They shall not drink wine with music, strong drink shall be bitter to them that drink it?⁹ — From this verse I should conclude that only musical instruments are forbidden, but not song; this I learn [from the other verse].

R. Huna b. Nathan asked R. Ashi: What is the point of the verse, Kinah and Dimonah and Adadah?¹⁰ — He replied: [The text] is enumerating towns in the Land of Israel. Said the other: Do I not know that the text is enumerating towns in the Land of Israel? But I want to tell you that R. Gebihah from [Be]Argiza¹¹ learnt a lesson from these names: 'Whoever has cause for indignation [kinah] against his neighbour and yet holds his peace [domem], He that abides for all eternity ['ade 'ad] shall espouse his cause; said the other: If that is so, the verse Ziklag and Madmanah and Sansanah¹² should also convey a lesson? — He replied: If R. Gebihah from [Be] Argiza were here, he would derive a lesson from it. R. Aha from Be Hozae¹³ expounded [it as follows]: 'If a man has just cause of complaint against his neighbour for taking away his livelihood [za'akath legima] and yet holds his peace [domem], He that abides in the bush [shokni sneh] will espouse his cause.

The Exilarch¹⁴ said to R. Huna: On what ground is based the prohibition of garlands? — He replied: This was imposed by the Rabbis on their own authority. For so we have learnt: At the time of the invasion of Vespasian they prohibited the wearing of garlands by bridegrooms and the [beating of] drums [at weddings].¹⁵ R. Huna then got up to leave the room. R. Hisda¹⁶ thereupon said to him [the Exilarch]: There is scriptural warrant for it: Thus saith the Lord God, The mitre shall be removed and the crown taken off this shall be no more the same; that which is low shall be exalted and that which is high abased,¹⁷ [It may be asked, he continued] what the mitre has to do with the crown. It is to teach that when the mitre is worn by the High priest,¹⁸ ordinary persons can wear the crown,¹⁹ but when the mitre has been removed from the head of the High priest, the crown must be removed from the head of ordinary persons. At this point R. Huna returned, and found them still discussing the matter. He said: I swear to you that the prohibition was made by the Rabbis on their own authority, but as your name is Hisda [favour], so do your words find favour. Rabina found Mar son of R. Ashi weaving a garland for his daughter. He said to him: Sir, do you not hold with the interpretation given above of ‘Remove the mitre and take off the crown’? — He replied: The men [have to follow] the example of the High Priest, but not the women.

What is the meaning of the words in this passage, ‘This not this’?²⁰ R. ‘Awira gave the following exposition, sometimes in the name of R. Ammi and sometimes in the name of R. Assi: When God said to Israel, ‘Remove the mitre and take off the crown’, the ministering angels said, Sovereign of the Universe, is ‘this’ for Israel who at Mount Sinai said ‘we will do’ before ‘we will hear’?²¹ Should not ‘this’ be for Israel, replied the Holy One, blessed be He, who have made low that which should be exalted and exalted that which should be low, and placed an image in the sanctuary? R. ‘Awira also gave the following exposition, sometimes in the name of R. Ammi and sometimes in the name of R. Assi; What is the meaning of the verse, Thus saith the Lord, though they be in full strength and likewise many, even so shall they be sheared off²² and he shall cross etc.?²³ If a man sees that his livelihood is barely sufficient for him, he should give charity from it, and all the more so if it is plentiful.²⁴ What is the meaning of the words, ‘Even so they shall be sheared and he shall cross’? — In the school of R. Ishmael it was taught: Whoever shears off part of his possessions and dispenses it in charity is delivered from the punishment of Gehenna. Picture two sheep crossing a river, one shorn and the other not shorn; the shorn one gets across, the unshorn one does not.

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- (1) V. Hul. 7a. The story is told there of the ass of Phineas b. Yair which refused to touch untithed corn.
 - (2) A piece of meat had been mislaid and the servant attempted to substitute for it flesh cut from a living animal.
 - (3) [Mar ‘Ukba II the Exilarch. On the great influence he wielded in government circles v. Funk, *Die Juden in Babylonien* I pp. 106ff. and n. 4; and Halevy. *Doroth*, II, p. 248.]
 - (4) Ps. XXXIX, 2.
 - (5) *Ibid.* XXXVII, 7.
 - (6) Who was one of his antagonists.
 - (7) [V. J. Git. VI, 5.]
 - (8) Hos. IX, 1.
 - (9) Isa. XXIV, 9.
 - (10) Josh. XV, 22.
 - (11) [Obermeyer, *op. cit.* p. 144, locates it near Be Kathil, on the Tigris, N. of Bagdad; v. B.K. (Sonc. ed.) p. 465,

n. 10.]

(12) Ibid. 31.

(13) [The modern Khuzistan, province of S.W. Persia, Obermeyer, op. cit. p. 204ff.]

(14) [Mar 'Ukba II.]

(15) V. Sot. 49a.

(16) He was R. Huna's disciple, and therefore did not like to answer in his presence.

(17) Ezek. XXI, 31.

(18) I.e., while the Temple is still standing.

(19) I.e., garland.

(20) E.V. 'This shall be no more the same', quoted above.

(21) Thus showing their devotion to God. Ex. XXIV, 7.

(22) E.V. 'cut down'.

(23) E.V. 'pass away Nah. I, 12.

(24) Translating, 'If they be . . . and all the more.'

Talmud - Mas. Gittin 7b

And though I have afflicted thee:¹ Mar Zutra said: Even a poor man who himself subsists on charity should give charity. I will afflict thee no more:² R. Joseph learnt: If he does that, [Heaven] will not again inflict poverty upon him.

R. JUDAH SAYS, FROM REKEM EASTWARDS etc. This would seem to imply that Acco is at the [extreme] north of Eretz Israel. Does not this conflict with the following: '[Suppose a traveller] follows the road from Acco to Chezib.³ Then all the country on his right, east of the road, partakes of the uncleanness of the "land of the Gentiles",⁴ and the obligations of tithe and sabbatical year do not apply to it, save where it is definitely known to be liable.⁵ The country on his left hand, west of the road, does not partake of the uncleanness of the "land of the Gentiles", and is subject to the rules of tithe and sabbatical year, save where [the reverse] that it is exempt, is definitely known.⁶ Up to what point [does this hold good]? As far as Chezib. R. Ishmael the son of R. Jose says in the name of his father, As far as Lablabu.'⁷ — Said Abaye: A narrow strip does in fact jut out [beyond Acco].⁸ And is this important enough for the Tanna to define it so precisely?⁹ — It is, for the Scripture also gives indications in the same way, in the following passage: And they said, Behold there is the feast of the Lord from year to year in Shiloh. which is on the north of Bethel, on the east side the highway that goeth up from Bethel to Shechem, and on the south of Lebonah;¹⁰ And R. Papa pointed out, that it means 'the east side of the highway.'¹¹

One [Baraita] teaches: 'If a man brings a Get by boat¹² he is in the same category as if he brought it [from place to place] in Eretz Israel;¹³ and another [Baraita] teaches that he is in the same category with one who brings it [from place to place] in foreign parts.¹⁴ Said R. Jeremiah: The contradiction can easily be explained: the latter view is based on the ruling of R. Judah, the former on that of the Rabbis, as we have learnt: [Plants grown in] earth from foreign parts which is carried in a boat in Eretz Israel are subject to the obligations of tithe and Sabbatical year. R. Judah says: This is the case only if the boat touches bottom, but if not, the obligations do not apply.¹⁵ Abaye says that both [authorities] follow R. Judah, and there is no contradiction between

them, the one¹⁶ referring to a boat which does not touch bottom and the other to one which does.

Said R. Ze'ira: The case of a plant pot with a hole in the bottom resting on a stand¹⁷ may be variously decided according as we follow R. Judah or the Rabbis [in this case]. Said Rabba: This is open to question. Possibly R. Judah would say [that actual contact with the soil was necessary to make the plant liable to tithe] only in the case of a boat,

(1) Ibid.

(2) Ibid.

(3) [The Biblical Achzib, between Acre and Tyre. Josh. XIX, 29.]

(4) Those parts of Palestine of which the population was preponderatingly Samaritan or non-Jewish, and on which a Jew could not set foot without becoming ritually unclean. V. Nazir, (Sonc. ed.) p. 204, n. 1.

(5) Because the territory is known to belong to Eretz Israel.

(6) (V. Tosef. Oh. XVIII and J. Sheh. where the reading is reversed: '. . . East of the road does not partake of the uncleanness; west of the road does partake etc.' This reading, as the Wilna Gaon points out, is to be given preference, since Acco is situated on the West of Palestine, whereas our reading assumes that it is on the Eastern border; v. also Schwarz, J. Tebuoth ha-'Arez (ed. Luncz) p.8, n. 1.]

(7) [Tosef. loc. cit. Kalabu; neither names are definitely identified; v. Neubauer p. 233, who locates the former on the outskirts of Acco, the latter east of Tyre.] This shows that the extreme northern point is Chezih or Lablabu and not Acco.

(8) [Though Acco is on the extreme North, the narrow strip of territory jutting out beyond Acco leading to Chezib belongs to Eretz Israel (Rashi); Kaftor wa-Ferach p. 276, in name of Maimonides, reverses: Eretz Israel stretches to Chezib which is in the extreme north, but a strip of territory belonging to the land of the Gentiles juts out from Chezib to Acco; v. also Tosaf. Yom Tob, Sheb. VI, 1.]

(9) So Nashi. Tosaf., however, renders: 'Is a road so important that the Tanna in speaking of "east" and "west" had to refer to it?' which seems to suit the context better.

(10) Jud. XXI, 19.

(11) [The text might be taken to mean that Shiloh is on the N.E. of Bethel; v. Strashun a.l.]

(12) It is assumed that it was written on the boat in Eretz Israel waters.

(13) The river being reckoned an integral part of Eretz Israel.

(14) The river not being reckoned an integral part of Eretz Israel.

(15) Hal. II, 2. The laws of tithing and Sabbatical year apply only to Palestinian grown products.

(16) Who says that the Get is in the same category as one brought from place to place in foreign parts.

(17) I.e., the question whether the plant in it is subject to tithe, seeing that it does not touch the ground.

Talmud - Mas. Gittin 8a

which is usually on the move, but in the case of a pot which is motionless it is not necessary. And again, perhaps the Rabbis would say that only in the boat [is there this obligation even if it is not touching bottom], since there is no air in between [the boat and the bottom], the water being reckoned as earth for purposes of contact, but not in the case of the pot where the air underneath breaks its contact with the earth. R. Nahman b. Isaac said: In regard to a boat on a river in Eretz Israel there is no difference of opinion between the authorities.¹ Where the difference arises is in the case of a boat in the open sea, as may be seen from the following: What do we reckon as Eretz Israel and what do we reckon as foreign parts? From the top² of the Mountains of

Ammanon³ inwards is 'Eretz Israel', and from the top of the Mountains of Ammanon outwards is 'foreign parts'. [For determining the status of] the islands in the sea, we imagine a line drawn from the Mountains of Ammanon to the Brook of Egypt.⁴ All within the line belongs to Eretz Israel and all outside the line to foreign parts. R. Judah, however, holds that all islands fronting the coast of Eretz Israel are reckoned as Eretz Israel, according to the verse of Scripture, And for the western border, ye shall have the Great Sea for a border; this shall be your west border.⁵ [To determine the status of] the islands on the border line,⁶ we imagine a line drawn [due west] from Kapluria⁷ to the Ocean⁸ and another from the Brook of Egypt to the Ocean. All within these lines belong to Eretz Israel and all outside to foreign parts. How do the Rabbis expound the superfluous words, 'and for the border'? They say it is required to [bring in] the islands.⁹ And R. Judah? — He will rejoin that for the inclusion of the islands no special indication is required.¹⁰

R. MEIR SAYS: ACCO IS IN THE SAME CATEGORY AS ERETZ ISRAEL etc. The following inquiry was propounded to R. Hiyya b. Abba: If a man sells his slave into Syria,¹¹ is he reckoned as selling him into foreign parts or not? — He replied: You have learnt it: R. MEIR SAYS: ACCO IS IN THE SAME CATEGORY AS ERETZ ISRAEL IN RESPECT OF BILLS OF DIVORCE; in respect of bills of divorce, that is, but not in respect of slaves. And if this is the case with Acco, how much more so with Syria, which is much further from Eretz Israel.

Our Rabbis have taught: 'In three respects Syria is in the same category as Eretz Israel and in three others in the same category as foreign parts.' (Mnemonic: 'AB Bor Rek').¹² Its earth is unclean like that of foreign parts, and to sell a slave to Syria is like selling him to foreign parts, and a Get brought from Syria is reckoned as one brought front foreign parts. [On the other hand,] it is in three respects like Eretz Israel: It is subject to the obligations of tithe and Sabbatical year like the Land of Israel, it is permissible for an Israelite to enter it in a state of ritual purity, and a field bought in Syria

(1) All agreeing that a river in Eretz Israel is an integral part of the land.

(2) Lit., 'Whatever slopes down.'

(3) The Targum, Pseudo-Jonathan, of 'Hor the mountain', the northern boundary of Eretz Israel, Num. XXXIV, 7. [This is not to be confused with Mount Hor by the border of the land of Edom which is in the South East. Mount Ammanon is in the N.W. of Syria and is generally identified with Mount Amanus, the modern Giaour Dagh.]

(4) [Identified by Saadia with the Wady-el-Arish, twenty miles South of Gaza; v. Schwarz, op. cit. p. 27, and Rosenbaum-Silbermann's Rashi. Deut. p. 211.]

(5) Num. XXXIV, 6.

(6) I.e., due west of the coast beyond the southern and northern extremities of the border of Palestine.

(7) At the northern extremity of Mount Hor. [The place is not identified. V. Neubauer, pp. 8ff. and 433.]

(8) The Atlantic Ocean.

(9) Immediately fronting the coast.

(10) And the words 'and for the border' include the more distant islands.

(11) The Biblical Aram Zoba which was conquered by David and added by him to Eretz Israel (II Sam. VIII).

(12) Lit., 'Cloud, Pit, Empty'. Key-words to aid the memory made up of Hebrew initials of the rulings that follow.

Talmud - Mas. Gittin 8b

is like one bought on the outskirts of Jerusalem.’¹

[Our authority says that Syria] ‘is subject to the obligations of tithe and Sabbatical year’: [obviously] he is of opinion that the conquest of an individual² is a valid conquest.³ [He further says that] ‘it is permissible to enter Syria in a state of ritual purity.’ How can this be, seeing that you say that its earth is unclean? — What is meant is that he may enter it in a box, chest, or portable turret, as has been taught: If one enters the land of the Gentiles in a box, chest, or portable turret, Rabbi declares him to be unclean, but R. Jose son of R. Judah does not. And even Rabbi makes this rule only for the land of the Gentiles, the soil and the air of which were proclaimed unclean by the Rabbis, but in regard to Syria they proclaimed only the soil unclean but not the air.⁴

[Our authority further says that] ‘a field bought in Syria is like one bought on the outskirts of Jerusalem’. What rule of conduct can be based on this? — R. Shesheth Says: It means that a contract for selling it [to a Jew] can be drawn up even on Sabbath. What? On Sabbath? — You know the dictum of Raba, ‘He tells a non-Jew to do it.’ So here, he tells a non-Jew to draw up the contract. And although there is a Rabbinical prohibition⁵ against telling a non-Jew to do things on Sabbath [which we may not do ourselves], where it was a question of furthering the [Jewish] settlement of Eretz Israel the Rabbis did not apply the prohibition.

Our Rabbis have taught: If a slave brings before the Beth din his deed of manumission⁶ in which is written, ‘Your own person and my property are made over to you’, he becomes [ipso facto] his own master⁷ but not owner of the property.⁸

The question was propounded: [Suppose the document ran:] ‘All my property is made over to you’,⁹ what is the ruling? — Abaye said: Since the document makes him his own master, it makes him owner of the property also.¹⁰ Said Raba to him: I agree that he becomes his own master, because [in respect of himself his document] is on a par with the Get of a wife. But he must not become owner of the property, because [in respect of the property his Get] requires confirmation like any other document. Abaye then corrected himself and said: Since he does not become by means of his document the owner of the property, he does not become his own master either. Said Raba to him: I agree that he should not become owner of the property, because in respect of the property [his document] requires confirmation like any other document; but he should become his own master, because [in respect of himself, his document] is on a par with the Get of a wife. The fact of the matter is, continued Raba, that both with the one [wording] and the other, he becomes his own master but not owner of the property.

Said R. Abba b. Mattena to Raba: This ruling accords with the principle laid down by R. Simeon, that a single statement may receive two diverse applications, for we have learnt: If a man assigns all his property to his slave, the latter becomes ipso facto free, but if he excepted a piece of land, however small, he does not become free.¹¹ R. Simeon, however, holds

(1) Tosef Kelim B. K. I.

(2) King David, as opposed to the national conquest in the time of Joshua.

(3) I.e., the land acquired becomes an integral part of Eretz Israel.

(4) V. Nazir 55a.

(5) , **ללא** , Lit., 'rest', an occupation prohibited by the Rabbis on Sabbath and Festivals as being inconsistent with the spirit of the celebration of the day.

(6) Lit., 'his Get'.

(7) Because if he says, 'It was written in my presence', his word is taken and no witnesses are required to confirm the validity of the Get.

(8) Because for this purpose witnesses are required to confirm the validity of the Get.

(9) This is taken to include his own person since he is part of the property.

(10) And we do not give the statement two diverse applications, one in respect of himself and one in respect of the property.

(11) Because we say that since he excepts the land he excepts the slave also.

Talmud - Mas. Gittin 9a

that in any case the slave becomes free¹ unless he declares [in writing] 'All my property is left to So-and-so my slave except one ten-thousandth part thereof.'² [But can Raba then rule thus, Seeing that] R. Joseph b. Manyumi said in the name of R. Nahman: Although R. Jose commended R. Simeon, the halachah follows R. Meir.³ For it has been taught: When the discussion was reported to R. Jose, he applied to him [R. Meir] the Scriptural words, He shall be kissed upon the lips that giveth a right answer.⁴

But was this R. Nahman's opinion?⁵ Has not R. Joseph b. Manyumi said in the name of R. Nahman: If a man lying dangerously ill assigned all his possessions to his slave and then recovered, he may retract the grant of the property but not the grant of freedom. He may retract the grant of the property because it is a gift made on a death bed.⁶ He may not retract the grant of the freedom because the slave has already become known as a free man!⁷ — In fact, said R. Ashi, [R. Nahman's reason] in the former case [where he said that in practice R. Meir was to be followed] was because the document did not expressly sever the connection between the slave and his master,⁸ [and not because the same statement cannot receive two applications].⁹ IF ITS VALIDITY IS CHALLENGED, IT MUST BE ESTABLISHED THROUGH THE SIGNATURES. Challenged by how many? Shall I say by one person? Has not R. Johanan laid down that a challenge must come from two at least? Shall I say then two? In that case there are two on each side, and why should you give credence to one set rather than to the other? — The challenge meant is that of the husband.

MISHNAH. WHERE THE BEARER OF A GET FROM FOREIGN PARTS IS NOT ABLE TO DECLARE 'IN MY PRESENCE IT WAS WRITTEN AND IN MY PRESENCE IT WAS SIGNED, IF THE GET HAS BEEN SIGNED BY WITNESSES, ITS VALIDITY CAN BE ESTABLISHED THROUGH ITS SIGNATORIES. WRITS OF DIVORCE AND WRITS OF EMANCIPATION ARE SUBJECT TO THE SAME RULES WHEN TAKEN [FROM THE LAND OF ISRAEL TO FOREIGN PARTS] OR VICE VERSA,¹⁰ THIS BEING ONE OF THE POINTS IN WHICH WRITS OF DIVORCE ARE ON A PAR WITH WRITS OF EMANCIPATION.

GEMARA. What is the meaning of the expression, 'IS NOT ABLE TO DECLARE'? Shall I

say it means that the bearer is a deaf-mute? Can a deaf-mute then be the bearer of a Get, seeing that we have learnt:¹¹ ‘All persons are qualified to be bearers of a Get except a deaf-mute, a lunatic, and a minor?’ — R. Joseph said: Here we are dealing with a case in which he gave the woman the Get while he was still in possession of his faculties, but before he could utter the formula was struck deaf and dumb.

WRITS OF DIVORCE AND WRITS OF EMANCIPATION etc. Our Rabbis taught: ‘In three points writs of divorce are on a par with writs of emancipation. One is in the matter of being taken [from Eretz Israel to foreign parts] or vice versa.¹² [Secondly,] any document witnessed by a Cuthean¹³ is invalid, except writs of divorce and emancipation. [Thirdly,] all documents

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- (1) Since this seems to be the plain intention of the document.
 - (2) Because this part may include the slave, v. B.B. 149b.
 - (3) R. Simeon's disputant and the anonymous first Tanna of the Mishnah, that the slave should not go free.
 - (4) Prov. XXIV, 26.
 - (5) That we do not give two diverse applications to a single statement.
 - (6) Which can be nullified by the dying man on recovery. v. B.B. 146b.
 - (7) Thus R. Nahman applies the instruction diversely to the slave and to the property.
 - (8) Since the grant of the slave's freedom was not specifically mentioned in the document, and we require such severance, because a Get of emancipation is on the same footing as a Get of divorce, which is termed in the Scripture ‘a document of severance’ or ‘cutting off’ (Deut. XXIV, 1).
 - (9) [Seeing that R. Meir denies the slave his freedom even if the property specifically excepted was land, his view being that since the master limited the scope of this document by excluding ‘some thing’, whatever it may be, the Get is no longer effective as an instrument of complete severance (Rashi).]
 - (10) Lit., or ‘he who brings it’.
 - (11) Infra 23a.
 - (12) The bearer in both cases being required to declare, ‘In my presence etc.’
 - (13) A Samaritan.

Talmud - Mas. Gittin 9b

entered in heathen courts, even if the signatures in them are those of heathens, are valid, except writs of divorce and of emancipation. According to R. Meir there are four points [the fourth being this]: If a man says, Give this Get to my wife and this writ of emancipation to my slave, he is at liberty, if he wishes, to retract from both. So says R. Meir'.¹ We can understand the Rabbis [specifying the number] three, [because they desired] to except the point stated by R. Meir. But what did R. Meir desire to except by specifying the number [four]? — [He desired] to except the following case which has been taught: If the witnesses are not able to sign their names, we make dents on the sheet and they fill them in with ink. Rabban Simeon b. Gamaliel says: This applies only to writs of divorce. With writs of emancipation and all other documents, if the witnesses are able to read and to sign their names, they sign, and if not, they do not sign. How does ‘reading’ come in here? — There is something omitted, and the passage should run thus: ‘If the witnesses cannot read, the document is read to them and they then sign, and if they are unable to sign, dents are made for them.’

Are there no more points [of resemblance]? Is there not [for example this one]: ‘If a man says, Give this Get to my wife and this writ of emancipation to my slave and he dies [before they were given], they should not be given after his death. If, however, he said, Give a maneh to So-and-so, it should be given after his death’?² — [The passage above was] dealing only with points which do not apply to documents in general,³ not with such as apply to all documents. [And this is such a point;] for Rabin sent [the following message] in the name of R. Abbahu: ‘Be it known to you that R. Eleazar sent to the Diaspora⁴ in the name of Our Master⁵ the following instruction: If a dying man said, Write down and give a maneh to So-and-so, and then died, his words are not committed to writing nor is the gift made, since perhaps he intended only to make the gift through the instrumentality of the document, and a document does not confer possession after the death [of the author].’⁶

But is there not the point of ‘special intention’ [in which writs of divorce and of emancipation are on a par]? For Rabbah, indeed, this raises no difficulty, since it is identical with the point of bringing to and from [Eretz Israel],⁷ but for Raba it does raise a difficulty. And again, whether we accept Rabbah's view or Raba's, there is the law of mehubar?⁸ — [The passage above] reckoned only the flaws laid down by the Rabbis⁹ [on their own authority], not those deriving from the Torah. But [the fact of originating in] a Gentile court is a flaw [in the Get] according to the Torah, and yet this point is also reckoned above? — [We are dealing there with the case where there are] witnesses to the delivery [of the document], and the passage follows the opinion of R. Eleazar, who said that it is the witnesses to the delivery [of the Get] who really make it effective.¹⁰ [Is that so?] It says later in the passage:¹¹ R. Simeon says that these also [writs of divorce signed by non-Jews] are valid; and [commenting on this] R. Zera said that R. Simeon was here following the view of R. Eleazar, who said that the witnesses to the delivery [of the Get] make it effective; from which we gather that the first Tanna¹² was not [of this opinion]?¹³

(1) V. infra 11b.

(2) V. infra 13a.

(3) I.e., where the points of resemblance are limited to writs of divorce or emancipation.

(4) [Heb. Golah denoting, at that time, Nehardea; v. B.B. (Sonc. ed.) p. 571, n. 7.]

(5) Rab.

(6) V. B.B. 152a. Just as in the case of writs of divorce and emancipation.

(7) Since according to Rabbah the declaration was required only because of the general ignorance of the rule regarding ‘special intention’.

(8) Lit., ‘attached (to the soil)’, viz., that both the writ of emancipation and the writ of divorce must be written on something not attached to the soil.

(9) [The requirement of the declaration ‘in my presence it was written etc.’ is Rabbinical and so is the disqualification of a Samaritan for evidence purposes in case of other documents likewise only Rabbinical.]

(10) Lit., ‘who cut asunder’. And therefore the fact of its originating in a heathen court is a flaw only according to the Rabbis and, not the Torah.

(11) In the Mishnah dealing with documents drawn up in heathen courts, infra 10b.

(12) In that Mishnah who says that these are not valid.

(13) That the witnesses to delivery make the Get effective, and therefore a non-Jewish signature is a flaw according to the Torah.

Talmud - Mas. Gittin 10a

Where he and the first Tanna differed was in the case where the names are obviously heathen.¹ But what of the point about retracting, which [invalidates the Get even] according to the Torah, and yet is reckoned in this passage? — The proper answer [to the original question] is that only those points are reckoned which did not apply to betrothals, but not such as are found in connection with betrothals also.² But this very point of retracting applies to betrothals also?³ — We are dealing here with a case where the whole commission is to be carried out without the consent of the recipient; this is possible in the case of divorces but not of betrothals.

MISHNAH. NO DOCUMENT ATTESTED BY THE SIGNATURE OF A CUTHEAN⁴ IS VALID,⁵ UNLESS IT IS A WRIT OF DIVORCE OR A WRIT OF EMANCIPATION. IT IS RELATED THAT A WRIT OF DIVORCE WAS ONCE BROUGHT BEFORE RABBAN GAMALIEL AT KEFAR 'UTHNAI⁶ AND ITS WITNESSES WERE CUTHEANS, AND HE DECLARED IT VALID.

GEMARA. Who is [the Tanna] of our Mishnah? For it cannot be either the first Tanna, or R. Eleazar or Rabban Simeon ben Gamaliel [in the following Baraitha]: For it has been taught: 'It is permissible to eat [on Passover] unleavened bread made by a Cuthean, and the eating of such bread satisfies the requirement of the Passover.'⁷ R. Eleazar forbids [the eating of such bread], because [the Samaritans] are not familiar with the minutiae of the precepts. Rabban Simeon b. Gamaliel says that in all the precepts which the Cutheans do observe they are much more particular than the Jews themselves.' Whom now does our Mishnah follow? Shall I say the first Tanna? In that case other documents also should be valid [if attested by a Cuthean]. Shall I say R. Eleazar? In that case a writ of divorce should also be invalid. Shall I say Rabban Simeon b. Gamaliel? In that case, if they observe [the regulations of documents], then other documents attested by them should also be valid, and if they do not observe [these regulations], then even a writ of divorce attested by them should not be valid. And should you reply that in fact Rabban Simeon b. Gamaliel is the authority and that our Mishnah holds that the Cutheans observe the regulations concerning writs of divorce and emancipation but not concerning other documents — in that case why [does the Mishnah] speak of one [Cuthean witness only]? [The Get should be equally valid] even if there were two;⁸ and if that were so, why has R. Eleazar said [that a Get of this kind] has been declared valid only if there is not more than one Cuthean signature to it? — The authority followed by our Mishnah is in fact R. Eleazar, and it speaks of the case where an Israelite signs last,⁹

(1) R. Simeon holding that no danger can arise from this of heathens also being asked to witness the delivery of the Get, while the Rabbis held that there was such a danger.

(2) [The law of 'special intention' and in regard to mehubar applies to writs of betrothals equally with writs of divorce, whereas the declaration, 'In my presence it was written, etc.' is limited to Get as explained supra 2b-3a. Similarly the validity of the signature of a Samaritan witness is limited to Get (v. infra 10b); nor would the Rabbis invalidate a writ of betrothal originating in a heathen court, provided Jewish witnesses were present at the delivery.]

(3) I.e., if a man gives a written agreement of betrothal to a bearer, he can withdraw it so long as it has not been delivered.

- (4) Samaritan.
- (5) Because they were looked upon as untruthful.
- (6) [Identified with Kefr Kud (Capar Cotani) on the border of Galilee and Samaria. V. Klein, Beitrage p. 29, n. 2.]
- (7) That the unleavened bread eaten on the first night should be expressly prepared for it in accordance with the words, And ye shall watch the unleavened bread (Ex. XII, 17).
- (8) I.e., if both witnesses were Samaritan and neither an Israelite.
- (9) After the Samaritan.

Talmud - Mas. Gittin 10b

for we assume in that case that if the Cuthean were not a Haber¹, the Israelite would not let him sign before him. In that case, why are not other documents also valid? Consequently the truth is that we say, 'he left room for someone senior to himself.'² But if that be so cannot we say here too that he left room for someone senior to himself? — Said R. Papa: This proves that the witnesses to a Get do not sign save in one another's presence.³ What is the reason for this? — R. Ashi says that it is to prevent any infringement of the rule concerning 'all of you'.⁴

The text above [states]: 'R. Eleazar said [that a Get of this kind] has been declared valid only if there is not more than one Cuthean signature to it.' What does he teach us by this statement? Has not the Mishnah already told us that NO DOCUMENT ATTESTED BY THE SIGNATURE OF A SAMARITAN etc.? — If I had only the Mishnah to go by, I should say that even with two [Cuthean signatures the Get is valid], and that the reason why one [only is mentioned] is to show that other documents are rendered invalid even by one Samaritan signature; hence [R. Eleazar's statement] is necessary. But [is a Get] with two [Cuthean signatures] invalid? Does not the Mishnah say: IT IS RELATED THAT A WRIT OF DIVORCE WAS BROUGHT BEFORE RABBAN GAMALIEL [AT KEFAR 'UTHNAI] AND ITS WITNESSES WERE CUTHEANS, AND HE DECLARED IT VALID? — Abaye says: Read 'its witness Raba says: It is quite correct that there were two, and the fact is that Rabban Gamaliel differs [from the first authority], and there is an omission [in the Mishnah, which should] read as follows: 'Rabban Gamaliel declares [a Get] valid with two [Cuthean signatures], and it is actually related that a Get was brought before Rabban Gamaliel at Kefar 'Uthnai and its witnesses were Cutheans and he declared it valid.'

MISHNAH. ALL DOCUMENTS WHICH ARE ACCEPTED IN HEATHEN COURTS,⁵ EVEN IF THEY THAT SIGNED THEM WERE GENTILES, ARE VALID [FOR JEWISH COURTS] EXCEPT WRITS OF DIVORCE AND OF EMANCIPATION. R. SIMEON SAYS: THESE ALSO ARE VALID; THEY WERE ONLY PRONOUNCED [TO BE INVALID] WHEN DRAWN UP BY UNAUTHORISED PERSONS.

GEMARA. [Our Mishnah] lays down a comprehensive rule in which no distinction is made between a sale and a gift. We can understand that the rule should apply to a sale, because the purchaser acquires the object of sale from the moment when he hands over the money in their⁶ presence, and the document is a mere corroboration; for if he did not hand over the money in their presence, they would not take the risk⁷ of drawing up a document of sale for him. But with a gift [it is different]. Through what [does the recipient] obtain possession? Through this document, [is

it not]? And this document is a mere piece of clay?⁸ — Said Samuel: The law of the Government is law.⁹ Or if you prefer, I can reply: Instead of ‘except writs of divorce’ in the Mishnah, read, ‘except [documents] like writs of divorce.’¹⁰

R. SIMEON SAYS: THESE ALSO ARE VALID etc. How can this be, seeing that to heathens the act of ‘severance’¹¹ is not applicable? — Said R. Zera: R. Simeon here accepts the view of R. Eleazar, who said that the separation is actually effected by the witnesses to the delivery [of the document]. But has not R. Abba said that R. Eleazar used to admit [that a Get] which in itself contained a flaw was invalid?¹² — We are dealing here

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- (1) V. Glos. In which case R. Eleazar's objection does not apply.
 - (2) The Jew signed first below thinking that another Jew would sign above, but the lender got the signature of a Samaritan instead.
 - (3) So that it is impossible for us to say that the husband brought a Samaritan to sign without the knowledge of the Jewish witness.
 - (4) That if he said to ten persons, ‘All of you write’, one writes and all the rest sign in one another's presence, otherwise the Get is not valid; *infra*, 66b.
 - (5) , **utfrg**, GR. **, ‘office’ ‘registry’.
 - (6) The non-Jewish judges’.
 - (7) Lit., ‘do injury to themselves (to their reputation)’.
 - (8) Assuming a deed originating in a non-Jewish court does not constitute an instrument of acquisition, why should the deed be deemed valid?
 - (9) V. B.B. (Sonc. ed.) p. 222, n. 6.
 - (10) I.e., all which in themselves make the transaction effective, such as the record of a gift.
 - (11) Lit., ‘cutting’, Deut. XXIV, 1.
 - (12) And the signature of witnesses who are not competent to sign would be counted by R. Eleazar as a flaw because it might give the impression that these were competent as witnesses to the delivery.

Talmud - Mas. Gittin 11a

with signatures which are obviously those of heathens.¹ Can you give some examples of names which are obviously those of heathens? — Said R. Papa: For instance, Hannez and Abudina, Bar Shibthai, Bar Kidri, Batti and Nakim and Una. What then if the signatures are not obviously those of heathens? [The document, you will say,] is invalid? If so, instead of going on to say, ‘THEY WERE ONLY PRONOUNCED TO BE INVALID WHEN DRAWN UP BY UNAUTHORISED PERSONS, R. Simeon should draw a distinction between [the signatures] themselves, and should continue thus: ‘when I say [they are valid, I mean] when the names are obviously [heathen], but otherwise they are invalid!’ — This in fact is what he does mean, viz.: ‘When I say [they are valid I mean] when the names are obviously [heathen], but where they are not so, the document is on a par with one drawn up by unauthorised persons and is invalid.’ Or if you like I can reply that the last clause [of the Mishnah] refers to monetary documents, and the meaning is as follows: ‘Monetary documents were not pronounced to be invalid save when they were drawn up by unauthorised persons.’ It has been taught: R. Eleazar said in the name of R. Jose: Thus did R. Simeon say to the Rabbis in Sidon: R. Akiba and the Sages were agreed in reference to all documents entered in heathen courts that even if those that signed them were heathens they are

valid, including also writs of divorce and of emancipation. They differed only in the case where they were drawn up by unauthorised persons, R. Akiba declaring all such documents to be valid and the Sages declaring them all invalid, save only writs of divorce and of emancipation. Rabban Simeon b. Gamaliel says that these too are valid only in places where Jews are not allowed to sign documents,² but where Jews are allowed to sign documents they are not valid. Why does not Rabban Simeon b. Gamaliel declare them invalid even in places where Jews are allowed to sign, for fear lest they should come to be deemed valid even in places where they are not? — Names may be confused but not places. Rabina had a mind to declare valid a document which had been drawn up in a gathering³ of Arameans. Said Rafram to him: ‘We learnt [distinctly] "COURTS".’

Raba said:⁴ A document drawn up in Persian which has been handed over in the presence of Jewish witnesses is sufficient warrant for recovering from property on which there is no previous lien. But the witnesses to the transfer cannot read it? — We speak of the case where they can. But we require writing which cannot be erased? — We speak of a case where the sheet has been dressed with gall-nut juice.⁵ But we require the rule [to be observed] that the gist of the document must be summarised in the last line?⁶ — We speak of a case where this has been done. If so, why not recover from mortgaged property also? — [The contents of a document of this kind] do not become generally known.⁷

Resh Lakish put the following question to R. Johanan:

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- (1) In which case there is no danger that their witnessing to the Get would create a wrong impression as to their competence.
 - (2) Where there is no danger that the witnesses who signed the Get will be deemed competent to attest delivery.
 - (3) I.e., not an official body.
 - (4) V. infra 19b.
 - (5) So that the ink cannot be erased.
 - (6) E.g., ‘I have received from So-and-so all the sums mentioned above’. This was not the custom with Persian documents.
 - (7) Lit., ‘it has no voice’. Since there are no Jewish witnesses to the deed to give publicity to the transaction, thus keeping off prospective buyers from the property; v. infra 19b. And therefore the creditor from the first never expected to recover from such property.

Talmud - Mas. Gittin 11b

‘If a Get¹ is attested by witnesses with heathen names, how do we proceed?’ — He replied: ‘The only [heathen names] that have come before us in this way were Lucus and Lus, and in both cases we declared [the Get] valid.’² This ruling applies strictly to names like Lucus and Lus³ which are never borne by Israelites, but not to heathen names which are also borne by Israelites.⁴ He [thereupon] raised an objection [from the following]: ‘Writs of divorce brought from foreign parts and attested by signatures, even if the names are like those of heathens, are valid, because most Jews in foreign parts bear heathen names!’⁵ — There the reason is as given, because most Jews in foreign parts bear heathen names.⁶ According to another version, Resh Lakish put the question to R. Johanan on the lines of the Baraitha [just quoted],⁷ and he answered him by quoting [the second] clause of the Baraitha.⁸

MISHNAH. IF A MAN SAYS: GIVE THIS WRIT OF DIVORCE TO MY WIFE AND THIS BILL OF EMANCIPATION TO MY SLAVE, HE IS AT LIBERTY IF HE PLEASES TO COUNTERMAND BOTH INSTRUCTIONS.⁹ THIS IS THE RULING OF R. MEIR. THE SAGES, HOWEVER, SAY THAT HE MAY COUNTERMAND IN THE CASE OF THE GET BUT NOT IN THAT OF THE WRIT OF EMANCIPATION, ON THE PRINCIPLE THAT A BENEFIT MAY BE CONFERRED ON A MAN IN HIS ABSENCE BUT A DISABILITY MAY BE IMPOSED ON HIM ONLY IN HIS PRESENCE; FOR IF HE DOES NOT WANT TO MAINTAIN HIS SLAVE HE IS NOT BOUND TO DO SO,¹⁰ BUT IF HE DOES NOT WANT TO GIVE MAINTENANCE TO HIS WIFE HE IS STILL BOUND TO DO SO. SAID R. MEIR TO THEM: DOES HE NOT DISQUALIFY HIS SLAVE FROM EATING THE PRIESTLY HEAVE-OFFERING [BY EMANCIPATING HIM] IN THE SAME WAY AS HE DISQUALIFIES HIS WIFE [BY DIVORCING HER]?¹¹ — THEY REPLIED: [THE SLAVE IS DISQUALIFIED] BECAUSE HE IS THE PRIEST'S PROPERTY.

GEMARA. R. Huna¹² and R. Isaac b. Joseph were sitting [studying] before R. Jeremiah whilst R. Jeremiah was sitting and dozing, when R. Huna remarked that we learn from the ruling of the Rabbis [in our Mishnah] that if a man seizes the goods [of a third party] on behalf of a creditor, he acquires [them].¹³ Said R. Isaac b. Joseph to him: Even if by doing so he causes loss to others?¹⁴ — He replied: Yes. At this point R. Jeremiah woke up [and overheard them]. He said: Youngsters, this is what R. Johanan said: If a man seizes goods on behalf of a creditor when by so doing he causes loss to others, he does not acquire. If you ask [how this can be reconciled with] our Mishnah,¹⁵ [the answer is that] for a man to say 'give' is equivalent to saying 'acquire on behalf of'.

R. Hisda says: [The case of the man] who seizes goods on behalf of a creditor and by so doing causes loss to others admits of the same difference of opinion as we find between R. Eliezer and the Rabbis. For we learnt:¹⁶ If a man garners the corner [of his field], and said: This is for such-and-such a poor man, he acquires it on his behalf. The Sages, however, say that he must give it to the first poor man that comes along. Said Amemar (others say it was R. Papa:)

(1) Coming from Palestine.

(2) I.e., I relied upon the witnesses to delivery.

(3) Lucius and Gaius (Jast.).

(4) Because in that case the witnesses, even if Gentiles, might be presumed to be competent.

(5) This apparently contradicts R. Johanan.

(6) Hence it is safe to presume that the witness with a Gentile name is a Jew, but this is not the case in Palestine.

(7) Viz., 'What is the rule about writs of divorce brought from foreign parts with heathen signatures.'

(8) Viz., 'they are valid etc.'

(9) Because this is a disability for both of them, and the agent does not become possessed of the bills, on the principle that 'a disability may not be inflicted on a man save in his presence.'

(10) Hence emancipation involves no disability for the slave.

(11) Vid. Lev. XXII, 11; Num. XVIII, 11. So that emancipation does involve a disability for the slave even as divorce for the wife.

(12) Tosaf. points out that this is not the R. Huna usually mentioned in the Talmud, who was much senior to R.

Jeremiah.

(13) For the creditor and the owner cannot recover from him any more than he can withdraw the bill of emancipation from the agent.

(14) I.e., if the man had other creditors also.

(15) Which seems to say that he does become legal possessor.

(16) For notes v. B.M. (Sonc. ed.) p. 49 ff.

Talmud - Mas. Gittin 12a

Perhaps the two cases are not on all fours. R. Eliezer's reason there [for allowing the owner of the field to acquire on behalf of the poor man] may be only because if he desires he can declare his field public property and so become himself a poor man and entitled to [the gleanings], and since he can acquire it for himself [we concede that] he can acquire it for his fellow; whereas [this reasoning] does not apply to our present case. And the Rabbis' reason in the case of the poor man may be only that in the text it is written thou shalt not glean, for the poor man,¹ 'thou shalt not glean for the poor man', but here they would not [apply the same principle]. What lesson then does R. Eliezer derive from these words, 'thou shalt not glean, for the poor'? — He sees in them an admonition to a poor man [who himself owns a field] in regard to his own gleanings.²

FOR IF HE CHOOSES NOT TO MAINTAIN HIS SLAVE, etc. We understand from this, [do we not,] that a master can say to his slave: Work for me but I will not support you! — [No!] Here we deal with the case in which the master says: Keep what you can earn as the equivalent of your maintenance. Similarly in the case of the woman³ we likewise must suppose that the husband says to her: Keep what you can earn as the equivalent of your maintenance. [But if this is so] why, in the case of the wife should he not [be permitted to refuse to maintain her]? — Because she cannot earn enough [for her keep]. But a slave too may not be able to earn enough for his keep? — If a slave's [work] is not worth the food he eats, what do his master and mistress want him for!

Come and hear: If a slave has fled to one of the cities of refuge,⁴ his master is under no obligation to support him; and moreover whatever he earns belongs to his master. We understand from this, do we not, that a master can say to a slave, 'Work for me, but I will not support you'? — We are dealing here with the case in which the master said to him, 'You may keep what you earn as the equivalent of your maintenance'. In that case why does it say that what he earns belongs to the master? — This applies to what he earns over and above his keep. There is surely no need to tell us that? — [There is, because otherwise] you might think that, since the master does not give him anything when he does not earn, he should not take anything from him when he does earn; but now you know [that this is not so]. But why should this rule apply specially to cities of refuge? — I might think [that cities of refuge are an exception],⁵ because the words 'that he might live' [used in connection with them⁶ are interpreted to mean that] special provision must be made [for one who is exiled there]; but now I know [that they are no exception].⁷ But now look at the continuation [of the passage quoted]: But if a woman is exiled to a city of refuge, her husband is under obligation to maintain her. Obviously this speaks of a case where the husband did not say to her, ['You may keep your earnings etc.'], because if he did, why should he have to support her? And since that is the case here, then we presume that the first part of the passage also deals with the case in which the master did not say to the slave, ['Keep your earnings' etc.]?⁸

— No. [The cases considered are those in which the master or husband] did say so, and the reason In the case of the wife⁹ is because she cannot keep herself. But look at the further continuation [of the passage]: If he says to her, I allow you to keep your earnings in place of your maintenance, he is within his rights. This shows, does it not, that the preceding clause deals with the case where he did not say so? — We interpret [the last clause] thus: If she can earn sufficient [for a living] and he said to her: Keep your earnings in place of your maintenance, he is within his rights. What is the point of bringing in the case where she can earn sufficient [for a living]? — You might think that even so she should not go about to earn a living because, as Scripture says, the honour of the king's daughter [i.e. the Jewish woman] lies in privacy;¹⁰ but now you know [that this is not so].

May we say that the same difference of opinion is found between the Tannaim [mentioned in the following passage]? [For it was taught:] Rabban Simeon b. Gamaliel says: A slave can say to his master in a year of scarcity, 'Either maintain me or let me go free'; whereas the Sages say that the master can do as he pleases. Shall we say that the point at issue between them is this, that the one authority holds that a master can say to his slave, 'Work for me but I will not support you', and the other holds that he cannot? — Do you really think so? In that case why does it say, 'either maintain me or let me go free'? It should say, 'either maintain me or let me keep my earnings in place of my maintenance'. And besides, why should the rule apply specially to years of scarcity? The fact is that the case put is one in which the master has said to the slave, 'Keep your earnings as the equivalent of your maintenance',¹¹ and in a year of scarcity he cannot earn enough. [In that case] Rabban Simeon b. Gamaliel holds that the slave can say to the master, 'Either maintain me or let me go free, so that people may see me and have pity on me', whereas the Rabbis hold the view that those who pity free men pity also slaves.¹²

Come and hear: Rab said: If a man dedicates to the Sanctuary¹³ the hands of his slave, that slave may borrow money, eat, work and repay [his loan with his earnings].¹⁴ We may conclude from this, [may we not,] that the master can say to the slave, 'Work for me, but I will not maintain you'? — [No.] The case contemplated here is one in which the master provides the slave with his keep. If so, why

(1) Lev. XXIII, 22. [They join 'for the poor man' with 'Thou shalt not glean on the principle of Siddur she-nehelak, mentioned in the Mishnah of H. Eliezer b. Jose the Galilean, that a context which has been disrupted by a disjunctive accent is reconnected for exegetical purposes.]

(2) He must leave gleanings in his own field.

(3) Mentioned in our Mishnah.

(4) Having killed someone by accident.

(5) To the rule that the master may take the slave's earnings.

(6) Deut. IV. 42.

(7) In respect of allowing the slave the excess of his earnings over and above his keep.

(8) Which proves that a master can say to a slave 'work for me but I will not support you'.

(9) That the husband has still to keep her.

(10) Ps. XLV, 14.

(11) And both authorities hold that the master may not say, 'Work for me etc.'

(12) And therefore there is no need to let him go free.

(13) Lit., 'sanctifies'; cf. Lev. XXVII.

(14) Cf. p. 44, nn. 1-2.

Talmud - Mas. Gittin 12b

does he borrow for his food? — He borrows for extras. But the Sanctuary can say to him, 'Just as you could do without extras hitherto, so you can do without extras now'? — The Sanctuary itself prefers this, so that its slave should be in good condition. You say that he works and pays from his earnings. How can he do this, seeing that every penny as he earns it becomes sanctified?¹ — [He keeps on paying his earnings] before they amount to a perutah.² This view [that Rab's dictum refers to the case where the master provides the slave's keep] is borne out by this other dictum of Rab: If a man sanctifies the hands of his slave, that same slave can go on working for his keep, for if he does not work, who will look after him? If you say that the first dictum refers to the case where the master provides [the slave's keep], and that in consequence a master is not at liberty [to say to his slave, 'Work for me, but I shall not maintain you'], and that the latter dictum refers to a case where he does not provide for him, all is plain; but if you say that the first dictum refers to the case where the master does not provide the slave's keep, and [so we rule that] he can say [to the slave, 'You must work for me etc.'], what is the sense of saying [in the second dictum], 'if he does not work who will look after him?' Let anyone who will look after him!³ We conclude therefore that the ruling is that a master cannot say [to his slave, 'Work for me, but I shall not support you.']

Come and hear: R. Johanan says that if a man cuts off the hand of another man's slave, he must make good to his master his 'loss of time'⁴ and the cost of his medical attendance, and the slave must live on charity. We understand from this,⁵ [do we not,] that the master can say to the slave, 'Work for me, but I shall not maintain you'? — No. Here we are dealing with a case in which the master does provide the slave's keep. If that is so, why [does it say that] he must live on charity? — This refers to extras. If that is so, it should say not 'live on' but 'be supported by'? We therefore conclude that the master can say [to the slave, 'You must work for me etc.']. This proves it.

The Master said: 'He must make good to his master "loss of time" and the cost of his medical attendance'. [What need is there to tell me this in] the case of the 'loss of time', which is obvious? — The 'loss of time' is mentioned because the medical costs [had to be mentioned]. Surely the medical costs go to the slave, for he needs them for his cure? — This must be stated in view of a case where it was calculated that he requires five days [treatment] and by the application of a painful remedy he was cured in three. You might think that in this case [the whole of the estimated medical cost goes to the slave since] the extra pain is his; but now know [that it does not].

It has been taught R. Eliezer said: We said to R. Meir, Is it not a benefit for the slave to obtain his liberty? — He replied, It is a disability for him, since if he was the slave of a priest he can no longer eat of the terumah. We said to him: If the priest chooses not to give him his keep, is he not at liberty to do so?⁶ — He replied: If the slave of a priest runs away, or if the wife of a priest flouts her husband,⁷ they can still eat of the terumah, but this one cannot. For a woman, however,

certainly it is a disadvantage [to be divorced] since she becomes disqualified to eat the terumah [if she was married to a priest] and forfeits her maintenance [in any case].⁸ What did they mean by their question and what was the point of [R. Meir's] remark, [If a priest's slave runs away etc.]? — What he said in effect was this: 'You have refuted me in the matter of maintenance,⁹ but what answer can you give in the matter of the terumah? For if you should say that, if the master likes, he can throw the writ of emancipation to the slave and so disqualify him [and therefore giving the writ to a bearer is not a disadvantage to the slave], [I answer that] the slave can [prevent this by] leaving him and running away.¹⁰

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- (1) I.e., as the property of the Sanctuary, it must not be touched by outsiders.
 - (2) Because a sum less than a perutah cannot become sanctified.
 - (3) As much as to say: Let him starve!
 - (4) V. Ex. XXI, 19 and B.K. 83b.
 - (5) From the fact that the master takes the money he is capable of earning even in his maimed condition, while he is living on charity.
 - (6) And what does he lose therefore by being emancipated?
 - (7) I.e., refuses him his conjugal rights.
 - (8) Tosef. Git. I.
 - (9) I.e., I admit that the slave does not necessarily lose maintenance by being emancipated.
 - (10) And as he is still a priest's slave, he can still eat the priestly dues.

Talmud - Mas. Gittin 13a

Seeing then that a priest's slave who runs away and a priest's wife who flouts her husband can still eat of the terumah while this one [who is emancipated] cannot, [is it not a disadvantage to him to be emancipated]?' This was a good rejoinder, [was it not]? — Said Raba: That is the point of the answer of the Rabbis [recorded] in the Mishnah, 'BECAUSE HE IS HIS PROPERTY,' [by which they meant to say] that if the master wants he can take four zuz from a non-priestly Israelite [as the price of the slave], and so disqualify him wherever he is. Let us grant that R. Meir has made out his case with regard to the slave of a priest; how does he make it out with regard to the slave of an ordinary Israelite? — Said R. Samuel son of R. Isaac: [Emancipation is a disadvantage to the slave] because it disqualifies him from marrying a Gentile bondwoman. [On the contrary it is a benefit] because it qualifies him to marry a free woman? — A slave prefers a common woman; she allows him to take liberties, she is at his beck and call, she is not coy with him.

MISHNAH. IF A MAN SAYS, GIVE THIS GET TO MY WIFE, THIS DEED OF EMANCIPATION TO MY SLAVE, AND DIES [BEFORE THEY ARE GIVEN], THEY ARE NOT TO BE GIVEN AFTER HIS DEATH. [IF HE SAID], GIVE A MANEH TO SO-AND-SO AND DIED, THE MONEY SHOULD BE GIVEN AFTER HIS DEATH.

GEMARA. R. Isaac b. Samuel b. Martha said in the name of Rab: [This money is] only [to be given] if it has actually been put aside in a special place.¹ With what case are we dealing here? Shall I say the man was in health [when he gave the instruction]? What difference does it make that the money is available, seeing that the recipient has not yet performed the act of 'pulling'?² And if he was on his death bed, why must the money have been put on one side? Even if it has not

been put on one side, it is to be given, because the instruction of a man on his death bed has the same force as a written document formally handed over!³ R. Zebid said: We are in fact [dealing here] with the case of a man in health, and [our Mishnah is] in agreement with [the following dictum enunciated by] R. Huna in the name of Rab: [If a man says], You owe me a maneh, give it to So-and-so, [if he said this] in the presence of the third party,⁴ [the last named] becomes legally entitled to it.⁵ R. Papa said that we are indeed dealing here with the case of a man on his death bed, and [the Mishnah is] in agreement with another dictum of Rab, Viz.: 'If a man on his death bed says, Give a maneh to So-and-so out of my belongings, if he said, give this maneh, it is to be given, but if he said simply a maneh it is not to be given, because perhaps he was thinking of a buried maneh. The law is, however, that we do not suspect that anything is buried. Why did not R. Papa take the same view as R. Zebid?

(1) Lit., 'heaped up in a corner'.

(2) Meshikah, v. Glos. Until this has been performed, the donor can retract, as also his heir.

(3) V. B.B. 151a.

(4) Lit., 'in the presence of these three'.

(5) [V. B.B. (Sonc. ed.) p. 616, nn. 15-16. This principle known as Ma'amad shlashtan which provides for the transfer of claims to a third party is assumed by R. Zebid to apply only to deposits because they are considered to be in the legal possession of the owner wherever they may be at the time. Similarly in the Mishnah it is necessary for the money to be specially set aside.]

Talmud - Mas. Gittin 13b

— R. Papa was of opinion that Rab's dictum was meant to apply equally whether [the sum in question was] a loan¹ or a deposit. Why did not R. Zebid adopt the view of R. Papa? — Because [the language of] the Mishnah is not consistent with [the theory that it speaks of a man on his death bed]. How do we make this out? — Because it says: IF A MAN SAYS, GIVE THIS GET TO MY WIFE AND THIS DEED OF EMANCIPATION TO MY SLAVE, AND DIES BEFORE THEY WERE GIVEN, THEY ARE NOT TO BE GIVEN AFTER HIS DEATH. The reason is that he died; had he continued alive, they would have been given. And the reason why we say this² is that he said 'Give' [and not merely 'write']; had he not said 'give', they would not have to be given,³ whereas in the case of a man on his death bed, although he did not use the word 'give', [the Get] is still to be given, as we learn [from the following Mishnah]: 'At first it was laid down that if a man was being led out in fetters [to execution] and said, "Write a Get for my wife", [the Get] was to be written and delivered. Later they laid down that the same rule applied to one who was leaving for a sea journey or joining a caravan [across the desert]. R. Simeon Shezuri said: It also applies to a man lying dangerously ill.'⁴ To this R. Ashi demurred: How do we know, he said, that our Mishnah adopts the View of R. Simeon Shezuri? Perhaps it adopts the view of the Rabbis.⁵

The text above stated: 'R. Huna said in the name of Rab: If a man says, You owe me a maneh, give it to So-and-so, [if he said this] in the presence of the third party, [the last-named] becomes legally entitled to it.' [Commenting on this,] Raba said, This dictum of Rab appears to be sound where [the money in question] is a deposit but not where it is a loan.⁶ But, by God! Rab said that it applies even where it is a loan. It has also been stated that Samuel said in the name of Levi: If a

man says. You owe me some money, give it to So-and-so, [if he said so] in the presence of the third party. [the last-named] becomes the legal owner. What is the reason? — Amemar said: [The borrower in such case] is regarded as having pledged himself at the time of borrowing the money to repay it either to the lender or to anyone coming on his behalf. Said R. Ashi to Amemar: But on your showing, if the lender transferred the debt to children who had not yet been born when the loan was made, they would not acquire possession?⁷ For even according to R. Meir, who said that it is possible to transfer possession of things that do not yet exist,⁸ [the transference must be] to something that is existing, not to something that does not yet exist: The truth is, said R. Ashi,

(1) [Though it cannot be regarded as being in the possession of the creditor, since the debtor is entitled to spend it. Consequently where a transfer is made by means of ma'amad shlashtan there would be no need for the money in question to be specially set aside.]

(2) That they would have to be given if he continued alive.

(3) Even had he lived.

(4) V. infra 65b.

(5) And therefore in the case of the dying man also the rule applies only in the case where he said 'give'.

(6) V. supra p. 47. nn. 2 and 3.

(7) Because the borrower could not be considered to have pledged himself to repay them.

(8) E.g., fruit that will grow on a tree hereafter, v. B.M. 33b.

Talmud - Mas. Gittin 14a

that for the sake of the benefit which the borrower derives from the difference [in time of payment] between the old debt and the new one, he willingly pledges himself to the new creditor.¹ Said Huna Mar the son of R. Nehemiah to R. Ashi: If that is so, what of people like those from the house of Bar Eliashib, who force their debtors to pay at once? Do they not acquire possession in such a case as this?² And if you say they do, then you apply different standards to different people? — The truth is, said Mar Zutra, that there are three laws which the Rabbis have laid down arbitrarily without [giving] a reason. One is this one. A second is the one laid down by Rab Judah in the name of Samuel: If a [dying] man assigns in writing all his property to his wife, he only makes her a trustee for it.³ The third is the one laid down by R. Hananiah: If a man celebrates the marriage of his son who is over age in a special house, the son becomes the owner of the house.⁴

Rab once said to R. Aha Bardala: You have a kab of saffron of mine, give it to So-and-so, and I am telling you in his presence that I do not mean to change my mind. Are we to understand from this that if he had desired to change his mind he could have done so? — What Rab meant was that instructions such as these⁵ cannot be retracted. But this has already been laid down by Rab, since R. Huna said in the name of Rab: If a man says to another, You have a maneh of mine in your possession, give it to So-and-so, if he says this in the presence of the third party, [the latter] becomes legal owner? — If I had only that dictum to go by, I should suppose that this rule applies only to a big gift, but that for a small one it is not necessary for the third party to be present: now I know [that this is not so].

Some market gardeners [who were in partnership] once squared accounts with one another, and found that one had five staters⁶ too much. Said the others to him in the presence of the owner

of the land, 'Give it to the owner of the land',⁷ and they duly acquired' from him.⁸ Afterwards he reckoned up by himself, and found that he had nothing over. He went to consult R. Nahman. Said [the latter] to him: What can I do for you? For one thing, there is the rule laid down by R. Huna in the name of Rab,⁹ and for another thing, they¹⁰ duly 'acquired' from you. Said Raba to him: Does this man say. I am unwilling to pay? What he pleads is, I do not owe the money. Whereupon R. Nahman said: If so, possession has been transferred in error, and in such a case the money must always be returned.

It has been stated: If a man says to another, 'Take to So-and-so the maneh which I owe him', Rab says. he continues to be responsible for it, and he is not at liberty to retract the commission, whereas Samuel says that since he is still responsible he is at liberty to retract. May we presume that the point at issue between them is this, that one authority¹¹ was of opinion that 'take' is equivalent to 'accept on behalf of',¹² and the other¹³ was of opinion that 'take' is not equivalent to 'accept on behalf of'? — No. Both are agreed that 'take' is equivalent to 'accept on behalf of', and the point at issue is this, that one was of opinion that we make one ruing¹⁴ because of another,¹⁵ and the other was of opinion that we do not. It has been taught in agreement with Rab:¹⁶ If a man says to another, Take to So-and-so the maneh which I owe him, give So-and-so the maneh which I owe him, take to So-and-so the maneh which he has given me in trust, give So-and-so the maneh which he has given me in trust, he remains responsible for the money, yet if he wishes to retract the commission he is not at liberty to do so. Why should he not be able to retract in the case of trust money, on the plea that [the depositor] does not desire his money to be in the hand of another [party]? — R. Zera answered: We assume that [the sender in this case] is known as a man who denies [his obligations].¹⁷ R. Shesheth had some money owing to him in Mahuza for some cloaks [which he had sold there]. He said to R. Joseph b. Hama [who was going there]: When you come back from there, bring the money with you. [R. Joseph] went [to them] and they gave him the money. They said to him: 'Give us a quittance'.¹⁸ At first he said, 'yes', but afterwards he excused himself. When he returned, R. Shesheth said to him: You acted quite rightly,¹⁹ not to make yourself a borrower [who] is the slave of the lender.²⁰ According to another version he said to him: You acted quite rightly: 'a borrower is the slave of the lender.'²¹

R. Ahi the son of R. Josiah had a silver cup²² in Nehardea.

(1) Even if the latter had not yet been born at the time of the loan.

(2) If the debt is transferred to them.

(3) And not absolute owner.

(4) For fuller notes v. B.B. (Sonc. ed.) pp. 616 ff.

(5) Made in the presence of the third party.

(6) A silver stater = half a zuz.

(7) [Trani adds: for ground-tax.]

(8) [So Trani. That is, they made him obligate himself by means of a Kinyan (v. Glos.) to carry out his undertaking: cur. edd. 'he' is evidently an error.]

(9) [That a transfer of claims made in the presence of the third party takes immediate effect.]

(10) [So cur. edd.]

(11) Nab.

(12) For this reason he may not retract, though he still continues to be responsible, as the creditor did not give him

the permission to entrust the money to the bearer.

(13) Samuel.

(14) That he is at liberty to retract: lit., 'that we say since'.

(15) That he is still responsible.

(16) Tosef. Git. I.

(17) And therefore the recipient is satisfied that the money should be in the hands of the hearer.

(18) Lit., 'let us obtain a kinyan from you', relieving us of all further responsibility.

(19) In refusing to assume responsibility.

(20) Prov. XXII, 7.

(21) I.e., my debtors are still under obligation to me.

(22) [GR. **, v. Krauss. TA. II, 415.]

Talmud - Mas. Gittin 14b

He said to R. Doseithai the son of R. Jannai and to R. Jose b. Kifar [who were going there]: When you come back from there, bring it with you. They went and got it [from the people who had it]. They said to them: 'Give us a quittance'. They said, 'No'. 'Then give it back', they said. R. Doseithai the son of R. Jannai was willing, but R. Jose b. Kifar refused. They gave him a thrashing,¹ and said to R. Doseithai: 'See what your friend² is doing'. He replied: 'Thrash him well'.³ When they returned to R. Ahi, R. Jose said: 'Look, sir, not only did he not assist me, but he said to them, "Thrash him well". He said to R. Doseithai: 'Why did you do so?' He replied: 'Those people are like posts, and their hats as long as themselves.⁴ Their voice comes from their boots,⁵ and their names are outlandish — Arda and Arta and Pili Baris.⁶ If they give the order to arrest, you are arrested; to kill, you are killed. If they had killed [poor] Doseithai, who would have given Jannai my father a son like me?' 'Have these men', he asked, 'influence with the Government?' 'Yes', he replied. 'Have they a retinue [mounted on] horses and mules?'⁷ 'Yes'. 'If that is so', he said, 'you acted rightly'.

If a man said to another, Take a maneh to So-and-so, and he went and looked for him, but did not find him [alive], one [Baraita] teaches he must return the money to the sender, and another [Baraita] teaches he must give it to the heirs of the man to whom it was sent. Shall we say that the point at issue [between the two authorities] is that one is of opinion that 'take' is equivalent to accept on behalf of', and the other that it is not? — Said R. Abba b. Memel: No. Both are agreed that 'take' is not equivalent to accept on behalf of', and there is no difference of opinion between them, as the one speaks of a sender who is in health and the other of one who is on a death bed.⁸ R. Zebid said: Both speak of a sender who is on a death bed, but the one [has in mind the case] where the recipient is alive at the time when the money was given [to the bearer], and the other [the case] where he was not alive at the time. R. Papa says: Both speak of a case where the sender was in health,⁹ but the one [had in mind the case] where the recipient died while the sender was still alive,¹⁰ and the other [the case] where the sender died¹¹ while the recipient was still alive.¹²

May we assert that the question whether 'take' is equivalent to accept on behalf of' is one on which there was a difference of opinion among the Tannaim, as it has been taught: [If a man said to another,] Take a maneh to So-and-so, and he went and looked for him and did not find him [alive], he must return the money to the sender. If the sender has also died meanwhile, R. Nathan

and R. Jacob say that he should return it to the heirs of the sender; or as some say, to the heirs of the person to whom the money was sent; R. Judah the Prince said in the name of R. Jacob, who said it in the name of R. Meir, that it is a religious duty to carry out the wishes of the deceased: The Sages say that the money should be divided: while here [in Babylon]¹³ they say that the bearer should use his own discretion. R. Simeon the Prince said: I had to deal with a case of this kind, and it was decided that the money should be returned to the heirs of the sender. May we regard the point at issue here as being this, that the first Tanna was of opinion that ‘take’ is not equivalent to ‘accept on behalf of’, and that R. Nathan and R. Jacob were of the same opinion and also held that even where the sender has died in the meanwhile we do not in this case say that it is a religious duty to carry out the wishes of the deceased; that the ‘some’ [authorities] held that ‘take’ is equivalent to ‘accept on behalf of’; that R. Judah the Prince speaking in the name of R. Jacob who again spoke in the name of R. Meir held that ‘take’ is not equivalent to ‘accept on behalf of’, only where the sender has died [in the meanwhile] we do say that it is a religious duty to carry out his wishes; that the Sages who say they should divide are in doubt [as to which principle to adopt], while here [in Babylon, other authorities] think that the bearer can best estimate for himself; and as for R. Simeon the Prince, he simply desired to give an illustration? — No. If the sender is in health, all authorities are agreed [that ‘take’ is not equivalent to ‘accept on behalf of’]. Here, however, we are dealing [with the case] where [the sender is] on a death bed, and the dispute here is analogous to the dispute between R. Eleazar and the Rabbis. For we learnt: If a man divides his property among his heirs by word of mouth, R. Eleazar says that whether he is in health or dangerously ill, immovable property can be transferred to the new owners only by money payment, by document, or by act of possession, and movable property only by ‘pulling’, whereas the Sages say that transference of ownership is effected in both cases by his mere word of mouth. Said [the Sages] to him: There is the case of the mother of the sons of Rokel who was ill and said, Let my brooch be given

(1) Lit., ‘they vexed him’.

(2) Lit., ‘the master’.

(3) Al. ‘He deserves his thrashing’.

(4) Lit., ‘they are a cubit and their hats are a cubit’.

(5) Lit., ‘they speak from their middles’.

(6) [On this passage. and for an attempt to explain the names mentioned, v. Rappaport, Kerem Chemed VII p. 199.]

(7) Lit., ‘have they horses and mules running before them’.

(8) Whose verbal instructions have the character of a written deposition. v. supra 15a.

(9) And his verbal instructions have not the force of a written deposition.

(10) And it goes back to the sender.

(11) (At which point the gift takes immediate effect because the carrying out of the wishes of the dead is deemed a religious obligation.)

(12) And the money now goes to the heirs of the recipient.

(13) [This is quoted by Chajes in support of Sherira's view in his Epistle that Babylon was a centre of Torah studies from the earliest days, ever since the first deportation of Jews in 596 B.C.E. V. supra p. 17, n. 3 and Halevy, Doroth II, pp. 82ff.]

Talmud - Mas. Gittin 15a

Talmud - Mas. Gittin 15a

to my daughter, it is worth twelve maneh; and then she died and the Sages carried out her instruction? He replied: The sons of Rokel — may their mother bury them!¹ The first Tanna [in our passage] holds with R. Eleazar,² and R. Nathan and R. Jacob also hold with R. Eleazar, [so much so] that although the owner dies, we do not say that it is a religious duty to carry out his wishes. ‘Some’ [authorities] hold with the Rabbis. R. Judah speaking in the name of R. Jacob who himself spoke in the name of R. Meir held with R. Eleazar, only where the sender had died in the meanwhile he applied the principle of carrying out the wishes of the deceased. The Sages said the money should be divided, because they were in doubt. ‘Here’ [in Babylon] they said that the bearer could best estimate for himself, while R. Simeon the Prince merely desired to give an illustration.

A question was asked in the Beth Hamidrash: Was R. Simeon the Prince really a prince,³ or did he speak in the name of the Prince? — Come and hear: R. Joseph said that the halachah follows the ruling of R. Simeon the Prince. But the question still remains whether he was a Prince or only spoke in the name of a Prince? — Let it stand over.

The text above says: R. Jose said that the halachah follows the ruling of R. Simeon the Prince. But is it not an established rule that the words of a man on his death bed have the same force as if they were written and delivered? [R. Joseph] understands [the Baraitha] to be speaking of the case [where the sender was] in good health. But R. Simeon said it should be returned ‘to the heirs of the sender’. though all are agreed it is a fixed rule that it is a religious duty to carry out the instructions of the deceased? — Read⁴: ‘returned to the sender’.

CHAPTER II

MISHNAH. IF THE BEARER OF A GET FROM ‘FOREIGN PARTS’ DECLARES: ‘IT WAS WRITTEN IN MY PRESENCE BUT NOT SIGNED IN MY PRESENCE’, [OR]. ‘IT WAS SIGNED IN MY PRESENCE BUT NOT WRITTEN IN MY PRESENCE’, [OR] ‘THE WHOLE OF IT WAS WRITTEN IN MY PRESENCE BUT ONLY ONE OF THE WITNESSES SIGNED IN MY PRESENCE’,⁵ [OR] ‘ONLY HALF WAS WRITTEN IN MY PRESENCE THOUGH BOTH WITNESSES⁶ SIGNED IN MY PRESENCE’ — IN ALL THESE CASES THE GET IS INVALID.⁷ IF ONE [PERSON] DECLARES ‘IT WAS WRITTEN IN MY PRESENCE AND ANOTHER SAYS, ‘IT WAS SIGNED IN MY PRESENCE’. THE GET IS INVALID. IF TWO [PERSONS] DECLARE, ‘IT WAS WRITTEN IN OUR PRESENCE AND ANOTHER SAYS, ‘IT WAS SIGNED IN MY PRESENCE’, IT IS INVALID: R. JUDAH, HOWEVER, DECLARES IT VALID. IF ONE DECLARES, ‘IT WAS WRITTEN IN MY PRESENCE’ AND TWO SAY, ‘IT WAS SIGNED IN OUR PRESENCE’, IT IS VALID.

GEMARA. Why this repetition? Is it not all included in what we have already learnt: The bearer of a Get from ‘foreign parts’ is required to declare, ‘In my presence it was written and in my presence it was signed’?⁸ — If I had only that to go by, I might think that [though] he is required [to make this declaration], yet if he omitted [to do so the Get is still] valid. Now I know that [this is not the case].

ONLY HALF OF IT WAS WRITTEN IN MY PRESENCE THOUGH BOTH WITNESSES SIGNED IN MY PRESENCE. Which half is referred to? If you say the first half, what of the dictum of R. Eleazar, that if only one line⁹ is written with special reference to the woman for whom it is intended, the rest requires no such [‘special intention’]? — R. Ashi therefore said that the second half is meant.

THE WHOLE WAS WRITTEN IN MY PRESENCE BUT ONLY ONE WITNESS SIGNED IN MY PRESENCE. R. Hisda said: Even if two other persons attest the signature of the second witness, the Get is still invalid. What is the reason for this? — In regard to both signatures alike¹⁰ we must either insist on confirmation¹¹ or follow the regulation of the Rabbis.¹² Raba demurred strongly to this [reasoning]. Is there anything, he said, which is declared valid on the word of one witness¹³ and invalid on the word of two? No, said Raba; what we must say is that even

(1) As much as to say, they are men of such bad character that their name is not fit to be mentioned in the Beth Hamidrash, and they do not form a precedent. For fuller notes v. B.B. (Sonc. ed.) p. 679.

(2) Who makes no distinction between a man in health or dying, while ‘take’ is not treated as ‘accept on behalf’.

(3) Nasi, the title of the officially recognised head of the Jewish community in Palestine under the Roman Empire, corresponding to the Resh Galutha in Babylonia. [The name of Simeon the ‘Prince’ does not occur elsewhere, hence the question whether his designation was ‘the Prince’ or whether the words ‘in the name of the Prince’ are omitted from the text. For a similar omission cf. B.K. 39b, 1, v. Tosaf.]

(4) .

(5) Lit., ‘half of it was signed in my presence’.

(6) Lit., ‘the whole of it was signed’.

(7) The rule being that it must all be written and signed by two witnesses in his presence.

(8) Which implies that it was completely written and completely signed in his presence. (Rashi).

(9) Viz., the line containing the name of the man and of his wife and the date.

(10) Lit., ‘the whole of it’.

(11) By the attestation of two witnesses. V. supra 2b.

(12) Which requires a declaration from the bearer.

(13) Viz, the bearer, whose word is taken if he says that he recognises the signature of the witness; supra 3a.

Talmud - Mas. Gittin 15b

if the bearer and another person confirm the signature of the second witness,¹ [the Get] is invalid,² because this might be taken as a precedent for the attestation of other documents, and in this way three-quarters³ of a sum in dispute might be assigned on the word of one witness.⁴ R. Ashi strongly demurred to this [reasoning]. Is there anything, he said, which if stated by one persons is valid, but becomes invalid if another joins with him? No, said R. Ashi, what we have to say is that even if the bearer Says. ‘I myself am the second witness’, [the Get] is invalid, because in regard to both signatures alike we must either insist on confirmation or follow the regulation of the Rabbis.

We learnt: [IF HE DECLARES.] ‘THE WHOLE WAS WRITTEN IN MY PRESENCE BUT ONLY ONE WITNESS SIGNED IN MY PRESENCE’, THE GET IS INVALID. What now about the other witness? Do we presume that there is no-one who attests his signature? That

cannot be; for even where one [person declares] 'IT WAS WRITTEN IN MY PRESENCE' AND ANOTHER SAYS 'IT WAS SIGNED IN MY PRESENCE', in which case one testifies to the whole of the writing and the other to the whole of the signing [— even in that case the Get] is invalid; how much more so then if only half [of the signing is attested]? No; this shows that the proper explanation is either that of Raba or of R. Ashi, and that R. Hisda's is to be excluded.⁵ And R. Hisda? — He can rejoin: On your theory,⁶ what need is there to specify the case of 'in my presence it was written but not signed' [etc.]? Obviously the Mishnah was giving first a weaker and then a stronger instance;⁷ so here, the Mishnah gives first a weaker and then a stronger instance.⁸

R. Hisda said: An embankment five handbreadths deep and a fence [on it] five handbreadths high are not reckoned together [to form a single partition of ten handbreadths];⁹ the whole of the ten must be contained either in the embankment or in the fence. Meremar, however, in an exposition, [taught] that an embankment of five handbreadths and a fence on it of five handbreadths are reckoned together; and the law is that they are reckoned together.

Ifa inquired: Can the hands be half clean and half unclean, or can they not be? How is this question to be understood? Does it mean that two persons wash their hands from a *revi'ith*?¹⁰ Regarding this we have already learnt that a *revi'ith* is sufficient for washing the hands of one [person] and even of two.¹¹ Is the case then that he washes one hand at a time? In regard to this too we have learnt¹² that if a man washes one hand by pouring water over it and the other by dipping [it in a river] the hands are clean. Is it then that he washes a half of his hand at a time? Regarding this it has been laid down in the school of R. Jannai that the hands cannot be made clean by halves. — The question may still be asked in regard to the case where the water is still dripping [from one hand¹³ when he washes the second]. And suppose the water is dripping, what does it matter? Have we not learnt:

(1) I.e., declare that they know this to be his signature.

(2) In spite of the fact that if the bearer testifies alone, it is valid.

(3) Lit., 'deducting a fourth'.

(4) If a document is brought into court signed by two witnesses, A and B, of whom B is dead, and if A together with a third party attests the signature of B, then if money were to be awarded on the strength of that document, three-quarters of it would be awarded on the evidence of the one witness A, which is against the rule, as each witness must be responsible for a half, v. Keth. 21b.

(5) The Mishnah quoted above ('if he says the whole was written in my presence but only one witness signed in my presence') has just been shown to be superfluous, and we are therefore entitled to infer some lesson from it. That inference, however, should be restricted to a minimum, and therefore the opinions of Raba and R. Ashi are preferable to that of R. Hisda.

(6) That an apparent superfluity must be made the basis of some lesson.

(7) Lit., 'not only this (but) also this'. I.e., first 'in my presence it was not signed (at all)', and then 'in my presence only one witness signed', the first case being contained in the second.

(8) First where one attests the writing and the other the signatures, and then where one signature is left unattested.

(9) So as to enclose a space which can be considered as 'private domain' for the purposes of transportation on Sabbath.

(10) A quarter of a log, about 1 1/2 eggs; the minimum required for the ritual washing of the hands before meals.

(11) Naz. 382. Yad. I, 2.

(12) Yad. II, 1.

(13) So that it is possible still to regard the hands as being washed together.

Talmud - Mas. Gittin 16a

‘A jet of water [from a jug] or water flowing down a slope, or dripping water, does not form a connection so as to make [the water] unclean¹ or clean?² — The question is still required for the case where the dripping is considerable.³ But regarding this also we have been taught that where the dripping is considerable, it does form a connection. — Perhaps this dictum refers only to a mikweh,⁴ and follows the opinion of R. Judah: For we learnt: ‘If a mikweh contains exactly forty se’ahs of water and two persons bathe in it, if they both are in the water together they are both clean, but if one enters after the other has left, the first is clean but the second not’.⁵ R. Judah said that if the feet of the first were still touching the water [when the second entered], the second is also clean.⁶

R. Jeremiah said: It has been laid down that if a person plunges the greater part of his body in water drawn [through a pipe],⁷ or if three logs of such water are poured over the greater part of the body of a clean person, he is unclean.⁸ R. Jeremiah then propounded: Suppose he plunges half of his [body into such water] and three logs of it fall on the other half, is he unclean? This question was left unanswered. R. Papa said: It has been laid down that if a sick person had a seminal emission and nine kabs of water are thrown over him, he is clean. R. papa then asked: If he dips half his [body in water] and [water is] thrown over the other half, is he clean? This question was also left unanswered.

IF ONE DECLARES, ‘IT WAS WRITTEN IN MY PRESENCE AND THE OTHER, etc.’ R. Samuel b. Judah said in the name of R. Johanan: This rule applies only to the case where the Get was not brought by both as joint bearers, but if it is brought by both of them

(1) I.e., if water is falling or dripping from a receptacle containing ‘clean’ water into one containing ‘unclean’ it does not thereby communicate the uncleanness of the lower to the upper.

(2) [I.e., if a mikweh has less than 40 se’ahs, water dripping from another mikweh it cannot make up the deficiency; but v. Tosaf. s.v. **eumhbv**]

(3) Lit., ‘enough to make wet’.

(4) V. Glos. And not to the washing of the hands.

(5) [Because the first had taken away some water on the body and thus rendered the mikweh deficient from the minimum of 40 se’ahs.]

(6) [On the principle, **hjt sud** (lit., ‘stretch and bring down’) whereby a partition is supposed to be prolonged so as to reach down to the ground. Similarly here the first man is treated as forming part of the partition of the mikweh reaching down to the mikweh proper. This principle may be adopted even if that of **ruchj** ‘connection’ is not.]

(7) Or any vessels. And not flowing in directly without any artificial intermediary.

(8) For eating terumah. V. Shab. 14a.

Talmud - Mas. Gittin 16b

Talmud - Mas. Gittin 16b

it is valid. We conclude that he was of opinion that if a Get was brought by two bearers from 'foreign parts', they are not required to declare 'In our presence it was written and in our presence it was signed.'¹ Said Abaye to him: Taking this view [as correct], let us look at the clause which follows: IF TWO SAY, 'IT WAS WRITTEN IN OUR PRESENCE', AND ONE SAYS, 'IT WAS SIGNED IN MY PRESENCE', IT IS INVALID; R. JUDAH, HOWEVER, DECLARES IT TO BE VALID. The reason, you say, why the Rabbis declare it invalid is because it was not brought by both of them as bearers. Are we to suppose then that if both of them did act as bearers, the Rabbis hold the Get to be valid? — He replied: That is so. In the case then where both do not act as bearers of the Get, what is the ground of the difference [between R. Judah and the Rabbis]? — One authority [the Rabbis] held that there is a risk of the procedure [in the case of a Get] being taken as an example for allowing one witness to confirm [signatures] of documents in general, and the other held that there is no such danger.

Another version [of the above passage is as follows]. R. Samuel b. Judah said in the name of R. Johanan: Even if both witnesses have acted as bearers of the Get, it is invalid. We conclude that he was of opinion that if two persons act as joint bearers of a Get from 'foreign parts', they are required to declare, 'In our presence it was written and in our presence it was signed'. Said Abaye to him: Accepting this view [as correct], let us look at the next clause: IF TWO SAY, 'IT WAS WRITTEN IN OUR PRESENCE, AND ONE SAYS, 'IT WAS SIGNED IN MY PRESENCE', IT IS INVALID. R. JUDAH, HOWEVER, DECLARES IT VALID. Then the Rabbis declare it invalid even if both have acted as bearers? — He replied: That is so. What is the point at issue between R. Judah and the Rabbis? — One authority [the Rabbis] was of opinion that the reason why the declaration is required is because [the Jews outside Palestine] are not familiar with the rule of 'special intention',² and the other [R. Judah], because witnesses cannot easily be found to attest the signatures.³ May we infer from this that the dispute between Rabbah and Raba goes back to the Tannaim? — No. Raba adopts the first version of the passage just quoted.⁴ Rabbah, [adopting the second], can maintain that both authorities require the declaration on account of the rule of 'special intention', and here we are dealing with the period when this had become generally known, and the point at issue between R. Judah and the Rabbis is whether there is a danger of a reversion to the former ignorance, one [the Rabbis] holding that there was such a danger and it was necessary to take precautions against it, and the other that it was not. But according to this, R. Judah should join issue in the first clause⁵ also? — This is in fact the case, as has been stated: 'Ulla said that R. Judah differed from the Rabbis in the first case also. R. Oshiah raised an objection to 'Ulla. [It has been taught:] R. Judah declares [the Get] valid in this case, and not in the other. Does he not mean by this, [he said,] to except the case where one says 'It was written in my presence' and one says 'it was signed in my presence'? — No. He means to except the case where one says, 'It was signed in my presence but not written in my presence'. I might think that since R. Judah does not think it necessary to guard against the danger of a recurrence of the ignorance,⁶ so also he does not think it necessary to guard against the danger of confusing writs of divorce with other documents through allowing confirmation by one witness.⁷ Now I know [that this is not the case]. It has also been stated:⁸ Rab Judah said: In the matter of a Get which is brought by two bearers from 'foreign parts', we find a difference of opinion between R. Judah and the Rabbis.

Rabbah b. Bar Hanah was once ill, and Rab Judah and Rabbah went to inquire how he was. While with him, they put to him the question: If two bearers' bring a Get from 'foreign parts', are they required to declare, 'In our presence it was written and in our presence it was signed', or are they not required? — He replied: They are not required. For if they were to say, 'In our presence he divorced her', would we not take their word? At this point a Gueber⁹ came in

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- (1) Since the reason for this declaration (which is because there may not be witnesses available to attest the signatures, v. supra 2b) does not apply where there are two bearers.
 - (2) And therefore where there are two bearers, they must make the whole declaration.
 - (3) And therefore two bearers are not required.
 - (4) According to which two bearers are not required.
 - (5) If one says that it was written in his presence and one that it was signed in his presence. Since the bearers are two and he does not fear the reversion to their former ignorance.
 - (6) By declaring the Get invalid if one declares that he has seen it written and one that he has seen it signed.
 - (7) If one witness is allowed to confirm the signature to the Get.
 - (8) In support of the second version of R. Johanan.
 - (9) A member of the fanatical sect of fire-worshippers who became powerful in the Persian Empire in the fourth century.

Talmud - Mas. Gittin 17a

and took away their lamp;¹ whereupon Rabbah b. Bar Hanah ejaculated: 'O All Merciful One! either in Thy shadow or in the shadow of the son of Esau!'² This is as much as to say, [is it not,] that the Romans are better than the Persians? How does this square with what R. Hiyyah taught: 'What is the point of the verse, God understood her way and he knew her place?'³ It means that the Holy One, blessed be He, knew that Israel would not be able to endure the persecution of the Romans, so he drove them to Babylon'⁴ — There is no contradiction. One dictum refers to the period before the Guebers came to Babylon, the other to the period subsequent to their coming.⁵

IF ONE SAYS, 'IT WAS WRITTEN IN MY PRESENCE' AND TWO SAY IT WAS SIGNED IN OUR PRESENCE, IT IS VALID. R. Ammi said in the name of Johanan: This applies only to the case in which the Get is produced by the witness to the writing [as bearer]. since in that case there is the equivalent of two witnesses⁶ to the writing and two to the signing. If, however, it is produced by the witnesses to the signing [as bearers], [the Get] is invalid. This would show, [would it not,] that he is of opinion that if two [bearers] bring a Get from 'foreign parts', they are required to declare, 'It was written in our presence and signed in our presence'? Said R. Assi to him: Accepting this view, look at the preceding clause: IF TWO SAY, 'IT WAS WRITTEN IN OUR PRESENCE' AND ONE SAYS, 'IT WAS SIGNED IN MY PRESENCE', IT IS INVALID: R. JUDAH, HOWEVER, DECLARES IT VALID. Do the Rabbis declare it invalid even if the Get is produced by both [as bearers]? — He replied: That is so. At another time R. Assi found R. Ammi poring [over the Mishnah] and saying that even if the Get [is produced] by the witnesses to the signing [as bearers],⁷ it is valid. This seemed to show that he was of opinion that if two [bearers jointly] brought a Get from foreign parts, they are not required to declare, 'It was written in our presence and signed in our presence'. Said R. Assi to him: If that is so, what of the preceding clause: IF TWO SAY, 'IT WAS WRITTEN IN OUR PRESENCE'

Talmud - Mas. Kethuboth 2a

CHAPTER I

MISHNAH. A MAIDEN IS MARRIED¹ ON THE FOURTH DAY [OF THE WEEK] AND A WIDOW ON THE FIFTH DAY, FOR TWICE IN THE WEEK THE COURTS OF JUSTICE² SIT IN THE TOWNS, ON THE SECOND DAY [OF THE WEEK] AND ON THE FIFTH DAY, SO THAT IF HE [THE HUSBAND] HAD A CLAIM AS TO THE VIRGINITY [OF THE MAIDEN-BRIDE] HE COULD GO EARLY [ON THE MORNING OF THE FIFTH DAY OF THE WEEK] TO THE COURT OF JUSTICE.

GEMARA. R. Joseph said: Rab Judah said [that] Samuel said: Why did they [the Rabbis] Say. A MAIDEN IS MARRIED ON THE FOURTH DAY? Because we have learned:³ 'If the time [appointed for the marriage] arrived and they⁴ were not married,⁵ they⁴ eat of his [food]⁶ and they eat⁷ of terumah⁸ — you might think that if the time arrived on the first day in the week he would have to supply her with food, therefore have we learned, A MAIDEN IS MARRIED ON THE FOURTH DAY.⁹ Said R. Joseph: Lord of Abraham!¹⁰ He [Samuel] attaches a Mishnah which was taught, to a Mishnah which was not taught! Which was taught and which was not taught? This was taught and this was taught! — But [put it this way]: he attaches a Mishnah, the reason of which was explained,¹¹ to a Mishnah, the reason of which was not explained.¹² But if it was said,¹³ it was said thus; Rab Judah said [that] Samuel said: Why did they say, A MAIDEN IS MARRIED ON THE FOURTH DAY? Because IF HE HAD A CLAIM AS TO THE VIRGINITY HE COULD GO EARLY [NEXT MORNING] TO THE COURT OF JUSTICE — well, let her be married on the first day in the week, so that if he had a claim as to virginity he could go early [on the morning of the second day of the week] to the court of justice! [The answer is:] The Sages watched over the interests¹⁴ of the daughters of Israel so that [the bridegroom] should prepare for the [wedding.] feast three days, [namely] on the first day in the week, the second day in the week, and the third day in the week, and on the fourth day he marries her. And now that we have learned 'shakedu',¹⁵ that [Mishnah] which we have learned: If the time arrived and they were not married, they eat of his [food] and they eat of terumah, [is to be understood as implying that if] the time arrived on the first day in the week, since he cannot marry [her, on the first day of the week, on account of the ordinance], he does not give her food [on the three days, from the first day of the week to the fourth day]. Therefore¹⁶ [R. Joseph concludes], if he became ill or she became ill, or she became menstruous,¹⁷ he does not give her food.

Some [scholars] there are who put this as a question: If he became ill, what is [the law]?¹⁸ [Shall I say:] There.¹⁹ the reason [he need not support her,] is because he is forced,²⁰ and here, he is also forced?²¹ Or shall I say] perhaps, there.²² he is forced²³ by an ordinance which the Rabbis ordained,²⁴ [but] here, [he is] not?²⁵ And if you will say:²⁶ If he became ill he supplies her with food, [then the question would still be:] if she became ill, what is [the law]? Can he say unto her, 'I am here ready to marry you'? Or, perhaps, she can say unto him, 'His field²⁷ has been flooded'?²⁸ And if you will say [that] she can say to him [when she falls ill], 'His field has been flooded.' [then the question is,] if she became menstruous, what is [the law]? During her regular time there is no question

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- (1) Lit., 'is taken' as wife.
 - (2) Lit., 'houses of judgment (law, justice)'.
 - (3) V. infra 57a.
 - (4) The maiden or the widow.
 - (5) The marriage did not take place through the man's fault.
 - (6) The man has to maintain them.
 - (7) If the man (the bridegroom) is a priest.
 - (8) The priest's share of the crop. v. Glos.
 - (9) And thus to teach that it is not his fault that he does not marry her on the first day in the week, because the Rabbis ordained that he has to wait with the marriage till the fourth day (in the case of a maiden), or the fifth day (in the case of a widow).
 - (10) An exclamation, like 'O, God!' (v. Rashi ad loc.).
 - (11) Our Mishnah: So THAT . . . HE COULD GO EARLY TO THE COURT OF JUSTICE.
 - (12) V. infra 57a.
 - (13) The saying of Samuel.
 - (14) Lit., 'ordinance', 'improvement.
 - (15) 'They (the Sages) watched', etc. — the principle just stated.
 - (16) Since ye find that the bride has no claim to maintenance where he is not to blame [or the delay in the marriage.
 - (17) After the time for the marriage had arrived and the marriage cannot take place through one of these causes.
 - (18) Lit 'how is it?'
 - (19) When the appointed date of the marriage falls on the first day of the week, v. infra 57a.
 - (20) By the ordinance of the scholars, according to which he must wait till the fourth day of the week (**usea**).
 - (21) By his illness to postpone the marriage.
 - (22) When the appointed date of the marriage falls on the first day of the week.
 - (23) To postpone the marriage.
 - (24) And therefore he need not support her.
 - (25) I.e., in this case he would have to support her since the postponement of the marriage is due to his illness.
 - (26) Lit., 'And if you may be able (or, find it possible) to say.'
 - (27) Another reading is 'thy field'. The sense is, of course, the same.
 - (28) I.e., it is his bad luck that she became ill, and consequently he must support her.

Talmud - Mas. Kethuboth 2b

that she cannot say to him, 'His field has been flooded'. When is the question asked? [If she became menstruous] not during her regular time, what is [the law]? Since it is not during her regular time, she can say unto him, 'His field has been flooded'? Or, perhaps, since there are women who change their periods. It is as if it was her regular time? R. Ahai explained:¹ [We learnt:] When the time came and they were not married, they eat of his food and they eat of terumah.² It does not state. 'They [the men] did not marry them [the women]' but [it says] 'They [the women] were not married.' In what case? If they prevent,³ why do they eat of his food and eat of the terumah? Hence, you must say [must you not].⁴ that they were forced as in this case,⁵ and it states 'they eat of his food and they eat of terumah'? — R. Ashi said: Indeed I can say⁶ [that] in the case of an accident⁷ she does not eat [of his].⁸ And [here]⁹ they [the men]

prevented.¹⁰ And by right he ought to have stated, ‘they [the men] did not marry [the women].’¹¹ But since the first clause¹² speaks of them [the women] the latter clause also speaks of them [the women].¹³

Raba said: And with regard to divorce¹⁴ it is not so.¹⁵ Accordingly Raba holds [that] accident is no plea in regard to divorce.¹⁶ Whence does Raba get this [rule]? Shall I say, from what we have learned: ‘Behold this is thy bill of divorce if I come not [back] from now until twelve months,’¹⁷ and he died within the twelve months, there is no divorce.¹⁸ [And we would conclude from this that only if] he died there is no divorce,¹⁹ but if he became ill²⁰ there is a divorce!²¹ But perhaps indeed I might say [that] if he became ill there would also be no divorce.²² and [the Mishnah]²³ lets us hear just this [rule], that there is no divorce after death.²⁴ [That] there is no divorce after death, a previous Mishnah²⁵ teaches: ‘Behold, this is thy bill of divorce if I die,’ [or] ‘behold, this is thy bill of divorce from this illness,’²⁶ [or] ‘behold, this is thy bill of divorce after [my] death,’ he has not said anything.²⁷ [But] perhaps [that²⁸ is] to exclude from that²⁹ of our teachers, for it has been taught: Our teachers allowed her to marry again.³⁰ And we said: Who are ‘our teachers’? Rab Judah said [that] Samuel said: The court that allowed the oil [of the heathen]:³¹ they³² hold like R. Jose who said, ‘the date of the document shows it.’³³ But from the later clause:³⁴ ‘[This is thy bill of divorce]³⁵ from now if I come not [back] from now [and] until twelve months’, and he died within the twelve months, it is a divorce. [And we may deduce] ‘if he died’, and the same rule applies if he became ill.³⁶ [But] perhaps [the divorce is effective] only when he died, because it was not pleasing to him that she should become subject to³⁷ the yabam!³⁸ — But [the deduction can be made] from this: There was a certain [man]³⁹ who said unto them:⁴⁰ ‘If I do not come [back] from now until thirty days it shall be a divorce.’⁴¹ He came [back] at the end of thirty days but the ferry stopped him.⁴² He said unto them,⁴³ ‘Look, I have come [back]; look, I have come [back]!’⁴⁴ Said Samuel: This is not regarded as having come back.⁴⁵ But perhaps an accident which is frequent⁴⁶ is different,⁴⁷ for since he ought to have stipulated it⁴⁸ and he did not stipulate it, he injured himself!⁴⁹ — But [we must say] Raba expressed an opinion of his own:⁵⁰ On account of the chaste women and on account of the loose women.⁵¹ On account of the chaste women,⁵² because if you will say that it should not be a divorce.⁵³

(1) I.e., ‘answered’.

(2) Mishnah 57a: v. supra.

(3) If the women cause the hindrance to the marriage taking place now..

(4) Lit., ‘but is it not’.

(5) Lit., as in this manner’, that is, when menstruation appeared outside the regular time.

(6) Lit., ‘always I say unto thee’.

(7) As irregular menstruation (v. n. 10). The accident is a mishap that comes from the woman.

(8) Lit., ‘every accident, she does not eat.’

(9) In the Mishnah quoted by R. Ahai.

(10) The marriage from taking place now’.

(11) And not ‘they (the women) Here not married’.

(12) Of the Mishnah, quoted by R. Ahai: V. infra 57a.

(13) I.e., since that Mishnah speaks in the first clause of ‘maiden’ and ‘widow’, it uses in the clause that follows the passive ‘they were not married’ the subjects of which are the ‘maiden and the ‘widow’ to use the active ‘they did not marry’, referring to the men, would have required more words in that clause.

- (14) Lit., 'deeds (of divorce).'
- (15) I.e., an accident, as explained infra, does not invalidate a divorce.
- (16) Lit. , 'there is no accident with divorce'.
- (17) These words the husband says to the wife. 'From now until twelve months, means 'within twelve months,.
- (18) Lit., 'it is not a Get,' (v. Glos.) that is, the divorce does not take effect: v. Git. 76b.
- (19) Because there can be no divorce after death.
- (20) And he could not come back within the twelve months through his illness.
- (21) Which proves that we do not admit a plea of force majeure to invalidate a Get.
- (22) For the plea of accident does apply to divorce.
- (23) Git. 76b.
- (24) And no other deduction, e.g.. as to illness, is to be made from that Mishnah.
- (25) Git. 72a. Lit., 'beginning', 'first clause', denoting here a previous Mishnah.
- (26) This phrase is not clear. V. Rashi here and Git. 72a. The phrase seems to mean, 'If I die from this illness.' v. Tosaf. a.l.
- (27) I.e., his words have no effect.
- (28) I.e., the Mishnah of Git. 76b quoted above.
- (29) I.e., from the view of our teachers. If this is the object of (the first clause of) the Mishnah of Cit. 76b, Raba cannot deduce from this Mishnah that if he (the husband) became ill the divorce took effect: v. supra, also note 9.
- (30) 'Our teachers' regard her as divorced (against the Mishnah) and allow her to marry again without halizah. If she is regarded as a widow and she has no children she requires halizah before she can re-marry. As to halizah v. Deut. XXV. 5-10. and Glos.
- (31) V. A.Z. 36a and 37a.
- (32) I.e., the members of the court of justice.
- (33) [B.B. 136a: and so here the date inserted for the Get is intended to make it effective from the time of the delivery thereof. For further notes v. Git. (Sonc. ed.) p. 136].
- (34) I.e., Raba deduces the rule that the plea of accident does not apply to divorce from the second clause of the Mishnah, cf. Git. 76b.
- (35) v. Git. 76b.
- (36) And he could not come back on account of his illness.
- (37) Lit. , 'that she should fall before' (the yabam).
- (38) The husband's brother, who, if she was regarded as a widow (and not as divorced), would have to marry her or let her perform halizah.
- (39) A husband.
- (40) Certain persons who might be witnesses.
- (41) I.e., the bill of divorce given now shall become effective.
- (42) The ferry was on the other side of the river and he could not get across, and he was thus prevented (by this accident) from arriving in his town within the thirty days.
- (43) To persons standing near by.
- (44) The divorce should therefore not take effect.
- (45) Lit., 'Its name is not come back'" — the divorce, therefore, takes effect. This proves that force majeure is no plea in regard to Get.
- (46) I.e., an accident which is likely to occur, as the ferry being on the other side of the river.
- (47) Does not bar the divorce from becoming effective.
- (48) That if the ferry should be on the other side of the river and he could not get across and come into his town, it should be regarded as if he had arrived in the town and come back within the meaning of his condition, which

would thus be regarded as not fulfilled, and the divorce would, consequently, not take effect.

(49) He has himself to blame. The attempted deduction from the ferry case is therefore refuted.

(50) Since the rule of Raba, that an accident is no bar to the effectiveness of the divorce, cannot be derived from any Mishnah or from the ferry case, it is attributed to himself that is to his own reasoning.

(51) By 'loose women' are meant women who would not be particular about marrying again even if the validity of the divorce was not established.

(52) The divorce should be effective.

(53) That the divorce should not become effective because of the accident.

Talmud - Mas. Kethuboth 3a

sometimes [it may happen] that he was not held back by an accident,¹ and she would think that he was held back by an accident² and she would be tied, and sit.³ And on account of the loose women, because if you will say [that] it should not be a divorce, sometimes [it may happen] that he was held back by an accident⁴ and she would say⁵ that he was not held back by an accident⁶ and she would go and get married, and the result would be⁷ [that] the divorce was invalid⁸ and her children [from the second marriage] would be bastards.⁹ But is it possible¹⁰ that according to the law of the Bible it would not be a divorce¹¹ and on account of 'the chaste women' and on account of the 'loose women' we should allow a married woman¹² to the world?¹³ — Yes, every one who betroths in accordance with the sense of the Rabbis he betroths,¹⁴ and the Rabbis have annulled his betrothal.¹⁵ Said Rabina to R. Ashi: This might be well¹⁶ [if] he betrothed her with money,¹⁷ [but if] he betrothed [her] by act of marriage, what can one say [then]? — The Rabbis have made¹⁸ his act of marriage non-marital.¹⁹

Some, [however,] say²⁰ [as follows]: Raba said: And so [also] with regard to divorce. Accordingly Raba holds [that the plea of] accident applies to divorce.²¹ An objection was raised: 'Behold this is thy bill of divorce if I come not [back] from now [and] until twelve months,' and he died within the twelve months, there is no divorce. [Now] if he dies there is no divorce, but if he became ill there would be a divorce! — Indeed I might say [unto thee] that if he became ill there would be no divorce either, and [the Mishnah] lets us hear just this [rule]: that there is no divorce after death. [That] there is no divorce after death a previous Mishnah teaches! — Perhaps [that is] to exclude from that of our teachers. Come and hear:²² From now if I have not come [back] from now [and] until twelve months,' and he died within the twelve months, it is a divorce. Would not the same rule apply if he became ill? No, Only if he died, because it was not pleasing to him that she should become subject to the yabam. Come and hear: A certain [man] said unto them: 'If I do not come [back] from now [and] until thirty days it shall be a divorce.' He came [back] at the end of thirty days but the ferry stopped him. And he said unto them, 'Look, I have come [back]; look, I have come [back]!' And Samuel said: This is not regarded as having come back! — An accident which is frequent is different, for since he ought to have stipulated it and he did not stipulate it, he injured himself.

R. Samuel b. Isaac said: They have only taught²³ since the institution of Ezra²⁴ and after, [according to which] the courts of justice sit²⁵ only on the second day and on the fifth day [of the week]. But before the institution of Ezra, when the courts of justice sat every day, a woman²⁶ could be married on any day. Before the institution of Ezra, what there was there was!²⁷ — He

means it thus: If there are courts of justice that sit now as before the institution of Ezra,²⁸ a woman may be married on any day. But what of shakedu?²⁹ [We suppose] that he³⁰ had [already] taken the trouble.³¹

- (1) Lit. 'that he was not forced.' The divorce would therefore certainly be effective.
- (2) And the divorce would, in her view, not take effect (if the rule would have been that an accident is a bar to the divorce becoming effective).
- (3) Lit. , 'and she will be tied'. I.e., she would regard herself as tied to her absent husband and would not marry again. An 'agunah is a woman tied to an absent husband'. The Rabbis endeavoured to prevent the state of 'agunah; v. Git. 33a.
- (4) And the divorce would not take effect.
- (5) The use of 'she would say' here in contradistinction to 'she would think' in the case of the 'chaste women' is no doubt intentional. She (the loose woman) would say this, although she would not think so in her heart.
- (6) In which case the divorce would become effective.
- (7) Lit 'and it is found.'
- (8) If the divorce should not become effective because of an accident.
- (9) The children of a married woman and a man who is not her husband are bastards, mamzerim; v. Yeb. 49a. This would be the case if the divorce would not become effective because of an accident and the first husband should turn up and say that he was held back by an accident. To prevent such evil results Raba established the rule that an accident should not be a bar to the divorce taking effect.
- (10) Lit., 'and is there anything?'
- (11) [The Plea of force majeure as recognized in the Bible, v. Deut. XXII, 26.]
- (12) Lit., 'the wife of a man.'
- (13) I.e., to marry another man.
- (14) Lit., 'he sanctifies.' 'he consecrates.' To sanctify, to consecrate a woman to oneself means to marry her. Kiddushin 'sanctifications' means 'betrothal,' 'marriage.' I.e every one who marries a woman marries her on the basis that the marriage is sanctioned by the law of the Rabbis.
- (15) Lit. , 'and the Rabbis have caused the betrothal to be released from him,' that is retrospectively. As the marriage is subject to the sanction of the Rabbis, the Rabbis can, if the necessity arises, annul the marriage. Such a necessity has arisen when an accident would be a bar to the divorce becoming effective.
- (16) The answer just given might be regarded as satisfactory.
- (17) V. Kid. 2a.
- (18) I.e., have declared it to be, or regard it.
- (19) Lit 'an intercourse of prostitution.' The Rabbis have in either case the power to annul the marriage. The argument that Raba arrived at his views through his own reasoning stands.
- (20) Lit., 'There are some who say.'
- (21) According to this version. Raba holds that an accident is a bar to the divorce becoming effective.
- (22) From here till 'he injured himself' the text is practically identical with the corresponding text on folio 2b. There are only one or two omissions and one or two slight variations. For interpretation, v. notes on the translation of 2b. The difference of the arguments is obvious.
- (23) That a maiden marries on the fourth day of the week.
- (24) V. B.K. 82a.
- (25) Lit., 'are fixed. ,
- (26) Even a maiden.
- (27) That is past and does not matter!

- (28) Every day.
 (29) Lit., ‘we require they watched”. V. supra 2a.
 (30) The bridegroom.
 (31) Of preparing for the wedding.

Talmud - Mas. Kethuboth 3b

What is [the reference to] shakedu? [For] it has been taught: Why did they say that a maiden is married on the fourth day? ‘Because if he had a claim as to virginity he could go early [next morning] to the court of justice. But let her be married on the first day in the week and if he had a claim as to virginity he could go early [on the morning of the second day in the week] to the court of justice? — The Sages watched over the interests of the daughters of Israel so that [the man] should prepare for the [wedding-]feast three days, the first day in the week, and the second day in the week, and the third day in the week, and on the fourth day he marries her. And from [the time of] danger and onwards the people made it a custom to marry on the third day and the Sages did not interfere with them. And on the second day [of the week] he shall not marry; and if on account of the constraint¹ it is allowed. And one separates the bridegroom from the bride on the nights of Sabbath at the beginning,² because he makes a wound.³

What [was the] danger? If I say that they⁴ said, ‘a maiden that gets married on the fourth day [of the week] shall be killed’, [then how state] ‘they made it a custom’? We should abolish it entirely! — Said Rabbah: [That] they said, ‘a maiden that gets married on the fourth day [of the week] shall have the first sexual intercourse with the prefect.’⁵ [You call] this danger? [Surely] this [is a case of] constraint!⁶ — Because there are chaste women who would rather surrender themselves to death and [thus] come to danger. But let one expound to them⁷ that [in a case of] constraint [it] is allowed?⁸ — There are loose women⁹ and there are also priestesses.¹⁰ But [then] let one abolish it?¹¹ A decree¹² is likely to cease, and [therefore] we do not abolish an ordinance of the Rabbis on account of a decree. If so, on the third day he [the prefect] would also come and have intercourse [with the bride]? — Out of doubt he does not move himself.¹³

[It is stated above:] ‘And on the second day [of the week] he shall not marry; and if on account of the constraint it is allowed.’ What constraint [is referred to]? Shall I say [that it is] that which we have said?¹⁴ There,¹⁵ one calls it ‘danger’ ‘and here, one calls it [mere] ‘constraint’! And further, there [it states], ‘they made it a custom’, [whilst] here, ‘it is allowed’!¹⁶ — Said Raba: [it is that] they say ‘a general has come to town.¹⁷ In what case? If he comes and passes by,¹⁸ let it be delayed!¹⁹ — It is not necessary [to state this but] that he came and stayed. Let him, [then], marry on the third day [of the week]!²⁰ — His²¹ vanguard arrived on the third day. And if you wish I may say: What is [the meaning of] ‘on account of the constraint’? As it has been taught: If his bread was baked and his meat prepared and his wine mixed²² and the father of the bridegroom²³ or the mother of the bride died,²⁴ they bring the dead [person] into a room and the bridegroom and the bride into the bridal chamber,²⁵

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- (1) This will be explained anon.
 (2) If it is her first marital union.
 (3) By the first act of intercourse.

- (4) The Roman authorities.
- (5) jus primae noctis; v. J.E., VII, p. 395.
- (6) [And no woman is enjoined to sacrifice her life in resisting this assault: v. supra p. 7 n. 1, v. infra 51b.]
- (7) The women.
- (8) V. n. 6.
- (9) Who might submit voluntarily.
- (10) Wives of priests who would be forbidden to their husbands even when submitting under constraint: v. infra 51b.
- (11) Marrying on Wednesday.
- (12) Of the Romans.
- (13) To come into town.
- (14) The fear of the exercise of jus primae noctis.
- (15) Earlier in the cited Baraitha.
- (16) [Implying that it was not an established custom.]
- (17) And he would requisition the food prepared for the wedding-feast.
- (18) If he only passes through the town.
- (19) I.e., let the marriage be delayed till the fourth day of the following week.
- (20) [Instead of the second day of the week and thus give him a longer opportunity for making preparations for the wedding.]
- (21) The general's.
- (22) With water, their wine being too strong to be drunk undiluted. I.e., all the preparations for the wedding had been made.
- (23) [Who had to provide for the wedding-feast.]
- (24) [Who provided the wife with her trousseau.]
- (25) Huppah, v. Glos. First the marriage and then the mourning.

Talmud - Mas. Kethuboth 4a

and he performs the dutiful marital act¹ and [then] separates [himself from her].² And [then] he keeps the seven days of the [wedding-]feast³ and after that he keeps the seven days of mourning.³ And [during] all these days he sleeps among the men and she sleeps among the women.⁴ And they do not withhold ornaments⁵ from the bride all the thirty days.⁶ [But that is] only [if] the father of the bridegroom or the mother of the bride [died], because there is [then] no one who should prepare for them [for the wedding], but not [in case of] the reverse.⁷ Rafram b. Papa said [that] R. Hisda said: They taught [this] only when water had [already] been put on the meat, but if water had not [yet] been put on the meat, it is to be sold. Raba said: And in a city, although water had been put on the meat, it is sold.⁸ R. Papa said: And in a village, although water had not been put on the meat, it is not sold.⁹ But where [then] will you find [the rule] of R. Hisda [to apply]? Said R. Ashi: For instance, [in] Matha Mehasia,¹⁰ which is neither a city nor a village.¹¹

It has been taught according to R. Hisda: If his bread was baked and his meat prepared and his wine mixed and water had been put on the meat and the father of the bridegroom or the mother of the bride died, they bring the dead [person] into a room and the bridegroom and the bride into the bridal chamber, and he performs the dutiful marital act and [then] separates [himself from her]. And [then] he keeps the seven days of the [wedding-]feast and after that he keeps the seven days

of mourning. And all these days he sleeps among the men and she sleeps among the women. And so [also] if his wife became menstruous does he sleep among the men and she sleeps among the women. And they do not withhold ornaments from the bride all the thirty days. In any case he must not perform the [first] marital act on the eve of Sabbath or in the night following the Sabbath.

The Master said [above]: ‘He sleeps among the men and she sleeps among the women.’ This supports R. Johanan, for R. Johanan said: Although they said [that] there is no mourning on a festival, yet matters of privacy he keeps.¹² R. Joseph the son of Raba lectured in the name of Raba: They taught¹³ only if he had yet no intercourse [with her],¹⁴ but if he had [already] intercourse, his wife may sleep with him.¹⁵ But here we deal with a case when he had intercourse, and still it teaches [that] he sleeps among the men and she sleeps among the women? — When did he¹⁶ say [it]? With regard to his wife becoming menstruous. But it says. ‘And so [also if his wife became menstruous]’!¹⁷

(1) The first intercourse.

(2) [Immediately after which the burial takes place. The death of one of these parents is thus the constraint referred to. Where the death occurred on Monday the marriage is to take place immediately so as to avoid delay in the funeral.]

(3) V. infra.

(4) So that they have no intercourse.

(5) ‘Ornaments means both jewellery and toilet requisites.

(6) [The thirty days of semi-mourning that follow the death of a near relative.]

(7) These rules do not apply.

(8) Because it can be sold.

(9) Because it cannot be sold.

(10) A place near Sura.

(11) Lit., ‘Which is excluded from a city and excluded from a village’.

(12) [I.e., mourning customs that affect domestic relations, and thus involve no outward manifestations of grief, must be observed.]

(13) That he sleeps among the men and she sleeps among the women.

(14) And he may feel tempted.

(15) In one room.

(16) Raba

(17) And this would seem to show that there is no difference between the time of mourning and the period of menstruation.

Talmud - Mas. Kethuboth 4b

— Thus he¹ means to say:² And so [also], if his wife became menstruous and he had not yet had intercourse [with her] he sleeps among the men and she sleeps among the women. Is this [then] to say that he treats mourning more lightly than menstruation?³ Surely. R. Isaac the son of Hanina said that R. Huna said: All kinds of work⁴ which a wife performs for her husband, a menstruant⁵ may perform for her husband, except the mixing of the cup⁶ and the making⁷ of the bed and the washing of his face, his hands and his feet,⁸ while with regard to mourning it has been taught:

Although they⁹ said: No man has a right to force his wife¹⁰ to paint [her eyes] or rouge [her face], in truth¹¹ they said: She mixes him the cup¹² and she makes him the bed and she washes his face, his hands and his feet?¹³ — [This is] not difficult; here¹⁴ [it speaks] of his mourning,¹⁵ there¹⁶ [it speaks] of her mourning.¹⁷ But it says:¹⁸ ‘The father of the bridegroom or the mother of the bride [died]’?¹⁹ — This refers to the rest.²⁰ But is there a difference between his mourning and her mourning? Surely it has been taught: If a man's father-in-law or mother-in-law died,²¹ he cannot force his wife to paint [her eyes] and to rouge [her face]. but he lowers his bed²² and keeps mourning with her. And so [also] if a woman's father-in-law or mother-in-law died²³ she is not allowed to paint [her eyes] and to rouge [her face], but she lowers her bed and keeps mourning with him!²⁴ — Teach with reference to his mourning ‘he sleeps among the men and his wife sleeps among the women’.²⁵ But it says: ‘And so [also]’?²⁶ — This refers to painting and rouging.²⁷ But it says ‘with him’! Does this not mean,²⁸ with him in one bed? — No, [it means] with him in one house, and as Rab said to his son Hiyya: In her presence²⁹ keep mourning, in her absence do not keep mourning.³⁰ R. Ashi said: Can you compare this mourning³¹ with ordinary mourning?³² Ordinary mourning is strict and one would not deal lightly³³ with it. [But] this mourning, since the Rabbis were lenient [about it], one might deal lightly with it. What is the leniency? Shall I say. because it says he performs the dutiful act of marriage and separates [himself from her]? That is³⁴ because the mourning has not rested upon him³⁵ yet; [namely] if according to R. Eliezer, [the mourning does not begin] until the body has been taken out of the house,³⁶ and if according to R. Joshua, [the mourning does not begin] until the golel³⁷ has been closed!³⁸ — But [the leniency is this,] because it says: He keeps [first] the seven days of the [wedding-]feast and after that he keeps the seven days of mourning.

The Master said: ‘In any case he must not perform the [first] marital act on the eve of Sabbath or in the night following the Sabbath. It is right [that he may not perform it] on the eve of Sabbath, because of a wound.³⁹ But in the night following the Sabbath, why not? — Said R. Zera:

(1) The Tanna of the cited Baraitha.

(2) Lit., ‘thus he says.’

(3) Lit., ‘that mourning is lighter to him (the husband) than menstruation’. The case of menstruation is limited to where no intercourse had taken place.

(4) Lit., ‘all works’.

(5) I.e., the wife during menstruation.

(6) I.e., pouring out of wine: v. supra p. 10 n. 6.

(7) Lit., ‘spreading.’

(8) Because the nearness may bring temptation: v. infra 61a.

(9) The Rabbis.

(10) When she is mourning for a parent.

(11) Cf. B.M. 60a: wherever an opinion is introduced with the words, ‘in truth they said,’ it means to say that it is an established legal rule.

(12) Cf. infra 61a.

(13) This would show that he treats mourning less lightly than menstruation!

(14) Supra 4a: ‘he sleeps among the men and she sleeps among the women.’

(15) And she might be tempted.

(16) Lit., ‘here.’ In the Baraitha just quoted.

- (17) And she would resist temptation.
- (18) Lit., 'it teaches.'
- (19) This shows that there is no difference between his mourning and her mourning.
- (20) Lit., 'When it teaches, on the rest. — I.e., this refers to the other points mentioned in the Baraita on 4a.
- (21) Lit., 'he whose father-in-law or mother-in-law died.'
- (22) Placing the mattresses on or near the floor was a sign of mourning.
- (23) Lit., 'she whose father-in-law or mother-in-law died.'
- (24) Since it does not state in the latter case that he has to sleep among the men etc., it shows that there is no difference between his mourning and her mourning.
- (25) And so there would be a difference between his mourning and her mourning. In his mourning there would be the precaution just stated, while in her mourning that precaution would not be required.
- (26) This would show that there is no difference between his mourning and her mourning.
- (27) In either case she does not paint or rouge.
- (28) Lit., 'what not?'
- (29) In the presence of Hiyya's wife who was in mourning.
- (30) I.e., 'with him' (or 'with her') shews that she keeps mourning with him in his presence and he keeps mourning with her in her presence.
- (31) Lit., 'the mourning of here', namely the mourning immediately before the marriage; v. supra 3b (bottom) and 4a.
- (32) Lit., 'mourning of the world.'
- (33) Lit., 'and one would not come to disregard it.'
- (34) Lit., 'there'.
- (35) Has not begun yet.
- (36) Lit., 'until it goes out from the door of the house.'
- (37) The covering stone of a tomb. 'To close the golel' means 'to close the tomb with the golel,' v. Nazir (Sonc. ed.) p. 302, n. 5.
- (38) Cf. M.K. 27a.
- (39) He makes a wound through the first intercourse.

Talmud - Mas. Kethuboth 5a

Because of accounts.¹ Said Abaye to him: And are accounts of a religious nature forbidden?² Surely R. Hisda and R. Hammuna both said: Accounts of a religious nature, one is allowed to calculate them on Sabbath; and R. Eleazar said: One may assign charity to the poor on Sabbath; and R. Jacob said [that] R. Johanan said: One may go to synagogues and to schoolhouses to watch over public affairs³ on Sabbath; and R. Jacob the son of Idi said [that] R. Johanan said: One may do any work to save a life⁴ on Sabbath; and R. Samuel the son of Nahmani said [that] R. Jonathan said: One may go to theatres and circuses⁵ to watch over public affairs on Sabbath; and [a scholar] of the school of Menashia taught: One may negotiate about the girls to be betrothed on Sabbath⁶ and about a boy to teach him the book⁷ and to teach him a trade? — But, said R. Zera, it has been prohibited⁸ lest he might slaughter a fowl.⁹ Said Abaye to him: But if this were so, then the Day of Atonement which fell on the second day of the week should be postponed¹⁰ for fear¹¹ lest he might slaughter a fowl?¹² — There,¹³ that [he has to prepare only] for himself he is not troubled [so much],¹⁴ [but] here,¹⁵ that [he has to prepare] for others,¹⁶ he is troubled.¹⁷ Or: there, he has an interval,¹⁸ [but] here, he has no interval.¹⁹ Now that you have come so far,²⁰

the eve of Sabbath²¹ also is prohibited²² for fear lest he might slaughter a fowl.²³

The question was asked:²⁴ [Does the Mishnah mean:] A maiden is married on the fourth day [of the week], and the intercourse takes place on the fourth day, and we are not afraid that he might be pacified?²⁵ Or perhaps [the meaning is] a maiden is married on the fourth day [of the week], and the intercourse takes place on the fifth day²⁶ because we are afraid that he might be pacified? — Come and hear: Bar-Kappara taught: A maiden is married on the fourth day [of the week] and the intercourse takes place on the fifth day²⁶ because on it [the fifth day] the blessing for the fishes was pronounced.²⁷ A widow is married on the fifth day [of the week] and the intercourse takes place on the sixth day²⁸ because on it [the sixth day] was pronounced the blessing for man.²⁹ [We thus see that] the reason is on account of the blessing, but as to [his] being pacified we are not afraid. If so,³⁰ [in the case of] a widow also the intercourse should take place on the fifth day [of the week], because on it [the fifth day] was pronounced the blessing for the fishes?³¹ — The blessing for man is better for him.³² Or on account of ‘they have watched,’³³ for it has been taught: Why did they³⁴ say [that] a widow is married on the fifth day [of the week] and the intercourse takes place on the sixth day? Because, if you will say that the intercourse should take place on the fifth day, in the morning³⁵ he will rise and go to his work;³⁶ therefore the Sages watched over the welfare³⁷ of the daughters of Israel that he should rejoice with her³⁸ three days, [namely] on the fifth day of the week,³⁹ on the eve of Sabbath⁴⁰ and [on] Sabbath.⁴¹ What is the difference between ‘the blessing’ and ‘they have watched’?⁴² The difference is this:⁴³ [in the case of] a man of leisure,⁴⁴ or [in the case] when a festival falls on the eve of Sabbath.⁴⁵

Bar-Kappara expounded: The work of the righteous⁴⁶ is greater than the work⁴⁷ of heaven and earth, for in [regard to] the creation of heaven and earth it is written, Yea, My hand hath laid the foundation, of the earth, and My right hand hath spread out the heavens,⁴⁸ while in [regard to] the work of the hands of the righteous it is written, The place which Thou hast made for Thee to dwell in, O Lord, the sanctuary, O Lord, which Thy hands have established.⁴⁹ Replied⁵⁰ one Babylonian, and R. Hiyya [was] his name: [It is written.] And the dry land his hands formed?⁵¹ — It is [to be] written, ‘His hand’.⁵² But it is written, they formed?⁵³ — Said R. Nahman b. Isaac: ‘His fingers formed,’⁵⁴ as it is written. When I behold Thy heavens, the work of Thy fingers, the moon and the stars which Thou hast established.⁵⁵

An objection was raised: [It is written,] The heavens declare the glory of God, and the work of His hands the firmament shows?⁵⁶ — Thus he said:⁵⁷ The handiwork⁵⁸ of the righteous, who shews [it]?⁵⁹ The firmament. And what is it? Rain.⁶⁰

Bar-Kappara [also] expounded: What [is the meaning of what] is written. And thou shalt have a peg among thy implements?⁶¹ Do not read,⁶² thy implements,⁶³ but ‘upon thy ear’;⁶⁴ [this means to say] that if a man hears an unworthy thing⁶⁵

(1) If he will consummate the marriage in the night following the Sabbath he will give a dinner in the evening and he will make accounts (in his mind) on Sabbath as to the cost of that festive meal.

(2) I.e., is it forbidden to make calculations for a religious purpose on Sabbath?

(3) Lit., ‘the affairs of many’.

(4) Lit., ‘one removes a person’ from under debris. The meaning is: One may do any work on Sabbath to save a

life.

(5) Theatres and circuses were also places of general assemblies. in the same way public meetings were also held in synagogues and schoolhouses.

(6) I.e., one may negotiate the betrothal of them on Sabbath.

(7) I.e., the book, the Bible.

(8) Lit., 'a preventive measure'. To have the first intercourse in the night following the Sabbath.

(9) Lit 'the child of a fowl', that is a young fowl. There is also the reading **וּכ** 'on it' i.e., on Sabbath for **יכ**. He would be so busy thinking of the festive meal on Sabbath night that he might forget that it was Sabbath and slaughter a fowl for the dinner in the evening.

(10) For one day; v. Rashi.

(11) 'As a preventive measure'.

(12) On Sabbath, since he would be busy thinking of the preparations for the meal on Sunday, which would be the eve of the Day of Atonement. On the eve of the Day of Atonement it is a religious duty to have a festive meal.

(13) In the case of the Day of Atonement.

(14) And he will not forget that it is Sabbath and he will not slaughter a fowl on Sabbath.

(15) In the case of the wedding-feast on Sabbath night.

(16) For the guests of the evening.

(17) And he might forget that it is Sabbath and he might slaughter a fowl on Sabbath.

(18) Sabbath night and Sunday morning. He does not have the important meal before midday or later on the day of the eve of the Atonement Day.

(19) The wedding-dinner would take place on Sabbath night as soon as Sabbath is out.

(20) To this result, namely that he must not perform the first intercourse in the night following the Sabbath because he might profane the Sabbath by slaughtering a fowl on Sabbath.

(21) Friday night.

(22) To have the first intercourse.

(23) On Friday evening, after Sabbath had already begun.

(24) Lit 'it was asked by them'.

(25) Lit 'cooling off to the (his) mind.' That is, if he has intercourse on Wednesday and he has reason to complain as to virginity, his anger might cool off by Thursday morning and he might not go on Thursday to the court of justice; v. supra 2a.

(26) I.e., Wednesday evening, which belongs to the fifth day.

(27) Lit., said (by God).' Cf. Gen. I, 20-23, especially 22.

(28) Thursday evening. v. n. 13.

(29) Cf. Gen. I, 26-28, especially 28.

(30) If the reason is on account of the blessing.

(31) It means this: If the reason is the blessing, why should not intercourse, in the case of a widow, take place on the same day as the marriage, namely on the fifth day? And on the fifth day there was the blessing for the fishes. And if that blessing is good enough for a maiden it should be good enough for a widow.

(32) For Bar Kappara. He considered the blessing for man a stronger reason. In the case of a maiden it is different, as, if her intercourse should take place on Friday, we should be afraid that he might be appeased by Monday, the first court-day after Friday. 'Therefore the blessing for the fishes has to suffice in the case of the maiden.

(33) Shakedu, v. supra pp. 2 and 8. The ordinance that in the case of a widow the intercourse should take place on Friday was made in the interests of the daughters of Israel.

(34) The Sages.

(35) The next morning. In case of a widow the marriage festivities last only one day. V. infra 7a bottom.

- (36) Lit., 'he rises unto his trade (work) and goes his way. That is, he walks out of the house and leaves the whole wedding atmosphere behind him. This had to be prevented.
- (37) Lit., 'ordinance (for the welfare).'
- (38) With the widow-bride.
- (39) The day of the marriage.
- (40) Friday, the day of the intercourse.
- (41) The religious day of rest.
- (42) What is the difference between these two reasons?
- (43) Lit., 'there is between them.'
- (44) Lit., 'an idle man.' 'They have watched' would not apply to a man of leisure, as he need not go to work next day. But the intercourse would have to take place on Friday if the reason was 'the blessing'.
- (45) In which case Friday is a religious day of rest, and he would not go to work. But the reason of 'the blessing' would still operate for intercourse on Friday.
- (46) Pious men.
- (47) The creation.
- (48) Isa. XLVIII, 13. There 'My hand' is written.
- (49) Ex. XV, 17. In regard to the sanctuary, which is the work of the hands of pious men, 'Thy hands' is written.
- (50) I.e., objected.
- (51) Ps XCV, 5.
- (52) [The kethib in some texts is **ush** ('his hand').]
- (53) [In the plural. so that the subject 'hand' must also be in the plural.]
- (54) 'Fingers' is implied as subject.
- (55) Ps. VIII, 4.
- (56) Ps. XIX, 2. [Thus we have 'hands' written also in connection with creation.]
- (57) Thus the Psalmist meant.
- (58) Lit., 'the work of their hands.'
- (59) Who tells them, announces them?
- (60) Rain comes because the pious pray for it. The handiwork of the righteous is called the 'work of His hands', because in the rain the work of God and the work of the righteous meet. The rain is the work of God, but it comes as the result of the good deeds of the pious, whose prayers God fulfills.
- (61) Deut. XXIII, 14.
- (62) [In the sense of 'render'.]
- (63) From **izt** azayn 'implement, tool'.
- (64) As if from **izt** ozen 'ear'.
- (65) Lit 'a thing (or, a word) that is not worthy', not fit to be heard.

Talmud - Mas. Kethuboth 5b

he shall plug his finger¹ into his ears. And this is the same that R. Eleazar said: Why do the fingers of man resemble pegs? Why?² Shall I say because they are divided?³ [Surely] each one has been made for its own purpose!⁴ For a Master said: This one⁵ [Is used for measuring] the span;⁶ this one⁷ [is used for] taking a fistful of the meal-offering,⁸ this one⁹ [is used for defining] the cubit measure,¹⁰ this one¹¹ [is used for taking the measure of] 'a finger',¹² [and] this one¹³ [is used for service with] the thumb!¹⁴ — But [the question is] why¹⁵ [are the fingers] pointed like pegs? [The reason is] that if a man hears an unworthy thing he shall plug his fingers into his ears. [A member]

of the school of R. Ishmael taught: Why is the whole ear hard and the ear-lap soft? [So] that if a man hears an unworthy thing he shall bend the ear-lap into it.¹⁶

Our Rabbis taught: A man shall not let his ears hear idle things,¹⁷ because they are burnt first of [all] the organs.¹⁸

The question was asked: Is it allowed¹⁹ to perform the first marital act on Sabbath?²⁰ Is the blood [in the womb] stored up,²¹ or is it the result of a wound?²² And if you will say²³ [that] the blood is stored up [in the womb, then the question arises:] is he concerned about the blood,²⁴ and it is allowed: or is he concerned with the opening,²⁵ and it is forbidden?²⁶ And if you will say [that] he is concerned with the blood and the opening comes of itself, [then the question arises:] Is the halachah²⁷ according to R. Simeon who says: A thing which is not intended²⁸ is allowed; or is the halachah according to R. Judah who says: A thing which is not intended is forbidden?²⁹ And if you will say [that] the halachah is according to R. Judah [then the question arises], does he do damage in regard to the opening, or does he improve in regard to the opening?³⁰ Some say:³¹ And if you will say that the blood is the result of a wound [then the question arises], is he concerned about the blood and it is forbidden,³² or is he concerned with his own pleasure, and it is allowed? And if you will say [that] he is concerned with his own pleasure and the blood comes out of itself,³³ [then the question arises] is the halachah according to R. Judah or is the halachah according to R. Simeon? And if you will say [that] the halachah is according to R. Judah, [then the question arises,] does he do damage by [making] the wound, or does he improve by [making] the wound? And if you will say [that] he does damage by [making] the wound, [then the question arises,] with regard to one who does damage, is the halachah according to R. Judah,

(1) The finger is pointed like a peg.

(2) Lit., 'what is the reason?' I.e., what is the meaning of the question? With regard to what are the fingers of man like pegs?

(3) I.e., shall I say that the question is: Why are the fingers divided? They might have been joined together.

(4) Lit., 'for its thing.'

(5) The little finger.

(6) I.e. the distance from the little finger to the thumb of a spread hand.

(7) The finger next to the little finger.

(8) **vmhne** the taking of a fistful of the meal-offering. v. Lev II, 2.

(9) The middle finger.

(10) The cubit is a measure equal to the distance from the elbow to the tip of the middle finger.

(11) The fourth from the little finger.

(12) And also for priestly service with the 'finger'; cf. Lev. IV, 6.

(13) The fifth from the little finger.

(14) V. Lev. VIII, 23, 24; XIV, 14, 17, 25, 28. We thus see that every finger has a definite purpose. They therefore had to be divided and function as separate fingers!

(15) Lit., 'what is the reason (that)?'

(16) Into the ear. He will thus close the ear and not hear the unworthy thing.

(17) Not only unworthy things. but even idle things a man should not hear, e.g. tittle-tattle.

(18) Lit., 'of the limbs.' 'Because they are burnt first of (all) the organs' seems to have a figurative meaning. From hearing unworthy or idle things he may proceed to speak unworthy or idle things and then to do unworthy or idle

things. The ear is thus the first organ to 'be burnt', to 'catch fire'. c.f. Prov. VI, 27-28. If the English phrase, 'to burn one's fingers.'

(19) Lit 'How is it?

(20) When the intercourse could not take place here Sabbath, (Tosaf.)

(21) And the intercourse would be allowed, since the blood flows out of its own accord, no wound having been made.

(22) Lit 'or is it wounded?' And the intercourse would be forbidden.

(23) Lit 'And if you should be able to say.'

(24) Is his aim to release it? Lit., 'is it the blood he requires?' [According to Tosaf.: In order to see whether she is a virgin.

(25) Or is his aim to make an opening?

(26) It is forbidden to make an opening on Sabbath. [Such an act comes under the category of 'building'.]

(27) 'Adopted opinion', 'rule'.

(28) An act which is in itself forbidden but is the unintended though unavoidable result of an act which is permitted. Thus one may, according to R. Simeon, push a couch on the floor, on Sabbath, if one has not the intention to make a rut in the floor, although, as a matter of fact, such a rut is made as the unavoidable result of pushing the couch.

(29) R. Judah's view is opposed to that of R. Simeon; v. n. 4.

(30) Is the making of the opening considered to be to the advantage or disadvantage of the woman? If it is to her disadvantage it would be allowed even according to R. Judah. [Based on the principle that an act of damage does not constitute labour in regard to Sabbath. V. Shab. 106a.]

(31) Lit., 'there are who say', that the questions were with regard to the assumption that the blood is the result of a wound.

(32) To have the intercourse on Sabbath.

(33) The coming of the blood is therefore an unintended but unavoidable result of an act, the intended object of which is the pleasure.

Talmud - Mas. Kethuboth 6a

or is the law according to R. Simeon?¹ In the school of Rab² they said: Rab allowed³ and Samuel forbade.³ In Nehardea⁴ they said: Rab forbade and Samuel allowed. Said R. Nahman b. Isaac: And your [mnemotechnical] sign [is]: These make it lenient for themselves, and these make it lenient for themselves.⁵ But does Rab allow it? Surely R. Shimi b. Hezekiah said in the name of Rab: [As regards] that stopper of the brewing boiler, it is forbidden to squeeze it in⁶ on a festival day!⁷ — In that [case]⁸ even R. Simeon admits [that it is forbidden], for Abaye and Raba, both of them say: R. Simeon admits [that it is forbidden] in [a case of] 'Let his head be cut off, and let him not die!'⁹ [But] R. Hiyya the son of Ashi said [that] Rab said: The halachah is according to R. Judah,¹⁰ and R. Hanan the son of Ammi [said that] Samuel said: The halachah is according to R. Simeon.¹¹ And R. Hiyya the son of Abin taught it without [naming the] men:¹² Rab said [that] the halachah is according to R. Judah. and Samuel said [that] the halachah is according to R. Simeon? — Still, Rab holds like R. Judah, [but] according to that version that says, 'the blood is stored up [in the womb],' he does damage in regard to the opening,¹³ [and] according to that version that says, 'the blood is the result of a wound,' he does damage in [making] the wound.¹³

R. Hisda objected: If a girl, whose period¹⁴ to see [blood] had not arrived yet, got married,

Beth Shammai¹⁵ say: One gives her four nights,¹⁴ and the disciples of Hillel say: Until the wound is healed up.¹⁶ If her period to see [blood] had arrived¹⁷ and she married, Beth Shammai say: One gives her the first night,¹⁸ and Beth Hillel say: Until the night following the Sabbath [one gives her] four nights.¹⁹

(1) According to R. Simeon he who does damage by making a wound had to bring a sin-offering; v. Shab. 106a.

(2) In Sura. Before the words 'in the school of Rab', some texts have the word 'it has been said (that)'.
(3) To have the first intercourse on Sabbath.

(4) The place of Samuel.

(5) In Sura they said that Rab allowed it, and in Nehardea they said that Samuel allowed it.

(6) Into the bottle. The stopper is made of soft material, and, if it is squeezed, the liquid absorbed in the material would come out.

(7) This shows that Rab, like R. Judah, holds that a permitted action which results in a prohibited action, though the latter was not intended, is forbidden; v. p. 19, on. 4 and 5.

(8) Of the stopper in the brewing bottle.

(9) 'Let his head be cut off, and let him not die!' is a dialectic term for an absolutely unavoidable result of an act. V. Jast., s.v. **exp**. In such a case R. Simeon admits that the act leading to the forbidden act is prohibited. This applies to the stopper. Intercourse, however, is different; v. infra 6b.

(10) V. p. 19. n. 5.

(11) V. p. 19. n. 4.

(12) I.e., without naming the authorities.

(13) V. supra p. 19, n. 6.

(14) Lit., 'time'.

(15) Lit., 'the house', i.e., the school, of Shammai. (15) In which she can have intercourse with her husband.

(16) The blood that comes out is attributed to the wound and not to menstruation. Ordinarily, after the first intercourse further intercourse is forbidden until the coming out of blood, i.e. menstruation, is over. But in this case, in which the young bride had never yet had any menstruation, it is assumed that the blood is not due to menstruation but to the wound caused by the intercourse. According to Beth Shammai this assumption holds good for four nights, and according to Beth Hillel it holds good 'until the wound is healed up.' As to the definition of this phrase, v. Nid. 64b. V. also Nid. 65b, where it is finally decided that after the first coition no further intercourse must take place until the flowing of blood has stopped, even in the case of a young bride who had not yet had any menstruation. V. also Eben ha-'Ezer, 63, and Yoreh De'ah, 193.

(17) But she had in fact not yet seen blood; that is, she had the maturity for it, but the maturity had not yet manifested itself. A girl has reached the period of maidenhood (puberty) when she is twelve years and one day old. When she is twelve and a half years old she has reached the state of bogereth, (v. Glos.), full maturity, womanhood. V. infra 39a.

(18) He may repeat the intercourse during the first night.

(19) Mishnah in Nid. 64b.

Talmud - Mas. Kethuboth 6b

[Now] does it not¹ mean that if he had [yet] no intercourse [with his wife] he may have intercourse [with her] even on Sabbath?² — Said Raba: No, except Sabbath. Said Abaye to him: But it says, 'until the night following the Sabbath [one gives her] four nights'³ — Only, said Raba, when he already had intercourse [with her].⁴ If [it were, as you say,] after he already had

intercourse, what does he let us hear?⁵ — He lets us hear that it is allowed to have intercourse on Sabbath, as that [statement] of Samuel [teaches], for Samuel said: One may enter into a narrow opening on Sabbath,⁶ although⁷ he causes pebbles to break loose.⁸

R. Joseph objected: A bridegroom is free from the reading of Shema⁹ in the first night¹⁰ until the night following the Sabbath, if he has not performed [yet] an act.¹¹ Is it not¹² because he is anxious to perform the marital act?¹³ — Said Abaye to him: No; he is anxious because he has not had intercourse.¹⁴ Said Raba to him: And on account of anxiety [only]¹⁵ he is free [from reading Shema']? If this were so, then [if] his ship sank in the sea, he would also be free [from the reading of Shema']! And should you say [that] it is really so, surely, R. Abba b. Zabda said [that] Rab said: A mourner is bound to observe all the precepts that are stated in the Torah except [that] of the Tefillin¹⁶ because it is said with regard to them an ornament'?'¹⁷ — But, said Raba, this¹⁸ is a dispute of Tannaim,¹⁹ for one [Baraita] teaches: If he²⁰ did not do an act [of coition] in the first [night],²¹ he is free [from reading Shema'] also in the second [night]; in the second [night],²² he is free [from reading Shema'] also in the third [night].²³ And another [Baraita] teaches: [In] the first and second [night] he is free, [but in] the third [night] he is obliged [to read Shema'].²⁴ And Abaye [holds that] there²⁵ also they²⁶ differ with regard to anxiety.²⁷ And these Tannaim [are] like those Tannaim,²⁸ for it has been taught [in a Baraita]: He who marries a maiden shall not perform the first intercourse²⁹ on Sabbath, and the Sages allow [it]. Who are the Sages? Said Rabbah: It is R. Simeon, who says: A thing which is not intended is allowed.³⁰ Said Abaye to him: But R. Simeon admits (that it is forbidden) in [a case of] 'Let his head be cut off and let him not die!'³¹ Said he to him: Not like those Babylonians who are not skilled in moving aside,³² but there are some who are skilled in moving aside.³³ If so,³⁴ why [give the reason of] 'anxious'?'³⁵ — For one who is not skilled. [Then] let them say: One who is skilled is allowed [to perform the first intercourse on Sabbath], one who is not skilled is forbidden? — Most [people] are skilled.³⁶ Said Raba the son of R. Hanan to Abaye: If this were so, then why [have] groomsmen,³⁷ why [have] a sheet?³⁸ — He [Abaye] said to him: There [the groomsmen and the sheet are necessary] perhaps he will see and destroy [the tokens of her virginity].³⁹

R. Ammi objected.⁴⁰ He who pierces⁴¹ an abscess on Sabbath, if [in order] to make an opening⁴² to it, he is guilty,⁴³ but if [in order] to cause pus to come out of it

(1) Lit., 'is it not?' Having quoted the Mishnah from Nid. 64b, R. Hisda proceeds to ask his question, which is based on the last statement of Beth Hillel.

(2) The question presumes that 'until the night following the Sabbath (one gives her) four nights' may also mean any one of the four nights, and thus the intercourse may be first consummated on the night of Sabbath, (v. Rashi). This shews that one may have the first intercourse on Sabbath.

(3) Sabbath must, therefore, be included!

(4) One night before Sabbath. The intercourse on Sabbath was thus not the first.

(5) What new law does the Tanna teach us? Why should he (the husband) not be allowed to have intercourse on Sabbath?

(6) Lit., 'a narrow opening (or breach). one may enter into it on Sabbath.'

(7) Lit., 'and although.'

(8) He may have, say the second intercourse on Sabbath, v. Rashi, ad loc.

(9) The verses, Deut. VI, 4-9, XI, 13-21; Num. XV, 37-41 which are recited daily, morning and evening.

- (10) Following the marriage.
- (11) I.e. the first intercourse. Mishnah Ber. 16.
- (12) That he is free from the reading of Shema', even on Sabbath night.
- (13) Lit., 'because he is anxious, because he wants to have intercourse.' Being preoccupied with a duty (mizwah) he is free from another duty (mizwah).
- (14) [Before Sabbath, and forbidden to have it on Sabbath.]
- (15) Mental agitation, worry.
- (16) Phylacteries, v. Glos.
- (17) Cf. Ezek. XXIV, 17. [The reference being there to the Tefillin which Ezekiel was charged not to lay aside despite his mourning for his wife. V. M.K. 15a.] A mourner, though very much troubled, is nevertheless not free from observing the precepts. We thus see that anxiety does not exempt one from fulfilling the various religious commandments. And so in the case of the Mishnah quoted by R. Joseph it cannot be that the bridegroom is free from the reading of Shema' only because of his anxiety.
- (18) With regard to the first intercourse on Sabbath.
- (19) Lit 'this is (of) Tannaim.
- (20) The bridegroom.
- (21) After the marriage.
- (22) If he did not do an act in the second night either.
- (23) The third night (after the fourth day in the week) is Sabbath, and he is free from reading Shema' as he is allowed to perform the marital act for the first time.
- (24) The teacher of this Baraitha holds that he is not allowed to perform it first on Sabbath, and therefore he is obliged to read Shema'.
- (25) In the Baraithas just quoted.
- (26) The Tannaim.
- (27) According to the first Baraitha his anxiety caused by the fact that he is not allowed to perform the act on Sabbath frees him from reading Shema'. And according to the second Baraitha this anxiety does not free him from reading Shema'. According to the first Baraitha the case of the mourner would be different. Since anxiety is no part of the mourning observances (Rashi. a.l.).
- (28) I.e., the dispute of the Tannaim just quoted by Raba is the same as the dispute of the Tannaim of the Baraitha to be quoted now.
- (29) Lit., 'shall not have intercourse at the beginning.'
- (30) V. supra p. 19, n. 4.
- (31) V. supra p. 20, n. 8.
- (32) I.e., having intercourse with a virgin without causing a bleeding.
- (33) Thus no blood need come out, and 'Let his head be cut off and let him not die!' does not apply.
- (34) If the bridegroom is skilled in 'moving sideways'.
- (35) He need not be anxious about the intercourse and should not be free from reading Shema' on account of such anxiety.
- (36) Therefore the principle regarding 'Let his head be cut off and let him not die!' does not, as a rule, apply.
- (37) The groomsmen testify in case of need to the virginity of the bride. V. infra 12a. If the bridegroom will act in a manner that will cause no bleeding, the groomsmen will not be able to testify on the question of virginity.
- (38) To provide evidence of the virginity of the bride. Cf. Deut. XXII, 17.
- (39) It may happen that he will act in the normal manner and cause bleeding but he will destroy the tokens and maintain that the bride was not a virgin; for this reason the above mentioned provisions are necessary. Where however he moved aside and made a false charge as to her virginity, the bride can plead that she is still a virgin

(Rashi).

(40) V. 'Ed. (Sonc. ed.) p. 12 nn. 5-6.

(41) Lit., 'loosens.' Jast.: 'manipulates.'

(42) Lit., 'mouth'.

(43) Of Sabbath-breaking.

Talmud - Mas. Kethuboth 7a

he is free from punishment]?¹ — There² it is³ stored up⁴ and is [entirely] loose,⁵ here⁶ it⁷ is stored up⁸ but is not [entirely] loose.⁹ R. Ammi allowed to have first intercourse¹⁰ on Sabbath. Said the Rabbis to him: But her kethubah¹¹ is not written yet! — He said to them: Let her seize movable goods.¹² R. Zebid permitted to have the first intercourse on Sabbath. Some say: R. Zebid himself had the first intercourse on Sabbath. Rab Judah allowed to have the first intercourse on a festival. R. Papi said in the name of Raba: You shall not say [that] on a festival it¹³ is allowed, but [that] on Sabbath it is forbidden. It is just as well allowed on Sabbath; only it happened so.¹⁴ R. Papa said in the name of Raba: On a festival it is allowed, on Sabbath it is forbidden. Said R. Papi to R. Papa: What is your opinion? Since a wound¹⁵ has been permitted [on a festival] for a necessity, it has been permitted also when there is no necessity? If that were so, it should be permitted to put spices on coals¹⁶ on a festival, for since the kindling of fire has been allowed [on a festival] for a necessity, it should be allowed also when there is no necessity!¹⁷ Said he to him.¹⁸ Concerning this¹⁹ the Biblical verse said, save that which every man must eat,²⁰ [this means] a thing which is useful²¹ for every man.²² R. Aha, the son of Raba, said to R. Ashi: If this were So,²³ then if a deer happened to come to the hands of a person²⁴ on a festival, [shall we say that] since it is not of equal usefulness for every person,²⁵ is it really so that it would be forbidden to kill it? Said he²⁶ to him:²⁷ I say, 'a thing that is needful for every person,'²⁸ [and] a deer is needful for every person.²⁹ R. Jacob, the son of Idi, said: R. Johanan gave a decision³⁰ in Zaidan.³¹ It is forbidden to perform the first intercourse on Sabbath. — And is there an instructive decision for a prohibition?³² — Yes, we have learned in a Mishnah.³³ The school of Hillel gave a decision regarding her³⁴ that she³⁵ should be a Nazirite yet another seven years. Or indeed it is as that which has been taught: If the cord of the spinal column is severed in its larger portion [the animal is trefa],³⁶ [this is] the view of Rabbi.³⁷ R. Jacob Says: Even if it³⁸ is [only] perforated [the animal is trefa]. Rabbi gave a decision³⁹ according to R. Jacob.⁴⁰

R. Huna said: The halachah is not as stated by R. Jacob. R. Nahman b. Isaac taught thus: R. Abbahu said: R. Ishmael b. Jacob, from Tyre asked R. Johanan in Zaidan, and I heard [it]: Is it allowed⁴¹ to have the first intercourse on Sabbath? And he⁴² said to him:⁴³ It is forbidden. — And the law is: It is allowed to have the first intercourse on Sabbath.⁴⁴

R. Helbo said [that] R. Huna said [that] R. Abba, the son of Zabda, said [that] Rab said: A maiden as well as a widow requires a benediction.⁴⁵ — But did R. Huna say so? Did not R. Huna say: A widow does not require a benediction? — It is not difficult.⁴⁶ Here⁴⁷ [it speaks] of a young man⁴⁸ who marries a widow, there⁴⁹ of a widower who marries a widow. And when a widower marries a widow [a benediction] is not required? Did not R. Nahman Say: Huna b. Nathan said to me: A Tanna taught: Whence [is it derived that] the benediction of the bridegrooms⁵⁰ [has to be said] in the presence of ten [persons]? Because it is said, And he took ten men of the elders of the

city, and said: 'Sit ye down here'. And they sat down.⁵¹ And Boaz was a widower, who married a widow!⁵² — What is [the meaning of the words] 'she does not require a benediction' which R. Huna said? She does not require a benediction during all the seven days. but on one day⁵³ she requires a benediction. But that which has been taught:⁵⁴ 'The Sages were anxious for the welfare of the daughters of Israel, that he⁵⁵ may rejoice with her⁵⁶ three days' — how is this to be understood?⁵⁷ If [it speaks] of a young man, did you not say — seven,⁵⁸ if of a widower, did you not say — one day?⁵⁹ — If you wish, you may say [that it speaks] of a widower [and in this case] one day is for the benediction and three days are for rejoicing. And if you wish, you may say [that it speaks] of a young man [and in this case] seven [days] are for the benediction and three [days] for rejoicing.

(1) And permitted: v. Shab. 107a and 3a. Intercourse should thus be permitted on Sabbath for the first time, even when the aim is the bleeding!

(2) In the case of the abscess.

(3) The blood.

(4) In the abscess.

(5) From the flesh.

(6) In the case of the virgin. bride.

(7) The blood.

(8) In the womb.

(9) From the walls of the womb. [Read with MS.M. 'It is neither stored up nor loose,' but the result of a wound, hence forbidden.]

(10) Lit., 'to perform in the beginning'.

(11) The marriage contract; lit., 'a written deed' (v. Glos.). Marital union is forbidden before the kethubah is written.

(12) And the movable goods will be a pledge in her hand with regard to the kethubah until the marriage contract will be written, when all his real estate is mortgaged with regard to kethubah.

(13) The first intercourse.

(14) Lit., 'and the event that was was thus'. [The question was put to him on a festival and he declared it permissible.]

(15) I.e., the making of a wound.

(16) To perfume the room after dinner; v. Ber. 43a.

(17) The meaning of the question of R. Papi to R. Papa is as follows: If a distinction is to be made, regarding the first intercourse, between Sabbath and a festival and it is to be held, as R. Papa holds in the name of Rab, that it is forbidden in Sabbath and allowed on a festival, then R. Papa must hold that, since certain work was allowed on a festival for a necessity, work should be allowed on a festival even when there is no necessity for it. It is, e.g. allowed to make a wound on a festival by slaughtering an animal for the need of food. It would, therefore, according to R. Papa, be allowed to make a wound (v. supra 3b, 4b, 5b) by performing the first intercourse on a festival, although there is no necessity for it, since the first intercourse can wait until after the festival. If this view were correct, then it should have been allowed to burn spices on coals on a festival, although spices are not a necessity, since the kindling of fire on a festival is allowed for a necessity. And the accepted view is that it is forbidden to put spices on coals on a festival. Consequently, if the first intercourse is forbidden on sabbath it should be forbidden also on a festival, since it is not a necessity. R. Papa's view is therefore wrong. Generally speaking, work that is forbidden on Sabbath is forbidden on a festival. There is an exception in the case of work necessary for preparing food. This is already indicated in Ex. XII, 16; v. Meg. 7b.

- (18) To R. Papi.
- (19) I.e., to avoid, or anticipate the answer to, your question.
- (20) Ex. XII, 16. The verse continues, 'that only may be done to you'.
- (21) Literally, 'equal', 'like', 'worth'; a thing that is of equal worth for every one, namely, to eat, to do, to have.
- (22) The sense of the answer is this: You cannot compare the first intercourse to spices. Spices are not of equal necessity for every person. As Rashi puts it, only people who are used to luxuries desire spices. But sexual intercourse, even the first act, is a human need, which applies to all people.
- (23) I.e., if only work for a necessity to all is allowed on a festival.
- (24) Lit., 'happened to meet him.'
- (25) Cf. n. 6.
- (26) R. Ashi.
- (27) To R. Aha.
- (28) R. Ashi seems to emphasize the needfulness of the object, though it may not be of equal necessity to all.
- (29) Indeed, he answers, a deer is good for every person, and therefore, it may be slaughtered on a festival.
- (30) **VRUV** means 'to teach', 'to instruct', 'to decide'. **VTRUV** denotes a decision based on traditional teaching and (on) one's own learned deductions (One might call it 'an instructive decision.')
- (31) Sidon; [others: Bethsaida]
- (32) I.e., does not apply the term **VRUV**, or **VTRUV** to a prohibitory decision which need not necessarily be based on tradition or powers of deduction (Rashi).
- (33) Nazir 19b.
- (34) **VURUV**.
- (35) The Queen Helena of Adiabene, mother of King Monabaz. V. Nazir (Sonc. ed.) p. 66, n. 4.
- (36) It is forbidden to use the animal for food if the larger portion of its spinal cord was severed while the animal was alive.
- (37) Lit., '(these are) words of Rabbi . Rabbi is Rabbi Judah ha-Nasi.
- (38) The spinal cord.
- (39) **VURUV** v. Hul. 45b.
- (40) Against his own view. The view of R. Jacob was stricter than that of Rabbi.
- (41) Lit., 'How is it?'
- (42) R. Johanan.
- (43) To R. Ishmael.
- (44) This is the conclusion of the long argument.
- (45) At the celebration of the marriage. v. P.B. p. 299. Lit., 'laden (with) a blessing. ' Cf. 'obliged to', 'bound to.'
- (46) There is no contradiction between the two traditions.
- (47) Where R. Huna says that a widow requires a benediction.
- (48) A young man who was never married before.
- (49) Where R. Huna says that a widow does not require a benediction.
- (50) Identical with the benediction mentioned above.
- (51) Ruth IV, 2.
- (52) And still the benediction was required. As to Boaz having been a widower, v. B.B. 91a.
- (53) On the day of marriage.
- (54) V. supra 5a.
- (55) The bridegroom.
- (56) The bride.
- (57) Lit., 'In what?' 'How?'

(58) The benediction has to be said all the seven days following the marriage ceremony, and this implies rejoicing. That the benediction has to be said all the seven days in the case of the marriage of a young man, even if the bride is a widow, is inferred from the statement that in the case of the marriage of a widower and a widow it is not required to say the benediction all the seven days (Rashi).

(59) Only on one day has the benediction to be said, and this apparently means rejoicing only on one day.

Talmud - Mas. Kethuboth 7b

An objection was raised: [It has been taught:] The benediction is said [at the celebration of the marriage] for a maiden seven [days] and for a widow one day. Is it not [to be understood that] even [in the case of] a widow who marries a young man [the benediction is said only on one day]? — No [only when the widow marries] a widower. But [if the widow marries] a young man, what [then]? Seven [days]?¹ If that is so, let it be taught:² The benediction is said for a maiden³ seven [days], and for a widow who marries a young man⁴ seven [days], and for a widow [who marries a widower]⁵ one day? — It taught a decided thing:⁶ That there is no maiden who has less than seven [days],⁷ and there is no widow who has less than one day.⁸ The [above] text [says]: R. Nahman said: Huna b. Nathan said to me: A Tanna taught: Whence [is it derived that] the benediction of the bridegrooms [has to be said] in the presence of ten [persons]? Because it is said, And he took ten men of the elders of the city, and said: ‘Sit ye down here’.⁹ But R. Abbahu said [that it is derived] from here: In assemblies bless ye God, the Lord, from the fountain of Israel.¹⁰ And how does R. Nahman expound this verse of R. Abbahu?¹¹ — He requires it for the same purpose as has been set out in a Baraitha:¹² R. Meir used to say: Whence [can it be derived] that even embryos in the bowels of their mothers sang¹³ a song¹⁴ by the sea?¹⁵ Because it is said, In assemblies bless ye God, the Lord, from the fountain of Israel.¹⁶ And the other one?¹⁷ — If [that were] so, let the verse say,¹⁸ ‘from the womb.’¹⁹ Why [does it say], ‘from the fountain’?²⁰ [To show that it is] concerning the affairs of the fountain.²¹ And how does R. Abbahu expound that verse of R. Nahman?²² — He requires it for expounding: an Ammonite, and not an Ammonitess, a Moabite, and not a Moabitess.²³ For if you would think [that the presence of the ten men was required] for [the saying of] the benediction, would it not have been sufficient if they had not been elders?²⁴ And the other one?²⁵ — If you would think [that the verse was to be used] for that exposition, would it not have been sufficient if there had not been ten [persons]?²⁶ — Yes, to make the matter public²⁷ — and as Samuel said to R. Hanna of Bagdath:²⁸ Go out and bring me ten²⁹ [persons] and I will say unto thee in their presence; If one assigns [property] to an embryo, it acquires it. But the law is: If one assigns [property] to an embryo, it does not acquire it.³⁰

The Rabbis taught: The benediction of the bridegrooms is said³¹ in the house of the bridegroom.³² R. Judah says: Also in the house of the betrothal³³ it is said.³⁴ Abaye said: And in [the province of] Judah they taught [the opinion of R. Judah] because [in the province of Judah] he³⁵ is alone with her.³⁶

Another [Baraitha] teaches: The benediction of the bridegrooms is said in the house of the bridegrooms and the benediction of betrothal in the house of betrothal. [As to] the benediction of betrothal — what does one say?³⁷ — Rabin b. R. Adda and Rabbah son of R. Adda both said in the name of Rab Judah: Blessed art Thou, O Lord our God, King of the Universe, who has

sanctified us by his commandments and has commanded us concerning the forbidden relations and has forbidden unto us the betrothed³⁸ and has allowed unto us the wedded³⁹ through [the marriage] canopy⁴⁰ and sanctification.⁴¹ R. Aha ‘the son of Raba, concludes it.⁴² in the name of Rab Judah, [with the words]: Blessed art Thou, O Lord, who sanctifies Israel through canopy and sanctification. He who does not seal⁴³ [holds that] it is analogous to the blessing over fruits and to the benediction [said on performing] religious commandments.⁴⁴ And he who seals⁴⁵ [holds that] it is analogous to the kiddush.⁴⁶

Our Rabbis taught: The blessing of the bridegrooms is said in the presence of ten [persons]⁴⁷ all the seven days.⁴⁸ Rab Judah said: And that is only if new guests⁴⁹ come.⁵⁰ What does One say?⁵¹ Rab Judah ‘and: ‘Blessed art Thou, O Lord our God, King of the Universe,

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- (1) The benediction has to be said during seven days, just as at the marriage of a young man and a maiden!
 - (2) I.e., it should have been taught.
 - (3) On the occasion of the marriage of a maiden.
 - (4) On the occasion of the marriage of a widow and a young man.
 - (5) On the occasion of the marriage of a widow and a widower.
 - (6) A definite thing.
 - (7) On the occasion of the marriage of every maiden the benediction is said during the seven days following the marriage.
 - (8) On the occasion of the marriage of a widow the benediction must be said at least on one day (the day of the marriage). Usually a widow marries a widower.
 - (9) V. supra 7a.
 - (10) Ps. LXVIII, 27. An ‘assembly’ consists of at least ten persons; v Sanh. 2a. The ‘fountain’ is regarded by R. Abbahu, Midrashically, as an allusion to the young wife. Cf. Prov. V, 18: Let thy fountain be blessed, and have joy of the wife of thy youth. V. also V, 15’ and Isa. LI, 1. The derivation of R. Abbahu from the verse in Psalms is this: When a marriage is celebrated and a new fountain of Israel is to enrich life, a benediction has to be said in the presence of ten persons.
 - (11) I.e. ‘to what Midrashic use does R. Nahman put Ps. LXVIII, 27?’
 - (12) Lit., ‘to what has been taught’.
 - (13) Lit., ‘said.’
 - (14) Probably the song (Ex. XV) is meant.
 - (15) The Red Sea.
 - (16) The derivation is: Even those who were still in ‘the fountain’ of Israel sang a song unto the Lord. In vv. 23 and 26 R. Meir no doubt saw, Midrashically., allusions to the crossing of the Red Sea. Cf. especially v. 26 with Ex. XV. 20, 21.
 - (17) R. Abbahu. How does he derive the idea of R. Meir just expounded, since he uses the verse in Ps. LXVIIi for another purpose (benediction at the marriage in the presence of ten persons)?
 - (18) I.e., the verse should have read.
 - (19) ‘From the womb’ would indicate the presence of ‘fruit of the womb’, of an embryo. Cf. e.g., Gen. XXX, 2.
 - (20) ‘Fountain’ does not refer to present pregnancy, to an embryo, but to the source of life in the woman without implying that there is life in it now. Therefore we can also speak of the ‘fountain’ in the maiden.
 - (21) Marriage is concerned very largely with ‘the affairs of the fountain.’ R. Abbahu, therefore, prefers to use the verse in Ps. LXVIII for his Midrashic exposition (benediction at the marriage in the presence of ten persons).
 - (22) Ruth IV, 2.

(23) In Deut. XXIII, 4, it is said, An Ammonite or a Moabite shall not enter into the assembly of the Lord. The presence of ten elders was required for the interpretation that the prohibition to enter into the assembly of the Lord, that is, to be admitted into the community of Israel, applied only to Ammonite and Moabite men and not to Ammonite or Moabite women. This interpretation made the law clear, and thus Boaz could marry Ruth the Moabitess.

(24) That the presence of elders was necessary shews that the interpreting and establishing of a law was required.

(25) R. Nahman. How will he get that exposition if he uses the verse for a different purpose?

(26) If the presence of the elders was required for establishing a law, then there was no need to have ten elders. A smaller number of elders would also have been sufficient. It is different, according to R. Nahman, if the presence of the ten persons was required for saying the benediction at the marriage of Boaz and Ruth. Ten persons form a congregation; v. supra.

(27) This is the view of R. Abbahu.

(28) Bagdad. v. Rashi, Ber. 54b.

(29) So as to make his legal pronouncement public.

(30) V. B.B. 142b.

(31) Lit., 'they bless the benediction etc.' The reference is to the benediction at the celebration of the marriage held usually at the house of the bridegroom's parents as distinguished from that recited at the betrothal at the house of the parents of the bride V. infra.

(32) V. infra.

(33) On 'betrothal' v. Glos. s.v. erusin.

(34) V. p. 29, n. 13.

(35) The bridegroom.

(36) The bride. Bridegroom and bride are, in the province of Judah, closeted alone after the betrothal, (v. infra 12a). [This is forbidden without the benediction having been previously recited. V. Kallah, I.]

(37) I.e., what are the words constituting the benediction of betrothal?

(38) [Betrothal (erusin) without marriage (nissu'in) does not permit the bride to the bridegroom.]

(39) I.e., the women who are legally married unto their husbands. For the sake of clarity the post-Talmudic versions read: 'those who are wedded unto us.' V. Rashi and the Prayer-Books.

(40) Huppah v. Glos. and Kid (Sonc. ed.) p. 5, n. 7.

(41) **ihauseu vpuj** together constitute the complete marriage. [Var. lec. (Ittur and others) **ihausec vpuj** 'Huppah by means of Kiddushin', a preferable reading since the act Kiddushin (betrothal) took place in former days before Huppah.]

(42) The benediction; i.e., he adds a concluding portion.

(43) I.e., does not add the concluding portion.

(44) In those blessings there are no concluding portions. [Because their subject matter is praise and not interrupted by words of supplication or other matter (Rashi). Tosaf.: Because they are short prayers], Cf., e.g., P.B. pp. 289-291, 270.

(45) I.e., adds a concluding portion.

(46) Kiddush, 'sanctification', is the special term for the benediction said at the beginning of the Sabbath or a festival. And that benediction has a concluding portion, cf. P.B. pp. 124, 230-231, 243. [Because apart from words of praise to God it contains matter in description of the day of rest or the festival (Rashi). Tosaf.: because it is a lengthy prayer.]

(47) Lit., 'with ten'.

(48) Following the marriage.

(49) Lit 'new faces'.

(50) The benediction of the bridegrooms is said, at the meal on every day' of the seven day's if on every succeeding day new guests, that is guests who were not there on the previous day, come to the meal. For a pretty thought as to Sabbath being 'a new guest' v. Tosaf. a.l.

(51) I.e., What is the text of the benediction?

Talmud - Mas. Kethuboth 8a

who has¹ created all things² to his glory'. and³ 'the Creator of man', and 'who has created man in his image. In the image of the likeness of his form, and has prepared unto him⁴ out of himself⁵ a building forever.⁶ Blessed art thou, O Lord, Creator of man'.⁷ 'May the barren⁸ greatly rejoice and exult⁹ when her children will be gathered¹⁰ in her midst in joy.¹¹ Blessed art Thou, O Lord, who maketh Zion joyful through¹² her children'¹³ 'Mayest Thou make the loved¹⁴ companions greatly to rejoice, even as of old¹⁵ Thou didst gladden Thy creature¹⁶ in the Garden of Eden. Blessed art Thou, O Lord, who maketh bridegroom and bride to rejoice'.¹⁷ 'Blessed art Thou, O Lord our King, God of the universe, who has created joy and gladness, bridegroom and bride, rejoicing, song, mirth, and delight,¹⁸ love, and brotherhood, and peace, and friendship.¹⁹ Speedily, O Lord our God, may be heard in the cities of Judah, and in the streets of Jerusalem, the voice of joy and the voice of gladness, the voice of the bridegroom and the voice of the bride, the voice of the singing²⁰ of bridegrooms from their canopies²¹ and of youths from their feasts²² of song. Blessed art Thou, O Lord, who maketh the bridegroom to rejoice with²³ the bride'.²⁴

Levi came²⁵ to the house of Rabbi to²⁶ the wedding-feast of R. Simeon his son [and] said five benedictions.²⁷ R. Assi came²⁵ to the house of R. Ashi to²⁶ the wedding-feast of Mar his son [and] said six benedictions.²⁸ Does it mean to say that they differ in this: that one holds that there was one formation,²⁹ and the other holds that there were two formations?³⁰ — No. All³¹ agree [that] there was [only] one formation, [but they differ in this:] one holds [that] we go according³² to the intention,³³ and the other holds [that] we go according³² to the fact,³⁴ as that [statement] of Rab Judah [who] asked:³⁵ It is written, And God created man in his own image,³⁶ and it is written, Male and female created He them.³⁷ How is this [to be understood]? [In this way:] In the beginning it was the intention³⁸ [of God] to create two [human beings], and in the end [only] one [human being] was created.

R. Ashi came to the house of R. Kahana.³⁹ The first day⁴⁰ he said all the benedictions.⁴¹ From then and further on;⁴² if there were new guests⁴³ he said all the benedictions, but if not [he declared] it to be merely a continuance of the same joy⁴⁴ [in which case] one says [only] the benedictions 'in whose dwelling there is joy'⁴⁵ and 'who has created'.⁴⁶ From the seventh day to the thirtieth day.⁴⁷ whether he⁴⁸ said to them⁴⁹ 'because of the wedding'⁵⁰ or whether he did not say to them 'because of the wedding', one says the benediction 'in whose dwelling there is joy'.⁵¹ From then⁵² and further on;⁵³ if he said to them 'because of the wedding' he says the benediction 'in whose dwelling there is joy', but not otherwise.⁵⁴ And if he says to them 'because of the wedding', until when [is this benediction said]?⁵³ Said R. Papi in the name of Raba: Twelve months [forming] a year.⁵⁵ And at first⁵⁶ from when?⁵⁷ Said R. Papa: From the time that they put barley into the mortar.⁵⁸ But this is not so? Did not R. Papa busy himself for his son Abba Mar⁵⁹ and say the benediction⁶⁰ from the time of the betrothal? — It was different [in the case of] A. Papa, because he took the trouble [of preparing everything for the wedding].⁶¹ Rabina busied

himself for his son⁶² in the house of R. Habiba and said the benediction⁶⁰ from the time of the betrothal. He said: I am sure with regard to them that they will not retract [the betrothal].⁶³ [But] the matter was not successful⁶⁴ and they did retract. R. Tahlifa, son of the West,⁶⁵ came to Babylon [and] said six long benedictions.⁶⁶ But the law is not according to him. R. Habiba came into the house of a circumcision⁶⁷ [and] said the benediction ‘in whose dwelling there is joy.’ But the law is not according to him, since they are distressed because the child has pain.

R. Nahman said [that] Rab said: Bridegrooms are of the number, and mourners are not of the number.⁶⁸ An objection was raised: Bridegrooms and mourners are of the number? — You ask [from] a Baraita against Rab?⁶⁹ Rab is a Tanna and differs!⁷⁰ It has been said: R. Isaac said [that] R. Johanan said: Bridegrooms are of the number, and mourners are not of the number. An objection was raised: Bridegrooms and mourners are of the number?⁷¹ —

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- (1) It is common usage to translate in the Prayer books the perfect verb ‘has’ in the benediction by ‘hast’ (created, etc.).
 - (2) Lit ‘all’.
 - (3) I.e., also the benediction of (‘the Creator of man’). The words, ‘the Creator of man’ are preceded by the words, ‘Blessed art Thou, O Lord our God, King of the universe,’ as in the first benediction.
 - (4) Unto man.
 - (5) Out of man. P.B. ‘out of his very self.’
 - (6) Lit., ‘a building even to perpetuity.’ By ‘a building for ever’, Eve is meant. V. Rashi, a.l. and cf. Gen. II. 22. ‘A building for ever’ contains the idea of ‘the mother of all living’ (Gen. III, 20). It is woman that carries the human race. P.B. p. 299: — ‘a perpetual fabric’ — expresses well this idea.
 - (7) These three benedictions are based on Gen. I and II. In the first benediction God is praised for the creation of the world (‘the all’). In the second benediction God is praised for the creation of man. ‘Man’ is used here in the sense of ‘human being’, cf. Gen. I, 27. In the third benediction God is praised for fashioning man in his image, in the image of the likeness of his form, and for preparing a perpetual building out of man himself. In creating Eve, out of man, god provided for the perpetual renewal of man, of the human being. The divine form of man and the continual re-creation of man, by ever recurring new births, in the divine form, are the subjects of praise in the third benediction while the subject of the second benediction is the creation of man generally. ‘The Creator of man’, in the concluding portion of the third benediction, has already the further meaning of the creation of man as expressed in the third benediction. In this respect ‘The Creator of Man’, in the third benediction, differs from ‘The Creator of Man’ of the second benediction. This might also explain the difficulty which has been felt to exist in the relationship of these two benedictions (v. the Gemara later and Rashi a.l.; v. also Abrahams’ Notes, P.B. p. ccxvi).
 - (8) I.e., Zion; cf. Isa. LIV.
 - (9) Cf. Isa. LXI, 10 and LXII, 5.
 - (10) Lit., ‘at the gathering of her children.’
 - (11) Cf. Isa. LIV, 1-3.
 - (12) Lit., in ‘with’.
 - (13) I.e., by restoring to Zion her children. This benediction seems to have arisen out of Isa. LXII. Cf. especially vv. 4 and 5. And according to Ps. CXXXVII, Jerusalem is to be remembered and set ‘above my chiefest joy’; Rashi a.l. (fol. 8a).
 - (14) I.e., the bridegroom and the bride.
 - (15) The word **osen** in Gen. II, 8, means ‘eastward’. Here it is used in the sense of ‘in former times’, ‘of old’.
 - (16) I.e., Adam, by giving him a wife; cf. Gen. II, 23. Adam and Eve rejoiced at their union. And so may the

bridegroom and bride rejoice.

(17) The last two benedictions do not begin with 'Blessed art Thou, O Lord our God, King of the universe,' because they are in fact prayers. In the first, second and third benedictions God is praised for what he had done. In the fourth as well as in the fifth benediction a prayer is uttered that God may cause something to happen, namely joy to Zion, or to the bridegroom and the bride. For another explanation, v. Rashi and Tosaf. a.l. V., however, Rashi s.v. **jnan**. The fifth benediction seems to have resulted from the fourth benediction. V. supra n. 4 and cf. Isa. LXII, 5. The two prayers, like the two ideas contained in vv. 4 and 5, were bound up with one another.

(18) All these words mean 'joy'. **vmhs** means dancing with joy'.

(19) Or, 'fellowship', companionship'.

(20) Lit., 'breakings forth into song, shouts of joy'.

(21) In the Hebrew text the singular is used. Canopy means here 'a bridal chamber'. Cf. Joel II, 16.

(22) In the Hebrew text the singular is used.

(23) In this benediction the joy referred to is the joy of the bridegroom with the bride (Rashi).

(24) In this benediction God is praised for the creation of joy in its various forms. Bridegroom and bride represent joy. True joy leads to love and friendship. These six benedictions are recited at Jewish weddings up to this day. The benediction over the wine is added to them, and together they are called 'the Seven Benedictions'. The loftiness of tone and the beauty of style of these benedictions are unsurpassed. The blend of Biblical strength and Midrashic sweetness seems to point to an early date.

(25) Lit., 'happened to come .

(26) Lit., 'in'. A more correct translation might be, 'during'.

(27) Lit., 'blessed five'. Apparently the second benediction was left out (Rashi).

(28) I.e., all the six benedictions.

(29) For man and woman. Therefore one benediction for the creation of man and woman is sufficient. This would be the third benediction.

(30) One of man and one of woman.

(31) Lit., 'the whole world.'

(32) Lit., 'after'.

(33) The intention was to create two human beings: man and woman.

(34) Only' man was formed, and woman was 'built' out of him; cf. Gen. II, 7 and 22.

(35) Lit., 'to throw up a question'.

(36) Gen. I, 27.

(37) Gen. V, 2: It seems that R. Judah does not ask his question merely from the first five words of Gen. I, 27, and from the first three words of Gen. V, 2, for in that case there would have been no need for him to refer to Gen. V, 2, since he could have asked the question from the last words of Gen. I, 27 'male and female he created them' but his question is from the whole verse 27 in Gen. I and from the whole verse 2 in Gen. V. The meaning of the question should be this: Gen. I, 27 begins by saying that God created man and ends by saying that man was created as male and female. The last words of Gen. I, 27 would thus shew that there were two creations. Gen. V, 2 begins by saying that God created them male and female, and then it says, as He blessed them and called their name Man in the day when they were created. This verse would shew that in the end there was only one creation. In short: Gen. I, 27. begins with one creation and ends with two creations, and Gen. V, 2, begins with two creations and ends with one creation. This, it seems, is the question of Rab Judah. Rab Judah quoted the verses by quoting the first portions of the verse. He really meant to say 'etc.' — In 'Er. 18a and Ber. 61a the name is R. Abbahu. In 'Er. 18a, in the image of God hath he created man, is quoted from Gen. I, 27. In Ber. 61a, 'for in the image of God made he man' (Gen. IX, 6) is quoted. This quotation apparently stands for that of Gen. I, 27. Both in 'Er. 18a and Ber. 61a 'male and female created He them' is quoted first.

(38) Lit., 'it went up in the thought', namely of God. A sense of reverence does not allow Rab Judah to mention 'God' after 'thought'. The meaning of the answer is: At first God intended to create two human beings, man and woman (Gen I. 27). But in the end only man was created by God, and woman was 'built' by God out of man (Gen V, 2)

(39) I.e., to the wedding-feast.

(40) The first of the seven days of the wedding festivities, which began after the marriage ceremony; v. supra 7b.

(41) Lit., 'he blessed all of them.'

(42) Lit., 'from now'. I.e., from the second day to the end of the seven days.

(43) Lit., 'new faces': cf. supra 7b.

(44) If there were new guests it would be a new occasion for joy.

(45) Lit., 'the joy'.

(46) The sixth benediction.

(47) Lit., 'from seven to thirty.'

(48) The host, as a rule the father of the bride.

(49) The invited guests.

(50) 'I have invited you here to dinner' (Rashi).

(51) **ubugnc vj nava** v. p. 35, n. 1.

(52) Lit., 'from now'.

(53) I.e., after the thirty days.

(54) Lit., 'if not, not'. (18) The benediction 'in whose dwelling there is joy'.

(55) I.e., the whole of the first year. The phrase 'in whose dwelling there is joy' occurs here for the first time. Commenting on this phrase Rashi says 'at the beginning of the summons (to say Grace).' The words 'in whose dwelling there is joy' are indeed used in the introduction to the Grace after meals at weddings; v. P.B. p. 300. Cf. also Abrahams' Notes, p. ccxviii, and Baer, Seder Abodoth Israel, p. 563. But the question arises: was **ubugnc vj nava** said before the Grace after meals in Talmudic times? In our text there is no indication that this was so. Another question is: did the whole benediction consist of the words **ubugnc vj nava**? Or were they the initial words of a longer benediction? The benediction **trc rat**'who has created' mentioned together with it is the sixth benediction, the longest of the six benedictions. One is thus very much tempted to think that **ubugnc vj nava** were words of a longer benediction probably introduced by the formula 'Blessed art Thou, O Lord our God, King of the Universe' and said as a substitute for the first five benedictions. The key note of the first five benedictions is joy. Joy speaks out of every benediction; there was joy in the creation of the universe, in the creation of man, in the formation of man and woman. There is joy in the fourth and fifth benedictions. The joy in the first three benedictions is the joy of God. The joy in the fourth and fifth benedictions is also divine joy. The sixth benediction speaks of the joy created by God for man, 'Blessed art Thou, O Lord our God, King of the Universe, who has created joy and gladness.' etc. The joy of the first five benedictions is summarized by the words, 'in whose dwelling there is joy.' There is joy on high, there is joy with God. This joy is spoken of in the first five benedictions. And this joy is also expressed briefly in the words 'in whose dwelling there is joy'. The human joy, created by God, is expressed in the sixth benediction **trc rat**, while **ubugnc vj nava** stands for the benediction which was a substitute for the first five benedictions. On the first day of the wedding the six benedictions were said. After the first day, if there were no new guests, two benedictions were said. After the seventh day only one benediction was said. And that benediction was 'in whose dwelling there is joy.' Man's joy began to diminish. So only God's joy was now mentioned. In the time after the Talmud **ubugnc vj nava** was given a place in the introduction to the Grace after meals at weddings, instead of being said as a full benediction after Grace, because the full text of this benediction was not mentioned in the Talmud. It may be that the tradition that the full benediction (with 'Blessed art Thou,' etc.) was said, was

lost. It was felt that **ubugnc vj nava** was left hanging in the air and it was incorporated in the summons to say Grace; v. P.B., p. 300. That the word **iugn** was chosen to denote the dwelling of God may be due to the fact that it is mentioned in Hag. 12b as the heavenly region in which the angels sing; v. Abrahams and Baer, loc cit. **iugn** is there spoken of as the fifth of the seven firmaments. Might there not be in it an allusion to the five benedictions, for which the benediction of **ubugnc vj nava** is a substitute?

(56) Or, 'originally.' i.e., 'before the wedding.'

(57) Does one say 'In whose dwelling there is joy'.

(58) Or trough (for brewing beer), or pot (for planting barley for the wedding ceremony). The meaning of this phrase is: from the time that they begin making preparations for the wedding (v. Rashi).

(59) I.e., R. Papa had his son engaged to be married.

(60) In whose dwelling there is joy'.

(61) As all preparations for the wedding and the wedding-feast were made, R. Papa felt that he could say the benediction.

(62) I.e., Rabina had his son engaged (Rashi).

(63) And therefore he said the benedictions.

(64) Lit., 'the matter was not supported (by divine help).

(65) I.e., son of Palestine, Palestinian. It may be that **tcrgn** ('West') was the name of the father of R. Tahlifa; v. Levy, s.v. But the mention of Babylon seems to support the rendering 'son of the West', 'Palestinian'.

(66) He extended the first two benedictions by making additions to them (Rashi). It is possible that 'by long' is meant the full benedictions as they are given on fol. 8a, in contradistinction to the short blessing

ubugnc vj nava

(67) I.e., a house in which a circumcision took place, followed by a festive meal.

(68) There must be ten male persons for the recital of the six (or seven) 'benedictions of the bridegrooms', v. supra 7a and 7b. The benediction of the mourners is also said in the presence of ten male persons, v. infra 8b. R. Nahman says in the name of Rab that bridegrooms may be of the ten, but mourners may not be of the ten. There must be ten without the mourners.

(69) Lit., 'You throw a Baraita against Rab.'

(70) I.e., Rab's authority is as great as that of a Tanna and he has therefore the right to differ with other Tannaim, Teachers of Mishnah or Baraita.

(71) The same question is asked against R. Johanan as was asked against Rab. But the answer which was effective in the case of Rab could not be given with regard to R. Johanan. Therefore different answers are attempted, v. infra 8b.

Talmud - Mas. Kethuboth 8b

With regard to what was that taught?¹ With regard to Grace after meals;² [and] with regard to what did R. Johanan say [this ruling]?³ With regard to the line [of comforters].⁴ But [then] what of the dictum⁵ of which)R. Isaac said [that] R. Johanan said: 'One says the benediction⁶ of the bridegrooms in the presence of ten [male persons] and the bridegrooms are of the number, and [one says] the benediction of the mourners⁷ in the presence of ten [male persons] and the mourners are not of the number' — is there a benediction [said] in the line [of comforters]?⁸ — But [the answer is]: With regard to what did R. Johanan say [this ruling]?³ with regard to the [benediction recited in the] open space.⁹ But [then] what of the dictum which R. Isaac said [that] R. Johanan said: 'One says the benediction of the bridegrooms in the presence of ten [male persons] all the seven [days]¹⁰ and the bridegrooms are of the number, and [one says] the

benediction of the mourners in the presence of ten [male persons] all the seven [days]¹¹ and the mourners are not of the number — is the benediction [recited in] the open space said all the seven days?¹² — It is possible in the presence of new friends¹³ — as in the case of¹⁴ R. Hiyya. the son of Abba, [who was] the Bible teacher of the son¹⁵ of Resh Lakish, or, as some say,¹⁶ the Mishnah teacher of the son of Resh Lakish. [It happened as follows:] A child [of R. Hiyya, the son of Abba] died,¹⁷ The first day¹⁸ he [Resh Lakish] did not go to him. The next day¹⁹ he [Resh Lakish] took with him²⁰ Judah the son of Nahmani,²¹ his meturgeman.²² [and] said to him: Rise [and] say something²³ with regard to²⁴ [the death of] the child. He spoke²⁵ and said: [It is written.] And the Lord saw and spurned, because of the provoking of His sons and His daughters.²⁴ [This means, in] a generation [in which the fathers spurn the Holy One, blessed be He, He is angry with their sons and their daughters and they die when they are young.²⁶ And some say [that] he [the child of R. Hiyya, the son of Abba, that died] was a young man²⁷ and that he [Judah the son of Nahmani] said thus to him:²⁸ Therefore the Lord shall have no joy in their young men, neither shall He have compassion on their fatherless and widows; for every one is profane and an evil-doer, and every mouth speaketh folly. For all this His anger is not turned away, but His hand is stretched out still.²⁹ (What is the meaning³⁰ of ‘but His hand is stretched out still’? Said R. Hanan, the son of Rab:³¹ All know for what purpose³² a bride is brought into the bridal chamber, but whoever disgraces his mouth and utters³³ a word of folly-even if a [divine] decree³⁴ of seventy years of happiness³⁵ were sealed [and granted] unto him,³⁶ it is turned for him into evil.) — He came to comfort, [and] he grieved him? This he said to him: Thou art important enough to be held responsible³⁷ for [the shortcomings of] the generation.³⁸ He³⁹ [then] said to him:⁴⁰ Rise [and] say something with regard to the praise of the Holy One, blessed be He He spoke and said: The God,⁴¹ who is great in the abundance of His greatness, mighty and strong in the multitude of awe-inspiring deeds, who reviveth the dead with his word,⁴² who does great things that are unsearchable⁴³ and wondrous works without number.⁴⁴ Blessed art thou, O Lord, who revivest the dead.⁴⁵ He⁴⁶ then ‘said to him:⁴⁷ Rise [and] say something with regard to the mourners. He spoke and said: Our brethren, who are worn out, who are crushed by this bereavement,⁴⁸ set your heart to consider⁴⁹ this: This it is [that] stands for ever,⁵⁰ it is a path from the six days of creation.⁵¹ Many have drunk, many will drink,⁵² as the drinking of the first ones, so will be that of the last ones. Our brethren, the Lord of consolation comfort you. Blessed be He who comforteth the mourners. (Said Abaye: ‘Many have drunk’ he should have said, ‘many will drink’ one should not have said, ‘the drinking of the first ones’, he should have said, ‘the drinking of the last ones’ one should not have said, for R. Simeon, the son of Lakish,⁵³ said, and so one has taught in the name of R. Jose: Man should never open his mouth to Satan.⁵⁴ Said R. Joseph: What text [shows this]? We should have been as Sodom, we should have been like unto Gomorrah.⁵⁵ What did He⁵⁶ reply unto him?⁵⁷ Hear the word of the Lord, ye rulers of Sodom, etc.⁵⁸) He⁵⁹ [then] said to him:⁶⁰ Rise [and] say something with regard to the comforters of the mourners.⁶¹ He spoke and said: Our brethren, bestowers of lovingkindnesses, sons of bestowers of lovingkindnesses, who hold fast to the covenant of Abraham our father⁶² [for it is said, For I have known him, to the end that he may command his children, etc.],⁶³ our brethren, may the Lord of recompense pay you your reward. Blessed art Thou who payest the recompense. He⁶⁴ [then] said unto him:⁶⁵ Rise [and] say something with regard to the whole of Israel. He spoke and said: Master of the worlds, redeem and save, deliver [and] help Thy people Israel from pestilence,⁶⁶ and from the sword, and from plundering,⁶⁷ and from the blast, and from the mildew, and from all kinds of calamities that [may] break forth and come into⁶⁸ the world. Before we call, mayest Thou answer,⁶⁹ Blessed art

Thou who stayest the plague.⁷⁰ ‘Ulla said, and some say [that] it was taught in a Baraitha: Ten cups [of wine] the scholars have instituted [to be drunk] in the house of the mourner: Three before the meal in order to open the small bowels, three during the meal in order to dissolve the food in the bowels, and four after the meal: one corresponding to ‘who feedeth’,⁷¹ one corresponding to the blessing of ‘the land’,⁷¹ one corresponding to ‘who rebuildeth Jerusalem’,⁷¹ and one corresponding to ‘who is good and doeth good’.⁷¹ They [then] added unto them [another] four [cups]: one in honour of the officers of the town, and one in honour of the leaders of the town, and one in honour of the Temple. and one in honour of Rabban Gamaliel. [When] they began to drink [too much] and to become intoxicated, they restored the matter to its original state.⁷² What [about] Rabban Gamaliel? — As it has been taught: At first the carrying out of the dead⁷³ was harder for his relatives⁷⁴ than his death,⁷⁵ so that they left him⁷⁶ and ran away, until Rabban Gamaliel⁷⁷ came and adopted a simple style and they carried him out⁷⁸ in garments of linen, and [then] all the people followed his example and carried out [the dead]⁷⁹ in garments of linen. Said R. Papa: And now it is the general practice [to carry out the dead] even in rough cloth worth [only] a zuz.⁸⁰

R. Eleazar said:

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- (1) Lit., ‘When was that taught’. In the Baraitha (that mourners ate also of the number)
 - (2) Lit., ‘the benediction of food’.
 - (3) That mourners are not of the number.
 - (4) The line of comforters which was formed to offer consolation to the mourners after a burial, v. Sanh. 19a.
 - (5) Lit., ‘But as to this that’.
 - (6) ‘The blessing, or benediction, of the bridegrooms’ has a collective sense. The six (or seven) benedictions are meant.
 - (7) Has also a collective sense; v. infra.
 - (8) Does one say benedictions in the line that is formed, after the burial of the dead, so that the friends may comfort the mourners? There only words of comfort are said, but no benedictions. In Sanh.. 19a one word of comfort is mentioned: **unjb**, , ‘be comforted’.
 - (9) The benedictions of the mourners were said in the open space, v. infra.
 - (10) Of the wedding festivities.
 - (11) Of mourning.
 - (12) Lit., ‘Is there a benediction of the open space all the seven days?’
 - (13) Lit., ‘Thou wilt find it in (the case of) new faces’. When new friends come to visit the mourners for the first time during the seven days, the benediction of mourners is said :in the free space.
 - (14) Lit., ‘as that of.’
 - (15) So MS.M.; cur. edd. ‘sons’.
 - (16) Lit., ‘and some say.’
 - (17) It was R. Hiyya's child that died and not Resh Lakish's. Resh Lakish went to comfort R. Hiyya and took his (Resh Lakish's) meturgeman (v. infra) with him. Some scholars go wrong in the rendering of this passage. V., for instance, Levy p. 303. Bacher rightly speaks of the death of the young child of R. Hiyya.
 - (18) I.e., the first day of R. Hiyya's mourning.
 - (19) Lit., ‘on the morrow.’
 - (20) Lit., ‘led him.’
 - (21) Judah the son of Nahmani, is mentioned several times as the meturgeman of Resh Lakish; v. e.g. Sot. 37b,

Cit. 60b, (also Tem. 14b), and Sanh. 7b.

(22) 'Interpreter'. As to his function v. J.E., vol. VIII, p. 521. and vol. I, p. 527, n. I. One sentence may be quoted from the last-named article. 'In a limited sense it ('the interpreter' Amora, or meturgeman) signifies the officer who stood at the side of the lecturer or presiding teacher in the academy and in meetings for public instruction, and announced loudly, and explained to the large assembly in an oratorical manner, what the teacher had just expressed briefly and in a low voice.' The meturgeman was, therefore, a sort of assistant lecturer. Judah the son of Nahmani, was assistant lecturer to Resh Lakish. He was also a good preacher who expounded well Biblical verses homiletically (cf. e.g., Sanh. 7b). He could also recite benedictions by heart. Cf. Cit. 60b and Tem. 14b. For these reasons apparently Resh Lakish took with him Judah the son of Nahmani, when he paid a visit of condolence to R. Hiyya. the son of Abba. Judah spoke on behalf of Resh Lakish.

(23) Lit., 'a word', 'a thing.'

(24) Lit., 'corresponding to', 'vis-a-vis'.

(25) Lit., 'he opened.' This probably means: he opened his mouth (and said), cf. Job III, 1. It may also mean: he opened his discourse; v. the Dictionaries of Levy and Jastrow, s.v. Here the first meaning seems to be more likely. (15) Deut. XXXII, 19.

(26) Lit., 'small'.

(27) I.e., a grown-up son, not a small child

(28) To R. Hiyya. the son of Abba

(29) Isa. IX. 16.

(30) Lit., 'What?' 'Why?'

(31) In Shab. 33a: b. Raba.

(32) Lit., 'for what.'

(33) Lit., 'brings forth from his mouth.'

(34) Lit., a decree of His judgment.'

(35) Lit, 'for good.'

(36) I.e., even if it was decreed in heaven that he should have seventy' years of happiness. cf R.H. 16b.

(37) Lit., 'to be seized'.

(38) Cf. Shab. 33b: 'the righteous men are seized for (the shortcomings of) the generation.' V. Rashi a.l.

(39) Resh Lakish

(40) Judah the son of Nahmani.

(41) According to Rashi the words 'Blessed art Thou, O Lord our God, King of the Universe,' are to be supplemented before 'The God,' etc.

(42) This phrase occurs also in the abbreviated Amida prayer said on Friday' night. v. P.B. p. 120.

(43) Lit., 'until there is no searching.' Cf Ps CXLV. 3.

(44) Lit., 'until there is no number.' Cf. Ps. CXLVII, 5. The whole phrase occurs also in the evening service prayer v. P.B. p. 99.

(45) This benediction is, in its main ideas, reminiscent of the first three benedictions of the Amida.

(46) Resh Lakish

(47) Judah the son of Nahmani.

(48) Lit., 'by this mourning.'

(49) Cf. I Chron. XXII, 25.

(50) Rashi adds: that all die, and you should nor weep too much.

(51) Lit., 'in the beginning'.

(52) From the cup of sorrow.

(53) I.e., Resh Lakish.

- (54) That is, one should never utter ominous words and thus invite misfortune.
- (55) Isa. I, 9.
- (56) God.
- (57) Unto Isaiah.
- (58) Isa. I, 20. Because Isaiah compared the people to Sodom and Gomorrah, God addressed them as ‘rulers of Sodom,’ ‘people of Gomorrah.’ This is to illustrate how ominous words can have an evil effect.
- (59) Resh Lakish.
- (60) Judah the son of Nahmani.
- (61) The friends who came to comfort the mourners.
- (62) Rashi adds: who bestowed lovingkindnesses. The meaning is: who are carrying out the trust with which Abraham was charged, also for future generations; v. next note.
- (63) The passage is bracketed also in the original. The verse continues: and his household after him, that they may keep the way of the Lord, to do righteousness and Justice: to the end that the Lord may bring upon Abraham that which He has spoken of him; Gen. XVIII, 19.
- (64) Resh Lakish.
- (65) Judah the son of Nahmani.
- (66) Lit ,’the pestilence.’
- (67) Lit., ‘the spoil’, ‘the plunder’.
- (68) Lit.,’to’.
- (69) Lit., ‘and thou wilt answer’.
- (70) Cf. Num. XVII, 13, 15; XXV, 8; II Sam. XXIV, 21, 25; Ps. CVI, 30. It is now time to deal with one or two points arising out of what we are told on this page (folio 8b) about the visit of Resh Lakish and his meturgeman, Judah the son of Nahmani, to R. Hiyya the son of Abba, on the occasion of the death of R. Hiyya's child. The story of this visit was introduced in order to show that there is **vcj r , frc** during all the seven days of mourning if new friends are present on each occasion. Now, what is **vcj r , frc** ? This question has not been answered yet. In the time of the Gaonim the tradition concerning it had faded already. In Shittah Mekubbezeth on Keth. 8b three different views are quoted. The view mentioned in Nahmanides’ Toroth ha-Adam ed. Venice, p. 50a, is again different. The explanation attempted by Krauss in the Jahrbuch der jud.-lit. Gesellschaft, vol. XVII (1926), pp. 238-239 (v. also Krauss, Jahresbericht XXXVII-XXXIX Isr.-Theol. Lehranstalt in Wien, p. 60f) is unsatisfactory. **kctv , hc** in Kethuboth 8b is not inaccurate (v. Jahrbuch, p. 235). The emendation suggested by Krauss (Jahresbericht, p. 60) for **vcj r , frc ohkct , frc htn** . (Meg. 23b) is unacceptable. In Tractate Soferim ch. XIX **vcj r , frc** is not mentioned. The quotation from Hai and Sherira in Shittah Mekubbezeth concludes with the words: ‘As much as we have heard, we never heard that the **vcj r , frc** was in vogue in Babylon’. The following explanation may however be briefly submitted: — **vcj r** in this connection has nothing to do with **cu j r** public place. It is, rather, the open space behind the house (of the mourner). V. Er. 24a-b and Krauss, T.A. vol. I, p. 48, and p. 361, n. 633. **vcj r , frc** would thus mean the blessing of the mourners said in the open space behind the house of the mourner. When ten or more friends came to comfort the mourner there was, at any rate in many cases, no room in the house for all the visitors, and the mourners sat in the open space behind the house and the guests assembled there, and the benedictions **ohkct , frc** were recited before the assembly in the open space. **vcj r** was therefore almost identical with the **kctv , hc** Therefore, when it is said in Meg. 23b **vcj r , frc ohkct , frc htn** this statement is entirely correct. (**vhcdk kzt tk** can only mean that he (Resh Lakish) did not go to him (to the mourner). The next day he did go to him, namely, to his house, or to the open space behind the house. What Krauss, Jahrbuch, p. 239, says on **vhcdk** cannot be accepted.) The story on this page (folio 8b) confirms this interpretation. Resh Lakish and his meturgeman went to R. Hiyya, that is, they went to his house, or to the open

space near his house. Judah, the son of Nahmani, delivered there a homily and recited four benedictions. And these benedictions are called **vcj r , frc** and **ohkct , frc**. That is: The **ohkct , frc**., which was recited in the **vcj r** was also called **vcj r , frc** and required the presence of ten new guests. Whether this **vcj r , frc** required a cup of benediction is difficult to say. In Toroth ha-Adam p. 45b it says: Some say that **vcj r , frc** requires a cup: cf. however *ibid.* 49a, where the view of R. Paltai seems to be that it had no 'cup' attached to it. In the story on this page (folio 8b) no 'cup' is mentioned. It might have been implied. It may be that the **vtrcv , sugx** (the meal given by friends to the mourners after the funeral) also took place in this **vcj r**. Cf. M.K. 25a. The **vcj r , frc** fell, apparently, early into disuse, so that in post-Talmudic times its real character was not known any more. It is difficult to see why these benedictions disappeared from use. They are beautiful in thought and language, especially benedictions 1 and 2. These two benedictions deserve to be reinstated. Another point that should be noted is this: Judah the son of Nahmani, did not give his own sayings. The homily which he delivered was not his own. The benedictions which he recited had long been fixed. Cf. Rashi, *ad loc.* **rsxv kg , urusx ifu**. It is strange that Graetz thinks that Judah the son of Nahmani improvised these beautiful prayers and that these prayers shew that Judah was a fine Hebrew stylist. Judah the son of Nahmani was a meturgeman, and a meturgeman was not expected to say original things. He knew by heart the homilies of others and the fixed benedictions, and he delivered the homilies well and he recited the benedictions well. It is interesting to note that **t , khn tnht oue** was said to the Meturgeman, although the **t , khn** was not his. Cf. also Shittah Mekubbezeth:
ive, ht trehgn , ufrc hbv kct vhk rnt tnkge trusx t , khn tnht oue ibh rnts tvu

- (71) 'Who feedeth' is the first benediction of Grace after meals, the blessing of 'the land' is the second, 'who rebuildeth Jerusalem' is the third, and 'who is good and doeth good' is the fourth. V. P.B., pp. 280-283; cf. Ber. 48b.
- (72) Lit., 'to its old state.' Cf. Sem. ch. XIV, where the text is somewhat different and the order of the 'cups' varies.
- (73) I.e.. the funeral.
- (74) The relatives of the dead.
- (75) Because of the great expense. They buried the dead in costly' garments (Rashi).
- (76) The dead.
- (77) I.e., Rabban Gamaliel II, also called Rabban Gamaliel of Jabneh.
- (78) For variant, cf. M.K. 27b.
- (79) For burial
- (80) A silver coin, one fourth of a shekel.

Talmud - Mas. Kethuboth 9a

He who says. I have found an 'open opening'¹ is trusted to make her forbidden for him.² Why?³ It is a double doubt:⁴ It is a doubt [whether she had the intercourse with the other man while] under him,⁵ or⁶, [while] not under him.⁷ And if you say⁸ that [she had that intercourse while] under him, [there is] the [other] doubt [whether she had that intercourse] by violence or⁹ by [her free] will! — It was necessary¹⁰ [to state this rule] in the case of the wife of a priest.¹¹ And if you wish, you may say [that it speaks of] the wife of an Israelite,¹² and for instance when her father received the betrothal for her [when] she was less than three years and one day old.¹³ What does he¹⁴ let 'is hear by [this since] we have already learnt [it]:¹⁵ 'If a man says¹⁶ to a woman, "I have betrothed thee [to myself]", and she says, "Thou hast not betrothed me [to thyself]," she is allowed [to

marry] his relatives, but he is forbidden [to marry] her relatives.’¹⁷ — What you might have supposed is that there¹⁸ [he causes a prohibition to himself] because it is certain to him,¹⁹ but here it is not quite certain to him.²⁰ [Therefore] he²¹ lets us hear [this rule].²² But did R. Eleazar say so? Did not R. Eleazar say: The wife does not become forbidden for her husband save in the case of²³ warning²⁴ and seclusion,²⁵ and as [we find in] the occurrence that happened?²⁶ But how can you [in any case] understand it?²⁷ Was the occurrence that happened accompanied by warning and seclusion? And again, did they²⁸ declare her²⁹ forbidden?³⁰ — This is no difficulty, [for] thus he³¹ means to say:³² The wife does not become forbidden for her husband save in the case of warning and seclusion, [and this we learn] from the occurrence that happened, because [there] there was no warning and seclusion and [therefore] she³³ was not forbidden.³⁴ But [the former question] is nevertheless difficult. In the [case of] warning and seclusion but not [in the case of] ‘an open opening’!³⁵ — But according to your argument³⁶ [the question could be asked]: [in the case of] warning and seclusion, yes, [and in the case of] witnesses,³⁷ no! Hence he³⁸ means to say thus: The wife does not become forbidden for her husband through one witness³⁹ but through two witnesses;⁴⁰ but in the case of warning and seclusion:⁴¹ even through one witness,⁴² and ‘an open opening’ is like two witnesses.⁴³ And if you will say: [In the case of] the occurrence that happened. why did they not declare her forbidden?⁴⁴ [The answer is:] There it was compulsion.⁴⁵ And if you wish you can say as R. Samuel the son of Nahmani said⁴⁶ [that] R. Jonathan said:

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- (1) ‘An open opening’ is a euphemistic expression for ‘absence of virginity’. The husband, after the first intercourse with his young wife, claims that he found no virginity.
 - (2) V. infra.
 - (3) Lit , ‘And why?’ — The question is: Why should his wife become forbidden for him by what he said regarding the absence of her virginity?
 - (4) Lit., the doubt of a doubt’.
 - (5) Under her husband, that is, since the betrothal (erusin); in which case she is regarded as an adulteress who is forbidden to live with her husband. V. Sanh. 51a.
 - (6) Lit ‘A doubt’.
 - (7) Before her betrothal.
 - (8) Lit., ‘If thou wilt be found (consequently) to say.’
 - (9) If a betrothed (or married) woman is violated by another man she does not become forbidden for her husband. V. infra 51b, v. also Deut. XXII, 25-27.
 - (10) Lit., not necessary’, i.e., it would not have been necessary but for the case of the wife of a priest. The meaning is: the rule applies in the case of the wife of a priest.
 - (11) If the wife of a priest was violated she was forbidden for her husband. V. infra 51b, and Yeb. 56b.
 - (12) I.e., an ordinary Jew, not a priest.
 - (13) In this case there is only one doubt: whether she was violated, or submitted by her free will. The other doubt (‘under him’ or ‘not under him’) does not arise since in the latter case her virginity would not be affected. V. Ned. 44b.
 - (14) R. Eleazar (an Amora).
 - (15) That a man may, by his own evidence, prohibit for himself a thing or a person otherwise permitted to him.
 - (16) Lit., ‘he who says’.
 - (17) The forbidden degrees of relatives by marriage; v. Kid. 65a.
 - (18) Kid. 65a.
 - (19) Lit , ‘it is certainly established to him.’

- (20) His grievance may' be imaginary.
- (21) R. Eleazar.
- (22) That he is believed.
- (23) Lit., 'over the affairs of'.
- (24) Given to the wife by the suspecting husband.
- (25) Of the wife with the suspected man. V. Num. V, 11ff; cf. Sol. 2a and 2b.
- (26) Lit., 'according to the deed that was'. I.e., of David and Bathsheba, cf. II Sam. XI. This contradicts the dictum of R. Eleazar that the woman becomes forbidden on a mere charge by her husband of an 'open opening'.
- (27) This latter dictum of R. Eleazar.
- (28) The authorities.
- (29) Bath-sheba.
- (30) [For Judah. The fact that she was allowed to marry David shews that she was not forbidden to Uriah, for it is a general rule that an adulteress is forbidden to continue with her husband as well as her paramour. Sot. 27b.]
- (31) R. Eleazar.
- (32) Lit., 'he says'.
- (33) Bath-sheba.
- (34) For Uriah. V. p. 44, n. 20.
- (35) Lit., 'warning . . . yes; an open . . . no.' I.e., the words of R. Eleazar imply that the wife would be forbidden for her husband only in case of warning and seclusion, but not in the case of 'an open opening', which contradicts his former ruling.
- (36) If you are to argue from the implications of R. Eleazar's words as they stand.
- (37) Why should the evidence of witnesses that the wife was unfaithful be weaker than warning and seclusion? Surely this cannot be!
- (38) R. Eleazar.
- (39) By the evidence of one witness that the wife was unfaithful; v. Rashi ad loc.
- (40) By the evidence of two witnesses.
- (41) Where there are two witnesses to the warning and seclusion.
- (42) If even only one witness testified to the adultery that followed she is forbidden to her husband. V. Sot. 2b.
- (43) I.e., the charge of an 'open opening' by her husband is on a par with the evidence of two witnesses.
- (44) For David, seeing that many people knew of the occurrence, and thus there were witnesses.
- (45) Bath-sheba could not resist the demand of the king. [And since she was thus not forbidden to Uriah, she was permitted also to David. (V. supra p. 44, n. 20)].
- (46) Lit., 'as that which R. Samuel the son of Nahmani said'.

Talmud - Mas. Kethuboth 9b

Everyone who goes out into the war of the House of David writes for his wife a deed of divorce,¹ for it is written, And to thy brethren shalt thou bring greetings, and take their pledge.² What [is the meaning of], 'and take their pledge'? R. Joseph learnt: Things which are pledged between him and her.³

Abaye said: We have also learned⁴ [this]:⁵ A MAIDEN IS MARRIED ON THE FOURTH DAY OF THE WEEK. [This implies] only on the fourth day, but not the fifth day.⁶ What is the reason? [Presumably] on account of the cooling of the temper.⁷ Now in which respect [could the cooling of the mind have a bad result]? If with regard to giving her the kethubah,⁸ let him give it

to her.⁹ Consequently¹⁰ [we must say only] with regard to making her forbidden for him;¹¹ and [it is a case where] he puts forward a claim.¹² Is it not that he puts forward the claim of ‘an open opening’?¹³ — No, [it is a case where] he puts forward the claim of blood.¹⁴

Rab Judah said [that] Samuel said: If any one says. ‘I have found an open opening’, he is trusted to cause her to lose her kethubah. Said R. Joseph: What does he¹⁵ let us hear? We have [already] learned [this]:¹⁶ He who eats¹⁷ at his father-in-law's [between the time of betrothal and the time of marriage] in Judaea,¹⁸ without witnesses, cannot [after the marriage] raise the claim of [the loss of] virginity, because he is alone with her.¹⁹ In Judaea he cannot raise this claim, but in Galilee²⁰ he can raise it. Now in which respect? If to make her forbidden for him, why [should he] not [be able to raise this claim] in Judaea?²¹ Consequently²² [we must say it is] to cause her to lose her kethubah,²³ and [it is in a case] when he raises a claim. Is it not that he raises the claim of ‘an open opening’? — No, when he raises the claim of blood.²⁴

(1) [So that in case he falls in battle his wife should be free to marry without the necessity of halizah. The Get would in that case take effect retrospectively from the date of its writing (Rashi). Tosaf.: He writes a Get without any conditions to take effect immediately]

(2) I Sam. XVII, 15.

(3) I.e., the betrothals, these thou shalt take from them by a deed of divorce (Rashi).

(4) We have been taught in a Mishnah; v. supra 2a.

(5) That the claim of ‘an open opening’ makes the wife forbidden for the husband.

(6) Lit., ‘on the fourth day, yes, on the fifth day, no.’

(7) The husband might be appeased by the following Monday, cf. supra 2a and 5a.

(8) V. Glos.

(9) No harm is done by this. There is no sin involved in the payment of the marriage settlement to the wife, even if, in law, she forfeited it through her conduct.

(10) Lit., ‘but’.

(11) If her conduct makes her forbidden for the husband for marital intercourse then the disregard of this prohibition would involve a sin. And therefore a maiden marries on the fourth day of the week so that there should be no ‘cooling of the mind’.

(12) I.e., the husband must have put forward a serious claim.

(13) As evidencing unfaithfulness, This proves that the charge of an ‘open opening’ by the husband renders his wife forbidden to him.

(14) I.e. he claims that there was no bleeding. And this is a more manifest sign of the absence of virginity, evidencing unfaithfulness, than ‘an open opening’.

(15) Rab Judah.

(16) In a Mishnah; cf. infra 22a.

(17) I.e., he who frequently visits the house of the father of his betrothed bride.

(18) This was customary in Judaea.

(19) And might have had intimate relations with the bride.

(20) In Galilee that custom (v. p. 46, n. 16) did not prevail.

(21) If he is sure that he has not been intimate with her during the time of betrothal and he charges her with unfaithfulness, he renders her, by the mere charge, forbidden to him?

(22) Lit., ‘but’.

(23) In Judaea he cannot make her lose the kethubah, because he might have been intimate with her during the

period of betrothal.

(24) And therefore Samuel's statement is necessary.

Talmud - Mas. Kethuboth 10a

It was stated: Rab Nahman said [that] Samuel said in the name of R. Simeon b. Eleazar: The scholars ordained for the daughters of Israel [as follows]: for a maiden two hundred [zuz¹] and for a widow a maneh² [one hundred zuz].³ And they trusted him, so that when he said, 'I have found an open opening', he is believed.⁴ If so, what have the Sages accomplished with their ordinance?⁵ — Said Raba: The presumption is [that] no one will take the trouble of preparing a [wedding-]feast and will then spoil it.⁶ One has taught: Since it⁷ is a fine [instituted] by the sages she⁸ shall collect only from the worst land⁹ [of the husband's estate]. [You say] a fine! Why a fine?¹⁰ — Say then: since it is an ordinance of the sages,¹¹ she shall collect only from the worst land [of the husband's estate]. Rabban Simeon b. Gamaliel says: The kethubah of a wife is from the Torah.¹² But did Rabban Simeon b. Gamaliel say so? Surely it has been taught: [It is written in the Torah] He shall pay money according to the dowry of virgins;¹³ [this teaches us that] this¹⁴ is [as much] as the dowry of the virgins¹⁵ and the dowry of the virgins is [as much] as this.¹⁶ But,¹⁷ the Sages found a support for [the rule that] the kethubah of a wife is from the Torah. Rabban Simeon b. Gamaliel Says: The kethubah of a wife is not from the words of the Bible, but from the words of the Soferim!¹⁸ — Reverse it.¹⁹ And why does it appear to you right to reverse²⁰ the latter [teaching]? Reverse the former [teaching]!²¹ — We have [already] heard that R. Simeon the son of Gamaliel said that the kethubah is from the Bible, for we learnt: Rabban Simeon b. Gamaliel says: He²² gives her²³ [the kethubah] in Cappadocian coins.²⁴ And if you wish, you may say: The whole of it²⁵ is [according to] Rabban Simeon b. Gamaliel. only²⁶ it is defective²⁷ and it teaches thus:²⁸ Here the Sages found a support for [the rule that] the kethubah of a wife is from the Torah. The kethubah of a widow [however] is not from the words of the Torah but from the words of the Soferim, for Rabban Simeon b. Gamaliel Says: The kethubah of a widow is not from the words of the Torah but from the words of the Soferim.²⁹

Someone came before R. Nahman [and] said to him: I have found an open opening.³⁰ R. Nahman answered:³¹ Lash him with palm-switches; harlots³² lie prostrate before him.³³ But it is R. Nahman who said that he [the husband] is believed!³⁴ — He is believed, but [at the same time] one lashes him with palm-switches. R. Ahai answered: Here³⁵ [it speaks] of a young man,³⁶ there [it speaks] of one who was married before.³⁷

Some one came before Rabban Gamaliel [and] said to him, I have found an 'open opening'. He [Rabban Gamaliel] answered him: Perhaps you moved aside.³⁸ I will give you an illustration: To what is this like? To a man who was walking in the deep darkness of the night³⁹ [and came to his house and found the door locked];⁴⁰ if he moves aside [the bolt⁴¹ of the door] he finds it open, if he does not move aside [the bolt of the door] he finds it locked. Some say [that] he [R. Gamaliel] answered him thus: Perhaps you moved aside wilfully⁴² and you tore away the door and the bar.⁴³ I will give you an illustration: To what is this like? To a man who was walking in the deep darkness of the night [and came to his house and found the door locked]; if he moves aside [the bolt of the door] wilfully⁴⁴ he finds it open, if he does not move aside [the bolt of the door] wilfully he finds it locked.

Some one came before Rabban Gamaliel the son of Rabbi [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I was a virgin.' He said to them: Bring me that cloth.⁴⁵ They brought him the cloth, and he soaked it in water and he washed it and he found on it a good many drops of blood.⁴⁶ [Thereupon] he [Rabban Gamaliel] said to him [the husband]: Go, be happy with thy bargain.⁴⁷ Huna Mar the son of Raba of Parazika,⁴⁸ said to R. Ashi: Shall we also do it?⁴⁹ He answered him:

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- (1) V. Glos.
 - (2) V. Glos.
 - (3) As her kethubah. V. infra 10b.
 - (4) And she loses the kethubah.
 - (5) If he can make her lose the kethubah by the claim of an 'open opening'.
 - (6) No one will go to the trouble and expense of a wedding and then waste it all by an invented claim. If he makes such a charge, he is, no doubt, telling the truth.
 - (7) The kethubah.
 - (8) The wife.
 - (9) Cf. also B.K. 7b and 8a.
 - (10) Why do you call it a fine? And why should it be a fine?
 - (11) I.e., a Rabbinical, and not a Biblical, ordinance.
 - (12) I.e., an ordinance of the Bible.
 - (13) Ex. XXII, 16.
 - (14) The payment for the enticement of the virgin.
 - (15) I.e., fifty pieces of silver, the fine inflicted for violating a virgin, v. Deut. XXII, 27.
 - (16) The 'silver pieces' referred to are shekels, not ma'ahs, v. infra 38a.
 - (17) Lit., 'from here', i.e., from the phrase 'dowry of virgins'.
 - (18) The Soferim, or scribes, were the learned men who succeeded Ezra during a period of about two hundred years. Rabban Simeon b. Gamaliel therefore holds that the kethubah was a Rabbinical, and not a Biblical, ordinance.
 - (19) The answer is: Reverse the reading and say that Rabban Simeon b. Gamaliel said that in the Scriptural verse mentioned is to be found a support for the rule that the kethubah of a wife is from the Bible, and that the first Tanna said that it was not Biblical but 'from the words of the Soferim'.
 - (20) Lit., 'And why do you see that you should reverse.'
 - (21) Where it says that Rabban Simeon b. Gamaliel holds that the kethubah of a wife is from the Torah.
 - (22) The husband.
 - (23) The wife.
 - (24) They were more variable than the Palestinian coins. The husband has to pay in Cappadocian coins because the kethubah is from the Bible; v. infra 110b.
 - (25) Of the teaching of the Baraitha mentioned before.
 - (26) Lit., 'and'.
 - (27) A clause is missing.
 - (28) I.e., the Baraitha should be read thus.
 - (29) According to this version of the Baraitha, R. Simeon b. Gamaliel holds that the kethubah of the maiden-wife is Biblical and that the kethubah of the widow-wife is rabbinical.

- (30) He (the husband) raised this complaint about his newly wedded wife.
- (31) Lit., 'said to him', i.e., concerning him.
- (32) V. Levy, Vol. III, p. 2. Rashi: 'the harlots of Mabrakta'. [Mabrakta was a place in the neighbourhood of Mahoza. v. Obermeyer, p. 177.]
- (33) I.e., such a man ought to be punished. for if he is such an expert in these matters he must have led an immoral life.
- (34) If the husband says that he has not found virginity in his wife. Why should he then be lashed for having complained to R. Nahman about his wife?
- (35) Where R. Nahman ordered punishment.'
- (36) Who was not married before. He should not have known if he had not had intercourse with harlots before his marriage. There R. Nahman ordered lashing.
- (37) And therefore he could know without having led an immoral life. He is therefore believed and receives no lashing (Rashi). It is also possible that according to R. Ahai both are believed R. Ahai only explains that it is the young man who gets the birch.
- (38) And thus performed the coition without tearing the hymen. V. Jast. p. 595.
- (39) Lit., 'in the blackness of night and darkness'; cf. Prov. VII, 9.
- (40) Some such words as these must be inserted.
- (41) 'He moved aside', and 'he did not move aside' refer apparently to the bolt of the door and not to the door itself. The simile is obvious: the bolt is compared to the membrum virile. He moved the membrum virile aside and therefore found 'an open opening'.
- (42) Intentionally.
- (43) The 'door', 'door-way', 'entrance', apparently refers to the vagina, or the entrance into the vagina, and 'the bar' to the hymen. He intentionally moved so forcibly that he tore open the entrance and swept away the hymen without feeling it.
- (44) The action must be intentional. The chief point of this version seems to be the wilful intention. The bolt of a door cannot, as a rule, be moved aside accidentally. There must be intention in the action.
- (45) Upon which they spent the night.
- (46) The blood was covered by semen.
- (47) Lit., 'take possession of' a phrase in which there is also an element of joy. 'Be happy with' expresses well the spirit of the decision. Rabban Gamaliel himself was happy that he could keep together and strengthen the bond of marriage between husband and wife.
- (48) Faransag, near Bagdad.
- (49) I.e., apply in such cases the test applied by Rabban Gamaliel to the cloth.

Talmud - Mas. Kethuboth 10b

Our¹ laundry work² is like their³ washing.⁴ And if you will say let us do laundry work,⁵ [my answer is] the smoothing stone will remove it.⁶ Someone came before Rabban Gamaliel the son of Rabbi [and] said to him, 'My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.' She [the wife] said to him, 'My master, I am still a virgin.' He [then] said to them: Bring me two handmaids, one [who is] a virgin and one who had intercourse with a man. They brought to him [two such handmaids], and he placed them upon a cask of wine. [In the case of] the one who was no more a virgin its smell⁷ went through,⁸ [in the case of] the virgin the smell did not go through.⁹ He [then] placed this one [the young wife] also [on a cask of wine]. and its smell¹⁰ did not go through. He¹¹ [then] said to him:¹² Go, be happy with thy bargain.¹³ —

But he should have examined her from the very beginning!¹⁴ — He had heard a tradition,¹⁵ but he had not seen it done in practice.¹⁶ and he thought. The matter might not be certain¹⁷ and it would not be proper¹⁸ to deal lightly with daughters of Israel.¹⁹

Someone came before Rabban Gamaliel the elder [and] said to him, ‘My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood. She [the wife] said to him, ‘My master, I am of the family of Dorkati, [the women of] which have neither blood of menstruation nor blood of virginity.’ Rabban Gamaliel investigated among her women relatives and he found [the facts to be] in accordance with her words. He [then] said to him: Go, be happy with thy bargain. Happy art thou that thou hast been privileged [to marry a woman] of the family of Dorkati. What is [the meaning of] Dorkati? — A cut-off generation.²⁰ — R. Hanina said: Vain consolation Rabban Gamaliel offered²¹ to that man, for R. Hiyya taught: As the leaven is wholesome for the dough, so is blood wholesome for a woman. And one has [also] taught in the name of R. Meir: Every woman who has abundant blood has many children. It has been said: R. Jeremiah b. Abba said: He [Rabban Gamaliel] said to him [the husband]: Be happy with thy bargain. But R. Jose b. Abin said: He said to him: thou hast been punished with thy bargain.²² We quite understand the one who says ‘Thou hast been punished’ with thy bargain — this is [according to the view] of R. Hanina. But according to him who says ‘Be happy’ [with thy bargain], what is the advantage [of such a marriage]? — He [the husband] does not come to any doubt regarding menstruation.

Someone came to Rabbi [and] said, ‘My master, I have had intercourse [with my newly-wedded wife] and I have not found any blood.’ She said, ‘My master, I was [and am] still a virgin, and it was [a period of] years of dearth.’ Rabbi saw that their faces were black,²³ [and] he commanded concerning them, and they²⁴ brought them²⁵ to a bath and gave them to eat and to drink and brought them to the bridal chamber, and he had intercourse with her and found blood. He²⁶ [then] said to him: Go, be happy with thy bargain. Rabbi applied to them the verse:²⁷ Their skin is shrivelled upon their bodies, it is withered, it is become like a stick.²⁸

MISHNAH. A MAIDEN — HER KETHUBAH IS TWO HUNDRED [ZUZ],²⁹ AND A WIDOW — A MANEH.³⁰ A MAIDEN, WHO IS A WIDOW, [OR] DIVORCED, OR A HALUZAH³¹ FROM BETROTHAL³² — HER KETHUBAH³³ IS TWO HUNDRED [ZUZ], AND THERE LIES AGAINST THEM THE CHARGE OF NON-VIRGINITY.³⁴

GEMARA. Why [is a widow called] ‘almanah’? R. Hana of Bagdad said: because of the maneh.³⁵ But what can be said with regard to a widow from the betrothal?³⁶ — Because that one is called ‘almanah’³⁷ this one is also called ‘almanah.’³⁸ What can be said with regard to [the word] ‘almanah’, that is written in the Bible?³⁹ — [The woman] for whom the Rabbis will in future institute [the kethubah of] a maneh. But does the Bible speak of a thing which will be in the future?⁴⁰ — Yes, for it is written: And the name of the third river is Hiddekel, that is it which goeth towards the east of Ashur,⁴¹ and R. Joseph learnt: Ashur, that is Seleucia. But was [Seleucia] already then in existence? But [it is mentioned] because it will exist in the future. Here also ‘almanah’ is mentioned in the Bible] because it [the kethubah of maneh] will exist in the future.

R. Hana of Bagdad also said: The rain waters, saturates and manures [the earth] and refreshes⁴² and enlarges⁴³ [the fruits]. Raba the son of R. Ishmael, and some say R. Yemar the son of Shelemiah, said: Which is the verse?⁴⁴ [It is this:] Thou waterest the ridges abundantly, thou settlest the furrows thereof, thou makest it soft with showers, thou blessest the springing thereof.⁴⁵

R. Eleazar said: The altar removes and feeds, makes beloved, atones.⁴⁶ Have not 'atones' and 'removes' the same meaning?⁴⁷ It removes [evil decrees]⁴⁸ and atones for sins R. Hana of Bagdad also said: Dates warm, satisfy, act as a laxative,⁴⁹ strengthen⁵⁰ and do not make [one] delicate.

Rab said: If one has eaten dates, he should not give a legal decision. An objection was raised. Dates are wholesome morning and evening, in the afternoon they are bad, at noon they are incomparable.⁵¹ and they remove three things: evil thought, stress of the bowels, and abdominal troubles! — Do we say that they are no good? They are indeed good. only for the moment [they cause] unsteadiness. It is analogous to wine, for the Master said:⁵² He who has drunk⁵³ one-fourth [of a log]⁵⁴ of wine shall not give a legal decision.⁵⁵ And if you wish you may say: There is no difficulty: This is before a meal and that is after a meal,⁵⁶ for Abaye said: Mother⁵⁷ told me: Dates before a meal are as an axe to the palmtree,⁵⁸ after a meal as a bar to the door.⁵⁹ Dasha [door], Raba explained:⁶⁰ derek sham⁶¹ ['the way there'],⁶² Darga [stairs, ladder]. Raba explained:⁶³ derek gag [the way of the roof].⁶⁴ Puria [bed], R. Papa explained: sheparin we-rabin 'aleha [because one is fruitful and multiplies on it]. R. Nahman b. Isaac said:

(1) Babylonian.

(2) . **uj hd** is fine laundry' work.

(3) Palestinian.

(4) **xuchf** is plain washing. In Palestine the plain washing was better than in Babylonia. because the water in Palestine was better or because they had in Palestine better ingredients (Rashi). In order to get the same results they would have to do fine laundry work in Babylonia, and that would include smoothing the cloth with a stone, according to Rashi, with a gloss-stone.

(5) Let us apply . **uj hd** to the cloth on which the bride and bridegroom slept.

(6) The blood. In the process of . **uj hd** the stone with which the cloth would be smoothed would cause the drops of blood, which would be seen after plain washing, to disappear. The test of Rabban Gamaliel could therefore not be employed in Babylonia.

(7) I.e., the smell of the wine.

(8) One could smell the wine from the mouth (Rashi).

(9) One could not smell the wine from the mouth.

(10) I.e., the smell of the wine.

(11) Rabban Gamaliel.

(12) To the husband.

(13) The test shewed that the wife was a virgin.

(14) Why did he first have to experiment with the two handmaids.

(15) That this was a reliable test.

(16) Lit., 'The practice he had not seen.'

(17) Lit., 'perhaps it is not certain that the matter is good,' that is, that the test would be effective.

(18) Lit., 'The way of the land,' that is, the custom.

- (19) Therefore he carried out the test first with handmaids.
- (20) Heb. Dor. Katu'a.
- (21) Lit., 'consoled him.'
- (22) Lit., 'Be punished with thy bargain,' that is, the marriage stands, although it is not to thy advantage.
- (23) From hunger.
- (24) Those who carried out Rabbi's commands.
- (25) The young couple.
- (26) Rabbi.
- (27) Lit., 'read concerning them.'
- (28) Lam. IV, 8.
- (29) V. Glos.
- (30) One hundred zuz.
- (31) A woman released from a leviratical marriage, by halizah; v. Deut. XXV, 5-10.
- (32) She was only betrothed (arusah, v. Glos.) but not married, and became a widow or was divorced, or released by halizah from marrying her deceased fiance's brother.
- (33) Lit., 'their kethubah'. The kethubah of either the widow, or the divorcee, or the halizah.
- (34) The husband who marries one of these women has a right to complain if he does not find signs of virginity. As they were only betrothed but not married they are expected to be virgins.
- (35) The value of the kethubah of a woman who married when she was a widow. This is no attempt at proper etymology.
- (36) The value of the kethubah of such a widow is two hundred zuz, and still she is called 'almanah'.
- (37) This is no attempt at proper etymology.
- (38) Lit., 'One calls her.'
- (39) The kethubah was not biblically ordained for the widow; v. supra 10a.
- (40) Lit., 'And was the verse written for the future?'
- (41) Gen. II, 14.
- (42) Or 'softens.'
- (43) Lit., 'causes to extend.'
- (44) That can be referred to in support of R. Hana's saying regarding the rain.
- (45) Ps. LXV, 11.
- (46) A play on the word **j czn** (altar).
- (47) 'Removes' apparently also refers to sins!
- (48) The answer is that 'removes' refers to evil decrees.
- (49) Lit., 'loosen', (the bowels).
- (50) The body.
- (51) I.e., very good. — Dates are good, or very good, after the meals in the morning, noon and evening. They are not good in the afternoon after a rest (Rashi).
- (52) The reference is to Samuel, in whose name this saying is quoted in 'Er. 64a.
- (53) Lit., he who drinks.
- (54) Log is a liquid measure equal to the contents of six eggs.
- (55) And one-fourth of a log of wine is certainly wholesome. But for the moment it may make one unsteady, and therefore unfit to give legal decisions.
- (56) Lit., 'bread'. If one eats dates before a meal, the effect is bad and one must not give legal decisions. The passage which declares them bad speaks of a case where one eats dates after a meal. The statement itself bears this out; v. supra p. 53, n. 6.

(57) V. Kid. (Sonc. ed.) p. 153.

(58) That is, injurious.

(59) This apparently means good. It is difficult to see the meaning of the comparison. Rashi explains: They sustain the body as the bar supports a door.

(60) Lit., 'said'.

(61) A play on the word.

(62) Or, the way is there; or, through there.

(63) Lit., 'said.'

(64) Or, the way to the roof; or, the way through the roof.

Talmud - Mas. Kethuboth 11a

We will also say:¹ ailonith [the barren woman that is] a man-like² woman, who does not bear children.³

MISHNAH. A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD — THEIR KETHUBAH IS TWO HUNDRED [ZUZ]. AND THERE IS WITH REGARD TO THEM THE CLAIM OF [NON-]VIRGINITY.⁴ GEMARA. R. Huna said: A minor proselyte⁵ is immersed⁶ by the direction⁷ of the court.⁸ What does he let us know? That it is an advantage⁹ to him and one may act for a person in his absence¹⁰ to his advantage? [Surely] we have learned [this already]: One may act for a person in his absence to his advantage. but one cannot act for a person in his absence to his disadvantage!

What you might have supposed is that an idolator¹¹ prefers a life without restraint¹² because it is established for us that a slave certainly prefers a dissolute life,¹³ therefore, he¹⁴ lets us know that this is said¹⁵ [only in the case] of a grown-up person who has already tasted sin,¹⁶ but [in the case of] a minor, it is an advantage to him.¹⁷ May we say that [this Mishnah] supports him:¹⁸ A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED. OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD [etc.]? Is it not that they immersed them¹⁹ by the direction of the Court?²⁰ No, here we treat of the case of a proselyte whose sons and daughters were converted with him, so that they are satisfied with what their father does.²¹

R. Joseph said: When they²² have become of age they can protest [against their conversion].²³

Abaye asked:²⁴ A WOMAN PROSELYTE, A WOMAN CAPTIVE, AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED OR FREED [WHEN THEY WERE] LESS THAN THREE YEARS AND ONE DAY OLD-THEIR KETHUBAH IS TWO HUNDRED [ZUZ]. Now if you indeed mean to say [that] when they have become of age they can protest [against their conversion],²⁵ would we give her the kethubah that she may go and eat [it] in her heathen state? — When she has become of age.²⁶ [But] when she has become of age, too, she can protest and go out!²⁷ — As soon as she was of age one hour, and did not protest, she cannot protest any more.²⁸

Raba raised an objection: These maidens receive the fine:²⁹ if a man has intercourse with³⁰ a bastard,³¹ a Nethinah,³² a Cuthean,³³ a proselyte, a captive, or a slave, who have been redeemed, converted, or freed [when they were] less than three years and one day old—they have to be paid the fine.³⁴ Now if you say [that] when they have become of age they can protest, would we give her³⁵ the fine that she may go and eat it in her heathen state? — When she has become of age.³⁶ When she has become of age too she can protest and go out!³⁷ — As soon as she was of age one hour and did not protest she cannot protest any more.³⁸ Abaye did not say as Raba [said]³⁹ [because] there⁴⁰ [where it speaks of fines we can say]: This is the reason:⁴¹ that the sinner should not have any benefit.⁴² Raba did not say as Abaye [said]⁴³ because in the case of the kethubah [we can say that] this is the reason:⁴⁴ that it⁴⁵ should not be a light matter in his eyes to send her away.⁴⁶

MISHNAH. WHEN A GROWN-UP MAN⁴⁷ HAS HAD SEXUAL INTERCOURSE WITH⁴⁸ A LITTLE GIRL,⁴⁹ OR WHEN A SMALL BOY⁵⁰ HAS INTERCOURSE WITH A GROWN-UP WOMAN, OR [WHEN A GIRL WAS ACCIDENTALLY] INJURED BY A PIECE OF WOOD⁵¹ — [IN ALL THESE CASES] THEIR KETHUBAH IS TWO HUNDRED [ZUZ]; SO ACCORDING TO⁵² R. MEIR. BUT THE SAGES SAY: A GIRL WHO WAS INJURED ACCIDENTALLY BY A PIECE OF WOOD — HER KETHUBAH IS A MANEH. A VIRGIN, WHO WAS A WIDOW, A DIVORCEE, OR A HALUZAH FROM MARRIAGE⁵³ — HER⁵⁴ KETHUBAH IS A MANEH.⁵⁵

(1) We will make a similar etymological exposition.

(2) Or ram-like. , **hbukhh̄t** ‘a woman who cannot bear children,’ is connected with **kht** (ram).

(3) I.e., who is incapable of bearing children.

(4) If they had sexual intercourse before they were three years and one day old the hymen would grow again, and they would be virgins. V. 9a and 11b and cf. Nid. 44b and 45a.

(5) I.e., a minor who wants to become a proselyte, that is, be converted to Judaism. Prior to and for the purpose of that conversion the would-be proselyte has to undergo circumcision and immersion in water. V. Yeb. 46aff. The immersion is to signify his purification. If the would-be proselyte is a minor (under thirteen years of age) and has no father to act for him, the Court can authorise his ritual immersion.

(6) Lit., ‘they immerse him’.

(7) Lit., ‘by the knowledge’.

(8) Lit., ‘house of judgment’. Three members constitute the court.

(9) To be received into the Jewish Faith.

(10) Lit., ‘not in his presence’. — As the proselyte is a minor he is not, legally speaking, present.

(11) Lit., ‘one who worships the stars and planets.’

(12) Lit., ‘lawlessness, unbridled lust.’ — It would therefore be a disadvantage to the minor would-be proselyte to become a Jew.

(13) Cf. Git. 13a. — This confirms the former supposition.

(14) R. Huna.

(15) Lit., ‘these words.’

(16) Lit., ‘who has tasted the taste of what is forbidden’.

(17) To become a Jew.

(18) R. Huna.

(19) The women proselytes.

- (20) Because they were less than three years and one day old, consequently minors.
- (21) The immersion of the minor proselytes therefore took place by the direction of their father and not of the Court. — This Mishnah is therefore no support for R. Huna.
- (22) The minor proselytes.
- (23) And leave the Jewish faith and go back to their former state without being liable to a penalty by the Jewish Court.
- (24) Lit., 'he raised against this a point of contradiction from a higher authority.'
- (25) V. note 2.
- (26) Only then one gives her the kethubah.
- (27) Of Judaism; why then give her the kethubah?
- (28) The kethubah would be given to her after 'one hour'.
- (29) Lit., 'These maidens to whom there is a fine'. — The fine is that for seducing a girl; v. Deut. XXII, 29.
- (30) Lit., 'He who came on.'
- (31) V. Yeb. 49a.
- (32) A descendant of the Gibeonites. V. Joshua IX, 22, 23, 27 and cf. Yeb. 78b.
- (33) A Samaritan.
- (34) V. infra 29a.
- (35) The proselyte.
- (36) And adhered to Jewish practice, only then she is paid the fine, v. Tosaf.
- (37) Of Judaism.
- (38) The fine would be given to her after 'one hour'.
- (39) Did not ask the question of Raba.
- (40) In the Mishnah, infra 29a.
- (41) Why the fine should he paid to the seduced proselyte girl.
- (42) Therefore he should pay the fine in any case. But the case of the kethubah (in our Mishnah) is different. Therefore, Abaye asked from our Mishnah.
- (43) He did not ask the same question as Abaye.
- (44) Why the kethubah is paid to the woman proselyte.
- (45) Lit., 'she'.
- (46) Lit., 'to bring her out (of his house)', that is, to divorce her. Therefore he should pay the kethubah in any case. But the case of the fine is different. Therefore Raba asks from the Mishnah infra 29a.
- (47) A man who was of age.
- (48) Lit., 'who came on'.
- (49) Less than three years old.
- (50) Less than nine years of age.
- (51) Lit., 'One who was injured by wood', as a result of which she injured the hymen.
- (52) Lit., 'the words of'.
- (53) A maiden was married, and immediately after the marriage. became a widow or divorced, or a haluzah; v. supra 10b.
- (54) Lit., 'their', that is, the kethubah of each of them.
- (55) Since the marriage had taken place she is regarded as a married woman and it is assumed that she is no more a virgin.

Talmud - Mas. Kethuboth 11b

AND THERE IS WITH REGARD TO THEM NO CHARGE OF NONVIRGINITY. A WOMAN PROSELYTE, A WOMAN CAPTIVE AND A WOMAN SLAVE, WHO HAVE BEEN REDEEMED, CONVERTED, OR FREED [WHEN THEY WERE] MORE THAN THREE YEARS AND ONE DAY OLD — THEIR KETHUBAH IS A MANEH, AND THERE IS WITH REGARD TO THEM NO CHARGE OF NON-VIRGINITY.

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

Rami b. Hama said: The difference of opinion⁸ is [only] when he⁹ knew her,¹⁰ for R. Meir compares her¹¹ to a mature girl,¹² and the Sages compare her to a woman who had intercourse with a man.¹³ But if he did not know her,¹⁴ all agree¹⁵ that she has nothing.¹⁶ And why does R. Meir compare her to a mature girl? Let him compare her to a woman who had intercourse with a man! — [In the case of] a woman who had intercourse with a man, a deed had been done to her by a man;¹⁷ but in her case¹⁸ — no deed has been done to her by a man. — And why do the Rabbis compare¹⁹ her to a woman who had intercourse with a man? Let them compare her to a mature girl! [In the case of] a mature girl no deed whatsoever has been done to her,²⁰ but in her case — a deed has been done to her.²¹

'But if he did not know her, all agree that she gets nothing'.²² R. Nahman objected: If she says, 'I was injured by a piece of wood,' and he says, 'No, but thou hadst intercourse with a man', Rabban Gamaliel and R. Eliezer say [that] she is believed!²³ But, said Raba, whether he knew' her²⁴ and whether he did not know her,²⁵ according to R. Meir [her kethubah is] two hundred [zuz];²⁶ [whereas] according to the Rabbis, if he knew her [her kethubah is] a maneh, [if] he did not know her, she gets nothing.²⁷

Raba however changed his opinion,²⁸ for it has been taught: How [does] the bringing out of an evil name²⁹ [take place]? He³⁰ comes to court and says, 'I, So-and-so,³¹ have not found in thy daughter the tokens of virginity.' If there are witnesses that she has been unchaste under him,³² she gets a³³ kethubah of a maneh.³⁴ [But surely] if there are witnesses that she has been unchaste under him, she is to be stoned!³⁵ — It means this: If there are witnesses that she has been

unchaste under him, she has to be stoned; if she was unchaste before [the betrothal], she gets a kethubah of a maneh. Now R. Hiyya b. Abin said [that] R. Shesheth said: This teaches:³⁶ If he married her in the presumption that she is a virgin and she was found to have had intercourse with a man,³⁷ she gets a kethubah of a maneh. Whereupon R. Nahman objected: 'If one marries a woman and does not find in her virginity, [and] she says, "After thou hadst betrothed me [to thyself] I was forced³⁸ and [thus] thy³⁹ field has been inundated," and he says, "No, but before I betrothed thee [unto me] [thou hadst intercourse with a man], my bargain is [thus] a mistaken one.' [etc.]'⁴⁰ and [this assuredly means] she is to get nothing!⁴¹ And R. Hiyya b. Abin said to them: Is it possible! R. Amram and all the great ones of the age sat⁴² when R. Shesheth said that teaching and they found it difficult⁴³ and he⁴⁴ answered: In which respect is it indeed a mistaken bargain? In respect of two hundred [zuz:], but a maneh she gets [as a kethubah]. And you⁴⁵ say [that it means] she gets nothing! Whereupon Raba said: He who asked [this question]⁴⁶ has asked well, for a mistaken bargain' means entirely.⁴⁷ But [then] that [other teaching] presents a difficulty.⁴⁸ Put [it] right⁴⁹ and say thus: If there are witnesses that she was unchaste under him⁵⁰ she has to be stoned, if she was unchaste before [the betrothal], she gets nothing, if she was found to be injured by a piece of wood, she has a kethubah of a maneh. But Surely it was Raba who said [above that], according to the Rabbis, if he did not know her, she gets nothing!⁵¹ Hence you must conclude⁵² from this⁵³ that Raba retracted from that [opinion].⁵⁴ Our Rabbis taught: If the first [husband] took her [the bride] to his home for the purpose of marriage. and she has witnesses that she was not alone [with him,]⁵⁵ or even if she was alone [with him]. but she did not stay [with him] as much time as is needed for intercourse, the second [husband]⁵⁶ cannot raise any complaint with regard to her virginity. for the first [husband] had taken her to his home [for the purpose of marriage].⁵⁷

(1) Although the intercourse of a small boy is not regarded as a sexual act, nevertheless the woman is injured by it as by a piece of wood.

(2) Lit., 'is not in'.

(3) I.e., the difference of opinion between Rab and Samuel with regard to that question was recorded without any reference to R. Judah.

(4) The Sages differ only with regard to a girl injured by a piece of wood, but not with regard to a small boy who has intercourse with a grown-up woman. This shows that the latter case cannot be compared with the former case. The Mishnah would consequently be against Rab and for Samuel.

(5) Lit., 'says'.

(6) Lit 'here', that is, less than three years old.

(7) I.e., tears come to the eye again and again, so does virginity come back to the little girl under three years. Cf. Nid. 45a.

(8) Between R. Meir and the Sages.

(9) The husband.

(10) I.e., he knew, when he married her, that the bride was thus injured.

(11) The one who was thus injured.

(12) A bogereth (v. Glos.), a girl of full maturity, may sometimes not have signs of virginity, (v. Yeb. 59a), and her kethubah is nevertheless two hundred zuz.

(13) And had no virginity. Therefore her kethubah is only a maneh, as that of a widow.

(14) Did not know of the injury and thus thought that she was in her full virginity.

(15) Lit., 'the words of all.'

- (16) Lit., 'it is nothing'. — As he was kept in ignorance of what happened to her, she does not get even a maneh (Rashi).
- (17) Lit., 'by the hands of man'.
- (18) Lit., 'this'.
- (19) Lit., 'instead of comparing'.
- (20) Her signs of virginity vanished through her maturity.
- (21) Through the piece of wood.
- (22) This is the concluding part of the statement.
- (23) V. infra 23a. This shews that she gets the kethubah even if he did not know that she had been thus injured.
- (24) I.e., knew, when he married her, that she had been injured.
- (25) Did not know that she was thus injured.
- (26) [And the author of the Mishnah which states that she is believed, will be R. Meir, and she receives two hundred zuz].
- (27) V. n. 4. [And our Mishnah which states that she gets only a maneh will represent the view of the Sages in the case where he knew her].
- (28) Lit., 'and Raba went back on himself.'
- (29) Cf. Deut. XXII, 13,14.
- (30) The husband.
- (31) Lit., 'such and such a person', — the, husband is addressing the father of his young wife.
- (32) I.e., that she had intercourse with a man after their betrothal.
- (33) Lit., 'there is unto her'.
- (34) V. infra 46a.
- (35) Lit., 'a daughter of stoning' — (Cf. Deut. XXII, 20, 21). [How then can she have a claim to a kethubah?]
- (36) Lit., 'this says'.
- (37) Before the betrothal.
- (38) By a man to have intercourse with him.
- (39) Lit., 'his field'.
- (40) V. Mishnah, infra 12b.
- (41) [I.e., the words 'my bargain is a mistaken one' imply that the husband in making this charge denies her the right to receive anything at all. This refutes R. Shesheth's view that she is entitled in such a case to one maneh.]
- (42) I.e., were present.
- (43) Lit., 'and it was difficult unto them'. I.e., they felt the difficulty presented by the cited Mishnah.
- (44) R. Shesheth.
- (45) R. Nahman.
- (46) I.e., R. Nahman, by asking the question from the cited Mishnah.
- (47) I.e., entirely a mistaken bargain and she gets nothing. The question of R. Nahman was therefore a good question.
- (48) Lit., 'That is difficult'. The Baraitha of Kethuboth 46a, which says that if she was unchaste before the betrothal she gets a kethubah of a maneh.
- (49) I.e., answer.
- (50) I.e., that she had intercourse with a man after their betrothal.
- (51) And this is in contradiction with what Raba said just now, namely. that if the young wife was found to be injured by a piece of wood, she has a Kethubah of a maneh.
- (52) Lit., 'hear from this'.
- (53) From Raba's statement that one injured thus gets a kethubah of a maneh.

(54) Expressed by Raba previously that, according to the Rabbis, if the husband did not know before the betrothal that the bride was injured, she gets no kethubah at all.

(55) Lit., 'that she was not hidden.'

(56) The woman married again after the death of, or divorce by, the first husband.

(57) As she was married before, the second husband must reckon with the possibility of her having had intercourse with the first husband, in spite of the evidence which she can bring to shew that the marriage was not consummated.

Talmud - Mas. Kethuboth 12a

Rabbah said: This teaches that if he married her in the presumption that she was a virgin and she was found to have had intercourse she gets a kethubah of a maneh.¹ R. Ashi said: [No.] generally. I can tell you. she receives indeed nothing; but it is different here, because the first one had married her.² But let us apprehend that perhaps she was unchaste under him!³ — Said R. Sherabia: [We] suppose he betrothed her to himself and had immediately intercourse with her.⁴

Some⁵ there are who refer this⁶ to our Mishnah: A VIRGIN, WHO IS A WIDOW, A DIVORCEE OR A HALUZAH FROM MARRIAGE, — HER KETHUBAH⁷ IS A MANEH AND THERE IS NO CLAIM OF VIRGINITY WITH REGARD TO THEM. A VIRGIN FROM MARRIAGE' — how is it possible? — When she was brought into the bridal chamber and no intercourse took place. Rabbah said: This teaches that if he married her in the presumption that she was a virgin and she was found to have had intercourse she gets a kethubah of a maneh.⁸ R. Ashi said: [No.] indeed, I can tell you. generally she gets nothing; but it is different here, because she was brought into the bridal chamber.⁹ But let us apprehend that perhaps she was unchaste under him!¹⁰ — Said R. Sherabia: When he betrothed her to himself and had immediately intercourse with her.¹¹ He who refers this¹² to the Baraitha,¹³ how much more [would this apply] to our Mishnah.¹⁴ But he who refers this to our Mishnah would not apply it to the Baraitha, because he could say unto her, 'I have relied upon the witnesses.'¹⁵

MISHNAH. HE WHO EATS WITH HIS FATHER-IN-LAW IN JUDAEA WITHOUT THE PRESENCE OF WITNESSES CANNOT RAISE A COMPLAINT REGARDING THE VIRGINITY. BECAUSE HE HAS BEEN ALONE WITH HER.¹⁶

GEMARA. Since it says¹⁷ in the Mishnah HE WHO EATS,¹⁸ It follows that there are places also in Judaea where one does not eat.¹⁹ Abaye said: Conclude from this that in Judaea, too, the places differ in their custom, as it was taught: R. Judah said: In Judaea they used formerly to leave the bridegroom and the bride alone one hour before their entry into the bridal chamber, so that he may become intimate with her,²⁰ but in Galilee they did not do so. In Judaea they used formerly to put up two best men,²¹ one for him and one for her, in order to examine the bridegroom and the bride when they enter the bridal chamber,²² and in Galilee they did not do so. In Judaea, formerly, the best men used to sleep in the house in which the bridegroom and the bride slept, and in Galilee they did not do so. And he who did not act according to this custom could not raise the charge of non-virginity.²³ To which [does this²⁴ refer]? Shall I say [that it refers] to the first clause?²⁵ [If so,] It ought to read, 'He who acted²⁶ [according to this custom]!' Again²⁷ [if you will say that it refers] to the last clause,²⁸ it ought to read, 'He who was not examined!'²⁹ — Abaye said: Indeed

[it refers] to the first clause, so read.³⁰ 'He who acted [according to this custom].' Said Raba to him: But it reads,³¹ He who did not act!' But, said Raba, it means thus: He who did not act according to the custom of Galilee in Galilee but [acted] according to the custom of Judaea in Galilee cannot raise the claim of virginity. R. Ashi said: Indeed [it refers] to the last clause,³² and we should read,³³ 'He who was not examined.'³⁴

MISHNAH. IT IS ALL ONE WHETHER [THE WOMAN IS] AN ISRAELITISH WIDOW OR A PRIESTLY WIDOW³⁵ — HER KETHUBAH IS A MANEH. THE COURT OF THE PRIESTS³⁶ COLLECTED FOR A MAIDEN³⁷ FOUR HUNDRED ZUZ, AND THE SAGES DID NOT PROHIBIT [IT] TO THEM.³⁸

GEMARA. A Tanna taught: And the priestly widow-her ketubah is two hundred [zuz]. But we have taught in our Mishnah: AN ISRAELITISH WIDOW AS WELL AS A PRIESTLY WIDOW — HER KETHUBAH IS A MANEH! — Said R. Ashi: There were two ordinances. At first they³⁹ ordained for a maiden four hundred zuz and for a widow a maneh.

(1) [For evidently he relied on the evidence that the first marriage was not consummated, and thus married her on the presumption that she was a virgin, and still it is said that he cannot bring a charge against her to make her forfeit the kethubah of a maneh to which she is entitled as a widow.]

(2) And there may have been intercourse and this militates against the presumption that she was a virgin on the second marriage.

(3) After the betrothal to the second husband. [Why then should he not be able to bring a charge against her so as to give witnesses an opportunity to testify as to the true facts?]

(4) So that unchastity was impossible.

(5) Lit., 'and some'.

(6) I.e., the observations of Rabbah, R. Ashi and R. Sherabia.

(7) I.e., the kethubah of each of them.

(8) V. supra p. 60, n. 11.

(9) [So that it is to be assumed that the marriage was consummated, v. supra p. 60, n. 12.]

(10) After the betrothal to the second husband.

(11) So that unchastity was impossible.

(12) I.e., the observations of Rabbah, R. Ashi and R. Sherabia.

(13) Fol. II 1b, bottom. In the case of the Baraitha there were witnesses that there was no intercourse.

(14) In the Mishnah there were no witnesses that no intercourse took place.

(15) And in view of the testimony of the witnesses the presumption that she was a virgin is a strong one, so that R. Ashi's reply to Rabbah would not hold good. True, 'the first one married her,' but there are witnesses who say that no intercourse took place. Rabbah's deduction from the Baraitha would therefore be justified.

(16) And he may have had intimate intercourse with his bride.

(17) Lit 'reaches'.

(18) In the house of the father-in-law.

(19) V. note 3.

(20) Lit 'that his heart may become bold,' towards her, that is that he may become used to her. V. Krauss, T.A II, p. 461. n. 341.

(21) Heb. Shoshebin, groomsman, v. B.B. (Sonc ed.) p. 615, n. 10.

(22) So that they should not deceive one another regarding the tokens of virginity (Rashi). [That would be in such

localities in Judaea where the young affianced people were not allowed to be alone before the entry into the bridal chamber. This shews that customs differed in Judaea itself.]

(23) Cf. Tosef. Keth. I.

(24) The last sentence from 'and' till 'virginity'.

(25) In which it said that in Judaea they used to leave the bridegroom and the bride alone.

(26) If he did not act according to this custom he ought to be able to raise the charge of non-virginity'.

(27) Lit., 'but'.

(28) With regard to the examination by the best men.

(29) I.e. he over whom there was no supervision by the best man, v. Rashi

(30) Lit., 'and teach'

(31) Lit., 'teaches'.

(32) With regard to the examination by the best men.

(33) Lit., 'and teach'.

(34) I.e., over, whom there was no supervision by the best man.

(35) An Israelitish widow is the widow of an ordinary Israelite who was also the daughter of an ordinary Israelite. A priestly widow is a widow who was the daughter of a priest; v. Rashi.

(36) [(a) A court of twenty-three judges holding sessions in priestly communities (Shittah Mekubbezeth. a.l.); (b) A Sanhedrin dominated by Sadducean or High-priestly elements. (V. Geiger Urschrift, pp. 114ff: and Buchler, Swartz Festshrift).]

(37) For the virgin-maiden that was the daughter of a priest; v. Rashi.

(38) Lit., 'did not strike at their hand', 'protest [(a) Although the same was recorded as part of the Kethubah proper and not as the extra addition. v. infra 54b, the payment thereof would be enforced; (b) or, although not recorded at all, the woman could collect it by virtue of the prevalent custom, v. Tosaf.]

(39) The Court of the priests.

Talmud - Mas. Kethuboth 12b

When they saw that they¹ treated them² lightly.³ they ordained for them⁴ two hundred [zuz]. When they saw [again] that they⁵ kept away from them,⁶ for they⁷ said, 'Instead of marrying a priestly widow, we shall rather marry⁸ the virgin-daughter of an Israelite,'⁹ they restored their [former] ordinance.¹⁰

THE COURT OF OUR PRIESTS, etc. R. Judah said [that] Samuel said: They¹¹ did not say it only [regarding] the court of the priests.¹² but even the noble families¹³ in Israel, if they want to do as¹⁴ the priests do,¹⁵ may do [so]. An objection was raised: If one wants to do as¹⁴ the priests do,¹⁵ for instance [if] the daughter of an Israelite [gets] married to a priest. or the daughter of a priest [gets married] to an Israelite, one may do [so]. [We would infer from this that only if] the daughter of an Israelite [gets married] to a priest, or the daughter of a priest [gets married] to an Israelite, [it is allowed to do as the priests do], because there is [then] one side of priesthood.¹⁶ but if the daughter of an Israelite [gets married] to an Israelite, it is not [allowed to do as the priests do]!¹⁷ — The Mishnah states here a case of 'not only'; not only [is it allowed¹⁸ in the case of] the daughter of an Israelite [getting married] to an Israelite, who cannot say to her 'I raise thee' [to a higher position];¹⁹ but [in the case of] the daughter of an Israelite [getting married] to a priest. who can say to her, 'I raise thee [to a higher position].'²⁰ I might think that it is not allowed;²¹ [hence] he lets us hear [that this is not so].²²

MISHNAH. IF A MAN²³ MARRIES A WOMAN AND DOES NOT FIND²⁴ IN HER VIRGINITY [AND] SHE SAYS, AFTER THOU HADST BETROTHED ME [UNTO THEE]²⁴ WAS FORCED AND [so] THY FIELD HAS BEEN INUNDATED²⁵ AND HE SAYS, 'NO, BUT [IT OCCURRED] BEFORE I BETROTHED THEE [TO ME] AND MY BARGAIN WAS A MISTAKEN BARGAIN' — RABBAN GAMALIEL AND R. ELIEZER SAY [THAT] SHE IS BELIEVED. [BUT] R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MOUTH²⁶, BUT SHE IS IN THE PRESUMPTION OF HAVING HAD INTERCOURSE²⁷ BEFORE SHE WAS BETROTHED AND HAVING DECEIVED HIM, UNTIL SHE BRINGS PROOF FOR HER STATEMENT.²⁸

GEMARA. It was stated: [If one person says to another person]. 'I have a maneh in your hand,'²⁹ and the latter³⁰ says. 'I do not know'³¹ — Rab Judah and R. Huna Say: [He is] bound [to pay].³² and R. Nahman and R. Johanan Say: [he is] free [from the obligation to pay].³³ R. Huna and R. Judah say: [he is] bound [to pay]. [because they hold that] in the case of 'sure', and 'perhaps'. 'sure' has it.³⁴ R. Nahman and R. Johanan say: [he is] free [from the obligation to pay] [because they hold the view]: leave³⁵ the money in the possession of its present owner.³⁶ Abaye said to R. Joseph: The opinion³⁷ of R. Huna and Rab Judah corresponds with the view of Samuel,³⁸ for we have learned: [If] she³⁹ was pregnant, and they said to her, 'What is the nature of this embryo?'⁴⁰ [and she answered]. 'It is from the man So-and-So, and he is a priest.' Rabban Gamaliel and R. Eliezer say [that] she is believed. And Rab Judah said [that] Samuel said [that] the halachah is according to Rabban Gamaliel. And R. Samuel b. Judah said to Rab Judah: Sharpwitted one!⁴¹ You said to us in the name of Samuel [that] the halachah is according to Rabban Gamaliel also in the first⁴² [Mishnah]. [Now what means]: 'also in the first [Mishnah]'? [Assuredly it must mean]. although one could say⁴³ 'leave the money in the possession of its [present] owner.' [still] Rabban Gamaliel said: 'sure' has it.⁴⁴ Is it [then] to say that R. Judah and R. Huna follow the opinion of Rabban Gamaliel, and R. Nahman and R. Johanan follow the opinion of R. Joshua? — R. Nahman can answer you.⁴⁵ I even follow the opinion of⁴⁶ Rabban Gamaliel; only Rabban Gamaliel says it there⁴⁷ because there is miggo.⁴⁸ but what miggo is there here?⁴⁹ Or [again]: Rabban Gamaliel says it only there, because we Say: leave her in her presumptive state,⁵⁰ but here what presumptive state has he got?⁵¹ It is also evident that [it is right] as we have answered, that R. Nahman follows the opinion of⁵² Rabban Gamaliel,

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- (1) The husbands who married widows of priestly stock.
 - (2) The wives.
 - (3) And easily divorced them, because the amount of their kethubah was not high (Rashi).
 - (4) The wives.
 - (5) The would-be husbands.
 - (6) The widows of priestly stock.
 - (7) The would-be husbands.
 - (8) Lit., 'we shall go and marry'.
 - (9) Lit., 'a virgin, a daughter of an (ordinary) Israelite', seeing that both receive the same kethubah.
 - (10) Lit.. 'they restored their words'.
 - (11) The scholars.
 - (12) That the kethubah of the virgin-daughter of a priest could be increased to four hundred zuz.

- (13) I.e., families of distinguished birth.
- (14) Lit., 'according to the way', 'manner'.
- (15) And increase the kethubah to four hundred zuz.
- (16) I.e., one of them, either the bridegroom or the bride, is of the priestly family.
- (17) And increase the kethubah to four hundred zuz.
- (18) To increase the kethubah to four hundred zuz.
- (19) As they are both of ordinary Israelite families.
- (20) To the privileged position of the wife of a priest.
- (21) To increase the kethubah to four hundred zuz.
- (22) That it is allowed to increase the kethubah to four hundred zuz.
- (23) Lit., 'he who marries'.
- (24) Lit., 'and he did not find'.
- (25) I.e. 'it is thy loss.
- (26) I.e., we do not go by what she says and we do not believe her.
- (27) With another man.
- (28) Lit., 'for her words'.
- (29) I.e., you owe me a maneh.
- (30) Lit., 'this one'.
- (31) The person from whom the money is claimed neither denies nor admits the claim.
- (32) The person against whom the claim is made must pay' the maneh to the claimant.
- (33) The person against whom the claim is made need not pay anything.
- (34) Lit., 'better', 'preferable'. — When one litigant asserts a certainty and the other litigant puts forward the plea of 'I do not know,' judgment is given for the one who asserts a certainty.
- (35) Or, let stand.
- (36) Lit 'in the presumption of its owner'. The phrase here signifies: leave the money in the possession of its present holder, because, as he is the holder of the money', he is in the presumption of being its rightful owner.
- (37) Lit., 'This'.
- (38) Lit., 'it is of Samuel'.
- (39) An unmarried woman.
- (40) i.e., who is the father of this expected child,'
- (41) Heb. Shinena. V. B.K. (Sonc. ed.) p. 60 n. 2.
- (42) I.e., in our Mishnah, which is the first of the three Mishnahs in which Rabban Gamaliel and R. Eliezer say that she is believed. The first Mishnah will also include the following Mishnah, where, as in our Mishnah, the kethubah is the point at issue.
- (43) Lit., 'there is to say'.
- (44) [Since he accepts the woman's plea which is 'sure' in preference to the husband's which is 'doubtful'. Which shews that R. Huna and Rab Judah in their ruling follow the view of Samuel that the halachah follows Rabban Gamaliel.]
- (45) Lit., 'R. Nahman says unto thee'.
- (46) Lit., 'I who say ever.
- (47) Lit., 'until now Rabban Gamaliel does not say there'.
- (48) Miggo, means since,' 'because,' and 'in consequence of,' and is used here as a legal term, denoting 'a legal rule according to which a deponent's statement is accepted as true on the ground that, if he had intended to tell a lie, he might have invented one more advantageous to his case,' v. Jast. s. v'. The Miggo here is this: Instead of saying that she was forced to have intercourse, she could have said that she was injured by a piece of wood. [This

would be a more advantageous plea since it does not disqualify her from marrying a priest as does the plea that she had been forced. And similarly in the case of the next Mishnah she might have maintained that her accident happened after she had become betrothed to him, and thus is entitled to a kethubah of two hundred zuz instead of pleading that it occurred before, reducing thereby her claim to a maneh. V. Rashi.]

(49) In the case of the money claim, what miggo is there which we could apply to the claimant? Therefore, we say, 'leave the money in the possession of its (present) owner.'

(50) The presumption is that the maiden is a virgin. This presumption holds good until she had been found not to be a virgin, and this has been found only after her betrothal. Therefore she was, at the time of her betrothal, in the presumptive state of a virgin.

(51) There is no presumption in favour of the claimant. The presumption is in favour of the person from whom the money is claimed, since he holds the money.

(52) Lit., 'says'.

Talmud - Mas. Kethuboth 13a

for if it were [not] so, there would be a difficulty between one law and another law, for it is established for us [that] in civil matters the law is according to R. Nahman, whereas in this [case]¹ R. Judah [said] that Samuel said [that] the halachah is according to Rabban Gamaliel,² Is it not then to be concluded from this [that it is] as we have answered?³ Conclude [so] from this.

MISHNAH. [IF] SHE⁴ SAYS, 'I WAS INJURED BY A PIECE OF WOOD', AND HE SAYS, 'NO, THOU HAST HAD INTERCOURSE WITH A MAN'⁵ — RABBAN GAMALIEL AND R. ELIEZER SAY: SHE IS BELIEVED, AND R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MONTH,⁶ BUT SHE IS IN THE PRESUMPTION OF HAVING HAD INTERCOURSE WITH A MAN,⁷ UNTIL SHE BRINGS PROOF FOR HER STATEMENT.⁸

GEMARA. With regard to what are their claims?⁹ — R. Johanan Says: With regard to two hundred¹⁰ [zuz] and a maneh.¹¹ R. Eleazar says: with regard to a maneh and nothing.¹² R. Johanan says: With regard to two hundred [zuz] and a maneh, [because] he¹³ shares the opinion of R. Meir who says [that] whether he knew of her or did not know of her¹⁴ [she gets as her kethubah] two hundred [zuz]. And R. Eleazar says: With regard to a maneh or nothing, [because] he shares the view of the Rabbis who say [that] whether he knew of her or did not know of her,¹⁴ [she gets as her kethubah] a maneh. It is quite right that R. Eleazar does not say as R. Johanan [says]. because he establishes it¹⁵ according to the Rabbis.¹⁶ But why does not R. Johanan say as R. Eleazar [says]? — He holds [that when] he¹⁷ married her in the presumption of [her being] a virgin and she is found to have had intercourse, she has a kethubah of a maneh.¹⁸ [According to this view] here¹⁹ he would say. 'a maneh,'²⁰ and she would say. 'a maneh,'²¹ [and] what difference would there be between his claim and her claim?²² [Now] it is quite right according to R. Eleazar²³ that we have stated²⁴ two cases,²⁵ one²⁶ it to exclude the opinion of Rami b. Hama,²⁷ and one²⁸ to exclude the opinion of R. Hiyya b. Abin in the name of R. Shesheth.²⁹ But according to

R. Johanan why are two cases necessary:³⁰ — One to show you the strength³¹ of Rabban Gamaliel, and one to show you the strength of R. Joshua. The first case to show you the strength of R. Joshua, that, although one could say [there] miggo,³² she is not believed. The second case to

show you the strength of Rabban Gamaliel, that, although one cannot say [there]³³ Miggo, she is believed.

MISHNAH. [IF] THEY³⁴ SAW HER³⁵ TALKING WITH SOMEONE,³⁶ AND THEY SAID TO HER, ‘WHAT SORT OF A MAN IS HE?’³⁷ [AND SHE ANSWERED, ‘HE IS] THE MAN SO-AND-SO AND HE IS A PRIEST — RABBAN GAMALIEL AND R. ELIEZER SAY: SHE IS BELIEVED,³⁸ AND R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MOUTH,³⁹ BUT SHE IS IN THE PRESUMPTION OF HAVING HAD INTERCOURSE WITH A NATHIN⁴⁰ OR A MAMZER,⁴¹ -⁴² UNTIL SHE BRINGS PROOF FOR HER STATEMENT. [IF] SHE⁴³ WAS PREGNANT AND THEY⁴⁴ SAID UNTO HER, ‘WHAT IS THE NATURE OF THIS FOETUS.’⁴⁵ [AND SHE ANSWERED, ‘IT IS] FROM THE MAN SO-AND-SO AND HE IS A PRIEST — RABBAN GAMALIEL AND R. ELIEZER SAY: SHE IS BELIEVED,⁴⁶ AND R. JOSHUA SAYS: WE DO NOT LIVE FROM HER MOUTH,⁴⁷ BUT SHE IS IN THE PRESUMPTION OF BEING PREGNANT FROM A NATHIN OR A MAMZER,⁴⁸ UNTIL SHE BRINGS EVIDENCE FOR HER STATEMENT.

GEMARA. What is the meaning of ‘TALKING’? Ze’iri said: She was hidden.⁴⁹ R. Assi said: She had intercourse.⁵⁰ It is quite right according to Ze’iri that it Says⁵¹ ‘TALKING’,⁵² But according to R. Assi why [does it say] ‘TALKING?’ — [It is] a more appropriate⁵³ expression, as it is written:⁵⁴ ‘She eateth,⁵⁵ and wipeth her mouth,⁵⁶ and saith, ‘I have done no wickedness.’⁵⁷ It is quite right according to Ze’iri that he teaches [in the Mishnah] two [cases]: ‘TALKING’ and ‘PREGNANT’,⁵⁸ But according to R. Assi, why [does the Mishnah teach] two [cases]? — One case⁵⁹ to declare her fit⁶⁰ and one case⁶¹ to declare her daughter⁶² fit.⁶³ That is quite right according to him who says [that] he who declares her fit declares [also] her daughter fit.⁶⁴ But according to him who says [that] he who declares her fit declares her daughter unfit,⁶⁵ what is there to say? — R. Assi holds the view of him⁶⁶ who says [that] he who declares her fit declares [also] her daughter fit.

R. Pappa said to Abaye: According to Ze’iri who said: What Is TALKING?’ She was hidden, and R. Joshua said [that] she is not believed — did not Rab say: We punish with lashes for the privacy⁶⁷ but we do not prohibit⁶⁸ on account of the privacy? Is it to say that it is not according to R. Joshua?⁶⁹ — You may even say [that it is according to] R. Joshua. [for] they set a higher standard in matters of priestly descent.⁷⁰

An objection was raised: [If] they⁷¹ saw her go in⁷² with someone⁷³ Into a secret [place]

(1) I.e., the case of our Mishnah.

(2) That she is believed, and consequently she gets a kethubah of two hundred zuz.

(3) That even R. Nahman will follow the opinion of Rabban Gamaliel in the case of our Mishnah, that she is believed and gets a kethubah of two hundred in.

(4) The woman whose husband complains about the absence of virginity.

(5) Lit., ‘thou art one (that has been) trodden by a man’.

(6) I.e., We do not go by her statement.

(7) Since she has no virginity.

(8) Lit., ‘for her words’.

- (9) I.e., what is the claim of the husband and what is the claim of the wife?
- (10) She says that she was injured and claims a kethubah of two hundred zuz, on the view of R. Meir, supra 11a.
- (11) He says that she had intercourse with another man, in which case she gets only a maneh; v. the statement of R. Hiyya b. Abin, supra 11b and Rabbah's statement, supra 12a.
- (12) She claims a maneh as one who was thus injured and according to the Sages, (v. supra 11a) gets a maneh. He says that she had intercourse with a man and therefore gets no kethubah at all, on the view advanced by R. Ashi, supra 12a.
- (13) [I.e., The Tanna of this Mishnah shares, in the view of R. Johanan, the opinion of R. Meir, It cannot refer to R. Johanan as he would not be likely to accept the ruling of R. Meir in preference to that of the majority of the Sages (Rashi).]
- (14) That she was thus injured, v. supra 11b.
- (15) Our Mishnah.
- (16) Who are the majority and according to whom the law is decided,
- (17) The husband.
- (18) V. supra, p. 68, n. 14.
- (19) In our Mishnah,
- (20) I.e., That she is entitled only to a maneh because he believed her on marriage to be a virgin and found it was not so.
- (21) If R. Johanan would say as R. Eleazar says that she could only claim a maneh owing to her accident.
- (22) Hence R. Johanan has had to explain the Mishnah as representing the view of R. Meir.
- (23) Who says that if she had intercourse with a man, she gets no Kethubah at all.
- (24) Lit., 'he teaches',
- (25) The case of our Mishnah and that of the previous Mishnah.
- (26) The case of our Mishnah.
- (27) Who says (supra 11b) that if the husband did not know' that she had an accident she gets no kethubah at all.
- (28) The case of the previous Mishnah, where the husband says 'my bargain is a mistaken one, taken to mean that the woman is entitled to no kethubah at all,
- (29) Who says that, even if she had intercourse with another man, she gets a Kethubah of a maneh, v. supra 11b.
- (30) [Only the case of the second Mishnah should have been stated as illustrating the difference of opinion between R. Gamaliel and R. Joshua in regard to the pleas of 'sure' and 'perhaps', and thus incidentally excluding the opinion of Rama b. Hama, whereas the case of the first Mishnah could' be inferred from the second one.]
- (31) I.e., how strong his view is.
- (32) V. supra, p. 67. n. 8.
- (33) [Since on the view of R. Johanan she gets in any case two hundred zuz, even if the husband was unaware of the accident that happened before the betrothal, v. supra. p. 69.
- (34) People.
- (35) An unmarried woman.
- (36) A man.
- (37) Lit., 'what is the nature (or character) of this man'?
- (38) And she may marry a priest
- (39) I.e., we do not go by her statement.
- (40) V. Glos.
- (41) 'Mamzer' is usually translated by 'bastard'. Marriage with a 'momzer' and a 'nathin' was forbidden; v. Yeb.78b. As to what constitutes a 'mamzer' v. Yeb. 49a.
- (42) And the intercourse with a 'Nathin' or a 'Mamzer' makes her unfit to marry a priest.

- (43) An unmarried woman.
- (44) People.
- (45) V. supra p. 66 n. 17.
- (46) And she and her child are fit for priestly marriage.
- (47) I.e., we do not go by her statement.
- (48) And neither she nor her child is fit for priestly marriage.
- (49) 'TALKING' means: 'she was hidden' with a man, and she may have had with him intercourse.
- (50) 'TALKing' means: 'she had intercourse' with the man.
- (51) In the Mishnah. Lit., 'that he teaches'.
- (52) Secret talking. Talking in hiding is also 'talking'.
- (53) I.e., euphemistic.
- (54) Proverbs XXX, 20.
- (55) Also euphemistic expressions.
- (56) Also euphemistic expressions.
- (57) The first part of the verse reads: 'So is the way of all adulterous woman.
- (58) One case of suspicion and one case of certainty. V. also Rashi.
- (59) The case of 'TALKING'.
- (60) To marry a priest, according to R. Gamaliel.
- (61) The case of 'pregnant'.
- (62) If the child that was born was a daughter.
- (63) To marry a priest, according to R. Gamaliel.
- (64) V. infra 13b.
- (65) [Whereas the mother has had a presumption of fitness, this cannot be said of her daughter who was born under suspicion, v. infra 13b.]
- (66) Lit., 'holds Its',
- (67) I.e., the being alone of a man with a married woman. V. Levy and Jast. s,v. **suvi**.
- (68) The married woman to her husband. In spite of the fact that the woman was alone with another man we do not assume that misconduct took place.
- (69) According to R. Joshua we would not believe her and we would say that misconduct took place. Consequently, she ought to be forbidden to her husband.
- (70) In order to ensure the purity of the priestly families, he made the law stringent in our Mishnah. But ordinarily R. Joshua would not forbid a wife to her husband on account of her having been alone with another man.
- (71) People.
- (72) Lit., 'that she went in'.
- (73) I.e., with a man.

Talmud - Mas. Kethuboth 13b

or into a ruin,¹ and they said to her, 'What sort of a man is he?' [and she answered]. 'he is a priest and he is the son of the brother of my father' — Rabban Gamaliel and R. Eliezer say: She is believed. R. Joshua says: We do not live from her mouth, but she is in the presumption of having had Intercourse with a Nathin or a Mamzer, until she brings proof for her statement . Now it is quite right according to Ze'iri,² that he teaches³ two [cases]: into a secret [place] or into a ruin.⁴ But according to R. Assi who said: She had intercourse,⁵ why does it teach⁶ two cases?⁷ — It teaches [only] one [case]: into the secret [place] of the ruin.⁸ But it teaches: into a secret [place]

or into a ruin! — [But say] one [expression stands] for a ruin of a town and one [expression stands] for a ruin of a field. And they are [both]⁹ necessary. for if it¹⁰ had told us [only] concerning a ruin of a town [one might have said that] in this [case] Rabban Gamaliel declares her fit because most¹¹ [of the men] of the town are fit with regard to her,¹² but in [the case of] a ruin of a field, when most [of the men]¹³ are unfit with regard to her.¹⁴ I might say that he agrees with R. Joshua.¹⁵ And if it¹⁶ had told us [only] this [case]¹⁷ [I might have said that only] in this case¹⁸ did R. Joshua say [that she is not believed], but in that [case]¹⁹ I might say [that] he agrees with Rabban Gamaliel;²⁰ [therefore] it was necessary [to state both cases].

An objection was raised:²¹ This²² is a testimony with regard to which the woman is fit.²³ But R. Joshua Says: She is not believed. Said R. Joshua to them:²⁴ Do you not agree that in the case of a woman²⁵ who was captured, and there are witnesses that she was captured, and she says. 'I am pure.'²⁶ she is not believed? They said to him, 'Yes: but what a difference there is between this case and that case.'²⁷ In this case²⁸ there are witnesses,²⁹ and in that case³⁰ there are no witnesses.³¹ He said to them: In that case too³² there are also witnesses, for her stomach reaches up to her teeth.³³ They said to him, 'Most of the idolators are unrestrained in sexual matters.' He said to them: 'There is no guardian against unchastity.'³⁴ This applies³⁵ only in the case of the testimony of the woman with regard to herself.³⁶ but in the case of the testimony of the woman with regard to her daughter. all agree that the child is a shethuki.³⁷ — [Now] what did he³⁸ say unto them³⁹ and what did they answer him? This they said unto him: 'You have answered us with regard to the pregnant woman,⁴⁰ what will you answer us with regard to the woman [whom they saw] talking [to a man]?'⁴¹ — He said to them: The woman [whom they saw] talking [to a man] is the same as the captive woman.⁴² They said to him, 'The captive woman is different, for most of the idolators are unrestrained in sexual matters.'⁴³ He said to them: Here also,⁴⁴ since she hid herself,⁴⁵ there is no guardian against unchastity.⁴⁶ [Now] at all events he teaches two [cases]: The woman [whom they saw] talking [to a man] and the pregnant woman!⁴⁷ [This is] a refutation of R. Assi,⁴⁸ [This is indeed] a refutation,⁴⁹ — But let this difference weigh with him⁵⁰ There⁵¹ most of the men are unfit with regard to her, but here⁵² most of the men are fit with regard to her! — This⁵³ supports the opinion of R. Joshua b. Levi, for R. Joshua b. Levi said: He who declares her fit⁵⁴ declares her fit even when most of the men are unfit,⁵⁵ and he who declares her unfit declares her unfit even when most of the men are fit.⁵⁶

R. Johanan said: He who declares her fit declares also her daughter fit, [and] he who declares her unfit declares also her daughter unfit. And R. Eleazar said: [Even] he who declares her fit declares her daughter unfit. Rabba said: What is the reason of R. Eleazar? [This:] It is quite right [with regard to her], she has the presumption of fitness,⁵⁷ [but] her daughter has no presumption of fitness.⁵⁸ R. Eleazar objected to [the ruling of] R. Johanan: This only applies to the testimony of the woman with regard to herself, but in the case of the testimony of the woman with regard to her daughter, all agree that the child is a shethuki.⁵⁹ Does this not [mean] a shethuki and unfit? — No, a shethuki and fit. But is there a shethuki [who is] fit? — Yes, according to Samuel, for Samuel said: [If] ten priests are standing together and one of them goes away⁶⁰ and has intercourse [with a woman], the child is a shethuki. Now what [means here] a shethuki? Is it to say that he is 'silenced' from the property of his father?⁶¹ This is evident! Do we know who his father is? — It means one silences him from the rights of priesthood,⁶² for it is written: 'And it shall be unto him and to his seed after him the covenant of an everlasting priesthood.'⁶³ [that is,

only] one whose seed is legitimately descending from him, excluding this one,⁶⁴ whose seed is not legitimately descending from him.⁶⁵

A bridal couple⁶⁶ once came before R. Joseph. She said, 'It⁶⁷ is from him'.⁶⁸ and he said,

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- (1) A deserted building.
 - (2) According to whom 'talking secretly'. or being with a man in a secret place, gives grounds for suspicion, though it does not necessarily imply intercourse.
 - (3) In the Baraitha just quoted.
 - (4) 'Into a secret place' does not imply misconduct, but 'into a ruin' does imply misconduct.
 - (5) Talking secretly, or being with a man in a secret place. affords no grounds for suspicion unless there has been some evidence of misconduct.
 - (6) In the Baraitha just quoted.
 - (7) Since the reference here is to a case where misconduct was seen to have taken place, what matters it whether it occurred in a secret place or a ruin?
 - (8) The Baraitha is to be understood as if the reading was 'into the secret (place) of the ruin,' and thus only one case is mentioned.
 - (9) Both expressions.
 - (10) In the Baraitha just quoted.
 - (11) Lit., 'the majority'.
 - (12) Most of the inhabitants of the town are Jews, and the intercourse with a Jew does not make her unfit to marry a priest.
 - (13) All kinds of men resort from all parts to a ruin in the field (Rashi).
 - (14) She might have had intercourse with a man who makes her unfit to marry a priest.
 - (15) That she is not believed.
 - (16) The Baraitha just quoted.
 - (17) A ruin of a field.
 - (18) A ruin of a field.
 - (19) A ruin in the town.
 - (20) That she is believed.
 - (21) Cf. Tosef. Keth. I. This is a continuation of a passage in the Tosef, which is identical with the first part of the second case of our Mishnah: 'She was pregnant (and they said unto her, What is the nature of this embryo' (and she answered, It is) from the man So-and-so (and) he is a priest"' — Rabban Gamaliel and R. Eliezer say: She is believed.
 - (22) For variants v. Tosef. loc. cit.
 - (23) I.e., the woman is legally fit to give that testimony and she is believed.
 - (24) R. Gamaliel and R. Eleazar, v. n, 20.
 - (25) Lit., 'a woman captive'.
 - (26) I.e., no man had intercourse with me during my captivity.
 - (27) Lit., 'between this (woman) and this (woman)'.
 - (28) Lit., 'to this woman'.
 - (29) In the case of the captive woman there are witnesses that she was captured.
 - (30) Lit., 'and to this (woman)'.
 - (31) In the case of the pregnant woman (the case of the Tosefta and our Mishnah) there are no witnesses that she had intercourse with one who makes her unfit for marrying a priest. It is clear, especially from the wording in the

Tosefta, that this whole sentence, from 'yes,' until 'witness, is spoken by Rabban Gamaliel and R. Eliezer. V. Rashi.

(32) Of the pregnant woman.

(33) A figurative expression for 'she is visibly pregnant'

(34) No one is immune from the possibility of having forbidden sexual intercourse. And the pregnant woman may have had intercourse with one forbidden to her and may thus have become unfit for a priestly marriage. The whole passage is explained soon.

(35) Lit., 'with regard to what are these words said'? When do Rabban Gamaliel and R. Eliezer hold that she is believed?

(36) Her testimony with regard to herself is believed.

(37) A shethuki (lit., 'silenced') is defined in Kid. 69a as one who knows his mother but does not know who his father is. Therefore, the woman herself may marry a priest, but if she gave birth to a daughter, that daughter may not marry a priest. The corresponding sentence in the Tosefta is much shorter; viz 'This applies only to the testimony with regard to herself, but with regard to the child all agree that it is a shethuki'.

(38) R. Joshua.

(39) R. Samuel and R. Eliezer.

(40) Her pregnancy is evidence against her.

(41) Why should she not be believed?

(42) The one case is similar to the other case. In both cases there is a strong possibility of intercourse.

(43) It is not only a question of sexual intercourse, but it is also a question who it was with whom the woman had intercourse. In the case of the captive woman, she is made unfit for priestly marriage, because the men among whom she finds herself are mostly unfit for her. But not so in the case of the woman who was talking to a man, where most men are fit for her, v. supra.

(44) In the case of the woman who was talking to another man.

(45) She was talking to the man secretly.

(46) And she may have had intercourse with a man who makes her unfit for a priestly marriage.

(47) The 'talking woman' and the pregnant woman are, at all events, two different

(48) According to whom the case of the 'talking woman' is also a case of certain sexual intercourse.

(49) I.e., R. Assi stands refuted.

(50) Or, let it be a difference to him (R. Joshua). Lit., 'let it go out to him' — 'let it be different to him'.

(51) In the case of the captive woman.

(52) In the case of the 'talking woman,

(53) The fact that R. Joshua disregards this difference.

(54) Lit., 'according to the words of him who declares her fit'.

(55) With regard to her, as in the case of the captive woman.

(56) With regard to her, as in the case of the 'talking woman'.

(57) Legal fitness. She is of legitimate birth and she is fit to marry a priest. The doubt as to the nature of the man with whom she had intercourse does not destroy the presumption of her fitness.

(58) Because suspicion attaches to her very birth. If the man who is the father is unfit, then she is unfit and must not marry a priest. The doubt is sufficient to make her unfit, since there is no presumption of fitness to remove.

(59) V. p. 73, n. 10 and p. 74. n. 4.

(60) Lit., 'separated himself'.

(61) I.e., he does not inherit the property of his (alleged) father.

(62) He has no share in the rights and privileges of priesthood.

(63) Num, XXV, 13.

(64) The unknown father of the shethuki.

(65) [He cannot transmit the rights of priesthood to his seed, v. Yeb. 100b, but as regards marriage with one of priestly stock, this shethuki is permitted. This shews that one may be a shethuki and yet fit.]

(66) Lit., 'that betrothed (man) and his betrothed (woman)'.

(67) The child with which she was pregnant.

(68) From her fiance.

Talmud - Mas. Kethuboth 14a

'Yes. [it is] from me.' R. Joseph said: Why should we be afraid? First,¹ he admits, and moreover, Rab Judah said [that] Samuel said: The halachah is according to Rabban Gamaliel.² Abaye said to him: And in this [case]. if he did not admit, would Rabban Gamaliel declare her as fit? Did not Samuel say to Rab Judah: 'Sharp-witted one! The halachah is according to Rabban Gamaliel, but you should not act upon it,³ unless most men are fit for her,' whereas here most men are unfit for her!⁴ — And according to your reasoning is not this [statement] in itself difficult? [First he says] 'The halachah [is. etc.]' [and then] 'do not act in practice [on it]!'⁵ Hence you must say: The one ruling applies before⁶ the other after it was done,⁷ and in this case also it is like 'after it was done.'⁸

Abaye asked⁹ Raba: Did R. Joshua Say: She is not believed? This would be in contradiction with the following: R. Joshua and R. Judah b. Bathyra testified concerning the widow¹⁰ [of one who was] of a mixed family¹¹ that she is fit to marry a priest!¹² — He said to him: Now is this so?¹³ There¹⁴ the woman marries, and [in that case] she examines¹⁵ and [then] marries; but here¹⁶ the woman misconducts herself; does she first examine and then misconduct herself?¹⁷

Raba said: Is the contradiction [only] between [one statement of] R. Joshua and [the other Statement of] R. Joshua. [but] not¹⁸ between [one Statement of] Rabban Gamaliel and [another Statement of] Rabban Gamaliel?¹⁹ Surely the concluding clause²⁰ teaches: Rabban Gamaliel said to them: We accept your testimony,²¹ but what can we do, since Rabban Johanan b. Zakkai decreed that no court be set up for this purpose.²² because the priests will obey you to remove²³ but not to bring near?²⁴ — But, said Raba; there is no contradiction between [the statement of] Rabban Gamaliel and [the other statement of] Rabban Gamaliel, [because] there²⁵ it is sure²⁶ [and] here²⁷ it is 'perhaps.'²⁸ Neither is there a contradiction between [the one statement of] R. Joshua and [the other statement of] R. Joshua, [because] there²⁹ there is one doubt³⁰ [and] here³¹ there is a double doubt.³² Therefore, according to Rabban Gamaliel the 'sure' is [so] strong³³ [a plea] that even where [there is only] one doubt³⁴ he declares [her] fit,³⁵ and the 'perhaps' is [so] weak [a plea]³⁶ that even where there is a double doubt³⁷ he declares [her] unfit.³⁸ [And] according to R. Joshua one doubt³⁹ is [so] strong that even in the case where [she pleads] 'sure' he declares [her] unfit,⁴⁰ and a double doubt⁴¹ is [so] light⁴² that even in the case where [she pleads] 'perhaps' he declares [her] fit.⁴³

Our Rabbis taught: Which is the widow⁴⁴ [of one] of a mixed family? When there is with regard to it⁴⁵ [no doubt] on account of mamzeruth,⁴⁶ nathinuth⁴⁷ and on account of slaves of the kings.⁴⁸ R. Meir said:

- (1) Lit., 'one'.
- (2) That she is believed, v. supra 12b.
- (3) Lit., 'thou shalt not do a deed'.
- (4) As she is betrothed, the only man fit for her is her fiance. To all other men she is prohibited.
- (5) This seems self-contradictory!
- (6) [If a priest comes to seek guidance in regard to such a marriage we declare it not permissible unless he was held fit for the woman.]
- (7) [If he did marry her without consulting the authorities he may retain her.]
- (8) [Since she is already betrothed we do not force the bridegroom to put her aside.]
- (9) Lit., 'raised (a contradiction) to'.
- (10) V. p. 78, n. 9.
- (11) **vxhg** means 'dough' and is also a designation for a mixed community or a mixed family, that is a community or a family with an admixture of illegitimate persons or persons of doubtful legitimacy, v. Kid. 69b.
- (12) [This shews that we place her on her erstwhile presumption of fitness and refuse to disqualify her for the sake of a doubt.]
- (13) I.e., what a comparison!
- (14) In the case of 'Ed.
- (15) The purity of the family.
- (16) In the case of our Mishnah.
- (17) Therefore she is not believed.
- (18) Lit., 'is there no contradiction'.
- (19) And one must endeavour to explain R. Gamaliel also.
- (20) Of the Mishnah in 'Ed.
- (21) I.e., we approve of what you say.
- (22) [Of declaring the legitimacy of such a doubtful case.]
- (23) I.e., not to allow persons of doubtful legitimacy to join their families.
- (24) They will not obey the court if permission is given for persons of doubtful legitimacy to enter their families. V. 'Ed. (Sonc. ed.) p. 48, nn. 2-7.
- (25) In the case of our Mishnah.
- (26) She says that she is sure that she had intercourse with a legitimate person.
- (27) In the Mishnah in 'Ed.
- (28) As it is a case of **vxhg** the woman herself cannot say that she is sure that the family is free from illegitimate admixtures.
- (29) In the case of our Mishnah.
- (30) Whether the man with whom she had intercourse was fit or unfit (regarding the priesthood).
- (31) In the Mishnah in 'Ed.
- (32) Indeed, in the case of a widow of a member of a mixed family there are many doubts of illegitimacy.
- (33) I.e., important.
- (34) Against her.
- (35) For the priesthood.
- (36) Unimportant.
- (37) V. p.77, n. 20.
- (38) For the priesthood.
- (39) In the case of our Mishnah
- (40) For the priesthood.

- (41) In the Mishnah in 'Ed.
- (42) Unimportant.
- (43) For the priesthood. In short, with Rabban Gamaliel the 'sure' outweighs one doubt, and with R. Joshua one doubt outweighs the 'sure'.
- (44) Who has been held to be fit for marrying a priest: Tosaf. omits 'widow'. And indeed in Tosef., kid. V the word is left out. The reference will be to a girl of a mixed family and not to a widow of a member of a mixed family. v. Tosaf. [On the whole subject of **Vxhg** v., Rosenthal F. MGWJ 1881, also pp. 38ff and Freund L. Schwartz-Festschrift p. 163ff and Graetz op. cit. 1879, pp. 99ff].
- (45) The family.
- (46) Mamzer-ship.
- (47) Nathin-ship. For nathin and mamzer v. Glos.
- (48) Cf. Neh. VII, 57, and Yeb. 17b. [According to Rashi the reference is to the Herodian dynasty.] When there is no suspicion, with regard to that family, of intermarriage with mamzerim, nathinim and royal slaves.

Talmud - Mas. Kethuboth 14b

I have heard that when there is none of these [defects] in the family one permits [its members] to marry into the priesthood. R. Simeon b. Eleazar said in the name of R. Meir. and R. Simeon the son of Menasia also said it:¹ Which is the widow [of one] of a mixed family? When a doubtful halal² was mixed up³ in it, [for] the Israelites know the mamzerim who are among them, but they do not know the halalim who are among them.⁴

The Master said: 'Which is the widow [of one] of a mixed family? When there is with regard to it [no doubt] on account of mamzeruth, nathinuth and on account of slaves of the kings'. [This would show that if there is a doubt on account of] a halal [in the family] it is fit.⁵ Why should these⁶ be different? [Because] these are Biblical? A halal is also Biblical!⁷ And further:⁸ 'R. Meir said: I have heard that when there is none of these [defects] in the family one permits [its members] to marry into the priesthood'. This is the same [as that which] the first Tanna⁹ [taught]! And further:¹⁰ 'R. Simeon b. Eleazar said in the name of R. Meir, and R. Simeon b. Menasia also said it: Which is the widow [of one] of a mixed family? When a halal was mixed up in it, [for] the Israelites know the mamzerim who are among them, but they do not know the halalim who are among them.' Surely it says in the first clause [that if there is a doubt regarding] a halal [in the family, the family is] fit [to marry into the priesthood]! R. Johanan said: There is a difference between them [concerning a person who when he is called] mamzer protests and [when he is called] halal is silent. The first Tanna holds [that] every person who when called 'unfit' is silent is [considered] unfit, and thus the first Tanna said: Which is the widow [of one] of a mixed family? When there is in it no one who is silent if he is called mamzer or nathin, or slave of the king, or halal. Whereupon R. Meir said to him: This applies only to [each of] these cases¹¹ since [he who calls him thus is liable to] render him unfit [to enter] into [the congregation,] but he who is called a halal and is silent,¹² is fit, and the reason he is silent is that it does not trouble him.¹³ Whereupon R. Simeon b. Eleazar said to the first Tanna¹⁴ of R. Meir: If you have heard that R. Meir declares the person fit in the case of silence, this is not when he is called halal and is silent, but when he is called mamzer and is silent, for the reason he is silent is because he says to himself; 'a mamzer is well-known'.¹⁵ But [if he is called] mamzer and he protests. or [he is called] halal and is silent he is unfit,¹⁶ for the reason he is silent is because he thinks, 'it is enough if he is not excluded from

the congregation'.¹⁷

One Baraitha taught: R. Jose says: [if he is called] mamzer and is silent, he is fit, and if he is called halal and is silent, he is unfit. And another Baraitha taught: [if he is called] halal and is silent he is fit, [but if he is called] mamzer and is silent, he is unfit. There is no difficulty;¹⁸ the one¹⁹ is according to the first Tanna in the sense of R. Meir, and the other one is according to R. Simeon b. Eleazar in the sense of R. Meir.

MISHNAH. R. JOSE SAID: IT HAPPENED THAT A GIRL. WENT DOWN TO DRAW²⁰ WATER FROM A SPRING AND SHE WAS RAVISHED. R. JOHANAN B. NURI SAID: IF MOST OF THE INHABITANTS²¹ OF THE TOWN MARRY [THEIR DAUGHTERS] INTO THE PRIESTHOOD,²² THIS [GIRL] MAY [ALSO] MARRY INTO THE PRIESTHOOD.²³

GEMARA. Raba said to R. Nahman: According to whom did R. Johanan b. Nuri say [this in the Mishnah?]. If according to Rabban Gamaliel, [surely] he declares as fit even when there is a majority of unfit!²⁴ [And] if it is according to R. Joshua, [surely] he declares as unfit even when there is a majority of fit!²⁵ — He said to him: Rah Judah said [that] Rab said:

(1) Lit., 'according to his words'.

(2) Halal is one who is profaned, unfit for priesthood on account of his father's illegitimate connection. Cf. Lev. XXI, 15 and v. Kid. 77a and 77b. A doubtful halal is a person about whom there is a doubt whether he is a halal or not.

(3) **gnyb** means 'to be mixed up beyond recognition'. V. Jast.

(4) Therefore one has to be careful with regard to doubtful halalim.

(5) [The widow would not be disqualified where there was a doubtful admixture of a halal in her dead husband's family.]

(6) [The marriage to any one of those enumerated in the Baraitha is Biblically forbidden and consequently renders the woman who marries the offspring of such an union unfit for a subsequent marriage to a priest, v. Yeb. 68a.]

(7) Cf. Lev. XXI, 15, and Yeb. 68a.

(8) Another difficulty.

(9) The first statement of the Baraitha and R. Meir's are practically identical.

(10) Another difficulty.

(11) Mamzer, nathin and royal slave.

(12) [And does not protest against the stigma attached to his descent.]

(13) Since he is not excluded from the congregation.

(14) That is, the teacher who transmitted the words of R. Meir and said in his name 'I have heard, etc.' and not the first Tanna of the cited Baraitha.

(15) Lit., a mamzer has a voice — And since he is not regarded generally as a mamzer he does not think it worth while to protest against the assertion of one man.

(16) For the priesthood.

(17) As he is not excluded from the congregation, he does not desire any investigations into his origin (Rashi).

(18) There is no contradiction between these two Baraithas.

(19) The second Baraitha.

(20) Lit., 'to fill'.

(21) Lit., 'men',

(22) Are entitled to marry their daughters to priests. This shows that they are 'fit'.

(23) Because the man with whom she had intercourse is taken to be one of the majority, and the majority consists of 'fit' men,

(24) Because he places the woman on the presumption of fitness, v. supra 13b.

(25) V. supra 13b.

Talmud - Mas. Kethuboth 15a

The incident¹ happened at the springs² of Zepphoris, and the ruling followed R. Ammi, for R. Ammi said: and that is when a company of unfit men passed by there,³ and also R. Jannai. for R. Jannai said: if she had intercourse at the springs she is fit for the priesthood. — Do you really mean to say at the springs? — But rather [say]: If she had intercourse at the time of [the people visiting] the springs she is fit for the priesthood. But if someone went⁴ from Zepphoris and had intercourse [with her], the child is a shethuki.⁵ This is according to the following: When R. Dimi came⁶ he said that Ze'iri said [in the name of] R. Hanina, and some say: Ze'iri said [in the name of] R. Hanina:⁷ One goes after the majority of [the inhabitants of] the town and one does not go after the majority of the [passing] company. — Just the reverse! These⁸ move about and those⁹ are stationary!¹⁰ — But [say thus]: One goes after the majority of the [inhabitants of the] town, but only when there is [also] the majority of the [passing] company with it, but one does not go after the majority of the [inhabitants of the] town alone, nor after the majority of the [passing] company alone.¹¹ — What is the reason?¹² — It is prohibited¹³ [to go after] the majority of the [passing] company in order to prevent¹⁴ [going after] the majority of [the inhabitants of] the town. But even [in the case of] the majority of [the inhabitants of] the town, if he, went¹⁵ to her, [let us say that] he who separates himself separates himself from the majority?¹⁶ — It speaks of a case¹⁷ when she went to him.¹⁸ so that he was stationary,¹⁹ and R. Zera said: All that is stationary is considered as half to half.²⁰ But do we require two majorities? Has it not been taught: if nine [meat] shops,²¹ all of them, sell ritually killed meat. and one [shop sells] meat not ritually slaughtered and he bought in²² one of them and he does not know in which of them he bought. it is prohibited because of the doubt;²³ but if [meat] was found,²⁴ one goes after the majority?²⁵ And if you will say that [it speaks of a case] when the gates of the city are not closed,²⁶ so that a majority²⁷ came [also] from outside,²⁸ did not R. Zera say: even when²⁹ the gates of the city are closed? — Where purity of descent is concerned they³⁰ put up a higher standard.³¹

The text says: 'R. Zera said: All that is stationary is considered as half to half.' [This apparently means] whether it is for leniency or for strictness.³² Whence does R. Zera take it? Shall I say from [the Baraitha which teaches that] if nine [meat] shops, all of them, sell ritually killed meat and one [shop sells] meat not ritually slaughtered and he bought in one of them³³ and he does not know in which of them he bought, it is prohibited because of the doubt; but if [meat] was found, one goes after the majority? There it is for strictness!³⁴ But [he derives it] from [the following]: If there were [in a certain place] nine frogs and one reptile³⁵ and he touches one of them and he does not know which of them he touched he is unclean because of the doubt? — There also it is for strictness!³⁶ — But [rather] from [the following]: If there were [in a certain place] nine reptiles and one frog and he touches one of them and he does not know which of them he touched, [if this happened] on private ground he is unclean because of the doubt, [but] if this happened in a public place,³⁷ he is clean because of the doubt.³⁸

And how do we know this³⁹ from the Bible? — The verse says: And if he lie in wait for him and rise up against him,⁴⁰ [that is to say that he is not guilty of murder] until he intended [to kill] him. And the Rabbis? — They said in the school of R. Jannai: This excludes one who throws a stone into [a group of people]. What case do you mean? Do you mean a case when there are nine idolators and one Israelite? Let it be sufficient for him⁴¹ that the majority are idolators,[and] even if [you will say that it is considered as] half to half, [the rule is that] when there is a doubt in capital cases one takes a lenient view! — It speaks of a case when there are nine Israelites and one idolator, so that the idolator is stationary, and whatever is stationary is considered as half to half.⁴²

It was stated: R. Hiyya b. Ashi [said that] Rab said [that] the law is according to R. Jose.⁴³ And R. Hanan b. Raba [said that] Rab said [that] it was [only] a decision for the hour.⁴⁴ R. Jeremiah argued: And for pure descent we do not require two majorities? Have we not learned:

(1) Related in our Mishnah.

(2) , **ubure** var. lec. (**vbure**) 'spring', so Levy. V. also Krauss, TA. I 212. Jast.: 'Caravan', 'Station'.

(3) [So that there were two majorities of fit persons — the majority of local inhabitants and the majority of visitors from outside].

(4) Lit., 'separated himself'.

(5) V. supra 13b and Glos.

(6) To Palestine.]

(7) Leaving out R. Dimi.

(8) The people of the passing company.

(9) The inhabitants of the town.

(10) Lit , 'and these are fixed and stand'. — As to the point of the question, v. infra.

(11) I.e., there must be two majorities.

(12) That we do not go after the majority of the (passing) company.

(13) Lit., 'a prohibition'

(14) Lit., 'on account of'.

(15) Lit., 'if they went', that is to say one of the inhabitants of the town.

(16) I.e., he who comes away from a crowd, or a community is regarded as having come away from those who constitute the majority of the crowd or community. And if the majority of the town consists of fit people, we ought to assume that the man who had intercourse with the woman was one of the majority and did not disqualify her from marrying a priest, and that no blemish attaches to the child.

(17) Lit., 'no, necessarily'.

(18) Lit., 'to them'.

(19) I.e., fixed in one place.

(20) The rule of majority does not apply, v. infra.

(21) Out of the ten meat-shops that are in the market

(22) Lit., 'from'.

(23) Lit., 'its doubt is prohibited'. [Because the prohibited minority is in a fixed, settled place (kabu'a), v. infra.]

(24) In the market-place, in which the ten shops are situated.

(25) And the majority of the shops sell ritually killed meat. Thus we see that one single majority is sufficient.

(26) [And meat is admitted from the outside.]

- (27) Of butchers selling ritually killed meal.
- (28) Lit., ‘from the world’. [So that there are two majorities — the majority of local Jewish butchers and the majority of Jewish butchers from outside.]
- (29) Lit., ‘although’.
- (30) The Sages.
- (31) And therefore two majorities are required, cf. supra 13a.
- (32) I.e., whether the result of this rule is lenient or strict, that is, to allow or to prohibit (whichever it may be).
- (33) This illustrates the principle of *kabu'a*, a fixed, stationary prohibition.
- (34) And you cannot derive from this for leniency.
- (35) Dead reptiles make ritually unclean, but not frogs, v. Lev, XI, 29.
- (36) And you cannot derive from this for leniency.
- (37) [On the principle that a doubtful ease of uncleanness is clean if it arises in a public place but unclean if in private ground v. Sot. p. 140.]
- (38) From this Baraita you can derive both for strictness and for leniency.
- (39) The rule: what is stationary is considered half to half.
- (40) V. Deut. XIX, 11.
- (41) Lit., ‘let it be deduced by him’.
- (42) For full notes on this passage v. Sanh. (Sonc. ed.) p. 531, n. 4 and B.K. (Sonc. ed.) p. 253.
- (43) In our Mishnah.
- (44) A special decision for the occasion, regard having been had to certain circumstances, which is not to be taken as a precedent, for elsewhere two majorities are required.

Talmud - Mas. Kethuboth 15b

[If] one found in it¹ an abandoned² child — if the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite, if the majority [of the inhabitants of the town consist of] Israelites [the child is] an Israelite, [and if the inhabitants of the town are] half to half, [the child is] an Israelite.³ And Rab said: They have taught this only with regard to sustaining it,⁴ but not with regard to pure descent. And Samuel said: [They have taught this only] with regard to removing debris⁵ for its sake?⁶ — That which Rab Judah said in the name of Rab⁷ [namely, that] the incident happened at the springs of Zepphoris,⁸ escaped his⁹ attention.¹⁰ But according to R. Hanan b. Raba who said [that] it was a decision for the hour,¹¹ it is difficult!¹² He who taught this¹³ did not teach that.¹⁴

The [above] text [says]: ‘[If] one found in it an abandoned child — if the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite. if the majority [of the inhabitants of the town consist of] Israelites [the child is] an Israelite, [and if the inhabitants of the town are] half to half [the child is] an Israelite. Rab said: They have taught this only with regard to sustaining it, but not with regard to pure descent. But Samuel said: [They have taught this only] with regard to removing debris for its sake.’ But did Samuel say so? Did not R. Joseph say that R. Judah said in the name of Samuel: We do not go with regard to saving life after the majority?¹⁵ — But the saying of Samuel referred¹⁶ to the first clause: ‘If the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite.’ [Upon this] Samuel said: And with regard to removing debris it is not so,¹⁷ ‘If the majority [of the inhabitants of the town consist of] non-Israelites [the child is] a non-Israelite’ — for what practical purpose [is this

taught]? — R. Papa said: To allow him to eat [meat of] animals not ritually slaughtered. — ‘If the majority [of the inhabitants of the town consists of] Israelites [the child is] an Israelite,’ — for what practical purpose [is this taught]? — R. Papa said: That one returns to him a lost object.¹⁸ If [the inhabitants of the town are] half to half [the child is] an Israelite’ — for what practical purpose [is this taught]? Resh Lakish said: With regard to damages.¹⁹ How shall we imagine this case? Shall we say that an ox of ours²⁰ gored²¹ an ox of his?²² [In this case] let him²³ say to him.²⁴ ‘Bring evidence that you are an Israelite — and take!’²⁵ It speaks of a case when an ox of his²⁶ gored an ox of ours²⁷ — one half he²⁸ pays, and with regard to the other half he says to them,²⁹ ‘Bring evidence that I am not an Israelite and I will pay³⁰ you.’³¹

CHAPTER II

MISHNAH. IF A WOMAN BECAME A WIDOW OR WAS DIVORCED³² [AND] SHE SAYS, ‘THOU DIDST MARRY ME [AS] A VIRGIN,’³³ AND HE SAYS, ‘NOT SO, BUT I MARRIED THEE [AS] A WIDOW,’³⁴ —³⁵ — IF THERE ARE WITNESSES THAT SHE WENT OUT³⁶ WITH A HINUMA³⁷ AND HER HEAD UNCOVERED,³⁸ HER KETHUBAH IS TWO HUNDRED [ZUZ.]³⁹ R. JOHANAN THE SON OF BEROKA SAYS: ALSO THE DISTRIBUTION OF ROASTED EARS OF CORN IS EVIDENCE.⁴⁰ AND R. JOSHUA ADMITS THAT, IF ONE SAYS⁴¹ TO HIS FELLOW,⁴² THIS FIELD BELONGED TO YOUR FATHER AND I BOUGHT IT FROM HIM. HE IS BELIEVED,

(1) In a town in which Israelites and non-Israelites live.

(2) Lit., ‘thrown away’.

(3) Mak. VII, 2.

(4) [Jews are in duty bound to support their own poor.]

(5) On Sabbath.

(6) It would appear from this text with regard to pure descent that one majority’ is not sufficient.

(7) Lit., ‘(that) Rab said’.

(8) So that there were two majorities, v. supra p. 81, n. 3.

(9) R. Jeremiah.

(10) Had R. Jeremiah not overlooked this he would not have asked his question, for indeed two majorities were required for pure descent.

(11) It is now being assumed that R. Hanan also accepted the explanation that it occurred at the springs of Zepphoris, so that there were two majorities and he regards this ruling of R. Johanan b. Nuri only as a special decision, but elsewhere, two majorities are not required.

(12) Why does Rab say in the case of the abandoned child ‘but not with regard to pure descent’, which would shew that Rab requires two majorities also in other cases?

(13) That Rab said here ‘but not with regard to pure descent’.

(14) That R. Judah said in the name of Rab that the incident happened at the springs of Zepphoris. Indeed there was only one majority there, and therefore R. Hanan said, ‘it was a decision for the hour’, v. supra, p. 83, n. 10 In all other cases two majorities are required.

(15) Where it is a question of saving life the minority had to be equally taken into considerations.

(16) Lit., but when that of Samuel was said, it was said with regard’.

(17) One must remove the debris from the child in any case.

(18) V. B.M. (Sonc. ed.) p. 149, n. 6.

- (19) V. B.E. (Sonc. ed) p. 211, n. 6.
- (20) Belonging to Israelites.
- (21) Cf Ex. XXI, 35,36.
- (22) Belonging to the erstwhile abandoned child.
- (23) The Israelite,
- (24) To him who was an abandoned child.
- (25) The damages due to you.
- (26) Belonging to the erstwhile abandoned child.
- (27) Belonging to Israelites.
- (28) The erstwhile abandoned child.
- (29) To the Israelites.
- (30) Lit., 'give.'
- (31) The other half as well, that is full damages, v. B.K. loc. cit.
- (32) Lit., 'the woman who became a widow or was divorced.'
- (33) And the kethubah is two hundred zuz.
- (34) And the kethubah is one hundred zuz.
- (35) If the woman became a widow the dispute is between her and the heir (or heirs) of the husband.
- (36) On her wedding day, from the house of her father to the house of her husband.
- (37) For the meaning of this word v. infra p. 95.
- (38) That is, her hair loosened; for the meaning of **gurp** cf. Num. V, 18.
- (39) Because only virgin-brides went out on their wedding day with a hinuma and with the hair of the head loosened.
- (40) That she was a virgin. They used to distribute roasted ears of corn to little children at the weddings of maidens, but not of widows or divorcees.
- (41) Lit., 'in (the case of) one (who) says.'
- (42) I.e., to another man.

Talmud - Mas. Kethuboth 16a

FOR THE MOUTH THAT BOUND IS THE MOUTH THAT LOOSENS.¹ BUT IF THERE ARE WITNESSES THAT IT² BELONGED TO HIS FATHER AND HE SAYS, 'I BOUGHT IT FROM HIM.' HE IS NOT BELIEVED.

GEMARA. The reason³ is that there are witnesses,⁴ but if there are no witnesses the husband is believed. Is it to say that the anonymous and undisputed decision⁵ recorded in our Mishnah is not according to Rabban Gamaliel? For if it were according to Rabban Gamaliel, did not he say that she is believed?⁶ — You may even say [that it is according to] Rabban Gamaliel; [for] Rabban Gamaliel says [it]⁷ only there in [a case of] 'sure' and 'perhaps'.⁸ but here⁹ where they are both¹⁰ sure¹¹ [in their statements] he¹² did not say [it]¹³ — But he who raised the question, how could he raise it at all?¹⁴ Surely this is a case where they are both 'sure' [in their statements]! — Since most women get married as virgins [you might say that] it¹⁵ is like 'sure and perhaps'.¹⁶ This¹⁷ may also be proved by the following reasoning, since it is stated: AND R. JOSHUA ADMITS [etc.]¹⁸ It is well if you say [that] Rabban Gamaliel admits.¹⁹ But if you say [that] Rabban Gamaliel does not admit.²⁰ to whom does [then] R. Joshua admit?²¹ Do you think [that] R. Joshua refers to this chapter?²² He refers to miggo²³ in the first chapter.²⁴ To which?²⁵ Is it to say

[that he refers] to this: If she was pregnant, and they said to her. 'What is the nature of this embryo'. [and she answered, 'it is] from man So-and-so and he is a priest'. Rabban Gamaliel and R. Eliezer say: She is believed, [and] R. Joshua says: We do not live from her mouth?²⁶ What miggo is there in that case?²⁷ Behold, her stomach reaches up to her teeth!²⁸ Again [should it refer] to this: They saw her talking with someone and they said to her: 'what is the character of this man?' [and she answered, 'it is] man So-and-so and he is a priest'. Rabban Gamaliel and R. Eliezer say: She is believed [and] R. Joshua says: We do not live from her mouth?²⁹ [There too.] what miggo is there? True, there is according to Ze'iri, Who says [that] 'she was talking' means 'she was hiding herself' [with a man]. [in which case she has] a miggo, for if she wished she could say. 'I had no intercourse,' and [still] she said, 'I had intercourse,' [therefore] she is believed. But according to R. Assi, who says [that] 'she was talking' means 'she had intercourse, what miggo is there?³⁰ Or again [should he refer] to this: She says. 'I was injured by [a piece of] wood,' and he says. 'Not so, but thou wast trodden by a man.' Rabban Gamaliel and R. Eliezer say: She is believed, and R. Joshua says: We do not live from her mouth?³¹ [There too] what miggo is there? True, there is according to R. Eliezer, who says that [the dispute between the husband and the wife is] with regard to a maneh and nothing.³² [In which case she has] a miggo, for if she wished she could say. 'I was injured by a piece of wood under thee,'³³ and she would get two hundred [zuz.],³⁴ and [still] she said [that she was injured] earlier,³⁵ [therefore] she is believed. But according to R. Johanan who says that [the dispute between the husband and the wife is] with regard to two hundred [zuz] and a maneh,³⁶ what miggo is there?³⁷ — But [he refers] to this: If one has married a woman and has not found in her virginity [and] she says. 'After thou hadst betrothed me [to thyself] I was violated and thy field has been inundated,' and he says, 'Not so, but [it happened] before I betrothed thee [to myself]'. Rabban Gamaliel and R. Eliezer say: She is believed, and R. Joshua says: We do not live from her mouth,³⁸ For [here there is] a miggo, because if she wished she could say. 'I was injured by a piece of wood under thee,' and [by saying this] she would not make herself unfit for the priesthood. and [still] she said, 'I have been violated', and [by saying this] she made herself unfit for the priesthood; therefore Rabban Gamaliel said that she is believed. And R. Joshua said to Rabban Gamaliel: With regard to this miggo here,³⁹ I agree with you, but with regard to that miggo there,⁴⁰ I differ from you. Now, this is a miggo and that is a miggo, what difference is there between this miggo and that miggo.? Here⁴¹ there is no slaughtered ox before you, there⁴² there is a slaughtered ox before you.⁴³ But since most women get married as virgins.⁴⁴ [even] if no witnesses came,⁴⁵ what of it?⁴⁶ — Rabina said: Because one can say:⁴⁷ most women marry as maidens and a minority as widows. And whenever a maiden gets married, it is spoken about,⁴⁸

(1) I.e., if that person had been silent the other man would not have known that the field ever belonged to his father. We have, therefore, to believe both his statements.

(2) The field.

(3) Of the decision given in our Mishnah that the kethubah of the woman is two hundred zuz.

(4) That she went out on her wedding day with the hinuma and uncovered head.

(5) Lit., 'we have learnt without definition.'

(6) V. supra 12b.

(7) That she is believed.

(8) There (in the Mishnah 22b) the husband cannot be 'sure' with regard to his statement, while the wife can be sure. V. Rashi.

- (9) In our Mishnah.
- (10) The husband and the wife.
- (11) Lit., 'in sure and sure'.
- (12) Rabban Gamaliel.
- (13) That the wife is believed. The wife is not believed more than the husband.
- (14) The answer is so obvious.
- (15) The case in our Mishnah.
- (16) The statement of the wife is more 'sure' than that of her husband. And therefore you might say that she is believed even when there are no witnesses that she went out with a hinuma' and her head uncovered. And as this is, apparently, not the view of our Mishnah, the questioner raised his question.
- (17) That Rabban Gamaliel would admit that, if there were no witnesses that she went out with a hinuma' and her head uncovered, the husband would be believed (Rashi).
- (18) V. second clause of our Mishnah.
- (19) Lit., 'Rabban Gamaliel treats of "he admits".' I.e., It is well, if it is assumed that Rabban Gamaliel admits that, in the absence of witnesses, (v. n. 13) the husband is believed, since it is a case of 'sure' and 'sure'; in which case the author of the first clause of the Mishnah is Rabban Gamaliel, who while differing from R. Joshua in a case of 'sure' and 'perhaps' (as in the Mishnah on 12b), agrees here with R. Joshua, since it is a case of 'sure' and 'sure'. And, therefore, it is said in the second clause of the Mishnah 'AND R. JOSHUA ADMITS,' namely In the first clause of the Mishnah Rabban Gamaliel admits to R. Joshua. and in the second clause R. Joshua admits to Rabban Gamaliel (Rashi).
- (20) V. n. 15.
- (21) To what do the words 'AND R. JOSHUA ADMITS' refer, seeing that no mention is made previously in the Mishnah of any dispute.
- (22) I.e., to the first clause in the first Mishnah of this Chapter.
- (23) I.e., the controversy regarding miggo v. supra p. 67. n. 8.
- (24) Lit 'he refers to miggo and he refers to the first chapter'.
- (25) I. e., to which case does he refer?
- (26) V. supra 13a, second Mishnah, second clause.
- (27) Lit., 'there'.
- (28) She could not say that she had no intercourse! What other statement could she have made which would have been more to her advantage?
- (29) V. supra 13a. second Mishnah, first clause.
- (30) She could not say that she had no intercourse since there is evidence to the contrary! What other statement could she have made which would have been more to her advantage?
- (31) V. infra 13a, first Mishnah.
- (32) v. Supra 13a.
- (33) Since our betrothal. In which case she is entitled to two hundred zuz.
- (34) V. supra p. 69.
- (35) That is, before the betrothal and thus claims only a maneh.
- (36) V. supra p. 68. And she would get two hundred (zuz) if she was injured by a piece of wood, whether she was injured before or after the betrothal.
- (37) V. preceding note.
- (38) V. supra 12b.
- (39) The second clause of our Mishnah. The man could have been silent, therefore we believe also his second statement.

(40) In the Mishnah 22b.

(41) In the second clause of our Mishnah.

(42) In the Mishnah 12b.

(43) The phrase ‘there is a slaughtered ox before you’ means, there is a fact which cannot be wiped out or denied. This applies to the Mishnah 12b. The virginity is not there. This fact remains. According to R. Joshua in such a case a miggo is of no avail. But in our Mishnah the other person would not have known that the field once belonged to his father if the present holder had not told him so. This is meant by the phrase, ‘There is no slaughtered ox before you.’ There is no fact here if the holder of the field had not stated it. In such a case a miggo is applied, because we assume that the holder of the field would not have said it if he had not bought the field from the other man's father.

(44) Reverting to the argument at the beginning of this folio.

(45) That she went out with a hinuma and uncovered head.

(46) She should be regarded as having belonged to the majority and therefore having been a virgin at her marriage, so that her kethubah would be two hundred (zuz).

(47) Lit., ‘there is to say’.

(48) Lit., ‘she has a voice.’ A girl's marriage is much more spoken about than a widow's marriage. A girl's marriage is also much more festive and much more public.

Talmud - Mas. Kethuboth 16b

and since this one was not spoken about,¹ [the presumption that she belonged to] the majority has become shaken. — But if [you maintain that] whenever a maiden gets married it is spoken about, [then even] when witnesses come,² what of it?³ They are false witnesses!⁴ — But, said Rabina: most marriages of maidens are spoken about,⁵ and [in the case of] this one, since it was not spoken about, [the presumption that she — the bride — belonged to] the majority has been shaken.⁶ IF THERE ARE WITNESSES THAT SHE WENT OUT WITH A HINUMA, etc. Should we not be afraid that perhaps she might produce witnesses before this court and get [her kethubah] paid and [later] she might produce the written document [of the kethubah] before another court and get [her kethubah] paid [a second time] by that [document]? — R. Abbahu said: This teaches [that] one writes a quittance.⁷ R. Papa said:⁸ It speaks of a place in which one does not write a kethubah document.⁹ Some refer¹⁰ this¹¹ to the [following] Baraitha: If she lost her kethubah document, or she hid it, or it was burnt, [then the matter is as follows:] if they danced before her, played before her, passed before her the cup of [glad] tidings,¹² or the cloth of virginity¹³ [and] if she has witnesses with regard to one of these [things],¹⁴ her kethubah is two hundred [zuz]. Now should we not be afraid that perhaps she might produce witnesses before this court and get [her kethubah] paid and [later] she might produce the written document before another court and get [her kethubah] paid [a second time] by that document? — R. Abbahu said: This teaches [that] one writes a quittance. R. Papa said: It speaks of a place in which one does not write a kethubah document. But does it not say ‘[if] she lost her kethubah document’?¹⁵ — [It so happened] that he wrote her [one]. But may she not after all produce it and get [her kethubah] paid [a second time] with it! The meaning of ‘she lost [it]’ is ‘she lost [it] in fire.’¹⁶ If so, it is the same as ‘it was burnt!’ And then, what can you say with regard to ‘she hid [it]’?¹⁷ And furthermore, why [mention] ‘she lost [it]’?¹⁸ — But [this is what the Baraitha means]: if she lost it, it is as if she had hidden it before us, and we do not give her [the kethubah money] until witnesses say [that] her kethubah document has been burnt.¹⁹ He who refers this²⁰ to the

Baraita, all the more [does he refer it] to the Mishnah. But he who refers this to our Mishnah [does] not [refer it] to the Baraita, because of the difficulty.²¹ IF THERE ARE WITNESSES, etc. Should we not be afraid that perhaps she might produce witnesses of hinuma before this court and get [her kethubah] paid and [later] she might produce [other] witnesses of hinuma before another court and get [her kethubah] paid [a second time]? — Where it is not possible otherwise,²² we certainly write a quittance. [It is said above in the Baraita]: ‘[If] they passed before her the cup of [glad] tidings.’²³ What is the cup of [glad] tidings? R. Adda the son of Ahaba said: One passes before her a cup of wine of Terumah,²⁴ as if to say. ‘This one is worthy of eating Terumah.’²⁵ R. Papa demurred to this: Does not a widow eat Terumah?²⁶ But, said R. Papa [as if to say] ‘This one is "first"²⁷ as Terumah is "first".’²⁸ It has been taught: R. Judah says: One passes before her a cask of wine. R. Adda the son of Ahaba said: [If she was] a virgin one passes before her a closed one, [and if] she has had intercourse with a man one passes before her an open one. Why? Let us pass [a cask of wine] before a virgin and let us not pass [a cask of wine] at all before one who had intercourse? — [It may happen] some times that she has seized²⁹ two hundred [so] and [then] says. ‘I was a virgin and they did not pass [a cask of wine] before me because they were prevented by an accident.’³⁰ Our Rabbis taught: How does one dance³¹ before the bride? Beth Shammai say:

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- (1) If this had been known as a maiden's marriage it would have been made public and there would have been people to come forward and give evidence that she went out with a hinuma and her head uncovered.
 - (2) And say that she went out with a hinuma and uncovered head.
 - (3) Since this marriage was not spoken about, one should say that she was not married as a maiden.
 - (4) Since other people knew nothing about it.
 - (5) Not ‘all marriages of maidens’.
 - (6) Therefore, the presence or absence of witnesses makes all the difference.
 - (7) [And the husband produces a quittance that he paid her the kethubah, cf. B.B. 171b.]
 - (8) [He holds that no quittance may be written for fear of putting the lender at a disadvantage in case he loses it. What they do on payment is to tear up the bond without which the creditor cannot claim his debt.]
 - (9) [And the woman collects her dues in the court since it is a condition enjoined by the court, v. infra 51a.]
 - (10) Lit., ‘teach’.
 - (11) The controversy of R. Abbahu and R. Papa.
 - (12) **vriac ka xuf**, v. infra.
 - (13) On the day of her marriage.
 - (14) Which are only done at the marriage of a virgin.
 - (15) And this shows that a kethubah document was written.
 - (16) And she cannot produce it any more.
 - (17) If she hid it, she can produce it.
 - (18) As ‘she lost (it)’ is mentioned separately, it cannot mean ‘in fire’.
 - (19) This means that if ‘she lost’ it or ‘she hid’ it. she does not get the kethubah money unless she finds the document and produces it. If she says ‘it was burnt,’ she must produce witnesses that it was burnt. This answer is indeed unsatisfactory.
 - (20) The controversy of R. Abbahu and R. Papa.
 - (21) V. supra note 10.
 - (22) [In a place where no kethubah is written, and the woman collects her dues at the court by means of witnesses, and there is the possibility for her to produce two sets of witnesses before two different courts and collect her

kethubah twice.]

(23) *vruac ka xuf* v. Krauss T.A. II, p. 459. In J. Keth II, 1, , *urac ka , hcj* 'a barrel of glad tidings' is mentioned.

(24) V. Glos.

(25) That is, she is unblemished and fit to marry a priest.

(26) A widow may also marry a priest.

(27) I. e., she is a virgin and for the first time dedicated to married life.

(28) Terumah is called 'first', cf. Num. XV, 20, 21; Deut. XVIII, 4.

(29) If she is in possession of the two hundred zuz the onus probandi is on the other party.

(30) Rashi says: They were intoxicated from the wine which they drank at the wedding, and the other party could not bring evidence to disprove her statements. But now that a cask of wine has to be passed also before one who was not a virgin, witnesses will be available to testify that in the latter case an open cask was passed before her.

(31) What does one sing or recite?

Talmud - Mas. Kethuboth 17a

The bride as she is.¹ And Beth Hillel say: 'Beautiful and graceful bride'!² Beth Shammai said to Beth Hillel: If she was lame or blind, does one say of her: 'Beautiful and graceful bride'? Whereas the Torah³ said, 'Keep thee far from a false matter.'⁴ Said Beth Hillel to Beth Shammai: According to your words,⁵ if one has made a bad purchase in the market, should one praise it⁶ in his eyes or depreciate it?⁷ Surely,⁸ one should praise it in his eyes. Therefore,⁹ the Sages said: Always should the disposition of man be pleasant with people. — When R. Dimi came,¹⁰ he said: Thus they sing before the bride in the West:¹¹ no powder¹² and no paint¹³ and no waving¹⁴ [of the hair], and still a graceful gazelle. When the Rabbis ordained R. Zera they sang before him thus: No powder and no paint and no waving [of the hair], and still a graceful gazelle. When the Rabbis ordained R. Ammi and R. Assi they sang before them thus: Such as these, such as these ordain unto us, [but] do not ordain unto us of the perverters¹⁵ or babblers,¹⁶ and some say: of the half-scholars¹⁷ or one-third-scholars.¹⁸ When R. Abbahu came from the Academy to the court of the Emperor,¹⁹ hand-maids²⁰ from the Imperial house went out towards him and sang before him thus, 'Prince of his people, leader of his nation, shining light,²¹ blessed be thy coming in peace!' They tell of R. Judah b. Ila'i that he used to take a myrtle twig and dance before the bride and say: 'Beautiful and graceful bride.' R. Samuel the son of R. Isaac danced with three [twigs].²² R. Zera said: The old man is putting us to shame.²³ When he²⁴ died,²⁵ a pillar of fire came between him and the whole [of the rest of the] world. And there is a tradition that a pillar of fire has made such a separation²⁶ only either for one in a generation or for two in a generation only.²⁷ R. Zera said: His twig²⁸ [benefited] the old man, and some say: His habit²⁹ [benefited] the old man, and some say: his folly³⁰ [benefited] the old man. — R. Aha took³¹ her³² on his shoulder and danced [with her]. The Rabbis said to him: May we [also] do it? He said to them: If they³³ are on you³⁴ like a beam,³⁵ [then it is] all right. and if not, [you may] not. R. Samuel b. Nahmani said [that] R. Jonathan said: it is allowed to look intently at the face of the bride all the seven [days]³⁶ in order to make her beloved to her husband.³⁷ But the law is not according to him. Our Rabbis taught: One causes a funeral procession³⁸ to make way³⁹ for a bridal procession,⁴⁰ and both of them⁴¹ for the King of Israel. One tells of King Agrippa that he made way for a bride, and the Sages praised him. — They praised him — from this it would seem that he did well. Did not R. Ashi say: Even according to him, who says [that] if a king forgoes his honour, his honour is forgone, if a king

Talmud - Mas. Kiddushin 2a

CHAPTER I

MISHNAH. A WOMAN IS ACQUIRED [IN MARRIAGE] IN THREE WAYS AND ACQUIRES HER FREEDOM¹ IN TWO. SHE IS ACQUIRED BY MONEY, BY DEED, OR BY INTERCOURSE. 'BY MONEY': BETH SHAMMAI MAINTAIN, A DENAR² OR THE WORTH OF A DENAR; BETH HILLEL RULE, A PERUTAH OR THE WORTH OF A PERUTAH.³ AND HOW MUCH IS A PERUTAH? AN EIGHTH OF AN ITALIAN ISSAR.⁴ AND SHE ACQUIRES HER FREEDOM BY DIVORCE OR BY HER HUSBAND'S DEATH. A YEBAMAH⁵ IS ACQUIRED BY INTERCOURSE, AND ACQUIRES HER FREEDOM BY HALIZAH⁶ OR BY THE YABAM'S DEATH.⁷

GEMARA. A WOMAN IS ACQUIRED. Why does he [the Tanna] state here, 'A WOMAN IS ACQUIRED,' Whilst elsewhere⁸ he teaches 'A man may betroth' [etc.]?⁹ — Because he wishes to state 'MONEY'; and how do we know that money effects betrothal? By deriving the meaning of 'taking' from the field of Ephron:¹⁰ Here it is written: If any man take a wife;¹¹ whilst there it is written: I will give thee money for the field: take it of me.¹² Moreover, 'taking' is designated acquisition, for it is written, the field which Abraham acquired;¹³

(1) Lit., 'acquires herself.'

(2) V. Glos.

(3) I.e., goods to its value.

(4) V. Glos. The ordinary issar = 1124th of a denar (denarius); the Italian issar = 1116th.

(5) v. Glos.

(6) V. Glos.

(7) v. Glos.

(8) At the beginning of Chapter II, infra 41a.

(9) Thus here too he should have stated: 'A woman is betrothed.' 'Betroth' in this sense, and as it is generally used in the Talmud, is the first stage of marriage. A betrothed woman could not be freed without a divorce, though cohabitation was still forbidden. V. Glos. s.v. erusin. As far as practicable in this translation, 'betrothed' is employed to denote this first stage, and 'marriage' to denote the second (nissu'in), after which the couple may live together.

(10) Lit., 'taking,' 'taking' is deduced from the field of Ephron. This method of exegesis is designated 'gezerah shawah,' whereby the use of the same word in two passages indicates that their laws or connotations are similar.

(11) Deut. XXII, 13.

(12) Gen. XXIII, 13. Just as 'take' in the latter verse refers to money, so in the former too: the wife is 'taken,' i.e., betrothed by money.

(13) Gen. XLIX, 30. The quotation is not exact in the Talmud.

Talmud - Mas. Kiddushin 2b

alternatively, men shall acquire fields for money;¹ therefore, he teaches: A WOMAN IS ACQUIRED. Then let him state there,² 'A man acquires'? — He [the Tanna] first employs

Biblical phraseology, but subsequently, the Rabbinical idiom. Now what does the Rabbinical term connote?³ — That he [the husband] interdicts her to all [men] as hekdesch.⁴ But, why not teach here, ‘A man acquires’?⁵ — Because he desires to teach the second clause, AND ACQUIRES HER FREEDOM, which refers to her [the woman], he therefore teaches the first clause likewise with reference to her. Then let him state, ‘A man acquires . . . and makes [her] acquire’?⁶ — Because there is the husband's death where it is not he who frees her, but it is Heaven who confers [her freedom] on her.⁷ Alternatively, were it taught ‘he acquires.’ I might have thought, even against her will, hence It is stated ‘A WOMAN IS ACQUIRED,’ implying only with her consent, but not without.⁸ Now, why does he [the Tanna] choose to teach shalosh? Let him teach sheloshah?⁹ — Because he desires to state derek [way], which is feminine, as it is written, and thou shalt shew them the way wherein [bah] they must walk.¹⁰ ‘If so, when we learnt, a zab¹¹ is examined in seven [shiv'ah] ways [derakim].’¹² let him [the Tanna] employ sheva’?¹³ — Because he desires to state derek, which we find designated as masculine, as it is written, they shall come out against thee in one way [be-derek ehad], and flee before thee seven ways [shiv'ah derakim].¹⁴ If so, the verses are contradictory, and the Mishnahs likewise? — The verses are not contradictory: here [the first verse quoted], the reference being to the Torah,¹⁵ which is a feminine noun, as it is written: The law [torah] of the Lord is perfect [temimah], restoring [meshibath] the soul:¹⁶ the feminine form is employed. There, however, the reference is to war, and it is the practice of man to wage war, not of woman — therefore the masculine is employed. The Mishnahs are [likewise] not contradictory: here, since the reference is to a woman, It is couched in the feminine form. There, the reference being to a man, since it is the nature of a man to be examined, but not of a woman, for a woman becomes unclean even through an accident,¹⁷ the masculine form is employed.

Now, why does he employ shalosh? on account of derakim [ways]! Then let him teach debarim [things] and sheloshah?¹⁸ — Because he wishes to mention INTERCOURSE, which is designated ‘way’, as it is written, and the way of a man with a maid. . . Such is the way of an adulterous woman.¹⁹ Now, that answers for intercourse; but what can you say of MONEY AND DEED? — [They are] on account of INTERCOURSE.²⁰ And are two taught on account of one?²¹ — These too are adjuncts of intercourse.²²

Alternatively I can say: The author of this [Mishnah] is R. Simeon. For it was taught: R. Simeon said: Why did the Torah state, If any man take a wife,²³ and not ‘if a woman be taken to a man’? Because it is the way of a man to go in search of a woman, but it is not the way of a woman to go in search of a man. This may be compared to a man who lost an article: who goes in search of whom? The loser goes in search of the lost article.²⁴ Now, as to what we learnt: ‘a zab is examined in seven ways’: let it state [seven] ‘things’?²⁵ — There we are informed this: it is the nature [way] of excessive eating to cause gonorrhoea, and it is the nature [way] of excessive drinking to cause gonorrhoea. Further, as to what we learnt: ‘The citron is comparable to a tree in three ways’²⁶ — let him state [in three] things? — Because he wishes to teach the second clause: and to vegetables in one way.²⁷ Then in the second clause too’ let him state, [and to vegetables in one] ‘thing’?

(1) Jer. XXXII, 44.

(2) Infra 41a.

- (3) The Heb. mekaddesh literally means ‘consecrates.’ Why is this employed by the Rabbis for betrothal?
- (4) V. Glos.; hekadesh is forbidden for secular use.
- (5) Granted that Biblical usage demands a verb of acquisition, yet just as the Mishnah on 41a states: ‘a man betroths,’ so here too it should have been, ‘a man acquires.’
- (6) Both clauses referring to his action.
- (7) Hence this could not be referred to as his (voluntary) action.
- (8) By referring it to her, the Tanna shews that the validity of acquisition is dependent on her consent.
- (9) Shalosh (three) is used with fem. substantives; sheloshah with masc. ones, which is the more usual.
- (10) Ex. XVIII, 20: bah is feminine (in her), the masc. being bo.
- (11) V. Glos, cf. p. 3, n. 1.
- (12) Pl. of derek.
- (13) Shiv'ah with masc., sheva' with fem. substantives.
- (14) Deut. XXVIII, 27: in both clauses the numerals are masculine.
- (15) When Jethro said to Moses, and thou shalt shew them the way wherein they must walk, by ‘way’ he meant the Torah.
- (16) Ps. XIX, 8; both the adjective and the participle are feminine.
- (17) A man is unclean as a zab only if the discharge comes of itself, without being caused by external factors (technically called accidents); e.g., the eating of certain foods, physical overstrain, etc.; seven such factors might have caused the discharge, and consequently he had to be examined in respect of these. But a woman is unclean even then; hence there is no purpose in examining her.
- (18) A woman is acquired by three things; debarim is masc.
- (19) Prov. XXX, 19 f.
- (20) Since derek is required for cohabitation, it is also used for the others.
- (21) Surely the idiom should be primarily adapted to the majority?
- (22) They are not separate and complete acts, but preliminaries to cohabitation.
- (23) Deut. XXII, 13.
- (24) But the lost article does not seek the loser. Thus, man having lost his rib, he seeks to recover it. — Since R. Simeon says ‘It is the way of a man, etc.’ he also teaches: ‘A WOMAN IS ACQUIRED IN THREE WAYS. ‘Derek’ (way) is applicable to something that happens in conformity with nature or normal practice.
- (25) Because generally speaking the masculine is preferable.
- (26) Viz., in respect of ‘orlah (q.v. Glos.), fourth year fruits, and the year of release. The fruit gathered in the fourth year of a tree's planting was to be eaten in Jerusalem, like the second tithe (v. note 4). Special laws governed the produce of every seventh year (v. Lev, XXV, 1-7), but the definitions of ‘seventh year’ varied. In respect to trees it meant the fruit that grew in the seventh year, even if not harvested until the eighth; while in speaking of vegetables it applies to the time of gathering: the citron is assimilated to trees in this matter.
- (27) Viz., in respect of tithing. In the first, second, fourth, and fifth years after the ‘year of release’, the first and second tithe were separated, the first being given to the Levite and the second eaten by its owners in Jerusalem; in the third and sixth years the first and third tithes were due, the latter being given to the poor. Here too, trees were determined by the time when their fruit grew; vegetables by their gathering; the citron was assimilated to vegetables in this matter.

Talmud - Mas. Kiddushin 3a

— There we are informed this: that the nature [way] of a citron is like that of vegetables. Just as it is the nature of vegetables to grow by means of all waters,¹ and its tithing is determined by the

time when it is gathered;² so is it the nature of the citron to grow by means of all waters, and [therefore] its tithing is determined by its gathering.³ Again, when we learnt: A koy⁴ is, in some ways, similar to beasts of chase;⁵ and in other ways to cattle; and [again], in some ways to both beasts of chase and cattle, and in other ways to neither beasts of chase nor cattle⁶ — let it be taught, [in some] ‘things’? Moreover, when we learnt: This is one of the ways wherein women's divorce deeds are similar to slaves' writs of liberation⁷ — let him state, [this is one of the] ‘things’ etc.? — But [answer thus]: wherever a distinction is drawn, ‘ways’ is employed: wherever there is no distinction, ‘things’ [respects] is taught.⁸ This may be proved too, for the second clause teaches: R. Eliezer maintained: The citron is equal to trees in all things.⁹ This proves it.

What does the number of the first clause exclude, and what does the number of the second exclude?¹⁰ — The number of the first clause excludes huppah.¹¹ But according to R. Huna, who maintained: Huppah [as an act of betrothal] acquires [a woman], by inferring it a minori,¹² what does it exclude? — It excludes barter.¹³ I might have thought, since we learn the meaning of ‘taking’ from Ephron's field:¹⁴ then just as a field may be acquired by barter, so may a woman too be acquired by barter: hence we are informed [otherwise]. And let us say: That indeed is so? — Barter is possible with less than a perutah's worth;¹⁵ whilst a woman will not cede herself [in marriage] for less than a perutah's worth.¹⁶

(1) I.e., artificial irrigation, which is normally impossible in the case of wheat and the vine.

(2) V. nn. 3 and 4.

(3) Thus by employing ‘way,’ the Tanna teaches the reason of its similarity in tithing, viz., because it is also similar in the nature (way) of its growth.

(4) [Generally taken as a cross between a goat and some species of gazelle; v. Lewysohn, Zoologie, p. 115.]

(5) Heb. hayyah, beast of chase, opposed to behemah, cattle. The Rabbis were uncertain whether the koy should be considered of the genus of cattle or a beast of chase.

(6) Its heleb (hindquarter fat) is forbidden like that of cattle, its blood must be covered after slaughter, like that of a beast of chase, it must be ritually killed before it is fit for food, like both, it must not be made to copulate with either. — Since its status is undetermined, we impose the stringencies of both beasts of chase and cattle.

(7) Viz., if one is brought from overseas, the messenger must declare, ‘It was written and attested in my presence.’

(8) E.g., in some respects the citron is similar to trees; in others to vegetables: hence a distinction is drawn. The same applies to the other passages quoted. But if one thing is entirely like another, we employ ‘things’ (dabar).

(9) Thus ‘way’ is not used here, since no distinction is drawn.

(10) It is unnecessary to state, A WOMAN . . . THREE WAYS . . . TWO, since these are actually enumerated. The explicit statement of the number must therefore emphasize that only three ways are valid, not more.

(11) If a father delivers his daughter to huppah as an act of betrothal (kiddushin), it is not valid as such. (Rashi). [The word **vpuj** from the root **;pj**, denotes the baldachin or canopy wherein the bridegroom received the bride at the nuptials. A good deal of uncertainty exists as to the signification of this ceremony; (v. Shulhan ‘Aruk, Eben ha’Ezer, I, XV, 1). Rashi, it appears, regards huppah as a mere symbol of traditio puellae, a handing over of the maiden by the father to the husband into whose control she now passes, (cf. Keth. 48a), in contradistinction to Maim., (Yad, Ishuth, X, 1), who saw in it a symbol of the marital union, copula carnalis, cf. Neubauer J. pp. 57 and 226ff.]

(12) V. infra 50.

(13) A woman cannot be bartered, i.e., become betrothed in exchange for an article. — On ‘barter’ v. infra 28a, Mishnah.

(14) V. supra 2a.

(15) V. B.M. 47a.

(16) Because it is derogatory to her dignity.

Talmud - Mas. Kiddushin 3b

The number of the second clause excludes halizah.¹ For I might have thought, this may be inferred a minori from a yebamah: if a yebamah, who is not freed by divorce, is freed by halizah; then this one [a married woman], who is freed by divorce, is surely freed by halizah. Therefore we are informed [otherwise]. And let us say: That indeed is so? — Scripture states, [then he shall write her] a writ of divorcement.² Thus, a ‘writ’ may divorce her, but nothing else may divorce her.

BY MONEY. Whence do we know this? Moreover, when we learned, A father has a privilege over his daughter [if a minor] in respect of her kiddushin³ by money, deed, or intercourse:⁴ How do we know that she can be acquired by money and that the money belongs to her father? — Said Rab Judah in Rab's name, Because Scripture saith, then she shall go out for nothing, without money:⁵ no money is due to this master [when she leaves his control], but money is due to another master, viz., her father.⁶ Yet perhaps it belongs to her?⁷ — How now! her father receives her kiddushin [on her behalf], for it is written, [and the damsel's father shall say. . .] I gave my daughter unto this man;⁸ shall she take the money? [Surely not!] But perhaps this applies only to a minor [ketannah], who has no power to accept kiddushin; but as for a na'arah,⁹ who is empowered to accept kiddushin — let her betroth herself and take the money!¹⁰ — The Writ saith, in her youth¹¹ in her father's house:¹² teaching, all the profit of youth belongs to her father.

If so, when R. Huna said in Rab's name: Whence do we know that a daughter's labour belongs to her father? — From the verse: And if a man shall sell his daughter to be a maidservant:¹³ just as a maidservant's labour belongs to her master, so does a daughter's labour belong to her father; learn it rather from, ‘in her youth, in her father's house’? But [you must answer], that refers to the annulment of vows.¹⁴ So here too, [you must admit] that it is written in reference to annulment of vows!¹⁵ And should you argue, We may learn therefrom¹⁶ — but civil law¹⁷ cannot be deduced from ritual law.¹⁸ And should you say, we may learn it from kenas¹⁹ — but civil law cannot be deduced from kenas?²⁰ And should you say: We may learn it from [the indemnity payable for her] shame and depreciation²¹ — yet shame and depreciation are different, since her father has an interest therein.²² — But [answer thus:] it is logical that when a limitation is made,

(1) V. Glos. The marriage bond cannot be dissolved by halizah.

(2) Deut. XXIV, 1.

(3) V. Glos.

(4) He can accept money or a deed as her kiddushin, the former belonging to him, or deliver her to intercourse, v. Keth. 46b.

(5) Ex. XXI, 11: this refers to a Hebrew maidservant.

(6) When she leaves him on marriage. Hence her father has a right to the money given as kiddushin.

(7) The verse merely implying that no money is payable when she leaves this master, but it is when she leaves another master, viz., her father. But nothing shews that the money belongs to her father, which would follow only if Scripture had written: ‘without money to him’.

(8) Deut. XXII, 16; thus shewing that the privilege rests entirely with him.

(9) V. Glos.

(10) A minor cannot enter into a legal contract; hence it is but equitable that her father has full power over her in respect to marriage. But a na'arah can make valid transactions and acquire property; the father therefore should have no rights in respect to her kiddushin. — Though the verse quoted, dealing with the slandering of a woman's honour, explicitly refers to a na'arah — Then shall the father of the na'arah (E.V. damsel) etc., — she may have been betrothed while a minor.

(11) I.e., when a na'arah, to which the Heb. term bi-ne'ureha corresponds.

(12) Num. XXX, 17.

(13) Ex. XXI, 7.

(14) Teaching that the father can annul his unmarried daughter's vows, if a na'arah; but it has no bearing on her labour.

(15) Not kiddushin.

(16) Just as a father can annul his daughter's vows, so has he a title to her betrothal money.

(17) Lit., 'money'.

(18) Lit., 'prohibition'. The title to betrothal money is purely a question of civil law, whereas the binding character of vows and their annulment belong to ritual law.

(19) Lit., 'fine'; v. Glos. If a man seduces, violates, or slanders a na'arah, he must pay a fixed fine to her father: Ex. XXII, 15f; Deut. XXII, 13-19; 28f. Hence in the case of kiddushin too the money belongs to her father.

(20) This is a general principle. Kenas is not regarded as equitable indemnification for loss sustained, for then the amounts would vary, but as a Biblical decree. As such, it stands in a category by itself, and ordinary civil law cannot be compared with it.

(21) Besides the fixed kenas, the seducer must pay her father for the shame she sustained and her loss in social standing, which has a monetary value. These are ordinary payments for injury inflicted and therefore provide a basis for analogy.

(22) For her father could inflict these on her by marrying her to a man suffering from repulsive disfigurement.

Talmud - Mas. Kiddushin 4a

it applies to an analogous going forth.¹ But the one departure is dissimilar to the other: there [sc. a maidservant] she passes from her master's authority completely; whereas here she yet wants being given over for huppah?² — Nevertheless, she passes out of his control in respect of annulment of vows; for we learnt: A betrothed maiden — her father and husband [together] may annul her vows.³

Now, this verse: 'and she shall go out for nothing' — does it come to teach this? Surely it is needed for what was taught, viz., 'And she shall go out for nothing' — this refers to the days of bagruth;⁴ without money — to the days of na'aruth!⁵ — Said Rabina: If so, Scripture should have written, en kesef [without money]; why write, eyn kesef⁶ — [To teach:] no money is due to this master, but money is due to another, viz., her father.⁶ And how do you know that such exegesis is permissible?⁷ — Because it was taught: [If a priest's daughter also be married unto a stranger, she may not eat of an offering of the holy things. But if the priest's daughter be a widow, or divorced,] and have no [eyn] child [. . . she shall eat of her father's meat].⁸ I only know [that] her own child [disqualifies her]; whence do I know [the same of] her child's child?⁹ From the verse: 'and have no [eyn] child', [teaching] examine her [for issue].¹⁰ Again, I only know [that] legitimate seed

[disqualifies her]: whence do I know it of illegitimate [pasul] seed?¹¹ From the verse, and have no [eyn] child: examine her [for any issue whatsoever]. But you have employed this for her child's child? — For her child's child no verse is required, because grand-children are as children,¹² [hence] the verse is required only for her illegitimate seed.

Now, how does the Tanna¹³ himself know that such exegesis is permissible? — I will tell you. It is written: Baalam doth not consent [me'en],¹⁴ and my husband's brother doth not consent [me'en]¹⁵ neither of which contain a yod, whereas here [in the verses under discussion] a yod is written:¹⁶ this proves that it [sc. the yod] comes for exegesis. Now, it is necessary to state that in the case of a na'arah, both her kiddushin and her labour belong to her father.¹⁷ For had Scripture written that her kiddushin belongs to her father, I might have thought, That is because she takes no pains with it; but her labour, for which she toils, I would say is her own. And if we were told about her labour, that is because she lives thereby;¹⁸ but her kiddushin, which comes from elsewhere, I would think is hers: thus both are necessary.

The [above] text [says:] 'And she shall go out for nothing — this refers to the days of bagruth; without money — to the days of na'aruth.' Then Scripture should have written na'aruth, which renders bagruth superfluous?¹⁹ — Said Rabbah: One comes and illumines the other.²⁰ For this may be compared to the case of toshab and sakir,²¹ as was taught: Toshab means one [a Hebrew slave] acquired in perpetuity;²² sakir, one purchased for a period of [six] years.²³ Now, let toshab be stated, but not sakir, and I would reason: if one acquired in perpetuity may not eat, how much more so one purchased only for a period of [six] years?²⁴ Were it so, I would say, toshab is one purchased for a limited period, but one acquired in perpetuity may eat. Therefore sakir comes and illumines [the meaning of] toshab, [teaching] that though he is purchased for ever, he may not eat. Said Abaye to him: How compare! There they are two persons, and even had Scripture [explicitly] written, a toshab whose ear was bored,²⁵ and then added the other, sakir would be something which might be inferred a minori; and a thing which is derived a minori Scripture [often] takes the trouble to write. But here [in the case of a maidservant] she is only one person: having departed in na'aruth, what business has she with him in bagruth? — But, said Abaye, it is necessary only for the majority of a [constitutionally] barren woman:²⁶ I might have thought, she [a Hebrew maidservant] is freed only by na'aruth, but not by bagruth: hence we are informed [otherwise]. Mar, son of R. Ashi, demurred: But does this not follow a minori? If symptoms [of na'aruth], which do not free her from parental authority,²⁷ free her from her master's authority: then bagruth, which liberates from parental authority, surely liberates her from her master's authority! — But, said Mar, son of R. Ashi: This is necessary only in respect of the sale itself of a barren woman:²⁸ I might have thought, with one who will [subsequently] produce evidence of na'aruth, the sale is valid: but with one who will not produce such evidence²⁹ the sale is altogether invalid:

(1) After all, the matter is deduced from 'and she shall go out for nothing' without money, the reasoning being as follows: The verse teaches that only for a maidservant is no payment due for gaining her freedom. Now, if it were due, it would obviously be her master's; hence when we learn that elsewhere, sc. marriage, payment is due, it is likewise due to the master whom she leaves, viz., her father.

(2) Before which her father is still entitled to her labour, and acts as her heir.

(3) But the father no longer enjoys undivided control.

- (4) V. Glos.
- (5) V. Glos. Thus the verse merely teaches that something else, not money, frees her, but implies no other exclusion.
- (6) Rabina assumes that ‘without money’ could be written, **it** (en); the inserted yod **h** (**ih**t eyn) is superfluous, so expresses a further limitation.
- (7) I.e., that the yod (**h**) may be regarded as superfluous?
- (8) Lev. XXII, 12f.
- (9) Her own being dead.
- (10) [**vk ihg** , a play on the word **ih**t or an interchange of the **t** with the **g**, as is frequent in Semitic languages]. See if she has any descendants. This is deduced from the superfluous yod.
- (11) ‘Illegitimate’ not in the modern sense, but e.g., a child born of adultery.
- (12) This is deduced in Yeb. 62b.
- (13) V. Glos.
- (14) Num. XXII, 14.
- (15) Deut. XXV, 7.
- (16) It is assumed that me'en is derived from en.
- (17) These were deduced from two separate verses on 3b.
- (18) She must work for her keep, hence her earnings belong to her father, who keeps her. — Tosaf. in Git. 47b s.v. **l** , **hcku**.
- (19) If she is freed at na'aruth, which is earlier, surely she is freed at bagruth!
- (20) The two phrases must refer to two ages, na'aruth and bagruth. But if only one were written — and she shall go out for nothing — I would apply it to bagruth only.
- (21) The reference is to Lev. XXII, 10: a toshab (E.V. sojourner) of the priest, or a sakir (E.V. hired servant), shall not eat of the holy thing.
- (22) I.e., until Jubilee; v. Ex. XXI, 5f.
- (23) V. ibid. 2.
- (24) For the former is more of the priest's chattel (v. Lev. XXII, 11) than the latter.
- (25) V. Ex. ibid.
- (26) She has no symptoms of na'aruth, and attains her majority (bagruth) at the age of twenty.
- (27) V. p. 7.
- (28) I.e., a minor who shews symptoms of constitutional barrenness.
- (29) V. n. 5.

Talmud - Mas. Kiddushin 4b

therefore the verse: ‘and she shall go out for nothing etc.’, teaches us [otherwise]. Now, according to Mar, son of R. Ashi, who objected, does this not follow a minori, but we have said: Scripture takes pains to write something which could be inferred a minori? — That is only if no other answer is possible; but if it is, we answer.¹

But this Tanna adduces it² from the following. For it was taught: When a man taketh a wife, and hath intercourse with her, then it shall be, if she find no favour in his eyes, because he hath found some unseemly thing in her, etc.;³ ‘taking’ is only by means of money, and thus it is written: I will give the money for the field: take it of me.⁴ But does this not follow a minori: if a Hebrew maidservant, who cannot be acquired by intercourse, can be acquired by money; this one [a wife],

who may be acquired [in marriage] by intercourse, can surely be acquired by money? Let a yebamah prove [the contrary:] she may be acquired by intercourse, yet she is not acquired by money. As for a yebamah, that may be because she cannot be acquired by deed: will you say the same of this one [a wife], who can be acquired by deed? Therefore Scripture teaches: ‘when a man taketh, etc.’⁵ But what need of a verse for this: it has been inferred!⁶ — Said R. Ashi: Because one can argue, The deduction is vitiated ab initio:⁷ whence do you adduce it? From a Hebrew maidservant! As for a Hebrew maidservant, that [her acquisition is by money] is because she is freed by money: will you say the same of this one [a wife], who is not freed by money? Therefore Scripture teaches: ‘when a man taketh a wife’.

Now, both ‘and she shall go out for nothing’⁸ and ‘when a man taketh’ must be written. For had Scripture written: ‘when a man taketh’, I would have thought, the kiddushin given to her by the husband is her own: therefore Scripture [also] writes, ‘and she shall go out for nothing.’ And had Scripture written: ‘and she shall go out for nothing,’ I would have thought, if she [the wife] gives him [the husband] money and betroths him,⁹ it is valid kiddushin:¹⁰ therefore Scripture wrote, ‘when a man taketh’, but not, ‘when a woman taketh’.¹¹ ‘And hath intercourse with her’: this teaches that she may be acquired by intercourse. But does this not follow a minori? If a yebamah, who cannot be acquired by money, is acquired by intercourse; then this one [a wife], who is acquired by money, can surely be acquired by intercourse! — Let a Hebrew maidservant prove [the contrary], for she may be acquired by money, yet she is not acquired by intercourse. As for a Hebrew maidservant, that is because her acquisition is not for conjugal purposes; will you say the same of this one, who is acquired for conjugal purposes? Therefore it is stated: ‘and has intercourse with her’. But what need of a verse: it has been inferred? — Said R. Ashi: Because one can argue, the deduction is vitiated ab initio: whence do you adduce it? From a yebamah! As for a yebamah, that is because she already stands tied;¹² can you say [the same] of this one, who does not stand tied? Therefore it is taught: ‘and hath intercourse with her’.

(1) By making the verse apply to something else.

(2) Sc. that kiddushin is effected by money.

(3) Deut. XXIV, 1.

(4) Gen. XXIII, 13.

(5) That ‘taking’ means by money.

(6) A minori, the refutation from yebamah being refuted itself.

(7) Without referring to a yebamah.

(8) V. supra 3b and 4a.

(9) Saying to him, ‘I am betrothed unto thee in virtue of the money I give thee.’

(10) Since that verse does not shew who must give the money.

(11) Hence he must give the money.

(12) To the yabam (q.v. Glos.), on account of her deceased husband, hence cohabitation merely completes the bond.

Talmud - Mas. Kiddushin 5a

And whence do we know that [a woman may be acquired] by deed too? But may it not be inferred a minori: if money, which cannot free, effects betrothal;¹ then deed, which frees,² can

surely tie? — [No.] As for money, that is because hekdesch and second tithe³ can be redeemed therewith;⁴ can you say likewise of a deed, by which hekdesch and second tithe cannot be redeemed, for it is written, [and if he that sanctified the field will in any wise redeem it,] then he shall add the fifth part of the money of thy estimation, and it shall be assured to him.⁵ Therefore Scripture saith, And when she is departed [out of his house, she may go] and be [another man's wife]:⁶ thus 'be — coming' [betrothed] is assimilated to 'departure' [divorce]; just as the 'departure' is by deed, so is 'becoming' too. Then let 'departure be assimilated to 'becoming': just as the 'becoming' may be by money, so the 'departure' too may be effected by money? — Abaye replied: Then it will be said: Money unites and money sunders:⁷ shall the defender become the prosecutor!⁸ If so, of deed too it will be said: Deed sunders and deed unites: shall the prosecutor become the defender! — The contents⁹ of each deed are distinct.¹⁰ Then here too, [the purpose of] this money is distinct and that of the other is distinct? — Nevertheless, the impress [of the coin] is the same.

Raba said: Scripture saith, then he shall write her [a writ of divorcement]:¹¹ [hence], she can be divorced by writing, not by money. Say rather, she can be divorced by 'writing', but not betrothed by writing? — But it is written, and when she is departed, she may go and be, etc., assimilating etc.¹² And why do you choose thus?¹³ — It is logical: when treating of divorce, one excludes [a particular method of] divorce; but when dealing with divorce, shall one exclude [a form of] marriage? [Surely not!]

Now, according to R. Jose the Galilean, who utilises this verse ['then he shall write, etc.'], for a different purpose,¹⁴ how do we know that she cannot be divorced by money? — The Writ saith, 'a writ of divorcement' — a deed can divorce her, but nothing else can divorce her. Now, how do the Rabbis employ this word 'divorcement'?¹⁵ — They employ it [to shew] that it must be an instrument which [completely] sunders them from each other. Even as it was taught: [If the husband says,] 'Behold, here is your divorce, on condition that you drink no wine or do not visit your father's house for ever,' that is no 'divorcement':¹⁶ 'for thirty days,' that is a 'divorcement'.¹⁷ And R. Jose the Galilean?¹⁸ — He deduces it from the use of kerithuth instead of koreth.¹⁹ And the Rabbis?²⁰ — In their opinion, the use of kerithuth instead of koreth has no particular significance.

Now, one could not be inferred from another; yet let one be inferred from two others?²¹ — Which could be inferred: should Scripture omit deed, that it might be inferred from the others? But as for the others, that is because their pleasure is great!²² Should Scripture omit intercourse, that it might be inferred from the others? But as for the others, that is because their powers of acquisition are great!²³ Should Scripture omit money, that it might be inferred from the others? But as for the others, that is because they have compulsory powers!²⁴ And should you argue, money too has compulsory powers over a Hebrew maidservant²⁵ — nevertheless, we do not find this in respect to conjugal relationship.²⁶ R. Huna said: Huppah acquires [a woman], a minori. If money, which does not authorize one to eat terumah,²⁷ effects possession;²⁸ then huppah, which authorizes one to eat terumah, surely effects possession!²⁹ Yet does not money authorize the eating [of terumah]? But 'Ulla said: By Biblical law, an arusah³⁰ may eat of terumah, for it is said: And if a priest acquire any soul, the purchase of his money, [he shall eat out],³¹ and this one [a betrothed woman] too is the purchase of his money. Why then did they [the Sages] say that she

may not eat [thereof]? For fear lest a cup [of wine of terumah] be mixed for her³² in her father's house,³³ and she give it to drink to her brothers and sisters. But argue thus: if money, which does not complete [marriage],³⁴ acquires [in marriage],³⁵ then huppah, which completes [marriage], surely acquires! As for money, [it may be asked,] that is because hekdeshoth³⁶ and second tithe are redeemed therewith!³⁷ Let then intercourse prove it.³⁸ As for intercourse, that is because it acquires in the case of a yebamah! Then let money prove it.³⁹ And thus the argument revolves: the distinguishing feature of one is not that of the other, nor is the distinguishing of this one that of the other; the feature common to both is that they acquire elsewhere, and acquire here [in marriage]; so do I adduce huppah, which acquires elsewhere⁴⁰ and acquires here too.⁴¹ [No.]

(1) Lit., 'brings in' — a woman, into the bond of matrimony.

(2) I.e., the deed of divorce, which frees a woman from marriage.

(3) v. p. 4, n. 4.

(4) When an article of hekdesh cannot itself be used in the Temple service, it is redeemed, reverts to a secular status, and the redemption money is dedicated to the Temple. Similarly, if the second tithe cannot be carried to Jerusalem, it is redeemed, becomes secular, and the redemption money is consumed in Jerusalem. — Since then money is potent in respect of these, it may also effect marriage.

(5) Lev. XXVII, 19. The text gives only a paraphrase of this, then he shall give the money and it shall be assured to him; v. Tosaf. Shab. 128a s.v. **i, bu** also p. 276, n. 4.

(6) Deut. XXIV, 2.

(7) Lit., 'money leads in and money leads out.'

(8) It is illogical that the same thing should have two opposing effects.

(9) Lit., 'words'.

(10) Hence it is not the same instrument in both cases.

(11) Deut. XXIV, 1.

(12) Supra, proving that she can be married by writing.

(13) To exclude money for divorce and include deed for marriage; perhaps one should reverse it?

(14) Git. 21b.

(15) Lit., 'cutting off.'

(16) Since she remains bound in a particular respect to her husband all her life.

(17) Fur after that she is completely cut off from him.

(18) How does he know this?

(19) He regards the longer form as more emphatic; hence it teaches that the cutting apart must be absolute, as in the Baraitha.

(20) Why state the whole phrase, when the word keritkuth itself is sufficient?

(21) It was proved above that no one method of acquisition may be inferred from another a minori, hence a verse is necessary for each. Now the Talmud asks, Only two are required then the third follows by analogy: just as the two are methods of acquisition elsewhere, and also in marriage, so is the third. For each effects possession elsewhere, money and deed in ordinary purchases, and cohabitation in the case of a yebamah.

(22) Both money and cohabitation confer pleasure upon the recipient, but a deed does not.

(23) Both give a title to land and slaves, which cohabitation does not.

(24) Cohabitation acquires a yebamah even against her will, and a deed divorces a woman likewise even against her desire.

(25) A father can sell his daughter, the transaction being effected by money, against her will (Rashi). Tosaf.: Having bought a Hebrew maidservant, her master can declare that the money paid was for betrothal, even against

her will and that of her father.

(26) According to Rashi's interpretation, the sense is obvious. Tosaf.: Money has no power of matrimonial compulsion at the outset, for in the first place the money is given for a maidservant, not a wife.

(27) V. Glos. If a priest betroths an Israelite's daughter with money, she may not eat terumah until the huppah.

(28) Of a woman in marriage, and she becomes an arusah (q.v. Glos.).

(29) To make a woman an arusah.

(30) V. Glos.

(31) Lev. XXII, 11.

(32) Wine was diluted before drinking.

(33) Cohabitation being forbidden until huppah, the arusah naturally lived in her father's house until then.

(34) The money makes her an arusah only, and her father is still her heir, and entitled to her labour; v. supra.

(35) Effecting betrothal, which is marriage in so far as divorce is required to free her.

(36) V. Glos. hekdesch, pi. hekdeshoth.

(37) V. p. 12, n. 5.

(38) Which acquires a woman though lacking this power.

(39) Which cannot acquire a yebamah, yet effects betrothal.

(40) After betrothal.

(41) I.e., it can effect the first stage of marriage, sc. betrothal.

Talmud - Mas. Kiddushin 5b

The feature common to both is that they confer much pleasure!¹ Let deed then prove it.² As for deed, that is because it frees an Israelitish daughter!³ Then let money and cohabitation prove it. And thus the argument revolves: the distinguishing feature of one is not that of another, nor is the distinguishing feature of this one that of the other:⁴ the feature common to all is that they acquire in general and here too; so do I adduce huppah, that it acquires in general and here too. [No.] As for the common feature, it is that they have powers of compulsion.⁵ And R. Huna?⁶ — Money at least has no compulsory powers in matrimonial relationships.

Raba said: There are two refutations of the matter:⁷ firstly, we learnt THREE, not 'four'; and secondly, can then huppah complete [marriage] but through [prior] kiddushin; are we then to deduce huppah, when not as a result of kiddushin, from the same when preceded by kiddushin? — Abaye answered him: As for your objection, we learnt THREE, not 'four': [only] what is explicitly stated [in Scripture] is taught, but not what is not explicitly stated.⁸ And as to your objection; can then huppah complete [marriage] but through [prior] kiddushin — that indeed is R. Huna's argument: if money_ which cannot complete [marriage] after money,⁹ nevertheless acquires; then huppah, which completes [marriage] after money, can surely acquire.¹⁰

Our Rabbis taught: How [is a woman acquired] by money? If a man gives her [a woman] money or its equivalent and declares to her, 'Behold, thou art consecrated unto me,' [or] 'thou art betrothed unto me', [or] 'Behold, thou art a wife unto me' — then she is betrothed.¹¹ But if she gives him [money or its equivalent] and says 'Behold, I am consecrated unto thee,' 'I am betrothed unto thee,' 'I am a wife unto thee,' she is not betrothed. R. Papa demurred: Thus it is only when he both gives [the money] and makes the declaration [that the betrothal is valid]; but if he gives [it] and she speaks, she is not betrothed. Then consider the second clause: But if she

gives [it] to him, and she makes the declaration, the kiddushin is not valid. [Hence,] it is only when she both gives [the money] and speaks, but if he gives the money and she speaks, the kiddushin is valid? — The first clause is exact, while the second is mentioned incidentally.¹² But may a statement be made in the second clause contradictory to the first?¹³ — But this is its meaning: If he gives [the money] and he speaks, the kiddushin is obviously valid; [but] if he gives, and she speaks, it is accounted as though she both gives and speaks, so that the kiddushin is not valid. Alternatively, if he gives and speaks, she is betrothed; if she gives and speaks, she is [certainly] not betrothed; but if he gives and she speaks, it is doubtful, and as a Rabbinical measure we fear [the validity of the kiddushin].¹⁴

Samuel said: In respect to kiddushin, if he gave her money or its equivalent and declares, 'Behold, thou art consecrated,' 'Behold, thou art betrothed,' [or] 'Behold, thou art a wife,' — then she is betrothed. [If he declares,] 'Behold, I am thy husband,' 'Behold, I am thy master,'¹⁵ 'Behold, I am thy arus,'¹⁶ — there are no grounds for fear.¹⁷ The same applies to divorce: If he gives her [the document of divorce] and declares, 'Behold, thou art sent forth,' 'Behold, thou art divorced,'¹⁸ [or] 'Thou art [henceforth] permitted to any man, — then she is divorced. [But if he declares,] 'I am not thy husband,' 'I am not thy master,' 'I am not thy arus,' there are no grounds for fear.¹⁹

R. Papa said to Abaye: Shall we say that in Samuel's opinion inexplicit abbreviations are [valid] abbreviations?²⁰ But we learnt: If one declares, 'I will be,' he becomes a nazir. Now we pondered thereon: but perhaps he meant, 'I will fast'?²¹ And Samuel answer — ed: That is only if a nazir was passing before him.²² Thus, it is only because a nazir was passing before him, but not otherwise.²³ — The circumstances here are that he said 'unto me.' If so, what does he inform us?²⁴ — His teaching is with respect to these

(1) Cf. p. 14, n. 5; no pleasure however, is derived from huppah.

(2) Which gives us pleasure, yet effects betrothal.

(3) I.e., it effects divorce.

(4) Regarding money and cohabitation as one proposition, and deed as another.

(5) V. supra p. 14, nn. 7, 8.

(6) How does he dispose of this?

(7) Sc. R. Huna's statement.

(8) Money and deed, though deduced by exegesis, are regarded as explicit, since they are intimated in Scripture. But huppah is only inferred a minori.

(9) I.e., when betrothal (erusin) is effected by money, the marriage cannot be completed by giving money a second time.

(10) A woman in the first stage of marriage — kiddushin.

(11) Lit., 'consecrated,' i.e., she becomes an arusah.

(12) In contrast to the first, but its implication is not to be stressed.

(13) Even if mentioned incidentally, it must be essentially, and in its implications, correct.

(14) She is neither married nor unmarried, and if another man betroths her she must be divorced by both, since we do not know her rightful husband.

(15) Heb. **kgc** = husband.

(16) V. Glos.

(17) It is definitely not valid betrothal, as below. Consequently, if another betroths her, the second kiddushin is valid.

(18) The Heb. verb **ard**, garesh, literally means ‘to expel’, ‘drive forth’.

(19) The divorce is definitely invalid.

(20) Lit., ‘handles’. In the above, the formulas are abbreviations, since he declares ‘Behold, thou art betrothed,’ omitting ‘unto me. Moreover, their purport is not explicit and beyond doubt, for he may have been speaking and acting on another man's behalf, yet Samuel rules that since he was the speaker, she is betrothed to him, thus shewing that he holds these to be valid.

(21) Lit., ‘I will be in a fast’.

(22) Then it is obvious that he meant, ‘I will be like him.’

(23) Which proves that Samuel holds that abbreviations must be beyond doubt.

(24) It is obvious.

Talmud - Mas. Kiddushin 6a

latter expressions.¹ [For] here it is written, when any man taketh [a woman],² but not that he taketh himself [as a husband], and there it is written, and when he send her away,³ but not that he sends himself away.

Our Rabbis taught: [if one declares,] ‘Behold, thou art my wife,’ ‘Behold, thou art my arusah,’ ‘Behold, thou art acquired to me,’ she is betrothed; ‘Behold, thou art mine,’ ‘Behold, thou art under my authority,’ ‘Thou art tied unto me,’ she is betrothed. Then let them all be combined and taught in one clause?⁴ — The tanna⁵ heard each three separately, and memorized them [in that order]. The scholars propounded: [What if one declares,] ‘Thou art singled out for me,’⁶ ‘Thou art designated unto me,’⁷ ‘Thou art my help,’⁸ ‘Thou art meet for me,’⁹ ‘Thou art gathered in to me,’ ‘Thou art my rib,’¹⁰ ‘Thou art closed in to me,’¹¹ ‘Thou art my replacement,’¹² ‘Thou art kept [seized] unto me,’ [or,] ‘Thou art taken by me’? — One at least you may solve. For it was taught: If one declares, ‘Thou art taken by me,’ she is betrothed, for it is written, when a man taketh a wife.¹³

The Scholars propounded: What of ‘Thou art my harufah [betrothed]’?¹⁴ — Come and hear: For it was taught: If a man declares, ‘Be thou my harufah,’ she is betrothed, for in Judea an arusah is called harufah. Is Judea then the greater part of the world?¹⁵ — It is meant thus: If he declares, ‘Be thou my harufah,’ she is betrothed, for it is said: ‘that is a bondmaid, neherefeth [betrothed] to a man’; moreover, in Judea an arusah is called harufah. Is [the practice in] Judea to support Scripture!¹⁶ — But it means thus: If he says in Judea, ‘Be thou my harufah,’ she is betrothed, because in Judea an arusah is called harufah.

What are the circumstances:¹⁷ shall we say, that he was not speaking to her about her divorce or kiddushin,¹⁸ how does she know what he means?¹⁹ But if he was speaking to her about her divorce or kiddushin, then even if he said nothing at all [but gave her money], she is also [betrothed]. For we learnt: If a man was speaking to a woman on matters concerning her divorce or betrothal, and gave her her divorce or kiddushin, but made no explicit declaration — R. Jose said: It is sufficient; R. Judah maintained: He must make an explicit declaration. Whereon R. Huna said in Samuel's name: The halachah²⁰ agrees with R. Jose! — I will tell you: after all, it refers to

a case where he was speaking to her about her divorce or betrothal; now, had he given her [the money or the deed of divorce] and remained silent, that indeed would be so.²¹ But the circumstances here are that he gave [them] to her and made one of these declarations. And this is the problem: did he employ these expressions in the sense of kiddushin, or perhaps he meant them in reference to work?²² The questions stand over.

The [above] text [stated]: ‘If a man was speaking to a woman on matters concerning her divorce or betrothal, and gave her her divorce or kiddushin, but made no explicit declaration — R. Jose said: It is sufficient; R. Judah maintained: He must make an explicit declaration’. Said Rab Judah in Samuel's name: Providing that they were engaged on that topic [when the divorce or kiddushin was given]. R. Eliezer said likewise in R. Oshaia's name: Providing that they were engaged on that topic.²³

This is disputed by Tannaim; Rabbi said: Providing that they were engaged on that topic; R. Eleazar son of R. Simeon said: Even if they were not engaged on that topic. But if they were not engaged on that topic, how does she know what he meant? — Abaye answered: [They travelled] from one matter to another in the same topic.²⁴ R. Huna said in Samuel's name: The halachah agrees with R. Jose. R. Yemar asked R. Ashi: Then when Rab Judah said in Samuel's name: He who does not know the peculiar nature of divorce and betrothal²⁵ should have no business with them²⁶ — [does it hold good] even if he is ignorant of this ruling of R. Huna in Samuel's name? — Even so, he replied.

‘The same applies to divorce: If he gives her [the document of divorce,] and declares, "Behold, thou art sent forth," "Behold, thou art divorced," [or] "Thou art permitted to any man," — then she is divorced.’²⁷ Now it is obvious, if he gives a divorce to his wife and says to her, ‘Behold, thou art a free woman,’

(1) Sc. ‘I am thy husband,’ etc., that these are certainly invalid.

(2) Deut. XXIV, 5.

(3) Ibid. 2.

(4) Instead of stating ‘she is betrothed’ twice.

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

(6) Rashi translates: ‘Thou art one with me’; cf. Gen. II, 24: and they shall be one flesh.

(7) Heb. , **sguhn**. meyu'edeth, cf. Ex. XXI, 8: if she please not her master who hath designated her (ye'adah, E.V. betrothed her) for himself

(8) Cf. Gen. II, 18; It is not good that man should be alone; I will make him an help meet for (**sdb**, neged) him.

(9) **h**, **sdb**, negdathi from neged; preceding note. [Or, ‘my counterpart’ — another possible rendering of neged (against), v. Yeb. 63a.]

(10) Cf. Gen. II, 21: and he took one of his ribs.

(11) **h**, **rudx** Cf. ibid.: . . . and closed up the flesh **rudxhu**.

(12) **h**, **j** , , tahti; cf. ibid.: instead thereof **vbh**, **j** , .

(13) Deut. XXIV, 1.

(14) Cf. Lev. XIX, 20: That is a bondmaid, betrothed (, **prj b** neherefeth=harufah); this really applies to a bondmaid designated for her master.

(15) Surely local practice cannot settle the law for all places.

- (16) Its validity being derived from Scripture, surely no local practice is required as further proof!
- (17) Of the above expressions, concerning which the scholars were in doubt.
- (18) ['Divorce' is mentioned here merely incidentally as part of a current phrase 'ashggarath lashon'. The text of Tosaf. Ri did not seem to have it.]
- (19) Even if these terms imply kiddushin, she may not know that he intends them in that sense: consequently her consent is lacking.
- (20) V. Glos.
- (21) She would certainly be betrothed or divorced.
- (22) E.g., 'thou art one with me,' to cooperate with me in work; similarly the rest.
- (23) But if they had passed on to some other topic, all agree that she is not betrothed or divorced. [Although the woman's consent is not necessary by law in the case of divorce, she must nevertheless be aware of the character of the document that is being given to her, Tosaf. Ri; v. Git.78a.]
- (24) E.g., they were no longer speaking of marriage, but about dowry, means of livelihood, etc.
- (25) I.e., the laws by which they are governed.
- (26) To celebrate a marriage or function as a Rabbi in divorce proceedings.
- (27) Supra 5b; Samuel's dictum.

Talmud - Mas. Kiddushin 6b

his words are null.¹ If he says to his female slave, 'Thou art permitted to all men,' his words are [likewise] null.² [But] what if he says to his wife, 'Behold, thou art for thyself,' do we say, he meant it in respect of labour; or perhaps he meant it absolutely?³ — Said Rabina to R. Ashi: Come and hear: For we learnt: The essential part of a deed of manumission is, 'Behold, thou art a free man,' 'Behold, thou art for thyself.' Now if a heathen⁴ slave, whose body belongs to him [his master], yet when he says to him, 'Behold, thou art for thyself,' he means it absolutely; how much more so in the case of a wife, who does not belong bodily to him.

Rabina asked R. Ashi: What if he says to his slave, 'I have no concern with you'? Do we say, he means, 'I have absolutely no concern with you';⁵ or perhaps he says it to him in reference to work? — R. Nahman observed to R. Ashi-others state, R. Huna of Hoza'ah⁶ to R. Ashi: Come and hear: If one sells his [heathen] slave to a heathen, he is emancipated,⁷ and requires a deed of manumission from his first master.⁸ Said R. Simeon b. R. Gamaliel: When does this hold good? If he [the vendor] did not make out for him an oni;⁹ but if he did, that is his [deed of] emancipation.¹⁰ What is meant by 'oni'? — Said R. Shesheth: If he wrote for him, 'When you escape from him [the heathen buyer], I have no concern with you.'¹¹

Abaye said: If a man betroths [a woman] with a debt,¹² she is not betrothed;¹³ with the benefit of a debt,¹⁴ she is betrothed; yet this may not be done, as it constitutes an evasion of usury.¹⁵ This 'benefit of a debt,' how is it meant? Shall we say, that he fixed [the interest] as a loan, he having said, [I am lending you] four [zuz] for five.¹⁶ — but that is real usury!¹⁷ Moreover, it is, in point of fact, a debt!¹⁸ — This holds good only if he extended the term [for repayment].¹⁹ Raba said: [If he says,] 'Take this maneh²⁰ on condition that you return it to me,' — in respect to purchase, he acquires no title;²¹ in the case of a woman,²² she is not betrothed; in the matter of a redemption of the firstborn,²³ the firstborn is not redeemed: in respect of terumah,²⁴ he fulfils the duty of 'giving', yet it is forbidden to act thus, as it looks like a priest who assists in the threshing floor.²⁵

What is Raba's opinion: if he holds that a gift on condition that it be returned is a valid gift, then even the others too [are valid]; whilst if he holds that it is not a valid gift, then even in the case of terumah it is not [valid]? Furthermore, It was Raba who ruled: A gift on condition that it is returned is valid. For Raba said: [If one says to another,] 'Here you have this citron, on condition that you return it to me,' if [the other] takes and [then] returns it, he fulfils his duty; if not, he does not fulfil [it]!²⁶ — But said R. Ashi: in the case of all it [the conditional gift] is valid, with the exception in that of a woman, because a woman cannot be acquired by barter.²⁷ R. Huna Mar, son of R. Nehemiah, said to R. Ashi: We teach in Raba's name even as you [have stated].

Raba said: [If a woman says,] 'Give a maneh to So-and-so,

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- (1) Because this expression applies only to liberation from bondage.
 - (2) Because this applies to divorce.
 - (3) In the sense of divorce.
 - (4) Lit., 'Canaanite.'
 - (5) I.e., you are free.
 - (6) [Be Hozai, the modern Khusiztan, S.W. of Bagdad. V. Git. (Sonc. ed.) p. 413, n. 1.]
 - (7) A Gentile slave in a Jewish household was practically a semi-Jew, being obliged to fulfil those precepts which are incumbent on women. The master who sold him to a Gentile, thus freeing him from that obligation, was punished by being forced to buy him back, even at a greatly enhanced price, and the slave then became free.
 - (8) To be accounted a free man and a Jew — as a slave he was circumcised—that he might marry a free Jewess.
 - (9) Prob. = Gr. '***.
 - (10) And nothing else is needed.
 - (11) This proves that the expression connotes freedom.
 - (12) Saying, 'Thou art betrothed unto me by the debt you owe me.
 - (13) Because something must be actually given as kiddushin or betrothal, whereas money formerly lent had already passed into her possession before then.
 - (14) The meaning of this is discussed below.
 - (15) Since the lender thereby benefits from the loan.
 - (16) And he now offers the remission of the fifth zuz for kiddushin.
 - (17) Not merely an evasion.
 - (18) [Since she owes him the zuz which he offers to remit as kiddushin.]
 - (19) Rashi and others: If the creditor extended the period of repayment to the woman, and said to her, 'You might have given money to a third party, or to myself, to persuade me to this extension; hence by this extension I, on my own accord, am saving you this expenditure and thus confer a financial benefit upon you here and now, and by that benefit I betroth you.' Similarly, if he remits the entire debt and says to her, 'I betroth you by the benefit that has now accrued to you by this remission,' his declaration is valid. But when he betroths her with money owing, he is offering a past benefit, hence the betrothal is invalid. R. Tam: If a woman owes money, and a third party gives the creditor a sum of money for an extension, and betroths her with that benefit which he has conferred upon her, for which he has actually given something.
 - (20) V. Glos.
 - (21) V. infra 26a; real estate is acquired by money, but not if it is stipulated that the money shall be returned.
 - (22) If it was offered as kiddushin.
 - (23) Lit., 'son,' v. Ex. XIII, 13.
 - (24) V. Glos. If terumah is given to the priest on this condition.

(25) Of an Israelite, in order to receive the terumah. The Rabbis considered this undignified, and enacted that such a priest should not receive terumah. Now, if a priest accepts terumah on this condition, he offers an inducement to the Israelite to give it to him in the future too, and therefore Raba forbade the practice, though valid if done.

(26) The reference is to Lev. XXIII, 40: And ye shall take you on the first day (of the Feast of Tabernacles) the fruit of goodly trees (interpreted by the Rabbis as referring to the citron), branches of palm trees etc. The Rabbis ruled that this 'taking' requires one's own fruit, and to this Raba alludes. If the recipient carries out the stipulation, it was his for the period of 'taking', and so he fulfils his duty; otherwise, it was not his even then, and his duty is not fulfilled. Thus Raba holds a conditional gift valid.

(27) V. infra 28a; the article given as barter was generally returned, and so when money is thus given as kiddushin, it looks like barter.

Talmud - Mas. Kiddushin 7a

and I will become betrothed to thee,¹ she is betrothed by the law of a surety:² a surety, though he personally derives no benefit [from the loan], yet obligates himself [to repayment]; so this woman too, though she personally derives no benefit [from the money], obligates and cedes herself [in betrothal]. [If a man says,] 'Take this maneh and be betrothed to So-and-so,'³ she is betrothed by the law of a Canaanite slave:⁴ a Canaanite slave, though he himself loses nothing,⁵ yet acquires himself [his freedom]; so this man too though he personally loses nothing, acquires this woman. [If the woman declares,] 'Give a maneh to So-and-so, and I will become betrothed to him,' she is betrothed by the laws of both: a surety, though he personally derives no benefit, obligates himself, so this woman too' though she personally derives no benefit, cedes herself. [And should you object:] How compare: as for a surety, he who acquires a title⁶ loses money,⁷ — but shall this man acquire the woman at no cost to himself? Then let a Canaanite slave prove it, who loses no money⁵ and yet acquires himself. [And if you demur:] How compare: there, he who gives possession⁸ acquires [the money given for the slave's freedom]; but here, shall this woman cede herself though she acquires nothing whatsoever? Then let a surety prove it: though he personally receives no benefit, he obligates himself.

Raba propounded: What [if a woman declares,] 'Here is a maneh and I will become betrothed unto thee?'⁹ Mar Zutra ruled in R. Papa's name: She is betrothed. R. Ashi objected to Mar Zutra: If so, property which ranks as security [real estate] is acquired as an adjunct to property which does not rank as security [movables];¹⁰ whereas we learnt the reverse: Property which does not rank as security may be acquired in conjunction with property which ranks as security by money, deed, or hazakah?¹¹ — Said he to him: Do you think that she said to him, 'Along with'?'¹² Here the reference is to an important personage: in return for the pleasure [she derives] from his accepting a gift from her, she completely cedes herself.¹³ It has been stated likewise in Raba's name: The same applies to monetary matters.¹⁴ Now, both are necessary: had we been informed this of kiddushin [only], that is because a woman is pleased [even] with very little, in accordance with Resh Lakish's dictum, for Resh Lakish said: It is better to dwell in grief with a load¹⁵ than to dwell in widowhood;¹⁶ but as for money, I would say it is not so. And if we were informed this of monetary matters, that is because it is subject to remission;¹⁷ but as for kiddushin, I would say it is not so.¹⁸ Hence both are necessary. Raba said: [If a man declares,] 'Be thou betrothed to half of me,' she is betrothed: 'half of thee be betrothed to me,' she is not betrothed. Abaye demurred before Raba: Why does 'half of thee be betrothed to me' differ, that she is not betrothed? Because

Scripture said, [when a man take] a wife,¹⁹ but not half a wife? Then here too Scripture saith, ‘a man’, but not half a man? — How now! he rejoined. There, a woman is not eligible to two [men]; but is not a man eligible to two [women]? Hence this is what he said to her: ‘Should I desire to marry another, I may do so.’ Mar Zutra, son of R. Mari, said to Rabina: Yet let the kiddushin spread through the whole of her.²⁰ Has it not been taught: If one declares, ‘Let the foot of this [animal] be a burnt-offering,’ the whole of it is a burnt-offering? And even on the view that it is not all a burnt-offering, that is only if one dedicates a limb²¹ upon which life is not dependent; but if he dedicates a limb upon which life is dependent [e.g., the heart], it is all a burnt-offering!²² — How compare? There it is an animal, whereas here we have an independent²³ mind.²⁴ This can only be compared with R. Johanan's dictum: An animal belonging to two partners: — if one [of them] dedicates half, and then purchases it [the other half] and dedicates it, it is holy, yet cannot be offered up;²⁵ and it establishes [the sanctity of] a substitute,²⁶ and the substitute is as itself.²⁷ This proves three things:

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- (1) And he does, and says to her, ‘Thou art betrothed unto me by the maneh I gave to So-and-so.’
 - (2) One who stands surety for the repayment of a debt by the debtor.
 - (3) Who had deputed him, but that the agent gave his own money instead of that of the principal.
 - (4) V. infra 22b.
 - (5) When another gives his master money for his freedom.
 - (6) Viz., the creditor, to the obligation of the surety.
 - (7) I.e., he first gives money to the debtor.
 - (8) Sc. the master, who cedes the slave to himself.
 - (9) And the man accepted it, saying: ‘Be thou betrothed unto me therewith’.
 - (10) A creditor could collect his debt out of the debtor's real estate, even if sold after the debt was contracted, but not out of movables, if sold; hence the former is termed property which ranks as security, the latter, property which does not rank as security. Human beings are on a par with the former, and R. Ashi assumed that the woman is acquired in conjunction with the maneh.
 - (11) V. infra 26a for explanatory notes.
 - (12) ‘Here is this maneh and acquire me along with it.’
 - (13) Though normally the man must give the money (supra 5b), yet if he is eminent his acceptance confers pleasure, which in turn is considered of financial value.
 - (14) If A says to B, ‘Give money to C, in return for which my field is sold to you,’ the sale is valid, by the law of surety: ‘Take a maneh, and let your field be sold to C,’ C acquires it by the law of a Canaanite slave; ‘Give money to C and let him thereby acquire my field,’ he acquires it by the laws of both — all as explained with reference to kiddushin.
 - (15) So Jast.; Rashi, ‘two bodies’.
 - (16) I.e., a woman prefers an unhappy married life to a happy single life.
 - (17) The purchase price can be altogether remitted, as in the case of a gift.
 - (18) A woman cannot forego the money of kiddushin. Since it is such a strong obligation, I would think that it must pass from the man who betroths to the woman who is betrothed.
 - (19) Deut. XXIV, 1.
 - (20) When he says: ‘half of thee betrothed to me.’
 - (21) Lit., ‘thing’.
 - (22) And surely life is dependent on half a woman's body.
 - (23) Lit., ‘another’.

(24) The woman refuses to let the kiddushin spread through the whole of her.

(25) Since it was not fit for offering originally, as the half belonging to the other partner was yet secular. Hence it must now be sold, and an animal purchased with the proceeds and sacrificed. Thus the sanctity of the half does not spread over the whole, since the partner does not wish it.

(26) The reference is to Lev. XXVII, 33: neither shall he change it (sc. a consecrated animal): and if he changed it at all, then both it and the change thereof shall be holy. Thus here too, if one substituted another animal for this one, the substitute also is holy.

(27) It may not be sacrificed, but must be sold, as in n. 7.

Talmud - Mas. Kiddushin 7b

[i] Live animals may be rendered [permanently] rejected;¹ [ii] that which is rejected ab initio is rejected;² [iii] rejection applies to monetary sanctity.³

Raba propounded: What [if one declares,] ‘Thy half [be betrothed to me] for half a perutah, and thy [other] half for half a perutah’? Since he says to her, ‘for half a perutah,’ he divided it;⁴ or perhaps, he was proceeding with his enumeration?⁵ Should you rule, he was proceeding with his enumeration: what [if he declares,] ‘Thy half [be betrothed unto me] for a perutah, and thy [other] half for a perutah’? Since he said to her, ‘for a perutah’ ‘and a perutah’, he divided his proposal;⁶ or perhaps, providing it was on the same day, he was proceeding with his enumeration? Should you answer: Providing it was on the same day, he was proceeding with his enumeration: What [if he declares,] ‘Thy half [be betrothed to me] for a perutah to-day, and thy [other] half for a perutah tomorrow’? Since he said to her, ‘To-morrow,’ he divided it; or perhaps he meant thus: the kiddushin commence immediately, but shall not be completed until to-morrow? [Further,] what [if he says], ‘Thy two halves for a perutah’: here he certainly proposed to her in once; or perhaps a woman cannot be betrothed at all by halves? The questions stand over.

Raba propounded: What [if he declares,] ‘Thy two daughters [be betrothed] to my two sons for a perutah’? Do we consider the giver and the receiver, so that there is money;⁷ or perhaps, we consider them [who betroth and are betrothed], and there is not? The question stands over.

R. Papa propounded: What [if he declares,] ‘Thy daughter and thy cow [be mine] for a perutah’? Do we say [it means,] thy daughter for half a perutah, and thy cow for half a perutah:⁸ or perhaps [he meant,] ‘Thy daughter by a perutah, and thy cow by meshika’?⁹ The question stands over.

R. Ashi propounded: What [if one declares,] ‘Thy daughter and thy land [be mine] for a perutah’? Does he mean, ‘Thy daughter for half a perutah and thy land for half a perutah’; or perhaps, ‘Thy daughter for a perutah, and thy land by hazakah’?¹⁰ The question stands over.

A certain man betrothed [a woman] with silk.¹¹ Rabbah ruled: No valuation is necessary;¹² R. Joseph maintained: It must be valued. Now, if he declared to her, ‘[Be thou betrothed to me] for whatever it is worth,’ all agree that valuation is unnecessary.¹³ If he declared to her, ‘[Be thou betrothed to me] for fifty [zuz],’ and this [the silk] is not worth fifty: then of course it is not worth it!¹⁴ They differ only if he stipulated fifty and it was worth fifty. Rabbah maintained: [Prior]

valuation is unnecessary, since it is worth fifty: R. Joseph said: [Prior] valuation is required: Since the woman has no expert knowledge of its value, she does not rely thereon.¹⁵ Others state: They disagree in the case of 'for whatever it is worth' too. R. Joseph maintained: The equivalent of money must be as money itself: just as the latter is definite,

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- (1) As here: the animal having been rendered ineligible when dedicated, since half remained secular, it remains so even when the other half too is dedicated. There is an opposing view that only a dead animal can be rendered permanently ineligible, v. Yoma 64a.
 - (2) This animal was not eligible to be dedicated by a single partner from the very outset. There is an opposing view that an animal can be rendered unfit only if it was originally rejected permanently.
 - (3) This animal was sanctified from the very outset only for its value, i.e., that the money which its sale would furnish should be expended for a sacrifice; nevertheless it becomes permanently ineligible for the altar. This excludes the view that might have been held that only an animal that was fit in the first place to be dedicated to the altar can be rendered permanently ineligible.
 - (4) I.e., he betrothed her as two separate halves, and neither is valid.
 - (5) He meant that as he was betrothing her entirely for a perutah, he was thereby betrothing each half for half a perutah.
 - (6) For it is less plausible here to assume that he was proceeding with his enumeration, since he could have betrothed her entirely for the first perutah.
 - (7) A perutah is given and received by one person; less than a perutah is not money.
 - (8) And therefore the kiddushin is invalid.
 - (9) V. Glos. and infra 25b.
 - (10) V. Glos. and infra 26a.
 - (11) In accordance with the Mishnah on 2a: 'OR THE WORTH OF A PERUTAH.'
 - (12) The silk need not be valued beforehand so that the woman might know how much it is worth.
 - (13) Since they are obviously worth at least a perutah.
 - (14) And the kiddushin is invalid.
 - (15) That it is worth so much, unless it is assessed by experts.

Talmud - Mas. Kiddushin 8a

so must the equivalent be definite.¹

R. Joseph said: Whence do I know it? For it was taught: [If there be yet many years, according unto them he shall give back the price of his redemption] out of the money with which he was acquired:² thus he³ may be acquired by money, but not by produce or utensils. Now, what is meant by 'produce or utensils'? Shall we say, that he cannot be acquired through these at all? But Scripture saith, 'he shall return the price of his redemption,' to include the equivalent of money as money?⁴ Whilst if they are worth less than a perutah, why specify 'produce and utensil'? The same applies to money too? Hence it must surely mean that they are worth a perutah, but since they are not definite, they cannot [acquire the slave].⁵ And the other?⁶ — This is its meaning: he can be acquired in virtue of money, but not in virtue of produce or utensils. And what is that? Barter.⁷ But according to R. Nahman, who ruled: produce cannot effect a barter,⁸ what can be said? — But after all it means that they are not worth a perutah: and as to your objection, why specify 'produce and utensils'? The same applies to money? He [the Tanna] proceeds to a

climax.⁹ [Thus:] It is unnecessary [to state] that money, only if worth a perutah is it valid,¹⁰ not otherwise. But as for produce and utensils, I might argue, Since the benefit derived is immediate,¹¹ he resolves and lets himself be acquired. Therefore we are informed [otherwise].

R. Joseph said: How do I know it? For it was taught: [If one declares,] ‘This calf be for my son's redemption,’¹² ‘this garment be for my son's redemption,’ his declaration is invalid.¹³ ‘This calf, worth five sela's,¹⁴ be for my son's redemption,’ or ‘this garment, worth five sela's, be for my son's redemption,’ — his son is redeemed. Now, how is this redemption meant? Shall we say that it [the calf or the garment] is not worth [five sela's]? does it rest with him!¹⁵ Hence it must surely mean even if it is worth [it]; yet since it was not defined, it is not valid!¹⁶ — No. After all, it means that it was not worth [it], but, we suppose the priest accepted it [for the full value], as in the case of R. Kahana, who accepted a scarf for a son's redemption,¹⁷ observing to him,¹⁸ ‘To me it is worth five sela's’ R. Ashi said: This holds good only of, e.g., [a man like] R. Kahana, who is a great man and needs a scarf¹⁹ for his head; but not of people in general.²⁰ Thus it happened that Mar, son of R. Ashi, bought a scarf from the mother of Rabbah of Kubi²¹ worth ten for thirteen.

R. Eleazar said: [If a man declares,] ‘Be betrothed to me with a maneh,’ and he gives her a denar, she is betrothed, and he must complete [the amount]. Why? Since he stipulated a maneh but gave her a denar, it is as though he had said to her ‘on condition’ [that I give you a maneh], and R. Huna said in Rab's name: He who says on condition,’ is as though he says ‘from now’.²² An objection is raised: [If a man declares,] ‘Be betrothed to me with a maneh,’ and is proceeding with the counting out [of the money], and either party wishes to retract, even at the last denar he [or she] can do so!²³ — The reference here is to one who declares, ‘With this maneh.’²⁴ But since the second clause refers to ‘this maneh,’ the first treats of an unspecified maneh? For the second clause teaches: If he declares to her, ‘Be thou betrothed unto me by this maneh,’ and it is found to be a maneh short of a denar or containing a copper denar,²⁵ she is not betrothed: [if it contained] a debased denar,²⁶ she is betrothed, but he must change it. — No: the first and the second clauses [both] refer to ‘with this maneh,’ ‘the second [being] explanatory of the first. [Thus:] if either party wishes to retract, even at the last denar, he [or she] can do so. How so? E.g., if he said to her, ‘for this maneh.’ Reason too supports this view, for should you think that the first clause refers to an unspecified maneh: seeing that it is not kiddushin in the case of an unspecified maneh: is it necessary [to teach it] in the case of ‘for this maneh?’ — As for that, it does not prove it: the second clause may be stated in order to illumine the first, that you should not say: The first clause deals with ‘this maneh,’ but in the case of an unspecified maneh it is valid kiddushin: therefore the second clause is taught with reference to ‘this maneh,’ whence it follows that the first refers to an unspecified maneh, yet even so, the kiddushin is null. R. Ashi said:²⁷ If he is proceeding with the counting it is different, because [then we assume] her mind is set on the whole sum.

This ‘copper denar,’ how is it meant? If she knew thereof, then she understood and accepted? — This is only if he gave it to her at night, or she found it among the other zuz. How is this ‘debased denar’ meant? If it has no currency, is it not the same as a copper denar?²⁸ — Said R. Papa, E.g., it circulates with difficulty.²⁹

Raba said in R. Nahman's name: If he says to her, ‘Be thou betrothed to me with a maneh,’ and gives her a pledge on it, she is not betrothed:

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- (1) Its value must be exactly known.
 - (2) Lev. XXV, 51; this refers to the redemption of a Hebrew slave.
 - (3) The Hebrew slave.
 - (4) 'He shall return' implies that a return may be made in any way desired, i.e., by goods of monetary value; obviously then he can be purchased on the same terms.
 - (5) And the same holds good of a woman.
 - (6) Rabbah: How does he refute this proof?
 - (7) Whatever is given for a slave, be it money or property, must be given as money. Produce and utensils too can be given under that designation, but not in the nature of barter, in exchange for the slave: for barter can acquire only movables, whereas human beings rank as real estate.
 - (8) An article must be given, but not produce.
 - (9) Lit., 'he says, it is unnecessary.'
 - (10) Lit., 'yes'.
 - (11) They can be put to immediate use, unlike money, which must first be expended.
 - (12) V. infra p. 138.
 - (13) Lit., 'he has said nothing.'
 - (14) Sela' — Biblical Shekel.
 - (15) To assign to it an artificial valuation — surely not!
 - (16) For the only possible difference between the two clauses is that in the first it was not formally valued, whereas in the second it was.
 - (17) Although it was certainly not worth five sela's.
 - (18) The father who redeemed his son.
 - (19) [A sudarium, which served as a distinctive head-gear for scholars. V. Krauss, T.A., I, 167.] Hence he would be willing to pay an enhanced price for it when necessary.
 - (20) I.e., a priest cannot place a fictitious price upon an article unless it may conceivably be worth it for him.
 - (21) Neubauer, Geographie, p. 397, is unable to identify this. [MS.M.: Raba b. Kahana.]
 - (22) Thus here it is as though he said: 'Be betrothed to me immediately for a denar, on condition that I give you a maneh later.'
 - (23) The kiddushin being invalid until the whole sum is given. This contradicts the view that the first denar immediately effects betrothal.
 - (24) Therefore the woman desires the whole of that maneh before she consents.
 - (25) A maneh — a hundred silver denarii.
 - (26) E.g., underweight.
 - (27) Answering the objection against R. Eleazer.
 - (28) Why then is she betrothed?
 - (29) Only few people accept it.

Talmud - Mas. Kiddushin 8b

here is neither a maneh nor a pledge.¹ Raba raised an objection against R. Nahman: 'If he betroths her with a pledge she is betrothed'? — There the reference is to a pledge belonging to others, and it is in accordance with R. Isaac. For R. Isaac said: How do we know that a creditor has a title to a pledge? Because it is written, [And if the man be poor, thou shalt not sleep with his pledge: thou shalt surely restore to him the pledge when the sun goeth down . . .] and it shall be accounted

unto thee a charitable deed:² if he has no title thereto, whence is his charity? This proves that the creditor has a title to the pledge.³

The sons of R. Huna b. Abin bought a female slave for copper coins. Not having them [the coins] at hand, they gave a silver ingot in pledge. Subsequently the slave's value increased,⁴ so they came before R. Ammi. Said he to them: There are neither coins nor an ingot.⁵

Our Rabbis taught: [If a man says to a woman,] 'Be thou betrothed unto me with a maneh,' and she takes and throws it into the sea, the fire, or into anything where it is lost, she is not betrothed. Then if she throws it down before him — it is valid kiddushin? But she [thereby] declares to him, 'Take it: I do not want it!' — He [the Tanna] proceeds to a climax.⁶ [Thus:] It is unnecessary [to state that] if she throws it down before him it is not kiddushin; but if she throws it into the sea or the fire, I might argue, Since she is now liable for it, she has certainly permitted herself to be betrothed: and the reason that she acted thus was because she thought, 'I will test this man, whether he is hot-tempered or not.' Therefore we are informed [otherwise].

Our Rabbis taught: [If a man says to a woman,] 'Be thou betrothed unto me with a maneh,' [and she replies,] 'Give it to my father' or 'thy father,' she is not betrothed; 'on condition that they accept it for me,' she is betrothed. 'My father' is mentioned to shew you how far-reaching is the first clause;⁷ 'your father,' to shew how far-reaching is the second.⁸ [If he says] 'Be thou betrothed unto me with a maneh', [and she replies] 'Give it to So-and-so', she is not betrothed. 'On condition that So-and-so accepts it for me', she is betrothed. And both these cases are necessary. For if we were taught the law with respect to 'my father' and 'thy father', [I might have thought that] only there is she betrothed when she replies, on condition that they accept it for me,' because she relies upon them, thinking, 'They will [certainly] act as agents for me'; but in the case of 'So-and-so,' it is not thus. While if we were taught the case of 'So-and-so', [I might have thought that] only there is the kiddushin invalid when she says: 'Give it to So-and-so,' because she is not sufficiently intimate with him to present it [the maneh] to him as a gift.⁹ But as for 'my father' or 'thy father,' with whom she is intimate, I might think that she was making a gift of it to them. Thus both are necessary.

Our Rabbis taught: [If he says,] 'Be thou betrothed unto me with a maneh,' [and she replies,] 'Place it on a rock', she is not betrothed; but if the rock was hers, she is betrothed. R. Bibi asked: What if the rock belonged to both of them? The question stands over. [If he says,] 'Be thou betrothed unto me for a loaf of bread', [and she replies,] 'Give it to the dog', she is not betrothed; but if it was her dog, she is betrothed. R. Mari asked: What if the dog was pursuing her? [Do we say that] in return for the benefit of saving herself from it she resolves and cedes herself to him; or perhaps she can say to him, 'By Biblical law you were indeed bound to save me'? The question stands over. [If he says,] 'Be thou betrothed unto me with a loaf,' [and she replies,] 'Give it to the poor man': she is not betrothed, even if he was a poor man who relies on her. Why? — She can say to him, 'Just as I have a duty towards him, so hast thou a duty to him'.

A man was selling

(1) I.e., she neither received the maneh nor did he actually give her a pledge, since that must be returned. [V.]

Tosaf.; Asheri: Where there is no liability there can be no pledge, for no man can pledge himself for something which he does not owe. Similarly here, since he does not owe her the maneh, for he may retract if he wishes to do so, the pledge is no pledge.]

(2) Deut. XXIV, 12f.

(3) It is legally his whilst in his possession. Therefore he may validly offer it as kiddushin.

(4) And the vendor wished to withdraw from the bargain.

(5) As on p. 30, n. 6: the coins have not been received, whilst the ingot was not given to effect the purchase. Therefore it can be cancelled.

(6) V. p. 28, n. 7.

(7) Even then, she is not betrothed.

(8) Even then, she is betrothed.

(9) Therefore her reply was a contemptuous rejection of the proposal.

Talmud - Mas. Kiddushin 9a

glass beads, when a woman came and said to him, 'Give me a string [of these].' 'If I give it you,' he replied: 'will you become betrothed to me?' 'Oh, indeed do give it to me,' she retorted. Said R. Hama: Every [such expression,] 'Oh, indeed do give it to me' means nothing.¹ A man was drinking wine in a tavern, when a woman came and said to him, 'Give me a cup.' 'If I give you,' he replied: 'will you become betrothed to me?' 'Oh, indeed do let me have a drink,' she retorted. Said R. Hama: Every [such expression,] 'Oh, indeed do let me have a drink' means nothing.

A man was throwing down dates from a palm tree, when a woman came and said to him, 'Throw me down two'. 'If I throw them down to you, he replied: 'will you become betrothed to me?' 'Oh, indeed do throw them down,' she retorted. Said R. Zebid: Every [such expression,] 'Oh, indeed, do throw them down' means nothing.

The scholars propounded: What [if she replies,] 'Give me,' 'let me drink,' or 'throw them down?'² — Rabina ruled: She is betrothed;³ R. Sammia b. Raktha said: By the royal crown, she is not betrothed. And the law is: She is not betrothed. The law is also: the silk needs no valuation;⁴ and the law agrees with R. Eleazar;⁵ and the law agrees with Raba's dictum in R. Nahman's name.⁶

Our Rabbis taught: By deed: how so? If A writes for B on a paper or a shard, even if not intrinsically worth a perutah, 'Thy daughter be consecrated unto me,' 'thy daughter be betrothed unto me,' [or] 'thy daughter be my wife,' she is betrothed. R. Zera b. Mammel demurred: But this deed is dissimilar from a deed of purchase: there the vendor writes, 'My field is sold to thee,' whereas here the husband writes, 'Thy daughter be consecrated unto me!'⁷ — Raba replied: There [the form is determined] by Scriptural context, and here [likewise] by Scriptural context. There it is written, and he sell some of his possessions:⁸ thus Scripture made it dependent on the vendor: whereas here it is written, when a man [taketh a woman],⁹ thus making it dependent upon the husband. But there too it is written, men shall buy fields for money?¹⁰ — Read: Men shall transmit [i.e., sell].¹¹ Now, why do you read 'transmit'? because it is written: 'and he sell'! Then here too read: If a man be taken, for it is written: I gave my daughter unto this man for wife?¹² — But said Raba: These are traditional laws, which the Rabbis supported by Scriptural verses.¹³

Alternatively, there too it is written, so I took the deed of the purchase.¹⁴

Raba said in R. Nahman's name: If one writes on a paper or shard, even if not intrinsically worth a perutah, 'Thy daughter be consecrated unto me,' 'thy daughter be betrothed unto me,' [or] 'thy daughter be my wife,' whether [she accepts it] through her father or herself, she is betrothed by his [sc. her father's] consent,¹⁵ providing that she has not attained her majority.¹⁶ If he writes on a paper or a shard, even if not intrinsically worth a perutah, 'Behold, thou art consecrated unto me,' 'Behold, thou art my wife,' 'Behold, thou art betrothed unto me,' she is betrothed, whether [it is accepted] by her father or herself, with her consent, providing that she is of age.

R. Simeon b. Lakish propounded: What if a deed of betrothal was not written expressly for her sake?¹⁷ Do we assimilate modes of betrothal¹⁸ to divorce:¹⁹ just as

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- (1) She merely emphasized her request, but did not consent. In this and the following stories, the answer was expressed by the repetition of the verb, — an expression of impatience.
 - (2) Without repeating the verb; v. p. 32, n. 2.
 - (3) These answers denote assent.
 - (4) V. supra 8b.
 - (5) Who rules on 8a: If a man says: 'Be thou betrothed unto me with a maneh', and gives her a denar, she is betrothed, and he must complete the amount.
 - (6) Who ruled, here is neither a maneh nor a pledge; v. supra 8a bottom and 8b.
 - (7) And he is in the position of the vendor; how then do we know that such a deed is valid?
 - (8) Lev, XXV, 25.
 - (9) Deut. XXIV, 2.
 - (10) Jer. XXXII, 44.
 - (11) This requires a mere change of punctuation, the letters remaining the same.
 - (12) Deut. XXII, 16.
 - (13) But they are not actually deduced from them.
 - (14) Jer. *ibid.* 11; this shews that Jeremiah, the purchaser, received the deed, which must have been drawn up by the vendor.
 - (15) I.e., if she accepts it herself, she must have had her father's authority.
 - (16) I.e., she is not yet a bogereth (q.v. *Glos.*), and so still under her father's control,
 - (17) It was originally written for another woman. In the case of divorce, such a document is invalid. E.g., if a husband indites a divorce for his wife and does not use it, the same may not be used by another man to divorce his wife, even if all the relevant particulars, viz., names and places and date, coincide.
 - (18) Lit., 'becoming' (a wife).
 - (19) Lit., 'goings forth' (from the married state).

Talmud - Mas. Kiddushin 9b

divorce must be expressly for her sake,¹ So must betrothal be too; or perhaps, different modes of betrothal are assimilated to each other: just as betrothal by money need not be for her sake,² so betrothal by deed need not be for her sake? — After putting the question he, himself, decided it: betrothal is assimilated to divorce, for Scripture writes, and when she is departed [i.e., divorced] .

. . she may be [another man's wife].³

It has been stated: If it [the deed of betrothal] is written for her sake, but without her knowledge: Raba and Rabina rule: She is betrothed; R. Papa and R. Sherabia say: She is not betrothed. Said R. Papa: I will explain their reason and I will explain mine. I will explain their reason: Because It is written, and when she is departed. . . she may be [another man's wife], assimilating betrothal to divorce: just as divorce must be [written] for her sake yet without her consent,⁴ so must betrothal be for her sake, yet without her consent. And I will explain my reason: And when she departeth . . . then she shall be [etc.]: this assimilates betrothal to divorce: as in divorce, the giver's knowledge is required,⁵ so in betrothal, the giver's knowledge is required.⁶

An objection is raised: Deeds of erusin and nissu'in⁷ may only be written with the knowledge of both. Surely actual deeds of erusin and nissu'in are meant? — No: [the reference is to] deeds of apportionment,⁸ and it is in accordance with R. Giddal's dictum in Rab's name, viz., How much do you give your son? — So much. How much do you give your daughter? — So much. If they [thereupon] arose and made a betrothal, they acquire a title [to the promised sums], and these are the things which are acquired by a verbal undertaking.⁹

OR BY INTERCOURSE. Whence do we know this? — R. Abbahu said in R. Johanan's name: Because Scripture saith, [If a man be found lying with a woman] who had intercourse with a husband,¹⁰ thus teaching that he became her husband through intercourse. R. Zera said to R. Abbahu-others state, Resh Lakish said to R. Johanan: Is this what Rabbi taught unsatisfactory, [viz.,] [When a man taketh a wife] and hath intercourse with her:¹¹ this teaches that she is acquired by intercourse? — If from there, I might have thought: He must first betroth her [e.g., by money] and then cohabit with her:¹² [therefore] we are informed [otherwise]. R. Abba b. Mammel objected: If so,¹³ when Scripture decrees stoning in the case of a betrothed maiden,¹⁴ how is it conceivable? If he [first] betrothed and then cohabited with her, she is a be'ulah;¹⁵ if he betrothed but did not cohabit with her, it is nothing.¹⁶ The Rabbis answered this before Abaye; It is possible if the arus cohabited with her unnaturally.¹⁷ Thereupon Abaye observed to them: Even Rabbi and the Rabbis dispute [this matter] only in reference to a stranger: but as for the husband, all agree that if he cohabits with her unnaturally he renders her a be'ulah! (What is this?¹⁸ For it was taught: If ten men cohabited [unnaturally] with her [sc. a betrothed maiden] and she is still a virgin, all are stoned. Rabbi said: I maintain, the first is stoned, but the rest are strangled.)¹⁹ R. Nahman b. Isaac said: It would be possible if he betrothed her by deed: since it completely sunders,²⁰ it completely unites.²¹

And R. Johanan: How does he utilize this, and hath intercourse with her? — He needs that [to shew]: she [a wife] is acquired by cohabitation, but not a Hebrew bondmaid. For I might have thought, it may be inferred a minori from a yebamah: if a yebamah, who cannot be acquired by money, is acquired by cohabitation; this one [Hebrew bondmaid] who can be acquired by money, may surely be acquired by cohabitation. [No.] As for a yebamah, that is because she is already tied!²² — I might have argued, since it is written: If he take him another [wife],²³ Scripture compared her [the bondmaid] to the 'other' [the wife]: just as the other is acquired by intercourse, so is a Hebrew bondmaid acquired thus; therefore we are informed [otherwise].²⁴

And Rabbi: how does he know this conclusion? — If so,²⁵ Scripture should have written; and hath intercourse: why [state] ‘and hath intercourse with her?’ Thus both are deduced.²⁶ But according to Raba, who said: Bar Ahina explained it to me: ‘When a man taketh a woman and hath intercourse with her’: [this teaches:] kiddushin²⁷ that can be followed by²⁸ intercourse is [valid] kiddushin, that which cannot be followed by intercourse is not [valid] kiddushin;²⁹ what can one say?³⁰ — If so,³¹ Scripture should have written, or ‘hath intercourse with her’: why [state], ‘and hath intercourse with her?’³² Thus all are inferred.

And Rabbi: how does he employ this phrase, ‘who had intercourse [be'ulath] with a husband?’ — He utilizes it [to teach:] her husband renders her a be'ulah unnaturally,³³ but not a stranger.³⁴ But does Rabbi hold this view? Has it not been taught: If ten men cohabited [unnaturally] with her [sc. a betrothed maiden] and she is still a virgin, all are stoned. Rabbi said: I maintain, the first is stoned, but the rest are strangled.³⁵

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- (1) Deduced from, then he shall write her a bill of divorcement (Deut. XXIV, 2).
 - (2) I.e., the money is not minted expressly to betroth that woman.
 - (3) Thus, betrothal and divorce are stated in proximity to each other, shewing that they are compared.
 - (4) In ancient Jewish law a wife's consent to divorce was not required. In the Middle Ages this was amended, and her consent became necessary.
 - (5) I.e., the husband's, who gives the woman her freedom.
 - (6) I.e., the woman's, who gives herself in marriage.
 - (7) v. Glos. for both.
 - (8) I.e., the amounts which the parents promise to settle on their son or daughter on marriage,
 - (9) Normally, a promise is binding only if the recipient performs an act of acquisition. i.e., he takes an article, not necessarily the thing promised, from the promisor. Here, however, the promise itself is binding. And the Baraita quoted teaches that the witnesses may not draw up bonds to that effect unless both parties consent.
 - (10) Deut. XXII, 22.
 - (11) Ibid. XXIV, 1.
 - (12) But that cohabitation alone is not betrothal.
 - (13) That this verse might be interpreted as meaning that both betrothal and cohabitation are necessary, but that without the latter she is not even betrothed.
 - (14) Who commits adultery.
 - (15) I.e., no longer a virgin, whereas stoning is only for a virgin; v. Deut. XXII, 23f.
 - (16) She is not betrothed on this hypothesis.
 - (17) Leaving her a virgin.
 - (18) Concerning which Rabbi and the Rabbis are in dispute.
 - (19) Which is the punishment for committing adultery with a be'ulah. Thus the Rabbis regard her as a virgin all the time, whereas Rabbi maintains that she is a be'ulah after the first. This dispute, however, applies only to strangers.
 - (20) I.e., a deed is the only thing required for divorce.
 - (21) Lit., ‘brings in.’ Yet it might be that money betrothal must be followed by cohabitation.
 - (22) To the yabam, v. Deut. XXV, 5.
 - (23) Ex. XXI, 10: ‘another’ i.e., in addition to the Hebrew bondsmaid.
 - (24) By ‘and he hath intercourse with her’, as above.
 - (25) That the verse teaches only that intercourse is one of the methods of betrothal.

- (26) (i) that a woman may be acquired by intercourse and (ii) a Hebrew bondsmaid cannot be so acquired.
- (27) Implied by, when a man taketh.
- (28) Lit., 'that is given over to.'
- (29) V. infra 51a.
- (30) For the verse is needed for this purpose.
- (31) That the only purpose of the verse is to shew that a bondsmaid cannot be acquired by intercourse.
- (32) 'And' implies that the taking — i.e., kiddushin — and the cohabitation are interdependent.
- (33) I.e., by unnatural cohabitation.
- (34) Because 'be'ulah' is connected with 'a husband': if she had cohabited with her husband, no matter how, she is a be'ulah.
- (35) V. supra.

Talmud - Mas. Kiddushin 10a

— Said R. Zera: Rabbi admits in respect to the fine, that they must all pay.¹ Wherein does it differ from the death penalty?² — There it is different, because Scripture writes, then the man alone that lay with her shall die.³ And the Rabbis: how do they employ this word 'alone'? — They need it even as it was taught: [If a man be found lying with a woman married to a husband], then they shall both of them die:⁴ [this implies,] they must both be equal as one:⁵ this is R. Josiah's view. R. Jonathan maintained: 'then the man alone that lay with her shall die'.⁶ And R. Johanan: how does he know this ruling?⁷ — If so,⁸ Scripture should have written, who had intercourse with a man; why [state], 'who had intercourse with a husband'? Hence both are inferred.⁹

The scholars propounded: Does the beginning of intercourse acquire [the woman] or the end of intercourse? The practical difference is, e.g., if he performed the first stage of intercourse, and then she stretched out her hand and accepted kiddushin from another man;¹⁰ or whether a High Priest may acquire a virgin by intercourse.¹¹ What then [is our ruling]? — Said Amemar in Raba's name: The mind of him who has intercourse is set on the completion of intercourse.¹² The scholars propounded: Does intercourse effect nissuin or erusin? The practical difference is in respect of his being her heir, defiling himself on her account and annulling her vows. If you say it effects nissu'in, he [the husband] succeeds her as heir, must¹³ defile himself for her,¹⁴ and can annul her vows.¹⁵ But if you say that it effects only erusin, he does not succeed her as heir, may not defile himself on her account, and cannot annul her vows. What is our ruling? — Said Abaye: Come and hear: A father has a privilege over his daughter [if a minor] in respect of her kiddushin by money, deed or intercourse. And he is entitled to her findings, her labour, and the annulment of her vows; he can accept her divorce;¹⁶ but he does not enjoy usufruct during her lifetime.¹⁷ If she was married,¹⁸ her husband's rights exceeds his,¹⁹ in that he enjoys the usufruct during her lifetime. Now, intercourse is taught, and yet he [the Tanna] also teaches: If she was married!²⁰ — 'If she married' may have been taught in reference to the other [privileges]. Raba said: Come and hear: A maiden aged three years and a day may be betrothed by intercourse, and if the yabam has intercourse with her, he acquires her. The penalty of adultery may be incurred through her: [if a menstruant,] she defiles him who has connections with her,

(1) If a man violates an unbetrothed virgin he must pay a fine of fifty shekels: (Deut. XXII, 28f.) if a number of men violate her unnaturally, leaving her a virgin, they must all pay the same, as for a virgin.

- (2) That there Rabbi regards her a be'ulah.
- (3) Ibid. 25; now, this is superfluous. since the next verse states: But unto the damsel thou shalt do nothing; hence it teaches that only the first man is stoned, but after he seduces her, even unnaturally, she is a be'ulah, and her ravishers are strangled.
- (4) Ibid. 22.
- (5) Rashi: both must have attained their majority and be liable to punishment, thus excluding an adult who violates a minor. Tosaf.: they must both be liable to the same death penalty; the reference is to R. Meir's view on this matter, q.v. Sanh. 66b.
- (6) I.e., the man stands in a separate category, and need not be equal to the woman.
- (7) That only the husband renders her a be'ulah by unnatural intercourse etc.
- (8) That the verse teaches only that cohabitation acquires a woman.
- (9) The emphasis on 'husband' shews that only he renders her a be'ulah etc.
- (10) If the beginning acquires, she belongs to the first; if not, to the second.
- (11) A High Priest must marry a virgin; Lev. XXI, 13. Now, if the first stage acquires, he may betroth her by intercourse; but if the last stage, he may not, because immediately after the first stage she ceases to be a virgin, yet does not belong to him.
- (12) Hence the last stage is necessary.
- (13) Or 'may', v. Sotah, 3a.
- (14) Even if he is a priest.
- (15) Alone, without her father.
- (16) Even without her authority, if she was divorced whilst an arusah, and a na'arah.
- (17) If she inherit property through her maternal relations, her father has no claim to its usufruct while she is alive.
- (18) Lit., 'became a nesu'ah'.
- (19) The husband's rights over his wife after nissu'in are greater than the father's over his daughter before nissu'in.
- (20) Subsequent to intercourse; this proves that intercourse only effects erusin.

Talmud - Mas. Kiddushin 10b

so that he in turn defiles that upon which he lies, as a garment which has lain upon [a zab].¹ If she married² a priest, she may partake of terumah;³ if any of the forbidden degrees⁴ interdicted by Scripture cohabited with her, they are executed on her account,⁵ but she is exempt,⁶ if an unfit person⁷ cohabits with her, he disqualifies her from priesthood.⁸ Thus [here too] intercourse is taught,⁹ and also 'if she married'! — This may be its meaning: If this marriage¹⁰ was with a priest, she may partake of terumah.

Come and hear: Johanan b. Bag Bag had already sent [word] to R. Judah b. Bathyra at Nisibis:¹¹ I have heard of you that you maintain, An arusah, the daughter of an Israelite [betrothed to a priest], may eat terumah. He sent back: And do you not rule likewise? I am certain of you that you are well versed in the profundities¹² of the Torah [and able] to infer a minori. Do you not know: if a Gentile bondmaid, whose intercourse does not permit her to eat of terumah,¹³ yet her money¹⁴ permits her to eat of terumah; then this one [an arusah], whose intercourse [with a priest] permits her to eat of terumah, surely her money¹⁵ permits her to eat terumah. But what can I do, seeing that the Sages ruled: An arusah, the daughter of an Israelite, may not eat terumah until she enters huppah?¹⁶ How so? If [the reference is to] intercourse following huppah, and money followed by huppah, in both cases she may certainly eat. But if to intercourse with huppah,

and money without huppah: here there are two, while there is only one,¹⁷ Hence it must surely refer to both intercourse and money without huppah. Now, if you say that it [intercourse] effects nissu'in, it is well: hence it is obvious to him that Intercourse is stronger than money.¹⁸ But if you say that it effects only kiddushin [i.e., erusin], why is he certain in the one case and doubtful in the other? — Said R. Nahman b. Isaac: After all, I can tell you that [the reference is to] intercourse with huppah and money without huppah. And as to your objection, here there are two, while there is only one: nevertheless the a minori proposition holds good, and it was thus he sent word to him: If a Gentile bondmaid, whose intercourse does not permit her to eat of terumah even after huppah, yet her money even without huppah authorizes her to eat terumah,' then this one, whose intercourse when accompanied by huppah permits her to eat terumah, Surely her money even without intercourse permits her to eat terumah. But what can I do, seeing that the Sages ruled: An arusah, the daughter of an Israelite, may not partake of terumah until she enters huppah, on account of 'Ulla's statement.¹⁹ And [Johanah] b. Bag Bag?²⁰ — In the case of a Gentile bondmaid he omits nothing of her acquisition;²¹ but here he has left undone part of her acquisition.²² Rabina said: By Biblical law he was quite certain that she may eat, and it was only by Rabbinical law that he [R. Johanah b. Bag Bag] sent word to him [that she is forbidden], and he sent thus to him: I have heard of you that you rule: An arusah, the daughter of an Israelite, may eat of terumah, and you disregard the possibility of nullification.²³ He sent back: And do you not rule likewise? I am certain that you are well versed in the profundities of the Torah, [and able] to infer a minori. Do you not know: if a Gentile bondmaid, whose intercourse does not permit her to eat terumah, yet her money does, and we do not fear the possibility of nullification;²⁴ then this one [sc. an arusah], whose intercourse permits her to eat terumah,²⁵ surely her money does, and we may disregard the possibility of nullification. But what can I do, seeing that the Sages ruled: An arusah, the daughter of an Israelite, may not partake of terumah

(1) A man who has sexual connections with a menstruant woman defiles that upon which he lies, even if he does not actually touch it. But the degree of uncleanness it thereby acquires is not the same as that of the bedding upon which she herself or a zab (v. Glos.) lies. For in the latter case, the bedding in turn defiles any person or utensil with which it comes into contact; whereas in the former, it can only defile foodstuffs and liquids. This is the same degree of uncleanness possessed by a garment which has lain upon or been borne by a zab, v. Nid. 44b.

(2) V. n. 8.

(3) As an Israelite's adult daughter who married a priest. But if she is less than three years old, she is sexually immature, so that the marriage cannot be consummated, and hence she may not eat terumah.

(4) E.g., her father or brother.

(5) If they are of those forbidden on pain of death.

(6) Being a minor.

(7) E.g., a heathen or bastard.

(8) I.e., she may not marry a priest.

(9) Proving that intercourse only effects erusin.

(10) Sc. the intercourse mentioned in the first clause.

(11) A city in N.E. Mesopotamia; its Jewish population was already of importance during the second Temple. J.E. s.v.; Obermeyer, p. 229.

(12) Lit., 'chambers'.

(13) If a priest cohabits with her without having previously acquired her with money.

(14) I.e., the money given for her by a priest.

- (15) Whereby she is acquired as an arusah.
- (16) I.e., becomes a nesu'ah.
- (17) How can money without huppah be deduced from intercourse and huppah?
- (18) And it certainly authorises her to eat terumah, and he proceeds to deduce that money has the same power.
- (19) V. supra 5a bottom.
- (20) Does he not accept this a minori deduction?
- (21) Once he gives the money, she is absolutely his.
- (22) After intercourse she still lacks huppah before he ranks as her heir and may defile himself on her account.
- (23) Through a bodily defect discovered in the woman, which may invalidate the betrothal. Hence this has no bearing on the question of the status conferred by intercourse, since all admit that even an arusah may, Biblically speaking, eat terumah.
- (24) A bodily defect which may entitle the priest to cancel the purchase.
- (25) [Since the arus would not have had intercourse with her without first making enquiries concerning her (Tosaf.).]

Talmud - Mas. Kiddushin 11a

until she enters huppah, on account of 'Ulla's statement. And the son of Bag Bag?¹ — He disregards the possibility of nullification in the case of slaves: if there are open bodily defects — then he has seen them.² If on account of concealed bodily defects, what does it matter to him? He needs him for work, and so does not care. If he [the slave] is found to be a thief or a rogue,³ he is his.⁴ What can you say: he was discovered to be an armed robber or proscribed by the State⁵ — these are well known.⁶ Let us see: both agree that she [an arusah] may not eat:⁷ wherein then do they differ? — They differ where he [the husband] accepted [bodily defects],⁸ or he [the father] delivered [her to the husband's messengers to be taken to her husband's home],⁹ or if they [the father's messengers] were on the way with [the husband's messengers to escort the bride to her new home].¹⁰

'BY MONEY: BETH SHAMMAI MAINTAIN, BY A DENAR etc. What is Beth Shammai's reason? — Said R. Zera: Because a woman is particular about herself and will not [permit herself to] become betrothed with less than a denar. Abaye objected to him: If so, then e.g., R. Jannai's daughters, who are particular about themselves and will not become betrothed with less than a tarkabful¹¹ of denarii, if she stretches out her hand and accepts a zuz from a stranger [as kiddushin], is the kiddushin indeed invalid?¹² — He replied: If she stretches out her hand and accepts. I do not say thus: I refer to a case where he betroths her at night,¹³ or if she appoints an agent.¹⁴ R. Joseph said: Beth Shammai's reason is in accordance with Rab Judah's dictum in R. Assi's name, viz., Wherever 'money'¹⁵ is mentioned in Scripture: Tyrian coinage is meant; whereas the Rabbinical usage¹⁶ refers to provincial coinage.¹⁷

It was stated above: Rab Judah said in R. Assi's name: Whenever 'money' is mentioned in Scripture: Tyrian coinage is meant; whereas the Rabbinical usage refers to provincial coinage. Now, is this a universal rule?

(1) Does he not admit the force of this argument?

(2) And the purchaser cannot invalidate the transaction.

- (3) Jast.: a swindler; Tosaf.: a gambler; Rashi: a kidnapper. The last might suit the context here, but not elsewhere.
- (4) The purchaser's: he cannot annul the purchase, because the average slave is one of these.
- (5) I.e., under sentence of death. fast.: levied for royal service.
- (6) And the purchaser would not buy him in ignorance.
- (7) For R. Judah b. Bathyra also admits that she may not eat, in accordance with 'Ulla.
- (8) According to Johanan b. Bag Bag, she may then eat terumah, since there is no fear of nullification; in the opinion of R. Judah b. Bathyra she is forbidden, since 'Ulla's reason holds good here.
- (9) 'Ulla's reason no longer holds good since her brothers and sisters are not then with her, but there is still the possibility of nullification.
- (10) V. preceding note, which applies here too.
- (11) Tarkab — two kabs (later = three kabs): 1 kab = 1/6th of a se'ah.
- (12) Surely not!
- (13) And she does not see what is given her.
- (14) To accept kiddushin on her behalf, without telling him what is the minimum which he shall accept.
- (15) Lit., 'silver'.
- (16) Lit., 'that — sc. money of their (sc. the Rabbis') words.'
- (17) Viz., current coinage. The latter is an eighth of the former; i.e., a provincial shekel = 1/8th of a Tyrian shekel, a provincial denar = 1/8th of a Tyrian, etc.; v. J.E. IX, 351, and Zuckermann, Tal. Mun. pp. 15-33. Tyrian is further to be identified with Jerusalem (coins). Krauss, T.A., 11-405 and n. 639 a.l., v. B.K. (Sonc. ed.) p. 204, n. 11. Now, since kiddushin by money is Biblical (supra 2a), it cannot be a copper perutah, for there were no copper coins in the Tyrian system: hence, the perutah being excluded, it is evident that a coin of considerable value is required, and this was fixed at a denar.

Talmud - Mas. Kiddushin 11b

But what of a claim, concerning which it is written: If a man shall deliver unto his neighbour money or utensils to keep etc.¹ yet we learnt: 'The oath taken before judges [is imposed] for a [minimum] claim of two silver [ma'ahs] and an admission of a perutah'?² — There it is similar to 'utensils': just as 'utensils' implies [at least] two, so must 'money' refer to two [coins],³ and just as 'money' implies something of worth,⁴ so does 'utensils' mean something of worth.⁵ But [what of the second] tithe, in regard to which it is written, [Then thou shalt turn it into money] and bind up the money in thine hand,⁶ yet we learnt: 'If one changes a sela' of second tithe [copper] coins . . .?'⁷ — 'The money' is an extension,⁸ But what of hekdesch,⁹ concerning which it is written, then he shall give the money, and it shall be assured to him,¹⁰ yet Samuel said: If hekdesch worth a maneh is redeemed with the equivalent of a perutah, it is redeemed?¹¹ — There too, we deduce the meaning of 'money' from tithes.¹²

But what of a woman's kiddushin, concerning which it is written: When a man taketh a wife, and marry her,¹³ and we deduce the meaning of 'taking' from the field of Ephron,¹⁴ yet we learnt: BETH HILLEL RULE, BY A PERUTAH OR THE WORTH OF A PERUTAH; shall we say [then] that R. Assi ruled in accordance with Beth Shammai?¹⁵ — But if stated, it was stated thus: Rab Judah said in R. Assi's name: Whenever a fixed sum of money is mentioned in the Torah, Tyrian coinage is meant; whereas the Rabbinical usage refers to provincial currency.¹⁶ Then what does he teach us? We have already learnt it: The five sela's mentioned in connection with a firstborn,¹⁷ the thirty of a slave,¹⁸ the fifty of a ravisher and a seducer,¹⁹ and the hundred of a

slanderer²⁰ — all these are [computed] by the holy shekel according to the Tyrian maneh!²¹ — He wishes to state, ‘whereas the Rabbinical term refers to provincial currency,’ which we did not learn. For we learnt: If one boxes his neighbour's ears,²² he must pay him a sela’. Now, you should not say, what is a sela’? Four zuz,²³ but what is a sela’? Half a zuz, for it happens that people call half a zuz ‘istira’.²⁴

R. Simeon b. Lakish said: Beth Shammai's reason is in accordance with Hezekiah. For Hezekiah said: Scripture saith, then shall he let her be redeemed²⁵ — this teaches that she deducts from her redemption [money] and goes out [free]. Now, if you say that he [the master] gave her a denar,²⁶ it is well: hence she can go on deducting until a perutah. But if you say that he gave her a perutah: what can be deducted from a perutah?²⁷ But perhaps Scripture ordered thus: if he gave her a denar, she can go on deducting until a perutah; [but] if he gave her a perutah, she cannot deduct at all?

(1) Ex. XXII, 6; in B.K. 107a it is deduced from this verse that an oath is imposed upon a defendant only if he admits part of the claim and denies part.

(2) Rashi: This proves that no particular sum is meant by the term ‘money,’ but that in all cases it was left for the Rabbis to determine. For if a particular sum is meant, granted that a ma'ah is the smallest Tyrian coin, why two? Tosaf. and others: the smallest Tyrian coin is a denar, whereas a ma'ah = 1/6th of a denar. (Though the actual coin is not mentioned in the quotation, ma'ah is assumed, because ‘two’ is in the fem. form, agreeing with ma'ah, whereas denar is masc.).

(3) So that the claim must be at least for two silver pieces, i.e., ma'ahs.

(4) I.e., two ma'ahs.

(5) So that if a man claimed two needles, one of which was admitted, no oath is imposed, since these are not worth two ma'ahs (Rashi). Tosaf. and others with different reading of the text: just as ‘utensils’ implies something of value, so does ‘money’ apply to that likewise, and a ma'ah is a coin of value; whilst ‘two’ is likewise deduced from the plural, ‘utensils’. [Whereas according to Rashi's reading the minimum value required in the case of ‘utensils’ is determined by the significance attached to the word ‘money’, according to that of Tosaf., the value of ‘utensils’ is judged by their own merits, so that even a couple of needles are to be treated as things of worth in view of the use to which they can be put].

(6) Deut. XIV, 25, q.v.

(7) A dispute follows as to how many of the coins should be changed. Now, this shews that in the first place the tithe was redeemed with copper coins, though Scripture mentions ‘money’ in this connection.

(8) Shewing that even copper coins may be used.

(9) V. Glos.

(10) V. B.M. (Sonc. ed.) p. 321, n. 1.

(11) V. n. 2; the same applies here.

(12) Since in the latter instance the money extends the law to copper coins, these are valid for the redemption of hekdesh too.

(13) Deut. XXIV, 1.

(14) V. p. 1, n. 12. Thus it is as though ‘money’ were written in this passage.

(15) It is a fixed principle that in all disputes between these two schools the halachah agrees with Beth Hillel.

(16) But no fixed sum is mentioned for kiddushin.

(17) V. Num. XVIII, 15f: Nevertheless the firstborn of man thou shalt surely redeem . . . for the money of five shekels. — ‘Shekels’ is the Biblical term for sela’.

(18) Ex. XXI, 32: If the ox gore a manservant or a maidservant he (the owner) shall give unto their master thirty shekels of silver.

(19) Deut. XXII, 28f: If a man find a damsel that is a virgin which is not betrothed, and lay hold on her, and lie with her, and they be found; then the man that lay with her shall give unto the damsel's father fifty shekels of silver.

(20) Ibid. 13 et seqq.: If a man take a wife . . . and hate her . . . and bring an evil name upon (i.e., slander) her, and say: I took this woman, and . . . I found not in her tokens of virginity . . . then the elders of that city shall amerce him in a hundred shekels of silver.

(21) 1 Tyrian maneh = 25 holy shekels.

(22) Others: shouts into his neighbour's ear.

(23) I.e., the Tyrian currency.

(24) A silver coin, equal to the provincial sela' = 1/2 zuz.

(25) Ex. XXI, 8; v. infra 14b, 15a for the full reference.

(26) In buying her. The money given for a Hebrew maidservant may also be regarded as kiddushin, since in virtue thereof he can take her to wife; v. Ex. ibid.

(27) Seeing that it is the smallest coin.

Talmud - Mas. Kiddushin 12a

— You cannot think so, [for] it is similar to designation:¹ just as designation, though he [the master] can designate her or not, as he will, yet where he may not designate her, the sale is invalid;² so here too, where he cannot deduct, the sale is invalid.³ And a woman's kiddushin, according to Beth Shammai, is deduced from a Hebrew maidservant: just as a Hebrew maidservant cannot be acquired for a perutah,⁴ so a woman cannot be betrothed by a perutah.⁵ Then say half a denar, or two perutahs? — Since a perutah was excluded, it was fixed at a denar.⁶ Raba said: This is Beth Shammai's reason, [viz.,] that the daughters of Israel should not be treated as hefker.⁷ AND BETH HILLEL RULE, BY A PERUTAH. R. Joseph thought to rule, A perutah, whatever it is.⁸ Said Abaye to him: But thereon we learnt: AND HOW MUCH IS A PERUTAH? AN EIGHTH OF AN ITALIAN ISSAR. And should you answer: That was only in the time of Moses, but nowadays it is as generally estimated — but when R. Dimi came,⁹ he said: R. Simai computed in his time: how much is the perutah? An eighth of an Italian issar.¹⁰ And when Rabin came, he said: R. Doseithai, R. Jannai and R. Oshiah estimated: how much is a perutah? A sixth of an Italian issar! — R. Joseph answered him: If so,¹¹ when we learnt,¹² Go out and estimate: how many perutahs are there in two sela's? More than two thousand. Seeing that there are not even two thousand, can he [the Tanna] call it more than two thousand?¹³ Thereupon a certain old man said to him, I learnt it, close on two thousand. But even so, it is only one-thousand-five-hundred-thirty-six! — Since it passes beyond half [a thousand], it is called close on two thousand.

It was just stated: When R. Dimi came, he said: R. Simai computed in his time, How much is a perutah? An eighth of an Italian issar. And when Rabin came, he said: R. Doseithai, R. Jannai, and R. Oshiah estimated: How much is the perutah? A sixth of an Italian issar. Said Abaye to R. Dimi: Shall we say that you and Rabin differ in the dispute of the following Tannaim? For it was taught: The perutah which the Sages mentioned is an eighth of an Italian issar. [Thus:] one denar = six silver ma'ahs; one ma'ah = two pundion, one pundion = two issars, one issar = two musmis, one

musmis = two kuntrunk, one kuntrunk = two perutahs.¹⁴ Hence the perutah is an eighth of an Italian [Roman] issar. R. Simeon b. Gamaliel said: three hadrisin = one ma'ah, two hanzin = one hadris, two shammin = one hanez, two perutahs = one shamin.¹⁵ Hence a perutah equals one sixth of an Italian issar.¹⁶ Shall we say that you agree with the first Tanna, whilst Rabin holds with R. Simeon b. Gamaliel? — He replied: Both Rabin and I agree with the first Tanna, yet there is no difficulty: here the issar bears its full value; there, it had depreciated. Here the issar bears its full value, twenty-four going to the zuz; there it had depreciated, thirty-two going to the zuz.¹⁷

Samuel said: If a man betrothed a woman¹⁸ with a date, even if a kor¹⁹ stood at a denar,²⁰ she is nevertheless betrothed: we fear that it may be worth a perutah in Media.²¹ But we learnt: BETH HILLEL RULE, BY A PERUTAH OR THE WORTH OF A PERUTAH?²² — There is no difficulty: the one refers to certain kiddushin; the other to doubtful kiddushin.²³

A certain man betrothed [a woman] with a bundle of tow cotton. Now, R. Simi b. Hiyya sat before Rab and examined it: if worth a perutah, it is well;²⁴ if not, not. Now, if not worth a perutah, it is not well? But Samuel said: 'We fear [etc.]'! — There is no difficulty: in the former case it is certain kiddushin; in the latter doubtful kiddushin. A certain man betrothed [a woman] with a black marble stone. Now, R. Hisda was sitting and appraising it: if worth a perutah, it is well;²⁵ if not, not. Now, if not worth a perutah, it is not well? But Samuel said: 'We fear [etc.]'! — R. Hisda did not accept Samuel's [view]. Said his mother to him: But on the day he betrothed her it was worth a perutah!²⁶ It does not rest entirely with you, replied he, to render her forbidden to the other man.²⁷

(1) sugh or sughh, the betrothal of a Hebrew handmaid to her master or his son in virtue of having been bought, no other than the purchase money being necessary.

(2) I.e., she cannot be sold, e.g., to her brother, since she may not be designated to him.

(3) Since Scripture teaches that a deduction is made, the sale must be capable of one.

(4) As just proved.

(5) V. Glos.

(6) For the exclusion of a perutah shews that a sum of considerable value is required.

(7) V. Glos., which is acquired without much trouble; thus to acquire a woman by merely a perutah would be derogatory to her status.

(8) No matter how it is debased in the course of time, providing that it is called a perutah.

(9) To Babylon. R. Dimi was a fourth century Amora of Palestine, who settled in Babylon on account of Constantine's decree of banishment against the Jewish teachers of Palestine. But even before this scholars regularly travelled to and fro between the Palestine and the Babylonian academies, and R. Dimi and Rabin (i.e., R. Abin) were specially designated for this task, to provide a cultural link between the two. I. Halevy, *Doroth*, II, 467-473.

(10) A woman having been betrothed for a perutah, he stated that it must be equal to an eighth of an Italian issar, and was not satisfied with the mere designation of a perutah.

(11) That the perutah must not be less than this.

(12) In the Sifra, a Midrashic commentary on Leviticus, also called 'The Law of the priests.'

(13) The table is given below.

(14) These are Roman coins, the names being corrupted. Kuntrunk. < quadrans (**), a Roman value equal to three Roman ounces, also called teruncius; musmis or messimis < semissis = 1/2 as; pundion < dupundium = two ases.

(15) Hadris is perhaps a corruption of darosah = 1 3/4 as; hanez < nez (blossom); shamnim < shamin (Heb. hbnh).

shemini — an eighth) 1/8 of an Italian issar. [For a full discussion of these terms, v. Krauss, TA, pp. 408ff.]

(16) For the issar = 1/2 4th denar; now one denar = six ma'ahs = a hundred and forty-four perutahs, according to his table; therefore one perutah — 1/6th issar.

(17) Thus one denar = a hundred and ninety-two perutahs, in accordance with the first Tanna. The perutah remained stable, but the issar fluctuated. In R. Simai's age the issar was at par, i.e., twenty-four = one denar: therefore one perutah = 1/8th issar. But in the age of R. Doseithai etc., it had slumped to 1/3 2nd of a denar, therefore one perutah = 1/6th of an issar.

(18) Lit., 'her'.

(19) A measure of capacity; v. J.E. XII, 489, Table 3.

(20) So that one date is worth far less than a perutah.

(21) Where dates were very dear. Or perhaps Media is mentioned as an example of elsewhere.

(22) And in Samuel's view anything may be worth a perutah somewhere.

(23) If the article is worth a perutah where it is given, the woman is certainly betrothed, and another man's betrothal is invalid. But if it is not worth a perutah there, she is in a position of doubt: she cannot be free without a divorce, yet should another betroth her before she is divorced, his act may be valid, and she then requires a divorce from both, being in the meantime forbidden to both and to everyone else.

(24) The betrothal is valid.

(25) The kiddushin is valid.

(26) Though by the time you came to value it, it had depreciated.

(27) To whom one had, in the meantime, become betrothed. I.e., your evidence cannot be accepted.

Talmud - Mas. Kiddushin 12b

For is this not comparable to the case of Judith, R. Hiyya's wife, who had severe travail in childbirth.¹ Said she to him: My mother told me: 'Your father accepted kiddushin on your behalf [from another man] when you were a child.'² He replied to her: It does not rest entirely with your mother to forbid you to me. The Rabbis protested to R. Hisda: Why so? But there are³ witnesses In Idith⁴ who know that on that day it was worth a perutah! — Nevertheless, at present they are not before us. Is this not analogous to R. Hanina's dictum, For R. Hanina said: Her witnesses are in the north,⁵ yet she is to be forbidden!⁶ Abaye and Raba, [however], do not agree with this ruling of R. Hisda: if they [the Rabbis] were lenient in respect of a captive woman,⁷ who suffered disgrace under her captors,⁸ shall we be [equally] lenient in the case of a married woman?⁹ Some of that family remained in Sura,¹⁰ and the Rabbis held aloof from them;¹¹ not because they agreed with Samuel, but because they agreed with Abaye and Raba.¹²

A certain man betrothed [a woman] with a myrtle branch in a market place. Thereupon R. Aha b. Huna sent [a question] to R. Joseph: How is it in such a case? — He sent back: Have him flagellated, in accordance with Rab; and demand a divorce, in accordance with Samuel.¹³ For Rab punished any man who betrothed [a woman] in a market place, or by intercourse,¹⁴ or without [previous] shiddukin,¹⁵ or who annulled a divorce,¹⁶ or who lodged a protest against a divorce,¹⁷ or harassed a messenger of the Rabbis,¹⁸ or per — mitted a ban to remain upon him thirty days,¹⁹ and a son-in-law who dwelt in his mother-in-law's house thirty days.²⁰ Only him who dwelt, but not him who merely passed by [his mother-in-law's house]? But a certain son-in-law passed by his mother-in-law's door, for which R. Shesheth chastised him? — There his mother-in-law was [already] under suspicion through him. The Nehardeans maintained: For all these Rab inflicted no

punishment, excepting for betrothing [a woman] by intercourse without shiddukin — others state, even with shiddukin, on account of licentiousness.²¹

A certain man betrothed [a woman] with a mat of myrtle twigs. Said they to him, 'But it is not worth a perutah!'²² 'Then let her be betrothed for the four zuz it contains,' replied he.²³ Having taken it, she remained silent. Said Raba: It is silence after receipt²⁴ of the money, and such silence has no significance.²⁵ Raba said: Whence do I know²⁶ this? For it was taught: If he says to her, 'Take this sela' as a bailment , and then he says to her, 'Be thou betrothed unto me therewith', [if he made the declaration] when giving the money [and she accepted it without protest], she is betrothed; after giving the money: if she consented, she is betrothed; if not, she is not betrothed. What is meant by 'she consented,' 'she did not consent'? Shall we say: 'she consented' means that she said 'yes', and 'she did not consent,' that she said: 'no'? Then it follows that the first clause means

(1) [She used to give birth to twins, v. Yeb. 65b.]

(2) And therefore I am forbidden to you.

(3) So cur. edd. Ri, Bah and Tosaf. read: but people say that there are; v. also Tosaf. a.I. s.v. tv.

(4) So cur. edd. Tosaf. reads: in Arith, i.e., in the west, sc. in Palestine, which lies to the west of Babylon. Levy, Worterbuch, s.v. , **hrut** , mentions a conjecture that the word may mean 'north', and denotes generally a distant, unknown country.

(5) Heb. Istan, v. B.B. (Sonc. cd.) p. 568, n. 9.

(6) Surely not! for the allusion v. Keth. 23a.

(7) To whom R. Hanina's dictum applied.

(8) [Or, 'who makes herself look repulsive in the presence of her captors' so as to keep them away from her.]

(9) Tosaf. explains thus (on a reading which omits the phrase 'who... captors'): Even if witnesses attest her captivity, a priestly marriage is forbidden her only by Rabbinical law, for fear that she was outraged by her captors; hence we are lenient where the existence of such witnesses is only alleged. But in the case under discussion, should witnesses attest that the stone was worth a perutah when given, she is certainly a married woman and forbidden to others; therefore regard must be paid to the allegation that such witnesses exist elsewhere.

(10) The woman married another, and her descendants were in Sura. — Sura was a town in Southern Babylon between the canals, and seat of the famous academy founded by Rab. V. Obermeyer 283 et seqq.

(11) From contracting a marriage with them.

(12) That the alleged existence of witnesses could not be disregarded; hence these were tainted with the suspicion of bastardy.

(13) For the myrtle branch may be worth a perutah elsewhere.

(14) Notwithstanding the Mishnah.

(15) V. Glos. He regarded these as licentiousness.

(16) After sending it to his wife, but before she received it, in which case it is annulled. But the messenger may not know of this and deliver the divorce, and the wife contract another marriage.

(17) A divorce had to be given of the husband's free will. Even when he was forced (e.g., for refusal of conjugal rights, Keth. V. 6; impotence, Ned. XI, 12), he had to declare that he was giving it voluntarily. Yet he might secretly lodge a protest before witnesses that he was giving it under compulsion, in which case it was invalid.

(18) Sent to summon him to court.

(19) Without seeking its remission by expressing his regret at the offence which had occasioned it and undertaking to amend his ways. Buchler in MGWJ 1934 (Festschrift) p. 129, observes that as far as known the ban, during the

days of Jamnia and Usha (first century) was imposed only on scholars, but that in the early amoraic period all were subject to it, as here (v. note 3, a.l.).

(20) Contrary to modern belief, the love between these two was regarded as so strong as to endanger their morals; cf. Pes. 113a.

(21) Tosaf.: this view is relied upon nowadays, in that sons-in-law live with their mothers-in-law.

(22) Matting must have been extremely cheap. Tosaf. Ri, however, translates: a bundle of myrtle twigs.

(23) The money was wrapped up in the mat or bundle.

(24) Lit., 'the giving'.

(25) Though normally silence gives consent. For when she took the matting, she knew that it was not worth a perutah, and therefore it was unnecessary for her to reject the proposal. Her subsequent silence makes no difference.

(26) Lit., 'say'.

Talmud - Mas. Kiddushin 13a

that even if she said 'no,' it is [valid] kiddushin. But why, seeing that she said 'no'? Hence surely, 'she consented' means that she said 'yes', whilst 'she did not consent, that she kept silence; thus proving that silence after receipt of money has no significance. A difficulty was raised thereon at Pum Nehara¹ in the name of R. Huna, son of R. Joshua. How compare? There it was given her as a deposit: [therefore] she thought, 'If I throw it away and it is broken, I am liable for it.' But here he gave it to her as kiddushin: if she did not want it [as such], she should have thrown it away! — R. Ahai retorted: Do then all women know the law? Here too she might have thought, 'If I throw it away and it is broken, I will be held responsible for it.' R. Aha b. Rab sent [an inquiry]² to Rabina: What is the ruling in such a case? He sent back: We have not heard this [objection] of R. Huna, son of R. Joshua,³ but you, who have heard it,⁴ must have regard to it.⁵ A certain woman was selling silk skeins,⁶ when a man came and snatched one away from her. 'Give it back to me,' she exclaimed. 'If I give it to you,' he queried, 'will you become betrothed to me?' She took it and was silent. Thereupon R. Nahman ruled: She can say: 'Indeed, I took it, and 'twas my own I took'.⁷ Raba objected before R. Nahman: If he betroths her with [an article] of robbery, violence, or theft,⁸ or if he snatches a sela' from her hand and betroths her, she is [validly] betrothed? — There it means that he had discussed the preliminaries [of marriage].⁹ And how do you know that we draw a distinction between one who discussed the preliminaries and one who did not? — Because it was taught: If one says to a woman,¹⁰ 'Take this sela' which I owe thee,' and then he says: 'Be thou betrothed unto me therewith': [if he said this] when giving the money and she consented, she is betrothed; if she did not consent, she is not betrothed; after giving the money, even if she consented, she is not betrothed. Now, what is the meaning of 'she consented,' 'she did not consent'? Shall we say: 'she consented' means that she said 'yes', 'she did not consent', that she said 'no': but if she remained silent, the kiddushin is valid? Then it should simply have been taught: 'she is betrothed', just as there.¹¹ But [we must say,] 'she consented' means that she said 'yes,' whilst 'she did not consent,' that she was silent, and it was taught that she is not betrothed. What is the reason? Because she can say: 'Indeed, I took it, and 'twas mine I took.' But in that case, this [Baraitha], 'If he betroths her with robbery, violence, or theft, or if he snatches a sela' from her hand and betroths her, she is betrothed,' presents a difficulty. Hence it must surely be inferred that in the one case he had discussed the preliminaries,¹² whereas in the other he had not.

When R. Assi died, the Rabbis went up to assemble his legal traditions. Said one of the Rabbis, R. Jacob by name, to them: Thus did R. Assi say in R. Mani's name: Just as a woman cannot be acquired by less than a perutah's worth, so can real estate not be acquired with less than a perutah's worth. But, they protested to him, it was taught: Although a woman cannot be acquired for less than a perutah's worth, land can be acquired for less than a perutah's worth? — That was taught only in respect to barter, he answered them. For it was taught: Acquisition can be effected through an article, even if it is not worth a perutah.¹³ Again they sat and related: In reference to Rab Judah's statement in Rab's name, [that] one who does not know the peculiar nature of divorce and betrothal should have no business with them,¹⁴ R. Assi said in R. Johanan's name: And they¹⁵ are more harmful to the world than the generation of the flood, for it is written: By swearing, and lying, and killing, and stealing, and committing adultery, they spread forth, and blood toucheth blood.¹⁶ How does this imply [it]? — As R. Joseph translated:¹⁷ They beget children by their neighbour's wives,¹⁸ thus piling evil upon evil.¹⁹ And it is written: Therefore shall the land mourn and everyone that dwelleth therein shall languish, with the beasts of the field and the fowls of heaven: yea, the fishes of the sea also shall be taken away.²⁰ Whereas in the case of the generation of the flood nought was decreed against the fish of the sea, for it is written, of all that was in the dry land, died:²¹ [implying] but not the fish in the sea, whilst here even the fish of the sea [are to be destroyed]. But perhaps that is only when all these are perpetrated?²² — You cannot think so, for it is written, for because of swearing the land mourneth.²³ Yet perhaps swearing stands alone, and these others [combined] alone?

(1) A town lying, as its name signifies, at the mouth of a canal (Nehar Sura = 'the Sura canal'), where it debouches into another, not far from Humanya on the Tigris. It had an all-Jewish population. Obermeyer, pp. 194 et seqq.

(2) MS.M. reads: Such an occurrence happened, (and) R. Ahab. Rab sent etc.

(3) Rashi: we have heard it neither from him nor from anyone else in his name — which is not very satisfactory, seeing that they were evidently aware of it, whoever their informant was. Kaplan, Redaction of the Talmud, p. 138 translates: We have not found the view of R. Huna the son of R. Joshua as logically correct.

(4) I.e., agree with the force of the objection; v. preceding note.

(5) Therefore the kiddushin has at least doubtful validity (v. p. 47, n.10); Tosaf. Ri the Elder. — Kaplan. loc. cit., assumes that R. Aha b. Rab, Rabina and R. Ahai, otherwise known as the Sabora R. Ahai of Hatim, appear here as contemporaries. On the strength of this he identifies Rabina with Rabina b. R. Huna, the last president of Sura, and not Rabina, the colleague of R. Ashi. Actually however, there is nothing here to indicate that they were contemporaries, the reply of R. Ahai possibly having been made at a later date.

(6) Others: beads, silk fillets.

(7) Hence she is not betrothed.

(8) v. p. 263, n. 3.

(9) Then her silence is consent.

(10) Lit., 'her'.

(11) Sc. in the Baraita quoted at the bottom of 12b.

(12) Then she is betrothed.

(13) Barter (Heb. halifin) is a system of symbolic exchange, the article with which it is effected symbolically representing the larger article or the money which is actually the purchase price: consequently it may be worth less than a perutah. But when acquisition is effected through money itself, or an article valued as money, what is not worth a perutah does not rank as such.

(14) V. supra 6a for notes.

(15) Who take part in these matters without sufficient knowledge.

(16) Hos. IV, 2.

(17) So Targum, Pseudo.Jonathan, v. B.K. (Sonc. ed.) p. 9, n. 9.

(18) Understanding 'spread forth' in that sense; cf. Ex. I, 12: But the more they afflicted them, the more they multiplied and spread forth.

(19) So interpreting 'blood toucheth blood.' — Men of insufficient knowledge who take part in the solemnising of marriage and divorce likewise cause this, married women often being declared free illegally.

(20) Ibid. 3.

(21) Gen. VII, 22.

(22) Viz., those enumerated in the first verse quoted, but not for adultery alone.

(23) Jer. XXIII, 10. This shews that a single crime is sufficient.

Talmud - Mas. Kiddushin 13b

— Is it then written 'and they spread forth':¹ 'they spread forth is written.'²

Again they sat and related: In reference to what we learnt: If a woman brought her sin-offering [after childbirth] and then died, her heirs must bring her burnt-offering,³ Rab Judah said in Samuel's name: Providing that she had separated it⁴ during her lifetime, but not otherwise; thus proving that in his opinion the hypothecary obligation⁵ is not Biblical.⁶ [But] R. Assi said in R. Johanan's name: Even if she did not separate it during her lifetime, thus proving that he holds that hypothecary obligation is Biblical.⁷ But they have already disputed this matter once. For Rab and Samuel both maintained: A debt [contracted] by word of mouth cannot be collected from heirs or purchasers;⁸ while R. Johanan and Resh Lakish both rule: A debt [contracted] by word of mouth can be collected both from heirs and purchasers? — Both are necessary. For if it were stated in the latter case [alone]: Only there [I would say] did Samuel rule [thus] because it is not a debt decreed in Scripture; but in the former instance I might say that he agrees with R. Johanan and Resh Lakish.⁹ And if we were taught this [dispute] in the former instance: only there, [I would say,] did R. Johanan rule [thus], because a debt decreed in Scripture is as one indited in a bond; but in the latter case, I might say that he agrees with Samuel. Hence both are necessary.

R. Papa said: The law is: A debt [contracted] by word of mouth can be collected from heirs, but not from purchasers. It can be collected from heirs: because the hypothecary obligation involved is Biblical. And it cannot be collected from the purchasers: because it [the debt] is not generally known.¹⁰

AND SHE ACQUIRES HER FREEDOM BY DIVORCE OR HER HUSBAND'S DEATH. As for divorce, It is well, since it is written, then he shall write her a bill of divorcement;¹¹ but whence do we know [that she is freed by] her husband's death? — It is logic: he [the husband] bound her; hence he frees her. But what of consanguineous relations, whom he binds, and nevertheless does not free?¹² — But since Scripture decreed that a yebamah without children is forbidden [to the outside world], it follows that if she has children she is permitted. Yet perhaps, if she has no children she is forbidden to the world but permitted to the yabam, whereas if she has children she is forbidden to all? — But since Scripture states that a widow is forbidden to a High Priest,¹³ it follows that she is permitted to an ordinary priest.¹⁴ Yet perhaps [she is forbidden] to a

High Priest by a negative injunction, and to all others by an affirmative precept?¹⁵ — What business has this [alleged] affirmative precept? If her husband's death has effect, let her be entirely free; and if not, let her remain in her original status!¹⁶ Why not? It [sc. her husband's death] withdraws her from [the penalty of] death and places her under [the interdict of] an affirmative precept. For this may be analogous to consecrated animals rendered unfit [for sacrifice], which originally [before they became unfit] involved a trespass-offering¹⁷ and might not be sheared or worked with; yet when they are redeemed, they no longer involve a trespass-offering, but may still not be sheared or worked with?¹⁸ — But [it is known] since Scripture said, [And what man is there . . . his house,] lest he die in the battle and another man take her.¹⁹ To this R. Shisha son of R. Idi demurred: Perhaps who is meant by 'another man: the yabam?'²⁰ — Said R. Ashi, There are two answers to this: firstly, the yabam is not designated 'another man': and furthermore, it is written. And if the latter husband hate her, and write her a bill of divorcement . . . or if the latter husband die:²¹ thus death is compared to divorce: just as divorce completely frees²² her, so does death completely free her.

A YEBAMAH IS ACQUIRED BY INTERCOURSE. Whence do we know [that she is acquired] by intercourse? — Scripture saith,

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- (1) The conjunction would denote that they must be combined.
 - (2) Without a conjunction, shewing that that itself merits the punishment stated in the following verse.
 - (3) These two sacrifices were due after childbirth; v. Lev. XII, 8.
 - (4) Sc. an animal, for a burnt-offering.
 - (5) Involved by debt.
 - (6) E.g., if a man borrows money, we do not say that his property is automatically mortgaged for its repayment, so that in the event of his death his heirs are Biblically liable, since they inherit mortgaged property, unless the debtor explicitly mortgages his goods in a bond, v. B.B. 175b. For here too, the woman is under an obligation to God to bring a sacrifice, yet since she did not separate an animal for it, no obligation lies on the heirs.
 - (7) I.e., every debt carries with it a pledge of the debtor's property in favour of the creditor.
 - (8) If the debtor's land was sold, the property not having been mortgaged for repayment, the creditor cannot collect from the vendees.
 - (9) The sacrifice being a Scriptural precept, the liability is stronger than that of an ordinary debt.
 - (10) Lit., 'has no voice.' Therefore to safe-guard the vendee's interests, the Rabbis deprived the creditor of his rights.
 - (11) Deut. XXIV, 1.
 - (12) A woman may not marry her father-in-law even after her husband's death; thus the interdict which he imposed on her by marriage remains even when he dies.
 - (13) Lev. XXI, 14.
 - (14) And by the same reasoning, to all other men.
 - (15) Lev. XXI, 24 is in the form of a negative injunction, the violation of which is punished by flagellation (malkoth), whereas that of an affirmative precept goes unpunished by Biblical law. Tosaf.: the affirmative precept may be the verse: Therefore shall a man . . . cleave to his wife (Gen. II, 24). implying, but not to his neighbour's wife (cf. Sanh. 58a). — An interdict implied by an affirmative precept is itself regarded as such, and not as a negative command.
 - (16) As a married woman she is forbidden to others by a negative precept under pain of death (Lev. XVIII, 20: XX, 10; Deut. XXII, 22); there are no grounds for supposing that her husband's death leaves the interdict but changes

its nature.

(17) For secular use, e.g., ploughing with them.

(18) V. Bek. 15a. This proves that a certain fact may leave the interdict but change its penalty, and the same may apply to the husband's death.

(19) Deut. XX, 7.

(20) But not others.

(21) Ibid. XXIV, 3.

(22) Lit., 'permits.'

Talmud - Mas. Kiddushin 14a

Her husband's brother shall go in unto her, and take her to him to wife.¹ Then perhaps she is like a wife in all respects?² — You may not think so. For it was taught: I might think that money or deed can complete her acquisition, just as intercourse does; therefore it is written, and perform the duty of an husband's brother unto her:³ teaching, intercourse alone completes the acquisition of her, but money or deed does not complete the acquisition of her. Yet perhaps what is the purpose of 'and perform the duty of an husband's brother unto her'? It is that he can take her by force?⁴ — If so, Scripture should have stated: 'and perform the duty of a husband's brother',⁵ why [add] 'unto her'? Hence both are learnt from it.⁶

[AND ACQUIRES HER FREEDOM] BY HALIZAH. Whence do we know it?⁷ — From the verse: And his name shall be called in Israel, The house of him that hath his shoe loosed:⁸ once there has been the loosening of the shoe in her case, she is permitted to all Israel. Does then this [word] 'Israel' come to teach this? But it is necessary for what R. Samuel b. Judah learnt: [Halizah must be performed] at a Beth din of [naturally born] Israelites, but not at a Beth din of proselytes. — 'In Israel' is written twice.⁹ Yet it is still required for what was taught: R. Judah said: We were once sitting before R. Tarfon, when a woman came to perform halizah. Thereupon he instructed us, Do all of you respond and say: 'He that hath his shoe loosed, he that hath his shoe loosed'?¹⁰ — That is derived from, and his name shall be called.¹¹

OR THE YABAM'S DEATH. How do we know it? — A fortiori: if a married woman, who is [forbidden to others] on pain of strangulation, is freed¹² by her husband's death; then a yebamah, who is [forbidden only] by a negative precept,¹³ is surely [freed by the yabam's death]. As for a married woman, [it may be asked] that is because she is freed¹⁴ by divorce! Will you say [the same] of this one a yebamah, who is not freed [from the Levirate tie] by divorce? — She too is freed by halizah.¹⁵ But [refute it thus]: as for a married woman, that is because he who binds her frees her!¹⁶ — Said R. Ashi: In her case too, he who binds her frees her: the yabam binds her, the yabam frees her.¹⁷

Now, let a married woman be freed by halizah, a minori: if a yebamah, who is not freed by divorce, is freed by halizah; then this one [a married woman], who is freed by divorce, is certainly freed by halizah! — Scripture saith, [then he shall write her] a deed of divorcement,¹⁸ thus, a deed may divorce her, but nothing else can divorce her. Now, let a yebamah be freed by divorce, a minori: if a married woman, who is not freed by halizah, is freed by divorce: then this one [a yebamah], who is freed by halizah, is surely freed by divorce! — Scripture states: Thus [shall it be

done, etc.]¹⁹ and ‘thus’ intimates indispensableness.²⁰ Now, wherever there is an intimation of indispensableness, do we not infer a minori? But what of the Day of Atonement, where ‘lot’ and ‘statute’ are written,²¹ yet it was taught: [And Aaron shall present the goat upon which the lot fell for the Lord,] and offer him for a sin-offering.²² the lot renders it a sin-offering, but designation does not render it a sin-offering.²³ For I might have thought, Does not [the reverse] follow a minori: if designation sanctifies where lot does not,²⁴ how much the more would designation satisfy where lot does! Therefore it is said: ‘and offer him for a sin-offering,’ teaching, the lot renders it a sin-offering, but designation does not render it a sin-offering. Thus, it is only because Scripture excluded it [designation]; but otherwise we would infer a minori, notwithstanding that statute is written!²⁵ — Scripture saith, ‘[then he shall write] her [a deed of divorcement]’: for ‘her’, but not for a yebamah. Yet perhaps ‘her’ teaches that it must be for her sake?²⁶ — ‘Her’ is written twice.²⁷ Yet even so they are needed: one ‘her’ [intimating that it must be] for her sake; and the other ‘her’ teaching, but not for her and her companion?²⁸ — But Scripture saith, ‘[the house of him that hath a] shoe [loosed]:’ only a shoe [can set her free], but nothing else can.²⁹ Does ‘shoe’ come to teach this? But it is necessary for what was taught: ‘And she shall loose his shoe:³⁰ I know only [that she must loosen] his shoe; whence do I know [that it may be] any man's shoe?³¹ From the verse: ‘[the house of him that hath] the shoe [loosed]:’ ‘shoe’ is an extension.³² ‘If so, who state, ‘his shoe’? — ‘His shoe’ [intimates that it must fit him, [thus] excluding one [too] large, in which he cannot walk, and one [too] small, which does not cover the greater part of his foot, excluding

(1) Ibid. XXV, 5.

(2) To be acquired by money or deed too?

(3) I.e., have intercourse with her. Ibid. This is really a repetition of the first part of the verse, and therefore emphasizes intercourse.

(4) That being taught by the repetition.

(5) This would have sufficed to emphasize intercourse alone as a means of acquisition.

(6) ‘unto her’ implying even against her will.

(7) The passage a.I. does not state that halizah frees her, but merely that it must be performed if the yabam refuses her.

(8) Ibid. 10.

(9) In Deut. XXV, 7 and 10.

(10) Heb. haluz ha-na'al, haluz ha-na'al — i.e., those present must actually say these words as part of the ceremony.

(11) Leaving ‘in Israel’ free for another purpose.

(12) Lit., ‘permitted’.

(13) Ibid. 5: the wife of the dead shall not marry without unto a stranger.

(14) Lit., ‘goes out’.

(15) Thus another means of freedom being found for each, the a fortiori argument holds good.

(16) But a yebamah is forbidden to others on account of her dead husband, whereas it is to be proved that the yabam's death frees her.

(17) But for the existence of the yabam, her husband's death would have freed her. Hence it is really he who is responsible.

(18) Deut XXIV, 1.

(19) Ibid. XXV, 9.

- (20) The emphatic ‘thus’ indicates that the ceremony prescribed is indispensable. and that nothing else can achieve the same result.
- (21) And it is a principle that ‘statute’ likewise indicates indispensableness.
- (22) Lev. XVI, 9.
- (23) If he merely designates it a sin-offering, without having previously chosen it by lot, it is invalid.
- (24) Sc. in the case of the two pigeons, one a sin-offering and the other a burnt-offering. brought for the offences enumerated in Lev. V, 1-4. If he designates each for a particular sacrifice, the designation stands and cannot be revoked. But if he casts lots, it is of no avail, and he can then sacrifice each as he wishes.
- (25) And this shall be a statute for ever unto you; Lev. XVI, 29.
- (26) V. p. 34. n. 8.
- (27) In Deut. XXIV. 1 and 3.
- (28) If a man has two wives of the same name, he cannot divorce both with the same document, even though it is expressly written for them, v. Git.87a.
- (29) Rashi: because ‘shoe’ is superfluous, as the verse could have read: ‘the house of him that was loosed’.
- (30) Deut. XXV, 9.
- (31) Which the yabam is wearing.
- (32) Shewing that any person's may be used. The E.V. has ‘his shoe’ here too, but ‘his’ is not in the original.

Talmud - Mas. Kiddushin 14b

a sandal consisting of a mere sole, which has no heel! — If so,¹ Scripture should have written ‘shoe’; why ‘the shoe’? That both may be inferred therefrom.²

MISHNAH. A HEBREW SLAVE IS ACQUIRED BY MONEY AND BY DEED; AND ACQUIRES HIMSELF BY YEARS,³ BY JUBILEE,⁴ AND BY DEDUCTION FROM THE PURCHASE PRICE.⁵ A HEBREW MAIDSERVANT IS MORE [PRIVILEGED] IN THAT SHE ACQUIRES HERSELF BY ‘SIGNS’.⁶ HE WHOSE EAR IS BORED⁷ IS ACQUIRED BY BORING, AND ACQUIRES HIMSELF BY JUBILEE OR HIS MASTER'S DEATH.

GEMARA. A HEBREW SLAVE IS ACQUIRED BY MONEY. How do we know this? — Scripture states, [he shall give back the price of his redemption] out of the money that he was bought for:⁸ this teaches that he was acquired by money. We have [thus] learnt⁹ it in the case of a Hebrew slave sold to a heathen, since his sole method of acquisition is by money:¹⁰ how do we know it of one sold to an Israelite?¹¹ — Scripture states: Then shall he let her be redeemed:¹² this teaches that she deducts [part] of her redemption money and goes out [free].¹³ We have thus learned it in the case of a Hebrew bondmaid: since she is betrothed with money,¹⁴ she is acquired with money; how do we know it of a Hebrew Slave? — The Writ saith, If thy brother, an Hebrew man, or an Hebrew woman be sold unto thee, and serve thee six years:¹⁵ thus a Hebrew manservant is assimilated to a Hebrew maidservant. We have now learnt it of one sold by Beth din,¹⁶ since he was sold against his will,¹⁷ how do we know it of one who sells himself? — We learn [identity of law from] the repeated use of ‘sakir’.¹⁸ Now, that is well according to him who accepts the deduction of the repeated use of ‘sakir’;¹⁹ but according to him who does not, what can be said? — Scripture states, and if a stranger or sojourner with thee be waxen rich,²⁰ thus continuing²¹ the preceding section,²² so that [the subject] above may be deduced from [that] below.²³

And which Tanna does not admit the deduction from the repeated use of sakir? — The following Tanna. For it was taught: He who sells himself may be sold for six years or more than six years; if sold by Beth din, he may be sold for six years only. He who sells himself may not be bored;²⁴ if sold by Beth din, he may be bored. He who sells himself, has no gift made to him;²⁵ if sold by Beth din, a gift is made to him.²⁶ To him who sells himself, his master cannot give a Canaanite bondmaid;²⁷ if sold by Beth din, his master can give him a Canaanite bondmaid. R. Eleazar²⁸ said: Neither may be sold for more than six years; both may be bored; to both a gift is made; and to both the master may give a Canaanite bondmaid. Surely they differ on this point: the first Tanna does not admit the deduction of the repeated use of sakir, while R. Eleazar does?²⁹ Said R. Tabyomi in Abaye's name: All admit the deduction of the repeated use of sakir, but here they differ on the following: What is the reason of the first Tanna, who maintained, He who sells himself may be sold for six years or more than six years? [Because] Scripture expressed a limitation In connection with one sold by Beth din: and he shall serve thee six years:³⁰ 'he,' but not one who sells himself. And the other?³¹ — 'And he shall serve thee' [intimates] 'thee', but not thine heir.³² And the other?³³ — Another 'served thee' is written.³⁴ And the other?³⁵ — That comes [to teach] that the master must be willing [to make a gift].³⁶

What is the reason of the first Tanna who maintained that one who sells himself is not bored? Because Scripture expressed a limitation in connection with one sold by Beth din: and his master shall bore his ear through with an awl,³⁷ [implying] his ear, but not the ear of him who sold himself.³⁸

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- (1) That its only purpose is to shew that any persons shoe may be used.
 - (2) The def. art. shews that a shoe is the means of freeing her, and nothing else can.
 - (3) I.e., when he has served six years. Ex. XXI, 2.
 - (4) If this intervened before he had completed his six years of servitude.
 - (5) At any time by a pro rata repayment, taking into account the time he still has to serve.
 - (6) Of puberty.
 - (7) I.e., a slave who refuses his freedom at the expiration of six years; v. Ex. XXI, 5f.
 - (8) Lev. XXV, 51.
 - (9) Lit., 'found'.
 - (10) It is stated infra 26a, that movables are acquired by meshikah (v. Glos.); this, however, holds good only of a Jewish purchaser, not a Gentile, who can acquire them only by giving the money.
 - (11) The whole discussion turns on the question which act formally consummates the transaction. Though a purchase is naturally effected by money, in the case of some property the delivery of money does not consummate the transaction, and both sides may retract. On the other hand, meshikah (q.v. Glos.) in the case of movables completes the transaction even before the delivery of the purchase price, which ranks as an ordinary loan. Hence the question here: how do we know that the delivery of money consummates the purchase of a Hebrew slave?
 - (12) Ex. XXI, 8.
 - (13) [R. Tam: Just as she acquires herself by money so is she acquired by money.] Rashi: Since Scripture writes, 'then shall he let (or cause) her to be redeemed', not, then shall she be redeemed, it shews that the master must help her redemption by accepting less than he paid for her, on a pro rata basis, as explained on p. 59, n. 6; hence she must have been bought with money — otherwise, from what is a deduction to be made? Of course, as pointed out on p. 59, n. 12, it is understood that money was paid. But the point is this: This exegesis shews that

immediately on repaying the money she becomes free and no other formality is necessary. But if the purchase itself required some form of acquisition apart from the payment of the purchase price, e.g., deed, she would require the same on buying herself back (Maharam).

(14) Which is also a form of acquisition.

(15) Deut. XV, 12.

(16) For 'if thy brother be sold' implies by someone else, viz., Beth din, for theft: v. Ex. XXII, 2.

(17) Therefore, a strong form of acquisition, e.g., the symbolical act of hazakah (v. infra 26a and Glos.) is unnecessary, and the delivery of money suffices.

(18) Hired servant; this word is used in connection with both. One who sells himself, Lev. XXV, 39f: And if thy brother . . . sell himself unto thee . . . as an hired servant (sakir) he shall be with thee. One sold by Beth din, Deut. XV, 12-18: If thy brother . . . be sold unto thee . . . it shall not seem hard unto thee, when thou lettest him go free from thee; for to the double of the hire of a hired servant (sakir, E.V. 'hireling') hath he served thee six years. The use of 'sakir' in both cases teaches that the same method of purchase holds good in both cases.

(19) Lit., 'who infers 'sakir' from 'sakir'.

(20) Lev. XXV, 47.

(21) Lit., 'adding to'.

(22) Lit., 'subject'.

(23) It is an exegetical principle that when a passage commences with 'and', this conjunction links it to the previous portion, and a law stated in one applies to the other too. Thus this 'and' links vv. 39-46, dealing with a Hebrew slave who sells himself to a Jew, with vv.47-55, treating of one who sells himself to a non-Jew. Just as the purchase of the latter is consummated by money, so is that of the former too.

(24) He must accept his freedom at the end of six years, and the provisions of Ex. XXI, 5f (q.v.) do not apply to him.

(25) By his master, on attaining his freedom.

(26) Deut. XV, 13f: And when thou lettest him go free from thee, . . . thou shalt furnish him liberally out of thy flock etc.

(27) To beget slaves for him.

(28) This is the reading of most editions: Tosaf. (15a s.v.Ishtu) gives another reading, R. Eliezer, which will refer to R. Eliezer b. Hyrcanus. There were several Tannaim of the first name, and the halachah may agree with them; but if Tosaf.'s reading is correct, the halachah is definitely not so, for it is a principle that the halachah never agrees with R. Eliezer b. Hyrcanus when he is in dispute with others (v. B.M. 59b, (Sonc. ed.) pp. 352f, for reason).

(29) Hence they are alike in all respects.

(30) Deut. XV, 12: this refers to a person sold by Beth din; v. p. 60, n. 4.

(31) R. Eleazar: does he not admit the force of this limitation?

(32) Other than a son; v. infra 17b.

(33) The first Tanna: does he not admit that the word is required for the latter purpose.

(34) Ibid. 18, quoted p. 60, n. 6; in Heb. the same word is used here for both tenses, the difference being indicated by the so-called waw conversive; v. Davidson, Heb. Grammar, ** 23, 3.

(35) R. Eleazar: how does he utilize the second 'served thee?'

(36) 'Served thee' in v. 18 is written in connection with this.

(37) Ex. XXI, 6; the whole passage a.l. refers to one sold by Beth din; v. pp. 64ff.

(38) Rashi: Because 'his ear' is superfluous, as it is written in Deut. XV,17: then thou shalt take on owl, and thrust it through his ear unto the door.

Talmud - Mas. Kiddushin 15a

Talmud - Mas. Kiddushin 15a

And the other?¹ — That comes for the purpose of a gezerah shawah.² For it was taught: R. Eliezer said: How do we know that the boring must be through the right ear? Here is said: ‘ear’: and elsewhere is said, [and the priest shall take some of the blood . . . and put it upon the tip of the right] ear etc.,³ just as there the right is meant, so here too, the right is meant. And the other?⁴ — If so,⁵ Scripture should have written ‘ear’; why ‘his ear’?⁶ And the other?⁷ — That is needed: ‘his ear’, but not her ear.⁸ And the other? — He deduces that from, but if the bondsman shall plainly say:⁹ the bondsman, but not the bondmaid. And the other? — He needs that [to teach]: he must say it while yet a slave.¹⁰ And the other? — That is derived from ‘the bondsman’ [instead of] bondsman.¹¹ — And the other? — [The difference between] the bondsman and bondsman affords no basis for exegesis.

What is the reason of the first Tanna who maintained, He who sells himself, no gift is made to him? — Scripture expressed a limitation in connection with one sold by Beth din: thou shalt furnish him liberally;¹² ‘him’, but not one who sells himself. And the other?¹³ — He needs that: ‘him’, but not his heirs.¹⁴ (‘His heirs’: why not? The All-Merciful designated him a hired servant [sakir]: just as the wages of a hired servant belong to his heirs,¹⁵ So here too, his wages¹⁶ belong to his heirs? — But [say thus:] ‘him’, but not his creditor.¹⁷ [This is necessary,] because elsewhere we agree with R. Nathan, as it was taught: R. Nathan said: How do we know that if a man claims from another and then one claims [the same amount] from a third, that we collect from the last named and give it to the first [creditor]? From the verse, and he shall give it unto him to whom he is indebted.¹⁸ Therefore ‘him’ comes to exclude that [from the case of a slave]. And the other? — Elsewhere we do in fact disagree with R. Nathan.¹⁹

What is the reason of the first Tanna who maintained, To him who sells himself, his master cannot give a Canaanite bondmaid? Scripture expressed a limitation in connection with one sold by Beth din: If his master give him a wife,²⁰ [implying], him, but not one who sells himself. And the other? — ‘Him’ [intimates] even against his will. And the other?²¹ — That is deduced from, for to the double of the hire of a hired servant [hath he served thee].²² For it was taught: ‘For to the double of the hire of a hired servant hath he served thee:’ a hired servant works by day only, whereas a Hebrew slave works by day and night. Yet can you really imagine that a Hebrew slave works by day and night: is it not written, because he is well with thee,²³ [teaching] that he must be [on a par] with thee in food and drink? and R. Isaac answered thus: From this follows that his master can give him a Canaanite bondmaid.²⁴ And the other?²⁵ — If from there, I might have said: That is only with his consent, but not against his will; therefore we are told [otherwise].

Then which Tanna does not accept the deduction from the repetition of ‘sakir’? — It is this Tanna. For it was taught: And if thy brother sell himself unto thee . . . he shall serve thee unto the years of jubilee. And then . . . he shall return unto his family, etc.:²⁶ R. Eliezer b. Jacob said: Of whom does Scripture speak? If of him who sells himself — then it was already stated.²⁷ If of him whose ear was bored — that too was already stated.²⁸ Hence Scripture refers [here] only to him whom Beth din sold two or three years before jubilee, [thus teaching] that jubilee liberates him. Now, should you think that he [R. Eliezer b. Jacob] accepts the deduction of the repeated use of ‘sakir’, why is it [the verse cited] necessary; let him make the aforementioned deduction?²⁹ —

Said R. Nahman b. Isaac: After all, he does make this deduction; nevertheless it [the verse quoted] is necessary. I might have thought, only he who sells himself,³⁰ because he committed no offence; but as for one sold by Beth din, who committed an offence, I might say: Let him be punished; therefore we are informed [that it is not so].

The Master said: 'If of him whose ear was bored — that too was already stated.' What is this?³¹ — For it was taught: [It shall be a jubilee unto you;] and ye shall return every man unto his possession, and ye shall return every man unto his family.³² To what does Scripture refer? If to one who sells himself — it was already stated;³³ if to one sold by Beth din — that [too] was already stated.³⁴ Hence the Writ can only refer to one whose ear was bored two or three years before jubilee, [teaching] that jubilee liberates him. How is this implied?³⁵ — Said Raba b. Shila: Scripture saith, [and ye shall return every] man: now, what thing is practised in the case of a man but not of a woman? Say: boring. Now, [both cases,] one sold by Beth din, and one who was bored,³⁶ must be written. For had we been informed [this] of him whom Beth din sold, [I might say] that is because his term had not expired;³⁷ but as for him whose ear was bored, seeing that his term had already expired, I might have said: let him be punished!³⁸ And if we were informed [this] of him whose ear was bored, [I might say] that is because he had already served six years; but as for him who has been sold by Beth din, who had not yet served six years, I might have argued: he is not [liberated]. Thus both are necessary.

Now, both 'and ye shall return' and '[and he shall serve him] for ever'³⁹ must be written.⁴⁰ For had the All-Merciful written 'for ever' [only], I would have thought, literally for ever; therefore the All-Merciful wrote 'and ye shall return'. And had the All-Merciful written 'and ye shall return' [only], I would have thought: when is that?⁴¹ If he had not served six years [after being bored]; but if he had already served six years, his last phase should not be more stringent than his first: just as his first phase⁴² was for six years, so should his last be for six years [only]; hence 'for ever' teaches us, for the eternity of jubilee.⁴³

Then [the question again arises,] which Tanna does not accept the deduction of 'sakir', 'sakir'? — It is Rabbi. For it was taught:

(1) R. Eleazar: What does 'his ear' teach, on his view?

(2) V. Glos.

(3) Lev. XIV, 25, also in v. 28. This refers to a poor leper, and the whole section on the sprinkling etc., is superfluous, since is stated in vv. 14ff., in connection with a leper of means: hence it is for the purpose of exegesis (Rashi).

(4) The first Tanna: whence does he know this?

(5) That its only purpose is the gezerah shawah.

(6) Surely to intimate the limitation stated above.

(7) R. Eleazar: why state, 'his'?

(8) Teaching that a Hebrew bondsmaid cannot be bored.

(9) Ex. XXI, 5f., q.v.

(10) I.e., before the expiration of his six years.

(11) The def. art. emphasizes that he must still be a slave when he refuses his freedom. Hence the substantive itself excludes a bondsmaid.

- (12) Deut. XV, 14.
- (13) R. Eleazar: how does he utilize 'him'?
- (14) If the slave dies before his master makes him the gift.
- (15) If he dies before receiving them.
- (16) Of which this gift is part.
- (17) If the slave owes money, the gift is not to be given to his creditor. — The Wilna Gaon substitutes the following for the bracketed passage: And the other? (The first Tanna: whence does he exclude the heirs?) — 'Him' is written twice, (of that wherewith the Lord thy God hath blessed thee thou shalt give unto him). And the other? — That is needed: 'him', but not his creditor.
- (18) Num. V, 7: translating, and he (the last debtor) shall give it unto him (the first creditor), to whom he (the second creditor) is indebted. By analogy, the master ought to deliver the gift direct to the slave's creditor.
- (19) Hence no particular verse is needed for a slave.
- (20) Ex. XXI, 4.
- (21) The first Tanna: how does he know this?
- (22) Deut. XV, 18.
- (23) Ibid. 16.
- (24) This must be the night service referred to.
- (25) Why deduce it from 'him'?
- (26) Lev. XXV, 39f: the word translated 'sell himself may also mean 'be sold.'
- (27) 'He shall serve thee unto the year of Jubilee', when he obviously returns to his family.
- (28) The Talmud asks below, where?
- (29) From which the same follows.
- (30) Is thus prematurely liberated by jubilee.
- (31) I.e., where was it stated?
- (32) Lev. XXV, 10.
- (33) As mentioned in the passage above. — It should be observed that the Talmud refers to a law as 'already stated,' even when it occurs further on in the chapter or book, as here; thus it is the equivalent of 'stated elsewhere.'
- (34) Then he shall return unto his family (Ibid. 41), interpreted above as referring to this case.
- (35) In the verse.
- (36) Each two or three years before jubilee.
- (37) Lit., 'his time (for freedom) had not come,' and it was his good fortune that the jubilee supervened.
- (38) For voluntarily choosing servitude when he might have been free. — This hypothetical reasoning may appear curious: but it arises out of the Jewish insistence on the fundamental freedom of man.
- (39) Ex. XXI, 6.
- (40) Both refer to one whose ear was bored: the first, by inference; the second, explicitly (vv. 5, 6). On the surface, they are contradictory.
- (41) That he must wait for jubilee.
- (42) I.e., when first sold.
- (43) I.e., , he is a slave until then, no matter how long.

Talmud - Mas. Kiddushin 15b

And if he be not redeemed by these, etc.:¹ Rabbi said: He may be redeemed by these, but not by Six [years].² For I might have argued, Does it not follow a minori: if he³ who cannot be redeemed

by these⁴ is redeemed by six [years], then this one, who may be redeemed by these, is surely redeemed by six years? Therefore it is written: ‘by these’: teaching, he may be redeemed by these, but not by six years. Now, should you think that he [Rabbi] accepts the deduction from ‘sakir’, used twice, why does he Say, ‘if he who cannot be redeemed by these’: let us deduce [similarity of law from] the repetition of sakir?⁵ — Said R. Nahman b. Isaac: After all, he does accept the deduction of ‘sakir’, ‘sakir’; yet here it is different, because Scripture saith, [one of his brethren] shall redeem him.⁶ [implying] him, but not another.⁷

And what Tanna disagrees with Rabbi? — R. Jose the Galilean and R. Akiba. For it was taught: ‘And if he be not redeemed by these’ — R. Jose the Galilean said: If ‘by these’, it is for freedom, if by strangers,⁸ it is for servitude.⁹ R. Akiba said: If ‘by these’, it is for servitude: if by strangers, it is for freedom. What is the reason of R. Jose the Galilean? — Scripture saith, ‘And if he be not redeemed by these’ — but by a stranger — ‘then he shall go out in the year of jubilee’.¹⁰ While R. Akiba interprets: ‘And if he be not redeemed by any but these, then he shall go out in the year of jubilee’. And R. Jose the Galilean?¹¹ — Is it then written: ‘by any but these’?¹² But they differ in respect of the following verse: Or his uncle, or his uncle's son may redeem him:¹³ this is redemption by relations; or if he be waxen rich:¹³ this is self redemption: and he shall be redeemed:¹³ this is redemption by strangers. Now, R. Jose the Galilean holds: a verse is interpreted with what precedes it. [Hence] link¹⁴ redemption by relations with self-redemption: just as self-redemption is for freedom, so is that by relatives. While R. Akiba maintains: a verse is interpreted with what follows: [hence] link redemption by strangers with self redemption: just as the latter is for freedom, so is the former. If so, why state ‘by these’?¹⁵ — But for ‘by these’, I would have said: the verse is interpreted with what precedes and what follows it, so that [the redemption of] all is for freedom. If so, the difficulty remains in¹⁶ its place?¹⁷ — But they differ on a matter of logic. R. Jose the Galilean holds: It is logical that redemption by strangers is for servitude; for should you say it is for freedom, they will refrain from redeeming him. While R. Akiba holds: It is logical that redemption by kinsmen is for servitude: for should you say that it is for freedom, he will go every day and sell himself!¹⁸ R. Hiyya b. Abba said: These are the views of R. Jose the Galilean and R. Akiba: but the Sages maintain, [The redemption of] all is for freedom. Who are the Sages? — Rabbi, who employs this ‘by these’ for a different exegesis,¹⁹ while the verse is interpreted with both what precedes and what follows it.²⁰

And Rabbi, how does he utilize this [verse] ‘then he shall go out in the year of jubilee’? — He needs it for what was taught: ‘Then he shall go out in the year of jubilee’:

(1) Lev. XXV, 54: the section deals with the Hebrew slave of a Gentile, and ‘these’ refers to his relatives, mentioned in vv. 48f.

(2) I.e., he is not set free after six years of service.

(3) Sc. a Hebrew slave sold to a Jew.

(4) Redemption by relatives is not mentioned in his case.

(5) V. p. 60, n. 6.

(6) Ibid. 48.

(7) Sc. a slave sold to a Jew.

(8) Lit., ‘the rest of people.’

(9) If a relation redeems him, he goes free; if a stranger, he becomes his slave.

- (10) And until then he is the stranger's slave.
- (11) How does he refute R. Akiba?
- (12) Surely not! This is the reading in the curr. edd. Other versions, more plausibly: And R. Akiba: is it then written, etc.? This is both more logical and in keeping with what follows.
- (13) Lev. XXV, 49.
- (14) Lit., 'cast.'
- (15) Which implies: if he is not redeemed by these, but by relatives, then he shall go out etc.; this contradicts R. Akiba.
- (16) Lit., 'reverts to.'
- (17) Since this verse may mean that he is free no matter who redeems him, how can R. Akiba interpret v. 54 as meaning that if redeemed by relatives it is for servitude?
- (18) And it is unfair to saddle his relations with the duty of redeeming him.
- (19) As stated supra.
- (20) Hence contrari-wise, R. Jose the Galilean and R. Akiba reject Rabbi's deduction.

Talmud - Mas. Kiddushin 16a

this refers to a heathen who is under your rule.¹ Yet perhaps it is not so, the reference being to a heathen who is not under your rule? — You can answer; [if so,] what can be done to him?² Hence Scripture speaks only of a heathen who is under your rule.

AND BY DEED. Whence do we know it? — Said 'Ulla, Scripture saith, If he take him another [wife]:³ thus the Writ assimilated her [the Hebrew bondmaid] to another [wife]: just as the other [sc. the wife] is acquired by deed, so is a Hebrew maidservant acquired by deed. Now, that is well on the view that the deed of a Hebrew bondmaid is written by her master;⁴ but on the view that her father writes it, what can be said? For it has been stated: As to the deed of a Hebrew bondmaid, who writes it? R. Huna maintained: The master writes it; R. Hisda said: Her father writes it. [Hence] it is well according to R. Huna; but on R. Hisda's view, what can be said? — R. Aha b. Jacob answered: Scripture saith, she shall not go out as the menservants do:⁵ [implying,] but she may be acquired as [heathen] menservants are;⁶ and what is that? By deed. Then say: but she may be acquired as [heathen] menservants are, and what is that? Hazakah!⁷ — Scripture saith, And ye shall make them [the heathen slaves] an inheritance for your children after you:⁸ only they [are acquired] by hazakah, but not another.⁹ Then say: Only they [are acquired] by deed, but not another? — But it is written, she shall not go out as menservants do.¹⁰ And why do you prefer it so?¹¹ — It is logical that 'deed' is included [as a means of acquisition], since it divorces an Israelite daughter.¹² On the contrary, one should rather include hazakah, since it acquires the property of a proselyte?¹³ — Still we do not find it in marriage relationship.¹⁴ Alternatively, if 'he take another' serves that very purpose.¹⁵ And R. Huna: how does he expound this [verse,] She shall not go out as the menservants do?¹⁶ — He employs that as intimating that she does not go out [free] through [the loss of her] outstanding limbs, as a [heathen] slave.¹⁷ And R. Hisda?¹⁸ — If so, Scripture should have written: 'she shall not go out as menservants'; why, as the going out of menservants?¹⁹ That both may be inferred.²⁰

AND ACQUIRES HIMSELF BY YEARS. For it is written, six years he shall serve: and in the seventh he shall go out free for nothing.²¹ AND BY JUBILEE. For it is written, he shall serve

with thee unto the year of jubilee.²²

AND BY DEDUCTION FROM THE PURCHASE PRICE. Hezekiah said: Because Scripture saith, Then shall he let her be redeemed:²³ this teaches that she makes a deduction from her redemption money and goes out [free].²⁴

A Tanna taught: And he may acquire himself by money, its equivalent, and by deed. Now, as for money, 'tis well, for it is written, [he shall give back the price of his redemption] out of the money he was bought for.²⁵ As for its equivalent too — Scripture wrote, 'he shall give back the price of his redemption,' to include the equivalent of money as being equal to money.²⁶ But this deed, how is it meant? Shall we say that he [the slave] indites a bond for the [redemption] money? Then it is money! But if it is [a deed of] manumission, why is a deed necessary? Let him say to him in the presence of two, or in the presence of a Beth din, 'Go'? — Said Raba: This proves that a Hebrew slave belongs bodily [to his master]:²⁷ hence if the master remits his deduction,²⁸ the deduction is not remitted.²⁹

A HEBREW MAIDSERVANT IS MORE [PRIVILEGED] THAN HE. Resh Lakish said: A Hebrew bondmaid is freed³⁰ from her master's authority by her father's death, a minori: if signs,³¹ which do not free her from her father's authority, free her from the authority of her master;³² then how much the more death, which frees her from her father's authority, should free³³ her from her master's authority! R. Hoshea raised an objection: A HEBREW MAIDSERVANT IS MORE [PRIVILEGED] THAN HE, IN THAT SHE ACQUIRES HERSELF BY 'SIGNS'; but if this [Resh Lakish's dictum] be so, let her father's death also be stated? — He [the Tanna] teaches [some ways,] and omits³⁴ [others]. But what else does he omit, that he omits this?³⁵ — He omits her master's death.³⁶ If it is on account of her master's death³⁷ — that is no omission; since that applies to a male [slave] too, it is not taught. Then let it be taught!³⁸ — That which may be fixed is taught;³⁹ that which can not be fixed is not taught. But 'SIGNS', which are not fixed,⁴⁰ are nevertheless taught? — Said R. Safra: They are not fixed above, yet are fixed

(1) Lit., 'hand.' Even then, the Jew must remain his slave until jubilee.

(2) How can he be forced to provide facilities for redemption?

(3) Ex. XXI, 10; i.e., in addition to the Hebrew bondmaid.

(4) I.e., he who acquires her, just as the husband writes the deed to acquire his wife.

(5) Ibid. 7; the comparison is with heathen slaves, who go free if their master blinds them or knocks out their teeth (vv. 26f). Hebrew slaves, however, are not freed, but merely compensated.

(6) Lit., 'as the acquisition of menservants.'

(7) Glos. and V. infra 22b.

(8) Lev. XXV, 46.

(9) Sc. Hebrew slaves. The Heb. **o, kj b, vu** we-hithnahaltem, is really applicable to land, and intimates that heathen slaves are transmitted and acquired like land, viz. , by hazakah.

(10) From which it was deduced that she can be acquired by deed.

(11) Lit., 'what (reason) do you see' (for interpreting it thus)? Perhaps Lev. XXV, 46 teaches, only they are acquired by deed, but not another, while Ex. XXI, 7 intimates, she shall not go out . . . but may he be acquired as menservants, viz., by hazakah?

(12) Hence, just as it is effective in one instance, so also in another, viz., the acquisition of a slave. — Tosaf.: he

could also have said: Because it brings a Jewish daughter into the married state, which is more appropriate, both then referring to acquisition, but a 'deed' is explicitly stated in connection with divorce. A proselyte who dies without Jewish issue has no legal heirs and his property after death falls to the first occupier by means of hazakah.

(13) And since it can acquire in one case, it can do so in another.

(14) And the purchase of a Hebrew bondmaid is also this: v. p. 45, nn. 7, 9.

(15) To shew that 'she shall not go out etc.', teaches that she may be acquired by deed, as is implied by the analogy of 'another'.

(16) Since on his view, 'if he take another' is sufficient to shew that she is acquired by deed.

(17) V. p. 68, n. 4, which is extended to outstanding limbs.

(18) Surely that is the purpose of the verse!

(19) Lit., translation.

(20) The law itself, as stated by R. Huna; while the emphasis on going out' shews that she may, however, come in, i.e., be acquired as they are.

(21) Ex. XXI, 2.

(22) Lev. XXV, 40.

(23) Ex. XXI, 8.

(24) V. p. 60, n. 1, and the same applies to a bondman.

(25) Lev. XXV, 51.

(26) He shall return implies that a return may be made in any way desired.

(27) [In so far as the master could assign to him a Canaanite maidservant for procreation. Nahmanides, quoted by S. Adreth, Kiddushin, a.l.]

(28) I.e., the sum due for the remainder of the term of bondage.

(29) And the master can reclaim him whenever he wishes. Therefore it is insufficient merely to dismiss him, but he must give him a deed.

(30) Lit., 'acquires herself.'

(31) I.e., evidence of puberty.

(32) As stated in the Mishnah, 14b.

(33) In that he does not transmit his rights to her earnings to his heirs.

(34) Lit., 'leaves over.'

(35) It is reasonable that several items are omitted, but not just one.

(36) For his heirs do not inherit her; infra 17b.

(37) That you say the Tanna also omits her father's death.

(38) That the maid is freed by her father's death, since nothing else is omitted.

(39) The term of six years and the proportionate repayment of the purchase price and the Jubilee are all fixed and ascertainable.

(40) Not all women receive the evidences of puberty at the same age.

Talmud - Mas. Kiddushin 16b

below.¹ For it was taught: If a male, aged nine years, grew two hairs,² it is a mole;³ from nine years and a day until twelve years and a day, remaining in him,⁴ they are a mole. R. Jose son of R. Judah said: They are a 'sign'.⁵ At thirteen years and one day, all admit that they are a 'sign'.⁶

R. Shesheth objected: R. Simeon said: Four are presented with gifts [on becoming free], three in the case of a man, and three in the case of a woman. And you cannot say four in the case of

either, because 'signs' do not apply to a man, nor boring to a woman.⁷ Now if this⁸ be correct, the father's death should also be taught? And if you answer: Here too he teaches [some] and omits [others] — but he states 'four'?⁹ And if you answer: He teaches [only] that which is fixed, but not that which is not fixed — but what of 'signs', which are not fixed and which he nevertheless teaches? And if you reply: Here too it is as R. Safra — but there is the master's death, which is likewise not fixed, and yet taught? — The master's death too is not taught. Then what are the four? — [i] Years, [ii] jubilee,¹⁰ [iii] jubilee for him whose ear was bored, and [iv] a Hebrew bondmaid [freed] by 'signs'. Reason too supports this view. For the second part teaches: 'And you cannot say four in the case of either, because "signs" do not apply to a man, nor boring to a woman. Now if it be so,¹¹ then in the case of a woman at least four may be found.¹² This proves it.

R. 'Amram objected: Now, the following are furnished with gifts: He who is freed by [six] years, by jubilee, and by his master's death, and a Hebrew bondmaid [freed] by 'signs'. But if this be correct, the father's death too should be taught. And should you answer: He teaches and leaves over-but he states 'the following'?¹³ And should you reply: He teaches that which is fixed, but not that which is not fixed — but what of 'signs', which are not fixed, and which he nevertheless teaches? And should you answer: Here too, it is as R. Safra — but there is the master's death! This refutation of Resh Lakish is indeed a refutation. But Resh Lakish reasoned a minori! — It is an a minori which can be refuted. For one can refute it [thus]: as for 'signs', that is because there is a physical change [in her];¹⁴ will you say [the same] of her father's death, seeing that there is no physical change?¹⁵

One [Baraita] taught: The outfit of a Hebrew male slave¹⁶ belongs to himself, and that of a Hebrew female slave to herself. While another [Baraita] taught: the outfit of a Hebrew female slave, and her findings, belong to her father, and the master can claim only for loss of time.¹⁷ Now surely one [Baraita] refers to where she was liberated by 'signs',¹⁸ while the other means that she was liberated by her father's death?¹⁹ — No: both [Baraitas] refer to liberation by 'signs', yet there is no difficulty. In the one case she has a father, in the other she has not.

Now, as for [teaching,] 'The outfit of a female slave belongs to herself,' that is well, [for] it is to exclude her brothers,²⁰ For it was taught: And ye shall make them [the heathen slaves] an inheritance for your sons after you²¹ — 'them' for your sons, but not your daughters for your sons. Hence we learn that one cannot transmit his rights in his daughters to his sons. But as for 'the outfit of a male slave belongs to himself — that is obvious! to whom else should it belong? — Said R. Joseph: I see here a yod [turned into a] town.²² Abaye said: Thus did R. Shesheth say: Who is the authority for this? Totai. For it was taught: Totai said: [Thou shalt furnish] him [liberally]²³ — him, but not his creditor.²⁴

[To turn to] the main text [above:] 'Now, the following are furnished with gifts: — He who is freed by years, jubilee, and his master's death, and a Hebrew bondmaid [freed] by "signs". But no gift is made to a runaway, or him who is freed by a deduction from his purchase price. R. Meir said: No gift is made to a runaway; but he who is freed by a deduction from the purchase price is furnished with a gift. R. Simeon said: Four are presented with gifts, three in the case of a man, and three in the case of a woman. And you cannot say four in the case of either, because "signs"

do not apply to a man, nor boring to a woman'. How do we know this? — For our Rabbis taught: I might think that only he who is freed by six [years] is furnished with a gift; how do I know to include one who is freed by jubilee or by his master's death, and a Hebrew bondmaid [freed] by signs? From the verses, thou shalt let him go free from thee. And when thou lettest him go free from thee.²⁵ [Again] I might think that I include a runaway and one who goes out through a deduction from the purchase price — therefore it is stated: 'and when thou lettest him go free from thee,' teaching, only he whose dismissal is from thee,²⁶ thus excluding a runaway and one who is freed by deduction from the purchase price, whose dismissal is not from thee.²⁷ R. Meir said: A runaway is not furnished with a gift, since his dismissal is not from thee: but one who is freed by deduction from the purchase price, whose dismissal is from thee,²⁸ [is presented with a gift]. A runaway? But he must complete [his term]?²⁹ For it was taught: How do we know that a runaway is bound to complete [his term]? From the verse, six years he shall serve.³⁰

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- (1) [They serve as evidence whenever they appear after a certain age, but not if they appear before.]
 - (2) The normal evidence of puberty.
 - (3) But not signs of puberty; hair grows out of a mole.
 - (4) All the time, and not falling out.
 - (5) Of puberty. But had they fallen out, he too admits that it is only a mole.
 - (6) Even if they subsequently fall out.
 - (7) R. Shesheth assumes that the four are: (i) one who is freed on the expiration of six years; (ii) by jubilee; (iii) he whose ear was bored, freed by his master's death; and (iv) a Hebrew bondmaid freed by 'signs.'
 - (8) Resh Lakish's ruling.
 - (9) Which shews that the number is exact.
 - (10) If it comes before the end of six years.
 - (11) That the master's death is taught, as originally assumed.
 - (12) (i) Her master's death; (ii) six years; (iii) jubilee, and (iv) 'signs.'
 - (13) Which indicates only those.
 - (14) Having attained puberty, she is not really the same person who was sold.
 - (15) Surely not.
 - (16) I.e., the gifts with which he is sent away at the end of six years.
 - (17) Involved in her finding.
 - (18) Her father still being alive — then the gift belongs to her father.
 - (19) Which supports Resh Lakish.
 - (20) Though it would have belonged to her father, had he lived, he does not transmit it as a legacy to his sons, her brothers.
 - (21) Lev. XXV, 46.
 - (22) 'A mountain out of a molehill': the yod, being only a small letter, has grown into a whole town! The Tanna has swelled his Baraitha by the inclusion of superfluous matter.
 - (23) Deut. XV, 14.
 - (24) The gift must not be passed on to the slave's creditor, and that is the Baraitha's teaching.
 - (25) Ibid. 12, 13 ; the repetition teaches that whatever the cause of his freedom, he must be furnished with a gift.
 - (26) I.e., with the master's good will.
 - (27) Since the master is bound to accept a refund, even against his will.
 - (28) So he regards it.
 - (29) After which he should certainly receive a present.

(30) Ex. XXI, 2; he must complete the period.

Talmud - Mas. Kiddushin 17a

I might think, even if he fell sick,¹ therefore, it is stated, and in the 'seventh he shall go outfree'! — R. Shesheth answered: The reference here is to one who escaped, and then jubilee supervened.² I might have thought, since jubilee would have emancipated him, we apply to him, 'his dismissal is from thee,' and do not punish but furnish him with a gift. Therefore we are informed [that it is not so].

The Master said: 'I might think, even if he fell sick, therefore it is stated: "and in the seventh he shall go out free ". 'Even if he was sick the whole of the six [years]? But it was taught: If he was sick three years and served three years, he is not bound to complete [his term]; but if he was ill the whole of the six years, he is bound to make it up! — R. Shesheth replied: This means that he was able to perform needle-work.³

This is self-contradictory. You say: 'If he was sick three years and served three years, he is not bound to complete [his term]': which implies, if four years he must complete [it]. Then consider the second clause: 'but if he was ill the whole of the six years, he is bound to make it up' — implying, if [only] four, he is not? — This is its meaning:⁴ if he was four years ill, it is accounted as though he were indisposed the whole of the six years, and he must make it up.

Our Rabbis taught: With how much is he [the freed slave] presented? With five sela's [worth] of each kind,⁵ which is fifteen sela's in all: this is R. Meir's view. R. Judah maintained: Thirty, as the thirty [paid] for a [heathen] slave.⁶ R. Simeon said: Fifty, as the fifty of 'arakin.⁷

The master said: 'With five sela's [worth] of each kind, which is fifteen sela's: this is R. Meir's view.' Does then R. Meir come to teach us arithmetic? — He tells us this: He may not indeed diminish his total, but if he gives him less of one kind and more of another, we have no objection. What is R. Meir's reason? — He learns the meaning of 'empty' from a firstborn:⁸ just as there, five sela's is meant, so here too five sela's is meant. Then perhaps five sela's in all? — Were 'empty' written at the end [of the verse],⁹ [it would be] as you say. Now, however, that 'empty' is written at the beginning,¹⁰ apply [the word] 'empty' to 'flock', 'threshing-floor,' and 'wine-press' individually. But let us learn the meaning of 'empty' from the pilgrimage burnt-offering?¹¹ — Scripture saith, as the Lord thy God hath blessed thee [thou shalt give unto him].¹²

'R. Judah maintained: Thirty, as the thirty [paid] for a [heathen] slave.' What is R. Judah's reason? — He learns the meaning of 'giving' from a slave:¹³ just as there, thirty is meant, so here too, thirty is meant. But let us learn the meaning of 'giving', from 'arakin:¹⁴ just as there, fifty, so here too, fifty? — Firstly, because if you seize much, you cannot hold; if you seize little, you can hold;¹⁵ moreover, one should rather deduce slave from slave. 'R. Simeon said: Fifty, as the fifty of 'arakin.' What is R. Simeon's reason? — He learns the meaning of 'giving' from 'arakin: just as there, fifty, so here too, fifty. But perhaps [the comparison is] with the least [sum] of 'arakin?¹⁶ — It is written, as the Lord thy God hath blessed thee.¹⁷ But let us learn the meaning of 'giving' from a slave: just as there, thirty, so here too thirty: [for] firstly, if you seize much, you cannot

Talmud - Mas. Nazir 2a

CHAPTER I

MISHNAH. ALL THE SUBSTITUTES FOR THE NAZIRITE VOW¹ ARE EQUIVALENT TO NAZIRITE VOWS. IF A MAN SAYS, 'I SHALL BE [ONE].' HE BECOMES A NAZIRITE. [IF HE SAYS.] 'I SHALL BE COMELY, A NAZIRITE, A NAZIK,² A NAZIAH² A PAZIAH. HE BECOMES A NAZIRITE. [IF HE SAYS.] 'I INTEND TO BE LIKE THIS,' OR 'I INTEND TO CURL [MY HAIR].' OR 'I MEAN TO TEND [MY HAIR].' OR 'I UNDERTAKE TO DEVELOP TRESSES,' HE BECOMES A NAZIRITE. [IF HE SAYS.] 'I TAKE UPON MYSELF [AN OBLIGATION INVOLVING] BIRDS,' R. MEIR SAYS HE BECOMES A NAZIRITE, BUT THE SAGES SAY HE DOES NOT BECOME A NAZIRITE.

GEMARA. Seeing that the Tanna³ is teaching the order Nashim,⁴ why does he speak of the nazirite? — The Tanna had in mind the scriptural verse, Then it cometh to pass if she find no favour in his eyes, because he hath found some unseemly thing in her,⁵ and he reasons thus. What was the cause of the woman's infidelity? Wine. Further, he proceeds, whosoever sees an unfaithful wife in her degradation⁶ will take a nazirite's vow and abjure wine.⁷

[How is it that in enunciating the general rule,⁸ the Mishnah] mentions first 'substitutes' and then gives examples of 'allusions'?⁹ — Raba, others say Kadi,¹⁰ said: There is a hiatus [in the Mishnah] and it should read as follows: 'All the substitutes for the nazirite vow are equivalent to nazirite vows, and all allusions to the nazirite vow are equivalent to nazirite vows. The following are allusions. If a man says, I shall be [one].' he becomes a nazirite [etc.].' Ought not then the substitutes to be enumerated first?¹¹ — It is customary for the Tanna to explain first what he mentions last. Thus we learn: With what materials may [the Sabbath lamp] be kindled, and with what may it not be kindled?¹² and the exposition begins: It is forbidden to kindle etc. [Again, we learn:] With what materials may [hot victuals] be covered [on the Sabbath],¹³ and with what may they not be covered?¹⁴ and the exposition begins: It is forbidden to cover etc. [Again:] What may a woman 'wear when she goes out [on the Sabbath], and what may she not wear when she goes out?¹⁵ and the exposition begins: She must not go out etc.

But have we not learnt: With what trappings may an animal go out [on the Sabbath]. and with what may it not go out?¹⁶ whilst the exposition begins: The camel may go out etc.; [and again:] Some both inherit and bequeath,¹⁷ and some inherit but do not bequeath. Some bequeath and do not inherit, and some neither inherit nor bequeath,¹⁸ whilst the exposition begins: The following both inherit and bequeath? The truth is that the Tanna adopts sometimes one method and sometimes the other, [according to circumstances]. In the first set of cases adduced, because the prohibition is a personal one,¹⁹ this personal prohibition is expounded first. On the other hand, in the case of the animal, since the prohibition arises primarily through the animal,²⁰ those things which are permitted are mentioned first.

(1) V. Num. VI, 2-22.

(2) These 'substitutes' are mutilations of the Hebrew word nazir. Cf. Ned. 10b.

- (3) v. Glos.
- (4) Nashim, the third of the six orders of the Mishnah contains the laws pertaining to women. The inclusion of the nazirite regulations appears at first sight incongruous.
- (5) Deut. XXIV, 1. The verse is quoted in the concluding paragraph of M. Gittin. This suggests that the order of the treatises assumed was Gittin, Nazir, Sotah, the order of the Jerusalem Talmud. In Sot. 2a, a different reason is given assuming the order of the Babylonian Talmud, viz.: — Nedarim, Nazir, Sotah. V. however Tosaf. s.v. **htn**
- (6) Cf. Num. v, 11-31.
- (7) For this reason Nazir is followed by Sotah.
- (8) I.e., all the substitutes for the nazirite vow, etc.
- (9) Viz., 'I shall be one' etc. Allusions, Heb. yadoth; lit., 'handles', phrases suggesting the nazirite's vow.
- (10) Aliter, others quote the statement anonymously.
- (11) Cf. Ned. 2bff
- (12) Shah. 20b.
- (13) To retain their warmth.
- (14) Ibid. 47b.
- (15) Ibid. 57a.
- (16) Ibid. 52b.
- (17) I.e., to those from 'whom they inherit.
- (18) B.B. 108a.
- (19) He himself is forbidden to do the action.
- (20) He may not allow the animal to wear the trappings.

Talmud - Mas. Nazir 2b

With inheritance, again. the basic type of inheritance is dealt with first. Granted all this, [in the case of the nazirite vow] why should not the substitutes be enumerated first? — There is a special reason, viz., that [the rule regarding the efficacy of] the allusions is derived [from the scriptural text] by a process of inference¹ and therefore the Tanna set a special value on it. Then why does he not mention them first? — For opening the subject the Tanna prefers to mention the basic type of vow,² but in his exposition, he illustrates the allusions first.

IF A MAN SAYS I SHALL BE [ONE]. HE BECOMES A NAZIRITE. But might he not mean, 'I shall keep a fast day'?³ — Samuel said: We must suppose that a nazirite is passing by [when he makes this declaration]. Are we to infer from this that Samuel is of the opinion that allusions, the significance of which is not manifest,⁴ have not the force of a direct statement?⁵ — Let me explain. [What Samuel means is that] if a nazirite is passing by, there is no reason to suspect a different intention,⁶ but without question, if no nazirite is passing by, we say that he might mean, 'I shall keep a fast day.'⁷ But perhaps his purpose was to free the other from his sacrifices?⁸ — [We presume it to be known] that he added mentally ['a nazirite']. If so, it is surely obvious [that he becomes a nazirite]? It might be thought that we require his utterance and his intention to coincide, and so we are told [that this is not so].

I SHALL BE COMELY . . . HE BECOMES A NAZIRITE. Perhaps he means, 'I shall be comely before Him in [the performance of] precepts. as has been taught: [The verse]. This is my God and I will glorify⁹ Him¹⁰ means, I will glorify Him in [the performance of] precepts; I shall

build an attractive booth,¹¹ procure a faultless palm-branch.¹¹ wear elegant fringes, write a magnificent Scroll of the Law and provide it with wrappings of choicest silk? — Samuel said: [We assume that] he takes hold of his hair¹² when he says, ‘I shall be comely.’

[Seeing that to become] a nazirite is in a way a sin,¹³ can it be termed comely? —

(1) They are not mentioned explicitly, but are inferred from the redundant sequence of references to the Nazirite vow in Num., VI, 2. V. Ned. 3a.

(2) Heb. ‘Korban’, ‘sacrifice’, the generic term for every kind of vow. The ‘substitutes’ are considered essential forms of the vow, the ‘allusions’ subsidiary forms.

(3) Lit., ‘I shall be in a fast’.

(4) As would be the case if a nazirite did not pass by at the time.

(5) Kid. 5a reports Samuel as holding the opposite.

(6) [Although the allusion is not particularly manifest, in accordance with Samuel's view, in Kid. loc. cit. Cf. Asheri.]

(7) And in the absence of an allusion of any likely significance, there is no obligation at all. Cf. Asheri.

(8) I.e., defray their cost. His meaning would then be, ‘I shall be in his place for the purpose of offering his sacrifices;’ cf. Num., VI, 14ff..

(9) ‘Glorify’ and ‘comely’ are from the same Hebrew root.

(10) Ex. XV, 2.

(11) For the Feast of Tabernacles. Cf. Lev. XXIII, 42 and 40.

(12) And so the reference is to the naziriteship, when his hair would grow long.

(13) Because he denies himself that which the Torah has permitted.

Talmud - Mas. Nazir 3a

Yes. For even R. Eliezer ha-Kappar who says that a nazirite is accounted a sinner, means only the nazirite who has contracted ritual impurity; for, since he must nullify [his previous abstinence]¹ in accordance with the rule laid down by the Merciful One, But the former days shall be void, because his consecration was defiled,² there is a danger that he may break his nazirite vow.³ But a nazirite who remains ritually clean is not termed a sinner.⁴

I INTEND TO BE LIKE THIS: Granted that he takes hold of his hair, he does not say ‘I intend to be through this,’⁵ [but only ‘like this’]? — Samuel said: We suppose that a nazirite is passing by at the time.

I INTEND TO CURL⁶ [MY HAIR]. How do we know that this [word MESALSEL] refers to the curling of the hair? — From a remark made by a maidservant⁷ of Rabbi's household, who said to a certain man: How much longer are you going to curl [mesalsel] your hair? But perhaps [it refers to] the Torah⁸ in accordance with the verse, Extol her [salseleha] and she will exalt thee?⁹ — Samuel said: Here, too, we suppose that he takes hold of his hair.

I MEAN TO TEND¹⁰ [MY HAIR]. How do we know that this [word MEKALKEL] refers to the tending of his hair? — From what we learnt: ‘With regard to orpiment.¹¹ R. Judah said that there must be sufficient to depilate the kilkul,’¹² and Rab commented: [This means the hair of]

one of the temples.¹³ But might it not mean tending the poor. in accordance with the verse, And Joseph sustained [wa-yekalkel] his father and his brothers?¹⁴ — Samuel said: Here too. we assume that he takes hold of his hair.

I UNDERTAKE TO DEVELOP¹⁵ TRESSES,¹⁶ HE BECOMES A NAZIRITE. How do we know that this [word] shilluah signifies increase? — From the verse, Thy shoots [shelohayik] are a park of pomegranates.¹⁷ But perhaps it has the significance of ‘removal’¹⁸ in accordance with the verse, And sendeth [we-sholeah] waters upon the fields?¹⁹ — The occurrence of the word pera’ [tresses] in connection with the nazirite gives the tanna the clue. It says here, He shall be holy. he shall let the locks [pera’] grow long.²⁰ and it says elsewhere regarding an ordinary priest,²¹ Nor’ suffer their locks [pera’] to grow long [yeshallehu].²² Alternatively, we can say that the sholeah used of water,²³ also signifies increase,²⁴ for when produce is watered it shoots up.

[IF HE SAYS] ‘I TAKE UPON MYSELF [AN OBLIGATION INVOLVING] BIRDS,’ R. MEIR SAYS HE BECOMES A NAZIRITE. What is R. Meir’s reason? — Resh Lakish said: [In making this vow] he has in mind the birds that are coupled with hair in the scriptural verse, Till his hair was grown long like eagles’ feathers, and his nails like birds’ claws.²⁵ R. Meir is of the opinion that a man will refer to one thing when he means something else occurring in the same context,²⁶

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- (1) The period which elapsed before he became unclean.
 - (2) Num. VI, 22.
 - (3) He may not be able to control his desire for wine for the longer period.
 - (4) Cf. infra 29a, where the opposite is asserted.
 - (5) The text is uncertain. The meaning would apparently be: I intend to discipline myself through my hair, reading **VZC** instead of **VZF** in cur. edd.
 - (6) Heb. mesalsel.
 - (7) This maidservant always spoke Hebrew, v. Meg. 28a.
 - (8) I.e., he vows to engage in the study of Torah.
 - (9) Prov. IV, 8.
 - (10) Heb. mekalkel.
 - (11) Heb. sid, usually lime, here orpiment, used as a depilatory.
 - (12) The transference of this amount from a private to a public domain on the Sabbath constitutes an indictable offence.
 - (13) Shah. 80b.
 - (14) Gen. XLVII, 12.
 - (15) Heb. leshaleah.
 - (16) Heb. pera’.
 - (17) Cant. IV, 13.
 - (18) I.e., he vows to remove his hair.
 - (19) Job V, 10. I.e. transports the waters from field to field (cf. the context).
 - (20) Num. VI, 5.
 - (21) I.e., not the High Priest, who is subject to stricter regulations. V. Sanh. 22b.
 - (22) Ezek. XLIV, 20. In Sanh. 22b this same comparison is made to show that pera’ means a growth of thirty days’ duration (the normal duration of a nazirite vow). Thus whether shilluah means ‘grow’ or ‘remove’, the nazirite vow

is implicit in the word *pera*'.

(23) In the verse of Job.

(24) [Cur. edd. add in brackets, 'as R. Joseph translated,' referring to the Targum on the Prophets ascribed to R. Joseph. V. B.K. (Sonc. ed.) p. 9, n. 9. The reading that follows is, however, not found in our Targum.]

(25) Dan. IV, 30. It is assumed that he takes hold of his hair, or a nazirite is passing by (Rashi). Cf. below.

(26) Lit., 'he is seized by what is close to it.' E.g., here, he says 'birds' when he means 'hair'.

Talmud - Mas. Nazir 3b

whilst the Rabbis are of the opinion that a man will not refer to one thing when he means another. R. Johanan said: Both [R. Meir and the Rabbis] are agreed that a man will not refer to one thing etc.,¹ and R. Meir's reason is that we take account of the possibility that what he had undertaken was to bring the birds of a ritually unclean nazirite.²

But if we are to take [possible meanings] into account, why should we not say that he was undertaking [to bring] a free will offering of birds? — in that event, he would have said, 'I undertake to bring a nest.'³

But perhaps he meant: I undertake [to bring] the birds of a leper?⁴ — We must suppose that a nazirite passes by at the time. But perhaps it was a ritually unclean nazirite and he desired to free him from his [obligatory] sacrifices? — We must suppose that a ritually clean nazirite passes by at the time.⁵

What [practical] difference is there between them?⁶ — There would be a difference [for example] if he should say: I take upon myself [an obligation involving] the birds mentioned in the same context as hair. According to R. Johanan, notwithstanding that he says this, he becomes a nazirite if one is passing at the time, but not otherwise;⁷ whereas according to R. Simeon b. Lakish, even though no nazirite passes by at the time [he becomes a nazirite].⁸ But is there any authority who disputes that a man may refer to one thing and mean another occurring in the same context? Has it not been taught: If a man says, '[By] my right hand,' it is accounted an oath.⁹ Now, surely the reason for this is the verse, When he lifted up his right hand and his left hand unto heaven, and swore by Him who liveth for ever?¹⁰ — Not so. It is because the expression '[By my] right hand,' is itself an oath, as it has been taught: How do we know that if a man says, '[By] my right hand,' it is accounted an oath? From the verse, The Lord hath sworn by his right hand.¹¹ And how do we know that if a man says, 'By my left hand,' it is accounted an oath? Because the verse continues, And by the arm of his strength.¹¹

MISHNAH. [IF A MAN SAYS] 'I DECLARE MYSELF A NAZIRITE [TO ABSTAIN] FROM PRESSED GRAPES, OR FROM GRAPE STONES, OR FROM POLLING, OR FROM [CONTRACTING] RITUAL DEFILEMENT, HE BECOMES A NAZIRITE AND ALL THE REGULATIONS OF NAZIRITESHIP APPLY TO HIM.

GEMARA. The Mishnah is not in agreement with R. Simeon, for it has been taught: R. Simeon says that he does not incur the liabilities [of a nazirite] unless he vows to abstain from everything [that is forbidden to a nazirite], whilst the Rabbis say that even though he vows to abstain from

one thing only, he becomes a nazirite.

What is R. Simeon's reason?—Scripture says. [He shall eat] nothing that is made of the grape-vine, from the pressed grapes even to the grape-stone.¹² And what is the Rabbis' reason? — The verse reads, He shall abstain¹³ from wine and strong drink.¹⁴ What does R. Simeon make of the statement, 'He shall abstain from wine and strong drink'? — He requires it to prohibit wine the drinking of which is a ritual obligation as well as wine the drinking of which is optional. What is this [wine the drinking of which is obligatory]? The wine of Kiddush¹⁵ and Habdalah,¹⁵ [is it not]?

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- (1) And therefore R. Meir's reason is not the one given by Resh Lakish.
 - (2) V. Num. VI, 10. [I.e., he undertook to bring such birds should he afterwards become unclean during his proposed naziriteship; hence he becomes a nazirite (Rashi).]
 - (3) As this was the usual manner in which free-will offerings of birds were made.
 - (4) Cf. Lev. XIV, 4. [That is he undertook to bring birds for a leper freeing him from his obligatory sacrifices. Asheri.] This question creates a difficulty both for R. Johanan and Resh Lakish (Rashi).
 - (5) And as such a one has not to bring the offering of birds, he must have referred to himself.
 - (6) Between R. Johanan and Resh Lakish.
 - (7) As he may simply be undertaking to bring an offering of birds.
 - (8) [That is, according to R. Meir; v. Rashi and Tosaf. This difference will, however, apply also on the view of the Rabbis, for where he explicitly states... 'the birds mentioned in the same context as hair,' the Rabbis would also agree according to Resh Lakish that he becomes a nazirite; cf. Rashi 2b (top).]
 - (9) Tosaf. Ned. I, e.g., if he says, 'My right hand that I shall eat this loaf.'
 - (10) Dan. XII, 7; and when he refers to his right hand he means the oath in the same context.
 - (11) Isa. LXII. 8. ['Arm of his strength' refers to the left hand; ,'. Ber. 6a.]
 - (12) The emphasis is laid on the word 'nothing', so that the vow must expressly include everything. Num. VI, 4.
 - (13) Lit., 'vow to abstain'.
 - (14) Ibid. VI, 3. Thus it is sufficient if his vow refers specifically to wine only. This verse is made here to refer to the actual taking of the nazirite vow; though from the context it might be thought to be part of the enumeration of objects forbidden the nazirite.
 - (15) V. Glos.

Talmud - Mas. Nazir 4a

But surely here he is bound by the oath taken on Mount Sinai?¹ — We must therefore suppose the following dictum of Raba to be indicated, [Viz.:] — [If a man says,] 'I swear to drink [wine]' and later says, 'I wish to be a nazirite,' the nazirite vow operates despite the oath.²

And do not the Rabbis also require [this verse] to prohibit wine, the drinking of which is a ritual obligation as well as wine the drinking of which is optional? — If this were its [sole] purpose, only wine need have been mentioned in the verse! [What is the purport of the addition] of 'strong drink'! It is to enable us to infer both things.³ And R. Simeon?⁴ — He [will hold] that the reason for the addition of strong drink is to guide us in the interpretation of the same expression when used in connection with the Temple service, in the verse, Drink no wine nor strong drink, thou, nor thy sons with thee.⁵ Just as for the nazirite, only wine is forbidden but not

other beverages, so in connection with the Temple service, only wine is forbidden [to the priests], but not other intoxicating beverages. This conflicts with the opinion of R. Judah, for it has been taught: R. Judah said that [a priest] who eats preserved figs from Keilah,⁶ or drinks honey or milk, and then enters the Temple, is guilty.⁷ Alternatively,⁸ R. Simeon rejects the Principle that a prohibition can come into operation when a prohibition [on a different count] is already present,⁹ as has been taught: R. Simeon says that a man who eats carrion¹⁰ on the Day of Atonement is not liable [to a penalty for breach of observance of the day].¹¹

What do the Rabbis make of the verse, [‘He shall eat] nothing that is made of the grapevine’?¹² The Rabbis will tell you that this teaches that [the various kinds of food] forbidden to a nazirite can combine together.¹³ R. Simeon, on the other hand, does not require a rule about combination, for it has been taught: R. Simeon says that a mite [of forbidden food] is sufficient [to entail liability] to stripes; a quantity equivalent to an olive is required only where a sacrifice is [the appropriate penalty].

MISHNAH. [IF A MAN SAYS] ‘I VOW TO BE LIKE SAMSON,¹⁴ THE SON OF MANOAH, WHO WAS THE HUSBAND OF DELILAH, OR ‘WHO PLUCKED UP THE GATES OF GAZAH,’¹⁵ OR ‘WHOSE EYES THE PHILISTINES PUT OUT,’¹⁶ HE BECOMES A NAZIRITE LIKE SAMSON. GEMARA. Why must [the Mishnah] specify all these expressions? — All are necessary. For if he were to say. ‘I wish to be like Samson,’ I might think that some other Samson [was intended], and so we are told [that he must add] ‘like the son of Manoah.’ Again, if he were to add [only] ‘the son of Manoah,’ I might think that there is someone else so named, and so we are told [that he must add], ‘like the husband of Delilah,’ or ‘like him whose eyes the Philistines put out.’¹⁷

MISHNAH. WHAT DIFFERENCE IS THERE BETWEEN A NAZIRITE LIKE SAMSON AND A LIFE-NAZIRITE?¹⁸ A LIFE-NAZIRITE. WHENEVER HIS HAIR BECOMES BURDENSOME, MAY THIN IT WITH A RAZOR AND THEN OFFER THREE ANIMAL SACRIFICES,¹⁹ WHILST SHOULD HE BE RITUALLY DEFILED, HE MUST OFFER THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT.²⁰ THE NAZIRITE LIKE SAMSON IS NOT PERMITTED TO THIN HIS HAIR SHOULD IT BECOME BURDENSOME, AND IF [RITUALLY] DEFILED, DOES NOT OFFER THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT.

GEMARA. How does the life-nazirite come in here?²¹ — There is a hiatus [in the Mishnah]. and it should read as follows: If a man says, ‘I intend to be a life-nazirite,’ he becomes a life-nazirite. What difference is there between a nazirite like Samson and a life-nazirite? A life-nazirite whenever his hair becomes burdensome may thin it with a razor and then offer three animal sacrifices, whilst should he be ritually defiled, he must offer the sacrifice [prescribed] for defilement. The nazirite like Samson is not permitted to thin his hair with a razor should it become burdensome,

(1) I.e., surely his vow cannot annul obligations in existence since the giving of the law on Mount Sinai, so Rashi. Tosaf. (Rabbenu Tam) replaces the last two sentences by the following: ‘Can it be that the wine of Kiddush and Habdalah is indicated? But is he then bound by an oath taken on Mount Sinai?’ According to this view there is no

scriptural obligation to drink wine at Kiddush and Habdalah. This is the view usually accepted.

- (2) I.e., although this is wine the drinking of which is incumbent on him.
- (3) Viz.: (i) wine the drinking of which is an obligation is forbidden the nazirite. (ii) though he vows to abstain from one thing only he becomes a nazirite.
- (4) How will he meet the argument of the Rabbis?
- (5) The verse was addressed to Aaron as High priest. Lev. x, 9.
- (6) A town in the lowlands of Judea, cf. Josh. XV, 44' v. Sanh. (Sonc. ed.) p. 481, n. 6.
- (7) Of transgressing the prohibition against strong drink in Lev. X, 9.
- (8) An alternative reason for R. Simeon's opinion that he does not become a nazirite unless he vows to abstain from everything, is being given (Rashi).
- (9) In other words, an act already prohibited cannot be prohibited on another count. Hence, once his vow to abstain from wine begins to operate, he can no longer become a full nazirite (Rashi). This interpretation considers the statement, 'I declare myself a nazirite (to abstain) from pressed grapes' to consist of two parts in the following order: (i) I vow to abstain from pressed grapes; (ii) I declare myself a nazirite. For other interpretations, v. Tosaf. and Asheri.
- (10) Heb. nebelah, v. Glos.
- (11) Carrion being already in itself prohibited.
- (12) V. supra p. 7, n. 4.
- (13) I.e., supposing he eats less of each kind than the minimum size of an olive, yet the total quantity consumed is the size of an olive, he is liable to stripes.
- (14) Samson was a nazirite to a limited extent only. V. next Mishnah.
- (15) V. Judg. XVI, 3.
- (16) V. Judg. XVI, 21.
- (17) Thus the first three expressions are de rigueur, but for the third equivalents may be used.
- (18) One who declares himself a nazirite for life. Samson was also a nazirite for life.
- (19) A nazirite on terminating his abstinence was required to offer three animal sacrifices. V. Num. VI, 13ff
- (20) Defilement of a nazirite. Num. VI, 9.
- (21) Lit., 'who mentioned its name'.

Talmud - Mas. Nazir 4b

and if ritually defiled does not offer the sacrifice [prescribed] for defilement. [You say that the nazirite like Samson] does not have to offer the sacrifice [prescribed] for defilement,¹ enabling me to infer that he is subject to the nazirite obligation [which forbids him to defile himself]. Who then is [the author of] our Mishnah, [seeing that] it can be neither R. Judah nor R. Simeon? For it has been taught: R. Judah said that a nazirite like Samson is permitted to defile himself [deliberately, by contact] with the dead, for Samson himself did so; R. Simeon says that if a man declares. '[I intend to be] a nazirite like Samson,' his statement is of no effect, since we are not aware that Samson personally ever pronounced a nazirite vow.² [We ask then:] Who [is the author of our Mishnah]? It cannot be R. Judah, for he says that [a nazirite like Samson] may even [defile himself] intentionally. whereas our Mishnah [merely] states [that no sacrifice need be offered] if he has become defiled [accidentally]; nor can it be R. Simeon since he says that the vow does not become operative at all! — Actually it is R. Judah [and the nazirite like Samson is permitted to defile himself] but because in referring to the life-nazirite,³ the Mishnah uses the expression 'SHOULD HE BE [RITUALLY] DEFILED.' the same expression is used in referring to the

nazirite like Samson.⁴

May we say that the difference [of R. Judah and R. Simeon] is essentially the same as that of the following Tannaim? For it has been taught: [If a man says.] ‘This [food] shall be [as forbidden] for me as a firstling,’⁵ R. Jacob says he may not eat it, but R. Jose says he may.⁶ May we not say then that R. Judah agrees with R. Jacob in holding that the object [with which the comparison is made,]⁷ need not itself be one forbidden as the result of a vow, whilst R. Simeon agrees with R. Jose in holding that the object [with which comparison is made] must be one forbidden as the result of a vow? — This is not so. Both [R. Judah and R. Simeon] are agreed that it is necessary for the object [with which comparison is made] to be one forbidden as the result of a vow, but the case of the firstling is different, since in the verse, [When a man voweth a vow]⁸ unto the Lord,⁹ [the superfluous words ‘unto the Lord’] include the firstling¹⁰ [as a legitimate object of comparison].

What does R. Jose reply [to this argument]? — He will say that the expression ‘unto the Lord’ serves to include the sin-offering and the guilt-offering¹¹ [but not the firstling]. [We may ask him:] On what ground, then, are the sin-offering and the guilt-offering included rather than the firstling? — [He would reply:] The sin-offering and the guilt-offering are included because they have to be expressly dedicated,¹² but the firstling is excluded since it need not be expressly dedicated. And R. Jacob? — He can rejoin: Firstlings too, are expressly dedicated, for it has been taught: [The members] of our Teacher's household¹³ used to say: How do we know that when a firstling is born in a man's flock, it is his duty to dedicate it expressly [for the altar]? Because it says, The males shalt thou dedicate.¹⁴ And R. Jose? — He can reply: Granted that it is a religious duty to dedicate it [expressly], yet if he fails to do so, is it not nevertheless sacred?¹⁵

[It may be said:] In the case of the nazirite, too, is there not a phrase ‘Into the Lord’?¹⁶ — This is required for the purpose taught [in the following passage]: Simon the Just¹⁷ said: In the whole of my life, I ate of the guilt-offering of a defiled nazirite [only once].¹⁸ This man who came to me from the South country, had beautiful eyes and handsome features with his locks heaped into curls. I asked him: ‘Why, my son, didst thou resolve to destroy such wonderful hair?’ He answered: ‘In my native town. I was my father's shepherd, and, on going down to draw water from the well, I used to gaze at my reflection [in its waters]. Then my evil inclination assailed me, seeking to compass my ruin,¹⁹ and so I said to it, "Base wretch! Why dost thou plume thyself on a world that is not thine own, for thy latter end is with worms and maggots. I swear²⁰ I shall shear these locks to the glory of Heaven!"’ Then I rose, and kissed him upon his head. and said to him: ‘Like unto thee, may there be many nazirites in Israel. Of such as thou art, does the verse say, When a man shall clearly utter a vow, the vow of a nazirite to consecrate himself unto the Lord.’²¹

But was not Samson a nazirite [in the ordinary sense]?²² Surely the verse states, For the child shall be a nazirite into God from the womb!²³ — It was the angel who said this.

How do we know that [Samson] did defile himself [by contact] with the dead? Shall I say, because it is written, With the jawbone of an ass have I smitten a thousand men,²⁴ but it is possible that he thrust it at them without touching them? But [we know it] again from the

following. And smote thirty men of then and took their spoil.²⁵ But it is possible that he stripped them first and slew them afterwards? — It says clearly [first]. And he smote, [and then,] And took. But it is still possible that he [merely] wounded them mortally²⁶ [before stripping them]! — [We must say], therefore, that it was known by tradition [that he did come into contact with them]. Where does it state [in the Scriptures] that a life-nazirite [may thin his hair]? — It has been taught: Rabbi said that Absalom was a life-nazirite, for it says, And it came to pass at the end of forty years that Absalom said to the king: [pray thee, let me go and pay my vow which I have vowed unto the Lord in Hebron.²⁷ He used to cut his hair every twelve months, for it says. [And when he polled his head,] now it was at every year's [yamim] end [that he polled it],²⁸

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- (1) I.e., if he becomes unclean.
 - (2) Tosef. Nazir I, 3.
 - (3) Who is forbidden to defile himself.
 - (4) And the if is not to be pressed.
 - (5) The firstlings of clean domestic animals were the perquisite of the priests and could be eaten by them only. V. Num. XVIII, 15.
 - (6) V. Ned. 13a.
 - (7) E.g., the firstling or Samson. It is impossible to vow not to eat a firstling as it is holy from birth.
 - (8) From this phrase we infer that the object used for comparison must be itself prohibited as the result of a vow. V. Ned. 13a.
 - (9) Num. XXX, 3.
 - (10) Since it must be dedicated unto the Lord by the owner.
 - (11) Being obligatory, they might be thought not to count as things dedicated by a vow.
 - (12) Lit., 'they are seized by a vow'. Although the obligation to offer a sin-offering does not result through a vow, yet the animal to be used must be dedicated by the owner, 'This is my sin-offering.'
 - (13) Probably R. Gamaliel III son of R. Judah ha-Nasi I (called simply Our Teacher) cf. Halikoth 'Olam I, 3.
 - (14) Deut. XV, 19.
 - (15) And so the firstling must be excluded as an object of comparison.
 - (16) Num. VI, 2. And so should it not be possible to vow to become a nazirite like Samson?
 - (17) High Priest circa 300 B.C.E., v. however Aboth (Sonc. ed.) p. 2, n. 1.
 - (18) He feared that nazirites, after defilement would regret their vows because of the inevitable prolongation. As the sacrifice would then retrospectively prove to have been unnecessary, he refused to eat of it.
 - (19) Lit., 'drive me from the world'.
 - (20) Lit., 'by the (Temple) service', a common form of oath at this period.
 - (21) Num. VI, 2. [The story has a parallel in the familiar Narcissus story, Ovid, Metamorphoses, III, 402ff; but its moral in endowing the youth with the power of self-mastery is evidently superior.]
 - (22) I.e., was not his naziriteship the result of a vow?
 - (23) Judg. XIII, 5.
 - (24) Judg. XV, 16.
 - (25) Judg. XIV, 19.
 - (26) [Defilement is communicated only after the last breath of life is gone.]
 - (27) The verse following states that Absalom vowed to serve the Lord. This, together with the known length of his hair, leads to the conclusion that he was a life-nazirite. II Sam. XV, 7.
 - (28) II Sam. XIV, 26; yamim usually means 'days'.

Talmud - Mas. Nazir 5a

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and the meaning of the word 'yamim' here is decided by its meaning when used in connection with houses in walled cities;¹ just as there it means twelve months,² so here it means twelve months. R. Nehorai said: [Absalom] used to poll every thirty days. R. Jose said: He used to poll on the eve of each Sabbath, for princes usually poll on the eve of each Sabbath.

[We have said that] Rabbi's reason [for interpreting 'yamim' as a year] is because of its occurrence in connection with houses in walled cities. But has not Rabbi himself said that 'yamim' [in that connection] means not less than two days?³ — The only reason that he uses the comparison at all⁴ is because of the reference to the heaviness [of Absalom's hair],⁵ and two days' growth is not heavy.⁶

Why should it not be two years, in accordance with the verse, And it came to pass at the end of two full years?⁷ From a text containing 'yamim' without mention of years' conclusions may be drawn concerning another text containing 'yamim' without mention of years';⁸ but no conclusion can be drawn here from this verse where there is mention of 'years'.

Why should it not be thirty days, for there is a verse, but a whole month?⁹ — From a text mentioning 'yamim' without 'months', conclusions may be drawn concerning another text mentioning 'yamim' without 'months',¹⁰ but this verse affords no indication since 'months' are mentioned therewith.

Why should not the inference be made from mi-yamim yamimah ['from days to days']?¹¹ — Conclusions may be drawn concerning a text containing 'yamim'. from another [text] containing 'yamim', but not from one containing 'yamimah'.

But what is the difference [between 'yamim' and 'yamimah']? Have not the school of R. Ishmael taught that in the verses, And the priest shall come again,¹² Then the priest shall come in,¹² 'coming again' and 'coming in' mean one and the same thing?¹³ — Inference [from nonidentical expressions] is permissible where there is no identical expression [on which to base the inference], but where an identical expression exists, the inference must be drawn from the identical expression.¹⁴

Another reply [to the suggestion that inference be made from 'yamimah']: How do we know [with certainty] that [they went] once every three months? May not the four times per annum have occurred alternately at intervals of four months and of two months?¹⁵

'R. Nehorai said: [Absalom] used to poll every thirty days.' What is his reason? — [Ordinary] priests [poll every thirty days]¹⁶ because [their hair] becomes burdensome, and so here it would become burdensome [after thirty days].¹⁷

'R. Jose said: He polled on the eve of each Sabbath, [etc.]' What difference then was there between him and his brothers?¹⁸ — When a festival occurred in mid-week, his brothers polled, but he did not do so. Alternatively, his brothers [if they wished] could poll on Friday morning, but he

could not do so until the late afternoon. What were the forty years referred to [by Absalom]?¹⁹ — R. Nehorai, citing R. Joshua, said that it means ‘forty years after [the Israelites] had demanded a king.’²⁰ It has been taught: The year in which they demanded a king, was the tenth year [of the principate of] Samuel the Ramathean.²¹

MISHNAH. A NAZIRITE VOW OF UNSPECIFIED DURATION [REMAINS IN FORCE] THIRTY DAYS.

GEMARA. Whence is this rule derived?—R. Mattena said: The text reads He shall be [yihyeh] holy,²² and the numerical value²³ of the word yihyeh is thirty.²⁴ Bar Pada said: [The duration of the vow] corresponds to the number of times that parts of the root nazar are found in the Torah,²⁵ viz., thirty less one.²⁶ Why does not R. Mattena derive [the number of days] from the [occurrences of the various] parts of nazar? — He will tell you that [some of] these are required for teaching special lessons. [Thus the verse.] He shall abstain [yazzir] from wine and strong drink,²⁷ is required to prohibit wine the drinking of which is a ritual obligation as well as wine the drinking of which is optional;²⁸ [whilst the verse,] Shall clearly utter a vow, the vow of a nazirite to consecrate himself,²⁹ teaches that one nazirite vow can be superimposed on another.³⁰

(1) V. Lev. XXV, 29.

(2) Since the word ‘year’ is used explicitly in the same connection.

(3) V. ‘Ar. 31a, where he infers from this text that redemption cannot take place before the second day, though it may take place any time within the year.

(4) The Gezerah shawah (v. Glos.).

(5) V. II Sam. XIV, 26.

(6) Hence the comparison must be with yamim in the sense of year, which it also bears in this passage; v. n. 4.

(7) Lit., ‘two years of yamim’, Gen. XLI, 1.

(8) E.g., from Lev. XXV, 29 to II Sam. XIV, 26.

(9) Lit., ‘a month of yamim’, Num. XI, 20.

(10) V. supra p. 14, n. 10.

(11) The reference is to Jephthah's daughter, visited by the Israelitish maidens ‘four days in the year’, i.e., apparently, at equal intervals of three months. Judg. XI, 40.

(12) Lev. XIV, 39-44. referring to an infected house.

(13) For purposes of inference, v. Hot. (Sonc. ed.). p. 57. n. II. How much more so then with words so similar as ‘yamim’ and ‘yamimah’!

(14) I.e., since there is another context where the word ‘yamim’ occurs, we learn from that and not from ‘yamimah’.

(15) It is impossible therefore to give an exact value to ‘yamimah’.

(16) V. Ta'an. 17a.

(17) And Absalom polled when his hair became heavy. II Sam. XIV, 26.

(18) Since all princes poll weekly.

(19) In II Sam. XV, 7.

(20) V. I Sam. VIII, 5’

(21) V. Seder ‘Olam XIV.

(22) Num, VI, 5.

(23) Gematria, v. Sanh. (Sonc.ed.),p. 121, n. 4.

- (24) **YHVH** Y = 10; H= 5; Y=10; H= 5. In Hebrew, as in Greek, the letters have numerical values.
- (25) I.e., in the section on the nazirite vow. Num. VI, 1ff. Parts of the root nadar are included in the computation, but the nazar of verse 7 is omitted since it does not mean 'separation', but 'crown'.
- (26) V. infra.
- (27) Num. VI, 3.
- (28) V. supra p. 8.
- (29) Ibid. VI, 2.
- (30) If he repeats the vow, he becomes a nazirite twice.

Talmud - Mas. Nazir 5b

To which Bar Pada can reply: Is there not even one [recurrence of a part of nazar] that is not needed for a special lesson? Since this one may be used for computation. *ail* may be used for computation.¹ We have learnt: A NAZIRITE VOW OF UNSPECIFIED DURATION [REMAINS IN FORCE] THIRTY DAYS. Now, this fits in well enough with the view of R. Mattena, but how can it be reconciled with Bar Pada's view?² — Bar Pada will tell you that because [the period of the vow closes with] the thirtieth day, on which the nazirite polls and brings his sacrifices, [the Mishnah] says thirty [days].

We have learnt: If a man says, 'I declare myself a nazirite,' he polls on the thirty-first day.³ Now, this fits in well enough with the view of R. Mattena, but how is it to be reconciled with Bar Pada's view? — Bar Pada will say: Consider the clause which follows, [viz.:] Should he poll on the thirtieth day, his obligation is fulfilled. We see, then, that the second clause [of this Mishnah] lends support to his view, whilst the original clause [must be read] as though it contained the word [I declare myself a nazirite for thirty] 'whole' [days].⁴ Does not this second clause need to be reconciled with R. Mattena's view?⁵ — He considers part of a day equivalent to a whole day.⁶

But have we not learnt: '[Should someone say,] "I intend to be a nazirite for thirty days," and poll on the thirtieth day, his obligation is not fulfilled'?⁷ — [We presume that] he said, 'whole days'.

We have learnt: If a man undertakes two naziriteships, he polls for the first one on the thirty-first day, and for the second on the sixty-first day.⁷ This fits in well enough with the view of R. Mattena

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- (1) As well as for teaching special lessons.
- (2) According to which the period should be 29 days.
- (3) V. infra 162.
- (4) And therefore he polls on the 31st day.
- (5) According to which the polling should be on the thirty-first day.
- (6) Thus though he polls on the thirtieth day, he has kept thirty days of naziriteship.
- (7) Infra p. 53.

Talmud - Mas. Nazir 6a

but how is it to be reconciled with Bar Pada's view? — Bar Pada will say: Consider the clause which follows, [viz.:] If, however, he should poll for the first on the thirtieth day, he can poll for the second on the sixtieth day. Thus the second clause lends support to his view, whilst the original clause [must be read] as though it contained the words 'whole days'.

Is not R. Mattena in conflict with this second clause?¹ — R. Mattena can reply: This must be interpreted in the light of the next clause, which says that the thirtieth day counts as belonging to both periods.² This is taken to signify then that part of a day is equivalent to a whole day. But has he [the Tanna] not stated this once already?³ — It might be thought that this is only true for one naziriteship but not for two, and so we are told [that it is also true for two].⁴

We have learnt: Should he poll on the day prior to the sixtieth, he has fulfilled his obligation, since the thirtieth day is included in the [required] number.⁵ Now, this fits in well enough with the view of R. Mattena, but for Bar Pada what necessity is there [for this statement], since he says that [the normal duration] is thirty days less one? — He will say: This is the very passage on which I rely for my opinion.

We have learnt: If a person says, 'I intend to be a nazirite' and contracts ritual defilement on the thirtieth day, the whole period is rendered void.⁵ Now, this fits in well enough with the view of R. Mattena, but does it not conflict with that of Bar Pada? —

(1) Cf. 11. 4.

(2) As end of the first and beginning of the second naziriteship.

(3) As an inference from another clause of the same Mishnah (v. supra, p. 17); what necessity is there then for this latter clause?

(4) That one part of the day belongs to one and the other to the second period.

(5) Infra p. 53.

Talmud - Mas. Nazir 6b

Bar Pada will say: Consider the subsequent clause [which reads]: R. Eliezer says: Only the [next] seven days are void.¹ Now if you assume that thirty days are necessary [as the minimum period of nazirite separation], should not all be void?² [R. Mattena, however, will reply:] R. Eliezer is of the opinion that part of a day is equivalent to the whole.³

We have learnt: [If a man says] 'I intend to be a nazirite for one hundred days,' and contracts ritual defilement on the hundredth day, the whole period is rendered void. R. Eliezer said that only thirty days are rendered void.⁴ Now, if we assume⁵ that R. Eliezer considers part of a day to be equivalent to a whole day, surely only seven days should be annulled?¹ Again [on the other hand] if we assume⁶ that he does not regard part of the day as equivalent to a whole day, should not the whole period be annulled?⁷ — In point of fact, we do not regard part of a day as equivalent to a whole day. In that case, why is not the whole period annulled? — Said Resh Lakish: R. Eliezer's reason is as follows: Scripture says, And this is the law of the nazirite, [on the day] when the days of his consecration are fulfilled.⁸ Thus the Torah expressly declares that if he contracts ritual defilement on the day of fulfilment, the law for a nazirite vow [of unspecified duration] is to be

applied to him.⁹ May we say [that the difference between R. Mattena and Bar Pada] is the same as that between the following Tannaim? [For it was taught:] From the verse, Until the days be fulfilled,¹⁰ I can only infer that the vow must continue in force at least two days,¹¹ and so the text adds, He shall be holy; he shall let the locks grow long,¹² and hair does not 'grow long' in less than thirty days. This is the view of R. Josiah. R. Jonathan, however, said that this [reasoning] is unnecessary, for we have the text, Until the days be fulfilled.¹² What days then are those which have to be 'fulfilled'? You must say the thirty days [of the lunar month].¹³ May we assume that R. Mattena agrees with R. Josiah, and Bar Pada with R. Jonathan? — R. Mattena can maintain that both [authorities] agree that thirty days is the necessary period and the point at issue between them is whether the word 'until' [preceding a number] signifies the inclusion or exclusion [of the last unit of that number].¹⁴ R. Josiah is of the opinion that in the term 'until' [the last unit] is not included,¹⁵ whereas R. Jonathan is of the opinion that by the use of 'until', [the last unit] is included.¹⁶ The Master stated: What days then are those which have to be 'fulfilled'? You must say, The thirty days [of a lunar month]. But could it not be a week¹⁷ — [In the case of] a week, what deficiency is there to make up?

(1) Since he is unable to offer his nazirite sacrifices until he has been sprinkled with the ashes of the red heifer on the third and seventh days. V. Num. XIX, 1ff.

(2) Because the defilement takes place while the vow is still in force.

(3) Hence when the defilement takes place, the vow is no longer in force.

(4) *Infra* P. 53.

(5) As does R. Mattena.

(6) As does Bar Pada.

(7) For then the naziriteship is not complete until the close of the hundredth day and defilement during the naziriteship nullifies the whole preceding period.

(8) Num. VI, 13.

(9) I.e., he is to be a nazirite again for 30 days. [i.e., not more and not less, irrespective of the question whether or not part of the day is equivalent to a whole day (*Tosaf.*.)]

(10) *Ibid.* 5.

(11) 'Two' being the minimum to which the plural 'days' could be applied.

(12) Num. VI, 5.

(13) An ordinary lunar month contains 29 days, a 'full' month 30 days.

(14) I.e., whether e.g. 'until 30' means 30 or 29.

(15) And the number thirty is derived by means of the rest of the verse, 'He shall let the locks grow long'.

(16) And the number thirty is obtained from 'Until the days be fulfilled'.

(17) *Lit.*, 'a Sabbath', i.e., six working days completed by the Sabbath to make a week.

Talmud - Mas. Nazir 7a

Could it then not be a year?¹ — Are these reckoned in days? Surely the Rabbis of Caesarea² have said: How do we know that a year is not reckoned in days? Because Scripture says, months of the year:³ [this signifies that] months are counted towards years but not days.

MISHNAH. IF HE SAYS, 'I INTEND TO BE A NAZIRITE FOR ONE LONG [PERIOD,] OR] 'I INTEND TO BE A NAZIRITE FOR ONE SHORT [PERIOD,] THEN EVEN [IF HE

ADDS, 'FOR AS LONG AS IT TAKES TO GO] FROM HERE TO THE END OF THE EARTH,' HE BECOMES A NAZIRITE FOR THIRTY DAYS.

GEMARA. Why is this so? Has he not said, 'from here to the end of the earth'?⁴ — His meaning is: For me this business is as lengthy as if it would last from here to the end of the earth. We have learnt: [If a man says,] 'I wish to be a nazirite as from here to such and such a place,' we estimate the number of days' journey from here to the place mentioned, and if this is less than thirty days, he becomes a nazirite for thirty days; otherwise he becomes a nazirite for that number of days.⁵ Now why should you not say in this case also that [his meaning is]: For me, this business seems as if it would last from here to the place mentioned?⁶ — Raba replied: We assume that [when he made the declaration] he was setting out on the journey.⁷ Then why should he not [observe a naziriteship of thirty days] for each parasang?⁸ R. Papa said: We speak of a place where they do not reckon [distances] in parasangs. Then let him [observe a naziriteship] for every stage [on the road]; for have we not learnt that [a man who says,] 'I intend to be a nazirite as the dust of the earth,' or 'as the hair of my head,' or 'as the sands of the sea,' becomes a life-nazirite, polling every thirty days?⁹ — This [principle]¹⁰ does not apply to [a nazirite vow in which] a definite term is mentioned,¹¹ and this has indeed been taught [explicitly]: [A man, who says,] 'I intend to be a nazirite all the days of my life,' or 'I intend to be a life-nazirite,' becomes a life-nazirite,¹² but even [if he says] 'a hundred years,' or 'a thousand years,' he does not become a life-nazirite,¹³ but a nazirite for life.¹⁴

Rabbah said: Hairs are different [from parasangs or stages], since each is separate from the others.¹⁵

In the case of days, do we not find the verse, And there was evening and there was morning, one day?¹⁶ — There it is not because [days] are discrete entities [that the verse says one day] but to inform us that a day with the night [preceding it] together count as a day,¹⁷ though they are really not discrete entities.

Raba said: Why raise all these difficulties? The case [in which he says 'FROM HERE TO THE END OF THE EARTH'] is different, because he has already said: I INTEND TO BE A NAZIRITE FOR ONE [SINGLE PERIOD].

MISHNAH. [IF A MAN SAYS] 'I INTEND TO BE A NAZIRITE, PLUS ONE DAY,' OR 'I INTEND TO BE A NAZIRITE, PLUS AN HOUR,' OR 'I INTEND TO BE A NAZIRITE, ONCE AND A HALF,' HE BECOMES A NAZIRITE FOR TWO [PERIODS].

GEMARA. What need is there [for the Mishnah] to specify all these cases?¹⁸ — They are all necessary. For had it mentioned only, 'I INTEND TO BE A NAZIRITE, PLUS ONE DAY,' [it might have been thought] that here only do we apply the rule that 'there is no naziriteship for a single day,' and so he must reckon two [periods], whereas [when he says] 'I INTEND TO BE A NAZIRITE, PLUS AN HOUR,' he is to reckon thirty one days. So this case is mentioned explicitly

(1) And the ordinary year may be considered 'deficient' by the side of a leap year.

- (2) [On the Rabbis of Caesarea v. Lieberman, S. The Talmud of Caesarea, pp. 9ff.]
- (3) Ex, XII, 2.
- (4) And he should be a nazirite for life.
- (5) Infra p. 23.
- (6) And his naziriteship should in any case not extend beyond thirty days.
- (7) The presumption is, then, that the journey and the length of naziriteship are connected.
- (8) A Persian mile.
- (9) Infra p. 23.
- (10) That he has to observe a succession of periods of naziriteship. polling at the end of each period.
- (11) E.g., from here to such and such a place.
- (12) And polls every thirty days.
- (13) Having mentioned a definite term.
- (14) I.e., he keeps one long naziriteship during which he can never poll. Tosef. Naz. I, 3.
- (15) But distance is continuous. Hence if he mentions hairs, he is understood to mean a succession of short naziriteships, but if he mentions a distance, one long one.
- (16) And so distance in terms of days is also discrete, yet the Mishnah quoted above confines the naziriteship to a single period, and not to a succession equal in number to the number of days.
- (17) For the reckoning of Sabbaths and Festivals.
- (18) One would be enough, and we could infer the others.

Talmud - Mas. Nazir 7b

Again, if it had simply added, '[I INTEND TO BE A NAZIRITE] PLUS AN HOUR,' [it might have been thought that he must count two periods] because he was [clearly] not speaking with precision,¹ whereas the expression 'ONCE AND A HALF' is precise, and it might therefore have been thought that he should not reckon two [periods].² And so we are told that in each case, he becomes a nazirite for two periods.

MISHNAH. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS PLUS AN HOUR,' HE BECOMES A NAZIRITE FOR THIRTY-ONE DAYS, SINCE THERE IS NO NAZIRITESHIP FOR HOURS.

GEMARA. Rab said: This applies³ only when he says, 'thirtyone days,' but if he says, 'thirty days plus one day,' he becomes a nazirite for two periods.⁴ Rab follows R. Akiba whose method it was to lay stress on superfluities of expression, as we have learnt: [If a man sells a house, the sale includes] neither the cistern nor the cellar, even though he inserted the depth and the height [in the deed of sale]; he must, however, purchase for himself a right-of way.⁵ This is the opinion of R. Akiba, but the Sages say that he need not purchase a right-of-way for himself.⁶ R. Akiba does admit, however, that if he explicitly excludes [pit and cellar], he does not have to purchase a right-of-way.⁷

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- (1) Since naziriteships are reckoned in days only.
- (2) But forty-five days.
- (3) The assumption of the Mishnah that a man can become a nazirite for thirty-one days.
- (4) See last Mishnah and Gemara.

(5) I.e., He does not retain a right-of-way to the cistern and cellar, unless he explicitly reserves it for himself.

(6) Since the sale does not include the cistern and cellar, he may be presumed to have reserved a right of way to them.

(7) The insertion of this superfluous clause is taken by R. Akiba to indicate that he wished to retain a right of way; v. B.B. 64a.

Talmud - Mas. Nazir 8a

MISHNAH. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE AS THE HAIRS OF MY HEAD, OR THE DUST OF THE EARTH, OR THE SANDS OF THE SEA,' HE BECOMES A LIFE-NAZIRITE, POLLING EVERY THIRTY DAYS. RABBI SAID THAT SUCH A MAN DOES NOT POLL EVERY THIRTY DAYS;¹ THE MAN WHO POLLS EVERY THIRTY DAYS IS THE ONE WHO SAYS, 'I UNDERTAKE NAZIRITESHIPS² AS THE HAIR ON MY HEAD, OR THE DUST OF THE EARTH, OR THE SANDS OF THE SEA.' [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE AS THE CAPACITY OF THIS HOUSE, OR AS THE CAPACITY OF THIS BASKET,' WE INTERROGATE HIM. IF HE SAYS THAT HE HAS VOWED ONE LONG PERIOD OF NAZIRITESHIP, HE BECOMES A NAZIRITE FOR THIRTY DAYS, BUT IF HE SAYS THAT HE HAS VOWED WITHOUT ATTACHING ANY PRECISE MEANING [TO HIS STATEMENT], WE REGARD THE BASKET AS THOUGH IT WERE FULL OF MUSTARD SEED, AND HE BECOMES A NAZIRITE FOR THE WHOLE OF HIS LIFE.³ [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE, AS FROM HERE TO SUCH AND SUCH A PLACE,' WE ESTIMATE THE NUMBER OF DAYS' [JOURNEY] FROM HERE TO THE PLACE MENTIONED. IF THIS IS LESS THAN THIRTY DAYS, HE BECOMES A NAZIRITE FOR THIRTY DAYS; OTHERWISE HE BECOMES A NAZIRITE FOR THAT NUMBER OF DAYS. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE, AS THE NUMBER OF DAYS IN A SOLAR YEAR'' HE MUST COUNT AS MANY NAZIRITESHIPS AS THERE ARE DAYS IN THE SOLAR YEAR. R. JUDAH SAID: SUCH A CASE ONCE OCCURRED, AND WHEN THE MAN HAD COMPLETED [HIS PERIODS], HE DIED.

GEMARA. WE REGARD THE BASKET AS THOUGH IT WERE FILLED WITH MUSTARD SEED, AND HE BECOMES A NAZIRITE FOR THE WHOLE OF HIS LIFE. But why [mustard seed]? Surely we could regard it as though it were full of cucumbers or gourds, and so provide him with a remedy?⁴ — Hezekiah said: This is a matter on which opinions differ, the author [of our Mishnah] being R. Simeon, who has affirmed that people do undertake obligations in which the use of an ambiguous formula results in greater stringency than the use of a precise one.⁵ For it has been taught: [If a man has said,] 'I intend to be a nazirite provided this heap [of grain] contains a hundred kor,⁶ and on going to it, he finds that it has been stolen or lost, R. Simeon declares him bound [to his vow] since whenever in doubt as to a nazirite's liabilities, we adopt the more stringent ruling.⁷ R. Judah, however, releases him since whenever in doubt as to a nazirite's liabilities, we adopt the more lenient ruling.⁸

R. Johanan said: It is even possible that [the author of the Mishnah] is R. Judah. For in the case just mentioned, the man has possibly not entered into a naziriteship at all [if there were not one hundred kor in the heap],⁹ whereas in this case [mentioned in the Mishnah,] he does at any rate enter into a naziriteship.¹⁰ On what grounds can he be released from it?¹¹ But why not regard the

basket as though it were full of cucumbers and gourds, and so provide him with a remedy?¹² — Such an idea ought not to cross your mind, for he has undertaken one [unbroken] naziriteship,¹³

(1) But becomes a nazirite for life and may never poll.

(2) , **urhzb**

(3) (a) One naziriteship for every grain of mustard, [or, (b) one long naziriteship during which he can never poll].

(4) [By enabling him to poll at the end of every thirty days (according to (b) p. 23, n. 6).]

(5) As here, the reference to a basketful without specifying its contents, results in naziriteship for life.

(6) A dry measure; v. Glos.

(7) So that, as we are not certain that the heap contained less than 100 kor, he must observe the naziriteship.

(8) Tosef. Naz. II, 2.

(9) And therefore we do not declare him a nazirite lest he should eventually bring profane animals into the sanctuary, v. infra p. 102.

(10) For some period of time, whatever the basket is regarded as containing.

(11) And therefore he must be a nazirite for life.

(12) I.e., let him keep as many naziriteships as the basket will contain gourds or cucumbers. The questioner imagines that in R. Judah's view he becomes a life-nazirite, who can poll every thirty days. cf. supra, p. 21, n. 4.

(13) And if he brings his sacrifices at the termination of the number of days that the basket would contain gourds or cucumbers, he may be bringing profane animals into the sanctuary, as his naziriteship may be of longer duration. Thus he becomes a nazirite for life, during which he can never poll.

Talmud - Mas. Nazir 8b

R. Judah agreeing with Rabbi, as we have learnt: RABBI SAID THAT SUCH A MAN DOES NOT POLL EVERY THIRTY DAYS. THE MAN WHO POLLS EVERY THIRTY DAYS IS THE ONE WHO SAYS, 'I UNDERTAKE NAZIRITESHIPS AS THE HAIR OF MY HEAD, OR THE DUST OF THE EARTH, OR THE SANDS OF THE SEA.'

Is it then a fact that R. Judah agrees with Rabbi? Have we not learnt: [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE AS THE NUMBER OF DAYS IN A SOLAR YEAR,' HE MUST COUNT AS MANY NAZIRITESHIPS AS THERE ARE DAYS IN THE SOLAR YEAR. R. JUDAH SAID: SUCH A CASE ONCE OCCURRED, AND WHEN THE MAN HAD COMPLETED [HIS PERIODS], HE DIED? Now if you say that this man, [by using this formula,]¹ undertook [consecutive] naziriteships,² we can understand why [R. Judah says that] when he finished,³ he died. But if you say that he undertook a single naziriteship,⁴ could it ever be said of such a man that he had 'COMPLETED'?⁵ Moreover, could [R. Judah] possibly agree with Rabbi, seeing that it has been taught: R. Judah said: [If a man says,] 'I intend to be a nazirite, as the number of heaps of the fig crop,⁶ or the number of ears [in the field] in the Sabbatical year,'⁷ he must count naziriteships as the number of heaps of the fig crop, or the number of ears [in the field] in the Sabbatical year?⁸ — [Where he explicitly mentions the word] 'number', it is different.

But does Rabbi make a distinction where the word 'number' [is used]? Has it not been taught: [If a man says,] 'I intend to be a nazirite as the number of days in a solar year,' he must count as many naziriteships as there are days in the solar year; if [he says] 'as the days of a lunar year,' he must count as many naziriteships as there are days in a lunar year. Rabbi said that this does not

hold unless he says, 'I undertake naziriteships as the number of days in the solar year or as the number of days in the lunar year'?⁹ — R. Judah agrees with Rabbi on one point, and differs from him on the other. He agrees with him on one point, viz: that what is undertaken is a [single] naziriteship,¹⁰ but differs from him on the other, for whilst R. Judah distinguishes between [the cases] where the word 'number' is mentioned and where it is omitted, Rabbi does not so distinguish.

Our Rabbis taught: [A man who says,] 'I wish to be a nazirite all the days of my life,' or 'I wish to be a life-nazirite,' becomes a life-nazirite. Even if he says a hundred years, or a thousand years, he does not become a life-nazirite, but a nazirite for life.¹¹

Our Rabbis taught: [If a man says,] 'I wish to be a nazirite plus one,' he must reckon two [naziriteships]. [If he adds,] 'and another,' he must reckon three, and if he then adds 'and again' he counts four. Surely this is obvious? — It might be thought that the words 'and again' refer to the whole [preceding number], making six in all, and so we are told that this is not so.

Our Rabbis taught: [When a man says,] 'I wish to be a nazirite,' Symmachos affirmed [that by adding] hen,¹² [he must reckon] one; digon,¹³ two; trigon,¹³ three; tetragon,¹³ four; pentagon,¹³ five [naziriteships].¹⁴

Our Rabbis taught: A house that is round, or digon,¹⁵ or trigon,¹⁵ or pentagon,¹⁵ does not contract defilement through the plague [of leprosy]. One that is tetragon¹⁵ does. What is the reason? — For Scripture, both in the latter part and in the earlier part of the passage [dealing with the leprosy of houses], puts walls [in the plural]¹⁶ instead of wall [in the singular], thus making four walls in all.¹⁷ [

(1) 'I intend to be a nazirite, etc.'

(2) 365 naziriteships, each of thirty days duration.

(3) At the end of thirty years.

(4) He would then mean, 'I undertake to be a nazirite for the number of the sun's days, i.e., for ever.' (Rashi). [Alternatively: If you say he undertook a single naziriteship (i.e. of 365 days duration) could it be said of him that he had completed the amount of naziriteships required by the Rabbis, in support of whose view R. Judah cites the incident; v. Tosaf.]

(5) He could never bring sacrifices.

(6) Aliter; paths of the fig-gatherers. v. Kohut, Aruch.

(7) Aliter; field.paths in the Sabbatical year.

(8) Tosef. Naz. I. Whereas Rabbi holds that in such a case he would have to count only as many days as there are heaps of figs.

(9) Tosef. Naz. I. And, according to Rabbi, the same would be the case if he omitted the word 'number', the important thing being the use of the term, 'nazirite' or 'naziriteships'.

(10) I.e., when he says, 'I intend to be a nazirite as the capacity of this house'.

(11) Tosef. Naz. I, 3, and supra p. 21.

(12) Gr. **, once.

(13) The last syllable is probably a Hebraisation of **. Thus digon — ** — twice; and so on. V. Kohut, Aruch.

(14) Tosef. Naz. I.

(15) Here we have the normal meaning, two-sided, and so on.

(16) Lev. XIV, 39, and 37.

(17) Cf. Neg. XII, I.

Talmud - Mas. Nazir 9a

CHAPTER II

MISHNAH. [IF A MAN SAYS.] 'I INTEND TO BE A NAZIRITE [AND ABSTAIN] FROM DRIED FIGS AND PRESSED FIGS', BETH SHAMMAI SAY THAT HE BECOMES A NAZIRITE [IN THE ORDINARY SENSE].¹ BUT BETH HILLEL SAY THAT HE DOES NOT BECOME A NAZIRITE. R. JUDAH SAID: EVEN THOUGH BETH SHAMMAI DID AFFIRM [THAT THE FORMULA IS OF SOME EFFECT]. THEY MEANT ONLY WHERE HE SAID,² 'THEY ARE [FORBIDDEN] TO ME, AS IS A SACRIFICE.'³

GEMARA. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE [AND ABSTAIN] FROM DRIED FIGS AND PRESSED FIGS, BETH SHAMMAI SAY THAT HE BECOMES A NAZIRITE: But why? Does not the Divine Law say, nothing that is made of the grape-vine?⁴ — Beth Shammai adopt the view of R. Meir, who said that a man does not make a declaration without meaning something,⁵ whilst Beth Hillel adopt the view of R. Jose that a man's intentions are to be gathered from⁶ the concluding portion of his statement [equally with the first portion], and [in consequence] the vow here carries with it its annulment.⁷

But surely Beth Shammai also agree that the vow here carries with it its annulment? — We must therefore say, that Beth Shammai adopt the view of R. Meir, who said that a man does not make a declaration without meaning something, and so immediately he utters the words 'I INTEND TO BE A NAZIRITE', he becomes a nazirite, and in adding '[AND ABSTAIN] FROM DRIED FIGS AND PRESSED FIGS, his purpose is to obtain release⁸ [from his vow], and Beth Shammai [reject this] in accordance with their general principle that there can be no release from [vows made for] sacred purposes, and since there can be no release from [vows made for] sacred purposes, there can be no release from naziriteship. Beth Hillel, on the other hand, agree with R. Simeon, as we have learnt:⁹ R. Simeon declared him free¹⁰ [of obligation], since his offering was not undertaken in the customary manner:

(1) I.e., he must abstain from wine and grapes.

(2) I.e., he added (Rashi). [Tosaf: . . . as if he said'; Asheri: . . . here he intended'].

(3) They then become forbidden, but he does not become a nazirite even according to Beth Shammai.

(4) Num. VI, 4, which would show that naziriteship applies only to wine etc.

(5) Even though taken altogether his words are meaningless, and we therefore select that part which has a meaning and hold him to it.

(6) Lit., 'a man is held by'.

(7) Lit., 'its door' for escape; by his concluding remarks, he has withdrawn from his nazirite vow.

(8) Lit., 'to ask for remission.

(9) In connection with one who vowed to bring a meal-offering of barley flour; v. infra.

(10) From bringing the offering, since a meal-offering could be brought only of wheaten flour.

Talmud - Mas. Nazir 9b

Our Mishnah is not in agreement with the following tanna. For it has been taught: R. Nathan said that Beth Shammai declare him both to have vowed [to abstain from figs] and to have become a nazirite, whilst Beth Hillel declare him to have vowed [to abstain from figs], but not to have become a nazirite. [Here,] Beth Shammai agree with R. Meir¹ and R. Judah,² and Beth Hillel with R. Jose.³ According to another report, R. Nathan said that Beth Shammai declare him to have vowed [to abstain from figs], but not to have become a nazirite, whilst Beth Hillel declare him neither to have vowed, nor to have become a nazirite. [Here,] Beth Shammai agree with R. Judah, and Beth Hillel with R. Simeon.⁴

We have learnt elsewhere: A man who says, 'I undertake to bring a meal-offering of barley-flour,' must [nevertheless] bring one of wheaten flour.⁵ If he says, 'of coarse meal,' he must [nevertheless] bring fine meal. If, 'without oil and frankincense,' he must [nevertheless] add oil and frankincense; 'of half a tenth,' he must offer a whole tenth; 'of a tenth and a half', he must offer two tenths. R. Simeon declared him, free [of obligation], since his offering was not undertaken in the customary manner.⁶

Who is the Tanna [who asserts that] if anyone undertakes to bring a meal-offering of barley-flour, he must bring one of wheaten flour? — Hezekiah replied: The matter is a subject of controversy, [the Tanna here] representing Beth Shammai. For have not Beth Shammai averred that when a man says ['I intend to be a nazirite and abstain] from dried figs and pressed figs,' he becomes a nazirite? So too, if he says 'of barley-flour', he must bring one of wheaten flour. R. Johanan, on the other hand, replied that it is possible to maintain that [the passage quoted] represents the views of both [Beth Shammai and Beth Hillel] and that it refers to a man who says, 'Had I known that such vows are not made, I should not have vowed in this wise, but in the [correct] manner

Hezekiah said: The rule just laid down applies only where he said 'of barley', but if he says 'of lentils',⁷ he need bring nothing at all. [Can this be so?] Consider: To whom does Hezekiah ascribe the Mishnah [containing this ruling]? To Beth Shammai! Now lentils in regard to a meal-offering, are as dried figs to a nazirite, and there Beth Shammai declare him to be a nazirite?⁸ Hezekiah relinquished that opinion.⁹ Why did he relinquish it? —¹⁰ Raba said: Because he found that Mishnah difficult to understand. Why does it say 'barley' and not 'lentils'?¹¹ And so Hezekiah concluded that Beth Shammai's assertion was what R. Judah [maintained it to be].¹² R. Johanan, on the other hand, affirmed that [the rule of the Mishnah is applicable] even if he says 'of lentils'. But was it not R. Johanan who averred that [he only brings the offering if] he affirms: Had I known that such vows are not made, I should not have vowed in this wise, but in the [correct] manner?¹³ — He¹⁴ was arguing on Hezekiah's premises. You relinquished your former opinion,¹⁵ because [the Mishnah] does not mention [the case] 'of lentils'. But might it not be a case of progressive argument, viz, not only is it true that when he says, 'of lentils' he must bring a proper meal-offering, since we may hold that he is there repenting [of his vow], and so we lay stress upon the opening portion of his statement, but even if he says 'of barley', where we could take it as certain that his intention is: If it can become consecrated after the manner of the 'Omer

meal-offering,¹⁶

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- (1) That a man does not make a declaration without meaning something.
 - (2) Of our Mishnah.
 - (3) That a man's intention may be gathered from the concluding portion of his statement, and not like R. Simeon; cf. n. 7.
 - (4) That a vow must be undertaken in the customary manner.
 - (5) Which alone was permissible for a meal-offering. v. Lev. II. 2: And when anyone bringeth a meal-offering unto the Lord, his offering shall be of fine flour; and he shall pour oil upon it and put frankincense thereon.
 - (6) M. Men. 103a.
 - (7) There was an obligatory offering of barley for the 'Omer but no offering of lentils at all (v. Lev. XXIII, 10ff.).
 - (8) And so here he ought to bring a meal-offering of wheaten flour if he says 'of lentils'.
 - (9) That the Tanna of the Mishnah of Men. 103a is Beth Shammai. [He will consequently accept the explanation of R. Johanan (Tosaf.).]
 - (10) He could still have maintained that the Mishnah of Men. represents the view of Beth Shammai, and retract from the second statement holding that the ruling applies even if the man said 'of lentils'!
 - (11) If the view of Beth Shammai is that we hold a man to the first portion of his vow, then even if he says, 'I intend to offer a meal-offering of lentils', he should be obliged to bring one of wheaten flour.
 - (12) [The text is in disorder, and the interpretations suggested are many and varied. It appears to be best understood on the basis of Rashi's interpretation of R. Judah's statement in our Mishnah, viz., that he actually added, **THEY ARE FORBIDDEN TO ME AS IS A SACRIFICE** (v. supra p. 28, n. 2). On this view, even according to Beth Shammai, where he vowed to bring a meal-offering from barley, he would not be obliged to bring one of wheat unless he, e.g., explicitly stated that had he known that such vows are not made, he would have vowed in the correct manner, as R. Johanan (supra p. 30), but while such a plea would be accepted if he vowed barley because it could have been a bona-fide error, it could not be admitted if he undertook to offer 'lentils'. Granted this, the Mishnah in Men. can represent the views of both Beth Hillel and Beth Shammai, as R. Johanan stated, hence the reason for Hezekiah relinquishing his former opinion (v. p. 30, 11. 4).]
 - (13) [A plea which is not admitted if he vowed to bring 'lentils', v. n. 4.]
 - (14) [R. Johanan, in affirming that the ruling is applicable even if he says 'of lentils'.]
 - (15) [V. supra p. 30, n.4.]
 - (16) Which was of barley. v. Lev. XXIII, 10ff.

Talmud - Mas. Nazir 10a

or the meal-offering of the faithless wife,¹ then I desire it to become consecrated, but not otherwise — even there we are told that he must bring one of wheaten flour.²

MISHNAH. IF HE SAYS, 'THIS HEIFER IS SAYING I SHALL BECOME A NAZIRITE IF I RISE,'³ OR 'THIS DOOR IS SAYING I SHALL BECOME A NAZIRITE IF I OPEN', BETH SHAMMAI SAY THAT HE BECOMES A NAZIRITE, BUT BETH HILLEL SAY THAT HE DOES NOT BECOME A NAZIRITE. R. JUDAH SAID: EVEN THOUGH BETH SHAMMAI DID AFFIRM [THAT THE FORMULA WAS OF SOME EFFECT], IT WAS ONLY WHERE HE SAYS:⁴ 'THIS HEIFER SHALL BE [FORBIDDEN] TO ME AS IS A SACRIFICE, IF IT SHOULD STAND UP [OF ITSELF]'.

GEMARA. Is it possible for a heifer to talk? — Rami b. Hama replied: [The Mishnah] here, refers to where a heifer lay crouching before him, and he said, ‘This heifer thinks that it is not going to stand up. I intend to be a nazirite [and abstain] from its flesh, if it stands up of its own accord,’ and it then arose of its own accord. Beth Shammai now apply their customary view and Beth Hillel their customary view. Beth Shammai who affirm that [in spite of his saying], ‘from dried figs and pressed figs’, he becomes a nazirite, assert here that [even] when he says ‘from its flesh’, he becomes a nazirite, whilst Beth Hillel declare that he does not become a nazirite.

But have not Beth Shammai asserted this once, already? Raba replied: A second and a third time⁵ [did they repeat it]. R. Hiyya, too, taught it a second and a third time, and so did R. Oshaia teach it a second and a third time, and they are all necessary statements; For if the rule had been stated merely in the case of dried figs and pressed figs, [it might have been argued] that Beth Shammai were of the opinion there that his words take effect and he becomes a nazirite because [figs and] grapes can be confused,⁶ whereas flesh and grapes cannot be confused. Similarly had it been affirmed regarding flesh [it might have been argued] that Beth Shammai were of the opinion in this instance that he becomes a nazirite, because flesh and wine [are naturally associated],⁷ but it would not apply to dried figs and pressed figs, and so this case also is given explicitly. Again, had it been affirmed in these two cases [only, it might have been argued] that only in these cases was Beth Shammai’s assertion to be applied, whilst as concerns the door, they would defer to Beth Hillel.⁸ Further, had only the door been referred to, [it might have been argued] that only in this case do Beth Hillel dissent, but in the other two they defer to Beth Shammai, and so we are told that this is not so.

[Nevertheless,] said Raba, does the Mishnah say if [the cow] rises of its own accord?⁹ But, said Raba, we must explain thus: The heifer, for example, is recumbent before him, and he says, ‘I undertake to bring it as a sacrifice’.

This is all very well as regards the heifer which can be offered as a sacrifice but can a door be sacrificed?¹⁰ — Raba therefore [corrected himself and] said: The heifer, for example, is recumbent before him,¹¹

(1) This was also barley, v. Num. V, 15.

(2) I.e. although his vow ban a certain meaning even if taken at face value, and there is no need for us to emphasise the first clause to the exclusion of the second, yet we do so.

(3) Apparently this is taken as a clumsy way of saying: ‘If I do not make this cow get up, I vow abstinence from its flesh.’

(4) Cf. supra p. 28, n. 2.

(5) The case of the DOOR.

(6) So that when he said figs he may have meant grapes.

(7) And when he spoke of the one, he thought of the other.

(8) Because there is no association between a door and grapes.

(9) Whilst admitting the necessity of restating the principle in our Mishnah, Raba objects to the explanation of Rami b. Hama on the ground that the word ‘rises’ might mean with the help of others, whereas according to Rami b. Hama the vow is effective only when the heifer rises of its own accord.

(10) Since the case of the door in the Mishnah is parallel to that of the heifer, any explanation applying to the

heifer must hold good if the door is substituted.

(11) And appears as if it will never rise, even if force is used.

Talmud - Mas. Nazir 10b

and he says, 'I undertake a nazirite-vow [to abstain] from wine if it does not stand up,' and it then stood up of its own accord. In Beth Shammai's opinion, the substance¹ of this man's vow lay in his intention to cause [the heifer] to rise by force,² and this he did not do,³ whereas Beth Hillel are of the opinion that [the vow was made] because [the heifer] was recumbent,⁴ and it has risen.⁵

If this is [the meaning of the Mishnah], how is the subsequent clause to be understood, viz.: R. JUDAH SAID: EVEN THOUGH BETH SHAMMAI DID AFFIRM [THAT THE FORMULA WAS OF SOME EFFECT], IT WAS ONLY WHERE HE SAYS, AND SHALL BE FORBIDDEN TO ME AS A SACRIFICE ETC.'? Does [his vow] then, attach to the heifer at all?⁶ — [It must be] therefore, that he said, for example, 'I undertake a nazirite vow [to abstain] from its flesh if it should not stand up,' and it then stands up of its own accord. In Beth Shammai's opinion, the substance of this man's VOW is his intention to cause [the heifer] to rise by force, and this he has not done, whereas according to Beth Hillel, the substance of his vow lies in the fact that [the heifer] was recumbent, and it has risen.⁷

But are Beth Hillel of the opinion that if [the heifer] does not stand up, [the man] becomes a nazirite? Have they not said that [by a vow to abstain] from flesh, he does not become a nazirite?⁸ — They were arguing on the premises of Beth Shammai. In our opinion, he does not become a nazirite even if [the heifer] should not stand up, but you who say that he does become a nazirite⁹ should at least admit that the substance of his vow lay in the fact that [the heifer] was recumbent, and it has since risen. Beth Shammai reply that this is not so, and the substance of the man's vow lay in his intention to cause [the heifer] to rise by force, and this he has not done.¹⁰

(1) Lit., 'the obligation'.

(2) Lit., 'with his hand'. The word 'stand up' being taken to mean 'stand up through me'.

(3) He therefore becomes a nazirite.

(4) And can only take effect if it remains recumbent.

(5) He does not therefore become a nazirite.

(6) The words 'it is forbidden to me as a sacrifice' imply that the heifer itself was the object of the vow, whereas in Raba's explanation it is the heifer's not standing up which is the condition for the operation of the man's naziriteship, and he has no intention of attaching any sanctity to the heifer.

(7) But if it did not rise he would be a nazirite.

(8) Even as in the case of a vow to abstain from pressed figs, v. supra p. 32.

(9) Where he says simply, 'I undertake to be a nazirite (and abstain) from flesh.'

(10) And so he becomes a nazirite.

Talmud - Mas. Nazir 11a

MISHNAH. IF A CUP OF WINE DULY TEMPERED¹ IS OFFERED TO A MAN, AND HE SAYS, 'I INTEND TO BE A NAZIRITE IN REGARD TO IT,' HE BECOMES A NAZIRITE.

ON ONE OCCASION A CUP OF WINE WAS OFFERED TO A WOMAN ALREADY INTOXICATED AND SHE SAID, 'I INTEND TO BE A NAZIRITE IN REGARD TO IT. THE SAGES RULED THAT ALL THAT SHE MEANT WAS TO FORBID IT TO HERSELF, AS A SACRIFICE [IS FORBIDDEN]. GEMARA. You cite a case to disprove [the rule]! You begin by saying that HE BECOMES A NAZIRITE, and then quote the case of the woman [who does not become a nazirite], from which I should conclude that [by means of this formula] he forbids to himself only this [cup that is offered to him] but is allowed to drink other wine? — There is a hiatus [in the Mishnah], which should read: 'If a cup of wine duly tempered is offered to a man, and he says "I undertake a nazirite vow [to abstain] from it", he becomes a nazirite.' If, however, he was [already] intoxicated when he said 'I intend to be a nazirite [and abstain] from it', he does not become a nazirite,² (since he is accounted as having merely forbidden it to himself as a sacrifice is forbidden. If you should object that he ought to have said so [unambiguously], [the reply is] that he thought they would bring a fresh one and importune him, and so he thought, 'I will say something to them which will leave them in no doubt [as to my intention]). ON ONE OCCASION, TOO, A WOMAN [ALREADY INTOXICATED etc.].

MISHNAH. [IF A MAN SAYS,] 'I DECLARE MYSELF A NAZIRITE, ON CONDITION THAT I CAN DRINK WINE, OR CAN HAVE CONTACT WITH THE DEAD', HE BECOMES A NAZIRITE, AND ALL THESE THINGS ARE FORBIDDEN HIM. [IF HE SAYS,] 'I WAS AWARE THAT THERE IS SUCH A THING AS NAZIRITESHIP BUT I WAS NOT AWARE THAT A NAZIRITE IS FORBIDDEN TO DRINK WINE', HE IS BOUND [TO HIS VOW].³ R. SIMEON, HOWEVER, RELEASES HIM.⁴ [IF HE SAYS,] 'I WAS AWARE THAT A NAZIRITE IS FORBIDDEN TO DRINK WINE,⁵ BUT I IMAGINED THAT THE SAGES WOULD GIVE ME PERMISSION, SINCE I CANNOT DO WITHOUT WINE', OR 'SINCE I AM A SEXTON',⁶ HE IS RELEASED.⁷ R. SIMEON, HOWEVER, BINDS HIM [TO HIS VOW].⁸ GEMARA. Why does R. Simeon not dissent from the first ruling [also]? — R. Joshua b. Levi said: R. Simeon did in fact dissent from the first ruling also. Rabina said: In the opening clause, R. Simeon does not dissent, because the condition [there attached to the vow]⁹ is contrary to an injunction of the Torah, and whenever a condition is contrary to an injunction of the Torah, it is void.¹⁰ R. Joshua b. Levi, on the other hand, considered that the words ON CONDITION here are equivalent to 'except'.¹¹

It has been taught in support of Rabina's view: If he said, 'I declare myself a nazirite, on condition that I may drink wine, or have contact with the dead,' he becomes a nazirite and all these things are forbidden to him, since the condition he lays down is contrary to an injunction of the Torah; and whenever a condition is contrary to an injunction of the Torah, it is void.¹²

[IF HE SAYS] I WAS AWARE THAT A NAZIRITE IS FORBIDDEN TO DRINK WINE [etc.]: In the preceding clause,¹³ we find it is [the Rabbis] who bind him [to his vow] and R. Simeon who releases him [and why is it not the same here]? — Here, too, it should read: [The Rabbis] bind him whilst R. Simeon releases.

Alternatively, you need not reverse the text,

(1) Wine in ancient times was never drunk neat.

- (2) His intention being to cease from drinking.
- (3) I.e. he becomes a full nazirite
- (4) He does not become a nazirite at all, P. Simeon being of opinion that a nazirite vow is not effective unless it comprises all the things forbidden to a nazirite, v. supra 3b.
- (5) [Add, 'or that a nazirite may have no contact with the dead.']
- (6) [And therefore thought the Rabbis would permit me to come in contact with the dead.]
- (7) He does not become a nazirite at all.
- (8) He becomes a full nazirite.
- (9) That he should be allowed to touch a dead body or drink wine.
- (10) And therefore the vow stands.
- (11) Hence the vow was not all-inclusive, and therefore R. Simeon regards it as null.
- (12) Tosef. Naz. II, 1.
- (13) Where he says he did not know that wine is forbidden.

Talmud - Mas. Nazir 11b

[and we may explain thus]. In the first clause, where he makes a nazirite vow [to abstain] from one thing¹ only, according to the Rabbis, who hold that [the nazirite vow takes effect] even though he forswears one thing only, he becomes a nazirite and [the things forbidden to a nazirite] are forbidden to him; whereas according to R. Simeon who holds that [the nazirite vow does not take effect] until he forswears all of them, [all the things forbidden to a nazirite] are permitted to him. In the subsequent clause where he forswears all, and desires release as regards one thing, according to the Rabbis who declare him to be a nazirite even though he forswears one thing only, if he desires release as regards one only, he is released [from all]; according to R. Simeon who requires him to forswear them all, he cannot obtain release from one, until he obtains release from all. This is the reason we have the reading [in the second clause]: R. SIMEON BINDS HIM.

Yet another solution is possible. The controversy concerns vows [broken] under pressure,² and the difference [between R. Simeon and the Rabbis] is the same as that between Samuel and R. Assi [in the following passage]. For we have learnt: Four types of vows were remitted by the Sages,³ incentive Vows,⁴ vows of exaggeration,⁵ inadvertent vows⁶ and vows [broken] under pressure.⁷ And [commenting thereon] R. Judah said: 'R. Assi ruled that it was necessary with these four types of vow to seek remission from a Sage. When I told this to Samuel, he said to me, The Tanna says that the Sages have remitted them, and you say that they must still be asked to remit them!' The Rabbis agree with Samuel,⁸ R. Simeon with R. Assi.⁹

MISHNAH. [SHOULD A MAN SAY,] 'I DECLARE MYSELF A NAZIRITE AND I UNDERTAKE TO POLL A NAZIRITE',¹⁰ AND SHOULD HIS COMPANION, HEARING THIS, SAY: 'I TOO, AND I UNDERTAKE TO POLL A NAZIRITE', THEN, IF THEY ARE CLEVER THEY WILL POLL EACH OTHER; OTHERWISE THEY MUST POLL OTHER NAZIRITES.

GEMARA. The question was propounded: If his companion, on hearing [his vow], says [simply]: 'I TOO', what are the consequences? Does [the remark] 'I TOO' embrace the whole of the original statement,¹¹ or does it embrace only half of it? If it should be decided that it embraces

only half of the statement, is this to be the first half or the second half? — Come and hear: [AND HIS COMPANION, HEARING THIS, SAYS:] I TOO, AND I UNDERTAKE TO POLL A NAZIRITE, THEN IF THEY ARE CLEVER THEY WILL POLL EACH OTHER. From the fact that he is made to say both I TOO' and 'I UNDERTAKE ,it may be inferred that 'I TOO' has reference to half of the statement only.

Quite so: it has reference to half of the statement only, but is this the first half or the second half? — This follows from the same [passage]. For since he is made to say AND I UNDERTAKE TO POLL'¹² it follows that 'I Too' has reference to the first half.

R. Huna, the son of R. Joshua said to Raba: How can we be sure that this is so? May we not suppose that 'I TOO' really refers to the whole statement, and that the additional 'AND I UNDERTAKE', merely confirms his Undertaking? For if you do not admit this, [what do you make of] the subsequent [Mishnah] that reads: [Should a man say:] 'I undertake half the polling of a nazirite', and should his companion, hearing this, say: 'I too, I undertake half the polling of a nazirite'?¹³ Are there here two sections to which he can be referring? We can only suppose that there he is merely repeating 'I have undertaken this obligation', and in this case too [it is possible] that he is merely repeating 'I have undertaken this obligation.' Raba replied: How now! If you are prepared to say that in the first [Mishnah the words 'I UNDERTAKE ETC.'] are of importance, but not in the subsequent one, then they are repeated in the subsequent one — unnecessarily, it is true — because they are included in the first one where it is important,¹⁴ but if you maintain that it is of importance neither in the first [Mishnah] nor in the subsequent one, would it be included unnecessarily in both? R. Isaac b. Joseph citing R. Johanan said: If a man instructs his representative

(1) I.e., one of the things forbidden a

(2) Viz., his inability to live without wine.

(3) I.e., without the need of remission being asked for.

(4) E.g., 'I vow . . . if I pay more', made during bargaining to show himself in earnest.

(5) E.g., 'I vow . . . if there were not a million people there', the number being obviously exaggerated.

(6) E.g., 'I vow . . . if I was there,' and he later remembers that he was there.

(7) E.g., through illness. V. Ned. 20b.

(8) Since it is impossible for a nazirite to be a sexton, the vow is null of itself and he is not a nazirite.

(9) Though he cannot be a nazirite, the vow must be remitted by a Sage.

(10) I.e., enable a nazirite to poll by providing his sacrifices.

(11) I.e., both (i) 'I wish to be a nazirite,' and (ii) 'I undertake to poll a nazirite.'

(12) And not merely 'I Too'.

(13) Mishnah infra 12b.

(14) I.e., the second Mishnah repeats the phrasing of the first, for the sake of parallelism.

Talmud - Mas. Nazir 12a

to go and betroth for him a wife, without specifying any woman, he becomes [in the meanwhile] forbidden [to marry] any woman in the world, since it is presumed that the messenger carries out his commission, and since he did not specify [the woman], he does not know which he betrothed

for him.¹ Resh Lakish raised an objection against R. Johanan [from the following]: If a dove of an indeterminate pair² should fly away into the air, or amongst those sin-offerings that have to be killed,³ or if one of the pair should perish, a partner is to be taken for the other one.⁴ [This implies that] with a determinate pair there is no remedy;⁵ though all other pairs [in the world] would be valid.⁶ Now why should this be so? Should we not say of each one, perhaps this is one [that flew away]?⁷ He replied: I spoke of a woman who is stationary and you raise objections from prohibited things that are mobile!⁸ Should you argue further that here too the woman may be mobile, for it is possible that he may have met her in the street and betrothed her, [the cases are still different] for the woman returns to her customary place, but can the same be said of the bird-pair?

Raba said: R. Johanan would admit that a woman who has [among her unmarried relatives] neither daughter, daughter's daughter, nor son's daughter; neither mother nor maternal grandmother, nor sister, although she may have a sister who was divorced after [the representative was sent] — such a woman would be permitted to him,⁹ because at the time that he gave his instructions, [the sister] was still married, and when a person appoints a deputy, it is [to perform] something that is possible at the time,¹⁰ but for something that is not possible at the time he does not appoint a deputy.¹¹

We have learnt: [SHOULD A MAN SAY:] ¹¹ DECLARE MYSELF A NAZIRITE, AND I UNDERTAKE TO POLL A NAZIRITE, AND SHOULD HIS COMPANION, HEARING THIS, SAY: 'I TOO, AND I UNDERTAKE TO POLL A NAZIRITE, THEN, IF THEY ARE CLEVER, THEY WILL POLL EACH OTHER; OTHERWISE THEY MUST POLL OTHER NAZIRITES. Now this [suggestion]¹² is all very well as regards the latter, since the former had become [a nazirite] first,¹³ but as to the former, was the latter a nazirite [when he made his vow]?¹⁴

(1) Any woman may therefore be a relative, of a forbidden degree of kinship, of his betrothed wife.

(2) A pair of doves of which it has not yet been determined which is to be the sin-offering and which the burnt-offering.

(3) v. Kin. 1, 2.

(4) The pair is then to be determined in the usual way; Kin. II, I.

(5) Since it is not known which is the survivor.

(6) We assume that a random pair does not contain the missing dove, as we are guided by the majority.

(7) [And could not be offered except on behalf of the owner who originally determined it.]

(8) Where the objects are stationary (**guce**), a majority is not considered decisive, but any minority is as potent as the majority (cf. Sanh. [Sonc. ed.] p. 531. n. 4) and so there is an even chance that any woman is a near kinswoman of his betrothed wife.

(9) I.e., to betroth before the deputy returns.

(10) Here, to betroth an unmarried woman.

(11) Hence the deputy could not possibly have betrothed the other sister.

(12) Viz., that they should poll each other.

(13) Lit., 'since the former was in his presence'; and so his vow to poll a nazirite can be understood as applying to the former.

(14) How then can his vow apply to the latter, if we accept Raba's contention that a man can appoint an agent only

for something which is possible at the time.

Talmud - Mas. Nazir 12b

It follows therefore that he must have meant: 'If I should find one who is a nazirite, I shall poll him'; and so here too, perhaps he means: 'If you find one who is divorced, [you can] betroth her on my behalf'? — We may put [our maxim] thus. A person can appoint a deputy only for a commission that he himself can execute at the moment, but he cannot appoint him for a commission that he himself cannot execute at the moment [but can only do later].

But is that so? Come and hear: If a man says to his agent,¹ 'You are to declare void any vows that my wife makes from the present moment until the time I return from such-and-such a place,' and he does so, it might be imagined that they become void, but Scripture says: Her husband may let it stand, or her husband may make it void.² This is the opinion of R. Josiah. R. Jonathan said: In all circumstances do we find that a man's representative is equivalent to himself.³ Now, [R. Josiah's] reason derives from the statement of the Divine Law, Her husband may let it stand, or her husband may make it void, and but for this, the agent would be able to declare them void, whereas where [the husband] himself is concerned, it has been taught: Should a man say to his wife, 'All the vows that you may make from the present moment until I return from such-and-such a place are to stand,' this is of no effect. [Should he say,] 'They are to be void,' R. Eliezer declares them void, but the Sages say that they are not void.⁴ Now assuming that R. Josiah agrees with the Rabbis that he himself could not make them void, [we nevertheless find that] had not the Divine Law said, Her husband may let it stand or her husband may make it void, the agent could have declared them void?⁵ — It is possible that he agrees with R. Eliezer that [the husband] can make them void [in advance]. If that is so, why does he trouble to appoint a deputy? Why does he not declare them void himself? — He fears that [at the moment of departure]⁶ he might forget, or be angry, or be too busy.

MISHNAH. [SHOULD A MAN SAY,] 'I UNDERTAKE THE POLLING OF HALF A NAZIRITE,'⁷ AND HIS COMPANION, HEARING THIS, SAY 'I, TOO; I UNDERTAKE THE POLLING OF HALF A NAZIRITE,' THEN, ACCORDING TO R. MEIR, EACH MUST POLL A NAZIRITE COMPLETELY, BUT THE SAGES SAY: EACH POLLS HALF A NAZIRITE.

GEMARA. Raba said: All agree that if he Says, 'I undertake half the sacrifices⁷ of a nazirite,' he is obliged to bring only half the sacrifices;⁸ if he says 'I undertake the sacrifices of half a nazirite,' he must bring a complete set of sacrifices, since partial naziriteship is impossible.⁹ Where they differ is when the phraseology of the Mishnah [is used].¹⁰ R. Meir considers that as soon as he says 'I undertake [to poll]' he becomes liable to the complete sacrifice of naziriteship, and when he [afterwards] specifies half a naziriteship, it is no longer within his power [to limit his obligation].¹¹ The Rabbis, on the other hand, look upon it as a vow accompanied by its own modification.¹²

MISHNAH. [SHOULD A MAN SAY,] ¹¹ UNDERTAKE TO BECOME A NAZIRITE WHEN I SHALL HAVE A SON,' AND A SON BE BORN TO HIM, HE BECOMES A

NAZIRITE. IF THE CHILD BORN BE A DAUGHTER, OR SEXLESS, OR AN HERMAPHRODITE, HE DOES NOT BECOME A NAZIRITE. SHOULD HE SAY, WHEN I SHALL HAVE A CHILD,' THEN EVEN IF IT BE A DAUGHTER, OR SEXLESS, OR AN HERMAPHRODITE, HE BECOMES A NAZIRITE.

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- (1) A person left by a man in charge of his household while he is away.
 - (2) Num. XXX, 14.
 - (3) Ned. 72b.
 - (4) Ned. 72a.
 - (5) Which seems to show that a man can appoint an agent for something which cannot be done at once but can be done later.
 - (6) Until then, he wishes to retain his option of declaring his wife's vows void or not, at his pleasure.
 - (7) I.e., to bring half the sacrifices accompanying the polling of a nazirite.
 - (8) Because there is no ambiguity.
 - (9) The phrase 'half a nazirite' is meaningless and must therefore be replaced by 'a nazirite', since it is presumed that he intended to undertake a real obligation.
 - (10) Here the actual obligation, which is to provide sacrifices, is not mentioned explicitly but must be inferred. The position of the word 'half' is no longer decisive, since no other position yields more sense. Accordingly, its significance must be determined.
 - (11) Limitation is now only possible on application to a Sage, and so he must bring a complete sacrifice.
 - (12) And therefore only the modified vow comes into operation and it is sufficient for him to bring half the sacrifices. V. supra p. 28, n. 7.

Talmud - Mas. Nazir 13a

SHOULD HIS WIFE MISCARRY, HE DOES NOT BECOME A NAZIRITE. R. SIMEON SAID: [IN THIS CASE] HE MUST SAY, IF IT WAS A VIABLE CHILD, I AM A NAZIRITE OBLIGATORILY; OTHERWISE I UNDERTAKE A NAZIRITESHIP VOLUNTARILY.¹ SHOULD [HIS WIFE] LATER BEAR A CHILD,² HE THEN BECOMES A NAZIRITE. R. SIMEON SAID: HE SHOULD SAY, 'IF THE FIRST WAS A VIABLE CHILD, THE FIRST [NAZIRITESHIP] WAS OBLIGATORY, AND THE PRESENT ONE WILL BE VOLUNTARY, OTHERWISE, THE FIRST ONE WILL HAVE BEEN VOLUNTARY, AND THE PRESENT ONE IS OBLIGATORY.

GEMARA. For what purpose are we told this?³ — Because of the subsequent clause, viz.: — IF IT BE A DAUGHTER, OR SEXLESS, OR AN HERMAPHRODITE, HE DOES NOT BECOME A NAZIRITE. But is not this obvious? — It might be thought that his meaning was 'If I beget a child'⁴ and so we are told that this is not so SHOULD HE SAY 'WHEN I SHALL HAVE A CHILD' etc.: But is not this obvious? — It might be thought that he only meant the child that is reckoned amongst men,⁵ and so we are told [that any child is meant].

SHOULD HIS WIFE MISCARRY HE DOES NOT BECOME A NAZIRITE. The author of this statement is the R. Judah of the heap of grain.⁶

R. SIMEON SAID: HE SHOULD SAY, 'IF THE CHILD WAS VIABLE, THEN I AM A

NAZIRITE OBLIGATORILY; OTHERWISE I UNDERTAKE NAZIRITESHIP VOLUNTARILY.’ — R. Abba put the following question to R. Huna: Should a man say, ‘I undertake to become a nazirite when I shall have a son’, and his wife miscarries, and he set aside a sacrifice,⁷ and then his wife gave birth [to a son],⁸ what is the law?⁹ From whose standpoint [was this problem propounded]? If from the standpoint of R. Simeon, what problem is there? Does not R. Simeon say that wherever there is a doubt in questions concerning naziriteship we adopt the more stringent ruling?¹⁰ — It must therefore be from the standpoint of R. Judah, who maintains that in questions concerning naziriteship, if there is a doubt the more lenient ruling is adopted. The query then is whether [the animal] became sacred or not,¹¹ But what [practical] difference can it make [which it is]?¹² — [There would be the question of] whether he might shear it, or work with it.¹³ The problem was unsolved. Ben Rehumai put the following question to Abaye: [Should a man say,] ‘I undertake to become a nazirite when I shall have a son, and his companion, hearing this, add ‘And I undertake likewise,’ what would be the law? Is the reference to his words¹⁴ or to him himself?¹⁵ Should your finding be that the reference is to him himself,¹⁶ then if a man should say, ‘I undertake to become a nazirite when I shall have a son,’ and his companion, hearing this, add ‘I too , what would be the law? Is the reference to himself, I or does he mean, ‘I am as much your good friend as you are yourself’?¹⁷ Should your finding be that whenever the other is present

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- (1) And in either case he becomes a nazirite.
 - (2) After her miscarriage.
 - (3) That if a son is born, he becomes a nazirite.
 - (4) The Hebrew word **ic** son’, is a denominative of **vbc** ‘to beget children’, and might be used for any child (Rashi).
 - (5) I.e., a son through whom the family is propagated.
 - (6) v. supra 8a.
 - (7) To bring at the end of his proposed naziriteship.
 - (8) As a result of the same confinement.
 - (9) I.e., what about the sacrifice between the time it was set aside, and the time the second child was born. The question is made clearer anon.
 - (10) So that the husband was a nazirite in law, and the sacrifice properly set aside from the first.
 - (11) [Does the birth of the second child prove that the first was the result of the same pregnancy and consequently not premature and viable, or do we assume that it was the result of a later pregnancy and thus premature and non-viable?]
 - (12) Since it is now sacred.
 - (13) In the interval between the birth of the first and second child, as no benefit might be derived from sacred property.
 - (14) I.e., ‘I also undertake to become a nazirite when I have a son’.
 - (15) The former, i.e., I also undertake to become a nazirite when you have a son’.
 - (16) The latter, meaning, ‘I too shall be a nazirite when I have a son’.
 - (17) I.e., ‘I too shall be a nazirite when you have a son’.

Talmud - Mas. Nazir 13b

he would be ashamed [to refer to himself],¹ then if a man should say, ‘I undertake to be a nazirite when so-and-so has a son,’ and his companion, hearing this, add ‘I too,’ what would be the law?

Would it be said then that because the other is not present he is referring to himself,² or does he mean, 'I am as good a friend to him as you are'?³

The problem was left unsolved.

MISHNAH. [IF A MAN SAYS,] 'I INTEND TO BE A NAZIRITE [NOW] AND A NAZIRITE WHEN I SHALL HAVE A SON', AND BEGINS TO RECKON HIS OWN [NAZIRITESHIP]. AND THEN HAS A SON BORN TO HIM, HE IS TO COMPLETE HIS OWN NAZIRITESHIP] AND THEN RECKON THE ONE ON ACCOUNT OF HIS SON. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE WHEN I SHALL HAVE A SON, AND A NAZIRITE [ON MY OWN ACCOUNT]', AND HE BEGINS TO RECKON HIS OWN [NAZIRITESHIP] AND THEN HAS A SON BORN TO HIM, HE MUST INTERRUPT HIS OWN [NAZIRITESHIP], RECKON THE ONE ON ACCOUNT OF HIS SON, AND THEN COMPLETE HIS OWN. GEMARA. Raba put the following question. If he should say, 'I wish to be a nazirite⁴ after twenty days time,' and then 'For one hundred days commencing now', what would be the law? Seeing that these hundred days will not be complete in twenty, are they to be inoperative [for the time being]⁵ or, seeing that there will remain sufficient time afterwards⁶ for the hair to grow long,⁷ do they come into operation [immediately]?⁸

Why does [Raba] not [first] raise the question of a [second] naziriteship of short duration?⁹ It is a problem within a problem that he has raised:

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- (1) And he must have meant, 'I shall be a nazirite when you have a son.'
 - (2) I.e., 'I too shall be a nazirite when I have a son.'
 - (3) I.e., 'I too shall be a nazirite when so-and-so has a son.'
 - (4) An ordinary naziriteship of thirty days.
 - (5) I.e., till thirty days after the twenty.
 - (6) At the termination of the ordinary naziriteship.
 - (7) A nazirite could not poll until his hair had grown for thirty days.
 - (8) He will count twenty days, observe an ordinary naziriteship of thirty days, and then count eighty days to complete the naziriteship of one hundred days.
 - (9) 'I wish to be a nazirite after twenty days', and then, 'An (ordinary) nazirite commencing now.'

Talmud - Mas. Nazir 14a

Suppose it is decided that with a short naziriteship, since only ten days remain,¹ these ten days would certainly not be reckoned,² [what are we to say] of a naziriteship of a hundred days?³ Seeing that eighty remain, would these [eighty days] be reckoned² or not?

And again, suppose it is decided that [the naziriteship] [in this case] operates [immediately], what would be the law if he were to say 'I wish to be a nazirite after twenty days time' and then 'I wish to be a life nazirite now',⁴ would this become operative [at once] or not?⁵ And again, supposing it is decided that in all these cases, since it is possible to secure release,⁶ they become operative [at once],⁷ what would be the law if he were to say 'I wish to become a nazirite like Samson in twenty days time', and then 'I wish to be an ordinary nazirite now'? In this case, since

release cannot be secured,⁸ would it become operative or not?

If he were to say, 'I desire to be as Moses on the seventh of Adar,'⁹ what [would his meaning be]?¹⁰

Of these [questions], decide the first, [For it was taught: Should a man say] 'I wish to be a nazirite after twenty days time,' and then 'For a hundred days from now,' he reckons twenty days, and then thirty days, and then eighty days to complete the first naziriteship.¹¹ [SHOULD HE SAY, 'I WISH TO BE A NAZIRITE WHEN I SHALL HAVE A SON, AND A NAZIRITE ON MY OWN ACCOUNT etc.']

If he contracts ritual defilement¹² during the period [of naziriteship] on account of his son, R. Johanan said: This renders void [the first¹³ period as well], but Resh Lakish said: It is not void. 'R. Johanan said that it becomes void,' — because [the whole] is one long period of naziriteship; 'but Resh Lakish said that it is not void,' — since his own naziriteship, and the one on account of his son are distinct.

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- (1) If it is interrupted by a naziriteship after twenty days.
 - (2) As completing the first naziriteship by adding them to the twenty days, since ten days do not allow for the hair to grow long and therefore this naziriteship does not commence until the other one is finished.
 - (3) Is it on the same footing as the short one, or does it commence at once?
 - (4) Though a life-nazirite polls every thirty days, the naziriteship is continuous and cannot be interrupted. Thus once the life-naziriteship operates it is impossible for the ordinary naziriteship to take effect.
 - (5) I.e. , shall the life-naziriteship be suspended until the ordinary naziriteship has been observed, or does it become operative and he must obtain release from the other naziriteship.
 - (6) From the naziriteship which is to become operative in twenty days time.
 - (7) And he must secure release from the naziriteship which was to have operated after twenty days.
 - (8) A nazirite like Samson could never be freed from his vow, since Samson could not be freed.
 - (9) Supposed to be the date of the birth and death of Moses, v. Kid. 38a.
 - (10) Either 'As after the death of Moses on the seventh of Adar'; when presumably many nazirite vows were made by the Israelites, or, 'As after the birth of Moses on the seventh of Adar', a festive occasion.
 - (11) Tosef. Nazir II.
 - (12) With the dead.
 - (13) The period counted before his son's naziriteship came into operation.

Talmud - Mas. Nazir 14b

If he contracts ritual defilement during the period that he is leprous.¹ R. Johanan said: This renders void [the earlier period of naziriteship]; but Resh Lakish said: It is not void. 'R. Johanan said that it becomes void,' — since he is in the midst of his period of naziriteship,² 'but Resh Lakish said that it is not void,' — because the period of leprosy and the naziriteship are distinct.

And it is necessary [to have both these controversies on record]. For if only the first³ were recorded, [we might say that] there R. Johanan was of the opinion that [the first period] becomes void because the same term, naziriteship, applies to both, whereas in the other he would agree

with Resh Lakish that the nazirite period and the leprosy are distinct. Similarly had only the other [regarding leprosy] been recorded, [we might suppose that] only there did Resh Lakish hold [the two periods to be distinct], whereas in the first he would agree with R. Johanan. Thus the necessity [for recording both controversies] is demonstrated. If he becomes unclean on a day [during the period that] his hair is growing.⁴ — Rab said: This does not render void [the earlier period]; this even according to R. Johanan who said [above] that the [earlier period] does become void, for this is only so [when the uncleanness is incurred] during the naziriteship itself, but not during the period his hair is growing which is merely the complement of the naziriteship.⁵ Samuel, on the other hand, said: It does render void [the earlier period]; and this even according to Resh Lakish who said [above] that [the earlier period] does not become void, for whereas there, there are two distinct naziriteships, here⁶ there is but one naziriteship.⁷

R. Hisda said: All would agree that should his hair be still unshorn⁸ when the blood [of his sacrifice had been sprinkled],⁹ he would have no remedy.¹⁰ With whose opinion does this statement accord? It cannot be with that of R. Eliezer,¹¹ for seeing that in his opinion polling estops [him from drinking wine, the uncleanness]¹² is still prior to the ‘fulfilment of his [consecration]’¹³ and [the whole period] should become void!¹⁴ Nor can it accord with the Rabbis, Seeing that they say that the polling does not estop [him from drinking wine]!¹⁵ -In point of fact, it does accord with the opinion of the Rabbis, the phrase, ‘he would have no remedy’, meaning, ‘he would have no means of fulfilling the precept of polling [in purity]’.

R. Jose son of R. Hanina said: A nazirite whose period is completed, is scourged for contracting ritual defilement,¹⁶ but not for polling or for [drinking] wine. Why is he scourged for ritual defilement? [Assuredly] because Scripture says. All the days that he consecrateth himself unto the Lord [he shall not come near to a dead body],¹⁷ thus including the days after fulfilment equally with the days before fulfilment! But in that case, for polling too he should be liable to scourging seeing that the All-Merciful Law Says. All the days of his naziriteship there shall cone no razor upon his head,¹⁸ thereby including the days after fulfilment equally with the days before fulfilment. Again, All the days of his naziriteship shall he eat nothing that is made of the grape-vine,¹⁹ should also include the days after fulfilment equally with the days before fulfilment? —

(1) One who becomes leprous during his naziriteship completes it when the leprosy is cured.

(2) As is proved by the fact that when he recovers from his leprosy he completes his period.

(3) Relating the naziriteship on account of his son.

(4) If he had his hair polled by force, his naziriteship is not interrupted thereby and he completes his period. If this is less than thirty days, he must nevertheless allow his hair to grow for thirty days. The additional days constitute the ‘period that his hair is growing’.

(5) And not an integral part of it.

(6) When he allows his hair to grow after having been polled by force.

(7) The additional days are an integral part of naziriteship and not a mere complement.

(8) Lit., ‘hallowed’, cf. Num. VI, 11.

(9) And he became unclean.

(10) In regard to polling and wine drinking-so it is assumed at present.

(11) V. infra 472.

(12) He cannot drink wine after polling

(13) Cf. Num. VI, 13.

(14) Cf. *ibid.* 12, and he begins a new period at the end of which he finds the remedy.

(15) And defilement after the termination of his period does not affect the naziriteship.

(16) Before offering his sacrifices.

(17) Num. VI, 6.

(18) *Ibid.* VI, 5.

(19) Num. VI. 4.

Talmud - Mas. Nazir 15a

[Defilement] is different, for the All-Merciful Law says, And he defile his consecrated head,¹ showing that [the penalty for defilement lies] wherever the nazirite ship depends on the head.²

An objection was raised: A nazirite who has completed his period is forbidden to poll, or drink wine, or have contact with the dead. Should he poll or drink wine, or have contact with the dead he is to receive the forty stripes. [This is] a refutation of R. Jose son of R. Hanina.

MISHNAH. [SHOULD A MAN SAY.] 'I UNDERTAKE TO BECOME A NAZIRITE WHEN I SHALL HAVE A SON, AND TO BE A NAZIRITE FOR ONE HUNDRED DAYS [ON MY OWN ACCOUNT], AND A SON BE BORN TO HIM BEFORE THE EXPIRATION OF SEVENTY DAYS, HE LOSES NONE OF THIS PERIOD;³ BUT IF AFTER SEVENTY DAYS, THESE SEVENTY DAYS ARE VOID, SINCE THERE CAN BE NO POLLING FOR LESS THAN THIRTY DAYS.⁴

GEMARA. Rab said: The seventieth day itself is reckoned as part of both periods.⁵

We learnt: IF [A SON] BE BORN TO HIM BEFORE THE EXPIRATION OF SEVENTY DAYS, HE LOSES NONE OF THIS PERIOD. Now if you assume that [the day of birth] is reckoned as part of both periods,[not only does he not lose but] he actually profits!⁶ — Strictly speaking there should have been no mention of the period-before the seventieth day,⁷ but because it says in the subsequent clause [of the Mishnah], that [birth] after the seventieth day renders these seventy days void, the period before the seventieth day is mentioned in the first clause.

Come [then] and hear the subsequent clause: 'IF IT BE BORN AFTER THE SEVENTIETH DAY,⁸ THE SEVENTY DAYS ARE VOID⁹ — The meaning of 'AFTER' is, after [the day] after [the seventieth day] ,¹⁰ You say then that [a birth on] the day after [the seventieth day] itself,¹¹ would not render void [the previous period]. But if this is so, why should we be told that if the birth occurs before the seventieth day none of the period is lost, seeing that the same is true [of a birth occurring] on the day after the seventieth day? — It is consequently to be inferred that 'AFTER' means [the day] after literally, and thus the Mishnah unquestionably [contradicts] Rab.

Whose authority was Rab following in making this assertion? Shall we say it was Abba Saul, [in connection with whom] we have learnt: If a man bury his dead three days before a festival, the enactment of seven days' [full mourning] ceases to apply to him, if eight days before the festival, the enactment of thirty days [halfmourning] ceases to apply, and he may trim his hair on the eve of

the festival. Should he, however, fail to trim his hair on the eve of the festival, he is not permitted to do so afterwards [until the thirty days' half-mourning elapse].

(1) Num. VI, 9.

(2) I.e., as long as his head is unpolled, though the 'days of his consecration are fulfilled'.

(3) I.e., He counts a naziriteship of thirty days on account of his son, and then completes the hundred days on his own account.

(4) And since there are not thirty days left over from the first naziriteship, the whole of it becomes void, and he has to start his one hundred days over again.

(5) So that on the one hand seventy days of his own naziriteship are completed, and on the other he need only reckon twenty-nine more days for the naziriteship following the birth of his son. The same will of course be true of the last day of this naziriteship, when he must again commence the remainder of his own (Rashi).

(6) For each of the days between the naziriteships counts as two.

(7) Because there is no manner of doubt as to what the law should be and he does in fact gain.

(8) I.e., as we should suppose on the seventy-first.

(9) Whereas if Rab be right, a birth on the seventy-first day should not render void the previous period, since reckoning both ways, thirty days remain.

(10) I.e., The seventy-second day, which on any reckoning would not leave more than twenty-nine.

(11) I.e., seventy-first day.

Talmud - Mas. Nazir 15b

Abba Saul said: Even if he should fail to trim his hair before the festival, he is permitted to do so afterwards, for just as the observance of three days [before the festival] causes the enactment of seven days [full mourning] to lapse, so the observance of seven days [full-mourning before the festival] causes the enactment of thirty days [half-mourning] to lapse. Now, Abba Saul's reason is surely that the seventh day is reckoned as part both of [the full-mourning] and of [the half-mourning]¹ — Possibly Abba Saul only makes this avowal in connection with the periods of the seven days² mourning which are a rabbinic enactment, whereas he would not do so in connection with naziriteship, a scriptural enactment?³ It must therefore be that Rab follows R. Jose. for it has been taught: R. Jose said that a woman, 'on the wait' for gonorrhoeic issue,⁴ on whose behalf [the paschal lamb] has been slaughtered and [its blood] sprinkled, on the second day [of her waiting], and who later [in the same day] observes an issue, may not eat [of the passover],⁵ and does not have to prepare the second passover.⁶ Now R. Jose's reason is surely because in his opinion, part of the day counts as a whole day, so that she becomes unclean only from the moment [of observing the issue] and thereafter.⁷

Is this indeed R. Jose's opinion?⁸ Has it not been taught: R. Jose said that a sufferer from gonorrhoea who has observed unclean issue on two occasions, and on whose behalf [the paschal lamb] has been slaughtered and [its blood] sprinkled 'on the seventh day [of his impurity], and Similarly a woman, on the wait' for gonorrhoeic issue on whose behalf [the paschal lamb] has been slaughtered and [its blood] sprinkled — if they afterwards observe an unclean issue, then even though they render unclean couch and seat⁹ retrospectively, they are not obliged to offer the second passover?¹⁰ — [The uncleanness] is retrospective only by enactment of the Rabbis. This is indeed evident, for if it were scriptural, on what grounds would they be exempt from the second

passover?¹¹ [No!]¹² In point of fact it would be possible for the uncleanness [to be retrospective] in biblical law also, the concealed impurity¹³ of gonorrhoea not being reckoned a ban [to the offering of the passover].

R. Oshaya. too, is of the opinion that the retrospective incidence is rabbinic in origin,¹⁴ for it has been taught:¹⁵ R. Oshaia said that one who observes a gonorrhoeic issue on his seventh day, renders void the preceding [seven days]. R. Johanan said to him: Only that day itself becomes void. But consider! [What is R. Johanan saying?] If it renders void at all, it should render all [seven days] void, otherwise it should not render void even the same day? — Read therefore: [R. Johanan said that] it does not even render void the same day,

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- (1) In the same way as Rab reckons the 70th day twice over.
 - (2) The argument applying with greater force to the period of half-mourning.
 - (3) Hence Rab cannot appeal to his authority.
 - (4) V. Lev. XV, 25ff. Should a woman observe issue after her menstrual period, she becomes unclean until evening. From that time she is 'on the wait', and if there is an issue on the second day, she becomes unclean for seven days. A third day certifies her as gonorrhoeic, and she must then bring a sacrifice after purification; v. Sanh. (Sonc. ed.) p. 577. n. i. Whilst unclean she must not eat the flesh of sacrifices.
 - (5) For she is now unclean for seven days.
 - (6) On the 14th day of the following month, Iyar; v. Num. IX, 9ff.
 - (7) She was fit to offer the Passover, although she cannot now eat it. Adopting the reading of Tosaf., Asheri and others.
 - (8) That she becomes unclean only from that moment.
 - (9) Cf. Lev. XV, 4.
 - (10) Since they render unclean couch and seat retrospectively, the day must count as belonging wholly to the unclean period!
 - (11) Since they were already unclean when the paschal lamb was killed.
 - (12) This would afford no proof.
 - (13) Lit., 'impurity of the abyss', a technical term for an impurity of which there is no sign until its issue.
 - (14) In the opinion of R. Jose.
 - (15) [var. Iec.: For R. Oshaia said].

Talmud - Mas. Nazir 16a

. [R. Oshaia] replied: You have on your side R. Jose, who said that the uncleanness is incident [according to the Scripture] from the moment [of observation] and thereafter. Now was it not R. Jose who said that the uncleanness was retrospective? We see therefore that the retrospective incidence must [in his opinion] be rabbinic.¹

Now seeing that R. Jose is of the opinion that part of a day counts as a whole day, how is it ever possible for there to be a certified² female sufferer from gonorrhoea to offer the [prescribed] sacrifice, for if the issue is observed in the second half of the day, then the first half of the day counts as the period of 'waiting'?³ — It is possible either if she should have continual issue for three days, or alternatively, if she observes the issue on each of the three days shortly after sunset, so that there is no part of the day that can be reckoned [as a period of cleanness].

CHAPTER III

MISHNAH. IF A MAN SAYS, 'I INTEND TO BE A NAZIRITE', HE POLLS ON THE THIRTY-FIRST DAY, BUT SHOULD HE POLL ON THE THIRTIETH DAY, HIS OBLIGATION IS FULFILLED. [IF, HOWEVER, HE SAYS] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS,' AND POLLS ON THE THIRTIETH DAY, HIS OBLIGATION IS NOT FULFILLED. IF A MAN UNDERTAKES TWO NAZIRITESHIPS, HE POLLS FOR THE FIRST ONE ON THE THIRTY-FIRST DAY, AND FOR THE SECOND ON THE SIXTY-FIRST DAY. IF, HOWEVER, HE SHOULD POLL FOR THE FIRST ON THE THIRTIETH DAY, HE CAN POLL FOR THE SECOND ON THE SIXTIETH DAY, WHILST SHOULD HE POLL ON THE DAY PRIOR TO THE SIXTIETH, HE HAS FULFILLED HIS OBLIGATION; FOR THIS WAS THE TESTIMONY THAT R. PAPIAS BORE CONCERNING ONE WHO UNDERTAKES TWO NAZIRITESHIPS, VIZ., THAT IF HE SHOULD POLL FOR THE FIRST ON THE THIRTIETH DAY, HE IS TO POLL FOR THE SECOND ON THE SIXTIETH DAY, WHILST SHOULD HE POLL ON THE DAY PRIOR TO THE SIXTIETH DAY, HE HAS FULFILLED HIS OBLIGATION, THE THIRTIETH DAY COUNTING TOWARDS THE REQUIRED NUMBER. IF A MAN SAYS, 'I INTEND TO BE A NAZIRITE,' AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS: ONLY THE SEVEN DAYS ARE VOID. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS, AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, THE WHOLE PERIOD IS VOID. [IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR ONE HUNDRED DAYS,' AND CONTRACTS RITUAL DEFILEMENT ON THE HUNDREDTH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS⁴ : ONLY THIRTY DAYS ARE VOID. IF HE CONTRACTS DEFILEMENT ON THE HUNDRED AND FIRST DAY, THIRTY DAYS ARE VOID. R. ELIEZER SAYS: ONLY SEVEN DAYS ARE VOID.

GEMARA. IF A MAN SAYS, 'I INTEND TO BE A NAZIRITE' AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS: ONLY THE SEVEN DAYS ARE VOID.

(1) Otherwise he would be contradicting himself.

(2) One who has observed an issue on three successive days.

(3) During which she has been clean. and being clean part of the day. she is considered to have been clean all day.

(4) no note.

Talmud - Mas. Nazir 16b

R. Eliezer is of the opinion that any [defilement contracted] after the fulfilment'[of the period] renders only seven days void.¹

[IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR THIRTY DAYS, AND CONTRACTS RITUAL DEFILEMENT ON THE THIRTIETH DAY, THE WHOLE PERIOD IS VOID. Here, R. Eliezer does not dissent because [we assume that] the man said, 'whole

days'.²

[IF HE SAYS,] 'I INTEND TO BE A NAZIRITE FOR A HUNDRED DAYS, AND CONTRACTS RITUAL DEFILEMENT ON THE HUNDREDTH DAY, HE RENDERS VOID THE WHOLE PERIOD. R. ELIEZER SAYS: ONLY THIRTY DAYS ARE VOID. All this may be taken [in two ways,] according as we follow Bar Pada or R. Mattena as explained above.³

MISHNAH. IF A MAN MAKES A NAZIRITE VOW WHILST IN A GRAVEYARD, THEN EVEN IF HE REMAINS THERE FOR THIRTY DAYS, THESE ARE NOT RECKONED,⁴ AND HE DOES NOT HAVE TO BRING THE SACRIFICE [PRESCRIBED] FOR RITUAL DEFILEMENT. IF HE LEAVES⁵ IT AND RE-ENTERS,⁶ [THE PERIOD]⁷ IS RECKONED, AND HE MUST BRING THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT. R. ELIEZER SAID: NOT [IF HE RE-ENTERS] ON THE SAME DAY, FOR IT SAYS, BUT THE FORMER DAYS SHALL BE VOID,⁸ [IMPLYING] THAT THERE MUST BE 'FORMER DAYS'

GEMARA. It has been stated: If a man makes a nazirite vow whilst in a graveyard, then according to R. Johanan the naziriteship takes effect, but according to Resh Lakish it does not take effect. R. Johanan says: The naziriteship does take effect because he considers it merely to be suspended and in readiness, so that whenever he becomes ritually clean, it commences to operate; whereas Resh Lakish holds that, the naziriteship does not take effect; if he repeats [the vow] later [when he is clean], it will commence to operate, but not otherwise.

R. Johanan raised an objection to Resh Lakish [from the following]: IF A MAN MAKES A NAZIRITE VOW WHILST IN A GRAVEYARD, THEN EVEN IF HE REMAINS THERE FOR THIRTY DAYS, THESE ARE NOT RECKONED, AND HE DOES NOT HAVE TO BRING THE SACRIFICE [PRESCRIBED] FOR RITUAL DEFILEMENT. [This implies, does it not,] that it is only the sacrifice [prescribed] for ritual defilement that he does not have to bring, but [the vow] does take effect? — He replied: [Not so;] he does not come within the scope of the law, either of ritual defilement or of the sacrifice.

An objection was again raised by him [from the following]: If a man is ritually defiled, and vows to become a nazirite, he is forbidden to poll, or to drink wine, or to touch a dead body. Should he poll, or drink wine, or touch a dead body, he is to receive the forty stripes.⁹ If now you admit that [the vow] takes effect, then we see why he receives the forty stripes; but if you say that it does not take effect, why should he receive the forty stripes? —

(1) V. supra 6b.

(2) And the thirty are not yet completed.

(3) According to H. Mattena a naziriteship whose duration is not specified lasts thirty days, whilst Bar Pada says that it lasts twenty-nine days. The full discussion of the Mishnah occurs above, fols. 5b-7a.

(4) I.e., the naziriteship does not begin.

(5) [And submits to the process of purification.]

(6) After becoming clean, v. infra.

(7) He is considered an ordinary nazirite from the time he becomes clean until he re-enters the graveyard.

(8) Num. VI, 12.

(9) Tosef. Naz. II, 9.

Talmud - Mas. Nazir 17a

We are dealing here with the case in which he left [the graveyard] and re-entered it.¹

A [further] objection was raised by him [as follows]: The only difference between a person ritually defiled who makes a nazirite vow, and a ritually clean nazirite who becomes unclean, is that the former reckons his seventh day [of purification] as part of his period [of naziriteship], whereas the latter does not reckon his seventh day [of purification] as part of his [new] period. If now you assume that [the vow of the unclean person] does not take effect, how is [the seventh day] to be counted [in his period]? — Mar b. R. Ashi said: Both [R. Johanan and Resh Lakish] agree that [the vow] does take effect; where they differ is whether there is [to be a penalty of] stripes.² R. Johanan is of the opinion that since [the vow] takes effect, he suffers the penalty of stripes, but Resh Lakish is of the opinion that there is no penalty of stripes, although [the vow] does take effect.

R. Johanan raised an objection to Resh Lakish [from the following]: IF A MAN MAKES A NAZIRITE VOW WHILST IN A GRAVEYARD, THEN EVEN IF HE SHOULD REMAIN THERE FOR THIRTY DAYS, THESE ARE NOT RECKONED, AND HE DOES NOT HAVE TO BRING THE SACRIFICE [PRESCRIBED] FOR RITUAL DEFILEMENT. [This implies, does it not,] that it is only the sacrifice prescribed for ritual defilement that he does not have to bring, but he does suffer stripes? — Strictly speaking, it should have stated that he does not receive stripes, but since it was requisite in the subsequent clause to mention that where HE LEAVES [THE GRAVEYARD] AND RE-ENTERS, THE [PERIOD] IS RECKONED, AND HE MUST BRING THE SACRIFICE [PRESCRIBED] FOR DEFILEMENT, the initial clause, too, mentions that he need not bring the sacrifice [prescribed] for ritual defilement.³

Come and hear: The only difference between a ritually defiled person who makes a nazirite-vow, and a ritually clean nazirite who becomes unclean, is that the former reckons his seventh day [of purification] as part of his period [of naziriteship], whereas the latter does not reckon his seventh day as part of his period. [Does not this imply] that as regards stripes, they are on a par? — He⁴ replied: Not so. Where they are on a par is as regards polling.

[You aver, then,] that the latter receives stripes,⁵ but the former does not do so. Why is this not mentioned? — The [Baraitha] is referring to that which is serviceable⁶ to him, not to that which is to his detriment.⁷

Come and hear: Whosoever was ritually defiled and vowed to be a nazirite is forbidden to poll, or to drink wine. If he should poll, or drink wine, or come into contact with the [human] dead, he is to receive the forty stripes? This is undeed a refutation.⁸

Raba enquired: If a man vows to be a nazirite whilst in a graveyard, what is the law? Has he to be [in the graveyard] a certain time⁹ for him to be liable to stripes, or not?

Talmud - Mas. Nedarim 2a

CHAPTER I

MISHNAH. ALL THE SUBSTITUTES FOR [THE FORMULAS OF] VOWS HAVE THE VALIDITY OF VOWS.¹ THOSE FOR HARAMIM ARE LIKE HARAMIM,² THOSE FOR OATHS ARE LIKE OATHS, AND THOSE FOR NEZIROTH ARE LIKE NEZIROTH.³ IF ONE SAYS TO HIS NEIGHBOUR, 'I AM DEBARRED FROM YOU BY A VOW, [OR] I AM SEPARATED FROM YOU,' [OR] 'I AM REMOVED FROM YOU, IN RESPECT OF AUGHT⁴ THAT I MIGHT EAT OF YOURS OR THAT I MIGHT TASTE OF YOURS,' HE IS PROHIBITED. IF HE SAYS: 'I AM BANNED TO YOU,' THEN R. AKIBA WAS INCLINED TO GIVE A STRINGENT RULING.⁵

(1) The principal form of a vow to abstain from anything is: 'This shall be to me as a korban (Heb. sacrifice); korban was sometimes substituted by konam or konas.

(2) Herem (plural haramim): a vow dedicating something to the Temple or the priests.

(3) Neziroth: the vow of a nazirite. A nazirite had to abstain from grapes and intoxicating liquors and refrain from cutting his hair and defiling himself through the dead.

(4) [Reading **hbta**, Var. lec. **hbhta** 'for I will eat naught of yours'.]

(5) I.e., declared the vow binding. [According to Maimonides, provided he adds: 'for I will eat naught of yours'. Tosaf., however, (infra 7a) holds that the phrase by itself implies a vow to abstain from aught belonging to the other person.]

Talmud - Mas. Nedarim 2b

GEMARA. ALL THE SUBSTITUTES FOR [THE FORMULAS OF] VOWS HAVE THE VALIDITY OF VOWS: Why other clauses¹ not stated in [the Mishnah of] Nazir,² whilst [our Mishnah of] Nedarim includes them all? — Because oaths and Vows are written side by side [in the Bible]³ they are both stated, and since the two are mentioned, the others are stated also. Then let OATHS be taught immediately after VOWS? — Because he states vows In which the article is forbidden to the person, he follows it up with HARAMIM, where likewise the article is forbidden to the person. OATHS, however, are excluded [from the category of vows], since oaths bind the person to abstain from a thing;⁴ [hence they cannot immediately follow vows].

The Mishnah commences with substitutes: ALL THE SUBSTITUTES FOR [THE FORMULAS OF] VOWS etc., yet proceeds to explain the laws of abbreviations of VOWS: IF ONE SAYS TO HIS NEIGHBOUR: I AM DEBARRED FROM YOU BY A VOW . . . WITH HIS VOW;⁵ moreover, [the Tanna] has altogether omitted to state that abbreviations [are binding]? — [The Tanna does] speak of them, but our text is defective,⁶ and this is what was really meant: ALL SUBSTITUTES and abbreviations OF VOWS HAVE THE VALIDITY OF VOWS. Then let substitutes be first explained? — The clause to which [the Tanna] has last referred is generally first explained, as we have learned: Wherewith may [the Sabbath lights] be kindled, and wherewith may they not be kindled? They may not be kindled etc.⁷ Wherein may food be put away [to be kept hot for the Sabbath], and wherein may it not be put away? It may

not be put away [etc.].⁸ Wherewith may a woman go out (from her house on the Sabbath), and wherewith may she not go out? She may not go out from etc.⁹ [Is it then a universal rule] that the first clause is never explained first? But we have learnt: Some relations inherit from and transmit [their estate] to others; some inherit but do not transmit. Now, these relations inherit from and transmit to each other etc.¹⁰ Some women are permitted to their husbands but forbidden to their husbands' brothers;¹¹ others are the reverse. Now, these are permitted to their husbands but forbidden to their husbands' brothers etc.¹² Some meal offerings require oil and frankincense, others require oil but no frankincense. Now, these require both oil and frankincense etc.¹³ Some mealofferings must be taken [by the priest to the south-west corner of the altar], but do not need waving;¹⁴ others are the reverse. Now, these must be taken to the altar etc.¹⁵ Some are treated as first-borns in respect of inheritance¹⁶ but not in respect of the priest;¹⁷ others are treated as first-borns in respect of the priest but not in respect of inheritance. Now who is regarded as a first-born in respect of inheritance but not in respect of the priest etc.?¹⁸ — In these examples [the first clause is explained first] because it contains numerous instances [to which its law applies]. But, 'Wherewith may a beast go out on the Sabbath, and wherewith may it not go out?' where [the first clause does] not contain numerous instances, yet it is explained [first], viz., a camel may go out etc.?

(1) Viz., HARAMIM, OATHS, AND VOWS.

(2) The tractate Nazir commences likewise: All substitutes for the nazirite vow are binding.

(3) Num. XXX, 3: If a man vow a vow unto the Lord, or swear an oath.

(4) A vow is thus taken: 'This shall be forbidden tonic,' the prohibition falling upon the thing. An oath, however, is thus taken: 'I swear to abstain from a certain thing,' the prohibition falling upon the person.

(5) Since the principal way of making a vow is to declare a thing to be as korban, the omission of such a declaration renders the vow merely an abbreviation or suggestion (lit., 'a handle') of a vow, V. Nazir (Sonc. ed.) p. 2.

(6) This may mean either that there is actually a lacuna in the text, words having fallen out, or that though it is correct in itself something has to be supplied to complete the sense; v. Weiss, Dor. III, p. 6. n. 14. The former is the most probable here.

(7) Shab. 20b.

(8) Ibid. 47b.

(9) Ibid. 57a. — In all these examples the second clause is first discussed.

(10) B.B. 108a.

(11) In Levirate marriage, v. Deut. XXV, 5 seq.

(12) Yeb. 84a.

(13) Men. 59a.

(14) A ceremony in which the priest put his hands under those of the person bringing the offering and waved them to and fro in front of the altar.

(15) Ibid. 60a

(16) I.e., they receive a double share of their patrimony; v. Deut. XXI, 17.

(17) They do not need redemption: v. Ex. XIII, 23.

(18) Bek. 46a. In all these examples the first clause is discussed first.

Talmud - Mas. Nedarim 3a

Hence there is no fixed rule: sometimes the first clause is explained first, at others the last clause is first explained. Alternatively: abbreviations are explained first, because they [sc. their validity] are deduced by exegesis.¹ Then let these be stated first? He [the Tanna] commences indeed with substitutes, since these are Scriptural,² and proceeds to explain abbreviations, which are inferred by interpretation only.³ This harmonises with the view that substitutes are merely the foreign equivalents [of the word *korban*].⁴ But what can be said on the view that they are forms expressly invented by the Sages for the purpose of making vows?⁵ — Now, are abbreviations mentioned at all; were you not compelled to assume a defective text? Then indeed place abbreviations first. Thus: All abbreviations of VOWS have the validity of VOWS, and ALL SUBSTITUTES FOR VOWS HAVE THE VALIDITY OF VOWS. These are the abbreviations: IF ONE SAYS TO HIS NEIGHBOUR . . . And these are the substitutes: Konam, konas, konah.⁶

Now, where are abbreviations written? — When either a man or a woman shall separate themselves to vow a vow [*lindor neder*] of a nazirite [*nazir le-hazzir*];⁷ and it has been taught: *Nazir le-hazzir* is to render substitutes and abbreviations of neziroth as neziroth.⁸ From this I may infer only the law of neziroth; whence do we know that it applies to other vows too? This is taught by the verse: When either a man or a woman shall separate themselves to vow a vow of a nazirite to the Lord:⁹ here ordinary vows are compared to neziroth and vice versa.¹⁰ Just as in neziroth abbreviations are equally binding, so in the case of other vows; and just as in other vows, he who does not fulfil them violates the injunctions: He shall not break his word,¹¹ and Thou shalt not delay to pay it,¹² so in neziroth. And just as in other vows, the father can annul those of his daughter and the husband those of his wife, so with neziroth.

Wherein does neziroth differ? Because it is written *nazir lehazzir*! But [in the case of] vows too it is written, *lindor neder*;¹³ then what need is there of analogy? — If the text were *neder lindor* just as '*nazir le-hazzir*', it would be as you say, and the analogy would be unnecessary, since however, '*lindor neder*' is written, the Torah spoke in the language of men.¹⁴ This agrees with the view that the Torah spoke in the language of men; but he who maintains that the Torah did not speak in the language of men,¹⁵ to what purpose does he put this '*lindor neder*'? — He interprets it to deduce that abbreviations of vows are as VOWS, and then neziroth is compared to vows; and as to '*nazir le-hazzir*' he interprets it as teaching

(1) But not explicitly stated in the Bible.

(2) I.e., their validity is explicitly stated in the Bible.

(3) When stating the law in general terms there is a preference for that which is best known; hence, substitutes, being explicitly taught, are first mentioned. But when going into details, the Tanna prefers to deal first with the lesser known.

(4) Hence their validity may be regarded as explicitly stated in the Bible, since it obviously does not matter in which language a vow is taken.

(5) V. infra, 10a.

(6) V. infra 9a.

(7) Num. VI. 2.

(8) Sc. equally binding.

(9) Ibid.

(10) Since they are coupled together. This method of exegesis is known as *hekkesh*.

(11) Ibid. XXX, 3.

(12) Deut. XXIII, 22.

(13) Lit., 'to vow a vow — likewise a pleonastic form.

(14) The point is this: The usual grammatical form is for the verb to precede its cognate object. Hence, when this order is reversed, as in nazir le-hazir, one may directly infer something from the unusual order. When it is observed, however, nothing can be inferred.

(15) So that every pleonasm, even if in accordance with the general idiom, gives an additional teaching.

Talmud - Mas. Nedarim 3b

that one nazirite vow falls upon another.¹ Then he who maintains that the Torah spoke in the language of men, and interprets 'nazir le-hazzir' as teaching the validity of abbreviations of neziroth, whence does he learn that a nazirite vow can fall upon another? If he agrees with the view that a nazirite vow does not fall upon another, it is well; but if he agrees with the view that it does, whence does he know it? — Let Scripture say, li-zor [the kal form]; why 'le-hazzir' [the causative]? That you may infer both from it.² In the West³ it was said: One Tanna deduces [the validity of] abbreviations from 'lindor neder'; whilst another deduces it from [the 'phrase], he shall do according to all that proceedeth out of his mouth.⁴

The Master said: 'And just as in other vows, he who does not fulfil them violates the injunctions, he shall not break his wad, and thou shalt not delay to pay it, so in neziroth.' Now, as for 'he shall not break his word' as applying to [ordinary] vows, it is well: it is possible e.g., if one says, 'I vow to eat this loaf', and does not eat it; he violates the injunction, 'he shall not break his word'. But how is, 'he shall not break [his word],' possible in the case of neziroth.? For, as soon as one says, 'Behold, I am a nazir' he is one; if he eats [grapes], he is liable for, nor eat moist drapes or dried;⁵ if he drinks [wine], he violates, he . . . shall drink no vinegar of wine, or vinegar of strong drink, neither shall he drink any liquor of grapes.⁶ — Raba answered: It is to transgress two [injunctions].⁷ How is 'thou shalt not delay to pay it,' referring to neziroth, conceivable? [For] as soon as one says 'Behold, I am a nazir', he is one; if he eats [grapes], he transgresses, 'neither' shall he . . . eat moist grapes or dried?' — When one says: 'when I wish, I will be a nazir'.⁸ But if he says, 'when I wish', the injunction 'thou shalt not delay' does not apply?⁹ — Said Raba: E.g., if he says, 'I must not depart this world before having been a nazir,' for he becomes a nazir from that moment.¹⁰ For this is similar to one who says to his wife: 'Here is your divorce, [to take effect] one hour before my death,' where she is immediately forbidden to eat terumah.¹¹ Thus we see that we fear¹² that he may die at any moment: so here¹³ too, he becomes a nazir immediately, for we say, Perchance he will die now.

(1) A nazirite vow for an unspecified period means for thirty days. If one who is already a nazir takes a nazirite vow, it is binding, and becomes operative when the first ends. Thus he translates: a nazir can take a vow le-hazir, to become a nazir after his present vow terminates, v. infra isa.

(2) The heavier form le-hazzir implies intensity, therefore it is interpreted as meaning something additional to what might be inferred from the kal li-zor, which itself being pleonastic allows us to infer something not explicit in the verse.

(3) I.e., the Palestinian academies.

(4) Num. XXX, 3: this embraces every form in which a vow can be made.

(5) Ibid. VI, 3.

(6) Ibid. [It is assumed that the injunction ‘he shall not break his word’ can apply only to a case where the vow is nullified by his action, e.g., where he vows to eat and he does not eat, but not where he, for instance, vows not to eat and he does eat, where the vow has not been nullified but transgressed: and similarly in the case of a nazir.]

(7) [Raba extends the scope of the injunction to include cases where the oath is transgressed: and thus by drinking wine he transgresses ‘he shall it drink’, in addition to ‘he shall not break his word’.]

(8) If he postpones becoming a nazir, he violates, ‘thou shalt not delay etc’.

(9) Since there is no vow until he so desires.

(10) Not actually, but in the sense that he must assume his naziriteship without delay lest he dies the next moment.

(11) V. Glos.

(12) Lit., ‘we say’.

(13) In the case of a nazirite.

Talmud - Mas. Nedarim 4a

R. Aha b. Jacob said: E.g., if one takes a nazirite vow whilst in a cemetery.¹ This agrees with the view that the naziriteship is not immediately binding. But on the view that it is immediately valid, is then, ‘he shall not delay,’ applicable?² Moreover, Mar, son of R. Ashi, said: The vow is immediately valid, and they differ³ only on the question of flagellation? — Nevertheless he violates, ‘thou shalt not delay,’ because the [ritually] clean naziriteship is delayed. R. Ashi said: Since this is so, [it follows that] if a nazir intentionally defiles himself, he transgresses thou shalt not delay in respect to [the recommencement of] the clean naziriteship.

R. Aha, the son of R. Ika, said: He⁴ might transgress ‘that shalt not delay’ in respect to shaving.⁵ Now, this goes without saying according to the view that shaving is indispensable,⁶ but even on the view that the shaving is not a bar [to the sacrifices], nevertheless he does not observe the precept of shaving. Mar Zutra the son of R. Mari said: He might violate ‘Thou shalt not delay’ in respect to his sacrifices. Is this deduced from here; surely, it is rather inferred from elsewhere: [When thou shalt vow a vow unto the Lord, thou shalt not slack to pay it, for the Lord thy God] will surely require it of thee:⁷ this refers to sin-offerings and trespass-offerings?⁸ — I might say that the Torah set up an anomaly⁹ in the case of nazir.¹⁰ What is the anomaly? Shall we say, the fact that a vow to bring the sin-offering of a nazir¹¹ is invalid: but a sin-offering for heleb¹² cannot be made obligatory by a vow,¹³ yet one transgresses, ‘thou shalt not delay’? But the anomaly is this: I might have thought, since even if one says, ‘I will be a nazir only with respect to the kernels of grapes,’¹⁴ he is a nazir in all respects. I would think that he does not violate, ‘Thou shalt not delay’; therefore we are told [otherwise].¹⁵ Now, this is well according to the opinion that a vow of naziriteship in respect of the kernels of grapes makes one a nazir in all respects; but on the view of R. Simeon, viz., that one is not a nazir unless he separates himself from all, what can be said? Moreover, this is an anomaly in the direction of greater stringency?¹⁶ — But the anomaly is this: I might have thought, since

(1) A nazir may not defile himself through the dead. Consequently the vow does not become immediately operative, but he must not delay to leave the cemetery so that it shall become binding.

(2) Surely not, for he is an actual nazir, subject to all the provisions of a nazir.

(3) Sc. R. Johanan and Resh Lakish, in Nazir 16b.

- (4) The nazirite.
- (5) After the completion of his naziriteship: v. Num. VI, 9, and thus violate the injunction ‘thou shalt not delay’.
- (6) Lit., ‘hinders’ — the offering of the sacrifices on the completion of naziriteship, hence delay in shaving involves a delay in sacrifices.
- (7) Deut. XXIII, 22.
- (8) And this would cover the case of a nazirite. For what purpose then the application of the verse ‘thou shalt not delay’ to the nazirite?
- (9) Lit., ‘a novelty’ — as such it cannot be included in other general laws, as it is a principle of exegesis that an anomaly stands in a class by itself.
- (10) Which includes a nazir's sacrifices.
- (11) By one who is not nazirite.
- (12) Forbidden fat.
- (13) A vow to bring a sin-offering which is normally due for eating heleb is not binding if the vower is not actually liable.
- (14) V. Num. VI, 4.
- (15) By the coupling of the nazirite vow with other vows in the same sentence.
- (16) How then would we think that the injunction does not apply, so that it is more lenient

Talmud - Mas. Nedarim 4b

if he shaves himself for one [sacrifice] of the three, he fulfils his duty.¹ therefore he should not be subject to, ‘Thou shalt not delay’; hence we are told [that it is not so]. An alternative answer is this: the anomaly is that it cannot be vowed; but as to your difficulty of the sin-offering for heleb,² — the sin-offering for heleb comes for atonement,³ but for what does the sin-offering of anal come?⁴ But the sin-offering of a woman who gave birth,⁵ which does not come for an atonement, yet one violates, ‘thou shalt not delay’ on account thereof? — That permits her to eat of sacrifices.⁶

The Master said: ‘And just as in other vows, the father can annul those of his daughter and the husband those of his wife, so in the case of neziroth, the father can annul the neziroth of his daughter and the husband that of his wife’. But what need is there of analogy; let us infer it from VOWS by general similarity?⁷ — Perhaps he can annul only in the case of other vows, because their duration is unlimited; but with respect to neziroth, the duration of which is limited — for an unspecified vow of neziroth is for thirty days, — I might say that it is not so.⁸ Hence we are informed [otherwise].⁹

IF ONE SAYS TO HIS NEIGHBOUR, I AM DEBARRED FROM YOU BY A VOW’ etc. Samuel said: In all these instances he must say, ‘in respect of aught that I might eat of yours or that I might taste of yours’. An objection is raised: [If one says to his neighbour], ‘I am debarred from you by a vow,’ [or] ‘I am separated from you.’ [or] ‘I am removed from you’, he is forbidden [to derive any benefit from him]. [If he says,] ‘That which I might eat or taste of yours’ [shall be to me prohibited], he is forbidden!¹⁰ — This is what is taught: When is this? If he adds ‘in respect of aught that I might eat or taste of yours.’ But the reverse was taught: [If one says to his neighbour,] ‘That which I might eat or taste of yours’ [shall be prohibited to me], he is forbidden; ‘I am debarred from you by a vow’, [or] ‘I am separated from you’, [or] ‘I am

removed from you,' he is [likewise] forbidden! — Read thus: Providing that he had first said, 'I am debarred from you, etc.'¹¹ If so, it is identical with the first [Baraita]?¹² Moreover, why teach further, 'he is forbidden' twice?¹³ — But this is what Samuel really said: Because he said, 'in respect of aught that I might eat of yours or that I might taste of yours', the maker of the vow alone is forbidden while his neighbour is permitted;¹⁴

(1) A nazir at the termination of his vow is bound to bring three sacrifices, viz., a burnt-offering, a sin-offering, and a peace-offering. Yet if he shaves and brings only one, the prohibitions of a nazir, such as the drinking of wine, etc., are lifted. This is a unique law, and in the direction of greater leniency.

(2) Supra p. 7, n. 10.

(3) Hence one violates the injunction by delaying to make atonement.

(4) Though technically a sin-offering, it is, in fact, merely part of a larger vow. Hence it is an anomaly that it cannot be vowed separately.

(5) V. Lev. XII, 6ff.

(6) Which may be an obligation. e.g., the eating of the Passover sacrifice. Hence 'thou shalt not delay' is applicable.

(7) Since naziriteship is a form of vow. [ubhmn vn Lit., 'as we find concerning', a method of hermeneutics whereby an analogy is drawn from one case for one single similar case, as distinct from hekkesh (supra p. 4, n. 6) where the analogy is based on the close connection of the two subjects in one and the same context.]

(8) Since the vow will automatically lapse.

(9) By the analogy.

(10) The first clause proves that the vow is valid without the addition.

(11) According to this rendering, the bracketed 'shall be prohibited to me' must be deleted.

(12) Why then is the order reversed? This difficulty arises in any case. But if each clause is independent, it can be answered that the second Baraita intentionally reverses the clauses, so as to make their independence obvious, since the interpretation 'providing that he had first said' is forced; whilst in the first Baraita the assumption that the second clause is an addition to the first is quite feasible.

(13) Seeing that the whole refers to one vow.

(14) To benefit from him.

Talmud - Mas. Nedarim 5a

but if he merely says, 'I am debarred from you by a vow,' both are forbidden. Just as R. Jose son of R. Hanina said: [If one says to his neighbour] 'I am debarred from you by a vow,' both are forbidden.

We learnt: [If one says to his neighbour,] 'Behold! I am herem¹ to you,' the muddar² is forbidden.³ But the maddir² is not [forbidden]?⁴ — E.g., if he explicitly states, 'but you are not [herem] to me'. [But does it not continue,] 'You are herem to me', the maddir is forbidden, [implying,] but not the muddar? — E.g., if he explicitly states, 'but you are not [herem] to me.' But what if it is not explicit: both are forbidden? But since the final clause teaches, 'I am [herem] to you and you are [herem] to me,' both are forbidden, it is only in that case that both are forbidden, but in general he is forbidden while his neighbour is permitted?⁵ But this is how R. Jose son of R. Hanina's [dictum] was stated: [If one says to his neighbour,] 'I am under a vow in respect of you,' both are forbidden; 'I am debarred from you by a vow,' he is forbidden but his

neighbour is permitted. But our Mishnah teaches, 'FROM YOU, yet our Mishnah was explained according to Samuel that in all cases he must say, 'in respect of aught that I might eat of yours or that I might taste of yours' — only then is he [alone] forbidden while his neighbour is permitted, but in the case of, 'I am debarred from you by a vow,' both are forbidden? But this is what was originally stated in Samuel's name: It is only because he said, 'in respect of aught that I might eat of yours or that I might taste of yours,' that he is forbidden only in respect of eating. But [if he only said,] 'I am debarred from you by a vow,' he is forbidden even benefit. If so, let Samuel state thus: But if he did not say, 'In respect of aught that I might eat of yours or that I might taste of yours,' even benefit is forbidden to him?⁶ But this is what was stated: Only if he says, in respect of aught that I might eat of yours or that I might taste of yours', is he forbidden; but if he [merely] says, 'I am debarred from you by a vow,' it does not imply a prohibition at all. What is the reason? 'I am debarred from you,' [implies] 'I am not to speak to you ; 'I am separated from you' [implies] 'I all, to do no business with you'; 'I am removed from you' implies, 'I am not to stand within four cubits of you'.

(1) V. Glos.

(2) Muddar is the object of the vow; maddir is the man who makes the vow.

(3) Infra 47b.

(4) This contradicts Samuel's dictum that without the addition the incidence of the vow is reciprocal.

(5) Which contradicts R. Jose b. R. Hanina.

(6) So the text as amended by Bah.

Talmud - Mas. Nedarim 5b

Shall we say Samuel holds the opinion that inexplicit abbreviations are not abbreviations?¹ — Yes. Samuel makes the Mishnah agree with R. Judah, who maintained: Inexplicit abbreviations are not abbreviations. For we learnt: The essential part of a Get² is, 'Behold, thou art free unto all men'. R Judah said: [To this must be added] 'and this [document] shall be unto thee from me a deed of dismissal and a document of release.'³ Now, what forced Samuel to thus interpret the Mishnah, so as to make it agree with R. Judah: let him, make it agree with the Rabbis, that even inexplicit abbreviations [are binding]?⁴ Said Raba: The Mishnah presents a difficulty to him: Why state, IN RESPECT OF AUGHT THAT I MIGHT EAT OF YOURS OR THAT I MIGHT TASTE OF YOURS, let him teach, IN RESPECT OF AUGHT THAT I MIGHT EAT OR THAT I MIGHT TASTE [and no more]? This proves that we require explicit abbreviations.

It was stated: Inexplicit abbreviations — Abaye maintained: They are [valid] abbreviations; while Raba said: They are not [valid] abbreviations. Raba said: R. Idi explained the matter to me. Scripture says, [When either a man or a woman shall] explicitly law a vow of a nazirite, to separate themselves unto the Lord: abbreviations of neziroth are compared to neziroth: just as neziroth must be explicit in meaning, so must their abbreviations be too.

Are we to say that they differ in the dispute of R. Judah and the Rabbis? For we learnt: The essential part of a Get is the words, 'Behold, thou art free unto all men.' R. Judah said: [To this must be added,] 'and this [document] shall be unto thee from me a deed of dismissal and a document of discharge and a letter of release': [Thus] Abaye rules as the Rabbis, and Raba as R.

Judah? — [No.] Abaye may assert: My opinion agrees even with R. Judah's. Only in divorce does R. Judah insist that abbreviations shall be explicit, because 'cutting off'⁵ is necessary, and this is lacking;⁶ but do you know him to require it elsewhere too? Whilst Raba can maintain, My view agrees even with that of the Rabbis. Only in the case of divorce do they say that explicit abbreviations are not essential,

(1) I.e., invalid. For the above forms are such, and Samuel maintains that they impose no prohibition at all without the explanatory clauses.

(2) V. Glos.

(3) Otherwise it is not clear that the divorce is to be effected by the Get. Thus he holds that inexplicit abbreviations are invalid.

(4) [For unless Samuel had cogent reasons to make the Mishnah agree only with R. Judah, he himself would not have accepted the view of R. Judah in preference to that of the majority of Rabbis (Ran).]

(5) [Referring to Deut. XXIV, 3: 'And he shall write unto her a writ of cutting off' (so literally).]

(6) If the abbreviation is inexplicit the severance is not complete.

Talmud - Mas. Nedarim 6a

because no man divorces his neighbour's wife;¹ but do you know then, [to rule thus] elsewhere?²

An objection is raised: [If one says,] 'That is to me,' [or] 'this is to me,' he is forbidden,³ because it is an abbreviation of ['that is as a] korban [to me].'⁴ Thus, the reason is that he said, 'unto me,' but if he did not say, 'unto me,' it is not so:⁵ this refutes Abaye? — Abaye replies thus: It is only because he said, 'to me,' that he is forbidden; but if he [merely] said, 'behold, that is,' without adding 'to me' he might have meant, 'behold, that is hefker,'⁶ or 'that is for charity.'⁷ But is it not stated, 'because it is an abbreviation of, "a korban?"'⁸ — But answer thus: Because he said, 'to me,' he [alone] is forbidden, but his neighbour is permitted; but if he said, 'behold, that is,' both are forbidden, because he may have meant,⁹ 'behold that is hekdesh.'¹⁰

An objection is raised: [If one says,] 'Behold, this [animal] is a sin-offering,' 'this is a trespass-offering,' though he is liable to a sin-offering or a trespass-offering, his words are of no effect. [But if he says,] 'Behold, this animal is my sin-offering,' or 'my trespass-offering,' his declaration is effectual if he was liable. Now, this is a refutation of Abaye!¹¹ — Abaye answers: This agrees with R. Judah.¹² But Abaye said, My ruling agrees even with R. Judah?¹² — Abaye retracted. Are we to say [then] that Raba's ruling agrees [only] with R. Judah's?¹³ — No. Raba may maintain: My view agrees even with that of the Rabbis. Only in the case of divorce do they say that explicit abbreviations are not essential, because no man divorces his neighbour's wife; but elsewhere explicit abbreviations are required.

(1) I.e., even if the wording is inexplicit, the whole transaction makes its meaning perfectly clear. [This argument makes it evident that the point at issue between R. Judah and the Rabbis is mainly concerning the phrase [from me', the Rabbis being of the opinion that since no man divorces his neighbour's wife, it is clear that the Get comes 'from him' (Ran); v. Git. 85b.]

(2) Elsewhere they may agree that inexplicit allusions are invalid.

(3) To benefit from it.

- (4) So Rashi and Asheri. [Alternatively: Because it is an abbreviation valid for a korban (an offering), and therefore also valid in case of a vow.]
- (5) Because it is an inexplicit abbreviation.
- (6) Ownerless property. V. Glos.
- (7) Hence it is not an abbreviation of a vow at all.
- (8) [This is difficult. The meaning apparently is that the reason that it is an abbreviation valid for a korban, (v. n. 2) ought to apply also to the declaration 'that is' by itself, since such a declaration too is valid for a korban; v. Ran.]
- (9) [Where the object vowed was not fit for sacrifice; v. n. 6.]
- (10) Sanctified property. V. Glos.
- (11) Since in the first clause the abbreviation is invalid because it is inexplicit.
- (12) V. supra 5b.
- (13) Since Abaye's view agrees only with that of the Rabbis.

Talmud - Mas. Nedarim 6b

R. Papa enquired: Are abbreviations valid in the case of kiddushin,¹ or not? Now, how does this problem arise? Shall we say thus: If one said to a woman, 'Behold, thou art betrothed unto me, and said to her companion, 'and thou too,' it is obvious that this is actual kiddushin?² — But e.g., If one said to a woman, 'Behold, thou art betrothed unto me,' and then to her companion, 'and thou'. Do we assume that he meant 'and thou too,' and so the second is betrothed;³ or perhaps he said to her companion, 'and do thou witness it', and so she is not betrothed?

But is R. Papa really in doubt? But since he said to Abaye. Does Samuel hold that inexplicit abbreviations are valid?⁴ it follows that he [R. Papa] holds that abbreviations are valid in the case of kiddushin? — R. Papa's question to Abaye was based on Samuel's opinion.⁵

R. Papa enquired: Are abbreviations binding in respect of pe'ah⁶ or not? What are the circumstances? Shall we say that one said, 'Let this furrow be pe'ah. and this one too' — that is a complete [declaration of] pe'ah? — His problem arises, e.g., if he [merely] said, 'and this,' without adding 'too'.⁷ (Hence it follows that if one says, 'Let the entire field be pe'ah', it is so?⁸ — Yes. And it was taught likewise: Whence do we know that if one wishes to render his whole field pe'ah, he can do so? From the verse, [And when ye reap the harvest of thy land, thou shalt not wholly reap] the corner of the field.)⁹ — Do we say, Since it [sc. pe'ah] is compared to sacrifices, just as abbreviations are binding in the case of sacrifices, so in the case of pe'ah too; or perhaps, the analogy holds good only in respect of [the injunction,] than shalt not delay?¹⁰ Now, where is the analogy found? — For it was taught:

(1) Betrothals. V. Glos.

(2) Not an abbreviation.

(3) Lit., 'kiddushin takes hold on her companion'.

(4) In reference to kiddushin, v. Kid. 5b.

(5) Recognising that Samuel held abbreviations to be valid in the case of kiddushin.

(6) Pe'ah-the corner of the field, which was left for the poor. v. Lev. XIX, 9.

(7) [Asheri seems to have read: Did he then mean 'and this too is for pe'ah' or 'and this is for personal expenses'.]

(8) The presumption is that R. Papa's problem arises only if the first furrow alone contained the necessary minimum, for otherwise the second would certainly be pe'ah; therefore the second furrow is in addition to the requisite minimum, and becomes pe'ah, if abbreviations are binding. But if more than the minimum can be pe'ah, it follows that even the whole field can be pe'ah.

(9) And not 'the corner in thy field'. Lev. MIX, 9.

(10) I.e., if pe'ah is not given within the fixed period, this injunction is violated.

Talmud - Mas. Nedarim 7a

[When thou shalt vow a vow unto the Lord thy God, thou shalt not delay to pay it, for the Lord will surely require it] of thee:¹ this refers to gleanings, forgotten sheaves, and pe'ah.²

Are abbreviations binding in the case of charity or not? How does this arise? Shall we say, that one said, 'This zuz³ is for charity, and this one too,' that is a complete [declaration of] charity! — But, e.g., If one said, '[And] this,' omitting 'too'. What then: did he mean, 'and this too is for charity,' or, 'and this is for my personal expenditure,' his statement being incomplete?⁴ Do we say, Since this is likened to sacrifices, as it is written 'That which is gone out of thy lips thou shalt keep and perform; even a free-will offering according as thou hast vowed unto the Lord thy God, which thou hast promised] with thy mouth, which refers to charity:⁵ hence, just as abbreviations are valid for sacrifices, so with charity; or possibly the comparison is in respect of 'Thou shalt not delay' only?

Are abbreviations valid in respect of hefker or not? But that is charity?⁶ — This problem is based on a presupposition:⁷ Should you rule, abbreviations are valid in the case of charity, because there is no analogy by halves,⁸ [what of] hefker?⁹ Do we say: Hefker is charity; or possibly charity differs, charity being for the poor only, whilst hefker is both for the rich and the poor?

Rabina propounded: Are abbreviations effective in respect of a privy or not?⁹ How does this arise? Shall we say, that he declared, 'Let this place be for a privy, and this one too,' then obviously it is one? — But e.g., if he declared, 'and this,' omitting 'too'. What then? Does '[and] this' mean 'and this too shall be a privy,' or perhaps, what is meant by 'and this'? In respect of general use? Now, this proves that it is certain to Rabina that designation is valid for a privy. But Rabina propounded: What if one designates a place for a privy' or for baths; is designation effective or not?¹⁰ — Rabina propounded this problem on an assumption. [Thus:] Is designation effective or not, should you answer, Designation is effective, are abbreviations valid or not?¹¹ This question remains.

I AM BANNED TO YOU,' etc. Abaye said: R. Akiba admits in respect to lashes, that he is not flagellated;¹² for otherwise, let [the Mishnah] state, R. Akiba gave a stringent ruling.¹³ R. Papa said: With respect to, 'I am isolated [nedinah] from you,' all agree that he is forbidden; 'I am accursed [meshamatna] from you,' all agree that he is permitted. Wherein do they differ?

(1) Deut. XXIII, 22.

(2) Whilst he will surely require it refers to sacrifices, supra 4a. Hence they are assimilated to each other, being

coupled in the same verse. The Hebrew for of thee is **l ngn** which can be rendered 'of that which is with thee', the reference being to the gleanings etc., which are to be left for those that are 'with dice', i.e., the poor. Ex. XXII, 24.

(3) Zuz, a silver coin, one fourth of a shekel.

(4) This alternative may apply to the query on pe'ah too: i.e., did he mean, 'and this furrow too', or, 'and this furrow be for my personal use?' V. p. 13, n. 7.

(5) This is deduced from the verse: the promise of charity is gone out of my mouth (Isa. S>V, 23, so translated here), where a promise by mouth refers to charity.

(6) Renunciation of one's property is the equivalent of giving it to charity. Thus the problem has already been stated.

(7) Lit., 'he sass, "if you should say".'

(8) I.e., it cannot be confined to certain aspects only.

(9) A place so appointed may not be used for reciting prayers, even before it was used as a privy.

(10) In the sense that this place may not be used henceforth for reciting prayers.

(11) In all the foregoing problems on kiddushin, pe'ah, charity etc., the abbreviations, though apparently not clear in meaning, since alternatives are given, are regarded as explicit, since the alternatives are, in every case, of a remote character, and the question then arises whether abbreviations, though explicit enough, are effective in these cases, v. Ran. 6b, s.v. **hgc**.

(12) If he breaks the vow.

(13) 'WAS INCLINED' shows that he entertained some doubt, and would therefore not inflict the penalty of lashes.

Talmud - Mas. Nedarim 7b

In the case of, 'I am banned to you,' R. Akiba maintaining that it is the equivalent of 'isolated' [nedinah], whilst the Rabbis hold that it means 'accursed' [meshamatna]. Now, this conflicts with R. Hisda's view. For a certain man, who declared, 'I am accursed in respect of the property of the son of R. Jeremiah b. Abba' went before R. Hisda. Said he to him, 'None pay regard to this [ruling] of R. Akiba'. [Thus] he holds that they differ in respect to 'I am accursed' [meshamatna].

R. Elai said in the name of Rab. If [a Rabbi] places a person under a ban in his presence, the ban can be revoked only in his presence; if in his absence, it can be revoked both in his presence and in his absence. R. Hanin said in Rab's name. One who hears his neighbour utter God's name in vain¹ must place him under a ban; otherwise he himself must be under a ban,² because the unnecessary utterance of the Divine Name always leads to poverty, and poverty leads to death, as it is written, [And the Lord said unto Moses in Midian, Go, return unto Egypt]. For all the men are dead [which sought thy life];³ and it was taught: Wherever the Sages cast their eyes [in disapproval] death or poverty has resulted.

R. Abba said: I was standing in the presence of R. Huna, when he heard a woman utter God's name in vain. Thereupon he banned her, but immediately lifted the ban in her presence. This proves three things: [i] He who hears his neighbour utter the Divine Name unnecessarily must excommunicate him; [ii] If [a Rabbi] bans a person in his presence, the ban must be lifted in his presence too. [iii] No time need elapse between the imposition and the lifting of a ban.⁴

R. Giddal said in Rab's name: A scholar may utter a ban against himself, and lift it himself. But is this not obvious? — I would think that a prisoner cannot free himself from prison; hence we are taught otherwise. Now, how can such a thing occur? — As in the case of Mar Zutra the Pious:⁵ when a disciple incurred a ban,⁶ [Mar Zutra] first excommunicated himself and then the disciple.⁷ On arriving home, he lifted the ban from himself and then from the disciple.

R. Giddal also said in Rab's name:

(1) Lit., the mentioning of the Name from his neighbour's mouth.

(2) [I.e., deserves to be placed under a ban, (Ran).]

(3) Ex. IV, 19. It is stated infra 64b that the reference is to Dathan and Abiram, who in fact were alive at Korah's rebellion, but had become poverty-stricken. Four are regarded as dead: a poor man, a leper, a blind person, and one who has no children. They were not blind, for it is written, wilt thou put out the eyes of these men? (Num. XVI, 14). Again, they were not lepers, for we find that they had not been excluded from the congregation: in the midst of all Israel (Deut. XI, 6). Even if they had been childless, they still could have been a source of danger to Moses before Pharaoh. Hence when God assured Moses that the danger was past, He meant that they were now poor and without influence (Ran).

(4) Hence, the ban may be merely a nominal punishment. V. J.E. art. Anathema. The term used here is niddui, and though it is stated there (p. 560, 2) that niddui is for seven days (M.K. 16a, 17b), it is evident from this passage that there was a formal ban too of no particular duration.

(5) Heb. hasida, (hasid). In Rabbinic literature the term is a title of respect denoting the type of an ideal Jew; (cf. Ta'an. 8a; Tem. 15b).

(6) [Here the term used is shamta, 'desolation', 'curse'. According to Rashi, 'shamta' is a less severe form of ban than 'niddui'; Maimonides, Yad, Talmud Torah, VII, 2, equates them. Nahmanides, Mishpat ha-Herem, considers shamta to be a general term for the more severe form of excommunication, the Herem, and the less severe, the Niddui.

(7) This was done to safeguard the honour of his disciple.

Talmud - Mas. Nedarim 8a

Whence do we know that an oath may be taken to fulfil a precept? From the verse, I have sworn, and I will perform it, that I will keep thy righteous judgments.¹ But is he not under a perpetual oath from Mount Sinai?² — But what [R. Giddal] teaches us is that one may stimulate himself.³ R. Giddal also said in Rab's name: He who says, 'I will rise early to study this chapter or this tractate,' has vowed a great vow to the God of Israel. But he is under a perpetual oath from Mount Sinai, and an oath cannot fall upon another?⁴ Then [again] if he informs us that a person may thus stimulate himself, it is identical with R. Giddal's first [statement]? — This is what R. Giddal teaches: The oath is binding, since one can free [i.e., acquit] himself by the reading of the Shema' morning or evening.⁵ R. Giddal said in Rab's name: If one says to his neighbour, 'Let us rise early and study this chapter,' it is his [the former's] duty to rise early, as it is written, And he said unto me, arise, go forth into the plain, and there I will talk with thee. Then I arose and went forth into the plain, and behold, the glory of the Lord stood there.⁶

R. Joseph said: If one was placed under a ban in a dream, ten persons are necessary for lifting the ban.⁷ They must have studied halachah;⁸ I but if they had only learnt [Mishnah],⁹ they cannot

lift the ban; but if such as have studied halachah are unavailable, then even those who have only learnt Mishnah], but had not studied [halachah] will do. But if even such are unavailable, let him go and sit at the cross-roads, and extend greetings¹⁰ to ten men, until he finds ten men who have studied halachah.¹¹ Rabina asked R. Ashi: If he knew [in his dream] the person who placed him under a ban, can this person lift the ban? — He answered: He might have been appointed [God's] messenger to ban him, but not to revoke it. R. Aha asked R. Ashi: What if one was both banned and readmitted¹² in his dream? — Said he to him: Just as grain is impossible without straw,¹³

(1) Ps. CXIX, 106.

(2) Every Jew is regarded as having sworn at Sinai to observe God's precepts.

(3) By an oath, to do what he is in any case bound to do.

(4) I.e., an oath is not valid when referring to that which is already subject to an oath.

(5) The passage commencing: Hear O Israel etc. (Deut. VI, 4 seq.). There is a definite obligation to study day and night, which is derived either from Deut. VI, 7 (and thou shalt teach them, etc.) or from Josh. I, 8 (This book of the law shall not depart out of thy mouth). But it is stated in Men. 95b that the obligation is fulfilled by the reading of the Shema' morning and evening.

(6) Ezek. III, 22, 23. The Lord, having instructed him to go forth, had preceded him.

(7) Dreams were widely held to have a positive significance; indeed, as almost partaking of the nature of prophecy. As we see here, a definite quality of reality was ascribed to them. V. J.E. s.v. 'Dreams'.

(8) Heb., hilketha, v. next note.

(9) So Rashi and Ran on the basis of our text. Mishnah is the law in broad outline, which characterises the whole of our present Mishnah, as compiled by R. Judah I. Hilketha (halachah) (law, rule) would appear to connote here the Talmudic discussion thereon, i.e., the amoraic development of the Mishnah. For tanu (**ub**,) referring to amoraic teaching instead of Tannaitic. cf. Kaplan, Redaction of the Talmud, pp. 209 seq. Ran, Asheri, and Tosaf, offer another interpretation, based on a slightly different reading: They must have taught law, but not merely learnt it (themselves).

(10) Lit., 'give peace' — the usual form of a Jewish greeting.

(11) Tosaf.: the greetings of ten men at the cross-roads will remove his grief; but ten scholars are necessary for the removal of the ban.

(12) Lit., 'it was loosened for him'.

(13) Cf. Jer. XXIII, 28.

Talmud - Mas. Nedarim 8b

so is there no dream without meaningless matter.¹

Rabina's wife was under a vow; he then came before R. Ashi, asking. Can the husband become an agent for his wife's regret?² — He replied: If they [the three scholars] are ready assembled, he can do so: but not otherwise.³ Three things may be inferred from this incident: [i] A husband can become an agent for his wife's regret. [ii] It is not seemly⁴ for a scholar to revoke a vow in his teacher's town.⁵ [iii] If they [the necessary scholars] are already assembled, it is well. But a scholar may lift a ban even in the vicinity of his master, and even a single ordained scholar⁶ may lift a ban.

R. Simeon b. Zebid said in the name of R. Isaac b. Tabla, in the name of R. Hiyya Areka of the

school of R. Aha, in the name of R. Zera in the name of R. Eleazar in the name of R. Hanania in the name of R. Mi'asha on the authority of R. Judah b. Il'ai: What is the meaning of, But unto you that fear my name shall the sun of righteousness arise with healing in its wings?⁷ — This refers to those people who fear to utter the Divine name in vain.⁸ 'The sin of righteousness with healing in its wings': Said Abaye, This proves that the motes dancing in the sun's rays have healing power. Now, he differs from R. Simeon b. Lakish, who said: There is no Gehinnom⁹ in the world to come,¹⁰ but the Holy One, blessed be He, will draw forth the sun from its sheath: the righteous shall be healed, and the wicked shall be judged and punished thereby. As it is written, But unto you that fear my name shall the sun of righteousness arise with healing in its wings.¹¹ Moreover, they shall be rejuvenated by it, as it is written, And ye shall go forth and grow up as calves of the stall.¹² But the wicked shall be punished thereby, as it is written, Behold, the day cometh that shall burn as an oven, and all the proud, yea, and all that do wickedly, shall be stubble; and the day that cometh shall burn them up, saith the Lord of Hosts, that it shall leave them neither root nor branch.¹³

(1) I.e., the ban is not lifted.

(2) So as to have the vow cancelled. On regret (haratah). v. infra 21b, a.l.

(3) Because having troubled to assemble three scholars, he may be anxious that his trouble should not be unrewarded and so exceed his wife's instructions as to the grounds on which she desired absolution.

(4) This is the reading of Ran. Cur. edd. (quoted by Rashi too): a scholar is not permitted.

(5) Since Rabina, himself a Rabbi, did not act in the town of R. Ashi, his teacher.

(6) Mumhe, v. Glos.

(7) Mal. III. 20.

(8) The name of God represents the Divine nature and the relation of God to His people. As such it was understood as the equivalent of the Divine Presence, hence the awe with which it was surrounded, cf. Kid. 71a, Sanh. 99a.

(9) Gehinnom (Gehenna) as an equivalent of hell, purgatory, takes its name from the place where children were once sacrificed to Moloch, viz., ge ben Hinnom, the valley of the son of Hinnom, to the south of Jerusalem (Josh. XV, 8; 11 Kings XXIII, 10; Jer. VII, 32-32; XIX, 6. 13-14).

(10) ['Olam ha-ba. Here, as it is clear from the context, the reference is to the Messianic days.]

(11) Thus, unlike Abaye, he applies the verse to the future world.

(12) Mal. III, 20.

(13) Mal. III, 19.

Talmud - Mas. Nedarim 9a

MISHNAH. [IF ONE SAYS] 'AS THE VOWS OF THE WICKED, HE HAS VOWED IN RESPECT OF NEZIROTH, A SACRIFICE, AND AN OATH.'¹ [IF HE SAYS:] 'AS THE VOWS OF THE RIGHTEOUS,' HIS WORDS ARE OF NO EFFECT. [BUT IF HE SAID,] 'AS THEIR FREEWILL-OFFERINGS,' HE HAS VOWED IN RESPECT OF A NAZIRITE VOW AND A SACRIFICE.¹

GEMARA. But perhaps he meant thus: 'I do not vow as the vows of the wicked?' — Samuel answered: The Mishnah refers to one who said, 'As the vows of the wicked behold I am,' [or] '[I take] upon myself,' [or] '[I am debarred] from it': [which means,] 'Behold, I am a nazir,' [or] 'I take upon myself [the obligation] to offer a sacrifice,' [or] 'I [am debarred] by an oath [to derive

any benefit] therefrom. Behold, I am a nazir': but perhaps he meant, 'Behold, I am to fast'? — Said Samuel: That is if a nazir was passing in front of him.² 'I am [debarred] by an oath [to derive any benefit] therefrom.' But perhaps [hemennu] [from or of it] means 'that I am to eat of it'? — Said Raba: It means that he said, '[I am debarred] from it not to eat it.' If so, why state it?³ — I would argue, But he has not explicitly taken an oath!⁴ Hence we are informed [otherwise].⁵

[IF HE SAYS], 'AS THE VOWS OF THE RIGHTEOUS,' etc. Which Tanna recognises a distinction between a vow and a freewill offering:⁶ shall we say, neither R. Meir nor R. Judah? For it was taught: Better it is that thou shouldst not vow, than that thou shouldst vow and not pay.⁷ Better than both is not to vow at all: thus said R. Meir. R. Judah said: Better than both is to vow and repay.⁸ — You may even say that it is R. Meir:

(1) I.e., his vow is valid in respect of these. This will be explained in the Gemara.

(2) So he meant, 'such as he'.

(3) Since it is obvious.

(4) Hence it is not an oath.

(5) [The meaning of the Mishnah would be accordingly: If a nazirite is passing by and a man noticing him says, 'Behold, I am as he who makes the vows of the wicked', (meaning the nazirite, who in a sense is regarded as a sinner; v. infra 10a); or if a man with a beast before him says, 'I take upon myself as the vows of the wicked', or, with a loaf of bread before him, says, 'From it as the vows of the wicked', he becomes respectively a nazirite; is obliged to bring a sacrifice; and is forbidden to eat of the loaf, each utterance being treated as an abbreviation of a vow (Ran).]

(6) In making a vow to offer a sacrifice, one says, 'Behold, I will bring a sacrifice'; since he may forget to do so, it is considered wrong to make a vow. But a freewill donation is declared thus: 'Behold, this animal is for a sacrifice'. Since the animal has already been put aside for the purpose, there is no fear of forgetfulness.

(7) Eccl. V, 4.

(8) Thus neither draw a distinction between a vow and a freewill-offering.

Talmud - Mas. Nedarim 9b

R. Meir spoke only of a vow, but not of a freewill-offering. But the Mishnah states: AS THEIR FREEWILL-OFFERINGS, HE HAS VOWED IN RESPECT OF NAZIR AND A SACRIFICE?¹ — Learn: HE HAS made a freewill-offering IN RESPECT OF NAZIR AND A SACRIFICE. Now, wherein does a vower differ, that he is not [approved]: because he may thereby come to a stumbling-block?² But a freewill-offering too can become a stumbling-block?³ — [He does as] Hillel the Elder.⁴ For it was taught: It was said of Hillel the Elder that no man ever trespassed through his burnt-offering;⁵ he would bring it as hullin⁶ to the Temple court, then sanctify it, and put his hand upon it⁷ and slaughter it. That is well in respect of a freewill-offering of sacrifices; but what can be said of a freewill-offering of neziroth?⁸ — It is as Simeon the Just.⁹ For it was taught: Simeon the Just said: Only once in my life have I eaten of the trespass-offering brought by a defiled tear. On one occasion a nazir came from the South country, and I saw that he had beautiful eyes, was of handsome appearance, and with thick locks of hair symmetrically arranged. Said I to him: 'My son, what [reason] didst thou see to destroy this beautiful hair of thine?'¹⁰ He replied: 'I was a shepherd for my father in my town. [Once] I went to draw water from a well, gazed upon my reflection in the water, whereupon my evil desires rushed upon me and sought to

drive me from the world [through sin]. But I said unto it [my lust]: "Wretch! why dost thou vaunt thyself in a world that is not thine, with one who is destined to become worms and dust?"¹¹ I swear¹² that I will shave thee off [his beautiful hair] for the sake of Heaven." I immediately arose and kissed his head, saying: 'My son, may there be many nazirites such as thou in Israel! Of thee saith the Holy Writ, When either a man or a woman shall separate themselves to vow a vow of a nazirite, to separate themselves unto the Lord.'¹³

R. Mani demurred: Wherein does the trespass-offering of an unclean nazirite differ, that he did not eat [thereof]: because it comes on account of sin? Then he should not have partaken [of] all trespass-offerings, since they come on account of sin? Said R. Jonah to him, This is the reason: When they regret [their evil deeds], they become nazirites, but when they become defiled, and the period of neziroth is lengthened,¹⁴ they regret their vow, and thus hullin is brought to the Temple court.¹⁵ If so, it is the same even with an undefiled nazir too?¹⁶ — A clean nazir is not so, for he [previously] estimates his will-power, [and decides] that he can vow.

Alternatively:

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- (1) Rashi: this implies that it is stated as a vow. Asheri: the use of both terms together, FREEWILL-OFFERINGS and HE HAS VOWED proves that the Tanna of our Mishnah recognises no difference between them.
 - (2) By forgetting to fulfil his vow.
 - (3) Because when an animal has been dedicated, it may not be put to any use; in a momentary forgetfulness, however, one may use it.
 - (4) 'Elder' (Heb. zaken) does not necessarily refer to age, but was a title of scholarship; cf. Kid. 32b; Yoma 28b; J.M.K. III, beginning of 81c.
 - (5) By putting it to secular use after dedication.
 - (6) Non-holy, v. Glos.
 - (7) Lev. I, 4: And he shall put his hand upon the lead of the burnt-offering.
 - (8) Since the possibility of violating one of the laws of neziroth constitutes a stumbling-block.
 - (9) So the text as emended by Ran. — One who takes the vow of a nazirite in such circumstances as those related by Simeon the Just need not fear a stumbling-block. Scholars differ whether he is identical with Simeon I (310-291 or 300-270 B.C.E.) or Simeon II (219-199 B.C.E.). v. Ab. (Sonc. ed.) p. 2, n. 1.
 - (10) V. Num. VI, 18.
 - (11) Meaning himself. In thus apostrophising his lust he did not ascribe any personal, independent identity to it, as is evident from the context.
 - (12) Lit., 'by the service' (of the Temple).
 - (13) Num. VI, 2. A nazirite vow made for such reasons may be regarded as the vow of the righteous. Simeon the Just's refusal to partake of these sacrifices must be regarded as a protest against the growing ascetic practice of taking vows to be a nazirite, — usually a sign of unhappy times; Weiss, Dor, I, 85, v. Nazir (Sonc. ed.) p. 13.
 - (14) Since they must recommence their neziroth; v' Num. VI, 12.
 - (15) Actually, of course, the animal would be consecrated; but it is as though it were hullin, since their neziroth, on account of which the sacrifice is brought, was not whole-hearted.
 - (16) He may regret the vow before the expiration of his term.

Talmud - Mas. Nedarim 10a

You may even say that it [the Mishnah] agrees with R. Judah, for R. Judah said this¹ only of a freewill-offering, but not of a vow. But he teaches: Better than both is to vow and repay? — Learn: To make a freewill-offering and repay. Now, why is a vow objectional: because one may come thereby to a stumbling-block.² [Does not] the same apply to a free-will offering whereby too he may come to a stumbling-block? — R. Judah conforms to his other view, viz., that a person may bring his lamb to the Temple-court, consecrate and lay [hands] upon it, and slaughter it.³ This answer suffices for a freewill-offering of a sacrifice; but what can be said of a free-will offering of neziroth? — R. Judah follows his view [there too]. For it was taught: R. Judah said: The early hasidim⁴ were eager to bring a sin-offering, because the Holy One, blessed be He, never caused them to stumble. What did they do? They arose and made a free-will vow of neziroth to the Omnipresent, so as to be liable to a sin-offering to the Omnipresent.⁵ R. Simeon said: They did not vow neziroth. But he who wished to bring a burnt-offering donated it freely, and brought it; if a peace-offering, he donated it freely and brought it; or if a thanks-offering and the four kinds of loaves,⁶ donated it freely and brought it. But they did not take neziroth upon themselves, so as not to be designated sinners, as it is written, And [the priest] shall make atonement for him, for that he sinned against a soul.⁷

Abaye said: Simeon the Just, R. Simeon, and R. Eleazar hakappar, are all of the same opinion, viz., that a nazir is a sinner. Simeon the Just and R. Simeon, as we have stated. R. Eleazar ha-Kappar Berabbi,⁸ as it was taught: And he shall make atonement for him, for that he sinned against a soul. Against which 'soul' then has he sinned? But it is because he afflicted himself through abstention from wine. Now, does not this afford an argument from the minor to the major? If one, who afflicted himself only in respect of wine, is called a sinner: how much more so one who ascetically refrains from everything. Hence, one who fasts is called a sinner. But this verse refers to an unclean nazir?⁹ — That is because he doubly sinned.¹⁰

MISHNAH. ONE WHO SAYS, 'KONAM,' 'KONAH,' OR 'KONAS,'¹¹ THESE ARE THE SUBSTITUTES FOR KORBAN.¹² 'HEREK,' 'HEREK,' [OR] 'HEREF,' THESE ARE SUBSTITUTES FOR HEREM.¹³ 'NAZIK,' 'NAZIAH,' 'PAZIAH,' THESE ARE SUBSTITUTES FOR NEZIROTH;¹⁴ 'SHEBUTHAH,' 'SHEKUKAH,' OR ONE WHO VOWS BY MOHI,¹⁵ THESE ARE SUBSTITUTES FOR SHEBU'AH.¹⁶

GEMARA. It was stated: Substitutes: R. Johanan said: They are foreign equivalents [of the Hebrew]; R. Simeon b. Lakish said: They are forms devised by the Sages for the purpose of making vows; (and thus it is written, in the month which he had devised of his own heart).¹⁷ And why did the Rabbis institute substitutes? — That one should not say korban. Then let him Say, korban? — Lest he say korban la-adonai [a sacrifice to the Lord]. And why not say korban la-adonai? — Lest one say la-adonai without korban, and thus utter the Divine Name in vain.¹⁸ And it was taught: R. Simeon said:

(1) That it is better to vow and repay.

(2) V. p. 21, nn. 1 & 6.

(3) It cannot become a stumbling-block, because it is hullin practically until it is killed.

(4) Hasid, Pl. hasidim; lit., 'pious ones'. The hasidim referred to here are definitely not the Essenes (Weiss, Dor, I, P' 110). [Buchler, Types. p. 78, makes these early hasidim contemporaries of Shammai and Hillel.]

- (5) V. Num. VI, 14.
- (6) A thanks-offering was accompanied by forty loaves of bread, divided into four different kinds.
- (7) Num. VI, 11 .
- (8) [Or, Berebi, designation by which Bar Kappara is known to distinguish him from his father who bore the same name, v. Nazir, (Sonc. ed.) p. 64, n. 1.]
- (9) How then can one deduce that a nazir in general is a sinner?
- (10) The verse shews that a double sin is referred to, because 'for that he sinned' alone would have sufficed; 'against a soul' is superfluous, and teaches that he is a sinner in two respects: (i) by becoming a nazir at all; (ii) by defiling his neziroth (Ran). — The whole passage shows the Jewish opposition to asceticism, for Judaism rejects the doctrine of the wickedness of this life and the inherent corruption of the body, which is the basis of asceticism. Whilst the community as a whole fasted in times of trouble (cf. Esth. IV, 16; Ta'an. 10a, 15a), and certain Rabbis too were addicted to it (e.g. R. Ze'ira, B.M. 85a), yet individual fasting was discouraged, as here; v. Maim. Yad, De'oth, III, 1; VI, 1; Lazarus, Ethics of Judaism, ם 246-256.
- (11) [Its derivation is probably from kenum, 'self', 'person', and then the object in an elliptical sentence, 'I pledge (myself) my person with So-and-so (that I will not do this or that)', v. Cooke, North Semitic Inscriptions, p. 34. This is a substitute for korban vow, in which he declares 'this may be forbidden to me as is a sacrifice'. No satisfactory explanation has been given so far for the other terms, which seem to be corruptions of konam.]
- (12) Heb. for sacrifice.
- (13) Ban.
- (14) The vow of a nazir: 'Behold, I will be a nazir'. These words may be substituted for nazir.
- (15) This is explained in the Gemara. [The Mishnaïoth text reads 'BY MOTHA', an abbreviation of Momatha, the Aramaic equivalent of Shebu'ah.]
- (16) Heb. for oath.
- (17) I Kings XII, 33, referring to the unauthorised festival instituted by Jeroboam in the eighth instead of the seventh month. [The Heb. for 'devised', **VSC** is the same as used by R. Johanan in his definition. The bracketed words appear to be a copyist's gloss that has crept into the text. They do not occur in MS.M.]
- (18) This machinery for vows, regulating the manner in which they were to be made, points to the practice as being very prevalent. V. Weiss, Dor, I, 85.

Talmud - Mas. Nedarim 10b

Whence do we know that one must not say, 'Unto the Lord a burnt-offering,' 'unto the Lord a meal-offering,' 'unto the Lord a thanks-offering,' or 'unto the Lord a peace-offering'?¹ Because it is written, [If any man of you bring] an offering to the Lord.² And from the minor we may deduce the major: If concerning one who intended uttering the Divine Name only in connection with a sacrifice, the Torah taught, an offering to the Lord;³ how much more [care must one take against its deliberate utterance] in vain!

Shall we say that this [conflict] is dependent on Tannaim? For it was taught: Beth Shammai maintain: Substitutes of substitutes are binding; whilst Beth Hillel Say: They are not.⁴ Surely, the ruling that secondary substitutes are valid is based on the view that substitutes are foreign equivalents;⁵ whilst he who says that they are invalid holds that they are forms devised by the Sages?⁶ — No. All agree that substitutes are foreign words; but Beth Shammai hold that Gentiles speak in these [terms] too,⁷ whilst Beth Hillel hold that they do not speak in these [terms]. Alternatively Beth Shammai hold: Secondary substitutes [are declared valid] as a precautionary

measure on account of substitutes themselves;⁸ but Beth Hillel maintain: We do not enact a precautionary measure for secondary substitutes on account of the substitutes themselves.

What forms do double modifications of vows take? — R. Joseph recited: Mekanamana, mekanehana, mekanesana. What are the secondary substitutes of herem? — Mafash'ah taught: harakim, harakim, harafim. Secondary substitutes of neziroth? — R. Joseph learnt: mehazakana, menazahana, mephana.⁹ The scholars inquired: What of mipahazna, mithhazana, mith'azana?¹⁰ Rabina asked R. Ashi: What of kinema: does it mean konam,¹¹ or perhaps, kinemon besem [sweet cinnamon]?¹² R. Aha, the son of R. Hiyya, asked R. Ashi: What of kinah: does it mean a fowl's sty,¹³ or konam? These remain questions.¹⁴

What are secondary substitutes of oaths? — Shebuel, shebuthiel, shekukeel. But shebuel may simply mean Shebhuel the son of Gershon? But say thus: Shebubiel, shebuthiel shekukeel.¹⁵ Samuel said: If one says ashbithah, he says nothing: ashkikah, he says nothing; karinsha, he says nothing.¹⁶

OR ONE WHO VOWS BY MOHI, THESE ARE SUBSTITUTES [FOR SHEBU'A]. It was taught: R. Simeon b. Gamaliel said: One who says 'by Mohi' [Moses]¹⁷ says nothing; 'by Momtha which Mohi said,'¹⁸ these are substitutes for an oath. MISHNAH. IF ONE SAYS [TO HIS NEIGHBOUR], 'THAT WHICH I MIGHT EAT OF YOURS BE NOT¹⁹ HULLIN,'²⁰ 'BE NOT KASHER,'²¹ 'BE NOT PURE,' 'BE CLEAN OR UNCLEAR,'²² 'BE NOTHAR,'²³ OR PIGGUL,²⁴ HE IS FORBIDDEN.²⁵ AS THE LAMB,²⁶ AS THE TEMPLE SHEDS OF CATTLE OR WOOD,²⁷ 'AS THE WOOD' [ON THE ALTAR], AS THE FIRE [ON THE ALTAR],²⁸ 'AS THE ALTAR,' 'AS THE TEMPLE, AS JERUSALEM;' [OR] IF ONE VOWED BY REFERENCE TO THE ALTAR UTENSILS,²⁹ THOUGH HE DID NOT MENTION KORBAN, IT IS AS THOUGH HE HAD VOWED BY KORBAN.³⁰ R. JUDAH SAID: HE WHO SAYS JERUSALEM³¹ HAS SAID NOTHING.

(1) In this order, the Divine Name preceding.

(2) Lev. I, 1; thus the offering must precede.

(3) But not the reverse, lest one utter the Name in vain.

(4) Lit., 'they are permitted'.

(5) Hence, the first modifications are correct foreign words, the substitutes thereof are corrupt, but also used, and hence valid for oaths.

(6) Hence secondary substitutes, not having been assigned by the Sages to that purpose, are invalid.

(7) Sc. secondary substitutes; hence they are valid.

(8) Which would otherwise be treated as invalid by the masses.

(9) [Read Menazahana . . . mepazahna, each of which consists of the three consonantal letters of the substitutes with prefix and suffix; v. Strashun].

(10) [Strashun reads: Mepahazna, menahazna, menakazna, the last consonantal letters of the substitutes being transposed. This receives support from MS.M.]. Are they binding or not?

(11) Hence it is valid.

(12) Ex. XXX, 23; i.e., it is not a vow-form at all.

(13) I.e., the fem. of **ie** (kin), a bird's nest.

(14) In all these doubtful forms the question arises when they were actually used to express vows, the question

being whether they imply vows or something else — notwithstanding the intention of their user.

(15) **לִבְנֵי** ‘What is the law’ in cur. edd. is to be deleted; Bah.

(16) These forms are ineffective for expressing oaths.

(17) [‘By Moses’, was one of the common forms of asseveration, cf. Bez. 38b; Shab. 101b. V. Chajes, Notes.]

(18) By the oath which Moses uttered. [The allusion is to Ex. II, 21, where **van ktuhu** is rendered, ‘Moses swore’. (Ran).]

(19) The Hebrew is la-hullin, here regarded as meaning: not hullin. V. also p. 28, n. 8.

(20) V. Glos.

(21) Lit., ‘fit’, ritually permitted for consumption.

(22) So cur. edd. Asheri explains: be as sacrifices, to which the laws of cleanliness and uncleanness apply — i.e., forbidden. Rashi’s text reads simply: be not clean, be unclean, etc.

(23) Lit., ‘left over’. The flesh of an offering which remains over after the period in which it must be eaten, v. Ex. XXIX, 34, and Lev., VII, 17.

(24) Lit., ‘abomination’. The flesh of an animal sacrificed with the deliberate intention of eating it after the permitted period; it is then forbidden even within the period, v. Lev. VII, 18.

(25) To eat aught of his neighbour.

(26) I.e., the lamb of the daily sacrifice.

(27) The alternative is implied by the use of the plural in the Mishnah (Tosaf.).

(28) [So T.J. Others: Fire-offerings, cf. Lev. XXI. 6. (V. Asheri and Tosaf.)]

(29) I.e., your food be as the altar utensils unto me, hence, forbidden.

(30) V. Mishnah 20a.

(31) Without as i.e., ‘Your food be Jerusalem to me’.

Talmud - Mas. Nedarim 11a

GEMARA. The scholars presumed. What does la-hullin mean: Let it not be as hullin, [implying] but as a sacrifice. Who is the authority of our Mishnah? If R. Meir: but he does not hold that the positive may be inferred from the negative?¹ For we learnt, R. Meir said: Every stipulation which is not like the stipulation of the children of Gad and Reuben is invalid.² Hence it must be R. Judah.³ Then consider the conclusion: R. JUDAH SAID: HE WHO SAYS JERUSALEM HAS SAID NOTHING. Now, since the conclusion is R. Judah, the former clause is not R. Judah?⁴ — The whole Mishnah gives R. Judah's ruling, but this is what is stated: for R. JUDAH SAID: HE WHO SAYS JERUSALEM HAS SAID NOTHING.⁵

But if one says, ‘as Jerusalem,’ is he forbidden according to R. Judah? But it was taught: R. Judah said: He who says, ‘as Jerusalem,’ has said nothing, unless he vows by what is sacrificed in Jerusalem! — It is all R. Judah, and two Tannaim, conflict as to his views.⁶

(1) To render it legally binding. Thus, if one says, ‘let it not be as hullin’, we may not infer that he meant, ‘but let it be as a korban’, and so declare it forbidden.

(2) Num. XXXII, 20-23; 29-30, q.v. We see there that Moses stipulated what was to happen in each case, and did not rely on one clause only, from which the reverse might be deduced, v. Kid. 61a.

(3) That the positive is inferred from the negative, and is then legally binding.

(4) Since it is specifically pointed out that the second clause is R. Judah.

(5) For that reason ‘as’ is specified in all the previous expressions.

(6) The Tanna of the Mishnah holding R. Judah's view to be that 'as Jerusalem' is a binding form, and the Tanna of the Baraitha that it is not.

Talmud - Mas. Nedarim 11b

It was taught: [If one says,] 'That which I might eat of yours,' or 'that which I might not eat of yours, be hullin,' or, 'be the hullin,' or, 'be as hullin,' he is permitted.¹ [If he says,] 'That which I might eat of yours be not hullin,' he is forbidden;² 'that which I might not eat of yours be not hullin,' he is permitted. Now with whom does the first clause agree? With R. Meir, viz., who does not hold that the positive may be inferred from the negative.³ Then consider the latter clause: 'That which I might not eat of yours be not hullin,' he is permitted. But we learnt: [If one says,] 'That which I might not eat of yours be not for korban': R. Meir forbids [him]. Now we raised the difficulty: but he does not rule that the positive may be inferred from the negative?⁴ And R. Abba replied: It is as though he said, 'Let it [i.e., your food] be for the korban, therefore I will not eat of yours.'⁵ Then here too' perhaps, he meant, 'Let it not be hullin; therefore I may not eat of yours'? — This Tanna agrees with R. Meir on one point, but disagrees with him on another. He agrees with him on one point. that the positive may not be inferred from the negative; but disagrees with him on another, [viz.,] on [the interpretation of] la-korban. R. Ashi said: In the one case he said le-hullin;⁶ in the other⁷ he said, 'la-hullin', which might mean, 'let it not be hullin,'⁸ but as a korban'.

BE CLEAN OR UNCLEAR,' 'AS NOTHAR,' 'AS PIGGUL, HE IS FORBIDDEN. Rami b. Hama asked: What if one said: 'This be unto me as the flesh of a peace-offering after the sprinkling of the blood'? But if he vowed thus, he related [his vow] to what is permissible!⁹ — But (the question arises thus): E.g., if there lay flesh of a peace-offering before him and permitted food lay beside it' and he said, 'This be like this'. What then: did he relate it to its original state,¹⁰ or to its present [permitted] condition? — Raba answered: Come and hear: [We learnt:] IF ONE SAYS . . . AS NOTHAR, [OR] AS PIGGUL, [HE IS FORBIDDEN].

(1) To eat or benefit from his neighbour.

(2) Rashi. Ran is inclined to delete the clause, since, as the Talmud shews, this Baraitha is taught according to R. Meir, who holds that the positive may not be inferred from the negative.

(3) Hence, when he Says, 'That which I might not eat of yours be hullin', we may not infer that that which he might eat should not be hullin, and so prohibited.

(4) The hypothesis being that he is forbidden on account of this inference.

(5) The Hebrew form is la-korban: in popular speech la 'to the' may be a hurried utterance of la' 'not'; therefore on the first assumption what he said was: 'shall not be a korban'; in the answer the preposition is given its normal meaning, viz., shall be for the korban.

(6) Meaning as (or, for) hullin. [This can by no means be taken to denote 'not', and since R. Meir does not infer the positive from the negative, he does not consider it a vow.]

(7) The case interpreted by R. Abba.

(8) [So Ran. curr. edd. la-hullin, 'not hullin'].

(9) His words imply no prohibition.

(10) Before the sprinkling of the blood, when it was forbidden.

Talmud - Mas. Nedarim 12a

Talmud - Mas. Nedarim 12a

Now, nothar and piggul¹ are [possible only] after the sprinkling of the blood! —² R. Huna the son of R. Nathan said to him, This refers to nothar of a burnt-offering.³ Said he to him, If so, let him [the Tanna] teach: As the flesh of the burnt-offering?⁴ — He proceeds to a climax.⁵ [Thus:] It is unnecessary [to teach that if one relates his vow to] the flesh of a burnt-offering, that he is forbidden, since he referred it to a sacrifice. But it is necessary for him [to teach the case of] nothar and piggul of a burnt-offering. For I would think that he referred it to the prohibitions of nothar and piggul, so that it counts as a reference to what is inherently forbidden, and he is not prohibited;⁶ hence he informs us [otherwise].

An objection is raised: Which is the bond mentioned in the Torah?⁷ If one says, 'Behold! I am not to eat meat or drink wine, as on the day that my father or teacher died,' [or] 'as on the day when Gedaliah the son of Ahikam was slain,'⁸ [or] 'as on the day that I saw Jerusalem in ruins.' Now Samuel commented thereon: Providing that he was under a vow in respect to that very day.⁹ What does this mean? Surely that e.g., he stood thus on a Sunday, on which day his father had died, and though there were many permitted Sundays, it is taught that he is forbidden; this proves that the original [Sunday] is referred to.¹⁰ — Samuel's dictum was thus stated: Samuel said, Providing that he was under a vow uninterruptedly since that day.¹¹

Rabina said, Come and hear: [If one says, 'This be unto me] as Aaron's dough¹² or as his terumah', he is permitted.¹³ Hence, [if he vowed,] 'as the terumah of the loaves of the thanksgiving-offering,'¹⁴ he would be forbidden.¹⁵

(1) Some delete piggul, since at no time was it permitted. If retained in the text, it is so because nothar and piggul are generally coupled; but Raba's deductions are from nothar only.

(2) The proof is this. A sacrifice is forbidden because at some time it was consecrated by a vow. With the sprinkling of its blood it loses its forbidden character until it becomes nothar, when it resumes it. But a direct reference to nothar itself is inadmissible in a vow, because nothar is Divinely forbidden, and not the result of a vow (v. text, and p. 30, n. 2). Hence the reference must have been to the condition of the flesh before the sprinkling of the blood.

(3) The flesh of which is not permitted even after the sprinkling of the blood: hence it proves nothing.

(4) Without reference to nothar at all.

(5) Lit., he states, 'it is unnecessary'.

(6) When a man imposes a prohibition by referring one thing to another, the latter must be also artificially forbidden, e.g., a sacrifice, which was originally permitted, and then forbidden through consecration. But if it is Divinely forbidden, without the agency of man, the vow is invalid. Thus, if one says, 'This be to me as the flesh of the swine', it is not forbidden. Now, the prohibition of piggul and nothar are Divine: therefore, If the reference was in point of that particular prohibition, the vow would be invalid.

(7) Num. XXX, 3: If a man vow a vow unto the Lord, or swear an oath to bind his soul with a bond, he shall not break his word.

(8) After the destruction of the first Temple by Nebuchadnezzar in 586 B.C.E. and the deportation of the nobles and the upper classes to Babylon, Gedaliah the son of Ahikam was appointed governor of the small community that was left. As a result of a conspiracy he was slain on the second day of Tishri. Jer. XL-XLI.

(9) The assumed meaning is: he had vowed on the day of his father's death, or had once vowed not to eat meat on

the day that Gedaliah the son of Ahikam was slain, and now he vowed a second time, 'I am not to eat meat, etc. as on the day when I am forbidden by my previous vow, thus the second vow was related to an interdict which was itself the result of a vow (Ran.).

(10) I.e., the first Sunday distinguished by his former vow.

(11) I.e., he had been under a vow every Sunday until this present vow. Hence nothing can be proved. v. Shebu. (Sonc. ed.) p. 105.

(12) Num. XV, 20-21. Ye shall offer up a cake of the first of your dough for an heave offering. This, and terumah (v. Gos.) belonged to Aaron, i.e., the priest, and was prohibited to a star (I.e., a non-priest).

(13) To benefit therefrom. The vow is invalid, because the dough and the terumah, not being prohibited to all, are regarded as Divinely forbidden: v. p. 30, n. 2.

(14) V. Lev. VII, 22ff. Of the forty loaves brought (p. 32, n. 1) one out of each set of ten was terumah, and belonged to the priest.

(15) Because the prohibition of those is evidently due to a vow.

Talmud - Mas. Nedarim 12b

But the terumah of the thanksgiving loaves is [forbidden] only after the sprinkling of the blood!¹ — [No.] Infer thus: [If he vows,] 'as the terumah of the shekel-chamber,'² he is forbidden. But what if [he said,] 'as the terumah of the thanksgiving loaves,' he is permitted? Then let him [the Tanna] state the terumah of the thanksgiving loaves, then how much more so 'his terumah'!³ — He teaches us this: The terumah of the thanksgiving loaves is 'his terumah'.⁴ Alternatively, the terumah of the thanksgiving loaves may also mean before the sprinkling of the blood,⁵ e.g., if it was separated during the kneading [of the dough].⁶ Even as R. Tobi b. Kisna said in Samuel's name: If the thanksgiving loaves are baked as four loaves [instead of forty], it suffices. But does not the Writ state forty?⁷ — As a meritorious deed. But terumah has to be taken therefrom?⁸ And should you answer that one loaf is taken for all, — but we learnt: [And of it he shall offer] one out of each oblation:⁹ 'one' teaches that terumah is not to be taken from one oblation for another?¹⁰ And should you say that a piece is taken from each, — but we learnt: 'One' teaches that a piece is not to be taken? But it must be that he separates it during kneading, taking one [part] of the leaven, one of the unleavened cakes, one of the unleavened wafer, and one of the fried cake;¹¹ [so here too].

Shall we say that this is dependent on Tannaim? [For it was taught: If one says,] 'This be unto me as a firstling,'¹² R. Jacob forbids it, while R. Jose permits it. Now, how is this meant? If we say, before the sprinkling of the blood:¹³ what is the reason of him who permits it? If after, on what grounds does the other forbid it? But it surely [means]

(1) This itself is disputed. The view of R. Eliezer b. Simon is adopted here. Since, by deduction, this vow is binding, we evidently regard the reference as being to the present state.

(2) This refers to a special fund kept in the Temple for various purposes. mainly congregational sacrifices; Shek. III, 2: IV, 1. — This is the deduction to be made, not the previous one.

(3) If a vow referring to the terumah of the loaves of a thanks-offering is invalid, though in their origin their own prohibition is due to a vow, how much more will a vow referring to other terumah, which is Divinely forbidden, be valid. Also, it is a general rule that there is a preference for teaching the less likely, so that the more likely may be deduced therefrom a minori.

- (4) I.e., the word 'terumah' embraces all forms of terumah.
- (5) It is even then forbidden to a star, v. Glos.
- (6) Although the loaves become sanctified only by the sprinkling of the blood, according to our premise, yet if the terumah was separated in the dough, it is consecrated.
- (7) Not actually. But since the Writ speaks of four species, and terumah (I.e., one in ten) was to be given from each, it follows that forty had to be made.
- (8) One from each ten.
- (9) Lev. VII, 14.
- (10) Each kind of loaf is here referred to as an oblation.
- (11) V. Lev. VII, 12.
- (12) v. Num. XVIII, 15.
- (13) Of the firstling, when it is definitely forbidden.

Talmud - Mas. Nedarim 13a

that flesh of a firstling lay before him, and this other flesh lay at its side, and he declared, 'this be as this,' and [thus] it is a controversy of Tannaim?¹ — No. All treat of before the sprinkling of the blood; and what is the reason of him who permits it? The Writ States, If a man vow,² [teaching] that one must vow by that which is [itself] forbidden through a vow; thus excluding a firstling, which is an interdicted thing. And he who forbids it?³ — The Writ states, 'unto the Lord,'² to include an interdicted thing.⁴ Then he who permits it, how does he interpret 'unto the Lord'? — He employs it in respect of relating [a vow] to a sin-offering or a guilt-offering.⁵ Now, what [reason] do you see to include a sin-offering and a guilt-offering and exclude the firstling? — I include the sin-offering and the guilt-offering which one sanctifies⁶ by a vow,⁷ but exclude the firstling, which is holy from its mother's womb. But he who forbids?⁸ A firstling too one sanctifies by a vow. For it was taught: It was said on the authority of Rabbi, Whence do we know that one is bidden to consecrate the firstling born in one's house? — From the verse, [All] the firstling males [that come of thy herd and thy flock] thou shalt sanctify [unto the Lord].⁹ But he who permits it [argues thus]: If he does not consecrate it, is it not holy?¹⁰

. . . AS THE LAMB, AS THE TEMPLE SHEDS etc. It was taught: A lamb, for a lamb, as a lamb; [or] sheds, for sheds, as sheds; [or] wood, for wood, as wood; [or] fire, for fire, as fire; [or] the altar, for the altar, as the altar; [or] the temple, for the temple, as the temple; or Jerusalem, for Jerusalem, as Jerusalem, — in all these cases, [if he says,] 'what I might eat of yours,' he is forbidden; 'what I might not eat of yours,' he is permitted.

Now which Tanna do we know draws no distinction between a lamb, for a lamb and as a lamb? — R. Meir.¹¹ Then consider the second clause: and in all these cases, [if he says], 'that which I might not eat of yours [be so],' he is permitted. But we learnt: [If one says to his neighbour,] 'That which I might not eat of yours be not for korban, R. Meir forbids [him]. Now R. Abba commented thereon: It is as though he said, 'Let it [i.e., your food] be for korban, therefore I may not eat of yours'? — This is no difficulty: in the one case he said, 'lo le-imra';¹² in the other he said, 'le-imra'.¹³ MISHNAH. IF ONE SAYS [TO HIS NEIGHBOUR], 'THAT WHICH I MIGHT EAT OF YOURS BE KORBAN', [OR] 'A BURNT-OFFERING',¹⁴ [OR] 'A MEAL-OFFERING', [OR] 'A SIN-OFFERING [OR] 'A THANKSGIVING-OFFERING',

[OR]’ A PEACE-OFFERING, — HE IS FORBIDDEN.¹⁵ R. JUDAH PERMITTED [HIM].¹⁶ [IF HE SAYS,] ‘THE KORBAN,’ [OR] ‘AS A KORBAN,’ [OR]’ KORBAN,¹⁷ BE THAT WHICH I MIGHT EAT OF YOURS,’ HE IS FORBIDDEN.¹⁸ IF HE SAYS: THAT WHICH I MIGHT NOT EAT OF YOURS BE FOR A KORBAN,’¹⁹ R. MEIR FORBIDS [HIM].

GEMARA. Now, the Mishnah teaches, [IF HE SAYS.] ‘THE KORBAN,’ [OR] ‘AS KORBAN,’ [OR] ‘A KORBAN BE THAT WHICH I MIGHT EAT OF YOURS,’ HE IS FORBIDDEN. Thus, it is anonymously taught as R. Meir, who recognises no distinction between ‘it sheep’ and ‘for a sheep’.²⁰ But if so, then as to what he [the Tanna] teaches: ‘THE KORBAN . . . [BE] THAT WHICH I MIGHT EAT OF YOURS,’ HE IS FORBIDDEN. But it was taught: The Sages concede to R. Judah that if one says, ‘Oh, korban,’ or ‘Oh, burnt-offering,’ ‘Oh, meal-offering,’ ‘Oh, sin-offering, what I will eat this of thine,’ he is permitted, because he merely vowed by the life of the korban!²¹ —

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- (1) Whether the reference is to its present (permitted) state or to its original (forbidden) condition.
 - (2) Num. XXX, 3.
 - (3) What is his reason?
 - (4) This will not apply to all Divinely forbidden things, but only to such as the firstling, as the Talmud proceeds to explain.
 - (5) That the vow is valid.
 - (6) Lit., ‘seizes’.
 - (7) Though one cannot offer these as vows, without having incurred the obligation, the actual animal is forbidden as a result of the vow of consecration, since another could equally well have been sacrificed.
 - (8) How will he meet this argument?
 - (9) Deut. XV, 19. Thus, though Divinely consecrated, yet its owner must formally declare it holy, and hence it may be regarded as subject to a vow.
 - (10) Of course it is! Hence its interdict is not the result of a vow.
 - (11) Since R. Judah rules that if one says Jerusalem, without ‘for’ or ‘as’, the vow is invalid.
 - (12) ‘Let it not be for the lamb’ — hence it is permitted. [So cur. edd. MS.M. and Ran read: In one case he said la’-imra; ‘let it not be the lamb’. V. supra. p. 28, n. 8.]
 - (13) ‘Let it be for the lamb’ — there he is forbidden.
 - (14) [The two may also be taken together and thus rendered ‘a sacrifice of a burnt-offering’.]
 - (15) To eat aright of his neighbour's.
 - (16) Because he did not say, ‘as a sacrifice’, etc.
 - (17) In this last case korban is used as an oath: I swear by the sacrifice to eat naught of thine.
 - (18) Vowing by means of korban formula was a specifically Jewish practice: v. Josephus, Contra Apionem, 1, 𐤀𐤓𐤁 22, Halevy, Doroth I, 3, pp. 314 f.
 - (19) In the Gemara these words are subsequently otherwise interpreted, but in the promise they are thus translated.
 - (20) V. supra p. 33, n. 6.
 - (21) That he would eat. Then why not assume the same in our Mishnah?

Talmud - Mas. Nedarim 13b

This is no difficulty: Here he said ha korban,¹ there he said ha-korban.² What is the reason?³ He meant, ‘[I swear] by the life of the sacrifice.’⁴ He [the Tanna] teaches: THAT WHICH I MIGHT

NOT EAT OF YOURS BE NOT FOR KORBAN, R. MEIR FORBIDS HIM. But R. Meir does not rule that the positive may be inferred from the negative?⁵ R. Abba answered: it is as though he said: 'Let it be for korban, therefore I will not eat of yours'.⁶

MISHNAH. IF ONE SAYS TO HIS NEIGHBOUR, 'KONAM BE MY MOUTH SPEAKING WITH YOU,' [OR] 'MY HANDS WORKING FOR YOU,' [OR] 'MY FEET WALKING WITH YOU,' HE IS FORBIDDEN.⁷

GEMARA. But a contradiction is shown: There is greater stringency in oaths than in vows, and greater stringency in vows than in oaths. There is greater stringency in vows, for vows apply to obligatory as to optional matters,⁸ which is not so in the case of oaths.⁹ And there is greater stringency in oaths, for oaths are valid with respect to things both abstract and concrete, but vows are not so?¹⁰ — Said Rab Judah: It means that he says,¹¹ 'let my mouth be forbidden in respect of my speech,' or 'my hands in respect of their work', or 'my feet in respect of their walking'.¹² This may be inferred too, for he [the Tanna] teaches: 'MY MOUTH SPEAKING WITH YOU,' not, ['konam] if I speak with you'.¹³

CHAPTER II

MISHNAH. NOW THESE ARE PERMITTED:¹⁴ [HE WHO SAYS,] WHAT I MIGHT EAT OF YOURS BE HULLIN,' 'AS THE FLESH OF THE SWINE, AS THE OBJECT OF IDOLATROUS WORSHIP,'¹⁵ 'AS PERFORATED HIDES,'¹⁶ 'AS NEBELOTH AND TEREFOTH',¹⁷ 'AS ABOMINATIONS AND REPTILES, AS AARON'S DOUGH OR HIS TERUMAH',¹⁸ — [IN ALL THESE CASES] HE IS PERMITTED. IF ONE SAYS TO HIS WIFE, 'BEHOLD! THOU ART UNTO ME AS MY MOTHER,'¹⁹ HE MUST BE GIVEN AN OPENING ON OTHER GROUNDS,²⁰ IN ORDER THAT HE SHOULD NOT ACT FRIVOLOUSLY IN SUCH MATTERS.²¹

GEMARA. Now, the reason is because he said, 'WHAT I MIGHT EAT OF YOURS BE HULLIN'; but if he said, 'What I might eat of yours be lehullin,' it would imply: let it not be hullin but a korban.²² Whose view is taught in our Mishnah? If R. Meir's, but he does not hold

(1) The ha being a separate word, and thus an interjection expressing an affirmative oath — I will eat. [The vowel of the ha as interjection is, in addition, of a longer quality than that of ha as definite article.]

(2) Here the ha is an inseparable def. art.; hence he must have meant, 'What I might eat of yours he a sacrifice', and therefore he is forbidden.

(3) Of the Baraitha, that he is permitted.

(4) That I will eat of yours.

(5) And according to our premise the reason for R. Meir's ruling is that we deduce the opposite from his words, thus: 'but that which I might eat of thine be for korban'.

(6) V. p. 28, n. 8.

(7) According to the terms of his vow.

(8) I.e., if one said, 'I am forbidden by a vow to erect a sukkah (v. Glos.), or put on tefillin', (v. Glos.) the vow is binding, although he is bound to do these things. and if he does them, he violates the injunction he shall not break his word.

- (9) I.e., if he said, 'I swear not to erect a sukkah, his oath is invalid.
- (10) Vows being applicable to concrete things only. Walking, talking and working are regarded here as abstractions (by contrast with the vow that a loaf of bread etc shall be as a sacrifice and forbidden), yet the Mishnah states that the vows are valid.
- (11) I.e., it is regarded as though he says.
- (12) The reason for this assumption is this: the konam of the Mishnah may refer either to my mouth (concrete) or to my talking (abstract). In the former case the vow would be valid, but not in the latter. Since it is not clear which, we adopt the more rigorous interpretation.
- (13) In which case the speaking would be the object of the vow: the speaking being abstract, the vow would be invalid.
- (14) I.e., invalid.
- (15) Lit., 'as the worship of stars'.
- (16) The hide was perforated opposite the heart, which was cut out from the living animal and offered to the idol. Cf. 'A.Z. 29b and 32a.
- (17) V. Glos. s.v. nebelah (pl. nebeloth) and terefoth (pl. terefoth).
- (18) V. supra 12a, a.l.
- (19) I.e., forbidden.
- (20) Lit., 'from another place'. I.e., when he wishes his vow to be annulled, the Rabbi, who must find for him some grounds of regret to invalidate his vow, must not do so by pointing out that such a vow is derogatory to his mother's dignity.
- (21) His mother's honour is too easy a ground for regret, and if the vow is invalidated on that score it is an encouragement to make such vows lightly, since they can easily be annulled. The making of vows was discouraged: cf. 9a.
- (22) And the vow would be binding.

Talmud - Mas. Nedarim 14a

that the positive may be inferred from the negative? But if R. Judah's, it is identical with the earlier Mishnah?¹ — Because he [the Tanna] teaches, 'AS THE FLESH OF THE SWINE, AS THE OBJECT OF IDOLATROUS WORSHIP,' he teaches hullin too.² Rabina said: This is what he teaches: NOW THESE ARE PERMITTED as [if he said WHAT I MIGHT EAT OF YOURS BE] HULLIN, VIZ., [IF ONE SAYS,] 'AS THE FLESH OF THE SWINE AS THE OBJECT OF IDOLATROUS WORSHIP'; and if HULLIN were not stated, I would have thought that absolution³ is required But could I possibly think so? Since the last clause teaches: IF ONE SAYS TO HIS WIFE, 'BEHOLD! THOU ART UNTO ME AS MY MOTHER,' HE MUST BE GIVEN AN OPENING ON OTHER GROUNDS, it follows that in the first cause absolution is unnecessary? But it is clear that HULLIN is mentioned incidentally.

Whence do we know it?⁴ — Scripture states, If a man vow a vow unto the Lord:⁵ This teaches that one must vow by what is [itself] forbidden through a vow.⁶ If so, even [if one vows] by a [Divinely] interdicted object too, since it is written, to bind his soul with a bond?⁷ — That is necessary for what was taught: Which is the bond referred to in the Torah etc.⁸

HE WHO SAYS TO HIS WIFE, BEHOLD! THOU ART UNTO ME AS MY MOTHER', etc. But a contradiction is shewn: If one says to his wife, 'Behold! thou art unto me as the flesh of

my mother, as the flesh of my sister, as 'orlah,⁹ as kil'ayim¹⁰ of the vineyard, his words are of no effect.¹¹ — Said Abaye: His words are of no effect by Biblical law, yet absolution is required by Rabbinical law. Raba answered: One refers to a scholar; the other refers to an 'am haarez.¹² And it was taught even so: If one vows by the Torah,¹³ his words are of no effect. Yet R. Johanan commented: He must retract [his vow] before a Sage; while R. Nahman observed: A scholar does not need absolution.

(1) Supra 10b.

(2) I.e., hullin is unnecessary in itself, but mentioned merely for the sake of completeness.

(3) Lit., 'a request' (for revocation).

(4) That these vows are not binding.

(5) Num. XXX, 3.

(6) Translating: if a man vow by referring to a vow.

(7) Ibid. This may also be interpreted: to bind his soul by that which is already a bond, vis. something Divinely interdicted.

(8) V. supra 12a.

(9) V. Glos.

(10) V. Glos. Deut. XXII, 9.

(11) Because all these objects are forbidden by the Law.

(12) Lit., 'people of the earth' — an ignoramus. v. J.E. s.v. In the first case the vow is entirely invalid; but an ignoramus will treat vows too lightly if shewn leniency, and therefore needs absolution.

(13) (E.g., 'I vow by the Torah not to eat of this loaf' — in reality a kind of oath. V. infra (Ran).]

Talmud - Mas. Nedarim 14b

It was taught: If one vows by the Torah, his words are of no effect; by what is written therein, his vow is binding; by it and by what is written therein, his vow is binding. Since he states, 'by what is written therein, his vow is binding,' is it necessary to mention, 'by it and by what is written therein?' — R. Nahman answered: There is no difficulty: one means that a Torah is lying on the ground; the other, that [the vower] holds a Torah in his hand. If it is lying on the ground, his thoughts are of the parchment; if he holds it in his hand, his thoughts are of the Divine Names therein.¹ Alternatively, [both clauses mean] that it is lying on the ground, and we are informed this: even when it is lying on the ground, since he vows, 'by what is written therein,' his vow is valid;² and an anti-climax is taught.³ A further alternative: the whole [Baraita] indeed means that he holds it in his hand, and we are informed this:⁴ Since he holds it in his hand, even if he merely says 'by it,' it is as though he said, 'by what is written therein'.⁵

MISHNAH. [IF ONE SAYS,] 'KONAM IF I SLEEP', 'IF I SPEAK', OR 'IF I WALK';⁶ OR IF ONE SAYS TO HIS WIFE, 'KONAM IF I COHABIT WITH YOU,' HE IS LIABLE TO [THE INJUNCTION] HE SHALL NOT BREAK HIS WORD.⁷

GEMARA. It was stated: [If one says,] 'Konam be my eyes sleeping to-day, if I sleep to-morrow' — Rab Judah said in Rab's name: He must not sleep that day, lest he sleep on the morrow. But R. Nahman said: He may sleep on that day, and we do not fear that he may sleep on the morrow. Yet Rab Judah agrees that if one says, 'Konam be my eyes sleeping tomorrow, If I

sleep to-day,' he may sleep that day;

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- (1) The Heb. bamah shekathuw bah may mean either, by what is written therein, or, by that whereon it (the Law) is written. Now if the Scroll is lying on the ground, and one says, 'bamah shekathuw bah', we assume that he thought that it was a mere scroll not written upon, since it had been irreverently placed on the ground, and his words refer to the actual parchment, unless he says 'bah ubamah shekathuw bah', which can only mean by the scroll and by what is written therein. A reference to the parchment is invalid; to the Divine Names, is binding.
- (2) I.e. we assume the Heb. bamah shekathuw bah to bear that meaning, not, 'by that whereon it is written'.
- (3) In the clause: 'By it and by what is written therein.' Lit., 'this, and the other goes without saying'.
- (4) Bah. [Cur. ed.: 'the whole also, the middle clause etc.'. Ran: 'the final clause informs us this'. All of which shows the text is in disorder. An attempt may be made to restore the text on the basis of MS.M. and Ran: 'The first clause (refers to the case) where it lies on the ground (MS.M.), the final clause (Ran) where he holds it in his hand (MS.M.). Such a text is also implied in the Ran on the passage.]
- (5) I.e., bah u-bamah shekathuw bah are now translated 'by it or by what is written therein', the copulative sometimes meaning or. The text is not quite clear, that of the Ran has been adopted as giving the most plausible rendering.
- (6) I.e., I am forbidden by a vow to sleep, etc. [Lit., 'konam be that which I sleep'. V. Laible, MGWJ. 1916, pp. 29ff'.]
- (7) Num. XXX, 3.

Talmud - Mas. Nedarim 15a

a person may be lax with respect to a condition, but he is observant of an actual prohibition.¹ We learnt: [IF ONE SAYS,] 'KONAM IF I SLEEP, IF I WALK, IF I SPEAK, etc. How is it meant? If literally, 'if I sleep,' is such a vow valid? But it was taught: There is greater stringency in oaths than in vows, for oaths are valid with respect to things both abstract and concrete, but vows are not so; and sleep is an abstract thing! But if he said, 'Konam be my eyes sleeping,'² then, if he states no time-limit, is he permitted to go on until he violates the injunction, he shall not break his word?' But R. Johanan said: [If one says,] 'I swear not to sleep for three days', he is flagellated and may sleep immediately.³ But if it means that he says, 'Konam be my eyes sleeping tomorrow, if I sleep to-day'⁴ — surely you say that a person is observant in respect of an actual prohibition?⁵ Hence it is obvious that he says, 'Konam be my eyes sleeping to-day, if I sleep tomorrow. Now, if he did not sleep that first day, how can the injunction, he shall not break his word⁶ apply, even if he slept on the second? Hence it surely means that he did sleep, thus proving that he is permitted to do so. This refutes Rab Judah! When is this stated? If he happened to sleep on the first day.⁷ Rabina said: After all, it is as taught,⁸ yet how can he shall not break his word apply? — By Rabbinical law.⁹ But can the Biblical injunction apply by Rabbinical law?¹⁰ — Yes. Even as it was taught: Things which are permitted, yet some treat them as forbidden, you must not permit them in their presence, because it is written, he shall not break his word.¹¹

We learnt: [If one says to his wife, 'Konam be] that which you benefit from me until Passover, if you go to your father's house until the Festival',¹² if she went before Passover, she may not benefit from him until Passover. Now, only if she went before Passover is she forbidden, but not otherwise?¹³ — R. Abba answered: If she went before Passover, she is forbidden and is flagellated;¹⁴ If she did not go, she is merely forbidden. Then consider the second clause: After

Passover, she is subject to he shall not break his word. Now if she did not benefit before Passover, how can the injunction apply? Hence it is obvious that she did benefit, which proves that this is permitted,

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- (1) Thus, where the second day is merely a condition for the first, we fear that even after having slept on the first, he may do so on the second too, but where the second day is the subject of the actual vow, we do not fear that having slept on the first he will disregard the prohibition of the second.
 - (2) Since the *konam* falls upon the eyes, the vow is valid, eyes being concrete.
 - (3) Because it is impossible to keep awake three consecutive days. Therefore his oath is inherently vain (v. Shebu. 25a); hence he is punished, and the oath is invalid.
 - (4) It cannot mean that he simply said, ‘*konam* be my eyes sleeping to-day’, as in that case it is obvious; hence the stipulation must be assumed, and the meaning of the Mishnah will be that he must take heed not to sleep on the first day, lest he sleep on the second too, and thereby violate the injunction, for on any other meaning the Mishnah is superfluous.
 - (5) So there is no reason for refraining from sleeping that day, since he will observe his oath on the next.
 - (6) Num. XXX, 3.
 - (7) Despite the prohibition for which very reason he may not sleep on the first.
 - (8) Literally, viz., ‘*konam* if I sleep’.
 - (9) Though by Biblical law the vow is invalid, since sleep is abstract, the Rabbis declared it binding, and therefore the injunction holds good.
 - (10) Lit., ‘is there (the transgression) he shall not break in a Rabbinic (law)’.
 - (11) When one is accustomed to treat a thing as forbidden, it is as though it were subject to a vow. Thus, though the prohibitive force of custom is Rabbinical only, the Biblical injunction applies to it.
 - (12) ‘The Festival’, without any further determinant, always refers to Tabernacles, six months after Passover.
 - (13) Though the condition extends to Tabernacles, we do not fear that she may yet violate it after Passover: this refutes Rab Judah.
 - (14) If she benefits from him.

Talmud - Mas. Nedarim 15b

thus refuting Rab Judah! — [No.] That Mishnah teaches that if she benefited, she is involved in, ‘he shall not break his word’.

We learnt: [If one says to his wife, ‘*Konam* be] that which you benefit from me until the Festival, if you go to your father's house before Passover’: if she goes before Passover, she may not benefit from him until the Festival, but is permitted to go after Passover. [Thus,] if she goes, she is forbidden, but not otherwise?¹ — Raba answered: The same law applies that even without going she is forbidden. But if she goes, she is forbidden [to benefit], and receives lashes [if she does]; if she does not go, she is merely forbidden.

An objection is raised: [If he says,] ‘This loaf [of bread be forbidden] to me to-day, if I go to such and such a place to-morrow: if he eats it, he is liable to an injunction, ‘he shall not go’!² — Does he [the Tanna] teach: he may eat it — [surely] he teaches, ‘if he eats it’ so that if he eats it he is under the injunction not to go.³ [The Baraita continues:] If he goes, he violates the injunction, he shall not break his word.⁴ But there is no [clause] teaching that he goes [on the

second day]: this contradicts Rab Judah!⁵ — R. Judah answers you: In truth, he could teach, he goes: but since the first clause teaches, ‘if he eats’, not being able to teach.’he eats’.⁶ the second clause too teaches, ‘if he goes

IF ONE SAYS TO HIS WIFE, KONAM IF I COHABIT WITH YOU.’ HE IS LIABLE TO [THE INJUNCTION,] HE SHALL NOT BREAK HIS WORD. But he is obligated to her by Biblical law, as it is written, her food, her raiment, and her marriage rights he shall not diminish?⁷ — It means that he vows, ‘The pleasure of cohabitation with you be forbidden me’: thus he surely denies himself the enjoyment of cohabitation.⁸ For R. Kahana said: [If a woman says to her husband,] ‘Cohabitation with me be forbidden to you,’ she is compelled to grant it, since she is under an obligation to him. [But if she says,] ‘The pleasure of cohabitation with you be forbidden me,’ he is forbidden [to cohabit]. Since one may not be fed with what is prohibited to him.⁹

MISHNAH. [IF HE SAYS,] ‘[I SWEAR] AN OATH NOT TO SLEEP, OR, ‘TALK,’ OR, ‘WALK,’ HE IS FORBIDDEN [TO DO SO]. [IF HE SAYS,] ‘A KORBAN BE WHAT I MIGHT NOT EAT OF YOURS,’¹⁰ [OR] ‘OH KORBAN! IF I EAT OF YOURS,’ [OR] ‘WHAT I MIGHT NOT EAT OF YOURS BE NOT A KORBAN UNTO ME,’ HE IS PERMITTED [TO EAT OF HIS NEIGHBOURS’].

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- (1) Though by going any time before Passover, subsequent to having benefited from her husband, the vow is violated. This contradicts Rab Judah.
 - (2) This too refutes Rab Judah, since he may eat the loaf on the first day.
 - (3) But actually this is forbidden.
 - (4) Num. XXX, 3.
 - (5) For if he may not eat the loaf on the first day. the Baraita should teach such a clause on the assumption that he did not eat it.
 - (6) For it cannot be taught that he may eat — this being Rab Judah's opinion.
 - (7) Ex. XXI, 10. How then can he free himself by a vow?
 - (8) Hence his vow is valid, since it falls primarily upon himself.
 - (9) So here too. Where the husband or wife make a vow, depriving the other of his or her rights, it is invalid. But if the vow deprives its maker from the enjoyment of his or her privileges, it is valid, though the other is affected thereby too.
 - (10) An alternative is: ‘By the sacrifice (i.e., I swear by the sacrifice) I will not eat of yours.’ [On this interpretation, the declaration is a form of oath taken by the life of the korban which is not binding. V. supra 13a, (Ran).]

Talmud - Mas. Nedarim 16a

GEMARA. Whose view is taught in our Mishnah? — R. Meir's; for if R. Judah's, he recognises no distinction between a korban and Oh, korban.¹ Then consider the latter clause [IF HE SAYS,]. ‘WHAT I MIGHT NOT EAT OF YOURS BE NOT A KORBAN UNTO ME,’ HE IS PERMITTED. But we learnt: [If one says,] ‘That which I might not eat of yours be not for a korban unto me’: R. Meir forbids [him]. And R. Abba observed thereon: It is as though he said, ‘let it [i.e., your food] be for a korban, therefore I may not eat of yours.’² — There is no difficulty: in the latter case he said, ‘le-korban’ [for a korban]; but here [in our Mishnah] he said,

'la'-korban,³ which means: let it not be a korban. MISHNAH. [IF HE SAYS, 'I TAKE] AN OATH [THAT] I WILL NOT EAT OF YOURS,' [OR] 'OH OATH THAT⁴ I EAT OF YOURS,' [OR 'I TAKE] NO OATH [THAT] I WILL NOT EAT OF YOURS,'⁵ HE IS FORBIDDEN.

GEMARA. This proves that 'Oh oath that I eat of yours implies that I will not eat. Now this contradicts the following: Oaths are of two categories, which are extended to four, viz., '[I swear] that I will eat,' 'that I will not eat,' 'that I have eaten,' 'that I have not eaten'.⁶ Now, since he enumerates, 'that I will eat,' 'that I will not eat,' 'that I have eaten.' 'that I have not eaten, it follows that [the phrase,] 'that I eat of yours' implies, 'I will eat'? — Abaye answered: 'That I eat' has two meanings. If one was being urged to eat, and he replied: 'I will eat, I will eat, moreover. [I take] an oath that I eat,' it implies, 'I will eat.' But if he said, 'I will not eat, I will not eat,' and then added: '[I take] an oath that I eat,' it implies, 'I will not eat'.⁷ R. Ashi answered: 'That I eat,' in connection with an oath,⁸ really means that he [actually] said, 'I will not eat'.⁹ If so, it is obvious: why state it? — I might think it is a mispronunciation¹⁰ which caused him to stumble;¹¹ we are therefore taught [otherwise]. Abaye does not give R. Ashi's reason, because it is not stated, 'That I will not eat.' R. Ashi rejects Abaye's interpretation: he holds, 'that I will not eat' may also bear two meanings. [Thus:-] if one was being urged to eat, and he said, 'I will not eat, I will not eat, and then added, 'I [swear by] an oath', whether [he concluded] 'that I eat,' or, 'that I do not eat,' it implies, 'I will eat'. While the language, 'An oath that I will not eat,' may also be explained as meaning, 'I swear [indeed] that I will not eat.'¹² But the Tanna¹³ states a general rule: she-'okel [always] means that I will eat, and she-lo 'okel, that I will not eat.¹⁴ MISHNAH. IN THESE INSTANCES OATHS ARE MORE RIGOROUS THAN VOWS.¹⁵ YET THERE IS [ALSO] GREATER STRINGENCY IN VOWS THAN IN OATHS. E.G., IF ONE SAYS, 'KONAM BE THE SUKKAH THAT I MAKE,' OR, 'THE LULAB THAT I TAKE, OR, THE TEFILLIN¹⁶ THAT I PUT ON:' [WHEN EXPRESSED] AS VOWS THEY ARE BINDING, BUT AS OATHS THEY ARE NOT, BECAUSE ONE CANNOT SWEAR TO TRANSGRESS THE PRECEPTS.

(1) This is argued from the fact the Mishnah does not include the form 'korban be what I might eat of yours', as permissible, as it does in the case of 'Oh, korban', which could be included according to R. Judah's opinion that the particle 'as' is necessary to render the oath binding, v. supra.

(2) Then why not assume the same here?

(3) So Ran. cur. edd. lo le-korban.

(4) V. Gemara.

(5) This even according to R. Meir, for the Talmud states (Shebu'oth 36a) that R. Meir holds that the positive may be inferred from the negative in oaths.

(6) The two categories are affirmative and negative oaths referring to the future, which are extended to include similar oaths in the past.

(7) The Heb. then means: 'I swear in this matter of eating' — viz., that I will not eat. [The whole turns on the meaning attached to **kfuta**. The particle **a** may denote 'that' or 'if' (or 'that which'). In the first instance, the circumstance favours the former interpretation: 'An oath that I eat', i.e., 'I swear that I eat'. In the latter, he probably meant: 'An oath if (or that which) I eat, i.e., 'I swear not to eat', (or, 'By oath be forbidden that which I eat); cf. Shebu. 19b.]

(8) I.e., the Mishnah, when employing this phrase in connection with oaths.

(9) I.e., the Mishnah merely indicates that his oath bore reference to eating, but actually it was a negative one.

(10) Lit 'a twisting of the tongue'.

(11) Saying she-i-'okel instead of she-'okel, the difference in Hebrew being very slight. — This answer, as well as the discussion supra et passim on le-korban and lo korban, implies that the vows and oaths, as hypothetically posited in the Mishnah, were actually taken in Hebrew, not in another language. Thus Hebrew was generally spoken when the Mishnah was composed, and the Hebrew employed in the Mishnah would appear a natural, not an artificial language. V. M.H. Segal, Mishnaic Hebrew Grammar, Introduction.

(12) The text is not quite clear, but the general meaning appears to be this: When he says, 'lo akilna, lo akilna (I will not eat),' he may mean it positively, 'I will certainly not eat'; when he further adds, 'I swear that I will eat (she-'okel)' or 'that I will not eat' he is strengthening his first statement, for 'I swear that I will eat (she-'ohel)' may mean, 'I swear in respect of this matter of eating'. On the other hand, his first words may mean, 'I will not eat'? — of course I will! Hence the subsequent oath confirms this, for 'I swear that I will not eat (she-lo 'okel)' may mean, 'An oath may be imposed upon what I will not eat, but not upon what I will eat.' Hence, if Abaye's explanation is correct, that the Tanna teaches that she-'okel may imply a negative, he should also teach that she-lo 'okel may imply an affirmative. [MS.M. preserves a better reading: . . . , if one was being urged to eat . . . whether (he concluded) 'that I eat' or 'that I do not eat' he means 'I shall not eat', while the language 'An oath that I will not eat' may be explained 'An oath that I do eat'. The meaning is thus clearer: When he first says 'I will not eat', his subsequent statement, whatever it is, will, on Abaye's explanation, be taken as confirming the first: If it is 'An oath that I eat' the particle **א** (v. supra p. 43. n. 4) denotes 'if' or ('that which') and he means 'I swear I eat'; if it is 'An oath that I do not eat' the particle is simply taken in the sense of 'that'. And thus similarly on Abaye's view, the phrase 'that I do not eat' could also be explained in a positive sense: 'I swear. . . if I do not eat', viz., where it was preceded by the statement 'I will eat'. This however, is impossible, in view of the Mishnah in Shebu'oth, which draws a distinction between 'that I will eat' and 'that I will not eat' and not between the circumstances that produced the oath.]

(13) Of the Mishnah in Shebu'oth.

(14) Disregarding the special cases where the general tenor of a person's speech or the inflection of his voice reverses the literal meaning of his oath.

(15) Since the Mishnah (15b) states that a vow in these terms is not binding.

(16) V. Glos. for these words.

Talmud - Mas. Nedarim 16b

GEMARA. MORE RIGOROUS? That implies that they are [valid] vows;¹ but it is taught, He is permitted?² — This is taught in reference to the second clause of the other section: [viz.,] [If one says,] ['I swear] on oath not to sleep,' or, 'talk,' or 'walk,' he is forbidden [to do so]: IN THESE INSTANCES OATHS ARE MORE RIGOROUS THAN vows.³

YET THERE IS GREATER STRINGENCY IN VOWS THAN IN OATHS etc. R. Kahana recited, R. Giddal said in Rab's name, and R. Tabyomi recited, R. Giddal said in Samuel's name: Whence do we know that one cannot swear [a valid oath] to violate the precepts? Front the verse, When a man . . . swear an oath . . . he shall not break his word,⁴ [this implies,] he may not break his word,⁵ but he must break a word [i.e., an oath] in respect of Heavenly matters.⁶ Now, why are vows different: because it is written, When a man vow a vow unto the Lord . . . he shall not break his word?⁷ But [of] oaths too it is written, or swear an oath unto the Lord he shall not break his word?⁸ — Abaye answered: In that case [vows] one says: 'The pleasure of the sukkah be

forbidden me';⁹ but in this case [oaths] one says; 'I swear that I shall not benefit from the sukkah'.¹⁰ Raba objected: Were the precepts then given for enjoyment?¹¹ But Raba answered: There [in the case of vows] one says, 'The sitting in the sukkah be forbidden me';¹² but here [oaths] one says, 'I swear not to sit in the sukkah'.

Now, do we learn that one cannot swear to transgress the precepts from this verse: do we not rather deduce it from elsewhere? For it was taught: If one swears to annul a precept, and does not, I might think that he is liable,¹³

(1) Save that their binding character is not so rigid as that of oaths; but if not binding at all, the term is inapplicable.

(2) V. Mishnah 25b; that indicates that these vows are quite invalid.

(3) For as stated in the Mishnah on 14b, such vows are indeed binding, but as explained by Rabina (v. 15a), only by Rabbinical Law; whereas oaths of a similar nature are Biblically valid.

(4) Num. XXX, 3.

(5) I.e., when it refers to human, optional matters.

(6) I.e., when the subject of the vow is obligatory.

(7) Ibid. Implying that it is binding even when referring to Divine, non-optional matters. This is inferred by regarding unto (K) as meaning against: i.e., when a man vows contrary to the Lord's precepts.

(8) Ibid. Not actually; but as to the Lord immediately precedes or swear an oath, it may be regarded as referring to it.

(9) Hence it is binding, as one may not say that which he has vowed not to enjoy.

(10) I.e., the oath falls primarily upon the person. v. supra 2b; but one cannot free himself from a Biblical obligation.

(11) Technically speaking, one cannot be said to derive physical enjoyment from the fulfilment of a precept, and therefore a vow in these terms would not be binding. One's highest enjoyment should be in obedience to God's word. [Apart from its halachic implications, the object of this saying was to keep the ethical principle free from any admixture of the idea of utility V. Lazarus, M. Ethics of Judaism, I, p. 284.]

(12) Thus the vow falls upon the sukkah, which is rendered forbidden, and upon the person; therefore it is valid.

(13) For swearing falsely.

Talmud - Mas. Nedarim 17a

hence the Bible teaches, [or if a soul swear, pronouncing with his lips] to do evil, or to do good etc.:¹ just as doing good refers to something optional,² so doing evil refers [only] to something optional. This excludes one who swears to annul a precept, and did not annul it,³ because it is not optional! — One verse is to exempt him from the sacrifice due for [violating] an oath, and the other is to exempt him [from punishment⁴ for having violated] the injunction concerning an oath.

MISHNAH. A VOW WITHIN A VOW IS VALID,⁵ BUT NOT AN OATH WITHIN AN OATH. E.G., IF ONE DECLARES, 'BEHOLD, I WILL BE A NAZIR IF I EAT [THIS LOAF].' 'I WILL BE A NAZIR IF I EAT [THIS LOAF], AND THEN EATS [IT], HE IS LIABLE IN RESPECT OF EACH [VOW].⁶ BUT IF HE SAYS, 'I SWEAR THAT I WILL NOT EAT [THIS LOAF], 'I SWEAR THAT I WILL NOT EAT [THIS LOAF], AND THEN EATS [IT], HE IS LIABLE [TO PUNISHMENT] FOR ONE [OATH] ONLY.

Talmud - Mas. Sotah 2a

CHAPTER I

MISHNAH. IF ONE WARNS¹ HIS WIFE [NOT TO ASSOCIATE WITH A CERTAIN MAN]. R. ELIEZER SAYS: HE WARNS HER ON THE TESTIMONY OF TWO WITNESSES,² AND MAKES HER DRINK [THE WATER OF BITTERNESS] ON THE TESTIMONY OF ONE WITNESS³ OR HIS PERSONAL TESTIMONY. R. JOSHUA SAYS: HE WARNS HER ON THE TESTIMONY OF TWO AND MAKES HER DRINK ON THE TESTIMONY OF TWO.

HOW DOES HE WARN HER? IF HE SAYS TO HER IN THE PRESENCE OF TWO, DO NOT CONVERSE WITH THAT MAN, AND SHE CONVERSED WITH HIM, SHE IS STILL PERMITTED TO HER HUSBAND⁴ AND PERMITTED TO PARTAKE OF THE HEAVE-OFFERING.⁵ SHOULD SHE HAVE ENTERED A PRIVATE PLACE WITH HIM AND STAYED WITH HIM A TIME SUFFICIENT FOR MISCONDUCT TO HAVE OCCURRED, SHE IS FORBIDDEN TO HER HUSBAND⁶ AND FORBIDDEN TO PARTAKE OF THE HEAVE-OFFERING. IF [HER HUSBAND] DIED,⁷ SHE PERFORMS THE CEREMONY OF HALIZAH⁸ BUT CANNOT CONTRACT A LEVIRATE MARRIAGE.

GEMARA. Now that the Tanna has finished [Tractate] Nazir, what is his reason for continuing with [Tractate] Sotah?⁹ — It is according to the view of Rabbi; for it has been taught: Rabbi says, Why does the section of the Nazirite adjoin that of the suspected woman?¹⁰ To tell you that whoever witnesses a suspected woman in her disgrace should withhold himself from wine.¹¹ But [the Tanna in the Mishnah] should treat of [Tractate] Sotah first and afterwards that of Nazir!¹² — Since he treated of [Tractate] Kethuboth [marriage-settlements] and dealt with the theme, 'He who imposes in vow upon his wife',¹³ he next treated of [Tractate] Nedarim [Vows]; and since he treated of [Tractate] Nedarim, he proceeded to treat of [Tractate] Nazir which is analogous to Nedarim,¹⁴ and then continues with Sotah for the reason given by Rabbi.

IF ONE WARNS HIS WIFE. As an accomplished fact¹⁵ it is allowable, but as something still to be done it is not. Consequently our Tanna holds that it is forbidden to give a warning.¹⁶

R. Samuel b. R. Isaac said: When Resh Lakish began to expound [the subject of] Sotah, he spoke thus: They only pair a woman with a man according to his deeds;¹⁷ as it is said: For the sceptre of wickedness shall not rest upon the lot of the righteous.¹⁸ Rabbah b. Bar Hanah said in the name of R. Johanan: It is as difficult to pair them as was the division of the Red Sea; as it is said: God setteth the solitary in families: He bringeth out the prisoners into prosperity!¹⁹ But it is not so; for Rab Judah has said in the name of Rab: Forty days before the creation of a child, a Bath Kol²⁰ issues forth and proclaims, The daughter of A is for B;²¹ the house of C is for D; the field of E is for F! — There is no contradiction, the latter dictum referring to a first marriage and the former to a second marriage.

R. ELIEZER SAYS, HE WARNS HER ON THE TESTIMONY OF TWO WITNESSES etc.

So far only do [R. Eliezer and R. Joshua] differ, viz. in the matter of warning and seclusion, but in the matter of misconduct [they agree] that one witness is believed.²² We similarly learn in the Mishnah: If one witness says: I saw that she committed misconduct, she does not drink the water.²³ Whence is it derived according to Torah-law that one witness is believed? As our Rabbis taught: And there be no witness against her²⁴ — the text refers to two witnesses.²⁵ But perhaps it is not so and even one [suffices]! There is a teaching to declare, One witness shall not rise up against a man.²⁶

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- (1) Lit., 'is jealous of, i.e., he gives her a warning because he feels jealous.
 - (2) There must be two witnesses that he had warned her in their presence; otherwise he cannot require her to drink the water of bitterness.
 - (3) That she had secluded herself with the man, after due warning had been given.
 - (4) Lit., 'to her house'. Marital relations may continue.
 - (5) If her husband is a priest. The heave-offering could be eaten by any member of the priest's household who was ritually clean; Num. XVIII, 8ff.
 - (6) Forthwith, before the water is drunk.
 - (7) Before she had undergone the ordeal.
 - (8) V. Glos.
 - (9) What is the association of ideas between the subject of the Nazirite and the woman suspected of infidelity?
 - (10) In Num. V and VI.
 - (11) Immoderate use of wine is a source of immorality. v. Ber. 63a.
 - (12) That being the order in which they are dealt with in Scripture.
 - (13) The opening words of Keth. VII.
 - (14) A man becomes a nazirite by imposing a vow upon himself.
 - (15) This is derived from the addition of the definite article, the literal sense being: he who warns, i.e., he who has given a warning.
 - (16) Different views are taken on this question; v. p. 8.
 - (17) Only if his actions are righteous does he have a faithful wife.
 - (18) Ps. CXXV, 3.
 - (19) Ibid. LXVIII, 7. The first clause refers to marriage-making, the second to the release of prisoners. Therefore the two are declared identical as regards difficulty.
 - (20) V. Glos.
 - (21) Since the marriage is ordained even before birth, it cannot be dependent upon a man's conduct.
 - (22) [After due warning had been given and seclusion taken place]. And without drinking the water she leaves her husband's house and does not receive what would normally have been due to her under the marriage-contract.
 - (23) Infra 31a.
 - (24) Num. V, 13.
 - (25) I.e., wherever Scripture uses the word witness, even in the singular, it denotes two.
 - (26) Deut. XIX, 15.

Talmud - Mas. Sotah 2b

From the fact that it is stated: '[A] witness¹ shall not rise up against a man', do I not know that one is intended? Why is there a teaching to declare 'one witness'?² This establishes the rule that wherever it is stated 'witness', it signifies two unless the text specifies 'one'; and [in the case

under discussion] the All-Merciful declares that when there are not two witnesses against her but only one, and she has not been violated,³ she is forbidden [to her husband].⁴ Now the reason for that⁵ is because it is written: One witness shall not rise up against a man. Were it however not so [stated], I might have supposed that ‘witness’ in the verse relating to a suspected woman means one.⁶ But if there be not even one witness against her, why should she then be prohibited [to her husband]? — [The verse: One witness etc.] is necessary, because otherwise it might have occurred to me to suppose that ‘there be no witness against her’ means, he is not believed against her. He is not believed against her! What, then, [does the text] want unless there are two witnesses?⁷ Let the Scriptural text be silent on the point [and not mention it at all], since the rule could have been deduced by analogy from the occurrence of the word *dabar*⁸ in the verse relating to civil actions, and I would know that it applies to every case of testimony mentioned in the Torah! — It was necessary [for Scripture to have mentioned it], because otherwise it might have occurred to me to suppose that the matter is different in the case of a suspected woman inasmuch as there was some basis for the charge, seeing that he had warned her and she had been secluded [with the man]; consequently one witness should be believed against her. But how is it possible to say [that if the Torah had not specified that ‘witness’ always means two, I might have supposed that the intention of ‘there be no witness against her’ was] that he is not believed against her and she is permitted to her husband? Surely from what is written: ‘and she had not been violated’,⁹ it is implied that she is forbidden to him! It was necessary [for Scripture to have mentioned this], because otherwise it might have occurred to me to suppose that [the evidence against her] is not believed unless there are two witnesses,¹⁰ and [that the verse means] that she had not been violated on the evidence of two witnesses. We are consequently taught [that one witness is believed].

R. JOSHUA SAYS: HE WARNS HER ON THE TESTIMONY OF TWO etc. What is R. Joshua's reason? Scripture states ‘against her’ — I.e., ‘against her’ [in the matter of misconduct]¹¹ but not in the matter of warning, ‘against her’ [in the matter of misconduct] but not in the matter of seclusion. R. Eliezer, [on the other hand] says: ‘Against her’ [in the matter of misconduct] but not in the matter of warning only. Perhaps, however, ‘against her’ does mean, and not in the matter of seclusion! — Seclusion is compared to ‘defilement’ [misconduct], for it is written, and he kept close and she be defiled.¹² But warning also is compared to ‘defilement’, for it is written, and he be jealous of his wife and she be defiled!¹³ — The All-Merciful excluded this by the phrase ‘against her’.¹⁴ But what leads you to this conclusion?¹⁵ — It is obvious that seclusion is more serious [than warning] because she is forthwith prohibited to her husband as with ‘defilement’. On the contrary, warning is more serious since it is the root cause [of her seclusion rendering her forbidden to her husband]!¹⁶ — If there was no seclusion, would there have been any warning?¹⁷ But if there was no warning, what effect would seclusion have? — Nevertheless seclusion is the more serious since it is the beginning of ‘defilement’.

Our Mishnah does not agree with the following Tanna. For it has been taught: R. Jose son of R. Judah says in the name of R. Eliezer: He who warns his wife does so on the testimony of one witness or his personal testimony, and makes her drink [the water of bitterness] on the testimony of two witnesses. The Sages replied: According to the view of R. Jose son of R. Judah, there is no purpose in the matter.¹⁸ What is the reason of R. Jose son of R. Judah? — Scripture states ‘against her’, i.e., ‘against her’ [in the matter of misconduct] but not in the matter of seclusion.

Perhaps, however, ‘against her’ means: and not in the matter of warning? — Warning is compared to ‘defilement’, for it is written, and he be jealous of his wife and she be defiled. But seclusion is also compared to ‘defilement’, for it is written, and he kept close and she be defiled? — That refers to a length of time sufficient for ‘defilement’ to have occurred.¹⁹

[It was stated above:] ‘The Sages replied: According to the view of R. Jose son of R. Judah, there is no purpose in the matter’. What does this mean? — There may be times when he did not warn her and he claims that he did warn her.²⁰ Is there, then, according to our Mishnah any purpose in the matter, since there may be times when she had not been secluded with the man and the husband claims that she had been secluded?²¹ — R. Isaac b. Joseph said in the name of R. Johanan, [Read] also according to the view of R. Jose son of R. Judah, there is no purpose in the matter. ‘Also according to the view of R. Jose son of R. Judah’ [you say]; is there, then, no question with respect to our Mishnah? On the contrary, according to our Mishnah there is foundation [for the charge], but in the other case [the view of R. Jose son of R. Judah] there may be no foundation!²² — But if the teaching is reported, it must be in this form: R. Isaac b. Joseph said in the name of R. Johanan: ‘According to the view of R. Jose son of R. Judah, and also according to our Mishnah, there is no purpose in the matter.’

R. Hanina of Sura said: Nowadays a man should not say to his wife, ‘Do not be secluded with So-and-so’, lest we decide according to R. Jose son of R. Judah who said: A warning [is effective] if given on [the husband's] personal testimony. If she then secluded herself with the man, since we have not now the water for a suspected woman to test her, the husband forbids her to himself for all time.

Resh Lakish said: What is the meaning of the term *kinnui*?²³ A matter which causes hatred [Kin'ah] between her and others. Consequently he holds that the warning can be on [the husband's] personal testimony; and since not everybody knows that he gave her a warning and they say: ‘What has happened that she holds herself aloof?’ they will proceed to cause hatred against her. R. Jemar b. Shelemia said in the name of Abaye: [Kinnui means] a matter which causes hatred between husband and wife. Consequently he holds that the warning must be on the testimony of two witnesses and everybody is aware that he gave her a warning,²⁴ and it is he who proceeds to cause hatred against her.

(1) And not witnesses.

(2) The word one is superfluous if a single witness is intended, since it would have been sufficient to state a witness.

(3) But consented to the act. Num. V, 13. The English Version translates the verb she be not taken in the act; but the Rabbis understood it in the sense that she was not forced to misconduct and was a consenting party. Cf. the use of the same verb in Deut. XXII, 28. If she had been violated, she was exempt from the ordeal.

(4) Infra 31b. [This proves that in the matter of misconduct one witness is believed, as otherwise whence is it known that she was not violated?]

(5) For maintaining that the term witness’ in the case of the Sotah denotes two.

(6) ‘And there be no witness against her’ means not even one.

(7) What is the purpose of the words if the meaning of there be no witness indicates only one and that his evidence is not accepted?

(8) In connection with infidelity the text has he hath found some unseemly matter (dabar) in her (Deut. XXIV, 1), and in connection with civil actions At the mouth of two witnesses, or at the mouth of three witnesses, shall a matter (dabar) be established (ibid. XIX, 15). By the rule of Gezerah Shawah, analogy of expression, the principle of the latter with regard to the number of witnesses required is also applied to the former.

(9) Therefore it is maintained that misconduct has occurred with her consent.

(10) In a charge of misconduct.

(11) One witness is sufficient; but for warning and seclusion two are necessary.

(12) Num. V, 13.

(13) Ibid. 14.

(14) The phrase 'against her' was explained above as relating only to misconduct.

(15) That 'against her' excludes the idea that warning is to be compared to misconduct, and that only seclusion is to be likened to it.

(16) Without previous warning she would not be prohibited to her husband because of seclusion.

(17) There must have been seclusion to cause jealousy and consequently a warning.

(18) In requiring the husband's personal testimony, since, as the Gemara will explain, it may be false.

(19) So that if the time of seclusion was insufficient, she is not required to drink the water.

(20) So what purpose is there in requiring the husband's unsupported evidence?

(21) The Mishnah compels the woman to drink the water on the unsupported evidence of the husband.

(22) According to the Mishnah there must have been warning on the testimony of two witnesses, so there is some foundation for the charge; but according to R. Jose the husband can give her warning on his uncorroborated testimony which might be groundless.

(23) That is the term used in Num. V, 14, 'he be jealous'.

(24) Since the witnesses are likely to talk of it to others.

Talmud - Mas. Sotah 3a

Conclude that they hold that it is forbidden to give a warning;¹ but according to him who says that it is permissible to give a warning, what is the meaning of Kinnui? — R. Nahman b. Isaac said: Kinnui means nothing but 'warning;' and thus Scripture states: Then the Lord warned [wa-yekna] his land.²

It has been taught: R. Meir used to say: If a person commits a transgression in secret, the Holy One, Blessed be He, proclaims it against him in public; as it is said: And the spirit of jealousy came upon him;³ and the verb 'abar [came upon] means nothing but 'proclaiming', as it is said: And Moses gave commandment, and they caused it to be proclaimed throughout the camp.⁴ Resh Lakish said: A person does not commit a transgression unless a spirit of folly [shetuth] enters into him; as it is said: If any man's wife go aside.⁵ [The word is] written [so that it can be read] sishteh.⁶

The School of R. Ishmael taught: Why does the Torah believe one witness in the case of a suspected woman? Because there was some basis for the charge, seeing that he had warned her and she had secluded herself with the man, and one witness testifies that she had 'defiled' [misconducted] herself. R. Papa said to Abaye, But the warning is mentioned in the text after the seclusion and misconduct?⁷ — He replied to him, We'abar [means] there had already come upon him.⁸ But can that interpretation be also applied to, And every armed man of you will pass over?⁹

— In that passage, since it is written: And the land will be subdued before the Lord, then afterward ye shall return,¹⁰ it follows that the reference is to the future; but here, if it should enter your mind that we follow the order of the text [and we'abar signifies 'will come'], of what use is a warning after misconduct and seclusion had taken place?

The School of R. Ishmael taught: A man does not warn his wife unless a spirit¹¹ enters into him; as it is said: 'And the spirit of jealousy came upon him and he be jealous of his wife'. What is the meaning [of the word] 'spirit'? — The Rabbis declare, It is a spirit of impurity;¹² but R. Ashi declares, It is a spirit of purity.¹³ Reasonable is the view of him who declares that it is a spirit of purity, because it was taught: and he be jealous of his wife — this is voluntary¹⁴ in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. It is well if you say that it means a spirit of purity, then everything is right; but if you say that it means a spirit of impurity, is it voluntary or obligatory for a man to introduce a spirit of impurity into himself!

[To turn to] the main text: And he be jealous of his wife — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. For her he may defile himself¹⁵ — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. Of them shall ye take your bondmen for ever¹⁶ — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. R. Papa said to Abaye — others declare it was R. Mesharsheya who said to Raba: Is this to say that R. Ishmael and R. Akiba differ in this way throughout the Torah, one maintaining that [a precept] is voluntary and the other that it is obligatory? — He replied, They only differ here over texts: And he be jealous of his wife — it is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. What is the reason of R. Ishmael? — He holds the same view as that of the following teacher. It has been taught: R. Eliezer b. Jacob says: Since the Torah declares, Thou shalt not hate thy brother in thine heart,¹⁷ it is possible to think that this applies also in such a circumstance;¹⁸ therefore there is a text to say: And the spirit of jealousy came upon him and he be jealous of his wife.¹⁹ And [what is the reason of] R. Akiba? — The word 'jealous' occurs a second time in the verse.²⁰ And [how does] R. Ishmael [explain the repetition of jealous]? — Since it was necessary to write, And she be defiled and afterwards and she be not defiled, the Torah wrote and he be jealous of his wife.²¹ This is in agreement with the teaching of the School of R. Ishmael; for it was taught in the School of R. Ishmael; Wherever a Scriptural passage is repeated, it is only repeated because of some new point contained therein. [Similarly] 'For her he may defile himself — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. What is the reason of R. Ishmael? — Since it is written: Speak unto the priests the sons of Aaron and say unto them, There shall none defile himself for the dead among his people,²² it was likewise necessary to write, For her he may defile himself. And [from where does] R. Akiba [learn that a priest may so defile himself]? — He derives it from, Except for his kin;²³ what then is the purpose of, For her he should defile himself? [It is to indicate that] it is obligatory. And [how does] R. Ishmael [explain the addition of these words]? — 'For her' he may defile himself but not for any of her limbs.²⁴

(1) Because they explain Kinnui in the sense of hatred, and it is not allowed to create hatred.

(2) Joel II, 18. (E.V. 'Then the Lord was jealous for his land'.)

(3) Num. V, 14.

(4) Ex. XXXVI, 6.

- (5) Num. V, 12. The word for 'go aside' is sisteh.
- (6) I.e., act in folly.
- (7) The matter of seclusion and misconduct is mentioned in Num. V, 12f, and the warning from jealousy in verse 14.
- (8) [רצגול is treated as pluperfect.]
- (9) Num. XXXII, 21 where the same word, we'abar, occurs.
- (10) Ibid. 22.
- (11) Introduced into him by God to warn him of what had occurred.
- (12) An instigation by Satan.
- (13) Which revolts against immorality.
- (14) The husband can ignore the matter if he so wishes.
- (15) Lev. XXI, 3. Does it mean he may or he should; and similarly with the other instances discussed.
- (16) Ibid. XXV, 46.
- (17) Ibid. XIX, 17.
- (18) That a husband may overlook his wife's seclusion with another man and not warn her.
- (19) He interprets the words as meaning: if the spirit of jealousy came upon him and he wishes to warn his wife.
- (20) He understands the second clause as he should be jealous and warn her.
- (21) The words are repeated because of the two contingencies mentioned and no such deduction is to be drawn as R. Akiba suggests.
- (22) Lev. XXI, 1.
- (23) Ibid. 2.
- (24) An amputated limb of a body defiles in the same way as the whole body. V. Nazir 43b.

Talmud - Mas. Sotah 3b

[What reply does] R. Akiba [make to this explanation]? — If that were the sole intention, the All-Merciful should have written 'for her' and then stop; what is the purpose of the words 'he should defile himself? Deduce therefrom.¹ [How does] R. Ishmael [meet this argument]? — Since the Torah wrote 'for her', it likewise wrote 'he may defile himself this is in agreement with the teaching of the School of R. Ishmael; for it was taught in the School of R. Ishmael: Wherever a Scriptural passage is repeated, it is only repeated because of some new point contained therein. [And similarly,]'Of them shall ye take your bondmen for ever² — this is voluntary in the opinion of R. Ishmael; but R. Akiba says: It is obligatory. What is the reason of R. Ishmael? — Since it is written: Thou shalt save alive nothing that breatheth,³ it was likewise necessary to write, 'Of them shall ye take your bondmen for ever', in order to indicate that if a man belonging to any other Gentile people has intercourse with a Canaanite woman⁴ and begets a son by her, it is permissible to purchase him as a slave. For it has been taught: Whence is it that if a man belonging to any other Gentile people has intercourse with a Canaanite woman and begets a son by her, it is permissible to purchase him as a slave? There is a text to declare, Moreover of the children of the strangers that do sojourn among you, of them shall ye buy.⁵ It is possible to think that also if a Canaanite had intercourse with a woman belonging to any other Gentile people and he begets a son by her, it is permissible to purchase him as a slave; therefore there is a text to declare, Which they have begotten in your land⁶ — from those born in your land⁷ and not from those who dwell in your land.⁸ And [from where does] R. Akiba [learn this rule]? — He derives it from, 'Of them shall ye buy'; what then is the purpose of, 'Of them ye shall take your bondmen for ever'? [It

indicates that] it is obligatory. And [how does] R. Ishmael [explain the addition of these words]? — ‘Of them’ [he may purchase] but not of your brethren. [From where does] R. Akiba [derive this rule]? — It is deduced from the mention of ‘your brethren’ at the end of the verse: But over your brethren the children of Israel ye shall not rule, one over another, with rigour.⁹ [How does] R. Ishmael [meet this argument]? — Since the Torah wrote ‘But over your brethren’, it likewise wrote ‘of them’. This is in agreement with the teaching of the School of R. Ishmael; for it was taught in the School of R. Ishmael: Wherever a Scriptural passage is repeated, it is only repeated because of some new point contained therein.

R. Hisda said: Immorality in a house is like a worm in the sesame plant. Further said R. Hisda: Anger in a house is like a worm in the sesame plant. Both these statements refer to a woman, but in the case of a man there is no objection.¹⁰ Further said R. Hisda, At first, before Israel sinned [against morality], the Shechinah abode with each individual; as it is said: For the Lord thy God walketh in the midst of thy camp.¹¹ When they sinned, the Shechinah departed from them; as it is said: That he see no unclean thing in thee and turn away from thee.¹²

R. Samuel b. Nahmani said in the name of R. Jonathan: Whoever performs one precept in this world, it precedes him for the world to come; as it is said: And thy righteousness shall go before thee;¹³ and whoever commits one transgression in this world, it clings to him and precedes him for the Day of Judgment, as it is said: The paths of their way are turned aside; they go up into the waste and perish.¹⁴ R. Eleazar says: It attaches itself to him like a dog; as it is said: He hearkened not unto her, to lie by her, or to be with her¹⁵ — to lie by her in this world, or to be with her in the world to come.

We learn elsewhere: It is a proper conclusion that if the first evidence [that the woman had secluded herself with the man], which does not prohibit her [to her husband] for all time,¹⁶ is not established by fewer than two witnesses, is it not right that the final evidence [that she had misconducted herself] which prohibits her to him for all time, should not be established by fewer than two witnesses! Therefore there is a text to state, ‘And there be no witness against her’, [implying that], whatever [evidence] there may be against her [is believed, even if it be only one witness]. And with respect to the first evidence [about her seclusion with the man, that one witness suffices may be argued by] a fortiori reasoning as follows: If the final evidence [regarding misconduct], which prohibits her to her husband for all time, is established by one witness, is it not proper that the first evidence, which does not prohibit her to him for all time, should be established by one witness! Therefore there is a text to state, Because he hath found some unseemly matter in her,¹⁷ and elsewhere it states: At the mouth of two witnesses, or at the mouth of three witnesses shall a matter be established;¹⁸ as the ‘matter’ mentioned in this latter case must be confirmed by the testimony of two witnesses, so also here [in the case of the suspected woman] the ‘matter’ must be confirmed by the testimony of two witnesses.¹⁹ Is this deduction to be drawn from the words, ‘Because he hath found some unseemly matter in her’? It ought to be derived from ‘against her’ — i.e., ‘against her’ [in the matter of misconduct] but not in the matter of warning, ‘against her’ [in the matter of misconduct] but not in the matter of seclusion!²⁰ — He also says similarly²¹ [and his teaching is to be cited as follows]: Therefore there is a text to state ‘against her’ [in the matter of misconduct] but not in the matter of warning, ‘against her’ [in the matter of misconduct] but not in the matter of seclusion; and whence is it that merely in a case of

misconduct, where there had been no warning or seclusion one witness is not believed? It is stated here, 'Because he hath found some unseemly matter in her', and elsewhere it states: 'At the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established'; as in the 'matter' mentioned in the latter case two witnesses are required, so also here [where there has been misconduct without warning and seclusion] two witnesses are required. Our Rabbis have taught: Which is the 'first testimony'? Evidence of seclusion, and the 'final testimony' is evidence of 'defilement' [misconduct].

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- (1) That it is obligatory.
 - (2) Lev. XXV, 46.
 - (3) Deut. XX, 16.
 - (4) The woman belonged to the seven nations which had to be exterminated.
 - (5) Lev. XXV, 45.
 - (6) Ibid. I.e., the original natives of Canaan.
 - (7) [Whose father belongs to another land.]
 - (8) [I.e., the original natives of Canaan]. It is to be noted that descent is traced through the father, whereas in the case of a Jew descent is traced through the mother.
 - (9) Lev. XXV, 46.
 - (10) This opinion is contradicted by popular proverbs quoted in the Talmud, viz., 'He among the full-grown pumpkins and his wife among the young ones' (infra, p. 45), and 'He who gives vent to his anger destroys his house' (Sanh. 102b).
 - (11) Deut. XXIII, 15.
 - (12) Ibid.
 - (13) Isa. LVIII, 8.
 - (14) Job VI, 18.
 - (15) Gen. XXXIX, 10.
 - (16) Because the water may prove her innocent.
 - (17) Deut. XXIV, 1.
 - (18) Ibid. XIX, 15.
 - (19) Infra 31a-b.
 - (20) V. supra p. 5.
 - (21) The teacher in the Mishnah accepts the deduction from 'against her' and uses the argument from the occurrence of the word 'matter' for another purpose. He had been quoted wrongly and the Gemara proceeds with the correct form of the teaching.

Talmud - Mas. Sotah 4a

And how long is the duration in the matter of seclusion? Sufficient for misconduct, i.e., sufficient for coition, i.e., sufficient for sexual contact, i.e., sufficient for a person to walk round a date-palm. Such is the view of R. Ishmael; R. Eliezer says: Sufficient for preparing a cup of wine;¹ R. Joshua says: Sufficient to drink it; Ben Azzai says: Sufficient to roast an egg; R. Akiba says: Sufficient to swallow it; R. Judah b. Bathyra says: Sufficient to swallow three eggs one after the other; R. Eleazar b. Jeremiah says: Sufficient for a weaver to knot a thread; Hanin b. Phineas says: Sufficient for a woman to extend her hand to her mouth to remove a chip of wood [from between the teeth]; Pelemo says: Sufficient for her to extend her hand to a basket and take a loaf

therefrom. Although there is no proof for this [last opinion] there is an indication, viz., For on account of a harlot, to a loaf of bread.² What is the purpose of all these definitions? — They are necessary; because if we were only taught sufficient for misconduct, I would have thought that it meant sufficient time for her misconduct and her submission;³ therefore it is defined as sufficient for coition.⁴ If, however, it were only taught sufficient for coition, I would have thought that it meant sufficient time for completed coition; therefore it is defined as sufficient for sexual contact. If, further, we had only been taught sufficient for sexual contact, I would have thought that it meant sufficient time for sexual contact and her submission; therefore it is defined as sufficient for misconduct. And how much is the time sufficient for sexual contact? Sufficient for a person to walk round a date-palm.

In contradiction of the above [I quote the following]: And be kept close⁵ — but how long is the duration in the matter of seclusion we have not heard. Since, however, it states ‘and she be defiled’, deduce that it is time sufficient for misconduct, i.e., sufficient for coition, i.e., sufficient for sexual contact, i.e., sufficient for a date-palm to rebound.⁶ Such is the view of R. Eliezer; R. Joshua says: Sufficient for preparing a cup of wine; Ben Azzai says: Sufficient to drink it; R. Akiba says: Sufficient to roast an egg; R. Judah b. Bathyra says: Sufficient to swallow it.⁷ Now it is assumed that walking round a date-palm and the rebound of a date-palm are identical [in length of time, and the question thus arises:] R. Ishmael said above, ‘Sufficient for a person to walk round a date-palm’, and R. Eliezer disagreed with him; and here R. Eliezer says: ‘Sufficient for a date-palm to rebound’! — Abaye said: ‘Walking round’ means on foot, and ‘rebound’ means by the force of the wind. R. Ashi asked: How is ‘rebound’ to be understood? Does it mean that the palm is blown in one direction and then in its opposite, or perhaps that it is blown in one direction and then in its opposite and finally returns to its original position? — The question remains unanswered.

R. Eliezer said above: ‘Sufficient for preparing a cup of wine’, and here he says: ‘Sufficient for a date-palm to rebound’! — They are alike in duration. R. Joshua said above, ‘Sufficient to drink it’, and here he says: ‘Sufficient for preparing a cup of wine’! — Say [that the correct version is], Sufficient for preparing a cup of wine and drinking it. But why not say rather that they are alike in duration? — If so, he would agree with R. Eliezer's view.⁸ Ben Azzai said above ‘Sufficient to roast an egg’, and here he says: ‘Sufficient to drink [a cup of wine]’! — They are alike in duration. R. Akiba said above, ‘Sufficient to swallow [a roasted egg]’, and here he says: ‘Sufficient to roast an egg’! — Say [that the correct version is], Sufficient to roast an egg and swallow it. But why not say rather that they are alike in duration? — If so, he would agree with Ben Azzai's view. R. Judah b. Bathyra said above, ‘Sufficient to swallow three eggs one after the other’, and here he says: ‘Sufficient to swallow [one roasted egg]’! — He spoke in accordance with the view of R. Akiba who said that we fix as the duration a length of time sufficient to roast and swallow an egg, [and with reference to this he said,] ‘speak rather only of the duration of swallowing’, that is ‘sufficient time to swallow three eggs one after the other’, for that is the same as roasting and swallowing [one egg].⁹

‘R. Eleazar b. Jeremiah says: Sufficient for a weaver to knot a thread’. R. Ashi asked: Does this mean two ends which are distant or near?¹⁰ — The question remains unanswered.

‘Hanin b. Phineas said: Sufficient for a woman to extend her hand to her mouth to remove a chip of wood’. R. Ashi asked: Does this mean wedged tightly [between the teeth] or not? — The question remains unanswered.

‘Pelemo said: Sufficient for her to extend her hand to a basket and take a loaf therefrom’. R. Ashi asked: Is it [a loaf] which is wedged in tightly or not, a new or old [basket],¹¹ a hot or cold [loaf],¹²

(1) By diluting it with water.

(2) Prov. VI, 26. This is the literal rendering of the Hebrew.

(3) I.e., that he should make improper advances and induce her to submit.

(4) Consequently she must have secluded herself with the intention of committing misconduct.

(5) Num. V, 13.

(6) After having been bent by the wind.

(7) Tosef. Sot. I, 2.

(8) That cannot be, because he gives a different definition, and so it is impossible to think them alike in duration.

(9) [Why introduce at all the act of roasting, seeing that the act of swallowing by itself can afford a suitable standard for defining the duration?]

(10) I.e., does it include the time spent in bringing the threads together as well as tying them?

(11) In a new basket the ends of straws protrude and catch in the loaves, so that it takes longer to get one out.

(12) A warm loaf has to be drawn out with greater care and therefore takes longer.

Talmud - Mas. Sotah 4b

wheaten or of barley,¹ soft or hard-baked? — The question remains unanswered.

R. Isaac son of R. Joseph said in the name of R. Johanan: Each of the teachers defined the duration [of coition] from his own experience. But they included Ben Azzai who was unmarried! — If you wish I can say that he had married and separated [from his wife],² or that he had heard it from his master, or that The secret of the Lord is with them that fear him.³

R. ‘Awira expounded sometimes in the name of R. Ammi and at other times in the name of R. Assi: Whoever eats bread without previously washing the hands is as though he had intercourse with a harlot ; as it is said , For on account of a harlot, to a loaf of bread.⁴ Raba said: [On that interpretation] the verse, ‘For on account of a harlot, to a loaf of bread’ should have read: ‘On account of a loaf of bread, to a harlot’! But, said Raba, [the meaning is:] Whoever has intercourse with a harlot will in the end go seeking a loaf of bread.

R. Zerika said in the name of R. Eleazar: Whoever makes light of washing the hands [before and after a meal] will be uprooted from the world. R. Hiyya b. Ashi said in the name of Rab: With the first washing [before the meal] it is necessary to lift the hands up; with the latter washing [after the meal] it is necessary to lower the hands . There is a similar teaching: Who washes his hands [before the meal] must lift them up lest the water pass beyond the joint,⁵ flow back and render them unclean. R. Abbahu says: Whoever eats bread without first wiping his hands is as though he eats unclean food; as it is stated: And the Lord said: Even thus shall the children of

Israel eat their bread unclean.⁶

And⁷ what means, And the adulteress hunteth for the precious life? — R. Hiyya b. Abba said in the name of R. Johanan: Every man in whom is haughtiness of spirit will in the end stumble through an [unfaithful] married woman; as it is said: ‘And the adulteress hunteth for the precious life’. Raba said: [On that interpretation] the word ‘precious’ should have been ‘haughty’! Furthermore the verse should have read, [The haughty soul] hunteth [the adulteress]! But, said Raba, [the meaning is:] Whoever has intercourse with a married woman, even though he had studied Torah, of which it is written: It is more precious than rubies,⁸ i.e., above a High Priest who enters into the innermost part of the Sanctuary, she will hunt him to the judgment of Gehinnom.⁹ R. Johanan said in the name of R. Simeon b. Yohai: Every man in whom is haughtiness of spirit is as though he worships idols; it is written here, Every one that is proud in heart is an abomination to the Lord,¹⁰ and it is written elsewhere, Thou shalt not bring an abomination into thine house.¹¹ R. Johanan himself said: He is as though he had denied the fundamental principle;¹² as it is said: Thine heart be lifted up and thou forget the Lord thy God, etc.¹³ R. Hama b. Hanina said: He is as though he had broken all the laws of sexual morality;¹⁴ it is written here, Every one that is proud in heart is an abomination to the Lord, and it is written elsewhere, For all these abominations, etc.¹⁵ ‘Ulla said: He is as though he had erected an idolatrous altar; as it is said: Cease ye from man whose breath is in his nostrils;¹⁶ for wherein [bammeh] is he to be accounted of?¹⁷ — read not bammeh but bamah [an idolatrous altar].

What means, Hand to hand, he shall not escape punishment?¹⁸ Rab said: Whoever has intercourse with a married woman, though he proclaim the Holy One, blessed be He, to be Possessor of heaven and earth as did our father Abraham, of whom it is written: I have lift up mine hand unto the Lord, God Most High, Possessor of heaven and earth,¹⁹ he will not escape the punishment of Gehinnom. The students of the School of R. Shila objected: [On that interpretation] the phrase ‘Hand to hand etc.’ should have read: ‘Of my [God’s] hand will not escape punishment’! But, said they of the School of R. Shila, [the meaning is:] Though he received the Torah as did our teacher Moses, of whom it is written: At his right hand was a fiery law unto them,²⁰ he will not escape the punishment of Gehinnom. R. Johanan objected: [On that interpretation] the phrase ‘Hand to hand’ should have read ‘Hand from hand’!²¹ But, said R. Johanan,

(1) A wheaten loaf is smoother and has to be grasped more firmly; and similarly with one which is soft-baked.

(2) The passage in Yeb. 63b does not make it clear whether Ben Azzai was censured for remaining a bachelor or for having married and not begetting children.

(3) Ps. XXV, 14. The knowledge was revealed to him.

(4) Prov. VI, 26. (E.V. ‘For on account of a harlot a man is brought to a loaf of bread’). [As much as to say that the disregard of one Rabbinic precept leads to the disregard of another.]

(5) When washing the hands for a meal, the water should reach the second joint of the fingers; Hul. 106a. The hands beyond the joint having been left unwashed are deemed unclean.

(6) Ezek. IV, 13.

(7) The Gemara now continues the discussion of prov. VI, 26 quoted above.

(8) Prov. III, 15. **ohbhbpn**

(9) **ohbpkv hbpk**, a play upon the word **ohbhbpn** v. n. 4.

- (10) Prov. XVI, 5.
- (11) Deut. VII, 26, the reference being to an idolatrous image.
- (12) Viz., the existence of God.
- (13) Ibid. VIII, 14.
- (14) Enumerated in Lev. XVIII.
- (15) Lev. XVIII, 27.
- (16) Understood in the sense: who is proud.
- (17) Isa. II, 22.
- (18) Prov. XVI, 5.
- (19) Gen. XIV, 22.
- (20) Deut. XXXIII, 2.
- (21) Since the interpretation implies that the adulterer receives from, and does not give to.

Talmud - Mas. Sotah 5a

[the meaning is:] Though he practise charity in secret,¹ concerning which it is written: 'A gift in secret pacifieth anger,² he will not escape the punishment of Gehinnom. Whence is there a prohibition for the haughty of spirit? — Raba said in the name of Ze'iri: Hear ye, and give ear; be not proud.³ R. Nahman b. Isaac said: [It is derived] from this passage, Thine heart be lifted up, and thou forget the Lord thy God,⁴ and it is written: Beware lest thou forget the Lord thy God.⁵ This is in accord with what R. Abin said in the name of R. Elai; for R. Abin said in the name of R. Elai: Wherever it is stated 'Beware' 'lest' and 'Do not' the reference is to a prohibition.

R. 'Awira expounded, sometimes he said it in the name of R. Assi and at other times in the name of R. Ammi: Every man in whom is haughtiness of spirit will in the end be reduced in rank; as it is said: They are exalted, there will be reduction of status;⁶ and lest you think that they remain in existence, the text continues, 'And they are gone'. If, however, he changes [and becomes humble], he will be gathered [to his fathers] in his due time like our father Abraham; as it is said: But when they are lowly, they are gathered in like all⁷ — i.e., like Abraham, Isaac and Jacob in connection with whom the word 'all' is used.⁸ If not, They are cut off as the tops of the ears of corn.⁹ What means 'as the tops of the ears of corn'? R. Huna and R. Hisda [explain it]. One says that it means like the awn of the grain, and the other that it means like the ears themselves. This is quite right according to him who says that it means like the awn of the grain, since it is written 'as the tops of the ears of corn'; but according to him who says that it means like the ears themselves, what signifies 'as the tops of the ears of corn'? — R. Assi said, and it was similarly taught in the School of R. Ishmael: It is like a man who enters his field; he gleans the tallest ears.

With him also that is of a contrite and humble spirit.¹⁰ R. Huna and R. Hisda [explain it]. One says that it means the contrite is with Me, and the other that I [God] am with the contrite. The more probable view is in accord with him who holds the meaning to be I am with the contrite; for behold, the Holy One, blessed be He, ignored all the mountains and heights and caused His Shechinah to abide upon Mount Sinai, but did not elevate Mount Sinai [up to Himself].

R. Joseph said: Man should always learn from the mind of his Creator; for behold, the Holy

One, blessed be He, ignored all the mountains and heights and caused His Shechinah to abide upon Mount Sinai, and ignored all the beautiful trees and caused His Shechinah to abide in a bush.¹¹

R. Eleazar also said: Every man in whom is haughtiness of spirit is fit to be hewn down like an Asherah.¹² It is written here, The high ones of stature shall be hewn down,¹³ and elsewhere it is written: And ye shall hew down their Asherim.¹⁴ Further said R. Eleazar, Every man in whom is haughtiness of spirit, his dust will not be disturbed [for the Resurrection]; as it is said: Awake and sing, ye that dwell in the dust¹⁵ — it is not said ‘ye that lie in the dust’, but, ‘ye that dwell [shokne] in the dust’, i.e., each one who during his lifetime made himself a neighbour [shaken] to the dust [by his humility]. Further said R. Eleazar: Over every man in whom is haughtiness of spirit the Shechinah laments; as it is said: But the haughty he knoweth from afar.¹⁶

R. Awira expounded, and according to another version it was R. Eleazar: Come and see that the manner of the Holy One, blessed be He, is not like the manner of human beings. The manner of human beings is for the lofty to take notice of the lofty and not of the lowly; but the manner of the Holy One, blessed be He, is not so. He is lofty and He takes notice of the lowly, as it is said: For though the Lord be high, yet hath he respect unto the lowly.¹⁷

R. Hisda said, and according to another version it was Mar ‘Ukba: Every man in whom is haughtiness of spirit, the Holy One, blessed be He, declares, I and he cannot both dwell in the world; as it is said: Whoso privily slandereth his neighbour, him will I destroy; him that hath an high look and a proud heart will I not suffer¹⁸ — read not ‘him’ [I cannot suffer], but ‘with him’¹⁹ I cannot [dwell]. There are some who apply this teaching to those who speak slander; as it is said, ‘whoso privily slandereth his neighbour, him will I destroy’.

R. Alexandri said: Every man in whom there is haughtiness of spirit, even the slightest wind will disturb,²⁰ as it is said: But the wicked are like the troubled sea.²¹ If the sea, which contains so many quarters of a log,²² is ruffled by the slightest wind, how much more so a human being who contains but one quarter of a log.²³

R. Hiyya b. Ashi said in the name of Rab: A disciple of the Sages should possess an eighth [of pride].²⁴ R. Huna the son of R. Joshua said: [This small amount of pride] crowns him like the awn of the grain. Raba said: [A disciple of the Sages] who possesses [haughtiness of spirit] deserves excommunication, and if he does not possess it he deserves excommunication.²⁵ R. Nahman b. Isaac said: He should not possess it or part of it; is it a trifling matter concerning which it is written: Every one that is proud in heart is an abomination to the Lord!²⁶

Hezekiah said: A man's prayer is not heard unless he makes his heart [soft] like flesh; as it is said, And it shall come to pass, that from one new moon to another, shall all flesh come to worship, etc.²⁷ R. Zera said: Concerning flesh it is written: And it is healed;²⁸ but it is not written concerning man, And he is healed.

R. Johanan said: The word for man [adam] indicates dust, blood and gall;²⁹ the word for flesh [basar] indicates shame, stench and worm. Some declare that [instead of ‘stench’ we should have

the word] Sheol, since its initial letter corresponds.³⁰

R. Ashi said: Every man in whom is haughtiness of spirit will in the end be degraded; as it is said,

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- (1) He gives from 'hand to hand'.
 - (2) Prov. XXI, 14.
 - (3) Jer. XIII, 15.
 - (4) Deut. VIII, 14.
 - (5) Ibid. 11.
 - (6) Job XXIV, 24.
 - (7) Ibid.
 - (8) V. Gen. XXIV, 1, XXVII, 33 and XXXIII, 11.
 - (9) Job loc. cit.
 - (10) Isa. LVII, 15.
 - (11) Ex. III, 2. Similarly should man associate with the humble.
 - (12) An object of idolatrous worship.
 - (13) Isa. X, 33.
 - (14) Deut. VII, 5.
 - (15) Isa. XXVI, 19. 'Ye that lie in the dust' would apply to all mortals.
 - (16) Ps. CXXXVIII, 6. The Hebrew word translated knoweth, **gsh**, is understood in the sense of punish, cf. Jud. VIII. 16.
 - (17) Ibid.
 - (18) Ps. CL. 5.
 - (19) Involves a slight change in the vocalization.
 - (20) [The smallest disappointment is liable to discomfit him.]
 - (21) Isa. LVII, 20.
 - (22) A liquid measure, equal to the contents of six eggs.
 - (23) This was considered the minimum quantity of blood in the body essential to life.
 - (24) He should have a little pride to maintain his self-respect.
 - (25) To have too much is bad, and also too little because it prevents a Rabbi from exercising his authority.
 - (26) Prov. XVI, 5.
 - (27) Isa. LXVI, 23.
 - (28) Lev. XIII, 18. Hence only one whose heart is soft like flesh will be healed, and not a man in his full pride.
 - (29) The initials of these words in Hebrew form adam.
 - (30) The initial of the word for 'stench' is samek, whereas the second letter in basar is similar in form to that of 'Sheol'.

Talmud - Mas. Sotah 5b

For a rising and for a scab,¹ and se'eth ['rising'] means nothing else than elevation, as it is said: Upon all the high mountains, and upon all the hills that are nisaoth [lifted up].² Sappahath ['scab'] means nothing else than attachment; as it is said: Attach me, I pray thee, into one of the priests' offices, that I may eat a morsel of bread.³

R. Joshua b. Levi said: Come and see how great are the lowly of spirit in the esteem of the Holy One, blessed be He, since when the Temple stood, a man brought a burnt-offering and received the reward of a burnt-offering, a meal-offering and he received the reward of a meal-offering; but as for him whose mind is lowly, Scripture ascribes it to him as though he had offered every one of the sacrifices; as it is said: The sacrifices of God are a broken spirit.⁴ More than that, his prayer is not despised; as it continues: A broken and a contrite heart, O God, thou wilt not despise.

R. Joshua b. Levi further said: He who calculates his ways in this world will be worthy to behold the salvation of the Holy One, blessed be He; as it is said: To him that ordereth his way will I show the salvation of God⁵ — read not we-sam [that ordereth] but we-sham [who calculates] his way.⁶

HOW MUST HE WARN HER? etc. This is self-contradictory. You declare, IF HE SAYS TO HER IN THE PRESENCE OF TWO, DO NOT CONVERSE WITH THAT MAN — consequently conversation is the equivalent of seclusion.⁷ He then proceeds to teach: AND SHE CONVERSED WITH HIM, SHE IS STILL PERMITTED TO HER HUSBAND AND PERMITTED TO PARTAKE OF THE HEAVEOFFERING — consequently conversation is nothing! — Abaye said: This is what he means: [If he said to her,] Do not converse, and she conversed with him, Do not converse, and she secluded herself with him, that is nothing; [but if he said to her,] Do not be secluded with him, and she conversed with him, she is still permitted to her husband and permitted to partake of the heave-offering. Should she have entered a private place with him and stayed a time sufficient for misconduct to have occurred, she is forbidden to her husband and forbidden to partake of the heave-offering.

IF [HER HUSBAND] DIED, SHE PERFORMS THE CEREMONY OF HALIZAH. Why so? Let her also contract a levirate marriage! — R. Joseph said: Scripture declared: And when she is departed out of his house, she may go and be another man's wife⁸ — she may marry 'another' man but not her brother-in-law.⁹ Abaye said to him, According to your argument, Halizah also should be unnecessary! He replied to him, If the husband is living, is not a Get required?¹⁰ So here likewise Halizah is necessary.¹¹ Another version is: R. Joseph said: The All-Merciful declared: And when she is departed out of his house, she may go and be another man's wife, so as not to destroy his house;¹² and you argue, let her also contract a levirate marriage!¹³ Abaye said to him, According to your argument, she should never marry again so as not to destroy another man's house! — He replied to him,

(1) Lev. XIV, 56 interpreted as: having first been elevated, he will become something superfluous among men, and therefore esteemed as nothing.

(2) Isa. II, 14.

(3) I Sam. II, 36. The Hebrew for the verb attach resembles the word for scab, v. Shebu, 6b.

(4) Ps. LI, 19.

(5) Ibid. L, 23.

(6) He calculates the loss incurred in fulfilling a precept against the reward it will bring him, v. Aboth, II, 1.

(7) Since it justifies a warning from the husband.

(8) Deut. XXIV, 2.

(9) [‘Another’ excludes the brother-in-law whose marriage to her is but a continuation, so to speak, of her first marriage. The derivation is based on the superfluous word ‘another’ which is taken to refer to a case where the wife was charged with an ‘unseemly thing’ and her husband died. The meaning of the verse would accordingly be as follows: If she found no favour . . . because he hath found some unseemly thing, he shall write her a bill of divorcement. When she departs out of his house (whether on his death or on divorce) and she goeth and becometh another man's wife, implying she can become the wife only of another man but not the brother-in-law.]

(10) Despite her misconduct. Ibid. 3 mentions, and write her a bill of divorcement. The technical term for this document is Get.

(11) [The brother-in-law taking the place of the dead husband.]

(12) V. supra p. II where it is taught that the wife's immorality destroys the husband's house.

(13) And perhaps destroy the brother-in-law's house.

Talmud - Mas. Sotah 6a

Do we compel any other man to marry her [as in the case of a brother-in-law where it is a duty]! Another version is: R. Joseph replied: The text calls [the second husband] ‘another’, because he is not the equal of the first husband, since the latter removes wickedness from his house [by divorcing his wife] whereas the other introduces wickedness into his house [by marrying such a woman]; and you argue, let her also contract a levirate marriage! Abaye said to him, According to your argument, if she does marry another man and he died without issue, she may not contract a levirate marriage since the text calls him ‘another’!¹ — While living with the second husband she may have been of spotless reputation! Raba said: It is an a fortiori argument:² if she is forbidden to [her husband] to whom she is [otherwise] allowed, how much more so to [her brother-in-law] to whom she is [normally] forbidden! Abaye said to him, According to your argument, if a High Priest betrothed a widow and he died and had a brother who was an ordinary priest, she may not marry him, since if she becomes forbidden to one to whom she is [otherwise] allowed, how much more so to one to whom she is [normally] forbidden!³ [You say,] ‘If she becomes forbidden’ — she is actually forbidden;⁴ ‘to one to whom she is allowed’ — he is forbidden [to marry her]! But [ask rather as follows: According to Raba's argument] if the wife of a priest had been violated and he died, and he had a brother who was disqualified,⁵ she may not marry him, since if she is forbidden to [her husband]⁶ to whom she is [otherwise] allowed, how much more so to one to whom she is [normally] forbidden!⁷ — A woman who had been violated is permitted to a non-priest and the prohibition does not apply in his case.⁸

MISHNAH. THE FOLLOWING⁹ ARE PROHIBITED TO PARTAKE OF THE HEAVE-OFFERING:¹⁰ SHE WHO SAYS, ‘I AM UN CLEAN TO THEE’;¹¹ WHEN WITNESSES CAME [AND TESTIFIED] THAT SHE HAD MISCONDUCTED HERSELF;¹² SHE WHO SAYS, I REFUSE TO DRINK [THE WATER]’; WHEN THE HUSBAND IS UNWILLING TO MAKE HER DRINK [THE WATER]: AND WHEN THE HUSBAND COHABITED WITH HER ON THE JOURNEY.¹³

GEMARA. R. Amram said: The following did R. Shesheth tell us and enlighten our eyes from our Mishnah:¹⁴ In the case of a suspected woman where the witnesses against her are in a far-distant land,¹⁵ the water does not prove her.¹⁶ What is the reason? Because Scripture states: And be kept close and she be defiled and there be no witness against her¹⁷ — this is when there is

nobody who knows anything against her, thus excluding the case when there are men who know something against her.¹⁸ And he enlightened our eyes from our Mishnah where it is taught: WHEN WITNESSES CAME [AND TESTIFIED] THAT SHE HAD MISCONDUCTED HERSELF. When did the witnesses come? If we say that they came before she drank the water, she is an adulteress;¹⁹ consequently they could only have come after she had drunk the water. This is quite right if you say that the water does not prove her,²⁰ then all is clear; but if you say that [in such a circumstance] the water does prove her, the water may demonstrate retrospectively that the witnesses were false!²¹ — R. Joseph said to him, Still I maintain that the water does prove her, and answer that some merit she possesses causes the water to suspend its effect.²² In what do [R. Joseph and R. Shesheth] differ? — In the matter of her becoming ill, according to the teaching of Rabbi. For we learn: Rabbi says: Merit [in the woman] causes the water of bitterness to suspend its effect, and she never bears a child or thrives, but she gradually grows ill and finally dies through that death.²³ R. Shesheth is of the opinion that both in the view of Rabbi and of the Rabbis she grows ill;²⁴ and R. Joseph is of the opinion that in the view of Rabbi she grows ill but in the view of the Rabbis she does not.²⁵

R. Shimi b. Ashi raised an objection: R. Simeon says: Merit does not cause the water of bitterness to suspend its effect; and if you say that merit does cause the water of bitterness to suspend its effect, you discredit the water in the case of all the women who drink it and defame the pure woman who drank it, since people will say: They were unclean, only their merit caused the water to suspend its effect upon them.²⁶ But if it is so,²⁷ then through [the teaching], ‘Where the witnesses against her are in a far-distant land’, you likewise defame the pure women who drank and people will say: They were unclean, only the witnesses against them are in a far-distant land! — [The reply to R. Shimi is:] You quote R. Simeon; but as R. Simeon holds that merit does not cause the water to suspend its effect, he similarly holds that the existence of witnesses does not cause it to suspend its effect.

Rab raised an objection: The following have their meal-offerings destroyed:²⁸

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- (1) [And how can we compel the brother-in-law to marry her?]
 - (2) [To forbid her to the brother-in-law.]
 - (3) As wife of his brother. The conclusion is false, because such a levirate marriage is permissible.
 - (4) A High Priest is not allowed to marry a widow; Lev. XXI, 14.
 - (5) From the priesthood because he was the issue of another marriage which was illegal.
 - (6) A priest could not continue to live with his wife after she had been violated.
 - (7) The argument is false, because the man disqualified from the priesthood could marry his childless brother's widow if she had been violated.
 - (8) I.e., a non-priest was not obliged to divorce his wife who was the victim of violation.
 - (9) Wives of priests.
 - (10) For all time, even if the woman be a priest's daughter (v. Bertinoro).
 - (11) She admits misconduct.
 - (12) Even if she had successfully come through the ordeal, v. Gemara.
 - (13) To Jerusalem, where alone the ordeal was carried out. V. Mishnah p. 30.
 - (14) He found support for his teaching in the statement of the Mishnah.
 - (15) And unable to appear before a Court to give evidence that she misconducted herself.

- (16) It has no effect, though she be guilty.
- (17) Num. V, 13.
- (18) 'No witness' is now interpreted literally, and not as before, viz., only one witness.
- (19) As the result of their evidence; [consequently she is forbidden to partake of the heave-offering, v. Yeb. 44b].
- (20) If there are witnesses of her misconduct who have not testified.
- (21) Because, if she came through successfully, her reputation is cleared. [Why then should she be prohibited to partake of the heave-offering for all time?]
- (22) This point is discussed immediately. If this view is accepted, the water does not affect her although the witnesses are true.
- (23) Through her belly swelling and her thigh falling (Num. V, 27). The passage is cited from *infra* 22b.
- (24) And the Sages only disagree with him on the question whether she dies. In any case, if she does not grow ill, it cannot be attributed to her merit but to the fact that there are witnesses who have not given evidence.
- (25) So that on either view, if the water has no effect, it is due to her merit.
- (26) Also quoted from *infra* 22b.
- (27) Viz., that the existence of absent witnesses causes the water not to take effect.
- (28) V. Num. V, 15 for this offering. In the cases mentioned, it is not burnt upon the altar or redeemed by payment in money of its value, but destroyed by fire.

Talmud - Mas. Sotah 6b

She who says: 'I am unclean'; and when witnesses came [and testified] that she had misconducted herself.¹ When did the witnesses come? If I say that they came before the offering was hallowed,² then it can become non-holy?³ Consequently they could only have come after it had been hallowed. This is quite right if you say that the water proves her;⁴ consequently she is qualified to have [the flour] hallowed and offered on her behalf, and since it was hallowed from the commencement, it is certainly holy⁵ and for that reason her meal-offering is destroyed. But if you say that the water does not prove her, it becomes evident retrospectively that the hallowing was from the commencement in error,⁶ and therefore [the flour] becomes non-holy!⁷ — Rab Judah of Diskarta⁸ said: Suppose that [after the hallowing] she committed adultery within the Temple-precincts,⁹ since it was hallowed from the commencement, it is certainly holy! R. Mesharsheya objected: But do not the priestly novitiates accompany her?¹⁰ — Rab Judah [meant,] She committed adultery with one of these novitiates. R. Ashi¹¹ said: Suppose it was necessary for her to relieve herself, do you think that the priestly novitiates hang on to her headgear!¹² R. Papa said: The matter is certainly as we originally explained;¹³ and when you argue, [The offering] becomes non-holy, [the answer is that the rule by which the offering is destroyed] is a decree of the Rabbis lest it should be said, we may take [the flour] out of the ministering vessel for secular use.

R. Mari raised an objection: If her offering became ritually defiled before it became hallowed in the vessel, behold it is like all meal-offerings¹⁴ and is redeemed; but if [it became defiled] after it had been hallowed in the vessel, behold it is like all meal-offerings [in such a circumstance] and is destroyed.¹⁵ If the handful of flour¹⁶ was hallowed but there was not sufficient time to offer it before [the husband] died¹⁷ or she died, behold it is like all the meal-offerings and must be destroyed. If the handful had been offered but there was not sufficient time [for the priest] to eat the remainder¹⁸ before [the husband] died or she died, behold it is like all the meal-offerings and is

eaten; because it was brought from the commencement in connection with a matter of doubt,¹⁹ it atoned for the doubt which is now ended. If witnesses came [and testified] against her that she had misconducted herself, her meal-offering is destroyed; should the witnesses against her be proved to be perjurers,²⁰ her meal-offering is non-holy?²¹ — You mention perjured witnesses; the fact that they were perjured witnesses is generally known.²²

There is a teaching in accord with the view of R. Shesheth²³ but not for the same reason as his,²⁴ viz., If she be clean²⁵ — [this indicates] there are no witnesses against her in a far-distant land;²⁶ ‘and if she be clean’ — [the addition of and indicates] it is not merit that causes the water to suspend its effect; [‘and if] she [be clean’] — [meaning that she has escaped the effect of the water because she is in fact clean] and not because women who spin by moonlight were discussing her.²⁷ Now as for R. Simeon,²⁸ agreed that he does not expound the conjunction and,²⁹ still there is the case

(1) Quoted from *infra* p. 144.

(2) By the priest placing the flour in one of the ministering vessels.

(3) By being redeemed; so why does the Mishnah say it is destroyed?

(4) And she drank the water before witnesses testified.

(5) Even after the witnesses gave evidence.

(6) Since witnesses proved her guilty and the ordeal was unnecessary.

(7) And does not even have to be redeemed since the hallowing was based on an error.

(8) [Deskarah, 16 miles N.E. of Bagdad; Obermeyer, *Die Landschaft Babylonian*, p. 116.]

(9) And witnesses came to testify concerning this act of infidelity.

(10) So that adultery could not occur there.

(11) Who rejects the thought that she could be guilty with one of the novitiates.

(12) When she retired to relieve herself. Consequently she could have the opportunity with another than the novitiates.

(13) That the witnesses came concerning the first act of infidelity.

(14) Which became defiled before being hallowed.

(15) Mishnah, p. 114. What follows is cited in the main from *Tosefta Sotah II*.

(16) Num. V, 26.

(17) In the event of the husband's death she does not drink the water.

(18) Of the flour which is not burnt upon the altar and is the priest's perquisite.

(19) The woman's chastity.

(20) *Zomemim v. Glos.* Before the meal-offering was burnt upon the altar.

(21) Though it has been placed in the vessel; and we do not say, as above, that by a Rabbinic decree, it must be destroyed. This contradicts the view given by R. Papa.

(22) So that it will be recognised that the offering was never holy.

(23) *Viz.*, that the water does not take effect when there are absent witnesses.

(24) Which is based on the phrase ‘No witness against her’ (*v. supra* p. 24). The teaching finds another derivation in support.

(25) Num. V, 28.

(26) The verse is thus explained; if she be really pure and did not escape the effect of the water through the witnesses being far away, then she will conceive.

(27) Women gather together in the moonlight to spin and gossip. To be talked about by them was a sufficient

disgrace to suspend the effect of the water.

(28) Who holds that merit does not suspend the effect of the water.

(29) To derive from it a Scriptural basis for his view.

Talmud - Mas. Sotah 7a

where there are witnesses against her in a far-distant land!¹ — That is uncommon.²

MISHNAH. HOW DOES [THE HUSBAND] DEAL WITH HER? HE BRINGS HER TO THE COURT OF JUSTICE IN THE PLACE WHERE HE RESIDES, AND THEY ASSIGN TO HIM TWO DISCIPLES OF THE SAGES³ LEST HE COHABIT WITH HER ON THE JOURNEY.⁴ R. JUDAH SAYS, HER HUSBAND IS TRUSTED WITH HER.⁵

GEMARA. Two [disciples of the Sages] and he make three. Is this to say that it supports the teaching of Rab? For Rab Judah said in the name of Rab: [The Rabbis] did not teach [that a woman may be in the company of two men] except in a city; but on a journey there must be three, in case one of them should have need to relieve himself and consequently one of them will be left alone with [the possibility of] immorality!⁶ — No; here the reason is that they should be witnesses against him.⁷ [But the fact that] disciples of the Sages are necessary and not ordinary men, does this not support another teaching of Rab? For Rab Judah said in the name of Rab: [The Rabbis] did not teach [that a woman may be in the company of two men] except in the case of pure men; but in the case of dissolute men not even with ten. It once happened that ten men carried a [live] woman [out of the city] in a coffin [to violate her]! — No; here the reason is that they will know to warn him.⁸

R. JUDAH SAYS, HER HUSBAND etc. It has been taught: R. Judah says: By a fortiori reasoning [it is deduced] that a husband is trusted.⁹ If a husband is trusted in the matter of his wife during menstruation where the penalty is excision,¹⁰ how much more so in the matter of his wife under suspicion in connection with which there is a mere prohibition.¹¹ And [how do] the Rabbis [meet this argument]? — The same reasoning establishes [their view]: in the case of a wife during menstruation where the penalty is excision, since it is so stringent, the husband is trusted; but in the case of a wife under suspicion where [cohabitation] is a mere prohibition, since there is no stringent [penalty] for him, he is not trusted. But does R. Judah derive his view from a fortiori reasoning? He surely derives it from a Scriptural text; for it has been taught: Then shall the man bring his wife unto the priest¹² — according to the Torah it is the husband who has to bring his wife; but said the Sages, They assign to him two disciples of the Sages lest he cohabit with her on the journey. R. Jose says: By a fortiori reasoning [it is deduced] that a husband is trusted with her. If a husband is trusted in the matter of his wife during menstruation where the penalty is excision, how much more so in the matter of his wife while under suspicion in connection with which there is a mere prohibition. [The Sages] replied to him, No; if you argue [that he may be trusted] in the case of his wife during menstruation to whom he will have a right [on her recovery], will you argue so in the case of his wife under suspicion when he may never have a right to her!¹³ It further states: Stolen waters are sweet, etc.!¹⁴ R. Judah says: According to the Torah it is the husband who has to bring his wife; as it is said: Then shall the man bring his wife!¹⁵ — At first he argued his view to [the Sages] by a fortiori reasoning; but when they refuted it, he then quoted the text to

them. But R. Judah's opinion is the same as that of the first Tanna!¹⁶ — There is a point of difference between them, viz., [the continuation], 'But, said the Rabbis' etc.¹⁷

MISHNAH. THEY BRING HER UP TO THE GREAT COURT OF JUSTICE WHICH IS IN JERUSALEM, AND [THE JUDGES] SOLEMNLY CHARGE HER IN THE SAME WAY THAT THEY CHARGE WITNESSES IN CAPITAL CASES¹⁸ AND SAY TO HER, 'MY DAUGHTER, WINE DOES MUCH, FRIVOLITY DOES MUCH, YOUTH DOES MUCH, BAD NEIGHBOURS DO MUCH.¹⁹ DO IT²⁰ FOR THE SAKE OF HIS GREAT NAME WHICH IS WRITTEN IN HOLINESS SO THAT IT MAY NOT BE OBLITERATED BY THE WATER.'²¹ AND THEY RELATE TO HER MATTERS WHICH NEITHER SHE NOR ALL THE FAMILY OF HER FATHER'S HOUSE IS WORTHY TO HEAR.²² — IF SHE SAID, 'I HAVE MISCONDUCTED MYSELF', SHE GIVES A QUITTANCE FOR HER MARRIAGE-SETTLEMENT²³ AND DEPARTS;²⁴ BUT IF SHE SAYS, 'I AM PURE', THEY BRING HER UP TO THE EAST GATE WHICH IS BY THE ENTRANCE OF NICANOR'S GATE²⁵ WHERE THEY GIVE SUSPECTED WOMEN THE WATER TO DRINK, PURIFY WOMEN AFTER CHILDBIRTH AND PURIFY LEPERS.²⁶ A PRIEST SEIZES HER GARMENTS²⁷ — IF THEY ARE RENT THEY ARE RENT, AND IF THEY BECOME UNSTITCHED THEY ARE UNSTITCHED UNTIL HE UNCOVERS HER BOSOM,²⁸ AND HE UNDOES HER HAIR. R. JUDAH SAYS: IF HER BOSOM WAS BEAUTIFUL HE DOES NOT UNCOVER IT, AND IF HER HAIR WAS BEAUTIFUL HE DOES NOT UNDO IT. — IF SHE WAS CLOTHED IN WHITE, HE CLOTHES HER IN BLACK. IF SHE WORE GOLDEN ORNAMENTS

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- (1) Which is deduced from Scripture as suspending the effect of the water; consequently there is still the objection that it causes pure women to be suspected.
 - (2) It is so rare for witnesses to be far away that no suspicion would be created on that ground.
 - (3) To accompany him and his wife on the journey.
 - (4) To Jerusalem where the ordeal takes place.
 - (5) That he will not cohabit; if he does, the ordeal is not held.
 - (6) V. Kid. 81a.
 - (7) In the event of the husband cohabiting with her.
 - (8) Should he wish to cohabit, so that the ordeal be not held.
 - (9) In this matter of cohabitation and witnesses are unnecessary.
 - (10) Kareth v. Glos. Lev. XX, 18. A husband may occupy the same room as his wife while she is in that condition and he is trusted not to cohabit.
 - (11) Without any penalty attached thereto, v. Yeb. 11b.
 - (12) Num. V, 15.
 - (13) If she is proved guilty, he must divorce her. Consequently the temptation is greater in the latter case.
 - (14) Prov. IX, 17.
 - (15) [R. Judah thus derives his ruling from a Scriptural text and not from a fortiori reasoning?]
 - (16) Quoted at the end of the last paragraph who cites Num. V, 15.
 - (17) With which R. Judah disagrees.
 - (18) V. Sanh. 37a.
 - (19) I.e., there may be some excuse for your behaviour.
 - (20) Confess if you are guilty, and so make the ordeal unnecessary which includes the use of the Divine Name.

(21) V. Num. V, 23.

(22) Instances of persons in Israel's history who confessed their guilt.

(23) I.e., she admits misconduct in writing and the forfeiture of the sum due to her under the marriage-settlement,

(24) After being formally divorced.

(25) Two gates of Corinthian bronze presented to the Temple by an Alexandrian named Nicanor. They were located between the Court of Israelites and the Court of women. V. Nazir (Sonc. ed.) p. 165, n. 11.

(26) I.e., the place where such persons, who are not allowed through uncleanness to enter the Temple-precincts, bring their purificatory offerings.

(27) At the neck.

(28) Lit., 'heart'.

Talmud - Mas. Sotah 7b

AND NECKLACES, EAR-RINGS AND FINGER-RINGS, THEY REMOVE THEM FROM HER IN ORDER TO MAKE HER REPULSIVE. AFTER THAT [THE PRIEST] TAKES A COMMON ROPE¹ AND BINDS IT OVER HER BREASTS.² WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK WITH THE EXCEPTION OF HER MALE AND FEMALE SLAVES, BECAUSE HER HEART IS MADE DEFIANT THROUGH THEM. ALL WOMEN ARE PERMITTED³ TO LOOK UPON HER, AS IT IS SAID, THAT ALL WOMEN MAY BE TAUGHT NOT TO DO AFTER YOUR LEWDNESS.⁴

GEMARA. Whence is this?⁵ — R. Hiyya b. Gamda said in the name of R. Jose b. Hanina: From the analogous use of the word 'law'. It is written here, And the priest shall execute upon her all this law;⁶ and elsewhere it is written: According to the tenor of the law which they shall teach thee.⁷ As in this latter case it is [the Court of] seventy-one,⁸ so also in the former it is [the Court of] seventy-one.

AND [THE JUDGES] SOLEMNLY CHARGE HER etc. I quote in contradiction: Just as they solemnly charge her not to drink,⁹ so they solemnly charge her to drink, saying to her, 'My daughter, if the matter is clear to thee that thou art pure, rely upon thy purity and drink; because the water of bitterness is only like dry powder which is placed upon living flesh. If there is a wound, it penetrates and goes through [the skin]; and if there is no wound, it has no effect.¹⁰ — There is no contradiction; here [they charge her not to drink] before [the writing on] the scroll is blotted out,¹¹ and there [they charge her to drink] after it has been blotted out.¹²

AND SAY TO HER etc. Our Rabbis have taught: He tells her narratives and incidents which occurred in the early writings;¹³ for instance, Which wise men have told and have not hid it [from their fathers],¹⁴ namely Judah confessed and was not ashamed; what was his end? He inherited the life of the world to come. Reuben confessed and was not ashamed; what was his end? He inherited the world to come. And what was their reward? What was their reward [you ask]! It was as we have just mentioned. But [the meaning is], What was their reward in this world? Unto them alone the land was given, and no stranger passed among them.¹⁵ It is quite right with Judah; we find that he confessed, for it is written: And Judah acknowledged them, and said: She is more righteous than I.¹⁶ Whence, however, is it that Reuben confessed? — As R. Samuel b. Nahmani said in the name of R. Johanan: What means that which is written: Let Reuben live and not die;

and this for Judah?¹⁷ All the years that the Israelites were in the wilderness, Judah's bones¹⁸ kept turning in his coffin until Moses arose and begged mercy for him. He said before Him, Lord of the Universe, who caused Reuben to confess? It was Judah,¹⁹ [as it is stated], 'And this for Judah'; immediately [after Moses prayed], 'Hear, Lord, the voice of Judah', each limb entered its socket.²⁰ But [the angels] would not permit him to enter the heavenly Academy;²¹ [so Moses prayed], 'And bring him in unto his people'. He was unable to discuss the theme which the Rabbis were then debating; [so Moses prayed], 'With his hands let him contend for himself.'²² He was still not able to secure a decision in accordance with the traditional practice; [so Moses prayed], 'Be an help against his adversaries'.²³ It is quite right that Judah confessed so that Tamar should not be burnt; but why did Reuben confess? Surely R. Shesheth has declared: Consider him shameless who [publicly] specifies his sins! — [Reuben confessed] so that his brothers should not be suspected [of his offence].

IF SHE SAID, 'I HAVE MISCONDUCTED MYSELF' etc. Is it to be concluded from this that a quittance is written out?²⁴ — Abaye said: Read [in our Mishnah]: [The document of the marriage-settlement] is torn. Raba replied to him, But the Mishnah mentions A QUITTANCE! But, said Raba, we deal here with places where they do not write a document for a marriage-settlement.²⁵

BUT IF SHE SAYS, 'I AM PURE', THEY BRING HER UP TO THE EAST GATE. 'THEY BRING HER UP'?

(1) The Palestinian Gemara explains it as 'an Egyptian cord' which is used because she followed the immoral practices of Egypt. More probably it means a cord made of twisted strips of the bark of the palm-tree. It was the commonest form of rope and used here as a mark of contempt.

(2) To prevent her clothing from falling down.

(3) Interpreted in the Gemara to mean that they should as a duty look.

(4) Ezek. XXIII, 48.

(5) That the water must be administered by the great Court in Jerusalem.

(6) Num. V, 30.

(7) Deut. XVII, 11. The reference is here to the Supreme Court.

(8) V. Sanh. 14b and 86a.

(9) If guilty, but make confession.

(10) Quoted from Tosefta Sotah I, 6.

(11) Num. V, 23, so that the Divine Name may not be obliterated in vain.

(12) To encourage her to go through the ordeal if she is convinced of her innocence.

(13) The Pentateuch.

(14) I.e., they confessed, Job XV, 18. (E.V. 'Which wise men have told from their fathers and have not hid it').

(15) Ibid. 19.

(16) Gen. XXXVIII, 26.

(17) Deut. XXXIII, 6f.

(18) According to tradition, the bones of all Jacob's sons were carried out of Egypt.

(19) When he confessed, Reuben followed his example.

(20) Of the skeleton and ceased rolling about.

(21) Where the Torah is studied.

(22) May he be able to prevail in the debate.

(23) V. B.M. 86a.

(24) The question whether a quittance is given or the document of the marriage-settlement torn is discussed in B.B. 170b.

(25) This was sometimes not done because there was an established rule about the amount due to a wife from her husband, v. B.M. (Sonc. ed.) p. 107, n. 4.

Talmud - Mas. Sotah 8a

But she is already there!¹ — They lead her up² and lead her down, for the purpose of wearying her.³ For it has been taught: R. Simeon b. Eleazar says: The Court causes the witnesses to be taken from place to place that their mind may become confused and they retract [their evidence, if false].⁴

WHERE THEY GIVE SUSPECTED WOMEN THE WATER TO DRINK etc. This is quite right in the case of suspected women; because it is written: And the priest shall set the woman before the Lord.⁵ Likewise is it with lepers; because it is written: And the priest that cleanseth him shall set the man . . . before the Lord.⁶ But why a woman after childbirth? Is it to say because they come to stand by their offerings; for it has been taught: A person's offering is not sacrificed until he stands by it? If so, it should also apply to men and women with a running issue!⁷ — It does indeed also apply to them, and the Tanna [in the Mishnah] only specifies one of them.⁸ Our Rabbis have taught: They do not give two suspected women the water to drink at the same time, so that the heart of one should not become defiant because of the other.⁹ R. Judah says: It is not from this reason, but Scripture declares, [The priest shall cause] her [to swear]¹⁰ — her alone. And for the first Tanna it is likewise written 'her'!¹¹ — The first Tanna is R. Simeon who expounds the reason of Scriptural texts¹² and [here] he states the reason: What is the meaning of 'her'? Her alone, so that the heart of one should not become defiant because of the other. What difference is there, then, between them? — The difference between them is the case of a woman who is trembling.¹³ But even if [a woman] is trembling, may we give her the water to drink [simultaneously with another woman] when, behold, we may not perform precepts in bundles?¹⁴ For we have learnt: They do not give two suspected women the water to drink at the same time, nor purify two lepers at the same time, nor bore the ears of two slaves at the same time,¹⁵ nor break the necks of two calves at the same time,¹⁶ because we may not perform precepts in bundles! — Abaye said, but others declare it was R. Kahana: There is no contradiction; the latter case referring to one priest,¹⁷ the other to two priests.

A PRIEST SEIZES HER GARMENTS. Our Rabbis have taught: And let the hair of the woman's head go loose.¹⁸ I only have here mention of her head; whence is it derived that it applies to her body?¹⁹ The text states: 'the woman's'.²⁰ If so, what is the object of the text declaring, 'And let the hair of the head go loose'? It teaches that the priest undoes her hair.²¹

R. JUDAH SAYS, IF HER BOSOM WAS BEAUTIFUL etc. Is this to say that R. Judah is afraid of impure thoughts being aroused and the Rabbis do not fear this? Behold we have heard the opposite opinion of them; for it has been taught: In the case of a man [who is to be stoned] they cover him with one piece of cloth in front, and in the case of a woman with two pieces, one

in front and one behind, because the whole of her is considered nudity. This is the statement of R. Judah; but the Sages say: A man is stoned naked but a woman is not stoned naked!²² — Rabbah answered: What is the reason here?²³ Lest she go forth from the Court innocent, and the priestly novitiates become inflamed through her, whereas in the other case she is stoned. Should you reply that it may cause them to be inflamed by another woman, Raba²⁴ declared: We have learnt a tradition that the evil impulse only bears sway over what a person's eyes see. Raba asked: Is it, then, that R. Judah contradicts himself and the Rabbis do not contradict themselves? But, said Raba, R. Judah does not contradict himself as we have just explained²⁵

(1) V. Mishnah p. 30.

(2) The Temple-mount to be charged by the judges, then lead her to the bottom, and finally up again.

(3) So that she may be more disposed to confess.

(4) V. Sanh. 32b.

(5) Num. V, 18.

(6) Lev. XIV, 11.

(7) Ibid. XV, 14, 29.

(8) Who do not enter the Temple precincts owing to a condition of defilement, and consequently stand at Nicanor's gate.

(9) One may be guilty and the other not. The first may refuse to confess because the other does not confess.

(10) Num. V, 19. V. Ned. 73a.

(11) So why does he give his own reason?

(12) V. B.M. 115a.

(13) And therefore we cannot say she is defiant, and on the view of the first Tanna, as explained, she might be submitted to the ordeal at the same time with another suspected woman.

(14) Each must have separate attention.

(15) Ex. XXI, 6.

(16) Deut. XXI, 1 ff.

(17) Administering the water to two women, when it would be performing a precept in bundles.

(18) Num. V, 18.

(19) That she uncovers her bosom, as stated in the Mishnah.

(20) And not merely 'the hair of her head'.

(21) And unravels the locks.

(22) V. Sanh. 45a.

(23) That R. Judah is against the exposure of her bosom.

(24) In the parallel passage in Sanh. 45a the name is Rabbah.

(25) The case of a suspected woman is not analogous to that of a woman who is to be stoned.

Talmud - Mas. Sotah 8b

, and the Rabbis likewise do not contradict themselves. What is the reason here?¹ Because [it is written], That all women may be taught not to do after your lewdness.² In the other case [of stoning], however, there cannot be a severer warning than that.³ Should you argue, Let both be inflicted upon her,⁴ R. Nahman said in the name of Rabbah b. Abbuha: The text states: Thou shalt love thy neighbour as thyself⁵ — choose for him [or her] a light death. Is this to say that Mishnaic teachers disagree [with respect to this teaching] of R. Nahman?⁶ — No; everybody is in

agreement with R. Nahman's teaching, but they differ here on the following point: [the Rabbis] hold that disgrace is worse than physical pain, and [R. Judah] holds that physical pain is worse than disgrace.⁷ IF SHE WAS CLOTHED IN WHITE etc. It has been taught: If black garments became her, they clothe her in mean garments.

IF SHE WORE GOLDEN ORNAMENTS etc. This is obvious. Since she has to be made repulsive how much more is it necessary to do this!⁸ — What you might have thought is that with these ornaments upon her, the disgrace would be greater; as the proverb declares, 'Stripped naked, yet wearing shoes'. Therefore we are taught [that all ornaments must be removed].

AFTER THAT [THE PRIEST] TAKES A COMMON ROPE etc. R. Abba asked R. Huna, Does [the absence of] a common rope invalidate the ceremony of a suspected woman? If the purpose is that her garments should not slip down from her, then a small belt would also suffice; or is it perhaps as the Master said: 'She girded herself with a belt [to adorn herself] for him,⁹ therefore the priest takes a common rope and binds it over her breasts', and consequently [its absence] does invalidate the ceremony? — He replied: You have [the reason stated:] After that he takes a common rope and binds it over her breast so that her garments should not slip down from her.

WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK etc. This is self-contradictory! You say: WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK; consequently it makes no difference whether they be men or women. Then it is taught: ALL WOMEN ARE PERMITTED TO LOOK UPON HER — hence women are [permitted] but men are not! — Abaye answered: Explain it¹⁰ as referring to women. Raba said to him, But the Mishnah states: WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK! But, said Raba, [the meaning is:] WHOEVER WISHES TO LOOK UPON HER COMES TO LOOK, it makes no difference whether they be men or women; but women are obliged¹¹ to look upon her, as it is said: 'That all women may be taught not to do after your lewdness.' MISHNAH. IN THE MEASURE WITH WHICH A MAN MEASURES IT IS METED OUT TO HIM. SHE ADORNED HERSELF FOR A TRANSGRESSION; THE HOLY ONE, BLESSED BE HE, MADE HER REPULSIVE. SHE EXPOSED HERSELF FOR A TRANSGRESSION; THE HOLY ONE, BLESSED BE HE, HELD HER UP FOR EXPOSURE. SHE BEGAN THE TRANSGRESSION WITH THE THIGH AND AFTERWARDS WITH THE WOMB; THEREFORE SHE IS PUNISHED FIRST IN THE THIGH AND AFTERWARDS IN THE WOMB,¹² NOR DOES ALL THE BODY ESCAPE. GEMARA. R. Joseph said: Although the measure¹³ has ceased, [the principle] IN THE MEASURE has not ceased.¹⁴ For R. Joseph said, and similarly taught R. Hiyya: From the day the Temple was destroyed, although the Sanhedrin ceased to function, the four modes of execution¹⁵ did not cease. But they did cease! — [The meaning is:] The judgment¹⁶ of the four modes of execution did not cease. He who would have been condemned to stoning either falls from a roof [and dies] or a wild beast tramples him [to death]. He who would have been condemned to burning either falls into a fire or a serpent stings him. He who would have been condemned to decapitation is either handed over to the [Gentile] Government¹⁷ or robbers attack him. He who would have been condemned to strangulation either drowns in a river or dies of a quinsy.¹⁸

It has been taught: Rabbi¹⁹ used to say: Whence is it that in the measure with which a man measures it is meted out to him? As it is said: By measure in sending her away thou dost contend with her.²⁰ I have here only a se'ah,²¹ whence is it to include a trikab and half a trikab, a kab and half a kab, a quarter, an eighth, a sixteenth and a thirtysecond part of a kab? There is a text to state, For all the armour of the armed man in the tumult.²² And whence is it that every perutah²³ reckons together into a great sum? There is a text to state, Laying one thing to another to find out the account.²⁴ Thus we find in the case of a suspected woman that in the measure with which she measured it was meted out to her. She stood at the entrance of her house to display herself to the man; therefore a priest sets her by the Nicanor-gate and displays her disgrace to all. She wound a beautiful scarf about her head for him; therefore a priest removes her headgear and places it under her feet. She beautified her face for him; therefore

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- (1) That the Rabbis do not scruple to disgrace the suspected woman, whereas in the case of the woman who is stoned they do.
- (2) Ezek. XXIII, 48.
- (3) Viz., the stoning itself; therefore the Rabbis are against the exposure of the body.
- (4) Disgrace as well as death by stoning.
- (5) Lev. XIX, 18.
- (6) That when R. Judah says a woman is stoned naked except for a loin-cloth in front and behind he evidences disagreement with R. Nahman.
- (7) Therefore the former believe that a woman about to die would prefer to be clothed although it may involve a more protracted death, while R. Judah takes the opposite view, v. Sanh. (Sonc. ed.) pp. 294-5.
- (8) Why, then, does the Mishnah mention it?
- (9) Her paramour; v. infra p. 38.
- (10) The phrase, WHOEVER WISHES etc.
- (11) The word , **ur** , **un** , 'are permitted', is apparently derived here from the root **vr** , 'to warn'; hence 'are warned, obliged'.
- (12) V. Num. V, 21 f.
- (13) Meted out by a Jewish Court of Justice.
- (14) Referring to Divine retribution.
- (15) V. Sanh. 90a.
- (16) Through Divine intervention.
- (17) Which executes him by the sword.
- (18) V. Sanh. (Sonc. ed.) p. 236.
- (19) [The parallel passage in Sanh. 100a has 'R. Meir'].
- (20) Isa. XXVII, 8.
- (21) The word for by measure is connected by Rabbi with se'ah, a dry measure of which a trikab (equals three kab) is a half. Se'ah is taken as representing a very serious offence.
- (22) Isa. IX, 4, E.V. 5. The Hebrew words for 'armour' **itutx** and 'armed man' **itutx** are likewise connected with se'ah.
- (23) A small coin, here representing a minor offence which is not overlooked for punishment.
- (24) Eccl. VII, 27.

Talmud - Mas. Sotah 9a

her face is made to turn green in colour.¹ She painted her eyes for him; therefore her eyes protrude. She plaited her hair for him; therefore a priest undoes her hair. She signalled to him with her finger; therefore her fingernails fall off. She girded herself with a belt for him; therefore a priest takes a common rope and ties it above her breasts. She thrust her thigh towards him; therefore her thigh falls. She received him upon her body; therefore her womb swells. She gave him the world's dainties to eat; therefore her offering consisted of animal's fodder.² She gave him costly wine to drink in costly goblets; therefore a priest gives her water of bitterness to drink in a potsherd. She acted in secret; and He that dwelleth in the secret place of the Most High³ directed His face against her [to punish her], as it is said: The eye also of the adulterer waiteth for the twilight, saying: No eye shall see me.⁴ Another version is: She acted in secret; the All-present proclaims it in public, as it is said: Though his hatred cover itself with guile, his wickedness shall be openly shewed before the congregation.⁵

Since [the teaching that even the slightest sin is punished] is derived from 'Laying one thing to another to find out the account', why do I require 'For all the armour of the armed man in the tumult'? — That [the punishment is] according to measure. But since that is derived from 'For all the armour of the armed man in the tumult', why do I require 'By measure in sending her away thou dost contend with her'? — It is in accord with the teaching of R. Hinena b. Papa; for R. Hinena b. Papa said: The Holy One, blessed be He, does not exact punishment of a nation until the time of its banishment into exile, as it is said: 'By measure in sending her away, etc'. But it is not so; for Raba has said: Why are three cups mentioned in connection with Egypt?⁶ One which she drank in the days of Moses; one which she drank in the days of Pharaoh-Necho;⁷ and one which she is destined to drink with her allies! Should you reply that they passed away, and these are different [Egyptians],⁸ behold it has been taught: R. Judah said: Minyamin, an Egyptian proselyte, was a colleague of mine among the disciples of R. Akiba; and Minyamin, the Egyptian proselyte, told me: 'I am an Egyptian of the first generation,⁹ and I married an Egyptian woman of the first generation; I will marry my son to an Egyptian woman of the second generation so that my grandson may be permitted to enter the Community'¹⁰ — But if the above statement was made it was made as follows: R. Hinena b. Papa said: The Holy One, blessed be He, does not exact punishment of a king until the time of his banishment into exile, as it is said: 'By measure in sending her away, etc'. Amemar applied this teaching of R. Hinena b. Papa to the following: What means the text: For I the Lord change not; therefore ye, O sons of Jacob, are not consumed?¹¹ 'I the Lord change not' — I have not smitten a people and repeated it;¹² 'therefore ye, O sons of Jacob, are not consumed' — that is what is written: I will spend Mine arrows upon them¹³ — Mine arrows will be spent, but [the sons of Jacob] will not cease. R. Hamuna said: The Holy One, blessed be He, does not exact punishment of a man until his measure [of guilt] is filled; as it is said: 'In the fullness of his sufficiency he shall be in straits, etc'.¹⁴ R. Hinena b. Papa expounded: What means the text: Rejoice in the Lord, O ye righteous; praise is comely for the upright?¹⁵ Read not praise is na'wah ['comely'], but praise is neweh ['a habitation']. This alludes to Moses and David over whose works [in erecting a Sanctuary] their enemies had no power.¹⁶ Of [the Temple planned by] David, it is written: Her gates are sunk in the ground.¹⁷ With regard to Moses the Master said: After the first Temple was erected, the Tent of Meeting was stored away, its boards, hooks, bars, pillars and sockets. Where [were they stored]? — R. Hisda said in the name of Abimi: Beneath the crypts of the Temple.

Our Rabbis have taught: The suspected woman¹⁸ set her eyes on one who was not proper for her; what she sought was not given to her¹⁹ and what she possessed was taken from her;²⁰ because whoever sets his eyes on that which is not his is not granted what he seeks and what he possesses is taken from him.

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- (1) This, and the protruding of the eyes, are the effect of drinking the water; v. Mishnah 20a.
 - (2) Barley meal, Num. V, 15.
 - (3) Ps. XCI, I.
 - (4) Job XXIV, 15. No eye etc. is explained in the sense, God will not observe me.
 - (5) Prov. XXVI, 26.
 - (6) The word 'cup' occurs three times in Gen. XL, 11, and is a symbol of calamity.
 - (7) When Egypt was defeated by Babylon (Jer. XLVI. 2). The third 'cup' refers to the Messianic era. The conclusion is, therefore, that punishment is not exacted of a nation only at the time of banishment.
 - (8) The original Egyptians had disappeared and their land was inhabited by a different race.
 - (9) That means, he had been personally converted to Judaism and was not the son of a proselyte.
 - (10) V. Deut. XXIII, 9, E.V. 8. This proves that the original Egyptians are considered as still extant.
 - (11) Mal. III, 6.
 - (12) The Hebrew word for 'change' **vba** also means 'repeat'.
 - (13) Deut. XXXII, 23.
 - (14) Job XX, 22.
 - (15) Ps. XXXIII, 1.
 - (16) I.e., the enemies of Israel did not profit by any of the materials when the Temple was destroyed.
 - (17) Lam. II, 9.
 - (18) Who is guilty.
 - (19) She is not allowed to marry her lover.
 - (20) She dies if she drinks the water, and is divorced with loss of her settlement if she confesses.

Talmud - Mas. Sotah 9b

We thus find it with the primeval serpent [in the Garden of Eden] which set its eyes on that which was not proper for it; what it sought was not granted to it and what it possessed was taken from it. The Holy One, blessed be He, said: I declared: Let it be king over every animal and beast; but now, Cursed art thou above all cattle and above every beast of the field.¹ I declared, let it walk with an erect posture; but now it shall go upon its belly. I declared: Let its food be the same as that of man; but now it shall eat dust. It said: I will kill Adam and marry Eve; but now, I will put enmity between thee and the woman, and between thy seed and her seed.² Similarly do we find it with Cain, Korah, Balaam, Doeg, Ahitophel, Gehazi, Absalom, Adonijah, Uzziah and Haman, who set their eyes upon that which was not proper for them; what they sought was not granted to them and what they possessed was taken from them.

SHE BEGAN THE TRANSGRESSION WITH THE THIGH etc. Whence is this? Shall I say because it is written: When the Lord doth make thy thigh to fall away and thy belly to swell?³ But it is likewise written: Her belly shall swell and her thigh shall fall away!⁴ — Abaye said: When [the priest] utters the curse, he first curses the thigh and then curses the belly; but when the water produces its effect it does so in its normal order, viz., the belly first and then the thigh. But also in

connection with the curse, it is written: Make thy belly to swell and thy thigh to fall away!⁵ — That is what the priest informs her, viz., that it affects her belly first and then the thigh so as not to discredit the water of bitterness.⁶

MISHNAH. SAMSON WENT AFTER [THE DESIRE OF] HIS EYES; THEREFORE THE PHILISTINES PUT OUT HIS EYES, AS IT IS SAID, AND THE PHILISTINES LAID HOLD ON HIM, AND PUT OUT HIS EYES.⁷ ABSALOM GLORIED IN HIS HAIR; THEREFORE HE WAS HANGED BY HIS HAIR. AND BECAUSE HE COHABITED WITH THE TEN CONCUBINES OF HIS FATHER, THEREFORE HE WAS STABBED WITH TEN LANCES, AS IT IS SAID, AND TEN YOUNG MEN THAT BARE JOAB'S ARMOUR COMPASSED ABOUT.⁸ AND BECAUSE HE STOLE THREE HEARTS, THE HEART OF HIS FATHER, THE HEART OF THE COURT OF JUSTICE, AND THE HEART OF ISRAEL, AS IT IS SAID, SO ABSALOM STOLE THE HEARTS OF THE MEN OF ISRAEL,⁹ THEREFORE THREE DARTS WERE THRUST THROUGH HIM, AS IT IS SAID, AND HE TOOK THREE DARTS IN HIS HAND, AND THRUST THEM THROUGH THE HEART OF ABSALOM.¹⁰ — IT¹¹ IS THE SAME IN CONNECTION WITH THE GOOD. MIRIAM WAITED A SHORT WHILE FOR MOSES, AS IT IS SAID, AND HIS SISTER STOOD AFAR OFF;¹² THEREFORE ISRAEL WAS DELAYED FOR HER SEVEN DAYS IN THE WILDERNESS, AS IT IS SAID, AND THE PEOPLE JOURNEYED NOT TILL MIRIAM WAS BROUGHT IN AGAIN.¹³ JOSEPH EARNED MERIT BY BURYING HIS FATHER AND THERE WAS NONE AMONG HIS BROTHERS GREATER THAN HE; AS IT IS SAID, AND JOSEPH WENT UP TO BURY HIS FATHER, ETC.,¹⁴ AND THERE WENT UP WITH HIM BOTH CHARIOTS AND HORSEMEN.¹⁵ WHOM HAVE WE GREATER THAN JOSEPH SINCE NONE OTHER THAN MOSES OCCUPIED HIMSELF WITH HIS BURIAL? MOSES EARNED MERIT THROUGH THE BONES OF JOSEPH AND THERE WAS NONE IN ISRAEL GREATER THAN HE, AS IT IS SAID, AND MOSES TOOK THE BONES OF JOSEPH WITH HIM.¹⁶ WHOM HAVE WE GREATER THAN MOSES SINCE NONE OTHER THAN THE OMNIPRESENT OCCUPIED HIMSELF [WITH HIS BURIAL], AS IT IS SAID, AND HE BURIED HIM IN THE VALLEY?¹⁷ NOT ONLY CONCERNING MOSES DID THEY SAY THIS, BUT CONCERNING ALL THE RIGHTEOUS, AS IT IS SAID, AND THY RIGHTEOUSNESS SHALL GO BEFORE THEE, THE GLORY OF THE LORD SHALL BE THY REARWARD.¹⁸

GEMARA. Our Rabbis have taught: Samson rebelled [against God] through his eyes, as it is said: And Samson said unto his father, Get her for me, because she is pleasing in my eyes;¹⁹ therefore the Philistines put out his eyes, as it is said: And the Philistines laid hold on him and put out his eyes.²⁰ But it is not so; for behold it is written: But his father and his mother knew not that it was of the Lord!²¹ — When he went [to choose a wife] he nevertheless followed his own inclinations.²² It has been taught: Rabbi says: The beginning of his [Samson's] degeneration occurred in Gaza; therefore he received his punishment in Gaza. 'The beginning of his [Samson's] degeneration was in Gaza', as it is written: And Samson went to Gaza, and saw there an harlot etc.;²³ 'therefore he received his punishment in Gaza,' as it is written: And they brought him down to Gaza.²⁴ But behold it is written: And Samson went down to Timnah!²⁵ — Nevertheless the beginning of his degeneration occurred in Gaza.²⁶

And it came to pass afterward, that he loved a woman in the valley of Sorek, whose name was Delilah.²⁷ It has been taught: Rabbi says: If her name had not been called Delilah, she was fit that it should be so called. She weakened²⁸ his strength, she weakened his heart, she weakened his actions. ‘She weakened his strength’, as it is written: And his strength went from him.²⁹ ‘She weakened his heart’, as it is written: And when Delilah saw that he had told her all his heart.³⁰ ‘She weakened his actions’ since the Shechinah departed from him, as it is written: But he wist not that the Lord had departed from him.³¹

‘And when Delilah saw that he had told her all his heart’. How did she know this?³² R. Hanin said in the name of Rab: Words of truth are recognisable. Abaye said: She knew that this righteous man would not utter the Divine Name in vain; when he exclaimed: I have been a Nazirite unto God,³³ she said: Now he has certainly spoken the truth.

And it came to pass, when she pressed him daily with her words, and urged him.³⁴ What means ‘and urged him’? R. Isaac of the School of R. Ammi said: At the time of the consummation, she detached herself from him.

Now therefore beware, I pray thee, and drink no wine nor strong drink, and eat not any unclean thing.³⁵ What means ‘any unclean thing’? Furthermore, had she [Samson's mother] up to then eaten unclean things? R. Isaac of the School of R. Ammi said: [She had hitherto eaten] things forbidden to a Nazirite.

But God clave the hollow place that is in Lehi.³⁶ R. Isaac of the School of R. Ammi said: He [Samson] lusted for what was unclean;³⁷ therefore his life was made dependent upon an unclean thing.³⁸

And the spirit of the Lord began, etc.³⁹ R. Hama b. Hanina said: Jacob's prophecy became fulfilled, as it is written: Dan shall be a serpent in the way.⁴⁰

To move him in Mahaneh-Dan.⁴¹ R. Isaac of the School of R. Ammi said: This teaches that the Shechinah kept ringing in front of him like a bell,⁴² it is written here to move him [lefa'amo] in Mahaneh-Dan, and it is written elsewhere A golden bell [pa'amon] and a pomegranate.⁴³ Between Zorah and Eshtaol⁴⁴ — R. Assi said: Zorah and Eshtaol are two great mountains, and Samson uprooted them and ground one against the other.

And he shall begin to save Israel.⁴⁵ R. Hama b. Hanina said:

(1) Gen. III, 14.

(2) Ibid. 15.

(3) Num. V, 21. ‘Thigh’ is mentioned first.

(4) Ibid. 27. Here ‘thigh’ is mentioned second.

(5) Ibid. 22.

(6) If the effects were produced in the reverse order.

(7) Judg. XVI, 21.

(8) And slew Absalom, II Sam. XVIII, 15.

- (9) Ibid. XV, 6.
- (10) Ibid. XVIII, 14.
- (11) The principle of measure for measure.
- (12) Ex. II, 4.
- (13) Num. XII, 15.
- (14) Gen. L, 7.
- (15) Ibid. 9.
- (16) Ex. XIII, 19.
- (17) Deut. XXXIV, 6.
- (18) Isa. LVIII, 8. The verb translated 'shall be thy rearward' seems to be taken here in its literal sense, shall gather thee sc. to thy fathers.
- (19) Judg. XIV, 3.
- (20) Ibid. XVI, 21.
- (21) Ibid. XIV, 4.
- (22) And not the will of God.
- (23) Judg. XVI, I.
- (24) Ibid. 21.
- (25) Ibid. XIV, 1.
- (26) He lawfully married the woman in Timnah but not the woman in Gaza.
- (27) Ibid. XVI, 4.
- (28) Dildelah, a play on her name.
- (29) Ibid. 19.
- (30) Ibid. 18.
- (31) Ibid. 20.
- (32) He had previously told her several falsehoods; so how did she know that he had now spoken the truth?
- (33) Ibid. 17.
- (34) Ibid. 16.
- (35) Ibid. XIII, 4.
- (36) Judg. XV, 19.
- (37) Philistine women.
- (38) The ass's jawbone (lehi) out of which he drank in his thirst.
- (39) Ibid. XIII, 25.
- (40) Gen. XLIX, 17. This prophecy alluded to Samson who was of the tribe of Dan.
- (41) The word in Judg. XIII, 25 for 'move' is commonly used of striking a bell.
- (42) To direct him where he was to go.
- (43) Ex. XXVIII, 34.
- (44) Judg. XIII, 25.
- (45) Ibid. 5. The word 'begin' (**kj h**) is connected with a similar root (**kkj**) meaning become void.

Talmud - Mas. Sotah 10a

The oath of Abimelech became void, as it is written: That thou wilt not deal falsely with me, nor with my son, nor with my son's son.¹

And the child grew, and the Lord blessed him.² Wherewith did He bless him? — Rab Judah

said in the name of Rab: With his physique which was like that of other men but his manly strength was like a fast-flowing stream.³

And Samson called unto the Lord, and said: O Lord God, remember me, I pray Thee and strengthen me, I pray Thee, that I may be at once avenged of the Philistines for my two eyes.⁴ Rab said: Samson spoke before the Holy One, blessed be He, Sovereign of the Universe, Remember on my behalf the twenty⁵ years I judged Israel, and never did I order anyone to carry my staff from one place to another.

And Samson went and caught three hundred foxes.⁶ Why just foxes? — R. Aibu b. Nagari said in the name of R. Hiyya b. Abba: Samson declared: Let [the animal] come which turns backward⁷ and exact punishment of the Philistines who went back on their oath.⁸

It has been taught: R. Simeon the Pious said: The width between Samson's shoulders was sixty cubits, as it is said: And Samson lay till midnight, and arose at midnight and laid hold of the doors of the gate of the city, and the two posts, and plucked them up, bar and all, and put them upon his shoulders;⁹ and there is a tradition that the gates of Gaza were not less than sixty cubits [in width]. And he did grind in the prison house.¹⁰

R. Johanan said: 'Grind' means nothing else than [sexual] transgression; and thus it is stated: Then let my wife grind unto another.¹¹ It teaches that everyone brought his wife to him to the prison that she might bear a child by him [who would be as strong as he was]. R. Papa said: That is what the proverb tells, 'Before the wine-drinker [set] wine, before a ploughman a basket of roots.'

R. Johanan also said: Whoever is faithless, his wife is faithless to him; as it is said: If mine heart have been enticed unto a woman, and I have laid wait at my neighbour's door¹² and it continues, Then let my wife grind unto another, and let others bow down upon her. That is what the proverb tells, 'He among the full-grown pumpkins and his wife among the young ones'.

R. Johanan also said: Samson judged Israel in the same manner as their Father in heaven; as it is said: Dan shall judge his people as One.¹³ R. Johanan also said: Samson was called by the name of the Holy One, blessed be He; as it is said: For the Lord God is a sun and a shield.¹⁴ According to this argument, [his name] may not be erased!¹⁵ — The intention is that [his name] was typical of the name of the Holy One, blessed be He;¹⁶ as the Holy One, blessed be He, shields the whole world, so Samson shielded Israel during his generation.

R. Johanan also said: Balaam was lame in one leg, as it is said: And he went shefi;¹⁷ Samson was lame in both legs, as it is said: An adder in the path.¹⁸

Our Rabbis have taught: Five were created after the likeness of Him Who is above, and all of them incurred punishment on account of [the feature which distinguished] them: Samson in his strength, Saul in his neck,¹⁹ Absalom in his hair,²⁰ Zedekiah in his eyes, and Asa in his feet. 'Samson [was punished] in his strength', as it is written: And his strength went from him.²¹ 'Saul [was punished] in his neck', as it is written: Saul took his sword and fell upon it.²² 'Absalom [was

punished] in his hair', as we shall have occasion to explain later. Zedekiah [was punished] in his eyes, as it is written: They put out the eyes of Zedekiah.²³ Asa [was punished] in his feet, as it is written: But in the time of his old age he was diseased in his feet,²⁴ and Rab Judah said in the name of Rab, Podagra [gout] attacked him.

Mar Zutra, son of R. Nahman, asked R. Nahman, What is Podagra like? — He answered: Like a needle in living flesh. How did he know this? — Some say he suffered from it himself; others say that he heard it from his teacher;²⁵ and others declare, The secret of the Lord is with them that fear Him, and He will shew them His covenant.²⁶

Raba expounded: Why was Asa punished? Because he imposed forced labour²⁷ upon the disciples of the Sages, as it is said: Then King Asa made a proclamation unto all Judah; none was exempted.²⁸ What means 'none was exempted'? — Rab Judah said in the name of Rab: Even the bridegroom from his chamber and the bride from her canopy.

It is written: And Samson went down to Timnah,²⁹ and it is written: Behold, thy father-in-law goeth up to Timnah!³⁰ R. Eleazar said: Since in the case of Samson he was disgraced there, it is written in connection with it 'went down;' but in the case of Judah, since he was exalted in it,³¹ there is written in connection with it 'goeth up'. R. Samuel b. Nahmani said: There are two places named Timnah; one [was reached] by going down and the other by going up. R. Papa said: There is only one place named Timnah; who came to it from one direction had to descend and from another direction had to ascend, as, e.g., Wardina, Be Bari and the market-place of Neresh.³²

She sat in the gate of Enaim.³³ R. Alexander said: It teaches that she [Tamar] went and sat at the entrance [of the hospice] of our father Abraham, to see which place all eyes ['enaim] look. R. Hanin said in the name of Rab: It is a place named Enaim, as it states: Tappuah and Enam.³⁴ R. Samuel b. Nahmani said: [It is so called] because she gave eyes to her words.³⁵ When [Judah] solicited her, he asked her, 'Art thou perhaps a Gentile?' She replied: 'I am a proselyte'. 'Art thou perhaps a married woman?' She replied: 'I am unmarried'. 'Perhaps thy father has accepted on thy behalf betrothals?'³⁶ She replied: 'I am an orphan'. 'Perhaps thou art unclean?' She replied: 'I am clean'.

And he planted a tamarisk tree in Beer-sheba.³⁷ Resh Lakish said: It teaches that he [Abraham] made an orchard and planted in it all kinds of choice fruits. R. Judah and R. Nehemiah [differ in this matter]; one said that it was an orchard and the other that it was a hospice. It is right according to him who said that it was an orchard, since it is written 'and he planted'; but according to him who said that it was a hospice, what means 'and he planted?' — It is similarly written: And he shall plant the tents of his palace, etc.³⁸

And he called there on the name of the Lord, the Everlasting God.³⁹ Resh Lakish said: Read not 'and he called'

(1) Gen. XXI, 23. The alliance between the Israelites and Philistines ended in the time of Samson.

(2) Judg. XIII, 24.

(3) The point underlying this piece of Rabbinic hyperbole is that it was through Samson's inordinate passion for

Philistine women that he came in contact with their people and brought about Israel's release from their power.

(4) Ibid. XVI, 28.

(5) Some edd. read 'twenty-two' in error; v. ibid. 31.

(6) Judg. XV, 4.

(7) When a fox is hunted, it does not run ahead but in a roundabout course.

(8) Between Isaac and Abimelech; v. supra.

(9) Ibid. XVI, 3.

(10) Ibid. 21.

(11) Job XXXI, 10.

(12) Ibid. 9.

(13) Gen. XLIX, 16, the One being God.

(14) Ps. LXXXIV, 12, E.V. 11 The word for sun is shemesh which is the basis of Samson's name, Shimshon.

(15) As it is forbidden to erase the Divine Name.

(16) The word sun is not God's Name but a simile.

(17) Num. XXIII, 3. (E.V. 'To a bare height'). The Hebrew word is explained as 'lame'.

(18) Gen. XLIX, 17. The word for adder is shefifon which looks like a duplicated form of shefi from the root ;**la** , 'to dislocate'.

(19) Cf. I Sam. X, 23.

(20) Cf. II Sam. XIV, 26. There is no Biblical reference in connection with Zedekiah and Asa.

(21) Judg. XVI, 19.

(22) I Sam. XXXI, 4. The sword passed through his neck.

(23) II Kings XXV, 7.

(24) I Kings XV, 23.

(25) His teacher was a Rabbi named Samuel who was a physician.

(26) Ps. XXV, 14. The information was revealed to him by God.

(27) In the public service.

(28) I Kings XV, 22.

(29) Judg. XIV. I.

(30) Gen. XXXVIII, 13. Why does one text say 'down' and the other 'goeth up'?

(31) Perez was born there from whom David was descended.

(32) Towns in Babylonia situated on mountain slopes on the east bank of the Euphrates, v. Obermeyer, op. cit., p. 309.

(33) Gen. XXXVIII. 14.

(34) Josh. XV, 34. Enam is identified with Enaim.

(35) Tamar gave convincing replies to Judah's questions as to whether she was permitted to him.

(36) [And thou thus belongest to another man.]

(37) Gen. XXI, 33. The explanation 'hospice' is obtained by taking each letter of the word **kat** 'tamarisk-tree', and making them the initials of three Hebrew words meaning 'eating, drinking, lodging'.

(38) Dan. XI, 45.

(39) Gen. l.c.

Talmud - Mas. Sotah 10b

but 'and he made to call', thereby teaching that our father Abraham caused the name of the Holy One, blessed be He, to be uttered by the mouth of every passer-by. How was this? After

[travellers] had eaten and drunk, they stood up to bless him; but, said he to them, 'Did you eat of mine? You ate of that which belongs to the God of the Universe. Thank, praise and bless Him who spake and the world came into being'.

When Judah saw her, he thought her to be an harlot; for she had covered her face.¹ Because she had covered her face he thought her to be an harlot! — R. Eleazar said: She had covered her face in her father-in-law's house;² for R. Samuel b. Nahmani said in the name of R. Jonathan: Every daughter-in-law who is modest in her father-in-law's house merits that kings and prophets should issue from her. Whence is this? From Tamar. Prophets [issued from her], as it is written: The vision of Isaiah the son of Amoz,³ and kings [issued from her] through David; and R. Levi has said: This is a tradition in our possession from our fathers that Amoz and Amaziah⁴ were brothers.

When she was brought forth.⁵ Instead of muzeth the verb should have been mithwazzeth!⁶ R. Eleazar said: [The verb in the text implies] that after her proofs⁷ were found, Samael⁸ came and removed them, and Gabriel⁹ came and restored them. That is what is written: For the Chief Musician, the silent dove of them that are afar off. Of David, Michtam¹⁰ — R. Johanan said: At the time when her proofs were removed, she became like a silent dove. 'Of David', 'Michtam' — [that means] there issued from her David who was meek [mach] and perfect [tam] to all. Another explanation of 'Michtam' is: his wound [makkah]¹¹ was whole [tammah], since he was born already circumcised. Another explanation of 'Michtam' is: just as in his youth [before he became king] he made himself small in the presence of anyone greater than himself to study Torah, so was he the same in his greatness.¹²

She sent to her father-in-law, saying: By the man whose these are, am I with child.¹³ She ought to have told [the messenger] plainly!¹⁴ — R. Zutra b. Tobiah said in the name of Rab — another version is, R. Hama b. Bizna said in the name of R. Simeon the Pious; and still another version is, R. Johanan said in the name of R. Simeon b. Yohai: Better for a man to cast himself into a fiery furnace rather than shame his fellow in public. Whence is this? From Tamar.¹⁵

Discern, I pray thee.¹⁶ R. Hama b. Hanina said: With the word 'discern' [Judah] made an announcement to his father, and with the word 'discern' an announcement was made to him. With the word 'discern' he made an announcement — Discern now whether it be thy son's coat or not;¹⁷ and with the word 'discern' an announcement was made to him — Discern, I pray thee, whose are these.¹⁶ The word 'na' ['I pray thee'] is nothing else than an expression of request. She said to him, 'I beg of thee, discern the face of thy Creator and hide not thine eyes from me'.¹⁸

And Judah acknowledged them, and said: She is more righteous than I.¹⁹ That is what R. Hanin b. Bizna said in the name of R. Simeon the Pious: Joseph who sanctified the heavenly Name in private²⁰ merited that one letter should be added to him from the Name of the Holy One, blessed be He, as it is written: He appointed it in Joseph for a testimony.²¹ Judah, however, who sanctified the heavenly Name in public merited that the whole of his name should be called after the Name of the Holy One, blessed be He.²² When he confessed and said: She is more righteous than I, a Bath Kol²³ issued forth and proclaimed, 'Thou didst rescue Tamar and her two sons from the fire. By thy life, I will rescue through thy merit three of thy descendants from the fire'.

Who are they? Hananiah, Mishael and Azariah.²⁴ ‘She is more righteous than I’ — how did he know this?²⁵ A Bath Kol issued forth and proclaimed, ‘From Me came forth secrets.’²⁶

And he knew her again no more.²⁷ Samuel the elder, father-in-law of R. Samuel b. Ammi said in the name of R. Samuel b. Ammi: Having once known her,²⁸ he did not separate from her again. It is written here, ‘And he knew her again no more [Yasaf], and elsewhere it is written: With a great voice increasing [Yasaf].’²⁹

ABSALOM GLORIED IN HIS HAIR etc. Our Rabbis have taught: Absalom rebelled [against his father] through his hair, as it is said: There was none to be so much praised as Absalom for his beauty . . . And when he polled his head, now it was at every year's end that he polled it because the hair was heavy on him therefore he polled it, he weighed the hair of his head at two hundred shekels, after the king's weight.³⁰ It has been taught that [the king's weight] was the weight with which the men of Tiberias and Sepphoris weigh. Therefore he was hanged by his hair, as it is said: And Absalom chanced to meet the servants of David. And Absalom rode upon his mule, and the mule went under the thick boughs of a great oak, and his head caught hold of the oak, and he was taken up between the heaven and the earth.; and the mule that was under him went on.³¹ He took a sword and wished to cut himself loose;³² but it was taught in the School of R. Ishmael, At that moment Sheol was split asunder beneath him.³³

And the king was much moved, and went up to the chamber over the gate, and wept; and as he went, thus he said: O my son Absalom, my son, my son Absalom! would God I had died for thee, O Absalom, my son, my son.³⁴ And the king covered his face, and the king cried with a loud voice, O my son Absalom, O Absalom my son, my son.³⁵ Why is ‘my son’ repeated eight times? Seven to raise him from the seven divisions of Gehinnom; and as for the last, some say to unite his [severed] head to his body and others say to bring him into the World to Come.

Now Absalom in his lifetime had taken and reared up.³⁶ What means ‘had taken’? — Resh Lakish said: He had made a bad purchase for himself.³⁷ The pillar which is in the king's dale, etc. — R. Hanina b. Papa said: In the deep plan of the King of the Universe;³⁸

(1) Ibid. XXXVIII, 15.

(2) So that Judah had never seen it and did not recognise her.

(3) Isa. I, 1.

(4) King of Judah, and since he was a descendant of David and Amoz was his brother, it is true that prophets and kings issued from Tamar.

(5) Gen. XXXVIII, 25.

(6) The verbal form used in the text could be translated ‘was found’, and the alternative suggested would have clearly indicated ‘brought forth’.

(7) The signet, cord and staff.

(8) Angel of evil, later identified with Satan.

(9) One of the four Archangels.

(10) Ps. LVI, I.

(11) I.e., the place where there should have been a wound after circumcision.

(12) After he became king, he humbled himself to study. So he was meek and perfect.

- (13) Gen. XXXVIII, 25.
- (14) That Judah was the father of her child. Why the circumlocution?
- (15) She risked being burnt to death rather than publicly shame Judah.
- (16) Ibid.
- (17) Ibid. XXXVII, 32.
- (18) That is how 'Discern, I pray thee' is explained.
- (19) Ibid. XXXVIII, 26.
- (20) When he resisted Potiphar's wife.
- (21) Ps. LXXXI, 6, E.V. 5. Here in the Hebrew the letter 'he', one of the letters of the Tetragrammaton, is added to Joseph's name: ; **XUVh**.
- (22) The four letters of the Tetragrammaton occur in Judah's name **VSUVh**.
- (23) V. Glos.
- (24) See Dan. III.
- (25) Since she might have cohabited with other men.
- (26) V. Mak. 23b.
- (27) Gen. XXXVIII, 26.
- (28) That she was righteous.
- (29) Deut. V, 19. The two verbs are really distinct, but the Rabbi connected them both with the root ; **Xt** and accordingly explained the phrase in Gen. as 'and he knew her again without ceasing', v. Sanh. 17a.
- (30) II Sam. XIV, 25f.
- (31) II Sam. XVIII. 9.
- (32) The first half of this sentence is omitted in some edd.
- (33) So that had he cut through his hair he would have fallen into Sheol.
- (34) Ibid. XIX, 1. E.V. XVIII, 33.
- (35) Ibid. 5, E.V. 4.
- (36) Ibid. XVIII, 18.
- (37) The verb signifies both took and purchased. The meaning appears to be that his conduct resulted in his having to buy a monument to preserve his memory instead of his succeeding his father; hence it was a bad bargain for him.
- (38) The word 'dale' means 'deep', and 'king' is applied to God Who had decided that this should happen as a punishment for his sin with Bathsheba.

Talmud - Mas. Sotah 11a

as it is written: I will raise up evil against thee out of thine own house.¹ Similarly it is stated: So he sent him [Joseph] out of the vale of Hebron.² R. Hanina b. Papa said: [The meaning is:] It was through the deep plan of that righteous man [Abraham] who had been buried in Hebron; as it is written: Know of a surety that thy seed shall be a stranger in a land that is not theirs.³

For he said: I have no son.⁴ Had he, then, no sons? Behold it is written: And unto Absalom there were born three sons and one daughter!⁵ — R. Isaac b. Abdimi said: [His meaning was] that he had no son fit for the kingship. R. Hisda said: There is a tradition that whoever burns his neighbour's produce will not leave a son to succeed him; and he [Absalom] had burnt [the produce] of Joab, as it is written: Therefore he said unto his servants, See, Joab's field is near mine, and he hath barley there; go and set it on fire. And Absalom's servants set the field on fire.⁶

IT IS THE SAME IN CONNECTION WITH THE GOOD. MIRIAM etc. Is this like [the other cases mentioned]? There she waited a short while [for Moses], here [the Israelites waited for her] seven days?⁷ — Abaye said: Read that in connection with the good [the principle of measure for measure] does not apply. Raba said to him, But the Mishnah teaches IT IS THE SAME IN CONNECTION WITH THE GOOD! But, said Raba, the Mishnah must be understood thus: It is the same in connection with the good that there is the same measure; nevertheless the measure in the case of the good is greater than the measure in the case of punishment.⁸

And his sister stood afar off.⁹ R. Isaac said: The whole of this verse is spoken with reference to the Shechinah: 'and stood', as it is written: And the Lord came and stood etc.¹⁰ 'His sister', as it is written: Say unto wisdom, thou art my Sister.¹¹ 'Afar off, as it is written: The Lord appeared from afar unto me.¹² 'To know', as it is written: For the Lord is a God of knowledge.¹³ 'What', as it is written: What doth the Lord require of thee?¹⁴ 'Done', as it is written: Surely the Lord God will do nothing.¹⁵ 'To him', as it is written: And called it Lord is peace.¹⁶

Now there arose a new king etc.¹⁷ Rab and Samuel [differ in their interpretation]; one said that he was really new, while the other said that his decrees were made new. He who said that he was really new did so because it is written 'new'; and he who said that his decrees were made new did so because it is not stated that [the former king] died and he reigned [in his stead]. Who knew not Joseph — he was like one who did not know [Joseph] at all.

And he said unto his people, Behold the people of the children of Israel.¹⁸ A Tanna taught: He [Pharaoh] originated the plan first, and therefore was punished first. He originated the plan first, as it is written: And he said unto his people; therefore he was punished first, as it is written: Upon thee, and upon thy people, and upon all thy servants.¹⁹

Come, let us deal wisely with him²⁰ — it should have been with them! — R. Hama b. Hanina said: [Pharaoh meant,] Come and let us outwit the Saviour of Israel. With what shall we afflict them? If we afflict them with fire, it is written: For, behold the Lord will come with fire,²¹ and it continues, For by fire will the Lord plead etc.²² [If we afflict them] with the sword, it is written: And by His sword with all flesh.²³ But come and let us afflict them with water, because the Holy One, blessed be He, has already sworn that he will not bring a flood upon the world; as it is said: For this is as the waters of Noah unto Me, etc.²⁴ They were unaware, however, that He would not bring a flood upon the whole world but upon one people He would bring it; or alternatively, He would not bring [the flood] but they would go and fall into it. Thus it says: And the Egyptians fled towards it.²⁵ This is what R. Eleazar said: What means that which is written: Yea, in the thing wherein they zadu [dealt proudly] against them?²⁶ In the pot in which they cooked were they cooked. Whence is it learnt that 'zadu' means cooking? — Because it is written: And Jacob sod [wa-yazed] pottage.²⁷

R. Hiyya b. Abba said in the name of R. Simai: There were three in that plan,²⁸ viz. Balaam, Job²⁹ and Jethro. Balaam who devised it was slain; Job who silently acquiesced was afflicted with sufferings; Jethro, who fled, merited that his descendants should sit in the Chamber of Hewn Stone,³⁰ as it is said: And the families of scribes which dwelt at Jabez; the Tirathites, the

Shimeathites, the Sucathites. These are the Kenites that came of Hammath, the father of the house of Rechab;³¹ and it is written: And the children of the Kenite, Moses' father-in-law etc.³²

And fight against us and get them up out of the land³³ — it should have read 'and we will get us up!'³⁴ — R. Abba b. Kahana said: It is like a man who curses himself and hangs the curse upon somebody else.

Therefore they did set over him taskmasters³⁵ — it should have read 'over them'! — It was taught in the School of R. Eleazar b. Simeon, It indicates that they brought a brick-mould and hung it round Pharaoh's neck; and every Israelite who complained that he was weak was told, 'Art thou weaker than Pharaoh?'

Missim ['taskmasters'] — i.e., something which forms [mesim].³⁶ 'To afflict him with their burdens' - it should have read 'them'! — The [meaning is] to afflict Pharaoh with the burdens of Israel.³⁷

And they built for Pharaoh store cities [miskenoth]. Rab and Samuel [differ in their interpretation]; one said, [They were so called] because they endangered [mesakkenoth] their owners,³⁸ while the other said because they impoverished [memaskenoth] their owners,³⁹ for a master has declared that whoever occupies himself with building becomes impoverished.⁴⁰

Pithom and Raamses³⁵ — Rab and Samuel differ [in their interpretation];⁴¹ one said: Its real name was Pithom, and why was it called Raamses? Because one building after another collapsed [mithroses]. The other said that its real name was Raamses, and why was it called Pithom? Because the mouth of the deep [pi tehom] swallowed up one building after another.

But the more they afflicted him, the more he will multiply and the more he will spread abroad⁴² — it should have read 'the more they multiplied and the more they spread abroad! — Resh Lakish said: The Holy Spirit announced to them. 'The more he will multiply and the more he will spread abroad'.

And they were grieved [wa-yakuzu] because of the children of Israel⁴² — this teaches that they were like thorns [kozim] in their eyes.

And the Egyptians made the children of Israel to serve

(1) Ibid. XII, 11.

(2) Gen. XXXVII, 14. Here 'vale' is also explained as deep plan.

(3) Ibid. XV, 13.

(4) II Sam. 1.c.

(5) Ibid. XIV, 27.

(6) II Sam. 30.

(7) So how does the principle of measure for measure apply?

(8) The reward for a good deed exceeds the actual merit of an action and is not merely a quid pro quo as with a wrong deed.

- (9) Ex. II, 4.
- (10) I Sam. III, 10.
- (11) Prov. VII, 4. Wisdom is an emanation from God.
- (12) Jer. XXXI, 3.
- (13) I Sam. II, 3.
- (14) Deut. X, 12.
- (15) Amos III, 7.
- (16) Judg. VI, 24. The Hebrew word 'it' is the same as 'to him'.
- (17) Ex. I, 8.
- (18) Ex. 9.
- (19) Ibid. VII, 29.
- (20) Ibid. I, 10. The Hebrew is literally with him.
- (21) Isa. LXVI, 15.
- (22) Ibid. 16.
- (23) Ibid. Some edd. quote as the proof text: With his sword drawn in his hand (Num. XXII, 23).
- (24) Isa. LIV, 9.
- (25) Ex. XIV, 27. So the Hebrew literally.
- (26) Ibid. XVIII, II. The verb 'they dealt proudly' resembles in form another with the meaning 'they cooked' **USZ**.
- (27) Gen. XXV, 29.
- (28) To destroy Israel through the decree: Every son that is born ye shall cast in the river, Ex. I, 22.
- (29) Various opinions are expressed in the Talmud regarding the age in which he lived. According to one view he was born in the year that Jacob settled in Egypt and died at the time of the Exodus, v. B.B. 15a-b.
- (30) In the Temple where the Sanhedrin met.
- (31) I Chron. II, 55. The various names are understood in the sense that they were eminent scholars.
- (32) Judg. I, 16; v. Sanh. (Sonc. ed.) p. 722.
- (33) Ex. I, 10.
- (34) I.e., we will be driven out of the land.
- (35) Ibid. 11, the text is literally him.
- (36) Viz., bricks, referring to the brick-mould which Pharaoh had to wear.
- (37) He had to carry the brick-mould as the pattern for the Israelites to work upon.
- (38) Led to the destruction of the Egyptians.
- (39) When they were spoiled by the Israelites before the Exodus.
- (40) [According to this dictum the interpretation 'memaskenoth' is general in its application and has no particular reference to the Egyptians. Some edd. accordingly omit the last sentence.]
- (41) They agreed that only one store city was built.
- (42) Ex. 12. So the Hebrew literally.

Talmud - Mas. Sotah 11b

with rigour [parek].¹ R. Eleazar said: [It means] with a tender mouth [peh rak];² R. Samuel b. Nahmani said: [It means] with rigorous work [perikah]. And they made their lives bitter with hard service, in mortar and in brick etc. Raba said: At first it was in mortar and in brick; but finally it was in all manner of service in the field. All their service wherein they made them serve with rigour.³ R. Samuel b. Nahmani said in the name of R. Jonathan: They changed men's work for the women and the women's work for the men; and even he who explained [parek] above as meaning

‘with tender mouth’ admits that here it means ‘with rigorous work’.

R. Awira expounded: As the reward for the righteous women who lived in that generation were the Israelites delivered from Egypt. When they went to draw water, the Holy One, blessed be He, arranged that small fishes should enter their pitchers, which they drew up half full of water and half full of fishes. They then set two pots on the fire, one for hot water and the other for the fish, which they carried to their husbands in the field, and washed, anointed, fed, gave them to drink and had intercourse with them among the sheepfolds, as it is said: When ye lie among the sheepfolds etc.⁴ As the reward for ‘When ye lie among the sheepfolds’, the Israelites merited the spoliation of the Egyptians, as it is said: As the wings of a dove covered with silver, and her pinions with yellow gold.⁵ After the women had conceived they returned to their homes; and when the time of childbirth arrived, they went and were delivered in the field beneath the apple-tree, as it is said: Under the apple-tree I caused thee to come forth [from thy mother's womb] etc.⁶ The Holy One, blessed be He, sent down someone from the high heavens who washed and straightened the limbs [of the babes] in the same manner that a midwife straightens the limbs of a child; as it is said: And as for thy nativity, in the day thou wast born thy navel was not cut, neither wast thou washed in water to cleanse thee.⁷ He also provided for them two cakes, one of oil and one of honey, as it is said: And He made him to suck honey out of the rock, and oil etc.⁸ When the Egyptians noticed them, they went to kill them; but a miracle occurred on their behalf so that they were swallowed in the ground, and [the Egyptians] brought oxen and ploughed over them, as it is said: The ploughers ploughed upon my back.⁹ After they had departed, [the Israelite women with their babes] broke through [the earth] and came forth like the herbage of the field, as it is said: I caused thee to multiply as the bud of the field;¹⁰ and when [the babes] had grown up, they came in flocks to their homes, as it is said: And thou didst increase and wax great and didst come with ornaments¹¹ — read not with ornaments [ba'adi ‘adayim] but in flocks [be'edre ‘adarim]. At the time the Holy One, blessed be He, revealed Himself by the Red Sea, they recognised Him first, as it is said: This is my God and I will praise Him.¹²

And the king of Egypt spake to the Hebrew midwives etc.¹³ Rab and Samuel [differ in their interpretation]; one said they were mother and daughter, and the other said they were daughter-in-law and mother-in-law. According to him who declared they were mother and daughter, they were Jochebed and Miriam; and according to him who declared they were daughter-in-law and mother-in-law, they were Jochebed and Elisheba.¹⁴ There is a teaching in agreement with him who said they were mother and daughter; for it has been taught: ‘Shiphrah’¹⁵ is Jochebed; and why was her name called Shiphrah? Because she straightened [meshappereth] the limbs of the babe. Another explanation of Shiphrah is that the Israelites were fruitful [sheparu] and multiplied in her days. ‘Pu'ah’ is Miriam; and why was her name called Puah? Because she cried out [po'ah] to the child¹⁶ and brought it forth. Another explanation of Pu'ah is that she used to cry out through the Holy Spirit¹⁷ and say: ‘My mother will bear a son who will be the saviour of Israel’.

And he said: When ye do the office of a midwife to the Hebrew women etc.¹⁸ What means ‘obnayim’?¹⁹ R. Hanan said: He entrusted them with an important sign and told them that when a woman bends to deliver a child, her thighs grow cold like stones [‘abanim’].²⁰ Another explains [the word ‘obnayim’] in accordance with what is written: Then I went down to the potter's house,

and, behold, he wrought his work on the wheels.²¹ As in the case of a potter, there is a thigh on one side, a thigh on the other side and the wooden block in between, so also with a woman there is a thigh on one side, a thigh on the other side and the child in between.

If it be a son, then ye shall kill him.²² R. Hanina said: He entrusted them with an important sign, viz., if it is a son, his face is turned downward and if a daughter, her face is turned upward.²³ But the midwives feared God, and did not as the king of Egypt spoke to them.²⁴ Instead of alehen [‘to them’] we should have had ‘lahen’!²⁵ — R. Jose son of R. Hanina said: It teaches that he solicited them for immoral intercourse,²⁶ but they refused to yield. But saved the men children alive — A Tanna taught: Not only did they not put them to death, but they supplied them with water and food.²⁷ And the midwives said unto Pharaoh, Behold the Hebrew women are not as the Egyptian women etc.²⁸ What means hayoth?²⁹ If it is to say they were actually midwives,³⁰ do you infer that a midwife does not require another midwife to deliver her child! — But [the meaning is] they said to him, This people are compared to an animal [hayyah] — Judah [is called] a lion's whelp,³¹ of Dan [it is said] Dan shall be a serpent,³² Naphtali [is called] a hind let loose,³³ Issachar a strong ass;³⁴ Joseph a firstling bullock;³⁵ Benjamin a wolf that ravineth.³⁶ [Of those sons of Jacob where a comparison with an animal] is written in connection with them, it is written: but [in the instances where such a comparison] is not written, there is the text: What was thy mother? A lioness; she couched among lions etc.³⁷

And it came to pass, because the midwives feared God, that He made them houses.³⁸ Rab and Samuel [differ in their interpretation]; one said they are the priestly and Levitical houses, and the other said they are the royal houses. One who says they are the priestly and Levitical houses: Aaron and Moses; and one who says they are the royal houses: for also David descended from Miriam, as it is written: And Azubah died, and Caleb took unto him Ephrath, which bare him Hur,³⁹ and it is written: Now David was the son of that Ephrathite etc.⁴⁰

And Caleb the son of Hezron begat children of Azubah his wife and of Jerioth,’ and these were her sons: Jeshur and Shobab and Ardon.⁴¹ ‘The son of Hezron’? He was the son of Jephunneh!⁴² — [It means] that he was a son who turned [panah] from the counsel of the spies. Still, he was the son of Kenaz, as it is written: And Othniel the son of Kenaz, Caleb's younger brother, took it!⁴³ — Raba said: He was the stepson of Kenaz.

(1) Ibid. 13.

(2) They induced the Israelites to work by using smooth words to them.

(3) Ibid. 14.

(4) Ps. LXVIII, 14, E.V., 13.

(5) Ps. LXVIII, 14, E.V., 13. The dove is often used by the Rabbis as a symbol of Israel.

(6) Cant. VIII, 5. That is how the verb is interpreted here.

(7) Ezek. XVI, 4. There was no midwife present to cut the navel-string, nor was ordinary water used.

(8) Deut. XXXII, 13.

(9) Ps. CXXIX, 3.

(10) Ezek. XVI, 7.

(11) Ibid.

(12) Ex. XV, 2. The word ‘this’ implies that He had been previously seen; therefore it must have been by the

former babes.

(13) Ibid. I, 15.

(14) She was Aaron's wife (Ex. VI, 23).

(15) Ibid. I, 15.

(16) Rashi explains: she uttered soothing words which induced the child to come forth. She blew a charm into the mother's ear and brought forth the child (Jast.).

(17) I.e., the prophetic gift.

(18) Ibid. 16.

(19) This word in the verse is translated birthstool.

(20) By means of this symptom they would be able to detect a mother who tried to conceal a birth.

(21) Jer. XVIII, 3 . The word for wheels is 'obnayim'.

(22) Ex. I, 16.

(23) At the time of birth (Nid. 31a).

(24) Ibid. 17.

(25) The latter is the more usual form since no direct speech follows.

(26) The preposition 'el, which occurs in the text, is employed in this sense.

(27) The text does not state, 'they did not kill'; therefore 'saved alive' is so explained.

(28) Ex. I, 19.

(29) The word in this verse translated lively.

(30) That is the significance the word has in Rabbinic Hebrew.

(31) Gen. XLIX, 9.

(32) Ibid. 17.

(33) Ibid. 21.

(34) Ibid. 14.

(35) Deut. XXXIII, 17.

(36) Gen. XLIX, 27.

(37) Ezek. XIX, 2.

(38) Ex. I, 21.

(39) I Chron. II, 19.

(40) I Sam. XVII, 12.

(41) I Chron. II, 18.

(42) V. Num. XIII, 6.

(43) Judg. I, 13.

Talmud - Mas. Sotah 12a

There is also evidence for this, since it is written, [And Caleb the son of Jephunneh] the Kenizzite.¹ Conclude, therefore, that Azubah is identical with Miriam; and why was her name called Azubah? Because all men forsook her ['azabuhah] at first.² 'Bogat!'³ But he was married to her! — R. Johanan said: Whoever marries a woman for the name of heaven,⁴ the text ascribes it to him as though he had begotten her. 'Jerioth' — [she was so named] because her face was like curtains.⁵ 'And these were her sons' — read not baneha [her sons] but boneha [her builders].⁶ 'Jesher' [he was so called] because he set himself right [yishsher].⁷ 'Shobab' — [he was so called] because he turned his inclination aside [shibbeb].⁸ 'And Ardon' — [he was so called] because he disciplined [radah] his inclination. Others say: Because his face was like a rose [wered].

And Ashhur the father of Tekoa had two wives, Helah and Naarah.⁹ Ashhur is identical with Caleb; and why was his name called Ashhur? Because his face was blackened [hushheru] through his fasts.¹⁰ ‘The father’- he became a father to her.¹¹ ‘Tekoa’- he fixed [taka] his heart on his Father in heaven.¹² ‘Had two wives’ — [this means] Miriam became like two wives. ‘Helah and Naarah’ — she was not both Helah and Naarah, but at first she was Helah [an invalid] and finally Naarah [a young girl].¹³ And the sons of Helah were Zereth, Zohar and Ethnan.¹⁴ ‘Zereth’ — [Miriam was so called] — because she became the rival [zarah] of her contemporaries [in beauty]. ‘Zohar’ — because her face was [beautiful] like the noon [zoharayim]. ‘Ethnan’ — because whoever saw her took a present [‘ethnan] to his wife.¹⁵

And Pharaoh charged all his people.¹⁶ R. Jose son of R. Hanina said: He imposed the same decree upon his own people.¹⁷ R. Jose son of R. Hanina also said: He made three decrees: first, ‘if it be a son, then ye shall kill him’; then ‘every son that is born ye shall cast into the river’; and finally he imposed the same decree upon his own people.

And there went a man of the house of Levi.¹⁸ Where did he go? R. Judah b. Zebina said that he went in the counsel of his daughter. A Tanna taught: Amram was the greatest man of his generation; when he saw that the wicked Pharaoh had decreed ‘Every son that is born ye shall cast into the river’, he said: In vain do we labour. He arose and divorced his wife.¹⁹ All [the Israelites] thereupon arose and divorced their wives. His daughter said to him, ‘Father, thy decree is more severe than Pharaoh’s; because Pharaoh decreed only against the males whereas thou hast decreed against the males and females. Pharaoh only decreed concerning this world whereas thou hast decreed concerning this world and the World to Come.²⁰ In the case of the wicked Pharaoh there is a doubt whether his decree will be fulfilled or not, whereas in thy case, though thou art righteous, it is certain that thy decree will be fulfilled, as it is said: Thou shalt also decree a thing, and it shall be established unto thee!²¹ He arose and took his wife back; and they all arose and took their wives back.

And took to wife¹⁸ — it should have read ‘and took back’!²² R. Judah b. Zebina said: — He acted towards her as though it had been the first marriage; he seated her in a palanquin, Aaron and Miriam danced before her, and the Ministering Angels proclaimed, A joyful mother of children.²³

A daughter of Levi.¹⁸ How is this possible! She was one hundred and thirty years old, and he calls her ‘a daughter’! (For R. Hama b. Hanina said: This²⁴ refers to Jochebed whose conception occurred during the journey [to Egypt] and her birth between the walls;²⁵ as it is said: Who was born to Levi in Egypt²⁶ — her birth occurred in Egypt but her conception did not occur there.)²⁷ — Rab Judah said: [She is called ‘a daughter’] because the signs of maidenhood were reborn in her.²⁸

And the woman conceived and bare a son.²⁹ But she had already been pregnant three months!³⁰ — R. Judah b. Zebina said: It compares the bearing of the child to its conception; as the conception was painless so was the bearing painless. Hence [it is learnt] that righteous women were not included in the decree upon Eve.³¹

And when she saw him that he was good.²⁹ It has been taught: R. Meir says: His name was Tob [good]; R. Judah says: His name was Tobiah; R. Nehemiah says: [She foresaw that he would be] worthy of the prophetic gift; others say: He was born circumcised; and the Sages declare, At the time when Moses was born, the whole house was filled with light — it is written here, And when she saw him that he was good, and elsewhere it is written: And God saw the light that it was good.³²

She hid him three months.²⁹ [She was able to do this] because the Egyptians only counted [the period of her pregnancy] from the time that she was restored [to youth], but she was then already pregnant three months.

And when she could not longer hide him³³ — why? She should have gone on hiding him! — But whenever the Egyptians were informed that a child was born, they would take other children there so that it should hear them [crying] and cry with them; as it is written: Take us the foxes, the little foxes etc.³⁴

She took for him an ark of bulrushes³³ — why just bulrushes? R. Eleazar said: Hence [it is learnt] that to the righteous their money is dearer than their body;³⁵ and why so? — That they should not stretch out their hand to robbery.³⁶ R. Samuel b. Nahmani says: [She selected them] because they are a soft material which can withstand both soft and hard materials.³⁷

And daubed it with slime and with pitch³⁸ — A Tanna taught: The slime was inside and the pitch outside so that that righteous child should not smell the bad odour.

And she put the child therein and laid it in the reeds [suf]³⁸ — R. Eleazar said: In the Red [suf] Sea; R. Samuel b. Nahmani said:

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- (1) Josh. XIV, 6, and not the son of Kenaz.
 - (2) She was an invalid so that nobody would marry her.
 - (3) The Hebrew text could be translated: and Caleb begat Azubah.
 - (4) From a pious motive, as in this case where through illness Miriam remained unmarried.
 - (5) She also is identified with Miriam. Through illness her face was pale like the colour of curtains (yeri'oth).
 - (6) Through them she attained the dignity of motherhood.
 - (7) Viz., Caleb escaped the error of the other spies.
 - (8) From following the rest of the spies.
 - (9) I Chron. IV, 5.
 - (10) He mortified himself to resist joining the other spies.
 - (11) To Miriam who, on account of illness, required constant attention.
 - (12) For will-power not to join in the evil report.
 - (13) I.e., she recovered and became young in appearance.
 - (14) I Chron. IV, 7.
 - (15) His passion was aroused by the sight of Miriam.
 - (16) Ex. I, 22.
 - (17) To kill the male children, because the astrologers had warned him that a boy was soon to be born who would overthrow him.

- (18) Ex. II, 1.
- (19) Since all the male children to be born would be killed, and the primary object of marriage was the procreation of sons.
- (20) The drowned babes would live again in the Hereafter; but unborn children are denied that bliss.
- (21) Job XXII, 28.
- (22) His wife, according to the story just related.
- (23) Ps. CXIII, 9.
- (24) 'The daughter of Levi'.
- (25) I.e., just as the caravan arrived at Egypt.
- (26) Num. XXVI, 59. The Torah mentions that the Israelites numbered seventy who came to Egypt, whereas there are only sixty-nine names in the list. Hence this statement about Jochebed.
- (27) From that time one hundred and thirty years had elapsed.
- (28) Although so old, she became young in form and appearance.
- (29) Ex. II, 2.
- (30) Viz., before she was restored to youth, as will be explained.
- (31) That she would bear children in pain (Gen. III, 16).
- (32) Gen. I, 4.
- (33) Ex. II, 3.
- (34) Cant II, 15.
- (35) She selected bulrushes because of their cheapness, although hard wood would have been better for the welfare of the child.
- (36) They are frugal in expenditure upon their comforts so as not to be tempted to dishonesty for the gratification of their needs.
- (37) Hard wood would be more easily split, whereas bulrushes yield under pressure.
- (38) Ex. II, 3.

Talmud - Mas. Sotah 12b

It means reeds, as it is written: The reeds and flags shall wither away.¹

And the daughter of Pharaoh came down to bathe at the river.² R. Johanan said in the name of R. Simeon b. Yohai: It teaches that she went down there to cleanse herself of her father's idols;³ and thus it says: When the Lord shall have washed away the filth of the daughters of Zion etc.⁴ And her maidens walked along etc.⁵ R. Johanan said: The word for 'walk' means nothing else than death; and thus it says: Behold I am going to die.⁶ And she saw the ark among the reeds.² When [the maidens] saw that she wished to rescue Moses, they said to her, 'Mistress, it is the custom of the world that when a human king makes a decree, though everybody else does not obey it, at least his children and the members of his household obey it; but thou dost transgress thy father's decree!' Gabriel came and beat them to the ground.

And sent her handmaid to fetch it² — R. Judah and R. Nehemiah [differ in their interpretation]; one said that the word means 'her hand' and the other said that it means 'her handmaid'. He who said that it means 'her hand' did so because it is written ammathah;⁷ he who said that it means 'her handmaid' did so because the text has not yadah [her hand]. But according to him who said that it means 'her handmaid', it has just been stated that Gabriel came and beat them to the

ground!⁸ — He left her one, because it is not customary for a king's daughter to be unattended. But according to him who said that it means 'her hand', the text should have been yadah! — It teaches us that [her arm] became lengthened; for a master has said: You find it so⁹ with the arm of Pharaoh's daughter and similarly with the teeth of the wicked, as it is written: Thou hast broken [shibbarta] the teeth of the wicked,¹⁰ and Resh Lakish said: Read not shibbarta but shirbapta [thou has lengthened].¹¹

She opened it and saw the child¹² — it should have been 'and saw'. R. Jose b. R. Hanina said: She saw the Shechinah with him.¹³

And, behold, the boy wept¹² — he is called a 'child' and then a 'boy'! — A Tanna taught: He was a child but his voice was like that of a grown boy; such is the view of R. Judah. R. Nehemiah said to him, If so, you have made our master Moses into one possessed of a blemish;¹⁴ but it teaches that his mother made for him a canopy [such as is used at the marriage] of boys¹⁵ in the ark, saying: 'Perhaps I may not be worthy [to be present at] his marriage-canopy'.

And she had compassion on him and said: Of the Hebrews' children is this.¹² How did she know it? — R. Jose b. R. Hanina said: Because she saw that he was circumcised. 'Is this' — R. Johanan said: It teaches that she unwittingly prophesied that 'this' one will fall [into the river] but no other will fall.¹⁶ That is what R. Eleazar said: What means the text: And when they shall say unto you, Seek unto them that have familiar spirits and unto the wizards, that chirp and that mutter?¹⁷ They foresee and know not what they foresee; they mutter and know not what they mutter. They saw that Israel's saviour would be punished through water; so they arose and decreed, Every son that is born ye shall cast into the river.¹⁸ After they had thrown Moses [into the water], they said: 'We do not see that sign any longer';¹⁹ they thereupon rescinded their decree. But they knew not that he was to be punished through the water of Meribah.²⁰ That is what R. Hama b. Hanina said: What means the text: These are the waters of Meribah, because they strove?²¹ These are [the waters] about which Pharaoh's magicians saw and erred; and concerning this Moses said: Six hundred thousand footmen etc.²² Moses said to Israel, 'On my account were all of you delivered [from drowning by the edict of Pharaoh]'.

R. Hanina b. Papa said: That day²³ was the twenty-first of Nisan,²⁴ and the Ministering Angels spoke before the Holy One, blessed be He, 'Lord of the Universe! Shall he who will utter a song to Thee by the Red Sea on this day be punished on this day?' R. Aha b. Hanina said: That day was the sixth of Sivan,²⁵ and the Ministering Angels spoke before the Holy One, blessed be He, 'Lord of the Universe! Shall he who will receive the Torah on Mount Sinai on this day be punished on this day?' It is quite right according to him who said that it was the sixth of Sivan, for then it occurred three months [after his birth]; for a master has said: Moses died on the seventh of Adar²⁶ and was born on the seventh of Adar, and from the seventh of Adar to the sixth of Sivan is three months. But according to him who said that it was the twenty-first of Nisan, how could it have been?²⁷ — That year was a leap year;²⁸ the greater part of the first [Adar] and the greater part of the last [Nisan] and a full month in between.²⁹

Then said his sister to Pharaoh's daughter, Shall I go and call thee a nurse of the Hebrew women?³⁰ Why just 'of the Hebrew women'? — It teaches that they handed Moses about to all

the Egyptian women but he would not suck. He³¹ said: Shall a mouth which will speak with the Shechinah suck what is unclean! That is what is written: Whom will He teach knowledge etc.?³² — To whom will He teach knowledge and to whom will He make the message understandable? To them that are weaned from the milk, and drawn from the breasts.

And Pharaoh's daughter said unto her, Go etc.³³ R. Eleazar said: It teaches that she went quickly like a young woman.³⁴ R. Samuel b. Nahmani said: [She is called] the maid [‘almah] because she made the words secret.³⁵

And Pharaoh's daughter said unto her, Take this child away.³⁶ R. Hama b. Hanina said: She prophesied without knowing what she prophesied — Heliki [‘take away’] — behold what is thine [ha sheliki].

And I will give thee thy wages.³⁶ R. Hama b. Hanina said: Not enough that the righteous have their loss restored to them but they also receive their reward in addition.

And Miriam the prophetess, the sister of Aaron, took etc.³⁷ The ‘sister of Aaron’ and not the sister of Moses! — R. Amram said in the name of Rab, and according to others it was R. Nahman who said in the name of Rab: It teaches that she prophesied while she yet was the sister of Aaron only³⁸

(1) Isa. XIX, 6.

(2) Ex. II, 5.

(3) Since immersion is part of the ceremony of conversion, it is assumed that she became a proselyte.

(4) Isa. IV, 4.

(5) Ex. II, 5.

(6) Gen. XXV, 32.

(7) The text could be read either as amathah ‘her maid’ or ‘ammathah ‘her arm’. The Targum of Onkelos renders by ‘her arm’.

(8) Therefore they were all dead; so how could the princess send her handmaid?

(9) [The lengthening of a limb, v. Meg. 15b.]

(10) Ps. III, 8.

(11) [The reference is to Og, King of Bashan, v. Ber. 54b.]

(12) Ex. II, 6. The text is literally: she saw him the child.

(13) The suffix hu (him) is explained as God and the particle eth as ‘with’ and not the sign of the accusative: she saw Him with the child’.

(14) His voice would be abnormal, and this disqualified a Levite from the Temple-ministry.

(15) [Or. ‘canopy of youth’, i.e., a bridal canopy.]

(16) Because on that day the decree to drown the males was rescinded.

(17) Isa. VIII, 19.

(18) Ex. I, 22.

(19) Indicating that the peril to Pharaoh was averted by this action.

(20) [And that this was the meaning of the sign they had seen.]

(21) Num. XX. 13.

(22) Ibid. XI, 21. Footmen is in Hebrew ragli which can also mean ‘for my sake’.

- (23) [On which Moses was cast into the Sea.]
- (24) The first month in the Jewish year. It was on that day later on that the Egyptians were drowned.
- (25) The third month, the date of the Revelation.
- (26) The twelfth month.
- (27) The difference between the two dates is only one month and fourteen days.
- (28) When a thirteenth month is inserted between Adar and Nisan.
- (29) This gives in round figures the three months required.
- (30) Ex. II, 7.
- (31) Some authorities explain 'He' as referring to God.
- (32) Isa. XXVIII, 9.
- (33) Ex. II, 8.
- (34) The word in the verse 'almah 'maid' is connected with its analogous root in Aramaic which means 'to be vigorous'.
- (35) 'Alam means 'to hide'; she did not disclose her relationship to the child.
- (36) Ex. II, 9.
- (37) Ibid. XV, 20.
- (38) Before Moses' birth.

Talmud - Mas. Sotah 13a

and said: 'My mother will bear a son who will be the saviour of Israel'. When Moses was born, the whole house was filled with light; and her father arose and kissed her upon her head, saying 'My daughter, thy prophecy has been fulfilled'; but when they cast him into the river, her father arose and smacked her upon her head, saying: 'Where, now, is thy prophecy!' That is what is written: And his sister stood afar off to know what would be done to him¹ — what would be the fate of her prophecy.

JOSEPH EARNED MERIT etc. Why the difference that first it is written: And Joseph went up to bury his father, and with him went up all the servants of Pharaoh etc.,² followed by, And all the house of Joseph, and his brethren, and his father's house,³ and in the sequel it is written: And Joseph returned into Egypt, he and his brethren,⁴ followed by, And all that went up with him to bury his father? — R. Johanan said: At first, before [the servants of Pharaoh] beheld the glory of the Israelites, they did not treat them with respect;⁵ but in the sequel, when they beheld their glory, they treated them with respect. For it is written: And they came to the threshing-floor of Atad;⁶ but is there a threshing-floor for brambles? — R. Abbahu said: It teaches that they surrounded Jacob's coffin with crowns like a threshing-floor which is surrounded with a hedge of brambles, because the sons of Esau, of Ishmael and of Keturah also came. A Tanna taught: They all came to wage war [against the Israelites]; but when they saw Joseph's crown hanging upon Jacob's coffin, they all took their crowns and hung them upon his coffin. A Tanna taught: Sixty-three crowns were hung upon Jacob's coffin.

And there they lamented with a very great and sore lamentation.⁷ It has been taught: Even the horses and asses [joined in the lamentation]. When [the cortege] arrived at the Cave of Machpelah, Esau came and wished to prevent [the interment there], saying to them, Mamre, Kiriath-arba, the same is Hebron⁸ — now R. Isaac has said: Kiriath-arba [is so called] because

four couples [were buried there], viz. Adam and Eve, Abraham and Sarah, Isaac and Rebekah, and Jacob and Leah — [Jacob] had buried Leah in his portion and what remains belongs to me'. They replied to him, 'Thou didst sell it'. He said to them, 'Granted that I sold my birth-right, but did I sell my plain heir's right!' They replied: 'Yes, for it is written: In my grave which I [Jacob] have digged for me',⁹ and R. Johanan has said in the name of R. Simeon b. Jehozadak: The word kirah [dig] means nothing else than 'sale' [mekirah], and thus in the coast-towns they use kirah as a term for 'sale'. — He said to them, 'Produce a document [of sale] for me'. They replied to him, 'The document is in the land of Egypt. Who will go for it? Let Naphtali go, because he is swift as a hind'; for it is written: Naphtali is a hind let loose, he giveth goodly words¹⁰ — R. Abbahu said: Read not 'goodly words' [imre shefer] but imre sefer [words of a document]. Among those present was Hushim, a son of Dan, who was hard of hearing; so he asked them, 'What is happening?' They said to him, '[Esau] is preventing [the burial] until Naphtali returns from the land of Egypt'. He retorted: 'Is my grandfather to lie there in contempt until Naphtali returns from the land of Egypt!' He took a club and struck [Esau] on the head so that his eyes fell out and rolled to the feet of Jacob. Jacob opened his eyes and laughed; and that is what is written: The righteous shall rejoice when he seeth the vengeance; he shall wash his feet in the blood of the wicked.¹¹ At that time was the prophecy of Rebekah fulfilled, as it is written: Why should I be bereaved of you both in one day?¹² Although the death of the two of them did not occur on the one day, still their burial took place on the same day. — But if Joseph had not occupied himself with [Jacob's burial], would not his brethren have occupied themselves with it? Behold it is written: For his sons carried him into the land of Canaan!¹³ — They said [among themselves], 'Leave him [to conduct the interment]; for the honour [of our father] will be greater [when it is conducted] by kings than by commoners'.

WHOM HAVE WE GREATER THAN JOSEPH etc.? Our Rabbis have taught: Come and see how beloved were the commandments by Moses our teacher; for whereas all the Israelites occupied themselves with the spoil, he occupied himself with the commandments, as it is said: The wise in heart will receive commandments etc.¹⁴ But whence did Moses know the place where Joseph was buried? — It is related that Serah, daughter of Asher, was a survivor of that generation. Moses went to her and asked: 'Dost thou know where Joseph was buried?' She answered him, 'The Egyptians made a metal coffin for him which they fixed in the river Nile so that its waters should be blessed'. Moses went and stood on the bank of the Nile and exclaimed: 'Joseph, Joseph! the time has arrived which the Holy One, blessed be He, swore, "I will deliver you", and the oath which thou didst impose upon the Israelites¹⁵ has reached [the time of fulfilment]; if thou wilt shew thyself, well and good; otherwise, behold, we are free of thine oath'. Immediately Joseph's coffin floated [on the surface of the water]. Be not astonished that iron should float; for, behold, it is written: As one was felling a beam, the axe-head fell into the water etc. Alas, my master, for it was borrowed. And the man of God said: Where fell it? And he shewed him the place. And he cut down a stick and cast it in thither, and made the iron to swim.¹⁶ Now cannot the matter be argued by a fortiori reasoning — if iron floated on account of Elisha who was the disciple of Elijah who was the disciple of Moses, how much more so on account of Moses our teacher! R. Nathan says: He was buried in the sepulchre of the kings; and Moses went and stood by the sepulchre of the kings and exclaimed. 'Joseph! the time has arrived which the Holy One, blessed be He, swore "I will deliver you", and the oath which thou didst impose upon the Israelites has reached [the time of fulfilment]; if thou wilt shew thyself, well and good;

otherwise, behold, we are free of thine oath'. At that moment, Joseph's coffin shook, and Moses took it and carried it with him. All those years that the Israelites were in the wilderness, those two chests, one of the dead and the other of the Shechinah,¹⁷ proceeded side by side, and passersby used to ask: 'What is the nature of those two chests?' They received the reply: 'One is of the dead and the other of the Shechinah'. 'But is it, then, the way of the dead to proceed with the Shechinah?' They were told,

(1) Ibid. II, 4.

(2) Gen. L, 7.

(3) Gen. L, 8.

(4) Ibid. 14. The order of the procession is now reversed.

(5) And proceeded in front of them.

(6) Ibid. 10. As a common noun 'atad' means 'brambles'.

(7) Gen. L, 10.

(8) Ibid. XXXV, 27. Kiriath — 'arba is literally 'the burial of four'. He claimed that only four couples were to be buried there, and demanded the one remaining sepulchre for himself. The explanatory remark of R. Isaac is interpolated into Esau's words.

(9) Ibid. L, 5.

(10) Gen. XLIX, 21.

(11) Ps. LVIII, 11.

(12) Gen. XXVII, 45.

(13) Ibid. L, 13. It is not stated that Joseph did this.

(14) Prov. X, 8.

(15) To carry Joseph's bones out of Egypt (Exod. XIII, 19).

(16) II Kings VI, 5f.

(17) Aron means in Hebrew both an ark and a coffin. It here refers to the Ark of the Covenant.

Talmud - Mas. Sotah 13b

'This one [Joseph] fulfilled all that was written in the other'.¹ But if Moses had not occupied himself with him, would not the Israelites have occupied themselves with him? Behold, it is written: And the bones of Joseph which the children of Israel brought up out of Egypt buried they in Shechem!² Furthermore, if the Israelites had not occupied themselves with him, would not his own sons have done so? And, behold, it is written: And they became the inheritance of the children of Joseph!³ — They⁴ said [to one another], 'Leave him; his honour will be greater [when the burial is performed] by many rather than by few'; and they also said: 'Leave him; his honour will be greater [when the burial is performed] by the great rather than by the small'.

Buried they in Shechem.³ Why just in Shechem? — R. Hama son of R. Hanina said: From Shechem they stole him,⁵ and to Shechem we will restore what is lost. The following verses are contradictory: it is written: And Moses took the bones of Joseph with him,⁶ and it is written: And the bones of Joseph which the children of Israel brought up⁷ etc.! — R. Hama son of R. Hanina said: Whoever performs a task without finishing it and another comes and completes it, Scripture ascribes it to the one who completed it as though he had performed it. R. Eleazar said: He⁸ is likewise deposed from his greatness; for it is written: And it came to pass at that time that Judah

went down.⁹ R. Samuel b. Nahmani said: He also buries his wife and children; for it is written: Shua's daughter, the wife of Judah, died etc.,¹⁰ and it is written: But Er and Onan died.¹¹

Rab Judah said in the name of Rab: Why was Joseph called 'bones' during his lifetime?¹² Because he did not interfere to safeguard his father's honour when [his brothers] said to him, Thy servant our father¹³ and he made no reply to them. Rab Judah also said in the name of Rab, and others declare that it was R. Hama son of R. Hanina: Why did Joseph die before his brothers? Because he gave himself superior airs.

And Joseph was brought down to Egypt.¹⁴ R. Eleazar said: Read not 'was brought down' but 'brought down', because he brought Pharaoh's astrologers down from their eminence.¹⁵ And Potiphar, an officer of Pharaoh's bought him, Rab said: He bought him for himself;¹⁶ but Gabriel came and castrated him,¹⁷ and then Gabriel came and mutilated him [pera'], for originally his name is written Potiphar but afterwards Potiphera.¹⁸

WHOM HAVE WE GREATER THAN MOSES etc. And the Lord said unto me, Let it suffice thee.¹⁹ R. Levi said: With the word 'suffice' [Moses] made an announcement and with the word 'suffice' an announcement was made to him. With the word 'suffice' he made an announcement: 'Suffice you';²⁰ and with the word 'suffice' an announcement was made to him: 'Let it suffice thee'. Another explanation of 'Let it suffice [rab] thee' is, Thou hast a master [rab], viz., Joshua.²¹ Another explanation of 'Let it suffice thee' is, That people should not say: How severe the Master is and how persistent the pupil is.²² And why so? In the School of R. Ishmael it was taught: According to the camel is the burden.²³

And he said unto them, I am an hundred and twenty years old this day.²⁴ Why does the text state 'this day?' [The meaning is], This day are my days and years completed.²⁵ Its purpose is to teach you that the Holy One, blessed be He, completes the years of the righteous from day to day, and from month to month; for it is written: The number of thy days I will fulfil.²⁶ I can no more go out and come in²⁴ — what means 'go out and come in'? If it is to be understood literally, behold it is written: And Moses was an hundred and twenty years old when he died; his eye was not dim, nor his natural force abated;²⁷ it is also written: And Moses went up from the plains of Moab unto mount Nebo;²⁸ and it has been taught: Twelve steps were there, but Moses mounted them in one stride! — R. Samuel b. Nahmani said in the name of R. Jonathan: [It means] to 'go out and come in' with words of Torah, thus indicating that the gates of wisdom were closed against him. And Moses and Joshua went, and presented themselves in the tent of meeting.²⁹ A Tanna taught: That was a Sabbath when two teachers [gave discourses] and the authority was taken from one to be transferred to the other. It has further been taught: R. Judah said: Were it not for a Scriptural text, it would be impossible to utter the following. Where did Moses die? In the portion of Reuben, for it is written: And Moses went up from the plains of Moab unto mount Nebo, and Nebo was located in the portion of Reuben, for it is written: And the children of Reuben built . . . and Nebo etc.³⁰ — It was called Nebo because three prophets [nebi'im] died there, viz. Moses, Aaron, and Miriam. — And where was Moses buried? In the portion of Gad, for it is written: And he provided the first part for himself etc.³¹ Now what was the distance between the portion of Reuben and that of Gad? Four mil.³² Who carried him those four mil? It teaches that Moses was laid upon the wings of the Shechinah, and the Ministering

Angels kept proclaiming, He executed the justice of the Lord, and His judgments with Israel,³³ and the Holy One, blessed be He, declared: Who will rise up for Me against the evil-doers? Who will stand up for Me against the workers of iniquity?³⁴

Samue³⁵ said [that God declared], Who is as the wise man? and who knoweth the interpretation of a thing?³⁶ R. Johanan said [that God declared], Where shall wisdom be found?³⁷ R. Nahman said [that God announced], So Moses died there etc.³⁸ Semalyon³⁹ said: So Moses died there, the great Sage of Israel.⁴⁰

It has been taught: R. Eliezer the Elder said: Over an area of twelve mil square, corresponding to that of the camp of Israel, a Bath Kol made the proclamation, ‘So Moses died there’, the great Sage of Israel. Others declare that Moses never died; it is written here, ‘So Moses died there’, and elsewhere it is written: And he was there with the Lord.⁴¹ As in the latter passage it means standing and ministering, so also in the former it means standing and ministering.

And He buried him in the valley in the land of Moab over against Beth-peor.⁴² R. Berechyah said: Although [Scripture provides] a clue within a clue, nevertheless no man knoweth of his sepulchre.⁴² The wicked Government once sent to

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- (1) The Ark contained the tables of the Decalogue.
 - (2) Josh. XXIV, 32.
 - (3) Josh. XXIV, 32.
 - (4) Joseph's sons.
 - (5) His brothers. Cf. Gen. XXXVII, 12.
 - (6) Ex. XIII, 19.
 - (7) Josh. XXIV, 32.
 - (8) Viz., he who does not finish his undertaking.
 - (9) Gen. XXXVIII, 1, i.e., descended from his greatness, because he began to rescue Joseph but did not complete it.
 - (10) Ibid. 12.
 - (11) Ibid. XLVI, 12. They were Judah's sons.
 - (12) Cf. L, 25.
 - (13) Ibid. XLIV, 31.
 - (14) Ibid. XXXIX, 1.
 - (15) He interpreted the dreams which baffled them.
 - (16) For an immoral purpose, being inflamed by Joseph's beauty.
 - (17) The word Hebrew for ‘officer’ also means eunuch.
 - (18) . Cf. Gen. XLI, 45.
 - (19) Deut. III, 26.
 - (20) Num. XVI, 3.
 - (21) The meaning is that his leadership was coming to an end and Joshua was about to succeed him.
 - (22) Do not petition Me more, lest the people make reflections on My nature.
 - (23) God is stricter with the righteous because their faith will stand the test.
 - (24) Deut. XXXI, 2.
 - (25) It was his birthday.
 - (26) Ex. XXIII, 26.

- (27) Deut. XXXIV, 7.
 (28) Ibid. 1.
 (29) Deut. XXXI, 14.
 (30) Num. XXXII. 37f.
 (31) Deut. XXXIII, 21. It continues, For there was the lawgiver's portion reserved.
 (32) A mil equalled 2,000 cubits, or 3,000 feet.
 (33) Ibid.
 (34) Ps. XCIV, 16. I.e., now that Moses is dead.
 (35) The Rabbi of that name.
 (36) Eccl. VIII, 1.
 (37) Job XXVIII, 12.
 (38) Deut. XXXIV, 5.
 (39) Rashi explains it as the name of a wise man. Others take it as the designation of an angel who made the proclamation, v. Aruch.
 (40) [**trc trpx** . Lit., 'the Great Scribe'. Moses is so designated because he wrote the Torah (Maharsha). Krauss, S., (Hagoren, VII, p. 32ff) attempts to connect this appellation with the mythological idea of a heavenly Scribe by the side of the Deity determining the fate of nations and individuals].
 (41) Ex. XXXIV, 28. The word there is common to both verses.
 (42) Deut. XXXIV, 6.

Talmud - Mas. Sotah 14a

the governor¹ of Beth-peor [the message], 'Shew us where Moses is buried'. When they stood above, it appeared to them to be below; when they were below, it appeared to them to be above. They divided themselves into two parties; to them who were standing above it appeared below, and to those who were below it appeared above. This is in fulfilment of what is said: 'No man knoweth of his sepulchre'. R. Hama son of R. Hanina said: Even Moses our teacher does not know where he is buried; it is written here, 'No man knoweth of his sepulchre', and it is written elsewhere, And this is the blessing wherewith Moses the man of God blessed.² R. Hama son of R. Hanina also said: Why was Moses buried near Beth-peor? To atone for the incident at Peor.³

R. Hama son of R. Hanina further said: What means the text: Ye shall walk after the Lord your God?⁴ Is it, then, possible for a human being to walk after the Shechinah; for has it not been said: For the Lord thy God is a devouring fire?⁵ But [the meaning is] to walk after the attributes of the Holy One, blessed be He. As He clothes the naked, for it is written: And the Lord God made for Adam and for his wife coats of skin, and clothed them,⁶ so do thou also clothe the naked. The Holy One, blessed be He, visited the sick, for it is written: And the Lord appeared unto him by the oaks of Mamre,⁷ so do thou also visit the sick. The Holy One, blessed be He, comforted mourners, for it is written: And it came to pass after the death of Abraham, that God blessed Isaac his son,⁸ so do thou also comfort mourners. The Holy one, blessed be He, buried the dead, for it is written: And He buried him in the valley,⁹ so do thou also bury the dead.

'Coats of skin' — Rab and Samuel [differ in their interpretation]; one said that it means a material that grows from the skin, and the other a material from which the [human] skin derives pleasure.¹⁰

R. Simlai expounded: Torah begins with an act of benevolence¹¹ and ends with an act of benevolence. It begins with an act of benevolence, for it is written: And the Lord God made for Adam and for his wife coats of skin, and clothed them;¹² and it ends with an act of benevolence, for it is written: ‘And He buried him in the valley’.

R. Simlai expounded: Why did Moses our teacher yearn to enter the land of Israel? Did he want to eat of its fruits or satisfy himself from its bounty? But thus spake Moses, ‘Many precepts were commanded to Israel which can only be fulfilled in the land of Israel. I wish to enter the land so that they may all be fulfilled by me’. The Holy One, blessed be He, said to him, ‘Is it only to receive the reward [for obeying the commandments] that thou seekest? I ascribe it to thee as if thou didst perform them’; as it is said: Therefore will I divide him a portion with the great, and he shall divide the spoil with the strong; because he poured out his soul unto death, and was numbered with the transgressors; yet he bare the sins of many, and made intercession for the transgressors.¹³ ‘Therefore will I divide him a portion with the great’ — it is possible [to think that his portion will be] with the [great of] later generations and not former generations; therefore there is a text to declare, ‘And he shall divide with the strong’, i.e., with Abraham, Isaac and Jacob who were strong in Torah and the commandments. ‘Because he poured out his soul unto death’ — because he surrendered himself to die, as it is said: And if not, blot me, I pray thee etc.¹⁴ ‘And was numbered with the transgressors’ — because he was numbered with them who were condemned to die in the wilderness. ‘Yet he bare the sins of many’ — because he secured atonement for the making of the Golden Calf. ‘And made intercession for the transgressors’ — because he begged for mercy on behalf of the sinners in Israel that they should turn in penitence; and the word *pegi’ah* [‘intercession’] means nothing else than prayer, as it is said: Therefore pray not thou for this people, neither lift up cry nor prayer for them, neither make intercession to Me.¹⁵

CHAPTER II

MISHNAH. [THE HUSBAND] BRINGS HER MEAL-OFFERING¹⁶ IN A BASKET OF PALM-TWIGS AND PLACES IT UPON HER HANDS IN ORDER TO WEARY HER. WITH ALL OTHER MEAL-OFFERINGS, THE BEGINNING AND END OF THEIR [SACRIFICE] ARE IN MINISTERING VESSELS; BUT WITH THIS, ITS BEGINNING IS IN A BASKET OF PALM-TWIGS AND ITS END IN A MINISTERING VESSEL. ALL OTHER MEAL-OFFERINGS REQUIRE OIL AND FRANKINCENSE, BUT THIS REQUIRES NEITHER OIL NOR FRANKINCENSE. ALL OTHER MEAL-OFFERINGS CONSIST OF WHEAT, BUT THIS CONSISTS OF BARLEY. THE MEAL-OFFERING OF THE ‘OMER,¹⁷ ALTHOUGH CONSISTING OF BARLEY, WAS IN THE FORM OF GROATS; BUT THIS WAS IN THE FORM OF COARSE FLOUR. RABBAN GAMALIEL SAYS: AS HER ACTIONS WERE THE ACTIONS OF AN ANIMAL, SO HER OFFERING [CONSISTED OF] ANIMAL’S FODDER. GEMARA. It has been taught: Abba Hanin says in the name of R. Eliezer: What is the purpose [of placing the basket upon her hands]? In order to weary her so that she may retract.¹⁸ If the Torah has such consideration¹⁹ for them who transgress His will, how much more so for them who perform His will. But whence is it [known that the object of this regulation is] to show consideration; perhaps it is to avoid [the Divine Name on] the scroll being obliterated? — He is of the opinion

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- (1) This is Rashi's explanation of the word gastera. Goldschmidt, accepting it, identifies it with the latin quaestor; but Jastrow and Krauss render 'camp', connecting it with castra.
 - (2) Ibid. XXXIII, 1. The word 'man' is common to both passages.
 - (3) V. Num. XXV, 1 ff.
 - (4) Deut. XIII, 5.
 - (5) Ibid. IV, 24.
 - (6) Gen. III, 21.
 - (7) Ibid. XVIII, 1. Since the preceding verses deal with Abraham's circumcision, it is deduced that the occasion was when he was recovering.
 - (8) Gen. XXV, 11.
 - (9) Deut. XXXIV, 6.
 - (10) I.e., wool and linen respectively.
 - (11) [Gemiluth hasadim, lit., 'doing deeds of loving kindness'. The inner meaning of the phrase is 'making good', 'requiting' — a making good to man for the goodness of God and it is connected with tenderness and mercy to all men and all classes. V. J. Pe'ah. IV.]
 - (12) Gen. III, 21.
 - (13) Isa. LIII, 12.
 - (14) Ex. XXXII, 32.
 - (15) Jer. VII, 16. [It is suggested that the application of these verses to Moses was a tacit parrying of the use made of that passage by Christian apologists. V. Moore, Judaism III, p. 166, n.254.]
 - (16) Num. V, 15.
 - (17) Lev. II, 14. The Talmud (Men. 68b) argues that it consisted of barley.
 - (18) And confess, if guilty.
 - (19) In its endeavour to make the woman avoid the serious consequences of drinking the water.

Talmud - Mas. Sotah 14b

that she is first given the water to drink and then the offering is sacrificed,¹ so that if it be [suggested that the reason is] because of the scroll, [the writing] has already been obliterated.

WITH ALL OTHER MEAL-OFFERINGS etc. The following is quoted in contradiction: How is the procedure of meal-offerings? A man brings a meal-offering from his house² in silver or golden baskets, places it in a ministering vessel, hallows it in a ministering vessel, adds to it its oil and frankincense, and carries it to a priest who carries it to the altar and brings it near unto the south-west corner opposite the point of the altar's horn, and that suffices. He then moves the frankincense to one side [of the vessel], takes a handful [of the flour] from a place where its oil is abundant, sets it in a ministering vessel, hallows it in a ministering vessel, gathers its frankincense and places it on the top thereof, and sets it upon the altar and fumigates it in a ministering vessel. He next salts [the handful of flour] and sets it upon the fire. When the handful has been offered, the remainder may be eaten, and the priests are allowed to mix it with wine, oil and honey, and are only forbidden to make it leaven.³ Now here it is taught that [meal-offerings are brought only] in silver or golden baskets!⁴ — R. Papa said: The correct version [of the Mishnah] is: in vessels which are proper to be used as ministering vessels. It therefore follows that a basket of palm-twigs is not proper to be used as a vessel. This would not agree with the view of R. Jose son

of R. Judah; for it has been taught: As regards a ministering vessel of wood, Rabbi disqualifies it but R. Jose son of R. Judah allows it! — If you wish you may say that it is in accord even with the view of R. Jose son of R. Judah, because he is referring to [wooden vessels which are] valuable, but does he say that with regard to [wooden vessels which are] inferior!⁵ Does R. Jose son of R. Judah not hold with the text: Present it now unto thy governor?⁶

‘Places it in a ministering vessel and hallows it in a ministering vessel’. Is the conclusion to be drawn from this that the ministering vessels only hallow when such is the intention!⁷ — The correct version is: places it in a ministering vessel in order to hallow it in a ministering vessel. ‘Adds to it its oil and frankincense’; as it is said: He shall pour oil upon it, and put frankincense thereon.⁸ ‘And carries it to a priest’; for it is written: And he shall bring it to Aaron's sons etc.⁹ ‘Who carries it to the altar’; for it is written: And he shall bring it unto the altar.¹⁰ Brings it near unto the south-west corner opposite the point of the altar's horn, and that suffices’. Whence is this? — For it is written: And this is the law of the meal-offering: the sons of Aaron shall offer it before the Lord, before the altar;¹¹ and it has been taught: ‘Before the Lord’ — it is possible [to think that this means] on the west [side of the altar],¹² therefore the text declares, ‘Before the altar’.¹³ If [Scripture only had] ‘before the altar’, it is possible [to think that this means] on the south side, therefore the text declares, ‘Before the Lord’. So what was the procedure? He sets it on the south-west corner opposite the point of the altar's horn, and that suffices. R. Eleazar says: It is possible [to think that the meaning is] he sets it on the west of the horn or the south of the horn; but you can answer: Wherever you find two texts, one self-confirmatory and confirming the words of the other, whereas the second is self-confirmatory but annuls the words of the other, we abandon the latter and accept the former. Thus when you emphasize ‘before the Lord’ on the west [side of the altar],¹⁴ you annul ‘before the altar’ on the south side;¹⁵ but when you emphasize ‘before the altar’ on the south side,¹⁴ you confirm ‘before the Lord’ on the west side.¹⁴ What, then, is the procedure? He brings it on the south of the horn. But how do you confirm it?¹⁶ — R. Ashi said: This Tanna holds that the whole of the altar stood in the north.¹⁷

What means ‘and that suffices’?¹⁸ — R. Ashi said: It was necessary [to mention this], because otherwise it may have occurred to me to say that the bringing of the meal-offering itself [to the altar without the ministering vessel] is required. Consequently we are informed [that the contrary is the correct procedure]. But say that it is really so [and the ministering vessel is not necessary]! — The text states: And it shall be presented unto the priest, and he shall bring it unto the altar¹⁹ — as the presentation to the priest is in a [ministering] vessel, so also the bringing to the altar must be in a [ministering] vessel.

‘He then moves the frankincense to one side [of the vessel]’, so that none of it may be included in the handful taken of the meal-offering; as we have learnt: If, when he took a handful, there came into his hand a pebble or particle of salt or grain of frankincense, it is disqualified.²⁰ ‘Takes a handful [of flour] from a place where its oil is abundant’ — whence is this? For it is written: Of the fine flour thereof and of the oil thereof;²¹ of the bruised corn thereof and of the oil thereof.²² ‘Sets it in a ministering vessel and hallows it in a ministering vessel’ — for what purpose, since he has already hallowed it once? — It is analogous to the case of blood: although the knife²³ hallows it in the animal's neck, [the priest] again hallows it in a ministering vessel;²⁴ so here, too, there is no difference. ‘Gathers its frankincense and places it on the top thereof; for it is written: And all

the frankincense which is upon the meal-offering.²⁵ 'And sets it upon the altar

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- (1) This question is discussed infra 19a. The effects of the water take place only after the offering of the meal-offering.
 - (2) To the Temple-court.
 - (3) V. Tosefta Men. I, 16f. The whole passage is explained anon.
 - (4) And not in ministering vessels as taught in the Mishnah.
 - (5) E.g., of palm-twigs.
 - (6) Mal. I, 8. The context is a denunciation of offering inferior animals. The same rule applies to vessels used in the Temple.
 - (7) On this there is a difference of opinion, one being that the vessels automatically hallow their contents, v. Men. 7a.
 - (8) Lev. II, 1. This is done by the person who presents the offering.
 - (9) Ibid. 2.
 - (10) Ibid. 8.
 - (11) Ibid. VI, 7, E.V. 14.
 - (12) Since this side faced the Holy of Holies which was located in the west of the Temple-area.
 - (13) Lit., 'before the face of the altar'. I.e., the face of the altar which was towards the south. [Since the north side of the altar was designated 'the side' **l r h**, i.e., the rear (v. Lev. I. 11) the face of the altar must denote the south side.]
 - (14) V. note 6.
 - (15) V. note 7.
 - (16) If the meal-offering is to be brought to the south side of the altar, it is not opposite the entrance of the Sanctuary, which is on the West.
 - (17) Of the Temple-area. So that the south of the altar faced the entrance of the Sanctuary and is thus described as 'before the Lord'.
 - (18) What else could he think was necessary?
 - (19) Lev. II, 8.
 - (20) As not being a complete handful.
 - (21) Ibid. 2.
 - (22) Ibid. 16.
 - (23) Which is regarded as a utensil of the Sanctuary.
 - (24) I.e., the basin in which the blood is received.
 - (25) Lev. VI, 8, E.V. 15.

Talmud - Mas. Sotah 15a

and fumigates it in a ministering vessel'. He fumigates it in a ministering vessel' [you say]!¹ — The correct version is: and sets it upon the altar in a ministering vessel to fumigate it. He next salts [the handful of flour] and sets it upon the fire'; for it is written: And every oblation of thy meal-offering shalt thou season with salt.² 'When the handful has been offered, the remainder may be eaten'. Whence is this? — For it is written: And the priest shall burn the memorial of it etc.,³ and it is written: And that which is left of the meal-offering shall be Aaron's and his sons'.⁴ 'When the handful has been offered etc.' — this⁵ is differently explained by two teachers; for it has been reported: From what time does the taking of the 'handful' render the eating of the remainder

permissible? R. Hanina says: When the fire takes hold of it; R. Johanan said: When the fire burns the greater part of it. 'And the priests are allowed to mix it with wine, oil and honey' — for what reason? The text states: By reason of the anointing,⁶ i.e., as a mark of eminence, in the same manner as kings take their food. 'And are only forbidden to make it leaven'; for it is written: It shall not be baked with leaven, their portion⁷ — R. Simeon b. Lakish says: [It means] that even their portion must not be baked with leaven.

WITH ALL OTHER MEAL-OFFERINGS etc. But do all other meal-offerings⁸ require oil and frankincense? Behold, there is the meal-offering of the sinner concerning which the All-Merciful said: He shall put no oil upon it, neither shall he put any frankincense thereon!⁹ — This is what he intends: All other meal-offerings require oil and frankincense, and consist of wheat in the form of fine flour; but the meal-offering of the sinner, although it does not require oil and frankincense, consists of wheat in the form of fine-flour; the meal-offering of the 'omer, although it consists of barley, requires oil and frankincense and is in the form of groats; but this one [of the suspected woman] does not require oil and frankincense, and consists of barley in the form of coarse flour.

It has been taught: R. Simeon said: It is right that the meal-offering of a sinner should require oil and frankincense, so that a sinner should not gain;¹⁰ why, then, are they not required? That his offering should not be luxurious. It is also right that an ordinary sin-offering¹¹ should require drink-offerings, so that a sinner should not gain; why, then, are they not required? That his offering should not be luxurious. The sin-offering of a leper, however, and his trespass-offering do require drink-offerings because they are not due to sin. But that is not so; for, behold R. Samuel b. Nahmani said in the name of R. Jonathan: On account of seven faults does the plague of leprosy occur etc.!¹² — In this case he received atonement [of his sin] by the plague¹³ he suffered; and when he brings an offering, it is only to allow him to participate in what is holy.¹⁴ According to this conclusion, the sin-offering of a Nazirite should require drink-offerings, since it is not due to a sin! He holds with R. Eliezer ha-Kappar who said: A Nazirite is also a sinner.¹⁵

RABBAN GAMALIEL SAYS, AS etc. It has been taught: Rabban Gamaliel¹⁶ said to the Sages: Learned men, permit me to explain this allegorically.¹⁷

(1) [Surely the fumigation does not take place at this stage! Rashi deletes the words 'in a ministering vessel', as the question is concerned only with the act of fumigation].

(2) Lev. II, 13.

(3) Ibid. 16.

(4) Ibid. 10.

(5) The meaning of the term offered used in this connection.

(6) Num. XVIII, 8. Anointing occurred at the induction of a priest and a king.

(7) Lev. VI, 10.

(8) With the exception of that of the suspected woman.

(9) Ibid. V, 11.

(10) By being spared the cost of these ingredients.

(11) Lit., 'sin-offering of (forbidden) fat', because the words ye shall eat neither fat nor blood (Lev. III, 16) are followed by Chap. IV which deals with the sin-offering.

(12) Enumerated in 'Ar. 16a, v. Shebu. 8a.

(13) Suffering, according to the Rabbis, is a means of atonement.

(14) The offerings were purificatory in their intention, and unlike an ordinary sin-offering, which is brought in expiation.

(15) Because he abstained from wine. V. Naz. 22a.

(16) [Apparently Gamaliel III, the son of R. Judah ha-Nasi, a contemporary of R. Meir; v. Chayes. Z.H., notes; and Lauterbach, JQR (N.S.), I, p. 514, where the whole passage is discussed. V. also Wahrmann, Untersuchungen, I, p. 26ff.]

(17) **rnj** For the term here used, v. Lauterbach op. cit. I 291ff., 503ff, especially p. 509 and Kid. 22b.

Talmud - Mas. Sotah 15b

He had heard R. Meir say: She fed him with the dainties of the world; therefore her offering is animal's fodder.¹ Then said he to him, You may be right about a rich woman, but what of a poor woman! But [the reason is], As her actions were the action of an animal, so her offering [consisted of] animal's fodder.

MISHNAH. [THE PRIEST] TAKES AN EARTHENWARE BOWL AND POURS HALF A LOG OF WATER INTO IT FROM THE LAVER. R. JUDAH SAYS: A QUARTER [OF A LOG]. JUST AS [R. JUDAH] REDUCES THE AMOUNT OF WRITING,² SO HE REDUCES THE QUANTITY OF WATER. [THE PRIEST] ENTERS THE TEMPLE AND TURNS RIGHT. THERE WAS A PLACE THERE A CUBIT SQUARE IN EXTENT WITH A MARBLE TABLET, TO WHICH A RING WAS ATTACHED. HE LIFTS THIS OUT, TAKES SOME DUST FROM BENEATH IT WHICH HE PUTS [INTO THE BOWL] JUST SUFFICIENT TO BE VISIBLE ABOVE THE WATER; AS IT IS SAID, AND OF THE DUST THAT IS ON THE FLOOR OF THE TABERNACLE THE PRIEST SHALL TAKE, AND PUT IT INTO THE WATER.³

GEMARA. A Tanna taught: [The priest takes] a new earthenware bowl — such is the opinion of R. Ishmael. What is R. Ishmael's reason?⁴ — He derives it from the common use of the word 'vessel' [here and in the law] of a leper. As with the latter new earthenware was required, so here likewise was new earthenware required. Whence is it that there [with a leper it must be new]? — For it is written: And the priest shall command to kill one of the birds in an earthen vessel over running water⁵ — as it must be running water which has not been previously used, so also it must be a vessel which has not been previously used. According to this argument, as there [with a leper] it had to be running water, so also here [with a suspected woman] it had to be running water! — In the view of R. Ishmael that is indeed so; for R. Johanan said the water from the laver⁶ was according to R. Ishmael spring-water, and the Sages declare that it can be ordinary water. It may, however, be objected [to this argument] that as with a leper it is necessary to have cedar wood, hyssop and scarlet,⁷ [so are these required with the water of bitterness]⁸ — Rabbah said: The text mentions in an earthen vessel,⁹ i.e., a vessel to which I referred previously.¹⁰ Raba said: [The Rabbis in our Mishnah] did not teach [that a used vessel may be employed] except when its exterior is not blackened [by smoke]; but if its exterior is blackened it is unfit for use. What is their reason? — It is analogous to the water: just as the water must not be changed in appearance,¹¹ so also the vessel must not be changed in appearance. Raba asked: How is it if the earthenware had been blackened and re-whitened by being passed through the furnace again? Do

we say that since it has once been rejected, it remains rejected; or perhaps, since it has been restored, it is suitable? — Come and hear: ‘R. Eleazar says: If a man twisted cedar wood, scarlet and hyssop into a cord for the purpose of carrying his bundle on his back, they are unfit [to be used in the ceremony of purification];’ and yet they are here again smoothed out!¹² But in that case we suppose that [some of the material] has been peeled off.¹³

[THE PRIEST] ENTERS THE TEMPLE AND TURNS RIGHT etc. For what reason? Because a Master has declared: All the turns which thou dost make must only be to the right.

THERE WAS A PLACE THERE A CUBIT etc. Our Rabbis have taught: ‘And of the dust that is etc.’ — it is possible to think that [the priest] may prepare [dust] from outside and bring it in; therefore there is a text to state, ‘On the floor of the tabernacle’. If ‘on the floor of the tabernacle’, it is possible to think that he may dig for it with an axe; therefore there is a text to state ‘that is’. How was it done? If [dust] is there, take of it; if none is there, put some there [and take of it]. Another [Baraita] taught: ‘And of the dust that is’ — this teaches that he prepares some from outside and brings it in. ‘On the floor of the tabernacle’ — Issi b. Judah says: It includes the floor

(1) V. supra p. 75.

(2) V. next Mishnah, p. 87.

(3) Num. V, 17.

(4) For requiring a new bowl.

(5) Lev. XIV, 5.

(6) [Which water was used for the water of bitterness.]

(7) V. ibid. 4.

(8) The Torah does not require these things, and so the analogy is false.

(9) [And not ‘he shall take a vessel and put in it etc.’]

(10) Viz., in the law of the leper. Hence it is established that a new vessel is also necessary in the ceremony of the water of bitterness.

(11) Although they do not insist on running water, it must not be discoloured by dirt.

(12) When they are disconnected. So by analogy the earthenware cannot be made fit for use by re-whitening.

(13) While it was used as a cord; therefore the restoration is not complete. But in the case of the vessel there is complete restoration and so it is allowed.

Talmud - Mas. Sotah 16a

[of the Tabernacle] in Shiloh, Nob, Gideon and the permanent Temple; Issi b. Menahem says: It is unnecessary [to include the permanent Temple];¹ if in the case of a minor defilement² Scripture does not differentiate [between the temporary Tabernacle and the permanent Temple], in the case of the defilement of a married woman³ how much more so [is it unnecessary to differentiate]. Why, then, does the text state ‘on the floor of the tabernacle’? He may not take it from the midst of a heap.⁴

The following question was asked: If there is no dust, how is it about putting ashes there? According to the view of Beth Shammai, the question does not arise because they said that we

never find ashes called dust; but the question does arise according to the view of Beth Hillel because they said that we do find ashes called dust.⁵ How is it then? Although the word ‘dust’ is used, it is here written ‘on the floor of the tabernacle’;⁶ perhaps, however, the phrase ‘on the floor of the tabernacle’ is intended to be understood according to the interpretation of Issi b. Judah and Issi b. Menahem?⁷ — Come and hear: for R. Johanan said in the name of R. Ishmael: In three places the halachah crushes the Scriptural text under heel:⁸ the Torah states with dust,⁹ whereas the halachah allows [the blood to be covered] with anything; the Torah states no razor,¹⁰ whereas the legal decision is [that a Nazirite may not shave] with anything; the Torah states a book,¹¹ whereas the legal decision [allows] any [form of document]. Now if this¹² is so, it should also have been enumerated! — He taught [some instances] and omitted others. What else, then, did he omit?¹³ — He omitted [the shaving] of a leper;¹⁴ for it has been taught: And it shall be on the seventh day that he shall shave all his hair — that is a generalization; off his head and his beard and his eyebrows — that is a particularization; even all his hair he shall shave off¹⁵ — that is again a generalization. Now [the rule of exegesis is]: when there is a general proposition, followed by the enumeration of particulars, and this is followed by a general proposition, include only that which resembles the particulars.¹⁶ As the particulars refer to a part [of the body] where the hair grows and is visible, so every place where the hair grows and is visible [comes within the scope of the law]. What does it include? It includes the hair on the private part. What does it exclude? It excludes that of the arm-pit and the whole body [which is normally covered]. The halachah, however, is: he shaves himself as smooth as a gourd.¹⁷ For we have learnt: When [the priest] comes to shave the leper, he passes a razor over all his flesh;¹⁸ and it continues,¹⁹ On the seventh day he shaves²⁰ the second shaving after the manner of the first.²¹ R. Nahman b. Isaac said: [R. Johanan] enumerated instances where the halachah crushes the Scriptural text under heel; but here it crushes a Rabbinical teaching²² under heel.²³ R. Papa said: [R. Johanan] enumerated instances where the halachah crushes the Scriptural text under heel and overthrows it; but here it crushes the text under heel and extends it.²⁴ R. Ashi said: According to whom is this teaching [that only the visible parts of the body are to be shaved]? It is R. Ishmael who expounds [the Torah] by the rule of generalization and particularization.²⁵

(1) In Jerusalem.

(2) I.e., entrance into the Temple-precincts while ritually unclean. This is not an offence punished by a Court with death.

(3) Which is a capital crime.

(4) It must first be scattered on the floor. [In contradiction to the second Baraita cited which permits the bringing in dust from elsewhere and putting it forthwith into the water].

(5) This matter, with reference to covering the blood after slaughter of an animal, is discussed in Hul. 88b.

(6) So it is impossible to think that ashes could be meant.

(7) If these words intend the inclusion of temporary Sanctuaries and the Temple, then ‘dust’ could here signify ashes.

(8) I.e., practice goes beyond the letter of the Torah.

(9) Lev. XVII, 13.

(10) Num. VI, 5.

(11) So literally, of a letter of divorcement (Deut. XXIV, 1).

(12) The use of ashes instead of dust.

(13) [He would not in enumeration just stop short at one point.]

- (14) This refers to the second act of shaving. The leper was shaved twice; see Lev. XIV, 8 and 9.
- (15) Lev. XIV, 9.
- (16) V. Shebu (Sonc. ed.) p. 13, n. 3.
- (17) I.e., all over his body.
- (18) Neg. XIV. 2.
- (19) Ibid 3.
- (20) [This is a reading of Rashi which is preferable to that of the cur. edd: 'on the seventh day he shall shave', as this is a quotation of Neg. XIV. 3.]
- (21) Over all the body.
- (22) [A teaching derived from Rabbinic exegesis. MS.M. reads 'Midrash'; v. Chajes, Z.H. ntes.]
- (23) And therefore R. Johanan's list of three cases is complete.
- (24) [By shaving the whole body the demands of the text are not set aside but extended.]
- (25) He elaborated thirteen rules of interpretation, and that quoted above is one of them. [And so according to R. Ishmael in whose name the above enumeration was reported by R. Johanan the list is complete].

Talmud - Mas. Sotah 16b

According to whom [is the teaching that he must be shaved the second time] as smooth as a gourd? It is R. Akiba who expounds [the Torah] by the rule of amplification and limitation; for it has been taught: 'And it shall be on the seventh day that he shall shave all his hair' — that is an amplification; 'off his head and his beard and his eyebrows' — that is a limitation; 'even all his hair he shall shave off' — that is again an amplification. Now [the rule of exegesis is]: Where there is an amplification, followed by a limitation, and this is followed by an amplification, the amplification applies to the whole. In which respect is there an amplification? It includes all the body [to be shaved]. In which respect is there a limitation? It excludes the hair which grows inside the nostril. How is it, then, with our original question [whether ashes may be used when there is no dust]? — Come and hear: For R. Huna b. Ashi said in the name of Rab: If there is no dust there, he brings decayed herbage and hallows it! — But this is no proof. Decayed herbage may indeed be [called] dust but not ashes.

JUST SUFFICIENT TO BE VISIBLE ABOVE THE WATER. Our Rabbis have taught: Three things must be visible, viz., the dust in the ceremony of the suspected woman, the ashes in the ceremony of the red heifer¹ and the spittle in the ceremony of Halizah.² They said in the name of R. Ishmael, Also the blood of the bird.³ What is R. Ishmael's reason? — Because it is written: And shall dip them in the blood of the bird etc.;⁴ and it has been taught: 'in the blood' — it is possible [to think that they must be dipped] in blood and not in water; therefore the text declares '[over the running] water'. If Scripture [had only mentioned] 'water', it would be possible [to think that they must be dipped] in water and not in blood; therefore the text declares 'in the blood'. What, then, was the procedure? He brings water in which the blood of the bird is recognisable. What is the quantity? A quarter [of a log]. And [why is this instance not included in their enumeration by] the Rabbis? — That is part of the subject-matter; for thus said the All-Merciful, Dip in blood and water.⁵ [How is this argument met by] R. Ishmael? — In that case, the All-Merciful should have written: 'And he shall dip in them'; so why [is it stated] in blood and in water? That [the blood] must be recognisable. And [how is this argument met by] the Rabbis? — If the All-Merciful had written: 'And he shall dip in them', I might have imagined [that he was to dip] in each separately;

therefore He wrote ‘in blood and in water’ to indicate that they must be mixed. [How does] R. Ishmael [answer this point]? That they are to be mixed [is learnt from] another verse; it is written: And kill one of the birds in an earthen vessel over running water.⁶ [How do] the Rabbis [answer this point]? — If [we had to learn it] from that passage, we might have thought that he is to kill it near a vessel, press the jugular veins,⁷ and receive the blood in another vessel. Hence we are informed [by this verse that the killing must be done over the vessel containing the water].

R. Jeremiah asked R. Zera, How is it if [the bird] was so big that [its blood] effaced [all trace of] the water, or if it was so small that [all trace of its blood] was effaced by the water? He answered: Have I not told thee not to take thyself beyond the legal decision?⁸ The Rabbis estimated [the quantity of a quarter of a log] by a free bird;⁹ and this is never so big that [its blood] should efface [all trace of] the water, nor so small that [all trace of its blood] should be effaced by the water.

Our Rabbis have taught: If he put the dust [in the bowl] before the water, it is invalid; but R. Simeon allows it. What is the reason of R. Simeon? — Because it is written: And for the unclean they shall take of the dust of the burning of the sin-offering,¹⁰ and it has been taught: R. Simeon said: Was it dust and not ashes? The text changes the expression to indicate that a conclusion was to be drawn from it by the rule of analogy: it is mentioned here ‘dust’, and there [in the ceremony of the suspected woman] it is also mentioned ‘dust’; as in the second instance the dust had to be placed over the water,¹¹ so also here the dust had to be placed over the water; and further, as it is valid here if he put the dust on before the water, so also there [in the ceremony of the suspected woman] it is valid if he put the dust on before the water.¹² Whence is this derived there [in the rite of the red heifer]? — There are two texts: It is written thereto,¹³ consequently the ashes are first; and it is written running water in a vessel, consequently the water is first. So what was the procedure? He can put either in first. [How is this interpretation answered by] the Rabbis?¹⁴ — ‘In a vessel’ — precisely so;¹⁵ ‘thereto’- that they are to be mixed. But say rather that ‘thereto’ means precisely so;¹⁶ and ‘in a vessel’ means that the water must be poured directly into the vessel from the spring!¹⁷ — As we find that everywhere it is the qualifying element which is on top,¹⁸ so also here¹⁹ the qualifying element must be on top.

(1) Num. XIX.

(2) V. Glos.

(3) Used in the purificatory rites of a leper.

(4) Lev. XIV, 6.

(5) So long as there is some blood in the water, even if it cannot be distinguished.

(6) Lev. XIV, 5.

(7) So that no blood escapes while carrying it to the other vessel.

(8) Not to raise questions about exaggerated points in connection with the decisions.

(9) Such as flies in and out of a house. [A swallow; v. Lewysohn Zoologic, p. 206ff].

(10) Num. XIX, 17. The text has the word for dust, not ‘ashes’.

(11) As stated in Num. V, 17.

(12) As explained anon.

(13) Ibid., running water shall be put thereto.

(14) Who declare that the rite is invalid if the dust is placed in the bowl before the water.

- (15) I.e., the water must be poured in first.
- (16) The water to be poured on the ashes.
- (17) It must be running water, and not poured from another vessel.
- (18) [In the case of a suspected woman, and of a leper, the qualifying elements — i.e., the dust which gives the water of bitterness its efficacy and the blood of the bird — must be placed on top as indicated by the plain meaning of the Scriptural texts: Num. V, 17, and Lev. XIV, 6.]
- (19) With the ashes of the red heifer.

Talmud - Mas. Sotah 17a

MISHNAH. WHEN HE COMES TO WRITE THE SCROLL, FROM WHAT PLACE DOES HE WRITE? FROM IF NO MAN HAVE LAIN WITH THEE¹ . . . BUT IF THOU HAST GONE ASIDE, BEING UNDER THY HUSBAND ETC.² HE DOES NOT, HOWEVER, INCLUDE, THEN THE PRIEST SHALL CAUSE THE WOMAN TO SWEAR,³ BUT CONTINUES WITH, THE LORD MAKE THEE A CURSE AND AN OATH . . . AND THIS WATER THAT CAUSETH THE CURSE SHALL GO INTO THY BOWELS AND MAKE THY BELLY TO SWELL, AND THY THIGH TO FALL AWAY.⁴ HE DOES NOT, HOWEVER, INCLUDE, AND THE WOMAN SHALL SAY, AMEN, AMEN. R. JOSE SAYS, HE MAKES NO OMISSIONS.⁵ R. JUDAH SAYS, HE WRITES NONE OF ALL THIS EXCEPT, THE LORD MAKE THEE A CURSE AND AN OATH ETC. AND THIS WATER THAT CAUSETH THE CURSE SHALL GO INTO THY BOWELS ETC. AND DOES NOT INCLUDE, AND THE WOMAN SHALL SAY, AMEN, AMEN.

GEMARA. On what point do they differ? — They differ in [the interpretation of] the following verse: And the priest shall write these curses in a book.⁶ R. Meir⁷ is of the opinion that curses denotes [the passages which are] actually curses;⁸ the curses⁹ is to include the curses which result from the benedictions;¹⁰ ‘these’ is to exclude the curses in Deuteronomy;¹¹ ‘the these’ is to exclude instructions [given to the officiating priest] and the responses of Amen [made by the woman]. R. Jose agrees with all that has been stated, except that he interprets the particle ‘eth¹² as indicating the inclusion of instructions and responses, whereas R. Meir draws no deductions from the occurrences of the particle ‘eth. R. Judah, on the other hand, expounds all the above points as implying limitation; ‘curses’ denotes [the passages which are] actually curses; ‘the curses’ is to exclude the imprecations which result from the benedictions; ‘these’ is to exclude the imprecations in Deuteronomy; ‘the these’ is to exclude instructions and responses. What is the difference that R. Meir interprets the definite article [in the curses] as implying amplification and the definite article [in the these] as implying limitation? — When the definite article occurs in connection with amplification¹³ it also denotes amplification, and when it occurs in connection with limitation¹⁴ it also denotes limitation. But R. Meir does not accept the rule that an affirmative is to be deduced as the corollary of a negative!¹⁵ — R. Tanhum said: It is written hinnaki.¹⁶

R. Akiba expounded: When husband and wife are worthy, the Shechinah abides with them; when they are not worthy fire consumes them.¹⁷ Raba said: [The fire which results] from the woman is severer than that from the man.¹⁸ What is the reason? In the case of the former [the letters aleph and shin] are consecutive, but not in the case of a man.¹⁹

Talmud - Mas. Yevamoth 2a

CHAPTER I

MISHNAH. FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS¹ AND THE RIVALS OF THEIR RIVALS² AND SO ON, AD INFINITUM,³ FROM THE HALIZAH⁴ AND FROM THE LEVIRATE MARRIAGE;⁵ AND THESE ARE THEY: HIS DAUGHTER,⁶ THE DAUGHTER OF HIS DAUGHTER⁷ AND THE DAUGHTER OF HIS SON;⁷ THE DAUGHTER OF HIS WIFE,⁸ THE DAUGHTER OF HER SON AND THE DAUGHTER OF HER DAUGHTER; HIS MOTHER-IN-LAW,⁹ HIS MOTHER-IN-LAW'S MOTHER,¹⁰ AND HIS FATHER-IN-LAW'S MOTHER,¹⁰ HIS MATERNAL SISTER,¹¹ HIS MOTHER'S SISTER,¹¹ HIS WIFE'S SISTER AND HIS MATERNAL BROTHER'S WIFE;¹²

(1) Heb., zarah, **זרה** 'rival'. Where a husband has more than one wife, each woman is a zarah in relation to the other. The term is derived from **צר** which signifies oppression, hence 'rival', 'adversary', as in I Sam. I, 6 (cf. Kimhi a.l.) or 'to tie up', 'to bind', hence 'associate', 'co-wife'.

(2) The co-wives of a rival through a second marriage.

(3) **וקיגו ; ויגו** lit., 'to the end of the world'.

(4) **במקד** (rt. . **קד** , 'to take off' or 'to loosen'), the ceremony of drawing off the shoe of the brother of her husband who died without issue. According to Biblical law (v. Deut. XXV, 5-9) the brother-in-law must either marry the widow (v. following note) or be subjected to halizah.

(5) **זונה**, rt. **זנה** 'to marry the levir'. Any woman coming under the fifteen categories enumerated below is not only herself exempt from halizah and yibbum but exempts also her own rivals as well as the rivals of her rivals, ad infinitum, as explained anon.

(6) Who had been married to his brother who subsequently died childless. Since he is forbidden to marry his daughter he is thereby also forbidden to marry any of her rivals, the widows of his deceased childless brother. 'HIS DAUGHTER' includes even one born to him as a result of outrage, v. infra.

(7) Cf. previous note. All the fifteen categories enumerated are among the near relatives whom a man is forbidden to marry in accordance with the explicit and implicit prohibitions in Lev. XVIII, 6ff.

(8) From a former husband.

(9) Who, after the death of her husband, had married his brother who subsequently died childless.

(10) The prohibition to marry in this case is derived in Sanhedrin 75a from Lev. XVIII, 17.

(11) Who was married to his paternal brother. The laws of the levirate marriage and halizah are applicable to a paternal, but not to a maternal brother.

(12) Who, after the death of her husband, had married his paternal brother.

Talmud - Mas. Yevamoth 2b

THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY,¹ AND HIS DAUGHTER-IN-LAW,² ALL THESE EXEMPT THEIR RIVALS AND THE RIVALS OF THEIR RIVALS, AND SO ON, AD INFINITUM, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE. IF, HOWEVER, ANY AMONG THESE³ DIED,⁴ OR MADE A DECLARATION OF REFUSAL,⁵ OR WERE DIVORCED, OR WERE FOUND INCAPABLE OF PROCREATION, THEIR RIVALS ARE PERMITTED;⁶ THOUGH, OF COURSE, ONE

CANNOT SAY OF A MAN'S MOTHER-IN-LAW, OF THE MOTHER OF HIS MOTHER-IN-LAW AND OF THE MOTHER OF HIS FATHER-IN-LAW THAT THEY WERE FOUND INCAPABLE OF PROCREATION OR THAT THEY MADE A DECLARATION OF REFUSAL.⁷

HOW IS THE EXEMPTION OF THEIR RIVALS [BY THE WOMEN MENTIONED], TO BE UNDERSTOOD? IF A MAN'S DAUGHTER OR ANY OTHER OF THESE FORBIDDEN RELATIVES WAS MARRIED TO HIS BROTHER WHO HAD ALSO ANOTHER WIFE [AT THE TIME] WHEN HE DIED, THEN AS HIS DAUGHTER IS EXEMPT SO IS HER RIVAL EXEMPT. IF HIS DAUGHTER'S RIVAL WENT AND MARRIED A SECOND BROTHER OF HIS,⁸ WHO ALSO HAD YET ANOTHER WIFE WHEN HE DIED, THEN AS THE RIVAL OF HIS DAUGHTER IS EXEMPT SO IS ALSO HIS DAUGHTER'S RIVAL'S RIVAL EXEMPT, EVEN IF THERE WERE A HUNDRED [BROTHERS].⁹

HOW [IS ONE TO UNDERSTAND THE STATEMENT THAT] IF THEY HAD DIED, THEIR RIVALS ARE PERMITTED?¹⁰ IF A MAN'S DAUGHTER OR ANY OTHER OF THESE FORBIDDEN RELATIVES WAS MARRIED TO HIS BROTHER WHO HAD ALSO ANOTHER WIFE, THEN, IF HIS DAUGHTER DIED OR WAS DIVORCED, AND HIS BROTHER DIED SUBSEQUENTLY, HER RIVAL IS PERMITTED.¹⁰

THE RIVAL OF ANY ONE WHO IS ENTITLED TO MAKE A DECLARATION OF REFUSAL¹¹ BUT DID NOT EXERCISE HER RIGHT, MUST PERFORM HALIZAH [IF HER HUSBAND DIED CHILDLESS], AND MAY NOT CONTRACT LEVIRATE MARRIAGE.¹²

GEMARA. Consider: All these¹³ are deduced from the [exemption of] a wife's sister.¹⁴ Why then was not HIS WIFE'S SISTER mentioned¹⁵ first?¹⁶ And if it be replied that the Tanna enumerated¹⁷ [the forbidden relatives] in the order of the degrees of their respective severity,¹⁸ and that it [our Mishnah] represents the view of R. Simeon who regards burning¹⁹ as the severest,²⁰ [it may be retorted that], if that is the case,²¹ HIS MOTHER-IN-LAW should have been mentioned¹⁶ first, since [Scripture] enunciated the principle of burning in the case of a mother-in-law.²² And, furthermore, HIS DAUGHTER-IN-LAW should have come¹⁵ immediately after HIS MOTHER-IN-LAW, since, next to burning, stoning²³ is the severest penalty! — But [this in fact is the proper reply]: Since [the prohibition of intercourse with] 'HIS DAUGHTER'²⁴ has been arrived at by exposition²⁵ it is given preference.²⁶

(1) Lit., 'in his world', i.e., who died before he was born. Such a brother's widow and her rivals etc. are exempt. If, for instance, C was born after his brother A had died childless, so that his widow, N married (in accordance with the laws of the levirate marriage) a contemporary brother of his, B, who had another wife, or wives, and B also died childless, all B's widows are exempt from halizah and yibbum as far as C is concerned on account of N who is forbidden to him.

(2) Who married his brother after the death of his son. The marriage of a daughter-in-law is forbidden for ever, even after the death of one's son.

(3) Lit., '(in the case of) all of them'.

(4) Prior to the death of her husband who subsequently died childless.

(5) Such a declaration, mi'un **iuthn**, may be made against her husband (without any further necessity for a

divorce) by a wife, while she is a minor, or as soon as she becomes of age, prior to cohabitation, in cases where she was betrothed either (a) as an orphan, by her mother or brothers or (b) even in the lifetime of her father (v. infra 109a) if she was once divorced (after her father had contracted for her a betrothal) and was betrothed again while still a minor.

(6) I.e., levirate marriage may be contracted, or halizah must be performed.

(7) For, having given birth they must be of age.

(8) Whenever one of the surviving brothers is not related to either of the widows, but another brother is, it is his duty to perform the levirate marriage or to submit to halizah.

(9) Everyone of whom had also another wife or wives and the rival's rival married them in turn, ad infinitum.

(10) V. p. 2, n. 7.

(11) A minor (V. supra, p. 2, n. 6).

(12) V. Gemara infra.

(13) Exemptions enumerated in our Mishnah.

(14) V. infra.

(15) Lit., 'let him teach'.

(16) In the list.

(17) Lit., 'took'.

(18) The degree of the severity of the penalty incurred by sexual intercourse with one of these relatives.

(19) The death penalty incurred for sexual intercourse with one of the first eight categories enumerated in our Mishnah. V. Sanh. 75a.

(20) Of the four death penalties. V. Sanh. 49b.

(21) Lit., 'if so'.

(22) Lev. XX, 14.

(23) The penalty for intercourse with one's daughter-in-law. V. Sanh. 53a.

(24) I.e., born as a result of outrage. V. supra p. 1, n. 6.

(25) V. infra.

(26) Lit., 'beloved to him'.

Talmud - Mas. Yevamoth 3a

[The law, surely,] concerning all the others also was arrived at¹ by exposition!² — Granted that in respect of [exemption from] the levirate marriage [the law in relation to them] was arrived at by exposition, the principle of prohibition [of sexual intercourse] with them has been explicitly enunciated in Scripture, [while as regards] his daughter³ the very principle underlying the prohibition [of intercourse with her] has been arrived at by exposition; for Raba⁴ stated: R. Isaac b. Abdimi told me, 'Hennah⁵ is derived from hennah⁶ and zimmah⁷ is derived from zimmah'.⁸

Now that it has been stated that preference is given to whatever is arrived at by exposition, the Tanna should have placed⁹ HIS WIFE'S SISTER last!¹⁰ — As he was dealing with a prohibition due to sisterhood¹¹ he mentioned also HIS WIFE'S SISTER. Then let him relegate⁹ the entire passage¹² to the end!¹³ — But [this is really the explanation]: The Tanna follows the order of the respective degrees of kinship. He, therefore, mentions [first] HIS DAUGHTER, THE DAUGHTER OF HIS DAUGHTER AND THE DAUGHTER OF HIS SON because they are his own next of kin; and since he enumerated three generations of his relatives in descending order he enumerated also three generations of her¹⁴ relatives in descending order. Having enumerated three

generations of her¹⁴ relatives in descending order he proceeded to enumerate also three generations of her relatives in ascending order. He then mentions HIS SISTER and HIS MOTHER'S SISTER who are his blood¹⁵ relatives;¹⁶ and while dealing with prohibitions due to brotherhood he also mentions HIS WIFE'S SISTER. And it would indeed have been proper that HIS DAUGHTER-IN-LAW should be placed before THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY, since it is not on account of kinship¹⁷ that the latter is forbidden, but as he was dealing with a prohibition due to brotherhood he mentioned also THE WIFE OF HIS BROTHER WHO WAS NOT HIS CONTEMPORARY and then mentioned HIS DAUGHTER-IN-LAW.

What argument can be advanced for using¹⁸ the expression EXEMPT¹⁹ and not that of²⁰ 'prohibit'?²¹ — If 'prohibit' had been used it might have been assumed that the levirate marriage only was forbidden but that halizah²² must nevertheless be performed,²³ hence it was taught²⁴ [that halizah also need not be performed]. Let it then be stated,²⁵ 'She is forbidden to perform halizah!²⁶ — No harm, surely, is thereby done.²⁷ But why indeed should not [the expression of prohibition be applicable to halizah]? If you were to say that halizah is permissible, [one might say that] levirate marriage is also permitted!²⁸ — As a rival²⁹ is forbidden only where the commandment [of the levirate marriage] is applicable but is permitted where the commandment is not applicable,³⁰ it was therefore necessary to use the expression, EXEMPT.³¹

What justification is there for stating, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE when it would have been sufficient to state³² FROM THE LEVIRATE MARRIAGE only?³³ — If FROM THE LEVIRATE MARRIAGE only had been stated it might have been assumed that she must perform halizah³⁴ though she is exempt from the levirate marriage, hence it was taught³⁵ that whoever is subject³⁶ to the obligation of levirate marriage is also subject to halizah and whosoever is not subject to the obligation of the levirate marriage is not subject to halizah.

Let it [first] be stated,³⁷ FROM THE LEVIRATE MARRIAGE [and then] FROM THE HALIZAH,³⁸ or else only FROM THE HALIZAH?³⁹ — This Mishnah represents the view of Abba Saul who maintains that the commandment of halizah takes precedence over that of levirate marriage.⁴⁰

What [was intended] to be excluded [by the] numeral at the beginning⁴¹ and what [again was intended] to be excluded [by the] numeral at the end?⁴²

(1) In respect to their exemption from the levirate marriage.

(2) By deduction from the law of a wife's sister.

(3) V. n. 2.

(4) Others, 'Rab', who was a disciple of R. Isaac b. Abdimi, v. Tosaf. s.v. **rnts** a.l.

(5) **vbv** ('they' or 'theirs') in Lev. XVIII, 10 which deals according to Talmudic interpretation with the daughter of his son, or of his daughter that was born from an outraged woman, but not with the daughter herself.

(6) Ibid. v. 17 which places a daughter on the same footing as a son's and a daughter's daughter. By this analogy the inference is arrived at that intercourse even with a daughter from an outraged woman is forbidden.

(7) **Vnz** ('lewdness' or 'wickedness'), ibid. where the penalty of burning is not mentioned.

- (8) Ibid. XX, 14 where the penalty of burning with fire is explicitly stated. Thus it is shown that the very foundation of the prohibition of sexual intercourse with a daughter from an outraged woman, as well as the death penalty of burning which the crime involves, are entirely dependent on inferences arrived at by exposition, v. Sanh. 51a.
- (9) Lit., 'let him teach'.
- (10) In the list in our Mishnah; since, as will be shewn infra, the exemption from levirate marriage in respect of all the others is derived by exposition from 'his wife's sister'.
- (11) 'His mother's sister', v. our Mishnah.
- (12) Which deals with the prohibitions through sisterhood.
- (13) Of the list.
- (14) His wife's.
- (15) Lit., 'his own'.
- (16) While a daughter-in-law is not consanguineous.
- (17) A daughter-in-law should, consequently, receive priority.
- (18) In our Mishnah.
- (19) Which might imply that the levirate marriage in these cases is not obligatory but optional.
- (20) v. supra p. 4, n. 13.
- (21) Since, in fact, no marriage with a deceased brother's widow is permitted whenever the obligation of the levirate marriage does not exist.
- (22) V. Glos.
- (23) Since a prohibition could not very well apply to halizah which is a harmless act, the expression of 'prohibit' in respect of halizah would have been interpreted as a 'prohibition to be married to anyone before halizah had been performed'.
- (24) By the use of the expression, 'exempt'.
- (25) In our Mishnah.
- (26) And, consequently, the expression 'prohibit' which is preferable to that of 'exempt' (v. supra notes 6 and 8) could well be used for the levirate marriage.
- (27) Lit., 'what does he do', i.e., there is no reason why halizah should be forbidden. Hence the expression of 'prohibit' could not properly be used.
- (28) The expression of 'prohibit' in relation to halizah could, consequently, properly have been used. Why then was 'exempt' preferred to 'prohibit'?
- (29) Of one's daughter, for instance.
- (30) If his daughter, e.g., had married one who was not his near of kin, her rival, on the death of her husband, is not forbidden to marry the father; v. infra 13a.
- (31) 'Prohibit' might have implied that a daughter, e.g., always causes her rival to be prohibited to her father whether the precept of the levirate marriage is applicable or not.
- (32) Lit., 'let him teach'.
- (33) It is obvious that if one is exempt from the levirate marriage there could be no question of being subject to halizah which is only the result of a refusal to contract the prescribed marriage.
- (34) In order that the law of the levirate marriage be not entirely abrogated.
- (35) By the use of the expression, 'exempt'.
- (36) Lit., 'goes up' sc. to the gate, i.e., the court (cf. Deut. XXV, 7.)
- (37) In our Mishnah.
- (38) The marriage surely is of greater importance than the halizah, the latter being only an alternative of the former. V. Deut. XXV. 7.

(39) The exemption from the marriage being then self-evident.

(40) *Infra* 39b, 109a. And if only FROM THE HALIZAH had been stated, there would be no basis for this inference.

(41) Of our Mishnah, 'FIFTEEN'.

(42) Of the list; 'ALL THESE', implying the 'FIFTEEN' mentioned. If nothing were to be excluded, there would be no need for the addition of a cardinal at the beginning, or of a reference to it at the end of a list which presumably enumerated all possible cases.

Talmud - Mas. Yevamoth 3b

— [They were intended] to exclude the respective rulings of Rab and R. Assi.¹ What, [however, do the numerals] exclude according to Rab and R. Assi? — If they share each other's views, one numeral would serve to exclude the rival of one who made a declaration of refusal,² and the other to exclude the rival of a wife whom [her husband] remarried after having divorced her.³ If they do not share the views of each other, [each would regard] one [numeral as serving] to exclude the ruling of his colleague;⁴ and the other numeral, as serving to exclude either the rival of one who made a declaration of refusal² or the rival of a wife whom [her husband] remarried after having divorced her.³

According to Rab and R. Assi these⁵ should have been enumerated in our Mishnah! — [This could not be done] because the law of the rival's rival⁶ is not applicable [to these cases].⁷

Whence is this law⁸ derived?⁹ — [From] what our Rabbis taught: And thou shalt not take a woman to her sister, to be a rival to her, to uncover her nakedness, 'aleha [beside her] in her lifetime,¹⁰ what need was there for the expression 'aleha'?¹¹ Because it was stated, Her husband's brother shall go in 'aleha [unto her],¹² it might have been imagined¹³ that Scripture¹⁴ speaks even of any of all the forbidden relatives enumerated in the Torah. Hence it was here¹⁰ stated, 'aleha'¹⁵ and elsewhere¹² it was also stated 'aleha'.¹⁶ Just as elsewhere it is in the case of a precept¹⁷ so here also it is in the case of a precept;¹⁷ and yet did not the All Merciful say, Thou shalt not take.¹⁸ We are thus in a position to know the law concerning herself;¹⁹ whence do we derive the law concerning her rival? — From the Scriptural expression, To be a rival to her.¹⁰ We have so far deduced the law concerning her rival only. Whence do we arrive at the law concerning her rival's rival? — From the fact that Scripture uses the expression *li-zeror*²⁰ and not that of *la-zor*.²¹ Thus we have deduced the law concerning a wife's sister, whence is the law concerning the other forbidden relatives to be inferred? — It can be answered: As a wife's sister is singled out in that she is a forbidden relative, the penalty for presumptuous intercourse with her is *kareth*²² and for unwitting intercourse a sin-offering, and she is forbidden to the levir, so also any woman who is a forbidden relative, and the penalty for presumptuous intercourse with whom is *kareth*²² and for unwitting intercourse a sin-offering, is forbidden to the levir. Now we know the law concerning themselves only;²³ whence is the law concerning their rivals deduced? — It may be answered: As a wife's sister is singled out in that she is a forbidden relative, *kareth* is incurred by presumptuous intercourse with her and a sin-offering for unwitting intercourse, and she is forbidden to the levir, and her rival is forbidden, so also in the case of any woman who is a forbidden relative, and for presumptuous intercourse with whom is incurred the penalty of *kareth* and for unwitting intercourse a sin-offering, and who is forbidden to the levir, her rival is forbidden. Hence have the

Sages said: FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS AND THEIR RIVALS' RIVALS, AND SO ON, AD INFINITUM, FROM THE HALIZAH AND FROM THE LEVIRATE MARRIAGE. One might assume that the six more rigidly forbidden relatives²⁴ are also included in the ruling,²⁵ so that their rivals also²⁶ are forbidden,²⁷ hence it must be stated.²⁸ As a wife's sister is singled out in that she is a forbidden relative, kareth is incurred for presumptuous intercourse with her and a sin-offering for unwitting intercourse, she may be married to the other brothers, but is forbidden to the levir, and her rival is forbidden, so also in the case of any woman who is a forbidden relative, for presumptuous intercourse with whom is incurred the penalty of kareth and for unwitting intercourse a sin-offering, who may marry one of the other brothers, but is forbidden to the levir, her rival also is forbidden; excluded, however, are the six more rigidly forbidden relatives. Since they may not be married to the other brothers, their rivals are permitted; for [the law of] 'rival'²⁹ is applicable only [to widows] of a brother.³⁰

Thus we have deduced the prohibition. Whence, however, is the penalty inferred? — Scripture said, For whosoever shall do any of these abominations etc. [shall be cut off from among their people.]³¹

The reason,³² then, is because the All Merciful has written, 'aleha',³³ otherwise it would have been said that levirate marriage may be contracted with the wife's sister; what is the reason? Is it because we assume that a positive precept,³⁴ supersedes a negative precept?³⁵ Surely, it is possible that³⁶ the rule that a positive precept supersedes a negative precept applies only where the latter is a mere prohibition; does it, however, supersede a prohibition involving the penalty of kareth?³⁵ Furthermore, whence is it derived that it may supersede even a mere prohibition?

(1) Infra 11a and 12a.

(2) A minor who was one of the wives of a deceased childless brother, on declaring her refusal to marry the levir, exempts thereby her rivals from the levirate marriage but not from halizah.

(3) If one of the widows of a deceased brother was divorced once, and then remarried to him after she had married another man, she causes the exemption of her rivals from the levirate marriage, v. infra 11b. The halizah, however, must be performed.

(4) According to Rab that of R. Assi, and vice versa.

(5) The subjects of their respective rulings, i.e., the sotah (v. Glos.) and the barren wife, who, they maintain, infra 11a, 11b, exempt their rivals both from the levirate marriage and from halizah.

(6) V. our Mishnah.

(7) Since neither a sotah nor a barren woman may marry any one of the brothers.

(8) Of our Mishnah, that forbidden relatives as well as their rivals and rivals' rivals, ad infinitum, are exempt from the levirate marriage and from halizah.

(9) Lit., 'whence these words'.

(10) Lev. XVIII, 18.

(11) Which does not add any point to the law enunciated.

(12) Deut. XXV, 5.

(13) Lit., 'I hear'.

(14) Since it drew no distinction between a brother's wife who was a forbidden relative and one that was not forbidden.

(15) I.e., 'beside her'.

(16) I.e., 'unto her'. In both cases the respective terms 'beside her' and 'unto her' are expressed by the same Heb. word **vllkg**.

(17) That of levirate marriage.

(18) Two sisters, Lev. XVIII, 18. The verse in Lev. thus means that the prohibition of marrying the wife's sister is in force even where she is his dead brother's widow, in regard to whom the precept, 'her husband's brother shall go in unto her', might apply.

(19) Lit., 'there is not to me but she', sc. the forbidden relative herself.

(20) **rurk** 'to be a rival',

(21) **rmk** 'to oppress', the longer form li-zeror implies many rivals, i.e., rivals of the rivals. The last question and answer are deleted by R. Tam and Nahmanides. Cf. **t rdv , uvdv**

(22) V. Glos.

(23) The forbidden relatives.

(24) Enumerated infra 13a.

(25) Relating to the other forbidden relatives.

(26) If they and their rivals were married to a stranger.

(27) To marry the man whom the forbidden relatives themselves are not allowed to marry.

(28) Lit., 'say'.

(29) I.e., the rival's exemption from the levirate marriage and halizah.

(30) Where one of the widows is a forbidden relative of one of the surviving brothers and no forbidden relative of the deceased. As the relative is forbidden to marry the brother, her rival also is forbidden to him as 'his brother's wife'. Where the relative, however, is married to a stranger, her rival is permitted to those to whom the relative herself is forbidden.

(31) Lev. XVIII, 29.

(32) Why a wife's sister is forbidden the levirate marriage.

(33) V. the texts from Lev. and Deut. and the analogy supra.

(34) The commandment of the levirate marriage.

(35) The prohibition to marry one's wife's sister.

(36) Lit., 'say'.

Talmud - Mas. Yevamoth 4a

— Because¹ it is written, Thou shalt not wear a mingled stuff . . .² Thou shalt make thee twisted cords,³ and R. Eleazar said,⁴ 'Whence is the rule of proximity [of texts] derived from the Torah?⁵ As it is said, They are established⁶ for ever and ever, they are done in truth and uprightness.'⁷ Furthermore, R. Shesheth stated⁸ in the name of R. Eleazar who stated it in the name of R. Eleazar b. Azariah: Whence is it proved that a sister-in-law, who falls to the lot of a levir who is afflicted with boils, is not muzzled?⁹ From the Biblical text, Thou shalt not muzzle the ox when he treadeth out the corn,¹⁰ and in close proximity to it is written If brethren dwell together.¹¹ Furthermore R. Joseph said: Even he who does not base interpretations on the proximity [of Biblical texts] anywhere else does base them [on the texts] in Deuteronomy,¹² for R. Judah who does not elsewhere base any interpretations [on textual proximity], bases such interpretations on the Deuteronomic text.¹³ And whence is it proved that elsewhere he¹⁴ does not advance such interpretation?¹⁵ — From what has been taught: Ben 'Azzai said, It was stated, Thou shall not suffer a sorceress to live,¹⁶ and it is also stated, Whosoever lieth with a beast shall surely be put to death;¹⁷ one subject was placed near the other to indicate that as the man who lies with a beast is

to suffer the death penalty of stoning so also is a sorceress to suffer the death penalty of stoning. Said R. Judah to him: Shall we, because one subject was placed in close proximity to the other, lead out a person¹⁸ to be stoned? In truth¹⁹ [the penalty of the sorceress is derived from the following]: The necromancer and the charmer were included among the sorcerers; why then were they mentioned separately?²⁰ In order that the others may be compared to them, and to tell you that as the necromancer and the charmer are subject to the death penalty of stoning,²⁰ so is a sorceress also subject to the penalty of stoning.

And whence is it proved that in Deuteronomy הֵ' ²¹ does advance such interpretation?¹⁵ — From what we learned: A man may marry a woman who has been outraged or seduced by his father or his son. R. Judah prohibits in the case of a woman outraged or seduced by one's father.²² And in connection with this, R. Giddal said in the name of Rab: What is R. Judah's reason? Because it is written, A man shall not take his father's wife, and shall not uncover his father's skirt,²³ the 'skirt' which his father saw he shall not uncover. And whence is it inferred that this is written with reference to an outraged woman? — From the preceding section of the text where it is written, Then the man that lay with her shall give unto the damsel's father fifty shekels of silver²⁴ near which it is stated, A man shall not take etc.²⁵ And the Rabbis?²⁶ — If one text had occurred in close proximity to the other the exposition would have been justified;²⁷ now, however, that it does not occur in close proximity²⁸ [it must be concluded that] the context speaks of a woman who is awaiting the decision of the levir²⁹ and that, [in marrying such a woman, a son]³⁰ transgresses two negative precepts.³¹

And what is the reason why [R. Judah] derives laws [from the proximity of texts] in Deuteronomy? — If you wish I might say: Because [there the deduction]³² is obvious; and if you prefer I might say: Because [there the text] is superfluous.³³ 'If you prefer I might say: Because [there the deduction] is obvious', for, otherwise,³⁴ the All Merciful should have written the prohibition in the section of forbidden relatives. 'And if you prefer I might say: Because [there the text] is superfluous', for otherwise³⁵ the All Merciful should have written, A man shall not take his father's wife.²⁵ what need was there for adding,³⁶ And shall not uncover his father's skirt?²⁵

(1) This is an answer to the second question. The first is answered infra 5b.

(2) Deut. XXII, 11.

(3) Ibid. 12.

(4) V. Ber. 10a.

(5) Heb. Semukim **ohfunx** (rt. **lnx**: 'to join'); i.e., the exegetical principle that we deduce laws from the proximity of Biblical texts.

(6) 'Semukim'.

(7) Ps. CXI, 8. The proximity of the two texts (Deut. XXII, 11 and 12) may consequently be taken to indicate that though the wearing of mingled stuff (linen and wool) is forbidden in ordinary cases (Deut. XXII, 11) it is nevertheless permitted in the case of the performance of a positive precept such as that of the making of 'twisted cords' or zizith (v. Glos.) on the four corners of a garment (ibid. v. 12).

(8) Mak. 23a.

(9) I.e., she is not prevented from objecting to the levirate marriage, and is entitled to halizah. 'Muzzled' (rt. **OXj**) is taken from Deut. XXV, 4 from which this law is derived.

(10) Deut. XXV, 4.

- (11) Ibid. v. 5, forming the introduction to the law of halizah. Thus it has been shewn that a law may be based on the proximity of Biblical texts, and this confirms the conclusion in respect of 'mingled stuff' in zizith (v. Deut. XXII, 11).
- (12) Where the texts of 'mingled stuff' and zizith occur.
- (13) Ber. 21b. Cf. Pes. 67b.
- (14) R. Judah.
- (15) Interpretations based on semukim or proximity of texts.
- (16) Ex. XXII, 17.
- (17) Ibid. 18.
- (18) Lit., 'this' sc. the sorceress.
- (19) Lit., 'but'.
- (20) V. Lev. XX, 27.
- (21) R. Judah.
- (22) Ber. 21a, infra 97a.
- (23) Deut. XXIII, 1.
- (24) Deut. XXII, 29.
- (25) Deut. XXIII, 1.
- (26) Represented by the view of the first Tanna who differs from R. Judah. How do they, in view of R. Judah's exposition, allow the marriage of a woman outraged or seduced by one's father?
- (27) Lit., 'as you said'.
- (28) Cur. edd. contain within parentheses: 'Since the text, A man shall not take his father's wife is written between them'.
- (29) Whether he will marry her or consent to halizah.
- (30) Of the levir for whose decision the woman is waiting.
- (31) Infra 97a. One is that of marrying a woman who is virtually his father's wife being subject still to the levirate marriage, and the other is that of marrying an aunt, the wife of his father's deceased brother.
- (32) From the proximity of the texts.
- (33) Lit., 'free', 'disengaged'. i.e., unnecessary for the contexts and consequently free for interpretation and exposition.
- (34) Lit., 'if so', i.e., if the text was meant to convey its plain meaning only.
- (35) Cf. previous note.
- (36) Lit., 'wherefore to me'.

Talmud - Mas. Yevamoth 4b

Hence it must be concluded that the text was meant to provide a superfluous text.¹

Similarly in the case of zizith,² if you wish I might reply:³ Because [there⁴ the deduction] is obvious. And if you prefer I might reply:⁵ Because [there⁶ the text] is superfluous.⁷ 'If you prefer I might say: Because [there the deduction] is obvious', for otherwise,⁸ the All Merciful should have written [the precept] in the section of zizith;⁹ with what other practical rule in view has he written it here?¹⁰ 'And if you prefer, I might reply: Because [there the text] is superfluous', for observe: It is written, Neither shall there come upon thee a garment of two kinds of stuff mingled together.¹¹ What need then was there for stating, Thou shalt not wear a mingled stuff?¹² Hence it must be concluded that the object was to provide a superfluous text.¹³

But [surely] both these texts¹⁴ are required? For if the All Merciful had only written, Neither shall there come upon thee¹⁵ it might have been assumed that all kinds of ‘putting on’ were forbidden by the All Merciful, even that of clothes dealers,¹⁶ hence the All Merciful, has written, Thou shalt not wear a mingled stuff,¹⁷ [shewing that the ‘putting on’ must be] of the same nature as that of wearing for personal comfort. And if the All Merciful had only written, Thou shalt not wear¹⁸ it might have been assumed that only wear [is forbidden] because the pleasure derived therefrom is great, but not mere ‘putting on’, hence the All Merciful has written, Neither shall there come upon thee!¹⁹ — If so,²⁰ the All Merciful should have written, ‘Thou shalt not wear a mingled stuff’ what need was there for adding, ‘Wool and linen’? For²¹ observe: It is written, Neither shall there come upon thee a garment of two kinds of stuff mingled together,¹⁵ and in connection with this a Tanna of the School of R. Ishmael taught: Whereas garments generally²² were mentioned in the Torah, and in one particular case²³ Scripture specified wool and linen,²³ all must consequently be understood as having been made of wool and linen, what need, then, was there for the All Merciful's specific mention of wool and linen? Consequently it must be concluded that its object was to provide a superfluous text.²⁴

But the text²⁵ is still required [for another purpose]! For it might have been assumed [that the limitation²⁶ applies] only to ‘putting on’, where the benefit is not great, but that in respect of wear, the benefit from which is great, any two kinds were forbidden by the All Merciful, hence has the All Merciful written, ‘wool and linen’!²⁷ — If so, Scripture should have omitted it altogether²⁸ and [the law²⁹ would have been] deduced [by analogy between] ‘mingled stuff’³⁰ and ‘mingled stuff’³¹ [the latter of which occurs in connection with the law] of ‘putting on’.³²

As to the Tanna of the School of R. Ishmael, is the reason [why ‘mingled stuff’ is permitted in zizith] because the All Merciful has written ‘wool and linen’, but if He had not done so, would it have been assumed that the All Merciful had forbidden two kinds of stuff in the zizith? But, surely, it is written, And they shall make them fringes in the corners of their garments³³ and a Tanna of the School of R. Ishmael [taught]: Wherever ‘garment’ [is written] such as is made of wool or flax [is meant], and yet the All Merciful said that in them ‘purple’ shall be inserted, and purple, surely, is wool. And whence is it deduced that purple is wool? Since linen³⁴ is flax, purple must be wool.³⁵ — [The text] was necessary; for it might have been assumed [that the interpretation is] according to Raba. For Raba pointed out a contradiction: It is written, the corner,³⁶ [which implies that the fringes must be of the same] kind of [material as that of the] corner,³⁷ but then it is also written, wool and linen.³⁸ How then [are these texts to be reconciled?] Wool and linen discharge [the obligation to provide fringes] both for a garment of the same, as well as of a different kind of material, while other kinds [of material]³⁹ discharge [the obligation for a garment made] of the same kind [of material] but not for one made of a different kind [of material].⁴⁰

But the Tanna of the School of R. Ishmael,⁴¹ surely, does not hold the same view as Raba!⁴² — [The text]⁴³ is still necessary; for it might have been assumed that Raba's line of argument⁴⁴ should be followed: ‘The corner’ [implies that the fringes must be made of the same] kind of [material as the] corner, and that what the All Merciful meant was this: ‘Make wool [fringes] for wool [garments] and linen ones for linen; only when you make wool fringes for wool garments

you must dye them’; but no wool fringes may be made for linen or linen fringes for wool, hence the All Merciful has written ‘wool and linen’ [to indicate] that even wool fringes [may be] made for linen garments or linen fringes for woollen garments.⁴⁵

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- (1) V. supra note 10.
 - (2) V. Glos.
 - (3) To the question why R. Judah expounds semukim in Deuteronomy.
 - (4) In Deuteronomy.
 - (5) To the question why R. Judah expounds semukim in Deuteronomy.
 - (6) In Deuteronomy.
 - (7) V. p. 12, n. 10.
 - (8) Lit., ‘if so’, i.e., if the text was meant to convey its plain meaning only.
 - (9) V. Glos.
 - (10) None. Consequently it must have been intended for a deduction on the basis of semukim.
 - (11) Lev. XIX, 19.
 - (12) Deut. XXII, 11.
 - (13) V. p. 12, n. 10.
 - (14) Lev. XIX, 19 and Deut. XXII, 11.
 - (15) Lev. XIX, 19.
 - (16) Who put on garments for mere business display or transport and not for bodily comfort or protection.
 - (17) Deut. XXII, 11, emphasis on wear.
 - (18) Ibid.
 - (19) Since both texts, then, are required for the purpose mentioned, how could they be employed for the deduction of a new law?
 - (20) That the texts were required only for the purpose mentioned.
 - (21) Should it be suggested that the text was required to indicate that the ‘mingled stuff’ forbidden was that of wool and linen.
 - (22) Without specifying the material they are made of.
 - (23) With reference to plagues in garments, Lev. XIII, 47, 48.
 - (24) V. p. 12, n. 10, supra.
 - (25) ‘Wool and linen’ (Deut. XXII, 11).
 - (26) Of the materials to wool and linen.
 - (27) How, then, could this text which is required for another purpose be expounded on the basis of semukim?
 - (28) Lit., ‘kept silence from it’.
 - (29) Which has just been enunciated, i.e., that only wool and linen are forbidden.
 - (30) Deut. XXII, 11.
 - (31) Lev. XIX, 19.
 - (32) As the latter applies to wool and linen only, so also the former.
 - (33) Num. XV, 38.
 - (34) In the description of the materials of the High Priests’ garments (Ex. XXXIX, 1ff).
 - (35) As the garments were either of wool or flax, and linen (flax) was specified in the case of one, all the others must have been wool. Now since it has been shewn that purple is wool, it obviously follows that woollen zizith or fringes are permissible in a garment of flax. What was the need, then, for a specific text to prove the permissibility of mingling wool and flax in zizith?
 - (36) Num. XV, 38.

- (37) I.e., if the material of the corner is wool the fringes must be wool; if of flax the fringes must be of flax.
- (38) Cf. Deut. XXII, 11f: Mingled stuff, wool and linen thou shalt make the twisted cords, which shews that the fringes may be made either of wool or of flax whatever the material of the corner might be.
- (39) Silk for instance.
- (40) So also according to the Tanna of R. Ishmael's school, (as will be explained in the Gemara anon) if Scripture had not specified 'wool and linen' it might have been assumed that in a woollen garment the fringes must be made of wool while in a garment of flax they must be made of flax, hence wool and linen were specified to shew on the basis of semukim that mingled stuffs also are allowed in zizith.
- (41) At the moment it is assumed that the suggestion is that he is in agreement with Raba's argument in all respects.
- (42) For, according to him, since 'garment' denotes only such as is made of wool and linen, garments made of other materials require no fringes (zizith). What need, then, was there for the expression of wool and linen to differentiate these from other materials?
- (43) Wool and linen.
- (44) Though not his view, applying his method of reasoning only in regard to a garment made of wool or linen.
- (45) I.e., that mingled stuffs are permissible in the performance of the precept of zizith.

Talmud - Mas. Yevamoth 5a

This¹ is satisfactory according to the view of the Tanna of the School of R. Ishmael;² as to the Rabbis,³ however, how do they arrive at the deduction?⁴ — They derive it from his head;⁵ for it was taught: [Scripture stated], 'His head';⁵ what need was there for it?⁶ — Whereas it has been stated, Ye shall not round the corners of your head,⁷ one might infer that [this law⁸ applies to] a leper also, hence it was explicitly stated, his head;⁹ and this Tanna is of the opinion that rounding all the head is also regarded as 'rounding'.¹⁰ This [conclusion, however,] may be refuted: The reason why the prohibition of¹¹ 'rounding' [may be superseded is] because it is not applicable to everybody!¹² — But [the inference] is derived from his beard;¹³ as it was taught: 'His beard';¹³ what need was there for stating it?¹⁴ — Whereas it was said, Neither shall they shave off the corners of their beard,¹⁵ one might infer that this prohibition applies also to a leprous priest,¹⁶ hence it was explicitly stated, 'his beard'.¹⁷ And since there is no object in applying it to a prohibition which is not incumbent upon everybody,¹⁸ let it be applied to a prohibition which is incumbent upon all.¹⁹ But this²⁰ is still required [for its own context]! For since it might have been assumed that as priests are different from [other people]. Scripture having imposed upon them additional commandments, and so even a prohibition which does not apply to everybody is not superseded in their case; [therefore] it was necessary to teach us that it does supersede.²¹ — In truth the inference comes from 'his head' [in the manner deduced by] the following²² Tanna. For It was taught: His head:²³ what need was there for mentioning it?²⁴ Whereas Scripture had stated, There shall no razor come upon his head,²⁵ one might infer that the same prohibition is applicable to a leprous nazirite²⁶ also, hence it was explicitly stated, 'his head'.²⁷ This,²⁸ however, may be refuted: The reason why a [leprous] nazirite [may shave his head] is because he is also in a position to obtain absolution.²⁹ For, were not this the reason,³⁰ what then of the accepted rule,³¹ that no positive precept may supersede a negative and positive precept combined; why not deduce the contrary from the law³² of the [leprous] nazirite?³³ Consequently, [it must be conceded that] the reason why no deduction may be made [from the law of the nazirite is] because it may be refuted [on the grounds] that in his case absolution is possible; so here also the refutation may be

advanced, 'Since in his case absolution is possible'!³⁴ — The deduction, in fact, is made

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- (1) The deduction from semukim that a positive precept supersedes a negative one.
 - (2) Since on the lines of his interpretation the text, 'wool and linen' is superfluous and consequently free for the deduction mentioned.
 - (3) Who do not interpret 'garment' as denoting such as is of wool and flax.
 - (4) The text, 'wool and linen', being required for the completion of the plain meaning of the text, there remains no superfluous expression for the deduction. V. supra n. 2.
 - (5) Lev. XIV, 9, dealing with the purification of the leper.
 - (6) It was previously stated, and shave off all his hair (Lev. XIV, 8) which obviously includes that of the head.
 - (7) Lev. XIX. 27.
 - (8) The prohibition to round the corners of the head.
 - (9) Indicating that, despite the general prohibition, it is the leper's duty to round his head.
 - (10) Though the text speaks of rounding the corners. Such a rounding then, though generally forbidden, is in the case of a leper, permitted, because Scripture explicitly stated 'shave all the hair of his head' (Lev. XIV, 9). Thus it has been proved that the positive precept of the shaving of the leper supersedes the prohibition of rounding off one's head. Similarly, in the case of the levirate marriage, it might have been assumed that the positive precept of marrying the deceased brother's widow supersedes the prohibition of marrying a wife's sister; hence the necessity for a special text (v. supra 3b end and p. 10, n. 7) to prove that it does not.
 - (11) Lit., 'what as to the negative (command)'.
 - (12) Lit., 'equal in all'; women being exempt. (V. Kid. 35b). The prohibition of the marriage of a wife's sister, however, is applicable to the man and to the woman, the brother-in-law as well as the sister-in-law.
 - (13) Which also occurs in the regulations for the purification of the leper. (V. Lev. XIV, 9).
 - (14) Seeing that it was previously mentioned (Lev. XIV, 8) that the leper must 'shave off all his hair', which obviously includes that of his beard.
 - (15) Lev. XXI, 5.
 - (16) The prohibition of shaving the corners of one's head having been addressed to the priests. V. Lev. XXI, 1ff.
 - (17) Indicating that in the case of a leprous priest the precept of shaving supersedes the prohibition of 'shaving'.
 - (18) That such a prohibition is superseded by a positive precept having been deduced supra from 'his head'.
 - (19) Thus it has been proved that a positive precept supersedes any prohibition even if the latter is generally applicable. Marriage between a levir and his deceased brother's widow who is his wife's sister might, consequently, have been assumed to be permitted had not an explicit text pointed to its prohibition.
 - (20) The text, 'his beard'.
 - (21) How, then, can the same text which is required for the purpose mentioned also be used for a general deduction.
 - (22) Lit., '(manner) of that'.
 - (23) Lev. XIV, 9.
 - (24) Cf. supra, p. 16, n. 7.
 - (25) Num. VI, 5 dealing with the laws of the nazirite.
 - (26) So Rashal. Cur. edd. read, 'leper and nazirite'.
 - (27) Thus it is proved that a positive precept supersedes a prohibition. Cf. supra, note 7.
 - (28) The deduction from the nazirite.
 - (29) Heb. she'elah **vkta** 'request', i.e., the nazirite may request a qualified person to disallow his vow and thus avoid the prohibition of shaving.
 - (30) Lit., 'if you will not say so'.

(31) Lit., 'that which is established for us'.

(32) Lit., 'let it be deduced'.

(33) The shaving of a nazirite's head is forbidden (a) by the precept that he must grow his hair long and (b) by the prohibition of allowing a razor to come upon his head.

(34) Whence, then, is it proved that a positive precept supersedes a prohibition?

Talmud - Mas. Yevamoth 5b

from the first cited text:¹ Since² Scripture could have used the expression, Thou shalt make thee fringes,³ what need was there for that of 'twisted cords'? Consequently it must have been intended for the purpose of allowing that text to be used for the deduction.⁴ But this⁵ is required for the determination of the number [of threads, thus]:⁶ 'Twisted cord' implies two threads,⁷ [and so] 'twisted cords'⁸ implies four threads, therefore,⁹ one twisted cord is to be made [of the four] and from the middle of it separate threads¹⁰ are to hang down!¹¹ — If so,¹² Scripture should have stated, Thou shalt not wear a mingled stuff wool and linen:¹³ what need was there to add 'together'?¹³ Consequently it must have been intended for the purpose of allowing a free text for the deduction.¹⁴ But this text too¹⁵ is required for the deduction that two stitches¹⁶ form a combination¹⁷ and that one stitch does not! — If so, the All Merciful should have written, Thou shalt not wear wool and linen together; what need was there for inserting 'mingled stuff'? Hence it must be concluded that the purpose was to allow a free text for deduction.¹⁸ But is not this text¹⁹ still required [for the deduction that 'mingled stuff'²⁰ is not forbidden] unless it was hackled, spun and twisted?²¹ — But [the fact is that] all this is deduced from the expression of 'mingled stuff'.²²

So far it has been shewn that a positive precept supersedes a mere prohibition,²³ where, however, do we find that it supersedes also a prohibition involving kareth,²⁴ and that in consequence [the explicit expression] "aleha"²⁵ should be required to forbid it?²⁶ And if it be replied that this²⁶ might be deduced from circumcision,²⁷ [it may be retorted]: Circumcision stands in a different category,²⁸ for concerning it thirteen covenants²⁹ were made!³⁰ From the paschal lamb?³¹ — The paschal lamb also stands in a different category³² since it too involves kareth!³⁰ From the daily offering?³¹ — The daily offering also stands in a different category³³ since it is also a regular [offering]!³⁰ [Now though] it³⁴ cannot be derived from one³⁵ it might be derived from two. From which shall it be derived? [If the reply is]: Let it be derived from circumcision and the paschal lamb, [it may be retorted]: These also involve kareth.³⁶ From the paschal lamb and the daily offering? — Both are also intended for the Most High.³⁷ From circumcision and the daily offering? — Both were also in force before the giving of the law,³⁸ this being according to the view of him who holds that the burnt-offering which Israel offered in the wilderness was the daily burnt-offering.³⁹ Nor [can the derivation be made] from all of them, since they were all in force before the giving of the law.⁴⁰

But [this is the reason for] the need of a special text:⁴¹ It might have been assumed⁴² that this⁴³ should be derived from the precept of honouring one's father and mother; for it was taught: Since one might have assumed that the honouring of one's father and mother should supersede the Sabbath, it was explicitly stated, Ye shall fear every man his mother and his father, and ye shall keep My Sabbaths,⁴⁴ it is the duty of all of you⁴⁵ to honour Me. Now is not the case in point one

where the parent said to him, 'Slaughter for me',⁴⁶ or 'Cook for me',⁴⁶ and the reason [why the parent must not be obeyed is] because the All Merciful has written, 'Ye shall keep my Sabbaths',⁴⁴ but had that not been so⁴⁷ it⁴⁸ would have superseded?⁴⁹ — No;

- (1) 'Mingled stuff' in the case of zizith. (V. Deut. XXII, 11, 12 and supra p. 15, n. 3).
- (2) Lit., 'if so', i.e., if according to the Rabbis the expression, 'wool and linen', is required for its own context and that text, therefore, is not available for deduction.
- (3) The expression used in Num. XV, 38 in the section dealing with the precept of the fringes.
- (4) That a positive precept supersedes a prohibition. Cf. supra, p. 10, n. 13.
- (5) The expression of 'twisted cords', **ohkhsd**, Deut. XXII, 12.
- (6) In the fringes.
- (7) The twisted cord cannot be made of less than two threads.
- (8) The plural, i.e., twice two.
- (9) To harmonize this text (Deut. XXII, 12) which implies twisted cords, with that of Num. XV, 38, and that they put with the fringe of each corner a thread of blue, which implies only twisted threads.
- (10) The four threads are inserted into the corner of the garment and, having been folded to form a fringe of eight threads, they are joined (by winding one of the threads round the others) into one twisted cord which extends over a section of length and is then separated again into eight separate threads.
- (11) Men. 39b. Now, since the expression, 'twisted cords', is required for the determination of the number of the threads, how could the Rabbis deduce from it the law of 'mingled stuff' in the fringes?
- (12) That the law of 'mingled stuff' in the fringes was not to be deduced from the text cited.
- (13) Deut. XXII, 11.
- (14) Cf. supra p. 18, n. 10.
- (15) Together, in Deut. XXII, II.
- (16) Combining a material made of wool with one made of flax.
- (17) Of 'mingled stuff' which is forbidden.
- (18) Cf. supra p. 18, n. 10.
- (19) Mingled stuff, Deut. XXII, 11.
- (20) Of wool and flax.
- (21) An etymological explanation of, or a play upon, the words 'mingled stuff' **zbyga**, in Deut. XXII, 11. **zbyga** is assumed to be an abbreviation of **zubu huy gua**.
- (22) The use of the peculiar expression, **zbyga**, and not the usual **ohtkf**, implies both (a) the deduction mentioned, (v. previous note) and (b) the deduction that a positive precept supersedes a prohibition (v. supra p. 10, n. 13).
- (23) Cf. 3b end and p. 10, n. 7.
- (24) V. Glos.
- (25) Lev. XVIII, 18.
- (26) The marriage by the levir of the widow of his deceased childless brother, when she happens to be a forbidden relative. V. p. 8, n. 9.
- (27) Which must be performed on the eighth day of the child's birth even though that day happens to be a Sabbath when manual work is forbidden under the penalty of kareth.
- (28) Lit., 'what in respect of circum-cision'.
- (29) The expression 'covenant' (in various grammatical forms) occurs thirteen times in Gen. XVII, the section dealing with the precept of circumcision, v. Ned. 31b.
- (30) Hence it may also supersede the Sabbath. It supplies, however, no proof that a positive precept which is not so

stringent (such as the marriage with the levir) also supersedes a prohibition involving kareth.

(31) The slaughtering of which (a positive precept) supersedes the Sabbath though slaughtering is manual work which is forbidden on the Sabbath under the penalty of kareth.

(32) Lit., 'what in respect of the paschal lamb'.

(33) Lit., 'what in respect of the daily offering'.

(34) V. p. 19, n. 16.

(35) Circumcision, the paschal lamb, or the daily offering alone.

(36) Cf. supra n. 1.

(37) They are offered on the altar. Cf. supra n. 1.

(38) On Mount Sinai. Lit., 'speech' i.e., of the Deity. 'revelation', and as such are deemed of greater stringency.

(39) V. Ex. XXIV, 5 and Hag. 6a. Circumcision was ordained in the time of Abraham. V. Gen. XVII.

(40) V. supra nn. 9 and 10. The law of the paschal lamb also was given in Egypt prior to the date of the Revelation. V. Ex. XII.

(41) Beside her (Lev. XVIII, 18), to indicate that levirate marriage is forbidden when the widow of the deceased brother is the surviving brother's forbidden relative.

(42) Had not that text (in Lev. XVIII, 18; v. previous note) been written.

(43) That a positive precept supersedes a prohibition involving kareth and that consequently a levir may marry his deceased childless brother's widow even if she happens to be a forbidden relative of his.

(44) Lev. XIX, 3.

(45) Parents and children.

(46) I.e., to desecrate the Sabbath by an action the penalty for which is kareth.

(47) Had no such text been available.

(48) A parent's order, (the positive precept of honouring one's parents.)

(49) The prohibition of work on the Sabbath, though it is one involving kareth. Similarly in the case of the levirate marriage. Cf. supra p. 20, n. 14.

Talmud - Mas. Yevamoth 6a

this is a case¹ of ass driving.² And [you say that] it does not supersede³ even in such a case?⁴ But then what of the generally accepted rule that a positive precept supersedes a prohibition. Should it not be inferred from this case that it does not supersede!⁵ And if it be replied that the prohibitions of the Sabbath are different⁶ because they are more stringent,⁷ surely the following Tanna, [it may be pointed out,] speaks of prohibitions generally⁸ yet no one advances any objection.⁹ For it was taught: Since it might have been assumed that if his father had said to him,¹⁰ 'Defile yourself',¹¹ or if he said to him, 'Do not restore',¹² he must obey him, it was explicitly stated, Ye shall fear every man his mother, and his father, and ye shall keep my Sabbaths,¹³ it is the duty of all of you to honour Me!¹⁴ — The real reason¹⁵ is because this objection may be advanced: Those¹⁶ are in a different category¹⁷ since they are also essentials in the execution of the precept.¹⁸

But [the reason¹⁹ is because] it might have been assumed that this²⁰ should be derived from the precept of the building of the Sanctuary. For it was taught: Since it might have been assumed that the building of the Sanctuary should supersede the Sabbath, it was explicitly stated, Ye shall keep My Sabbaths, and reverence My Sanctuary;²¹ it is the duty of all of you to honour Me. Now is not the case in point one of [a father's order to his son to] build or to demolish,²² and yet the reason [why it does not supersede the Sabbath is] because the All Merciful has written, 'Ye shall keep

My Sabbaths',²³ but had that not been written it would have superseded?²⁴ — No; the case in point is one of ass driving.²⁵

And [you say] that it²⁶ does not supersede a prohibition even in such a case?²⁷ But what of the generally accepted rule that a positive precept supersedes a prohibition? Should we not infer from this case that it does not supersede! And if it be replied that the prohibitions of the Sabbath are different²⁸ because they are of a more stringent nature,²⁹ surely the following Tanna [it may be pointed out] speaks of prohibitions generally³⁰ yet no one advances any refutation.³¹ For it was taught: Since it might have been assumed that if his father had said to him,³² 'Defile yourself',³³ or if he said to him, 'Do not restore',³⁴ he must obey him, hence it was explicitly stated, Ye shall fear every man his mother, and his father etc.,³⁵ it is the duty of all of you to honour Me!³⁶ — The true reason³⁷ is because this objection may be advanced: Those³⁸ are in a different category³⁹ since they are also essentials in the execution of the precept.⁴⁰ [But the law relating to] essentials in the execution of a precept could be derived from the previously cited text!⁴¹ — That is so indeed. What need, then, was there for the text, Ye shall keep My Sabbaths, and reverence My Sanctuary?²³ — It is required for the following deduction:⁴² As it might have been imagined that a man should reverence the Sanctuary, it was explicitly stated in the Scriptures, Ye shall keep My Sabbaths, and reverence My Sanctuary;²³ the expression of 'keeping' was used in relation to the Sabbath and [in the same verse] that of 'reverence' in relation to the Sanctuary [in order that the following comparison may be made]: As in the case of 'keeping' used in relation to the Sabbath

(1) Lit., 'negative precept'.

(2) I.e. where a father ordered his son to desecrate the Sabbath by driving an ass; a prohibition which, unlike slaughtering or cooking, does not involve the penalty of kareth. V. Shab. 154a.

(3) Lit., 'and even thus', sc. even the mere prohibition of ass driving.

(4) A mere prohibition not involving the penalty of kareth.

(5) Even a mere prohibition which does not involve the penalty of kareth.

(6) From other prohibitions.

(7) Since the infringement of any one of the laws of the Sabbath is regarded as the sin of idolatry (v. 'Er. 69b), even a mere prohibition which does not involve kareth, cannot be superseded by a positive precept.

(8) Lit., 'stands in the world', i.e., he compares with the prohibitions of the Sabbath others which have no connection with it.

(9) That the prohibitions of the Sabbath being more stringent than others should not be compared with them.

(10) His son who was a priest.

(11) For the dead, which is forbidden to a priest. V. Lev. XXI, 1ff.

(12) A lost animal. V. Deut. XXII, 1.

(13) Lev. XIX, 3.

(14) Thus it has been shewn that prohibitions generally may be compared with those of the Sabbath. The suggestion, therefore, that the parents' order supra concerned the performance of the act of ass driving is untenable. If, consequently, the order must have consisted of a request to perform an act involving the penalty of kareth, that case well supplies a satisfactory answer to the question (supra 5b) as to what need was there for the text, 'aleha', in Lev. XVIII, 18.

(15) Why no satisfactory reply to the question, what need is there for the text 'aleha', may be obtained from the precept of honouring one's parents.

(16) A father's orders to his son to slaughter or to cook on the Sabbath.

- (17) From such a precept as the levirate marriage.
- (18) Lit., 'it is a preparation of the precept'. The precept of honouring a father cannot possibly be performed by the son unless he actually executes the act of slaughtering or of cooking, which he has been ordered by his father to do, so that the fulfilment of the positive precept (honouring one's parents) is entirely dependent on its superseding the prohibition (that, e.g., of cooking). Hence it was necessary to have an explicit text to indicate that, even in such a case, a positive precept does not supersede a prohibition. In the case of the levirate marriage, however, the infringement of the prohibition is not absolutely essential to the fulfilment of the precept, since, instead of the marriage, halizah may be arranged, and the question remains, what need is there of the verse "aleha".
- (19) Why the text, "aleha" (Lev. XVIII, 18) was needed to indicate that wherever the deceased childless brother's widow was the living brother's forbidden relative no levirate marriage must take place.
- (20) That a positive precept supersedes a prohibition involving kareth and consequently that the levirate marriage may take place even in such a case (v. previous note).
- (21) Lev. XIX, 30.
- (22) Actions which are among the principal classes of labour that are forbidden on the Sabbath under the penalty of kareth.
- (23) Lev. XIX, 30.
- (24) Thus it follows that a positive precept does supersede a prohibition even though the latter involves kareth.
- (25) Which does not involve kareth.
- (26) A positive precept.
- (27) Which does not involve kareth.
- (28) From other prohibitions.
- (29) Cf. supra p. 21, n. 13.
- (30) Cf. supra p. 21, n. 14.
- (31) Cf. supra p. 21, n. 15.
- (32) His son who was a priest.
- (33) Cf. supra p. 21, n. 17.
- (34) Cf. supra p. 21, n. 18.
- (35) Lev. XIX, 3.
- (36) Cf. supra p. 22, n. 2.
- (37) Cf. supra p. 22, n. 3.
- (38) Cf. supra p. 22, n. 4.
- (39) Cf. supra p. 22, n. 5.
- (40) Cf. supra p. 22, n. 6.
- (41) Lit., 'from there', from Lev. XIX, 3, and this superfluous text serves to extend the principle of a positive precept superseding a negative precept involving kareth to a case such as levirate marriage. Hence the need of the text "aleha".
- (42) Lit., 'for as it was taught'.

Talmud - Mas. Yevamoth 6b

one does not reverence the Sabbath but Him who ordered the observance of the Sabbath, so in the case of 'reverence' used in relation to the Sanctuary, one is not to reverence the Sanctuary but Him who gave the commandment concerning the Sanctuary. And what is regarded as the 'reverence of the Sanctuary'? — A man shall not enter the Temple mount¹ with his stick, shoes or money bag² or with dust upon his feet, nor may he use it for making a short cut;³ and spitting [is

there forbidden] by inference a *minori ad majus*.⁴ This, however, might apply⁵ only to the time when the Sanctuary was in existence; whence is it deduced that the same holds good of the time when the Sanctuary no longer exists? It was expressly stated in Scripture, Ye shall keep My Sabbaths, and reverence My Sanctuary,⁶ as the ‘keeping’ that was used in relation to the Sabbath holds good forever, so also the ‘reverence’ used in relation to the Sanctuary must hold good forever.⁷

Really [the reason⁸ is because] it might have been assumed that this⁹ should be derived from the prohibition of kindling a fire [on the Sabbath]. For a Tanna of the School of R. Ishmael taught: Wherefore was it stated, Ye shall kindle no fire throughout your habitations?¹⁰ ‘Wherefore ‘was it stated’!¹¹ Surely if one is to follow R. Jose, it was to intimate that [kindling a fire on the Sabbath is] a prohibition only;¹² and, if one is to follow R. Nathan, it was to intimate that even a single transgression involves one in the prescribed penalties;¹³ for it was taught: ‘The prohibition of kindling a fire [on the Sabbath] was mentioned separately¹⁴ in order to [indicate that its transgression is] a prohibition only;¹⁵ so R. Jose, while R. Nathan maintains that the intention was to intimate that even a single transgression involves the offender in the prescribed penalties’!¹³ And Raba explained that the Tanna¹⁶ found difficult the expression of habitations,¹⁷ [arguing thus]: What need was there for Scripture to state ‘habitations’? [Is not this¹⁸ obvious?] For consider: The observance of the Sabbath is a personal obligation, and any personal obligation is valid both in the Land [of Israel] and outside the land;¹⁹ what need, then, was there for the All Merciful to write it²⁰ in connection with the Sabbath? This was explained by a disciple in the name of R. Ishmael: Whereas it was stated in the Scriptures, And if a man have committed a sin worthy of death, and he be put to death,²¹ one might infer [that the death penalty may be executed] both on week-days and on the Sabbath and, as regards the application of the text, Everyone that profaneth it²² shall surely be put to death,²³ this might be said to refer to the several kinds of labour other than the execution of a judicial death sentence; or again it might be inferred²⁴ that it²⁵ refers even to a judicial execution of a death sentence and, as regards the application of He shall surely be put to death²³ [this might be said to refer] to week-days but not to the Sabbath; or again it might be thought²⁶ to apply also to the Sabbath; hence it was expressly stated, Ye shall kindle no fire throughout your habitations,²⁷ and further on it is stated, And these things shall be for a statute of judgment unto you throughout your generations in all your habitations;²⁸ as the expression of ‘habitations’ mentioned below²⁸ refers to the Beth din, so the expression ‘habitations’ mentioned here²⁷ refers also to the Beth din, and concerning this the All Merciful said, ‘Ye shall kindle no fire’.²⁹ Now, are we not to assume this statement to be in agreement with the view³⁰ of R. Nathan who holds that the object was to intimate that even a single transgression involves the offender in the prescribed penalties,³¹ and the reason³² is because the All Merciful has written, Ye shall kindle no fire,²⁷ but had that not been the case it would have superseded the [Sabbath]!³³ — No; this may be according to R. Jose.³⁴

Granted, however, [that it is according to the view of] R. Jose, might it not be suggested that R. Jose said that ‘kindling a fire [on the Sabbath] is mentioned separately in order to indicate that it is a mere prohibition’ [in the case only of] ordinary burning; the burning by the Beth din,³⁵ [however, is surely a case of] boiling of the metal bar³⁶ concerning which R. Shesheth said that there is no difference between the boiling of a metal bar and the boiling of dyes?³⁷ — R. Shimi b. Ashi replied: This Tanna³⁸ [requires Scriptural texts] not because elsewhere he holds that a

positive precept supersedes a prohibition, but because this³⁹ might have been obtained by inference a minori ad majus; and it is this that he meant to say: 'As regards the application of the text, Every one that profaneth it⁴⁰ shall surely be put to death,⁴¹ it might have been said to apply to the several kinds of labour other than that of the execution of a judicial death sentence, but that a judicial death sentence does supersede the Sabbath, by inference a minori ad majus:

(1) On which the Sanctuary stood.

(2) **vsbup**, Lat. funda. Others, 'a hollow girdle in which money is kept'.

(3) **thrsbpe**, cf. compendiaria.

(4) Bet. 54a. For an explanation of the inference, v. ibid. 62b.

(5) Lit., 'it is not (known) to me'.

(6) Lev. XIX, 30.

(7) And since there is no superfluous verse to extend the principle in such a case as levirate marriage, the question remains, what need was there for the text "'aleha'.

(8) Cf. supra p. 22, n. 7.

(9) Cf. supra p. 22, n. 8.

(10) Ex. XXXV, 3.

(11) The prohibition of kindling a fire, surely, is included in the general prohibition of labour on Sabbath.

(12) I.e., only a negative commandment the transgression of which does not, like the other Sabbath offences, involve the penalties of stoning or kareth. The former, if the offender was warned beforehand of the consequence of his offence, the latter, where no such warning had been given.

(13) Lit., 'to divide', i.e., one of the thirty-nine kinds of labour that are forbidden on the Sabbath was singly specified in order to indicate that to incur the prescribed penalties it is not necessary to commit all the thirty-nine transgressions (as the one general, all-embracing prohibition of about might have seemed to imply). The mention of one prohibition (kindling of fire) separately breaks up, so to speak, (divides), all the others into single units, indicating that, as in its own case, so in that of all the others first mentioned together with it, every single transgression involves the penalty of stoning, kareth, or a sin-offering.

(14) Lit., 'went out'.

(15) V. p. 24, n. 12.

(16) Who asked, supra, 'wherefore was it stated?'

(17) Ex. XXXV, 3.

(18) That the prohibition is in force in all 'habitations'.

(19) I.e., throughout all habitations.

(20) The phrase, 'throughout your habitations', Ex. XXXV, 3.

(21) Deut. XXI, 22.

(22) The Sabbath.

(23) Ex. XXXI, 14 which prohibits all kinds of about on the Sabbath.

(24) Lit., 'or it is not but'.

(25) The prohibition of labour.

(26) Lit., 'or it is not but'.

(27) Ex. XXXV, 3.

(28) Num. XXXV, 29, referring to the death penalties of murderers.

(29) I.e., execute no death penalty of burning on the Sabbath. The death penalty of 'burning' was executed by pouring molten lead through the condemned man's mouth into his body, thus burning his internal organs.

(30) Lit., 'what, (is it) not?'

(31) Of death or kareth. V. supra p. 25, n. 1.

(32) Why the death penalty of burning — a kind of work — which according to R. Nathan would involve kareth must not be executed on the Sabbath.

(33) Though the penalties involved include that of kareth. Thus it follows that a positive precept may supersede even such a prohibition. So also in the case of the levirate marriage it might have been assumed that the precept of marrying one's deceased childless brother's widow supersedes the prohibition of marrying a consanguineous relative despite the fact that such a transgression involves elsewhere the penalty of kareth; hence it was necessary for Scripture to add, 'aleha' (Lev. XVIII, 18), to indicate that even a levirate marriage is in such a case forbidden. (V. supra 3b and 5b).

(34) V. supra p. 24, n. 12.

(35) The death penalty of burning.

(36) Cf. supra note 4.

(37) Lit., 'what (difference is it) to me', Shab. 106a. The dyes were boiled in connection with the construction of the Tabernacle that was made by Moses, and any kind of labour that was there performed is included among the thirty-nine principal kinds of labour which are forbidden on the Sabbath (v. Shab. 73a) and involve the penalty of kareth. Cf. supra p. 26, n. 8.

(38) Who deduced from Scriptural texts that a judicial death sentence may not be executed on the Sabbath.

(39) The assumption that the execution of a judicial death sentence might supersede the Sabbath.

(40) The Sabbath.

(41) Ex. XXXI, 14.

Talmud - Mas. Yevamoth 7a

If the Temple service which is of high importance and supersedes the Sabbath¹ is itself superseded by [a death sentence for] murder, as it is said, Thou shalt take him from Mine altar, that he may die,² how much more reasonable is it that the Sabbath which is superseded by the Temple service should be superseded by [a death sentence for] murder'. How, then, could it be said, 'Or it might rather [etc.]'?³ — He means this: The burial of a meth mizwah⁴ might prove [the contrary], since it supersedes the Temple service⁵ and does not nevertheless supersede the Sabbath.⁶ Then⁷ he argued: It might be inferred a minori ad majus that the burial of a meth mizwah should supersede the Sabbath, [thus]: If the Temple service which super sedes the Sabbath is superseded by the burial of a meth mizwah, by deduction from Or for his sister,⁸ how much more should the Sabbath which is superseded by the Temple service be superseded by the burial of a meth mizwah; hence it was explicitly stated, Ye shall kindle no fire.⁹ [etc].¹⁰

According to our previous assumption, however, that a positive precept supersedes a prohibition, what is meant by, 'Or it might rather [etc.]'?¹¹ — It is this that was meant: 'As regards the application of the text, Every one that profaneth it¹² shall surely be put to death,¹³ it might have been said to apply to the several kinds of labour other than the execution of a judicial death sentence, but that a judicial death sentence does supersede the Sabbath, for a positive precept¹⁴ supersedes the prohibition. Then¹⁵ he argued: It might be suggested that a positive precept supersedes a prohibition in the case of a mere prohibition only; has it, however, been heard to supersede a prohibition which involves kareth? Then he concluded: 'Even where¹⁶ a positive precept supersedes a prohibition, is not the prohibition of a more serious nature than the precept?¹⁷ And yet the positive precept comes and supersedes the prohibited; on what grounds,

then, should a distinction be made between a minor and a major prohibition?¹⁸ Hence it was explicitly stated, Ye shall kindle no fire⁹ [etc.].¹⁹

But²⁰ [this is the reason why a specific text] was needed:²¹ It might have been assumed that this [case of a] brother's wife should be regarded as a subject which was included in a general proposition²² and was subsequently singled out in order to predicate another law,²³ the predication of which is not intended to apply to itself alone but to the whole of the general proposition. For it was taught: 'A subject which was included in a general proposition and was subsequently singled out, etc. How [is this to be understood]? But the soul that eateth of the flesh of the sacrifice of peace-offerings [that pertain unto the Lord], having his uncleanness upon him,²⁴ were not peace-offerings included among the other holy things?²⁵ Why, then, were they subsequently singled out? In order that [the others] may be compared to them, and in order to tell you that as peace-offerings are distinguished by being consecrated objects of the altar so must also all other things²⁶ be consecrated objects of the altar, the objects consecrated for Temple repair only being excluded.'²⁷ Similarly here it might have been argued:²⁸ Since a brother's wife was included among all the other forbidden relatives, why was she singled out? In order that [the others] may be compared to her, and in order to tell you that as a brother's wife is permitted²⁹ so also are all the other forbidden relatives permitted.³⁰

Are these, however, similar? There,³¹ both the general proposition³² and the particular specification²⁴ relate to a prohibition, but here³³ the general proposition relates to a prohibition while the particular specification relates to something which is permitted!³⁴ This, surely, is rather to be compared to an object that was included in a general proposition and was subsequently singled out in order to be made the subject of a fresh statement, which you cannot restore to the restrictions of the general proposition unless Scripture specifically restores it; for it was taught: Anything which was included in a general proposition and was subsequently excluded in order to be made the subject of a fresh statement, cannot be restored to the restrictions of the general proposition unless Scripture has explicitly restored it.³⁵ How³⁶ [may this principle be illustrated]? And he shall kill the he-lamb in the place where they kill the sin-offering and the burnt-offering in the place of the Sanctuary; for as the sin-offering is the priest's so is the guilt-offering.³⁷ Now since there was no need to state, 'As the sin-offering so is the guilt-offering.'³⁸ why did Scripture explicitly state. As the sin-offering so the guilt-offering? Because seeing that the guilt-offering of the leper was singled out³⁹ in order to impart a new law concerning the thumb of the right hand and the great toe of the right foot,⁴⁰ it might have been assumed that it required no application of blood to, and no burning of the prescribed portions of the sacrifice upon the altar;

(1) Labour prohibited on the Sabbath may be performed in connection with the service of the Temple.

(2) Ex. XXI, 14. This is taken to mean that he may be removed from the altar even if he has to perform service thereon.

(3) Supra 6b. Since the inference was made a minori ad majus how could anyone dispute it?

(4) V. Glos.

(5) A priest may defile himself by the burial of a meth mizwah though he thereby becomes disqualified from performing the Temple service. V. Meg. 3b.

(6) Burial is forbidden on the Sabbath. So also, it could be argued, the execution of a death sentence, though it supersedes the Temple service, need not necessarily supersede the Sabbath.

- (7) Saying again, 'Or it might rather etc.', supra 6b.
- (8) Num. VI, 7; v. Meg. 3b.
- (9) Ex. XXXV, 3.
- (10) For the continuation, v. supra 6b.
- (11) Cf. supra p. 27, n. 8. How, in view of this assumption, could any other conclusion be arrived at?
- (12) The Sabbath.
- (13) Ex. XXXI, 14.
- (14) That the man worthy of death be put to death (v. Deut. XXI, 22).
- (15) By saying again, 'Or it might rather', supra 6b.
- (16) Cf. Bah, a.l.
- (17) A transgression of the prohibition involves the serious penalty of flogging, while the non-performance of the precept is no punishable offence.
- (18) As a positive precept supersedes an ordinary prohibition so it should also supersede one which involves kareth.
- (19) V. supra note 3.
- (20) Now that it is concluded that the need of the Scriptural text prohibiting the execution of a death sentence on Sabbath is because otherwise the permissibility thereof might have been argued a minori, and not on the ground of the principle that a positive command supersedes a prohibition, there is no proof available for the assumption that a positive precept supersedes a prohibition which involves kareth, and thus the original question again arises: What need was there for the specific text of Lev. XVIII, 18, 'aleha' (supra p. 8), to indicate the obvious? (i.e., that the positive precept of the levirate marriage does not supersede the prohibition of marrying a consanguineous relative).
- (21) V. previous note.
- (22) The prohibition of incest, Lev. XVIII, 29.
- (23) The marriage of the widow of a deceased childless brother.
- (24) Lev. VII, 20.
- (25) Lev. XXII, 3, where the penalty of kareth is pronounced for eating consecrated things during one's uncleanness.
- (26) For the eating of which during one's uncleanness the penalty of kareth is incurred.
- (27) Ker. 2b. If these were eaten by one in a state of uncleanness no obligation is incurred.
- (28) Reading with Bah **tv** (**tbhmt vuv**). Cur. edd. retain **tv** with no sign of abbreviation.
- (29) To be married to the levir if her husband died childless.
- (30) Cf. previous note. A text was consequently needed to intimate that the law was not so,
- (31) The case of consecrated objects.
- (32) Lev. XXII, 3.
- (33) Levirate marriage and forbidden relatives.
- (34) How, then, could the two be compared?
- (35) Now, as the case of a brother's wife has not been restored to the general proposition, what need was there for the specific text of Lev. XVIII, 18?
- (36) This is the continuation of the quotation.
- (37) Lev. XIV, 13, dealing with the leper's guilt-offering.
- (38) Since the place of killing was indicated at the beginning of the verse while the other regulations concerning this sacrifice are found in the laws of the guilt-offering in Lev. VII, 1ff.
- (39) From the laws relating to other guilt-offerings.
- (40) V. Lev. XIV, 14.

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hence it was explicitly stated, 'As the sin-offering so is the guilt-offering': As the sin-offering¹ requires application of the blood to, and burning of the prescribed portions upon the altar, so does the guilt-offering also require application of the blood to, and burning of the prescribed portions upon the altar.² Had Scripture not restored it,³ however, it would have been assumed that it was singled out only in respect of what was explicitly specified but not in any other respect;⁴ so also here,⁵ I would assume, only a brother's wife who was explicitly mentioned [can be said] to be permitted⁶ but not any of the other forbidden relatives!⁷

But⁸ it might have been assumed that the law of a wife's sister⁹ should be deduced from what has been found in the case of a brother's wife; as a levir may marry his brother's wife so he may also marry his wife's sister.¹⁰

Are, however, the two cases¹¹ similar? In the one case¹² there is only one prohibition; in the other¹³ there are two prohibitions!¹⁴ — It might have been assumed that since she¹⁵ was permitted¹⁶ [in respect of one prohibition]¹⁷ she was also permitted [in the case of the other].¹⁸ And whence is it derived that we assume that 'since something was permitted [in one respect] it was also permitted [in the other]'? — From what was taught: In the case of a leper whose eighth day [of purification]¹⁹ fell on the Passover eve,²⁰ and who, having observed a discharge of semen on that day,²¹ had taken a ritual bath, the Sages said: Although no other *tebul yom*²² may enter [the Temple mount],²³ this one²⁴ may enter, for it is better that the positive precept,²⁵ the non-observance of which involves *kareth*, shall supersede a positive precept²⁶ the infringement of which involves no *kareth*.²⁷ And in connection with this R. Johanan said: According to the Torah, not even [the infringement of] a positive precept is involved,²⁸ for it is said, And Jehoshaphat stood in the congregation of Judah . . . before the new court.²⁹ What is meant by the new court? Rabbi³⁰ replied: That they enacted therein new laws, ordaining that a *tebul yom*³¹ must not enter the camp of the Levites.³² And 'Ulla said: 'What is the reason?'³³ Since he was given permission³⁴ in respect of his leprosy,³⁵ permission was also given to him in respect of his discharge of the semen.³⁶ But is this case³⁷ similar to that of 'Ulla?

(1) Of a leper.

(2) Zeb. 49a.

(3) The leper's guilt-offering and brought it into line with other guilt-offerings.

(4) Lit., 'to what it went out, it went out; and to what it did not go out, it did not go out'.

(5) The case of the levirate marriage.

(6) Lit., 'that was permitted is permitted'.

(7) The question consequently arises again: What need was there for 'aleha' in Lev. XVIII, 18. (Cf. supra p. 30, n. s).

(8) The reason why a superfluous text (v. previous note) was needed.

(9) For this reading v. Bah.

(10) Hence it was necessary to have the superfluous text, 'aleha' (v. supra n. 4) to shew that the law was not so.

(11) Brother's wife and wife's sister.

(12) Lit., 'there', a brother's wife.

(13) Lit., 'here', a wife's sister.

- (14) The prohibitions to marry (a) a brother's wife and (b) a wife's sister. How then could the one be deduced from the other?
- (15) A brother's wife who is also one's wife's sister and whose husband died childless.
- (16) By the positive precept of the levirate marriage.
- (17) That of marrying a brother's wife.
- (18) The prohibition of marrying one's wife's sister. Hence etc. V. supra note 7.
- (19) On which he completes the days of his purification and brings the prescribed sacrifices, presenting himself (whither as a leper he was till that day forbidden to enter) on the Temple mount at the entrance to the Nikanor gate of the Sanctuary, from where he extends his thumb and great toe into the Sanctuary (whither he is not yet allowed to enter) for the priest to apply to them some of the sacrificial blood, v. Nazir, Sonc. ed. p. 165ff.
- (20) When the paschal lamb is sacrificed to be eaten in the evening.
- (21) Such a discharge ordinarily disqualifies a man from entering the Temple mount.
- (22) **וְהַיְהוּדִי** one who has had his ritual bath and is awaiting nightfall for the completion of his purification.
- (23) Before nightfall.
- (24) The leper in the circumstances mentioned.
- (25) That of the paschal lamb.
- (26) That a leper like certain other unclean persons must be sent out from the Levitical camp in which the Temple mount is included.
- (27) If he were not allowed to enter the Temple mount his purification from leprosy could not have been completed (cf. supra p. 31, n. 16) and he would in consequence have been prevented from participating in the paschal lamb. By allowing him to enter he is enabled to complete his purification, while nightfall would also terminate the uncleanness due to the discharge, and thus he is in a position to participate in the evening in the paschal lamb which during the day is prepared for him by a deputy.
- (28) In allowing the leper in the conditions mentioned to enter the Temple court.
- (29) II Chron. XX, 5, referring to a day when Israel completed a period of purification.
- (30) This is the reading also in Zeb. 32b. Cur. edd. enclose in parentheses 'R. Johanan'.
- (31) V. Glos.
- (32) Which proves that the prohibition for a tebul yom to enter the Levitical camp was not of Pentateuchal origin, having been first enacted in the days of Jehoshaphat.
- (33) Why was a leper in the circumstances mentioned permitted to extend his hands into the Sanctuary whither an unclean person, according to 'Ulla, may not project even part of his body?
- (34) To project his hands into the Sanctuary.
- (35) Despite the prohibition for an unclean person, though the days of his purification have been duly observed, to enter the Sanctuary even partially, prior to the offering of the prescribed sacrifices.
- (36) Thus it is proved that since something was permitted in one respect the permission remains in force even when another prohibition may be involved in another respect. The same argument might have also applied to a wife's sister or widow of a deceased brother. Hence the need of the text, 'aleha'.
- (37) A brother's wife who is also one's wife's sister.

Talmud - Mas. Yevamoth 8a

[The comparison] might well be justified where the deceased brother married [first]¹ and the surviving brother married [his brother's wife's sister] afterwards,² for, in this case, since the prohibition of brother's wife was removed,³ that of wife's sister⁴ is also removed; but where the surviving brother had married [first] and the deceased brother had married subsequently, the

prohibition of wife's sister was Surely in force first!⁵ Furthermore, even where the deceased had married [first], [the comparison] would be justified in the case where the deceased had married and died, and the surviving brother had married afterwards so that [the widow] was eligible in the interval,⁶ where, however, the deceased had married, and before he died his wife's sister was married by his surviving brother, [his widow] was never for a moment eligible for his brother! Does not 'Ulla admit that if the leper observed semen on the night preceding the eighth day⁷ of his purification he must not project his hand into the Sanctuary on account of his thumb⁸ because at the time he was eligible to bring the sacrifice [of the cleansed leper]⁹ he was not free from uncleanness?¹⁰

But [this is really the explanation]: If 'aleha' was at all needed, [it was for such a case as] where the deceased brother had married [first] and died, and the surviving brother married [the widow's sister] subsequently.¹¹

If you prefer I can say [that the reason¹² is because] it¹³ might have been deduced by means of R. Jonah's analogy. For R. Jonah — others say, R. Huna son of R. Joshua — said: 'Scripture stated: For whosoever shall do any of these abominations shall be cut off,¹⁴ all forbidden relatives were compared to a brother's wife';¹⁵ [so in this case also it might have been said], as a brother's wife is permitted¹⁶ so also are all other forbidden relatives permitted; hence the All Merciful has written, 'aleha'.¹⁷

Said R. Aha of Difti¹⁸ to Rabina: Consider! All forbidden relatives¹⁹ might be compared to a brother's wife²⁰ and might equally be compared to a wife's sister,²¹ what reason do you see for comparing them to a wife's sister?²¹ Compare them rather to a brother's wife!²⁰ — If you wish I might say: When a comparison may be made for increasing as well as for decreasing restrictions, that for increasing restrictions must be preferred. If you prefer, however, I might say: In the former cases²² there are two prohibitions in the one as well as in the other,²³ and a double prohibition may justly be inferred from a double prohibition; in the latter case, however,²⁴ only one prohibition is involved,²⁵ and a double prohibition may not be inferred from a single one.

Raba said: [That] a forbidden relative herself²⁶ [may not contract the levirate marriage] requires no Scriptural text to prove it, since no positive precept can supersede a prohibition which involves kareth; if a Scriptural text was at all needed it was for the purpose of forbidding a rival.

And in the case of a forbidden relative is no Scriptural text required [to prohibit her levirate marriage]? Surely it was taught, 'Thus we are in a position to know the law concerning herself'!²⁷ — On account of her rival.²⁸ Was it not taught, however, 'Now we know the law concerning themselves'?²⁹ — On account of their rivals.³⁰

Come and hear: Rabbi said: [Instead of] and take, [Scripture stated], and take her,³¹ [and instead of] and perform the duty of a husband's brother [Scripture stated], and perform the duty of a husband's brother unto her,³¹ in order to prohibit³² [the levirate marriage of] forbidden relatives and their rivals!³³ — Read, 'To forbid [the levirate marriage of] the rivals of the forbidden relatives'. But two texts, surely, were mentioned;³⁴ was not one for the forbidden relative and the other for her rival? — No; both were for the rival, but one indicates prohibition³⁵ of a rival where

the precept³⁵ is applicable, and the other indicates permission to marry the rival where the precept³⁵ is not applicable.³⁶ What is the reason? — [Because instead of] ‘And perform the duty of a husband's brother’ [Scripture stated] And perform the duty of a husband's brother UNTO HER, [which indicates that] only where levirate marriage is applicable is a rival forbidden³⁷ but where levirate marriage is not applicable³⁶ a rival is permitted.³⁷ R. Ashi said: [This³⁸ may] also be inferred from our Mishnah where it was stated, FIFTEEN [CATEGORIES OF] WOMEN EXEMPT THEIR RIVALS, but it was not stated, ‘are exempt³⁹ and exempt [their rivals]’. This proves it.

In what respect does the case of a forbidden relative differ⁴⁰ that it should require no text?⁴¹ Obviously because no positive precept may supersede a prohibition which involves kareth. But then the case of a rival also should require no text,⁴¹ since no positive precept may supersede a prohibition which involves kareth!⁴² — Said R. Aha b. Bebai Mar to Rabina, Thus it has been stated in the name of Raba: In the case of a rival also no Scriptural text⁴¹ was needed; if a text was needed at all

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- (1) His wife thus becoming a forbidden relative to his brother as ‘brother's wife’.
 - (2) Thus adding to the one prohibition (v. previous note) the other of ‘wife's sister’.
 - (3) By the precept of the levirate marriage, owing to the childlessness of the deceased.
 - (4) Since it was added subsequently.
 - (5) And could not consequently be removed by the removal of a prohibition which took effect subsequent to it.
 - (6) Between the death of her husband and the marriage of her sister by his surviving brother. This case would be analogous to that of the leper who was eligible to bring his sacrifices on the eighth day of his purification during the interval between the beginning of the day and the hour on that day he contracted a new uncleanness by his discharge.
 - (7) The night is reckoned as the beginning of the day following it.
 - (8) V. supra p. 31, n. 16.
 - (9) The eighth day of his purification.
 - (10) Owing to the discharge of the semen which occurred in the night. As a sacrifice must be brought in the day time only, there was not a single moment during which he was eligible to bring the sacrifices as being clean in all respects. The prohibition consequently remains in force. So also in the case of a wife's sister as regards the levirate marriage. The question, therefore, arises again, what need was there for the superfluous text of Lev. XVIII, 18. V. supra p. 30, n. 2.
 - (11) So that there was an interval during which he was permitted to marry the widow. V. p. 33. n. 11.
 - (12) Why the superfluous ‘aleha’ in Lev. XVIII, 18 was required.
 - (13) The law that forbidden relatives may be married in the case of a levirate marriage.
 - (14) Lev. XVIII, 29.
 - (15) Having been grouped together in this text.
 - (16) In the case of a levirate marriage.
 - (17) Lev. XVIII, 18; to intimate that they are not permitted.
 - (18) Dibtha, below the Tigris, S.W. of Babylon.
 - (19) That were enumerated in our Mishnah.
 - (20) And levirate marriage with all of them would thus be permitted.
 - (21) With whom the levirate marriage is forbidden by the text ‘aleha’ (v. supra).
 - (22) Lit., ‘here’, (a) in that of a wife's sister and (b) all the other forbidden relatives (other than a brother's wife).

- (23) Lit., 'and here two prohibitions', (a) forbidden relatives and (b) brother's wife.
- (24) Lit., 'but here,' a brother's wife who is not a consanguineous relative.
- (25) That of a brother's wife.
- (26) So Bah.
- (27) I.e., the forbidden relative, supra 3b.
- (28) Whose case had to be proved, it was necessary to begin with this introduction.
- (29) I.e., the forbidden relatives.
- (30) Cf. supra n. 3.
- (31) Deut. XXV, 5.
- (32) By the use of 'her' and 'unto her' which implies 'but no other'.
- (33) Which shews that a Scriptural text is required, even in the case of forbidden relatives themselves, to prove that levirate marriage is prohibited.
- (34) Lit., 'he took.'
- (35) Of the levirate marriage.
- (36) As, for instance, in the case of a rival of a forbidden relative who married a stranger, v. infra 13a.
- (37) To be married by the man to whom the relative herself is forbidden.
- (38) Raba's statement that the prohibition to contract levirate marriage with a forbidden relative is so obvious that no Scriptural text is required to prove it.
- (39) Which shews that the exemption of the forbidden relatives themselves from the levirate marriage (i.e., the prohibition ever to marry them) was taken in our Mishnah for granted.
- (40) From the case of her rival.
- (41) To prove its prohibition even in the case of the levirate marriage.
- (42) Kareth being the penalty in both cases.

Talmud - Mas. Yevamoth 8b

it was for the purpose of permitting a rival where the precept¹ is not applicable. What is the reason?² — Scripture stated, 'aleha',³ to indicate that only in the case of 'unto her'⁴ is she⁵ forbidden,⁶ where the other, however, may not, she is permitted.

Said Rami b. Hama to Raba: Might it not be suggested⁷ that the forbidden relative⁸ herself is permitted⁹ where the precept¹⁰ is not applicable? — Is not [such an argument contrary to the principle of inference] a *minori ad majus*? Being forbidden where the precept¹⁰ is applicable, would she be permitted where the precept is not applicable? — ['The case of a] rival', the first replied, 'could prove it, since she is forbidden⁹ where the precept¹⁰ is applicable, and is permitted⁹ where the precept¹⁰ is not applicable'. 'It is for your sake,' the other replied, 'that Scripture states, In her life-time,¹¹ so long as she¹² lives'.¹³ But is not the expression,¹⁴ In her life-time,¹¹ required for the exclusion [of the prohibition of marriage] after her¹² death?¹⁵ — This is deduced from the text, And a woman to her sister.¹¹ If [the deduction were only] from the text. 'And a woman to her sister',¹¹ it might have been said that if she¹⁶ was divorced the sister would be permitted, hence it was expressly stated, 'In her life-time.'¹¹ So long as she¹⁶ is alive, even though she has been divorced, [her sister must] not [be married]!¹⁷ — But, said R. Huna b. Tahlifa in the name of Raba, two Scriptural texts are available; it is written, Thou shalt not take a woman to her sister, to be a rival to her¹⁸ [implying two],¹⁹ and it is also written, To uncover her nakedness,²⁰ which implies that only one is forbidden; how then [are the two texts to be reconciled]? Where the

precept²¹ is applicable both are forbidden;²² where the precept²¹ is not applicable she²³ is forbidden but her rival is permitted. Might not the deduction be reversed: Where the precept²¹ is applicable she²³ is forbidden but her rival is permitted, but where the precept is not applicable both are forbidden!²² — If so, ‘aleha’ should not have been stated.²⁴

Said R. Ashi to R. Kahana: Whence is it derived that the expression ‘aleha²⁵ indicates prohibition? Is it not possible that it implies permission, and that it is this that the All Merciful meant to imply: Thou shalt not take a woman to her sister, to be a rival to her,²⁵ neither herself nor her rival where ‘unto her’²⁶ is not applicable,²⁷ but where ‘unto her’²⁶ is applicable²⁸ both are permitted!²⁹ — If so, how could the ‘uncovering of the nakedness’ of one³⁰ be possible? If in the case where the precept³¹ is applicable, both are permitted;³² and if where the precept is not applicable both are forbidden!³³

[Reverting to] the [above] text, Rabbi said: Instead of And take, Scripture stated, ‘And take her’ and instead of ‘And perform the duty of a husband's brother’, Scripture stated, ‘And perform the duty of a husband's brother unto her’, in order to prohibit [the levirate marriage of] forbidden relatives and their rivals. Are, then, rivals mentioned here at all? And, furthermore, the law of rivals has been derived from the expression To be her rival!³⁴ — The expression To be her rival is employed by Rabbi for R. Simeon's deduction.³⁵ Where,³⁶ however, is the rival mentioned?³⁷ — What he meant is this: If so,³⁸ Scripture should have stated, And take; why then did it state, ‘And he shall take her’?³⁹ To indicate that wherever there are two to be taken,⁴⁰ he⁴¹ having the choice of marrying whichever he prefers⁴² both are permitted,⁴³ but if not,⁴⁴ both are forbidden; And perform the duty of a husband's brother unto her,⁴⁵ indicates that where levirate marriage is applicable there is the rival forbidden, where, however, levirate marriage is not applicable the rival is permitted.

As to the Rabbis,⁴⁶ to what do they apply the verse ‘And he shall take her’? — They require it for the deduction of R. Jose b. Hanina. For R. Jose b. Hanina said: ‘And he shall take her’⁴⁵ teaches that he⁴⁷ may divorce her with a letter of divorce⁴⁸ and that he may remarry her;⁴⁹ And he shall perform the duty of a husband's brother unto her, even against her will.⁵⁰ And Rabbi?⁵¹ — The law of R. Jose b. Hanina is deduced from To a wife,⁴⁵ and that the marriage may take place against her will is deduced from Her husband's brother shall go in unto her.⁴⁵

What does Rabbi do with [the expression], ‘aleha’? — He requires it [for another deduction], as we learnt: The Beth din⁵² are under no obligation⁵³ unless [they ruled] concerning a prohibition the punishment for which is kareth, if the transgression was wilful, and a sin-offering if the transgression was unwitting; and so it is with the anointed High priest.

(1) Of the levirate marriage.

(2) I.e., how is the permissibility deduced?

(3) Lev. XVIII, 18.

(4) Lit., ‘in the place of **vHkg** with reference to the verse ‘Her husband's brother shall go in unto her’ (v. supra p. 8, n. 9) i.e., where the command of levirate marriage would otherwise apply.

(5) The rival.

(6) To be married, cf. supra p. 35, n. 12.

- (7) On the lines of the argument just advanced.
- (8) I.e., the wife's sister.
- (9) To be married.
- (10) Of the levirate marriage.
- (11) Lev. XVIII, 18.
- (12) One's wife.
- (13) Her sister must not be married. (Other forbidden relatives, as has been shewn supra, are deduced from one's wife's sister).
- (14) Lit., 'that'.
- (15) I.e., that the prohibition of a wife's sister which on the present assumption is limited to cases where the precept of levirate marriage is applicable, applies only during the lifetime of one's wife.
- (16) The wife.
- (17) But it can still be maintained that where no levirate marriage is applicable, there is no prohibition of marrying the wife's sister.
- (18) Lev. XVIII, 18.
- (19) I.e., that both the wife's sister and her rival are forbidden to be married. (This, as will be shewn infra, is deduced from the expression li-zeror.)
- (20) Lev. XVIII, 18, emphasis on her (sing.).
- (21) Of the levirate marriage.
- (22) To be married.
- (23) The forbidden relative herself.
- (24) Since even without this additional phrase the two contradictory texts would have been naturally reconciled by applying the former (prohibition of both) to a case where the precept of the levirate marriage is inapplicable, and the latter (permission of the rival) to a case where it is applicable. The addition of the phrase must consequently have been intended to impart a new law, viz. that a rival is forbidden, like the forbidden relative herself, where the precept of the levirate marriage is applicable.
- (25) Lev. XVIII, 18.
- (26) V. supra p. 8, n. 9.
- (27) I.e., where the law of the levirate marriage does not apply.
- (28) Where levirate marriage does apply.
- (29) The concluding part of the verse **vhhvc vhkg** meaning where he has to go 'unto her', the sister of his wife who is the widow of his brother, he may do so even in her (his wife's) life-time.
- (30) V. Lev. XVIII, 18, implying, as explained supra, the prohibition of one only.
- (31) Of the levirate marriage.
- (32) So that there are two, not only one.
- (33) And there is none.
- (34) Heb. li-zeror (Lev. XVIII, 18), supra 3b. How then could it be said to be derived from a different text?
- (35) V. infra 28b.
- (36) V. Emden a.l. Cur. edd. read 'here'.
- (37) In Deut. XXV, 5, the text cited by Rabbi. Clearly, it was not mentioned at all; how then could Rabbi derive from the text a law concerning a subject of which no mention was made?
- (38) That the text refers to the forbidden relative only and not to a rival.
- (39) Deut. XXV, 5.
- (40) Lit., 'takings', i.e., when the deceased childless brother is survived by two widows, and the levir has to decide which of them to marry.

- (41) The levir.
- (42) I.e., when neither of the two is a forbidden relative.
- (43) The emphasis on 'her' in And take her implies that there is a choice between two, and the phrase 'and take her' is taken to imply that the levir is in a position to choose whichever he pleases, since either of them must be capable of having the phrase 'and take her' applied to her.
- (44) If one cannot be married by him on account of her being his forbidden relative.
- (45) Deut. XXV, 5.
- (46) Who made the deduction from li-zeror.
- (47) The levir.
- (48) After he married her; and she requires no halizah.
- (49) Though the precept of the levirate marriage has been fulfilled and she might have been assumed to be forbidden to him as a brother's wife. The text is interpreted as follows: And he takes her to him to wife, as soon as he has taken her, she is regarded henceforth in all respects as his wife, i.e., as if she had never been forbidden to him as a brother's wife.
- (50) Emphasis on 'unto her' (v. Tosaf).
- (51) Whence does he derive the law deduced by R. Jose b. Hanina?
- (52) Who are guilty of an erroneous ruling.
- (53) To bring the sacrifice prescribed in Lev. IV, 13ff.

Talmud - Mas. Yevamoth 9a

Nor [are they liable] in respect of idolatry unless [they ruled] concerning a matter the punishment for which is kareth, if it was committed wilfully and a sin-offering if committed unwittingly;¹ and we also learnt: [For the unwitting transgression of any] commandment in the Torah the penalty for which, if committed wilfully, is kareth and, if committed unwittingly a sin-offering, the private individual brings a sin-offering of a lamb or a she-goat; the ruler brings a goat; and the anointed High Priest and the Beth din bring a bullock. In the case of idolatry the individual and the ruler and the anointed High Priest bring a she-goat while the Beth din² bring a bullock and a goat, the bullock for a burnt-offering and the goat for a sin-offering. Whence is this deduced? From the following. For our Rabbis taught: When the sin wherein they have sinned is known:³ Rabbi said, here⁴ we read 'aleha⁵ and further on⁶ we also read 'aleha;⁷ as further on⁶ the prohibition involves the penalty of kareth if the transgression was wilful and that of a sin-offering if it was unwitting, so here⁸ also, [the ruling must be concerning] a prohibition which involves the penalty of kareth if the transgression was wilful and that of a sin-offering if it was unwitting.⁹

Proof has thus been adduced for the case of the congregation; whence for that of the anointed High Priest? — It is written in relation to the High Priest, So as to bring guilt upon the people;¹⁰ this shews that the anointed High Priest is like the congregation. And for an individual and a ruler? — The inference is made by a comparison of Things¹¹ with Things.¹² 'Nor [are they liable] in respect of idolatry unless [their ruling] concerned a matter the punishment for which is kareth if it was committed wilfully, and a sin-offering if committed unwittingly'. As regards the congregation in the matter of idolatry, deduction¹³ is made by comparison between From the eyes¹⁴ and From the eyes.¹⁵ [The law¹⁶ of] a private individual, a ruler and an anointed High Priest [is deduced] from, And if one soul¹⁷ which implies that there is no distinction between a private individual, a ruler and an anointed High Priest, while the waw¹⁸ connects them with the

previous subject,¹⁹ and consequently the latter²⁰ may be deduced from the former.²¹

Whence, however, do the Rabbis²² arrive at this inference?²³ — They deduce it from the Biblical interpretation which R. Joshua b. Levi taught to his son: Ye shall have one law for him that doeth aught in error. But the soul that doeth aught with a high hand etc.,²⁴ all the Torah is compared to the prohibition of idolatry;²⁵ as in regard to idolatry [obligation is incurred only where] the offence involves the punishment of kareth²⁶ when it was committed wilfully and a sin-offering²⁷ when committed unwittingly, so also in the case of any other transgression [it must be such] as involves kareth when committed wilfully and a sin-offering when committed unwittingly.

Proof has thus been found for the case of a private individual, a ruler and an anointed High Priest²⁸ both in regard to idolatry and the rest of the commandments; whence, however, [is it proved that the same law applies also to] the congregation in the case of idolatry? — Scripture said, And if one soul,²⁹ and the former³⁰ may be deduced from the latter.³¹ Whence, however, [is it deduced that the same law applies to] the congregation in the case of the other commandments? — Deduction is made by comparison between ‘From the eyes’ and ‘From the eyes’.³²

And what does Rabbi do with the text of One law:³³ — He applies it to the following.³⁴ Whereas we find that Scripture made distinction between individuals and a group,³⁵ individuals being punished by stoning and their money, therefore, being spared, while a group are punished by the sword and their money is consequently destroyed, one might also assume that a distinction should be made in respect of their sacrifices; hence it was explicitly stated, Ye shall have one law.³³

R. Hilkiah of Hagronia³⁶ demurred: Is the reason³⁷ because the All Merciful has written, Ye shall have one law,³³ so that had it not so been written it might have been thought that a distinction should be made [in respect of their sacrifices]? What, however, could they bring! Should they bring a bullock? The congregation,³⁸ surely, brings a bullock for the transgression of any one of all the other commandments!³⁹ [Should they bring] a lamb? An individual, surely, brings a lamb if he transgressed any of the other commandments!⁴⁰ A he-goat? A ruler brings one in the case of transgression of any of the other commandments!⁴⁰ A bullock for a burnt-offering and a goat for a sin-offering? Such, surely, are brought by the congregation in the case of idolatry!⁴⁰ Should they, then, bring a she-goat? This, surely, is also the sin-offering of a private individual!⁴¹ — [The text]⁴² was required, because it might have been suggested that whereas the congregation, in the case of an erroneous ruling, brings a bullock for a burnt-offering and a he-goat for a sin-offering, these⁴³ should also bring the same sacrifices, but] in the reverse order;⁴⁴ or [it might have been assumed to be] necessary⁴⁵ but that there was no remedy;⁴⁶ hence it was necessary to teach us.⁴⁷

Said Levi to Rabbi: What ground is there for stating⁴⁸ FIFTEEN? Sixteen should have been stated! — The other replied: It seems to me that this man has no brains in his head. ‘Do you mean’, he continued, ‘a man's mother who had been outraged by his father?’⁴⁹ The case of a man's mother who has been outraged by his father is a matter in dispute between R. Judah and the Rabbis,⁵⁰ and the author of our Mishnah does not deal with any controversial matter’. But does he

not? Surely, the prohibition due to a Rabbinical ordinance and the prohibition due to the levir's sanctity,⁵¹ concerning which R. Akiba and the Rabbis are in dispute,⁵² are mentioned! — We mean, in our chapter. But, surely it was taught,⁵³ 'Beth Shammai permit rivals to the other brothers and Beth Hillel prohibit them'!⁵⁴ — The view of Beth Shammai where it is in contradiction to that of Beth Hillel is of no consequence.⁵⁵

Is there not the case of the wife of a man's brother who was not his contemporary.⁵⁶

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- (1) Hor. 8a.
 - (2) So in Hor. 9a. Cur. ed. 'congregation'.
 - (3) Lev. IV, 14.
 - (4) Concerning an erroneous ruling of the Beth din.
 - (5) **vhkg**, Lev. loc. cit. ('wherein').
 - (6) Concerning marrying two sisters.
 - (7) Ibid. XVIII, 18, E.V., 'Beside the other'.
 - (8) Concerning an erroneous ruling of the Beth din.
 - (9) Thus it has been shewn that Rabbi requires the text Beside the other for another deduction.
 - (10) Lev. IV, 3.
 - (11) Heb. mizwoth , **umn** 'commandments'.
 - (12) Lev. IV, 22 and IV, 13.
 - (13) That the transgression must be one which involves kareth if done wilfully, and a sin-offering if done unwittingly.
 - (14) Num. XV, 24, dealing with idolatry.
 - (15) Lev. IV, 13, referring to an erroneous ruling.
 - (16) V. note 12.
 - (17) Num. XV, 27.
 - (18) 'And', in we'im (**otu**, and if).
 - (19) The congregation.
 - (20) Individual, ruler and High Priest.
 - (21) The congregation, concerning whom deduction has previously been made from the law relating to an erroneous ruling.
 - (22) Who, unlike Rabbi, require the expression 'aleha (beside her) for deduction in connection with the laws of incest and rival wives, supra 3b.
 - (23) That obligation is incurred only where the prohibition involves kareth where it was transgressed wilfully and a sin-offering when transgressed unwittingly.
 - (24) Num. XV, 29, 30.
 - (25) The text, according to Rabbinical exposition, refers to idolatry and in relation to it the expression Law (Torah) is used.
 - (26) E.g., offering of a sacrifice.
 - (27) V. Num. XV, 30. Where wilful transgression involves kareth, unwitting transgression is atoned for by a sin-offering.
 - (28) By deduction from soul (nefesh, Num. XV, 27) which includes all ranks of individuals.
 - (29) Num. XV, 27, referring, as has just been pointed out, to individuals of all ranks.
 - (30) Congregation.
 - (31) Individuals.

- (32) V. supra p. 40, n. 13 and p. 40, n. 14.
- (33) Num. XV, 29.
- (34) Lit., 'requires it for as it was taught'.
- (35) Lit., 'many', i.e., the inhabitants of a city condemned for idolatry (Deut. XIII, 13ff).
- (36) A suburb of Nehardea.
- (37) Why the sin-offerings of a group and of individuals are the same in the case of idolatry (v. previous note).
- (38) I.e., a majority of all the tribes of Israel.
- (39) What distinction, then, would there be between the sin-offerings of a 'condemned city' and those of the 'congregation'? (V. previous note). If a distinction is to be made between the sacrifices of a 'condemned city' and those of individuals, how much more should such a distinction be made between the former and those of the 'congregation'!
- (40) Cf. n. 7, supra.
- (41) Now, since no distinction in the sacrifice could possibly be made, what need was there for the text of Num. XV, 29?
- (42) V. previous note.
- (43) The men of a 'condemned city'.
- (44) A bullock for a sin-offering and a he-goat for a burnt-offering.
- (45) For the men of a 'condemned city' to bring a special sin-offering.
- (46) If the sin was committed unwittingly since an offering peculiar to themselves is an impossibility.
- (47) That the sacrifices are the same (cf. supra p. 42, n. 5) as deduced from Num. XV, 27. For further notes v. Hor., Sonc. ed. pp. 53ff.
- (48) In our Mishnah, supra 2a.
- (49) I.e., that the Mishnah should have included as a sixteenth forbidden relative, a man's mother who was not the lawful wife of his father, and who, having been subsequently married by his paternal brother who died childless, is now subject to the levirate marriage or halizah of her own son, the brother of her second husband.
- (50) Whether she may be married to his paternal brother, supra 4a.
- (51) **vumn ruxht** a prohibition not included in the Biblical laws of incest, but ordained by the Rabbis. **vause ruxht** a prohibition due to sanctity in the case, e.g., of a widow whose levir is a High Priest. (For this and an alternative explanation v. infra 20a).
- (52) Infra loc. cit.
- (53) In our very chapter, infra 13a.
- (54) Which shews that even laws which are in dispute are recorded in the chapter.
- (55) Lit., 'is not a teaching'; the view of Beth Hillel is accepted as law, and can consequently be included in our chapter.
- (56) Lit., 'in his world', i.e., who was born after the death of his childless brother.

Talmud - Mas. Yevamoth 9b

concerning which R. Simeon and the Rabbis are in dispute,¹ and which is nevertheless mentioned? — R. Simeon does not dispute the case where the birth² was first, and the levirate marriage³ later.⁴ Did not R. Oshaia, however, say¹ that R. Simeon disputed the first case also?⁵ — Surely. R. Oshaia's view was refuted.

Did not, however, Rab Judah state in the name of Rab, and R. Hiyya also taught: In the case of all these⁶ it may happen that she who is forbidden to one brother may be permitted to the other¹

while she who is forbidden to the other brother may be permitted to the one, and that her sister who is her sister-in-law may be subject either to halizah or to the levirate marriage.⁷ And Rab Judah interpreted [it⁸ as referring to those]⁹ from one's MOTHER-IN-LAW onwards but not to the first six categories. What is the reason? Because in the case of a daughter this¹⁰ is possible only [with one born] from a woman who had been outraged but not [with one born] from a legal marriage,¹¹ [and the author of our Mishnah] deals only with cases of legal matrimony and not with those of outraged women.¹² And Abaye interpreted it⁸ [as referring] also to a daughter from a woman who had been out raged, because, since [the application of Rab's statement] is quite possible in her case, it matters not whether she was born from a woman who was legally married or from one that had been outraged; but not to the wife of a brother who was not his contemporary. What is the reason? Because [the application of Rab's statement in this case] is possible only according to the view of R. Simeon and not according to that of the Rabbis, [the author of our Mishnah] does not deal with any matter which is in dispute. And R. Safra interprets it¹³ as referring also to the wife of a brother who was not his contemporary, and [in his opinion] it¹³ is possible in the case of six brothers in accordance with the view of R. Simeon.¹⁴

(1) Infra 18b.

(2) Of a third brother. (V. infra n. 4).

(3) Between the second brother and the widow of the first brother who died without issue (V. following note).

(4) In such a case, R. Simeon agrees that the third brother must not marry the widow, because at the time when he was born the widow was forbidden to him as 'the wife of his brother who was not his contemporary'. R. Simeon's disagreement with the Rabbis is limited to the case where the first brother, A, died childless and his widow was married to the second brother, B, prior to the birth of the third brother, C. If subsequently B died also childless, R. Simeon, contrary to the opinion of the Rabbis, allows the levirate marriage between the widow and C, because when C was born the widow was already the wife of B, and C's levirate marriage now is not due to A whose widow was a married woman when he was born, but to B whose contemporary he is.

(5) I.e., where C (v. note 4) was born before the levirate marriage between A's widow and B took place.

(6) The fifteen forbidden categories enumerated in our Mishnah, supra 2af.

(7) For full explanation of this statement V. infra 26a and 28b.

(8) Rab's statement.

(9) Forbidden categories.

(10) The full application of Rab's statement.

(11) Who would be forbidden to all the brothers.

(12) And since the case of a daughter could not be included, the other five cases also, bearing on a daughter, were excluded.

(13) Rab's statement.

(14) V. infra 28b for explanation.

Talmud - Mas. Yevamoth 10a

And your mnemonic is, 'Died, born, and performed the levirate marriage; died, born, and performed the levirate marriage'!¹ — Rabbi² does not accept these rules.³

R. Adda Karhina stated before R. Kahana in the name of Raba: Rabbi, in fact, does accept these rules,⁴ but it was this that he meant to say to [Levi]:⁵ [The application of the statement⁴ to]

a woman outraged by one's father is possible only in one [of its parts]; it is impossible, however, to apply it in [both its parts], for if Jacob outraged his two sisters,⁶ it is possible [to apply that part of the statement relating to] 'her sister who is her sister-in-law',⁷ but not that of 'she who is forbidden to one brother may be permitted to the other',⁸ and if he outraged two strangers,⁹ it is possible [to apply the statement], 'she who is forbidden to one brother may be permitted to the other'¹⁰ but not that of 'her sister who is her sister-in-law'.¹¹

R. Ashi said: Rabbi, in fact, does not accept these rules¹² and [our Mishnah] does deal with matters in dispute, and as to the meaning¹³ of 'It seems to me that this man has no brains in his head' which he¹⁴ addressed to him,¹⁵ what he meant was this: 'Why did you not carefully consider our Mishnah? For our Mishnah represents the view of R. Judah who forbids the marriage of a woman that was outraged by one's father,¹⁶ as it was taught: Six forbidden relatives come under greater restrictions,¹⁷ since they are to be married to strangers only,¹⁸ and their rivals are permitted.¹⁹ [These are:] his mother, his father's wife and his father's sister [etc.].²⁰ Now, what is meant by "his mother"? If it be assumed to mean one who was legally married to his father, such a woman surely is "his father's wife".²¹ Must it not consequently mean one who was outraged by his father? And yet it was stated, "since they are to be married to strangers only", implying "to strangers only but not to the brothers". Now, who has been heard to hold such an opinion? Surely it was R. Judah who forbids marriage with a woman who was outraged by one's father.²² Hence²³ it was not included in our Mishnah.'²⁴

Said Rabina to R. Ashi: [Such a levirate relationship]²⁵ is possible even according to R. Judah if and when one had married²⁶ illegally!²⁷ — The author of the Mishnah is not concerned with an 'if'.²⁸ Said R. Ashi to R. Kahana: This²⁹ is also possible without the 'if',³⁰ where Jacob³¹ outraged his daughter-in-law, begat from her a son, and then Reuben³² died without issue, and she thus came into levirate relationship with her son;³³ and since she is forbidden to him,³⁴ her rival also is likewise forbidden!³⁵ — The other replied: [The author of our Mishnah] deals only with lawful brotherhood but not with brotherhood which is due to a forbidden act.

Levi nevertheless³⁶ inserted it³⁷ in his Mishnah. For Levi taught: One's mother sometimes exempts her rival³⁸ and sometimes she does not exempt her. If his mother, for instance,³⁹ was lawfully married to his father, and then she was married⁴⁰ to his paternal brother⁴¹ who subsequently died, such a mother does not exempt her rival.⁴²

(1) Now, since in the case of 'the wife of a brother who was not his contemporary' the application of Rab's statement is only possible according to the view of R. Simeon but not according to that of the Rabbis, and since the statement is based on our Mishnah, it is obvious that our Mishnah deals also with a case which is in dispute.

(2) Cf. Bah. Cur. edd. insert, 'but'.

(3) Of Rab and R. Hiyya. Our Mishnah consequently deals only with that case in which R. Simeon and the Rabbis are in agreement. (V. supra 9b top).

(4) Of Rab and R. Hiyya, supra 9b.

(5) Whom he addressed supra 9a.

(6) And after one of them had given birth to a child, C, and the other to one, D, the first was married by A and the second by B, two of Jacob's sons from another wife.

(7) For should A and B die childless their wives who are sisters as well as sisters-in-law come under the law of the

levirate marriage in relation to C and D the brothers of A and B.

(8) Both being forbidden to C as well as to D. The mother of C is forbidden to C as mother and to D as mother's sister, and the mother of D is similarly forbidden to D and C.

(9) Cf. n. 8.

(10) Since the women are strangers and the restrictions mentioned in note 10 do not apply.

(11) The women being sisters-in-law only but not sisters. Thus it has been shown that the statement could not be applied in its entirety to the case of an outraged woman. Hence it was excluded from the enumeration in our Mishnah.

(12) Of Rab and Hiyya.

(13) Lit., 'and what'.

(14) Rabbi.

(15) Levi, supra 9a.

(16) Hence it is impossible for a mother, whether legally married or outraged, ever to come into levirate relationship with her son. (Cf. supra p. 45, n. 8.)

(17) Than those relating to the fifteen enumerated in our Mishnah.

(18) No paternal brother of the person concerned may ever marry them.

(19) To marry the brother of their deceased husband who had been married to their rival (one of the six relatives) illegally (Maimonides). If the marriage was with a stranger the permissibility of marriage is obvious since the laws of rivals apply only to a brother's widow.

(20) Infra 13a.

(21) Who was specifically mentioned.

(22) So that it is impossible for one ever to be subject to levirate marriage with his brother's wife whose legitimate or illegitimate son he is.

(23) Since R. Judah holds such an opinion and the Mishnah represents his view.

(24) Lit., 'he did not teach it'.

(25) Cf. supra p. 46, n. 13.

(26) The woman his father had outraged and who is also the mother of his brother.

(27) Infra 78a. In such a case it is surely possible for a mother to come into the levirate relationship with her son.

(28) Lit., 'when if he does not teach', i.e., he is not concerned with a levirate relationship that may arise out of a possible and unlikely breach of the law.

(29) Levirate relationship with a mother. Cf. supra p. 46, n. 13.

(30) I.e., even if the deceased brothers did not transgress the law.

(31) The father of the deceased.

(32) Her husband, Jacob's son.

(33) Lit., 'and she fell before her son', who is the paternal brother of her deceased husband, Reuben.

(34) As his mother.

(35) Why then was not this case included in our Mishnah?

(36) Despite Rabbi's abusive reply, supra 9a.

(37) **VESC** lit., 'examined it', i.e., revised our Mishnah and added the case under discussion. [Levi drew up a collection of teachings like those of R. Hiyya and R. Oshaia, v. B.B., Sonc. ed. p. 216].

(38) From halizah and the levirate marriage.

(39) Lit., 'how so?'.

(40) Unlawfully.

(41) Which is a marriage forbidden under the penalty of kareth and is, therefore, illegal and invalid.

(42) The marriage having been invalid, the woman is not regarded as his brother's wife.

Talmud - Mas. Yevamoth 10b

If his mother, however, was a woman that had been outraged by his father and was then married to his paternal brother who subsequently died, such a mother does exempt her rival.¹ And though the Sages taught in our Mishnah FIFTEEN we must add a case like this as a sixteenth.

Resh Lakish said to R. Johanan: According to Levi who maintains that an 'if'² is also included,³ let our Mishnah also include⁴ the case of a levir who gave halizah to his sister-in-law⁵ and later betrothed⁶ her and died without issue, for since [the widow of such a one] is forbidden,⁷ her rival also is forbidden!⁸ — The other replied: Because in this case the law of the rival of the rival⁹ cannot be applied.¹⁰ But could he¹¹ not have answered¹² him¹³ [that the brothers] are only subject to the penalties of a negative precept,¹⁴ and that those who are subject to the penalties of a negative precept are¹⁵ under the obligations of halizah and the levirate marriage?¹⁶ — He¹⁷ answered him¹⁸ in accordance with the view he¹⁸ holds. 'According to my view,' he¹⁹ argued, [the brothers] are only subject to the penalties of a negative precept,²⁰ and those who are subject to the penalties of a negative precept are²¹ under the obligations of halizah and the levirate marriage,²² but even according to your view that they are subject to the penalty of kareth [the case could not have been included in our Mishnah] because the law of the rival's rival cannot be applied'.²³

It has been stated: Where [a levir] had performed the ceremonial of halizah with his sister-in-law, and then betrothed her, Resh Lakish holds that he is not subject to the penalty of kareth for the haluzah,²⁴ but the other brothers are subject to kareth for the haluzah.²⁵ In the case of the rival,²⁶ both he²⁷ and the other brothers are subject to kareth for a rival.²⁸ R. Johanan, however, holds that neither he²⁷ nor the other brothers are subject to kareth either for the haluzah or for her rival.²⁹ What is the reason of Resh Lakish? — Scripture stated, That doth not build,³⁰ since he has not built he must never again build.³¹ He himself is thus placed under the prohibition of building no more,³² but his brothers remain in the same position in which they were before.³³ Furthermore, the prohibition to build no more applies only to herself,³⁴ her rival, however, remains under the same prohibition as before.³³ And R. Johanan?³⁵ — Is it inconceivable³⁶ that at first halizah should be allowed to be performed by any one of the brothers³⁷ and with either of the widows of the deceased brother³⁸ and that now one or other of these persons should³⁹ be involved in kareth!⁴⁰ But [in point of fact] he⁴¹ merely acts as agent for the brothers while she⁴² acts as agent for her rival.⁴³

R. Johanan pointed out to Resh Lakish the following objection: 'If a levir who submitted to halizah from his sister-in-law, later betrothed her and died,⁴⁴ [the widow] requires halizah from the surviving brothers'. Now, according to me who maintains that [the surviving brothers]⁴⁵ are subject to the penalties of a negative precept only, one can well understand why she requires halizah from the other brothers.⁴⁶ According to you, however, why should she require halizah?⁴⁷ — Explain, then, on the lines of your reasoning, the final clause, 'If one of the brothers⁴⁸ actually⁴⁹ betrothed her, she has no claim upon him'⁵⁰ R. Shesheth replied: The final clause represents the opinion of R. Akiba who holds that a betrothal with those who are subject thereby to the penalties of a negative precept is of no validity.⁵¹ Should it not then have been stated,

‘according to the view of R. Akiba she⁵² has no claim upon him’!⁵³

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- (1) Since her marriage with the deceased brother was not unlawful, her rival (any other wife of her husband) is subject to the same laws as any other rival in the case of the fifteen relatives of our Mishnah.
 - (2) Cf. p. 47, n. 4, supra.
 - (3) By R. Judah who, as has been shewn supra, is the author of our Mishnah. Though he prohibits the marriage of a woman that was outraged by one's father, he nevertheless, according to Levi's recital, included the case in our Mishnah.
 - (4) Lit., ‘teach’.
 - (5) Whom he is in consequence forbidden to marry.
 - (6) Since the marriage in such a case is forbidden under a negative precept the transgression of which does not involve the penalty of kareth, the betrothal is legally valid.
 - (7) To the brothers of the levir who gave the halizah: this prohibition, according to Resh Lakish infra involving the penalty of kareth.
 - (8) To the brothers. Why then was not this case also added to the fifteen?
 - (9) V. our Mishnah.
 - (10) Her rival (as well as herself), being forbidden to all the other brothers (as brother's wife or as the haluzah of one of the brothers), can never have any of the wives of the brothers as her rival. In the case of the forbidden relatives in our Mishnah, they are forbidden to one of the brothers only, hence they or their rivals are not otherwise precluded from marrying one of the other brothers.
 - (11) R. Johanan.
 - (12) Lit., ‘and he should say’.
 - (13) Resh Lakish.
 - (14) If they married the haluzah, their deceased brother's widow, with whom halizah had been performed by one of them. According to R. Johanan, infra, contrary to the view of Resh Lakish, no penalty of kareth is involved in such a marriage, whether the transgressor be the brother who performed the halizah or any of the other brothers.
 - (15) Unlike those subject to the penalty of kareth who are exempt from halizah and from the levirate marriage.
 - (16) I.e., though the marriage with them is forbidden by a negative precept, they remain nevertheless under the obligations of the levirate relationship and must, therefore, undergo the ceremonial of halizah. Why, then, did not R. Johanan give Resh Lakish this reply which would well account for the omission from our Mishnah of the case he mentioned?
 - (17) R. Johanan.
 - (18) Resh Lakish.
 - (19) R. Johanan.
 - (20) V. p. 48, n. 13.
 - (21) V. p. 48, n. 14.
 - (22) Cf. previous note.
 - (23) Cf. supra p. 48, n. 9.
 - (24) V. Glos. I.e., for having intercourse with her. Consequently the betrothal is valid.
 - (25) Consequently should any of the other brothers betroth the haluzah, the betrothal is invalid.
 - (26) Of a haluzah (v. previous note). A rival is exempt from halizah and the levirate marriage by the action of the haluzah.
 - (27) The levir who participated in the halizah.
 - (28) V. infra 53a.
 - (29) Infra 40b and l.c.

- (30) Deut. XXV, 9.
- (31) The imperfect **vbch** may be rendered as a present as well as a future.
- (32) I.e., under a negative precept only which involves no kareth.
- (33) I.e., under the prohibition to marry a brother's wife, which involves the penalty of kareth.
- (34) The haluzah.
- (35) What reason does he advance for his opinions?
- (36) Lit., 'is there (such) a thing'?
- (37) Lit., 'if he prefers, this one participates in the halizah and if he prefers etc.'
- (38) Lit., 'and if he prefers he performs the halizah with that one and if he prefers etc'.
- (39) In case of a betrothal.
- (40) Though the others are not.
- (41) The brother who participated in the halizah.
- (42) The widow who performed the halizah ceremonial.
- (43) Hence all the brothers as well as all the rivals are in this respect in exactly the same position. As the brother and the widow who between them carried out the halizah ceremonial are in a case of subsequent marriage exempt from kareth and are subject only to the penalties of a negative precept, so also are all the others on whose behalf they acted.
- (44) Without issue.
- (45) In subsequently marrying the haluzah.
- (46) Since the negative precept which bars them from the levirate marriage does not supersede halizah.
- (47) Marriage with them would involve the penalty of kareth, and whenever such a penalty is involved the parties are not subject to the laws of halizah!
- (48) Other than the one who participated in the halizah.
- (49) Lit., 'stood'.
- (50) I.e., the betrothal is invalid, she receives no kethubah, and no divorce is needed. This obviously proves that the penalty for such an ensuing marriage is kareth, as Resh Lakish maintains; for had it been, as R. Johanan asserts, that of a negative precept only, the betrothal should have been valid.
- (51) Keth. 29b, Kid. 64a, 68a, Sot. 18b, infra 52b, 69a.
- (52) So Bah, a.l. Cur. edd., 'he'.
- (53) Since it is the general opinion that such a betrothal is valid.

Talmud - Mas. Yevamoth 11a

— This is rather a difficulty.

R. Ashi holds the same opinion as Resh Lakish¹ and explains it² in accordance with the ruling of R. Simeon.³ Rabina holds the same opinion as R. Johanan⁴ and explains it⁵ in accordance with the ruling of the Rabbis.⁶ 'R. Ashi holds the same opinion as Resh Lakish and explains it in accordance with the ruling of R. Simeon', thus: If [a levir] who submitted to halizah from his sister-in-law had subsequently betrothed her, she⁷ requires halizah from the brothers. Who are these brothers? Those born [subsequently].⁸ According to whose view? According to that of R. Simeon.⁹ If one of the previously born¹⁰ brothers, however, betrothed her, she has no claim upon him.¹¹ According to whose view? According to that of Resh Lakish.¹¹

'Rabina holds the same opinion as R. Johanan and explains it in accordance with the ruling of

the Rabbis', thus: If [a levir] who submitted to halizah from his sister-in-law had subsequently betrothed her, she requires halizah from the brothers. Who are these brothers? Those born [prior to the halizah]. According to whom? According to R. Johanan.¹² If one of the subsequently¹³ born brothers, however, betrothed her, she has no claim upon him. According to whose view? According to that of the Rabbis.¹⁴

It has been stated: In the case where [the levir] had intercourse with his sister-in-law¹⁵ and one of the other brothers had intercourse with her rival, there is a difference of opinion between R. Aha and Rabina. One said: [It involves¹⁶ a transgression subject] to kareth and the other said: [The transgression] of a positive precept.¹⁷ He who said, '[A transgression subject] to kareth' follows Resh Lakish;¹⁸ and he who said, '[The transgression] of a positive precept' follows R. Johanan.¹⁹

Rab Judah said in the name of Rab: The rival of a sotah²⁰ is for bidden.²¹ What is the reason?²² — Because uncleanness is ascribed to her²³ as to the cases of incest.²⁴ R. Hisda raised an objection:²⁵ R. Simeon²⁶ said, the intercourse²⁷ or halizah of the brother of the first husband exempts her rival!²⁸ — Rab can answer you, 'I speak of a sotah that is Biblically forbidden,²⁹ and you talk of a sotah that is only Rabbinically forbidden'.³⁰

But as to him who raised this objection, what did he imagine?³¹ — He thought that Rabbinical provisions were given the same force as Biblical laws.³²

R. Ashi raised an objection: If she³³ entered with the man into a private place and remained with him for a period sufficient for the consummation of defilement, she is forbidden to her house,³⁴ she may not eat of terumah,³⁵ and if he died she must undergo the ceremony of halizah

(1) That any brother, other than the one who submitted to the halizah, who married the widow after she had performed the halizah is subject to the penalty of kareth (v. supra 10b).

(2) The first clause of the statement cited in the discussion between R. Johanan and Resh Lakish, according to which halizah is required.

(3) Who maintains that a brother born after the levirate marriage of his elder brother is not subject, in relation to the deceased brother, to the restriction of a 'brother who was not his contemporary'. The first clause then, which requires halizah, may consequently refer to brothers born after both the halizah and the betrothal had taken place. The widow of the levir not being forbidden to them on account of her first deceased husband, is subject to halizah on account of the second. (The final clause which clearly agrees with the view of Resh Lakish requires of course no explanation).

(4) Who maintains that the brother who performed the halizah as well as all the other brothers are forbidden to marry the widow subsequent to the halizah, not under the penalty of kareth but under that of a negative precept. Hence the ruling in the first clause that halizah is required.

(5) The final clause. (Cf. n. 2 supra).

(6) Who hold that even a brother born after the levirate marriage (v. n. 3 supra) is subject to the restrictions of 'a brother who was not his contemporary'. The final clause may accordingly refer to such brothers to whom the widow is forbidden for this reason (not on account of the halizah that had been performed) and the marriage or betrothal with whom is consequently invalid. (The first clause obviously is in agreement with R. Johanan).

(7) In the case where the levir who betrothed her also died without issue.

- (8) After the halizah and the betrothal. Having been born after the halizah they have never been subject to the levirate relationship on account of the first deceased brother and the halizah of the levir had, therefore, imposed no restrictions upon them in relation to the widow.
- (9) V. supra n. 3. Hence it is the duty of one of these brothers to submit to halizah which is incumbent upon them as brothers of the levir who also died without issue.
- (10) Prior to the performance of the halizah.
- (11) Since according to Resh Lakish the performance of the halizah by one of the brothers had caused the prohibition of the widow upon all other contemporary brothers under the penalty of kareth, such a betrothal is invalid.
- (12) V. supra p. 51, n. 4.
- (13) After the performance of the halizah.
- (14) V. supra p. 51, n. 6.
- (15) The widow of his deceased childless brother.
- (16) For the other brother.
- (17) The precept is to perform one levirate marriage but not more than one, a transgression to which no penalty is attached.
- (18) In whose view (supra 10b) the levir who marries, or participates in halizah with the widow, does not act as the agent of the other brothers. Hence, despite the fact that in the levir's own case the prohibition to marry the rival is regarded as having the force of a positive precept, in that of the other brothers the original prohibition to marry a brother's wife remains in force and marriage with her involves, therefore, the penalty of kareth.
- (19) Who regards the levir as the agent of the brothers (supra 10b). Hence they are subject to the same prohibition. As in the levir's own case so in that of the other brothers the levirate obligations supersede the prohibition of marrying a brother's wife, and with it the original penalty of kareth.
- (20) **VYUX**, a married woman suspected of adultery, who is subject to the ordeal prescribed in Num. V, 12ff. V. Glos.
- (21) To the levir; in the case where there are witnesses that the sotah had committed the crime and her husband subsequently died childless. The rival and certainly the sotah herself are in such a case exempt from both the levirate marriage and the halizah.
- (22) So Bah. Cur. edd. omit.
- (23) She being defiled. Num. V, 13.
- (24) Defile ye not yourselves. Lev. XVIII, 24. As the rival in the latter case is forbidden, so is she in the former.
- (25) The following refers to a case where a woman married a second husband on the basis of a report by one witness that her first husband had died in a foreign country. If later it was discovered that her first husband was alive, she must be divorced by both. If both died childless prior to the divorce she requires halizah from a brother of each but may not, according to the Rabbis, marry either of them.
- (26) Disagreeing with the Rabbis in one point.
- (27) Her second marriage having been entered into through an innocent error, no penalty is incurred by her as far as her relationship with the levir from the first marriage is concerned. Hence, in the opinion of R. Simeon, either marriage or halizah is permitted, v. infra 87a.
- (28) From this it follows that the rival of a married woman who had intercourse with another husband is permitted to the levir both according to R. Simeon and according to the Rabbis (the latter having only disputed the case of the married woman herself). Why, then, did Rab state that the rival of a sotah is forbidden?
- (29) A woman that was faithless to her husband. (Num. V, 12ff).
- (30) The woman who married a second husband under an honest misapprehension. Biblically she is permitted to live again with her husband since her second marriage was entered into on the basis of a report by a witness, on the

strength of which she was by Biblical law fully permitted to contract the marriage.

(31) He must surely have known that the one was Biblical and the other only Rabbinical!
hrte htn vk hrtesu rt. **hrt** or **trt** (cf. Gr. **) ‘to speak’, ‘enquire’, ‘argue’.

(32) Lit., ‘all that the Rabbis provided, like that of the Torah they provided’.

(33) A woman suspected by her husband who warned her not to seclude herself with a certain man.

(34) I.e., to her husband.

(35) V. Glos.; in the case where the husband is a priest.

Talmud - Mas. Yevamoth 11b

though she may not marry the levir!¹ — Rab can answer you. ‘I speak of a definite sotah, and you speak of a doubtful one’. But why should a definite sotah be different? Obviously because in relation to her the expression of ‘uncleanness’ is used;² is not, however, the expression of ‘uncleanness’ also used in relation to a doubtful sotah! For it was taught: R. Jose b. Kipper said in the name of R. Eleazar, The remarriage by a husband of his divorced wife is forbidden after marriage³ and permitted after betrothal,⁴ because it is stated in the Scriptures. After that she is defiled.⁵ The Sages, however, say, the one as well as the other⁶ is forbidden,⁷ and the expression⁸ ‘After that she is defiled’ implies the inclusion of a sotah who secluded herself with a man!⁹ — The underlying meaning of ‘secluded herself’ is ‘sexual intercourse’. Why then did he say ‘secluded herself’? — In order to employ a euphemism.¹⁰ But in relation to sexual intercourse, [surely,] uncleanness was actually mentioned in the Scriptures. She being defiled secretly!¹¹ — To subject the offence¹² to a negative precept.¹³ And R. Jose b. Kipper?¹⁴ — He does not hold the view that a negative precept is applicable to a sotah, even in the case where she had actually committed adultery. What is the reason? — [Because in reference to the remarriage of a divorced wife] Scripture uses the expression of¹⁵ becoming¹⁶ as well as that of matrimony.¹⁷

Rab Judah inquired of R. Shesheth: What is the law in regard to the rival of a woman whom her former husband remarried after her second marriage and died?¹⁸ According to the view of R. Jose b. Kipper the question does not arise. For R. Jose b. Kipper having stated that ‘uncleanness’ is mentioned in the case of him who remarried his divorced wife, it follows that her rival is subject to the very same restrictions. And if [objection be raised] from the Scriptural text, She is an abomination,¹⁹ [it may be replied that the implication is] that she is an abomination and not her children,²⁰ her rival, however, being an abomination. The question, however, arises on the view of the Rabbis: Does the Scriptural text,²¹ despite the fact that the Rabbis had applied the expression ‘uncleanness’ to the sotah, also bear its ordinary meaning,²² or since it²³ was once torn away [from its ordinary meaning] it must in all respects so remain?²⁴ Others say: According to the Rabbis no question arises, for since the text has once been torn away [from its ordinary meaning] it must in all respects so remain. The question, however, arises according to the view of R. Jose b. Kipper: What is the law? [Is it assumed that] although R. Jose b. Kipper stated that the expression of ‘uncleanness’ refers to the remarriage of a divorced wife, the All Merciful has written ‘She is an abomination’ to indicate that ‘she’ is an abomination but not her rival,²⁵ or is the implication, perhaps, that ‘she’ is an abomination, but her children are not; a rival, however, being an abomination?²⁶ — The other replied: You have learnt it, ‘If one of them²⁷ was a permitted wife and the other a forbidden one; if he²⁸ submit to halizah he must submit to that of the forbidden one,²⁹ and if he marries he marries the permitted one.’²⁹ Now what is meant by ‘permitted’ and

‘forbidden’? If it be suggested that ‘permitted’ means permitted for all the world,³⁰ and ‘forbidden’ means forbidden for all the world,³¹ what practical difference, in view of the fact that she is in either case suitable for him,³² could this make to him? Consequently ‘permitted’ must mean permitted to him, and ‘forbidden’, forbidden to him; and this may happen where³³ he³⁴ remarried his divorced wife;³⁵ and yet it was taught, ‘and if he marries he marries the permitted one’!³⁶ — No; ‘permitted’ may still mean permitted to all the world³⁰ and ‘forbidden’, forbidden for all the world,³¹ and as to your question, ‘what practical difference, in view of the fact that she is in either case suitable for him, could this make’, one must take into account the moral lesson³⁷ of R. Joseph. For R. Joseph stated: Here³⁸ Rabbi taught that a man shall not pour the water out of his cistern so long as others may require it.³⁹

Come and hear: ‘Where a man remarried his divorced wife after she had been married,⁴⁰ she and her rival are to perform the halizah.’ Is it possible to say ‘she and her rival’?⁴¹ Consequently it must mean, ‘Either she or her rival.’⁴² Did you not, however, have recourse to an interpretation?⁴³ [You might as well] interpret thus: She is to perform halizah, while her rival may either perform halizah or be married by the levir.

R. Hiyya b. Abba said: R. Johanan inquired as to what is the law⁴⁴ in regard to a rival of a divorced woman whom her former husband remarried after her second marriage. Said R. Ammi to him: Enquire rather regarding herself!⁴⁵ — Concerning herself I have no question since her case may be inferred a minori ad majus: If she is forbidden to him⁴⁶ to whom she was originally⁴⁷ permitted, how much more so to the man⁴⁸ to whom she was originally⁴⁷ forbidden!⁴⁹ The question, however, remains concerning her rival: Is the inference a minori ad majus strong enough to exclude a rival⁵⁰ or not?

R. Nahman b. Isaac taught as follows: R. Hiyya b. Abba said, R. Johanan enquired as to what is the law⁴⁴ in regard to a divorced woman whom her husband remarried after her second marriage. Said R. Ammi to him: Enquire rather regarding her rival! — Concerning her rival I have no question, for an inference a minori ad majus⁵¹ is not strong enough to exclude a rival,⁵⁰ the question, however, remains regarding herself. Is the inference a minori ad majus strong enough [to be acted upon] where a precept⁵² is involved or not?

(1) If the sotah herself must go through the ceremony of halizah, much more so her rival; how then could Rab state that the rival of a sotah (and much more so the sotah herself, v. supra p. 53, n. 1) is exempt from halizah?

(2) Num. V, 13.

(3) With a second husband who subsequently died or divorced her.

(4) Where no marriage with the second man took place, and he died.

(5) Deut. XXIV, 4, referring, in the opinion of R. Eleazar, to a divorced woman who had married a second husband.

(6) Married or betrothed.

(7) This is deduced by the Sages from And goeth and becometh another man's wife (Deut. XXIV, 2) which, they maintain, implies betrothal as well as marriage.

(8) Lit., ‘but what do I establish’.

(9) That the husband must not take her back. This clearly shews that the expression of ‘uncleanness’ was also used concerning a doubtful sotah.

- (10) Lit., 'he took a nice (or superior) expression'.
- (11) Num. V, 13; what need, then, was there for the implication of the text of Deut. XXIV, 4?
- (12) Of remarrying a sotah.
- (13) Lit., 'to cause to stand concerning it in a negative (prohibition)'; the negative can only be derived from Deut. XXIV, 4: May not take her again to be his wife.
- (14) Who applies the entire text to the remarriage of a divorced wife, whence does he derive the law concerning the sotah?
- (15) Lit., 'it is written concerning it'.
- (16) Deut. XXIV, 2, And she departeth out of his house, and goeth and becometh (**V, h, u**) another man's wife.
- (17) Ibid., Or if the latter husband (**ahiv**) die, implying that the divorced woman's connection with the second man must be that of 'husband and wife', i.e., lawful matrimony. In the case of the sotah the intercourse was unlawful and cannot come, therefore, under the prohibition of Deut. XXIV, 4.
- (18) Is the rival subject to the levirate marriage and halizah?
- (19) Deut. XXIV, 4, dealing with a woman remarried after divorce. The text She is an abomination. **thv vfgu**, might be taken to imply that the designation, and consequently the restrictions, refer to the woman only (**thv** = she) and not to her rival.
- (20) I.e., the exclusion of **thv** may refer not to her rival but to her children who, unlike their mother who is regarded as an 'abomination', may marry into priestly families.
- (21) Describing the woman (or the act of remarrying the first husband after divorce and second marriage) as 'uncleanness'.
- (22) I.e., its bearing on the woman remarried (v. previous note), with whose case the text in its ordinary meaning is concerned, and consequently on her rival also.
- (23) The expression of uncleanness.
- (24) Lit., 'that it was uprooted it was uprooted', i.e., since it was removed from its context and applied to the sotah, it can never be re-applied to its original case. Hence a rival would not come under the same restrictions as the sotah herself.
- (25) To whom, consequently, the restrictions would not apply.
- (26) And consequently subject to the same restrictions as the woman herself.
- (27) Two widows of a brother who died without issue.
- (28) The levir.
- (29) Infra 44a, and thereby liberates also the other widow, her rival.
- (30) I.e., even to priests.
- (31) In case she was once, e.g., a divorced woman and is thus forbidden to marry a priest.
- (32) He being an ordinary Israelite.
- (33) Lit., 'and what is it'.
- (34) The deceased brother.
- (35) In which case the woman who was remarried is forbidden to the levir as she was forbidden to his deceased brother who had married her unlawfully, while her rival, having been lawfully married, is permitted to the levir.
- (36) Which clearly shews that the rival of a woman remarried by her former husband is subject to the levirate marriage.
- (37) Lit., 'because of'.
- (38) In the Mishnah cited where it is stated that halizah is to be performed with the forbidden one.
- (39) A man should not destroy anything which may be of use to others though it is of no use to him. In the case under discussion, the levir submits to halizah from the forbidden one and thus liberates the permitted one to marry even a priest to whom she would have been forbidden had the halizah been performed by her.

- (40) To a second husband who divorced her or died.
- (41) Halizah surely is performed by one of the widows only!
- (42) Which supplies an answer to the enquiry addressed by Rab Judah to R. Shesheth.
- (43) 'He and her rival' was interpreted as 'Either etc.'
- (44) In respect of the levirate marriage.
- (45) The remarried woman.
- (46) Her first husband.
- (47) Before she married her second husband.
- (48) The levir.
- (49) As brother's wife.
- (50) From the levirate marriage.
- (51) V. previous paragraph.
- (52) The levirate marriage.

Talmud - Mas. Yevamoth 12a

— The other replied,¹ You have learned it: If one of them was a permitted wife and the other a forbidden one; if she submits to halizah he must submit to that of the forbidden one; and if he marries, he marries the permitted one. Now, what is meant by 'permitted' and 'forbidden'? If it be suggested that 'permitted' means permitted to all the world and 'forbidden' means forbidden to all the world, what practical difference, in view of the fact that she is in either case suitable for him, could this make to him? Consequently 'permitted' must mean permitted to him, and 'forbidden', forbidden to him; and this may happen where he remarries his divorced wife; and yet it was taught. 'If he marries he marries the permitted one'!² — No; 'permitted' may still mean permitted to all the world, and 'forbidden', forbidden to all the world; and as to your question. 'What practical difference, in view of the fact that she is in either case suitable for him, could this make'? One must take into account the moral lesson of R. Joseph. For R. Joseph said: Here, Rabbi taught that a man shall not pour the water out of his cistern so long as others may require it.³

Come and hear: 'Where a man remarried his divorced wife after she had been married, she and her rival are to perform halizah.' Is it possible to say 'she and her rival'? Consequently it must mean, 'either she or her rival.'⁴ Did you not, however, have recourse to an interpretation? [You might as well] interpret thus: She is to perform halizah, while her rival may either perform halizah or be married by the levir.

R. Levi b. Memel said in the name of Mar 'Ukba in the name of Samuel: The rival of a mema'eneth⁵ is forbidden. To whom [is she forbidden]? If it be suggested, to the brothers,⁶ [it may be retorted], now that she herself⁷ is permitted,⁸ for Samuel said, 'If she refused one brother she is permitted to marry the other',⁹ is there any question that her rival is permitted!⁸ Hence [it means] to himself.¹⁰ Wherein, however, does the mema'eneth¹¹ differ¹² that she is in consequence permitted to the other brothers? Obviously, in that she had taken no action in relation to them;¹³ but her rival also had taken no action in relation to them!¹⁴ — It is an enactment made to prevent marriage with the rival of one's daughter¹⁵ who was a mema'eneth.¹⁶

Is, however, the rival of one's daughter who is a mema'eneth forbidden? Surely we learned, IF,

HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED¹⁷ [etc.] THEIR RIVALS ARE PERMITTED. Now, against whom was the declaration of refusal made? If it be suggested that she refused the husband, then this case is identical with that of a divorced woman.¹⁸ Consequently it must refer to refusal of the levir!¹⁹ — No; it may, in fact, refer to the refusal of a husband, but there are two kinds of divorce.²⁰

Wherein, however, does the refusal of a husband differ?²¹ Obviously in that she thereby annuls the original marriage; but when she refused the levir she has also annulled the original marriage! — [It differs] in respect of what Rami b. Ezekiel had learnt. For Rami b. Ezekiel learnt: If she²² declared her refusal against the husband she is permitted to marry his father;²³ if against the levir, she is forbidden to his father.²⁴ From this it clearly follows that from the moment she becomes subject to the levirate marriage²⁵ she is looked upon as his²⁶ daughter-in-law; similarly here also²⁷ she is looked upon as the rival of his daughter from the moment she²⁸ becomes subject to the levirate marriage.

Said R. Assi: The rival of a woman incapable of procreation is forbidden;²⁹ for it is said in the Scriptures, And it shall be that the firstborn that she beareth,³⁰ which excludes a woman incapable of procreation, since she does not bear.³¹ R. Shesheth raised an objection: In the case where three brothers were married to three women who were strangers to one another, and one of them having died, the second brother addressed to her³² a ma'amar³³ and died, behold these³⁴ must perform the halizah but may not marry the levir; for it is said, And one of them die [etc.] her husband's brother shall go in unto her,³⁵ only she³⁶ who is tied to one levir³⁷ but not she who is tied to two levirs;³⁸ and concerning this it was taught: R. Joseph said, 'This is the rival of a paternal brother's wife whose prohibition³⁹ is due to her double subjection to the levirate marriage,⁴⁰ a case the like of which we do not find through out the Torah'.⁴¹ Now, what does the expression 'This is' exclude? Does it not exclude the rival of a woman incapable of procreation, who is permitted!⁴² — No; it excludes the rival of a woman incapable of procreation who is forbidden. What, then, is meant by the expression, 'This is'?⁴³ — It is that in this case, where the subjection to the levirate marriage has caused the prohibition, her rival requires halizah; in the case, however, of a woman incapable of procreation even halizah is not required. What is the reason? — The prohibition of the one⁴⁴ is Pentateuchal;⁴⁵ that of the other only Rabbinical.⁴⁶

We learnt; IF, HOWEVER, ANY AMONG THESE DIED, OR MADE A DECLARATION OF REFUSAL, OR WERE DIVORCED, OR WERE FOUND INCAPABLE OF PROCREATION, THEIR RIVALS ARE PERMITTED!⁴⁷ — This is no difficulty; the one⁴⁸ is a case where he⁴⁹ knew her defect⁵⁰ while the other⁵¹ is a case where⁵² he did not know of it.⁵³ The inference from our Mishnah also proves this; for it was stated WERE FOUND⁵⁴ and not 'were'. This proves it.

Raba said:

(1) This reply applies to both versions of the inquiry.

(2) Which shews that for the rival levirate marriage is permitted while for the remarried woman herself it is forbidden. For further notes v. supra p. 56.

(3) For notes v. supra p. 56f.

- (4) Which supplies answers to the enquiries raised by R. Johanan in both versions.
- (5) A minor who declared her refusal to marry the levir. V. Glos. s.v. mi'un.
- (6) Of the levir.
- (7) The minor who refused to marry the levir.
- (8) To marry the other brothers.
- (9) Infra 107b.
- (10) To the levir whom the minor had refused. The refusal removes the precept of the levirate marriage and in respect of the rival the prohibition of marrying a brother's wife comes again into force.
- (11) V. p. 58, n. 6.
- (12) From her rival.
- (13) Her refusal having been confined to one of the brothers only.
- (14) Not even against one of them. Why then is she forbidden to the levir?
- (15) Who comes in the category of forbidden relatives whose rivals also are forbidden. On the possibility of mi'un during a father's lifetime, v. supra p. 2, n. 6.
- (16) If the one were permitted the other also might erroneously be married.
- (17) So Bah. Cur. edd. omit.
- (18) Which was already mentioned.
- (19) And yet, as our Mishnah shews, her rival is permitted in all cases enumerated, i.e., even in that of one's daughter.
- (20) Actual divorce and one by mi'un.
- (21) From that of the levir.
- (22) A minor who was married to a stranger.
- (23) Her declaration of refusal having completely annulled the original betrothal, she is no more his daughter-in-law.
- (24) Her former marriage having once subjected her to levirate relationship, she must be regarded as the levir's father's daughter-in-law. V. infra 13a.
- (25) Lit., 'falling'.
- (26) The levir's father's.
- (27) In the case of the rival of one's daughter who made the declaration of refusal.
- (28) The daughter.
- (29) I.e., if one of the widows of the brother who died without issue is such the other also is forbidden.
- (30) Deut. XXV, 6.
- (31) Hence she herself is forbidden as a brother's wife, and her rival as the rival of a forbidden relative.
- (32) The widow of the deceased.
- (33) V. Glos.
- (34) The widows of the two dead brothers.
- (35) Deut. XXV, 5.
- (36) May marry the levir.
- (37) I.e., where the second brother had actually married her and has thus severed all her connections with the first. In such a case as in that of the usual levirate she would stand in relation to the third brother as the widow of one brother only.
- (38) The formula of betrothal or ma'amar addressed to her by the second brother has only partially attached her to him and has not completely severed her connection with her husband, the first brother. She thus remains tied to the two, and consequently entirely forbidden the levirate marriage.
- (39) Of the levirate marriage.

- (40) Lit., 'falling'. Her levirate relationship with the third brother being due to her partial connection with each of the two dead brothers.
- (41) The widow not being one of the relatives forbidden by the Torah. The prohibition of the levirate marriage in her case is only Rabbinical, the Biblical text cited being a mere *asmakta*.
- (42) How, then, could R. Assi state that a rival of one incapable of procreation is forbidden?
- (43) Which seems to imply that only this case is forbidden but not the other.
- (44) A woman incapable of procreation.
- (45) The prohibition being derived from Deut. XXV, 6 *supra*.
- (46) V. *supra* n. 1.
- (47) V. *supra* n. 2.
- (48) Lit., 'here', in R. Assi's statement.
- (49) The husband now deceased.
- (50) At the time their marriage took place. Having known her defect he was not in any way misled, and the marriage, therefore, is valid. Her rival is consequently the rival of a legally married wife who is incapable of procreation and is forbidden by the deduction from Deut. XXV, 6.
- (51) Our Mishnah.
- (52) The husband now deceased.
- (53) At the time he married her. Since her defect was unknown to him the marriage which had taken place under a misapprehension is invalid. The woman, therefore, is not his lawful wife, and her rival cannot be regarded as a legal rival. Hence the statement in our Mishnah that such a rival is permitted.
- (54) Implying discovery after the event, i.e., after the marriage.

Talmud - Mas. Yevamoth 12b

The law is that the rival of a woman incapable of procreation is permitted, even though he¹ knew her defect,² and even the rival of one's own daughter who was incapable of procreation [is permitted].³ But what about the expression WERE FOUND⁴ in our Mishnah? — Read, 'were'.

When Rabin came⁵ he stated in the name of R. Johanan: The rival of a *mema'eneth*,⁶ the rival of a woman incapable of procreation, as well as the rival of a divorced woman who had been remarried to her former husband,⁷ are all permitted.

R. Bebai recited before R. Nahman: Three [categories of] women may⁸ use an absorbent⁹ in their marital intercourse:¹⁰ A minor, a pregnant woman and a nursing woman. The minor,¹¹ because [otherwise] she might¹² become pregnant, and as a result¹³ might die. A pregnant woman,¹¹ because [otherwise] she might¹² cause her foetus to degenerate into a sandal.¹³ A nursing woman,¹¹ because [otherwise] she might¹² have to wean her child prematurely¹⁴ and this would result in his death. And what is the age of such a minor?¹⁵ From the age of eleven years and one day until the age of twelve years and one day. One who is under,¹⁶ or over this age¹⁷ must carry on her marital intercourse in the usual manner. This is the opinion of R. Meir. The Sages, however, say: The one as well as the other carries on her marital intercourse in the usual manner, and mercy will be vouchsafed from heaven,¹⁸ for it is said in the Scriptures. The Lord preserveth the simple.¹⁹

Since it has been stated, 'because she might become pregnant and as a result might die' it may

be implied that it is possible for²⁰ a minor to be pregnant and not die. But, if so, one could imagine a case where²¹ a mother-in-law should be in a position to make a declaration of refusal,²² whereas we learned, ONE CANNOT SAY OF A MAN'S MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW AND THE MOTHER OF HIS FATHER-IN-LAW THAT THEY WERE FOUND INCAPABLE OF PROCREATION OR THAT THEY MADE A DECLARATION OF REFUSAL! — Read, 'because she might become pregnant and die';²³ for Rabbah b. Liwai said: She²⁴ is subject to an age limitation. Prior to that period²⁵ she does not conceive at all; during that period²⁵ she dies and her embryo dies; after that period²⁵ both she and her embryo survive. But is it really so? Surely, Rabbah b. Samuel recited: One cannot say of a man's mother-in-law, the mother of his mother-in-law and the mother of his father-in-law that they were found incapable of procreation or that they made a declaration of refusal, since they have already given birth to children!²⁶ — But [the reading], in fact, is, 'because she might become pregnant and as a result might die'. But, [then, the previously mentioned] difficulty remains!²⁷ — R. Safra replied: Children are like marks of puberty.²⁸ Others Say: Children are more conclusive proof than the marks of puberty. What practical difference is there between the two statements? — [It is this: That] even he who follows R. Judah who stated, '[a girl may exercise the right of refusal] until the black²⁹ predominates'³⁰ admits in the case of children.³¹

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- (1) The deceased brother, at the time when he married.
 - (2) And nevertheless consented to the marriage, which is consequently valid, and the woman is his lawful wife.
 - (3) The rival of a forbidden relative is forbidden only where the latter would have been subject to the precept of the levirate marriage if she had been no relative. In the case of a wife incapable of procreation, however, since she is not subject to the levirate marriage even where she is no relative at all, her rival even where she (the wife) is a forbidden relative, is regarded as the rival of one in relation to whom the precept of levirate marriage is not applicable at all. Cf. , **ukusd** , **ufkv** quoted by Rashi.
 - (4) V. p. 61, n. 14.
 - (5) From Palestine to Babylon.
 - (6) V. Glos. s.v. mi'un. In this case it refers to one who refused the levir (V. Rashi a.l.).
 - (7) After she had been married by a second husband who divorced her or died.
 - (8) [So Rashi. R. Tam: Should use, v. Tosaf s.v. **aka**.]
 - (9) **lun**, hackled wool or flax.
 - (10) To prevent conception.
 - (11) May use the absorbent.
 - (12) Lit., 'perhaps'.
 - (13) **ksbx** lit., 'a flat fish', i.e., a flat, fish-shaped abortion due to superfetation.
 - (14) Owing to her second conception.
 - (15) Who is capable of conception but exposed thereby to the danger of death.
 - (16) When no conception is possible.
 - (17) When pregnancy involves no fatal consequences.
 - (18) To save her from danger.
 - (19) Ps. CXVI, 6; those who are unable to protect themselves.
 - (20) Lit., 'there is'.
 - (21) Lit., 'we found'.
 - (22) In the case, for instance, where the minor gave birth to a child in her twelfth year and that child was betrothed before the year was over. The minor who thus becomes a mother-in-law is entitled to make a declaration of refusal

before, and until she enters her thirteenth year.

(23) I.e., while conception is a matter of doubt, death is a certainty whenever conception happened to take place.

(24) A minor.

(25) The age of eleven years and one day to the age of twelve and one day.

(26) Rabbah does not state, 'since they already grew up' but 'gave birth', which proves that even a minor (not yet grown up) is capable of bearing living children.

(27) From here it appears that a minor can bear children while from our Mishnah it follows that she cannot.

(28) As soon, therefore, as she gave birth to a child the minor is assumed to have passed out of the age of minority into that of puberty. Hence it is impossible for a mother, whatever her age, ever to make a declaration of refusal to which a minor only is entitled.

(29) I.e., the pubic hair.

(30) The growth of two hairs which the Rabbis regard as a definite mark of puberty not being considered by R. Judah as conclusive proof. Keth. 36a, B.B. 156a, Nid. 52a.

(31) That they provide definite proof of puberty irrespective of the state of the hair.

Talmud - Mas. Yevamoth 13a

R. Zebid, however, stated: No children are possible prior to the appearance of the marks of puberty.¹ Then let an examination be held!² — There is the possibility that they might have fallen off.³ This reply is perfectly satisfactory according to him who holds that such a possibility is taken into consideration;⁴ what, however, can be said according to him who holds that no such contingency need be considered? — Even according to him who holds that no such contingency need be considered, the possibility must be taken into consideration in this case on account of the pains of birth.⁵

HOW IS THE EXEMPTION OF THEIR RIVALS [BY THE WOMEN MENTIONED] TO BE UNDERSTOOD? Etc. Whence is this law⁶ deduced? — Rab Judah replied: [From] Scripture which stated, *li-zeror*,⁷ [implying that] the Torah included many rivals.⁸ R. Ashi replied. 'It⁹ is arrived at by reasoning: Why is a rival forbidden? Surely because she takes the place of the forbidden relative; the rival's rival also takes the place of the forbidden relative'.

HOW [IS ONE TO UNDERSTAND THE STATEMENT THAT] IF THEY HAD DIED etc. Even if he¹⁰ married¹¹ first and then divorced?¹² This, then, would be contradictory [to the following Mishnah]: '[The case of] three brothers two of whom were married to two sisters and the third was married to a stranger, and one of the husbands of the sisters divorced his wife while the one who married the stranger died, and he who had divorced his wife then married the widow¹³ and died, is one concerning which it has been said, that if they died or were divorced, their rivals are permitted'.¹⁴ The reason, then,¹⁵ is because the divorce¹⁶ took place first and the marriage¹⁷ was subsequent to it, but had the marriage¹⁷ taken place first and the divorce¹⁶ after it, [the rival would] not [have been permitted]!¹⁸ — R. Jeremiah replied: Break it up!¹⁹ He who taught the one did not teach the other. The one Tanna²⁰ is of the opinion that it is the death²¹ which subjects the widow to the levirate marriage²² while the other²³ holds the opinion that it is the original marriage that subjects her to the levirate marriage.²⁴ Raba said: [Both statements] may, in fact, represent the views of [one Tanna,] it²⁵ being a case of 'this; and there is no need to state that'.²⁶

WHOSOEVER IS ENTITLED TO MAKE A DECLARATION OF REFUSAL [etc.]. Then let her²⁷ declare her refusal now²⁸ and thus enable [her rival] to be married to the levir!²⁹ May it then³⁰ be suggested that this supports R. Oshaiah? For R. Oshaiah said: She³¹ may annul [the levir's] ma'amar³² by her declaration of refusal,³³ but may not sever by such a declaration the levirate bond!³⁴ — No;³⁵ the case of the rival of a forbidden relative is different;³⁶ for Rami b. Ezekiel learnt: If a minor made a declaration of refusal against her husband she is permitted to marry his father.³⁷ If, however, she made her declaration of refusal against the levir³⁸ she is forbidden to marry his father.³⁹ From this it clearly follows that from the moment she becomes subject to the levirate marriage⁴⁰ she is looked upon as his⁴¹ daughter-in-law; similarly here also⁴² she is looked upon as the rival of his daughter from the moment she becomes subject to the levirate marriage.⁴³ MISHNAH. [IN THE CASE OF THE FOLLOWING] SIX RELATIVES, MARRIAGE WITH WHOM IS MORE RESTRICTED THAN WITH THESE,⁴⁴ IN THAT THEY MAY ONLY BE MARRIED TO STRANGERS,⁴⁵ MARRIAGE WITH THEIR RIVALS IS PERMITTED:⁴⁶ HIS MOTHER.⁴⁷ HIS FATHER'S WIFE,⁴⁸ HIS FATHER'S SISTER,⁴⁸ HIS PATERNAL SISTER.⁴⁸ HIS FATHER'S BROTHER'S WIFE⁴⁸ AND HIS PATERNAL BROTHER'S WIFE.⁴⁸

BETH SHAMMAI PERMIT THE RIVALS⁴⁹ TO THE SURVIVING BROTHERS, AND BETH HILLEL PROHIBIT THEM.

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- (1) Should an apparent minor, whatever her age, ever give birth to a child it must be taken for granted that the marks of puberty had already appeared, and the age of minority had passed.
 - (2) Why should the existence of the marks be left to conjecture when an examination would definitely determine the facts?
 - (3) And the examination would prove nothing.
 - (4) This is a question in dispute in Nid. 46a.
 - (5) Which may have caused the falling off of the hair.
 - (6) Lit., 'these words'. That a rival's rival is also exempt.
 - (7) Lev. XVIII, 18, to be a rival. V. supra 3b.
 - (8) For explanation, v. p. 12, n. 8.
 - (9) The exemption of a rival's rival.
 - (10) The brother now deceased.
 - (11) The rival.
 - (12) His first wife, the forbidden relative. In such a case, is the rival, though the two were rivals prior to the divorce, permitted to the levir wherever the forbidden relative was dead or divorced at the time their husband died and the question of the levirate marriage arose?
 - (13) Lit., 'her',
 - (14) Infra 30a.
 - (15) Why the rival in this case is permitted.
 - (16) Of one of the sisters.
 - (17) Of the widow.
 - (18) How, then, could this be reconciled with our Mishnah from which it has been inferred that 'even if he married first and then divorced' the rival is permitted?
 - (19) **tcr**, , rt. **rc**, , Heb. **rca** 'break', 'divide'.

- (20) Of our Mishnah.
- (21) Of the husband.
- (22) And if at that time the women were no longer rivals it matters little whether marriage or divorce (cf. supra nn. 5 and 4) took place first.
- (23) The Tanna of the Mishnah cited from 30a infra.
- (24) Consequently, if the marriage of the second took place after the divorce of the first, levirate marriage is permitted since the two have never been real rivals. If, however, the marriage preceded the divorce, even if only by a fraction of time, the two have become rivals, and the rival of a forbidden relative is forbidden for ever, even after the rivalry had ceased.
- (25) The statements and arrangement of our Mishnah and that cited from 30a infra
- (26) *uz rruk l'hrm ihu uz*, one of the systems adopted in arranging legal statements. Our Mishnah permits 'this', the case of the rival whose marriage preceded the divorce of the forbidden relative, and consequently 'there is no need to state that', the case (infra 30a) of a rival whose marriage followed the divorce of the forbidden relative. (Cf. supra n. 12).
- (27) The forbidden relative who is still a minor.
- (28) And thus annul the original marriage.
- (29) Since as a result of the annulment of the marriage the other would no more be the rival of a forbidden relative.
- (30) As such a declaration is not allowed.
- (31) A minor.
- (32) V. Glos. Since the actual marriage had not yet taken place.
- (33) She has only to perform the halizah; but there is no need for a divorce which would have been required had she been of age (v. infra 50b).
- (34) I.e., she has no power to annul the original marriage in order to be exempt thereby from halizah also. Similarly here (v. note 4) the declaration of the minor has no force to annul the original marriage and thus (v. supra note 3) to enable her rival to marry the levir.
- (35) The inference from our Mishnah provides no support for R. Oshaia.
- (36) The prohibition of a minor's declaration in this case is not Biblical, but a Rabbinical enactment made in order to prevent laxity in the law of rivals of forbidden relatives (cf. infra n. 17).
- (37) The refusal having completely annulled the marriage, the minor and her former father-in-law are now mere strangers.
- (38) I.e., after the death of her husband, when she became subject to the levirate marriage of his brother.
- (39) Her former father-in-law who is also the father of the levir whom she refused.
- (40) Lit., 'falling'.
- (41) The levir's father's.
- (42) The case of a rival of one's daughter.
- (43) Had the original marriage been allowed to be annulled by the daughter's present declaration, and had her rival in consequence been permitted to marry the minor's father, any rival of one's daughter might similarly be allowed and thus an important restriction against incest would be broken down. (V. supra n. 10 and cf. text and notes, supra 12a).
- (44) The fifteen enumerated in the previous Mishnah, supra 2af.
- (45) But never to one's paternal brothers.
- (46) Though they themselves ate forbidden. Their husbands having been strangers, the law prohibiting the marriage of rivals, which is only applicable in connection with the levirate marriage, does not apply. Should one's brother unlawfully marry one of these six relatives his marriage would be regarded as null and void and the law relating to the rivals would still be inapplicable. (Cf. Maimonides, Commentary on the Mishnah a.l.).

- (47) Who is also forbidden to his paternal brother as 'his father's wife'.
 (48) Who obviously stands in the same relationship to his paternal brother.
 (49) In respect of the levirate marriage.

Talmud - Mas. Yevamoth 13b

IF THEY¹ PERFORM THE HALIZAH,² BETH SHAMMAI DECLARE THEM INELIGIBLE TO MARRY A PRIEST,³ AND BETH HILLEL DECLARE THEM TO BE ELIGIBLE.⁴ IF THEY WERE MARRIED TO THE LEVIRS, BETH SHAMMAI DECLARE THEM ELIGIBLE [TO MARRY A PRIEST],⁵ AND BETH HILLEL DECLARE THEM INELIGIBLE.⁶ THOUGH THESE FORBADE WHAT THE OTHERS PERMITTED, AND THESE REGARDED AS INELIGIBLE WHAT THE OTHERS DECLARED ELIGIBLE, BETH SHAMMAI, NEVERTHELESS, DID NOT REFRAIN FROM MARRYING WOMEN FROM [THE FAMILIES OF] BETH HILLEL, NOR DID BETH HILLEL [REFRAIN FROM MARRYING WOMEN] FROM [THE FAMILIES OF] BETH SHAMMAI. [SIMILARLY, IN RESPECT OF] ALL [QUESTIONS OF RITUAL] CLEANNESS AND UNCLEANNES, WHICH THESE DECLARED CLEAN WHERE THE OTHERS DECLARED UNCLEAN, NEITHER OF THEM ABSTAINED FROM USING THE UTENSILS OF THE OTHERS FOR THE PREPARATION OF FOOD THAT WAS RITUALLY CLEAN.⁷

GEMARA. R. Simeon b. Pazzi said: What is Beth Shammai's reason?⁸ — Because it is written, The outside⁹ wife of the dead shall not be married unto one not of his kin;¹⁰ 'outside'¹¹ implies that there is also an internal,¹² and the All Merciful said, She shall not marry [unto one not of his kin].¹³ And Beth Hillel?¹⁴ — They require the text for the exposition which Rab Judah reported in the name of Rab. For Rab Judah stated in the name of Rab: Whence is it deduced that betrothal [by a stranger] is of no validity in the case of a sister-in-law?¹⁵ For it is said in the Scriptures, The wife of the dead shall not be married¹⁶ outside¹⁷ unto one not of his kin;¹⁸ there shall be no validity in any marriage of a stranger with her.¹⁹ And Beth Shammai? — Is it written 'la-huz'?²⁰ Surely 'huzah'²¹ was written. And Beth Hillel? — Since the expression used was huzah²² it is just the same as if la-huz had been written; as it was taught: R. Nehemiah said, 'In the case of every word which requires a 'lamed' at the beginning²³ Scripture has placed a 'he'²⁴ at the end; and at the School of R. Ishmael the following examples were given:²⁵ Elim, Elimah;²⁶ Mahanayim, Mahanayimah;²⁷ Mizrayim, Mizraimah;²⁸ Dibelathaimah;²⁹ Yerushalaimah;³⁰ midbarah.³¹

Whence do Beth Shammai derive the deduction made by Rab Judah in the name of Rab? — It is derived from Unto one not of his kin.³² Then let Beth Hillel also derive it from 'Unto one not of his kin'! — This is so indeed. What need, then, was there for 'huzah'? — To include one who was only betrothed.³³ And the others? — They derive it from the use of ha-huzah where huzah could have been used.³⁴ And the others? — A deduction from huzah ha-huzah does not appeal to them.

Raba said: Beth Shammai's reason³⁵ is that one prohibition³⁶ cannot take effect on another prohibition.³⁷ This explanation is satisfactory in the case where the deceased had married first and the surviving brother married³⁸ afterwards, since the prohibition of marrying a wife's sister³⁹ could not come and take effect on the prohibition of marrying a brother's wife;⁴⁰ where, however, the surviving brother had married first⁴¹ and the deceased married later,⁴² the prohibition of 'wife's

sister' was, surely, first!⁴³ — Since the prohibition of a 'brother's wife' cannot take effect on the prohibition of 'wife's sister', [any of the other widows] is the rival of a forbidden relative to whom⁴⁴ the precept of the levirate marriage is inapplicable, and is consequently permitted.⁴⁵

IF THEY HAD PERFORMED THE HALIZAH, BETH SHAMMAI DECLARE THEM INELIGIBLE etc. Is not this obvious?⁴⁶ — [It had to be stated] in order to exclude [the instruction] of R. Johanan b. Nuri who said: Come and let us issue an ordinance that the rivals⁴⁷ perform the halizah but do not marry the levir.⁴⁸ Hence it was taught that Beth Hillel declare them eligible.⁴⁹

IT THEY WERE MARRIED TO THE LEVIRS etc. BETH HILLEL DECLARE THEM INELIGIBLE. What need again was there for this? — Because it was taught, IF THEY PERFORM THE HALIZAH⁵⁰ it was also taught, IF THEY WERE MARRIED TO THE LEVIRS.⁵¹

We learned elsewhere: The Scroll of Esther⁵² is read on the eleventh, the twelfth, the thirteenth, the fourteenth or the fifteenth [of Adar].⁵³ but not earlier⁵⁴ or later.⁵⁵ Said Resh Lakish to R. Johanan: Apply here the text of Lo tithgodedu,⁵⁶ you shall not form separate sects!⁵⁷ (Is not Lo tithgodedu required for its own context, the All Merciful having said, 'You shall not inflict upon yourselves any bruise for the dead'?⁵⁸ — If so, Scripture should have said, Lo tithgodedu,⁵⁹ why did it say 'Lo tithgodedu'?⁶⁰ hence it must be inferred that its object was this.⁶¹ Might it not then be suggested that the entire text refers to this only?⁶² — If so, Scripture should have said, Lo thagodu;⁶³ why did it say 'Lo tithgodedu'? Hence the two deductions.)⁶⁴ — The former answered: Have you not yet learned,⁶⁵ 'Wherever it is customary to do manual labour on the Passover Eve until midday it may be done; wherever it is customary not to do any work it may not be done'?⁶⁶ The first said to him: I am speaking to you of a prohibition, for R. Shaman b. Abba said in the name of R. Johanan: 'Scripture having said, To confirm these days of Purim in their appointed times,⁶⁷ the Sages have ordained for them different times,⁶⁸ and you speak to me of a custom!⁶⁹ But is there no prohibition there?⁷⁰ Surely we learned, 'Beth Shammai prohibit work during the night⁷¹ and Beth Hillel permit it'!⁷² — The other said to him: In that case,⁷³ anyone seeing [a man abstaining from work] would suppose him to be out of work.⁷⁴ But do not BETH SHAMMAI PERMIT THE RIVALS TO THE OTHER BROTHERS AND BETH HILLEL FORBID THEM!⁷⁵

(1) The rivals.

(2) With the brothers.

(3) In the opinion of Beth Shammai the halizah is legal and any woman who performed legal halizah is, like one divorced, forbidden to marry a priest.

(4) In their opinion the halizah was unnecessary and may, therefore, be treated as if it had never taken place.

(5) When their husbands die.

(6) Because having married persons to whom they are forbidden they are regarded as harlots who are ineligible ever to marry a priest.

(7) Lit., 'do clean things, these upon these'.

(8) For permitting the rivals to marry the other brothers.

(9) **vmuj V** is rendered, 'the one who is the outside one', the word being regarded as an adjective fem. with the

relative. E.V., 'abroad'.

(10) Deut. XXV, 5.

(11) I.e., the one who is not otherwise related to the levir.

(12) Related to the levir.

(13) But only unto her husband's brother (Deut. XXV, 5), which shews that a rival is permitted to the other brothers.

(14) Who prohibit the rival to the brothers, how do they explain this text?

(15) Before halizah had been performed.

(16) Lit., 'she shall not be', **vhv**, **tk** (rt. **vhv**).

(17) Cf. E.V. for **vmuj V**, supra note 3.

(18) Deut. XXV, 5.

(19) Lit., 'a stranger shall have no being (**vhuv** of the root **vhv**) in her'.

(20) . **uj k**, lit., 'to the outside'.

(21) **vmuj V**, v. supra note 3.

(22) **vmuj** .

(23) To indicate direction.

(24) The he being the he local.

(25) Lit., 'he recited' or 'taught'.

(26) 'To **okht** appears as **vnkht** (Ex. XV, 27) instead of **okhtk**.

(27) 'To **ohbj n**' appears as **vnhnj n** (II Sam. XVII, 24) instead of **ohnj nk**.

(28) 'To **ohrmn**', **vnhrmn**, Gen. XII, 10.

(29) 'To **oh, kcs, vnh, kcs** (Num. XXXIII, 47).

(30) 'To **ohkaurh**' (Jerusalem) **vnhkaurh** (Ezek. VIII, 3).

(31) 'To **rdsn** (wilderness or place-name) **crdsn** (I Chron. V, 9).

(32) Deut. XXV, 5.

(33) To the deceased brother. Such a widow also is subject to the levirate marriage as if she had been actually married. 'Huzah' implies (cf. supra p. 68, n. 3) 'outside', i.e., one who is not within the marriage bond.

(34) The addition of the 'he' in **vmuj V** where **vmuj** would have conveyed the same meaning implies the inclusion of the betrothed. (V. n. 6.)

(35) V. p. 68, n. 2, supra.

(36) That, e.g., of marrying a brother's wife.

(37) That of marrying a forbidden relative (e.g., a daughter). Since the latter prohibition takes no effect in such a case, the forbidden relative whom the levirate bond does not consequently affect may be regarded as non-existent, so far as her levirate obligations are concerned. Her rivals, therefore, come under the category of complete strangers and are consequently permitted to the brothers.

(38) A sister of his brother's wife.

(39) Which arose later.

(40) As legally the widow is only 'his brother's wife' but not 'his wife's sister', her rivals may justly be regarded as strangers who are permitted.

(41) And his wife's sister has in consequence become forbidden to him.

(42) When the prohibition of a brother's wife arose.

(43) And consequently had taken effect; why then are her rivals permitted? This objection is based on the assumption that Raba, in stating the prohibition of marrying a forbidden relative cannot take effect owing to the prohibition of 'brother's wife', was referring only to such prohibitions as are due to a marriage contract, e.g., a wife's sister.

- (44) Lit., 'in the place'.
- (45) V. supra p. 69, n. 10.
- (46) What need then was there for stating it.
- (47) Of forbidden relatives.
- (48) And being subject to halizah, even though on account of a Rabbinical ordinance only, it might have been assumed that they are ineligible for marriage with a priest. (Cf. supra p. 67, n. 9.)
- (49) Indicating that the rivals in such a case are not even Rabbinically subject to the halizah.
- (50) For the reason given supra. V. previous note.
- (51) Halizah and marriage usually being the only alternatives.
- (52) **vkhdn** 'scroll', always signifies in Rabbinical literature the Scroll of Esther, unless the context explicitly or implicitly points to any other scroll.
- (53) According to whether the readers live in a village, a town, or a town that had been walled in the days of Joshua, and according to the day of the week on which the feast of Purim occurs.
- (54) Than the eleventh.
- (55) Than the fifteenth. Meg. 2a.
- (56) **ussud**, , **tk** (Deut. XIV, 1), rendered by E.V. Ye shall not cut yourselves, is here taken as a form of the root **sdt**, 'to bind', implying the formation of separate groups, sects, factions.
- (57) Why, then, was the Scroll allowed to be read on different days by different classes of people?
- (58) Cf. supra n. 13 for the rendering of E.V.
- (59) Which would have implied the prohibition of cutting or bruising the body. (V. p. 70, n. 13.)
- (60) The longer form, the Hithpael.
- (61) Lit., 'for this it came', to imply both 'cutting the body for the dead', and 'the formation of sects'.
- (62) The formation of sects.
- (63) Which would have been understood to refer to the undesirable formation of sects.
- (64) It has thus been shewn that the formation of sects is undesirable; why then was it allowed to form separate groups to read the Scroll of Esther on different dates?
- (65) Or 'You should have replied' (Rashi).
- (66) Which shews that, despite the undesirability of forming separate groups, different customs are allowed.
- (67) Esth. IX, 31, emphasis on 'appointed times', **ovhbnzc**.
- (68) I.e., a group who were ordained to read the Scroll on a particular date must not read it on any other date.
- (69) Manual labour on the Passover Eve is universally permitted, and its prohibition in certain places is not a matter of law but merely a question of custom.
- (70) In the case of work on the Passover Eve. (Both the day and the night preceding the Passover are designated **j xp crg** Passover Eve).
- (71) Preceding the first Passover night.
- (72) Which shews, since some would be acting in accordance with the ruling of Beth Shammai while others would follow Beth Hillel, that even in the case of a prohibition the formation of sects is allowed.
- (73) Lit., 'there', where some people do no work though permitted.
- (74) The question of sects does not arise in such a case.
- (75) A dispute which creates faction, some following the ruling of the one authority and others that of the other.

Talmud - Mas. Yevamoth 14a

— Do you imagine that Beth Shammai acted in accordance with their views? Beth Shammai did not act in accordance with their views.

R. Johanan, however, said: They certainly acted [in accordance with their views]. Herein they¹ differ on the same point as do Rab and Samuel. For Rab maintains that Beth Shammai did not act in accordance with their views, while Samuel maintains that they certainly did act [in accordance with their views]. When?² If it be suggested, prior to the decision of the heavenly voice,³ then what reason has he who maintains that they did not act [in accordance with their own view]? If, however, after the decision of the heavenly voice, what reason has he who maintains that they did act [in accordance with their views]? — If you wish I could say, prior to the decision of the heavenly voice; and if you prefer I could say, after the heavenly voice. ‘If you wish I could say, prior to the heavenly voice’, when, for instance, Beth Hillel were in the majority: One maintains⁴ that they⁵ did not act [according to their view] for the obvious reason that Beth Hillel were in the majority; while the other maintains⁶ that they did act [according to their view, because] a majority is to be followed only where both sides are equally matched;⁷ in this case, however, Beth Shammai were keener of intellect. ‘And if you prefer I could say, after the heavenly voice’; one maintains that they⁵ did not act [according to their view] for the obvious reason that the heavenly voice had already gone forth;⁸ while the other who maintains that they did act [according to their view] is [of the same opinion as] R. Joshua who declared that no regard need be paid to a heavenly voice.⁹

Now as to the other who ‘maintains that they did act [according to their views]’¹⁰ — should not the warning, ‘Lo tithgodedu, you shall not form separate sects’¹¹ be applied? — Abaye replied: The warning against opposing sects is only applicable to such a case as that of two courts of law in the same town, one of whom rules in accordance with the views of Beth Shammai while the other rules in accordance with the views of Beth Hillel. In the case, however, of two courts of law in two different towns [the difference in practice] does not matter. Said Raba to him: Surely the case of Beth Shammai and Beth Hillel is like that of two courts of law in the same town! The fact, however, is, said Raba, that the warning against opposing sects is only applicable to such a case as that of one court of law in the same town, half of which rule in accordance with the views of Beth Shammai while the other half rule in accordance with the views of Beth Hillel. In the case, however, of two courts of law in the same town [the difference in practice] does not matter.

Come and hear: In the place of R. Eliezer, wood was cut on the Sabbath wherewith to produce charcoal on which to forge the iron.¹² In the place of R. Jose the Galilean the flesh of fowl was eaten with milk.¹³ In the place of R. Eliezer only¹⁴ but not in the place of R. Akiba; for we learnt: R. Akiba laid it down as a general rule that any labour which may be performed on the Sabbath Eve¹⁵ does not supersede the Sabbath!¹⁶ — What an objection is this! The case, surely, is different [when the varied practices are respectively confined to] different localities. What then did he who raised this question imagine?¹⁷ — It might have been assumed that owing to the great restrictions of the Sabbath [different localities are regarded] as one place, hence it was necessary to teach us [that the law was not so].

Come and hear: R. Abbahu, whenever he happened to be in the place of R. Joshua b. Levi, carried¹⁸ a candle,¹⁹ but when he happened to be in the place of R. Johanan²⁰ he did not carry a candle!²¹ — What question is this! Has it not been said that the case is different [when the varied practices are respectively confined to] varied localities? — This is the question.²² How could R.

Abbahu act in one place in one way and in another place in another way?²³ — R. Abbahu is of the same opinion as R. Joshua b. Levi,²⁴ but when he happened to be in R. Johanan's place he did not move a candle out of respect for R. Johanan. But his attendant,²⁵ surely was also there!²⁶ — He gave his attendant the necessary instructions.

Come and hear: **THOUGH THESE FORBADE WHAT THE OTHERS PERMITTED . . . BETH SHAMMAI, NEVERTHELESS, DID NOT REFRAIN FROM MARRYING WOMEN FROM THE FAMILIES OF BETH HILLEL, NOR DID BETH HILLEL [REFRAIN FROM MARRYING WOMEN] FROM THE FAMILIES OF BETH SHAMMAI.** Now, if it be said that they²⁷ did not act [in accordance with their own view] one can well understand why **THEY DID NOT REFRAIN** [from intermarrying with one another].²⁸ If, however, it be said that they²⁷ did act [in accordance with their own view], why did they not refrain? That Beth Shammai did not refrain from marrying women from the families of Beth Hillel may well be justified because such²⁹ are the children of persons guilty only of the infringement of a negative precept,³⁰ but why did not Beth Hillel refrain from [marrying women from the families of] Beth Shammai? Such,³¹ surely, being children of persons who are guilty of an offence involving kareth, are bastards!³² And if it be suggested that Beth Hillel are of the opinion that the descendant of those who are guilty of an offence involving kareth is not a bastard,³³ surely, [it may be retorted], R. Eleazar said: Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals, they concede that a bastard is only he who is descended from a marriage which is forbidden as incest and punishable with kareth! Does not this then conclusively prove that they²⁷ did not act [in accordance with their own view]? — No; they²⁷ acted, indeed, [in accordance with their own view], but they²⁷ informed them³⁴ [of the existence of any such cases] and they³⁴ kept away.

This³⁵ may also be proved by logical inference; for in the final clause it was stated. **[SIMILARLY IN RESPECT OF] ALL [THE QUESTIONS OF RITUAL] CLEANNESS AND UNCLEANNES, WHICH THESE DECLARED CLEAN WHERE THE OTHERS DECLARED UNCLEAN, NEITHER OF THEM ABSTAINED FROM USING THE UTENSILS OF THE OTHERS FOR THE PREPARATION OF FOOD THAT WAS RITUALLY CLEAN.**

(1) R. Johanan and R. Lakish.

(2) I.e., to what period does the dispute just mentioned refer?

(3) **kue , C** (v. Glos. s.v. Bath Kol), which decided that the law in practice was always to be in accordance with the rulings of Beth Hillel (v. 'Er. 13a).

(4) Lit., 'according to him who said'.

(5) Beth Shammai.

(6) Lit., 'and he who said'.

(7) In qualifications and attainments.

(8) And decided the issue in favour of Beth Hillel.

(9) B.M. 59b, Ber. 52a, 'Er. 7a, Pes. 114a.

(10) Even after the heavenly voice.

(11) Cf. supra p. 70, n. 13.

(12) The knife required for the performance of circumcision. The circumcision of a child, his health permitting, must take place on the eighth day of his birth (v. Gen. XVII, 12) even though it happened to fall on a Sabbath

when manual labour is prohibited. And since the precept itself supersedes the Sabbath, all its requisites such as the wood and coals (for the preparation of warm water) and the knife may also be performed on the Sabbath.

(13) Though it is forbidden to eat meat, or any dishes made of meat, together with milk or any preparation of milk. R. Jose exempts the flesh of fowl from the general prohibition of the consumption of meat and milk. Shab. 130a, Hul. 116a.

(14) Lit., 'yes'; only there was the preparation of the requisites of circumcision permitted on the Sabbath.

(15) Such as the cutting of wood, the production of coals and the forging of the knife.

(16) Now, in view of the undesirability of creating different sects, why were all these varied practices allowed?

(17) It should have been obvious to him that different localities may differ in their custom. (Cf. supra p. 53, n. 11.)

(18) Lit., 'moved'.

(19) On the Sabbath. A candle, though it was burning when Sabbath set in, according to R. Joshua who follows R. Simeon in permitting mukzeh (v. next note), be moved on the Sabbath after the flame has gone out.

(20) R. Johanan, following R. Judah, forbids the carrying or moving of a candle that had been burning when the Sabbath set in though it had subsequently gone out. As it was burning at the commencement of the Sabbath it was at that time fit for no other use and is regarded, therefore, as mukzeh, i.e., 'something set aside', that is not to be used for any other purpose. Anything that was mukzeh when the Sabbath began remains so until it ends.

(21) Is not the practice of carrying a candle in one place and not carrying it in another as undesirable as the formation of opposing sects?

(22) Lit., 'we say thus'.

(23) Lit., 'how did he do here thus' (bis).

(24) V. supra note 3.

(25) Who well knew that his master was of the same opinion as R. Joshua b. Levi. The **tgna** was in many cases both an attendant on the master and also one of his learned disciples.

(26) And might move such a candle on the Sabbath even in R. Johanan's place.

(27) Beth Shammai.

(28) Since, in practice, both schools followed the same principles.

(29) The descendants from the marriages with strangers contracted by the rivals who, in accordance with the ruling of Beth Hillel, performed no halizah.

(30) Even Beth Shammai who require the rivals to perform the halizah regard such marriages as the infringement of a prohibition only ('The wife of the dead shall not be married abroad', Deut. XXV, 5), which does not involve kareth. The children of such marriages are consequently not deemed to be bastards.

(31) Descendants from marriages between rivals and brothers-in-law. Such marriages, which are permitted by Beth Shammai, are regarded by Beth Hillel as forbidden under the prohibition of marrying one's brother's wife, which involves the penalty of kareth.

(32) How, then, did they intermarry with families containing such members?

(33) A bastard being the descendant only of such marriages as are subject to one of the capital punishments that are carried out under the jurisdiction of a court.

(34) Beth Hillel.

(35) That Beth Shammai duly informed Beth Hillel of any families contracting marriages which according to the ruling of the latter were forbidden.

Talmud - Mas. Yevamoth 14b

Now, if it be agreed that the required information was supplied¹ one well understands why they² did not abstain.³ If, however, it be assumed that no such information was supplied, one can still

understand why Beth Shammai did not abstain from using the utensils of Beth Hillel, since that which was regarded by Beth Hillel as ritually unclean was deemed by Beth Shammai to be ritually clean; but why did not Beth Hillel abstain from using the utensils of Beth Shammai when that which was deemed clean by Beth Shammai was regarded as unclean by Beth Hillel? Must it not, then, be concluded that they supplied them with the required information! Our point is thus proved.

In what respect is the one⁴ more conclusive proof⁵ than the other?⁶ — It might have been thought that the case of a rival⁷ receives due publicity,⁸ hence it was necessary [for the inference from the final clause] to be cited.

[Reverting to] the previous text, 'R. Eleazar said: Although Beth Shammai and Beth Hillel are in disagreement on the question of rivals they concede that a bastard is only he who is descended from a marriage forbidden as incest and punishable by kareth'. Who concedes? If it be said, Beth Shammai to Beth Hillel;⁹ this, surely, is obvious, since the children of those who are guilty of the infringement of a negative precept¹⁰ are deemed legitimate.¹¹ Must it not consequently be the case that Beth Hillel conceded to Beth Shammai;¹² but this very case is subject to the penalty of kareth! — The fact is that Beth Shammai conceded to Beth Hillel; and the purpose was to exclude the opinion of R. Akiba, who maintains that a descendant from persons guilty of the infringement of a negative precept is deemed a bastard.¹³ Hence it was taught¹⁴ that a descendant from persons guilty of the infringement of a negative precept is not deemed a bastard.

Come and hear: Although Beth Shammai and Beth Hillel are in disagreement on the questions of rivals, sisters,¹⁵ an old bill of divorce,¹⁶ a doubtfully married woman,¹⁷ a woman whom her husband had divorced¹⁸ and who stayed with him over the night in an inn,¹⁹ money, valuables, a perutah and the value of a perutah,²⁰ Beth Shammai did not, nevertheless, abstain from marrying women of the families of Beth Hillel, nor did Beth Hillel refrain from marrying those of Beth Shammai. This is to teach you that they shewed love and friendship towards one another, thus putting into practice the Scriptural text, Love ye truth and peace.²¹ R. Simeon said: They abstained [from marrying] in cases of certainty but did not abstain in doubtful cases.²² Now, if you agree that they²³ acted [in accordance with their own views] one can well understand why they abstained. If, however, you assume that they did not so act, why did they abstain? — And how do you understand this? Even if it be granted that they did act (in accordance with their own views), one can only understand why Beth Hillel abstained from intermarrying with Beth Shammai, because the latter, in the opinion of Beth Hillel, were guilty of offences involving kareth and their descendants were consequently bastards; as to Beth Shammai, however, why did they abstain from intermarrying with Beth Hillel, when they were [even in the opinion of Beth Shammai] only guilty of the infringement of a negative precept and [their descendants] were consequently legitimate? — As R. Nahman said elsewhere that the statement was required only for the case of the rival herself, so here also the Statement is required for the case of the rival herself.²⁴

Why is a doubtful case different from a case of a certainty? Obviously because it is forbidden. Is not a doubtful case also forbidden? — Do not read, 'from a doubtful case', but 'from a case unknown', since when they received the information they kept away.²⁵ And what does he teach us thereby? That they shewed love and friendship to one another? But this is exactly the same as the

first clause!²⁶ — He teaches us this: That the entire Mishnah represents the views of R. Simeon.

Come and hear: R. Johanan b. Nuri said: ‘How is this law²⁷ to be promulgated in Israel? Were we to act in accordance with the ruling of Beth Shammai,²⁸ the child would, in accordance with the ruling of Beth Hillel, be a bastard.²⁹ And were we to act in accordance with the ruling of Beth Hillel,³⁰ the child, according to the ruling of Beth Shammai, would be tainted;³¹ come, then, and let us issue an ordinance that the rivals

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- (1) By Beth Shammai.
 - (2) Beth Hillel, who were the more rigorous in matters of ritual cleanness.
 - (3) From using the utensils of Beth Shammai. The fact that any vessel was not clean according to Beth Hillel would have been, they knew, duly communicated to them.
 - (4) The inference from the final clause of our Mishnah relating to ritual cleanness and uncleanness.
 - (5) That the required information was supplied.
 - (6) The first clause dealing with the marriages of rivals.
 - (7) Who married one of the brothers.
 - (8) And no special report on such a case is needed.
 - (9) Where a rival married a stranger without previously performing the halizah (v. our Mishnah).
 - (10) V. supra p. 75, n. 4.
 - (11) And the question of legitimacy does not at all arise in the dispute.
 - (12) In respect of a rival who married one of the brothers.
 - (13) Infra 49a.
 - (14) In our Mishnah.
 - (15) Who married their brothers; infra 26a.
 - (16) Git. 79b.
 - (17) I.e., where the validity of her marriage is in doubt. V. infra 107a.
 - (18) Lit., ‘and about him who divorced his wife’.
 - (19) Git. 81a.
 - (20) The last four deal with the question of what constitutes legal betrothal. Kid. 2a and 11a.
 - (21) Zech. VIII, 19.
 - (22) Tosef. Yeb. I.
 - (23) Beth Shammai.
 - (24) Whom Beth Shammai abstained from marrying before she performed the halizah.
 - (25) So long, therefore, as no report had been received the unknown case was assumed to belong to the pure families.
 - (26) Why then should there be a repetition of the same thing?
 - (27) Relating to the marriages of rivals.
 - (28) Who permit the rivals to marry the brothers.
 - (29) Having been born from a forbidden marriage (that of a brother's wife) which involves kareth.
 - (30) Permitting rivals to marry strangers without previous halizah.
 - (31) Though not actually a bastard, he would, were he a kohen, be disqualified from the priesthood.

Talmud - Mas. Yevamoth 15a

perform the halizah¹ but do not marry any of the brothers’.² They had hardly time to conclude the

matter before confusion set in. Said R. Simeon b. Gamaliel to them, 'What now could we do with previous rivals'?³ Now, if you assume that they⁴ acted [in accordance with their own rulings] one can understand why he said, 'What shall we do'.⁵ If, however, you assume that they did not so act, what is the meaning of 'What shall we do'?⁶ — R. Nahman b. Isaac replied: This⁷ was required only in the case of the rival herself;⁸ and this is the meaning of the objection 'what shall we do': 'How shall we, according to Beth Shammai, proceed with those rivals [who married⁹ in accordance with the rulings] of Beth Hillel? Should they be asked to perform the halizah, they would become despised by their husbands; and should you say, "Let them be despised", [it could be retorted]. Her ways are ways of pleasantness and all her paths are peace'.¹⁰

Come and hear: R. Tarfon¹¹ said: Would that the rival of [my] daughter¹² were to fall to my lot¹³ so that I could marry her!¹⁴ — Read, 'that I could make her marry [another]'.¹⁵ But he said, 'Would'!¹⁶ — It¹⁷ implies objection to the ordinance¹⁸ of R. Johanan b. Nuri.¹⁹

Come and hear: It happened that R. Gamaliel's daughter was married to his brother Abba who died without issue, and that R. Gamaliel married her rival!²⁰ — But how do you understand this? Was R. Gamaliel²¹ one of the disciples of Beth Shammai!²² But [this is the explanation]: R. Gamaliel's daughter was different because she was incapable of procreation.²³ Since, however, it was stated in the final clause, 'Others say that R. Gamaliel's daughter was incapable of procreation' it may be inferred that the first Tanna is of the opinion that she was not incapable of procreation! — The difference between them²⁴ is the question whether he²⁵ knew her²⁶ defect²⁷ or not.²⁸ And if you wish I might say that the difference between them²⁴ is the case where he²⁵ married [the rival] first and subsequently divorced [his wife].²⁹ And if you wish I might say that the difference between them²⁴ is whether a stipulation³⁰ in the case of matrimonial intercourse is valid.³¹

R. Mesharsheya raised an objection: It once happened that R. Akiba gathered the fruit of an ethrog³² on the first of Shebat³³ and subjected it to two tithes,³⁴ one³⁵ in accordance with the ruling of Beth Shammai³⁶ and the other³⁷ in accordance with the ruling of Beth Hillel.³⁸ This proves that they³⁹ did act [in accordance with their rulings!] — R. Akiba was uncertain of his tradition, not knowing whether Beth Hillel said the first of Shebat⁴⁰ or the fifteenth of Shebat.⁴⁰

Mar Zutra raised an objection: It once happened that Shammai the Elder's daughter-in-law was confined with child⁴¹ and he⁴² broke an opening through the concrete of the ceiling and covered it above the bed with the proper festival roofing⁴³ for the sake of the child.⁴⁴ Does not this prove that they³⁹ did act [in accordance with their rulings]?⁴⁵ — In that case, any onlooker might assume that it was done in order to increase the ventilation.⁴⁶

Mar Zutra raised an objection: It once happened with Jehu's Trough in Jerusalem, which was connected by means of a hole with a ritual bathing pool,⁴⁷ and in which⁴⁸ all ritual cleansing in Jerusalem was performed, that Beth Shammai sent and had the hole widened; for Beth Shammai maintain that the greater part [of the intervening wall] must be broken through.⁴⁹ But we have also learned that the combination of bathing pools⁵⁰ may be effected by a connecting tube of the size of the mouth-piece of a leather bottle in diameter and circumference,⁵¹ viz., a tube in which two fingers may conveniently be turned round.⁵² Does not this prove that they⁵³ did act [in

accordance with their rulings]?⁵⁴ — There

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- (1) So that any stranger might be permitted to marry them, even according to Beth Shammai.
 - (2) And thus prevent their children from being branded bastards according to Beth Hillel. (V. supra note 6).
 - (3) Tosef. Yeb, I; the rivals who, relying on Beth Shammai, married brothers-in-law, prior to the ordinance, whose children would, were the ordinance of R. Johanan b. Nuri to be accepted, become bastard.
 - (4) Beth Shammai.
 - (5) Since some may have married brothers-in-law. V. supra n. 1.
 - (6) No such marriage could possibly have taken place.
 - (7) R. Simeon b. Gamaliel's precaution.
 - (8) Who may have married a stranger without previous halizah, in accordance with the ruling of Beth Hillel. It has no reference at all to the children, who would not be regarded bastards even according to Beth Shammai.
 - (9) Strangers, previously performing the halizah.
 - (10) Prov. III, 17. The ways of the law must lead to no unpleasantness for the innocent.
 - (11) A disciple of Beth Shammai.
 - (12) Who was married to a brother of his.
 - (13) As levir.
 - (14) Which shews that Beth Shammai acted in accordance with their ruling that the rival of a forbidden relative is permitted to the brothers.
 - (15) Which is, of course, permitted according to Beth Hillel. The Heb. **vb~~t~~at** 'I will marry her' (verb. neut. Kal) may be easily mistaken for **vb~~t~~hat** 'I will cause her to marry another' (verb. act. Hif.).
 - (16) Which implies a desire to shew something novel. Marrying a stranger, in accordance with the ruling of Beth Hillel, is the usual practice.
 - (17) The expression 'would'.
 - (18) Lit., 'to bring out', 'to exclude (the view)'.
(19) Who desired to institute for rivals halizah to enable them to marry strangers, though prohibiting their marriage with the brothers
 - (20) Thus acting in accordance with the ruling of Beth Shammai. (V. p. 79, n. 12.)
 - (21) A descendant of the house of Hillel.
 - (22) Obviously not. How, then, could it be assumed that he acted in accordance with a ruling of Beth Shammai?
 - (23) And the rival of such a woman is permitted to the brothers. V. Mishnah supra 2b.
 - (24) The 'Others' and the first Tanna.
 - (25) The husband, R. Gamaliel's brother.
 - (26) R. Gamaliel's daughter's.
 - (27) At the time of their marriage.
 - (28) V. supra 12a. According to the first Tanna, the rival of R. Gamaliel's daughter was permitted only because her husband was unaware of her defect, and their marriage consequently took place under a misconception. Such a marriage being invalid, R. Gamaliel's daughter was not a legal wife, and her rival consequently was a mere stranger to her father. According to the 'Others', who use the expression 'was incapable' and not 'was discovered to be incapable', the rival was permitted to R. Gamaliel irrespective of whether his daughter's defect had or had not been known, to her husband.
 - (29) V. supra 13a. Such as was the case with R. Gamaliel's daughter. The first Tanna is of the opinion that the rival was permitted to R. Gamaliel because at the time his brother died she was no more his daughter's rival. The 'Others', however, maintain that so long as the two were rivals for any length of time (in this case, between the time of the marriage with the rival and the divorce of R. Gamaliel's daughter) they remain legally as rivals for all

time, and the only reason why R. Gamaliel was allowed to marry the rival of his daughter was because his daughter had the defect of being incapable of procreation, and the rival of such a woman is permitted to the brothers. V. supra 2b.

(30) That the woman, e.g., suffers from no illness or that she is not afflicted with any infirmity.

(31) Such a stipulation was made by the husband in the case of R. Gamaliel's daughter. The first Tanna is of the opinion that the stipulation is valid, and since an infirmity was subsequently discovered, the marriage is null and void and the rival as a mere stranger is consequently permitted. The 'Others', however, regard a stipulation in connection with marital intercourse as invalid. R. Gamaliel's marriage with the rival was consequently permitted only because his daughter was incapable of procreation.

(32) V. Glos.

(33) The eleventh month in the Hebrew calendar, the first day of which is regarded by Beth Shammai as the New Year for trees. The period of the gathering was about the end of the second year of the septennial cycle and the beginning of the third.

(34) The 'second tithe' which is due in the second year of the septennial cycle, and the 'tithe for the poor' which is due in the third year of the cycle.

(35) The 'tithe for the poor'.

(36) According to whom, the first of Shebat being regarded as the beginning of the New Year for trees, the third year of the cycle had already begun, and the tithe due is, therefore, that of the poor.

(37) The 'second tithe'.

(38) Who, maintaining that the new year for trees does not begin until the fifteenth of Shebat, regard the first day of the month as still belonging to the concluding year, i.e., the second of the cycle in which the 'second tithe' is due. 'Er. 7a, R.H. 14a.

(39) Beth Shammai.

(40) Was the new year. Cf. supra nn. 5-7.

(41) During the Festival of Tabernacles when it is obligatory upon all males to dwell in booths (Lev. XXIII, 42), the roof of which must consist of branches or leaves or any similar material which grows from the ground (v. Suk. 2aff).

(42) Shammai.

(43) V. supra n. 10.

(44) Who was a male and, in the opinion of Beth Shammai, a male child, though still dependent on his mother, is like any male adult subject to the obligation of dwelling in a booth during the festival. Suk. 28a.

(45) Since according to Beth Hillel the child, being dependent upon his mother, is exempt from the obligation.

(46) The action, therefore, did not in any way demonstrate a disregard for the ruling of Beth Hillel.

(47) **vien** 'a gathering together', applied to a bath or pool containing forty se'ah of water, which is the prescribed minimum for a ritual bath.

(48) The trough, though containing less than the required minimum, was rendered ritually fit through fusion with the larger pool by means of the connecting hole.

(49) Mik. IV, 5.

(50) Which renders the smaller one, containing less than the prescribed minimum, ritually fit.

(51) Lit., 'like the tube of a leather bottle in its thickness and hollow space'.

(52) Hag. 21b, Mik. VI, 7; lit., 'as two fingers returning to their place'.

(53) Beth Shammai.

(54) Since the original tube, according to Beth Hillel, was quite sufficient, and they had nevertheless ordered its extension.

Talmud - Mas. Yevamoth 15b

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the onlooker might assume that the extension was made in order to increase the volume of the water.¹

Come and hear: R. Eleazar b. Zadok said: When I was learning Torah with R. Johanan the Horonite² I noticed that in the years of dearth he used to eat dry bread with salt. I went home and related it to my father, who said to me, 'Take some olives to him'. When I brought these to him and he observed that they were moist³ he said to me, 'I eat no olives'.⁴ I again went out and communicated the matter to my father, who said to me, 'Go tell him that the jar was broached,⁵ only the lees had blocked up the breach',⁶ and we learned: A jar containing pickled olives, Beth Shammai said, need not be broached;⁷ but Beth Hillel say: It must be broached.⁸ They admit, however, that where it had been broached and the lees had blocked up the holes, it is clean.⁹ And though he¹⁰ was a disciple of Shammai, he always conformed in practice¹¹ to the rulings of Beth Hillel. Now, if it be conceded that they¹² did act in accordance with their own rulings, one can well understand why his¹⁰ action was worthy of note;¹³ if, however, it were to be contended that they did not so act, in what respect was his conduct noteworthy!¹⁴

Come and hear: R. Joshua was asked, 'What is the law in relation to the rival of one's daughter'? He answered them, 'It is a question in dispute between Beth Shammai and Beth Hillel'. — 'But [he was asked] in accordance with whose ruling is the established law?' 'Why should you,' he said to them, 'put my head between two great mountains, between two great groups of disputants, aye, between Beth Shammai and Beth Hillel? I fear they might crush my head! I may testify to you, however, concerning two great families who flourished in Jerusalem, namely, the family of Beth Zebo'im of Ben 'Akmai and the family of Ben Kuppai of Ben Mekoshesh,¹⁵ that they were descendants of rivals¹⁶ and yet some of them were High Priests who ministered upon the altar'. Now, if it be conceded that they¹⁷ acted [in accordance with their own rulings] it is quite intelligible why he said, 'I fear'.¹⁸ If, however, it be suggested that they¹⁷ did not so act, why did he say, 'I fear'?¹⁹ But even if it be granted that they did act [according to their rulings], what [cause had he for saying,] 'I fear'? Surely R. Joshua said that a bastard was only he who was a descendant of one of those who are subject to capital punishments which are within the jurisdiction of the Beth din!²⁰ — Granted that he²¹ was not a bastard, he is nevertheless tainted;²² as may be deduced by inference a minori ad majus from the case of the widow: If the son of a widow²³ who is not forbidden to all²⁴ is nevertheless tainted,²⁵ [how much more so the son of a rival]²⁶ who is forbidden to all.²⁷

They asked him concerning rivals and he answered them about the sons of the rivals! — They really asked him two questions: 'What is the law concerning the rivals? And if some ground could be found in their case in favour of the ruling of Beth Hillel, what is the law according to Beth Shammai in regard to the sons of the rivals, [who married]²⁸ in accordance with the ruling of Beth Hillel'?²⁹ What practical difference is there?³⁰ — That a solution may be found, according to Beth Hillel, for the question of the child³¹ of a man who remarried his divorced wife.³² Do we³³ apply the inference a minori ad majus, arguing thus: 'If the son of a widow who was married to a High Priest, who is not forbidden to all,³⁴ is nevertheless tainted,³⁵ how much more so the son of her³⁶ who is forbidden to all',³⁷ or is it possible to refute the argument, thus: 'The case of the widow is

different because she herself is profaned'?³⁸ And he said to them, 'With reference to the rivals I am afraid;³⁹

(1) V. note 2.

(2) [Cf. Hauran, mentioned in Ezek. XLVII, 18, south of Damascus, the Auranitis of the Graeco-Roman times.]

(3) Moisture renders fruit susceptible to Levitical uncleanness.

(4) He hesitated to eat them owing to the possibility (Rashi) or the certainty (Tosaf. a.l. s.v. **rnt**) that the earthen jar in which they were kept had been touched by an 'am ha-arez and, being moist, received the uncleanness imparted to them by the jar which, by Rabbinical enactment, had become unclean by the touch of the 'am ha-arez.

(5) Keeping olives in a broached container is clear evidence that the owner had no desire to retain the sap that exudes from the olives; and only liquids which are desired by the owner render the fruit susceptible to Levitical uncleanness.

(6) And thus the undesired 'moisture remained on the olives. As such moisture does not render the fruit susceptible to uncleanness (v. previous note) the olives may safely be eaten even by the scrupulous.

(7) Because in their opinion the moisture that exudes from the olives is regarded as a fruit juice which does not render food susceptible to Levitical uncleanness.

(8) The moisture is regarded by them as actual oil which does render food susceptible to uncleanness. Broaching is consequently necessary in order to indicate thereby that the owner had no desire to preserve the liquid.

(9) I.e., the liquid, having clearly been shewn to be unwanted, does not render the olives susceptible to Levitical uncleanness. 'Ed. IV, 6.

(10) R. Johanan the Horonite.

(11) Lit., 'all his deeds he only did'.

(12) Beth Shammai.

(13) Lit., 'that is his greatness'; i.e., his conduct was remarkable and worthy of note in that he acted according to the ruling of Beth Hillel despite the practice of his colleagues of acting in accordance with the rulings of their own School.

(14) Lit., 'what was his greatness'; he only acted on the same lines as the other disciples of Beth Shammai. Consequently it must be concluded that Beth Shammai did act in accordance with their own rulings.

(15) [A locality in Judaea; on the identification of the other names, v. Klein MGWJ 1910, 25ff, and 1917, 135ff and Buchler Priester, p. 186.]

(16) Who, in accordance with the ruling of Beth Hillel, married strangers without previously performing halizah with the levirs.

(17) Beth Shammai.

(18) As the rivals, acting on the ruling of Beth Shammai, might have married the brothers, their children who, according to Beth Hillel, would thus be descendants of marriages forbidden under the penalty of kareth, would be deemed to be bastards. These would certainly resent R. Joshua's declaration in favour of Beth Hillel, and his life would thus be in danger.

(19) No one could possibly resent his decision since no one would be adversely affected by it. Cf. supra p. 83, n. 10, final clause.

(20) Infra 49a. Now, even if he had decided in favour of Beth Hillel no one would have been degraded thereby to the level of a bastard. Why then was he afraid?

(21) A descendant from a marriage punishable by kareth.

(22) Though not actually a bastard, he would, were he a kohen, be disqualified from the priesthood.

(23) Born from her marriage with a High Priest.

(24) A widow is forbidden only to a High Priest. V. Lev. XXI, 14.

- (25) V. note 8.
- (26) Cur. edd., 'etc.'
- (27) A rival is forbidden to Israelites as well as priests.
- (28) Strangers without previous halizah with the levirs.
- (29) Are the children of such marriages, which are forbidden by a negative precept, disqualified from the priesthood?
- (30) Since the halachah is according to Beth Hillel.
- (31) A daughter.
- (32) After she had been married to another man. Such remarriage is also forbidden (v. supra note 2) by a negative precept (V. Deut. XXIV, 1-4.)
- (33) In this case according to Beth Hillel, as in the case of a rival's son according to Beth Shammai; both cases coming under the prohibition of a negative precept.
- (34) V. p. 84, n. 10.
- (35) V. p. 84, n. 8.
- (36) A rival.
- (37) A rival is forbidden to Israelites as well as to priests.
- (38) On the death of the High Priest to whom she was unlawfully married she may not marry any more even an ordinary priest, and as she was a priest's daughter she is henceforth forbidden to eat terumah. On a woman, however, who was remarried after divorce no new restrictions are imposed.
- (39) V. supra p. 84, n. 4.

Talmud - Mas. Yevamoth 16a

as to the sons of the rivals¹ I may testify to you'.²

Come and hear: In the days of R. Dosa b. Harkinas the rival of a daughter was permitted to marry the brothers.³ From this it may be inferred that [Beth Shammai] acted [in accordance with their own rulings].⁴ This proves the point.

[To turn to] the main text. In the days of R. Dosa b. Harkinas, the rival of a daughter was permitted to marry the brothers. This ruling was very disturbing to the Sages, because he⁵ was a great scholar⁶ and his eyes were dim so that he was unable to come to the house of study.⁷ When a discussion took place as to who should go and communicate with him, R. Joshua said to them, 'I will go'. 'And who after him?' — 'R. Eleazar b. Azariah.' 'And who after him?' — 'R. Akiba'. They went and stood at the entrance of his house. His maid entered and told him, 'Master, the Sages of Israel are come to you'. 'Let them enter', he said to her; and they entered. Taking hold of R. Joshua he made him sit upon a golden couch. The latter said to him, 'Master, will you ask your other disciple to sit down?' 'Who is he?' [the Master] enquired. — 'R. Eleazar b. Azariah'. 'Has our friend Azariah a son?' [the Master] exclaimed, and applied to him this Scriptural text, I have been young and now I am old; yet have I not seen the righteous forsaken, nor his seed begging bread;⁸ and so took hold of him also and made him sit upon a golden couch. 'Master', said he,⁹ 'will you ask your next disciple also to sit down?' 'And who is he?' [the Master] asked. — 'Akiba the son of Joseph'. 'You are,' [the Master] exclaimed, 'Akiba son of Joseph whose name is known from one end of the world to the other! Sit down, my son, sit down. May men like you multiply in Israel'. Thereupon they began to address to him all sorts of questions on legal

practice¹⁰ until they reached that of the daughter's rival. 'What is the halachah', they asked him, 'in the case of a daughter's rival?' 'This,' he answered them, 'is a question in dispute between Beth Shammai and Beth Hillel.' 'In accordance with whose ruling is the halachah?' — 'The halachah,' he replied, 'is in accordance with the ruling of Beth Hillel.' 'But, indeed,' they said to him, 'it was stated in your name that the halachah is in accordance with the ruling of Beth Shammai!' He said to them: 'Did you hear, "Dosa"¹¹ or "the son of Harkinas?"'¹² — 'By the life of our Master,' they replied. 'We heard no son's name mentioned.'¹³ 'I have,' he said to them, 'a younger brother who is a dare-devil¹⁴ and his name is Jonathan and he is one of the disciples of Shammai.¹⁵ Take care that he does not overwhelm you on questions of established practice, because he has three hundred answers to prove that the daughter's rival is permitted. But I call heaven and earth to witness that upon this mortar¹⁶ sat the prophet Haggai¹⁷ and delivered the following three rulings: That a daughter's rival is forbidden, that in the lands of Ammon and Moab the tithe of the poor is to be given in the Seventh Year,¹⁸ and that proselytes may be accepted from the Cordyenians and the Tarmodites.'¹⁹

A Tanna taught: When they came²⁰ they entered through one door; when they went out they issued through three different doors.²¹ He came upon R. Akiba, submitted his objections to him and silenced him.²² 'Are you', he called out, 'Akiba whose name rings from one end of the world to the other? You are blessed indeed to have won fame while you have not yet attained the rank of oxherds.' 'Not even,' replied R. Akiba, 'that of shepherds.'

'In the lands of Ammon and Moab the tithe of the poor is given in the Seventh Year,' because a Master said: Those who came up from Egypt²³ had conquered many cities which those who came up from Babylon²⁴ did not conquer, and the first sanctification²³ was intended for that time only but not for the future.²⁵ Hence they were allowed [cultivation]²⁶ in order that the poor²⁷ might find their support there in the Seventh Year.²⁸

'And that proselytes may be accepted from the Cordyenians and the Tarmodites'. But [the law, surely,] is not so! For Rami b. Ezekiel learnt: No proselyte may be accepted from the Cordyenians. — R. Ashi replied: The statement was Kartuenians,²⁹ as people, in fact, speak of 'disqualified Kartuenians'.

Others say: Rami b. Ezekiel learnt, 'No proselytes are to be accepted from the Kartuenians'. Are not Kartuenians the same as Cordyenians? — R. Ashi replied: No; Kartuenians are a class by themselves, and Cordyenians are a class by themselves, as people, in fact, speak of 'disqualified Kartuenians'.³⁰

Both R. Johanan and Sabya maintain that no proselytes may be accepted from the Tarmodites. Did R. Johanan, however, say such a thing? Surely we learned: All blood stains [on women's garments] that come from Rekem³¹ are levitically clean,³² and R. Judah declares them unclean because [the people there] were proselytes though misguided;³³ [those that come] from the heathens³⁴ are levitically clean.³⁵ And the difficult point was raised

(1) Whether they are tainted or not.

(2) V. supra 15b, which shews that they were not tainted, since they were permitted to occupy the highest office in

the priesthood.

(3) Of the father of that daughter.

(4) Since the permission to marry was issued by a brother of R. Dosa (v. infra) who was a member of Beth Shammai.

(5) R. Dosa, who was thought to be the author of the ruling.

(6) And they did not venture to act against his decision without first consulting him.

(7) And was thus unaware that the general opinion at the College was against the ruling.

(8) Ps. XXXVII, 25.

(9) R. Joshua.

(10) Lit., 'surrounded him with halachoth'.

(11) I.e., that Dosa permitted the rival.

(12) Without the mention of the name of the son.

(13) Lit., 'not specifically', 'undefined'.

(14) **iya rufc** lit., 'the first-born of Satan', first in obstinate dispute (Jast.); Satansjunge similar to Teufelskerl (Golds.); keen and obstinate (Rashi). Some suggest **iubua ruj c** 'keen — witted youth'. R. Dosa appears to have been playing upon the rhyme of ah katan, bekor satan, and Jonathan.

(15) And it must have been Jonathan who dared to issue a ruling in accordance with the views of his school against those of Beth Hillel.

(16) **vfusn** or mortar-shaped seat.

(17) [That does not mean that he was a contemporary of Haggai the prophet, but that he had an incontrovertible tradition on the matter, Me'iri.]

(18) Of the septennial cycle. The countries of Ammon and Moab, though conquered by Moses and included in the boundary of the Land of Israel, were in the days of the Second Temple excluded. The laws of the Seventh or Sabbatical year, which apply to the Land of Israel, were consequently inapplicable to the lands of Ammon and Moab. Any Jews living in those countries, it was ordained by the Rabbis, were to be allowed to cultivate their fields in this year, but besides the 'first tithe' which is due in all other years, they were to give the tithe of the poor also.

(19) Despite the opinion of some Rabbis that they were to be regarded as bastards. Cordyene or Kardu was in Babylon; Tarmod or Tadmor, (Palmyra) lay in an oasis of the desert of Syria. [According to Obermeyer (p. 133) the question as to the legitimacy of the offering of the Kardu was on account of the possible intermarriage of the non-Jewish inhabitants with the Jewish converts, won over to Christianity by the Christian missions from Edessa in the first century.]

(20) To interview R. Dosa.

(21) Either in order not to attract Jonathan's attention, or, on the contrary, in the hope that one of them at least might meet him.

(22) Lit., 'and made him stand'.

(23) In the days of Joshua.

(24) In the days of Ezra.

(25) Hag. 3b.

(26) In the Sabbatical year.

(27) Of the Land of Israel where no cultivation was permitted and where consequently no poor-tithe was given in that year.

(28) By obtaining employment in the fields or by receiving the tithes and the other gifts of the poor.

(29) Mountaineers of Media. The Gr. ** natives of Karta are mentioned by Polybius and Strabo.

(30) The Cordyenians, however, are not tainted.

(31) Place on the borders of Palestine. Perhaps Petra or the Biblical Sela in Edom, v. Git., Sonc. ed. p. 1, n. 2.

(32) Only the menstrual blood of the daughters of Israel is levitically unclean; and no pure Israelites lived at Rekem.

(33) Though they no longer observed the religious laws of Judaism they were once proselytes and as such their menstrual blood is levitically unclean as is the case with that of Israelites.

(34) I.e., from localities where no Israelites live.

(35) Nid. 56b, Bek. 38b.

Talmud - Mas. Yevamoth 16b

that having stated categorically,¹ '[those that came] from the heathens' [he must also imply,] 'even those from Tarmod'!² And R. Johanan replied: This proves that proselytes may be accepted from Tarmod.³ And if it be replied [that R. Johanan only said], 'This',⁴ but he himself does not hold this view,⁵ surely R. Johanan said, 'The halachah is in accordance with an anonymous Mishnah'!⁶ — It is a question in dispute between Amoraim as to what was actually the view of R. Johanan.

Why are no [proselytes to be accepted] from Tarmod? — R. Johanan and Sabya give different reasons. One says, 'On account of the slaves of Solomon,'⁷ and the other says, 'On account of the daughters of Jerusalem.'⁸

According to him who Says. 'On account of the slaves of Solomon,' the reason is quite intelligible, because he may hold the opinion that the child of a heathen or a slave who had intercourse with a daughter in Israel is a bastard. According to him, however, who said, 'On account of the daughters of Jerusalem', what is the reason? — R. Joseph and the Rabbis dispute the point, and both of them in the name of Rabbah b. Bar Hana. One maintains that [the number was] twelve thousand [foot]men and six thousand archers, and the other maintains that there were twelve thousand men and, of these, six hundred archers. At the time when the heathens entered the Temple, everyone made for the gold and the silver, but they made for the daughters of Jerusalem; as it is said in the Scriptures. They have ravished the women in Zion, the maidens in the cities of Judah.⁹

R. Samuel b. Nahmani said in the name of R. Jonathan: The following verse was uttered by the Genius of the Universe:¹⁰ I have been young and now I am old¹¹ For who else could have said it! If the Holy One, blessed be He, be suggested, is there any old age in his case? Then David must have said it? But was he so old? Consequently it must be concluded that the Genius of the Universe had said it.

R. Samuel b. Nahmani further said in the name of R. Jonathan: What is [the meaning of] the Scriptural text,¹² The adversary hath spread out his hand upon all her treasures?¹³ — This [refers to] Ammon and Moab. At the time when the heathens entered the Temple all made for gold and silver, but they turned to the Scroll of the Law, saying, 'That in which it is written, An Ammonite or a Moabite shall not enter into the assembly of the Lord,¹⁴ shall be burned with fire.'

The Lord hath commanded concerning Jacob that they that are round about him should be his adversaries.¹⁵ Rab said: As, for instance, Humania towards Pum Nahara.¹⁶

Rab Judah said in the name of R. Assi: If at the present time a heathen betroths [a daughter in Israel], note must be taken of such betrothal since it may be that he is of the ten tribes.¹⁷ But, surely, anything separated [from a heterogeneous group] is regarded as having been separated from the majority!¹⁸ — [R. Assi's statement refers] to places where they have settled;¹⁹ for R. Abba b. Kahana said: And he put them in Halah and in Habor, on the river of Gozan, and the cities of the Medes;²⁰ Halah is Halwan,²¹ and Habor

(1) Lit., 'he decides and teaches'.

(2) But can that be so in view of the doubtful character of the admixture of Jewish stock of its inhabitants?

(3) Nid. 56b. I.e., they are not regarded as an admixture of Jewish stock and tainted from birth and disqualified. How then could it be said supra that R. Johanan maintains that proselytes may not be accepted from the Tarmodites?

(4) 'This proves etc.' supra.

(5) I.e., he disagrees with the Mishnah.

(6) Which, as has been shewn, implies that proselytes may be accepted from Tarmod.

(7) Who married Jewish women.

(8) This is explained immediately.

(9) Lam. V, 11.

(10) Or 'Prince of the world'; identified by some writers with Metatron 'whose name is similar to that of his master'; v. Sanh., Sonc. ed. p. 245, nn. 11 and 12 and cf. op. cit. p. 246, n. 6. V. also 'A.Z., Sonc. ed. p. 10, n. 6.

(11) Ps. XXXVII, 25, referred to by R. Dosa supra 16a.

(12) Lit., 'what of that which was written?'

(13) Lam. I, 10.

(14) Deut. XXIII, 4.

(15) Lam. I, 17.

(16) Both were localities in Babylon. The former, inhabited by Greeks, was a constant source of annoyance to the latter the inhabitants of which were poor Israelites. Humania was below the city of Ctesifon and near it was Pum Nahara.

(17) Whom Shalmaneser had carried away into captivity (II Kings XVIII, 11) where they intermarried with the heathens. Children born from such marriages are bastards, and R. Assi holds that a bastard's betrothal is valid.

(18) I.e., if it is not known to which group or class a person or object that comes from a mixed multitude belongs, it is always assumed that the unit came from the majority. Now, since the ten tribes represent only a minority of the heathens, it should be assumed that the betrothal was not made by one of the ten tribes but by a heathen.

(19) And formed a majority of the inhabitants (Tosaf. s.v. **t, fusc** a.l.). Rashi: A group which is in a settled condition, (kabu'a, v. Keth. 15a and Glos.), though it is a minority, is deemed to represent a half of the whole multitude.

(20) II Kings XVIII, 11.

(21) So Kid. 72b. Cur. edd., **iuzkj**. Halwan is a locality in Assyria. V. Kid., Sonc. ed. p. 367, n. 4.

Talmud - Mas. Yevamoth 17a

is Hadyab,¹ the river Gozan is Ginzak,² and the cities of the Medes are Hamdan³ and its neighbouring towns; others say, Nihar⁴ and its neighbouring towns. Which are its neighbouring towns? — Samuel replied: Karak,⁵ Moshki,⁶ Hidki⁷ and Dumkia.⁸ R. Johanan said: All these⁹

Talmud - Mas. Avodah Zarah 2a

CHAPTER I

MISHNAH. ON THE THREE DAYS PRECEDING THE FESTIVITIES¹ OF IDOLATERS, IT IS FORBIDDEN TO TRANSACT BUSINESS WITH THEM, TO LEND ARTICLES TO THEM OR BORROW ANY FROM THEM, TO ADVANCE, OR RECEIVE ANY MONEY FROM THEM, TO REPAY A DEBT, OR RECEIVE REPAYMENT FROM THEM.² R. JUDAH SAYS: WE SHOULD RECEIVE REPAYMENT FROM THEM, AS THIS CAN ONLY DEPRESS THEM;³ BUT THEY [THE RABBIS]⁴ SAID TO HIM: EVEN THOUGH IT IS DEPRESSING AT THE TIME, THEY ARE GLAD OF IT SUBSEQUENTLY.

GEMARA. Rab and Samuel [differed]: the one quoting [from this Mishnah] ed, while the other quoted 'ed.⁵ The one who quoted ed is not in error, nor is the one who quoted 'ed in error.⁶ The one who quoted ed is not in error, since Scripture says: For the day of their calamity is at hand;⁷ so also is he who quotes 'ed not in error, for Scripture also says: Let them bring their witnesses [testimonies] that they may be justified.⁸ Why does he who quotes ed not have 'ed? — He might say, the term ed ['calamity'] is more applicable [to idolatry]. Why then does not the one who quotes 'ed have ed? — He might say: What is it that brings about that calamity [if not] their testimony? hence the term 'ed ['testimony'] is more apt.

But does the verse, Let them bring their witnesses that they may be justified, refer to idolaters at all? It surely refers to Israel; as R. Joshua b. Levi said: All the good deeds which Israel does in this world will bear testimony unto them in the world to come, as it is said: Let them bring their witnesses that they may be justified — that is Israel; And let them hear and say: It is truth — these are the idolaters. Whereupon R. Huna the son of R. Joshua said that the one who quotes 'ed derives it from this verse: They that fashion a graven image are all of them vanity, and their delectable things shall not profit,' and their own witnesses see not, nor know.⁹

R. Hanina b. Papa — some say R. Simlai — expounded [the foregoing verse] thus: In times to come,¹⁰ the Holy One, blessed be He, will take a scroll of the Law in His embrace and proclaim: 'Let him who has occupied himself herewith, come and take his reward.' Thereupon all the nations will crowd together in confusion, as it is said: All the nations are gathered together, etc.¹¹ The Holy One, blessed be He, will then say to them: 'Come not before Me in confusion, but let each nation come in

(1) The Hebrew word **sh't** ED, here used as a metonymy for FESTIVITY, means CALAMITY; in the variant spelling **sg** 'ED it means WITNESS OR TESTIMONY — hence the variation discussed in the Gemara which follows.

(2) Lest any benefit they may derive from these be made by them a cause for rejoicing before their idols on the day of festivity.

(3) The reason for the objection does not therefore exist.

(4) Representing the opinion of teachers in general.

(5) V. n. 1.

(6) As both terms are used in Scripture in connection with idolatry. [The letter **g** was frequently confused, especially among the Babylonians, with **t** ; and according to Berliner, Beitr. z. Gram. i. Tal. u. Mid., p. 17, it is Samuel the Babylonian who quoted **sht** while Rab who was a Palestinian, read **sg**]

(7) Deut. XXXII, 35.

(8) Isa. XLIII, 9.

(9) Ibid. XLIV, 9.

(10) A typical example of consolatory Aggadah wherewith the Rabbis sought to sooth the people's present afflictions by depicting the glories which the future had in store for them. A liturgical difficulty is solved thereby. The term consolations **t, nj bu** in the Kaddish passage: 'Blessed be He above all the blessings and hymns, praises and consolations which are uttered in the world' (P.B., p. 75), which is so puzzling to commentators, is explained by the fact that the Kaddish is in its origin a doxology pronounced after Aggadic expositions, which were generally of a consolatory nature. Cp. **t, sdts tcr vna tvh** (Sot. 49a).

(11) Isa. XLIII, 9.

Talmud - Mas. Avodah Zarah 2b

with its scribes;' as it is said, and let the peoples be gathered together,'¹ and the word le'om [used here] means a kingdom, as it is written, and one kingdom [u-leom] shall be stronger than the other kingdom.² (But can there be confusion in the presence of the Holy One, blessed be He? — [No;] it is only that they be not confused, and so hear what He says to them.) Thereupon the Kingdom of Edom³ will enter first before Him. (Why first? Because they are the most important. Whence do we know they are so important? — Because it is written: And he shall devour the whole earth and shall tread it down and break it in pieces;⁴ and R. Johanan says that this refers to Rome, whose power is known to the whole world. And whence do we know that the most important comes forward first? — Because R. Hisda said: When a king and a community appear before the [Heavenly] tribunal, the king enters first, as it is said: That He maintain the cause of His servant [King Solomon] and [then] the cause of His people Israel.⁵ And why is it so? — You may say, because it is not the way of the world that a king shall wait without; or you may say [in order that the king shall plead] before the anger [of the Judge] is roused.)⁶ The Holy One, blessed be He, will then say to them: 'Wherewith have you occupied yourselves?' They will reply: 'O Lord of the Universe, we have established many market-places, we have erected many baths, we have accumulated much gold and silver, and all this we did only for the sake of Israel, that they might [have leisure] for occupying themselves with the study of the Torah.' The Holy One, blessed be He, will say in reply: 'You foolish ones among peoples, all that which you have done, you have only done to satisfy your own desires. You have established marketplaces to place courtesans therein; baths, to revel in them; [as to the distribution of] silver and gold, that is mine, as it is written: Mine is the silver and Mine is the gold, saith the Lord of Hosts;⁷ are there any among you who have been declaring this?' And 'this' is nought else than the Torah, as it is said: And this is the Law which Moses set before the children of Israel.⁸ They will then depart crushed in spirit. On the departure of the Kingdom of Rome, Persia will step forth. (Why Persia next? — Because they are next in importance. And how do we know this? — Because it is written: And behold another beast, a second like to a bear;⁹ and R. Joseph learned¹⁰ that this refers to the Persians, who eat and drink greedily like the bear, are fleshly like the bear, have shaggy hair like the bear, and are restless like the bear.)¹¹ The Holy One, blessed be He, will ask of them: 'Wherewith have ye occupied yourselves?'; and they will reply 'Sovereign of the Universe, we have built many

bridges, we have captured many cities, we have waged many wars, and all this for the sake of Israel, that they might engage in the study of the Torah. Then the Holy One, blessed be He, will say to them: ‘You foolish ones among peoples, you have built bridges in order to extract toll, you have subdued cities, so as to impose forced labour;¹² as to waging war, I am the Lord of battles, as it is said: The Lord is a man of war;¹³ are there any amongst you who have been declaring this?’ and ‘this’ means nought else than the Torah, as it is said: And this is the Law which Moses set before the Children of Israel¹⁴. They, too’ will then depart crushed in spirit. (But why should the Persians, having seen that the Romans achieved nought, step forward at all? — They will say to themselves: ‘The Romans have destroyed the Temple, whereas we have built it.’)¹⁵ And so will every nation fare in turn. (But why should the other nations come forth, seeing that those who preceded them had achieved nought? They will say to themselves: The others have oppressed Israel, but we have not. And why are these [two] nations singled out as important, and not the others? — Because their reign will last till the coming of the Messiah.) The nations will then contend: ‘Lord of the Universe, hast Thou given us the Torah, and have we declined to accept it? (But how can they argue thus, seeing that it is written, The Lord came from Sinai and rose from Seir unto them, He shined forth from Mount Paran?¹⁶ And it is also written, God cometh from Teman.¹⁷ What did He seek in Seir, and what did He seek in Mount Paran?¹⁸ — R. Johanan says: This teaches us that the Holy One, blessed be He, offered the Torah to every nation and every tongue, but none accepted it, until He came to Israel who received it. [How, then, can they say that the Torah was not offered to them?] Their contention will be this: ‘Did we accept it and fail to observe it? But surely the obvious rejoinder to this their plea would be: ‘Then why did you not accept it?’ — This, then, will be their contention: ‘Lord of the Universe, didst Thou suspend the mountain over us like a vault¹⁹ as Thou hast done unto Israel and did we still decline to accept it?’ For in commenting on the verse: And they stood at the netherpart of the mountain²⁰ R. Dimi b. Hama said: This teaches us that the Holy One, blessed be He, suspended the mountain over Israel like a vault, and said unto them: ‘If ye accept the Torah, it will be well with you, but if not, there will ye find your grave.’) Thereupon the Holy One, blessed be He, will say to them: ‘Let us then consider the happenings of old,’ as it is said, Let them announce to us former things,²¹ ‘there are seven commandments which you did accept.²² did you observe them?’ (How do we know that they did not observe them? — For R. Joseph learned:²³ He standeth and shaketh the earth, He seeth and maketh the nations to tremble:²⁴ what did He see? He saw that the nations did not observe even the seven precepts which the sons of Noah had taken upon themselves,²⁵ and seeing that they did not observe them, He stood up and released them therefrom.²⁶ Then they benefited by it; according to this it pays to be a sinner! — Said Mar the son of Rabina:

(1) Ibid.

(2) Gen. XXV, 23.

(3) Edom, or Esau, generally represents Rome.

(4) Dan. VII, 23.

(5) I Kings VIII, 59.

(6) By the misdeeds of the people for which the king would be held responsible.

(7) Hag. II, 8.

(8) Deut. IV, 44.

(9) Dan. VII, 5.

(10) Kid. 72a.

(11) Cf. Lewysohn, Zoologie des Talmuds, p. 99. The Persians are compared to the bear, which bolts its food, is covered with a girdle of fat, and can stand the winter with but little food. The skin is woolly and thick, and only gets softer with age. He is always rolling about, even if kept in a cage.

(12) ** = angaria.

(13) Ex. XV, 3.

(14) Deut. IV, 44.

(15) Referring to Cyrus's edict. Ezra I, 2 seq.

(16) Deut. XXXIII, 2.

(17) Hab. III, 3.

(18) Seir or Edom representing the predecessors of Rome; Paran, those of Ishmael, Gen. XXI, 21.

(19) Lit., 'cask', 'tub'.

(20) Ex. XIX, 17.

(21) Isa. XLIII, 9.

(22) V. n. 6.

(23) B.K. 38a.

(24) Hab. III, 6.

(25) The Rabbis held that God had given Noah seven commandments embracing the whole of natural religion: against (i) idol worship, (ii) blasphemy, (iii) bloodshed, (iv) adultery, (v) robbery, (vi) for the establishment of courts of justice, (vii) against eating the limb torn off a living animal. These were imposed on all men, Jews and non-Jews alike. V. Sanh. 56a ff. Cf. Maimonides' Guide for Perplexed, III, 48.

(26) The Heb. word for maketh to tremble, **ר**, **הו**, also means, 'he releaseth', cf. **ר**, **וּנ** permitted.

Talmud - Mas. Avodah Zarah 3a

The release from those commands only means that even if they observed them they would not be rewarded. But why should they not? Is it not taught: R. Meir used to say. 'Whence do we know that even an idolater who studies the Torah is equal to a High Priest? From the following verse: Ye shall therefore keep My statutes and My ordinances which, if a man do, he shall live by them.¹ It does not say "If a Priest, Levite, or Israelite do, he shall live by them," but "a man"; here, then, you can learn that even a heathen who studies the Torah is equal to a High Priest!' — What is meant, then, is that they are rewarded not as greatly as one who does a thing which he is bidden to do, but as one who does a thing unbidden. For, R. Hanina said: He who is commanded and does, stands higher than he who is not commanded and does.²)

The nations will then say, 'Sovereign of the Universe, has Israel, who accepted the Torah, observed it? The Holy One, blessed be He, will reply, 'I can give evidence that they observed the Torah.' 'O Lord of the Universe,' they will argue, 'can a father give evidence in favour of his son? For it is written, Israel is My son, My firstborn.'³ Then will the Holy One, blessed be He, say: 'Heaven and Earth can bear witness that Israel has fulfilled the entire Torah.' But they will [object], saying: 'Lord of the Universe, Heaven and Earth are partial witnesses, for it is said, If not for My covenant with day and with night. I should not have appointed the ordinances of Heaven and Earth.'⁴ (And R. Simeon b. Lakish further said: What is conveyed by the phrase. And there was evening and there was morning the sixth day?⁵ It teaches us that God made a condition with the works of creation, saying: 'If Israel accept my Law it will be well, but if not, I shall reduce you to a state of chaos'⁶; which accords with the comment of R. Hezekiah on the verse,

Thou didst cause sentence to be heard from Heaven, the earth trembled and was still:⁷ If the earth trembled, how could it be still, and if it was still, how could it tremble? But at first it trembled, and subsequently it became still.)⁸ Then the Holy One, blessed be He, will say, ‘Some of yourselves shall testify that Israel observed the entire Torah. Let Nimrod come and testify that Abraham did not [consent to] worship idols; let Laban come and testify that Jacob could not be suspected of theft;⁹ let Potiphar's wife testify that Joseph was above suspicion of immorality; let Nebuchadnezzar come and testify that Hanania, Mishael and Azariah did not bow down to an image; let Darius come and testify that Daniel never neglected the [statutory] prayers;¹⁰ let Bildad the Shuhite, and Zophar the Naamathite, and Eliphaz the Temanite [and Elihu¹¹ the son of Barachel the Buzite]¹² testify that Israel has observed the whole Torah; as it is said, Let them [the nations] bring their [own] witnesses, that they [Israel] may be justified.’¹³

The nations will then plead. ‘Offer us the Torah anew and we shall obey it.’ But the Holy One, blessed be He, will say to them, ‘You foolish ones among peoples, he who took trouble [to prepare] on the eve of the Sabbath can eat on the Sabbath, but he who has not troubled on the eve of the Sabbath, what shall he eat on the Sabbath? Nevertheless, I have an easy command which is called Sukkah;¹⁴ go and carry it out.’¹⁵ (But how can you say so: does not R. Joshua b. Levi say: What is [the meaning of] the verse, The ordinances which I command thee this day to do them?¹⁶ It is that this day only [the present] is the time to do them,’ they cannot be done tomorrow [in times to come]: this day is the time in which to do them, but not in which to be rewarded for them. [Why then should they be offered this observance in the Messianic time?] — Because the Holy One, blessed be He, does not deal imperiously with His creatures.¹⁷ And why does He term it an easy command? — Because it does not affect one's purse.) Straightaway will every one of them betake himself and go and make a booth on the top of his roof; but the Holy One, blessed be He, will cause the sun to blaze forth over them as at the Summer Solstice.¹⁸ and every one of them will trample down his booth and go away, as it is said, Let us break their bands asunder, and cast away their cords from us.¹⁹ (But you have just said ‘The Holy One, blessed be He, does not deal imperiously with his creatures? — True! but with the Israelites, too, it occasionally happens

(1) Lev. XVIII, 5.

(2) [The idea underlying this principle is the contrast between the Autonomy of the Will and the Law of God as the Authority to Man. The moral act finds its sure basis only when it is conceived as prompted by the command of God. When man acts in obedience thereto the merit is thus greater. Cf. Lazarus, M. The Ethics of Judaism (English ed.) 1 pp. 123 ff.]

(3) Ex. IV, 22.

(4) Jer. XXXIII, 25 rendered homiletically thus: If not for My covenant (i.e., the Torah, which is to be meditated) day and night, I should not have appointed etc.

(5) Gen. I, 31.

(6) The phrase is made to read — There was evening and there was morning [only because of] the sixth day of Sivan, the date of the revelation at Sinai.

(7) Ps. LXXVI, 9.

(8) The earth feared that its inhabitants could not abide in the absence of a moral code to serve as the foundation of society; but it was set at rest when sentence was heard from heaven, i.e., when the Divine commandments were proclaimed from Sinai.

(9) Cf. Gen. XXXI, 37.

(10) His windows were open in his upper chamber towards Jerusalem, and he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime. (Dan. VI, 11). This is the earliest record of the practice, still observed by Jews the world over, of offering prayers thrice daily. morning (Shaharith), afternoon (Minhah) and evening (Ma'arib) with face turned towards the Holy City.

(11) A friend of Job; Job XXXII, 2.

(12) Buz, according to Gen. XXII, 21, was a son of Nahor; his descendant Elihu, therefore, being an Israelite, is not to be included here (Rashi); cf. B.B. 15b, where it is discussed whether Elihu was an Israelite or a Gentile.

(13) Isa, *ibid*.

(14) Sukkah, booth, the temporary structure in which Jews dwell during the Festival of Tabernacles (Lev. XXIII, 42).

(15) To test their self-exertion for the sake of a religious observance.

(16) Deut. VII, 11.

(17) **thbury**, sovereignty, despotic rule.

(18) Lit., 'the cycle of Tammuz' which lasts from 21st June to 22nd September. The Jewish Calendar, while being lunar, takes cognisance of the solar system, to which it is adjusted at the end of every cycle of nineteen years. For ritual purposes, the four Tekufoth are calculated according to the solar system, each being equal to one fourth of 365 days, viz. 91 days, 7 1/2 hours. T. of Nisan, (vernal Equinox) begins March 21; T. of Tammuz (Summer Solstice), June 21; T. of Tishri (Autumnal Equinox). Sept. 23; T. of Tebeth (Winter Solstice) Dec. 22.

(19) Ps. II, 3.

Talmud - Mas. Avodah Zarah 3b

that the summer solstice extends till the Festival [of Tabernacles] and they are vexed [by the heat].¹ But does not Raba say: He who is vexed thereby is freed from dwelling in the Sukkah?² — Granted, they would [in such circumstances] be freed, but would Israelites contemptuously trample it down?) Thereupon the Holy One, blessed be He, will laugh at them, as it is said, He that sitteth in heaven laugheth.³ Said R. Isaac: 'Only on that day is there laughter for the Holy One, blessed be He!' Some connected that comment of R. Isaac with the following teaching: R. Jose says, In time to come idol-worshippers will come and offer themselves as proselytes. But will such be accepted? Has it not been taught⁴ that in the days of the Messiah proselytes will not be received; likewise were none received in the days of David or of Solomon? — Well, they will be self-made proselytes,⁵ and will place phylacteries on their foreheads and on their arms, fringes in their garments, and a Mezuzah on their doorposts, but when the battle of Gog-Magog will come about⁶ they will be asked, 'For what purpose have you come?' and they will reply: 'Against God and His Messiah' as it is said, Why are the nations in an uproar, and why do the peoples mutter in vain, etc.⁷ Then each of the proselytes will throw aside his religious token and get away, as it is said, Let us break their bands asunder⁸, and the Holy One, blessed be He, will sit and laugh, as it is said: He that sitteth in heaven laugheth.⁹ [It was on this that] R. Isaac remarked that there is no laughter for the Holy One, blessed be He, except on that day. But is there not, indeed? Yet Rab Judah said in the name of Rab: 'The day consists of twelve hours; during the first three hours the Holy One, blessed be He, is occupying Himself with the Torah, during the second three He sits in judgment on the whole world, and when He sees that the world is so guilty as to deserve destruction, He transfers Himself from the seat of Justice to the seat of Mercy;¹⁰ during the third quarter, He is feeding the whole world, from the horned buffalo to the brood of vermin; during the fourth quarter He is sporting with the leviathan,¹¹ as it is said, There is leviathan, whom Thou

hast formed to sport therewith'?¹² Said R. Nahman b. Isaac: Yes, He sports with His creatures, but does not laugh at His creatures except on that day.¹³

R. Aba said to R. Nahman b. Isaac: Since the day of the destruction of the temple, there is no laughter for the Holy One, blessed be He. Whence do we know that there is not? Shall we say from the verse, And on that day did the Lord, the God of Hosts, call to weeping and lamentation?¹⁴ But this refers to that day and no more. Shall we then say, from this verse: If I forget thee, O Jerusalem, let my right hand forget her cunning, let my tongue cleave to the roof of my mouth if I do not remember thee?¹⁵ But this, too, excludes forgetfulness, but not laughter. Hence, [it is known] from the verse, I have long time held my peace, I have been still, and refrained myself, now will I cry.¹⁶ What then does God do in the fourth quarter?¹⁷ — He sits and instructs the school children,¹⁸ as it is said, Whom shall one teach knowledge, and whom shall one make to understand the message? Them that are weaned from the milk.¹⁹ Who instructed them theretofore?²⁰ — If you like, you may say Metatron,²¹ or it may be said that God did this as well as other things. And what does He do by night? — If you like you may say, the kind of thing He does by day; or it may be said that He rides a light cherub, and floats in eighteen thousand worlds; for it is said, The chariots of God are myriads, even thousands shinan.²² Do not read Shinan, [repeated], but she-enan [that are not];²³ or it may be said, He sits and listens to the song of the Hayyoth,²⁴ as it is said, By the day the Lord will command His lovingkindness and in the night His song shall be with me.²⁵

R. Levi says: He who discontinues [learning] words of the Torah and indulges in idle gossip will be made to eat glowing coals of juniper, as it is said, They pluck salt-wort with wormwood; and the roots of juniper are their food.²⁶

Resh Lakish says: To him who is engaged in the study of the Torah by night, the Holy One extends a thread of grace by day, as it is said, By day the Lord will command his lovingkindness, and in the night his song shall be with me.²⁷ For what reason will the Lord command his lovingkindness by day? — because His song shall be with me in the night.

Some report the exposition of Resh Lakish thus: To him who is engaged in the study of the Torah in this world, which is likened unto the night, the Holy One, blessed be He, extends the thread of grace in the future world, which is likened unto the day, as it is said: By day the Lord, etc.

Rab Judah says in the name of Samuel: Why is it written, And Thou makest man as the fishes of the sea, and as the creeping things, that have no ruler over them?²⁸ Why is man here compared to the fishes of the sea? To tell you, just as the fishes of the sea, as soon as they come on to dry land, die, so also man, as soon as he abandons the Torah and the precepts [incurs destruction]. Another explanation: Just as the fishes of the sea, as soon as the sun scorches them, die; so man, when struck by the sun, dies. This can be applied to the present world, or to the future world. You can, in accordance with R. Hanina, apply this to the present world, for R. Hanina says: Everything is in Heaven's hands, except cold and heat, as is said, 'colds and heat-boils are in the way of the froward, he that keepeth his soul holdeth himself far from them;²⁹ or, according to R. Simeon b. Lakish, it can be applied to the future life, for R. Simeon b. Lakish says: There is no

Gehenna in the Future World,³⁰ but the Holy One, blessed be He, brings the sun out of its sheath, so that it is fierce: the wicked are punished by it, the righteous are healed by it. The wicked are punished

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- (1) The test is therefore not exceptional or harsh.
 - (2) Suk. 26a.
 - (3) Ps. II, 4.
 - (4) Yeb. 24a.
 - (5) [Gerim gerurim, lit., 'dragged-in proselytes' a class of converts who judaize in mass under the impulsion of fear, v. Moore, G. F., Judaism I, 337].
 - (6) In the great drama of the Messianic age there will be a combat with the heathen powers under the leadership of Gog and Magog (Ezek. XXXIX).
 - (7) Ps. II, 1.
 - (8) Ibid. 3.
 - (9) Ibid. 4.
 - (10) I.e., instead of meting out punishment, exercises clemency.
 - (11) [A huge sea monster, real according to some but according to others imaginary. We have here a magnification of God's power in sporting with the mightiest, as men do with their animal pets.]
 - (12) Ps. CIV, 26; hence we see there is laughter before the Lord!
 - (13) [The discomfiture of the nations which sought to rule without the restraints of the moral law will prove the most laughter-provoking sight.]
 - (14) Isa. XXII, 12.
 - (15) Ps. CXXXVII, 5,6.
 - (16) Isa. XLII, 14.
 - (17) According to the statement that all laughter has been eliminated since the Destruction.
 - (18) [I.e., who died in their infancy (Rashi); the development of their personality that survives death is in the special care of the Eternal.]
 - (19) Isa. XXVIII, 9.
 - (20) I.e., prior to the Destruction.
 - (21) [Metatron: Name of an angel, who is also called **ohbpv ra** Metatron is probably derived from Metator, meaning guide, precursor, he being regarded as the angel who went before the Israelites in the wilderness.]
 - (22) Ps. LXVIII, 18.
 - (23) By altering **itba** into **ibhta** the verse is made to mean: The chariots . . . are twice ten thousand less two thousand, i.e, eighteen thousand.
 - (24) Hayyoth are angels that surround the heavenly throne (v. Ezek. III), proclaiming the praises and holiness of God.
 - (25) Ps. XLII, 9.
 - (26) Job XXX, 4. By a very slight alteration, the verse — which speaks of the poor who pick vegetables and roots for their food — is made to read: **onj k ohn, r aruau j ha hkt j ukn ohpyuev** which is rendered thus: They who break away from the table (of the Law) to idle gossip will have roots of juniper as their food.
 - (27) Ps. XLII, 9.
 - (28) Hab. I, 14.
 - (29) Prov. XXII, 5. The Heb, words (**ohj pu ohbm**) standing for thorns and snares may also be rendered colds and heat-boils. The underlying idea is that man is not to take a fatalistic view and blame Providence for maladies

and other evils which, by care and prudence, he can avert.

(30) I.e., the Messianic era.

Talmud - Mas. Avodah Zarah 4a

by it, as it is said: For, behold, the day cometh, it burneth as a furnace; and all the proud, and all that work wickedness, shall be stubble; and the day that cometh shall set them ablaze, saith the Lord of Hosts, that it shall leave them neither root nor branch.¹ It shall leave them neither root — in this world, nor branch — in the world to come. The righteous are healed by it, as it is said, But unto you that fear My name, shall the sun of righteousness arise with healing in its wings.¹ Moreover, they will revel therein, as it is said, And ye shall go forth, and gambol as calves of the stall.² Another explanation:³ Just as among fish of the sea, the greater swallow up the smaller ones, so with men, were it not for fear of the government, men would swallow each other alive. This is just what we learnt: R. Hanina, the Deputy High Priest, said, Pray for the welfare of the government, for were it not for the fear thereof, men would swallow each other alive.⁴

R. Hinena b. Papa pointed to the following contradiction: Scripture says, As to the Almighty, we do not find him [exercising] plenteous power,⁵ yet it says, Great is our Lord and of abundant power⁶ and also, Thy right hand, O Lord, is become glorious in power!⁷ [The answer is] there is no contradiction here: the former refers to the time of judgment,⁸ the latter refers to a time of war.⁹

R. Hama b. Hanina pointed to another contradiction: Scripture says, Fury is not in me,¹⁰ yet it also says. The Lord revengeth and is furious!¹¹ But there is really no contradiction: the former refers to Israel, the latter to idolaters.¹² R. Hinena b. Papa [or R. Aha b. Hanina] explains the foregoing verse thus: Fury is not in me, for I already vowed;¹³ would that I had not so vowed, then, as the briars and thorns in flame I would with one step burn it altogether.¹⁴

This¹⁵ accords with the following teaching of R. Alexandri: What is the meaning of the verse, And it shall come to pass on that day that I will seek to destroy all the nations¹⁶ — ‘seek’ among whom? What the Holy One, blessed be He, says is, I will seek their records:¹⁷ if they have any meritorious deeds to their credit, I will redeem them, but if not, I will destroy them. This also accords with what Raba said: What is the meaning of the verse, Howbeit He will not stretch out a hand for a ruinous heap though they cry in his destruction ?¹⁸ — The Holy One, blessed be He, said to Israel, ‘When I judge Israel, I do not judge them as I do the idolaters concerning whom it is said, I will overturn, overturn, overturn it,¹⁹ but I only exact payment from them [little at a time] as the hen does her picking.’²⁰ Another explanation: Even if Israel does before Me but few good deeds at a time, like hens picking in a rubbish heap, I will make it accumulate to a large sum, as it is said, though they pick little they are saved.²¹ Another rendering is: As a reward of their crying unto Me, I help them.²² This is similar to what R. Abba said, What is the meaning of the verse, Though I would redeem them, yet they have spoken lies against Me?²³ I thought I would redeem them by depriving them of monetary possessions in this world, so that they be worthy to merit the world to come, yet they etc. Which is in agreement with what R. Papi said in the name of Raba: What is the meaning of the verse, Though I have trained [yissarti], strengthened their arms, yet do they imagine mischief against Me?²⁴ The Holy One, blessed be He, says, I thought I

would chastise them²⁵ with suffering in this world, so that their arm might be strengthened in the world to come, yet they etc.

R. Abbahu commended R. Safra to the Minim²⁶ as a learned man, and he was thus exempted by them from paying taxes for thirteen years.²⁷ One day, on coming across him, they said to him; 'It is written: You only have I known [or loved] from all the families of the earth; therefore I will visit upon you all your iniquities;²⁸ if one is in anger does one vent it on one's friend?' But he was silent and could give them no answer; so they wound a scarf round his neck and tortured him. When R. Abbahu came and found him [in that state] he said to them, Why do you torture him? Said they, 'Have you not told us that he is a great man? he cannot explain to us the meaning of this verse!' Said he, 'I may have told you [that he was learned] in Tannaitic teaching; did I tell you [he was learned] in Scripture?' — 'How is it then that you know it?' they contended. 'We,' he replied. 'who are frequently with you, set ourselves the task of studying it thoroughly, but others²⁹ do not study it as carefully.' Said they, 'Will you then tell us the meaning?' 'I will explain it by a parable.' he replied. 'To what may it be compared? To a man who is the creditor of two persons, one of them a friend, the other an enemy; of his friend he will accept payment little by little, whereas of his enemy he will exact payment in one sum!'³⁰

Said R. Aba b. Kahana: What is the meaning of the verse, That be far from Thee to do after this manner, to slay the righteous with the wicked?³¹ What Abraham said is: 'Sovereign of the Universe, it is profanation to do after this manner.'³² And does not God act after this manner? Is it not written, And I will cut off from thee the righteous and the wicked?³³ — That refers to one who is not thoroughly righteous. But not to one who is wholly righteous? Is it not written, And begin [the slaughter] with my sanctuary,³⁴ which, R. Joseph learned, should not be read my sanctuary but my sanctified ones, namely the men who fulfilled the Torah from Aleph to Taw? — There, too, since it was in their power to protest against [the wickedness of the others] and they did not protest, they are not regarded as thoroughly righteous.

R. Papa mentioned the following contradiction: It is written, God is angry every day,³⁵ while it is also written Who could stand before His anger?³⁶ But there is really no contradiction; the latter refers to an individual, the former to men collectively.³⁷ Our Rabbis taught: God is angry every day, but how long does His anger last? — A moment. And how long is a moment? — one fifty three thousand eight hundred forty eighth of an hour is a moment.³⁸ No creature could ever precisely fix this moment, except Balaam the wicked, of whom it is written

(1) Mal. III, 29.

(2) Ibid. 20.

(3) Of the foregoing verse, comparing men to fishes.

(4) Ab. III, 2. Shakespeare's lines, put in the mouth of Marcius (Coriolanus, Act 1, Sc. 1). What's the matter, That in these several places of the city You cry against the noble senate, who, Under the gods, keep you in awe, which else Would feed on one another? bear such a close resemblance to R. Hanina's words, that the suggestion has been made that the Poet was cognisant of them through the Latin translation of Aboth by Paulus Fagius which was published in 1541 (see L. Kelner in the Hebrew periodical D'VIR, Berlin, 1923, vol. 1, p. 287). It is, however, quite probable that Shakespeare merely had in his mind the scriptural verse: If it had not been the Lord who was for us, When men rose up against us, Then they had swallowed us up alive, When their wrath was kindled against us. Ps.

CXXIV, 2, 3.

(5) A literal rendering of Job XXXVII, 23.

(6) Ps CXLVII, 5.

(7) Ex. XV, 6.

(8) When the Almighty restrains His power, by tempering Justice with Mercy.

(9) When Divine Power is exercised against His enemies.

(10) Isa. XXVII, 4.

(11) Nah. I, 2.

(12) V. nn. 6-7.

(13) That I would not be in wrath with thee (Isa. LIV, 9).

(14) According to this explanation the whole verse applies to Israel.

(15) The statement that in dealing with Israel, God is ever mindful of His oft repeated promise of their eternal preservation.

(16) Zech. XII, 9.

(17) The reading in editions is **hdbbc** which Jastrow connects with the Latin *benignae*, favourable side. Kohut, however, points out that Mss. have **hdbbc** from root **dbb** which he associates with a Persian word meaning a book.

(18) Job XXX, 24.

(19) Ezek. XXI, 32.

(20) Little at a time; a play on the word **shp** (*pid*) which stands here for destruction but which also means picking with the beak.

(21) A homiletical rendering of the phrase **gua ovk ušhpc** — by picking they have salvation.

(22) **gua** conveying the double sense of cry and salvation.

(23) Hos. VII, 13, v. RV.

(24) Ibid. 15.

(25) **rxh** (Yasser) stands both for training and chastising.

(26) Sectaries, dissenters; used generally as a designation for the early (Jewish) Christians. From many places in the Talmud it appears that to taunt Rabbis, particularly about difficult biblical passages, was a favourite practice of the Minim.

(27) [As honorarium for his work either (a) as teacher to the Minim (Herford, Christianity in Talmud and Midrash p. 267 f) or (b) as assistant collector of imperial revenues (Bacher A.d. Pal. Am., II, 96 ff.) or (c) simply as a scholar, v. B.B. 8b.]

(28) Amos III, 2.

(29) [I.e., those of Babylonia.]

(30) So does God punish Israel only by intermittent visitations.

(31) Gen. XVIII, 25.

(32) The word Halilah **vkkj** is here connected with **kuj** Hol profane, as secondary root of **kkj**.

(33) Ezek. XXI, 8.

(34) Ibid. IX, 6.

(35) Ps. VII, 12.

(36) Nah. I, 6.

(37) As the merits of some may atone for the rest. Cp. infra 5a.

(38) [The duration of the moment is given variously in different parts of the Talmud. V. Feldman, W. M. Rabbinical Mathematics etc., p 188.]

Talmud - Mas. Avodah Zarah 4b

Talmud - Mas. Avodah Zarah 4b

who knew the knowledge of the Most High.¹ Is that possible? He did not know the mind of his animal, how could he have known the mind of the Most High! (What is meant by the words 'he did not know the mind of his animal'? — At the time when he was seen riding on his ass, they said to him, 'Why do you not ride on a horse?'² And he replied, 'I consigned mine to the meadow.' Whereupon the ass said,³ Am I not thy ass — 'Just for carrying burdens,' he interrupted; she continued, upon whom thou hast ridden — 'Only casually' he again interrupted; but she continued, ever since I was thine? 'What is more [she added] I have carried you by day and have been thy companion by night;' for the word I was wont [hiskanti], used here, is analogous to the word let her be his companion [sokeneth] used elsewhere.)⁴ What, then, is the meaning of He knew the knowledge of the Most High? — He knew the exact hour when the Holy One, blessed be He, is angry. This, indeed, is what the Prophet is alluding to when he says, O my people, remember now what Balak king of Moab consulted, and what Balaam son of Beor answered him from Shittim unto Gilgal; that ye may know the righteousness of the Lord.⁵ Said R. Eleazar: The Holy One, blessed be He, said to Israel, O my people, see how many righteous acts I did for you, in that I abstained from anger all those days, for had I been in anger, none would have remained or been spared of Israel's enemies.⁶ This, too, is what Balaam refers to when he says, How can I curse, seeing that God doth not curse, and how can I be wrathful, seeing that the Lord hath not been wrathful?⁷ And how long does His wrath last? — A moment [Rega']. And how long is a Rega'? Said Amemar (others say, Rabina): As long as it takes to utter this word. And whence do we know that His wrath lasts a moment? — Because it is written, For His anger is for a moment, His favour is for a life-time;⁸ or, if you wish, from this verse: Hide thyself for a little moment, until the wrath be past.⁹ When is He wrathful? — Said Abaye: During the first three hours,¹⁰ when the comb of the cock is white. And is it not white at all other times? — At other times it has red streaks, at that time there are no red streaks in it.

R. Joshua b. Levy used to be pestered by a Min [with taunts] about scriptural verses. One day the Rabbi took a cock and, placed it between the legs of the bed and watched it, thinking. 'When that hour will arrive, I shall curse him.' When that hour did arrive, he was dozing. Whereupon he said: You can learn from this that it is not proper to act thus: His tender mercies are over all His works¹¹ is what Scripture says, and it also says. Neither is it good for the righteous to punish.¹²

It was taught in the name of R. Meir: It is when the kings place their crowns on their heads and bow down to the sun,¹³ that the Holy One, blessed be He, at once becomes wrathful.

Said R. Joseph: No one should recite the Prayer¹⁴ of the Additional Service on the first day of the New Year,¹⁵ during the first three hours of the day, in private,¹⁶ lest, since judgment is then proceeding, his deeds may be scrutinised and the prayer rejected. But if that be so, it should apply to congregational prayer also! — The [collective] merits of a congregation are greater. In that case, [the Prayer] of the Morning Service, too, should not be recited in private! — That is not so, since there is sure to be a congregation praying at the same time,¹⁷ the prayer will not be rejected. But have you not said,¹⁸ 'During the first three hours the Holy One, blessed be He, is occupying Himself with the Torah, during the second three He sits in judgment over the whole world'? — You may reverse [the order]; or, if you wish, you may say it need not be reversed: [while

occupied with] the Torah, which Scripture designates as ‘truth’, as it is written, buy the truth and sell it not,¹⁹ the Holy One, blessed be He, will not overstep the line of justice; [but when sitting in] judgment, which is not designated by Scripture as ‘truth’,²⁰ the Holy One, blessed be He, may overstep the line of justice [towards mercy].

[To revert to] the above text:²¹ ‘R. Joshua b. Levi said: What is the meaning of the verse, The ordinances which I command thee this day to do them? It is that this day only is the time to do them; they cannot be done in the time to come: this day is the time in which to do them, but not in which to be rewarded for them’. R. Joshua b. Levi also said:²² All the good deeds which Israel does in this world will bear testimony unto them in the world to come, as it is said, Let them bring their witnesses that they may be justified; let them hear and say it is truth. Let them bring their witnesses that they may be justified — that is Israel; let them hear and say it is truth — these are the idolaters. R. Joshua b. Levi also said:²³ All the good deeds which the Israelites do in this world will come and flutter before the faces of the idolaters in the world to come, as it is said, Keep therefore and do them, for this, your wisdom and understanding [will be] in the eyes of the peoples.²⁴ It does not say in the presence of the peoples, but, in the eyes of the peoples; that teaches you that they will come and flutter before the faces of the idolaters in the world to come. R. Joshua b. Levi further said: The Israelites made the [golden] calf only in order to place a good argument in the mouth of the penitents,²⁵ as it is said, O that they had such a heart as this always, to fear Me and keep all My commandments etc.²⁶

This last statement accords with what R. Johanan said in the name of R. Simeon b. Yohai: David was not the kind of man to do that act,²⁷ nor was Israel the kind of people to do that act.²⁸ David was not the kind of man to do that act, as it is written, My heart is slain within me;²⁹ nor were the Israelites the kind of people to commit that act, for it is said, O that they had such a heart as this always etc. Why, then, did they act thus?

(1) Num. XXIV, 16.

(2) As a man of high rank would do when on an urgent errand.

(3) Num. XXII, 30.

(4) I Kings I, 2 **h**, **bf xv** and , **bf x**

(5) Micah VI, 5.

(6) A euphemistic substitution for Israel.

(7) Literal rendering of Num. XXIII, 8.

(8) Ps. XXX, 6.

(9) Isa. XXVI, 20.

(10) Of the day, the day always consisting of 12 hours, from 6 a.m. to 6 p.m.

(11) Ps. CXLV, 9.

(12) Prov. XVII, 26.

(13) Generally during the first three hours of the day.

(14) I.e, the part called ‘Amidah. P.B., 245.

(15) Which is also the Day of Judgment.

(16) Without a congregation.

(17) Though not in the same place; as the Morning Service must be terminated by noon, whereas the Additional Service may be held any time during the day.

- (18) Supra 3b.
- (19) Prov. XXIII, 23.
- (20) Judgment may be modified by equity, but Truth is rigid and unyielding.
- (21) Supra 3a.
- (22) Ibid. 2a.
- (23) 'Er. 22a.
- (24) Literal rendering of Deut. IV, 6.
- (25) To rely on the efficacy of repentance, however grievous their sins might be.
- (26) Deut. V, 26 which shows that they possessed all the self-discipline that could be desired.
- (27) Relating to Bathsheba.
- (28) The worship of the golden calf.
- (29) This literal rendering of Ps. CIX, 22 is taken to mean that David's inclinations had been completely conquered by himself.

Talmud - Mas. Avodah Zarah 5a

[God predestined it so] in order to teach thee that if an individual hath sinned [and hesitates about the effect of repentance] he could be referred to the individual [David], and if a community commit a sin they should be told: Go to the community.¹ And both these instances are necessary; for if [the case of] the individual only were mentioned. [it might have been thought that pardon is granted] because his sin is not generally known, but in the case of a community whose sins are publicly known it might not be so; if, on the other hand, the case of a community only were mentioned, it might have been thought, because they command greater mercy,² but with an individual, whose merits are not so numerous, it is not so; hence both are necessary.

This accords with the following saying of R. Samuel b. Nahmani, who said in the name of R. Jonathan: What is the meaning of the verse The saying of David the son of Jesse, and the saying of the man raised on high.³ [It means this:] The saying of David the son of Jesse, the man who elevated the yoke of repentance.⁴

R. Samuel b. Nahmani in the name of R. Jonathan also said: Every good deed that one does in this world precedes him and walks in front of him in the world to come, as it is said: And thy righteousness shall go before thee; the glory of the Lord shall be thy rearward.⁵ Likewise, every transgression that one commits clasps him and leads him on the day of judgment, as it is said, They clasp him in the course of their way.⁶ R. Eleazar said: It is tied on to him like a dog, as it is said, He hearkened not unto her, to lie by her, to be with her;⁷ [it is to say that] to lie by her in this world, [would mean for him] to be with her in the world to come.

Said Resh Lakish: Come let us render gratitude to our forebears,⁸ for had they not sinned, we should not have come to the world, as it is said: I said ye are gods and all of you sons of the Most High; now that you have spoilt your deeds, ye shall indeed die like mortals etc.⁹ Are we to understand that if the Israelites had not committed that sin they would not have propagated? Had it not been said, And you, be ye fruitful and multiply?¹⁰ — That refers to those who lived up to the times of Sinai. But of those at Sinai, too, it is said, Go say to them, Return ye to your tents¹¹ which means to the joy of family life?¹² And is it not also said, that it might be well with them and

with their children?¹³ — It means to those of their children who stood at Sinai. But did not Resh Lakish [himself] say. What is the meaning of the verse This is the book of the generations of Adam?¹⁴ Did Adam have a book? What it implies is that the Holy One, blessed be He, showed to Adam every [coming] generation with its expositors, every generation with its sages, every generation with its leaders; when he reached the generation of R. Akiba¹⁵ he rejoiced at his teaching, but was grieved about his death, and said, How precious are Thy thoughts unto me, O God!¹⁶ Also, what of the teaching of R. Jose:¹⁷ The Son of David will only come when all the souls destined to [inhabit earthly] bodies will be exhausted, as it is said, For I will not contend for ever, neither will I be always wroth, for the spirit should fall before me and the spirits which I have made?¹⁸ — Do not take Resh Lakish's saying to mean that [if our ancestor had not sinned] we should not have come to the world, but that [they would have become immortal and] we should have been [disregarded] as if we had never come to the world. Does that mean then that if they had not sinned, they would have been immune from death? But there are written [in the Torah] the chapter about the widow of a man dying without issue, and the chapter about inheritances!¹⁹ — These were written conditionally. But are conditional passages written [in the Torah]? — Certainly; for R. Simeon b. Lakish said:²⁰ What is the meaning of the verse, And it was evening and it was morning the sixth day?²¹ It teaches us that the Holy One, blessed be He, made a condition with all creation, saying, If Israel will accept the Torah all will be well, but if not, I will turn the world void and without form.

The following objection was then raised: ‘The verse, O that they had such a heart as this always that it may be well with them and their children²² cannot obviously refer to the abolition of the angel of death, since the decree [of death] had already been made?’²³ It means therefore that the effect of Israel's acceptance of the Torah would be that no nation or tongue could prevail against them, as it is said, that it might be well with them and their children after them’?²⁴ He [Resh Lakish] may be of the same opinion as the following Tanna, for it is taught: R. Jose said, The Israelites accepted the Torah only so that the Angel of Death should have no dominion over them, as it is said: I said ye are gods [i.e. immortals] and all of you children of the Most High, now that you have spoilt your deeds, ye shall indeed die like mortals.²⁵ But against R. Jose, too, [it may be argued] that the verse that it may be well with them and their children for ever holds out the promise of well-being but not of deathlessness? — R. Jose may reply: The abolition of death is surely as desirable a kind of well-being as you might wish for. Then how does the first Tanna²⁶ explain the phrase: Ye shall indeed die? — What may be meant here by dying is to become impoverished²⁷ for a Master has said:²⁸ Four [kinds of persons] may be regarded as dead, they are: the poor, the blind, the leprous, and the childless; the poor, for it is said, for all the men are dead which sought thy life²⁹ — now these ‘men’ were Dathan and Abiram, and they surely were not then dead, they only became reduced in their material circumstances; the blind, as it is said: He hath made me to dwell in darkness, as those that have been long dead;³⁰ the leprous, as it is said, Let her not, I pray thee, be as one who is dead;³¹ the childless, as it is said, Give me children, or else I die.³²

Our Rabbis taught: In the verse, If ye walk in my statutes,³³ the word if is used in the sense of an appeal, similar to the verse, O that my people would hearken unto Me, that Israel would walk in my ways . . . I should soon subdue their enemies;³⁴ or in the verse, O that thou hadst hearkened to my commandments: Then had thy peace been as a river, thy seed also had been as the sand,

etc.³⁵

Our Rabbis taught: In the verse, O that they had such a heart always.³⁶ Moses said to the Israelites, Ye are an ungrateful people, the offspring of an ungrateful ancestor. When the Holy One, blessed be He, said to you³⁷. Who might grant that they had such a heart always³⁸, you should have said: 'Thou grant!' [They proved themselves] ungrateful by saying. Our soul loatheth

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- (1) I.e., the Israelites, in order to be convinced that the gates of repentance are ever open.
 - (2) As their collective merits are greater.
 - (3) II Sam. XXIII, 1.
 - (4) A play on the words 'al, **kg** 'on high', and 'ol, **kg** 'yoke', i.e., 'duty', 'obligation'. [The way of penitence which he showed to sinners is David's distinct greatness, which set him 'on high'.]
 - (5) Isa. LVIII, 18.
 - (6) Homiletical rendering of Job VI, 18, based on a play on the word lapath, **pk** which means 'to turn aside' as well as 'to clasp', or 'cling'.]
 - (7) Gen. XXXIX, 10.
 - (8) Who worshipped the golden calf.
 - (9) Ps. LXXXII, 6, which is applied to the Israelites who witnessed the revelation at Sinai.
 - (10) Gen. IX, 7.
 - (11) Deut. V, 27.
 - (12) Which had been interrupted for three days (Ex. XIX, 15).
 - (13) Deut. V, 26.
 - (14) Gen. V, 1.
 - (15) The great sage who died a martyr's death during the persecution of Hadrian.
 - (16) Ps. CXXXIX, 17.
 - (17) Yeb. 62b.
 - (18) Isa. LVII, 16. In face of the foregoing teachings how could it be stated that had it not been for the sin of the golden calf, we should not have come into the world?
 - (19) Which takes the incidence of death for granted.
 - (20) Supra 3a.
 - (21) Gen. I, 31.
 - (22) Deut. V, 26.
 - (23) At the worship of the golden calf.
 - (24) How then could Resh Lakish hold that but for the golden calf worship Israel would have enjoyed physical deathlessness?
 - (25) Ps. LXXXII, 6.
 - (26) Who holds that the Torah was to render Israel proof against attacks by other nations.
 - (27) Through oppression by other nations.
 - (28) Ned. 62b.
 - (29) Ex. IV, 19.
 - (30) Lam. III, 6.
 - (31) Of Miriam, who had become leprous. Num. XII, 12.
 - (32) Gen. XXX, 1.
 - (33) Lev. XXVI, 3.
 - (34) Ps. LXXXI, 14-15. [Cf. the Latin *si, o si*, and the English 'O if I had!' in which the conditional becomes a

desiderative. V. Ges. K. (1910) 151e.]

(35) Isa. XLVIII, 18.

(36) Deut. V, 26.

(37) [So MS.M.]

(38) Lit., rendering of preceding verse.

Talmud - Mas. Avodah Zarah 5b

this light bread;¹ ‘the offspring of an ungrateful ancestor’, for it is written, The woman whom Thou gavest to be with me, she gave me of the Tree, and I did eat.² Yet Moses indicated this to the Israelites only after forty years had passed, as it is said, And I have led you forty years in the wilderness . . . but the Lord hath not given you a heart to know, and eyes to see and ears to hear, unto this day.³ Said Raba:⁴ From this you can learn that it may take one forty years to know the mind of one's master.

R. Johanan said on behalf of R. Bana'ah: What is the meaning of the verse, Blessed are ye that sow beside all waters, that send forth the feet of the ox and the ass?⁵ [It means this: [Blessed is Israel; when they occupy themselves with Torah and acts of kindness their inclination is mastered by them, not they by their inclination,⁶ as it is said, Blessed are ye that sow beside all waters. For what is meant by ‘sowing’ but doing kind deeds, as it is said,⁷ Sow to yourselves in righteousness, reap according to mercy; and what is meant by ‘water’ is Torah, as it is said, Oh ye who are thirsty come to the water.⁸ [The phrase,] that send forth the feet of the ox and the ass, [was explained in the] Tanna debe Eliyyahu⁹ thus: In order to study the words of the Torah one must cultivate in oneself the [habit of] the ox for bearing a yoke and of the ass for carrying burdens.

ON THE THREE DAYS PRECEDING THEIR FESTIVALS IT IS FORBIDDEN TO DO ANY BUSINESS TRANSACTION WITH THEM.

Is all this period necessary? Have we not learnt:¹⁰ ‘At four periods of the year it is necessary for one, when selling cattle to another for slaughter, to let him know if its dam had been sold or if its young had been sold to be slain [the same day]:¹¹ namely, the eve of the last day of the Feast [of Tabernacles].¹² the eve of the first day of Passover, the eve of Pentecost, and the Eve of the New Year,¹³ and, according to R. Jose the Galilean, also on the day preceding the Eve of the Day of Atonement, in Galilee’?¹⁴ — In those cases where the animals are bought for consumption, one day is enough, but in the case where these are required for sacrifices, three days are needed.¹⁵ But are three days enough in the case of sacrifices? Have we not learnt’;¹⁶ ‘The laws relating to Passover should be discussed for thirty days before the Passover; R. Simeon b. Gamaliel says two weeks’? — We, with whom blemishes [disqualifying a sacrifice] abound, since we disqualify an offering even because of a blemish in the eye-lid, require thirty days; but for the heathen, who only take note of a missing limb, three days suffice. And so also R. Eleazar said: How do we know that [an animal] short of a limb is forbidden to Noachides [for use as a sacrifice]? — Because it is written, Of every living thing of all flesh two of every sort shall thou bring into the ark.¹⁷ The Torah thus says. ‘Bring such cattle whose principal limbs are living [i.e. sound]’. But is not this phrase needed to exclude such animals as are trefa,¹⁸ so that they were not [brought into the ark]? — Trefa is excluded by the phrase, to keep seed alive.¹⁹ This answer holds good according to the

one who is of the opinion that an animal which is trefa cannot bear any young;²⁰

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- (1) Num. XXI, 5.
 - (2) Gen. III, 12, wherein Adam, instead of being appreciative of his God-given gift, makes Eve an object of complaint.
 - (3) Deut. XXIX, 3, 4.
 - (4) Some texts have Rabbah.
 - (5) Isa. XXXII, 20.
 - (6) [**ormh** i.e., character, not to be confused with the 'Evil Urge' but 'man's vital and active impulse in general'; Lazarus, M., *The Ethics of Judaism II*, 107.] Sending forth the ox and the ass is interpreted to mean the banishment of bestial inclinations.
 - (7) Hos. X, 12.
 - (8) Isa. LV, 1.
 - (9) The title of a Midrash, containing chiefly Baraitas compiled by R. Anan, Bab. Amora of the 3rd cent.
 - (10) Hul. 83a.
 - (11) So as to avoid slaying an animal and its young on the same day (Lev. XXII, 28).
 - (12) Which was regarded as a 'festival by itself'. On the eve of the first day of the Feast of Tabernacles, the erection of the Sukkah (the booth) did not leave much time for slaying animals.
 - (13) As on these days preceding the respective festivals the animals would be slain for the festivals.
 - (14) From the mention made in Lev. XXIII, 32 of the ninth day of the month Tishri, it is deduced that the partaking of meals on that day, the eve of the Day of Atonement, is as much a religious observance as the fasting on the Day of Atonement, hence the meals on that day were specially lavish. Thus, the assumption is that the animals needed for the festival are slain only on the preceding day: why then extend the prohibition to three days?
 - (15) As they have to be prepared for the purpose beforehand.
 - (16) Meg. 29b.
 - (17) Gen. VI, 19. Some of these animals were intended for the purpose of sacrifices: v. Gen. VIII, 20.
 - (18) Trefa, lit., 'torn' — connotes any animal which is mortally affected and forbidden for consumption.
 - (19) Gen. VII, 3.
 - (20) Zeb. 113a.

Talmud - Mas. Avodah Zarah 6a

but according to the one who holds that a trefa animal can bear, what answer would you give? — [This:] The words spoken [to Noah] are, Thou shalt bring with thee, which implies such as are like thyself. But how can we tell that Noah himself was not mortally affected? — Because he is described as perfect.¹ Does this not rather mean that he was perfect in his manners? — That is implied by his being described as righteous.² But does not this phrase rather mean 'perfect' in his manners and 'righteous' in his deeds? — It cannot enter your mind [in any case] that Noah himself was mortally affected; for were he so affected, would the Divine Law³ have bidden him take in animals similarly affected, and keep out whole ones? Well, now that we deduce this⁴ from the phrase with thee, wherefore do we need the phrase to keep seed alive? — 'With thee' might mean such as could just keep him company, even if they be old or castrate, therefore the Divine Law had to indicate 'to keep seed alive.'

The question was asked: Does THREE DAYS mean inclusive of the FESTIVALS or apart

from the FESTIVALS? Come and hear: R. Ishmael says: On the three preceding and the three following [days] it is forbidden.⁵ Now if it should enter your mind that the numbers given are inclusive of the Festival itself, R. Ishmael must be taken to include the day of the Festival both in the preceding and following days!⁶ — [Not at all!] It is only because he uses the words ‘three preceding’ that he also speaks of the ‘three following’.⁷

Come then and hear the comment of R. Tahlifa b. Abdimi in the name of Samuel: According to R. Ishmael, it should always be forbidden [to transact business with idolaters because of] Sunday!⁸ Now, were we to take it that the festival is to be included, there would still remain Wednesday and Thursday on which dealing would be permitted! — According to R. Ishmael, there is no question but that the period does not include the festivals themselves. It is only according to the Rabbis’ opinion⁹ that I ask what [is the law],

Said Rabina: Come and hear [the following Mishnah]: These are the festivals of idolaters, Kalenda, Saturnalia and Kratesis,¹⁰ now R. Hanin b. Raba explained that Kalenda [lasts for] eight days after the [Winter] Equinox, and Saturnalia [is kept on the] eight days preceding the Equinox; as a mnemonic take the verse, Thou hast beset me behind and before. Now, were you inclined to think that the periods are inclusive of the Festivals, then there are [at times] ten days.¹¹ The Tanna may regard the whole Kalenda as one day.

Said R. Ashi: Come and hear: [Our Mishnah says] ON THE THREE DAYS PRECEDING THE FESTIVITIES OF THE IDOLATERS. Now were it to mean that the period is to include the festival itself, it might have said, ‘At the Festivals of the idolaters for three days;’¹² or, even if you contend that the words PRECEDING THE FESTIVAL are necessary to avoid [their being applied to] those after the festival, it might still have said, ‘At the festivals of the idolaters for three days preceding them’;¹³ but [from the words actually used]¹⁴ you can only deduce that the period is exclusive of the festival. This is conclusive.

The question was asked: Is it [forbidden] because of the profit, or perhaps because Thou shalt not put a stumbling block before the blind?¹⁵ The difference would affect a case where an idolater has an animal of his own. If you say [one must not sell him one] because of profit, here, too, the profit is derived; if however you say it is because of placing a stumbling block before the blind, here, then, he has [a sacrifice] of his own.¹⁶

And if he has one of his own does the placing of a stumbling block before the blind not apply? Have we not learnt¹⁷ that R. Nathan said:

(1) Gen. VI, 9.

(2) Ibid.

(3) Lit., ‘the All-Merciful One, Whose word Scripture reveals.’

(4) I.e., that Trefa was to be excluded from the Ark.

(5) Infra 7b.

(6) In which case the days following would have been given as two, and not three.

(7) Although apart from the Festival they are, indeed, only two.

(8) Infra 7b. Each Sunday, which is a festive day, with the three preceding and three following days would rule out

the whole week. The passage in editions is obscure, owing to censorial tampering. The interpretation here given is borne out by Rashi. One might suggest the reading **rxut okugk t ouh** instead of **rxut** 'Sunday would render it permanently forbidden'.

(9) Who forbid only the preceding, but not the following days.

(10) V. infra p. 36, note 9.

(11) That is the eight Kalenda together with the two preceding days instead of the three days mentioned in the Mishnah.

(12) But not PRECEDING THE FESTIVAL.

(13) Implying that the prohibition refers also to the festivals themselves.

(14) Which say distinctly, THREE DAYS PRECEDING THE FESTIVALS — a phrase which places the festive days themselves outside the terms of reference of the Mishnah, as too obvious to be stated.

(15) Lev. XIX, 14. Is the reason for forbidding business transactions with idolaters near their festivals because any profit they may derive might be made a cause for thanksgiving to the idols, to which an Israelite should not be party, or because of the means or the opportunity that might be thus afforded to the idolater of acquiring and offering an animal for sacrifice to the idols, of the prohibition of which he may be ignorant, the Israelite thus causing him to 'stumble'?

(16) The prohibition therefore should not apply.

(17) Pes. 22b.

Talmud - Mas. Avodah Zarah 6b

How do we know that one should not hold out a cup of wine to a Nazirite¹ or a limb from a living animal to a Noachide?² From Scripture, which says, Thou shalt not put a stumbling block before the blind.³ Now here, too, were it not held out to him he could take it himself, yet the one [who hands it] is guilty of placing a stumbling block before the blind!⁴ Here we may be dealing with a case of two persons on opposite sides of a river.⁵ You can prove it, indeed, by the use of the words 'one should not hold out': it does not say, 'one should not hand'. This proves it.

The question was asked: What if one did transact business?⁶ — R. Johanan says: [The proceeds of] the transaction are forbidden. R. Simeon b. Lakish says [the proceeds of] the transaction are permitted. R. Johanan cited [the following as] an argument against Resh Lakish: As to the festivals of idolaters, if one transacts any business [the proceeds] are forbidden. Does not this refer to [the period] preceding the festivals? — No, [it refers to] the festival exclusively.

Some report it was R. Simeon b. Lakish who cited [this passage] as an argument against R. Johanan: 'As to the festivals of idolaters, if one transacts any business [the proceeds] are forbidden'. During their festivals only it is forbidden, but before their festival it is not?⁷ — No, by 'their festivals' the Tanna means the one as well as the other.

There is a Baraitha⁸ which is in accordance with the view of Resh Lakish: The prohibition of transacting business with them [before their festivals] only applies to unperishable articles⁹ but not to perishable articles; and even in the case of unperishable articles, if the transaction is made, [the proceeds] are permitted. R. Zebid learned out of the Baraitha of R. Oshaia:¹⁰ An article that is perishable may be sold to them, but may not be bought from them.¹¹

A certain Min once sent on his festival day a Caesarean denar¹² to R. Judah Nesi'a¹³, while Resh Lakish happened to sit before him. Said he, 'What shall I do? if I accept it, he will go and praise [the idols for it]; if I do not accept it, he will be displeased.' 'Take it,' answered Resh Lakish, 'and drop it into a well in the messenger's presence.' 'But this will displease him all the more!' 'I mean you should do it by sleight of hand.'

TO LEND ARTICLES TO THEM OR BORROW ANY FROM THEM. It is quite right to forbid lending to them, which benefits them; but surely borrowing from them can only mean deprivation to them! — Said Abaye: We forbid the borrowing from them as a safeguard against lending to them. But Raba said: It is all on account of their going to offer thanks.¹⁴

TO LEND THEM MONEY OR BORROW ANY FROM THEM.

It is quite right to forbid lending them money, which profits them, but why not borrow any from them? Abaye said: The borrowing is forbidden as a safeguard against lending. Raba, however, said: Both are [forbidden] because of their going to offer thanks.

TO REPAY A DEBT, OR RECEIVE REPAYMENT FROM THEM.

The [forbidding of] repayment is quite right, since it benefits them, but to recover from them, surely, means to deprive them! — Said Abaye: The recovery is forbidden as a safeguard against repayment. Raba said: It is all because of their going to offer thanks.

And all [the instances given in our Mishnah] are necessary; for if it only mentioned transacting business with them, I might have said [it is forbidden] because it profits them and they will go and offer thanksgiving for it, but to borrow from them, which means a deprivation to them, would be quite in order. If [on the other hand] it only mentioned borrowing articles from them, I might have thought it is because the importance that the idolater attaches¹⁵ to it [would induce him to] go and offer thanksgiving for it, but to borrow money from him might only cause him anxiety, as he might think, 'My money may not be returned again.' Were the case of lending money only mentioned, [it might be thought this is] because he might say, 'I can enforce payment,' and he would have good cause for thanksgiving, but to recover from them money which will never return to the lender we might regard as troublesome, so that he would not offer thanks for it — hence all the instances are necessary.

R. JUDAH SAYS: WE SHOULD RECEIVE REPAYMENT FROM THEM, [AS THIS CAN ONLY DEPRESS THEM; BUT THE RABBIS SAID TO HIM: EVEN THOUGH IT IS DEPRESSING AT THE TIME, THEY ARE GLAD OF IT SUBSEQUENTLY].

Does R. Judah, then, disregard the idea that though it is depressing at the time it is pleasing subsequently? Is it not taught: R. Judah says, A woman must not smear lime on her face on Mo'ed¹⁶ because it disfigures her; R. Judah, however, admits that if the lime can still be scraped off during Mo'ed, it may be applied on Mo'ed for though she is troubled by it for the while, it will eventually please her!¹⁷ — Said R. Nahman b. Isaac: Leave alone the laws relating to [work permitted on] Mo'ed: they are all of the trouble now, pleasure later' kind.¹⁸ Rabina said: To an

idolater, the matter of repayment is always irksome.

Our Mishnah is not in accord with [the opinion of] R. Joshua b. Karha. For it is taught: R. Joshua b. Karha says, A loan made against a document, should not be recovered from them,¹⁹ but a loan made against the word of mouth may be recovered from them, since it is, as it were, rescued from their hands.²⁰

R. Joseph was sitting behind R. Abba while R. Abba was sitting facing R. Huna who, as he was sitting [and lecturing], stated: [In one instance] the halachah²¹ is to be decided according to R. Joshua b. Karha and [in another] the halachah is according to R. Judah. The law [decided] according to R. Joshua is the one about which we have just spoken; that according to R. Judah refers to what we learnt:²² If one gives wool to a dyer to be dyed red and he dyed it black, or to be dyed black and he dyed it red,

(1) Who is forbidden to partake of any strong drink, Num. VI, 1 seq.

(2) Supra p. 5, note 7.

(3) Lev. XIX, 14.

(4) The selling of an animal to an idolater is surely analogous to this and should therefore be forbidden.

(5) So that the one could not have attained the prohibited article without the agency of the other.

(6) With an idolater before his festival; may he derive any benefit from the proceeds?

(7) Hence this teaching is contrary to R. Johanan's ruling.

(8) Tosef. A.Z.I.

(9) Such as will remain in good condition till the festival.

(10) R. Oshaia, and R. Hiyya, both disciples of R. Judah the prince, compiled a collection of Baraitas; v. infra, p. 284, n. 6.

(11) As the disposal of such an article is gratifying to the idolater.

(12) [(i) Coined in commemoration of the coronation; or (ii) coined at Caesarea in Cappadocia, the only Greek colony that enjoyed the right of coinage in gold under the Romans; v. Zuckermann, Ueber Talm. Gewicht, u. Mun, p. 28.]

(13) Judah II, lived in Tiberias in the middle of the third century.

(14) The lender's dependence on him is also a matter of gratification.

(15) The knowledge that the Israelite is in need of his articles, coupled with the certainty of having them safely returned, would give him great satisfaction.

(16) Full term, Hol Hammo'ed **sgun ka ukuj** — lit., 'the weekdays of the Festival' — the intermediate days of Passover and the Feast of Tabernacles, when many kinds of work, including those necessary for personal appearance, forbidden on Festivals, are permitted. The lime which remained smeared on the face for some days showed its beautifying effect on its removal.

(17) M.K., 8b. Thus R. Judah expresses the very opinion which he seems to oppose in our Mishnah.

(18) Such as the slaying of animals for consumption, the preparation of food-articles and the like.

(19) From idolaters before their festivals, as the redemption of the bond is a matter of gratification.

(20) Tosef. A.Z. Chap. I; v, also B.K. 102a.

(21) I.e. 'the regulated law', v. Glos.

(22) B.K. 100b.

Talmud - Mas. Avodah Zarah 7a

Talmud - Mas. Avodah Zarah 7a

R. Meir says: The dyer should refund to the owner the value of his wool.¹ R. Judah says: If the increase in value [through the dyeing] exceeds the outlay thereon, the owner may refund the outlay, or if the outlay exceeds the increased value, he may offer him the increase in value.² Thereupon R. Joseph turned his face away [and remarked]: It was right and necessary [to state] that the halachah is according to R. Joshua b. Karha.³ We might indeed have applied the principle:⁴ '[Where the opinions of] an individual and of a majority [conflict] the halachah is according to the majority', so we are given to understand that here the halachah is according to the individual. But wherefore state that the law is according to R. Judah? It is a commonplace that where differing opinions [are quoted, and one of these is] subsequently quoted anonymously, the law is decided according to the anonymous opinion.⁵ Now, these differing opinions are quoted in Baba Kamma, and there is the subsequent anonymous opinion in Baba Mezi'a,⁶ where we learn that the party which changes [an agreement] has the lesser right, likewise whichever party alters his mind has the lesser right!⁷

And as to R. Huna?⁸ — [His statement is necessary] because the Mishnah has not [retained its original] order,⁹ so that it might be said that the anonymous statement was quoted earlier and the differing opinions later. But if that were so, you can apply to every case of differing opinions followed by an anonymous one the argument that the Mishnah has not retained its original order!¹⁰ R. Huna, however, [could reply thus]: The argument that the Mishnah has not its original order could not be admitted in regard to the same Tractate, but it could be used in regard to two Tractates.¹¹ And as to R. Joseph?¹² — He holds that all [those dealing with] torts¹³ are to be regarded as one tractate; or, if you wish, it could be said, because this rule is included among legal and fixed decisions, thus: 'The party which changes an agreement has the lesser right; and whichever party alters his mind has the lesser right.'¹⁴

Our Rabbis taught:¹⁵ One should not say to another [on the Sabbath], 'We shall see whether you will stay on with me [to do work] this evening.'¹⁶ R. Joshua b. Karha says: One may say to another, 'We shall see whether you will stay on with me this evening.' Said Rabbah b. Bar-Hana in the name of R. Johanan, the halachah is according to R. Joshua b. Karha.

Our Rabbis taught: If one consulted a sage who declared [the person or article] as unclean, he should not consult another sage who might declare it as clean; if one sage declared as forbidden, one should not consult another sage who might declare as permitted. If of two sages present one declares as unclean and the other as clean, one forbids and the other permits, then if one of them is superior to the other in learning and in point of number¹⁷ his opinion should be followed, otherwise, the one holding the stricter view should be followed. R. Joshua b. Karha says: In laws of the Torah¹⁸ follow the stricter view, in those of Soferim¹⁹ follow the more lenient view.²⁰ Said R. Joseph: The halachah is according to R. Joshua b. Karha.

Our Rabbis taught: If they²¹ reverted [to their usual practices] none of them should ever be accepted.²² This is the opinion of R. Meir. R. Judah says: If they reverted in secret matters, they should not be accepted,²³ but if in things done in public they should be accepted.²⁴ Some say that, if they observed [in their penitent state] even secret things, they should be accepted,

- (1) In the undyed state, and he has the right to retain the dyed wool, however much its value may have increased.
- (2) And claim the wool; since, in the case of the dyed wool being worth more than undyed wool plus the cost of dyeing, the dyer will benefit by miscarrying the order.
- (3) That a loan made on a verbal understanding may be recovered from idolaters, contrary to the opinion of the Rabbis of our Mishnah.
- (4) Ber. 9a.
- (5) Yeb. 42b.
- (6) 15a.
- (7) And since here the dyer, by miscarrying the order, changed the agreement, it might be taken for granted that he would be placed at a disadvantage in accordance with the ruling of R. Judah.
- (8) What was the object of his assertion?
- (9) In which it was originally propounded.
- (10) And since this principle is generally accepted (v. Yeb 42) R. Huna's explanation is inadmissible.
- (11) And in this case the differing opinions and the anonymous one are each in a separate Tractate; R. Huna's statement was therefore necessary.
- (12) Why did he then disapprove of R. Huna's statement?
- (13) Baba Kamma, Baba Mezi'a, and Baba Bathra.
- (14) It was therefore too obvious to be stated that the decision is according to R. Judah.
- (15) Shab. 150a.
- (16) Since he engages him, even though by mere insinuation, on the Sabbath to do work.
- (17) I.e., of disciples or followers.
- (18) Laws explicitly stated in Scripture.
- (19) Laws enacted by the Scribes (sofer-scribe) from the time of Ezra onward.
- (20) V. Tosef. 'Eduy. I.
- (21) I.e., 'amme ha-arez — people who are ignorant and careless about religious observances, particularly those relating to the tithe which they would generally withhold from the Levite — their utensils and food articles were consequently held by the Haber (v. note 7) in Levitical uncleanness. This made them unacceptable to the Haber's society. And the discussion that follows is whether they could be accepted again.
- (22) Regarded as Haberim (plural of Haber), those particular about religious observances and the giving of the tithe. On Haber v. Weinberg and Krauss, Jeshurun 1929, 1930.
- (23) They prove themselves hypocrites and are not to be trusted.
- (24) Their frankness may be taken to show that they give an undertaking to act rightly and will stand by it.

Talmud - Mas. Avodah Zarah 7b

but if only things done in public they should not be accepted. R. Simeon and R. Joshua b. Karha say: Whether in the one case or in the other they should be accepted, for it is said, Return, O backsliding children.¹ Said R. Isaac, the native of Kefar Acco, in the name of R. Johanan: The halachah is according to the latter pair.

MISHNAH. R. ISHMAEL SAYS ON THE THREE PRECEDING DAYS AND THE THREE FOLLOWING DAYS IT IS FORBIDDEN;² BUT THE SAGES SAY BEFORE THEIR FESTIVITIES IT IS FORBIDDEN, BUT AFTER THEIR FESTIVITIES IT IS PERMITTED.

GEMARA. Said R. Tahlifa b. Abdimi in the name of Samuel: According to R. Ishmael it should

always be forbidden [to transact business with idolaters because of] Sunday.³

BUT THE SAGES SAY, BEFORE THEIR FESTIVITIES IT IS FORBIDDEN, BUT AFTER THEIR FESTIVITIES IT IS PERMITTED. Is not [the opinion of] the Sages identical with that of the first Tanna?⁴ — The exclusion of the festivals themselves is the point on which they differ. The first Tanna holds that the period is exclusive of the festival, but these latter Rabbis hold that it includes the festivals. Or it might probably be said that they differ on the question of business transactions carried out,⁵ the first Tanna holding that [the proceeds of] such transactions are permissible, while our latter Rabbis hold that [the proceeds of] these transactions are forbidden. It might also be said that this ruling of Samuel is a matter on which they differ. For Samuel said:⁶ In the Diaspora⁷ the prohibition is limited to their festival day only. The first Tanna accepts Samuel's ruling, while our last Rabbis do not hold with Samuel. You may further say that they differ in the ruling of Nahum the Mede. For it is taught:⁸ Nahum the Mede says, The prohibition applies to only one day before their Festivals. The first Tanna does not accept the ruling of Nahum the Mede, and our latter Rabbis do agree with Nahum the Mede's ruling.

To revert to [the above text]: 'Nahum the Mede says: The prohibition applies to only one day before their festivals.' Thereupon they said to him: 'This matter ought to be suppressed and left unsaid.'⁹ But are there not our latter Rabbis who hold the same opinion?¹⁰ — Our latter Rabbis may be none other than Nahum the Mede.¹¹

Another [Baraita] taught: Nahum the Mede says, One may sell [to idolaters] a male or old horse in war time.¹² Whereupon they said to him: This matter ought to be suppressed and left unsaid. But is there not Ben Bathyra who holds the same opinion; for we learnt: Ben Bathyra permits [the sale of] a horse?¹³ — Ben Bathyra makes no distinction between the sale of horses and mares, whereas Nahum the Mede, who does make that distinction will share the opinion of the Rabbis;¹⁴ but according to the Rabbis: This matter ought to be suppressed and left unsaid.¹⁵

It is [further] taught: Nahum the Mede says: The dill plant is subject to tithe whether [in its state of] seeds, or vegetables, or pods.¹⁶ Whereupon he was told: This matter ought to be suppressed and left unsaid. But is there not R. Eliezer who holds the same opinion; for we learnt: R. Eliezer said: The dill plant is subject to tithe whether in its state of seeds, or vegetable, or pods?¹⁷ — There the garden variety is meant.¹⁸

Said R. Aha b. Minyomi to Abaye: A great man has come from our place,¹⁹ but whatever he says he is told that it ought to be suppressed and left unsaid. He replied: There is one instance in which we do follow his ruling. It is taught: Nahum the Mede says: One may ask for one's own needs in the course of the Benediction [concluding with] 'Who heareth prayer.'²⁰ — As to this ruling, he said, an exception had to be made, for it is hanging on strong ropes!²¹ It is taught: R. Eliezer says: One should first pray for his own needs and then recite The Prayer.²² as it is said; A prayer for the afflicted [himself] when he is overwhelmed, and [then] poureth forth his meditation before the Lord;²³ and by 'meditation,' only prayer is meant, as it is said, And Isaac went out to meditate in the field at the eventide.²⁴ But R. Joshua says: One should first recite The Prayer and then ask for his own needs, as it is said, I pour out my meditation²⁵ before Him [then] I declare my [own] affliction before Him.²⁶ Now, as to R. Eliezer, what of the verse, I pour out my

meditation etc.? — He interprets it thus, ‘I pour out my meditation before Him when I had already declared my [own] affliction.’ And as to R. Joshua [how does he explain] the verse, A prayer for the afflicted when he is overwhelmed etc.? — He explains it thus: When is the [personal] ‘prayer for the afflicted’ offered? When he had poured forth his meditation before the Lord. Well now, as for these scriptural verses, they prove no more the statement of the one than they prove that of the other; is there any [principle] underlying their dispute? — It is the one explained by R. Simlai; for R. Simlai gave the following exposition:²⁷ One should always recount the praises of the Omnipresent and then offer his supplications.²⁸ Whence do we learn it? From [the prayer of] our Teacher Moses which is recorded thus: O Lord God, Thou hast begun to show Thy servant Thy greatness etc., and then only, Let me go over, I pray Thee, and see the good land.²⁹

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- (1) Jer. III, 14. Thus repentant sinners are to be accepted unconditionally.
 - (2) The prohibitions enumerated in the preceding Mishnah (supra 2a) extend to three days before the idolaters’ festivities and three days after them.
 - (3) V. p. 24, n. 9.
 - (4) Of the Mishnah supra 2a.
 - (5) Infra 18b.
 - (6) Infra 11b.
 - (7) Lit., ‘exile’, applied to all places outside Palestine in which Jews resided. Many restrictions as to idolaters were waived outside Palestine, since ‘gentiles of the lands other than Palestine are not really idolaters’ (Hul. 13b).
 - (8) Tosef. A.Z.I.
 - (9) ‘Inadmissible’, ‘ruled out of court’.
 - (10) According to the reply given last.
 - (11) His opinion being recorded in the Mishnah anonymously in the form of ‘the Sages say’.
 - (12) ‘Er. 83a. The sale of big cattle to an idolater is forbidden (v. infra 14b) out of consideration for the animal: as, being used for labour, it would be deprived of its weekly day of rest. The sale, however, in war time, of a male horse, which is not easily disciplined (V.J.A.Z.I, 6 40a) or of an old one, to which the general objection of ‘placing a weapon in the hand of a heathen’ is not quite applicable, might be permitted as a matter of rare occurrence.
 - (13) Infra 17a. Since it is used chiefly for riding, and the carrying of a rider is not to be regarded as carrying a burden (on the Sabbath) according to the dictum ‘a living being carries itself’.
 - (14) Who prohibit the sale of a horse, v. infra 14b and 16a.
 - (15) As the Rabbis prohibit the sale of all kinds of horses, and do not admit the distinction made by Nahum.
 - (16) Vegetables are only subject to tithe when reaching the state in which they are used as food; in the case of the dill plant, the seeds and the leaves, as well as the pods, are used as such.
 - (17) Ma’as. IV, 5. Bek. 2a.
 - (18) Which is eaten in the various forms mentioned; but generally, as grown in fields, it is only used as food in its seed-state.
 - (19) Media, whence Nahum hailed, was also their native place. Weiss Dor. I, 182, sees in this remark a bitter complaint against Palestinian authorities, who are alleged to take up a derogatory attitude towards Sages coming from other lands.
 - (20) The sixteenth of the Eighteen (now nineteen) Benedictions which are the main part of each of the three daily Services. P. B. p. 30.
 - (21) An idiom meaning. ‘It is based on high authority’. Contrarily, that for which there is but slender authority is characterised as ‘a mountain hanging on a hair;’ v. Hag. 10a.

- (22) I.e. the Eighteen Benedictions, also called Shemone-'Esre, or 'Amidah.
- (23) Ps. CII, 1.
- (24) Gen. XXIV, 63, which is interpreted that Isaac was then offering the now statutory afternoon Prayer (Minhah), the institution of which tradition ascribes to the second Patriarch (Ber. 26b).
- (25) I.e., the statutory Prayer.
- (26) Ps. CXLII, 3.
- (27) Ber. 32b.
- (28) praise is a higher form of Divine worship than supplication. A man should offer thanks for what he has, before he thinks of what he lacks.
- (29) Deut. III, 24, 25.

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Now R. Joshua holds that we are guided by [the example of] Moses,¹ while R. Eliezer says we should not follow the example of Moses; it is different with Moses whose greatness is so outstanding.² The Sages, however, say [the decision is] neither according to the one nor according to the other, but that one should pray for his personal needs at the Benediction [concluding with], 'Who heareth prayer'. Rab Judah in the name of Samuel declared that the halachah is that one should pray for his personal needs only at the Benediction [ending with], 'Who heareth prayer'.

Said Rab Judah the son of Samuel b. Shilath in the name of Rab: Even though it was said that one should pray for his private needs only at 'Who heareth prayer,' nevertheless, if he is disposed to supplement any of the Benedictions [by personal supplications] relevant to the subject of each particular Benediction, he may do so. [So also] said R. Hiyya b. Ashi in the name of Rab:³ Even though it has been said that one should pray for his own needs only at 'Who hearest prayer', still if [for example] one has a sick person at home, he may offer [an extempore] prayer at the Benediction for the Sick;⁴ or if he is in want of sustenance, he may offer a [special] prayer in connection with the Benediction for [Prosperous] Years.⁴ R. Joshua b. Levi said: Though it has been decided that private prayers for personal needs only may be inserted in the Benediction 'Who heareth prayer'⁵, yet if one is disposed to offer supplication after The Prayer to the extent of the Day of Atonement Service.⁶ he may do so.⁷

MISHNAH. THESE ARE THE FESTIVITIES OF THE IDOLATERS:⁸ KALENDA,⁹ SATURNALIA,¹⁰ KRATESIS,¹¹ THE ANNIVERSARY OF ACCESSION TO THE THRONE AS WELL AS [ROYAL] BIRTHDAYS AND ANNIVERSARIES OF DEATHS. THIS IS R. MEIR'S OPINION. BUT THE SAGES SAY, A DEATH AT WHICH BURNING [OF ARTICLES OF THE DEAD] TAKES PLACE IS ATTENDED BY IDOLATRY, BUT WHERE THERE IS NOT SUCH BURNING THERE IS NO IDOLATRY. HOWEVER, THE DAY OF SHAVING ONES BEARD OR LOCK OF HAIR,¹² OR THE DAY OF LANDING AFTER A SEA VOYAGE, OR THE DAY OF RELEASE FROM PRISON, OR IF AN IDOLATER HOLDS A BANQUET FOR HIS SON — THE PROHIBITION ONLY APPLIES TO THAT DAY AND THAT PARTICULAR PERSON.

GEMARA. Said R. Hanan b. Raba: KALENDA is kept on the eight days following the [winter]

equinox. SATURNALIA on the eight days preceding the equinox. As a mnemonic take the verse, Thou hast beset me behind and before.¹³

Our Rabbis taught.¹⁴ When primitive Adam saw the day getting gradually shorter, he said, 'Woe is me, perhaps because I have sinned, the world around me is being darkened and returning to its state of chaos and confusion; this then is the kind of death to which I have been sentenced from Heaven!' So he began keeping an eight days' fast. But as he observed the winter equinox and noted the day getting increasingly longer, he said, 'This is the world's course', and he set forth to keep an eight days' festivity. In the following year he appointed both¹⁵ as festivals. Now, he fixed them for the sake of Heaven, but the [heathens] appointed them for the sake of idolatry.

This is quite right according to the one who holds that the world was created in Tishri,¹⁶ so that he saw the short days before seeing the longer days; but according to the one holding that the world was created in Nisan, Adam must have seen the long days as well as the short ones!¹⁷ — Still, he had not yet seen the very short days. Our Rabbis taught: When Adam, on the day of his creation, saw the setting of the sun he said! 'Alas, it is because I have sinned that the world around me is becoming dark; the universe will now become again void and without form — this then is the death to which I have been sentenced from Heaven!' So he sat up all night fasting and weeping and Eve was weeping opposite him. When however dawn broke, he said: 'This is the usual course of the world!' He then arose and offered up a bullock whose horns were developed before its hoofs, as it is said [by the Psalmist], And it [my thanksgiving] shall please the Lord better than a bullock that hath horns and hoofs.¹⁸ Rab Judah said in the name of Samuel: The bullock which Adam offered had only one horn in its forehead, as the verse says, And it shall please the Lord better than a bullock that is horned and hoofed. But does not 'horned' imply two horns? — Said R. Nahman b. Isaac: 'Horned' is here spelt [defectively].¹⁹

R. Mattena asked: When Rome appoints a Kalend and there are towns in its vicinity subjected to her, is it forbidden or permitted [to transact business etc.] in those towns?²⁰ R. Joshua b. Levi said: On the Kalends the prohibition applies to all. R. Johanan said: The prohibition applies only to [the Romans] who celebrate it. A Baraita is taught which accords with the view of R. Johanan: Even though it was said that when Rome institutes Kalends they extend to all the towns in its vicinity which are subjected to it, yet the actual prohibition is only in regard to those who celebrate it. As to Saturnalia, Kratesis, Royal Celebrations, or the day on which a king is proclaimed, the prohibition applies to the period preceding them, but thereafter it is permitted. If an idolater gives a banquet for his son the prohibition is limited to that day and that man.

Said R. Ashi: We ourselves have learnt likewise. For our Mishnah states²¹ [AS TO] THE DAY OF SHAVING ONE'S BEARD OR LOCK OF HAIR, OR THE DAY OF LANDING AFTER A SEA VOYAGE, OR THE DAY OF RELEASE FROM PRISON — THE PROHIBITION ONLY APPLIES TO THAT DAY AND THAT PARTICULAR PERSON. Now, it rightly says. THAT DAY, thereby excluding the preceding and following [days], but what is THAT MAN meant to exclude, unless it excludes those subjected to him? From here then you deduce it!

It has been taught: R. Ishmael says,²² Israelites who reside outside Palestine serve idols though in pure innocence. If, for example, an idolater gives a banquet for his son and invites all the Jews

in his town, then, even though they eat of their own and drink of their own and their own attendant waits on them, Scripture regards them as if they had eaten of the sacrifices to dead idols, as it is said, And he will call thee and thou wilt eat of his sacrifice.²³ But does not this apply to actual eating? — Said Raba: If that were so, the verse would have only said, And thou shalt eat of his sacrifice; why then say, And he will call thee? That extends the prohibition to the time of the participation. Hence

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- (1) Hence the Shemone-'Esre, declaring God's praise, should be recited before any private petition.
 - (2) An ordinary man should proceed direct with his petition; to dilate might be considered as presumptuous.
 - (3) Ber. 31b.
 - (4) P.B. p. 47.
 - (5) Ibid. p. 49.
 - (6) Which may last all day.
 - (7) While the obligatory prayers are necessarily fixed, private extemporary prayers are desirable.
 - (8) Referred to in our Mishnah (supra 2a).
 - (9) The Roman New Year which was observed as a day of rejoicing.
 - (10) A Roman festival beginning on the 17th December and lasting several days. 'Feasting and revelry and all the mad pursuits of pleasure are the features which seem to have specially marked this carnival of antiquity' (Frazer, Golden Bough, III, p. 138).
 - (11) ** A Roman festival commemorating the conquest of Eastern Countries.
 - (12) Which Greek and Roman youths, on arriving at puberty, offered to the gods.
 - (13) Ps. CXXXIX, 5. As an aid to remembering that KALENDA mentioned first in the Mishnah is behind the equinox and SATURNALIA mentioned later is before it.
 - (14) V. ARN ch. VIII.
 - (15) The eight days preceding and following the equinox (v. p. 8, note 2).
 - (16) The Jewish year has two starting points. The New Year begins on the 1st of Tishri (about September) yet in counting months, Nisan (about March) is taken first. Hence the different opinions as to which of these two dates formed the beginning of the year ONE (v. R. H. 10a und 11b).
 - (17) His experience during the spring and summer should have made him familiar with the fluctuation of the days.
 - (18) Ps. LXIX, 32, which is taken to refer to sacrifice offered by Adam, since the animal is described as **rp-rua** lit. a bullock-ox, implying an animal which was mature in form though young in age. **rp** denotes a mature ox, whereas **rua** designated an ox even of the tenderest age; cf. Lev. XXII, 27 (Rashi).
 - (19) **iren** ('horned') owing to its defective spelling, instead of **ihren**, may be read **iren** (of a horn).
 - (20) Whose inhabitants do not observe the festivity, lest their profit, which generally goes to Rome, be used for procuring offerings to idols.
 - (21) V. supra p. 36.
 - (22) Tosef. V and ARN XXVI have 'R. Simeon b. Eleazar'.
 - (23) Ex. XXXIV, 15.

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during the entire thirty days [following a marriage celebration] whether it is or it is not mentioned that the banquet is connected with the wedding, [participation in it] is forbidden; from that time onward, however, if it is stated that it is connected with the wedding, it is forbidden, but if its connection with the wedding is not mentioned, it is permitted. And how long [is it forbidden] if it

is connected with the wedding? — Said R. Papa: For a twelvemonth thereafter. And how long is it forbidden beforehand? — Said R. Papa in the name of Raba: From the time when the barley is placed in the tub.¹ Is it, then, permitted [to partake of food in the house] after the twelvemonth? Yet R. Isaac the son of R. Mesharsheya, who happened to be in the house of a certain idolater more than a year after a marriage, when he heard that they were feasting [because of that event] abstained from eating there! It is different with R. Isaac the son of R. Mesharsheya who was a highly esteemed man.²

KRATESIS etc. What does KRATESIS mean? Said Rab Judah in the name of Samuel: [the anniversary of] the day on which Rome extended her dominion.³ But have we not learnt Kratesis and the day on which Rome extended her dominion? — Said R. Joseph: Rome extended her dominion twice; once in the days of Cleopatra⁴ the queen [of Egypt] and [once before] in the days of the Greeks. For when R. Dimi came⁵ he said: Thirty-two battles did the Romans fight against the Greeks and could not prevail against them until the Romans made an alliance with the Israelites. And these were the conditions made with them: If the kings are [chosen] from among us, the princes should be chosen from your midst, and if the kings are chosen from among you, the princes shall come from our midst. Then the Romans sent word to the Greeks as follows: Hitherto we have been fighting matters out, now let us argue them out: Of a pearl and a precious stone which shall form a setting for which?⁶ They sent the reply: 'The pearl for the precious stone.' And of a precious stone and an onyx which shall form a setting to the other? 'The precious stone to the onyx.' was the reply. And of an onyx and the Book of the Law which shall serve as the setting for the other? 'The onyx for the Book of the Law,' they replied. The Romans then sent word: In that case, the Book of the Law is in our possession, for Israel is with us. Thereupon the Greeks gave in.

For twenty-six years did the Romans keep faith with Israel, thereafter they subdued them.

What scriptural support did they have for their former attitude and what for the latter? To the former may be applied the words: Let us take our journey and let us go.⁷ And to the latter may be applied the words: Let my lord now pass before his servant.⁸

Whence can it be proved that Rome kept faith with Israel for twenty six years? [From the following:]⁹ For R. Kahana said: When R. Ishmael b. Jose was ill they sent word to him: Rabbi, tell us the two or three things which thou hadst told us in thy father's name. He then told them: One hundred and eighty years before the Temple was destroyed did Rome cast her rule over Israel; eighty years before the destruction of the Temple it was decreed that neighbouring countries of Palestine¹⁰ were to be regarded as ritually unclean,¹¹ and likewise all glass vessels.¹² Forty years before the Temple was destroyed did the Sanhedrin abandon [the Temple] and held its sittings in Hanuth.¹³ Has this any legal bearing? — Said R. Isaac b. Abdimi: It indicates that [from that time onward] they did not deal with cases of fines.¹⁴ 'Cases of fines'! How can that enter your mind? Has not Rab Judah said [the following] in the name of Rab: Verily that man, R. Judah b. Baba by name, be remembered for good, for were it not for him the laws of fine would have been forgotten in Israel? 'Forgotten'! Surely, they could be studied? — Nay, they would have been abolished;¹⁵ for the wicked Government of Rome¹⁶ issued a decree that he who ordains a Rabbi shall be slain, likewise he who is ordained shall be put to death, the town in which an

ordination takes place shall be destroyed and the tehum¹⁷ in which the ordination is held shall be laid waste. What did R. Judah b. Baba do? He went and sat down between two mountains and between two large towns between two tehums,¹⁸ namely, between Usha and Shefar'am¹⁹ and there he ordained five elders: R. Meir, R. Judah [b. Il'ai]. R. Jose, R. Simeon and R. Eleazar b. Shammua (R. Awia adds also R. Nehemiah). On seeing that they were detected by the enemies, he said to them, 'Flee, my children!' but they said to him, 'And you, O Rabbi, what about you?' 'I,' he replied. 'will lie still before them, even as a stone that is not turned.' It was stated that the Romans did not move from there until they drove three hundred iron spears into his body and made his corpse like a sieve!²⁰ — But said R. Nahman b. Isaac: Say not that 'cases of fines' ceased, but that capital cases ceased. Why? — Because when the Sanhedrin saw that murderers were so prevalent that they could not be properly dealt with judicially, they said: Rather let us be exiled from place to place than pronounce them guilty [of capital offences] for it is written²¹ And thou shalt do according to the sentence, which they of that place which the Lord shall choose shall tell thee, which implies that it is the place that matters.²²

[Now, it was mentioned above that Rome cast her rule over Israel] one hundred and eighty years prior to the Destruction. Is not the period longer? For R. Jose b. Rabbi²³

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- (1) Some time prior to a wedding, barley was customarily sown in tubs to sprout forth in time for the wedding, when they were placed before the bridal pair to symbolise fertility (Rashi).
 - (2) And importance would have been attached to his partaking of the celebration even at a later period.
 - (3) On conquering the Greeks.
 - (4) [When Octavian gained the victory over her at the Battle of Actium.]
 - (5) From Palestine to Babylon.
 - (6) I.e., which is the inferior of the two.
 - (7) I.e., as equals; words spoken by Jacob to Esau, Gen. XXXIII, 12.
 - (8) Ibid, 14. I.e., Rome is to lord it over Israel.
 - (9) Shab. 15a.
 - (10) Syria and Asia Minor.
 - (11) One who went outside Palestine was regarded as defiled and on returning had to undergo the usual process of purification. According to Graetz this measure was intended to stem the migration of the people, and in particular of the priests, from the Holy Land.
 - (12) [Glass vessels imported from those countries were regarded as unclean; probably to protect the glass industry in Palestine. V. L. Ginzberg's lecture on The Place of the Halachah, etc., p. 6. Hebrew University. Jerusalem, 1931.]
 - (13) [A place on the Temple mount, v. Sanh. (Sonc, ed.) p. 267, n. 4.]
 - (14) These could only be dealt with by Rabbis ordained in Palestine by the laying on of hands **vflinx** (v. Sanh. 13b-14a). This mode of ordination, first mentioned in connection with the appointment by Moses of Joshua as his successor (Num. XXVII, 20), was continued, according to tradition, unbroken throughout the succeeding generations; it ceased about the 4th century when the academies of Palestine declined. An attempt by Jacob Berab to re-introduce the Semichah in Palestine, in 1538, ended in failure.
 - (15) For want of properly ordained Rabbis who are qualified to adjudicate such matters; v. B. K 84a-b.
 - (16) During the Hadrianic Persecutions in 135 C.E.
 - (17) **ouj** , , fuller term , **ca ouj** , a Sabbath limit is an area of 2000 cubits (about 1516 metres) round an inhabited place, forming the limit within which it is permitted to walk on Sabbath (v. Er. 42a).

(18) I.e., in an area adjacent to neither of the two towns, in the meaning of the decree.

(19) Towns in Galilee near Tiberias.

(20) These Rabbis were thus qualified to deal with the imposition of fines some 100 years after the Destruction; how then can R. Isaac b. Abdimi say that cases of fines ceased to be dealt with 40 years before the Destruction?

(21) Deut. XVII, 10.

(22) Capital cases were only dealt with by any court of 23 while the Sanhedrin sat in the Hewn-Stone Chamber of the Temple: the abandoning of their seat therefore meant the cessation of judging capital cases. V. Sanh. (Sonc, ed.) p. 267, n. 7.

(23) [Read with MS.M.: R. Jose b. Halafta.]

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taught: Persian rule lasted thirty-four years after the building of the Temple, Greece ruled one hundred eighty years during the existence of the Temple, the Hasmonean rule lasted one hundred three years during temple times, the House of Herod ruled one hundred three years. Thence onward, one should go on counting the years as from the Destruction of the Temple. Hence we see that it was two hundred six years,¹ yet you say one hundred eighty years! — But for twenty six years the Romans kept faith with Israel² and did not subdue them, and therefore those years are not reckoned in the period during which Rome cast her dominion over Israel.

Said R. Papa, if a³ Tanna is uncertain about the minor figures [of any year] let him ask a notary what year it is according to his reckoning and add twenty thereto; he will then find his solution.⁴ As a mnemonic sign take the verse, Thus I have been twenty years in Thy house.⁵

If on the other hand a notary is uncertain, let him ask a Tanna what the year is according to his reckoning and deduct therefrom twenty years and he will find his solution.⁶ As a mnemonic [memorise] 'The Scribe is sparing the Tanna is redundant.'⁷

The Tanna debe Eliyyahu taught.⁸ The world is to exist six thousand years; the first two thousand years are to be void;⁹ the next two thousand years are the period of the Torah, and the following two thousand years are the period of the Messiah. Through our many sins a number of these have already passed [and the Messiah is not yet].

From when are the two thousand years of the Torah to be reckoned? Shall we say from the Giving of the Torah at Sinai? In that case, you will find that there are not quite two thousand years from then till now [i.e., the year four thousand after the Creation], for if you compute the years [from the Creation to the Giving of the Torah] you will find that they comprise two thousand and a part of the third thousand;¹⁰ the period is therefore to be reckoned from the time when Abraham and Sarah had gotten souls in Haran¹¹ for we have it as a tradition that Abraham was at that time fifty-two years old. Now, to what extent does our Tanna encroach [on the other thousand]? Four hundred and forty-eight years! Calculate it and you will find that from the time when they had gotten souls in Haran till the giving of the Torah there are just four hundred and forty-eight years.¹²

Said R. Papa: If the Tanna¹³ does not know the exact number of years [of the period of the

Messiah] that have passed let him ask a notary what year he uses in his writings, and on adding forty-eight to it he will find his solution.¹⁴ As a mnemonic

(1) Before the destruction, i.e., at the end of the Greek dominion, that Rome began, to extend her dominion.

(2) V. p. 40.

(3) So D.S., a.l.

(4) The Eras in use among Jews in Talmudic Times are: (a) ERA OF CONTRACTS , **urya ihbn** dating from the year 380 before the Destruction of the Second Temple (312-1 B.C.E.) when, at the Battle of Gaza, Seleucus Nicator, one of the followers of Alexander the Great, gained dominion over Palestine. It is also termed Seleucid or Greek Era **ohbuh ihbn**. Its designation as Alexandrian Era connecting it with Alexander the Great (Maim. Yad, Gerushin 1, 27) is an anachronism, since Alexander died in 323 B.C.E. — eleven years before this Era began (v. E. Mahler, Handbuch der jüdischen Chronologie, p. 145). This Era, which is first mentioned in Mac. I, 10, and was used by notaries or scribes for dating all civil contracts, was generally in vogue in eastern countries till the 16th cent, and was employed even in the 19th cent, among the Jews of Yemen, in South Arabia (Eben Saphir, Lyck, 1866, p. 62b). (b) THE ERA OF THE DESTRUCTION (of the Second Temple) , **hcv icrj k** the year 1 of which corresponds to 381 of the Seleucid Era, and 69-70 of the Christian Era. This Era was mainly employed by the Rabbis and was in use in Palestine for several centuries, and even in the later Middle Ages documents were dated by it. One of the recently discovered Genizah documents bears the date 13 Tammuz 987 after the Destruction of the Temple — i.e. 917 C.E. — (Op. cit. p. 152, also Marmorstein ZDMG, Vol. VI, p. 640). The difference between the two Eras as far as the tens and units are concerned is thus 20. If therefore a Tanna, say in the year 156 Era of Dest. (225 C.E.), while remembering, naturally, the century, is uncertain about the tens and units, he should ask the notary what year it is according to his — Seleucid — era. He will get the answer 536 (156 + 380), on adding 20 to which he would get 556, the last two figures giving him the year [1] 56 of the Era of Destruction.

(5) Gen. XXXI 41.

(6) If in the same year, (225 C.E.) — 536 Seleucid Era — the Scribe, remembering that he is in the 6th century is uncertain as to the exact number of the year to be used by him, he will ascertain from the Tanna that it is the year 156 E. of D., and on subtracting 20 will get 136, the last two figures of which give him the tens and units of his year [5] 36.

(7) I.e., in regard to the use of vowel letters the Scribe (of Biblical scrolls) frequently employing the scriptio defectiva, where the Tanna uses the scriptio pleno. Thus, the Scribe has to deduct from, the Rabbi to add to, the given number.

(8) V. p. 22, n. 10.

(9) I.e., without possessing the Divine Law.

(10) The exact number is 2,448 years which is arrived at as follows (v. Gen. Chap. V and XI): Age of Adam at birth of Seth 130 years From birth of Seth to birth of Enosh 105 " " " Enosh " " " Kenan . . 90 " " " Kenan " " Mahalalel . 70 " " " Mahalalel " " Jared . . 65 " " " Jared " " " Enoch . . 162 " " " Enoch " " " Methuselah . 65 " " " Methuselah " " " Lamech . 187 " " " Lamech " " " Noah . . 182 " Period from Adam to Noah 1,056 years Age of Noah at birth of Shem (allowing 2 years from birth of Japhet, Noah's eldest son) . . . 502 years From birth of Shem to birth of Arpachshad 100 " " " Arpachshad " " " Shelah . 35 " " " Shelah " " " Eber . . 30 " " " Eber " " " Peleg . . 34 " " " Peleg " " " Re'u . . 30 " " " Re'u " " " Serug . . 32 " " " Serug " " " Nahor . 30 " " " Nahor " " " Terah . . 29 " " " Terah " " " Abraham . 70 " Period from Noah to Abraham 892 " Age of Abraham at birth of Isaac . . . 100 years From birth of Isaac to birth of Jacob . . . 60 " Age of Jacob on arriving in Egypt . . . 130 " Israelites' sojourn in Egypt . . . 210 " Period from birth of Abraham to Exodus from Egypt 500 " Period from Creation to Exodus and Giving of the Law at Sinai 2,448 years

(11) Gen. XII, 5. These words are taken by the Targum and other Rabbinic commentators to refer to the heathen

men and women whom Abraham and Sarah respectively gained for the worship of God.

(12) The birth of Abraham was, as given above, in the year of Creation 1948 (1,056 + 892); add thereto the fifty-two years that passed till his proselytising activity and you get exactly 2,000, i.e. 448 years before the Giving of the Torah.

(13) Who said before that a number of these have already passed', etc.

(14) As the notary uses the Seleucid Era, the year 1 of which corresponds to 380 before the Destruction, and as the year 4,000 of Creation corresponds to 172 after the Destruction, the difference between the two eras is 552 (380 + 172), which 48 would bring up to even hundreds.

Talmud - Mas. Avodah Zarah 9b

take the phrase, Forty-eight cities.¹ If, on the other hand, the notary is uncertain as to his number, let him ask the Tanna how many he counts and deduct therefrom forty-eight and he will find his solution. As a mnemonic, take the phrase, 'The Scribe is sparing, the Tanna is redundant.'²

Said R. Huna the son of R. Joshua: If one does not know what the year is in the Sabbatical cycle of seven years,³ let him add one year [to that in the era of the Destruction] and let him put aside the hundreds as Jubilee Cycles and convert the remainder into Sabbatical Cycles [of seven years each] after adding thereto two years for every complete century; what is left over will give him the number of the given year in the current Sabbatical Cycle. As a mnemonical sign [for adding two years for every century, think of the verse]. For these two years hath the famine been in the land.⁴

Said R. Hanina:⁵ From the year four hundred after the destruction onwards, if one says unto you. 'Buy a field that is worth one thousand denarii for one denar' — do not buy it.⁶ In a Baraita it is taught: From the year four thousand two hundred and thirty-one of the Creation of the World onward, if one says unto you. 'Buy thee a field that is worth a thousand denarii for one denar,' do not buy it. What difference is there between these two [given periods]? — There is a difference of three years between them, the one of the Baraita being three years longer.⁷

There was [produced in court] a document which was dated

(1) Assigned to the Levites. Num. XXXV, 7.

(2) V. supra p. 43, n. 3.

(3) Scripture enjoins that every seventh year is to be kept as a Sabbatical Year, on which there is to be observed: (a) A land release, **ugere , yhna** the fields being allowed to lie fallow, and the produce of the vineyards and olive-yards left ungathered by the owner for his servants, the poor and the strangers, 'and what they leave the beast of the field shall eat' (Ex. XXV, 8 and Lev. XXV, 1, seq.). (b) Monetary release a **ohpxf , yhna** according to which all debts incurred were forfeited at the end of the Sabbatical Year (Deut. XV, 1, 2) a procedure which was modified by the institution of the Prosbul by Hillel the Elder. The Bible does not furnish any fixed data as to the year from which the Sabbatical Cycle is to be counted. There is, however, a talmudic tradition (Ta'an. 29a) that the Second Temple, as well as the First, was destroyed on the 9th of Ab in the year immediately following a Sabbatical Year. This means that the Sabbatical Cycle began on the year preceding the year 1 of the Era of Destruction. Some authorities, however, (Maim. Yad, Shemittoth X, 4) take the statement in Ta'an. to mean that the Destruction was on the Sabbatical Year itself, so that the Sabbatical Cycle is to begin with the year 1 of that Era. Another matter of

dispute is the fixing of the Jubilee Year, i.e. the year following the completion of seven Sabbatical Cycles, in which all slaves were freed and all real estates reverted to their hereditary owners (Lev. XXV, 10). According to the Rabbis (Ned. 61a and R.H. 8b-9a) the fiftieth year was excluded from the Sabbatical Cycles, so that it formed a 'blank' year after every seven cycles. But according to Rabbi Judah it formed both the Jubilee Year and the first of the next Sabbatical Cycle, so that these cycles followed on in uninterrupted succession. (It must be pointed out that the Jewish Encyclopedia in the article 'Sabbatical Year and Jubilee', Vol. X, p. 606, not only designates Rabbi Judah b. Il'ai wrongly as Rabbi Judah Hanasi, but his statement, too, is misrepresented to mean that the Jubilee Year is to be regarded as 'identical with the seventh Sabbatical Year'.) The rule given by R. Huna for computing the year of the Sabbatical Cycle is based on the opinion that (a) the Sabbatical Cycle began with the year preceding that of the Destruction, and (b) that, in accordance with R. Judah's view, the Jubilee Year did not interrupt the succession of Sabbatical Cycles. Applied to the present year, 1934 C.E. — 1865 E. of D. — this process would work out as follows: — $1865 + 1 = 1866$. Leaving aside hundreds take 66 and add thereto 2 for every 100: $66 + (18 \times 2) = 102$. Divide total by 7: $102 / 7 = 14$ (remainder 4). Thus the year 1934 is the 4th of the Sabbatical Cycle.

(4) Gen. XLV, 6.

(5) In the first generation of the third century.

(6) As the coming of the Messiah will then be imminent, when Israel will be rehabilitated in the Holy Land.

(7) The year 1 of Destruction is equal to 3828 of the Era of Creation (4000 — 172, v. p. 42, n. 7(b)); hence the period given by R. Hanina is 4228 (3828+400), while the one given in the Baraitha — 4231 — is three years later. This Baraitha is of particular importance on account of its allusion — the earliest on record and the only one in the Talmud — to the Era of the World (generally designated *Anna Mundi*) which is now in use by Jews well nigh universally. While familiar to the Rabbis of the Talmud, it is not known to have been used as an Era until long after the close of the Talmud (Azariah de Rossi, *Me'or 'Enayim*. Vienna, 1829, 152a). Among the earliest evidence of its use are epitaphs dating from 822 and 827 C.E. in the catacombs of Vnosa (Poznanski *Encyc. of Rel. and Eth.*, s.v. Calendar) also a Genizah scroll describing an incident as having occurred on the 3rd Shevat in the year 4772 A.M. (1012 C.E., J. Mann, *HUCA. Annual*, Voi. 111, 259). The attempt which had been made to ascribe the use of this Era to Sherirah Gaon in his famous Epistle, has been disproved (Poznanski *ZDMG*, LXVIII, 121). Likewise, an epitaph which the Karaite Firkowitz professed to have discovered in Crimea registering the Era of the World in 151 B.C.E. has been pronounced as spurious by Harkavy (*Altjudische Denkmaeler*, p. 161). Solomon Ibn Verga's **vsivh yca** contains a description of the Yom-Kippur Service in the Temple by the Roman Consul Marcus in which mention is made of the Era of the World **vrhmk l fu l f , ba** (Amst. 1709, p. 52b); but 'That description is a late forgery' (Buchler). Dr. F. C. Ewald (*Aboda Zara Nurnberg*, 1856, p. 68, note) suggests that it was early in the 10th century that the Jews, who were mostly settled in Spain, on dispensing with the Seleucid Era, adopted the A.M. for fear of being compelled to use the Christian era, but this suggestion lacks historical basis. Much better founded is the assertion of Mahler (*op. cit.* 158) that the C.E., which came into general use in France and Germany in the 10th century, found its way into Spain about two centuries later, and that it was about that time and for that reason that the Era of Creation gained general currency among the Jews. In computing this conventional Era, a number of uncertainties have, naturally, to be compromised (see *Jewish Encyclopedia*. Vol. IV, p. 68). To convert any given year from A.M. into C.E. — apart from the thousands — 240 is to be added; thus, the present year A.M. 5694 plus 240 gives [1]934 C.E. To convert from C.E. into A.M. add 3760: thus, $1934 + 3760 = 5694$.

Talmud - Mas. Avodah Zarah 10a

six years ahead.¹ The Rabbis who were sitting before Raba were of opinion that it should be pronounced a post-dated document, which is to be deferred and not executed until the date which

it bears. Whereupon R. Nahman said: This document must have been written by a scribe who was very particular and took into account the six years of the Greek Reign in Elam which we do not reckon. The dating is therefore correct, for we have learnt: Rabbi Jose said, Six years did the Greeks reign in Elam and thereafter their dominion extended universally.

R. Aha b. Jacob then put this question: How do we know that our Era [of Documents] is connected with the Kingdom of Greece at all? Why not say that it is reckoned from the Exodus from Egypt, omitting the first thousand years and giving the years of the next thousand?² In that case, the document is really post-dated! — Said R. Nahman: In the Diaspora the Greek Era alone is used. He [the questioner] thought that R. Nahman wanted to dispose of him anyhow, but when he went and studied it thoroughly he found that it is indeed taught [in a Baraita]: In the Diaspora the Greek Era alone is used.

Said Rabina: Our Mishnah also proves this, for we learn,³ ‘The first of Nisan is New Year for reckoning [the reign of] kings⁴ and of Festivals,’ and to the question ‘The reign of kings’, what is the practical object of this law? R. Hisda replied: [It affects] the dating of documents.⁵ Now, the same Mishnah says. ‘The first of Tishri is New Year for [counting] years and sabbatical cycles’⁶ and when it was asked: ‘What practical significance has this ruling?’ R. Hisda [again] replied: [It affects the dating of] documents.⁷ [The question was then raised:] Is not this rule of dating documents self-contradictory?⁸ And the answer given was: ‘The one refers to Jewish kings, the other to kings of Gentile nations — the year of Gentile kings being counted from Tishri, and of Jewish kings from Nisan.’ Now, in the present time we count the years from Tishri; were we then to say that our Era is connected with the Exodus it is surely from Nisan that we ought to count.⁹ Does this not prove that our reckoning is based on the reign of the Greek kings [and not on the Exodus]? That indeed proves it.

THE ANNIVERSARY OF THE GENOSIA [ACCESSION] OF HEATHEN KINGS etc.

What is meant by GENOSIA OF HEATHEN KINGS? — Said Rab Judah: It is the day on which the king is raised [to the throne]. But has it not been taught [elsewhere] ‘The day of Genosia and the day of the king's accession’?¹⁰ — There is no difficulty there; the one term indicates the king's own accession, the other that of his son.¹¹ But do [the Romans]¹² ever appoint a king's son as king? Did not R. Joseph apply [the following verse to Rome]: Behold I made thee small among the nations¹³ — in that they do not place the son of a king on the royal throne, — thou art greatly despised¹⁴ — in that they do not possess a tongue or script?¹⁵ What then does GENOSIA mean? — [The King's] birthday. But we learn [elsewhere] ‘The Genosia and the birthday.’ That, too, is no contradiction. The one refers to the king's own birthday, the other to that of his son. But we have also the wording: ‘The king's Genosia and his son's Genosia, his own birthday and his son's birthday’! Then [as said previously] Genosia means indeed the day of the King's accession. but there is no difficulty [raised by the mention of both terms], the one applying to his own accession, the other to that of his son; and as to your question about their not appointing a king's son as king, such appointment would be made at the [king's] request, as was the case with Asverus the son of Antoninus¹⁶ who reigned [in his father's place].

Antoninus once said to Rabbi: It is my desire that my son Asverus should reign instead of me

and that Tiberias¹⁷ should be declared a Colony.¹⁸ Were I to ask one of these things it would be granted while both would not be granted.¹⁹ Rabbi thereupon brought a man, and having made him ride on the shoulders of another, handed him a dove bidding the one who carried him to order the one on his shoulders to liberate it. The Emperor perceived this to mean that he was advised to ask [of the Senate] to appoint his son Asverus to reign in his stead, and that subsequently he might get Asverus to make Tiberias a free Colony.

[On another occasion] Antoninus mentioned to him that some prominent Romans were annoying him. Rabbi thereupon took him into the garden and, in his presence, picked some radishes, one at a time. Said [the Emperor to himself] his advice to me is: Do away with them one at a time, but do not attack all of them at once.

(1) Its date was six years later than the time when it was claimed to be due e.g. 516 instead of 510 (Seleucid Era).

(2) The Era of Documents, as explained above, (p. 42, n. 7) dates from the dominion of Seleucus which was established in the year 380 before the Destruction. Now, the Exodus occurred in the year 1380 before the Destruction, thus: — Exodus to building of 1st Temple...480 years Existence of 1st Temple 410 " Babylonian Exile 70 " Existence of 2nd Temple 420 " Period from Exodus to Destruction of 2nd Temple 1380 years The Exodus was therefore just one thousand years earlier than the Seleucid Conquest, so that the year, say, 510 Era of Contract would be 1510 from the Exodus. R. Aha therefore submits that the year of Contracts may have as its starting point not the Seleucid Conquest but the Exodus, with the omission of the thousand; the year, say, 310 would not mean 310 years after the Sel Con. but [1]310 after the Exodus.

(3) R. H. 2a.

(4) The reign of a Jewish King was always reckoned from Nisan, so that even if it began in the preceding month, it would be in its second year in Nisan.

(5) The year given in dating legal documents was that of the reign of the present king.

(6) V. above note.

(7) For the purpose of dating documents Tishri is to be regarded as the beginning of the year.

(8) According to the early part of the Mishnah the year should begin with Nisan, while in the latter part it is said to begin with Tishri.

(9) Since the Exodus occurred in Nisan.

(10) Which proves that the two are not identical.

(11) When raised to the throne at the father's wish in his own lifetime.

(12) Whose kings do not reign by hereditary right but are elected.

(13) Obad. I, 2.

(14) Ibid.

(15) [Greek remained the spoken and written language throughout the East even after the establishment of the Eastern Roman Empire, to which the allusion here is made, v. Obermeyer, op. cit. 263]

(16) The bearers of the names given here have been variously identified. S. J. Rappaport **ihkn lrg** s.v. **xurhuxt xbhbuybt**) is of opinion that our Antoninus is Antoninus Pius (138-161) and that Asverus is his adopted son Marcus Aurelius (161-180), who was also called Annius Verus — here contracted into A-S-Verus. According to Jast, however, (Allgem. Gesch. des Isr. Volkes, Berlin 1832, II, 129 and Gesch. d. Israeliten IV, 88 seq.) our Ant. is Caracalla (211-217) and Asverus is his son Alexander Severus (222-235). Z. Frankel **vbanv lfrs** (Warsaw, 1923, 203) identifies Ant. with Lucius Verius Antoninus who was co-regent with Marcus Aurelius and is reputed to have issued decrees favourable to Jews. Differing from all the foregoing authorities, Graetz (Geschichte, Vol. IV, pp. 450ff). claiming the support of Origen's Epistola ad Africanum,

asserts that Ant. is none other than Alexander Severus who was surnamed Antoninus in the East, and that the 'Rabbi' who is associated with Ant. in the narratives that follow here and in many others is not R. Judah I but his grandson R. Judah II who flourished near the middle of the 3rd century. That he, too, was sometimes called by the title Rabbi alone is, indeed, borne out by the phrase in the Mishnah (infra 35b) 'Rabbi and his court' which is taken to refer to R. Judah II.

(17) In Galilee whither the Sanhedrin was transferred by R. Judah II.

(18) So that its inhabitants should be raised to the rank of libertines — evidently intended as a tribute of regard to Rabbi.

(19) The Emperor was seeking Rabbi's guidance without openly taking counsel with an outsider on matters of state. Rabbi, likewise, would not commit himself to more than offering his advice by mere insinuation.

Talmud - Mas. Avodah Zarah 10b

But why did he not speak explicitly? — He thought his words might reach the ears of those prominent Romans who would persecute him. Why then did he not say it in a whisper? — Because it is written: For a bird of the air shall carry the voice.¹

The Emperor had a daughter named Gilla who committed a sin,² so he sent to Rabbi a rocket-herb,³ and Rabbi in return sent him coriander.⁴ The Emperor then sent some leeks⁵ and he sent lettuce in return.⁶ Many a time⁷ Antoninus sent Rabbi gold-dust in a leather bag filled with wheat at the top, saying [to his servants]: 'Carry the wheat to Rabbi!' Rabbi sent word to say. 'I need it not, I have quite enough of my own', and Antoninus answered: 'Leave it then to those who will come after thee that they might give it to those who will come after me, for thy descendants and those who will follow them will hand it over to them.'⁸

Antoninus⁹ had a cave which led from his house to the house of Rabbi. Every time⁷ [he visited Rabbi] he brought two slaves, one of whom he slew at the door of Rabbi's house and the other [who had been left behind] was killed at the door of his own house.¹⁰ Said Antoninus to Rabbi: When I call let none be found with thee. One day he found R. Haninah b. Hama sitting there, so he said: 'Did I not tell thee no man should be found with thee at the time when I call?' And Rabbi replied. 'This is not an [ordinary] human being.' 'Then', said Antoninus, 'let him tell that servant who is sleeping outside the door to rise and come in.' R. Haninah b. Hama thereupon went out but found that the man had been slain. Thought he, 'How shall I act now? Shall I call and say that the man is dead? — but one should not bring a sad report; shall I leave him and walk away? — that would be slighting the king.' So he prayed for mercy for the man and he was restored to life. He then sent him in. Said Antoninus: 'I am well aware that the least one among you can bring the dead to life, still when I call let no one be found with thee.' Every time [he called] he used to attend on Rabbi and wait on him with food or drink. When Rabbi wanted to get on his bed Antoninus crouched in front of it saying. 'Get on to your bed by stepping on me.' Rabbi, however, said, 'It is not the proper thing to treat a king so slightly.' Whereupon Antoninus said: 'Would that I served as a mattress unto thee in the world to come!' Once he asked him: 'Shall I enter the world to come?' 'Yes!' said Rabbi. 'But,' said Antoninus, 'is it not written, There will be no remnant to the house of Esau?'¹¹ 'That,' he replied, 'applies only to those whose evil deeds are like to those of Esau.' We have learnt likewise: There will be no remnant to the House of Esau, might have been taken to apply to all, therefore Scripture says distinctly — To the

house of Esau, so as to make it apply only to those who act as Esau did. 'But', said Antonius, is it not also written: There [in the nether world] is Edom, her kings, and all her princes.'¹² 'There, too,' Rabbi explained, '[it says:] 'her kings', it does not say all her kings; 'all her princes', but not all her officers!

This is indeed what has been taught: 'Her kings' but not all her kings; 'all her princes', but not all her officers; 'Her kings', but not all her kings — excludes Antoninus the son of Asverus; 'all her princes'. but not all her officers — excludes Ketiah the son of Shalom.

What about this Ketiah b. Shalom? — There was once a Caesar who hated the Jews. One day he said to the prominent members of the government. 'If one has a wart¹³ on his foot, shall he cut it away and live [in comfort] or leave it on and suffer discomfort?' To which they replied: 'He should cut it away and live in comfort'. Then Ketiah b. Shalom addressed them thus: 'In the first place, you cannot do away with all of them, for it is written, For I have spread you abroad as the four winds of the heaven.¹⁴ Now, what does this verse indicate? Were it to mean that [Israel] was to be scattered to the four corners of the world, then instead of saying, as the four winds, the verse would have said, to the four winds? It can only mean that just as the world cannot exist without winds, so the world cannot exist without Israel. And what is more, your kingdom will be called a crippled kingdom.' To this the king replied: 'You have spoken very well; however, he who contradicts the king is to be cast into a circular furnace'.¹⁵ On his being held and led away, a Roman matron said of him: 'Pity the ship that sails [towards the harbour] without paying the tax'.¹⁶ Then, throwing himself on his foreskin he cut it away exclaiming: 'Thou hast paid the tax thou wilt pass and enter [paradise]'. As he was being cast [into the furnace] he said: 'All my possessions [are to go to] R. Akiba and his friends'. This, R. Akiba interpreted according to the verse, And it shall be unto Aaron and his sons¹⁷ [which is taken to mean that] one half is Aaron's and one half his sons'. A bath-kol¹⁸ then exclaimed: 'Ketiah b. Shalom is destined for [eternal] life in the world to come!' Rabbi [on hearing of it] wept saying: 'One may acquire eternity in a single hour, another may acquire it after many years!'

Antoninus attended on Rabbi: Artabai¹⁹ attended on Rab. When Antoninus died, Rabbi exclaimed: The bond is snapped! [So also] when Artaban died, Rab exclaimed:

(1) Eccl. X, 20.

(2) Presumably adultery.

(3) The Aramaic for which is **tkhdrd** Gargilla, which may be divided into the two words: Gar-Gilla, meaning 'Gilla has gone astray.' Editions give the name of the daughter as Gira and of the herb Gargira **trhdrd** by which the meaning is unchanged; Kohut ('Aruch II, 343) prefers the version given here which is found in the best MSS.

(4) In Aram. **t, rcxuf** Kusbarta mod. Greek **, divisible into the two words **xuf** kus which has a treble meaning (a) Reprove — the verse in Proverbs . **k j fu, kt** Reprove not the fool lest he hate thee being rendered by Targ. **tbehnk xufh, tk** (b) Cover over — cf. Prov. X, 12 **vcvt vxf, ohgap kf kg** love covereth all sins (c) Slay, as in Hul. 37b **xuf** slay; ib. 15a **xufk hutr** fit for slaughter. **t, rc** daughter. The message could therefore be taken to mean: 'Reprove' or 'Forgive' or 'Slay the daughter.'

(5) Aram. **h, rf** Karethi, which also means 'cut-off.'

(6) In Aram **txj**, hasa, which also means ‘compassion’. This clandestine correspondence, deciphered, reads as follows: ‘My daughter has gone astray.’ — ‘Reprove her (or overlook it, or slay her)’ — ‘Shall she be cut off?’ — ‘No, have compassion.’

(7) Lit., ‘Everyday’.

(8) An ironical allusion to the Jews always having to purchase their freedom with gold from their Roman masters.

(9) Dr. L. Ginzberg's comments on the conversations between Ant. and Rabbi reported here are as follows (J.E.I, 656): ‘Jewish folklore loved to personify the relations of Judaism with heathendom in the guise of conversations between Jewish sages and heathen potentates. Legend has many details concerning the personal relations between the two . . . It appears that, owing to political circumstances, the exchange of views between these friends was attended with positive danger although it was arranged that there should be no third person when A. visits R. . . The friends were also compelled to have recourse to a species of sign language.’

(10) So that the visits should not be reported. Tosaf, suggests that the slaves employed for that purpose were traitors who had incurred capital punishment.

(11) Obad. I, 18.

(12) Ex. XXXII, 29.

(13) Editions have **tnhb** but Mss give **unub** ** nome, a sore, wart, v. ‘Aruch s.v. **ob**. To regard the Jewish subjects of the State as an irritating appendage of the body politic is characteristic of the Roman attitude to alien races who were unwilling to merge their identity. In complete contrast to this is the emphatic and repeated scriptural injunction to love the stranger and to accord him equal rights and treatment (v. Lev. XIX, 33 etc.).

(14) Zech. II, 10.

(15) **thbune**, a furnace, pottery kiln, to which K. was consigned.

(16) In order to make sure of entering the harbour the tax should be paid. Probably an allusion to the Roman custom of placing a coin in the mouth of the corpse as a kind of passage-money to the other world. Rashi: K., who was laying down his life for the sake of Israel, was going to the hereafter without having conformed to the Jewish rite of circumcision. This Roman matron's assertion, that Paradise would be closed to the uncircumcised, did not express the Jewish view which is that ‘The pious of all nations have a portion in the world to come.’ Tosef. San. XIII. **tcv okugk ekj ovk ah okugv , unut hshxj** .

(17) . Ex. XXIX, 28. The bequest is to be interpreted in the same manner; half the property being assigned to Rab and the other half to his friends.

(18) A heavenly voice; v. Glos.

(19) Artaban IV, Parthian King, a contemporary of Marcus Aurelius and of his son Ant. Comodus, who is reported to have sent a gift to Rabbi **t, hkdrn hcrk j ka icyrt** (J. Pes. I) and was an intimate friend of Rab. [Graetz, Geschichte, IV, p. 257, n. 1, rightly maintains that in the latter the reading ‘Rabbi’ is erroneously given instead of Rab.]

Talmud - Mas. Avodah Zarah 11a

The bond is snapped!

[When] Onkelos¹ the son of Kalonymus became a proselyte, the Emperor sent a contingent of Roman [soldiers] after him,² but he enticed them by [citing] scriptural verses and they became converted to Judaism. Thereupon, the Emperor sent another Roman cohort after him, bidding them not to say anything to him. As they were about to take him away with them, he said to them: ‘Let me tell you just an ordinary thing: [In a procession] the torchlighter carries the light in front of the torchbearer,³ the torchbearer in front of the leader, the leader in front of the governor, the

governor in front of the chief officer; but does the chief officer carry the light in front of the people [that follow]?' 'No!' they replied. Said he: 'Yet the Holy One, blessed be He, does carry the light before Israel, for Scripture says. And the Lord went before them . . . in a pillar of fire to give them light.'⁴ Then they, too, became converted. Again he sent another cohort ordering them not to enter into any conversation whatever with him. So they took hold of him; and as they were walking on he saw the mezuzah⁵ which was fixed on the door-frame and he placed his hand on it saying to them: 'Now what is this?' and they replied: 'You tell us then.' Said he, 'According to universal custom, the mortal king dwells within, and his servants keep guard on him without; but [in the case of] the Holy One, blessed be He, it is His servants who dwell within whilst He keeps guard on them from without; as it is said: The Lord shall guard thy going out and thy coming in from this time forth and for evermore.'⁶ Then they, too, were converted to Judaism. He sent for him no more.

And the Lord said to her: Two nations [Goyim] are in thy womb.⁷ Said Rab Judah in the name of Rab: Read not Goyim⁸ [nations] but Ge'im [lords].⁹ This refers to Antoninus and Rabbi¹⁰ from whose table neither lettuce, nor radish nor cucumber was ever absent either in summer or winter; and, as a master has said: Radish helps the food to dissolve, lettuce helps the food to be digested, cucumber makes the intestines expand. But was it not taught in the school of R. Ishmael that cucumbers are called Kishshuin¹¹ because they are as hard and as injurious to the body as swords? — There is no contradiction here: that was said of large ones, but our reference is to small ones.

THE BIRTHDAY AND ANNIVERSARIES OF KINGS DEATHS. [THIS IS R. MEIR'S OPINION. THE SAGES SAY IDOLATRY ONLY OCCURS AT A DEATH AT WHICH BURNING OF ARTICLES TAKES PLACE.] This implies that R. Meir is of opinion that at every death, whether there is burning of articles or there is no burning, idol-worship takes place — consequently, the burning of articles is not an [idolatrous] cult. From which is to be inferred that the Rabbis¹² hold that burning [of articles at a funeral] is an [idolatrous] cult; what then of the following which has been taught: The burning of articles at a king's [funeral] is permitted and there is nothing of Amorite usage about it?¹³ Now if it is a cult of idolatry how could such burning be allowed? Is it not written, and in their statutes ye shall not walk?¹⁴ — Hence, all agree¹⁵ that burning is not an idolatrous cult and is merely a mark of high esteem [for the deceased]; where they differ is this: R. Meir holds that at every death, whether burning of articles takes place or does not take place, there is idol-worship; but the Rabbis hold that a death at which burning takes place is regarded as important and is marked by idol-worship, but one at which no burning takes place is unimportant and is not marked by idol-worship.

[To return to] the main text.¹⁶ 'The burning of articles at a king's [funeral] is permitted and there is nothing of Amorite usage about it,' as it is said, Thou shalt die in peace and with burnings of thy fathers, the former kings that were before thee, so shall they make a burning for thee.¹⁷ And just as it is permitted to burn at the [funerals] of kings so it is permitted to burn in the case of princes. What is it that may be burnt in the case of kings? — Their beds and articles that were in use by them. In the instance of the death of R. Gamaliel the elder, Onkelos the proselyte¹⁸ burnt after him seventy Tyrian manehs.¹⁹ But did you not say that only articles in use by them could be burnt?²⁰ — What is meant is [articles] 'to the value of seventy Tyrian manehs.' May other things then not be burned? Yet it has been taught: It is permitted to mutilate [an animal] at royal funerals

and there is nothing of Amorite usage about it!²¹ — Said R. Papa [that refers to] the horse on which he rode.²² Are clean animals then not to be included? Yet it has been taught, Mutilation which renders the animal trefa²³ is forbidden, but such as does not render it trefa is permitted; what kind of mutilation does not render it trefa?

(1) Git. 56b, where a fuller story of his conversion is given, has 'Onkelos son of Kolonikos son of Titus's sister'. He is often confused with the other proselyte, Aquila, v. Kohut, op. cit., Vol. I, 158 and references given there. For discussion of the identity of Onk. see A. E. Silverstone 'Aquila and Onkelos'.

(2) To arrest him.

(3) **truhphp**. . . **truhphb** Lexicographers differ about the origin and exact meaning. They are obviously those of dignitaries arranged in ascendant order of rank. The above rendering is based chiefly on Kohut, op. cit. s. vv.

(4) Ex. XIII, 21.

(5) The mezuzah whereby the words of God are written on the door-post of every Jewish home (Deut. VI, 9) is meant to remind the occupants, on entering their home and on leaving it to go into the world without, of God's constant watchfulness and guardianship.

(6) Ps. CXXI, 8.

(7) Gen. XXV, 23, the words were spoken to Rebecca before the birth of her two sons, Jacob and Esau.

(8) **ohud**

(9) Plural of **thd** lofty, lord, ruler.

(10) The respective descendants of Jacob — Israel, and Esau — Rome.

(11) **ihtuahe** from root **vae** hard.

(12) I.e., the Sages who oppose R. Meir in our Mishnah.

(13) Sanh. 52b, Tos. Shab. VIII.

(14) Lev. XVIII, 3.

(15) Both R. Meir and the Rabbis.

(16) Tosef. Shab. VIII, 9. Tos. Sanh. IV.

(17) Jer. XXXIV, 5. Spoken to King Zedekiah.

(18) V. supra.

(19) 1 maneh of Tyrian weight equals 25 sela's, v. Glos.

(20) Yet from the wording here used it would appear that the coins were burned.

(21) Tosef. Shab. ibid. Hence the articles mentioned above are not exclusive.

(22) Which comes under the category of articles in use by him.

(23) Unfit for use as food, v. supra. p. 23, n. 8.

Talmud - Mas. Avodah Zarah 11b

Trimming the tendons of its hoofs from the ankle downward!¹ — This was explained by R. Papa to refer to a calf [employed for] drawing the royal coach.

THE DAY OF SHAVING THE BEARD, etc.

The question was asked: What does it mean — the day of [the usual] shaving of one's beard when the lock of hair is left, or the [annual] shaving of the beard when the lock of hair is removed? — Come and hear: Both are taught distinctly: [In one Baraita it is said]: The day of

shaving one's beard when one's lock of hair is left; [in another it is said:] The day of shaving one's hair and of removing one's lock of hair.

Said Rab Judah in the name of Samuel: They have yet another festival in Rome [which occurs] once every seventy years. Then a healthy man is brought and made to ride on a lame man; he is dressed in the attire of Adam,² on his head is placed the scalp of R. Ishmael,³ and on his neck are hung pieces of fine gold to the weight of four zuzim,⁴ the market places [through which these pass] are paved with onyx stones, and the proclamation is made before him: 'The reckoning of the ruler is wrong. The brother of our lord, the impostor! Let him who will see it see it; he who will not see it now will never see it. Of what avail is the treason to the traitor or deceit to the deceiver!'; and they concluded thus: Woe unto the one when the other will arise.'⁵ Said R. Ashi: the wording [of the proclamation] defeats their object.⁶ Had they said 'Our lord's brother the impostor', it would have accorded with their intention, but when they say⁶ The brother of our lord, the impostor, it may be taken to mean that it is their lord himself who is the impostor. And why does not our Tanna include this [festivity in the preceding Mishnah?] — He only enumerates those which occur year by year, but does not mention such as are not annual ones. Those are the Roman [annual festivals]. Which are the Persian ones? — Mutardi, Turyaskai, Muharneikai, Muharin.⁷ These then are those of the Romans and Persians, which are the Babylonian ones? — Muharneikai, Aknayata, Bahnani and the Tenth of Adar.⁸

Said R. Hanan b. Hisda in the name of Rab (some have it, 'Said R. Hanan b. Raba in the name of Rab'): There are five appointed Temples of idol-worship: they are: The Temple of Bel in Babel,⁹ The Temple of Nebo in Kursi,¹⁰ Tar'ata which is in Mapug.¹¹ Zerifa which is in Askelon,¹² and Nishtra which is in Arabia.¹³ When R. Dimi came¹⁴ he said that to these had been added the market-place¹⁵ [with the idol] in 'En-Beki and the Nidbakah of Acre [some call it Nitbara of Acre]¹⁶. R. Dimi of Nahardea gave these in the reversed order: The market place of Acre, the Nidbakah of 'En-Beki.

Said R. Hanan son of R. Hisda to R. Hisda: What is meant by saying that these [Temples] are 'appointed'? — He answered him: This is how your mother's father¹⁷ explained it, 'They are appointed permanently; regularly all the year round worship is taking place in them.'

Said Samuel: In the Diaspora¹⁸ it is only forbidden [to transact business with idolaters] on the actual festival days alone.¹⁹ And is it forbidden even on the actual days of the Festivals, did not Rab Judah declare it permissible to R. Bruna to buy wine and to R. Giddal to buy wheat on the Festival of the Travellers?²⁰ — The Festival of the Travellers is different, as it is not a fixed one.²¹

MISHNAH. WHEN AN IDOLATROUS [FESTIVAL] TAKES PLACE WITHIN A CITY IT IS PERMITTED [TO TRANSACT BUSINESS WITH HEATHEN] OUTSIDE IT; IF THE IDOLATROUS [FESTIVAL] TAKES PLACE OUTSIDE IT, [BUSINESS] IS PERMITTED WITHIN IT. HOW ABOUT GOING THERE? IF THE ROAD LEADS SOLELY TO THAT PLACE, IT IS FORBIDDEN;²² BUT IF ONE CAN GO BY IT TO ANY OTHER PLACE, IT IS PERMITTED.

GEMARA. What may be regarded as OUTSIDE IT? — Said R. Simeon b. Lakish, such as, for

example, the bazaar of Gaza.²³ Some report this as follows: R. Simeon b. Lakish asked of R. Hanina, How about the market-place of Gaza?²⁴ — He replied: Have you never gone to Tyre²⁵ and seen an Israelite and an idolater

(1) Tosef. *ibid.* This must refer to clean animals which are not generally employed for personal use of the King, which proves that burning is not confined to articles in use.

(2) In garments of skin (Gen. III, 21).

(3) Ishmael b. Simeon, one of the Ten Martyrs executed by order of Hadrian, who was flayed before his execution (v. Jellinek *Beth Hamidrash*, I, 64 and VI, 19).

(4) So **cegh ihg** also MSS. Editions have 'two hundred zuzim' — an error which evidently arose from mistaking the numeral letter **S** — 4 for **ר** — 200.

(5) The whole spectacle including the obscure proclamation is explained by Rashi to apply to Jacob, representing the Jews, here impersonated by the lame man (Gen. XXXII, 32 and he halted upon his thigh); and to Esau, representing Rome, impersonated by the healthy man; The reckoning which is pronounced as wrong alludes Jacob's prediction as to what would happen to his descendants at the end of days (Gen. XLIX, 1) the treason being an allusion to Jacob's deceitful gaining of the paternal blessing which was intended for Esau, and the concluding threat is a warning to Israel for whom the rising of Rome would be fraught with trouble. Quite a different interpretation is offered by Rapaport ('Erek Millin s.v. **lht**). According to him, Samuel here presents an account which reached him of one of the *Ludi Saeculares*, the spectacular carnivals and pompous pageants, of which altogether ten are known to Roman history. This one must have been arranged by the Roman Emperor Philippus, about 247 C.E., who introduced into the pageant the spectacle of a halting dancer ridden upon by a strong man. This was intended to satyrise and discredit P's rival, Decius, who pretended to be a friend and 'brother' of the Emperor, yet had accepted the crown which P. fondly hoped would be handed to his own son. The lame dancer with a larva, or kind of mask, tied at his neck (described by the Rabbi as R. Ishmael's scalp), thus impersonated Decius the treacherous 'ruler' whose plans and plottings are declared as wrong. The rider was impersonating Philippus. When he (or his son) rises woe betide his rival. The exclamation 'Let him who will see it etc.' alludes to the festivity which occurs but once in a lifetime. The fact that Samuel lived till 3 or 13 years after the date of this Game lends added feasibility to this interpretation.

(6) Lit., Their own mouth (i.e., words) causes them to stumble.

(7) **ihrvunu hebrvun hexhruyu hsryun** Names of idolatrous annual festivals. Kohut s.v. **hsrxn** cites a Responsum by R. Moses b. Isaac (Responsa of the Geonim ed. Harkavi, Vol. I, 22, ch. 46) where the names are given as follows: 1. **hsrxun** 2. **hbervun** 3. **hexthry** 4. **shrvn** stating that the first and third are no longer kept, but that the second takes place at the beginning of the summer and of the winter, while the last one is celebrated as New Moon, v. Brull's *Jahrbuch*, Vol. I, 168 and *Jeshurun*, ed. Kobak, Vol. VIII, 49 seq.

(8) Names of Chaldean Festivals.

(9) Capital of Chaldea, (Gen. XI, 9) called Babylon [The reference is to the Temple of Marduk]

(10) Nebo **ucb** an Assyro-Babylonian Deity regarded by some as the Chaldean Mercury, v. *Sanh.* 63a. Kursi is probably Gerasa where ruins of Temples have been discovered. [V. I. Borsip (Borsippa) the sister city of Babylon.]

(11) [Tar'ata, a Syrian deity in Mabus (Hieropolis) v. Perles, *Etym. Stud.* p. 100].

(12) Ashkelon, on the Mediterranean coast, v. *Josh.* XIII, 3 and *I Samuel* VI, 17, **tphrm** probably an adaptation of **tphra** the burning deity, Venus. [Or, Serapis, Kohut, *Aruch.*]

(13) An Arabian deity resembling an eagle Heb. **rab** Arab. *Nasr.*

(14) To Babylon from Palestine.

(15) **shrh**, yerid — a yearly fair accompanied by idol-worship. evidently identical with **vfcsh** *Nidbakah*. The two terms are indeed interchanged here in manuscripts. 'En-Bechi **hfc-ihg** assumed to be identical with

hfc-kgc Baalbek, a place between the Lebanon and Anti-Lebanon mountains, the Greek Heliopolis. Acre **ufg**; town on Phoenician shore at foot of Mt. Carmel; the 'Ummah **vng** of Josh. XIX, 30.

(16) The words in parenthesis are not found in the MS.M.

(17) [R. Hanan b. Raba, the son-in-law of Rab; v. Hyman, Toledoth. p. 517.]

(18) Since the Jews depend for their livelihood on heathens.

(19) V. supra 7b.

(20) [**tghy**, Tai, traveller, especially Bedouin merchants, the Tai being a name of an Arab tribe applied to all Bedouins, as a part to a whole. Obermeyer, Die Landschaft Babylonien, 234 renders it simply 'Festivals of the Tai', whose festivals were not determined by the calendar and consequently bore no religious character.]

(21) It cannot therefore be cited as a case for establishing a general rule.

(22) As he might be regarded as going to the celebration.

(23) A Philistine city on Mediterranean coast, S.E. of Jerusalem, inhabited by pagans. Its bazaar, though quite close to it, is considered 'outside it'.

(24) Being quite close to the city, should it be termed 'outside it' according to the Mishnah or not?

(25) A Phoenician city.

Talmud - Mas. Avodah Zarah 12a

placing two pots on the same stove? yet the Sages did not mind.¹

What is it that they did not mind?² Said Abaye: The possibility of eating 'flesh of nebelah:³ We are not to presume that while the Israelite turned his face, the heathen dropped some nebelah into his pot; as a parallel case, here too the Sages should not mind the possibility of receiving money of an idolater.⁴ Raba said, what the Sages did not mind there is the cooking by a heathen; the parallel being that here too, the Sages should not object to the transacting of business on account of the festivity.⁵ Rabbah b. 'Ulla said: What the Sages raised no objection to is only the splashing,⁶ the analogy to our case is [only] that the sages would not object to the period before the festivity.

WHAT ABOUT GOING THERE? etc.

Our Rabbis taught: It is forbidden to enter a city while idolatrous worship is taking place therein — or [to go] from there to another city; this is the opinion of R. Meir. But the Sages say, only when the road leads solely to that city is it forbidden; if however the road does not lead exclusively to that place it is permitted. If a splinter has got into his [foot] while in front of an idol, he should not bend down to get it out, because he may appear as bowing to the idol; but if not apparent⁷ it is permitted. If his coins got scattered in front of an idol he should not bend and pick them up, for he may be taken as bowing to the idol; but if not apparent it is permitted. If there is a spring flowing in front of an idol he should not bend down and drink, because he may appear to be bowing to the idol; but if not apparent it is permitted. One should not place one's mouth on the mouth of human figures, which act as water fountains in the cities, for the purpose of drinking; because he may seem as kissing the idolatrous figure. So also one should not place one's mouth on a water pipe and drink therefrom for fear of danger.⁸

What is meant by 'not being apparent' — Shall we say that he is not seen? Surely Rab Judah stated in the name of Rab that whatever the Sages prohibited merely because it may appear

objectionable to the public, is also forbidden in one's innermost chamber! — It can only mean that if [by bending] he will not appear as bowing to the idol.

And all [three instances given] are necessary. For if we were taught the case of the splinter only, [we would have thought that it is forbidden] because he can well walk away from the idol and take it out, but in the case of the coins where this could not be done, the prohibition does not apply. If, on the other hand, we were given the case of the coins only [we might say that the prohibition holds good] because only a loss of money is incurred, but in the case of the thorn, where pain is caused, the prohibition is not to be applied. Were we given both these instances, [we might still say that the prohibition applied to them] because there is no danger involved, but in the case of the spring where there is danger, for it may mean dying of thirst, we might say that the prohibition should be waived, hence all the instances are necessary.

(1) So also no objection need be raised against transacting business with the idolaters in the bazaar merely because of the festival held at Gaza in proximity to it.

(2) What kind of prohibition was disregarded in the case of Tyre, which might offer an analogy to our case?

(3) **VKCb**, flesh of any animal, even a clean one, which dies of itself, or which is not slaughtered in accordance with ritual law and is forbidden to a Jew.

(4) We are not to assume that the money paid by the heathen outside the city for the animal sold to him by the Jew, has been handed to him by an idolater within the city with the express order of procuring a sacrifice for the idolatrous festival. Ye shall not eat of anything that dieth of itself (Deut. XIV 21) being a scriptural injunction, the practice in Tyre may be taken as a parallel for waiving the scriptural prohibition, There shall cleave naught of the devoted thing to thy hand (Deut. XIII, 18) which is applied to things connected with idolatry (v, infra 64a). Thus, according to Abaye, even a possible transgression of a scriptural prohibition may be disregarded under the circumstances given here.

(5) Raba's contention is that in the case of Tyre there is no Scriptural prohibition involved at all. The possibility of eating forbidden flesh could not have occurred to the Sages, for there is no ground for suspecting the heathen of the offence of tampering with the Israelite's food. What did suggest itself to them is the possibility of the heathen, in the desire to oblige the Israelite, attending in the latter's absence to his cooking, in which case it would become food cooked by an idolater (**ou'fg lkuac**) which is prohibited by the Rabbis. This case may therefore only be cited as a parallel to transacting business with an idolater, on his festival, when he is dealing with his own money and not with that appertaining to idolatry — so that only a Rabbinic enactment is involved, in which case the proximity of the Bazaar of Gaza to the town might be overlooked.

(6) According to Rabbah b. 'Ulla the case of Tyre does not offer a parallel for disregarding even a Rabbinic prohibition. The possibility of cooking by heathen must here be excluded, this being applicable only to food cooked solely by idolaters without any intervention by the Jew, which is obviously not the case in this instance. All that the Sages could have suspected in that case is the 'splashing' of some of the contents of the heathen's pot into that of the Jew. This being but a light prohibition — as the small quantity of the Trefa liquid would become 'nullified' by the much larger quantity of the kasher one — and of rare occurrence, it can only be taken to offer a parallel to the transaction of business in the Bazaar of Gaza prior to, but not during, the idolatrous festival held within the city.

(7) This is explained presently.

(8) I.e., of swallowing an insect, etc. v. Tosef. A.Z., VII.

Talmud - Mas. Avodah Zarah 12b

Why then mention the instance of [placing one's mouth on the mouths of the] figures? — That is only because he wanted to teach the instance, which resembles it, of not placing one's mouth on the water-pipe to drink therefrom for fear of danger. What is the danger? — The swallowing of a leech.

Our Rabbis taught: One should not drink water either from rivers or from pools direct with his mouth or [by drawing the water] with the one hand;¹ if he drinks it, his blood shall be upon his head, for it is dangerous. What danger is there? That of [swallowing] a leech.

[This statement] supports R. Hanina: for R. Hanina said: For one who swallows a leech it is permissible to get water heated on the Sabbath.²

There was actually a case of one swallowing a leech, when R. Nehemiah declared it permissible to get water heated for him on the Sabbath. 'Meanwhile', said R. Huna son of R. Joshua, 'let him sip vinegar'. Said R. Idi b. Abin: One who has swallowed a wasp cannot possibly live. Let him however drink a quarter³ of strong vinegar; perhaps [by this means] he will live long enough to set his house in order.

Our Rabbis taught: One should not drink water in the night;⁴ if he does drink his blood is on his head, for it is dangerous. What danger is there? The danger of Shabriri.⁵ But if he be thirsty, how can he put things right? — If there is another person with him, he should wake him and say: 'I am athirst for water'. If not, let him knock with the lid on the jug and say to himself: 'Thou [giving his name] the son of [naming his mother], thy mother hath warned thee to guard thyself against Shabriri, briri, riri, iri, ri, which prevail in blind vessels.'⁶

MISHNAH. A CITY IN WHICH IDOLATRY IS TAKING PLACE, SOME OF ITS SHOPS BEING DECORATED WITH GARLANDS AND SOME NOT DECORATED⁷ — THIS WAS THE CASE WITH BETH-SHEAN,⁸ AND THE SAGES SAID: IN THE DECORATED ONES IT IS FORBIDDEN [TO BUY] BUT IN THE UNDECORATED ONES IT IS PERMITTED.⁹

GEMARA. Said R. Simeon b. Lakish: This only refers to [shops] decorated with garlands of roses and myrtle, so that he enjoys the odour,¹⁰ but if they are decorated with fruit, it is permissible [to buy in them]. The reason is this: Scripture says, There shall cleave naught of the devoted thing to thy hand¹¹; hence it is to derive an enjoyment that is forbidden

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- (1) The drawing of the water with one hand has to be done so rapidly that he would have no time to examine it.
 - (2) The biblical injunction ye shall kindle no fire throughout your habitation upon the Sabbath day (Ex. XXXV, 3) is to be waived in cases where danger to life is involved; hence the swallowing of a leech is regarded as dangerous.
 - (3) Of a Log.
 - (4) V. Pes. 112a, where the words 'either from streams or from pools' are added.
 - (5) **hrhrca** Aram. 'blindness'; v. Targum to Gen. XIX, 11. Generally taken as a contraction of the words **vhtr rcia** breaker of the eyesight. Kohut, s.v. **hrhrc** asserts that the correct reading is shab-khiri, Persian for night blindness. — 'A demon appointed over the affliction of blindness' (Rashi).
 - (6) So Kohut, who calls attention to the resemblance of this incantation against the demon of blindness to the amulet bearing the inscription Abracadabra reduced by one letter on each succeeding line till the last letter only

remains, and used by Romans as an antidote to the influence of evil spirits.

(7) The decoration signified that part of the proceeds in that shop is dedicated to idolatry.

(8) Place in Palestine south of Lake Gennesareth, v. Josh. XVII, 16 and, Judges I, 27. The modern Baisan.

(9) Tosaf. explains that we are here dealing with a market-day that is not a festival, to which the prohibition mentioned in the first Mishnah of this Tractate does not apply.

(10) Of articles which are usually strewn before the idols as part of the worship.

(11) Deut. XIII, 18.

Talmud - Mas. Avodah Zarah 13a

but to confer enjoyment [or profit] is permitted. But R. Johanan said: Even if they are decorated with fruit they are also forbidden, by an induction from the minor to the major, thus: if it is forbidden to enjoy [the odour of idolatrous articles] how much more so should it be forbidden to confer a benefit [which will be applied to such purpose]!

The following question was then asked: R. Nathan says: On the day when remission is made of the usual tax towards idolatrous purpose, the proclamation is made: 'Whosoever will take a wreath and put it on his head and on the head of his ass in honour of the idols, his tax will be remitted; otherwise his tax will not be remitted!' How should the Jew act who is present there? Shall he put it on? That means that he is enjoying [the odour of idolatrous articles]! Shall he not put it on? Then he confers a benefit [of paying tax towards idolatry]! Hence it was said: If one buys aught in a market of idolaters, if it be cattle it should be disabled, if fruit, clothes or utensils, they should be allowed to rot, if money or metal vessels he should carry them to the Salt Sea.¹ What is meant by disabling? the cutting the tendons of the hoofs beneath the ankle.² Here, then, we are taught: 'Shall he put it on? That means he is enjoying! Shall he not put it on? Then he confers a benefit!'³ Said R. Mesharsheya the son of R. Idi: R. Simeon b. Lakish is of opinion that the Rabbis disagree with R. Nathan, so that [he can reply:] 'I give the opinion of the Rabbis who held the opposite view; whereas R. Johanan⁴ is of opinion that the Rabbis do not disagree [with R. Nathan]'.⁵ But [how could R. Johanan think that] the Rabbis do not disagree? Was it not taught:⁶ One may attend a fair of idolaters and buy of them cattle, menservants, maidservants, houses, fields and vineyards; one may even write the necessary documents and deposit them at their courts⁷ because thereby he, as it were, rescues [his property] from their hands.⁸ If he be a priest⁹ he may incur the risk of defilement by going without the [Holy] Land for the purpose of arguing the matter with them and have it tried in court. And just as he may defile himself [by going] without the Land, so he may become defiled by walking on a burial ground ('A burial ground'! How can that enter your mind? this is a defilement forbidden by Scripture! — What is meant is an Unclean Field¹⁰ which is only a Rabbinic prohibition.) Likewise, one may incur similar defilement for the sake of studying the Torah or taking a wife. Said R. Judah: This only applies when he cannot find [a place elsewhere] for studying, but when one can manage to learn [elsewhere] one must not defile oneself; but R. Jose said: Even when one can manage to study [elsewhere] he may defile himself, for no man is so meritorious as to learn from any teacher. Said R. Jose: There is the case of Joseph the Priest who followed his master to Zidon.¹¹ Whereupon R. Johanan [himself] said: The halachah is according to R. Jose. Hence the Sages do disagree!¹² R. Johanan may answer you thus: The Rabbis do not indeed disagree [with R. Nathan], yet there is no difficulty here: The one case¹³ refers to purchasing from a dealer, from whom the tax is

exacted, the other case refers to purchasing from a private man¹⁴ from whom the tax is not exacted.

The master stated: 'Cattle should be disabled.' But is there not the prohibition of causing suffering to a living being?¹⁵ — Said Abaye: The Divine Law says, Their horses thou shalt hough.¹⁶

The Master stated: 'What is meant by disabling [cattle]? The cutting of the tendons beneath the ankle.' The following is cited as contradicting it: One should not declare anything as sanctified, or as devoted, or as set value upon¹⁷ at the present time,¹⁸ and if one did declare aught as sanctified or devoted or set value upon, then if it be cattle it should be disabled, if fruit clothes or utensils

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- (1) In the Talmud this refers to the (Mediterranean) Ocean, though it is generally identified with the Dead Sea. They should be disposed of so that no benefit whatsoever is derived from them by anybody.
 - (2) So as not to affect the vitality of the animal, which is forbidden in all circumstances.
 - (3) Which is forbidden. Why then does R.S.b.L. say that to confer benefit on idols is permitted?
 - (4) Who opposes R.S.b.L.
 - (5) He therefore shares R. Nathan's view.
 - (6) M.K. 11a, 'Er. 47a.
 - (7) Regardless of the fact that this recognition of the idolaters' court may be made the subject of praise to the idols.
 - (8) By arming himself with evidence which will establish his ownership.
 - (9) Who must not come in contact with any ritual uncleanness.
 - (10) Beth ha-Peras **xrpv , hc** (lit., 'an area of a square peras'; peras=half length of a furrow) a field which has been ploughed together with a grave it contained, which is to be regarded as unclean, on account of the crushed bones carried over it (v. M. K. 5b).
 - (11) In Phoenicia, which, being, outside Palestine, is declared by the Rabbis unclean, like a Beth ha-Peras.
 - (12) With the view of R. Nathan who stated above that it is forbidden to make any purchase at a market of idolaters; nor could R. Johanan have been unaware of this teaching, as he is reported to express an opinion on it.
 - (13) Where purchase is forbidden.
 - (14) , **hcv kgc** lit., 'master of the house', an ordinary, private, man.
 - (15) **ohhj lkgc rgm** Causing of suffering to any living being, or leaving a suffering animal unrelieved, is a Scriptural prohibition (v. Shab. 128b).
 - (16) Josh. XI, 6; hence in exceptional cases this biblical command may be waived (Tosaf s.v. **rnt**).
 - (17) The article, or in the case of a person his value, as set forth in Lev. XXVII, thereby becoming the property of the Sanctuary.
 - (18) After the destruction of the Temple.

Talmud - Mas. Avodah Zarah 13b

they should be allowed to rot, if money or metal vessels, he should carry them to the Salt Sea. What is meant by disabling? The door is locked in front of it, so that it dies of itself!¹ — Said Abaye: That case is treated differently, so as [to avoid] despising sanctified things.² Then by all means let it be slaughtered! — That may lead to transgression.³ Then let him cut it in twain!⁴ — Said Abaye: Scripture says, And ye shall break down their altars . . . and ye shall hew down the graven images of their gods . . . Ye shall not do so unto the Lord your God.⁵ Raba said:

[Houghing is here avoided] because it seem like inflicting a blemish upon sanctified things.⁶ 'Seems!' This is surely a real blemish! — This could only be so termed while the Temple was in existence, so that the animal is fit for being offered up; but at the present time, since it cannot in any case be offered, the scriptural injunction does not apply.⁷ But let it be regarded as inflicting a blemish upon a blemished animal which, even though such animal was not fit for a sacrificial purpose, is forbidden by Scripture!⁸ — Granted; an animal which had been blemished cannot itself be used for sacrifice, yet the money obtained for it may be so used;⁹ but our case¹⁰ is unlike it, in that neither its equivalent in money nor the animal itself is capable of being used for a sacrificial purpose.¹¹

R. Jonah found R. Elai as he was standing at the gate of Tyre; he said to him: It is stated, cattle [bought at a heathen fair] should be invalidated; what about a slave? I am not asking about a Jewish slave; what I am asking about is a heathen slave — what is one to do? — The other replied: Why do you ask at all? It has been taught;¹² As to idolaters and [Jewish] shepherds of small cattle,¹³ even though one is not bound to get them out [of a pit], one must not throw them in [to a pit to endanger their lives].¹⁴

Said R. Jeremiah to R. Zera: It was taught, 'We may buy of them cattle, menservants and maidservants,'¹⁵ — Is this to be applied to a Jewish servant or to a heathen servant also? — Said he in reply: According to common sense, a Jewish servant [is meant]; for were it to apply to a heathen servant, what [meritorious] use could he make of him?¹⁶ When Rabin came,¹⁷ he said in the name of R. Simeon b. Lakish: It may even apply to a heathen servant; because he brings him under the wings of the Shechinah.¹⁸ Said R. Ashi: How then could the bringing under the wings of the Shechinah be applied to cattle?¹⁹ — It is only because of diminishing [the possessions of the idolaters]²⁰ that those are permitted; this also is permitted because of its diminishing effect.

R. Jacob once bought sandals, while R. Jeremiah bought bread.²¹ Said the one to the other: 'Ignoramus!²² would your master act thus?' The other rejoined: 'Ignoramus, would your master act thus?' Both in fact had bought of private men,²³ but each one thought that the other had bought of a dealer; for R. Abba the son of R. Hiyya b. Abba said: The prohibition was only taught in the case of buying of a dealer of whom tax is exacted, but the buying of a private person of whom no tax is exacted is permitted.

Said R. Abba the son of R. Hiyya b. Abba: 'Had R. Johanan been present at the time in that place where taxes were exacted even from private persons he would have forbidden [even such purchase].' How is it then that they made the purchase? — They bought of a private person who was not a permanent resident of the place.²⁴ MISHNAH. THE FOLLOWING THINGS ARE FORBIDDEN TO BE SOLD TO IDOLATERS: IZTROBLIN, BNOTH-SHUAH,²⁵ STEMS, FRANKINCENSE, AND A WHITE COCK.²⁶ R. JUDAH SAYS: IT IS PERMITTED TO SELL A WHITE COCK TO AN IDOLATER AMONG OTHER COCKS; BUT IF IT BE BY ITSELF, ONE SHOULD CLIP ITS SPUR AND THEN SELL IT TO HIM, BECAUSE A DEFECTIVE [ANIMAL] IS NOT SACRIFICED TO AN IDOL. AS FOR OTHER THINGS, IF THEY ARE NOT SPECIFIED²⁵ THEIR SALE IS PERMITTED, BUT IF SPECIFIED²⁵ IT IS FORBIDDEN. R. MEIR SAYS: ALSO A GOOD-PALM',²⁷ HAZAB AND NIKOLAUS²⁵ ARE FORBIDDEN TO BE SOLD TO IDOLATERS.

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- (1) Shek. 13b. Hence the mode of ‘disabling’ is different from the one here described!
- (2) It would be derogatory to an animal which was declared as sacred to be seen in its disabled state, hence a quicker means than hocking is resorted to.
- (3) Lit. ‘stumbling block’. Its flesh might be eaten, which, being sanctified, is forbidden.
- (4) **tryxhd**. From the Aramaic **hr**, **hxhd** two sides, or parts. The animal killed thus, not according to ritual, would not be used for food.
- (5) Deut. XII, 3.4.
- (6) Which is contrary to the scriptural injunction: Whosoever bringeth a sacrifice . . . it shall be perfect to be accepted; there shall be no blemish therein. (Lev. XXII, 21).
- (7) The prohibition is thus only a Rabbinic one, and is therefore referred to as ‘seeming’.
- (8) According to one opinion given in Bek. 33. Why then does Raba describe this case as a ‘seeming’ prohibition?
- (9) For purchasing another animal for an offering, so that the scriptural words . . . to be accepted, there shall be no blemish therein are still applicable to it.
- (10) Of an animal declared as sacred, while there is no temple for offering any sacrifices.
- (11) The houghing of such animal is therefore only a Rabbinic prohibition, justly described by Raba as the ‘seeming’ infliction of a blemish upon sanctified things.
- (12) Infra 26a. San. 57b.
- (13) Whether Jews or heathen. Most shepherds were known to practise robbery and theft; hence they were disqualified as witnesses.
- (14) It is therefore plain that to invalidate a heathen servant is forbidden.
- (15) Supra 13a.
- (16) Which should justify the opinion of the Rabbis who, in opposition to R. Nathan, permit such purchase.
- (17) From Palestine.
- (18) The Divine Presence. The meritorious feature of buying such a servant is his being introduced to the tenets of true religion.
- (19) The purchase of which is likewise permitted by these Rabbis.
- (20) I.e., the withdrawal of the animal from their idolatrous service.
- (21) Of idolaters at one of their fairs.
- (22) **tn, h**, lit., ‘orphan’, ‘untutored’. The remark is obviously to be taken as a friendly reproof. R. Jacob and his younger contemporary R. Jeremiah (b. Abba) were both friends who came from Babylon to study at the Academies in Palestine; both sat at the feet of R. Johanan who (infra 13a) forbids all kinds of purchase from which any benefit may accrue to idolatry.
- (23) Which is permissible, as private persons are not liable to pay part of their profits towards idolatrous purposes (supra 13a).
- (24) As such a person would in no case be liable to pay the tax.
- (25) Explanation follows in the Gemara.
- (26) White animals were offered to heavenly deities; the white cock was a regular offering for a poor man to make (v. Elmslie, p. 9 note).
- (27) Heb. Dekel Tab, a variety of dates.

Talmud - Mas. Avodah Zarah 14a

GEMARA. What is IZTROBLIN? — Pine-wood.¹ But this is contradicted [by the following teaching]: ‘To these² have been added Alexandrian nuts, iztroblin, moxasin³ and bnoth-shuah.’

Now were you to suggest that iztroblin is pine-wood, has pine-wood anything to do with the Sabbatical Year? Has it not been taught:⁴ This is the general rule: Everything which has a [perennial] root is subject to the laws of the Sabbatical Year⁵ but anything that has no such root is not subject to the law of the Sabbatical Year. R. Safra then said: It means fruit of the cedar. So also when Rabin came [from Palestine] he said in the name of R. Eleazar [It means] fruit of the cedar.⁶

BNOT-SHUAH. Said Raba b. Bar-Hana in the name of R. Johanan, White figs.⁷

STEMS. Said Raba b. Bar-Hana ‘with their stems’ is what the Mishnah intended to teach.⁸ FRANKINCENSE. Said R. Isaac in the name of R. Simeon b. Lakish, that is clear-frankincense. A Tanna taught:⁹ But of any of these a parcel may be sold.¹⁰ And how much is a parcel? — R. Judah b. Bathyra explained, A parcel is no less than three manehs.¹¹ But we surely ought to fear lest he goes and sells it to others who will burn it [before idols]? — Said Abaye; We should be particular not to [place a stumbling-block] before [the blind]¹² but we need not be so particular as to avoid placing it before one who may place it before the blind.

AND A WHITE COCK. Said R. Jonah in the name of R. Zera who said in the name of R. Zebid [Some report, ‘Said R. Jonah in the name of R. Zera’]: [If an idolater asks,] Who has a cock? it is permitted to sell him [even] a white cock, but if he asks, Who has a white cock? it is forbidden to sell him a white cock.

Our Mishnah states: R. JUDAH SAID: ‘ONE MAY SELL HIM A WHITE COCK AMONGST [OTHER] COCKS.’¹³ Now what are the circumstances? Shall we say that he was enquiring: Who hath a white cock, who hath a white cock? In that case it must not be sold to him even among others! It can only mean that he was enquiring: Who hath a cock, who hath a cock? and even then according to R. Judah a white one may be sold him only among others but not by itself, while according to the first Tanna it may not be sold even among others!¹⁴ — Said R. Nahman b. Isaac: The case dealt with in our Mishnah is of one asking for various kinds.¹⁵ It has been taught likewise:¹⁶ Said R. Judah: Only if he asks for ‘this [white] cock’ [it must not be sold to him], but if he asks for this and another one it is permitted [to sell both together]; and even when he asks for ‘this [white] cock’, if the idolater is giving a banquet for his son, or if he has a sick person in his house, [its sale] is permitted.¹⁷

But have we not learnt: ‘If an idolater gives a banquet for his son the prohibition [of selling] applies to that day and that man alone’, so that as regards that day and that man the prohibition does apply!¹⁸ Said R. Isaac son of R. Mesharsheya: Our statement refers to an ordinary party.¹⁹

We have learnt: AS FOR OTHER THINGS, IF THEY ARE NOT SPECIFIED THEIR SALE IS PERMITTED, BUT IF SPECIFIED IT IS FORBIDDEN. Now what is meant by ‘specified’ and by ‘unspecified’? Shall we say that ‘unspecified’ means if he asks [for example] for white wheat, and ‘specified’ if he states that [he requires it] for idolatry?

(1) So Rashi. Tosaf. s.v. **t**, **hbru**, renders it ‘brimstone’, hence ‘Kohut, Aruch suggests the reading **t**, **hbhu**, .

- (2) I.e., to articles enumerated in connection with the laws relating to the Sabbatical Year.
- (3) A species of figs.
- (4) Shah. 90a; Nid. 62b.
- (5) V. supra p. 45 n. 7(a).
- (6) [Cones of pine or fir-trees (**) were burned before deities as sweet smelling gifts, v. Krauss, Talm. Arch. I, 686, and Elmslie, loc. cit.]
- (7) The fruit of the fig-tree was closely associated with phallic worship (Elmslie, a.l.)
- (8) The word 'stems' is not an additional item but refers to the 'cedar-fruit' and the 'white figs' which precede it. These were usually hanged by their stems as ornaments for idols.
- (9) Tosef. A.Z.I.
- (10) Because it is intended for sale and not for idolatrous worship.
- (11) Weight equal to a hundred ordinary or 50 sacred shekels. V. Zuckerman Talm. Mun., p. 7. seq.
- (12) V. supra p. 26.
- (13) Cf. the slight variations in our Mishnah.
- (14) This refutes the ruling reported by R. Jonah.
- (15) Hence R. Judah forbids its sale since it was specified by the idolater; his mentioning those of other colours may have been prompted by his knowledge that if he were to ask for a white one only, it would be withheld from him. It is however permitted to be sold among cocks of other colours, for we may assume that, as the others are not intended for idolatry, neither is this one. The other Rabbis however hold that, since it was specified by the idolater, it must not be sold even among others. When however the idolater asks for cocks without specifying any colour both R. Judah and the other Rabbis permit the sale of a white one. There is thus no difference between the opinion expressed in our Mishnah and that held by R. Zera.
- (16) Tosef. A.S.I, end; in Zuck. ed. the version is different from ours.
- (17) For it is required to lend importance to the banquet, or as a remedy for the sick and not for idolatrous purposes.
- (18) Supra 8a, which is contrary to the foregoing statement.
- (19) **dhzuuy** picnic. (v. Pes. 49b) where no idolatry takes place, whereas the statement cited refers to a wedding.

Talmud - Mas. Avodah Zarah 14b

In that case it is neither necessary to state that the unspecified may be sold,¹ nor is it necessary to state that the specified must not be sold!² We must then say that 'unspecified' means if he asks for [say], wheat, [which is permitted] and 'specified' when he asks for white wheat, [which is forbidden]; and this would imply that in the case of a cock it is forbidden even when unspecified!³ — [No.] We may say, indeed, that 'unspecified' is when he asks for white wheat, and 'specified' is when he states [that it is required] for idolatry; yet it is necessary to state that the 'specified' is forbidden: we might think that that man does not really require it for idolatry; only being very much attached to idolatry, he thinks that all people are likewise attached to it; [he therefore thinks to himself] let me say thus, so that they might readily give it to me; it is therefore necessary to state [that its sale is forbidden].

R. Ashi propounded: [If he asks,] 'Who has a mutilated white cock?' may one sell him a white cock without blemish? Do we say since he asks for a mutilated one, he does not require it for the idols, or perhaps he is merely acting cunningly? And if you should say that this one is acting cunningly, [what if one enquires,] 'Who has a white cock? Who has a white cock?' and when a

black one is given to him he accepts it or when a red one is given to him he accepts it, may a white one be sold to him? Do we say, since when he was given a black one or a red one he accepted it, it is proved that he does not require one for idolatry, or perhaps he is merely acting cunningly? This stands undecided.

R. MEIR SAYS, ALSO A GOOD-PALM etc. Said R. Hisda to Abimi: There is a tradition that the [tractate] Abodah Zarah of our father Abraham consisted of four hundred chapters; we have only learnt five, yet we do not know what we are saying. And what difficulty is there? The Mishnah states that R. MEIR SAYS: ALSO A GOODPALM', HAZAB AND NIKOLAUS ARE FORBIDDEN TO BE SOLD TO IDOLATERS [which implies that] it is only a 'good-palm' that we must not sell but a 'bad-palm' we may sell, yet we have learnt:⁴ One may not sell to them anything that is attached to the soil! He replied: What is meant by 'good-palm' is the fruit of a 'good-palm'. And so also said R. Huna: The fruit of a good-palm. HAZAB is the species of dates called Kishba. As to NIKOLAUS, when R. Dimi came⁵ he said in the name of R. Hama b. Joseph that it is kuirati.⁶ Said Abaye to R. Dimi: We learn 'nikolaus, and do not know what it is, so you tell us it is 'kuriati' which we do not know either, where then have you benefited us? — Said he: I have benefited you this much: were you to go to Palestine and say 'nikolaus'⁷ no one would know what it is; but if you say 'kuriati' they will know and will show it to you.

MISHNAH. IN A PLACE WHERE IT IS THE CUSTOM TO SELL SMALL CATTLE TO IDOLATERS, SUCH SALE IS PERMITTED; BUT WHERE THE CUSTOM IS NOT TO SELL, SUCH SALE IS NOT PERMITTED.⁸ IN NO PLACE HOWEVER IS IT PERMITTED TO SELL BIG CATTLE, CALVES OR FOALS, WHETHER WHOLE OR MAIMED.⁹ R. JUDAH PERMITS IN THE CASE OF A MAIMED ONE¹⁰ AND BEN BATHYRA PERMITS IN THE CASE OF A HORSE.¹¹

GEMARA. Are we to take it that there is no actual prohibition, but that it is only a matter of custom; so that where the usage is to prohibit, it is to be followed, and where the usage is to permit it is to be followed? But this is in conflict with the following [Mishnah]: One should not place cattle in inns kept by heathen, because they are suspected of immoral practices!¹² — Said Rab: In places where it is permitted to sell, it is permitted to leave them together alone, but where leaving them together alone is forbidden [by usage] the sale is also forbidden.¹³

(1) As there is no ground for such prohibition, since it is only in the case of cocks that white ones are used for idolatry.

(2) Since no article required for idol-worship may be sold.

(3) Which is contrary to the ruling reported by R. Jonah above!

(4) Infra 19b.

(5) From Palestine.

(6) A species of dates. The date-palm was the most sacred of all trees to the Semitic peoples (Elmslie, p. 10).

(7) [The Nikolaus dates are named after the Greek philosopher, Nicholas of Damascus, who supplied his friend, the Emperor Augustus, with a variety of dates which grew in Palestine. The Emperors as a mark of appreciation called the dates by the philosopher's name (v.J.E. IX, 11, and Elmslie, p. 11). This name would naturally not be generally known to the people of Palestine.]

(8) In Pes. 53, where this Mishnah also occurs, the following words are inserted: let no one alter (local customs) in

order to avoid controversy.

(9) The sale of big cattle to a heathen is forbidden out of consideration for the animal, as it will be deprived by its master of its rest on Sabbaths and Festivals (v. Ex. XX, 10).

(10) As it is sure to be killed for food.

(11) This is generally used for riding which is not to be termed as carrying a burden, on the principle that 'the living rider carries himself.' V. supra 7b.

(12) The Israelite is thus guilty of 'placing a stumbling-block before the blind'. V. infra 22a.

(13) The prohibition of placing cattle with a heathen in the other Mishnah cited here is also dependent on local usage.

Talmud - Mas. Avodah Zarah 15a

But R. Eleazar said: Even where it is forbidden to leave them together it is permitted to sell, the reason being that the heathen will avoid the risk of having his cattle sterilised.¹ And Rab, too, altered his opinion: for R. Tahlifa said in the name of R. Shila b. Abimi, who said in the name of Rab: A heathen will not run the risk of having his cattle sterilised.²

IN NO PLACE, HOWEVER, IS IT PERMITTED TO SELL BIG CATTLE etc. What reason is there [for this prohibition]? — Though there is no fear of immoral practice,³ there is the fear of his making the animal work [on the days of rest]. Then let him make it work; since he has bought it, he owns it!⁴ — The prohibition⁵ is because of lending and because of hiring. [But, surely] when he borrows it he owns it, or when he hires it he owns it [during that period]!⁶ Then said Rami the son of R. Yeba: The prohibition is because of the probability of 'trying'.⁷ For he might happen to sell it to him close to sunset on the eve of the Sabbath and the heathen might say to him 'Come now let us give it a trial,' and hearing the owner's voice it will walk because of him, and he indeed desires it to walk, so that he acts as a driver of his burdened beast on the Sabbath and he who drives his burdened beast on the Sabbath is liable to bring a sin-offering.⁸

R. Shisha the son of R. Idi objected:⁹ But does hire constitute acquisition? Have we not learnt, 'Even in a place where they pronounced as permitted to let [premises to a heathen], they did not pronounce it in regard to a dwelling house, because he will bring idols into it.'¹⁰ Now, if we were to be of opinion that hiring constitutes acquisition, then whatever this one brings in he brings into his own house! — It is different with bringing in idols, which is a very grave matter, for scripture says, And thou shalt not bring abomination into thy house.¹¹

Then R. Isaac the son of R. Mesharsheya objected: But does hire constitute acquisition? Have we not learnt, An Israelite¹² who hires a cow from a priest may feed her on vegetables which are Terumah;¹³ but a priest who hires a cow of an Israelite, even though he is obliged to feed it, may not feed it on vegetables that are Terumah.¹⁴ Now, were we to hold the opinion that hiring constitutes acquisition, why should he not feed her on it? Surely the cow belongs to him! From here then you can deduce that hire does not constitute acquisition.

Now, since you have declared that hire does not constitute acquisition, the prohibition¹⁵ is both because of 'hiring', and because of 'lending' and because of 'trying'.

R. Adda permitted to sell an ass [to a heathen] through a [Jewish] agent: As for 'trying', it is not familiar with his voice that it should walk because of him, and as to 'lending' or 'hiring', since it is not his own he will neither lend nor give it on hire; also, lest some fault be discovered in it.¹⁶

R. Huna sold a cow to a heathen. Said R. Hisda to him: Wherefore have you acted thus? — Said he, I assume that he bought it for slaying.

(1) Through immoral practice.

(2) *Infra* 22b.

(3) For the reason just stated.

(4) A heathen is not commanded to let his cattle rest on the Sabbath; the Israelite is therefore not guilty of 'placing a stumbling-block before the blind', as is the case where he affords him an opportunity for an immoral practice which is forbidden to a Noachide (*V. supra* 2b).

(5) The permission to sell may lead to lending or hiring cattle to a heathen over the Sabbath.

(6) Since he is liable for any accidents that might happen to it.

(7) How the animal carries a load.

(8) According to an opinion given in *Shah.* 154a.

(9) To the statement above, 'when he hires it, he owns it'.

(10) *Infra* 21a.

(11) *Deut.* VII, 26.

(12) One who is not of the priestly family or the Levitical tribe.

(13) The heave-offering of the produce set aside as the portion of the priests (*Num.* XVIII, 8ff.), which may not be given to a beast that is not owned by a priest. He is not guilty thereby of robbing the priest of his portion, for having the option of giving it to any priest he chooses, he may consider it as assigned to the one whose cow he had hired.

(14) *Ter.* XI, 9.

(15) Pronounced in our *Mishnah* of selling big cattle to a heathen.

(16) Which would be against his interest as an agent charged with selling it.

Talmud - Mas. Avodah Zarah 15b

And whence can it be deduced that one may so assume in a case of this kind? — From [the *Mishnah* which we learnt:]¹ 'Beth Shammai say: One should not sell a ploughing-cow during the Sabbatical Year;² but Beth Hillel permit it, because he may possibly slay it.'³ Said Raba:⁴ How can the two be compared: In that other case, one is not commanded to let one's cattle rest on the Sabbatical year,⁵ whereas in our case, one is commanded to let one's cattle rest on the Sabbath!⁶ Said Abaye to him: Are we to take it then that when one is commanded [concerning a thing] he is forbidden [to sell it to one who may disregard the command]? Take then the case of a field — for one is commanded to let his field lie fallow on the Sabbatical Year. Yet it has been taught: Beth Shammai say: One may not sell a ploughed field on the Sabbatical year, but Beth Hillel permit it, because it is possible that he will let it lie fallow [during that year]!⁷

R. Ashi objected: Are we, on the other hand, to take it that a thing concerning which there is no direct command may be sold to one who is likely to use it contrary to that command? Take then the case of implements — for no one is commanded to let one's implements be idle in the

Sabbatical year. Yet we have learnt: Following are the implements which one is not allowed to sell in the Sabbatical year: the plough and all its accessory vessels, the yoke, the winnowing-fan and the mattock!⁸ But, continued R. Ashi, where there is reason for the assumption [that proper use will be made] we assume it,⁹ even though a command is involved, and where there is no reason for such assumption,¹⁰ we do not assume it, even where there is no command involved.

Rabbah once sold an ass¹¹ to an Israelite who was suspected of selling it to an idolater. Said Abaye to him: 'Wherefore have you acted thus?' said he, 'It is to an Israelite that I have sold it.' 'But,' he retorted, 'he will go and sell it to an idolater!' 'Why' — [argued the other] 'should he sell it to an idolater and not sell it to an Israelite?'¹² He [Abaye] objected to him [from the following Baraitha]: In a place where it is the custom to sell small cattle to Cutheans,¹³ such sale is permitted, but where they usually do not sell, such sale is not permitted. Now, what is the reason [for the prohibition]? Shall we say because they are suspected of immoral practices? But are they to be suspected? Has it not been taught: One may not place cattle in inns kept by idolaters even male-cattle with male persons and female-cattle with female persons, and it is needless to say that female-cattle with male persons and male-cattle with female persons [are forbidden]; nor may one hand over cattle to one of their shepherds; nor may one be alone with them;¹⁴ nor may one entrust a child to them to be educated, or to be taught a trade.¹⁵ One may however place cattle in inns kept by Cutheans even male-cattle with female persons and female-cattle with male persons, and it goes without saying that males with males and females with females are permitted; so also may one hand over cattle to one of their shepherds and be alone with them, or hand over a child to them to be educated or to be taught a trade.¹⁶ This shows indeed that they are not to be suspected.¹⁷ And it has further been taught: One should not sell them either weapons or accessories of weapons, nor should one grind any weapon for them, nor may one sell them either stocks or neck-chains or ropes, or iron chains — neither to idolaters nor Cutheans.¹⁸ Now, what is the reason?¹⁹ Shall we say because they are suspected of murder? But are they suspect, seeing we have just said that one may be alone with them! Hence it is only because he might sell it to an idolater.²⁰ Should you, moreover, say that whereas a Cuthean will not repent an Israelite will repent?²¹ Surely R. Nahman said in the name of Raba b. Abbuha: Just as it was said that it is forbidden to sell to an idolater, so is it forbidden to sell to an Israelite who is suspected of selling it to an idolater! He [Rabbah] thereupon ran three parasangs²² after the buyer (some say one parasang along a sand-mount) but failed to overtake him.

R. Dimi b. Abba said: Just as it is forbidden to sell²³ to an idolater, so it is forbidden to sell to a robber who is an Israelite. What are the circumstances? If he is suspected of murder, then it is quite plain; he is the same as an idolater! If [on the other hand] he has never committed murder, why not [sell them to him]? — It refers indeed to one who has not committed murder; but we may be dealing here with a cowardly thief who is apt at times [when caught] to save himself [by committing murder].

Our Rabbis taught: It is forbidden to sell them shields; some say, however, that shields may be sold to them. What is the reason [for this prohibition]? Shall we say, Because they protect them? In that case even wheat or barley should likewise not [be sold to them].²⁴ — Said Rab:

(1) Sheb. V, 8.

- (2) To a fellow-Jew who is suspected of tilling his fields on that year contrary to the Biblical prohibition, as he thereby 'places a stumbling-block before the blind'.
- (3) R. Hunah's action has therefore the ruling of the Hillelites as its authority.
- (4) [So Ms. M. Cur. edd. 'Rabbah', v. p. 77 n. 7.]
- (5) The question of hiring, lending or trying, mentioned in connection with selling cattle to a heathen does not therefore arise; and the comparatively minor objection of 'placing a stumbling-block before the blind' is waived by the assumption that the animal may have been intended for slaughter.
- (6) The objections mentioned before therefore do apply.
- (7) Tosef. Sheb. III.
- (8) Sheb. V, 6.
- (9) In the case of a field, for example, the fact that it is not often procurable may serve as ground for the assumption that the buyer availed himself of the opportunity of purchasing it, even though he does not intend tilling it till the following year.
- (10) As, for instance, in the case of the 'implements'.
- (11) To which case the assumption of buying for slaughter cannot be applied.
- (12) We have a right to assume that he will sell it to an Israelite, so that there is no objection to its being sold to him. [This is contrary to the view expressed above by Rabbah (v. p. 76, n. 9), and supports the reading 'Raba', v. Tosaf. s.v. **VCR**.]
- (13) Members of the Samaritan sect.
- (14) As his life would be endangered.
- (15) Lest he be taught idolatry.
- (16) Tosef. A.S. III.
- (17) Since, however, the sale of small cattle only is governed by custom, it is obvious that big cattle may not be sold in any case to a Cuthean; and as the suspicion of immorality does not exist, the reason for the prohibition can only be the probability of his selling it to an idolater, which is contrary to the view of Raba.
- (18) Tosef. *ibid*.
- (19) For forbidding the sale of these articles to a Cuthean.
- (20) Who might use them for assailing an Israelite, which refutes Rabbah's view.
- (21) So that even though he had been addicted to this wrongdoing, he might be taken to have recanted, and this justifies Rabbah's action.
- (22) Persian miles.
- (23) The aforementioned articles.
- (24) Since they protect them against hunger.

Talmud - Mas. Avodah Zarah 16a

If it is possible,¹ these, too, should not.

There are some who say that the reason for not permitting [the sale of] shields is this: When they have no weapons left, they might use these for killing [in battles]. But there are others who say that shields may be sold to them, for when they have no more weapons they run away. Said R. Nahman in the name of Rabbah b. Abbuha: The halachah is with 'the Others'.

Said R. Adda b. Ahabah: One should not sell them bars of iron. Why? — Because they may hammer weapons out of them. If so, spades and pick-axes too [should be forbidden]! — Said R.

Zebid: We mean [bars of] Indian iron.² Why then do we sell it now? — Said R. Ashi: [We sell it] to the Persians who protect us.

CALVES AND FOALS. It has been taught:³ R. Judah permits [the sale of] a maimed one, since it cannot be cured or restored to health.⁴ Said they to him: Might she not be fit for breeding purposes, and since she proves fit for breeding purposes, she will be kept?⁵ He replied: You wait till she bears. This is to say, An animal [in such a state] will not let the male get near her.

BEN BATHYRA PERMITS IN THE CASE OF A HORSE. It has been taught: Ben Bathyra permits [the sale of] a horse, because it is only put to a kind of work which does not involve the bringing of a sin-offering.⁶ Rabbi, however, forbids it for two reasons: the one, because it comes under the prohibition of selling weapons,⁷ the other, because it comes under the prohibition of big cattle. It is quite right as regards the prohibition of weapons; there are [horses] which [are trained to] kill by trampling, but how does the prohibition of big cattle apply?⁸ — Said R. Johanan, when the horse gets old, it is made to work a mill on the Sabbath.⁹ Said R. Johanan: The halachah is with Ben Bathyra.

The following question was asked: What about an ox that has been fattened?¹⁰ This question applies both to R. Judah¹¹ and to the Rabbis:¹² It applies to R. Judah, for R. Judah only permits in the case of a maimed one, which can in no case be fit for work, whereas this one, which if kept long enough may be fit for work, might be forbidden; or it might be said that even according to the Rabbis it is only in that case [of a maimed one], which is ordinarily not intended for slaughter, that they forbid, but this one, which is ordinarily intended for slaughter, they might permit?

Come and hear: Rab Judah said in the name of Samuel that the House of Rabbi had to present a fattened ox [to the Romans] for their festival, and a sum of forty thousand [coins] was paid for the concession not to contribute it on the day of the festival but on the morrow; then another forty thousand was paid for the permission to present it not alive but slaughtered; then forty thousand was again expended to be freed altogether from presenting it. Now what is the reason [for not presenting it alive] if not to avoid its being kept?¹³ — But if that is the reason, what is the purpose of the concession of offering it on the morrow instead of on the day? Obviously, then, Rabbi was anxious to abolish the thing entirely, but he considered it advisable to do it little by little.¹⁴ But is [a fattened ox] if kept [and slimmed] healthy enough to do work? — Said R. Ashi: Zabida¹⁵ told me that a young bullock when kept [and slimmed] does the work of two.

MISHNAH. ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY INJURE THE PUBLIC. ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA,¹⁶ A SCAFFOLD, A STADIUM, OR A PLATFORM.¹⁷ BUT ONE MAY JOIN THEM IN BUILDING PEDESTALS [FOR ALTARS]¹⁸ AND ALSO [PRIVATE-] BATHS. WHEN HOWEVER HE REACHES THE CUPOLA IN WHICH THE IDOL IS PLACED HE MUST NOT BUILD.

GEMARA. Said R. Hanin, son of R. Hisda (some report, Said R. Hanan b. Raba in the name of Rab): To big beasts the same rule applies as to small cattle as regards struggling¹⁹ but not as regards selling,²⁰ but my opinion is that it applies to selling also, so that in such places where it is

the custom to sell,²¹ such sale is permitted, but where the custom is not to sell, it is forbidden.

Our Mishnah says: ONE SHOULD NOT SELL THEM BEARS, LIONS, OR ANYTHING WHICH MAY INJURE THE PUBLIC. The reason, then, is because they may injure the public, but were it not for fear of injury to the public would it be permitted?²² Said Rabbah b. 'Ulla: [Our Mishnah may refer] to a mutilated lion

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- (1) To withhold it from them without incurring their animosity.
 - (2) Which is used exclusively for manufacturing weapons.
 - (3) Tosef. A.Z. II.
 - (4) It is therefore only fit for slaughter.
 - (5) And those who see her might think that any other cattle may likewise be sold to a heathen.
 - (6) V. supra p. 33, n. 6.
 - (7) A horse being as helpful as a weapon in battle.
 - (8) Since you have stated that a horse is not put to a kind of labour which involves a sin-offering, there is no ground for prohibiting the sale for fear of the animal being tried (v. supra ibid.).
 - (9) Which is a 'principal' work.
 - (10) Being unfit for work, may it be sold to an idolater?
 - (11) Who permits in the case of a maimed one.
 - (12) The representatives of the anonymous opinion in our Mishnah.
 - (13) And then put to work; hence it is proved that for this reason a fattened ox may not be sold to idolaters.
 - (14) His action cannot therefore be cited as a proof.
 - (15) Who was an expert in fattening cattle.
 - (16) [A large high building used partly as an exchange and mart and also regularly as a court of law where men might be sentenced to death (Elmslie, p. 12).]
 - (17) **vnhc**, used for throwing off victims sentenced to death. [So Rashi. Hoffmann: 'Judge's seat' (**); Elmslie: 'judge's tribunal'.]
 - (18) [, **uthxunhc** from **, v. l. , **uhtxunhs** (**) 'public-baths'.]
 - (19) According to Hul. 37a, an animal whose condition is dangerous, must, after being slaughtered, show signs of struggling to be at all fit for food; otherwise it is assumed that it died before being slaughtered and is thus unfit for food. The least extent of struggling is: in the case of small cattle, the stretching out and the bending back of a leg, and in the case of big cattle either stretching or bending is sufficient.
 - (20) Which depends on local custom. V. supra 14b.
 - (21) Big beasts to idolaters.
 - (22) E.g., tamed lions and the like. This Mishnah is thus contrary to the opinion of Rab.

Talmud - Mas. Avodah Zarah 16b

in accordance with the opinion of R. Judah.¹ R. Ashi said: Generally, any lion may be regarded as 'mutilated' in regard to labour.²

An objection was raised: Just as it is forbidden to sell them big cattle, so it is forbidden to sell them big animals; and even in such places where they do sell small cattle [to heathen], big animals should not be sold to them.³ This refutes the opinion of R. Hanan b. Raba!⁴ It [admittedly] refutes it.

Rabina referred to the contradiction between our Mishnah and this Baraitha, but adjusted it: We learnt: ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY INJURE THE PUBLIC. The reason, then, is because they may injure the public, but apart from such injury they may be sold! This is contradicted [by the following Baraitha]: Just as it is forbidden to sell them big cattle, so it is forbidden to sell them big animals, even in such places where they do sell small cattle [to heathens] big animals should not be sold to them! — He then adjusted it by saying [that our Mishnah] refers to a mutilated lion, in accordance with the view of R. Judah. R. Ashi said: Generally, any lion may be regarded as ‘mutilated’ as regards labour.

R. Nahman objected: Who told us that a lion is to be regarded as a big animal? Let us regard it as a small animal.³

R. Ashi, on examining our Mishnah minutely, deduced therefrom the following refutation: We there learn, ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY INJURE THE PUBLIC. The reason is, evidently, that it is injurious, but were it not for the injury, it could be sold; furthermore, the reason why ‘lion’ is mentioned, is because a lion is generally regarded as ‘mutilated’ as regards labour, but to any other animal which is fit for labour the prohibition would not apply — this refutes the opinion of R. Hanan b. Raba.⁵ It admittedly refutes it.

But to what kind of labour could any big animal be put? — Said Abaye: Mar Judah told me that at Mar Johni’s they work mills with wild asses.

Said R. Zera: When we were at the school of Rab Judah⁶ he said to us: You may take the following matter from me, for I have heard it from a great man — though I know not whether from Rab or from Samuel: To big beasts the same rule applies as to small cattle as regards struggling.⁷ When I came to Korkunia⁸ I found R. Hiyya b. Ashi who was sitting [in the academy] and saying in the name of Samuel, ‘To a big beast the same rule applies as to small cattle as regards struggling’ — Said I, ‘That means then that it is in the name of Samuel that this has been stated’ — But when I came to Sura I found Rabbah b. Jeremiah who was sitting and saying in the name of Rab, ‘To a big beast the same rule applies as to small cattle as regards struggling’ — Then said I, ‘That means that this has been stated in the name of Rab as well as in the name of Samuel’. Now, when I went up there⁹ I found R. Assi sitting and saying, ‘Said R. Hama b. Guria in the name of Rab: To a big beast the same rule applies as to small cattle as regards struggling’. Said I to him, ‘Do you not hold, then, that the one who reported this teaching in the name of Rab is Rabbah b. Jeremiah?’¹⁰ He answered me: ‘You black-pot.’¹¹ Through me and you this report will be completed.’¹² It has indeed been stated so: R. Zera said in the name of R. Assi, in the name of Rabbah b. Jeremiah, in the name of R. Hama b. Guria, in the name of Rab: To a big animal the same rule applies as to small cattle as regards struggling.

ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER’S SCAFFOLD, A STADIUM OR A TRIBUNE.

Said Rabbah b. Bar-Hana in the name of R. Johanan: There are three kinds of

basilica-buildings: those attached to royal palaces, baths, or store-houses. Said Raba: Two of these are permitted and one¹³ is forbidden; as a reminder [take the phrase], To bind their Kings with chains.¹⁴ Some report, Raba said: All [basilicae] are permitted. But have we not learnt, ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER'S SCAFFOLD, A STADIUM OR A TRIBUNE? — This should be taken to mean a basilica attached to an executioner's scaffold, a stadium or a tribune.¹⁵

Our Rabbis taught:¹⁶ When R. Eliezer¹⁷ was arrested because of Minuth¹⁸ they brought him up to the tribune to be judged. Said the governor¹⁹ to him, 'How can a sage man like you occupy himself with those idle things?' He replied, 'I acknowledge the Judge as right.' The governor thought that he referred to him — though he really referred to his Father in Heaven — and said, 'Because thou hast acknowledged me as right, I pardon;²⁰ thou art acquitted.' When he came home, his disciples called on him to console him, but he would accept no consolation.²¹ Said R. Akiba to him, 'Master, wilt thou permit me to say one thing of what thou hast taught me?' He replied, 'Say it.' 'Master,' said he, 'perhaps some of the teaching of the Minim had been transmitted to thee

(1) In the Mishnah, 14b.

(2) It is unfit for work; hence even according to the other Rabbis its sale should be permitted, as the reasons given in case of cattle are inapplicable here.

(3) Tosef. A.Z. II.

(4) Who holds that there is no objection to the sale of big animals, where it is customary to do so. (8) There will thus be no contradiction offered by the Baraitha which forbids the sale of big animals.

(5) V. p. 82, n. 7.

(6) Who was a disciple of both Rab and Samuel.

(7) V. supra p. 81.

(8) [Identified with Kirkesium (Circesium) on the Euphrates. This town as well as Sura lay on R. Zera's itinerary from Pumbeditha to Palestine, Obermeyer, op. cit. p. 33.]

(9) To Palestine.

(10) The Rabbis attached great importance to the accuracy of those in whose names anything was reported. V. Ab. VI, 6.

(11) The mild rebuke was presumably warranted by R. Zera's attire.

(12) [That it was R. Hama who heard it from Rab and from whom Rabbah in turn had heard it reported.]

(13) Connected with the royal palace — where men are sometimes sentenced to death.

(14) **ohz c ovh fkn ruxtk** Ps. CXLIX, 8. **ruxtk** suggests, prohibition.

(15) Otherwise, even one of a royal palace is permitted; the latter being only used as part of the royal residence.

(16) The following incident is recorded with considerable variations in Eccl. Rab. I, 8.

(17) For the historical significance of this story, v. Klausner's Jesus of Nazareth, p. 37ff and references there given; also T. Herford's, op. cit. p. 143 and note.

(18) , **ubhn** (abstract noun of **ihn** Min, v. supra, p. 14, n. 2) 'heresy', with special reference to Christianity. [During the Roman persecution of Christians in Palestine in the year 109 under Trajan (Herford, loc. cit.) R. Eliezer b. Hyrcanus was arrested on suspicion of following that sect.]

(19) **.

(20) **xunhs**, dimissus.

(21) He was sorely grieved to have been at all suspected of apostacy.

Talmud - Mas. Baba Bathra 2a

CHAPTER I

MISHNAH. IF JOINT OWNERS AGREE TO MAKE A MEHIZAH¹ IN A COURTYARD,² THEY SHOULD³ BUILD THE WALL IN THE MIDDLE. IN DISTRICTS WHERE IT IS USUAL TO BUILD OF GEBIL, GAZITH, KEFISIN OR LEBENIM,⁴ THEY MUST USE SUCH MATERIALS, ALL ACCORDING TO THE CUSTOM OF THE DISTRICT. IF GEBIL IS USED, EACH GIVES THREE HANDBREADTHS.⁵ IF GAZITH IS USED, EACH GIVES TWO HANDBREADTHS AND A HALF.⁶ IF KEFISIN ARE USED, EACH GIVES TWO HANDBREADTHS.⁷ IF LEBENIM ARE USED, EACH GIVES A HANDBREADTH AND A HALF.⁸ THEREFORE IF THE WALL FALLS,⁹ [IT IS ASSUMED THAT] THE PLACE [IT OCCUPIED] AND THE STONES BELONG TO BOTH. SIMILARLY WITH AN ORCHARD,¹⁰ IN A PLACE WHERE IT IS CUSTOMARY TO FENCE OFF, EITHER CAN BE COMPELLED TO DO SO. BUT IN A STRETCH OF CORNFIELDS, IN A PLACE WHERE IT IS USUAL NOT TO FENCE OFF [THE FIELDS]. NEITHER CAN BE COMPELLED. IF, HOWEVER, ONE DESIRES TO MAKE A FENCE, HE MUST WITHDRAW A LITTLE AND BUILD ON HIS OWN GROUND, MAKING A FACING ON THE OUTER SIDE.¹¹ CONSEQUENTLY,¹² IF THE WALL FALLS, THE PLACE AND THE STONES [ARE ASSUMED TO] BELONG TO HIM. IF, HOWEVER, THEY BOTH CONCUR, THEY BUILD THE WALL IN THE MIDDLE AND MAKE A FACING ON BOTH SIDES. CONSEQUENTLY IF THE WALL FALLS, [IT IS ASSUMED THAT] THE PLACE AND THE STONES BELONG TO BOTH.

GEMARA. It was presumed [in the Beth Hamidrash] that MEHIZAH means a wall, as it has been taught: If the mehiza of a vineyard has been broken down, the owner [of an adjoining cornfield] can require the owner of the vineyard to restore it.¹³ If it is broken down again. he can again require him to restore it.

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- (1) This word may mean either 'partition' or 'division'. The Gemara discusses which sense is intended here.
 - (2) A yard on to which two or more houses open.
 - (3) I.e., unless they agree otherwise.
 - (4) These are names of various kinds of bricks, and their precise sense is explained in the Gemara infra.
 - (5) Because a wall of gebil usually was six handbreadths thick.
 - (6) The usual breadth of such a wall being five handbreadths.
 - (7) The usual breadth being four handbreadths.
 - (8) The usual breadth being three handbreadths.
 - (9) At some subsequent time, when the circumstances under which it was put up have been forgotten.
 - (10) Or 'a vegetable garden'.
 - (11) The point of this remark is discussed in the Gemara.
 - (12) In consequence of the rule just given.
 - (13) If there is a fence between a cornfield and a vineyard, the owner of the cornfield may sow right up to the fence, but if there is no fence he must not bring his seeds nearer than four cubits to the vineyard. V. infra 26a.

Talmud - Mas. Baba Bathra 2b

Talmud - Mas. Baba Bathra 2b

If [the owner of the vineyard] neglects the matter and does not restore it, he causes his neighbour's produce to become forfeit¹ and is responsible for his loss. [This being so,] the reason [why either can be compelled to join in putting up the wall] is because they both agreed;² but if either did not agree, he cannot be compelled. From this we infer that 'overlooking' is not regarded as a substantial damage.³

But may I not say that MEHIZAH means 'division', as in the verse, And the congregation's half⁴ [mehezath. lit., 'division']. That being so, since they agreed to make a division, either can compel the other to build a wall,⁵ from which we infer that overlooking is recognised as a substantial damage! — If that is the case,⁶ why does the Mishnah say. WHO AGREED TO MAKE A DIVISION [MEHIZAH]? It should say, 'who agreed lahazoth [to divide]'? — You⁷ say then that MEHIZAH means a wall. Why then does the Mishnah say. THEY MUST BUILD THE WALL? It should say simply. 'They must build it'? — If the Mishnah had said 'it', I should have understood that a mere fence of sticks is sufficient. It tells us [therefore that the partition must be a wall].

THEY MUST BUILD THE WALL IN THE MIDDLE. Surely this is self-evident? — It had to be stated in view of the case where one of the partners had to persuade the other to agree. You might think that in that case the second can say to the first: When I consented to your request, I was willing to lose part of my air space.⁸ but not part of my ground space.⁹ Now we know [that he cannot say so].

But is then overlooking no substantial damage? Come and hear: SIMILARLY WITH AN ORCHARD?¹⁰ — There is a special reason in the case of an orchard, as we find in a saying of R. Abba; for R. Abba said in the name of R. Huna, who said it in the name of Rab: It is forbidden to a man to stand about in his neighbour's field when the corn is in the ear.¹¹ But the Mishnah says AND SIMILARLY?¹² — This refers to the gebil and the gazith.¹³

Come and hear:¹⁴ 'If the wall of a courtyard falls in, he [the joint owner] can be compelled to help in rebuilding to a height of four cubits'¹⁵ — If it falls, the case is different.¹⁶ But what then was the point of the objection?¹⁷ — Because it could be said that this statement was required only as an introduction to the next, which runs, 'Above four cubits he is not compelled to help in rebuilding.'¹⁸ Come and hear: [Every resident in a courtyard] can be compelled to assist in building a gateway and a door to the courtyard.¹⁹ This shows, does it not, that overlooking is a substantial damage? Injury inflicted by the public is in a different category. Is then overlooking by a private individual not an injury? Come and hear [this]: 'A courtyard need not be divided [on the demand of one party] unless it is large enough to allow four cubits to each',²⁰ which shows that if enough space will be left to each, a division can be demanded. Must not that division be made by a wall? — No; a mere fence of sticks is sufficient.²¹

Come and hear: '[A wall built facing] windows, whether above, below, or opposite. [must be kept] four cubits away',²² and in explanation of this it was taught that [if higher] it must be four cubits higher so that one should not be able to peep over and look in, and [if lower] four cubits

lower so that one should not be able to stand on it and look in,²³ and four cubits away so as not to darken the windows? — Damage [caused by looking into] a house is different.²⁴

Come and hear: 'R. Nahman said in the name of Samuel: If a man's roof adjoins his neighbour's courtyard, he must make a parapet four cubits high'²⁵ — There is a special reason there, because the owner of the courtyard can say to the owner of the roof, I have fixed times for using my courtyard, but you have no fixed times for using your roof, and I do not know when you may be going up there

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- (1) Because that part which is sown near the vineyard is regarded as being sown in the vineyard itself, and therefore when the produce reaches a certain height it becomes forfeit, according to the law in Deut. XXII, 9. Thou shalt not sow thy vineyard with mingled seeds.
 - (2) To divide the courtyard by means of a wall and not merely by a fence of sticks.
 - (3) Lit., 'the damage of overlooking is not called damage'. The 'overlooking' is the power of either owner to see what the other is doing in his half of the courtyard.
 - (4) Num. XXXI, 43.
 - (5) And not merely a fence of sticks.
 - (6) That mehizah means 'division'.
 - (7) I.e., you who object to mehizah being taken to mean 'division'.
 - (8) By allowing, say, a thin partition of boards which would prevent my looking over into your part.
 - (9) Lit., 'service': the space in his own half which would be taken up by a thick wall.
 - (10) What reason can there be here save to prevent overlooking?
 - (11) So as not to injure it by casting on it the 'evil eye'; hence this is no proof that overlooking is an injury.
 - (12) Which implies that the reason is the same in the case of an orchard as in the case of a courtyard.
 - (13) That is to say, that the wall in an orchard, if there is to be one, must also be made of these materials.
 - (14) A further objection to the thesis that overlooking is no injury.
 - (15) Infra 5a. This would show that overlooking is an injury.
 - (16) Because the joint owners had already agreed to have a wall.
 - (17) Lit., 'He who asks this, how can he ask it.' the answer being so obvious.
 - (18) And if this is so, then the case of the wall falling is not different from the case of there being no wall, and overlooking is an injury. Consequently the objection from the statement 'If the wall falls in, etc.' is a sensible one.
 - (19) So as to prevent the passers-by looking in, Infra 7a.
 - (20) Infra 11a.
 - (21) And overlooking is not a substantial damage.
 - (22) Infra 22a. The reference is to a wall built by the joint owner of a courtyard opposite his neighbour's windows.
 - (23) Which shows that overlooking even by a private individual is a substantial damage.
 - (24) Because greater privacy is required in a house,
 - (25) So that he should not be able to look over into the courtyard when using the roof. Infra 6b.

Talmud - Mas. Baba Bathra 3a

so that I may keep out of your sight.¹ Another version [of the above discussion is as follows]. It was presumed [in the Beth Hamidrash] that mehizah means 'division', as in the verse, and the congregation's mehezath was etc. Since then the partners agree to make a division, they are compelled [according to the Mishnah] to build a wall. This would show that overlooking is a

substantial damage. May I not say, however, that mehizah means a wall, as we have learnt: 'If the mehizah of a vineyard has been broken down, the owner [of an adjoining cornfield] can require the owner of the vineyard to restore it. If it is broken down again, he can again require him to restore it. If [the owner of the vineyard] neglects the matter and does not restore it, he causes his neighbour's produce to become forfeit, and is responsible for his loss.' [This being so],² the reason why either can be compelled [to assist in putting up the wall] is because they both agreed; but if either did not agree, he cannot be compelled. From which we infer that overlooking is not a substantial damage. If that is so,³ instead of THEY SHOULD BUILD THE WALL, the Mishnah should say, they should build it'? — You say then that mehizah means 'division'. If so, instead of 'who agreed to make a division', the Mishnah should say, 'who agreed to divide'? — It is usual for men to say, 'Come, let us make a division.'⁴

But if overlooking is a substantial damage, why does it speak of the partners agreeing? Even if they do not agree, [either should be able to demand a division]? — To this R. Assi answered in the name of R. Johanan: Our Mishnah is speaking of a courtyard where there is no right of division,⁵ and where therefore [a division is made only] if both agree.

The Mishnah then tells us [according to this] that where there is no right of division, they may still divide, if they so agree. We have learnt this already, [in the following passage]: 'When does this rule apply?⁶ When both of them do not consent to divide; but if both consent, even when it is smaller than this they divide'⁷ — If I had only that to go by, I should say that where it is smaller than this they may divide with a mere fence of sticks. Therefore it tells us here that it must be a wall.⁸

But could not the Mishnah then state this case and omit the other?⁹ — The other case was stated to introduce the succeeding clause: Scrolls of the Scriptures must not be divided even if both [joint owners] agree.

How then have you explained the Mishnah? As applying to a courtyard in which there is no right of division. If it is speaking of one in which there is no right of division, even if both owners consent, what does it matter? Either of them can retract? — R. Assi answered in the name of R. Johanan: We assume that each made a formal contract with the other, by means of a kinyan.¹⁰ But even if they made such a contract what does it matter, seeing that it relates only to a verbal agreement?¹¹ — [We assume that] they contracted by a kinyan to take different sides.¹² R. Ashi said: [And this becomes effective if¹³] for instance one traverses his own part and takes formal possession¹⁴ and the other does likewise.

IN DISTRICTS WHERE IT IS USUAL TO BUILD etc. GEBIL denotes untrimmed stones; GAZITH, squared stones, as it is written, All these were of costly stones according to the measure of hewn stones [gazith].¹⁵ KEFISIN are half bricks and LEBENIM whole bricks.¹⁶

Rabbah the son of Raba said to R. Ashi: How do we know that gebil means untrimmed stones, and that the extra handbreadth¹⁷ is to allow for the projection of the rough edges? May it not be that gebil is half the thickness of gazith, and this extra handbreadth is to allow for the mortar between the rows, in the same way as we defined kefisim to be half-bricks and lebenim whole

bricks, the extra handbreadth being for the mortar between the rows? — He replied: Granting your analogy [between gebil and kefisin], how do we know that kefisin means half-bricks? From tradition. Similarly we know from tradition [that gebil means untrimmed stones]. According to another version, R. Aha the son of R. Awia said to R. Ashi: How do we know that kefisin means half bricks and the extra handbreadth is for the mortar between the rows? May it not be that kefisin means untrimmed stones and the extra handbreadth is for the projection of the rough edges, in the same way as we define gebil to be untrimmed stones and gazith to be polished stone, the extra handbreadth being for the mortar between the rows? — He replied: Granting your analogy [between kefisin and gebil], how do we know that gebil means untrimmed stones? From tradition. So we know this also from tradition.

Abaye said: We learn from this¹⁸ that the space between the layers [in a wall] should be a handbreadth.¹⁹ This, however, is the case only if it is filled with mortar,²⁰ but if with rubble,²¹ more space is required. Some say: This is the case only if it is filled with rubble, but if mortar is used, not so much is required.

[The Mishnah seems] to assume that where squared stones are used, if for every four cubits of height there is a breadth of five handbreadths, the wall will stand, but otherwise not. What then of the Ammah Traksin²² which was thirty cubits high but only six handbreadths broad, and yet it stood? — The one extra handbreadth enabled it to stand.²³ Why was there no Ammah Traksin in the Second Temple?²⁴ — A thickness of six handbreadths will sustain a wall of thirty cubits but not more.²⁵ How do we know that the Second Temple Was higher [than the first]?-Because it is written, Greater shall be the glory of the latter' house than the former.²⁶ [The word 'greater' was interpreted differently by] Rab and Samuel [or, according to another report, by R. Johanan and R. Eleazar], one referring it to the size and the other

(1) Joint owners of a courtyard, however, if they do not divide it, do not use it for private purposes.

(2) That mehizah means wall.

(3) That mehizah means wall.

(4) And the Mishnah reproduces this expression.

(5) That is to say, one not large enough to allow of four cubits being assigned to each.

(6) That a courtyard is not to be divided if each part will not be large enough to be still called a courtyard.

(7) Infra 22a.

(8) Because overlooking is a substantial damage.

(9) The later Mishnah just quoted, seeing that we can learn this rule from the Mishnah here.

(10) Lit., 'acquisition': the handing of a small article, usually a piece of cloth, by one of the contracting parties to the other, as a symbol that the object transferred has passed from the ownership of the one to that of the other. v. B.M. 47a.

(11) That is to say, that of which ownership is acquired by the kinyan is only a verbal promise (viz. to divide), not any concrete article.

(12) E.g., one the north side and one the south, so that something concrete was involved in the transaction.

(13) V. Tosaf. s.v. **CR**

(14) By digging a little or so forth.

(15) I Kings VII, 9.

(16) A whole brick was three handbreadths thick, but if two half-bricks were used, an extra half-handbreadth

would be required for each for the mortar.

(17) Required for a wall of gebil as against a wall of gazith.

(18) From the fact that kefisin require a handbreadth more than lebenim.

(19) Unless otherwise specified in a contract for a wall.

(20) Made only of clay or mud.

(21) In which small stones are mixed with the clay.

(22) Lit., 'the cubit of the partition' (perhaps =Gr. **): a wall separating the Holy from the Holy of Holies in the Temple of Solomon.

(23) I.e., although five handbreadths are required for a height of four cubits, six handbreadths will sustain a wall much higher.

(24) Where only a curtain separated the Holy from the Holy of Holies.

(25) The Second Temple was 100 cubits high. v. Mid. IV, 6.

(26) Hag. II, 9.

Talmud - Mas. Baba Bathra 3b

to the duration; and both are correct.¹

Why did they not [in the Second Temple] build a wall thirty cubits high and use a curtain for the remaining [seventy cubits]? — Even the thirty cubit wall [of the First Temple] was only sustained by the ceiling and plaster [of the room above it], but without such a ceiling and plaster it could not stand [with a breadth of only six handbreadths]. But why did they not build a wall as high as possible [with a breadth of six handbreadths] and use a curtain for the rest? — Abaye replied: It was known to them by tradition that the partition should be wholly a wall or wholly a curtain, either wholly a wall as in the First Temple, or wholly a curtain as in the Tabernacle.

The question was raised: [Do the measurements given in the Mishnah] apply to the material with the [outside] plaster, or to the materials without the plaster?² — R. Nahman b. Isaac replied: It is reasonable to assume that the plaster is included, since if the plaster is not included, its measurement should [also] have been specified. We may conclude therefore that the plaster is included. No! I may still say that the measurements given refer to the material without the plaster, and the reason why that of the plaster is not specified is because it is less than a handbreadth. But in the case of bricks, does it not say that one gives a handbreadth and a half and the other likewise?³ — There [half-handbreadths are mentioned] because the two halves can be combined [to form a whole one].

Come and hear [an objection to this]: 'The beams of which they speak should be wide enough to hold an ariah, which is the half of a lebenah of three handbreadths'.⁴ — There it is speaking of large bricks. This is indicated also by the expression 'half a brick of three handbreadths' which implies that there is a smaller variety. Hence it is proven.⁵

R. Hisda said: A synagogue should not be demolished before another has been built to take its place. Some say the reason is lest the matter should be neglected,⁶ others to prevent any interruption of religious worship.⁷ What practical difference does it make which reason we adopt? — There is a difference if there is another synagogue.⁸ Meremar and Mar Zutra pulled down and

rebuilt a summer synagogue in winter and a winter synagogue in summer.⁹

Rabina asked R. Ashi: Suppose money for a synagogue has been collected and is ready for use, is there still a risk?¹⁰ — He replied: They may be called upon to redeem captives and use it for that purpose.¹¹ [Rabina asked further]: Suppose the bricks are already piled up and the lathes trimmed¹² and the beams ready, what are we to say? — He replied: It can happen that money is suddenly required for the redemption of captives, and they may sell the material for that purpose. If they could do that, [he said], they could do the same even if they had already built the synagogue?¹³ — He answered: People do not sell their dwelling-places.¹⁴

This rule [about pulling down a synagogue] only applies if no cracks have appeared in it, but if cracks have appeared, they may pull down first and build afterwards. A case in point is that of R. Ashi, who, observing cracks in the synagogue of Matha Mehasia,¹⁵ had it pulled down. He then took his bed there and did not remove it until the very gutters [of the new building] had been completed.

But how could Baba b. Buta have advised Herod to pull down the Temple,¹⁶ seeing that R. Hisda has laid down that a synagogue should not be demolished until a new one has been built to take its place? — If you like I can say that cracks had appeared in it, or if you like I can say that the rule does not apply to Royalty, since a king does not go back on his word. For so said Samuel: If Royalty says, I will uproot mountains, it will uproot them and not go back on its word.

Herod was the slave of the Hasmonean house, and had set his eyes on a certain maiden [of that house].¹⁷ One day he heard a Bath Kol¹⁸ say, 'Every slave that rebels now will succeed.' So he rose and killed all the members of his master's¹⁹ household, but spared that maiden. When she saw that he wanted to marry her, she went up on to a roof and cried out, 'Whoever comes and says, I am from the Hasmonean house, is a slave, since I²⁰ alone am left of it, and I am throwing myself down from this roof.' He preserved her body in honey for seven years. Some say that he had intercourse with her, others that he did not. According to those who say that he had intercourse with her, his reason for embalming her was to gratify his desires. According to those who say that he did not have intercourse with her, his reason was that people might say that he had married a king's daughter.

Who are they, he said, who teach, From the midst of thy brethren thou shalt set up a king over thee,²¹ [stressing the word 'brethren']? The Rabbis! He therefore arose and killed all the Rabbis, sparing, however, Baba b. Buta, that he might take counsel of him.

(1) The First Temple is supposed to have stood 410 years, the Second 420.

(2) For which an extra allowance has to be made.

(3) Which shows that measurements less than a handbreadth are specified by the Mishnah. (5) The beam placed across the entrance to an alley-way to enable articles to be carried in it on Sabbath.

(4) 'Er. 13 b. This shows that a lebenah is three handbreadths without the plaster.

(5) That the three handbreadths of the Mishnah includes the plaster.

(6) So that the congregation will be left without a synagogue. Lit., 'on account of transgression'.

(7) During the time when the second synagogue is being built. Lit., 'on account of prayer'.

- (8) In which case the second reason does not apply.
- (9) In the summer a more airy building was used to escape the heat.
- (10) That the building of the new one may be neglected.
- (11) The redemption of captives was regarded as a mizwah of very great importance, and would take precedence of the building of a synagogue. Hence even in this case the old should not be demolished till the new is ready.
- (12) For the roof.
- (13) And therefore they should never pull down the old one.
- (14) And much less a synagogue.
- (15) [A suburb of Sura which attained fame as a centre of learning in the days of R. Ashi. v. Obermeyer, Die Landschaft Babylonien, 289.]
- (16) V. infra.
- (17) Mariamne, the daughter of Alexander, a son of Aristobulus II. According to Josephus, she was put to death by Herod after being married to him several years.
- (18) A voice from heaven. V. Gloss.
- (19) [V. D.S. a.l.]
- (20) Lit., 'this maiden'.
- (21) Deut. XVII, 15.

Talmud - Mas. Baba Bathra 4a

He placed on his head a garland of hedgehog bristles and put out his eyes. One day he came and sat before him and said: See, Sir, what this wicked slave [Herod] does. What do you want me to do to him, replied Baba b. Buta. He said: I want you to curse him. He replied with the verse, Even in thy thoughts thou shouldst not curse a king.¹ Said Herod to him: But this is no king. He replied: Even though he be only a rich man, it is written, And in thy bedchamber do not curse the rich;² and be he no more than a prince, it is written, A prince among thy people thou shalt not curse.³ Said Herod to him: This applies only to one who acts as one of 'thy people', but this man does not act as one of thy people. He said: I am afraid of him. But, said Herod, there is no-one who can go and tell him, since we two are quite alone.⁴ He replied: For a bird of the heaven shall carry the voice and that which hath wings shall tell the matter.⁵ Herod then said: I am Herod. Had I known that the Rabbis were so circumspect, I should not have killed them. Now tell me what amends I can make. He replied: As you have extinguished the light of the world, [for so the Rabbis are called] as it is written, For the commandment is a light and the Torah a lamp,⁶ go now and attend to the light of the world [which is the Temple, of which] it is written, And all the nations become enlightened by it.⁷ Some report that Baba b. Buta answered him thus: As you have blinded the eye of the world, [for so the Rabbis are called] as it is written, if it be done unwittingly by the eyes of the congregation,⁸ go now and attend to the eye of the world, [which is the Temple] as it is written, I will profane my sanctuary, the pride of your power, the delight of your eyes.⁹ Herod replied: I am afraid of the Government [of Rome]. He said: Send an envoy, and let him take a year on the way and stay in Rome a year and take a year coming back, and in the meantime you can pull down the Temple and rebuild it. He did so, and received the following message [from Rome]: If you have not yet pulled it down, do not do so; if you have pulled it down, do not rebuild it; if you have pulled it down and already rebuilt it, you are one of those bad servants who do first and ask permission afterwards. Though you strut with your sword, your genealogy¹⁰ is here; [we know] you are neither a reka¹¹ nor the son of a reka, but Herod the slave

who has made himself a freedman. What is the meaning of reka? — It means royalty, as it is written, I am this day rak¹² and anointed king.¹³ Or if you like, I can derive the meaning from this verse, And they cried before him, Abrek.¹⁴

It used to be said: He who has not seen the Temple of Herod has never seen a beautiful building. Of what did he build it? Rabbah said: Of yellow and white marble. Some say, of blue, yellow and white marble. Alternate rows [of the stones] projected,¹⁵ so as to leave a place for cement. He originally intended to cover it with gold, but the Rabbis advised him not to, since it was more beautiful as it was, looking like the waves of the sea.

How came Baba b. Buta to do this [to give advice to Herod], seeing that Rab Judah has said in the name of Rab (or it may be R. Joshua b. Levi) that Daniel was punished only because he gave advice to Nebuchadnezzar, as it is written, Wherefore, O king, let my counsel be acceptable unto thee, and atone thy sins by righteousness and thine iniquities by showing mercy to the poor, if there may be a lengthening of thy tranquility etc.,¹⁶ and again, All this came upon the king Nebuchadnezzar,¹⁷ and again, At the end of twelve months etc.?¹⁸ — If you like I can say that this does not apply to a slave [of an Israelite, such as Herod was.] who is under obligation to keep the commandments [of the Torah], or if you like I can say that an exception had to be made in the case of the Temple which could not have been built without the assistance of Royalty.

From whence do we learn that Daniel was punished? Shall I say from the verse, And Esther called to Hatach,¹⁹ who, as Rab has told us, was the same as Daniel? This is a sufficient answer if we accept the view of those who say that he was called Hatach because he was cut down [hatach] from his greatness.²⁰ But on the view of those who say that he was called Hatach because all matters of state were decided²¹ [hatach] according to his counsel, what answer can we give? — That he was thrown into the den of lions.

ALL ACCORDING TO THE CUSTOM OF THE DISTRICT. What further implication is conveyed by the word 'ALL'?²² — That we include places where fences are made of palm branches and branches of bay trees.

THEREFORE IF THE WALL FALLS, THE PLACE AND THE STONES BELONG TO BOTH. Surely this is self-evident? — It required to be stated in view of the case where the wall has fallen entirely into the property of one of them, or where one of them has cleared all the stones into his own part. You might think that in that case the onus probandi falls on the other as claimant. Now we know [that this is not so].

SIMILARLY IN AN ORCHARD, IN A PLACE WHERE IT IS CUSTOMARY TO FENCE OFF. The text itself seems here to contain a contradiction. You first say, SIMILARLY IN AN ORCHARD, IN A PLACE WHERE IT IS CUSTOMARY TO FENCE OFF, EITHER CAN BE COMPELLED, from which I infer that in an ordinary²³ [orchard] he cannot be compelled to fence off. Now see the next clause: BUT IN A STRETCH OF FIELDS, IN A PLACE WHERE IT IS USUAL NOT TO FENCE OFF, NEITHER CAN BE COMPELLED, from which I infer that in an ordinary²³ [stretch] he can be compelled. Now if you say that he cannot be compelled in an ordinary orchard, do we require to be told that he cannot be compelled in an ordinary stretch of

fields?²⁴ — Abaye replied: We must read the Mishnah thus: ‘Similarly with an ordinary orchard:²³ and also where it is customary to put fences in a stretch of fields, he can be compelled.’²⁵ Said Raba to him: If that is the meaning, what are we to make of the word BUT?²⁶ No, said Raba; we must read the Mishnah thus: ‘Similarly with an ordinary orchard, which is regarded as a place where it is customary to make a fence, and he can be compelled: but an ordinary stretch of cornfields is regarded as a place where it is not customary to make a fence, and he is not compelled.’

IF, HOWEVER, ONE DESIRES TO MAKE A FENCE, HE MUST WITHDRAW A LITTLE AND BUILD ON HIS OWN GROUND, MAKING A FACING. How does he make a facing? — R. Huna says: He bends the edge over towards the outer side. Why should he not make it on the inner side?²⁷ — Because then his neighbour may make another one on the outer side²⁸ and say that the wall belongs to both of them.²⁹ If he can do that, then even if the ledge is on the outer side he can cut it off and say that the wall belongs to both? — Breaking off would be noticeable.

According to another version, R. Huna said: He bends the edge over on the inner side. Why should he not bend it over on the outer side? — His neighbour may break it off and say that the wall belongs to both of them.²⁹ If he can do that, he can join one on and claim that the wall belongs to both? — Such a joining on would be noticeable. But the Mishnah says, ON THE OUTER SIDE?³⁰ — This is certainly a difficulty.

R. Johanan said:

(1) Eccl. X, 20.

(2) Ibid.

(3) Ex. XXII, 27.

(4) Lit., ‘Since you and I sit (here).’

(5) Eccl. X, 20.

(6) Prov. VI, 23.

(7) Isa. II, 2. The Hebrew word is **urvbu** (lit. ‘and shall flow’), which here is connected with the Aramaic **vruvb** ‘light’.

(8) Literal rendering of Num. XV, 24.

(9) Ezek. XXIV, 21.

(10) Lit., ‘book’.

(11) [**vfr**], prob. a transliteration of the Latin rex]

(12) In the E.V. ‘tender’

(13) II Sam. III, 39

(14) **lrct** prob. an Egyptian word meaning ‘ruler’, interpreted by the Rabbis to mean ‘father of the king’. Gen. XLI, 43.

(15) Lit., ‘it sent forth an edge and drew in an edge’.

(16) Dan. IV, 24.

(17) Ibid. 25.

(18) Ibid. 26. The twelve months’ reprieve is regarded as a result of Daniel’s advice.

(19) Esther, IV, 5.

(20) **l, j** to cut, this being his punishment.

- (21) **l, j** denotes 'to determine', 'to decide', as well as 'to cut'.
- (22) Which appears to be superfluous.
- (23) I.e., where no definite custom exists.
- (24) Where there is no damage from 'overlooking', as in an orchard.
- (25) Thus Abaye takes the words IN A PLACE WHERE IT IS CUSTOMARY TO FENCE with IN A STRETCH OF FIELDS.
- (26) On Abaye's theory, this should come after IN A STRETCH OF FIELDS, not before it.
- (27) Which would equally be a sign that the wall is his.
- (28) I.e., on his side.
- (29) Lit., 'say it is mine and his', as having jointly made it originally.
- (30) How then could R. Huna say that he should make the facing on the inner side?

Talmud - Mas. Baba Bathra 4b

[The man who makes the wall] should smear it [with lime] on the outer side to the extent of a cubit. Why not on the inner side? — His neighbour will do the same on the outer side and claim that the wall is joint property. If he can do that, he can also scrape off the mark [on the outer side] and claim a share in the wall?¹ — Scraping is noticeable.

[Suppose the partition is made of] palm branches, [how is he to make a mark]? — R. Nahman said: He should direct the points of the branches² outwards. Why not inwards? — Because then his neighbour may also turn points outwards and say that the fence is joint property.³ If he can do that, he can also cut off the points [if they are outside] and throw them away? — [The other should therefore] smear clay over them. But even so the neighbour can come and scrape it away? — Scraping would be noticed. Abaye said [that for a partition made of] palm branches there is no security save by a written deed.⁴

IF, HOWEVER, THEY BOTH CONCUR. Raba of Parazika⁵ said to R. Ashi: Let neither of them make a mark? — The rule is required for the case where one made a mark first, so that if the other does not do likewise, the first may claim [the whole wall] as his own. Is the Tanna then teaching us how to guard against rogues? — And is not the previous regulation also⁶ a precaution against rogues? Raba replied: This is right and proper in the former clause:⁷ the Tanna first states the law and then teaches how it should be safeguarded. But in the latter clause what law has he laid down that he should teach us how to safeguard it?⁸ Rabina said: We are here dealing with a partition made of palm branches, and the object of the Mishnah is to exclude the view of Abaye, that for a fence made of palm branches there is no security save through a written deed. It therefore tells us that the making of a facing is sufficient.

MISHNAH. IF A MAN HAS FIELDS SURROUNDING THOSE OF ANOTHER ON THREE SIDES AND FENCES THE FIRST, SECOND, AND THIRD, THE OTHER IS NOT BOUND [TO SHARE IN THE COST].⁹ R. JOSE SAID: IF HE¹⁰ TAKES IT UPON HIMSELF TO FENCE¹¹ THE FOURTH, THE WHOLE¹² COST DEVOLVES UPON HIM.

GEMARA. Rab Judah said in the name of Samuel: The halachah follows R. Jose who said: IF HE TAKES IT UPON HIMSELF TO FENCE THE FOURTH, THE WHOLE COST

DEVOLVES UPON HIM; and it makes no difference whether it is the encloser or the enclosed who does so.

It has been stated: R. Huna said, [The contribution to the cost of] the whole must be proportionate to the actual cost of erecting the fence;¹³ Hiyya b. Rab said, It must be proportionate to the cost of a cheap fence of sticks.¹⁴

We have learnt: IF A MAN HAS FIELDS SURROUNDING THOSE OF ANOTHER ON THREE SIDES AND FENCES THE FIRST, SECOND, AND THIRD SIDES, THE OTHER IS NOT COMPELLED [TO CONTRIBUTE TO THE COST]; which would imply that if the other fences the fourth side also, he must contribute [to the cost of the whole]. Now see the next clause: R. JOSE SAYS, IF HE TAKES IT UPON HIMSELF TO FENCE THE FOURTH, THE COST OF THE WHOLE DEVOLVES UPON HIM. This accords very well with the opinion of R. Huna who said [that he contributes to the cost of] the whole in proportion to the outlay on the fence; there is a genuine difference of opinion between the first Tanna and R. Jose, the former holding that the contribution has to be proportionate to the cost of a cheap fence of sticks, but not to the actual outlay, and R. Jose that it has [in all cases] to be proportional to the actual outlay. But if we accept the view of Hiyya b. Rab who said that it need only be proportionate to the cost of a cheap fence of sticks, what difference is there between the first Tanna and R. Jose? If he is not to give him even the cost of a cheap fence, what else can he give?¹⁵ — If you like I can say that they differ as regards the hire of a watchman,¹⁶ the first Tanna holding that he must pay the cost of a watchman¹⁷ but not of a cheap fence, and R. Jose holding that he must pay the cost of a cheap fence. If you like, again, I can say that they differ as to the first, second and third sides, the first Tanna holding that he has to contribute only to the cost of fencing the fourth side, but not the first, second and third,¹⁸ and R. Jose holding that he has to contribute to the cost of the first, second and third sides also.¹⁹ If you like, again, I can say that they differ as to whether the fence in question must be built by the owner of the surrounding fields or of the enclosed field, [if the latter is to contribute to the cost of the whole]. The first Tanna holds that the reason [why the owner of the enclosed field has to contribute] is because he took the initiative [in building the fourth fence] and that is why the cost of the whole devolves on him, but if the owner of the surrounding fields took the initiative, the other has only to pay him his contribution to the fourth fence.²⁰ R. Jose on the other hand holds that it makes no difference whether the owner of the enclosed or of the surrounding fields took the initiative In building the fourth fence, in either case the former has to pay the latter his share of the whole. According to another version [of this last clause], they differ as to [whether the fourth fence has to be built by] the owner of the enclosed or the surrounding fields [in order to make the former liable for contributing to its cost]. The first Tanna holds that even if the owner of the surrounding fields makes the fourth fence, the other has to contribute to the cost,²¹ whereas R. Jose holds that if the owner of the enclosed field takes it upon himself to build the fourth fence, then he has to contribute to the cost [of the whole] because he makes it clear that he approves of it, but if the owner of the surrounding fields builds it, the other does not pay him anything.²²

(1) V. n. 4.

(2) [Another rendering, 'The staves supporting the hedge' (R. Han).]

(3) V. p. 14, n. 4.

- (4) That is to say, there is always the possibility of fraud unless there is evidence in writing duly witnessed as to how the partition was made.
- (5) [Identified with Farausag, a district near Bagdad. V. Obermeyer, op. cit., 269.
- (6) That if one builds the fence on his own ground he should make a mark.
- (7) That the one who wants to build should withdraw into his own ground.
- (8) There is no law that a fence should be built in a stretch of cornfields.
- (9) Whether because there is no custom that fields should be fenced or because the fencing is of little advantage so long as the fourth side is open.
- (10) The question which of the two is meant is discussed in the Gemara.
- (11) Lit., 'rose up and fenced'.
- (12) I.e., his share in the cost of the whole.
- (13) Which will vary according to the materials used by the encloser.
- (14) Because the other can say that this is all that he requires.
- (15) That is to say, can even the Rabbis fix his contribution at anything less than this?
- (16) During the time that the corn is ripe.
- (17) This would be less than the cost of a cheap fence, and the Rabbis might say that since this is all he requires, this is all that the fence is worth to him, and he need not contribute more than this.
- (18) That is to say, we infer only this from the language of the Mishnah, and not, as above, that he has to contribute to the cost of the whole.
- (19) Proportionately to the actual cost, according to one authority, and to the cost of a cheap fence according to the other.
- (20) It is not clear on what grounds this opinion is ascribed to the first Tanna, as there is no hint of it in the Mishnah. Rashi does not seem to have had the whole of this clause in his text; v. D. S. a.l.
- (21) Apparently the cost of the whole is meant.
- (22) Because he can say that he does not want any fencing.

Talmud - Mas. Baba Bathra 5a

[One] Ronya had a field which was enclosed on all four sides by fields of Rabina. The latter [fenced them and] said to him: pay me [towards] what I have spent for fencing.¹ He refused to do so. Then pay [towards] the cost of a cheap fence of sticks.² He again refused. Then pay me the hire of a watchman.³ He still refused. One day Rabina saw Ronya gathering dates, and he said to his metayer: Go and snatch a cluster of dates from him. He went to take them, but Ronya shouted at him, whereupon Rabina said: You show by this⁴ that you are glad of the fence. If it is only goats [you are afraid of], does not your field need guarding? He replied: A goat can be driven off with a shout.⁵ But, he said, don't you require a man to shout at it? He appealed to Raba, who said to him: Go and accept his last offer,⁶ and if not, I will give judgment against you according to R. Huna's interpretation of the ruling of R. Jose.⁷

Ronya bought a field adjoining a field of Rabina. The latter thought he was entitled to eject him in virtue of his right of preemption.⁸ Said R. Safra the son of R. Yeba to Rabina: You know the saying, The hide costs four zuzim, and four are for the tanner.⁹

MISHNAH. IF THE PARTY WALL OF A COURTYARD FALLS IN, EACH OF THE NEIGHBOURS CAN BE COMPELLED BY THE OTHER TO [CONTRIBUTE TO THE

COST OF] REBUILDING IT TO A HEIGHT OF FOUR CUBITS.¹⁰ [EACH OF THEM] IS ALWAYS PRESUMED TO HAVE GIVEN HIS SHARE¹¹ UNTIL THE OTHER BRINGS A PROOF THAT HE HAS NOT GIVEN.¹² FOR REBUILDING HIGHER THAN FOUR CUBITS NEITHER CAN BE COMPELLED [TO CONTRIBUTE]. IF, HOWEVER, [THE ONE WHO HAS NOT CONTRIBUTED]¹³ BUILDS ANOTHER WALL CLOSE TO IT,¹⁴ EVEN THOUGH HE HAS NOT YET PUT A ROOFING OVER THE SPACE BETWEEN, THE [PRO RATA] COST OF THE WHOLE DEVOLVES UPON HIM,¹⁵ AND HE IS PRESUMED NOT TO HAVE GIVEN UNTIL HE ADDUCES PROOF THAT HE HAS GIVEN.¹⁶

GEMARA. Resh Lakish has laid down: If a lender stipulates a date for the repayment of a loan, and the borrower pleads [when the date of payment arrives] that he paid the debt before it fell due, his word is not accepted. Let him only pay when it does fall due! Abaye and Raba, however, both concur in saying that it is not unusual for a man to pay a debt before it falls due; sometimes he happens to have money, and he says to himself, I will go and pay him,

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- (1) According to the ruling of R. Jose as interpreted by R. Huna.
 - (2) According to the same ruling as interpreted by Hiyya b. Rab.
 - (3) According to one version of the opinion of the Rabbis.
 - (4) By the fact that you do not want people to enter your field.
 - (5) [Adopting the reading of the Bah, v. D.S.]
 - (6) Lit., 'appease him with what he is willing to be appeased with,' i.e., the hire of a watchman.
 - (7) Viz., to contribute half of his actual outlay, this being the halachah.
 - (8) As owner of the adjoining field.
 - (9) Apparently R. Safra meant that by having two fields instead of one, Ronya, who was a poor man, would save expense, and therefore Rabina ought to let him keep it. But the exact application of the saying here is obscure. v. Rashi and Tosaf.
 - (10) This being the minimum to prevent overlooking.
 - (11) In case he is sued by the other after the wall is built.
 - (12) Because, as most people know the rule about contributing, we presume that if the other had not paid as soon as the wall was finished, he would have sued him at once.
 - (13) To the rebuilding higher than four cubits.
 - (14) With the intention of roofing over the intervening space.
 - (15) Because he makes it clear retrospectively that he is well satisfied to have the wall at its present height.
 - (16) Because this rule is not so well known, and the builder of the first wall may have learnt only some time after that he was able to recover his outlay.

Talmud - Mas. Baba Bathra 5b

so as to be quit of him.¹

We have learnt: EACH IS PRESUMED TO HAVE GIVEN HIS SHARE UNTIL THE OTHER BRINGS PROOF THAT HE HAS NOT GIVEN. How are we to understand this? Are we to suppose that he says to the claimant: I paid when the payment was due?² Then it is self-evident that he is presumed to have given.³ We must suppose then that he pleads: I paid you before the payment was due. This would show, [would it not], that it is not unusual for a man to

pay a debt before it is due? — Here the case is different, because with every layer [of the wall that is finished some] payment becomes due.⁴

Come and hear [this]: HE IS PRESUMED NOT TO HAVE GIVEN UNTIL HE ADDUCES PROOF OF THAT HE HAS GIVEN. How are we to understand this? Are we to assume that he says to him: I paid you when payment became due?⁵ If so, why should we not take his word? We must suppose therefore that he says, I paid you before payment became due; which would show, [would it not], that it is not unusual for a man to pay before the time? — The case here is different, since he may say to himself, How do I know that the Rabbis will make me pay?⁶

R. Papa and R. Huna the son of R. Joshua followed in practice the ruling of Abaye and Raba, whereas Mar son of R. Ashi followed Resh Lakish — The law is as stated by Resh Lakish, and [the ruling applies] even to orphans,⁷ in spite of what has been laid down by a Master, that one who seeks to recover a debt from the property of orphans need not be paid unless he first takes an oath, because the presumption is that a man does not pay a debt before it falls due. The question was raised: If the creditor claims payment some time after the debt falls due, and the debtor pleads, I paid it before it fell due, how do we decide? Do we say that even where there is a presumption [against him]⁸ we plead [on his behalf], ‘what motive has he to tell a lie’,⁹

(1) Lit., ‘so that he may not trouble me’.

(2) Viz., when the wall reached a height of four cubits.

(3) According to the rule that in money claims the word of the defendant is taken against that of the claimant.

(4) Because each is equally under obligation to build the wall.

(5) I.e., as soon as the wall was finished.

(6) As explained above, p. 19, n. 7. And therefore we do not believe him even if he says that he paid when payment fell due.

(7) That is to say, if the debtor dies, the payment may be recovered from his orphans in the same way as from himself, i.e., without taking an oath.

(8) E.g., the presumption that a man does not pay before the time.

(9) And we therefore accept his word.

Talmud - Mas. Baba Bathra 6a

or is the rule that where there is such a presumption we do not advance this plea? — Come and hear: EACH IS PRESUMED TO HAVE GIVEN HIS SHARE UNTIL THE OTHER BRINGS PROOF THAT HE HAS NOT GIVEN. How are we to understand this? Are we to suppose that the claim was made some time after the payment fell due, and the defendant pleads, I paid you when it fell due?¹ Then this is self-evident. We must suppose then that he pleads, I paid you before the time of payment; from which we would infer that even where there is a presumption against the defendant, we plead [on his behalf], What motive has he to tell a lie? The case here is different, because with every layer [that is finished some] payment becomes due.²

Come and hear: FOR REBUILDING HIGHER THAN FOUR CUBITS NEITHER CAN BE COMPELLED [TO CONTRIBUTE]. IF, HOWEVER, HE BUILDS ANOTHER WALL CLOSE TO IT . . . UNTIL HE ADDUCES PROOF THAT HE HAS GIVEN. How are we to understand

this? Are we to suppose that the claim is made some time after and the defendant pleads, I paid you when the money fell due? If so, why [should we] not [believe him]? We must suppose therefore that he pleads, I paid you before the time of payment, [and yet he has to contribute]; which would show [would it not] that where there is a presumption [against him], we do not plead [on his behalf], What motive has he to tell a lie? — Here the case is different, because he can say to himself, How do I know that the Rabbis will compel me to pay?³

Said R. Aha the son of Raba to R. Ashi: Come and hear [this]: [If a man says to another], You owe me a maneh, and the other says, That is so, and if on the next day when the lender says, Give it to me, the borrower pleads, I have given it to you, he is quit, but if he says, I do not owe you anything,⁴ he is liable to pay. Now the expression, 'I have given it to you' is equivalent, is it not, to 'I paid when it fell due', and the expression, 'I do not owe you anything'⁴ to 'I paid you before it fell due'; and we are told that in the latter case he is liable; which would show that where there is a presumption [against him]⁵ we do not plead [on his behalf], what motive has he to tell a lie? — Not so: the expression 'I do not owe you anything' means 'I never borrowed from you,'⁶ [and therefore he is liable] because a Master has laid down that to say 'I have not borrowed' is equivalent to saying 'I have not paid'.

IF HE PUTS UP ANOTHER WALL CLOSE TO IT, THE COST OF THE WHOLE DEVOLVES ON HIM. R. Huna said: If the second wall matches half [the first wall],⁷ it is the same as if it matched the whole.⁸ R. Nahman, however, said that where it matches it matches, and where it does not it does not.⁹ R. Huna, however, admits [that R. Nahman's ruling applies] to a projection joined on to a house;¹⁰ and R. Nahman admits [that R. Huna's ruling applies] to a sustaining beam¹¹ or fittings for fixing planks.¹²

R. Huna said: [If in the part of the wall above four cubits] there are cavities,¹³ this does not create a presumption that [the one who built it was assisted by the other], even if he made the wooden lining in the cavities; for he can plead [when claiming part payment for it from the other]: The reason why I put them in was to prevent my wall becoming damaged, should you persuade me [to let you put cross beams in].¹⁴

R. Nahman said: If a man has acquired a prescriptive right¹⁵ to rest small beams [upon his neighbour's wall], that does not give him the right to [rest] large beams upon it, but if he has acquired the right to [rest] large beams, that does give him the right to [rest] small beams. R. Joseph, however, said that if he has acquired the right to [rest] small beams, he also has the right to [rest] large beams. According to another version, R. Nahman said that if he has acquired the right for small beams he has the right for large beams, and if he has acquired the right for large beams he has the right for small beams.

R. Nahman said: If a man has a prescriptive right¹⁶ to let water drip [from his roof into his neighbour's courtyard], he also has the right to [carry it off there by means of] a gutter-pipe;¹⁷ but if he has acquired the prescriptive right to [carry it off by means of] a gutter-pipe, he has not also the right to let it drip [from the roof]. R. Joseph, however, said that if he has acquired the right to [carry it off by means of] a gutter-pipe, he has also the right to let it drip [from the roof]. According to another version, R. Nahman said that if he has acquired the prescriptive right to

carry it off by a gutter-pipe, he has the right to let it drip [from the roof], but he has not the right to [let it drip from] a cone-shaped roof of reeds;¹⁸ whereas R. Joseph says that he has that right also. In a case which came before him, R. Joseph decided according to his own view.

R. Nahman said in the name of Rabbah b. Abbuha: If a man lets an apartment to another

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- (1) When the wall was finished.
 - (2) And therefore he does not really plead that he paid before the time.
 - (3) V. p. 19 n. 7.
 - (4) Lit., 'Nothing of yours is in my hand'.
 - (5) The presumption that a debtor does not pay before the time.
 - (6) Lit., 'The thing never happened'.
 - (7) I.e., if it is built up to half the same length or height.
 - (8) And he has to contribute to the cost of the whole, the reason being that in all probability he will subsequently finish it and make a roofing.
 - (9) And he only pays proportionately to the amount he has built.
 - (10) Apparently what is referred to is a wall which the other neighbour (the one who did not raise the party wall) builds out from his own house parallel to the party wall. As it is evident that he has no intention of extending this, he contributes to the increased height of the party wall only in proportion to its height or length. Another e
t, puk
 - (11) A thick beam laid on top of the wall to sustain further building.
 - (12) Cavities made of lathes alongside of the wall in which upright beams may afterwards be placed. In both these cases he shows his intention of building higher, and therefore must contribute to the cost of the whole.
 - (13) Which would be suitable for resting cross beams in, if another wall is built opposite.
 - (14) If Reuben raises the party wall higher than four cubits, at the same time putting cavities in it, and Simeon subsequently builds a wall parallel to it, Simeon cannot point to the cavities as proof that he has paid his share for the party wall, because Reuben can say that he put them in of his own accord as a precaution.
 - (15) That is to say, if the other has allowed him to do so without protesting, and he can also plead (but without adducing proof) that he acquired the right by gift or purchase.
 - (16) V. preceding note.
 - (17) Because if the water flows down in this way it is more useful to the owner of the courtyard.
 - (18) From which the water would drip so continuously as to become a nuisance.

Talmud - Mas. Baba Bathra 6b

in a large residence,¹ the latter is at liberty to use the projecting beams² and the cavities in the walls³ up to a distance of four cubits [from his room], and also the thickness of the wall,⁴ if this is the local custom, but not [the part of the wall facing] the front garden.⁵ R. Nahman, however, speaking for himself said that he may use even the side facing the front garden, but not the yard at the back of the house. Raba, however, said that he may use the yard at the back also.

Rabina said: [If a man is allowed by his neighbour to support] the beam of his hut [on his wall] for thirty days, this does not constitute prescriptive right,⁶ but after thirty days it does constitute prescriptive right. If the hut, however, is for religious purposes,⁷ [should no objection be raised] within seven days, this does not constitute prescriptive right, but [if objection is raised only] after

seven days, it does.⁸ If, however, he attaches it with clay [and still the neighbour does not object], he acquires prescriptive right immediately.

Abaye said: If there are two houses on opposite sides of a public thoroughfare, the owner of the one should make a parapet for half his roof, and the other a parapet for half his roof, in such a way that the parapets do not face one another,⁹ though each should extend [his parapet a little beyond the middle].¹⁰ Why [does Abaye] state [this rule in connection with] a public thoroughfare, [seeing that] it could apply equally to private ground? It was more necessary to state it in connection with a public thoroughfare. For you might think that in this case one might [refuse to build], Saying to the other: When all is said and done you have to guard your privacy against the public;¹¹ therefore we are told here that this is not so, since the other can retort: The public can only see me by day but not by night, whereas you can see me both by day and night; or again, the public can see me when I am standing but not when I am sitting, but you can see me whether I am standing or sitting; the public can see me when they look directly at me, but not otherwise, but you see me even without looking.

The Master has just said: 'The one should make a parapet for half his roof and the other should make a parapet for half his roof, In such a way that the parapets do not face one another, though each should extend [his parapet a little beyond the middle].' Surely this rule is obvious? — We require it for the case where one of the owners builds a parapet first [without consulting the other]. You might think that in that case the other is' entitled to say to him: Complete the parapet and I will reimburse you.¹² We,are therefore told [that he cannot insist upon this], since the other can say to him: Why don't you want to build? Because it might weaken your wall. I too [don't want] my wall to be weakened.

R. Nahman said in the name of Samuel: If a man's roof adjoins another man's courtyard,¹³ he must make a parapet four cubits high, but between one roof and another this is not necessary. To this R. Nahman added in his own name that a wall of four cubits is not required, but a partition of ten handbreadths is required. For what purpose [is such a partition required]? If to prevent 'overlooking' we require four cubits? If for the purpose of convicting his neighbour of felonious entry,¹⁴ a mere fence of sticks would suffice? If to prevent kids and lambs from jumping over, a partition too high for them to jump over at a headlong run would suffice? — The actual reason is that he may be able to convict his neighbour of felonious entry. If there is only a fence of sticks, the latter can find an excuse,¹⁵ but if there is a partition of ten handbreadths he can find no excuse.

An objection was brought [against this ruling of R. Nahman] from the following: If the other's courtyard is higher than his roof, there is no need for it. Does not this mean that there is no need for a partition at all? — No; it means that there is no need for a wall of four cubits, but a partition of ten handbreadths is required.

It has been stated: If two courtyards adjoin and one is higher than the other, R. Huna says that the owner of the lower one has to build [the party wall] up from his level, and the owner of the higher one starts building from his level.¹⁶ 'Ulla and R. Hisda, however, say that the owner of the higher one has to assist¹⁷ the owner of the lower in building from his level. It has been taught in agreement with R. Hisda: If there are two adjoining courtyards of which one is higher than the

other, the owner of the higher one must not say to the other, I will start building [the party wall] from my level, but he must assist the other to build from his level.¹⁷ If, however, his courtyard is higher than his neighbour's roof, he has no liability. Two men were living [in the same house], one in the upper room and one in the lower. The lower, room began to sink into the ground, so the owner of the lower room said to the one above: 'Let us rebuild the house.' The other replied: 'I am quite comfortable.'

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- (1) With a single long wall bordering a number of rooms which are let off separately.
 - (2) Used for resting articles on or hanging them out.
 - (3) Used for placing articles in,
 - (4) If the room is on the top storey.
 - (5) An ornamental garden at the main entrance of the residence.
 - (6) V. p. 22 n. 9.
 - (7) I.e., for the Feast of Tabernacles.
 - (8) Because he does not require it again for the same purpose till the next Feast of Tabernacles, and therefore if the owner of the house allows him to keep it there beyond the seven days, he in a way recognises his right to keep it there permanently.
 - (9) E.g., if one builds on the north side, the other should build on the south.
 - (10) To avoid the possibility of 'overlooking'.
 - (11) And the steps which you take to protect yourself against them will suffice to protect you against me.
 - (12) Lit., 'take the expense.' [Heb. uzinka, a Persian word meaning 'cost', v. Krauss, TA. I, 20.]
 - (13) On the side of a hill.
 - (14) Lit., 'for his being caught there like a thief.'
 - (15) E.g., that something of his fell on to the other's roof and he stepped over to get it.
 - (16) And he has not to contribute to the cost of the wall until it reaches the level of his courtyard.
 - (17) I.e., by contributing to the cost.

Talmud - Mas. Baba Bathra 7a

'Then let me take it down and rebuild it,' said the first. He replied: 'Meanwhile I have nowhere to live.' Said the first: 'I will hire you a place.' 'I do not want the bother,' he replied. ['But,' said the first,] 'I cannot live in my place.' [To which he replied,] 'You can crawl on your belly¹ to get in, and crawl on your belly to get out. Said R. Hama: He had a full right to stop him [rebuilding]. This, however, is the case only if the beams [of the upper room] did not sink lower than ten handbreadths [from the ground], but if they came as low as this, the owner of the lower room can say: Below ten handbreadths is my property and is not subject to you.² Further, [the one above was within his rights] only if they had not made an agreement with one another,³ but if they had made an agreement with one another, then they must take down the house and rebuild it. And if they did make an agreement with one another, how low [must the upper chamber sink before the one below can demand rebuilding]? — The Rabbis stated in the presence of Rabbah in the name of Mar Zutra the son of R. Nahman, who said it in the name of R. Nahman: Till [the lower room fails to answer the requirement laid down for] that of which we have learnt,⁴ its height must be equal to half its length and half its breadth [combined]. Said Rabbah to them: Have I not told you not to hang empty bottles⁵ on R. Nahman? What R. Nahman said was, 'It must be fit for human habitation'. And how much is this? — R. Huna the son of R. Joshua said: Big enough for one to

bring in a bundle [of reeds] of Mahuza⁶ and turn round with them.

A certain man began to build a wall facing his neighbour's windows. The latter said to him, 'You are shutting out my light.' Said the first, 'Let me close up your windows here and I will make you others above the level of my wall.' He replied, 'You will damage my wall by so doing.' 'Let me then,' he said, 'take down your wall as far as the place of the windows and then rebuild it, fixing windows in the part above my wall.' He replied, 'A wall of which the lower part is old and the upper part new will not be firm.'⁷ 'Then,' he said, 'let me take it all down and build it up from the ground and put windows in it.' He replied, 'A single new wall in a house, the rest of which is old, would not be firm.' He then said, 'Let me take down the whole house and put windows in the new building.' He replied, 'Meanwhile I have no place wherein to live.' 'I will rent a place for you,' said the other. 'I don't want to bother,' said the first. Said R. Hama [on hearing of the case]: He had a perfect right to stop him. Is not this case the same as the other? Why, then, this repetition? — To tell us [that the owner of the house may exercise his veto] even though he only Uses it for storing straw and wood.⁸

Two brothers divided [a house which they inherited], the one taking as part of his share a verandah open at one end⁹ and the other the front garden. The one who obtained the garden went and built a wall in front of the opening of the verandah. Said the other, 'You are taking away my light.' 'I am building on my own ground,' he replied. Said R. Hama: He was quite within his rights in saying so. Rabina asked R. Ashi: How does this case differ from what was taught: 'If two brothers divide an inheritance, one taking a vineyard and the other a cornfield [adjacent], the owner of the vineyard can claim four cubits in the cornfield,¹⁰ since it was understood that on that condition they divided'? — He replied: There [the reason is] that they struck a balance with one another.¹¹ What then [said Rabin] do we suppose here? That they did not compensate one another? Are we dealing with idiots, of whom one takes a verandah and the other a garden, and yet no question of compensation is raised? He replied: Granted that compensation was allowed for the bricks, beams, and planks, no allowance was made for the air space.¹² But cannot he say, 'At first you let me have a verandah as my share, now you are only letting me have a dark room'? — R. Shimi b. Ashi said: He let him have something which happened to be called so. Has it not been taught: 'If a man says, I sell you a beth kor of ground,¹³ even if it subsequently prove to be only a lethek¹⁴ the sale is valid, since he sold him only something designated a beth kor, provided always that the land in question is commonly called a beth kor. [If a man says], I sell you an orchard, even though there are no pomegranates in it, the sale is valid, since he only sold him something designated so, provided the place is commonly called an orchard. [If a man says], I sell you a vineyard, even if there are no vines in it the sale is valid, since he only sold him something designated so, provided always that the place is commonly called a vineyard'¹⁵ — Are the cases parallel? There the vendor can say to the purchaser, I sold you [something called by] a certain name; here the one who obtains the verandah can say, I only took this as my share on condition that I should be able to live in it as our father lived.¹⁶

(1) According to another rendering, 'You can bend yourself double'.

(2) And therefore I can demand to have the house pulled down and rebuilt.

(3) To rebuild the house if it sank.

(4) If one undertakes to build a (one-roomed) house without specifying the size. *Infra* 98b.

- (5) I.e., not to attribute absurd opinions to him.
- (6) Which were exceptionally long.
- (7) Because the new cement does not stick well to the old.
- (8) And therefore he cannot say that he will have nowhere to live if it is pulled down.
- (9) **vshkpxt** Gr. ** a cave, a recess; hence, a sitting room in the shape of a hall; v. Tosaf. s.v. **vshkpxt**.
- (10) To allow room for his oxen to turn when working the vineyard.
- (11) The one who received the more valuable portion giving compensation to the other.
- (12) By the owner of the verandah, so that he should have the right of keeping it empty.
- (13) I.e., a piece of ground large enough for the sowing of a kor of seed. A kor= 30 se'ah, and a beth kor (lit. 'house of a kor')=75,000 sq. cubits.
- (14) Half a kor.
- (15) B.M. 104a.
- (16) And therefore it must not be interfered with, even at the cost of restricting the other's building rights.

Talmud - Mas. Baba Bathra 7b

Mar Yanuka and Mar Kashisha the sons of R. Hisda said to R. Ashi: The Nehardeans¹ in this are applying their own principle; for R. Nahman said in the name of Samuel:² If brothers divide [property which they have inherited], neither has the right of way against the other,³ nor the right of 'windows'⁴ against the other, nor the right of 'ladders'⁵ against the other, nor the right of a watercourse⁶ against the other; and take good heed of these rulings, because they are firmly established. Raba, however, said that each has these rights against the other.

There was a bond [inherited] by orphans [from their father] against which a receipt was produced [by the borrower]. R. Hama said: We neither enforce payment on the strength of the bond, nor do we tear it up. 'We neither enforce payment', because a receipt is produced against it, 'nor do we tear it up', because it is possible that when the orphans grow up they will bring evidence invalidating the receipt. Said R. Aha the son of Raba to Rabina: What is the accepted ruling in such a case? — He replied: In all [the above-mentioned cases] the law follows R. Hama, save only in the matter of the receipt, the reason being that we do not presume the witnesses [who have signed the receipt] to have been guilty of a falsehood. Mar Zutra the son of R. Mari, however, said that in this also the law follows R. Hama, since if the receipt were genuine the defendant ought to have produced it in the lifetime of the father, and since he did not do so, the inference is that it was forged. MISHNAH. HE [A RESIDENT OF A COURTYARD] MAY BE COMPELLED [BY THE REST] TO [CONTRIBUTE TO] THE BUILDING OF A PORTER'S LODGE⁷ AND A DOOR⁸ FOR THE COURTYARD. RABAN SIMEON B. GAMALIEL, HOWEVER, SAYS THAT NOT ALL COURTYARDS REQUIRE A PORTER'S LODGE.⁹ HE [A RESIDENT OF A CITY] MAY BE COMPELLED TO CONTRIBUTE TO THE BUILDING OF A WALL, FOLDING DOORS AND A CROSS BAR. RABAN SIMEON B. GAMALIEL SAYS THAT NOT ALL TOWNS REQUIRE A WALL. HOW LONG MUST A MAN RESIDE IN A TOWN TO BE COUNTED AS ONE OF THE TOWNSMEN?¹⁰ TWELVE MONTHS. IF, HOWEVER, HE BUYS A HOUSE THERE, HE IS AT ONCE RECKONED AS ONE OF THE TOWNSMEN.

GEMARA. [TO THE BUILDING OF A PORTER'S LODGE.] This would seem to show that

a porter's lodge is an improvement: yet how can this be, seeing that there was a certain pious man¹¹ with whom Elijah used to converse until he made a porter's lodge, after which he did not converse with him any more?¹² — There is no contradiction; in the one case we suppose the lodge to be inside [the courtyard], in the other outside.¹³ Or if you like I can say that in both cases we suppose the lodge to be outside, and still there is no difficulty, because in the one case there is a door and in the other there is no door.¹⁴ Or again we may suppose that in both cases there is a door, and still there is no difficulty, because in the one case there is a latch¹⁵ and the other there is no latch. Or again I may say that in both cases there is a latch and still there is no difficulty, because in the one case the latch is inside and in the other outside.¹⁶ HE MAY BE COMPELLED TO CONTRIBUTE TO THE COST OF A PORTER'S LODGE AND A DOOR. It has been taught: Rabban Simeon b. Gamaliel Says: Not all courtyards require a porter's lodge; a courtyard which abuts on the public thoroughfare requires a lodge, but one which does not abut on the public thoroughfare¹⁷ does not require such a lodge. The Rabbis, however, hold that [it does, because] sometimes in a crowd people force their way in.

HE MAY BE COMPELLED TO CONTRIBUTE TO THE BUILDING OF A WALL etc. It was taught:¹⁸ Rabban Simeon b. Gamaliel says that not all cities require a wall; a town adjoining the frontier requires a wall, but a town which does not adjoin the frontier does not require a wall. And the Rabbis?¹⁹ — [They hold that it does, because] it may happen to be attacked by a roving band. R. Eleazar inquired of R. Johanan: Is the impost [for the wall] levied as a poll tax or according to means? He replied: It is levied according to means; and do you, Eleazar my son, fix this ruling firmly in your mind.²⁰ According to another version, R. Eleazar asked R. Johanan whether the impost was levied in proportion to the proximity of the resident's house to the wall or to his means. He replied: In proportion to the proximity of his house to the wall:²¹ and do you, Eleazar my son, fix this ruling firmly in your mind.

R. Judah the Prince²² levied the impost for the wall on the Rabbis. Said Resh Lakish: The Rabbis do not require the protection [of a wall], as it is written, If I should count them, they are more in number than the sand.²³ Who are these that are counted? Shall I say the righteous,²⁴ and that they are more in number than the sand? Seeing that of the whole of Israel it is written that they shall be like the sand on the sea shore,²⁵ how can the righteous alone be more than the sand? — What the verse means, however, is I shall count the deeds of the righteous and they will be more in number than the sand. If then the sand which is the lesser quantity protects [the land] against the sea, how much more must the deeds of the righteous, which are a larger quantity, protect them? When Resh Lakish came before R. Johanan, the latter said to him: Why did you not derive the lesson from this verse, I am a wall and my breasts are like towers,²⁶ where 'I am a wall' refers to the Torah ' and 'my breasts are like towers'

(1) R. Hama was from Nehardea, v. Sanh. 17b.

(2) Who was also from Nehardea.

(3) I.e., across the other's field to his own field.

(4) The right to stop the other from taking away his light.

(5) The right to rest a ladder in the other's courtyard in order to climb to his own room, or even to place the ladder in his own courtyard and let it rest against the other's room (v. Tosaf.).

(6) The right to carry water from the river to his own field through the other's; all this notwithstanding the fact that

the father was accustomed to do these things.

(7) Lit., 'a gate house'.

(8) In the main gate.

(9) The Gemara discusses which are meant.

(10) And become liable to these imposts.

(11) [Wherever an incident is related of a 'pious man', either Judah b. Baba or Judah b. Ila'i is meant. (Tem. 16b).]

(12) Because the lodge prevented the cries of poor men from being heard within the courtyard.

(13) If the lodge is outside, the poor man can get behind it and it does not prevent his voice from being heard.

(14) If there is a door to the lodge, the poor man cannot go through it, and it prevents him from being heard.

(15) By means of which the poor man can open it and enter.

(16) If the latch is inside the poor man cannot open the door with it, and so cannot make his voice heard.

(17) Being somewhat drawn back into private ground.

(18) (V. Rashal a.l. and D.S.)

(19) The representatives of the anonymous opinion cited in the Mishnah. Why do they make no such distinction?

(20) Lit., 'Fix nails in it'.

(21) According to Tosaf., this means that the poor man at a distance from the wall paid less than the poor man near the wall, and so with the rich, but the rich man at a distance from the wall still paid more than the poor man near.

(22) [Judah III, v. Halevy, Doroth, II, 336.]

(23) Ps. CXXXIX, 18.

(24) Referred to in the word **lhgr** in the previous verse, which Resh Lakish translates 'friends' (E.V. 'thoughts').

(25) Gen. XXII, 17.

(26) Cant. VIII, 10.

Talmud - Mas. Baba Bathra 8a

to the students of the Torah?¹ — Resh Lakish, however, adopts the exposition [of this verse] given [also] by Raba, viz. that 'I am a wall' refers to the community of Israel,² and 'my breasts are like towers', to synagogues and houses of study.

R. Nahman b. R. Hisda³ levied a poll tax on the Rabbis. Said R. Nahman b. Isaac to him: You have transgressed against the Law, the prophets, and the Holy Writings. Against the Law, where it says, Although⁴ he loveth the peoples, all his saints are in thy hand.⁵ Said Moses to the Holy One, blessed be He: Sovereign of the Universe, even at the time when Thou fondlest [other] peoples,⁶ let all [Israel's] saints be in Thy hand. [The verse proceeds,] And they are cut⁷ at thy feet.⁸ R. Joseph learned: These are the students of the Torah who cut their feet in going from town to town and country to country to learn the Torah. He shall receive of thy words:⁹ alluding to their discussing the utterances of God.¹⁰ You have transgressed against the Prophets, where it says, Yea, though they study¹¹ among the nations, now I shall gather them, and a few of them shall be free¹² from the burden of king and princes.¹³ This verse, 'Ulla has told us, is written [partly] in Aramaic,¹⁴ [and is to be expounded thus:] If they all study, I will gather them even now, and if only a few of them study, they [those few] shall be free from the burden of king and princes.¹⁵ You have transgressed against the Holy Writings, as it is written, It shall not be lawful to impose upon them [the priests and Levites etc.] *minda, belo, and halak*¹⁶ and Rab Judah has

explained that *minda* means the king's tax, *belo* the poll tax, and *halach* denotes *annona*.¹⁷

R. Papa levied an impost for the digging of a new well on orphans [also]. Said R. Shesheth the son of R. Idi to R. Papa: perhaps no water will be found there?¹⁸ — He replied: I will collect the money from them in any case. If water is found, well and good, and if not, I will refund them the money. Rab Judah said: All must contribute to the building of doors in the town gates, even orphans; not, however, the Rabbis, [since] they do not require protection. All must contribute to the digging of a well¹⁹ [for a public fountain], including the Rabbis. This, however, is only when there is no *corvee*,²⁰ but when the digging is done by *corvee*, we do not expect the Rabbis to participate.

Rabbi once opened his storehouse [of victuals] in a year of scarcity, proclaiming: Let those enter who have studied the Scripture, or the Mishnah, or the Gemara, or the Halachah, or the Aggadah; there is no admission, however, for the ignorant.²¹ R. Jonathan b. Amram pushed his way in and said, 'Master, give me food.' He said to him, 'My son, have you learnt the Scripture?' He replied, 'No.' 'Have you learnt the Mishnah?' 'No.' 'If so,' he said, 'then how can I give you food?' He said to him, 'Feed me as the dog and the raven are fed.'²² So he gave him some food. After he went away, Rabbi's conscience smote him and he said: Woe is me that I have given my bread to a man without learning! R. Simeon son of Rabbi ventured to say to him: Perhaps it is Jonathan b. Amram your pupil, who all his life has made it a principle not to derive material benefit from the honour paid to the Torah. Inquiries were made and it was found that it was so; whereupon Rabbi said: All may now enter. Rabbi [in first refusing admission to the unlearned] was acting in accordance with his own dictum. For Rabbi said: It is the unlearned who bring misfortune on the world. A typical instance was that of the crown²³ for which the inhabitants of Tiberias were called upon to find the money. They came to Rabbi and said to him, 'Let the Rabbis give their share with us.' He refused. 'Then we will run away,' they said. 'You may,' he replied. So half of them [the 'am ha-ares] ran away. Half of the sum demanded was then remitted. The other half then came to Rabbi and asked him that the Rabbis might share with them. He again refused. 'We will run away,' they said. 'You may,' he replied. So they all ran away, leaving only a certain fuller. The money was then demanded of him, and he ran away, and the demand for the crown was then dropped. Thereupon Rabbi said: I see that trouble comes on the world only on account of the unlearned.²⁴

HOW LONG MUST HE BE IN THE TOWN TO BE COUNTED AS ONE OF THE TOWNSMEN, etc. Does not this conflict with the following: 'If a caravan of asses or camels on its way from one place to another stays there²⁵ overnight and goes astray with the population, the members of the caravan are condemned to be stoned²⁶ but their property is left untouched; if, however, they have stayed there thirty days, they are condemned to death by the sword and their property is also destroyed' ?²⁷ — Raba replied: There is no contradiction. The one period [twelve months is required], in order to make a man a full member²⁸ of the town, the other [makes him] only an inhabitant²⁹ of the town, as it was taught: If a man vows that he will derive no benefit from the men of a certain town, he must derive no benefit from anyone who has resided there twelve months, but he may derive benefit from one who has resided there less than twelve months. If he vows to derive no benefit from the inhabitants of the town, he may derive none from anyone who has resided there thirty days, but he may from one who has resided there less than

thirty days.

But is twelve months' residence required for all imposts? Has it not been taught: '[A man must reside in a town] thirty days to become liable for contributing to the soup kitchen,³⁰ three months for the charity box,³¹ six months for the clothing fund, nine months for the burial fund, and twelve months for contributing to the repair of the town walls'? — R. Assi replied in the name of R. Johanan: Our Mishnah also in specifying the period of twelve months was thinking of the repair of the town walls.

R. Assi further said in the name of R. Johanan: All are required to contribute to the repair of the town walls, including orphans, but not the Rabbis, because the Rabbis do not require protection. R. Papa said: For the repair of the walls, for the horse-guard³² and for the keeper of the armoury³³ even orphans have to contribute, but the Rabbis [do not, since they] do not require protection. The general principle is that even orphans have to contribute for any public service from which they derive benefit. Rabbah levied a contribution for charity on the orphans of the house of Bar Merion; whereupon Abaye said to him: Has not R. Samuel b. Judah laid down that money for charity is not to be levied on orphans even for the redemption of captives? — He replied: I collect from them in order to give them a better standing.

Ifra Hormizd the mother of King Shapur³⁴ sent a chest of gold coins to R. Joseph, with the request that it should be used for carrying out some really important religious precept. R. Joseph was trying hard to think what such a precept could be, when Abaye said to him: Since R. Samuel b. Judah has laid down that money for charity is not to be levied from orphans even for the redemption of captives, we may conclude

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- (1) Who therefore require no protection.
 - (2) Which as it were walls itself round against heathen influence.
 - (3) [As head of Daraukart where R. Nahman b. Isaac also lived. V. Hyman. Toledoth, II, 471.]
 - (4) Heb. ; **ṭ** E.V. 'Yea'.
 - (5) Deut. XXXIII, 3.
 - (6) Allowing them to have dominion over Israel.
 - (7) E.V. 'nestle'.
 - (8) Ibid.
 - (9) Ibid.
 - (10) I.e., the Torah.
 - (11) E.V. 'hire'.
 - (12) E.V. 'begin' or 'sorrow'. **ukj hu** is taken as from **kkj**, 'to break', 'to be exempt', hence 'to be free'.
 - (13) Hos. VIII, 10.
 - (14) That is to say, the word **ub, h** is to be understood as if it were an Aramaic and not a Hebrew word.
 - (15) Hence you transgress against the Prophets in levying a tax on the students of the Torah.
 - (16) E.V. 'tribute, custom, or toll'. Ezra VII, 24.
 - (17) 'Produce tax'. The rabbis are the upholders of the Law, like the priests and Levites; hence to levy imposts on them is to transgress against the Holy Writings.
 - (18) And though other persons may excuse the waste of their money, the trustees of orphans are not allowed to do so.

- (19) [**th, p** lit. 'a drinking vessel', hence by metonymy 'well'.]
- (20) I.e., when the inhabitants are not called on to go out en masse to perform the work, but can make a money contribution.
- (21) Heb. 'am ha-ares, lit., 'people of the land', generally denoting 'the ignorant', 'the boor'.
- (22) Apparently he was referring to the verse, He giveth to the beast his food, to the young ravens which cry (Ps. CXLVII, 9), and what he meant was: 'As God can feed these, so you can feed me.'
- (23) For the Emperor of Rome (Rashi). [Others: Aurum coronarium, a special tax which the Jews had to pay to the Roman Emperor. v. Kohut, .Aruch, s.v. **tkkfk** On the nature of this tax, v. Juster, Les Juifs dans l'Empire Romain, I, 385.]
- (24) I.e., that it was only through them that the crown was demanded in the first instance.
- (25) In a city which is seduced into idolatry. V. Deut, XIV, 12 seq.
- (26) Like any other individuals who are guilty of idolatry.
- (27) Like the inhabitants of the doomed city (v. Sanh. 111b). This would show that thirty days' residence is sufficient to enroll a man among the inhabitants of a town.
- (28) Lit., 'a son of the town'.
- (29) And the verse in Deut. speaks of inhabitants.
- (30) Tamhui, a kind of dish wherein food was collected.
- (31) Kuppah, basket, bag.
- (32) A horseman whose function it was to ride round the walls to see that they were in proper condition.
- (33) The superintendent of the town armoury, which was kept near the gate (Rashi). [Krauss, TA. 1,525, renders 'the treasury'.]
- (34) [Shapur II, king of Persia, son of King Hormizd; lived (and reigned) 310-379 C.E.]

Talmud - Mas. Baba Bathra 8b

that the redemption of captives is a religious duty of great importance.

Raba asked Rabbah b. Mari: Whence is derived the maxim of the Rabbis that the redemption of captives is a religious duty of great importance? — He replied: From the verse, And it shall come to pass when they say unto thee, Whither shall we go forth, then thou shalt tell them, Thus saith the Lord, Such as are for death, to death, and such as are for the sword, to the sword, and such as are for famine, to the famine, and such as are for captivity, to captivity.¹ and [commenting on this] R.Johanan said: Each punishment mentioned in this verse is more severe than the one before. The sword is worse than death; this I can demonstrate either from Scripture, or, if you prefer, from observation. The proof from observation is that the sword deforms but death does not deform; the proof from Scripture is in the verse, Precious in the eyes of the Lord is the death of his saints.² Famine again is harder than the sword; this again can be demonstrated either by observation, the proof being that the one causes [prolonged] suffering but the other not, or, if you prefer, from the Scripture, from the verse, They that be slain with the sword are better than they that be slain with hunger.³ Captivity is harder than all, because it includes the sufferings of all.⁴

Our Rabbis taught: The charity fund is collected by two persons [jointly] and distributed by three. It is collected by two, because any office conferring authority over the community⁵ must be filled by at least two persons. It must be distributed by three, on the analogy of money cases⁶ [which are tried by a Beth din of three]. Food for the soup kitchen is collected by three and

distributed by three, since it is distributed as soon as it is collected.⁷ Food is distributed every day, the charity fund every Friday. The soup kitchen is for all comers, the charity fund for the poor of the town only. The townspeople, however, are at liberty to use the soup kitchen like the charity fund and vice versa, and to apply them to whatever purposes they choose.⁸ The townspeople are also at liberty to fix weights and measures, prices, and wages, and to inflict penalties for the infringement of their rules.⁹

The Master said above: 'Any office conferring authority over the community must be filled by at least two persons.' Whence is this rule derived? — R. Nahman said: Scripture says, And they shall take the gold¹⁰ etc. This shows that they were not to exercise authority over the community, but that they were to be trusted.¹¹ This supports R. Hanina, for R. Hanina reported [with approval] the fact that Rabbi once appointed two brothers to supervise the charity fund.¹²

What authority is involved [in collecting for charity]?—As was stated by R. Nahman in the name of Rabbah b. Abbuha, because the collectors can take a pledge for a charity contribution even on the eve of Sabbath.¹³ Is that so? Is it not written, I will punish all that oppress them,¹⁴ even, said R. Isaac b. Samuel b. Martha in the name of Rab, the collectors for charity? — There is no contradiction. The one [Rab] speaks of a well-to-do man, the other of a man who is not well-to-do; as, for instance, Raba compelled R. Nathan b. Ammi to contribute four hundred zuz for charity.

[It is written], And they that be wise shall shine as the brightness of the firmament.¹⁵ this applies to a judge who gives a true verdict on true evidence.¹⁶ And they that turn many to righteousness [zedakah] as the stars for ever and ever:¹⁷ these are the collectors for charity [zedakah]. In a Baraita it was taught: They that are wise shall shine as the brightness of the firmament: this applies to a judge who gives a true verdict on true evidence and to the collectors for charity: and they that turn many to righteousness like the stars for ever and ever: this applies to the teachers of young children.¹⁸ Such as who, for instance? — Said Rab: To such as R. Samuel b. Shilath. For Rab once found R. Samuel b. Shilath in a garden, whereupon he said to him, 'Have you deserted your post'?'¹⁹ He replied, 'I have not seen this garden for thirteen years, and even now my thoughts are with the children.' And what does Scripture say of the Rabbis? — Rabina answered: They that love him shall be as the sun when he goeth forth in his night.²⁰

Our Rabbis taught: The collectors of charity [when collecting] are not permitted to separate from one another, though one may collect at the gate while the other collects at a shop [in the same courtyard].²¹ If one of them finds money in the street, he should not put it into his purse but into the charity box,²² and when he comes home he should take it out. In the same way, if one of them has lent a man a mina and he pays him in the street, he should not put the money into his own purse but into the charity box, and take it out again when he comes home.

Our Rabbis taught: If the collectors [still have money but] no poor to whom to distribute it, they should change the small coins into larger ones²³ with other persons, but not from their own money.²⁴ If the stewards of the soup kitchen [have food over and] no poor to whom to distribute it, they may sell it to others but not to themselves. In counting out money collected for charity, they should not count the coins two at a time,²⁵ but only one at a time.

Abaye said: At first the Master²⁶ would not sit on the mats in the synagogue;²⁷ but when he heard that it had been taught that ‘the townspeople can apply it to any purpose they choose,’²⁸ he did sit on them. Abaye also said: At first the Master used to keep two purses, one for the poor from outside and one for the poor of the town. When, however, he heard of what Samuel had said to R. Tahalifa b. Abdimi, ‘Keep one purse only

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- (1) Jer. XV, 2.
 - (2) Ps. CXVI, is.
 - (3) Lam. IV, 9.
 - (4) Since the captors can inflict on the captives what suffering they wish.
 - (5) V. infra.
 - (6) The collectors having to adjudge the merits of various claimants.
 - (7) Hence if a third had to be found to assist in the distribution, delay might be caused.
 - (8) Tosaf. mentions that in virtue of this rule Rabbenu Tam diverted money collected for charity to the payment of the town guard, since it had been collected on this condition.
 - (9) Lit., ‘to remove (those who infringe) their regulations.’
 - (10) Ex. XXVIII, 5. The emphasis is on ‘they’, denoting a minimum of two.
 - (11) The gold was brought as a free-will offering, but each of the ‘wise men’ took what he required without rendering account.
 - (12) As treasurers, although two brothers count only as one person.
 - (13) When the householder may plead that he is busy preparing for Sabbath.
 - (14) Jer. XXX, 20.
 - (15) Dan. XII, 3.
 - (16) Lit., ‘true to its own truth’, v. Tosaf. s.v. **ihS**
 - (17) Ibid.
 - (18) Because they also turn their pupils to righteousness.
 - (19) Lit., ‘your faith’ or ‘trustworthiness’.
 - (20) Judges V, 31.
 - (21) As they are still in sight of one another.
 - (22) So that people should not be able to say that he was appropriating charity funds.
 - (23) For fear the small coins should rust.
 - (24) Lest people should say that they do not give full value.
 - (25) Lest people should say that they take two and only count one.
 - (26) Rabbah.
 - (27) Because they were bought out of the charity funds.
 - (28) Supra p. 37

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and stipulate [with the townspeople] that it may be used for both,’ he also kept only one purse and made this stipulation. R. Ashi said: I do not even need to stipulate, since whoever comes [to give me money for charity] relies on my judgment, and leaves it to me to give to whom I will.

There were two butchers who made an agreement with one another that if either killed on the

other's day, the skin of his beast should be torn up. One of them actually did kill on the other's day, and the other went and tore up the skin. Those who did so were summoned before Raba, and he condemned them to make restitution. R. Yemar b. Shelemiah thereupon called Raba's attention to [the Baraitha which says] that the towns-people may inflict penalties for breach of their regulations. Raba did not deign to answer him. Said R. Papa: Raba was quite right not to answer him; this regulation holds good only where there is no distinguished man in the town, but where there is a distinguished man, they certainly have not the power to make such stipulations.

Our Rabbis taught: The collectors for charity are not required to give an account of the moneys entrusted to them for charity, nor the treasurers of the Sanctuary of the moneys given for holy purposes. There is no actual proof of this [in the Scriptures], but there is a hint of it in the words, They reckoned not with the men into whose hand they delivered the money, to give to them that did the work, for they dealt faithfully.¹

R. Eleazar said: Even if a man has in his house a steward on whom he can rely, he should tie up and count out [any money that he hands to him], as it says, They put in bags and told the money.² R. Huna said: Applicants for food are examined³ but not applicants for clothes. This rule can be based, if you like on Scripture, or if you prefer, on common sense. 'It can be based if you like on common sense', because the one [who has no clothing] is exposed to contempt, but not the other. 'Or if you prefer on Scripture' — on the verse, Is it not to examine [paros]⁴ the hungry before giving him thy bread [for so we may translate since] the word paros is written with a sin,⁵ as much as to say, 'Examine and then give to him:' whereas later it is written, When thou seest the naked, that thou cover him,⁶ that is to say, immediately. Rab Judah, however, said that applicants for clothes are to be examined but not applicants for food. This rule can be based if you like on common sense or if you prefer on Scripture. 'If you like on common sense' — because the one [without food] is actually suffering but not the other. 'Or if you prefer on Scripture' — because it says, Is it not to deal thy bread to the hungry, that is, at once⁷ whereas later it is written, When thou seest the naked, that is to say, 'When you shall have seen [that he is deserving]'. It has been taught in agreement with Rab Judah: If a man says, 'Clothe me,' he is examined, but if he says, 'Feed me,' he is not examined.

We have learnt in another place: The minimum to be given to a poor man who is on his way from one place to another is a loaf which costs a pundion when four se'ahs of wheat are sold for a sela'.⁸ If he stays overnight, he is given his requirements for the night. What is meant by 'requirements for the night'? — R. Papa said: A bed and a pillow. If he stays over Sabbath, he is given food for three meals.⁹

A Tanna taught: If he is a beggar who goes from door to door, we pay no attention to him.¹⁰ A certain man who used to beg from door to door came to R. Papa [for money], but he refused him. Said R. Samma the son of R. Yeba to R. Papa: If you do not pay attention to him, no one else will pay attention to him; is he then to die of hunger? But, [replied R. Papa,] has it not been taught, If he is a beggar who goes from door to door, we pay no attention to him? — He replied: We do not listen to his request for a large gift, but we do listen to his request for a small gift.¹¹ R. Assi said: A man should never neglect to give the third of a shekel [for charity] in a year, as it says, Also we made ordinances for us, to charge ourselves yearly with the third part of a shekel for the

service of the house of our Lord.¹² R. Assi further said: Charity is equivalent to all the other religious precepts combined; as it says, 'Also we made ordinances': it is not written, 'an ordinance', but 'ordinances'.

R. Eleazar said: He who causes others to do good is greater than the doer, as it says, And the work¹³ of righteousness [zedakah] shall be peace,¹⁴ and the effect of righteousness quiet and confidence for ever.¹⁵ If a man is deserving, then shalt thou not deal thy bread to the hungry,¹⁶ but if he is not deserving, then thou shalt bring the poor that are cast out to thy house.¹⁷ Raba said to the townsfolk of Mahuza: I beg of you, hasten [to the assistance of] one another, so that you may be on good terms with the Government. R. Eleazar further said: When the Temple stood, a man used to bring his shekel and so make atonement. Now that the Temple no longer stands, if they give for charity, well and good, and if not, the heathens will come and take from them forcibly. And even so it will be reckoned to them as if they had given charity, as it is written, [I will make] thine exactors righteousness¹⁸ [zedakah].

Raba said: The following was told me by the suckling

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- (1) II Kings XII, 16. According to Tosaf., this is not a proof, because the men of that generation were exceptionally righteous.
 - (2) Ibid. Although they had perfect confidence in the workers, the priests before giving them the money first put it in bags and counted it.
 - (3) To see that they are not impostors.
 - (4) Isa. LVIII, 7. E.V. 'deal'.
 - (5) **aurp** = 'make plain', 'examine'. In our texts the word is written **xurp**. V. Tosaf. Shab. 55b, s.v. **ohrlcgn**.
 - (6) Ibid.
 - (7) The word **aurp** being interpreted as it is read.
 - (8) Such a loaf would contain half a kab of wheat.
 - (9) Three meals being obligatory on the Sabbath.
 - (10) To give him money from the charity fund, v. Tosef. Pe'ah, IV.
 - (11) I.e., something less than a complete meal.
 - (12) Neh. x, 33. If for the repair of the Temple, a fortiori for charity.
 - (13) **vagn**: taken in the sense of 'causing others to do righteousness'.
 - (14) And not righteousness (i.e., charity, or those who give charity) itself.
 - (15) Isa. XXXII, 17.
 - (16) Isa. LVIII, 7.
 - (17) Ibid. The reference is to tax-collectors, **ohsurm** (E.V. 'cast out') being connected with root **vdr** 'to rule', v. infra.
 - (18) Ibid. LX, 17.

Talmud - Mas. Baba Bathra 9b

who perverted the way of his mother,¹ in the name of R. Eleazar. What is the meaning of the verse, And he put on righteousness as a coat of mail?² It tells us that just as in a coat of mail every small scale joins With the others to form one piece of armour, so every little sum given to charity

combines with the rest to form a large sum. R. Hanina said: The same lesson may be learnt from here: And all our righteousness is as a polluted garment.³ Just as in a garment every thread unites with the rest to form a whole garment, so every farthing given to charity unites with the rest to form a large sum. Why was he [R. Shesheth] called 'the suckling who perverted the way of his mother'? The reason is this. R. Ahadboi b. Ammi asked R. Shesheth: Whence do we infer that a leper while he is counting his days [for purification]⁴ renders unclean a man [who touches him]? He replied: Since he renders garments unclean,⁵ he renders a man unclean. But, he said, perhaps this only applies to clothes which he actually wears; for similarly we have the case of the lifting of a carcase which makes the garments unclean but not the man?⁶ — He replied: And whence do we know that a creeping thing makes a man unclean? Is it not from the fact that it makes garments unclean?⁷ — He replied: Of the creeping thing it is distinctly written, Or whosoever toucheth any creeping thing whereby he may be made unclean.⁸ — How then, he [R. Shesheth] said, do we know that [human] semen makes a man unclean? Do we not say that because it makes garments unclean, therefore it makes a man unclean? — He replied: The rule of semen is also distinctly stated, since it is written in connection with it, Or a man [whose seed goeth from him],⁹ where [the superfluous phrase 'or a man'] brings under the rule one who touches the seed.¹⁰ He [R. Ahadboi] made his objections in a mocking manner which deeply wounded R. Shesheth, and soon after R. Ahadhoi b. Abba lost his speech and forgot his learning. His¹¹ mother came and wept before him,¹² but in spite of all her cries he paid no attention to her. At length she said: Behold these breasts from which you have sucked. Then at last he prayed for him and he was healed.

But what is the answer to the question that has been raised?¹³ — As it has been taught: R. Simeon b. Yohai says: 'Washing of garments' is mentioned in connection with the period of the leper's counting,¹⁴ and 'washing of garments' is also mentioned in connection with the period of his definite uncleanness.¹⁵ Just as in the latter case he renders any man he touches unclean, so also in the former case.

R. Eleazar said: A man who gives charity in secret is greater than Moses our Teacher, for of Moses it is written, For I was afraid because of the anger and the wrath,¹⁶ and of one who gives charity [secretly] it is written, A gift in secret subdues anger.¹⁷ In this he [R. Eleazar] differs from R. Isaac, for R. Isaac said that it subdues 'anger' but not 'wrath', since the verse continues, And a present in the bosom fierce wrath, [which we can interpret to mean], 'Though a present is placed in the bosom, yet wrath is still fierce.' According to others, R. Isaac said: A judge who takes a bribe brings fierce wrath upon the world; as it says, And a present etc. R. Isaac also said: He who gives a small coin to a poor man obtains six blessings, and he who addresses to him words of comfort obtains eleven blessings. 'He who gives a small coin to a poor man obtains six blessings' — as it is written, Is it not to deal thy bread to the hungry and bring the poor to thy house etc., when thou seest the naked etc.¹⁸ 'He who addresses to him comforting words obtains eleven blessings', as it is written, If thou draw out thy soul to the hungry and satisfy the afflicted soul, they shall thy light rise in the darkness and thine obscurity be as the noonday,' and the Lord shall guide thee continually and satisfy thy soul in drought ... and they shall build from thee the old waste places and thou shalt raise up the foundations of many generations, etc.¹⁹

R. Isaac further said: What is the meaning of the verse, He that followeth after righteousness²⁰ and mercy findeth life, righteousness and honour?²¹ Because a man has followed after

righteousness, shall he find righteousness?²² — The purpose of the verse, however, is to teach us that if a man is anxious to give charity, the Holy One, blessed be He, furnishes him money with which to give it. R. Nahman b. Isaac says: The Holy One, blessed be He, sends him men who are fitting recipients of charity, so that he may be rewarded for assisting them. Who then are unfit?²³ — Such as those mentioned in the exposition of Rabbah, when he said: What is the meaning of the verse, Let them be made to stumble before thee; in the time of thine anger deal thou with them?²⁴ Jeremiah said to the Holy One, blessed be He: Sovereign of the Universe, even at the time when they conquer their evil inclination and seek to do charity before Thee, cause them to stumble through men who are not fitting recipients, so that they should receive no reward for assisting them.

R. Joshua b. Levi said: He who does charity habitually will have sons wise, wealthy, and versed in the Aggadah.²⁵ ‘Wise’ as it is written,²⁶

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- (1) R. Shesheth. V. infra.
 - (2) Isa. LIX, 17.
 - (3) Ibid. LXIV, 5.
 - (4) In the seven days after he brings the birds, and before he brings his offering. V. Lev. XIV, 8.
 - (5) As we know because it is written, On the seventh day he shall wash his clothes. (Ibid. 9.)
 - (6) As it is written, Whosoever shall bear aught of the carcass of them shall wash his clothes (Lev. XI, 25). but it is not said that he renders other persons or garments unclean by his touch.
 - (7) Ibid. 31.38.
 - (8) Ibid. XXII, 5.
 - (9) Ibid. 4.
 - (10) As the text might have run, ‘Whoso toucheth anything unclean, and whose seed goeth etc.’ V. Malbim, a.l.
 - (11) This is usually taken to refer to R. Shesheth. R. Hana, however, refers it to R. Ahadboi, whose mother he presumes to have nursed R. Shesheth. V. Tosaf. s.v. **th, t**.
 - (12) To induce him to pray that R. Ahadboi should be healed.
 - (13) In regard to the leper. Lit., ‘now that the subject has been discussed, whence do we know it?’
 - (14) I.e., at the end of the seven days. Lev. XIV, 9.
 - (15) I.e., when he first emerges from this into the seven day period. Lev. XIV, 8. The analogy is based on a similarity of expression, Gezerah Shawah, v. Glos.
 - (16) Deut. IX, 19.
 - (17) Prov. XXI, 14.
 - (18) Isa. LVIII, 7. The six blessings are to be found in the next two verses, Then shall thy light break forth etc.
 - (19) Ib. 10-12.
 - (20) The Hebrew is zedakah, which is taken in the Rabbinical sense of ‘charity’.
 - (21) Prov. XXI, 21.
 - (22) I.e., because he gives charity, shall his reward be that he shall obtain charity when he requires it?
 - (23) Lit., ‘to exclude what?’
 - (24) Jer. XVIII, 23.
 - (25) Possibly ‘aggadah’ has here its original meaning of ‘telling’, i.e., ‘eloquence’.
 - (26) In the verse from Prov. XXI, quoted above.

Talmud - Mas. Baba Bathra 10a

He shall find life;¹ 'wealthy' as it is written, [He shall find] righteousness;² 'versed in the Aggadah' as it is written, And [he shall find] honour: and it is written elsewhere, The wise shall inherit honour.³

It has been taught: R. Meir used to say: The critic [of Judaism] may bring against you the argument, 'If your God loves the poor, why does he not support them?' If so, answer him, 'So that through them we may be saved from the punishment of Gehinnom.' This question was actually put by Turnus Rufus⁴ to R. Akiba: 'If your God loves the poor, why does He not support them?' He replied, 'So that we may be saved through them from the punishment of Gehinnom.' 'On the contrary,' said the other, 'it is this which condemns you to Gehinnom. I will illustrate by a parable. Suppose an earthly king was angry with his servant and put him in prison and ordered that he should be given no food or drink, and a man went and gave him food and drink. If the king heard, would he not be angry with him? And you are called "servants", as it is written, For unto me the children of Israel are servants.'⁵ R. Akiba answered him: 'I will illustrate by another parable. Suppose an earthly king was angry with his son, and put him in prison and ordered that no food or drink should be given to him, and someone went and gave him food and drink. If the king heard of it, would he not send him a present? And we are called "sons", as it is written, Sons are ye to the Lord your God.'⁶ He said to him: 'You are called both sons and servants. When you carry out the desires of the Omnipresent you are called "sons", and when you do not carry out the desires of the Omnipresent, you are called "servants" . At the present time you are not carrying out the desires of the Omnipresent. R. Akiba replied: 'The Scripture says, Is it not to deal thy bread to the hungry and bring the poor that are cast out to thy house. When "dost thou bring the poor who are cast out⁷ to thy house"? Now; and it says [at the same time], Is it not to deal thy bread to the hungry?'

R. Judah son of R. Shalom preached as follows: In the same way as a man's earnings⁸ are determined for him from New Year,⁹ so his losses are determined for him from New Year. If he finds merit [in the sight of Heaven], then, 'deal out thy bread to the poor';¹⁰ but if not, then, he will 'bring the poor that are outcast to his house.'¹¹ A case in point is that of the nephews of Rabban Johanan b. Zakkai. He saw in a dream that they were to lose seven hundred dinars in that year. He accordingly forced them to give him money for charity until only seventeen dinars were left [of the seven hundred]. On the eve of the Day of Atonement the Government sent and seized them. R. Johanan b. Zakkai said to them, 'Do not fear [that you will lose any more]; you had seventeen dinars and these they have taken.' They said to him, 'How did you know that this was going to happen?' He replied, 'I saw it in a dream.' 'Then why did you not tell us?'¹² they asked. 'Because,' he said, 'I wanted you to perform the religious precept [of giving charity] quite disinterestedly.'

As R. Papa was climbing a ladder, his foot slipped and he narrowly escaped falling. Had that happened, he said, mine enemy¹³ had been punished like Sabbath breakers and idolaters.¹⁴ Hiyya b. Rab from Difti¹⁵ said to him: Perhaps a beggar appealed to you and you did not assist him; for so it has been taught: R. Joshua b. Korhah says, Whoever turns away his eyes from [one who appeals for] charity is considered as if he were serving idols. It is written In one place, Beware that there be not a base thought in thine heart,¹⁶ and in another place, Certain base fellows are

gone out.¹⁷ Just as in the second case the sin is that of idolatry, so in the first case the sin is equivalent to that of idolatry.

It has been taught: R. Eliezer son of R. Jose said: All the charity and deeds of kindness which Israel perform in this world [help to promote] peace and good understanding between them and their Father in heaven, as it says, Thus saith the Lord, Enter not into the house of mourning, neither go to lament, neither bemoan them, for I have taken away my peace from this people . . . even lovingkindness and tender mercies, [where] ‘lovingkindness’ refers to acts of kindness, and ‘tender mercies’ to charity.¹⁸

It has been taught: R. Judah says: Great is charity, in that it brings the redemption nearer, as it says, Thus saith the Lord, Keep ye judgment and do righteousness [zedakah], for my salvation is near to come and my righteousness to be revealed.¹⁹ He also used to say: Ten strong things have been created in the world. The rock is hard, but the iron cleaves it. The iron is hard, but the fire softens it. The fire is hard, but the water quenches it. The water is strong, but the clouds bear it. The clouds are strong, but the wind²⁰ scatters them. The wind is strong, but the body bears it. The body is strong, but fright crushes it. Fright is strong, but wine banishes it. Wine is strong, but sleep works it off. Death is stronger than all, and charity saves from death, as it is written, Righteousness [zedakah] delivereth from death.²¹

R. Dosthai son of R. Jannai preached [as follows]: Observe that the ways of God are not like the ways of flesh and blood. How does flesh and blood act? If a man brings a present to a king, it may be accepted or it may not be accepted; and even if it is accepted, it is still doubtful whether he will be admitted to the presence of the king or not. Not so God. If a man gives but a farthing to a beggar, he is deemed worthy to receive the Divine Presence, as It is written, I shall behold thy face in righteousness [zedakah], I shall be satisfied when I awake with thy likeness.²² R. Eleazar used to give a coin to a poor man and straightway say a prayer, because, he said, it is written, I in righteousness shall behold thy face.²³ What is the meaning of the words, I shall be satisfied when I awake with thy likeness? R. Nahman b. Isaac said: This refers to the students of the Torah²⁴ who banish sleep from their eyes in this world, and whom the Holy One, blessed be He, feasts with the resplendence of the Divine presence in the future world.

R. Johanan said: What is the meaning of the verse, He that hath pity on the poor lendeth unto the Lord.²⁵ Were it not written in the Scripture, one would not dare to say it: as it were, the borrower is a servant to the lender.²⁶

R. Hiyya b. Abin said: R. Johanan pointed out that it is written, Riches profit not in the day of wrath, but righteousness [zedakah] delivereth from death,²⁷ and it is also written, Treasures of wickedness profit nothing, but righteousness [zedakah] delivereth from death.²⁸ Why this double mention of righteousness? — One that delivers him from an unnatural death and one that delivers him from the punishment of Gehinnom. Which is the one that delivers him from the punishment of Gehinnom? The one in connection with which the word ‘wrath’ is used, as it is written, A day of wrath is that day.²⁹ What kind of charity is that which delivers a man from an unnatural death?

(1) Life also occurs in connection with wisdom, Prov. VIII, 35.

- (2) I.e., money wherewith to do charity.
- (3) Prov. III, 3 5. The wise are honoured for their eloquent discourses.
- (4) Tineius Rufus, Roman Governor of Judea.
- (5) Lev. XXV, 55.
- (6) Deut. XIV, 1.
- (7) Apparently this is a reference to the tax-collectors, v. supra, p. 41, n. 9.
- (8) Lit., 'food'.
- (9) As the day of Judgment, when the fate of all creatures is decided for the following year.
- (10) I.e., his losses will take the form of charity.
- (11) The expression 'poor that are outcast' seems here also to be applied to the tax-gatherers.
- (12) So that we could have given the whole in charity.
- (13) I.e., he himself.
- (14) These were executed by stoning, to which death by a fall was akin; v. Sanh. 45a.
- (15) [A town near Apamea on the Tigris; v. Obermeyer, op. cit. 197.]
- (16) Deut. xv, 9' The 'base thought' is not to lend to the poor before the Sabbatical year of release.
- (17) Ibid. XIII, 14. The lesson is based on the occurrence of the word 'base' (Heb. belial) in both contexts.
- (18) Jer. XVI, 5. The 'peace' consists in the charity and lovingkindness which they used to do. [On the difference between charity 'zedakah' and lovingkindness, 'gemiluth hasadim,' v. Tosef. Pe'ah IV.]
- (19) Isa. LVI, 1.
- (20) Heb. ruah, which also means 'breath'.
- (21) Prov. X, 2.
- (22) Ps. XVII, 15.
- (23) I.e., 'When I am in righteousness through giving charity I shall behold thy face in prayer.'
- (24) Lit., 'the disciples of the wise.'
- (25) Prov. XIX, 17.
- (26) Ibid. XXII, 7.
- (27) Ibid. XI, 4.
- (28) Ibid. X, 2.
- (29) Zeph. I, is.

Talmud - Mas. Baba Bathra 10b

When a man gives without knowing to whom he gives. and the beggar receives without knowing from whom he receives. 'He gives without knowing to whom he gives': this excludes the practice of Mar 'Ukba.¹ 'The beggar receives without knowing from whom he receives': this excludes the practice of R. Abba.² How is a man then to do? — He should put his money into the charity box.

The following was adduced in objection to this: 'What is a man to do in order that he may have male offspring? R. Eliezer says that he should give generously to the poor; R. Joshua says that he should make his wife glad to perform the marital office. R. Eliezer b. Jacob says: A man should not put a farthing into the charity box unless it is under the supervision of a man like R. Hanina b. Teradion'³ — In saying [that a man should put his money into the charity box] we mean, when it is under the supervision of a man like R. Hanina b. Teradion.

R. Abbahu said: Moses addressed himself to the Holy One, blessed be He, saying: 'Sovereign

of the Universe, wherewith shall the horn of Israel be exalted?' He replied, 'Through taking their ransom.'⁴ R. Abbahu also said: Solomon the son of David was asked: How far does the power of charity extend? He replied: Go and see what my father David has stated on the matter: He hath dispersed, he hath given to the needy, his righteousness endureth for ever.⁵ R. Abba said: [The answer might be given] from here: He shall dwell on high; his place of defence shall be the munitions of the rocks; his bread is given him, his waters are sure.⁶ Why shall he dwell on high and his place be with the munitions of the rocks? Because his bread is given [to the poor], and his waters are sure.

R. Abbahu also said: Solomon was asked: Who has a place in the future world? He answered: He to whom are applied the words, and before his elders shall be glory.⁷ A similar remark was made by Joseph the son of R. Joshua. He had been ill and fell in a trance. [After he recovered], his father said to him: 'What vision did you have?' He replied, 'I saw a world upside down, the upper below and the lower above.'⁸ He said to him: 'You saw a well regulated world.' [He asked further]: 'In what condition did you see us [students]?' He replied: 'As our esteem is here, so it is there. I also [he continued] heard them saying, Happy he who comes here in full possession of his learning. I also heard them saying, No creature can attain to the place [in heaven] assigned to the martyrs of the [Roman] Government.' Who are these? Shall I say R. Akiba and his comrades?⁹ Had they no other merit but this? Obviously even without this [they would have attained this rank]. What is meant therefore must be the martyrs of Lud.¹⁰

Rabban Johanan b. Zakkai said to his disciples: My sons, what is the meaning of the verse, Righteousness exalteth a nation, but the kindness of the peoples is sin?¹¹ R. Eliezer answered and said: 'Righteousness exalteth a nation:' this refers to Israel of whom it is written, Who is like thy people Israel one nation in the earth?¹² But 'the kindness of the peoples is sin': all the charity and kindness done by the heathen is counted to them as sin, because they only do it to magnify themselves, as it says, That they may offer sacrifices of sweet savour unto the God of heaven, and pray for the life of the king and of his sons.¹³ But is not an act of this kind charity in the full sense of the word, seeing that it has been taught: 'If a man says, — I give this sela for charity in order that my sons may live and that I may be found worthy of the future world, he may all the same be a righteous man in the full sense of the word?' — There is no contradiction; in the one case we speak of an Israelite, in the other of a heathen.¹⁴

R. Joshua answered and said: 'Righteousness exalteth a nation,': this refers to Israel of whom it is written, Who is like thy people Israel, one nation on the earth? 'The kindness of peoples is sin': all the charity and kindness that the heathen do is counted sin to them, because they only do it in order that their dominion may be prolonged, as it says, Wherefore O king, let my counsel be acceptable to thee, and break off thy sins by righteousness, and thy iniquities by showing mercy to the poor, if there may be a lengthening of thy tranquility.¹⁵ Rabban Gamaliel answered Saying: 'Righteousness exalteth a nation': this refers to Israel of whom it is written, Who is like thy people Israel etc. 'And the kindness of the peoples is sin:' all the charity and kindness that the heathen do is counted as sin to them, because they only do it to display haughtiness, and whoever displays haughtiness is cast into Gehinnom, as it says, The proud and haughty man, scorner is his name, he worketh in the wrath ['ebrah] of pride,¹⁶ and 'wrath' connotes Gehinnom, as it is written, A day of wrath is that day.¹⁷ Said Rabban Gamaliel: We have still to hear the opinion of

the Modiite. R. Eliezer the Modiite¹⁸ says: 'Righteousness exalteth a nation': this refers to Israel of whom it is written, Who is like thy people Israel, one nation in the earth. 'The kindness of the peoples is sin': all the charity and kindness of the heathen is counted to them as sin, since they do it only to reproach us, as it says, The Lord hath brought it and done according as he spake, because ye have sinned against the Lord and have not obeyed his voice, therefore this thing is come upon you.¹⁹ R. Nehuniah b. ha-Kanah answered saying: 'Righteousness exalteth a nation, and there is kindness for Israel and a sin-offering for the peoples.' Said R. Johanan b. Zakkai to his disciples: 'The answer of R. Nehuniah b. ha-Kanah is superior to my answer and to yours, because he assigns charity and kindness to Israel and sin to the heathen.' This seems to show that he also gave an answer; what was it? — As it has been taught: R. Johanan b. Zakkai said to them: Just as the sin-offering makes atonement for Israel, so charity makes atonement for the heathen.²⁰

Ifra Hormiz²¹ the mother of King Shapur sent four hundred dinarim to R. Ammi,²² a but he would not accept them. She²³ then sent them to Raba, and he accepted them, in order not to offend²⁴ the Government. When R. Ammi heard, he was indignant and said: Does he not hold with the verse, When the boughs thereof are withered they shall be broken off, the women shall come and set them on fire?²⁵ Raba [defended himself] on the ground that he wished not to offend the Government. Was not R. Ammi also anxious not to offend the Government? — [He was angry] because he ought to have distributed the money to the non-Jewish poor. But Raba did distribute it to the non-Jewish poor? — The reason R. Ammi was indignant was

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- (1) Who used every day to put four zuzim in a box for the poor of his immediate neighbourhood, so that he knew to whom he gave though they did not know from whom they received.
- (2) Who used to go into a poor neighbourhood and drop coins behind him, so that the poor knew who gave but he did not know who received. v. Keth. 6a.
- (3) I.e., as reliable as R. Hanina, but not necessarily as pious. V. Tosaf. s.v. **tkt**.
- (4) Lit., 'If thou wilt lift up'. (E.V. 'When thou takest up'.) The reference is to the ransom that was to be taken from the Israelites whenever they were numbered, Ex. XXX, 12. This ransom was to be given for the service of the Tabernacle, but money given for charity according to the Rabbis serves the same purpose.
- (5) Ps. CXII, 9.
- (6) Isa. XXXIII, 16.
- (7) Isa. XXIV, 23. I.e., everyone who is honoured in this world for his wisdom.
- (8) I.e., the poor who are despised here are highly honoured there. But v. also Tosaf, s.v. **ohbukg**
- (9) Who were martyred after the suppression of the revolt of Bar Cochba.
- (10) Lulianus and Pappus, who were executed in Lydda in the reign of Hadrian. [On these martyrs, v. J.E. IX, 512, s.v. Pappus.]
- (11) Prov. XIV, 34.
- (12) II Sam. VII, 23.
- (13) Ezra VI, 10. Artaxerxes wrote thus to the Governor of Jerusalem when he ordered him to give Ezra all that he required.
- (14) Because the Israelite, whatever he may say, really gives the charity for its own sake.
- (15) Dan, IV, 27.
- (16) Prov. XXI, 24.
- (17) Zeph. I, is.
- (18) From Modim, near Jerusalem, the ancient home of the Maccabean family.

(19) Jer. XL, 3. Spoken by Nebuzaradan to Jeremiah.

(20) And we translate the verse: Righteousness exalteth a nation (Israel), and the kindness of peoples is a sin — offering for them.

(21) V. Supra 8a.

(22) [R. Ammi at Caesarea (Hyman op cit. p. 222)].

(23) [V. D.S. a.l.]

(24) Lit., 'to be at peace with'.

(25) Isa. XXVII, 11. When the heathen have received the reward of their pious deeds in this world, their power will be broken.

Talmud - Mas. Baba Bathra 11a

that he had not been fully informed.¹

It has been taught: The following incident is related of Benjamin the Righteous who was a supervisor of the charity fund. One day a woman came to him in a year of scarcity, and said to him: 'Sir, assist me.' He replied, 'I swear, there is not a penny in the charity fund.' She said, 'Sir, if you do not assist me, a woman and her seven children will perish.' He accordingly assisted her out of his own pocket. Some time afterwards he became dangerously ill. The angels addressed the Holy One, blessed be He, saying: Sovereign of the Universe, Thou hast said that he who preserves one soul of Israel is considered as if he had preserved the whole world; shall then Benjamin the Righteous who has preserved a woman and her seven children die at so early an age? Straightway his sentence² was torn up. It has been taught that twenty-two years were added to his life.

Our Rabbis taught: It is related of King Monobaz³ that he dissipated all his own hoards and the hoards of his fathers in years of scarcity. His brothers and his father's household came in a deputation to him and said to him, 'Your father saved money and added to the treasures of his fathers, and you are squandering them.' He replied: 'My fathers stored up below and I am storing above, as it says, Truth springeth out of the earth and righteousness looketh down from heaven.⁴ My fathers stored in a place which can be tampered with, but I have stored in a place which cannot be tampered with, as it says, Righteousness and judgment are the foundation of his throne.⁵ My fathers stored something which produces no fruits, but I have stored something which does produce fruits, as it is written, Say ye of the righteous [zaddik] that it shall be well with them, for they shall eat of the fruit of their doings.⁶ My fathers gathered treasures of money, but I have gathered treasures of souls, as it is written, The fruit of the righteous [zaddik] is a tree of life, and he that is wise winneth souls.⁷ My fathers gathered for others and I have gathered for myself, as it says, And for thee it shall be righteousness [zedakah].⁸ My fathers gathered for this world, but I have gathered for the future world, as it says, Thy righteousness [zedakah] shall go before thee, and the glory of the Lord shall be thy rearward.'⁹

IF HE ACQUIRES A RESIDENCE IN IT, HE IS COUNTED AS ONE OF THE TOWNSMEN. The Mishnah is not in agreement with Rabban Simeon b. Gamaliel, since it has been taught: Rabban Simeon b. Gamaliel says: If he acquires a piece of property, however small,¹⁰ in it, he is reckoned as a townsman. But has it not been taught: If he acquires in it a piece of ground on which a residence can be put up [but not smaller], he is reckoned as one of the

townsmen? — Two Tannaim have reported the dictum of Rabban Simeon b. Gamaliel differently.

MISHNAH. A COURTYARD SHOULD NOT BE DIVIDED UNLESS THERE WILL BE [AFTER THE DIVISION] AT LEAST FOUR CUBITS FOR EACH OF THE PARTIES. A FIELD SHOULD NOT BE DIVIDED UNLESS THERE WILL BE NINE KABS' [SPACE]¹¹ FOR EACH. R. JUDAH SAYS, UNLESS THERE WILL BE NINE HALF-KABS [SPACE] FOR EACH. A VEGETABLE GARDEN SHOULD NOT BE DIVIDED UNLESS THERE WILL BE HALF A KAB FOR EACH. R. AKIBA, HOWEVER, SAYS, A QUARTER KAB'S SPACE. A HALL, A DRAWING ROOM,¹² A DOVECOT, A GARMENT, A BATHHOUSE, AN OLIVE PRESS AND AN IRRIGATED PLOT OF LAND SHOULD NOT BE DIVIDED UNLESS SUFFICIENT WILL BE LEFT FOR EACH PARTY.¹³ THE GENERAL PRINCIPLE IS THAT IF AFTER THE DIVISION EACH PART WILL RETAIN THE DESIGNATION APPLIED TO THE WHOLE, THE DIVISION MAY BE MADE, BUT IF NOT, IT SHOULD NOT BE MADE. WHEN IS THIS THE RULE? WHEN ONE OR OTHER OF THE OWNERS IS NOT WILLING TO DIVIDE. BUT IF BOTH AGREE, THEY CAN DIVIDE EVEN IF LESS THAN THESE QUANTITIES [WILL BE LEFT]. SACRED WRITINGS, HOWEVER, MAY NOT BE DIVIDED EVEN IF BOTH AGREE.¹⁴

GEMARA. R. Assi said in the name of R. Johanan: The four cubits [of the courtyard] mentioned [in the Mishnah] are exclusive of the space in front of the doors.¹⁵ It has been also taught to the same effect: A courtyard should not be divided unless eight cubits will be left to each party. But have we not learnt, FOUR CUBITS TO EACH? — The fact [that the Baraita says eight] shows [that we must interpret the Mishnah] as R. Assi indicates. Some put this argument in the form of a contradiction: We learn, A COURTYARD SHOULD NOT BE DIVIDED UNLESS THERE WILL BE FOUR CUBITS FOR EACH OF THE PARTIES. [But how can this be], seeing that it has been taught: 'Unless there are eight cubits for each'? — R. Assi answered in the name of R. Johanan: The four cubits mentioned [in the Mishnah] are exclusive of the space in front of the doors.

R. Huna said: Each party takes a share in the courtyard proportionate to the number of his doors;¹⁶ R. Hisda, however, says that four cubits are allowed for each door and the remainder is divided equally. It has been taught in agreement with R. Hisda: Doors opening on to the courtyard carry with them a space of four cubits. If one of the joint owners has one door and the other two doors, [if they divide] the one who has one door takes four cubits and the one who has two doors takes eight cubits, and the remainder is divided equally. If one has a doorway eight cubits broad, he takes eight cubits facing his door and four cubits in the courtyard. What are these four cubits in the courtyard doing here? — Abaye answered: What it means is this: He takes eight cubits in the length of the courtyard and four in the width of the courtyard.

Amemar said: [A pit for holding] date stones¹⁷ carries with it four cubits on every side. This is the case, however, only if he has no special door from which he goes to it,¹⁸ but if he has a special door for reaching it,

(1) I.e., he had not been told that Raba had distributed the money to non-Jewish poor, as was not unusual. [The alms distributed by heathens were frequently derived from robbery, hence the Rabbis' attitude towards heathen

charity; v. Buchler, Sepphoris, p. 44.]

- (2) In the heavenly records.
- (3) [King of Adiabene (first century C.E.) who embraced Judaism. v. Josephus Ant. XX, 2-4.]
- (4) Ps. LXXXV, II. The righteousness (zedek) here is God's righteousness in rewarding good deeds.
- (5) Ibid. XCVII, 2.
- (6) Isa. III, 10.
- (7) Prov. XI, 30.
- (8) I.e., the zedakah shall be your own. Deut. XXIV, 13.
- (9) Isa. LVIII, 8.
- (10) Even too small to build a house on,
- (11) I.e., an area for the sowing of nine kabs. 1 kab's space = 416 square cubits.
- (12) [Or 'water-tower' (Aruk).]
- (13) Not necessarily as much as nine kabs.
- (14) I.e., scrolls of Scripture, since to cut them up shows disrespect.
- (15) A space of four cubits was allowed in front of each door for loading and unloading animals. V. infra.
- (16) Lit., 'A courtyard is divided according to its entrances'. If one has a house with two doors opening on to the courtyard and the other only one door, the former takes two-thirds and the latter one-third.
- (17) For feeding animals.
- (18) Because then he requires space to get behind it.

Talmud - Mas. Baba Bathra 11b

it carries with it only four cubits in front of his door.

R. Huna said: An exedra¹ does not carry with it four cubits. For why are the four cubits ordinarily allowed? To provide space for the owner to unload his animals. If there is an exedra he can go into it and unload there. R. Shesheth raised an objection [to this from the following]: 'Gates of exedras equally with gates of houses carry with them four cubits? — That was taught in reference to the exedra of a school-house. That the gate of the exedra of a schoolhouse carries with it four cubits is obvious, is it not, since it is a proper room?² — We should say, therefore, [that it was taught in reference to a] Roman exedra.³

Our Rabbis taught: A lodge,⁴ an exedra, and a balcony⁵ carry with them four cubits. If there are five rooms opening on to the balcony, they carry with them only four cubits between them.⁶

R. Johanan inquired of R. Jannai whether a hen-coop⁷ carried with it four cubits or not. He replied: Why are the four cubits ordinarily allowed? — To provide room for a man to unload his animal. Here the fowls can clamber up the wall to get out and clamber down the wall to get in.

Raba inquired of R. Nahman: If a room is half roofed over and half unroofed, has it four cubits or not? He replied: It has not four cubits. If the roofing is over the inner part,⁸ this goes without saying, since it is possible for him to go into the room and unload.⁹ But even if the roofing is over the outer part, it is still possible for him to go right through and unload [under the open part].

R. Huna inquired of R. Ammi: If a man residing in one alleyway desires to open¹⁰ a door on to

another alley-way,¹¹ can the residents of this alley-way prevent him or not? He replied: They can prevent him. He then inquired: Are troops billeted per capita¹² or [on each one] according to the number of his doors? He replied: Per capita. It has been taught to the same effect: The dung in the courtyard is divided according to doors [belonging to each resident], billeted troops per capita.

R. Huna said: If one of the residents of an alley-way desires to fence in the space facing his door,¹³ the others can prevent him, on the ground that he forces more people into their space.¹⁴ An objection was brought [against this from the following]: 'If five [adjoining] courtyards open on an alley-way, all [the inner ones] share with the outside one¹⁵ the use [of the part facing it], but the outside one can use that part only. The remainder [the inner three] share with the second, but the second has the use only of the part facing itself and the outside one. Thus the innermost one has sole use of the part facing itself and shares with all the others [the use of the part facing them]?'¹⁶ — There is a difference on this point between Tannaim, as it has been taught: If one of the residents of an alley-way desires to open a door on to another alley-way, the residents of that alley-way can prevent him. If, however, he only desires to reopen there one which had been closed, they cannot prevent him. This is the opinion of Rabbi. R. Simeon b. Gamaliel says: If there are five adjoining courtyards opening on to an alleyway, they all share the use of it alike.¹⁷ How does 'courtyards' come in here? — There is a lacuna in the text, and it should run as follows: [They cannot prevent him;] and similarly, if there are five courtyards opening on to an alley-way, all share with the outside one, but the outside one can use that part only etc. This is the opinion of Rabbi.¹⁸ R. Simeon b. Gamaliel, however, says that if five courtyards open on to an alley-way, they all share the use of it.

The Master has stated: If he desires to reopen a door which has been closed, the residents of the other courtyard cannot prevent him. Raba said: This rule was meant to apply only if he had not taken down the posts of the closed door,¹⁹ but if he had done so, then the residents of the courtyard can prevent him reopening it. Abaye said to Raba: It has been taught in support of your opinion:

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- (1) A covered way, open at the sides.
 - (2) Having sides with lattice-windows, and not being suitable for unloading.
 - (3) Which had only sides a few feet high, not reaching to the roof, yet preventing unloading. [V. Krauss, TA. I, 367.] ,
 - (4) At the entrance of a large house.
 - (5) A verandah on an upper storey with rooms opening out on to it and reached by a ladder or stair from the courtyard.
 - (6) In the courtyard in front of the ladder by which the landing is reached.
 - (7) With a door opening into the courtyard.
 - (8) The part away from the courtyard.
 - (9) Because the unroofed part is not likely to be obstructed with furniture.
 - (10) Lit., 'to turn round'.
 - (11) Supposing his house abuts on two alley-ways.
 - (12) I.e., if a certain number are billeted on a courtyard, are they distributed equally among all the residents of the courtyard. (V. however Tosaf. or Maim. Yad Shekenim II, 8.)
 - (13) I.e., the door of a courtyard opening on to an alley-way which leads to the public thoroughfare.

(14) Lit., 'increases the way for them'. This would more naturally mean, 'makes them go roundabout way' (So Rashi). We do not, however, find anywhere that the residents of a courtyard had a right to a space in the alley-way facing their gate, as they had in the courtyard facing their door. Tosaf. therefore supposes that the reference here is to the resident of the courtyard at the extreme end of the alley-way, where it forms a cul-de-sac. Hence the rendering adopted.

(15) The one nearest the street.

(16) Why then should he not be allowed to fence in the space facing his door seeing that the others have no right to use that part?

(17) Which supports the opinion of R. Huna.

(18) And contrary to the opinion of R. Huna.

(19) Because he thus shows that it is his intention to reopen it one day.

Talmud - Mas. Baba Bathra 12a

A room that is shut up carries with it four cubits in the courtyard,¹ but if the posts [of the door] have been taken down, it does not carry with it four cubits. If a room is shut up it does not render unclean all the space around it,² but if the posts have been taken down it does render unclean all the space around it [to a distance of four cubits].³

Rabbah b. Bar Hana said in the name of R. Johanan: If the people of a town desire to close alley-ways which afford a through way to another town, the inhabitants of the other town can prevent them. Not only is this the case if there is no other way, but even if there is another way they can prevent them, on the ground of the rule laid down by Rab Judah in the name of Rab, that a field path to which the public have established a right of way must not be damaged.

R. 'Anan said in the name of Samuel: If the residents of alleyways which open out on to the public thoroughfare desire to set up doors at the entrance, the public [who use the thoroughfares] can prevent them. It was thought that this right extended only to a distance of four cubits [from the public thoroughfare], in accordance with what R. Zera said in the name of R. Nahman, that the four cubits [in the alley-way] adjoining the public thoroughfare are on the same footing as the public thoroughfare. This, however, is not the case. For R. Nahman's rule applies only to the matter of uncleanness,⁴ but here [in the case of the doors it does not apply because] sometimes people from the street are pushed in by the crowd a good distance.

A FIELD SHOULD NOT BE DIVIDED UNLESS THERE WILL BE NINE KABS' SPACE TO EACH. There is no difference [between this authority and R. Judah who said nine half-kabs]; each was speaking for his own district.⁵ What is the rule in Babylon? — R. Joseph said: [There must be] a day's ploughing [for each]. What is meant by a day's ploughing? If a day's ploughing in seed time,⁶ that is not a two full days' ploughing in plough time,⁷ and if a day's ploughing in plough time, that is not a full day's ploughing in seed time?⁸ — If you like I can say that a day's ploughing in plough time is meant, and in seed time [it takes a full day] where one ploughs twice,⁹ or if you like I can say that a day's ploughing in seed time is meant and in plough time [two full days are needed] where the ground is difficult.

If a trench is divided, R. Nahman said [enough must be left for each party to provide] a day's

work in watering the field. If a vineyard, the father¹⁰ of Samuel said that three kabs' space must be left to each. It has been taught to the same effect: If a man says to another, I sell you a portion in a vineyard, Symmachus said, he must not sell him less than three kabs' space. R. Jose, however, said that this is sheer imagination.¹¹ What is the rule in Babylon? Raba b. Kisna said: Three rows each with twelve vines, enough for a man to hoe round in one day.

R. Abdimi from Haifa said: Since the day when the Temple was destroyed, prophecy has been taken from the prophets and given to the wise. Is then a wise man not also a prophet?¹² — What he meant was this: Although it has been taken from the prophets, it has not been taken from the wise. Amemar said: A wise man is even superior to a prophet, as it says, And a prophet has a heart of wisdom.¹³ Who is compared with whom? Is not the smaller compared with the greater?¹⁴ Abaye said: The proof [that prophecy has not been taken from the wise] is that a great man makes a statement, and the same is then reported in the name of another great man.¹⁵ Said Raba: What is there strange in this? Perhaps both were born under one star.¹⁶ No, said Raba; the proof is this, that a great man makes a statement and then the same is reported

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- (1) If ever it comes to be divided.
 - (2) If there is a dead body lying there.
 - (3) Because then it is regarded no longer as a room but as a grave. V. Tosef. Oh. XVIII.
 - (4) If there is a suspicion of uncleanness in the four cubits up the alley-way it is treated as if it occurred in a public place and is deemed clean. Toh. IV, II.
 - (5) I.e., in the district of the first Tanna, less than nine kabs was not reckoned a field worth sowing. V. Tosaf. s.v. **tku**.
 - (6) When the ground is soft, having been already broken up by the first ploughing in the autumn.
 - (7) But something between one and two days, so that the ploughman will not be able to hire oxen to advantage.
 - (8) And therefore again the ploughman will not be able to hire oxen to advantage.
 - (9) Both before and after putting the seed in, and so takes a full day.
 - (10) Abba b. Abbu.
 - (11) Lit., 'words of prophesying'.
 - (12) I.e., were not wise men prophets also before the Temple was destroyed?
 - (13) Ps. XC, 12. The word **thcb** in the text (E.V. 'that we may get us') is taken here in the sense of 'prophet'.
 - (14) And here the prophet is compared with the wise man.
 - (15) The first having hit upon the same idea quite independently.
 - (16) And this was why they hit on the same idea.

Talmud - Mas. Baba Bathra 12b

in the name of R. Akiba b. Joseph.¹ Said R. Ashi: What is there strange in this? perhaps in this matter he was born under the same star. No, said R. Ashi; the proof is that a great man makes a statement and then it is found that the same rule was a halachah communicated to Moses at Mount Sinai. But perhaps the wise man was no better than a blind man groping his way through a window?² — And does he not give reasons [for his opinions]?³

R. Johanan said: Since the Temple was destroyed, prophecy has been taken from prophets and given to fools and children. How given to fools? — The case of Mar son of R. Ashi will illustrate.

He was one day standing in the manor of Mahuza⁴ when he heard a certain lunatic exclaim: The man who is to be elected head of the Academy in Matha Mehasia⁵ signs his name Tabiumi. He said to himself: Who among the Rabbis signs his name Tabiumi? I do. This seems to show that my lucky time has come. So he quickly went to Matha Mehasia. When he arrived, he found that the Rabbis had voted to appoint R. Aha of Difti as their head. When they heard of his arrival, they sent a couple of Rabbis to him to consult him.⁶ He detained them with him, and they sent another couple of Rabbis. He detained these also, [and so it went on] until the number reached ten. When ten were assembled, he began to discourse and expound the Oral Law and the Scriptures, [having waited so long] because a public discourse⁷ [on them] should not be commenced if the audience is less than ten. R. Aha⁸ applied to himself the saying: If a man is in disfavour [with Heaven] he does not readily come into favour, and if a man is in favour he does not readily fall into disfavour.

How has prophecy been given to children? A case in point is that of the daughter of R. Hisda. She was sitting on her father's lap, and in front of him were sitting Raba and Rami b. Hama. He said to her: Which of them would you like? She replied: Both. Whereupon Raba said: And let me be the second.⁹

R. Abdimi from Haifa said: Before a man eats and drinks he has two hearts,¹⁰ but after he eats and drinks he has only one heart, as it says, A hollow [nabub] man is two-hearted,¹¹ the word nabub occurring also in the text nehub luhoth,¹² which we translate 'hollow with planks'. R. Huna the son of R. Joshua said: If a man is a wine drinker, even though his heart¹³ is closed like a virgin, the wine opens¹⁴ it, as it is said: New wine shall make open out [yeneb] the maids.¹⁵

R. Huna the son of R. Joshua said: That the portion [of a field assigned to a first-born]¹⁶ as a first-born and the portion assigned to him as an ordinary son should be contiguous goes without saying. What is the rule in the case of a brother-in-law?¹⁷ — Abaye replied: It is just the same. Why so? Because the Divine Law calls him 'first-born'.¹⁸ Raba, however, said: The text says: And he shall be the first-born: this means that he is regarded as a firstborn, but the assignment is not made to him as to a firstborn.¹⁹

A certain man bought a field adjacent to the estate of his father-in-law.²⁰ When they came to divide the latter's estate, he said: Give me my share next to my own field. Rabbah said: This is a case where a man can be compelled not to act after the manner of Sodom.²¹ R. Joseph strongly objected to this, on the ground that the brothers²² can say to him: We reckon this field as specially valuable like the property of the family of Mar Marion.²³ The law follows R. Joseph.

If there are two fields²⁴ with two channels [running by them],²⁵ Rabbah said: This is a case where we can apply the rule that a man can be compelled not to act after the manner of Sodom. R. Joseph strongly objected to this on the ground that sometimes one channel may continue running while the other dries up.²⁶ The law follows R. Joseph. If, however, there are two fields adjoining one channel, R. Joseph says that in such a case we do compel a man not to act after the manner of Sodom.²⁷ Abaye objected to this strongly on the ground that the one [who has two fields in the middle] can say, I want you to have more metayers.²⁸ The law, however, follows R. Joseph; the increase in the number of metayers is not a matter of consequence. [

- (1) Who certainly was a much greater man, so that the explanation that they were born under one star will not hold.
- (2) I.e., he hit on the idea by chance.
- (3) Hence we must say that his agreement with Moses was due not to chance but to the spirit of prophecy. [This is another way of expressing the belief that revelation did not cease with the extinction of prophecy. V. Herford, Talmud and Apocrypha, 72ff.]
- (4) [A town on the Tigris, South of Bagdad. On the manor of Mahuza, Rostaka di Mahuza, v. Obermeyer, op. cit., 172.]
- (5) A position previously held by his father. For Matha Mehasia v. p. 10 n. 1.
- (6) In connection with R. Aha's appointment (Rashi).
- (7) Lit., 'a discourse In the kallah'. [Name given to an assembly at which the Law was expounded to scholars, as well as to the half yearly assemblies of the Babylonian Academies. The word has been variously explained as 'bride', because of the declaration of love and loyalty to the Torah, or from 'crown', with reference to the round formation of the sitting accommodation or again Gr. **, = school. On further suggestions, v. Krauss, S., in Poznanski's Memorial Volume, 142ff.]
- (8) When he saw that he had lost his chance.
- (9) [This was fulfilled, v. Yeb. 34b.]
- (10) I.e., he finds it hard to make up his mind for one thing.
- (11) Job XI, 12. E.V. 'Vain man is void of understanding.'
- (12) Ex. XXVII, 8.
- (13) 'Heart' here seems to have the sense of 'mind' or 'understanding'.
- (14) Lit., 'makes it open-eyed'.
- (15) I.e., maiden-hearts, Zech. IX, 17.
- (16) The first-born received a double portion in his father's inheritance, Deut. XXI, 16.
- (17) A man who marries his brother's widow if he has died without offspring, and who is also entitled to a double portion. The question is, can he claim that the two portions should be contiguous without making compensation to the other brothers?
- (18) Deut. XXV, 6: And it shall be that the first-born which she beareth. The Rabbis, however, translate for halachic purposes thus: 'And he (the brother) shall be the first-born; she shall be one capable of bearing'.
- (19) Lit., 'His being is as a first-born, but his assignment is not as a firstborn'. I.e., he receives a double portion as a first-born, but cannot demand that the two portions shall be contiguous like a first-born.
- (20) Whom we must suppose to have had only daughters. Rashi, however, translates 'father', though this is not the usual meaning of **thab hc**.
- (21) I.e., not to adopt a dog-in-the-manger attitude, refusing to confer a benefit which costs him nothing.
- (22) According to another reading, 'sisters'. V. Tosaf. s.v. **trmht**
- (23) So Rashi. This, however, does some violence to the word **ibhkgn**, and Tosaf. translates: The brothers can even say to him, We value this field like those of Mar Marion's (and demand compensation accordingly).
- (24) Left by a father to two sons.
- (25) And one brother demands the field adjoining land he already possesses.
- (26) Hence the other brother has a right to insist on having the fields equally divided so that he should have a field by each channel; seeing that each field has a channel, the other brother stands to lose nothing by acceding to the request.
- (27) And to allow the other to have two fields contiguous to one another.
- (28) If his two fields are separated, he will want more men to work them, and therefore the fields of the other which are in between will be better guarded.

Talmud - Mas. Baba Bathra 13a

If there is a channel on one side and a river on the other, the field is to be divided diagonally.¹

A HALL etc. If they are not large enough to leave sufficient space for both after division, what is the ruling? — Rab Judah says: [One partner] has the right to say [to the other], You name a price [for my share] or let me name a price [for your share].² R. Nahman says: He has not the right to say, You name a price or let me name a price Said Raba to R. Nahman: On your view that one has not the right to say to the other, You name a price or let me name a price, how are a first-born and another son³ to manage to whom their father has left a slave and an unclean animal? — He replied: What I say is that they work for the one one day and the other two days.

An objection was brought [against the opinion of Rab Judah from the following]: 'If one is half a slave and half free, he works for his master one day and for himself one day alternately. This is the opinion of Beth Hillel. Beth Shammai say: You have made matters right for his master but not for him. To marry a bondwoman he is not permitted;⁴ to marry a free woman he is not permitted.⁵ Shall he then remain unmarried? And has not the world been created only for propagation, as it is written, He created it not a waste, he formed it to be inhabited?⁶ No; what we do is to compel his master to consent to emancipate him, and we give him a bond for half his value. Beth Hillel hearing this retracted their opinion and adopted the ruling of Beth Shammai?'⁷ — This is not quite a case in point, because while the slave can say, 'I will name a price,' he cannot [at any time] say to the master, 'You name a price'.⁸ Come and hear: If there are two brothers, one rich and one poor, to whom their father leaves a bath and an olive press, if he made them for renting, then the brothers share the rental, but if he made them for his own use, then the rich brother can say to the poor one,

(1) According to R. Han., we suppose the channel to be on two sides and the river on two sides, v. fig. 1. According to Rashi, however, we suppose the channel and the river to be only on each of two adjacent sides, and in order that each may have the same share both in the river and the channel, the field must be divided into eight strips, v. fig. 2.

(2) I.e., either can compel the other to sell his portion, or to buy from him, so that the whole will be in one ownership.

(3) The rule would apply equally if neither of the brothers was a first-born, (v. however Tosaf. I.v. **rufc**).

(4) Being an Israelite.

(5) Not being an Israelite.

(6) Isa. XLV, 18.

(7) Hag. 2a. Only because of Beth Shammai's argument, but not because they recognised any right to say, 'You name' etc.

(8) Because as an Israelite, he cannot be sold, like an ordinary slave, for more than six years.

Talmud - Mas. Baba Bathra 13b

'Take slaves and let them wash you down in the bath, take olives and make oil from them in the press'?¹ — There too, the poor brother can say to the other, 'You name a price,' but he cannot

say, 'I will name a price.'²

Come and hear: ANYTHING WHICH IF DIVIDED WILL STILL RETAIN THE SAME NAME IS TO BE DIVIDED, AND IF NOT, A MONEY VALUE HAS TO BE ENTERED FOR IT?³ — There is a difference on this point between Tannaim, as it has been taught: If a man says [to his partner], You take the prescribed minimum [in the courtyard]⁴ and I will take less,⁵ his suggestion is adopted. Rabban Simeon b. Gamaliel says that his suggestion is not adopted. What are the circumstances? If we take the statement as it stands, what is the reason of Rabban Simeon b. Gamaliel? Therefore we must suppose that there is a lacuna, and it should run thus: If one says, 'You take the standard space, and I will take less,' his suggestion is adopted. If he says, 'You name a price or I will name a price,' his suggestion is also adopted. And in regard to this Rabban Simeon remarks that his suggestion is not adopted. This, however, is not so. The statement is to be taken as it stands, and as to your question, what reason can Rabban Simeon b. Gamaliel have, it is because he can say to him [the one who offers to take less], 'If you want me to pay for the extra, I have no money, and if you want to make me a present, I prefer not,⁶ since it is written, He that hateth gifts shall live.'⁷ Abaye said to R. Joseph: This opinion of Rab Judah⁸ really comes from Samuel, as we have learnt: SCROLLS OF THE SCRIPTURE MAY NOT BE DIVIDED EVEN IF BOTH AGREE, and on this Samuel remarked: This rule was only meant to apply if the whole is in one scroll, but if it is in two scrolls they may divide. Now if you maintain that a man has no right to say, 'You name a price or I will name a price,' why should the rule apply only to one scroll? Why not to two scrolls also?⁹ — R. Shalman explained that Samuel referred to the case where both consent.¹⁰

Amemar said: The law is that a partner has the right to say, 'You name a price or let me name a price.' Said R. Ashi to Amemar: What do you make of the statement of R. Nahman?¹¹ — He replied: I don't know of it; meaning, I don't hold with it. How could he say this, seeing that Raba b. Hinnena and R. Dimi b. Hinnena were left by their father two bond-women, one of whom knew how to bake and cook and the other to spin and weave, and they came before Raba¹² and he said to them: A partner has no right to say, 'You name a price or let me name a price?' — The case is different there because each of them wanted both the women. So when one said, 'You take one and I will take one', this was not the same as, 'You name a price or let me name a price.'¹³ But what of a copy of the Scriptures in two scrolls, where both are required¹⁴ and yet Samuel said: The rule that they must not be divided applies only where there is one scroll, but if there are two, they may be divided? — This has been explained by R. Shalman to refer to the case where both consent.¹⁵ Our Rabbis taught: It is permissible to fasten the Torah,¹⁶ the prophets, and the Hagiographa together. This is the opinion of R. Meir. R. Judah, however, says that the Torah, the prophets, and the Hagiographa should each be in a separate scroll; while the Sages say that each book should be separate. Rab Judah said: it is related that Boethus b. Zonin had the eight prophets¹⁷ fastened together at the suggestion of R. Eleazar b. Azariah. Others, however, report that he had them each one separate. Rabbi said: On one occasion a copy of the Torah, the prophets, and the Hagiographa all bound up together was brought before us, and we declared them fit and proper.

Between each book of the Torah there should be left a space of four lines, and so between one Prophet and the next. In the twelve Minor Prophets, however, the space should only be three

lines.¹⁸ If, however, the scribe finishes one book at the bottom [of a column], he should commence the next at the top [of the next].¹⁹ Our Rabbis taught: If a man desires to fasten the Torah, the Prophets and the Hagiographa together, he may do so. At the beginning he should leave an empty space sufficient for winding round the cylinder, and at the end an empty space sufficient for winding round the whole circumference [of the scroll].²⁰ If he finishes a section at the bottom [of one column], he commences the next at the top [of the next],

(1) Infra 172a.

(2) Because he himself has no money with which he might pay it. Hence this too is no proof that one partner has no right to say to the other, 'You name' etc.

(3) And an equivalent has to be allowed by the one who obtains it. Hence a partner has the right to say, 'You name' etc.

(4) I.e., four cub its.

(5) Supposing the courtyard is too small to allow four cubits to each.

(6) But R. Simeon may still agree that he can say, 'You name a price etc.'

(7) Prov. XV, 27.

(8) That one has a right to say, 'You name a price etc.'

(9) Presumably the two scrolls are not equal in value, and if so how can one force the other to divide unless he can say to him, 'You name a price (for the extra value) or let me name it.'

(10) I.e., the words of the Mishnah, 'even though both agree' refer to the case where there is only one scroll, not where there are two.

(11) Who said there is no such right.

(12) To decide whether one could force the other to divide them, the one who received the more valuable one giving compensation.

(13) Which properly means, 'You buy my portion from me or let me buy yours from you.'

(14) One being deficient without the other.

(15) Which shows that the principle, 'You name' etc., extends even to such cases.

(16) The Pentateuch.

(17) According to the Rabbinical classification, these are Joshua, Judges, Samuel, Kings, Isaiah, Jeremiah, Ezekiel and the twelve Minor Prophets.

(18) Since all these only form one book.

(19) And there is no need to leave a space of four lines.

(20) When it is rolled up.

Talmud - Mas. Baba Bathra 14a

and if he wants to divide he may do so. What is the meaning [of these last words]? — What it means is, Because if he wants to divide he may do so.¹

A contradiction was pointed out [between this rule and the following]: At the beginning of the book and the end there must be sufficient empty space to roll round. To roll round what? If to roll round the cylinder, this contradicts what was said about the circumference!² If to roll round the circumference, this contradicts what was said about the cylinder!³ — R. Nahman b. Isaac answered: The statement applies in both ways.⁴ R. Ashi, however, replied that this statement refers only to a Scroll of the Law,⁵ as it has been taught: Other books are rolled up from the

beginning to the end,⁶ but the Scroll of the Law closes at its middle, there being a cylinder at each end. R. Eliezer son of R. Zadok said: This is how the scribes in Jerusalem used to make their scrolls.

Our Rabbis taught: A scroll of the Law should be such that its length does not exceed its circumference nor its circumference its length,⁷ Rabbi was asked what should be the size of a scroll of the Law.⁸ He replied: With thick parchment, six handbreadths, with thin parchment⁹ I do not know. R. Huna wrote seventy scrolls of the Law and hit the exact measurement with only one. R. Aha b. Jacob wrote one on calf's skin, and hit it exactly. The Rabbis looked at him [enviously] and he died. The Rabbis said to R. Hammuna: R. Ammi wrote four hundred scrolls of the Law. He said to them: Perhaps he copied out the verse, Moses commanded us a law.¹⁰ Raba [similarly] said to R. Zera: R. Jannai planted four hundred vineyards, and he answered: Perhaps each consisted of two and two vines facing and one as a tail.¹¹

An objection was brought [against the statement regarding the size of a scroll from the following]: The ark which Moses made was two cubits and a half in length, a cubit and a half in breadth, and a cubit and a half in height, the cubit being six handbreadths. The tablets were six handbreadths in length, six in breadth and three in thickness. They were placed lengthwise in the ark.¹² Now how much of the length of the ark was taken up by the tablets? Twelve handbreadths. Three therefore were left. Take away one handbreadth, a half for each side of the ark,¹³ and there were left two handbreadths, and in these the scroll of the Law was deposited. [That a scroll was in the ark we know because] it says, There was nothing in the ark save the two tables of stone which Moses put there.¹⁴ Now in the words 'nothing' and 'save' we have a limitation following a limitation, and the purpose of a limitation following a limitation is to intimate the presence of something which is not mentioned, in this case the scroll of the Law which was deposited in the ark. You have accounted for the length of the ark, now account for its breadth. How much of the [breadth of the] ark do the tables take up? Six handbreadths. Three therefore are left. Take away one, half for [the thickness of] each side, and two are left, so as to allow the scroll to be put in and taken out without squeezing. This is the opinion of R. Meir. R. Judah says that the cubit of the ark had only five handbreadths. The tables were six handbreadths in length, six in breadth and three in thickness, and were deposited lengthwise in the ark. How much did they take up of the ark? Twelve handbreadths. There was thus left half a handbreadth, a finger's breadth¹⁵ for each side. You have accounted for the length of the ark, now go and account for its breadth. How much of the [breadth of the] ark was taken up by the tablets? Six handbreadths. There were thus left a handbreadth and a half. Take away from them half a handbreadth, a finger's breadth for each side, and there will be left a handbreadth. Here were deposited the columns¹⁶ mentioned in the verse, King Solomon made himself a palanquin of the wood of Lebanon, he made the pillars thereof of silver, the bottom thereof of gold, the seat of purple, etc.¹⁷ At the side of the ark was placed the coffer in which the Philistines sent a present to the God of Israel, as it says, And put the jewels of gold which ye return him for a guilt offering in a coffer by the side thereof, and send it away that it may go,¹⁸ and on this was placed the scroll of the Law, as it says, Take this book of the law, and put it by the side of the ark of the covenant of the Lord;¹⁹ It was placed by the side of the ark and not in it. What then do I make of the words, There was nought in the ark save?²⁰ This intimates that

- (1) He should therefore take care that in case he decides to divide, one of the scrolls does not commence with an empty space of four lines. Tosaf. points out that this seems to contradict the rule given above, that a scroll should not be divided, and explains that this applies only to a division between two owners.
- (2) Which would require a much larger piece at the end.
- (3) Which would require much less at the beginning.
- (4) I.e., enough for the stick at the beginning and the circumference at the end.
- (5) Which has two cylinders.
- (6) Having only one cylinder.
- (7) When rolled up.
- (8) I.e., what should be its length so that when the text had been completed in script of ordinary size the length should be equal to the circumference.
- (9) 'Split parchment'.
- (10) Deut. XXXIII, 4. Life would not be long enough for writing four hundred complete scrolls.
- (11) V. Sotah 43a.
- (12) I.e., one next to the other along the length of the ark.
- (13) Viz., for the thickness.
- (14) I Kings VIII, 9.
- (15) One handbreadth = 4 finger-breadths.
- (16) Two silver sticks like the sticks of a scroll placed on each side of the tables.
- (17) Cant. III, 9,10.
- (18) I Sam. VI, 8.
- (19) Deut. XXXI, 26.
- (20) I.e., the double limitation.

Talmud - Mas. Baba Bathra 14b

the fragments of the tables¹ were [also] deposited in the ark. Now if we assume that the circumference of the scroll was six handbreadths, — let us see: a circumference of three handbreadths means a width of one.² Since then the scroll closed in the middle, the space between the two cylinders must have been over and above the two handbreadths. How did this get in to the two handbreadths?³ — The scroll read in the Temple Court⁴ was rolled round one cylinder. Even so, how could two handbreadths get into exactly two? R. Ashi replied: The scroll was rolled together up to a certain point [and placed in the ark], and then the remainder was rolled up on top.

If we accept R. Judah's theory, where was the scroll placed before the coffer came? — A ledge projected from the ark, and on this the scroll was placed. What does R. Meir make of the words, At the side of the ark? — This is to indicate that the scroll is to be placed at the side of the tables and not between them; but even so, it was in the ark, only at the side.

According to R. Meir, where were the [silver] sticks placed?⁵ — Outside. And whence does R. Meir learn that the fragments of the [first] tables were deposited in the ark?⁶ — From the same source as R. Huna, who said: What is the meaning of the verse, Which is called by the Name, even the name of the Lord of Hosts that sitteth upon the Cherubim?⁷ [The repetition of the word 'name'] teaches that the tables and the fragments of the tables were deposited in the ark. And,

what does R. Judah make of these words? — He requires them for the lesson enunciated by R. Johanan, who ‘said in the name of R. Simeon b. Yohai: This teaches us that the Name [of four letters] and all the subsidiary names [of God] were deposited in the ark. And does not R. Meir also require the verse for this lesson? — Certainly he does. Whence then does he learn that the fragments of the first tables were deposited in the ark? He learns it from the exposition reported [also] by R. Joseph. For R. Joseph learned: Which thou brakest and thou shalt put them.’⁸ [the juxtaposition of these words] teaches us that both the tablets and the fragments of the tablets were deposited in the ark. And what does R. Judah make of this verse? — He requires it for the lesson enunciated by Resh Lakish, who said: Which thou brakest: God said to Moses, Thou hast done well⁹ to break.¹⁰

Our Rabbis taught: The order of the Prophets is, Joshua, Judges, Samuel, Kings, Jeremiah, Ezekiel, Isaiah, and the Twelve Minor Prophets. Let us examine this. Hosea came first, as it is written, God spake first to Hosea.¹¹ But did God speak first to Hosea? Were there not many prophets between Moses and Hosea? R. Johanan, however, has explained that [what It means is that] he was the first of the four prophets who prophesied at that period,¹² namely, Hosea, Isaiah, Amos and Micah. Should not then Hosea come first? — Since his prophecy is written along with¹³ those of Haggai, Zechariah and Malachi, and Haggai, Zechariah and Malachi came at the end of the prophets, he is reckoned with them. But why should he not be written separately and placed first? — Since his book is so small, it might be lost [if copied separately]. Let us see again. Isaiah was prior to Jeremiah and Ezekiel. Then why should not Isaiah be placed first? — Because the Book of Kings ends with a record of destruction and Jeremiah speaks throughout of destruction and Ezekiel commences with destruction and ends with consolation and Isaiah is full of consolation;¹⁴ therefore we put destruction next to destruction and consolation next to consolation. The order of the Hagiographa is Ruth, the Book of Psalms, Job, Prophets, Ecclesiastes, Song of Songs, Lamentations, Daniel and the Scroll of Esther, Ezra and Chronicles.¹⁵ Now on the view that Job lived in the days of Moses, should not the book of Job come first? — We do not begin with a record of suffering. But Ruth also is a record of suffering?¹⁶ — It is a suffering with a sequel [of happiness], as R. Johanan said: Why was her name called Ruth? — Because there issued from her David who replenished¹⁷ the Holy One, blessed be He, with hymns and praises.

Who wrote the Scriptures? — Moses wrote his own book and the portion of Balaam¹⁸ and Job. Joshua wrote the book which bears his name and [the last] eight verses of the Pentateuch.¹⁹ Samuel wrote the book which bears his name and the Book of Judges and Ruth. David wrote the Book of Psalms, including in it the work of the elders, namely, Adam, Melchizedek, Abraham, Moses, Heman, Yeduthun, Asaph,

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- (1) The first tables which Moses broke.
 - (2) And therefore the scroll must have been two handbreadths wide.
 - (3) If we assume with R. Meir that there was a scroll in the ark.
 - (4) On Tabernacles, in accordance with Deut. XXXI, 9-13.
 - (5) Since there was no room for them in the ark alongside the Scroll at the base of the tables.
 - (6) Seeing that the verse on which R. Judah bases this is needed by him for another lesson.
 - (7) II Sam. VI, 2.

(8) Deut. X, 2.

(9) **lj f rah** a play on , **rca rat**.

(10) Although I did not tell thee. The words 'which thou brakest' can be utilised for this lesson because they are strictly speaking superfluous.

(11) Hos. I; 2.

(12) In the reigns of Uzziah, Jotham, Ahaz, and Hezekiah.

(13) I.e., copied on the same scroll.

(14) Strictly speaking, this applies only to the latter half of Isaiah, ch. XL-LXVI, though strains of consolation are interspersed throughout the first part also.

(15) With the exception of Job, the order is meant to be chronological, Ruth being ascribed to Samuel, the Psalms to David, Proverbs, Ecclesiastes and the Song of Songs to Solomon, Lamentations to Jeremiah, and Esther to the period of the Captivity (v. Rashi).

(16) As it says, 'And there was a famine in the land (Ruth I,i)

(17) **VUR** which R. Johanan connects with , **UR**

(18) The parables of Balaam in Num. XXIII, XXIV.

(19) Recording the death of Moses.

Talmud - Mas. Baba Bathra 15a

and the three sons of Korah.¹ Jeremiah wrote the book which bears his name, the Book of Kings, and Lamentations. Hezekiah and his colleagues wrote (Mnemonic YMSHK)² Isaiah,³ Proverbs,⁴ the Song of Songs and Ecclesiastes. The Men of the Great Assembly wrote (Mnemonic KNDG)⁵ Ezekiel,⁶ the Twelve Minor Prophets,⁷ Daniel and the Scroll of Esther. Ezra wrote the book that bears his name⁸ and the genealogies of the Book of Chronicles up to his own time. This confirms the opinion of Rab, since Rab Judah has said in the name of Rab: Ezra did not leave Babylon to go up to Eretz Yisrael until he had written his own genealogy. Who then finished it [the Book of Chronicles]? — Nehemiah the son of Hachaliah.

The Master has said: Joshua wrote the book which bears his name and the last eight verses of the Pentateuch. This statement is in agreement with the authority who says that eight verses in the Torah were written by Joshua, as it has been taught: [It is written], So Moses the servant of the Lord died there.⁹ Now is it possible that Moses being dead could have written the words, 'Moses died there'? The truth is, however, that up to this point Moses wrote, from this point Joshua wrote. This is the opinion of R. Judah, or, according to others, of R. Nehemiah. Said R. Simeon to him: Can [we imagine the] scroll of the Law being short of one word, and is it not written, Take this book of the Law?¹⁰ No; what we must say is that up to this point the Holy One, blessed be He, dictated and Moses repeated and wrote, and from this point God dictated and Moses wrote with tears, as it says of another occasion, Then Baruch answered them, He pronounced all these words to me with his mouth, and I wrote them with ink in the book.¹¹ Which of these two authorities is followed in the rule laid down by R. Joshua b. Abba which he said in the name of R. Giddal who said it in the name of Rab: The last eight verses of the Torah must be read [in the Synagogue service] by one person alone?¹² — It follows R. Judah and not R. Simeon. I may even say, however, that it follows R. Simeon, [who would say that] since they differ [from the rest of the Torah] in one way, they differ in another.

[You say that] Joshua wrote his book. But is it not written, And Joshua son of Nun the servant of the Lord died?¹³ — It was completed by Eleazar. But it is also written in it, And Eleazar the son of Aaron died?¹⁴ — Phineas finished it. [You say that] Samuel wrote the book that bears his name. But is it not written in it, Now Samuel was dead?¹⁵ — It was completed by Gad the seer and Nathan the prophet. [You say that] David wrote the Psalms, including work of the ten elders. Why is not Ethan the Ezrahite also reckoned with? — Ethan the Ezrahite is Abraham. [The proof is that] it is written in the Psalms, Ethan the Ezrahite,¹⁶ and it is written elsewhere, Who hath raised up righteousness from the East.¹⁷

[The passage above] reckons both Moses and Heman. But has not Rab said that Moses is Heman, [the proof being] that the name Heman is found here [in the Psalms] and it is written elsewhere [of Moses], In all my house he is faithful?¹⁸ — There were two Hemans. You say that Moses wrote his book and the section¹⁹ of Balaam and Job. This supports the opinion of R. Joshua b. Levi b. Lahma who said that Job was contemporary with Moses — [The proof is that] it is written here [in connection with Job], O that my words were now [efo] written,²⁰ and it is written elsewhere [in connection with Moses], For wherein now [efo] shall it be known.²¹ But on that ground I might say that he was contemporary with Isaac, in connection with whom it is written, Who now [efo] is he that took venison?²² Or I might say that he was contemporary with Jacob, in connection with whom it is written, If so now [efo] do this?²³ or with Joseph, in connection with whom it is written, Where [efo] they are pasturing?²⁴ — This cannot be maintained; [The proof that Job was contemporary with Moses is that] it is written [in continuation of the above words of Job], Would that they were inscribed in a book, and it is Moses who is called ‘inscriber’, as it is written, And he chose the first part for himself, for there was the lawgiver’s [mehokek, lit. ‘inscriber’s’] portion reserved.²⁵ Raba said that Job was in the time of the spies. [The proof is that] it is written here [in connection with Job], There was a man in the land of Uz, Job was his name,²⁶ and it is written elsewhere [in connection with the spies], Whether there be wood [ez] therein.²⁷ Where is the parallel? In one place it is Uz, in the other EZ? — What Moses said to Israel was this: [See] if that man is there whose years are as the years of a tree and who shelters his generation like a tree.

A certain Rabbi was sitting before R. Samuel b. Nahmani and in the course of his expositions remarked, Job never was and never existed, but is only a typical figure.²⁸ He replied: To confute such as you the text says, There was a man in the land of Uz, Job was his name. But, he retorted, if that is so, what of the verse, The poor man had nothing save one poor ewe lamb, which he had bought and nourished up etc.²⁹ Is that anything but a parable? So this too is a parable. If so, said the other, why are his name and the name of his town mentioned?

R. Johanan and R. Eleazar both stated that Job was among those who returned from the [Babylonian] Exile, and that his house of study was in Tiberias. An objection [to this view] was raised from the following: ‘The span of Job’s life was from the time that Israel entered Egypt till they left it.’ —

(1) To Adam are ascribed the verses, Thine eyes did see mine imperfect substance etc. (Ps. CXXXIX, 16); to Melchizedek Ps. CX; to Moses, Ps. XC. Abraham is identified with Ethan the Ezrahite (Ps. LXXXIX).

(2) **h** = Yeshaiiah (Isaiah); **n** = Mishle (Proverbs); **a** = Shir ha-Shirim (Song of Songs); **e** = Koheleth

(Ecclesiastes). The word 'wrote' here seems to have the meaning of 'edited' or 'published'.

(3) According to Rashi, Isaiah was executed by Manasseh before he could reduce his own prophecies to writing.

(4) V. Prov. XXV, 1.

(5) **e** = Ezekiel; **b** = Shenem 'Asar (Twelve minor prophets); **S** = Daniel; **d** = Megillath Esther (The Scroll of Esther).

(6) Rashi supposes that the reason why Ezekiel did not write his own book was that he lived out of Eretz Yisrael. The same reason applies to Daniel.

(7) Who apparently did not publish their prophecies themselves because they were too small.

(8) This includes Nehemiah.

(9) Deut. XXXIV, 5.

(10) Deut. XXXI, 26. And this was said by Moses before he died.

(11) Jer. XXXVI, 18.

(12) Apparently this means that it is not requisite that another person should stand by him, as in the case of the rest of the Torah. Or it may mean that these eight verses must always be read to (or by) one person only.

(13) Josh. XXIV, 29.

(14) Ibid. 33.

(15) I Sam. XXVIII, 3.

(16) Ps. LXXXIX, 1.

(17) Isa. XLI, 2. The word 'ezrahi' is also taken to mean 'eastern', while 'Ethan' (strong) is regarded as equivalent to 'righteous'.

(18) The word 'heman' is also taken to mean 'faithful'.

(19) [Var. lec., **rpX** 'the book'.]

(20) Job XIX, 23.

(21) Ex. XXXIII, 16.

(22) Gen. XXVII, 33.

(23) Gen. XLIII, II.

(24) Ibid. XXXVII, 16.

(25) Deut. XXXIII, 21.

(26) Job 1, 1.

(27) Num. XIII, 20.

(28) To teach men the virtue of resignation.

(29) II Sam. XII, 3. This was Nathan's parable to David.

Talmud - Mas. Baba Bathra 15b

Say, As long as from the time they entered Egypt till they left it.¹ An objection was further raised² [from the following]: Seven prophets prophesied to the heathen, namely, Balaam and his father, Job, Eliphaz the Temanite, Bildad the Shuhite, Zophar the Naamathite, and Elihu the son of Barachel the Buzite.³ He replied.⁴ Granted as you say [that Job was one of these], was not Elihu the son of Barachel from Israel, seeing that the Scripture mentions that he was from the family of Ram?⁵ Evidently [the reason why he is included] is because he prophesied to the heathen. So too Job [is included because] he prophesied to the heathen.⁶ But did not all the prophets prophesy to the heathen? — Their prophecies were addressed primarily to Israel, but these addressed themselves primarily to the heathen.

An objection was raised [from the following]: There was a certain pious man among the heathen named Job, but he [thought that he had] come into this world only to receive [here] his reward, and when the Holy One, blessed be He, brought chastisements upon him, he began to curse and blaspheme, so the Holy One, blessed be He, doubled his reward in this world so as to expel him from the world to come. There is a difference on this point between Tannaim, as it has been taught: R. Eliezer says that Job was in the days ‘of the judging of the judges,’⁷ as it says [in the book of Job], Behold all of you together have seen it; why then are ye become altogether vain?⁸ What generation is it that is altogether vain? You must say, the generation where there is a ‘judging of the judges.’⁹ R. Joshua b. Korhah says: Job was in the time of Ahasuerus, for it says, And in all the land were no women found so fair as the daughters of Job.¹⁰ What was the generation in which fair women were sought out? You must say that this was the generation of Ahasuerus. But perhaps he was in the time of David [in connection with whom] it is written, So they sought for a fair damsel?¹¹ — In the case of David [the search was only] in all the border of Israel, in the case of Ahasuerus, in all the land. R. Nathan says that Job was in the time of the kingdom of Sheba, since it says, The Sabaeans fell on them and took them away.¹² The Sages say that he was in the time of the Chaldeans, as it says, The Chaldeans made three bands.¹³ Some say that Job lived in the time of Jacob and married Dinah the daughter of Jacob. [The proof is that] it is written here [in the book of Job], Thou speakest as one of the impious women [nebaloth] speaketh,¹⁴ and it is written in another place [in connection with Dinah], Because he had wrought folly [nebelah] it, Israel.¹⁵ All these Tannaim agree that Job was from Israel, except those who say [that he lived in the days of Jacob]. [This must be so,] for if you suppose that [they regarded him as] a heathen, [the question would arise,] after the death of Moses how could the Divine Presence rest upon a heathen,¹⁶ seeing that a Master has said, Moses prayed that the Divine Presence should not rest on heathens, and God granted his request as it says, That we be separated, I and thy people, from all the people that are upon the face of the earth.¹⁷

R.Johanan said: The generation of Job was given up to lewdness. [The proof is that] it says here [in the book of Job], Behold all of you have seen [hazitem] it; why then are ye become altogether vain? and it is written elsewhere, Return, return, O Shulamite, return, return that we may look upon [nehezeh,] thee.¹⁸ But may not the reference be to prophecy, as in the words, The vision [hazon] of Isaiah son of Amoz?¹⁹ — If so, why does it say: Why are ye become altogether vain?

R.Johanan further said: What is the import of the words, And it came to pass in the days of the judging of the judges? It was a generation which judged its judges. If the judge said to a man, ‘Take the splinter from between your teeth,’²⁰ he would retort, ‘Take the beam from between your eyes.’ If the judge said, ‘Your silver is dross,’ he would retort, ‘Your liquor is mixed with water.’²¹

R.Samuel b. Nahmani said in the name of R. Jonathan: Whoever says that the malkath [queen] of Sheba was a woman is in error; the word malkath here²² means the kingdom of Sheba.

Now there was a day when the sons of God came to present themselves before the Lord, and Satan came also among them. And the Lord said unto Satan, whence comest thou? And Satan answered etc.²³ He addressed the Holy One, blessed be He, thus: Sovereign of the Universe, I

have traversed the whole world and found none so faithful as thy servant Abraham. For Thou didst say to him, Arise, walk through the land to the length and the breadth of it, for to thee I will give it,²⁴ and even so, when he was unable to find any place in which to bury Sarah until he bought one for four hundred shekels of silver, he did not complain against thy ways. Then the Lord said to Satan, Hast thou considered my servant Job? for' there is none like him in the earth etc.

Said R. Johanan: Greater praise is accorded to Job than to Abraham. For of Abraham it is written, For now I know that thou fearest God,²⁵ whereas of Job it is written, That man was perfect and upright and one that feared God and eschewed evil.²⁶ What is the meaning of 'eschewed evil'? — R. Abba b. Samuel said: Job was liberal with his money. Ordinarily, if a man owes half a prutah [to a workman], he spends it in a shop,²⁷ but Job used to make a present of it [to the workman].

And then Satan answered the Lord and said, Doth Job fear God for nought? Hast thou not made at hedge about him and about his house etc.²⁸ What is the meaning of the words, Thou hast blessed the work of his hands?²⁹ — R. Samuel b. R. Isaac said: Whoever took a prutah from Job had luck with it. What is implied by the words, His cattle is increased in the land,³⁰ — R. Jose b. Hanina said: The cattle of Job broke through the general rule. Normally wolves kill goats, but in the cattle of Job the goats killed the wolves. But put forth thine hand now and touch all that he hath, and he will renounce thee to thy face... And the Lord said unto Satan, Behold all that he hath is in thy power, only upon himself put not forth thine hand etc. . . . And it fell on a day when his sons and daughters were eating and drinking wine in their eldest brother's house that there came a messenger unto Job and said, The oxen were plowing etc.³¹ What is meant by the words, The oxen were plowing and the asses feeding beside them?³² — R. Johanan said: This indicates that the Holy One, blessed be He, gave to Job a taste of the

(1) Viz. 210 years. Job's years were doubled after his sufferings and he lived on for 140 years. He must therefore have been 70 at the time. This makes a total of 210.

(2) Against the idea that Job was an Israelite.

(3) This seems to show that Job was a heathen prophet.

(4) This is omitted in some texts.

(5) Job XXXII, 2. Had he not been from Israel, his genealogy would not have been given. Or possibly 'Ram' is a name of Abraham (Rashi).

(6) Though he was himself an Israelite.

(7) This is a literal translation of the opening words of the Book of Ruth, rendered in the E.V., 'in the days when the Judges judged.'

(8) Job XXVII, 12.

(9) By the common people, in whom the judges inspire no respect.

(10) Job XLII, is.

(11) I Kings 1,3.

(12) Job 1, 15.

(13) Ibid. 17.

(14) Ibid. 11, 10.

(15) Gen. XXXIV, 7.

- (16) And all agree that Job was a prophet.
- (17) Ex. XXXIII, 16. This difficulty, however, would not arise if we suppose Job to have been in the days of Jacob.
- (18) Cant. VI, 13.
- (19) Isa. I, I.
- (20) This is the reading in 'En Yakob. In the text of the Talmud the word is 'eyes', which does not seem to make such good sense.
- (21) Cf. Isa. 1, 22.
- (22) 1 Kings X, 1.
- (23) Job 1, 6,7.
- (24) Gen. XIII, 17.
- (25) Ibid. XXII, 12.
- (26) Job 1, 1.
- (27) Since a prutah cannot be divided, if a man owes a workman half a prutah he buys something in a shop with a prutah and gives the workman half.
- (28) Job 1,9,10.
- (29) Ibid.
- (30) Ibid.
- (31) Ibid. 11-14.
- (32) Ibid. 14.

Talmud - Mas. Baba Bathra 16a

future world.¹ While he was yet speaking there came also another and said, The fire of God. . . While he was yet speaking there came also another and said, The Chaldeans made three bands . . . and fell upon the camels and have taken them away . . . While he was yet speaking there came also another and said, Thy sons and thy daughters were eating and drinking wine in their eldest brother's house, and behold there came a great wind from the wilderness and smote the four corners of the house and it fell upon the young men . . . Then Job arose and rent his mantle and shaved his head. . . and he said, Naked came I out of my mother's womb and naked shall I return thither; the Lord gave and the Lord hath taken away; blessed be the name of the Lord. In all this Job sinned not nor charged God with foolishness. Again there was a day when the sons of God came to present themselves . . . and the Lord said unto Satan, From whence comest thou? And Satan answered the Lord and said, From going to and fro in the earth etc.² He said: Sovereign of the Universe, I have traversed the whole earth, and have not found one like thy servant Abraham. For thou didst say to him, Arise, walk through the land in the length of it and the breadth of it, for to thee I will give it, and when he wanted to bury Sarah he could not find a place in which to bury her, and yet he did not complain against thy ways. Then the Lord said unto Satan, Hast thou considered my servant Job, for there is none like him in the earth . . . and he still holdeth fast his integrity, although thou movedst me against him to destroy him without cause.³ Said R. Johanan: Were it not expressly stated in the Scripture, we would not dare to say it. [God is made to appear] like a man who allows himself to be persuaded against his better judgment. A Tanna taught: [Satan] comes down to earth and seduces, then ascends to heaven and awakens wrath; permission is granted to him and he takes away the soul.

And Satan answered the Lord and said, Skin for skin, yea, all that a man hath will he give for

his life. But put forth thine hand now and touch his bone and his flesh, and he will renounce thee to thy face. And the Lord said unto Satan, Behold he is in thine hand: only spare his life. So Satan went forth from the presence of the Lord and smote Job etc.⁴ R. Isaac said: Satan's torment was worse than that of Job; he was like a servant who is told by his master, 'Break the cask but do not let any of the wine spill.' Resh Lakish said: Satan, the evil prompter, and the Angel of Death are all one. He is called Satan, as it is written, And Satan went forth from the presence of the Lord.⁵ He is called the evil prompter:⁶ [we know this because] it is written in another place, [Every imagination of the thoughts of his heart] was only evil continually,⁷ and it is written here [in connection with Satan] 'Only upon himself put not forth thine hand.'⁸ The same is also the Angel of Death, since it says, Only spare his life,⁹ which shows that Job's life belonged to him.

R. Levi said: Both Satan and Peninah had a pious purpose [in acting as adversaries]. Satan, when he saw God inclined to favour Job said, Far be it that God should forget the love of Abraham. Of Peninah it is written, And her rival provoked her sore for to make her fret.¹⁰ When R. Aha b. Jacob gave this exposition in Papunia,¹¹ Satan came and kissed his feet.¹²

In all this did not Job sin with his lips.¹³ Raba said: With his lips he did not sin, but he did sin within his heart. What did he say?¹⁴ The earth is given into the hand of the wicked, he covereth the faces of the judges thereof; if it be not so, where and who is he?¹⁵ Raba said: Job sought to turn the dish upside down.¹⁶ Abaye said: Job was referring only to the Satan. The same difference of opinion is found between Tannaim: The earth is given into the hand of the wicked. R. Eliezer said: Job sought to turn the dish upside down. R. Joshua said to him: Job was only referring to the Satan.

Although thou knowest that I am not wicked, and there is none that can deliver out of thine hand.¹⁷ Raba said: Job sought to exculpate the whole world.¹⁸ He said: Sovereign of the Universe, Thou hast created the ox with cloven hoofs and thou hast created the ass with whole hoofs; thou hast created Paradise and thou hast created Gehinnom: thou hast created righteous men and thou hast created wicked men, and who can prevent thee?¹⁹ His companions answered him: Yea, thou doest away with fear' and restrainest devotion before God.²⁰ If God created the evil inclination, He also created the Torah as its antidote.²¹

Raba expounded: What is meant by the verse, The blessing of him that was ready to perish came upon me, and I caused the widow's heart to sing for joy.²² 'The blessing of him that lost²³ came upon me:' this shows that Job used to rob orphans of a field and improve it and then restore it to them. 'And I caused the widow's heart to sing for joy:' if ever there was a widow who could not find a husband, he used to associate his name with her,²⁴ and then someone would soon come and marry her. Oh that my vexation were but weighed, and my calamity laid ill the balances together.²⁵ Rab said: Dust should be put in the mouth of Job, because he makes himself the colleague of heaven.²⁶ Would there were an umpire between us, that he might lay his hand upon us both.²⁷ Rab said: Dust should be placed in the mouth of Job: is there a servant who argues with his master? I made a covenant with thine eyes; how then should I look upon a maid?²⁸ Rab said: Dust should be placed in the mouth of Job; he refrained from looking at other men's wives. Abraham did not even look at his own, as it is written, Behold now I know that thou art a fair woman to look upon,²⁹ which shows that up to then he did not know.

As the cloud is consumed and vanisheth away, so he that goeth down to Sheol shall come up no more.³⁰ Raba said: This shows that Job denied the resurrection of the dead. For he breaketh me with a tempest and multiplieth my wounds without cause.³¹ Rabbah said: Job blasphemed with [mention of] a tempest, and with a tempest he was answered. He blasphemed with [mention of] a tempest, as it is written, For he breaketh me as with a tempest. Job said to God: Perhaps a tempest has passed before thee, and caused thee to confuse Iyob [Job] and Oyeb [enemy]. He was answered through a tempest, as it is written, Then the Lord answered Job out of the whirlwind³² and said, ... Gird tip now thy loins like a man, for I will demand of thee and declare thou unto me.³³ 'I have created many hairs in man, and for every hair I have created a separate groove, so that two should not suck from the same groove, for if two were to suck from the same groove they would impair the sight of a man. I do not confuse one groove with another; and shall I then confuse Iyob with Oyeb? Who hath cleft a channel for the waterflood?³⁴ Many drops have I created in the clouds, and for every drop a separate mould, so that two drops should not issue from the same mould, since if two drops issued from the same mould they would wash away the soil, and it would not produce fruit. I do not confuse one drop with another, and shall I confuse Iyob and Oyeb?' (How do we know that the word te'alah [channel] here means a mould? Rabbah b. Shila replied: Because it is written, And he made a trench [te'alah] as great as would contain two measures of seed.)³⁵ Or a way for the lightning of the thunder.³⁶ Many thunderclaps have I created in the clouds, and for each clap a separate path, so that two claps should not travel by the same path, since if two claps travelled by the same path they would devastate the world. I do not confuse one thunderclap with another, and shall I confuse Iyob with Oyeb? Knowest thou the time when the wild goats of the rock bring forth, or canst thou mark when the hinds do calve?³⁷ This wild goat is heartless towards her young. When she crouches for

(1) R. Johanan understands the text to imply that so soon as the oxen had ploughed and the seed had been cast, the produce sprang up and the asses ate it. Similarly in the future world conception and birth will be on the same day (v. Sanh. 30b).

(2) Ibid. I, 18 — II, 2.

(3) Ibid. 3.

(4) Ibid. 4-7.

(5) Ibid. 7.

(6) Heb. Yezer Hara'.

(7) Gen. VI, 5.

(8) Job I, 12.

(9) Ibid. II, 6.

(10) I Sam. I, 6. By making Hannah fret, Peninah caused her to pray.

(11) [A place between Bagdad and Pumbeditha, Obermeyer, op. cit., p. 242.]

(12) Out of gratitude.

(13) Job II, 10.

(14) Which shows that he harboured sinful thoughts?

(15) Ibid. IX, 24.

(16) I.e., to declare all God's works worthless.

(17) Ibid. X, 7.

(18) Raba translates **l , gs kg**: Didst thou will, I should not be wicked.

- (19) As much as to say, that the wall is not free.
- (20) Ibid. XV, 4.
- (21) Lit., 'spices'.
- (22) Ibid. XXIX, 13 .
- (23) So Raba translates the word **scut**.
- (24) By saying that she was a relative of his, or pretending to woo her.
- (25) Ibid. VI, 2.
- (26) By desiring to weigh his pleas in the balance with those of God.
- (27) Ibid. IX, 33.
- (28) Ibid. XXXI, I.
- (29) Gen. XII, 11.
- (30) Job VII, 9.
- (31) Ibid. IX, 17.
- (32) The Hebrew word is se'arah, which can also be translated 'hair'.
- (33) Ibid. XXXVIII, 1, 3.
- (34) Ibid. 25.
- (35) I Kings XVIII, 32.
- (36) Job XXXVIII, 25.
- (37) Ibid. XXXIX, 1.

Talmud - Mas. Baba Bathra 16b

delivery, she goes up to the top of a mountain so that the young shall fall down and be killed, and I prepare an eagle to catch it in his wings and set it before her, and if he were one second too soon or too late it would be killed.¹ I do not confuse one moment with another, and shall I confuse Iyob with Oyeb? Or canst thou mark when the hinds do calve? This hind has a narrow womb. When she crouches for delivery, I prepare a serpent which bites her at the opening of the womb, and she is delivered of her offspring; and were it one second too soon or too late, she would die.² I do not confuse one moment with another, and shall I confuse Iyob with Oyeb? Job speaketh without knowledge, and his words are without wisdom.³ Raba said: This teaches that a man is not held responsible for what he says when in distress.⁴

Now when Job's three friends heard of all this evil which was come upon him, they came every one from his own place, Eliphaz the Temanite, and Bildad the Shuhite, and Zophar the Naamathite; and they made an appointment together to come to bemoan him and to comfort him.⁵ What is the meaning of, they made an appointment together? — Rab Judah said in the name of Rab: It teaches that they all entered [the town together] through one gate, although, as it has been taught, each one lived three hundred parasangs away from the other. How did they know [of Job's trouble]? — Some say that they had crowns,⁶ and some say that they had had certain trees, the distortion or withering of which was a sign to them. Raba said: This bears out the popular saying: Either a friend like the friends of Job or death.

And it came to pass, when men began to multiply [larob] on the face of the ground and daughters were born to them.⁷ R. Johanan says: [the word larob indicates that] increase [rebiah] came in to the world;⁸ Resh Lakish says [it indicates that] strife [meribah] came into the world.

Said Resh Lakish to R. Johanan: On your view that it means that increase came into the world, why was not the number of Job's daughters doubled?⁹ He replied: Though they were not doubled in number,¹⁰ they were doubled in beauty, as it says, He also had seven sons and three daughters. And he called the name of the first Jemimah, and the name of the second Keziah, and the name of the third Keren-Happuch¹¹ — Jemimah, because she was like the day [yom]; Keziah, because she emitted a fragrance like cassia [keziah]; Keren-Happuch¹² because — so it was explained in the academy of R. Shila¹³ — she had a complexion like the horn of a keresh.¹⁴ This explanation was laughed at in the West,¹⁵ [where it was pointed out that a complexion like] the horn of a keresh would be a blemish.¹⁶ [But what it should be], said R. Hisda, [is], like garden crocus of the best kind.¹⁷ (The word puch means pigment, as it is said, Though thou enlargest thine eyes with paint [puch].)¹⁸

A daughter was born to R. Simeon the son of Rabbi, and he felt disappointed. His father said to him: Increase has come to the world. Bar Kappara said to him: Your father has given you an empty consolation. The world cannot do without either males or females. Yet happy is he whose children are males, and alas for him whose children are females. The world cannot do without either a spice-seller or a tanner. Yet happy is he whose occupation is that of a spice-seller, and alas for him whose occupation is that of a tanner. On this point¹⁹ there is a difference between Tannaim. [It is written,] The Lord had blessed Abraham in all things²⁰ [ba-kol]. What is meant by 'in all things'? R. Meir said: In the fact that he had no daughter; R. Judah said: In the fact that he had a daughter. Others say that Abraham had a daughter whose name was ba-kol. R. Eliezer the Modiite said that Abraham possessed a power of reading the stars²¹ for which he was much sought after by the potentates of East and West.²² R. Simeon b. Yohai said: Abraham had a precious stone hung round his neck which brought immediate healing to any sick person who looked on it, and when Abraham our father departed from this world, the Holy One, blessed be He, suspended it from the orb of the sun. Abaye said: This bears out the popular saying, As the day advances the illness lightens. Another explanation is that Esau did not break loose so long as he was alive. Another explanation is that Ishmael repented while he was still alive. How do we know that Esau did not break loose while he was alive? Because it says, And Esau came in from the field²³ and he was faint.²⁴ It has been taught [in connection with this] that that was the day on which Abraham our father died, and Jacob our father made a broth of lentils to comfort his father Isaac. Why was it of lentils? — In the West they say in the name of Rabbah b. Mari: Just as the lentil has no mouth,²⁵ so the mourner has no mouth [for speech]. Others say: Just as the lentil is round, so mourning comes round to all the denizens of this world. What difference does it make in practice which of the two explanations we adopt? — The difference arises on the question whether we should comfort with eggs.²⁶

R. Johanan said: That wicked [Esau] committed five sins on that day. He dishonoured a betrothed maiden, he committed a murder, he denied God, he denied the resurrection of the dead, and he spurned the birthright. [We know that] he dishonoured a betrothed maiden, because it is written here, And Esau came in from the field,²⁷ and it is written in another place [in connection with the betrothed maiden], He found her in the field.²⁸ [We know that] he committed murder, because it is written here [that he was] faint, and it is written in another place, Woe is me now, for my soul fainteth before the murderers.²⁹ [We know that] he denied God, because it is written here, What benefit is this to me, and it is written in another place, This is my God and I will make

him an habitation.³⁰ [We know that] he denied the resurrection of the dead because he said, Behold, I am on the way to die: also that he spurned the birthright because it is written, So Esau despised his birthright. And whence do we know that Ishmael repented while Abraham was still alive? — From the discussion which took place between Rabina and R. Hama b. Buzi when they were once sitting before Raba while he was dozing. Said Rabina to R. Hama b. Buzi: Do your people really maintain that wherever the term ‘giving up the ghost’ [gewi'ah] is used in connection with the death of any person, it implies that that person died righteous? That is so, he replied. But what then of the generation of the Flood?³¹ [he asked.] We only make this inference, he replied, if both, ‘giving up the ghost’ and ‘gathering in’ are mentioned. But, he rejoined, what of Ishmael, who is said both to have ‘given up the ghost’ and ‘been gathered in’?³² At this point Raba awoke and heard them. Children, he said, this is what R. Johanan has said: Ishmael repented in the lifetime of his father. [We know this] because it says, And Isaac and Ishmael his sons buried him.³³ But perhaps the text arranges them in the order of their wisdom? — If that were so, then why in the verse, And Esau and Jacob his sons buried him³⁴ are they not arranged in the order of their wisdom? What we have to say is that the fact of the text placing Isaac first shows that Ishmael made way³⁵ for him, and from the fact that he made way for him we infer that he repented in Abraham's lifetime.

Our Rabbis taught: There were three to whom the Holy One, blessed be He, gave a foretaste

(1) [V. Lewysohn, Zoologie des Talmuds, p. 115.]

(2) V. Lewysohn, op. cit., p. 111 .

(3) Job XXXIV, 3 5.

(4) Since it simply says ‘without knowledge’ but not ‘with wickedness’.

(5) Ibid. II, II.

(6) On which a portrait of each was engraved, and if trouble came upon any one of them, the portrait changed.

(7) Gen. VI, 1.

(8) Because girls are married earlier than boys.

(9) Like his cattle. V. Job XLII, 22.

(10) Lit., ‘in names

(11) Job XL, 13, 24.

(12) Lit., ‘horn of pigment’.

(13) [In Nehardea.]

(14) A kind of antelope.

(15) Palestine. [By this expression R. Jose b. Haninah is meant. V. San. 17b.]

(16) Because it is blackish.

(17) This is according to the reading of Rashi, ***teahrs tnfruff**. Tosaf., however, reads **teahrs tkjuff** pigment made from saffron’, which had a specially beautifying effect on the skin. In this case the name Keren-Happuch will mean, ‘the gloss of pigment’.

(18) Jer. IV, 30.

(19) Whether a daughter is a blessing or not.

(20) Gen. XXIV, 1.

(21) [A variant rendering: ‘He possessed an astrological instrument’. Current texts have ‘in his heart’ — Tosef. Kid. V, reads ‘in his hand’. V. Bacher, Agada der Tanaiten, I, 200.]

(22) Lit., ‘the potentates . . . used to attend early at his gate’.

- (23) This implies that he had broken loose, v. infra.
- (24) Gen. XXV, 29.
- (25) I.e., not cleft, like other kinds of pulse.
- (26) Which have no cleft, but are not perfectly round.
- (27) Gen. XXV, 29.
- (28) Deut. XXII, 27.
- (29) Jer. IV, 31.
- (30) Ex. XV, 2.
- (31) Of which it is written, And all flesh gave up the ghost (wa-yigwa'), Gen. VII, 21.
- (32) Gen. XXV, 17.
- (33) Ibid. 9.
- (34) Ibid. XXXV, 29.
- (35) Lit., 'made him lead'.

Talmud - Mas. Baba Bathra 17a

of the future world while they were still in this world, to wit, Abraham, Isaac, and Jacob. Abraham [we know] because it is written of him, [The Lord blessed Abraham] in all,¹ Isaac, because it is written, [And I ate] of all;² Jacob, because it is written, [For I have] all.³ Three there were over whom the evil inclination⁴ had no dominion, to wit Abraham, Isaac and Jacob, [as we know] because it is written in connection with them, in all, of all, all.⁵ Some include also David, of whom it is written, My heart is wounded within me.⁶ And the other authority? — He understands him to be referring here to his distress.

Our Rabbis taught: Six there were over whom the Angel of Death had no dominion,⁷ namely, Abraham, Isaac and Jacob, Moses, Aaron and Miriam. Abraham, Isaac and Jacob we know because it is written in connection with them, in all, of all, all;⁸ Moses, Aaron and Miriam because it is written in connection with them [that they died] By the mouth of the Lord.⁹ But the words 'by the month of the Lord' are not used in connection with [the death of] Miriam? — R. Eleazar said: Miriam also died by a kiss, as we learn from the use of the word 'there' [in connection both with her death] and with that of Moses.¹⁰ And why is it not said of her that [she died] by the month of the Lord? — Because such an expression would be disrespectful.¹¹

Our Rabbis taught: There were seven over whom the worms had no dominion, namely, Abraham, Isaac and Jacob, Moses, Aaron and Miriam, and Benjamin son of Jacob. Abraham, Isaac and Jacob [we know] because it is written of them, 'in all, of all, all': Moses, Aaron and Miriam because it is written in connection with them, By the mouth of the Lord. Benjamin son of Jacob, because it is written in connection with him, And to Benjamin he said, The beloved of the Lord, he shall dwell thereon¹² in safety.¹³ Some say that David also [is included], since it is written of him, My flesh also shall dwell [in the grave] in safety.¹⁴ The other, however, explains this to mean that he is praying for mercy.¹⁵

Our Rabbis taught: Four died through the counsel of the serpent,¹⁶ namely, Benjamin son of Jacob, Amram the father of Moses, Jesse the father of David, and Kilab the son of David. We know this only from tradition in regard to all of them save Jesse the father of David, in regard to

Talmud - Mas. Baba Kama 2a

CHAPTER I

MISHNAH. THE PRINCIPAL CATEGORIES OF DAMAGE¹ ARE FOUR: THE OX,² THE PIT,³ THE 'SPOLIATOR' [MAB'EH]⁴ AND THE FIRE.⁵ THE ASPECTS OF THE OX ARE [IN SOME RESPECTS] NOT [OF SUCH LOW ORDER OF GRAVITY] AS THOSE OF THE 'SPOLIATOR';⁶ NOR ARE [IN OTHER RESPECTS] THOSE OF THE 'SPOLIATOR' [OF SUCH LOW ORDER OF GRAVITY] AS THOSE OF THE OX;⁶ NOR ARE THE ASPECTS OF EITHER OF THEM, IN WHICH THERE IS LIFE, [OF SUCH LOW ORDER OF GRAVITY] AS THOSE OF THE FIRE WHICH IS NOT ENDOWED WITH LIFE;⁶ NOR ARE THE ASPECTS OF ANY OF THESE, THE HABIT OF WHICH IS TO BE MOBILE AND DO DAMAGE, [OF SUCH LOW ORDERS OF GRAVITY] AS THOSE OF THE PIT OF WHICH IT IS NOT THE HABIT TO MOVE ABOUT AND DO DAMAGE.⁶ THE FEATURE COMMON TO THEM ALL IS THAT THEY ARE IN THE HABIT OF DOING DAMAGE; AND THAT THEY HAVE TO BE UNDER YOUR CONTROL SO THAT WHENEVER ANY ONE [OF THEM] DOES DAMAGE THE OFFENDER IS LIABLE TO INDEMNIFY WITH THE BEST OF HIS ESTATE.⁷

GEMARA. Seeing that PRINCIPAL CATEGORIES are specified, it must be assumed that there are derivatives. Are the latter equal in law to the former or not?

Regarding Sabbath we learnt: The principal classes of prohibited acts are forty less one.⁸ 'Principal classes' implies that there must be subordinate classes. Here the latter do in law equal the former; for there is no difference between a principal and a subordinate [prohibited act] with respect either to the law of sin-offering⁹ or to that of capital punishment by stoning.¹⁰ In what respect then do the two classes differ? — The difference is that if one simultaneously committed either two principal [prohibited] acts or two subordinate acts one is liable [to bring a sin-offering] for each act, whereas if one committed a principal act together with its respective Subordinate, one is liable for one [offering] only. But according to R. Eliezer who imposes the liability [of an offering] for a subordinate act committed along with its Principal,¹¹ to begin with why is the one termed 'Principal' and the other 'Subordinate'? — Such acts as were essential in the construction of the Tabernacle are termed 'Principal',¹² whereas such as were not essential in the construction of the Tabernacle are termed 'Subordinate.'

Regarding Defilements we have learnt:¹³ The Primary Defilements: The [Dead] Reptile,¹⁴ the Semen Virile¹⁵

(1) Explicitly dealt with in Scripture.

(2) Ex. XXI, 35.

(3) Ibid. 33.

(4) Cf. p. 9.

(5) Ex. XXII. 5.

(6) Hence the latter, if not specifically dealt with, would not have been derived from the former.

- (7) When money is not tendered; cf. *infra* p. 33.
- (8) *Shab.* VII, 2.
- (9) Cf. *Lev.* IV, 27-35.
- (10) *Num.* XV, 32-36.
- (11) *Shab.* 75a.
- (12) On account of their being stated in juxtaposition in Scripture; v. *Ex.* XXXV, 2-XXXVI, 7.
- (13) *Kel.* I, 1.
- (14) *Lev.* XI, 29-32.
- (15) *Ibid.* XV, 17.

Talmud - Mas. Baba Kama 2b

and the Person who has been in contact with a human corpse.¹ [In this connection] their Resultants² are not equal to them in law; for a primary defilement³ contaminates both human beings and utensils,⁴ while Resultants defile only foods and drinks,⁵ leaving human beings and utensils undefiled.

Here [in connection with damages] what is the [relationship in] law [between the principal and the secondary kinds]? — Said R. Papa: Some of the derivatives are on a par with their Principals whereas others are not.

Our Rabbis taught: Three principal categories [of damage] have been identified in Scripture with Ox: The Horn, The Tooth, and The Foot. Where is the authority for 'Horn'? For our Rabbis taught: If it will gore.⁶ There is no 'goring' but with a horn, as it is said: And Zedekiah the son of Chenaanah made him horns of iron, and said, Thus saith the Lord, With these shalt thou gore the Arameans;⁷ and it is further said, His glory is like the firstling of his bullock, and his horns are like the horns of a unicorn: with them he shall gore the people together etc.⁸

Why that 'further' citation? — Because you might perhaps say that Pentateuchal teachings cannot be deduced from post-Pentateuchal texts;⁹ come therefore and hear: His glory is like the firstling of his bullock, and his horns are like the horns of a unicorn etc.⁸ But is that a [matter of] deduction? Is it not rather merely an elucidation of the term 'goring'¹⁰ as being effected by a horn?¹¹ — [Were it not for the 'further' citation] you might say that the distinction made by Scripture between [the goring of a] Tam¹² and [that of a] Mu'ad¹³ is confined to goring effected by a severed horn,¹⁴ whereas in the case of a horn still naturally attached, all goring is [habitual and consequently treated as of a] Mu'ad; come therefore and hear: His glory is like the firstling of his bullock, and his horns are like the horns of a unicorn, etc.⁸

What are the derivatives of Horn? — Collision, Biting, [malicious] Falling and Kicking.

Why this differentiation? If Goring is termed Principal because it is expressly written, If it will gore,¹⁵ why should this not apply to Collision, as it is also written, If it will collide?¹⁶ — That collision denotes goring, as it was taught: The text opens with collision¹⁶ and concludes with goring¹⁷ for the purpose of indicating that 'collision' here denotes 'goring'.

Why the differentiation between injury to man, regarding which it is written If it will gore,¹⁸ and injury to animal regarding which it is written if it will collide?¹⁹ — Man who possesses foresight is, as a rule, injured [only] by means of [wilful] ‘goring’,²⁰ but an animal, lacking foresight, is injured by mere ‘collision’. A [new] point is incidentally made known to us, that [an animal] Mu'ad to injure man is considered Mu'ad in regard to animal,²¹ whereas Mu'ad to injure animal is not considered Mu'ad in regard to man.²⁰

‘Biting’: is not this a derivative of Tooth? — No; Tooth affords the animal gratification from the damage while Biting affords it no gratification from the damage.

‘Falling and Kicking’; are not these derivatives of Foot? — No; the damage of foot occurs frequently while the damage of these does not occur frequently.

But what then are the derivatives which, R. Papa says, are not on a par with their Principals? He can hardly be said to refer to these, since what differentiation is possible? For just as Horn does its damage with intent and, being your property, is under your control, so also these [derivatives] do damage with intent and, being your property, are under your control! The derivatives of Horn are therefore equal to Horn, and R. Papa's statement refers to Tooth and Foot.

‘Tooth’ and ‘Foot’- where in Scripture are they set down? — It is taught: And he shall send forth²² denotes Foot, as it is [elsewhere] expressed, That send forth the feet of the ox and the ass.²³ And it shall consume²² denotes Tooth as [elsewhere] expressed, As the tooth consumeth

(1) Num. XIX, 11-22.

(2) I.e., the objects rendered defiled by coming in contact with any Primary Defilement.

(3) Such as any one of these three and the others enumerated in Kelim I.

(4) Cf. Lev. XI, 32-33.

(5) V. *ibid.* 34.

(6) Ex. XXI, 28.

(7) I Kings XXII, 11.

(8) Deut. XXXIII, 17.

(9) [**vlce hracs** ‘words of tradition’; i.e. the teachings received on tradition from the prophets, a designation for non-Pentateuchal, primarily prophetic, texts. V. Bacher, *op. cit.*, I, 166, II, 185.] The meaning of Ex. XXI, 28, should therefore not be deduced from I Kings XXII, 11.

(10) Which might surely be obtained even from post- Pentateuchal texts.

(11) Hence again why that ‘further’ citation?

(12) ‘Innocuous,’ i.e., an animal not having gored on more than three occasions; the payment for damage done on any of the first three incidents (of goring) is half of the total assessment and is realised out of the body of the animal that gored, cf. Ex. XXI, 35 and *infra* 16b.

(13) ‘Cautioned,’ i.e., after it had already gored three times, and its owner had been duly cautioned, the payment is for the whole damage and is realised out of the owner's general estate; v. Ex. XXI, 36, and *infra* 16b.

(14) As was the case in the first quotation from Kings.

(15) V. p. 2, n. 13.

(16) Ex. XXI, 35.

- (17) Ibid. 36.
 (18) V. p. 2, n. 13.
 (19) V. p. 3; n. 10.
 (20) As it is more difficult to injure a man than an animal.
 (21) Cf. infra 205.
 (22) Ex. XXII, 4.
 (23) Isa. XXXII, 20.

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to entirety.¹

The Master has [just] enunciated: ‘And he shall send forth denotes Foot, as it is [elsewhere] expressed, That send forth the feet of the ox and the ass.’ His reason then is that the Divine Law² [also] says, That send forth the feet of the ox and the ass, but even were it not so, how else could you interpret the phrase?³ It could surely not refer to Horn which is already [elsewhere] set down,⁴ nor could it refer to Tooth since this is likewise [already] set down?³ — It was essential⁵ as otherwise it might have entered your mind to regard both [phrases]⁶ as denoting Tooth: the one when there is destruction of the corpus and the other when the corpus remains unaffected; it is therefore made known to us that this is not the case. Now that we have identified it with Foot, whence could be inferred the liability of Tooth in cases of non-destruction of the corpus? From the analogy of Foot;⁷ just as [in the case of] Foot no difference in law is made between destruction and non-destruction of corpus, so [in the case of] Tooth no distinction is made between destruction and non-destruction of corpus.

The Master has [just] enunciated: ‘And it shall consume denotes Tooth, as elsewhere expressed, As the tooth consumeth to entirety.’ His reason then is that the Divine Law [also] says, As the tooth consumeth to entirety, but even were it not so, how else could you interpret the phrase? It could surely not refer to Horn which is already elsewhere set down,⁴ nor could it refer to Foot, since this is likewise elsewhere set down?³ — It is essential,⁸ as otherwise it might have entered your mind to regard both phrases⁶ as denoting Foot: the one when the cattle went of its own accord and the other⁹ when it was sent by its owner [to do damage]; it is, therefore, made known to us that this is not so. Now that we have identified it with Tooth, whence could be inferred the liability of Foot in cases when the cattle went of its own accord? — From the analogy of Tooth;¹⁰ just as in the case of Tooth there is no difference in law whether the cattle went of its own accord or was sent by its owner, so [in the case of] Foot there is no difference in law whether the cattle went of its own accord or was sent by its owner.

But supposing Divine Law had only written, And he shall send forth,¹¹ omitting And it shall consume, would it not imply both Foot and Tooth? Would it not imply Foot, as it is written, That send forth the feet of the ox and the ass? Again, would it not also imply Tooth, as it is written, And the teeth of beasts will I send upon them?¹² — If there were no further expression I would have said either one or the other [might be meant], either Foot, as the damage done by it is of frequent occurrence, or Tooth, as the damage done by it affords gratification.¹³ Let us see now, they are equally balanced, let them then both be included, for which may you exclude?¹⁴ — It is

essential [to have the further expression], for [otherwise] it might have entered your mind to assume that these laws [of liability] apply only to intentional trespass,¹⁵ exempting thus cases where the cattle went of its own accord; it is, therefore, made known to us that this is not the case.

The derivative of Tooth, what is it? — When [the cattle] rubbed itself against a wall for its own pleasure [and broke it down], or when it spoiled fruits [by rolling on them] for its own pleasure. Why are these cases different? Just as Tooth affords gratification from the damage [it does] and, being your possession, is under your control, why should not this also be the case with its derivatives which similarly afford gratification from the damage [they do] and, being your possession are under your control? — The derivative of Tooth is therefore equal to Tooth, and R. Papa's statement [to the contrary]¹⁶ refers to the derivative of Foot.

What is the derivative of Foot? — When it did damage while in motion either with its body or with its hair, or with the load [which was] upon it, or with the bit in its mouth, or with the bell on its neck. Now, why should these cases be different? Just as Foot does frequent damage and, being your possession, is under your control, why should not this also be the case with its derivatives which similarly do frequent damage and, being your possession, are under your control? The derivative of Foot is thus equal to Foot, and R. Papa's statement [to the contrary]¹⁷ refers to the derivative of the Pit.

What is the derivative of Pit? It could hardly be said that the Principal is a pit of ten handbreadths deep and its derivative one nine handbreadths deep, since neither nine nor ten is stated in Scripture! — That is no difficulty: [as] And the dead beast shall be his¹⁸ the Divine Law declares, and it was quite definite with the Rabbis¹⁹ that ten handbreadths could occasion death, whereas nine might inflict injury but could not cause death. But however this may be, is not the one [of ten] a principal [cause] in the event of death, and the other [of nine] a principal [cause] in the event of [mere] injury? — Hence [Rab Papa's statement] must refer to a stone, a knife and luggage which were placed on public ground and did damage. In what circumstances? If they were abandoned [there], according to both Rab and Samuel,²⁰ they would be included in [the category of] Pit;²¹

(1) I Kings XIV, 10. ['Galal', E.V.: 'dung', is interpreted as 'marble', 'ivory', which teeth resemble; cf. Ezra V, 8. V. Tosaf. a.l.]

(2) [Lit., 'The Merciful One,' i.e., God, whose word Scripture reveals. V. Bacher, Exeg. Term., II, 207f.]

(3) V. p. 4, n. 6.

(4) Ex. XXI, 35-36.

(5) To cite the verse from Isaiah.

(6) Send forth and consume, cf. n. 2.

(7) Where no term expressing 'Consumption' is employed.

(8) To cite the verse from Kings.

(9) I.e., 'He shall send forth'.

(10) Where no term expressing 'sending forth' is employed.

(11) V. p. 4, n. 6.

(12) Deut. XXXII, 24.

- (13) And thus there would be no definite sanction for action in either.
- (14) V., however, *infra* p. 17, that Tooth and Foot were recorded in Scripture not for the sake of liability but to be immune for damage done by them on public ground.
- (15) As signified by, 'He shall send forth'.
- (16) Cf. *supra* p. 2.
- (17) V. p. 6, n. 6.
- (18) Ex. XXI, 34.
- (19) *Infra* 50b.
- (20) *Infra* p. 150.
- (21) Being, like Pit, a public nuisance.

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if [on the other hand] they were not abandoned, then, according to Samuel, who maintains that all public nuisances come within the scope of the law applicable to Pit, they would be included in Pit, whereas according to Rab, who maintains that in such circumstances they rather partake of the nature of Ox, they are equivalent in law to Ox.¹

[And even according to Samuel] why should [the derivatives of Pit] be different? Just as Pit is from its very inception a source of injury, and, being your possession, is under your control, so is the case with these [derivatives] which from their very inception [as nuisances] also are sources of injury and being your possession, are under your control! — The derivative of Pit is therefore equal to Pit, and R. Papa's statement [to the contrary] refers to the derivative of 'Spoliator'. But what is it? If we are to follow Samuel, who takes 'Spoliator' to denote Tooth,² behold we have [already] established that the derivative of Tooth equals Tooth;³ if on the other hand Rab's view is accepted, identifying 'Spoliator' With Man,² what Principals and what derivatives could there be in him? You could hardly suggest that Man [doing damage] while awake is Principal, but becomes derivative [when causing damage] while asleep, for have we not learnt:⁴ 'Man is in all circumstances Mu'ad,⁵ whether awake or asleep'? — Hence [R. Papa's statement⁶ will] refer to phlegm⁷ [expectorated from mouth or nostrils]. But in what circumstances? If it did damage while in motion, it is [man's] direct agency! If [on the other hand] damage resulted after it was at rest, it would be included, according to both Rab and Samuel,⁸ in the category of Pit! — The derivative of 'Spoliator' is therefore equal to 'Spoliator'; and R. Papa's statement [to the contrary]⁶ refers to the derivative of Fire.

What is the derivative of Fire? Shall I say it is a stone, a knife and luggage which having been placed upon the top of one's roof were thrown down by a normal wind and did damage? Then in what circumstances? If they did damage while in motion, they are equivalent to Fire; and why should they be different? Just as Fire is aided by an external force, and, being your possession, is under your control, so also is the case with these [derivatives] which are aided by an external force, and, being your possession, are under your control! — The derivative of Fire is therefore equal to Fire; and R. Papa's statement [to the contrary]⁶ refers to the derivative of Foot.

'Foot'! Have we not established that the derivative of Foot is equal to Foot?⁹ — There is the payment of half damages done by pebbles [kicked from under an animal's feet] — a payment

established by tradition.¹⁰ On account of what [legal] consequence is it designated 'derivative of Foot'?¹¹ So that the payment should likewise be enforced [even] from the best of the defendant's possessions.¹² But did not Raba question whether the half-damage of Pebbles is collected only from the body of the animal or from any of the defendant's possessions?¹³ — This was doubtful [only] to Raba, whereas R. Papa was [almost] certain about it [that the latter is the case]. But according to Raba, who remained doubtful [on this point], on account of what [legal] consequence is it termed 'derivative of Foot'?¹⁴ — So that it may also enjoy exemption [where the damage was done] on public ground.¹⁵

THE SPOLIATOR [MABEH] AND THE FIRE etc. What is [meant by] MAB'EH? — Rab said: MAB'EH denotes Man [doing damage], but Samuel said: MAB'EH signifies Tooth [of trespassing cattle]. Rab maintains that MAB'EH denotes Man,¹⁶ for it is written: The watchman said: The morning cometh, and also the night — if ye will enquire, enquire ye.¹⁷ Samuel [on the other hand] holds that MAB'EH signifies Tooth, for it is written: How is Esau searched out! How are his hidden places sought out!¹⁸ But how is this deduced?¹⁹ As rendered by R. Joseph:²⁰ How was Esau ransacked? How were his hidden treasures exposed?²¹

Why did not Rab agree with [the interpretation of] Samuel? — He may object: Does the Mishnah employ the term NIB'EH²² [which could denote anything 'exposed']?

Why [on the other hand] did not Samuel follow [the interpretation of] Rab? — He may object: Does the Mishnah employ the term BO'EH²³ [which could denote 'an enquirer']?

But in fact the Scriptural quotations could hardly bear out the interpretation of either of them. Why then did not Rab agree with Samuel? — THE OX [in the Mishnah] covers all kinds of damage done by ox.²⁴ How then will Samuel explain the fact that ox has already been dealt with? — Rab Judah explained: THE OX [in the Mishnah] denotes Horn, while MAB'EH stands for Tooth; and this is the sequence in the Mishnah: The aspects of Horn, which does not afford gratification from the injury [are not of such order of gravity] as those of Tooth which does afford gratification from the damage;²⁵

(1) The derivatives of which are equal to the Principal.

(2) *Infra* p. 9.

(3) *Supra* p. 7.

(4) *Infra* p. 136.

(5) I.e., civilly liable in full for all misdeeds.

(6) *V.* p. 6, n. 6.

(7) I.e., the derivative of Man.

(8) *V.* p. 7, n. 4.

(9) *Supra* p. 7.

(10) Cf. *infra* p. 80.

(11) Since it pays only half the damage.

(12) Unlike half damages in the case of Horn where the payment is collected only out of the body of the animal that did the damage.

(13) *Infra* p. 83.

(14) V. p. 8, n. 10.

(15) Just as is the case with Foot, cf. infra p. 17.

(16) As possessing freedom of will and the faculty of discretion and enquiry, i.e., constituting a cultural and rational being; idiots and minors are thus excluded, cf. infra p. 502.

(17) **uhqc iugc**, Isa. XXI, 12; the root in each case being the same.

(18) **ugcb** Ob. I, 6; the root in each case being the same.

(19) I.e., how could a term denoting 'seeking out' stand for Tooth?

(20) Who was exceptionally well conversant with Targumic texts. Some explain it on account of his having been blind (v. infra p. 501), and thus unable to cite the original Biblical text because of the prohibition to recite orally passages from the Written Law, cf. Git. 60a. [Others ascribe the edition of the Targum on the prophets to him, v. Graetz (Geschichte IV, 326.)

(21) **ugcb** (E.V.: sought out), translated exposed, indicates exposure and may therefore designate Tooth which is naturally hidden but becomes exposed in grazing.

(22) In the passive voice.

(23) In the kal denoting mere action; the causative (hiph'il) is used with reference to Tooth which the animal exposes in grazing.

(24) Cattle, including Tooth.

(25) And therefore the liability of Tooth could not be derived from that of Horn.

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nor are the aspects of Tooth, which is not prompted by malicious intention to injure, [of such order of gravity] as those of Horn which is prompted by malicious intention to do damage.¹ But can this not be deduced a fortiori? If Tooth, which is prompted by no malicious intention to injure, involves liability to pay, how much more so should this apply to Horn, which is prompted by malicious intention to do damage? — Explicit [Scriptural] warrant for the liability of Horn is, nevertheless, essential, as otherwise you might have possibly thought that I assume [immunity for Horn on] an analogy to the case of man- and maid-servants. Just as a man- and maid-servant, although prompted by malicious intention to do damage, do not devolve any liability [upon their masters],² so is the law here [in the case of Horn]. R. Ashi, however, said: Is not the immunity in the case of damage done by man-and maid-servants due to the special reason that, but for this, a servant provoked by his master might go on burning down³ another's crops, and thus make his master liable to pay sums of money day by day?⁴ — The sequence [of the analysis in the Mishnah] must accordingly be [in the reverse direction]: The aspects of Horn, which is actuated by malicious intention to do damage, are not [of such low order of gravity] as those of Tooth, which is not actuated by malicious intention to do damage; again, the aspects of Tooth which affords gratification while doing damage are not [of such low order of gravity] as those of Horn, which affords no gratification from the damage.⁵ But what about Foot? Was it entirely excluded [in the Mishnah]? — [The generalisation,]⁶ Whenever damage has occurred, the offender is liable, includes Foot. But why has it not been stated explicitly? — Raba therefore said: THE OX [stated in the Mishnah] implies Foot,⁷ while MAB'EH stands for Tooth; and this is the sequence [in the Mishnah]: The aspects of Foot, which does frequent damage, are not [of such low order of gravity] as those of Tooth, the damage by which is not frequent: again, the aspects of Tooth, which affords gratification from the damage, are not [of such low order of gravity] as those of Foot, which does not afford gratification from the damage.⁸ But what about Horn? Was it entirely

excluded [in the Mishnah]? — [The generalisation,] Whenever damage has occurred, the offender is liable, includes Horn. But why has it not been stated explicitly? — Those which are Mu'ad ab initio are mentioned explicitly [in the Mishnah] but those which initially are Tam,⁹ and [only] finally become Mu'ad, are not mentioned explicitly.

Now as to Samuel, why did he not adopt Rab's interpretation [of the Mishnaic term MAB'EH]? — He may object: If you were to assume that it denotes Man, the question would arise, is not Man explicitly dealt with [in the subsequent Mishnah]: 'Mu'ad cattle and cattle doing damage on the plaintiff's premises and Man'?¹⁰ But why then was Man omitted in the opening Mishnah? — [In that Mishnah] damage done by one's possessions is dealt with, but not that done by one's person.

Then, how could even Rab uphold his interpretation, since Man is explicitly dealt with in the subsequent Mishnah?¹⁰ — Rab may reply: The purpose of that Mishnah is [only] to enumerate Man among those which are considered Mu'ad. What then is the import of [the analysis introduced by] THE ASPECTS ARE NOT etc.? — This is the sequence: The aspects of Ox, which entails the payment of kofer [for loss of human life],¹¹ are not [of such low order of gravity] as those of Man who does not pay [monetary] compensation for manslaughter;¹² again, the aspects of Man who [in case of human bodily injury] is liable for [additional] four items,¹³ are not [of such low order of gravity] as those of Ox, which is not liable for those four items.¹⁴

THE FEATURE COMMON TO THEM ALL IS THAT THEY ARE IN THE HABIT OF DOING DAMAGE. Is it usual for Ox [Horn]¹⁵ to do damage? — As Mu'ad. But even as Mu'ad, is it usual for it to do damage? — Since it became Mu'ad this became its habit. Is it usual for Man to do damage? — When he is asleep. But even when asleep is it usual for Man to do damage? — While stretching his legs or curling them this is his habit.

THEIR HAVING TO BE UNDER YOUR CONTROL. Is not the control of man's body [exclusively] his own?¹⁶ — Whatever view you take,¹⁷ behold Karna taught: The principal categories of damage are four and Man is one of them. [Now] is not the control of a man's body [exclusively] his own? You must therefore say with R. Abbahu who requested the tanna¹⁸ to learn, 'The control of man's body is [exclusively] his own,'

(1) And therefore the liability of Horn could not be derived from that of Tooth.

(2) Cf. *infra* p. 502.

(3) But *v.* *infra* pp. 47 and 112.

(4) *Yad.* IV, 6; and the suggested analogy is thus untenable.

(5) So that neither Horn nor Tooth could be derived from each other.

(6) *Infra* p. 36, *v.* *Tosaf.*

(7) And not Horn as first suggested.

(8) So that neither Foot nor Tooth could be derived from each other.

(9) As is the case with Horn.

(10) *V.* *infra* 15b.

(11) *Lit.*, 'Ransom', i.e., monetary compensation for manslaughter, cf *Ex.* XXI, 30; *v.* *Glos.*

(12) *V.* *Num.* XXXV, 31-32. Hence Man could not be derived from Ox.

- (13) I.e., Pain, Healing, Loss of Time and Degradation; cf. infra p. 473.
- (14) Ox is liable only for Depreciation.
- (15) According to Rab who takes Ox as including Horn.
- (16) The phrase in the Mishnah is thus inappropriate to man.
- (17) Even if you take Mab'eh as Tooth.
- (18) [The term here designates one whose special task was to communicate statements of older authorities to expounding teachers, v. Glos.]

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that here also it is to be understood that the control of man's body is his own.¹

R. Mari, however, demurred: Say perhaps MAB'EH denotes water [doing damage], as it is written, As when the melting fire burneth, fire tib'eh [causeth to bubble] water?² — Is it written, 'Water bubbles'? It is written, Fire causes bubbling.³ R. Zebid demurred: Say then that MAB'EH denotes Fire, as it is fire to which the act of 'tib'eh' in the text is referred? — If this be so what is then the explanation of THE MAB'EH AND THE FIRE? If you suggest the latter to be the interpretation of the former,⁴ then instead of 'FOUR' there will be 'three'? If however, you suggest that OX constitutes two [kinds of damage],⁵ then what will be the meaning of [the Mishnaic text]: NOR ARE THE ASPECTS OF EITHER OF THEM [OX and MAB'EH] IN WHICH THERE IS LIFE? Is there any life in fire? Again, what will be conveyed by [the concluding clause] AS THOSE OF THE FIRE?

R. Oshaia: taught There are thirteen principal categories of damage: The Unpaid Bailee and the Borrower, the Paid Bailee and the Hirer, Depreciation, Pain [suffered]. Healing, Loss of Time, Degradation and the Four enumerated in the Mishnah, thus making [a total of] thirteen. Why did our Tanna mention [only the Four and] not the others? According to Samuel,⁶ this presents no difficulty, as the Mishnah mentions only damage committed by one's possessions and not that committed by one's person, but according to Rab⁷ let the Mishnah also mention the others? — In the mention of Man all kinds of damage committed by him are included. But does not R. Oshaia also mention Man?⁸ — Two kinds of damage could result from Man: Man injuring man is treated as one subject, and Man damaging chattel⁹ as another.

If this be so let R. Oshaia similarly reckon Ox twice, as two kinds of damage could result also from Ox: [i] Ox damaging chattel⁹ and [ii] Ox injuring man? — But is that a logical argument? It is quite proper to reckon Man in this manner as Man damaging chattel pays only for Depreciation, while Man injuring man may also have to pay for four other kinds of damage,¹⁰ but how can Ox be thus reckoned when the liability for damage done by it to either man or chattel is alike and is confined to [only one kind of damage, i.e.] Depreciation?

But behold, are not the Unpaid Bailee and the Borrower, the Paid Bailee and the Hirer, within the sphere of Man damaging chattel and they are nevertheless reckoned by R. Oshaia? — Direct damage and indirect damage are treated by him independently.

R. Hiyya taught: There are twenty-four principal kinds of damage: Double Payment,¹¹ Fourfold

or Fivefold Payment,¹² Theft,¹³ Robbery,¹⁴ False Evidence,¹⁵ Rape,¹⁶ Seduction,¹⁷ Slander,¹⁸ Defilement,¹⁹ Adulteration,²⁰ Vitiating of wine,²¹ and the thirteen enumerated above by R. Oshaia,²² thus making [the total] twenty-four.

Why did not R. Oshaia reckon the twenty-four? — He dealt only with damage involving civil liability but not with that of a punitive nature. But why omit Theft and Robbery which also involve civil liability? — These kinds of damage may be included in the Unpaid Bailee and the Borrower.²³ Why then did not R. Hiyya comprehend the former in the latter? — He reckoned them separately, as in the one case the possession of the chattel was acquired lawfully,²⁴ while in the other²⁵ the acquisition was unlawful.

[Why did not R. Oshaia]

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- (1) The Mishnaic wording refers to the other categories.
 - (2) Isa. LXIV, 1.
 - (3) Hence the term 'tib'eh' describes not the act of water but that of fire.
 - (4) The Mab'eh and the Fire will thus constitute one and the same kind of damage.
 - (5) And the other two will be: Pit and Fire.
 - (6) Who takes Mab'eh to denote Tooth and not Man; supra p. 9.
 - (7) Who takes Mab'eh to denote Man; supra p. 9.
 - (8) Why does he not include in Man all kinds of damage committed by him?
 - (9) Lit., 'cattle'.
 - (10) I.e., Pain, Healing, Loss of Time and Degradation.
 - (11) As fine for theft; cf. Ex. XXII, 3.
 - (12) Fines for the slaughter or sale of a stolen sheep and ox respectively; cf. Ex. XXI, 37.
 - (13) I.e., the restoration of stolen goods or the payment of their value.
 - (14) I.e., the unlawful acquisition of chattels by violence; cf. Lev, V, 23.
 - (15) Cf. Deut. XIX, 19; v. Mak. I.
 - (16) I.e., fifty shekels of silver; cf. Deut. XXII, 28-29.
 - (17) Cf. Ex. XXII, 15-16.
 - (18) I.e., a defaming husband; v. Deut. XXII, 13-19.
 - (19) Of terumah (v. Glos.) which makes it unfit for human consumption.
 - (20) Of ordinary grain with that of terumah restricting thereby the use of the mixture to priestly families.
 - (21) Through idolatrous application by means of libation which renders all the wine in the barrel unfit for any use whatsoever; the last three heads of damage are dealt with in Git. V, 3.
 - (22) V. p. 13.
 - (23) I.e., when these are guilty of larceny; cf. Ex. XXII, 7.
 - (24) I.e. in the case of the Unpaid Bailee and Borrower.
 - (25) I.e., in the case of Theft and Robbery.

Talmud - Mas. Baba Kama 5a

deal with False Evidence, the liability for which is also civil? — He holds the view of R. Akiba who maintains that the liability for False Evidence [is penal in nature and] cannot [consequently]¹ be created by confession.² But if R. Oshaia follows R. Akiba why does he not reckon Ox as two

distinct kinds of damage: Ox damaging chattel and Ox injuring men, for have we not learnt that R. Akiba said: A mutual injury arising between man and [ox even while a] Tam is assessed in full and the balance paid accordingly?³ This distinction could, however, not be made, since it is elsewhere⁴ taught that R. Akiba himself has qualified this full payment.⁵ For R. Akiba said: You might think that, in the case of Tam injuring man, payment should be made out of the general estate; it is therefore stated, [This judgment] shall be done unto it,⁶ to emphasise that the payment should only be made out of the body of the Tam and not out of any other source whatsoever.

Why did R. Oshaia omit Rape, Seduction and Slander, the liabilities for which are also civil?⁷ — What particular liability do you wish to refer to? If for actual loss, this has already been dealt with under Depreciation; if for suffering, this has already been dealt with under Pain; if for humiliation, this has already been dealt with under Degradation; if again for deterioration, this is already covered by Depreciation. What else then can you suggest? The Fine.⁸ With this [type of liability] R. Oshaia is not concerned.

Why then omit Defilement, Adulteration and Vitiating of wine, the liabilities for which are civil? — What is your view in regard to intangible damage?⁹ If [you consider] intangible damage a civil wrong, defilement has then already been dealt with under Depreciation; if on the other hand intangible damage is not a civil wrong, then any liability for it is penal in nature, with which R. Oshaia is not concerned.

Are we to infer that R. Hiyya considers intangible damage not to be a civil wrong? For otherwise would not this kind of damage already have been reckoned by him under Depreciation? — He may in any case have found it expedient to deal with tangible damage and intangible damage under distinct heads.

It is quite conceivable that our Tanna¹⁰ found it necessary to give the total number [of the principal kinds of damage] in order to exclude those of R. Oshaia;¹¹ the same applies to R. Oshaia who also gave the total number in order to exclude those of R. Hiyya;¹² but what could be excluded by the total number specified by R. Hiyya? — It is intended to exclude Denunciation¹³ and Profanation of sacrifices.¹⁴

The exclusion of profanation is conceivable as sacrifices are not here reckoned; but why is Denunciation omitted? — Denunciation is in a different category on account of its verbal nature with which R. Hiyya is not concerned. But is not Slander of a verbal nature and yet reckoned? — Slander is something verbal but dependent upon some act.¹⁵ But is not False Evidence a verbal effect not connected with any act and yet it is reckoned? — The latter though not connected with any act is reckoned because it is described in the Divine Law as an act, as the text has it: Then shall ye do unto him as he had purposed to do unto his brother.¹⁶

It is quite conceivable that the Tanna of the Mishnah characterises his kinds of damage as Principals in order to indicate the existence of others which are only derivatives: but can R. Hiyya and R. Oshaia characterise theirs as Principals in order to indicate the existence of others which are derivatives? If so what are they? — Said R. Abbahu: All of them are characterised as Principals for the purpose of requiring compensation out of the best of possessions.¹⁷ How is this

uniformity [in procedure] arrived at? — By means of a uniform interpretation of each of the following terms: 'Instead',¹⁸ 'Compensation',¹⁹ 'Payment',²⁰ 'Money'.²¹

THE ASPECTS OF THE OX ARE [IN SOME RESPECTS] NOT [OF SUCH LOW ORDER OF GRAVITY] AS THOSE OF THE 'SPOLIATOR' [MAB'EH]. What does this signify? — R. Zebid in the name of Raba said: The point of this is: Let Scripture record only one kind of damage²² and from it you will deduce the liability for the other!²³ In response it was declared: One kind of damage could not be deduced from the other.²⁴

NOR ARE THE ASPECTS OF EITHER OF THEM IN WHICH THERE IS LIFE. What does this signify? R. Mesharsheya in the name of Raba said: The point of it is this:

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- (1) Penal liabilities are created only by means of impartial evidence and never by that of confession; cf. infra 64b.
 - (2) Mak. 2b.
 - (3) V. infra p. 179.
 - (4) Infra pp. 180 and 240.
 - (5) Lit., 'broke the [full] force of his club' (Jast.); Rashi: 'of his fist'.
 - (6) Ex. XXI. 31.
 - (7) Cf. Keth. 40a.
 - (8) V. Deut. XXII, 29; Ex. XXII, 6; and Deut. XXII, 19.
 - (9) Cf. Git. 53a.
 - (10) Opening the Tractate.
 - (11) I.e., the additional nine kinds enumerated by him supra p. 13.
 - (12) I.e. the eleven added by him supra. p. 14.
 - (13) Cf. infra 62a and 117a.
 - (14) Cf. Lev. VII, 18 and Zeb. I, 1 and II, 2-3.
 - (15) The consummation of the marriage rite according to R. Eliezer, or the bribery of false witnesses according to R. Judah; cf. Keth. 46a.
 - (16) Deut. XIX, 19.
 - (17) Cf. Ex. XXII, 4.
 - (18) I.e., for occurring in Ex. XXI, 36, and elsewhere.
 - (19) I.e., an expression such as, He shall give, cf. EX XXI, 32 and elsewhere.
 - (20) As in Ex. XXII, 8 and elsewhere.
 - (21) Such as, e.g., in Ex. XXI, 34 and elsewhere. [One of these four terms occurs with each of the four categories of damage specified in the Mishnah and likewise with each of the kinds of damage enumerated by R. Oshaia and R. Hiyya, thus teaching uniformity in regard to the mode of payment in them all.]
 - (22) I.e., Ox.
 - (23) I.e., Mab'eh.
 - (24) V. supra pp. 11-12.

Talmud - Mas. Baba Kama 5b

Let Scripture record only two kinds of damage¹ and from them you will deduce a further kind of damage?² In response it was declared: Even from two kinds of damage it would not be possible to deduce one more.³

Raba, however, said: If you retain any one kind of damage along with Pit [in Scripture], all the others but Horn will be deduced by analogy;⁴ Horn is excepted as the analogy breaks down, since all the other kinds of damage are Mu'ad ab initio.⁵ According, however, to the view that Horn on the other hand possesses a greater degree of liability because of its intention to do damage,⁶ even Horn could be deduced. For what purpose then did Scripture record them all? For their [specific] laws: Horn, in order to distinguish between Tam and Mu'ad;⁷ Tooth and the Foot, to be immune [for damage done by them] on public ground;⁸ Pit, to be immune for [damage done by it to] inanimate objects;⁹ and, according to R. Judah who maintains liability for inanimate objects damaged by a pit,¹⁰ in order still to be immune for [death caused by it to] man;¹¹ Man, to render him liable for four [additional] payments [when injuring man];¹² Fire, to be immune for [damage to] hidden goods;¹³ but according to R. Judah, who maintains liability for damage to hidden goods by fire,¹³ what [specific purpose] could be served?

(1) I.e., Ox and Mab'eh.

(2) I.e., Fire.

(3) For the reason stated in the Mishnah.

(4) To the feature common in Pit and the other kind of damage.

(5) I.e., it is usual for them to do damage, whereas Horn does damage only through excitement and evil intention which the owner should not necessarily have anticipated; cf. *infra* p. 64.

(6) Cf. *supra* p. 11 and *infra* p. 64.

(7) *Infra* p. 73.

(8) *Infra* p. 94.

(9) *Infra* 52a.

(10) *Infra* 53b.

(11) *Infra* 54a.

(12) *Infra* p. 473; cf. also *supra* pp. 12 and 13.

(13) *Infra* 61b.

Talmud - Mas. Baba Kama 6a

— To include [damage done by fire] lapping his neighbour's ploughed field and grazing his stones.¹

THE FEATURE COMMON TO THEM ALL . . . What else is this clause intended to include? — Abaye said: A stone, a knife and luggage which, having been placed by a person on the top of his roof, fell down through a normal wind and did damage.² In what circumstances [did they do the damage]? If while they were in motion, they are equivalent to Fire! How is this case different? Just as Fire is aided by an external force³ and, being your possession, is under your control, so also is the case with those which are likewise aided by an external force and, being your possessions are under your control. If [on the other hand, damage was done] after they were at rest, then, if abandoned, according to both Rab and Samuel, they are equivalent to Pit.⁴ How is their case different? Just as Pit is from its very inception a source of injury, and, being your possession is under your control, so also is the case with those⁵ which from their very inception [as nuisances] are likewise sources of injury, and, being your possession are under your control.⁶

Furthermore, even if they were not abandoned, according to Samuel who maintains that we deduce [the law governing] all nuisances from Pit,⁴ they are [again] equivalent to Pit? — Indeed they were abandoned, still they are not equivalent to Pit. Why [is liability attached] to Pit if not because no external force assists it? How then can you assert [the same] in the case of those⁵ which are assisted by an external force? — Fire,⁷ however, will refute [this reasoning]. But [you may ask] why [is liability attached] to Fire if not because of its nature to travel and do damage?⁸ — Pit, however, will refute [this reasoning]. The argument is [thus endlessly] reversible [and liability⁹ can be deduced only from the Common Aspects].¹⁰

Raba said: [This clause is intended] to include a nuisance which is rolled about [from one place to another] by the feet of man and by the feet of animal [and causes damage]. In what circumstances [did it do the damage]? If it was abandoned, according to both Rab and Samuel,¹¹ it is equivalent to Pit! How does its case differ? Just as Pit is from its very inception a source of injury, and is under your control, so also is the case with that which from its very inception [as a nuisance] is likewise a source of injury, and is under your control. Furthermore, even if it were not abandoned, according to Samuel,¹¹ who maintains that we deduce [the law governing] all nuisances from Pit, it is [again] equivalent to Pit? — Indeed it was abandoned, still it is not equivalent to Pit: Why [is liability attached] to Pit if not because the making of it solely caused the damage? How then can you assert [the same] in the case of such nuisances,¹² the making of which did not directly cause the damage?¹³ — Ox, however, will refute [this reasoning]. But [you may ask] why [is liability attached] to Ox if not because of its habit to walk about and do damage? — Pit will refute [this reasoning]. The argument is [thus endlessly] reversible as the aspect of the one is not comparable to the aspect of the other, [and liability¹⁴ therefore can be deduced only from the Common Aspects].

R. Adda b. Ahabah said: To include that which is taught:¹⁵ ‘All those who open their gutters or sweep out the dust of their cellars

[into public thoroughfares] are in the summer period acting unlawfully, but lawfully in winter; [in all cases] however, even though they act lawfully, if special damage resulted they are liable to compensate.’ But in what circumstances? If the damage occurred while [the nuisances were] in motion, is it not man's direct act?¹⁶ If, on the other hand, it occurred after they were at rest, [again] in what circumstances? If they were abandoned, then, according to both Rab and Samuel,¹⁷ they are equivalent to Pit! How does their case differ? Just as Pit is from its very inception a source of injury, and, being your possession, is under your control, so also is the case with those which are likewise from their very inception [as nuisances] sources of injury and, being your possession, are under your control. Furthermore, even if they were not abandoned, according to Samuel,¹⁷ who maintains that we deduce [the law governing] all nuisances from Pit, they are [again] equivalent to Pit? — Indeed they were abandoned, still they are not equivalent to Pit: Why [is liability attached] to Pit if not because of its being unlawful?¹⁸ How then could you assert [the same] in the case of those which [in winter] are lawful? —

(1) As this damage is rather an unusual effect from fire and special reference is therefore essential.

(2) Cf. supra p. 8.

(3) I.e., the blowing wind.

- (4) Infra 28b; v. supra p. 7.
- (5) I.e., stone, knife and luggage referred to above.
- (6) Cf. supra p. 7.
- (7) Which is also assisted by an external force, i.e. the wind, but nevertheless creates liability to pay.
- (8) Which cannot be said of stone, knife and luggage.
- (9) Even when the nuisance has, like Fire, been assisted by an external force and is, like Pit, unable to travel and do damage.
- (10) Referred to in the Mishnaic quotation.
- (11) Infra 28b and supra p. 7.
- (12) Which have been rolling about from one place to another.
- (13) But the rolling by man and beast.
- (14) Even in the case of nuisances that roll about.
- (15) Cf. infra 30a.
- (16) The liability for which is self-evident under the category of Man.
- (17) Infra 28b and supra p. 7.
- (18) It being unlawful to dig a pit in public ground.

Talmud - Mas. Baba Kama 6b

Ox,¹ however, will refute [this reasoning]. But, you may ask, why [is liability attached] to Ox if not because of its nature to walk about and do damage? — Pit will refute [this reasoning]. The argument is [thus endlessly] reversible [and liability² can be deduced only from the Common Aspects].

Rabina said: To include that which we have learnt: ‘A wall or a tree which accidentally fell into a Public thoroughfare and did damage, involves no liability for compensation. If an order had been served [by the proper authorities] to fell the tree and pull down the wall within a specified time, and they fell within the specified time and did damage, the immunity holds goods, but if after the specified time, liability is incurred.’³ But what were the circumstances [of the wall and the tree]? If they were abandoned, then according to both Rab and Samuel,⁴ they are equivalent to Pit! How is their case different? Just as Pit does frequent damage and is under your control, so also is the case with those which likewise do frequent damage and are under your control. Furthermore, even if they were not abandoned, according to Samuel,⁴ who maintains that we deduce [the law governing] all nuisances from Pit, they are [again] equivalent to Pit? — Indeed they were abandoned, still they are not equivalent to Pit: Why [is liability attached] to Pit if not because of its being from its very inception a source of injury? How then can you assert [the same] in the case of those which are not sources of injury from their inception? — Ox, however, will refute [this reasoning]. But [you may ask] why [is liability attached] to Ox if not because of its nature to walk about and do damage? — Pit will refute [this reasoning]. The argument is [thus endlessly] reversible [and liability⁵ can be deduced only from Common Aspects].

WHENEVER ANYONE OF THEM DOES DAMAGE THE OFFENDER IS [HAB] LIABLE. ‘The offender is HAB!’ — ‘The offender is HAYYAB’⁶ should be the phrase? — Rab Judah, on behalf of Rab, said: This Tanna [of the Mishnaic text] was a Jerusalemite who employed an easier form.⁷

TO INDEMNIFY WITH THE BEST OF HIS ESTATE. Our Rabbis taught: Of the best of his field and of the best of his vineyard shall he make restitution⁸ refers to the field of the plaintiff and to the vineyard of the plaintiff, this is the view of R. Ishmael. R. Akiba says: Scripture only intended that damages should be collected out of the best,⁹ and this applies even more so to sacred property.¹⁰

Would R. Ishmael maintain that the defendant, whether damaging the best or worst, is to pay for the best? — R. Idi b. Abin said: This is so where he damaged one of several furrows and it could not be ascertained whether the furrow he damaged was the worst or the best, in which case he must pay for the best. Raba, however, [demurred] saying: Since where we do know that he damaged the worst, he would only have to pay for the worst, now that we do not know whether the furrow damaged was the best or the worst, why pay for the best? It is the plaintiff who has the onus of proving his case by evidence. R. Aha b. Jacob therefore explained: We are dealing here with a case where the best of the plaintiff's estate equals in quality the worst of that of the defendant;¹¹ and the point at issue is [as follows]: R. Ishmael maintains that the qualities are estimated in relation to those of the plaintiff's estate;¹² but R. Akiba is of the opinion that it is the qualities of the defendant's possessions that have to be considered.¹³

What is the reason underlying R. Ishmael's view? — The term 'Field' occurs both in the latter clause¹⁴ and the earlier clause of the verse;¹⁵ now just as in the earlier clause it refers to the plaintiff's possessions, so also does it in the latter clause. R. Akiba, however, maintains that [the last clause,] Of the best of his field and of the best of his vineyard shall he make restitution¹⁶ clearly refers to the possessions of the one who has to pay. R. Ishmael [on the other hand,] contends that both the textual analogy¹⁷ of the terms and the plain textual interpretation are complementary to each other. The analogy of the terms is helpful towards establishing the above statement¹⁸ while the plain textual interpretation helps to qualify [the application of the above¹⁸ in] a case where the defendant's estate consists of good and bad qualities, and the plaintiff's estate likewise comprises good quality, but the bad of the defendant's estate is not so good as the good quality of the estate of the plaintiff;¹⁹ for in this case the defendant must pay out of the better quality of his estate, as he cannot say to him, 'Come and be paid out of the bad quality' [which is below the quality of the estate of the plaintiff], but he is entitled to the better quality [of the defendant].

'R. Akiba said: Scripture only intended that damages be collected out of the best, and this applies even more so to sacred property.' What is the import of the last clause? It could hardly be suggested that it refers to a case where a private ox gored an ox consecrated [to the Sanctuary], for does not the Divine Law distinctly say, The ox of one's neighbour,²⁰ excluding thus [any liability for damage done to] consecrated chattel? Again, it could hardly deal with a personal undertaking by one to pay a maneh to the Treasury of the Temple, thus authorising the treasurer to collect from the best; for surely he should not be in a better position than a private creditor

(1) Which it is similarly lawful to keep, but which when doing damage creates nevertheless a liability to pay.

(2) Even in the cases referred to by R. Adda b. Ahabah.

(3) B.M. 117b.

- (4) *Infra* 28b.
- (5) Even in the case of the wall and the tree.
- (6) A slight variation in the Hebrew text: a disyllable instead of a monosyllable.
- (7) Preferred a contracted form.
- (8) Ex. XXII, 4.
- (9) Of the defendant's estate.
- (10) I.e., property dedicated to the purposes of the sanctuary.
- (11) The amount of damages, however, would never be more than could be proved to have been actually sustained.
- (12) I.e., the quality of the field paid by the defendant as damages need not exceed the best quality of the plaintiff's estate. Hence, in the case in hand, the worst of the defendant's will suffice.
- (13) The quality of the payment must therefore always be the best of the defendant's estate,
- (14) I.e., of the best of his field . . . Ex, XXII,4.
- (15) If a man shall cause a field or a vineyard to be eaten, *ibid.*
- (16) Ex. XXII,4.
- (17) The (*Gezerah Shawah*, v. *Glos.*
- (18) 'That the qualities are estimated in relation to those of the plaintiff's estate.'
- (19) The bad quality could not thus be tendered.
- (20) Ex. XXI, 35.

Talmud - Mas. Baba Kama 7a

who can collect nothing better than the medium quality.¹ If, however, you hold that R. Akiba authorises the payment of all loans out of the best, [the treasurer of the Temple could still hardly avail himself of this privilege as] the analogy between these two kinds of liability could be upset as follows: A private creditor is at an advantage in that for damages he will surely be paid out of the best, but is not the Temple Treasury at a very great disadvantage in this respect?² — It may still be maintained that it applies to the case where a private ox gored a consecrated ox, and in answer to the difficulty raised by you — that the Divine Law definitely says The ox of one's neighbour, thus exempting for damage done to consecrated property — it may be suggested that R. Akiba shares the view of R. Simeon b. Menasya as taught:³ R. Simeon b. Menasya says: In the case of a consecrated ox goring a private one, there is total exemption; but for a private ox, whether Tam or Mu'ad, goring a consecrated ox, full damages must be paid.⁴ If this is R. Akiba's contention, whence could it be proved that the point at issue between R. Ishmael and R. Akiba is as to the best of the plaintiff's equalling the worst of the defendant's? Why not say that on this point they are both of opinion that the qualities are estimated in relation to the plaintiff's possessions,⁵ whereas the disagreement between them is on the point at issue between R. Simeon b. Menasya and the Rabbis [i.e., the majority against him], R. Akiba holding the view of R. Simeon b. Menasya, and R. Ishmael that of the Rabbis? — If so, what would be the purport of the first clause of R. Akiba, 'Scripture only intended that damages be collected out of the best'?⁶ Again, would not then even the last clause 'And this even more so applies to sacred property' be rather illogically phrased?⁷ Furthermore, R. Ashi said: It was explicitly taught: Of the best of his field and of the best of his vineyard shall he make restitution⁸ refers to the field of the plaintiff and to the vineyard of the plaintiff: this is the view of R. Ishmael. R. Akiba [on the other hand] says: The best of the defendant's field and the best of the defendant's vineyard.

Abaye pointed out to Raba the following contradiction: Scripture records, Out of the best of his field and out of the best of his vineyard shall he make restitution⁸ [thus indicating that payment must be made] only out of the best and not out of anything else; whereas it is taught: He should return,⁹ includes payment in kind,¹⁰ even with bran?¹¹ — There is no contradiction: the latter applies when the payment is made willingly, while the former refers to payments enforced [by law]. ‘Ulla the son of R. Elai, thereupon said: This distinction is evident even from the Scriptural term, He shall make restitution,⁸ meaning, even against his will. Abaye, on the other hand, said to him: Is it written yeshullam¹² [‘Restitution shall be made’]? What is written is yeshalle¹³ [‘He shall make restitution’], which could mean of his own free will! — But said Abaye: [The contradiction can be solved] as the Master¹⁴ [did] in the case taught: An owner of houses, fields and vineyards¹⁵ who cannot find a purchaser [is considered needy and] may be given the tithe for the poor¹⁶ up to half the value of his estate.¹⁷ Now the Master discussed the circumstances under which this permission could apply: If property in general, and his included, dropped in value, why not grant him even the value of more [than the half of his estate's value], since the depreciation is general? If, on the other hand, property in general appreciated, but his, on account of his going about looking here and there for ready money, fell in price,

(1) Git. V, 1.

(2) On account of the absolute immunity, as stated, for damage done to Temple property.

(3) Infra p. 212.

(4) R. Akiba thus maintains that the Temple Treasury will, for any damage sustained, be reimbursed out of the best of the defendant's estate.

(5) And where the plaintiff's best equals the defendant's worst, the latter will perhaps suffice according to all opinions.

(6) Which indicates that the interpretation of the Scriptural verse (Ex. XXII, 4) is the point at issue.

(7) As according to the view requiring full payment in all cases, the quality of the payment for damage done to sacred property may be higher than that paid for damage done to ordinary property, and in fact nothing less than the very best of the defendant's estate would suffice.

(8) Ex. XXII, 4.

(9) Ex. XXI, 34.

(10) Otherwise the Scriptural text would be superfluous, as payment in specie is evident in an earlier clause.

(11) Infra 9a.

(12) **okah**

(13) **okah-**

(14) Rabbah (Rashi).

(15) The value of which amounted to 200 zuz.

(16) Cf. Deut. XIV, 28-29; this tithe is distributed among those who possess less than two hundred zuz; Pe'ah VIII, 8.

(17) I.e., 100 zuz to enable him to sell his property for half its value which, it is assumed, he can at any time realise.

Talmud - Mas. Baba Kama 7b

why give him anything at all?¹ And the Master thereupon said: No; the above law is applicable to cases where in the month of Nisan² property has a higher value, whereas in the month of Tishri³ it

has a lower value. People in general wait until Nisan and then sell, whereas this particular proprietor, being in great need of ready money, finds himself compelled to sell in Tishri at the existing lower price; he is therefore granted half because it is in the nature of property to drop in value up to a half, but it is not in its nature to drop more than that. Now a similar case may also be made out with reference to payment for damage which must be out of the best. If the plaintiff, however, says: 'Give me medium quality but a larger quantity', the defendant is entitled to reply: 'It is only when you take the best quality which is due to you by law that you may calculate on the present price; failing that, whatever you take you will have to calculate according to the higher price anticipated.'⁴ But R. Aha b. Jacob demurred: If so, you have weakened the right of plaintiffs for damages in respect of inferior quality. When the Divine Law states out of the best,⁵ how can you maintain that inferior qualities are excluded?⁶ R — Aha b. Jacob therefore said: If any analogy could be drawn,⁷ it may be made in the case of a creditor. A creditor is paid by law out of medium quality; if, however, he says: 'Give me worse quality but greater quantity,' the debtor is entitled to say, 'It is only when you take that quality which is due to you by law that you may calculate on the present price, failing that, whatever you take you will have to calculate according to the higher price anticipated.' R. Aha, son of R. Ika, demurred: If so, you will close the door in the face of prospective borrowers. The creditor will rightly contend, 'Were my money with me I would get property according to the present low price; now that my money is with you, must I calculate according to the anticipated higher price?' — R. Aha, son of R. Ika, therefore said: If any analogy could be drawn,⁷ it is only with the case of a Kethubah⁸ [marriage settlement]⁹ which, according to the law, is collected out of the worst quality. But if the woman says to the husband: 'Give me better quality though smaller quantity,' he may rejoin: 'It is only when you take the quality assigned to you by law that you may calculate in accordance with the present low price; failing that, you must calculate in accordance with the anticipated higher price.,

But be it as it is, does the original difficulty¹⁰ still not hold good? — Said Raba: Whatever article is being tendered has to be given out of the best [of that object].¹¹ But is it not written: 'The best of his field'?¹² — But when R. Papa and R. Huna the son of R. Joshua had arrived from the house of study¹³ they explained it thus: All kinds of articles are considered 'best', for if they were not to be sold here they would be sold in another town;¹⁴ it is only in the case of land which is excepted therefrom that the payment has to be made out of the best, so that intending purchasers jump at it.

R. Samuel b. Abba of Akronia¹⁵ asked of R. Abba: When the calculation¹⁶ is made, is it based on his own [the defendant's] property or upon that of the general public? This problem has no application to R. Ishmael's view that the calculation is based upon the quality of the plaintiff's property;¹⁷ it can apply only to R. Akiba's view¹⁷ which takes the defendant's property into account.¹⁸ What would, according to him, be the ruling? Does the Divine Law in saying, 'the best of his field' intend only to exclude the quality of the plaintiff's property from being taken into account, or does it intend to exclude even the quality of the property of the general public? — He [R. Abba] said to him:¹⁹ The Divine Law states, 'the best of his field' how then can you maintain that the calculation is based on the property of the general public?

He²⁰ raised an objection: [It is taught,] If the defendant's estate consists only of the best, creditors of all descriptions are paid out of the best; if it is of medium quality, they are all paid out

of medium quality; if it is of the worst quality, they are all paid out of the worst quality. [It is only] when the defendant's possessions consist of both the best, the medium, and the worst [that] creditors for damages are paid out of the best, creditors for loans out of the medium and creditors for marriage contracts out of the worst. When [however] the estate consists only of the best and of the medium qualities, creditors for damages are paid out of the best while creditors for loans and for marriage contracts will be paid out of the medium quality. [Again] if the estate consists only of the medium and the worst qualities, creditors for either damages or loans are paid out of the medium quality whereas those for marriage contracts will be paid out of the worst quality.

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- (1) Since, in reality, his property is worth 200 zuz.
 - (2) It being the beginning of Spring and the best season for transactions in property, both for agricultural and building purposes.
 - (3) I.e., about October, being the end of the season.
 - (4) The scriptural verse, 'He shall return', introducing payment in kind, would thus authorise the calculation on the higher price anticipated whenever the plaintiff prefers a quality different from that assigned to him by law.
 - (5) Ex. XXII, 4.
 - (6) From the option of the plaintiff.
 - (7) To the case made out by the Master regarding the Tithe of the Poor referred to above.
 - (8) V. Glos.
 - (9) Git. V, 1.
 - (10) Raised by Abaye supra p. 24.
 - (11) I.e., when bran is tendered it is the best of it which has to be given.
 - (12) Confining it thus to land, for if otherwise why altogether insert 'of his field'?
 - (13) **cr hc**. V. Sanh. (Sonc. ed p. 387, n. 7).
 - (14) And could therefore be tendered.
 - (15) [Or Hagronia, a town near Nehardea, v. Obermeyer, J. Die Landschaft Babylonian, p. 265.]
 - (16) Of the best, medium and worst qualities, out of which to pay creditors for damages, loans and marriage-contracts respectively.
 - (17) Cf. supra p. 22.
 - (18) I.e., his estate is divided into three categories; best, medium and worst, out of which the payments will respectively be made.
 - (19) I.e., to R. Samuel, the questioner.
 - (20) I.e., R. Samuel.

Talmud - Mas. Baba Kama 8a

If, however, the estate consists only of the best and of the worst qualities, creditors for damages are paid out of the best whereas those for loans and marriage contracts are paid out of the worst quality. Now¹ the intermediate clause states that if the estate consists only of the medium and the worst qualities, creditors for either damages or loans are paid out of the medium quality whereas marriage contracts will be paid out of the worst quality. If, therefore, you still maintain that the calculation is based only upon the qualities of the defendant's estate, is not the medium [when there is no better with him] his best? Why then should not the creditors for loans be thrown back on the worst quality? — This [intermediate clause] deals with a case where the defendant originally possessed² property of a better quality but has meanwhile disposed of it. And R. Hisda

likewise explained this [intermediate clause] to deal with a case where the defendant originally possessed² property of a better quality but has meanwhile disposed of it. This explanation stands to reason, for it is taught elsewhere: If the estate consisted of the medium and the worst qualities, creditors for damages are paid out of the medium quality whereas those for loans and marriage contracts will be paid out of the worst quality. Now these [two Baraitas] do not contradict each other, unless we accept [the explanation that] the one deals with a case where the defendant originally owned property of a better quality but which he has meanwhile disposed of, while the other states the law for a case where he did not have³ property of a quality better than the medium in his possession. It may, however, on the other hand be suggested that both [Baraitas] state the law when a better quality was not disposed of⁴ and there is yet no contradiction, as the second [Baraita] presents a case where the defendant's medium quality is as good as the best quality of the general public,⁵ whereas in the first [Baraita] the medium quality was not so good as the best of the public.⁶ It may again be suggested that both [Baraitas] present a case where the defendant's medium quality was not better than the medium quality of the general public and the point at issue is this: the second [Baraita] bases the calculation upon the qualities of the defendant's estate,⁷ but the first bases it upon those of the general public.⁸

Rabina said: The point at issue is the view expressed by 'Ulla.⁹ For 'Ulla said: Creditors for loans may, according to Pentateuchal Law, be paid out of the worst, as it is said, Thou shalt stand without, and the man to whom thou dost lend shall bring forth the pledge without unto thee.¹⁰ Now it is certainly in the nature of man [debtor] to bring out the worst of his chattels. Why then is it laid down that creditors for loans are paid out of the medium quality?¹¹ This is a Rabbinic enactment made in order that prospective borrowers should not find the door of their benefactors locked before them. Now this enactment referred to by 'Ulla is accepted by the first [Baraita] whereas the second disapproves of this enactment.¹²

Our Rabbis taught: If a defendant¹³ disposed of all his land¹⁴ to one or to three persons at one and the same time, they all have stepped into the place of the original owner.¹⁵ [If, however, the three sales took place] one after another, creditors of all descriptions will be paid out of the [property purchased] last;¹⁶ if this property does not cover [the liability], the last but one purchased estate is resorted to [for the balance]; if this estate again does not meet [the whole obligation], the very first purchased estate is resorted to [for the outstanding balance].

'If the defendant disposed of all his land to one' — under what circumstances [was it disposed of]? It could hardly be suggested [that it was effected] by one and the same deed, for if in the case of three persons whose purchases may have been after one another,¹⁷ you state that, 'They all have stepped into the place of the original owner,' what need is there to mention one person purchasing all the estate by one and the same deed? It therefore seems pretty certain [that the estate disposed of to one person was effected by] deeds of different dates. But [then] why such a distinction?¹⁸ Just as in the case of three purchasers [in succession] each can [in the first instance] refer any creditor [to the very last purchased property], saying, '[When I bought my estate] I was careful to leave [with the defendant] plenty for you to be paid out of,'¹⁹ why should not also one purchaser [by deeds of different dates] be entitled to throw the burden of payment on to the very last purchased property, saying, '[When I acquired title to the former purchases] I was very careful to leave for you plenty to be paid out of'? — We are dealing here with a case where the

property purchased last was of the best quality;²⁰ also R. Shesheth stated that [this law applies] when the property purchased last was of the best quality. If this be the case, why [on the other hand] should not creditors of all kinds come and be paid out of the best quality [as this was the property purchased last]? — Because the defendant may say to the creditors: ‘If you acquiesce and agree to be paid out of the qualities respectively allotted to you by law, you may be paid accordingly, otherwise I will transfer the deed of the worst property back to the original owner — in which case you will all be paid out of the worst.’²¹ If so,

(1) Here begins R. Samuel's argument.

(2) I.e., at the time when the loan took place, in which case the creditors then obtained a claim on the medium quality by the process of law.

(3) At the time when the loan took place, in which case the medium (in the absence of a better quality) was relatively the best, and therefore not available to creditors for loans.

(4) But was either retained, as is the case in the second Baraitha, or on the other hand not owned at all at the time of the loan as is the case in the first Baraitha.

(5) In such a case it is considered the best quality to all intents and purposes, as the calculation is based upon the general standard of quality.

(6) It is thus termed only medium and creditors for loans have access to it.

(7) Hence in the absence of a better quality in his own estate, that property which is termed medium in comparison to the general standard is the best in the eye of the law.

(8) According to which it is but medium.

(9) Git. 50a.

(10) Deut XXIV, 11.

(11) Git. V, 1.

(12) Maintaining that creditors for loans will always be paid out the worst quality.

(13) I.e., a debtor for damages, loans and marriage-settlements.

(14) Consisting of best, medium and worst qualities.

(15) So that creditors for damages, for loans and for marriage-settlements will be paid according to their respective rights.

(16) Whether it be best, medium or worst.

(17) Though on one and the same day; cf, Keth. 94a.

(18) I.e., why should the legal position of one purchaser be worse than that of three?

(19) As, according to a Mishnaic enactment (Git. V, 1), ‘Property disposed of by a debtor could not be resorted to by his creditors so long as there are with him available possessions undisposed of.’

(20) In which case it is not in the interest of the purchaser that the last purchase should be available to any one of the creditors.

(21) At the hands of the debtor, according to the Mishnaic enactment, Git. V, 1.

Talmud - Mas. Baba Kama 8b

why should the same not be said regarding creditors for damages?¹ It must therefore be surmised that we deal with [a case where the vendor has meanwhile died, and, as his] heirs are not personally liable to pay,² the original liability [which accompanied the purchased properties] must always remain upon the purchaser;³ who could consequently no longer [threaten the creditors and] say this: [‘If you acquiesce . . .?’]⁴ — But the reason the creditors cannot be paid out of the

best is that the vendee may [repudiate their demand and] say to them: 'On what account have the Rabbis enacted that "property disposed of by a debtor can not be attached by his creditors so long as there are available possessions still not disposed of"⁵ if not for the sake of protecting my interests? In the present instance I have no interest in availing myself of this enactment.' Exactly as Raba, for Raba elsewhere said: Whoever asserts, 'I have no desire to avail myself of a Rabbinical enactment' such as this is listened to.⁶ To what does 'such as this' refer? — To R. Huna, for R. Huna said: A woman is entitled to say to her husband, 'I don't expect any maintenance from you⁷ and I do not want to work for you.'⁸

It is quite certain that if the vendee⁹ has sold the medium and worst qualities and retained the best, creditors of all descriptions may come along and collect out of the best quality. For this property was acquired by him last; and, since the medium and worst qualities are no more in his possession, he is not in a position to say to the creditors: 'Take payment out of the medium and worst properties, as I have no interest in availing myself of the Rabbinic enactment.'¹⁰ But what is the law when the vendee disposed of the best quality and retained the medium and the worst? — Abaye at first was inclined to say: Creditors of all descriptions are entitled to come and collect out of the best.¹¹ But Raba said to him.¹² Does not a vendee selling [property] to a sub-vendee assign to him all the rights [connected] therewith that may accrue to him?¹³ Hence just as when the creditors come to claim from the vendee, he is entitled to pay them out of the medium and the worst [respectively], irrespective of the fact that when the medium and the worst qualities were purchased by him, the best property still remained free with the original vendor, and in spite of the enactment that properties disposed of cannot be distrained on [at the hands of the vendee] so long as there is available [with the debtor] property undisposed of,¹⁴ the reason of the exception being that the vendee is entitled to say that he has no interest in availing himself of this enactment, so is the subvendee similarly entitled to say to the creditors: 'Take payment out of the medium and the worst.'¹⁵ For the sub-vendee entered into the sale only upon the understanding that any right that his vendor may possess in connection with the purchase should also be assigned to him.

Raba said:¹⁶ If Reuben disposed of all his lands to Simeon who in his turn sold one of the fields to Levi, Reuben's creditor may come and collect out of the land which is in the possession either of Simeon or Levi. This law applies only when Levi bought medium quality; but if he purchased either the best or the worst the law is otherwise, as Levi may lawfully contend: 'I have purposely been careful to buy the best or the worst, that is, property which is not available for you.'¹⁷ Again, even when he bought medium quality the creditor will not have this option unless Levi did not leave [with Simeon] medium quality of a similar nature, in which case he is unable to plead, 'I have left for you ample land with Simeon;' but if Levi did leave with Simeon medium quality of a similar nature the creditor is not entitled to distrain on Levi who may lawfully contend, 'I have left for you ample land [with Simeon] to satisfy your claim from it.

Abaye said:¹⁸ If Reuben had disposed of a field to Simeon with a warranty [of indemnity],¹⁹ and an alleged creditor of Reuben came to distrain on it from Simeon, Reuben is entitled by law to come forward and litigate with the creditor, nor can the latter say to him: 'You [Reuben] are no party to me;²⁰ for Reuben will surely say to him: 'If you will deprive Simeon of the field purchased by him from me, he will turn on me.'²¹ There are some who say: Even if there were no warranty there the same law applies, as Reuben may say to the alleged creditor: 'I don't want

Simeon to have any grievance against me.’

And Abaye further said:²² If Reuben sold a field to Simeon without a warranty [for indemnity]

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- (1) I.e., they also should thus not be paid out of the best; like creditors for loans they would still be paid out of the medium quality, as the worst quality they could never lose.
 - (2) I.e., when no land was left in the inherited estate.
 - (3) For even by transferring the worst quality to the heirs he would not escape any liability affecting him.
 - (4) Since the liability upon him will thereby not be affected, why then should they, in such circumstances, not resort to the very best property purchased?
 - (5) Git. V, 1.
 - (6) Keth. 83a.
 - (7) Maintenance is a Rabbinical enactment for married women in exchange for their domestic work; cf. Keth. 47b.
 - (8) Keth. 58b.
 - (9) Who at successive sales purchased the whole estate of a debtor, and the last purchase was property of the best quality.
 - (10) As supra p. 31.
 - (11) At the hands of the sub-vendee, since nothing else of the same estate is with him to be offered to the creditors
 - (12) Cf. ‘Ar. 31b.
 - (13) I.e., the vendee.
 - (14) Git. V, 1.
 - (15) At the hands of the vendee.
 - (16) Cf. Keth. 92b.
 - (17) Cf. supra p. 29.
 - (18) Cf. Keth. 92b and B.M. 14a.
 - (19) In case it is distrained on by the vendor’s creditors.
 - (20) For he who has no personal interest in a litigation can be no pleader in it; cf. infra 70a.
 - (21) To be indemnified for the warranty.
 - (22) Keth. 92b-93a.

Talmud - Mas. Baba Kama 9a

and there appeared claimants [questioning the vendor's title], so long as Simeon had not yet taken possession of it he might withdraw; but after he had taken possession of it he could no longer withdraw. What is the reason for that? — Because the vendor may say to him: ‘You have agreed to accept a bag tied up with knots.’¹ From what moment [in this case] is possession considered to be taken? — From the moment he sets his foot upon the landmarks [of the purchased field]. This applies only to a purchase without a warranty. But if there is a warranty the law is otherwise. Some, however, say: Even if there is a warranty the same law applies, as the vendor may still say to him: ‘Produce the distress warrant² against you and I will indemnify you.’

R. Huna said: [The payment for damages is] either with money or with the best of the estate.³ R. Nahman objected to R. Huna [from the Baraita]: He should return⁴ shows that payment in kind is included, even with bran?⁵ — This deals with a case where nothing else is available. If nothing else is available, is it not obvious? — You might have thought that we tell him to go and

take the trouble to sell [the bran] and tender the plaintiff ready money. It is therefore made known to us [that this is not the case.].

R. Assi said: Money is on a par with land. What is the legal bearing of this remark? If to tell us what is best, is this not practically what R. Huna said?⁶ It may, however, refer to two heirs⁷ who divided an inheritance, one taking the land and the other the money. If then a creditor⁸ came and distrained on the land, the aggrieved heir could come forward and share the money with his brother. But is this not self-evident? Is the one a son [to the deceased] and the other one not a son? There are some who argue [quite the reverse]: The one brother may say to the other, 'I have taken the money on the understanding that if it be stolen I should not be reimbursed by you, and you also took the land on the understanding that if it be distrained on there should be no restitution to you out of anything belonging to me.' It⁹ will therefore refer to two heirs⁷ who divided lands among themselves after which a creditor⁸ came along and distrained on the portion of one of them.¹⁰ But has not R. Assi already once enunciated this law? For it was stated;¹¹ [In the case of] heirs who divided [the land of the inheritance among themselves], if a creditor⁸ came along and distrained on the portion of one of them, Rab said: The original apportionment becomes null and void. Samuel said: The portion is waived; but R. Assi said: The portion is refunded by a quarter in land or by a quarter in money.¹² Rab, who said that the partition becomes null and void, maintains that heirs, even after having shared, remain¹³ co-heirs;¹⁴ Samuel, who said that the portion is waived, maintains that heirs, after having shared, stand to each other in the relationship of vendees, each being in the position of a purchaser without a warranty [of indemnity];¹⁵ R. Assi, who said that the portion is refunded by a quarter in land or by a quarter in money, is in doubt as to whether heirs, after having shared, still remain co-heirs¹⁶ or stand in the relationship of vendees;¹⁵ and on account of that [doubt] there must be refunded a quarter in land or a quarter in money.¹⁷ What then is the meaning of 'Money is on a par with land'?¹⁸ — In respect of being counted as 'best'. But if so, is not this practically what R. Huna said? — Read 'And so also said R. Assi . . .'

R. Zera said on behalf of R. Huna: For [the performance of] a commandment one should go up to a third. A third of what?

(1) I.e., you bought it at your own risk; the sale is thus the passing not of ownership but of possession.

(2) **tprhy**, document conferring the right of seizure of a debtor's property sold after the loan (Jast.).

(3) R. Huna refers either to the last clause of the Mishnah on p. 1 or to the problem raised by Abaye on p. 24.

(4) Ex. XXI, 34.

(5) Cf. supra p. 24.

(6) The text should thus run, 'And so also said R. Assi . . .'

(7) Lit. 'brothers'.

(8) Of the deceased.

(9) I.e., R. Assi's statement.

(10) [In which case R. Assi stated that the other can offer in refundment either money or land.]

(11) B.B. 107a.

(12) Cf. Bek. 48a.

(13) In this respect.

(14) So that all of them have to share the burden of the debt and if the portion of the one was distrained on, the

portion of the other constitutes the whole inheritance which has equally to be distributed accordingly.

(15) Who cannot thus be reimbursed for the distress effected upon the portion assigned to any one of them.

(16) V. p. 34. n. 11.

(17) On the principle that in such and similar matters the two parties should equally have the benefit of the doubt (Rashi, according to one interpretation).

(18) Stated above by R. Assi.

Talmud - Mas. Baba Kama 9b

You could hardly suggest 'a third of one's possessions,' for if so when one chanced to have three commandments [to perform at one and the same time] would one have to give up the whole of one's possessions? — R. Zera therefore said: For [performing a commandment in] an exemplary manner one should go up to a third of [the ordinary expense involved in] the observance thereof.

R. Ashi queried: Is it a third from within [the ordinary expense]¹ or is it a third from the aggregate amount?² This stands undecided.

In the West³ they said in the name of R. Zera: Up to a third, a man must perform it out of his own,⁴ but from a third onwards he should perform it in accordance with the special portion the Holy One, blessed be He, has bestowed upon him.⁵ MISHNAH. WHENEVER I AM UNDER AN OBLIGATION OF CONTROLLING [ANYTHING IN MY POSSESSION], I AM CONSIDERED TO HAVE PERPETRATED ANY DAMAGE THAT MAY RESULT.⁶ WHEN I AM TO BLAME FOR A PART OF THE DAMAGE I AM LIABLE TO COMPENSATE FOR THE DAMAGE AS IF I HAD PERPETRATED THE WHOLE OF THE DAMAGE.

THE [DAMAGED] PROPERTY MUST BE OF A KIND TO WHICH THE LAW OF SACRILEGE⁷ HAS NO APPLICATION. THE [DAMAGED] PROPERTY SHOULD BELONG TO PERSONS WHO ARE UNDER [THE JURISDICTION OF] THE LAW.⁸ THE PROPERTY SHOULD BE OWNED. THE PLACE [OF THE DAMAGE] IS IMMATERIAL, WITH THE EXCEPTION OF PREMISES OWNED BY THE DEFENDANT OR PREMISES OWNED [JOINTLY] BY THE PLAINTIFF AND THE DEFENDANT. WHENEVER DAMAGE HAS OCCURRED, THE OFFENDER IS LIABLE TO INDEMNIFY WITH THE BEST OF HIS ESTATE.

GEMARA. Our Rabbis taught: 'WHENEVER I AM UNDER AN OBLIGATION OF CONTROLLING [ANYTHING IN MY POSSESSION], I AM CONSIDERED TO HAVE PERPETRATED ANY DAMAGE [THAT MAY RESULT]. How is that? When an ox or pit which was left with a deaf-mute, an insane person or a minor, does damage, the owner is liable to indemnify. This, however, is not so with a fire.' With what kind of case are we here dealing? If you say that the ox was chained and the pit covered, which corresponds in the case of fire to a hot coal, what difference is there between the one and the other? If on the other hand the ox was loose and the pit uncovered which corresponds in the case of fire to a flame, the statement 'This, however, is not so with a fire,' would here indicate exemption, but surely Resh Lakish said in the name of Hezekiah: They⁹ have not laid down the law of exemption unless there was handed over to him¹⁰ a coal which he has blown up, but in the case of a flame there will be full liability, the

reason being that the danger is clear!¹¹ — Still, the ox may have been chained and the pit covered and the fire likewise in a coal, yet your contention, ‘Why should we make a difference between the one and the other?’ could be answered thus: An ox is in the habit of loosening itself; so also a pit is in the nature of getting uncovered; but a hot coal, the longer you leave it alone, the more it will get cooler and cooler. According to R. Johanan, however, who said¹¹ that even when there has been handed over to him¹⁰ a flame the law of exemption applies, the ox here would likewise be loose and the pit uncovered; but why should we make a difference between the one and the other? — There, in the case of the fire, it is the handling of the deaf-mute that causes the damage, whereas here, in the case of the ox and the pit, it is not the handling of the deaf-mute that causes the damage.

Our Rabbis taught: There is an excess in [the liability for] Ox over [that for] Pit, and there is [on the other hand] an excess in [the liability for] Pit over [that for] Ox. The excess in [the liability for] Ox over [that for] Pit is that Ox involves payment of kofer¹² and the liability of thirty [shekels] for the killing of a slave;¹³ when judgment [for manslaughter] is entered [against Ox] it becomes vitiated for any use,¹⁴ and it is in its habit to move about and do damage, whereas all this is not so in the case of Pit. The excess in [the liability for] Pit over [that for] Ox is that Pit is from its very inception a source of injury and is Mu'ad ab initio which is not so in the case of Ox.¹⁵

(1) I.e., 33-1/3 per cent. of the cost of ordinary performance, the cost of the ordinary performance and that of the exemplary performance would thus stand to each other as 3 to 4.

(2) I.e., 50 per cent. of the cost of the ordinary performance; the cost of the ordinary performance and that of the exemplary performance would thus stand to each other as 2 to 3.

(3) Palestine.

(4) I.e., whether he possesses much or little.

(5) Cf. Shittah Mekubetzeth and Nimmuke Joseph a.l. According to Rashi and Tosaf. a.l.: ‘The cost up to a third remains man's loss in this world (as the reward for that will he paid only in the world to come); but the cost from a third onwards (if any) will he refunded by the Holy One, blessed be He, in man's lifetime.’

(6) From neglecting the obligation to control.

(7) Of consecrated things. cf. Lev. V, 15-16.

(8) Lit., ‘sons of the Covenant’, excluding heathens who do not respect the covenant of the law; v. infra p. 211, n. 6.

(9) I.e., the Rabbis of the Mishnah, v. infra 59b.

(10) I.e., to a deaf-mute, an insane person or a minor.

(11) Infra 59b.

(12) Cf. Ex. XXI, 29-30; v. Glos.

(13) Ibid. XXI, 32.

(14) V. infra p. 255.

(15) Cf. supra p. 3, nn. 6-7.

Talmud - Mas. Baba Kama 10a

There is an excess in [the liability for] Ox over [that for] Fire and there is [on the other hand] an excess in [the liability for] Fire over [that for] Ox. The excess in [the liability for] Ox over [that for] Fire is that Ox involves payment of kofer and the liability of thirty [shekels] for the killing of a

slave; when judgment [for manslaughter] is entered against Ox it becomes vitiated for any use;¹ if the owner handed it over to the care of a deaf-mute, an insane person or a minor he is still responsible [for any damage that may result];² whereas all this is not so in the case of Fire. The excess in [the liability for] Fire over [that for] Ox is that Fire is Mu'ad ab initio which is not so in the case of Ox.

There is an excess in [the liability for] Fire over [that for] Pit, and there is [on the other hand] an excess in [the liability for] Pit over [that for] Fire. The excess in [the liability for] Pit over [that for] Fire is that Pit is from its very inception a source of injury; if its owner handed it over to the care of a deaf-mute, an insane person or a minor, he is still responsible [for any damage that may result],² whereas all this is not so in the case of Fire. The excess in [the liability for] Fire over [that for] Pit is that the nature of Fire is to spread and do damage and it is apt to consume both things fit for it and things unfit for it, whereas all this is not so in the case of Pit.

Why not include in the excess of [liability for] Ox over [that for] Pit [the fact] that Ox is [also] liable for damage done to inanimate objects³ which is not so in the case of Pit?⁴ — The above [Baraita] is in accordance with R. Judah who enjoins payment for damage to inanimate objects [also] in the case of Pit.⁵ If it is in accordance with R. Judah, look at the concluding clause, 'The excess in [the liability for] Fire over [that for] Pit is that the nature of Fire is to spread and do damage, and it is apt to consume both things fit for it and things unfit for it; whereas all this is not so in the case of Pit.' 'Things fit for it: are they not 'of wood'? 'Things unfit for it: are they not 'utensils'?⁶ Now 'all this is not so in the case of Pit'. But if the statement is in accordance with R. Judah, did you not say that R. Judah enjoins payment for damage to inanimate objects [also] in the case of Pit? The Baraita is, therefore, indeed in accordance with the Rabbis, but it mentions [some points] and omits [others].⁷ What else does it omit that it omits that [particular] point?⁸ — It also omits the law of hidden goods.⁹ On the other hand you may also say that the Baraita can still be reconciled with R. Judah, for 'things unfit for it' do not include utensils,¹⁰ but do include [damage done by fire] lapping his neighbour's ploughed field and grazing his stones.¹¹

R. Ashi demurred: Why not include, in the excess of liability for Ox Over [that for] Pit, [the fact] that Ox is [also] liable for damage done to consecrated animals that have become unfit [for the altar],¹² whereas this is not so in the case of Pit?¹³ No difficulty arises if you assume that the Baraita is in accordance with the Rabbis; just as it had omitted that point,¹⁴ it omitted this point too. But if you maintain that the Baraita is in accordance with R. Judah, what else did it omit that it omits this [one] point?-It omitted [Ox] trampling upon newly broken land.¹⁵ [No! this is no argument,] for as to [Ox] trampling upon newly broken land there is no omission there, for this [is included in that which] has already been stated, 'It is in its habit to move about and do damage.'¹⁶

WHEN I HAVE PERPETRATED A PART OF THE DAMAGE. Our Rabbis taught: 'When I have perpetrated a part of the damage I become liable for the compensation for the damage as if I had perpetrated the whole of the damage. How is that? If one had dug a Pit nine handbreadths deep and another came along and completed it to a depth of ten handbreadths, the latter person is liable.' Now this ruling is not in accordance with Rabbi; for it was taught:¹⁷ If one had dug a pit nine handbreadths deep and another came along and completed it to a depth of ten handbreadths, the latter person is liable. Rabbi says: The latter person is liable in cases of death,¹⁸ but both of

them in cases of injury!¹⁹ — R. Papa said: The Mishnaic ruling²⁰ deals with cases of death and is unanimous.²¹ Some read: May we say that the Mishnah is not in accordance with Rabba? — R. Papa thereupon said: It deals with cases of death and is unanimous.

R. Zera demurred: Are there no other instances?²² Behold there is [the case] where an ox was handed over to the care of five persons and one of them was careless, so that the ox did damage; that one is liable! — But in what circumstances? If without the care of that one, the ox could not be controlled, is it not obvious that it is that one who perpetrated the whole of the damage?²³ If, [on the other hand] even without the care of that one, the ox could be controlled, what, if anything at all, has that one perpetrated?

R. Shesheth, however, demurred: Behold there is [the case] where a man adds a bundle [of dry twigs to an existing fire]! — But in what circumstances?

(1) V. p. 37, n. 6.

(2) Cf. supra p. 36.

(3) Lit., 'utensils'.

(4) Cf. supra pp. 17 and 18.

(5) V. supra p. 18 and infra 53b.

(6) Metal or earthenware.

(7) Such as the distinction between Ox and Pit with reference to inanimate objects

(8) As a Tanna would not, in enumeration, just stop short at one point.

(9) For damage to which, according to the Rabbis, there is no liability in the case of Fire; cf. supra p. 18 and infra 61b.

(10) V. p. 38, n. 6.

(11) V. supra p. 18.

(12) On account of a blemish, cf. Lev. XXII, 20 and Deut. XV, 21-22; such animals have to be redeemed, in accordance with Lev. XXVII, 11-13 and 27.

(13) Cf. infra 53b.

(14) I.e., with reference to inanimate objects.

(15) Which is impossible in the case of Pit.

(16) And therefore, if the Baraitha were in accordance with R. Judah, the question, 'What else did it omit etc.', would remain unanswered.

(17) Cf. Tosaf, B.K. VI, 3 and infra 51a.

(18) As without the additional handbreadth done by him the pit would have been nine handbreadths deep which could not occasion any fatal accident; cf. supra p. 7.

(19) For even a pit nine handbreadths deep could occasion injuries.

(20) Which declares the latter person 'who perpetrated part of the damage' liable.

(21) I.e., is even in accordance with Rabbi.

(22) To illustrate the perpetration of a part of the damage involving liability for the whole of the damage.

(23) And not a part of it.

Talmud - Mas. Baba Kama 10b

If without his co-operation the fire would not have spread, is it not obvious [that he is totally to

blame]? If [on the other hand] even without his co-operation the fire would have spread, what, if anything at all, has he perpetrated?

R. Papa demurred: Behold there is that case which is taught: 'Five persons were sitting upon one bench and did not break it; when, however, there came along one person more and sat upon it, it broke down; the latter is liable' — supposing him, added R. Papa, to have been as stout as Papa b. Abba.¹ But under what circumstances? If without him the bench would not have broken, is it not obvious [that he is totally to blame]? If, on the other hand, without him it would also have broken, what, if anything at all, has he perpetrated? Be this as it may, how can the Baraita be justified? — It could hold good when, without the newcomer, the bench would have broken after two hours, whereas now it broke in one hour. They² therefore can say to him: 'If not for you we would have remained sitting a little while longer and would then have got up.'³ But why should he not say to them: 'Had you not been [sitting] there, through me the bench would not have broken'?⁴ — No; it holds good when he [did not sit at all on the bench but] merely leaned upon them and the bench broke down. Is it not obvious [that he is liable]? — You might have argued '[Damage done by] a man's force is not comparable with [that done directly by] his body.' It is therefore made known to us that [a man is responsible for] his force [just as he] is [for] his body, for whenever his body breaks [anything] his force also participates in the damage.⁵

Are there no other instances? Behold there is that which is taught:⁵ When ten persons beat a man with ten sticks, whether simultaneously or successively, so that he died, none of them is guilty of murder. R. Judah b. Bathyra says: If [they hit] successively, the last is liable, for he was the immediate cause of the death!⁶ — Cases of murder are not dealt with here.⁷ You may also say that controversial cases are not dealt with.⁷ Are they not? Did not we suggest that the Mishnah is not in accordance with Rabbi?⁸ — That the Mishnah is not in accordance with Rabbi but in accordance with the Rabbis, we may suggest;⁹ whereas that it is in accordance with R. Judah b. Bathyra, and not in accordance with the Rabbis, we are not inclined to suggest.⁹

I AM LIABLE TO COMPENSATE FOR THE DAMAGE. 'I become liable for the replacement of the damage' is not stated but '. . . TO COMPENSATE FOR THE DAMAGE'. We have thus learnt here that which the Rabbis taught elsewhere:¹⁰ "To compensate for damage" imports that the owners [plaintiffs] have to retain the carcass as part payment'. What is the authority for this ruling? — R. Ammi said: Scripture states, He that killeth a beast yeshalleminnah [shall make it good];¹¹ do not read yeshalleminnah ['he shall pay for it'], but yashlimennah¹² ['He shall complete its deficiency']. R. Kahana infers it from the following: If it be torn in pieces, let him bring compensation up to ['ad']¹³ the value of the carcass, he shall not make good that which was torn.¹⁴ 'Up to' the value of the carcass¹⁵ he must pay, but for the carcass itself he has not to pay. Hezekiah infers it from the following: And the dead shall be his own,¹⁶ which refers to the plaintiff. It has similarly been taught in the school of Hezekiah: And the dead shall be his own,¹⁶ refers to the plaintiff. You say 'the plaintiff'. Why not the defendant? You may safely assert: 'This is not the case.' Why is this not the case? — Abaye said: If you assume that the carcass must remain with the defendant, why did not the Divine law, stating He shall surely pay ox for ox,¹⁷ stop at that? Why write at all And the dead shall be his own?¹⁸ This shows that it refers to the plaintiff.

And all the quotations serve each its specific purpose. For if the Divine Law had laid down [this ruling only in] the verse ‘He that killeth a beast shall make it good,’ the reason of the ruling would have been assigned to the infrequency of the occurrence,¹⁹ whereas in the case of an animal torn in pieces [by wild beasts]²⁰ which is [comparatively] of frequent occurrence, the opposite view might have been held;²¹ hence special reference is essential.²⁰ If [on the other hand] this ruling had been made known to us only in the case of an animal torn in pieces.²² it would have been explained by the fact that the damage there was done by an indirect agency,²³ whereas in the case of a man killing a beast, where the damage was done by a direct agency, the opposite view might have been held. Again, were this ruling intimated in both cases, it would have been explained in the one case on account of its infrequency,²⁴ and in the other account of the indirect agency,²⁵ whereas in the damage to which ‘And the dead shall be his own’²⁶ refers, which is both frequent and direct,²⁷ an opposite view might have been taken. If [on the other hand] this ruling had been intimated only in the case referred to by ‘And the dead shall be his own, it would have been explained by the fact of the damage having been done only by man's possession,²⁸ whereas in cases where the damage resulted from man's person²⁹ an opposite view might have been taken. Hence all quotations are essential.

R.Kahana said to Rab: The reason [for the ruling] is that the Divine Law says ‘And the dead shall be his own’, and but for this I might have thought that the carcass shall remain with the defendant [yet how can this be]? If, when there are with him³⁰ several carcasses he is entitled to pay him³¹ with them, for the Master stated: He shall return,³² includes payment in kind, even with bran,³³ what question then about the carcass of his own animal? — No, the verse is required only for the law regarding the decrease of the value of the carcass³⁴

May we say that the decrease of the value of the carcass is a point at issue between Tannaitic authorities? For it has been taught: If it be torn in pieces, let him bring it for witness:³⁵

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- (1) Who was very corpulent, cf. B.M. 84a. [According to Zacuto's Sefer ha-Yuhasin, the reference there is not to R. Papa but to Papa b. Abba]
 - (2) I.e., the five persons that had previously been sitting upon the bench.
 - (3) Therefore he is to be regarded as having perpetrated the whole, and not merely a part, of the damage.
 - (4) And why should he alone be liable?
 - (5) V. infra pp. 79-80.
 - (6) Sanh. 78a and infra p. 139. [Why then was this ruling of R. Judah not taken as a further illustration of the Mishnaic principle?]
 - (7) In the Mishnah before us (which presents the law of civil action and not that of murder).
 - (8) Cf. supra p. 39.
 - (9) As it is the view of the majority that prevails; Ex. XXIII, 2.
 - (10) Tosef. B.K. I. 1.
 - (11) **vbnkah** Lev. XXIV, 18.
 - (12) Changing the vowels of the Hebrew verb; **vbnkah** into **vbnhkah**
 - (13) Similarly by changing the vowel; the monosyllable **sg** (witness) is read **sg** ‘up to’.
 - (14) Ex. XXII, 12.
 - (15) I.e., the amount required to make up the deficiency.
 - (16) Ex. XXI, 36.

- (17) Ex. XXI, 36.
- (18) Ibid; since it is self-evident that the defendant, having paid for the ox, claims the carcass.
- (19) For a man to kill a beast with intent to cause damage to his neighbour.
- (20) Ex. XXII, 12.
- (21) In the interest of the plaintiff.
- (22) V. p. 42, n. 11.
- (23) I.e., not by the bailee himself but by a wild beast.
- (24) I.e., man killing an animal.
- (25) I.e., when the animal in charge was torn by beasts.
- (26) I.e., in the case of a goring ox, Ex. XXI, 36.
- (27) The ox being his property, makes the owner responsible for the damage as if it were perpetrated by himself,
- (28) I.e., by his cattle.
- (29) Such as in Lev. XXIV, 18 and Ex. XXII, 12.
- (30) I.e., with the defendant.
- (31) I.e., the plaintiff.
- (32) EX. XXI, 34.
- (33) Cf. supra p. 24.
- (34) That is to be sustained by the plaintiff, since it becomes his from the moment of the goring.
- (35) Ex. XXII, 12.

Talmud - Mas. Baba Kama 11a

Let him¹ bring witnesses that it had been torn by sheer accident and free himself. Abba Saul says: Let him² [in all cases] bring the torn animal³ to the Court. Now is not the following the point at issue: The latter maintains that a decrease in value of the carcass will be sustained by the plaintiff,⁴ whereas the former view takes it to be sustained by the defendant? — No, it is unanimously held that the decrease will be sustained by the plaintiff. Here, however, the trouble of [providing⁵ for bringing up] the carcass [from the pit] is the point at issue,⁶ as [indeed] taught: Others say, Whence [could it be derived] that it is upon the owner of the pit to bring up the [damaged] ox from his pit? We derive it from the text, ‘Money shall he return unto to the owner. And the dead beast’ . . .⁷ Abaye said to Raba: What does this trouble about the carcass mean? If the value of the carcass in the pit is one zuz,⁸ whereas on the banks⁹ its value will be four [zuz], is he not taking the trouble [of bringing up the carcass] solely in his own interests? — He [Raba], however, said: No, it applies when in the pit its value is one zuz, and on the banks its value is similarly one zuz. But is such a thing possible? Yes, as the popular adage has it, ‘A beam in town costs a zuz and a beam in a field costs a zuz’.

Samuel said: No assessment is made in theft and robbery¹⁰ but in cases of damage;¹¹ I, however, maintain that the same applies to borrowing,¹² and Abba¹³ agrees with me. It was therefore asked: Did he mean to say that ‘to borrowing the law of assessment does apply and Abba agrees with me,’ Or did he perhaps mean to say that ‘to borrowing the law of assessment does not apply and Abba agrees with me’? — Come and hear: A certain person borrowed an axe from his neighbour and broke it. He came before Rab, who said to him, ‘Go and pay [the lender] for his sound axe.’¹⁴ Now, can you not prove hence¹⁵ that [the law of] assessment does not apply [to borrowing]?¹⁶ — On the contrary, for since R. Kahana and R. Assi [interposed and] said to

Rab, 'Is this really the law?' and no reply followed, we can conclude that assessment is made. It has been stated: 'Ulla said on behalf of R. Eleazar: Assessment is [also] made in case of theft and robbery; but R. Papi said that no assessment is made [in these cases]. The law is: No assessment is made in theft and robbery, but assessment is made in cases of borrowing, in accordance with R. Kahana and R. Assi.

'Ulla further said on behalf of R. Eleazar: When a placenta comes out [from a woman] partly on one day and partly on the next day, the counting of the days of impurity¹⁷ commences with the first day [of the emergence]. Raba, however, said to him: What is in your mind? To take the stricter course? Is not this a strictness that will lead to lenience, since you will have to declare her pure¹⁸ by reckoning from the first day? Raba therefore said: 'Out of mere apprehension, notice is taken of the first day [to be considered impure], but actual counting commences only with the second day.' What is the new point made known to us? That even a part of an [emerging] placenta contains a fetus. But have we not learnt this elsewhere:¹⁹ 'A placenta coming partly out of an animal²⁰ renders [the whole of] it unfit for consumption,²¹ as that, which is a sign of a fetus in humankind is similarly a sign of a fetus in an animal'? — As to this Mishnaic statement I might still have argued

(1) I.e., the paid bailee who is defending himself against the depositor.

(2) V. p 43 n. 15.

(3) [Vsi¹sg: sg being an unaugmented passive participle from the root **gss**, v. Halpern, B. ZAW, XXX, p. 57.]

(4) I.e., when the deposited animal has been torn not by accident, in which case the paid bailee has to indemnify. The torn animal is thus brought at once to the Court to ascertain its value at the time of the mishap.

(5) I.e., the expenses involved.

(6) Abba Saul maintains that the defendant has to do it, whereas the other view releases him from this.

(7) Ex. XXI, 34; the subject of the last clause is thus joined to the former sentence as a second object.

(8) A coin; V. Glos.

(9) Of the pit.

(10) In which case payment must be made in full for the original value of the damaged article.

(11) Where the carcass may be returned to the plaintiff.

(12) Treated in Ex. XXII, 13.

(13) [I.e., Rab whose full name was Abba].

(14) B.M. 96b.

(15) When the value of the broken axe was not taken into account, but full payment for the axe in its original condition was ordered.

(16) Since Rab ordered the borrower to pay in full for the original value of the axe.

(17) Which are seven for a male child and fourteen for a girl; cf. Lev. XII. 2 and 5.

(18) I.e., after the expiration of the 7 or 14 days for a male or female child respectively, when there commence 33 or 66 days of purity for a boy or girl respectively; cf. Lev. *ibid.* 4-5.

(19) Hul. 68a.

(20) Before the animal was slaughtered.

(21) As it is considered to contain a fetus which when born is subject to the law of slaughtering on its own accord.

Talmud - Mas. Baba Kama 11b

Talmud - Mas. Baba Kama 11b

that it is quite possible for a part of a placenta to emerge without a fetus, but that owing to a [Rabbinic] decree a part of a placenta is in practice treated like the whole of it;¹ it is therefore made known to us² that this is not the case.

‘Ulla further said on behalf of R. Eleazar: A first-born son who has been killed within thirty days [of his birth] need not be redeemed.³ The same has been taught by Rami b. Hama: From the verse, Shalt thou surely redeem⁴ one might infer that this would apply even when the firstborn was killed within thirty days [of his birth]; there is therefore inserted the term ‘but’⁵ to exclude it.

‘Ulla further said on behalf of R. Eleazar: [Title to] large cattle is acquired by ‘pulling’.⁶ But did we not learn, . . . by ‘delivery’?⁷ — He⁸ follows another Tanna; for it has been taught:⁹ The Rabbis say: Both one and the other¹⁰ [are acquired] by ‘pulling’. R. Simeon says: Both one and the other by ‘lifting up’.

‘Ulla further said on behalf of R. Eleazar: In the case of heirs¹¹ who are about to divide the estate among themselves, whatever is worn by them will [also] be assessed [and taken into account], but that which is worn by their sons and daughters is not assessed [and not taken into account].¹² R. Papa said: There are circumstances when even that which is worn by the heirs themselves is not assessed. This exception applies to the eldest of the heirs,¹³ as it is in the interest of them all that his words should be respected.

‘Ulla further said on behalf of R. Eleazar: One bailee handing over his charge to another bailee does not incur thereby any liability.¹⁴ This ruling unquestionably applies to an unpaid bailee handing over his charge to a paid bailee in which case there is a definite improvement in the care; but even when a paid bailee hands over his charge to an unpaid bailee where there is definitely a decrease in the care, still he thereby incurs no liability, since he transfers his charge to a responsible person.

Raba, however, said: One bailee handing over his charge to another bailee becomes liable for all consequences. This ruling unquestionably holds good in the case of a paid bailee handing over his charge to an unpaid bailee where there is a definite decrease in the care; but even when an unpaid bailee hands over his charge to a paid bailee, where there is definitely an improvement in the care, still he becomes liable for all consequences, as the depositor may say [to the original bailee]: You would be trusted by me [should occasion demand] an oath [from you], but your substitute would not be trusted by me in the oath [which he may be required to take].¹⁵

‘Ulla further said on behalf of R. Eleazar: The law is that distraint may be made on slaves.¹⁶ Said R. Nahman to ‘Ulla: Did R. Eleazar apply this statement even in the case of heirs¹⁷ [of the debtor]? — No, Only to the debtor himself. To the debtor himself? Could not a debt be collected even from the cloak upon his shoulder?¹⁸ — We are dealing here with a case where a slave was mortgaged,¹⁹ as in the case stated by Raba, for Raba said:²⁰ Where a debtor mortgaged his slave and then sold him [to another person], the creditor may distraint on him [in the hands of the purchaser]. But where an ox was mortgaged and afterwards sold, the creditor cannot distraint on it [in the hands of the purchaser], the reason [for the distinction] being that in the former case the

transaction of the mortgage aroused public interest²¹ whereas in the latter case no public interest was aroused.²²

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- (1) On account of mere apprehension, lest no distinction will be made between the emergence of the whole of the placenta and a part of it.
 - (2) In the statement of 'Ulla on behalf of R. Eleazar,
 - (3) Notwithstanding Num. XVIII, 15-16.
 - (4) Ibid. 15.
 - (5) Hebrew 'Ak **ft** being a particle of limitation.
 - (6) I.e., by the buyer; v. Glos. s.v. Meshikah.
 - (7) I.e., by the seller handing over the bit to the buyer; Kid. 25b.
 - (8) I.e., 'Ulla on behalf of R. Eleazar.
 - (9) Cf. Kid. 25b and B.B. 86b.
 - (10) I.e. Large and small cattle.
 - (11) Lit., 'brothers'.
 - (12) As it would be a degradation to them to be forced to appear before the court.
 - (13) In charge of the administration of the affairs of the heirs.
 - (14) Cf. B.M. 36a.
 - (15) The original bailee has thus committed a breach of the trust.
 - (16) Cf. B.B. 128a.
 - (17) Who inherited the slaves; v. supra p. 31.
 - (18) Why then speak about slaves?
 - (19) By the debtor who had meanwhile died.
 - (20) Infra 33b and B.B. 44b.
 - (21) So that the purchaser was no doubt aware of it and should consequently not have bought it.
 - (22) So that the purchaser is not to blame.

Talmud - Mas. Baba Kama 12a

After R. Nahman went out 'Ulla said to the audience: 'The statement made by R. Eleazar refers even to the case of heirs.' R. Nahman said: 'Ulla escaped my criticism'. A case of this kind arose in Nehardea and the judges of Nehardea¹ distrained [on slaves in the hands of heirs]. A further case took place in Pumbeditha and R. Hana b. Bizna distrained [on slaves in the hands of heirs]. But R. Nahman said to them: 'Go and withdraw [your judgments], otherwise I will distrain on your own homes [to reimburse the aggrieved heirs].'² Raba, however, said to R. Nahman: 'There is 'Ulla, there is R. Eleazar, there are the judges of Nehardea and there is R. Hana b. Bizna [who are all joining issue with you]; what authorities is the Master following?' — He said to him:³ 'I know of a Baraita, for Abimi learned: "A prosbul⁴ is effective only when there is realty⁵ [belonging to the debtor] but not when he possesses slaves⁶ only. Personalty is transferred along with realty⁷ but not along with slaves.'"⁶

May we not say that this problem is a point at issue between the following Tannaim? [For it was taught:] 'Where slaves and lands are sold, if possession is taken of the slaves no title is thereby acquired to the land, and similarly by taking possession of the lands no title is acquired to the slaves. In the case of lands and chattels, if possession is taken of the lands title is also acquired

to the chattels,⁷ but by taking possession of the chattels no title is acquired to the lands. In the case of slaves and chattels, if possession is taken of the slaves no title is thereby acquired to the chattels,⁸ and similarly by taking possession of the chattels no title is acquired to the slaves. But [elsewhere] it has been taught: 'If possession is taken of the slaves the title is thereby acquired to the chattels.'⁹ Now, is not this problem the point at issue: the latter Baraitha⁹ maintains that slaves are considered realty [in the eye of the law], whereas the former Baraitha¹⁰ is of the opinion that slaves are considered personalty? — R. Ika the son of R. Ammi, however, said: [Generally speaking] all [authorities] agree that slaves are considered realty. The [latter] Baraitha stating that the transfer [of the chattels] is effective, is certainly in agreement; the [former] Baraitha stating that the transfer [of the chattels] is ineffective, may maintain that the realty we require is such as shall resemble the fortified cities of Judah in being immovable. For we have learnt: 'Property which is not realty may be acquired incidentally with property which is realty'¹¹ through the medium of either [purchase] money, bill of sale or taking possession.' [And it has been asked:]¹² What is the authority for this ruling? And Hezekiah thereupon said: Scripture states, And their father gave them great gifts of silver and of gold and of precious things with fortified cities in Judah.¹³ [Alternatively] there are some who report: R. Ika the son of R. Ammi said: [Generally speaking] all [authorities] agree that slaves are considered personalty. The [former] Baraitha stating that the transfer [of the chattels] is ineffective is certainly in agreement; the [latter] Baraitha stating that the transfer of the chattels is effective deals with the case when the chattels [sold] were worn by the slave.¹⁴ But even if they were worn by him, what does it matter? He is but property¹⁵ in motion, and property in motion cannot be the means of conveying anything it carries. Moreover, even if you argue that the slave was then stationary, did not Raba say that whatsoever cannot be the means of conveying while in motion cannot be the means of conveying even while in the state of standing or sitting?¹⁶ — This law applies to the case where the slave was put in stocks. But behold has it not been taught: 'If possession is taken of the land, title is thereby acquired also to the slaves'¹⁷ — There the slaves were gathered on the land.¹⁸ This implies that the Baraitha which stated that the transfer of the slaves is ineffective,¹⁹ deals with a case where the slaves were not gathered on the land. That is all very well according to the version that R. Ika the son of R. Ammi said that slaves are considered personalty; there is thus the stipulation that if they were gathered on the land, the transfer is effective, otherwise ineffective. But according to the version which reads that slaves are considered realty, why the stipulation that the slaves be gathered on the land?

(1) Generally referring to R. Adda b. Minyomi; Sanh. 17b.

(2) As he considered them to have acted against established law, and so ultra vires; cf. *infra* pp. 584ff. and Sanh. 33a.

(3) I.e., R. Nahman to Raba.

(4) ** i.e., an official declaration made in court by a lender to the effect that the law of limitation by the Sabbatical year shall not apply to the loans contracted by him; cf. Sheb. X. 4 and Git. 36a. V. Glos.

(5) As realty even when sold by the debtor could be distrained on in the hands of the purchasers; cf. Git. 37a.

(6) As these are considered personalty. They cannot therefore be distrained on in the hands of heirs.

(7) I.e., the acquisition of land confers title to chattels bought at the same time. Kid. 26a; v. *infra*, p. 49.

(8) Slaves seem thus to be not realty.

(9) In this Baraitha slaves are treated like realty.

(10) Stating that by taking possession of slaves no title is acquired to chattels.

- (11) Lit, 'property which affords no surety may be acquired along with property which does afford surety' (to creditors in case of non-payment of debts); Kid 26a.
- (12) Kid. 26a.
- (13) II Chron. XXI,3: with **og** is taken in the sense by means of.
- (14) They are therefore part and parcel of the slave.
- (15) Lit., a courtyard.
- (16) Git. 21a, 68a; B.M. 9b.
- (17) Apparently on account of the fact that these are treated like personalty.
- (18) In which case even if they are not personalty their transfer has to be valid.
- (19) When only incidental to the transfer of land.

Talmud - Mas. Baba Kama 12b

Did not Samuel say that if ten fields in ten different countries are sold, as soon as possession is taken of one of them, the transfer of all of them becomes effective?¹ — But even if your reasoning be followed [that it is in accordance with the version reading that slaves are considered personalty], why again the stipulation that the slaves be gathered on the land? Has it not been established that the personalty' need not be gathered on the land? You can therefore only say that there is a distinction in law between movable personalty² and immovable personalty. Likewise here also [we say] there is a distinction in law between movable realty³ and immovable realty: slaves [if realty] are movable realty whereas there [in the case of the ten fields] land is but one block.

THE [DAMAGED] PROPERTY MUST BE OF A KIND TO WHICH THE LAW OF SACRILEGE HAS NO APPLICATION etc. So long as [the penalty of] Sacrilege does not apply. Who is the Tanna [of this view]? — R. Johanan said: This is so in the case of minor sacrifices according to R. Jose the Galilean, who considers them to be private property; for it has been taught: If a soul sin and commit a trespass against the Lord and lie unto his neighbour.⁴ . . this indicates also minor sacrifices,⁵ as these are considered private property;⁶ so R. Jose the Galilean. But, behold, we have learnt: If one betroths [a woman] by means of the priestly portion, whether of major sacrifices or of minor sacrifices, the betrothal is not valid.⁷ Are we to say that this Mishnah is not in accordance with R. Jose the Galilean?⁸ — You may even reconcile it with R. Jose the Galilean; for R. Jose the Galilean confines his remark to sacrifices that are still alive, whereas, in the case of sacrifices that have already been slaughtered, even R. Jose the Galilean agrees that those who are entitled to partake of the flesh acquire this right as guests at the divine table.⁹ But so long as the sacrifice is still alive, does he really maintain that it is private property? Behold, we have learnt: A firstling, if unblemished, may be sold only while alive; but if blemished [it may be sold] both while alive and when slaughtered. It may similarly be used for the betrothal of a woman.¹⁰ And R. Nahman said on behalf of Rabbah b. Abbuha:¹¹ This is so only in the case of a firstling at the present time,¹² in which, on account of the fact that it is not destined to be sacrificed, the priests possess a proprietary right; but at the time when the Temple still existed, when it would have been destined to be sacrificed, the law would not have been so.¹³ And Raba asked R. Nahman: [Was it not taught:] If a soul sin and commit a trespass against the Lord and lie unto his neighbour. . .;¹⁴ this indicates also minor sacrifices, as these are considered private property;¹⁵ this is the view of R. Jose the Galilean? And Rabina replied that the latter case¹⁶ deals

with firstlings from outside [Palestine] and is in accordance with R. Simeon, who maintains that if they were brought [to Palestine] in an unblemished condition, they will be sacrificed.¹⁷ Now this is so only if they were brought [to Palestine, which implies that] there is no necessity to bring them there in the first instance for that specific purpose.¹⁸ Now, if it is the fact that R. Jose the Galilean considers them private property while alive,

(1) Kid. 27a.

(2) That is to be acquired along with realty; v. Kid. 27a.

(3) Which needs to be gathered on the land.

(4) Lev. V, 21.

(5) E.g., peace offerings, as these belong partly to the Lord and partly to the neighbour; some parts thereof are burnt on the altar but the flesh is consumed by the original owners.

(6) Pes. 90a.

(7) Kid. 52b.

(8) For according to him the flesh is private property and alienable,

(9) I.e., as merely invited without having in them any proprietary rights.

(10) M.Sh. I, 2.

(11) Tem. 7b.

(12) When no sacrifices are offered.

(13) The priests would not have had in it a proprietary right nor have been able to use it for the betrothal of a woman.

(14) Lev, V, 21.

(15) Even in Temple times, since the text requires the offender to bring a trespass offering.

(16) Where they are considered private property.

(17) Tem. III. 5.

(18) And since they need not be brought and sacrificed they are considered the private property of the priests as stated by R. Jose the Galilean.

Talmud - Mas. Baba Kama 13a

why [did Rabina] not reply that the one¹ is in accordance with R. Jose the Galilean, and the other² in accordance with the Rabbis?³ — It was said in answer: How can you refer to priestly gifts? Priestly gifts are altogether different⁴ as those who are entitled to them enjoy that privilege as guests at the divine table.⁵

[To refer to] the main text : If a soul sin and commit a trespass against the Lord and lie unto his neighbour:⁶ this indicates also minor sacrifices; this is the view of R. Jose the Galilean. Ben 'Azzai says that it indicates [also] peace-offerings. Abba Jose b. Dostai said that Ben 'Azzai meant to include only the firstling.

The Master said:⁶ 'Ben Azzai says that it indicates [also] peace-offerings.' What does he mean to exclude? It can hardly be the firstling, for if in the case of peace-offerings which are subject to the laws of leaning,⁷ libations⁸ and the waving of the breast and shoulder,⁹ you maintain that they are private property, what question could there be about the firstling?¹⁰ — R. Johanan therefore said: He meant to exclude the tithe,¹¹ as taught: In the case of the firstling, it is stated, Thou shalt

not redeem;¹² it may, however, if unblemished be sold while alive, and if blemished [it may be sold] alive or slaughtered; in the case of the tithe it is stated, It shall not be redeemed,¹³ and it can be sold neither alive nor slaughtered neither when unblemished nor when blemished.¹⁴ Rabina connected all the above discussion with the concluding clause: ‘Abba Jose b. Dostai said that Ben ‘Azzai meant to include only the firstling.’ What does he mean to exclude? It can hardly be peace-offerings, for if the firstling which is holy from the very moment it opens the matrix,¹⁵ is private property, what question could there be about peace-offerings?¹⁶ — R. Johanan therefore said: He meant to exclude the tithe, as taught:¹⁷ In regard to the firstling it is stated, Thou shalt not redeem;¹⁸ it may, however, if unblemished be sold while alive and if blemished [it may be sold] alive or slaughtered; in regard to the tithe it is stated, It shall not be redeemed,¹⁹ and it can be sold neither while alive nor when slaughtered, neither when unblemished nor blemished. But does he not say, ‘The firstling alone’?²⁰ This is a difficulty indeed!

Raba [on the other hand] said: What is meant by ‘THE [DAMAGED] PROPERTY MUST BE OF A KIND TO WHICH THE LAW OF SACRILEGE HAS NO APPLICATION’ is that the property is not of a class to which the law of sacrilege may have any reference²¹ but is such as is owned privately . But why does not the text say. ‘Private property’? — This is a difficulty indeed!

R. Abba said: In the case of peace-offerings that did damage,²² payment will be made²³ out of their flesh but no payment could be made out of their emurim.²⁴ Is it not obvious that the emurim will go up [and be burnt] on the altar? — No; we require to be told that no payment will be made out of the flesh for the proportion due from the emurim. But according to whose authority is this ruling made? If according to the Rabbis,²⁵ is this not obvious? Do they not maintain that when payment cannot be recovered from one party, it is not requisite to make it up from the other party? If according to R. Nathan,²⁶ [it is certainly otherwise] for did he not say that when no payment can be made from one party, it has to be made up from the other party? — If you wish, you may say: The ruling was made in accordance with R. Nathan; or, if you wish, you may say that it was made in accordance with the Rabbis. You may say that it was made in accordance with the Rabbis, for their ruling is confined to a case where the damage was done by two separate agencies,²⁷ whereas, in the case of one agency,²⁸ the plaintiff may be justified in demanding payment from whatever source he finds it convenient. Alternatively you may say that the ruling was made in accordance with R. Nathan, for it is only there [in the case of an ox pushing another's ox in a pit] that the owner of the damaged ox is entitled to say to the owner of the pit, ‘I have found my ox in your pit; whatever is not paid to me by your co-defendant must be made up by you;’

(1) Maintaining that a firstling is the private property of the priest.

(2) I.e., the statement of R. Nahman that a firstling is not the private property of the priest.

(3) The opponents of R. Jose the Galilean.

(4) Even R. Jose regards them in no case as the property of the priest; all the Rabbis including R. Jose are thus unanimous on this matter. Hence Rabina was unable to explain the one Baraita in accordance with R. Jose and the other in accordance with the Rabbis.

(5) Even while the firstling is still alive.

(6) Lev. V, 21.

(7) Ibid. III, 2.

- (8) Num. XV, 8-II.
- (9) Lev. VII, 30-34.
- (10) The sacredness of which is of a lower degree and is not subject to all these rites. Consequently it should thus certainly be considered private property. It, of course, deals with a firstling outside Palestine which is not destined to be sacrificed.
- (11) Of cattle dealt with in Lev. XXVII, 32-33.
- (12) Num. XVIII, 17, the text is taken not to include alienation, in which case the sanctity of the firstling is not affected.
- (13) Lev XXVII, 33; in this case, on account of Gezerah Shawah. i.e. a similarity of phrases between *ibid.* and verse 28, the right of alienation is included; cf. Bek. 32a.
- (14) Tem. 8a. Because it is not private property.
- (15) Ex. XIII, 12.
- (16) That they should certainly be private property.
- (17) Tem. 8a.
- (18) Num. XVIII, 17.
- (19) Lev. XXVII, 33.
- (20) Excluding thus everything else, even peace-offerings.
- (21) I.e. is not holy at all.
- (22) While still Tam, when the payment must be made out of the body of the doer of the damage, v. *infra* p. 73.
- (23) According to R. Jose the Galilean who maintains, *supra* p. 50, that minor sacrifices are considered private property.
- (24) The part which has to be burnt on the altar; cf. Lev. III, 3-4.
- (25) *Infra* 53a. where in the case of an ox pushing somebody else's animal into a pit, the owner of the pit pays nothing, though the owner of the ox does not pay full damages.
- (26) Who makes the owner of the pit also pay.
- (27) I.e., the ox and the pit, v. p. 53. n. 12.
- (28) Such as in the case of peace-offerings dealt with by R. Abba.

Talmud - Mas. Baba Kama 13b

but in the case in hand, could the plaintiff say, 'The flesh did the damage and the emurim did no damage'?¹

Raba said: In the case of a thanksgiving-offering that did damage,² payment will be made³ out of the flesh but no payment could be made out of its bread.⁴ 'Bread'! Is this not obvious?⁵ — He wanted to lead up to the concluding clause: The plaintiff partakes of the flesh,⁶ while he, for whose atonement the offering is dedicated,⁷ has to bring the bread. Is not this also obvious? — You might have thought that since the bread is but an accessory to the sacrifice,⁴ the defendant may be entitled to say to the plaintiff. 'If you will partake of the flesh, why should I bring the bread?' It is therefore made known to us [that this is not the case, but] that the bread is an obligation upon the original owner of the sacrifice.

THE [DAMAGED] PROPERTY SHOULD BELONG TO PERSONS WHO ARE UNDER [THE JURISDICTION OF] THE LAW. What [person] is thereby meant to be excepted? If a heathen,⁸ is not this explicitly stated further on: 'An ox of an Israelite that gored an ox of a

heathen is not subject to the general law of liability for damage'?⁹ — That which has first been taught by implication is subsequently explained explicitly.

THE PROPERTY SHOULD BE OWNED. What is thereby excepted? — Rab Judah said: It excepts the case [of alternative defendants] when the one pleads. 'It was your ox that did the damage,' and the other pleads. 'It was your ox that did the damage.' But is not this explicitly stated further on: If two oxen pursue another ox, and one of the defendants pleads. 'It was your ox that did the damage,' and the other defendant pleads, 'It was your ox that did the damage,' no liability could be attached to either of them?¹⁰ — What is first taught by implication is subsequently explained explicitly. In a Baraita it has been taught: The exception refers to ownerless property.¹¹ But in what circumstances? It can hardly be where an owned ox gored an ownerless ox, for who is there to institute an action? If on the other hand an ownerless ox gored an owned ox, why not go and take possession of the ownerless doer of the damage? — Somebody else has meanwhile stepped in and already acquired title to it.¹² Rabina said: It excepts an ox which gored and subsequently became consecrated or an ox which gored and afterwards became ownerless.¹² It has also been taught thus: Moreover said R. Judah:¹³ Even if after having gored, the ox was consecrated by the owner, or after having gored it was declared by him ownerless, he is exempt, as it is said, And it hath been testified to his owner and he hath not kept it in, but it hath killed a man or a woman; the ox shall be stoned.¹⁴ That is so only where conditions are the same at the time of both the manslaughter and the appearance before the Court.¹⁵ Does not the final verdict also need to comply with this same condition? Surely the very verse, The ox shall be stoned, circumscribes also the final verdict! — Read therefore: That is so only when conditions are the same at the time of the manslaughter and the appearance before the Court and the final verdict.¹⁵

WITH THE EXCEPTION OF PREMISES OWNED BY THE DEFENDANT: Because he may argue against the plaintiff, 'What was your ox doing on my premises?' **OR PREMISES OWNED [JOINTLY] BY PLAINTIFF AND DEFENDANT.** R. Hisda said on behalf of Abimi: [Where damage is done] in jointly owned courts, there is liability for Tooth and Foot,¹⁶ and the [Mishnah] text is to be read thus: **WITH THE EXCEPTION OF PREMISES OWNED BY THE DEFENDANT,** where there is exemption. but in the case of **PREMISES OWNED [JOINTLY] BY PLAINTIFF AND DEFENDANT, WHENEVER DAMAGE HAS OCCURRED,**¹⁷ **THE OFFENDER IS LIABLE.** R. Eleazar [on the other hand] said: There is no liability there for Tooth and Foot,¹⁶ and the text is to be understood thus: **WITH THE EXCEPTION OF PREMISES OWNED BY THE DEFENDANT OR [OF] PREMISES OWNED [JOINTLY] BY PLAINTIFF AND DEFENDANT,** where there is also exemption. But **WHENEVER DAMAGE HAS OCCURRED [otherwise] THE OFFENDER IS LIABLE** etc. introduces Horn.¹⁸ This would be in conformity with Samuel,¹⁹ but according to Rab, who affirmed that ox in the Mishnaic text was intended to include all kinds of damage done by ox,²⁰ what was meant to be introduced by the clause, **THE OFFENDER IS LIABLE?** — To introduce that which our Rabbis have taught: **WHENEVER DAMAGE HAS OCCURRED THE OFFENDER IS LIABLE** introduces liability in the case of a paid bailee and a borrower, an unpaid bailee and a hirer, where the animal in their charge did damage, Tam paying half-damages and Mu'ad paying full damages. If, however, a wall²¹ broke open at night, or robbers took it by force and it went out and did damage, there is exemption.

The Master said: ‘WHENEVER DAMAGE HAS OCCURRED, THE OFFENDER IS LIABLE introduces liability in the case of an unpaid bailee and a borrower, a paid bailee and a hirer’. Under what circumstances? If the ox of the lender damaged the ox of the borrower, why should not the former say to the latter: ‘If my ox had damaged somebody else's, you would surely have had to compensate;²² now that my ox has damaged your own ox, how can you claim compensation from me?’ Again, if the ox of the borrower damaged the ox of the lender, why should not the latter say to the former: ‘If my ox had been damaged by somebody else's, you would surely have had to compensate me for the full value of the ox,²³ now that the damage resulted from your ox, how can you offer me half damages?’²⁴ — It must therefore still be that the ox of the lender damaged the ox of the borrower, but we deal with a case where he [the borrower] has taken upon himself responsibility for the safety of the ox

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- (1) Hence the flesh need not pay for the emurim.
 - (2) While still Tam, in which case the payment must be made out of the body of the damage-doer, as *infra* p. 73.
 - (3) In accordance with R. Jose the Galilean that minor sacrifices are private property.
 - (4) I.e., accompanying the offering, cf. Lev. VII, 12-13.
 - (5) That the bread need not pay, since the bread did not do any damage.
 - (6) After the offering of the sacrifice.
 - (7) I.e., (as a rule) the defendant.
 - (8) Who does not recognise the covenant of Law, and who does not consider himself bound to control his own cattle from doing damage to others.
 - (9) V. *infra* p. 211 and note 6.
 - (10) V. *infra* 35a. ‘Owned’ thus means ‘known to belong to a particular defendant.’
 - (11) Tosef. B.K. I, 1.
 - (12) In which case the plaintiff will recover nothing.
 - (13) *Infra* p. 254.
 - (14) Ex. XXI, 29.
 - (15) I.e., where the ox is privately owned all through.
 - (16) For which there is no liability in a public thoroughfare; cf. *supra* p. 17.
 - (17) Even by Tooth and Foot.
 - (18) For which there is liability even in a public thoroughfare
 - (19) Who maintains, *supra* pp. 9-11, that Mab'eh in the Mishnaic text denotes Tooth, and Ox signifies Foot, whereas Horn has not been dealt with explicitly.
 - (20) *Supra* p. 10; so that Horn has already been dealt with in the first Mishnah.
 - (21) Of a sound structure, cf. *infra* 55b-56a
 - (22) The borrower being responsible for the damage done by the ox whilst under his charge. V. *infra* 44b
 - (23) As laid down in Ex. XXII. 13.
 - (24) I.e., in the case of the borrower's ox having been Tam.

Talmud - Mas. Baba Kama 14a

but not responsibility for any damage [that it may do].¹ If so, explain the concluding clause: ‘If a wall broke open at night, or if robbers took it by force and it went out and did damage, there is exemption.’ From this it may surely be inferred that [if this had happened] in the daytime, the

borrower would have been liable. Why so, if he did not take upon himself responsibility for any damage [that it may do]? — The meaning must be as follows: [But] if he has taken upon himself responsibility for damage [that it may do], he would be liable to compensate, yet, if a wall broke open at night, or if robbers took it by force and it went out and did damage there is exemption [in such a case]. Is it really so?² Did not R. Joseph learn: In the case of jointly owned premises or an inn, there is liability for Tooth and for Foot? Is not this a refutation of R. Eleazar? — R. Eleazar may answer you as follows: Do you really think so? Are Baraithas not divided [in their opinions] on the matter?³ For it was taught:⁴ ‘Four general rules were stated by R. Simeon b. Eleazar to apply to the laws of torts: [In the case of damage done in] premises owned by the plaintiff and not at all by the defendant, there is liability in all; if owned by the defendant and not at all by the plaintiff, there is total exemption; but if owned by the one and the other, e.g., jointly owned premises or a valley, there is exemption for Tooth and for Foot, whereas for goring, pushing, biting, falling down, and kicking, Tam pays half-damages and Mu'ad pays full damages; if not owned by the one and the other, e.g., premises not belonging to them both, there is liability for Tooth and for Foot, whereas for goring, pushing, biting, falling down, and kicking, Tam pays half-damages and Mu'ad pays full damages.’ It has thus been taught here that in the case of jointly owned premises or a valley there is exemption for Tooth and Foot.⁵

Do then the two Baraithas contradict each other? — The latter Baraitha speaks of a case where the premises were set aside by the one and the other⁶ for the purposes of both keeping fruits and keeping cattle in, whereas that of R. Joseph deals with premises set aside for keeping fruits in but not cattle, in which case so far as Tooth is concerned the premises are in practice the plaintiff's ground.⁷ In fact the context points to the same effect. In the Baraitha here⁸ the jointly owned premises are put on the same footing as an inn whereas in the Baraitha there⁹ they are put on the same footing as a valley. This is indeed proved. R. Zera, however, demurred: In the case of premises which are set aside for the purpose of keeping fruits [of the one and the other].¹⁰ how shall we comply with the requirement, and it feed in another man's field,¹¹ which is lacking in this case? — Abaye said to him: Since the premises are not set aside for keeping cattle in, they may well be termed ‘another man's field.’¹²

R. Aha of Difti¹³ said to Rabina: May we say that just as the Baraithas¹⁴ are not divided on the matter so also are the Amoraim¹⁵ not divided on the subject?¹⁶ He answered him: Indeed, it is so; if, however, you think that they are divided [in their views].¹⁷ the objection of R. Zera and the answer of Abaye form the point at issue.¹⁸

[To revert] to the above text: ‘Four general rules were stated by R. Simeon b. Eleazar to apply to the laws of torts: [Where damage is done in] premises owned by the plaintiff, and not at all by the defendant, there is liability in all.’ It is not stated ‘for all’¹⁹ but ‘in all’, i.e., in the whole of the damage; is it not in accordance with R. Tarfon who maintains that the unusual damage occasioned by Horn in the plaintiff's premises will be compensated in full.²⁰ Read, however, the concluding clause: ‘If not owned by the one and the other, e.g., premises not belonging to them both, there is liability for Tooth and for Foot.’ Now, what is the meaning of ‘not owned by the one and the other’? It could hardly mean ‘owned neither by the one nor by the other, but by somebody else,’ for have we not to comply with the requirement, and it feed in another man's field,²¹ which is lacking in this case? It means therefore, of course, not owned by them both, but exclusively by the

plaintiff,' and yet it is stated in the concluding clause, 'Tam pays half-damages and Mu'ad pays full damages,' which follows the view of the Rabbis who maintain that the unusual damage occasioned by Horn in the plaintiff's premises will still be compensated only by half-damages.²² Will the commencing clause be according to R. Tarfon and the concluding clause according to the Rabbis? — Yes, even as Samuel said to Rab Judah: Shinena,²³ leave this Baraitha alone,²⁴ and follow my view that the commencement of the Baraitha is according to R. Tarfon and its conclusion according to the Rabbis. Rabina, however, said in the name of Raba: The whole Baraitha is according to R. Tarfon; what is meant by 'not owned by the one and the other' is that the right of keeping fruits there is owned not by both, the one and the other, but exclusively by the plaintiff, whereas the right of keeping cattle there is owned by both, the one and the other. In the case of Tooth the premises are in practice the plaintiff's ground,²⁵ whereas in the case of Horn they are jointly owned ground.²⁶ If so, how are the rules four in number?²⁷ Are they not only three? — R. Nahman b. Isaac replied:

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- (1) In which case the lender still remains liable for any damage his ox may do.
 - (2) That R. Eleazar exempts Tooth and Foot doing damage in jointly owned premises.
 - (3) And my view is supported by one of them.
 - (4) Tosef. B.K. I, 6.
 - (5) Thus fully supporting the view of R. Eleazar and contradicting the teaching of R. Joseph's Baraitha.
 - (6) I.e., by both plaintiff and defendant.
 - (7) For the defendant had no right to allow his cattle to be there, and is therefore liable for Tooth, etc.
 - (8) I.e., of R. Joseph.
 - (9) Recording the view of R. Simeon b. Eleazar.
 - (10) I.e., by both plaintiff and defendant.
 - (11) Ex. XXII, 4; implying that the field should belong exclusively to the plaintiff.
 - (12) For the defendant had no right to allow his cattle to be there, and is therefore liable for Tooth, etc.
 - (13) [Identified with Dibtha near the famous city of Washit on the Tigris, Obermeyer, op. cit. p. 197].
 - (14) I.e., that of R. Joseph and that of R. Simeon b. Eleazar.
 - (15) R. Hisda and R. Eleazar.
 - (16) R. Hisda deals with a case where the keeping of cattle has not been permitted, while R. Eleazar deals with the case when the premises have been set aside for that also.
 - (17) When the premises have been set aside not for cattle, but for the keeping of fruit.
 - (18) R. Hisda is of Abaye's opinion. whereas R. Eleazar prefers R. Zera's reasoning.
 - (19) Which would mean for all kinds of damage.
 - (20) Cf. infra 24b.
 - (21) Ex. XXII, 4, indicating that the field has to belong to the plaintiff.
 - (22) Cf. infra 24b.
 - (23) [Lit., (i) 'sharp one', i.e. scholar with keen and sharp mind; (ii) 'long-toothed', denoting a facial characteristic; (iii) 'translator', Rab Judah being so called on account of his frequent translation of Mishnaic terms into the vernacular Aramaic, Golomb, D. Targumno I, Introduction, XLVff.]
 - (24) [Give up your attempt to harmonize the two contradictory clauses.]
 - (25) As the right to keep fruits there is exclusively the plaintiff's.
 - (26) For they both may keep cattle there.
 - (27) Since in principle they are only three in number: (a) exclusively the plaintiff's premises. (b) exclusively the defendant's, and (c) partnership premises.

Talmud - Mas. Baba Kama 14b

The rules are three in number, but the places to which they apply may be divided into four.¹

MISHNAH. THE VALUATION [IS MADE] IN MONEY [BUT MAY BE PAID] BY MONEY'S WORTH, IN THE PRESENCE OF THE COURT AND ON THE EVIDENCE OF WITNESSES WHO ARE FREE MEN AND PERSONS UNDER THE JURISDICTION OF THE LAW. WOMEN ARE ALSO SUBJECT TO THE LAW OF TORTS. [BOTH] THE PLAINTIFF AND DEFENDANT ARE INVOLVED IN THE PAYMENT.

GEMARA. What is the meaning of THE VALUATION IN MONEY? Rab Judah said: This valuation must be made only in specie. We thus learn here that which has been taught by our Rabbis elsewhere:² In the case of a cow damaging a garment while the garment also damaged the cow, it should not be said that the damage done by the cow is to be set off against the damage done to the garment and the damage done to the garment against the damage done to the cow, the respective damages have to be estimated at a money value.

BY MONEY'S WORTH. [This is explained by what] our Rabbis taught [elsewhere]² 'MONEY'S WORTH' implies that the Court will not have recourse for distraint save to immovable property. Nevertheless if the plaintiff himself seized some chattels beforehand, the Court will collect payment for him out of them.

The Master stated: "'MONEY'S WORTH" implies that the Court will not have recourse for distraint save to immovable property. How is this implied? Rabbah b. 'Ulla said: The article of distress has to be worth all that is paid for it [in money].³ What does this mean? An article which is not subject to the law of deception?⁴ Are not slaves and deeds also not subject to the law of deception?⁴ — Rabbah b. 'Ulla therefore said: An article, title to which is acquired by means of money.⁵ Are not slaves⁶ and deeds⁷ similarly acquired by means of money.⁶ R. Ashi therefore said: 'Money's worth' implies that which has money's worth,⁸ whereas chattels are considered actual money.⁹ Rab Judah b. Hinena pointed out the following contradiction to R. Huna the son of R. Joshua: It has been taught: 'MONEY'S FORTH implies that the Court will not have recourse for distraint save to immovable property; behold, was it not taught: He shall return¹⁰ includes 'money's worth', even bran?¹¹ — [In the former Baraitha] we are dealing with a case of heirs.¹² If we are dealing with heirs read the concluding clause: 'If the plaintiff himself seized some chattels beforehand, the Court will collect payment for him out of them.' Now, if we are dealing with heirs, how may the Court collect payment for him out of them? — As already elsewhere¹³ stated by Raba on behalf of R. Nahman, that the plaintiff seized [the chattels] while the original defendant was still alive, so here too, the seizure took place while the defendant was still alive.

IN THE PRESENCE OF THE COURT,¹⁴ [apparently] exempts a case where the defendant sold his possessions before having been summoned to Court. May it hence be derived that in the case of one who borrowed money and sold his possessions before having been summoned to Court, the Court does not collect the debt out of the estate which has been disposed of?¹⁵ — The

text therefore excepts a Court of laymen.¹⁶

ON THE EVIDENCE OF WITNESSES, thus excepting a confession of [an act punishable by] a fine for which subsequently there appeared witnesses, in which case there is exemption. That would accord with the view that in the case of a confession of [an act punishable by] a fine, for which subsequently there appeared witnesses, there is exemption;¹⁷ but according to the opposite view that in the case of a confession of [an act punishable by] a fine for which subsequently appeared witnesses, there is liability,¹⁷ what may be said [to be the import of the text]? — The important point comes in the concluding clause:

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- (1) [I.e.. partnership premises may be subdivided into two: (a) where both have the right to keep fruit, as well as cattle; (b) where the right to keep fruit is exclusively the plaintiff's.]
 - (2) Tosef. B.K., I.
 - (3) 'Money's worth' would thus mean 'property which could not be said to be worth less than the price paid for it,' and is thus never subject to the law of deception. This holds good with immovable property; cf. B.M. 56a.
 - (4) Cf. B.M. *ibid.*
 - (5) Kid. 26a.
 - (6) Cf. Kid. 23b.
 - (7) [Tosaf. deletes 'deeds' as these are not acquired by money but by Mesirah (v. Glos.). cf. B.B. 76a.]
 - (8) I.e., immovable property.
 - (9) As these could easily be converted into money, v. *supra* p. 26.
 - (10) Ex. XXI, 34.
 - (11) *Supra* p. 24.
 - (12) Who have to pay only out of the realty of the estate but not out of the personalty; cf. *supra* p. 31.
 - (13) Keth. 84b.
 - (14) Is taken to mean 'the payment in kind is made out of the possessions which are in the presence of the Court', i.e., not disposed of.
 - (15) Whereas the law is definitely otherwise as in B.B. X, 8.
 - (16) IN THE PRESENCE OF THE COURT does not refer to payment in kind but to the valuation which has to be made by qualified judges, v. *infra* 84b.
 - (17) *Infra* p. 429.

Talmud - Mas. Baba Kama 15a

FREE MEN AND PERSONS UNDER THE JURISDICTION OF THE LAW. 'FREE MAN' excludes slaves;¹ 'PERSONS UNDER THE JURISDICTION OF THE LAW'² excludes heathens. Moreover, it was essential to exclude each of them. For if the exemption had been stated only in reference to a slave, we would have thought it was on account of his lack of [legal] pedigree³ whereas a heathen who possesses a [legal] pedigree⁴ might perhaps have been thought not to have been excluded. Had, on the other hand, the exemption been referred only to a heathen, we should have thought it was on account of his not being subject to the commandments [of the Law], whereas a slave who is subject to the commandments⁵ might have been thought not to have been excluded. It was thus essential to exclude each of them independently.

WOMEN ARE ALSO SUBJECT TO THE LAW OF TORTS. Whence is derived this ruling?

— Rab Judah said on behalf of Rab, and so was it also taught at the school of R. Ishmael:⁶ Scripture states, When a man or woman shall commit any sin.⁷ Scripture has thus made woman and man equal regarding all the penalties of the Law. In the School of Eleazar it was taught: Now these are the ordinances which thou shalt set before them.⁸ Scripture has thus made woman and man equal regarding all the judgments of the Law. The School of Hezekiah and Jose the Galilean taught: Scripture says. It hath killed a man or a woman.⁹ Scripture has thus made woman and man equal regarding all the laws of manslaughter in the Torah. Moreover, [all the quotations] are necessary: Had only the first inference¹⁰ been drawn, [I might have said that] the Divine Law exercised mercy towards her so that she should also have the advantage of atonement, whereas judgments which concern as a rule man who is engaged in business, should not include woman. Again, were only the inference regarding judgments to have been made, we might perhaps have said that woman should also not be deprived of a livelihood, whereas the law of atonement should be confined to man, as it is he who is subject to all commandments, but should not include woman, since she is not subject to all the commandments.¹¹ Moreover, were even these two inferences to have been available, [we might have said that] the one is on account of atonement and the other on account of livelihood, whereas regarding manslaughter [it might have been thought that] it is only in the case of man, who is subject to all commandments, that compensation for the loss of life must be made, but this should not be the case with woman. Again, were the inference only made in the case of compensation for manslaughter, [it might have been thought to apply] only where there is loss of human life, whereas in the other two cases, where no loss of human life is involved, I might have said that man and woman are not on the same footing. The independent inferences were thus essential.

THE PLAINTIFF AND DEFENDANT ARE INVOLVED IN THE PAYMENT.

It has been stated:¹² The liability of half-damages¹³ is said by R. Papa to be civil, whereas R. Huna the son of R. Joshua considers it to be penal.¹⁴ R. Papa said that it is civil, for he maintains that average cattle cannot control themselves not to gore.¹⁵ Strict justice should therefore demand full payment [in case of damage].¹⁶ It was only Divine Law that exercised mercy [and released half payment] on account of the fact that the cattle have not yet become Mu'ad. R. Huna the son of R. Joshua who said that it is penal, on the other hand maintains that average cattle can control themselves not to gore.¹⁷ Justice should really require no payment at all.¹⁸ It was Divine Law that imposed [upon the owner] a fine [in case of damage] so that additional care should be taken of cattle. We have learnt: THE PLAINTIFF AND THE DEFENDANT ARE INVOLVED IN PAYMENT. That is all very well according to the opinion which maintains that the liability of half-damages is civil. The plaintiff [who receives only half his due] is thus indeed involved in the payment. But according to the opinion that the liability of half-damages is penal, in which case the plaintiff is given that which is really not his due, how is he involved in the payment? — This may apply to the loss caused by a decrease in the value of the carcass [which is sustained by the plaintiff].¹⁹ 'A decrease in the value of the carcass'! Has not this ruling been laid down in a previous Mishnah : 'To compensate for the damage'²⁰ implying that the owners [plaintiffs] have to retain the carcass as part payment?²¹ — One Mishnah gives the law in the case of Tam whereas the other deals with Mu'ad. Moreover these independent indications²² are of importance: For were the ruling laid down only in the case of Tam, it might have been accounted for by the fact that the animal has not yet become Mu'ad, whereas in the case of Mu'ad I might have thought that

the law is different; if on the other hand the ruling had been laid down only in the case of Mu'ad, it might have been explained as due to the fact that the damage is compensated in full, whereas in the case of Tam I might have thought that the law is otherwise. The independent indications were thus essential.

Come and hear: What is the difference [in law] between Tam and Mu'ad? In the case of Tam, half-damages are paid, and only out of the body [of the tort-feasant cattle], whereas in the case of Mu'ad full payment is made out of the best of the estate.²³ Now, if it is so [that the liability of half-damages is penal] why not mention also the following distinction, 'That in the case of Tam no liability is created by mere admission,²⁴ while in the case of Mu'ad liability is established also by mere admission'? — This Mishnah stated [some points] and omitted [others]. But what else did it omit that the omission of that particular point should be justified?²⁵ — It also omitted the payment of half-kofer [for manslaughter].²⁶ The absence of half-kofer [for manslaughter], however, is no omission, as the Mishnah may be in accordance with R. Jose the Galilean who maintains that Tam is not immune from half-liability for kofer [for manslaughter].²⁷

Come and hear:

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- (1) From giving evidence,
 - (2) V. supra p. 36. n. 3.
 - (3) As his issue were considered the property of the owner, there being no parental relationship between him and them; cf. infra p. 508.
 - (4) Of free descent; cf. Yeb. 62a.
 - (5) Applicable to females; v. Hag. 4a.
 - (6) Cf. Kid. 35a.
 - (7) Num. V, 6. This quotation deals with certain laws of atonement.
 - (8) Ex. XXI. I.
 - (9) Ibid. XXI, 29.
 - (10) Dealing with atonement.
 - (11) Positive precepts prescribed for a definite time or certain periods do not as a rule apply to females; cf. Kid. 29a.
 - (12) Keth. 41a.
 - (13) Paid for damage done by (Horn of) Tam
 - (14) **xbe** Kenas, v. Glos.
 - (15) Lit. 'are not presumed to be safe'.
 - (16) As it was the effect of carelessness on the part of the owner.
 - (17) Lit., are presumed to be safe'.
 - (18) Since the owner could not have expected that his cattle would start goring.
 - (19) Who is in this way involved in the payment.
 - (20) Supra p. 36.
 - (21) Supra, p. 42.
 - (22) That it is the plaintiff who has to sustain any loss occasioned by a decrease in the value of the carcass.
 - (23) Mishnah, infra 16b.
 - (24) As penal liabilities are not created by admission; v. supra 5a.
 - (25) V. supra p. 39, n. I.

(26) [While a Mu'ad has to pay full compensation (Kofer, v. Glos.) for manslaughter. Ex XXI, 25-30, a Tam does not compensate even by half; v. infra 41b.]

(27) infra 26a.

Talmud - Mas. Baba Kama 15b

'My ox committed manslaughter on A'; or 'killed A's ox' '[in either case] a liability to compensate is established by this admission.¹ Now does this Mishnah not deal with the case of Tam?² — No, only with Mu'ad. But what is the law in the case of Tam? Would it really be the fact that no liability is established by admission?³ If this be the case, why state in the concluding clause, 'My ox killed A's slave,'⁴ no liability is created by this admission?⁵ Why indeed not indicate the distinction in the very same case by stating: 'the rule that liability is established by mere admission is confined to Mu'ad, whereas in the case of Tam no liability is created by mere admission'?⁶ — The Mishnah all through deals with Mu'ad.

Come and hear: This is the general rule: In all cases where the payment is more than the actual damage done, no liability is created by mere admission.⁵ Now does this not indicate that in cases where the payment is less than the damage,⁷ the liability will be established even by mere admission?⁸ — No, this is so only when the payment corresponds exactly to the amount of the damages. But what is the law in a case where the payment is less than the damage? Would it really be the fact that no liability is established by admission? If this be the case, why state: 'This is the general rule: In all cases where the payment is more than the actual damage done, no liability is created by mere admission'?⁹ Why not state simply: 'This is the general rule: In all cases where the payment does not correspond exactly to the amount of the damages . . . , which would [both] imply 'less' and imply 'more'?¹⁰ This is indeed a refutation.¹¹ Still the law is definite that the liability of half-damages is penal. But if this opinion was refuted, how could it stand as a fixed law? — Yes! The sole basis of the refutation is in the fact that the Mishnaic text⁹ does not run ' . . . where the payment does not correspond exactly to the amount of the damages'. This wording would, however, be not altogether accurate, as there is the liability of half-damages in the case of pebbles¹² which is, in accordance with a halachic tradition, held to be civil. On account of this fact the suggested text has not been adopted.

Now that you maintain the liability of half-damages to be penal. the case of a dog devouring lambs, or a cat devouring hens is an unusual occurrence,¹³ and no distress will be executed in Babylon¹⁴ — provided, however, the lambs and hens were big; for if they were small, the occurrence would be usual?¹⁵ Should, however, the plaintiff¹⁶ seize chattels belonging to the defendant, it would not be possible for us to dispossess him of them. So also were the plaintiff to plead 'fix me a definite time for bringing my case to be heard in the Land of Israel,' we would have to fix it for him; were the other party to refuse to obey that order, we should have to excommunicate him. But in any case, we have to excommunicate him until he abates the nuisance, in accordance with the dictum of R. Nathan. For it was taught:¹⁷ R. Nathan says: Whence is it derived that nobody should breed a bad dog in his house, or keep an impaired ladder in his house? [We learn it] from the text, Thou bring not blood upon thine house.¹⁸ M I S H N A H. THERE ARE FIVE CASES OF TAM AND FIVE CASES OF MU'AD. ANIMAL IS MU'AD NEITHER TO GORE, NOR TO COLLIDE, NOR TO BITE, NOR TO FALL DOWN NOR TO KICK.¹⁹

TOOTH, HOWEVER, IS MU'AD TO CONSUME WHATEVER IS FIT FOR IT; FOOT IS MU'AD TO BREAK [THINGS] IN THE COURSE OF WALKING; OX AFTER BECOMING MU'AD; OX DOING DAMAGE ON THE PLAINTIFF'S PREMISES; AND MAN,²⁰ SO ALSO THE WOLF, THE LION, THE BEAR, THE LEOPARD, THE BARDALIS [PANTHER] AND THE SNAKE ARE MU'AD. R. ELEAZAR SAYS: IF THEY HAVE BEEN TAMED, THEY ARE NOT MU'AD; THE SNAKE, HOWEVER, IS ALWAYS MU'AD.

GEMARA. Considering that it is stated TOOTH IS MU'AD TO CONSUME . . . , it must be assumed that we are dealing with a case where the damage has been done on the plaintiff's premises.²¹ It is also stated²² ANIMAL IS MU'AD NEITHER TO GORE . . . meaning that the compensation will not be in full, but only half-damages will be paid, which is in accordance with the Rabbis who say that for the unusual damage done by Horn [even] on the plaintiff's premises only half-damages will be paid.²³ Read now the concluding clause: OX AFTER HAVING BECOME MU'AD, OX DOING DAMAGE ON THE PLAINTIFF'S PREMISES, AND MAN, which is in accordance with R. Tarfon who said that for the unusual damage done by Horn on the plaintiff's premises full compensation must be paid.²³ Is the commencing clause according to the Rabbis and the concluding clause according to R. Tarfon? — Yes, since Samuel said to Rab Judah, 'Shinena,²⁴ leave the Mishnah alone²⁵ and follow my view: the commencing clause is in accordance with the Rabbis, and the concluding clause is in accordance with R. Tarfon.' R. Eleazar in the name of Rab, however, said:

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- (1) Keth. 41a.
 - (2) And if the liability is created by admission it proves that it is not penal but civil.
 - (3) On account of its being penal.
 - (4) And the fine of thirty shekels has to be imposed; v, Ex. XXI, 32.
 - (5) Keth. 41a.
 - (6) Because it is considered penal.
 - (7) Such, e.g., as in the case of Tam.
 - (8) This proves that the penalty is not penal but civil, and this refutes R. Huna b. R. Joshua.
 - (9) Keth. 41a.
 - (10) Not to be civil.
 - (11) Of the view maintaining the liability of Tam to be penal.
 - (12) Kicked from under an animal's feet and doing damage; cf. supra p. 8.
 - (13) Falling thus under the category of Horn; as supra p. 4.
 - (14) As penal liabilities could be dealt with only in the Land of Israel where the judges were specially ordained for the purpose; Mumhin, v. Glos. s. v. Mumhe; cf. infra. 27b, 84a-b.
 - (15) And would come within the category of Tooth, the payment for which is civil.
 - (16) Even in Babylon.
 - (17) Infra 46a and Keth. 41b.
 - (18) Deut. XXII, 8.
 - (19) These are the five cases of Tam, v. supra p. 3.
 - (20) These are the five cases of Mu'ad, v. Glos.
 - (21) For if otherwise there is no liability in the case of Tooth; cf. Ex. XXII, 4, and supra, 5b.
 - (22) In the commencing clause of the Mishnah.
 - (23) Cf. supra 14a; infra 24b.

(24) V. supra p. 60, n. 2.

(25) Cf. supra p. 60, n. 3.

Talmud - Mas. Baba Kama 16a

The whole Mishnah is in accordance with R. Tarfon. The commencing clause deals with premises set aside for the keeping of the plaintiff's fruits whereas both plaintiff and defendant may keep there their cattle. In respect of Tooth the premises are considered [in the eye of the law] the plaintiff's.¹ whereas in respect of Horn they are considered their common premises.² R. Kahana said: I repeated this statement in the presence of R. Zebid of Nehardea, and he answered me, 'How can you say that the whole Mishnah is in accordance with R. Tarfon? Has it not been stated TOOTH IS MU'AD TO CONSUME WHAT EVER IS FIT FOR IT? That which is fit for it is included,³ but that which is unfit for it is not included.⁴ But did not R. Tarfon say that for the unusual damage done by Horn on the plaintiff's premises full compensation must be paid?' — It must, therefore, still be maintained that the Mishnah is in accordance with the Rabbis, but there are some phrases missing there; the reading should be thus: 'There are five cases of Tam,'⁵ all the five of them may eventually become Mu'ad.⁶ Tooth and Foot are however Mu'ad ab initio, and their liability is confined to damage done on the plaintiff's premises.⁷ Rabina demurred: We learn later on: What is meant by [the statement] OX DOING DAMAGE ON THE PLAINTIFF'S PREMISES [etc.]?⁸ It is all very well if you say that this damage has previously been dealt with;⁹ we may then well ask 'What is meant by it?' But if you say that this damage has never been dealt with previously, how could it be asked 'What is meant by it?'¹⁰ — Rabina therefore said: The Mishnah is indeed incomplete, but its meaning is this: 'There are five cases of Tam,'⁵ all the five of them may eventually become Mu'ad¹¹ — Tooth and Foot are Mu'ad ab initio.¹² In this way Ox is definitely Mu'ad. As to Ox doing damage on the plaintiff's premises there is a difference of opinion between R. Tarfon and the Rabbis.¹³ There are other damage-doers which like these cases are similarly Mu'ad, as follows: The wolf, the lion, the bear, the leopard, the panther, and the snake.' This very text has indeed been taught: 'There are five cases of Tam; all the five of them may eventually become Mu'ad. Tooth and Foot are Mu'ad ab initio. In this way Ox is definitely Mu'ad. As to Ox doing damage on the plaintiff's premises there is a difference of opinion between R. Tarfon and the Rabbis. There are other damage-doers which like these are similarly Mu'ad, as follows: The wolf, the lion, the bear, the leopard, the panther and the snake.'

Some arrived at the same interpretation by having first raised the following objection: We learn THERE ARE FIVE CASES OF TAM AND FIVE CASES OF MU'AD; are there no further instances?¹⁴ Behold there are the wolf, the lion, the bear, the leopard, the panther and the snake!¹⁵ — The reply was: Rabina said: The Mishnah is incomplete and its reading should be as follows: There are five cases of Tam; all the five of them may eventually become Mu'ad — Tooth and Foot are Mu'ad ab initio. In this way Ox is definitely Mu'ad. As to Ox doing damage on the plaintiff's premises there is a difference of opinion between R. Tarfon and the Rabbis. There are other damage-doers which like these are similarly Mu'ad, as follows: The wolf, the lion, the bear, the leopard, the panther and the snake.

NOR TO FALL DOWN. R. Eleazar said: This is so only when it falls down on large pitchers, but in the case of small pitchers it is a usual occurrence.¹⁶ May we support him [from the

following teaching]: ‘Animal is Mu'ad to walk in the usual manner and to break or crush a human being, or an animal, or utensils’? — This however may mean, through contact sideways.¹⁷ Some read: R. Eleazar said: Do not think that it is only in the case of large pitchers that it is unusual, whereas in the case of small pitchers it is usual. It is not so, for even in the case of small pitchers it is unusual. An objection was brought: ‘. . . or crush a human being, or an animal or utensils?’¹⁸ — This¹⁹ may perhaps mean through contact sideways.²⁰ Some arrived at the same conclusion by having first raised the following objection: We have learnt: NOR TO FALL DOWN.¹⁸ But was it not taught: ‘. . . or crush a human being, or an animal or utensils?’¹⁸ R. Eleazar replied: There is no contradiction: the former statement deals with a case of large pitchers,²¹ whereas the latter deals with small pitchers.²²

THE WOLF, THE LION, THE BEAR, THE LEOPARD AND THE BARDALIS [PANTHER].²³ What is bardalis? — Rab Judah said: nafraza.²⁴ What is nafraza? — R. Joseph said: apa.²⁵ An objection was raised: R. Meir adds also the zabu'a.²⁶ R. Eleazar adds, also the snake.²⁷ Now R. Joseph said that zabu'a means apa!²⁸ — This, however, is no contradiction, for the latter appellation [zabu'a] refers to the male whereas the former [bardalis] refers to the female,²⁹ as taught elsewhere: The male zabu'a [hyena] after seven years turns into a bat,³⁰ the bat after seven years turns into an arpad,³¹ the arpad after seven years turns into kimmosh,³² the kimmosh after seven years turns into a thorn, the thorn after seven years turns into a demon. The spine of a man after seven years turns into a snake,³³ should he not bow³⁴ while reciting the benediction, ‘We give thanks unto Thee’.³⁵ The Master said: ‘R. Meir adds also the zabu'a;

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- (1) As nobody else had the right to keep there fruits.
 - (2) Since both plaintiff and defendant had the right to keep there their cattle.
 - (3) In the category of Tooth.
 - (4) In the category of Tooth, but being unusual falls under the category of Horn; cf. supra 15b; infra 16b and 19b.
 - (5) I.e., ‘goring’, ‘colliding’, ‘biting’, ‘falling down’ and ‘kicking’.
 - (6) These constitute the five cases of Mu'ad.
 - (7) Cf. Ex. XXII, 4, and supra, 5b. [‘OX DOING DAMAGE ON THE PLAINTIFF'S PREMISES’ refers thus to Tooth and not to Horn.]
 - (8) [With reference to damage done by Horn, infra, 24b.]
 - (9) [In Our Mishnah, i.e., the damage of Horn on the plaintiff's premises.]
 - (10) Cf. infra 24b.
 - (11) [The first clause of the Mishnah thus enumerates the five cases of Mu'ad as well as of Tam.]
 - (12) [But are not included in the ‘five cases of Mu'ad’, the clause being added only in parenthesis.]
 - (13) As infra p. 125.
 - (14) Of Mu'ad.
 - (15) Which are Mu'ad ab initio.
 - (16) And would thus not fall under the category of Horn but under that of Foot; cf, supra p. 4.
 - (17) Whereas to fall down upon pitchers may perhaps in all cases be unusual.
 - (18) Is usual.
 - (19) [So MS.M. Cur.edd, insert ‘R. Eleazar said this etc.’]
 - (20) V. p. 70. n. 5.
 - (21) Which is unusual.
 - (22) Which is usual.

(23) **

(24) **tzrpb** D.S. **thrpb** from **rpb** 'to run' or 'jump'.

(25) [**tpt** contraction of **tgpt** (hyena)].

(26) [Lit., 'the many-coloured'. Another term for hyena on account of its coloured stripes.]

(27) To those which are enumerated in the Mishnah as Mu'ad ab initio.

(28) If zabu'a means apa, how could bardalis, which is mentioned independently, also mean apa.

(29) So Rashi's second interpretation; others reverse.

(30) The male zabu'a is subject to undergo constant and rapid changes in the evolution of its physique, so that on account of these various transformations it has various appellations, such as bardalis, nafraza and apa [For parallels in ancient Greek and Roman literature for this belief, v. Lewysohn. Zoologie, p. 77.]

(31) I.e., a species of bat; cf. Targum Jonathan Lev, XI, 19, where Heb. ; **kyg** is rendered **tsprg**.

(32) I.e., a species of thorn (Jast.).

(33) Which is the symbol of ingratitude.

(34) And thus not appreciate the favours of eternal God bestowed upon mortal man. [This is but a quaint way of indicating the depths into which human depravity, which has its source in ingratitude to the Creator, may gradually sink.]

(35) Cf. P.B. p. 51.

Talmud - Mas. Baba Kama 16b

R. Eleazar adds also the snake.' But have we not learned: R. ELEAZAR SAYS, IF THEY HAD BEEN TAMED, THEY ARE NOT MU'AD; THE SNAKE, HOWEVER, IS ALWAYS MU'AD?'¹ — Read 'the snake'.² Samuel said: In the case of a lion on public ground seizing and devouring [an animal]. there is exemption;³ but for tearing it to pieces and then devouring it there is liability to pay. In 'seizing and devouring there is exemption' on account of the fact that it is as usual for a lion to seize its prey as it is for an animal to consume fruits and vegetables; it therefore amounts to Tooth on public ground where there is exemption.³ The 'tearing' [of the prey into pieces] is however not unusual with the lion.⁴

Should it thus be concluded that the tearing of prey is unusual [with the lion]? But behold, it is written: The lion did tear in pieces enough for his whelps?⁵ — This is usual only when it is for the sake of his whelps. [But the text continues:] And strangled for his lionesses?⁵ — This again is only when it is for the sake of his lionesses. [But the text further states:] And filled his holes with prey?⁵ — [This too is usual only when it is done] with the intention of preserving it in his holes. But the text concludes: And his dens with ravin?⁵ — [This again is only] when the intention is to preserve it in his dens. But was it not taught: 'Similarly in the case of a beast entering the plaintiff's premises, tearing an animal to pieces and consuming its flesh, the payment must be made in full'?⁶ — This Baraitha deals with a case where the tearing was for the purpose of preservation. But behold, it is stated: 'consuming [its flesh]?' — It was by an afterthought that the beast consumed [it]. But how could we know that? Again, also in the case of Samuel why not make the same supposition?⁷ — R. Nahman b. Isaac therefore said: Alternative cases are dealt with [in the Baraitha]: . . . If it either tears to pieces for the purpose of preservation, or seizes and devours [it], the payment must be in full.' Rabina, however, said that Samuel dealt with a case of a tame lion, and was following the view of R. Eleazar,⁸ that that was unusual [with such a lion] If so, even in the case of seizing there should be liability! — Rabina's statement has, therefore, no

reference to Samuel's case but to the Baraitha, which we must thus suppose to deal with a tame lion and to follow the view of R. Eleazar, that that was unusual [with such a lion].⁹ If so, [no more than] half-damages should be paid!¹⁰ — [The lion dealt with] has already become Mu'ad. If so, why has this Baraitha been taught in conjunction with the secondary kinds of Tooth,¹¹ whereas it should have been taught in conjunction with the secondary kinds of Horn? This is indeed a difficulty.

M I S H N A H. WHAT IS THE DIFFERENCE [IN LAW] BETWEEN TAM AND MU'AD? IN THE CASE OF TAM ONLY HALF-DAMAGES ARE PAID AND ONLY OUT OF THE BODY [OF THE TORT-FEASANT CATTLE], WHEREAS IN THE CASE OF MU'AD FULL PAYMENT IS MADE OUT OF ['ALIYYAH]¹² THE BEST [OF THE ESTATE].

GEMARA. What is 'Aliyyah? — R. Eleazar said: The best of the defendant's estate as stated in Scripture: And Hezekiah slept with his fathers and they buried him [be-ma'aleh] in the best of the sepulchres of the sons of David;¹³ and R. Eleazar said: be-ma'aleh means, near the best of the family, i.e., David and Solomon. [Regarding King Asa it is stated:] And they buried him in his own sepulchres which he had made for himself in the city of David and laid him in the bed which was filled with [besamim u-zenim]¹⁴ sweet odours and divers kinds of spices.¹⁵ What is besamim u-zenim? — R. Eleazar said: Divers kinds of spices. But R. Samuel b. Nahmani said: Scents which incite all those who smell them to immorality.¹⁶

[Regarding Jeremiah it is stated:] For they have digged a ditch to take me and hid snares for my feet.¹⁷ R. Eleazar said: They maliciously accused him of [having illicit intercourse with] a harlot. But R. Samuel b. Nahmani said: They maliciously accused him of having [immoral connections with] another man's wife. No difficulty arises if we accept the view that the accusation was concerning a harlot, since it is written: For a harlot is a deep ditch.¹⁸ But according to the view that the accusation was concerning another man's wife, how is this expressed in the term 'ditch' [employed in Jeremiah's complaint]?¹⁷ — Is then another man's wife [when committing adultery] excluded from the general term of 'harlot'? [On the other hand] there is no difficulty on the view that the accusation was concerning another man's wife, for Scripture immediately afterwards says: Yet Lord, Thou knowest all their counsel against me to slay me;¹⁹ but according to the view that the accusation was concerning a harlot, how did they thereby intend 'to slay him'?²⁰ — [This they did] by throwing him into a pit of mire.²¹

Raba gave the following exposition: What is the meaning of the concluding verse: But let them be overthrown before Thee; deal thus with them in the time of Thine anger?²² — Jeremiah thus addressed the Holy One, blessed be He: Lord of the Universe, even when they are prepared to do charity, cause them to be frustrated by people unworthy of any consideration so that no reward be forthcoming to them for that charity.²³

[To come back to Hezekiah regarding whom it is stated:] And they did him honour at his death:²⁴ this signifies that they set up a college²⁵ near his sepulchre. There was a difference of opinion between R. Nathan and the Rabbis. One said: For three days,

(1) [Which seems to exclude the other animals enumerated in the Mishnah?]

- (2) Do not read ‘also the snake’, but ‘the snake’, i.e. ‘only the snake’, excluding ‘the hyena’ introduced by R. Meir, as well as the other animals enumerated.
- (3) Cf. Ex XXII, 4 and supra 5b.
- (4) And falls thus under the category of Horn which is not immune even on public ground, cf. supra p. 67 and infra 19b.
- (5) Nah. II, 13.
- (6) Cf. infra 19b.
- (7) [Why then does he state that, where the lion tore and consumed, there is payment?]
- (8) Supra p. 68.
- (9) And comes therefore within the category of Horn, for which there is liability even on public grounds.
- (10) For in the case of Horn only half-damages are paid on the first three occasions.
- (11) I.e., infra 19b.
- (12) **vhhkg**
- (13) II Chron. XXXII, 33. [The word **vkgnc** (E.V.: ‘ascent’) is tendered as ‘the best’ from **vkg** ‘to go up’, ‘to excel’.]
- (14) **ohbzu ohnac**
- (15) II Chron. XVI, 14.
- (16) [Deriving **ohbz** from **vbz** to commit whoredom’.]
- (17) Jer. XVIII, 22.
- (18) Prov. XXIII, 27.
- (19) Jer. XVIII, 23; referring to the death penalty prescribed for such an offence. See Lev. XX, 10.
- (20) Since no death penalty is attached to that sin,
- (21) Jer. XXXVIII, 6.
- (22) Ibid. XVIII, 23.
- (23) Cf. however Keth. 68a.
- (24) II Chron. XXXII, 33.
- (25) [Of students to study the law.]

Talmud - Mas. Baba Kama 17a

and the other said: For seven days. Others, however, said: For thirty days.¹

Our Rabbis taught: And they did him honour at his death, in the case of Hezekiah the king of Judah, means that there marched before him thirty-six² thousand [warriors] with bare shoulders;³ this is the view of R. Judah. R. Nehemiah, however, said to him: Did they not do the same before Ahab?⁴ [In the case of Hezekiah] they placed the scroll of the Law upon his coffin and declared: ‘This one fulfilled all that which is written there.’ But do we not even now do the same [on appropriate occasions]?⁵ — We only bring out [the scroll of the Law] but do not place [it on the coffin].⁵ It may alternatively be said that sometimes we also place [it on the coffin] but do not say. ‘He fulfilled [the law] . . .’

Rabbah b. Bar Hanah said: I was once following R. Johanan for the purpose of asking him about the [above] matter. He, however, at that moment went into a toilet room. [When he reappeared and] I put the matter before him, he did not answer until he had washed his hands, put on phylacteries and pronounced the benediction.⁶ Then he said to us: Even if sometimes we also

Talmud - Mas. Baba Metzia 2a

CHAPTER I

MISHNAH. TWO [PERSONS APPEARING BEFORE A COURT] HOLD A GARMENT.¹ ONE OF THEM SAYS, 'I FOUND IT', AND THE OTHER SAYS, 'I FOUND IT'; ONE OF THEM SAYS, 'IT IS ALL MINE', AND THE OTHER SAYS, 'IT IS ALL MINE', THEN THE ONE SHALL SWEAR THAT HIS SHARE IN IT IS NOT LESS THAN HALF, AND THE OTHER SHALL SWEAR THAT HIS SHARE IN IT IS NOT LESS THAN HALF, AND [THE VALUE OF THE GARMENT] SHALL THEN BE DIVIDED BETWEEN THEM. IF ONE SAYS, 'IT IS ALL MINE', AND THE OTHER SAYS, 'HALF OF IT IS MINE', HE WHO SAYS, 'IT IS ALL MINE' SHALL SWEAR THAT HIS SHARE IN IT IS NOT LESS THAN THREE QUARTERS, AND HE WHO SAYS, 'HALF OF IT IS MINE' SHALL SWEAR THAT HIS SHARE IN IT IS NOT LESS THAN A QUARTER. THE FORMER THEN RECEIVES THREE QUARTERS [OF THE VALUE OF THE GARMENT] AND THE LATTER RECEIVES ONE QUARTER. IF TWO RIDE ON AN ANIMAL, OR ONE RIDES AND THE OTHER LEADS IT, AND ONE OF THEM SAYS, 'IT IS ALL MINE', AND THE OTHER SAYS, 'IT IS ALL MINE', THEN THE ONE SHALL SWEAR THAT HIS SHARE IN IT IS NOT LESS THAN HALF, AND THE OTHER SHALL SWEAR THAT HIS SHARE IN IT IS NOT LESS THAN HALF, AND [THE VALUE OF THE ANIMAL] SHALL THEN BE DIVIDED BETWEEN THEM. IF BOTH ADMIT [EACH OTHER'S CLAIMS] OR IF THEY HAVE WITNESSES [TO ESTABLISH THEIR CLAIMS] THEY RECEIVE THEIR SHARES WITHOUT AN OATH.

GEMARA. What need is there [for the Mishnah] to [give two pleas of the litigants and] state: ONE OF THEM SAYS, 'I FOUND IT', AND THE OTHER SAYS, 'I FOUND IT', ONE OF THEM SAYS, 'IT IS ALL MINE', AND THE OTHER SAYS, 'IT IS ALL MINE'? Surely one plea would have been sufficient! — It is only one plea: One says 'I found it and [therefore] it is all mine', and the other says 'I found it, and [therefore] it is all mine'! But why not just state 'I found it', and it will be understood that the intention is to claim the whole garment? — The term 'I FOUND IT' might have been explained as denoting 'I saw it', the mere seeing [of the garment] entitling him to claim it as his possession.² Therefore the plea 'IT IS ALL MINE' is added, so as to make clear that seeing alone does not constitute a claim. But how could it be thought that one who has only seen [the garment] could plead 'I found it'? Does not Rabbannai³ say that the phrase and thou hast found it⁴ means 'thou hast taken hold of it'? — It is admitted that the Scriptural use of the term 'found' implies having taken hold, but the Tanna uses popular language, in which, on seeing something, one might use the term 'found it', [the belief being prevalent] that one acquires [a lost article] by sight alone. For this reason it was necessary to add the plea 'IT IS ALL MINE' and thus to indicate that the mere seeing [of an ownerless object] constitutes no claim to possession. But even so, would it not have been sufficient to state 'IT IS ALL MINE' without the plea of 'I FOUND IT'? — Had [the Mishnah] stated only the plea 'IT IS ALL MINE' I might have said that elsewhere [in the Talmud] the term 'found' is used to mean ['seen', and the conclusion would have been drawn] that mere sight constitutes a claim to possession. For this reason the Mishnah states first 'I FOUND IT' and then 'IT IS ALL MINE' so that we may gather

from the additional clause that mere sight does not constitute a claim to possession.

But how could you say that the two pleas are really one? Is not each plea introduced by the words: ONE OF THEM SAYS and THE OTHER SAYS⁵, [viz.] ONE OF THEM SAYS 'I FOUND IT', AND THE OTHER SAYS 'I FOUND IT', ONE OF THEM SAYS 'IT IS ALL MINE', etc.? [To this] R. Papa. or R. Shimi b. Ashi, or, as some say, Kadi,⁶ replied: The first plea applies to a case of finding, but the second plea applies to a case of buying and selling.⁷ And it is necessary [to have the two cases].

(1) So that they are both in actual possession — otherwise the one in actual possession would have the stronger claim.

(2) Though the other man has taken hold of it first.

(3) B.K. 113b; [MS. M.: Rabina. V. D.S. a. 1.].

(4) Deut. XXII, 3.

(5) Which would show that they form alternative pleas.

(6) This word may also mean 'an unknown authority'.

(7) But not to a case where each one maintains that he has made the garment, for then one of them is bound to be lying.

Talmud - Mas. Baba Metzia 2b

For if the Tanna had dealt solely with the case of finding I might have said that only in such a case would the Rabbis impose an oath, because each disputant might permit himself [to claim the garment] by saying to himself, 'My neighbour loses nothing through my action [as it cost him nothing to acquire the garment]; I shall go and take hold of it and share it with him.'¹ But in the case of a bought article, where this argument does not apply,² it might be assumed that no oath was to be imposed. On the other hand, had the Tanna dealt solely with a case of buying and selling, it might be assumed that only in such a case would the Rabbis impose an oath, because each disputant might permit himself [to claim the garment] by saying to himself, 'My neighbour has paid the price and I am prepared to pay the price; seeing that I need it I shall take it, and let my neighbour take the trouble to go and buy another garment.' But in the case of a found article, where this argument does not apply, it might be assumed that no oath was to be imposed; therefore both cases are necessary.

But how could such a situation arise in the case of a bought article? One could surely ascertain from the seller as to which of the two paid him the money? — The case is one in which the seller took money from the two purchasers, willingly from one, and unwillingly, from the other, and we do not know from whom he took it willingly and from whom unwillingly.³

Shall it be said that our Mishnah is not in agreement with the view of Ben Nannus? For does not Ben Nannus⁴ express surprise at the decision of the Sages to impose oaths on disputants one of whom is bound to swear falsely? — The Mishnah may well be in agreement with Ben Nannus. For in the case [where Ben Nannus objects to the oath] it is certain that if both parties take the oath one of them will commit perjury. But in our Mishnah it may well be assumed that no perjury will be committed [even if both parties swear], for it is possible that both of them picked up the

garment simultaneously.⁵

Again, shall it be said that our Mishnah is not in agreement with the view of Symmachus? For does not Symmachus, [in another case,]⁶ maintain that disputed money of doubtful ownership should be divided among the disputants without an oath? But would not the same difficulty arise [if we compared the decision of our Mishnah] with that of the Rabbis⁷ [who are opposed to Symmachus]? For have these Rabbis not declared that ‘the claimant must bring evidence to substantiate his claim’ [while in our Mishnah the disputed article is divided on oath]? — What a comparison! In the case in which the Rabbis apply the principle that ‘the claimant must bring evidence’ the contending parties had not taken hold of the disputed object, but here [in our Mishnah] since both disputants hold the garment⁸ it is rightly divided, after both have taken the oath. But in regard to Symmachus the argument is the other way. For if he decided in the case referred to [where no party is in possession of the disputed property] that the amount should be divided among the litigants without an oath, how much more readily would he give this decision in a case like ours, where both disputants are equally in possession of the article in question; [and thus the query remains, ‘Shall it be said that our Mishnah is not in agreement with Symmachus?’] It can still be maintained that the Mishnah is in agreement with Symmachus. For Symmachus expressed his view [that the property in dispute should be divided without an oath] only in a case where both litigants are uncertain as to the true facts [and it would therefore be wrong to make either of them swear] but where both parties assert their claims with certainty [as in our Mishnah] he would take a different view.

But does not Rabbah the son of R. Huna maintain that Symmachus's decision applies also to a case where both parties are certain and definite in their claims?⁹ — It can still be maintained that our Mishnah is in agreement with Symmachus. For Symmachus expressed the view [as quoted] only in a case where a verdict in favour of one would involve a loss to the other, but where no actual monetary loss is involved [as in our Mishnah] he would take a different view. But then again, can we not infer by means of a Kal wa-homer¹⁰ [that Symmachus would disagree with our Mishnah]? For if even in the case where the party entitled to the verdict loses money by being awarded only half of the disputed amount,

(1) The oath would then act as a deterrent, as even if he did not hesitate to put forward a wrong claim he would not be ready to commit perjury.

(2) Apart from the loss of the money paid, there is the loss of the garment which the man who went to the trouble of buying it evidently needed for his own use.

(3) The evidence of the seller, even if available, would not be trusted in such a case, as he is not likely to remember, after the two have left, from whom he took the money willingly (Rashi). [Tosaf. reads, he did not know, i.e., the seller does not recollect the matter; v. Kid. 73a.]

(4) V. Shebu. 43a. It is the case of a householder having instructed a shopkeeper to supply his employees with goods for the amount that he (the householder) owed them in wages. The shopkeeper asserts that he has supplied the goods, while the employees deny having received any. The decision of the Sages is that both the shopkeeper and the employees take an oath in confirmation of their statements, and the householder pays both parties, whereas Ben Nannus holds that both receive payment without taking an oath.

(5) In this case each finder would be entitled to swear that half of the garment belongs to him, in the belief that he was first in picking up the whole of it. The same applies to a bought article if the seller consented to sell it to both

at the same time.

(6) v. B.K. 46a.

(7) V. *ibid.*

(8) And although each one claims the whole garment, and thus seeks to acquire the part that the other is holding, yet they are both in the same position, so that the above principle does not apply.

(9) Which makes the above distinction (between 'certain' and 'uncertain') invalid?

(10) An inference from a minor to a major premise; v. Glos.

Talmud - Mas. Baba Metzia 3a

and where it could be maintained that the whole amount is due solely to that party Symmachus abides by the principle that 'Disputed money of doubtful ownership should be divided without an oath', how much more readily would he abide by that principle in a case where [as in our Mishnah] it can be said that the disputed object belongs to both [and that therefore it should be divided between them without an oath]? It can still be maintained that our Mishnah is in agreement with Symmachus. For the oath imposed upon disputants in our Mishnah is only rabbinical [not Biblical].¹ This is expressly maintained by R. Johanan. For R. Johanan says: This oath is an institution of the Sages, intended to prevent anyone from going out and seizing a neighbour's garment, declaring it to be his own.

Shall it be assumed that our Mishnah is not in agreement with R. Jose? For does not R. Jose say:² If so, what loss does the fraudulent claimant incur? Therefore let the whole amount be retained [by the Court] until 'the coming of Elijah'?³ But [as a counter-question] would not the same difficulty arise in regard to the Rabbis [who are opposed to R. Jose]? For seeing that these Rabbis maintain that the balance⁴ should be retained [by the Court] until 'the coming of Elijah'. would they not accordingly give the same decision concerning the disputed garment [in our case], which is like the disputed balance [in the other case]? — What a comparison! In the other case, where it is certain that the disputed balance belongs to one of the claimants only, those Rabbis rightly decided that the amount in question should be retained till 'the coming of Elijah'; whereas here [in our Mishnah], where it can be assumed that the garment belongs to both,⁵ the [same] Rabbis would agree that it should be divided among the two claimants when they have taken the oath. But in regard to R. Jose the argument is the other way. If R. Jose decided in his case, where each claimant is undoubtedly entitled to one hundred [zuz]⁶, that the money should be retained till 'the coming of Elijah', how much more readily would he decide so in our case [where it can be assumed that only one of the disputants is entitled to have the garment]? — The Mishnah can still be in agreement with R. Jose. For in his case one of the disputants is bound to be a fraud,⁷ whilst in our case no one can say for sure that one of the disputants is a fraud,⁸ as it is possible that both picked up the garment simultaneously. If you wish it, I could argue thus: In his case, R. Jose penalised the fraudulent claimant [in making him forfeit his hundred] so that he may confess the truth, but in our case [where the dispute is about a found article] what real loss would the fraudulent incur [on the garment being forfeited] that could induce him to confess the truth?⁹ [But the question arises:] Assuming this argument is right with regard to a found article, how can it apply to a bought article?¹⁰ The first answer is hence the best.¹¹

[Now the question arises:] According to the views of either the Sages or R. Jose [who agree

that the fraudulent person should not be allowed to benefit by his fraud] how is it that in the case of the shopkeeper and his credit-book¹² the decision is that both take the oath and receive payment [from the householder] and we do not say that the money should be taken from the householder and retained [by the Court] until ‘the coming of Elijah’, since it is certain that one of the parties¹³ is guilty of fraud? — In this case there is a special reason for the decision given. The shopkeeper can say to the householder: ‘I carried out your instructions — what have I to do with your employee? Even if the employee swears — I do not believe his oath. You trusted him, in that you did not tell me to give him the goods in the presence of witnesses.’ The employee, on the other hand, can say [to the householder]: ‘I have done the work for you — what have I to do with the shopkeeper? Even if he swears — I do not believe him.’¹⁴ Therefore they both swear and receive payment from the householder.

R. Hiyya taught: [If one says to another,] ‘You have in your possession¹⁵ a hundred zuz belonging to me’, and the other replies, ‘I have nothing belonging to you’, while witnesses testify that the defendant has fifty zuz belonging to the plaintiff; the defendant pays the plaintiff fifty zuz, and takes an oath regarding the remainder,¹⁶ for the admission of a defendant ought not to be more effective than the evidence of witnesses¹⁷, a rule which could be proved by a Kal wa-homer.¹⁸ And our Tanna teaches this: WHEN TWO HOLD A GARMENT AND ONE OF THEM SAYS ‘I FOUND IT’ ETC. . . . [BOTH HAVE TO SWEAR]. Now this is just the same [as the case where there are witnesses], for when we see a person holding a garment we presume that it is his, and we are in the position of witnesses who can testify that each claimant is entitled to the half he is holding. And yet each claimant has to swear.

Now why is it necessary to prove by means of a Kal wa-homer that the admission of a defendant ought not to be more effective [in imposing an oath on the defendant] than the testimony of witnesses? — [It is necessary for this reason:] In the case of a [partial] admission [of a claim] you might say that the Divine Law¹⁹ has imposed an oath upon him for the reason indicated by Rabbah.²⁰ For Rabbah said: The reason the Torah has declared that he who admits part of his opponent's claim must take an oath²¹ is the presumption that nobody would take up such an impertinent attitude towards his creditor [as to give a complete denial to his claim]. The defendant [in this case] would have liked to give a complete denial, but he has not done so because he has not been able to take up such an impertinent attitude

(1) Cf. Shebu. 41a.

(2) In the case where two persons have deposited money with a third person, one a hundred and the other two hundred zuz, and each depositor claims to have deposited the larger amount, v. 37a.

(3) Elijah the prophet, the herald of the Messianic era who is to make the truth known. The phrase is a technical term meaning ‘indefinitely’.

(4) The disputed hundred.

(5) As they may have picked it up simultaneously.

(6) V. n. 1 supra.

(7) As they both claim to have deposited the 200 zuz, and it is only right to make the fraudulent person suffer.

(8) Therefore R. Jose would agree that the garment should be divided in accordance with the decision of the Mishnah.

(9) And since the forfeiture of the garment would serve no purpose, R. Jose would agree with our Mishnah.

- (10) Where even the person that has no right to the garment would incur a real loss by its forfeiture (because, as explained above, he too had paid for it) and the fear of the loss would induce him to admit the truth (that the seller had taken the money from him unwillingly).
- (11) Viz., that in the other case one claimant is certainly fraudulent, while in our case both may be honest.
- (12) V. p. 4, n. 1.
- (13) Either the shopkeeper or the employees.
- (14) It would thus be wrong to make either party forfeit the amount claimed. As the shopkeeper and the employees have had no direct dealings with each other, and have entered into no mutual obligations, they may regard each other as entirely untrustworthy and refuse to believe each other even on oath.
- (15) I.e., on loan.
- (16) He swears that he does not owe the other fifty zuz. The evidence of the witness places the defendant in the same position as his own admission of part of the claim would have done. Shebu. 39b.
- (17) If therefore the defendant's partial admission necessitates his taking an oath on the rest, the evidence of the witnesses regarding the partial debt should at least have a similar effect.
- (18) v. Glos.
- (19) Lit., 'The All-Merciful One', i.e. God, whose word Scripture reveals.
- (20) B.K. 107a.
- (21) While in the case of one who restores a lost article to its owner he is believed without an oath, even if the owner maintains that only part of the loss has been returned to him by the finder.

Talmud - Mas. Baba Metzia 3b

. On the other hand, it may be assumed that the defendant would have been ready to admit the whole claim,¹ and that he has not done so because of a desire to put the claimant off for a time, thinking: 'When I shall have money, I shall pay him.' Therefore the Divine Law imposes an oath upon him, so that he may admit the whole claim. But as regards the testimony of witnesses, where this argument does not apply,² I should have thought that no oath ought to be imposed. Therefore it is necessary to prove by a Kal wa-homer that in this case also an oath is to be imposed. And what is the Kal wa-homer? — [It is as follows:] If [the words of] his own mouth,³ which do not oblige him to pay money, make it necessary for him to take an oath, how much more ought the evidence of witnesses, which obliges him to pay money, make it necessary for him to take an oath? But is it right to say that [the words of] his own mouth do not oblige him to pay money — in view of [the established principle] that the admission of a defendant is equal to the testimony of a hundred witnesses? — What is meant by the payment of money is the payment of a fine.⁴ [And the Kal wa-homer is as follows:] If [the words of] his own mouth, which do not oblige him to pay a fine, make it necessary for him to take an oath, how much more ought the evidence of witnesses, which obliges him to pay a fine, make it necessary for him to take an oath? [But then it could be argued:] Does not a person's own mouth carry more weight [than the evidence of witnesses] in that it can oblige him to bring an offering,⁵ while the evidence of witnesses does not oblige him to bring an offering?⁶ — This objection is not valid: R. Hiyya is of the same opinion as R. Meir, who says that witnesses do make it necessary for the offender to bring an offering, [and he infers it] by means of a Kal wa-homer. For we learnt:⁷ When two persons say to a third person: 'You have eaten forbidden fat [unawares]', but he says: 'I have not eaten any'. R. Meir maintains that he is obliged to bring an offering, but the Sages⁸ declare him free. R. Meir argues: If two [witnesses] can bring upon an offender such a severe penalty as death, should they not be able to

bring upon him the light penalty of an offering? To this the Sages oppose the argument: Had he desired [to prevaricate] he could have said, 'I did it deliberately', and he would have been free [from bringing an offering].⁹

But [the argument continues]: Does not a person's own mouth carry more weight [than witnesses] in that it can oblige him [in a case of confession after denial on oath] to bring a guilt-offering?¹⁰ But [it is immediately objected]: A guilt-offering is also an offering [and this argument has already been dealt with]! — Then [put it this way]: Does not a person's own mouth [in a case of confession after a denial on oath] carry more weight than witnesses, in that it can oblige him to pay a 'fifth'?¹¹ — This objection is not valid: R. Hiyya is of the same opinion as R. Meir, who says that just as witnesses oblige the offender to bring an offering — because of the Kal wa-homer inference — they also oblige him on the same ground to bring a 'fifth'. But [it can still be objected]: Does not a person's own mouth [in the case of the admission of a debt] carry more weight [than the evidence of witnesses] in that it cannot be refuted by a denial or an alibi proof¹² on the part of witnesses, while the evidence of witnesses can be refuted by a denial or an alibi proof on the part of other witnesses? — [The Kal wa-homer must] therefore be derived from 'one witness': If one witness, whose evidence does not oblige a defendant to pay money, obliges him to take an oath,¹³ how much more should several witnesses, whose evidence does oblige a defendant to pay money, oblige him to take an oath. But [it can be objected]: The oath that is imposed by the evidence of one witness refers only to the part of the debt to which the witness testifies [and which the defendant denies],

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- (1) His honesty, therefore, need not be doubted, and one need not suspect that he would swear falsely if given an oath.
 - (2) As the defendant denies the whole claim, and if he is dishonest he may also be ready to commit perjury.
 - (3) I.e., his own confession.
 - (4) The admission of an offence for which a fine is imposed renders the offender free from such a penalty by virtue of his confession. V. B. K. 75a.
 - (5) V. Lev. V, 9.
 - (6) If he contradicts the evidence. For it appears from Lev. IV, 28, that it is only his own admission of the wrong he has committed unawares that necessitates the bringing of an offering by him, but not the information given by witnesses. If this is so, then how does it follow that witnesses make it necessary for him to take an oath?
 - (7) Ker. 11b. Cf. Jeb. 87b.
 - (8) Anonymous opinion representing the majority of Rabbis.
 - (9) As an offering is brought only if the offence has been committed unawares, and had the offender no regard for the truth, he could have escaped the penalty of an offering by declaring that he had offended deliberately. It must therefore be assumed that in denying the witnesses' statement completely he told the truth. [In the case of a deliberate offence, the penalty is Kareth, extermination by the hand of God. Cf. Lev. VII, 25, and v. Glos.]
 - (10) Lev. V, 20-26.
 - (11) The guilt-offering accompanies the return of the misappropriated goods and the payment of a 'fifth', i.e., a fifth part of the value of the goods.
 - (12) V. Mak. ch. I, and v. Glos. Zomem.
 - (13) In confirmation of his denial of the witness's statement. V. Shebu. 40a.

Talmud - Mas. Baba Metzia 4a

Talmud - Mas. Baba Metzia 4a

while the oath that you would impose by the evidence of several witnesses refers to the remainder of the debt [not included in the evidence], which is denied by the defendant.¹ [In consequence of this refutation] R. Papa says: The inference is really drawn from an 'attached oath'² [caused by the evidence of] one witness. But [to this also it could be objected]: Is not the 'attached oath' of one witness more weighty, in that [in this case] one oath carries with it another oath,³ while several witnesses only oblige the defendant to pay money?⁴ — The case of 'his own mouth' will prove it.⁵ But [it is again objected]: is not 'his own mouth' more weighty in that it cannot be refuted by a denial [on the part of witnesses]? — The case of 'one witness' will prove it, in that he can be refuted [by other witnesses] and yet he obliges the defendant to take an oath. But [it is objected once more]: [The oath imposed by] one witness refers only to the part of the debt to which the witness testifies [and which the defendant denies], while [the oath that is imposed by] several witnesses refers to the remainder of the debt — [not included in the evidence and] denied by the defendant? — Again the case of 'his own mouth' will prove it.⁶ But [it is again objected]: Is not 'his own mouth' [in a case of admission] more effective in that it cannot be refuted by a denial [on the part of witnesses]? — The case of one witness will prove it, in that he can be refuted by the denial [of other witnesses] and yet he obliges the defendant to take an oath. But [it is objected once more]: [The oath that is imposed by] several witnesses refers to the remainder of the debt denied by the defendant [and not included in the evidence]? — Again, the case of 'his own mouth' will prove it.⁷ And the [former] argument resumes its force. [It is true that] the aspect of one case is not like the aspect of the other case; but both cases have the common characteristic that they arise through claim and denial, and therefore the defendant has to swear. So I adduce that also in the case of 'witnesses,' arising as it does through claim and denial, the defendant has to swear. But [it is again argued]: Have not the other analogous cases the common characteristic that the defendant is not presumed to be a liar, while in the case of 'witnesses' he is presumed to be a liar?⁸ [The objection, however, is at once raised:] Is the defendant really presumed to be a liar when contradicted by witnesses? Has not R. Idi b. Abin said that R. Hisda said: He who denies a loan⁹ can still be accepted as a witness, but he who denies a deposit cannot be accepted as a witness?¹⁰ Therefore argue this way: Have not the other cases the common characteristic that they are not subject to the law of retaliation in case of an alibi,¹¹ while [several] witnesses are subject to the law of retaliation in case of an alibi? — This presents no difficulty: R. Hiyya attaches no importance to the argument from the law of retaliation in case of an alibi.¹²

There is, however, another difficulty: How could it be said that our Tanna teaches the same [as R. Hiyya] — are the two cases at all alike? There [viz., in the case of R. Hiyya] the creditor has witnesses [for half the amount claimed], but the debtor has no witnesses [regarding the other half] that he does not owe him it. For if the debtor had witnesses that he did not owe him anything [of the other half claimed], R. Hiyya would not require the debtor to swear [regarding the other half]. But here [in our Mishnah] we are witnesses for the one party as much as for the other [in regard to the right of either to one half of the garment], and yet both have to swear.¹³

It must therefore be assumed that the statement 'And our Tanna teaches the same' refers to another decision of R. Hiyya. For R. Hiyya says: [If one says to another,] 'You have in your possession a hundred zuz belonging to me,' and the other says, 'I have only got fifty' and [here they are],¹⁴ he has to swear [concerning the disputed amount].¹⁵ For what reason? Because [the

offer implied in the words] ‘Here they are’ is like a ‘partial admission’ [which necessitates an oath]. And our Tanna teaches the same: TWO HOLD A GARMENT, etc., and although here each one holds [the garment], and we are witnesses that the part that each one holds is like the part of the debt which the defendant [in the other case] is ready to deliver, yet it says that he must swear! R. Shesheth, however, says that [the offer implied in the words] ‘Here they are’ relieves the debtor of the oath — For what reason? Because the declaration ‘Here they are’ made by the debtor enables us to regard those [fifty] zuz, which he has admitted to be owing, as if they were already in the hands of the creditor, while the remaining fifty [zuz] the debtor does not admit to be owing, and therefore there is no ‘partial admission’ [that necessitates an oath].

But according to R. Shesheth there is a difficulty about our Mishnah?¹⁶ — R. Shesheth may reply: [The oath in] our Mishnah is an institution of the Rabbis.¹⁷ And his opponent? [He will say:] Yes, it is an institution of the Rabbis: but if you maintain that according to Biblical Law the offer of ‘Here they are’ carries with it an oath, then it is right that the Rabbis imposed an oath upon the litigants [in our Mishnah], for they follow herein the principle underlying the Biblical Law. But if you say that the offer of ‘Here they are’ exempts, according to Biblical Law, [the debtor who made it] from taking an oath, then how can the Rabbis [of our Mishnah] impose an oath which is unlike any Biblical oath?

An objection is now raised:

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- (1) Therefore the inference from one witness to several witnesses does not hold good. As long as it can be shown that there is one aspect from which the case that it treated as the ‘minor’ for the purpose of the Kal wa-homer can be regarded as a ‘major’ the inference may be objected to as illogical.
 - (2) V. Kid. 27b. As the evidence of one witness causes an oath to be imposed upon the defendant, a second oath is also imposed upon this defendant if another claim not included in the evidence is raised against him in regard to which, if it stood alone, no oath would have been imposed.
 - (3) The oath imposed by one witness refers to the amount to which the witness testifies and which the defendant denies. It is thus the direct result of the evidence of that witness, and it is weighty enough to cause the ‘attached oath’ regarding another claim.
 - (4) The sum regarding which the witnesses give evidence has to be paid by the defendant, and thus there is no oath to carry with it another oath.
 - (5) The case of partial admission where the oath is taken though there is no oath to carry it.
 - (6) As above, the Kal wa-homer will be inferred from the case of admission, viz., if the words of his own mouth, which do not oblige him to pay money (a fine), make it necessary for him to take an oath, how much more ought the evidence of witnesses, which obliges him to pay money, make it necessary for him to take an oath.
 - (7) I.e. the case of a partial admission, where the oath is likewise taken regarding the remainder of the amount claimed.
 - (8) One witness cannot stamp the defendant as a liar, as it is just the word of one against that of another. But two or more witnesses are necessarily believed, and the defendant is presumed to have lied. Even if the witnesses refute only part of his statement he is not trusted any more, and should not be allowed to swear regarding the rest.
 - (9) And is refuted by witnesses before swearing. whether he denies the whole loan or only part of it.
 - (10) The reason for the distinction between a loan and a deposit is explained infra 5b.
 - (11) One witness may cause a fine to be imposed upon a defendant, but if the witness is refuted by other witnesses proving an alibi he is not liable to pay the fine.

(12) For even though one witness, on being refuted by an alibi, is not liable to suffer the penalty that he intended to impose upon the defendant, he is disbelieved as a result of the refutation, and his evidence is nullified, just as in the case of two witnesses who are refuted by an alibi.

(13) Which would show that the oath is not imposed because of a 'partial admission', but is merely an institution of the Rabbis, as indicated above, and is therefore quite different from the oath imposed by R. Hiyya.

(14) Hela4, **l khv** i.e., 'I have not spent them, and they are yours, wherever they may be' (Rashi).

(15) And we do not say that the virtual delivery of the amount admitted is tantamount to actual payment, so that the denial of the remainder would mean a denial of a whole separate claim, in which case no oath could be imposed.

(16) Which imposes an oath, although, as stated above, the position of the litigants is similar.

(17) Not a Biblical oath resulting from 'partial admission'.

Talmud - Mas. Baba Metzia 4b

[When a plaintiff produces a promissory note for] sela's¹ or denarii² [without any figures], the creditor says, it is for five [sela's or denarii], and the debtor says, it is for three, R. Simeon b. Eleazar says: Seeing that [the debtor] has admitted part of the claim, he must take an oath [for the rest]. R. Akiba says: He is only like a restorer of lost [property],³ and he is free [from taking an oath]. In any case we are told that R. Simeon b. Eleazar says, 'Seeing that he has admitted part of the claim, he must take an oath'. Now the reason is presumably that [the debtor] said 'three', but [if he had said] 'two' he would have been free [from the oath], and seeing that the admission of 'two', for which the note is sufficient evidence, is like [the offer] 'Here they are',⁴ it follows that 'Here they are' does not involve an oath? — No; I could quite well maintain that when he says 'two' he also has to take an oath, and the reason why 'three' is stated is to express disagreement with R. Akiba, who maintains that the debtor [who says 'three'] is like a restorer of lost [property] and free [from taking an oath]. We are thus informed that he is like one who admits part of the claim, and that he has to take an oath.⁵ But if this is so, [and 'two' also involves an oath,] should not R. Simeon b. Eleazar, who says, 'Seeing that he has admitted part of the claim he must take an oath,' have said instead: He also must swear?⁶ — Therefore it must be assumed that 'two' is free, and 'Here they are' involves an oath, but our present case is different, because the written document supports him,⁷ or because the written document has the effect of pledging the debtor's landed property [to the creditor,] and no oath is taken in a dispute connected with mortgaged land.⁸

Some construe the objection from the latter clause: 'R. Akiba says, he is only like the restorer of lost [property], and he is free [from taking an oath].' Now the reason is presumably that he said 'three', but [if he had said] 'two'⁹ he would have had to swear; and seeing that the admission [of 'two'], for which the note is sufficient evidence, is like [the offer] 'Here they are', it follows that 'Here they are' necessitates an oath? — No; I could quite well maintain that when he says 'two' he is also free [from taking an oath], and the reason why 'three' is stated is to express disagreement with R. Simeon b. Eleazar, who says that [the debtor] is like one who admits part of the claim, and he has to take an oath: We are thus informed that he is like the restorer of lost [property], and he is free [from taking an oath].

And, indeed, this stands to reason, for if we were to assume that 'two' necessitates an oath,

how could R. Akiba dispense with the oath in the case of 'three': this [debtor] could surely employ a ruse, In that he might think: If I say 'two' I shall have to swear; I will say 'three', so that I shall be like a restorer of a loss, and I shall be free. Therefore we must conclude that [if he says] 'two' he is also free. But does not a difficulty arise as regards R. Hiyya?¹⁰ — There¹¹ it is different, for the written document supports him,¹² or because the written document has the effect of pledging the debtor's landed property, and no oath is taken in a dispute connected with mortgaged land.

Mar Zutra, the son of R. Nahman, then asked: [We learnt:] If one claims vessels and land, and the claim in regard to the vessels is admitted, but the claim in regard to the land is disputed, or the claim in regard to the land is admitted, but the claim in regard to the vessels is disputed, the debtor is free [from taking an oath in regard to the disputed claim]. If he admits part of the claim in regard to the land, he is free [from taking an oath]; if he admits part of the claim in regard to the vessels he is obliged [to take an oath].¹³ Now the reason why [he is free when the claim concerns both land and vessels] is [presumably] that an oath does not apply to land, but where the claim concerns two sets of vessels, in the same way as the claim regarding the land and the vessels,¹⁴ he is obliged to [take an oath]: how is this to be understood? Is it not that the debtor said to the creditor, 'Here they are'? So it follows that 'Here they are' necessitates an oath!¹⁵ — No; I can quite well maintain that [when] two sets of vessels [are claimed] he is also free [from taking an oath], but the reason why 'vessels and land' are mentioned is to let us know that when [the debtor] admits part of the claim in regard to the vessels he is obliged [to take an oath] even as regards the land. What new information does he proffer us? The law of extension of obligation? We have learnt this already:¹⁶ Chattels which do not offer security¹⁷ are attached to chattels which offer security,¹⁸ in regard to the imposition of an oath [upon the debtor]!¹⁹ — [The Mishnah quoted] here²⁰ is the principal place [for this law]; there²¹ it is only mentioned incidentally.²²

(1) A sela' equalled in value our crown.

(2) A denar =one fourth of a sela'.

(3) For sela's would really mean two (the minimum number to which the plural could be applied) and if the debtor says 'three' he admits more than there is evidence for. The third sela' is therefore like a restored loss, in connection with which no oath can be imposed (cf. Git., 48b).

(4) [Since the note has the effect of a mortgage on the debtor's landed property, the admission places virtually that land at the disposal of the creditor.]

(5) For in the case of the debtor saying 'two', R. Akiba would not have differed, and there would have been no occasion for this comparison with the restoration of a lost object.

(6) If 'two' involves an oath, then it was wrong to give 'partial admission' as a reason for the oath, since in such a case there would be no admission apart from what is proved by the written document. On the other hand, it should have been emphasised that 'three' also involved an oath, in spite of the fact that the admission of the third sela' is like the restoration of a lost object to its owner.

(7) The witnesses who signed the document support the statement of the debtor, as the document says only 'sela's, which must be taken to mean two.

(8) Seeing that 'two' is corroborated by the written document, no oath can be imposed, either in a case of denial or in one of admission, because the document puts the debtor's landed property under a bond, and, as explained in Shebu. 42b, no oath is administered in connection with mortgaged property. But when the debtor says 'three', the dispute about the remainder as well as the admission of the third sela' concern something that is not mentioned in

the document, and which does not therefore affect the debtor's landed property.

(9) When the debtor could not be said to have restored a loss, as his admission did not go beyond the sum proved by the document.

(10) Who teaches that the offer 'Here they are' is like a 'partial admission' and therefore requires an oath. Then why should 'two' not require an oath?

(11) In the case of sela's etc.

(12) This is why he is free, not because of the similarity to 'Here they are'.

(13) In regard to both vessels and land. V. Shebu. 38a.

(14) Viz., that the vessels which the debtor admitted to be rightly claimed are placed before the creditor with the offer 'Here they are'.

(15) This would contradict the view of R. Shesheth, who says that 'Here they are' does not necessitate an oath.

(16) Kid. 26a.

(17) Movable belongings, which cannot be mortgaged.

(18) Immovable property, which can be mortgaged.

(19) When claims arise simultaneously in regard to both kinds of chattels, and an oath is due regarding the movable ones, it is extended also to the immovable ones. V. Kid. 26a.

(20) From Shebu. 38b.

(21) In Kid. 26a.

(22) As the law is stated there regarding the acquisition of movable chattels in conjunction with immovable ones by means of money, document, or actual possession, reference is also made to the extension of the oath from movable chattels to immovable ones.

Talmud - Mas. Baba Metzia 5a

Now according to him who says that 'Here they are' does not require an oath, why is it necessary to derive from a Scriptural verse the exemption of land from the law of oath,¹ since all land [available to the creditor is as if the debtor said,] 'Here they are'?² — He can answer you: The derivation from the Scriptural verse is necessary where [the debtor] has dug pits, ditches and caves [thereby destroying the value of the land], or where one claims vessels and land, and the claim in regard to the vessels is admitted, while the claim in regard to the land is disputed.³

Come and hear: Rami b. Hama teaches: Four kinds of bailees require to put forward a partial denial and a partial admission [in order to be liable to an oath]: the gratuitous bailee, the borrower, the paid bailee, and the hirer.⁴ How is it to be understood? Is it not that the bailee says to the claimant, 'Here it is'?⁵ — No. [It refers to a case where] the owner says to the bailee, 'I handed you over three cows, and they have all died through your negligence', while the bailee says to the owner, 'One I never received; one died through an accident, and one has died through my negligence, for which I am willing to pay you', so that it is not like [an offer to return the animal by saying.] 'Here it is.'

Come and hear what the father of R. Apotoriki taught, as a refutation of the first [law of] R. Hiyya: [If one says to another,] 'You have a hundred [zuz] in your possession belonging to me', and the other says, 'I have nothing belonging to you,' and witnesses testify that the defendant owes the plaintiff fifty [zuz] — I might think that the defendant ought to swear regarding the rest; therefore the Scriptural text tells us, for any manner of lost thing, whereof he saith that it is this,⁶

[indicating thereby that] you impose [an oath] on him⁷ in consequence of his own admission, but you do not impose [an oath] on him in consequence of the evidence of witnesses!⁸ — Do you wish to refute R. Hiyya by citing a Baraitha [that contradicts his view]? R. Hiyya is a Tanna, and he may disagree with it. But [the Baraitha] quotes a Scriptural text? — That [text] refers to one who admits part of the claim. And the father of R. Apotoriki?⁹ — He will answer you: [The text] says, it, and it also says, this¹⁰ — one term is [meant to apply] to him who admits part of the claim, and the other [is meant to indicate] that in the case of witnesses giving evidence [regarding part of the disputed claim] the defendant is free from taking an oath]. And the other?¹¹ — He applies one term to him who admits part of the claim, and the other [he utilises for the purpose of proving] that the admission [of part of the claim involves an oath only if the admission] refers to the same kind of object as is claimed [by the plaintiff]. And the other?¹² — He does not share the view that the admission has to refer to the same kind of object, for he is of the opinion of Rabban Gamaliel, as we have learned:¹³ If the plaintiff claims wheat, and the defendant admits barley, the defendant is free [from taking an oath], but Rabban Gamaliel obliges [the defendant to take an oath].¹⁴

There was a shepherd to whom people entrusted cattle every day in the presence of witnesses. One day they handed it over to him without witnesses. Subsequently he gave a complete denial [of the receipt of the cattle]. But witnesses came and testified that he had eaten two of the cattle. Said R. Zera: If the first [law of] R. Hiyya is valid, [the shepherd] ought to swear regarding the remainder.¹⁵ Abaye, however, answered him: If [the law were] valid, would [the shepherd be allowed to] swear? Is he not a robber?¹⁶ — [R. Zera] replied: I mean, his opponent should swear.¹⁷ But even if R. Hiyya's law is rejected, should we not impose an oath [upon the claimant] because of the view of R. Nahman, as we have learned:¹⁸ [If one says to another,] 'You have in your possession a hundred [zuz] belonging to me,' and the other says, 'I have nothing belonging to you,' he is free [from taking an oath]; but R. Nahman adds: We make him take 'an oath of inducement'¹⁹ — R. Nahman's rule is [only a Rabbinical] provision, [made irrespective of the law],

(1) V. Shebu. 42b; infra 57b.

(2) As land cannot be removed it is always at the disposal of the creditor.

(3) The admission as regards the vessels is not the equivalent of 'Here they are', and the conclusion drawn from the Scriptural verse is necessary to let us know that such a 'partial admission' cannot impose an oath on the disputed landed property, though forming part of the one claim.

(4) V. B.K 107a; infra 98a.

(5) The 'partial admission' can only refer to the animal which the bailee admits to have in his possession, and which he is ready to return to the owner. This is like saying, 'Here it is,' and yet the bailee has to swear.!

(6) Ex. XXII, 8. The term 'It is this' is construed as implying a partial admission. V. Shebu. 39b; B. K. 107a.

(7) V. infra 41b.

(8) This is a direct contradiction to the ruling of R. Hiyya, according to which the evidence of witnesses regarding part of a disputed claim causes an oath to be imposed on the defendant, as inferred by means of a Kal wa-homer from 'partial admission'. V. supra 3a-4a.

(9) How can he apply the text to exclude the case where witnesses give evidence?

(10) **VZ TUV** one particle of which is superfluous.

(11) R. Hiyya.

(12) The father of R. Apotoriki.

(13) V. infra 100b; B. K. 35b; Shebu. 38b and 40a; cf. Keth. 108b.

(14) If the claim is for wheat, and the admission is for barley, it is not considered a 'partial admission' and does not involve an oath.

(15) For when the denial is partly contradicted by witnesses R. Hiyya imposes an oath.

(16) Who is likely to commit perjury, hence cannot be given an oath. R. Hiyya's law refers to a debt, or pledge, which the defendant denies, not because he has misappropriated it, or used it for himself, but because he does not find it convenient to repay or replace it just then, and intends to do so later. He therefore cannot be regarded as a robber.

(17) And receive payment. v. Shebu. 44b.

(18) Shebu. 38b.

(19) Although no oath is to be imposed on the defendant who denies the whole claim, a Rabbinical oath is put on him in order to induce him to admit the truth, as it is assumed that no one will sue a person without cause.

Talmud - Mas. Baba Metzia 5b

and we do not add one provision to another provision.¹ But why not consider the fact simply that he is a shepherd, and Rab Judah says that a shepherd [generally speaking] is unfit [to take an oath]?² — This presents no difficulty: That case [referred to by Rab Judah,] is one of [a shepherd who feeds] his own flock [and is therefore tempted to let them trespass], but this case [regarding which Abaye asks his question,] is one of [a hired shepherd who keeps] other people's flocks [and has no occasion to trespass]. For if this were not so, how could we entrust cattle to any shepherd? Is it not written, Thou shalt not put a stumbling block before the blind?³ But the presumption is that a man will not commit a sin unless he stands to profit by it himself.⁴

HE SHALL THEN SWEAR THAT HIS SHARE IN IT IS NOT LESS THAN HALF, etc. Does he swear regarding the part which is his, or regarding the part which is not his?⁵ — R. Huna answers: He has to say, 'I swear that I have a share in it, and that it is not less than half.'⁶ But let him say, 'I swear that it is all mine!'⁷ — Do we give him all of it?⁸ Then let him say, 'I swear that half of it is mine!'—He would impair his own words.⁹ But does he not now also impair his own words?¹⁰ — [No!] He says, 'It is all mine,' [and he adheres to his claim]. But [he adds]. 'According to you, [who do not accept my contention,] I swear that I have a share in it, and that it is not less than half.' But [it is again asked]: Since each one stands [before the Court] holding [the garment], what need is there for this oath? R. Johanan answered: This oath is an institution of the Sages, intended to prevent people from going out and seizing their fellow's garment, declaring it to be their own.¹¹ But should we not say that, since he is suspected of fraud in money matters, he ought also to be suspected of swearing falsely?¹² — We do not say that one who is suspected of fraud in money matters must also be suspected of swearing falsely.¹³ For if you do not concede this, how could the Divine Law lay it down that one who admits part of a claim shall swear [regarding the rest]? We ought to say that, since he is suspected of fraud in money matters, he must also be suspected of swearing falsely? — There he just tries to put the claimant off for a time, according to the view of Rabbah.¹⁴ You may infer this¹⁵ from what R. Idi b. Abin says in the name of R. Hisda:¹⁶ He who denies a loan¹⁷ can still be accepted as a witness,¹⁸ but he who denies a deposit cannot be accepted as a witness.¹⁹ But there is [the law] which Rami b. Hama taught: Four kinds of bailees require to put forward a partial denial and a partial admission [in

order to be liable to an oath]: the gratuitous bailee, the borrower, the paid bailee, and the hirer.²⁰ Why do we not say that, since he²¹ is suspected of fraud in money matters,²² he must also be suspected of swearing falsely?²³ — There also he merely tries to put off the claimant,²⁴ for he thinks: ‘I shall find the thief and have him arrested,’ or, ‘I shall find [the animal] in the field and bring it to him.’ But if this is so, why is one who denies a deposit unfit to be a witness? Let us say that he is only putting off the claimant, thinking to himself, ‘I shall put him off until I may look for it and find it?’ — We say that he who denies a deposit is unfit to be a witness only [if it is a case] where witnesses come and testify against him, saying that at that time the deposit was in the house, and that he knew it, or [if it is a case] where he is holding it in his hand.

But in the case in which R. Huna says, ‘We make him swear that [the article] is not in his possession,’²⁵ why do we not say that since he is suspected of fraud in money matters he must also be suspected of swearing falsely? — There also he may permit himself [to keep the article] by saying [to himself], ‘I am willing to pay him for it.’ Then R. Aha of Difti said to Rabina: Would he not even so transgress the commandment, Thou shalt not covet?²⁶ — ‘Thou shalt not covet’ is understood by people to apply only to that for which one is not prepared to pay.

(1) The Rabbinical provision that when the defendant is likely to commit perjury the plaintiff swears and receives payment, cannot be added to the provision which imposes a Rabbinical ‘oath of inducement’ (where no Biblical oath is due). The ‘oath of inducement’ can only be given in cases where in ordinary circumstances a Biblical oath would be imposed.

(2) Because usually a shepherd allows his flock to graze on other people's fields, and thus commits robbery, and why need Abaye seek to disqualify him on the ground that he is actually proved to be a robber?

(3) Lev. XIX. 14. This, taken figuratively, implies that it is wrong to put temptation in the way of one who is likely to succumb to it.

(4) Therefore a hired shepherd, who does not profit by trespassing, will not commit the sin, and he need not generally be regarded as a robber.

(5) The implication is that the terms of the oath are ambiguous. By swearing that his share in it is lot ‘less than half’, the claimant might mean that it is not even a third or a fourth (which is ‘less than half’), and the negative way of putting it would justify such an interpretation. He could therefore take this oath even if he knew that he had no share in the garment at all, while he would be swearing falsely if he really had a share in the garment that is less than half, however small that share might be.

(6) The statement is not negative, but positive, and the claimant swears that his share is at least half.

(7) And thus corroborate his claim; and, although one of the claimants would then be bound to swear falsely, the oath could still be given, according to the majority of the Rabbis, who differ from Ben Nannus (Tosaf.; cf. supra 2b).

(8) It would appear inconsistent on the part of the Court, and to its discredit, to let a claimant swear that he owns the whole garment when he can be awarded only half of it.

(9) His plea that the whole garment is his would be contradicted by his oath that only half of it belonged to him.

(10) For the oath in the Mishnah also refers to half the garment.

(11) V. supra 3a.

(12) What purpose, then, is the oath instituted by the Rabbis to serve? If he is ready to rob his neighbour, he will also be ready to commit perjury.

(13) Perjury is regarded as a greater crime than robbery.

(14) V. supra 3a.

- (15) Viz. that he is not suspected of attempted robbery, but of a desire to postpone payment.
- (16) Cf. B.K. 105b; Shebu. 40b; supra 4a.
- (17) And is refuted by witnesses (before swearing), so that he is proved a liar (but has not committed perjury).
- (18) It is obviously assumed that he lied because he wished to postpone payment, and not because he wanted to rob the claimant of what was due to him.
- (19) For it could not be said that he only intended to put the claimant off, as a deposit must not be spent, and must be produced intact when claimed, while borrowed money can be spent, and returned when due. If the deposit has been lost, he has only to put this forward as a plea and he is free. His denial therefore renders him unfit as a witness (in accordance with the implication of Ex. XXIII. 1).
- (20) Cf. supra 5a.
- (21) I.e. the bailee.
- (22) In regard to the animal which he denies having received, and which must be regarded in the same light as a deposit — so that it cannot be said that he merely wishes to delay the return.
- (23) How could he be given an oath in regard to that animal, if it should have been his intention to rob the owner by the denial?
- (24) Whose animal he has lost.
- (25) This refers to a bailee who offers to pay compensation for a lost bailment, rather than swear that it has been lost. As it is possible that he wishes to appropriate the article by paying for it, R. Huna says that he must swear that he has not got it. (V. infra 34b).
- (26) Ex. XX, 14.

Talmud - Mas. Baba Metzia 6a

But then, in the case in which R. Nahman said, We make him take ‘an oath of inducement’,¹ — why do we not say that since he is suspected of fraud in money matters he must also be suspected of swearing falsely? Moreover, there is the case where R. Hiyya taught: Both of them swear, and receive payment from the employer,² — why do we not say that since he is suspected of fraud in money matters he must also be suspected of swearing falsely? And furthermore, there is the case where R. Shesheth said: We make him³ take three oaths: ‘I swear that I did not cause the loss wilfully; I swear that I did not use [the animal] for myself; I swear that it is not in my possession’, — why do we not say that since he is suspected of fraud in money matters⁴ he must also be suspected of swearing falsely? Therefore [we must conclude] that we do not say, ‘Since he is suspected of fraud in money matters he must also be suspected of swearing falsely.’

Abaye says: We apprehend that he may be claiming the repayment of an old loan.⁵ But if so, let him take it without an oath?⁶ — Therefore say that we apprehend that he may be claiming the payment of a doubtful claim of an old loan. But do we not say that if he appropriates money on the strength of a doubtful claim he will also swear falsely in regard to a doubtful claim? — R. Shesheth, the son of R. Idi, said [in reply]: People will desist from taking an oath in regard to a doubtful claim, while they will not desist from appropriating money their right to which is doubtful. For what reason? — Money can be given back [later]; an oath cannot be taken back.

R. Zera asked: If one of the litigants seized [the garment] in our presence,⁷ what is the law? But [it is immediately objected]: How could such a situation arise? If [the other litigant] remained silent, he really admitted [his opponent's claim]; and if he protested, what more could he do? —

[R. Zera has in mind] a case where [the aggrieved litigant] was silent at first but protested later, and the question is: Do we say that since he was silent at first he really admitted [his opponent's claim], or [do we] perhaps [say] that, as he protests now, it has become apparent that the reason why he was silent at first is that he thought [it unnecessary to protest, because] the Rabbis [of the Court] saw [what happened]? — R. Nahman answered: Come and hear [a Baraita]: The ruling [of our Mishnah] refers only to a case where both [litigants] hold [the garment], but if the garment is produced [in Court] by one of them only, then [we apply the principle that], ‘the claimant must bring evidence to substantiate his claim.’⁸ Now, [let us consider:] how could the case [of one litigant producing the garment] arise? If we say that it was just as stated,⁹ then it is self-evident.¹⁰ It must therefore be that one of them seized [the garment] in our presence?¹¹ — No. Here we deal with a case where both of them came before us holding [the garment], and we said to them, ‘Go and divide it.’ They went out, and when they came back one of them was holding it. One said, ‘He really admitted [my claim],’¹² and the other said, ‘I let him have it on condition that he pays me for it.’¹³ Now we say to him: ‘Hitherto you implied that he was a robber,¹⁴ and now you dispose of the garment to him without witnesses!’ If you prefer, I could also say that [the Baraita deals with a case where], as stated, one of them was holding it, and the other was just hanging on to it. In such a case [it is necessary to inform us that] even Symmachus, who maintains¹⁵ that disputed money of doubtful ownership should be divided among the disputants without an oath,¹⁶ would agree,¹⁷ for mere hanging on [to a disputed article] counts for nothing.¹⁸

If you deem it right to say that in the case of one [litigant] seizing it¹⁹ in our presence, we take it away from him,²⁰ [it is clear that] if he dedicates it [to the Temple]²¹ the dedication does not take effect.²² But if you will say that in the case of one [litigant] seizing it in our presence we do not take it away from him, what would be the law if he dedicated it without seizing it? Seeing that a Master says [elsewhere],²³ ‘Dedication to the Most High by word of mouth is like delivery in a secular transaction’, [do we say that the dedication of the garment] is like seizing it, or [do we say], ‘After all, he has not seized it,’ and it is written: And if a man shall sanctify his house to be holy, etc.,²⁴ [from which we might conclude that] just as his house is in his possession so must everything [that he may wish to dedicate] be in his possession — which would exclude this case [of the garment which he has not seized and] is not in his possession? — Come and hear [the following]: There was

(1) When he denies the whole claim; v. supra 5a.

(2) In the case of the shopkeeper and his creditbook. V. supra 2a, Shebu. 47b.

(3) The gratuitous bailee, who pleads that the animal has been lost.

(4) Since it is assumed that he may appropriate the plaintiff's article by putting forward a wrong plea, which amounts to fraud.

(5) According to Abaye the reason for the oath imposed by the Rabbis is not that given by R. Johanan (v. supra 3a), but that a litigant may deem himself entitled to an article found by his opponent, on the ground that the latter had borrowed money from him a long time ago and had forgotten about it. Such a litigant would not hesitate to plead that he had found the garment, or that it was all his, in the hope that at least half the value of the garment would be awarded to him. Hence the need for an oath.

(6) If it is assumed that he is claiming the garment in payment of an old debt due to him, why should he have to swear?

(7) I.e., in the presence of the Court.

- (8) Tosef. B.M. 1; v. supra 2b.
- (9) That one of the litigants was in possession of the garment when both appeared in Court.
- (10) That the other litigant must bring evidence to substantiate his claim.
- (11) In Court, in the circumstances as described, which furnishes a solution to the problem propounded.
- (12) 'And this is why he let me have the garment.'
- (13) 'And now he refuses to pay.'
- (14) 'As you pleaded that the garment was yours, and that he was trying to rob you of it.'
- (15) V. supra 2b; B.K. 46a.
- (16) And would thus let each litigant who holds the garment have a half without an oath.
- (17) That the claimant is entitled to nothing, even if he is ready to swear.
- (18) It constitutes no claim, and therefore the garment is not 'disputed money'.
- (19) I.e., the garment.
- (20) If R. Zera's question is to be answered in the sense that the litigant who has seized the garment must give up half the garment to the other claimant.
- (21) Without seizing it.
- (22) For the act of dedication cannot be more effective than the act of seizing it.
- (23) V. A.Z. 63a; cf. B.B. 133b.
- (24) Lev. XXVII, 14.

Talmud - Mas. Baba Metzia 6b

a bath-house, about which two people had a dispute. One said, 'It is mine', and the other said 'It is mine'; then one of them rose up and dedicated it [to the Temple],¹ [in consequence of which] R. Hananiah and R. Oshaia and the rest of the Rabbis kept away from it. R. Oshaia then said to Rabbah: When you go to Kafri² to see R. Hisda ask him [for his opinion on this matter]. When [Rabbah] came to Sura [on his way to Kafri]³ R. Hammuna said to him: This is [made clear in] a Mishnah:⁴ [As regards] doubtful first-born,⁵ whether a human first-born or an animal first-born, [and, as regards the latter,] whether of clean or unclean⁶ animals, [the principle holds good that] the claimant must bring evidence [to substantiate his claim].⁷ And in regard to this a Baraitha teaches: [Such animals] must not be shorn nor worked.⁸ Now, it is obviously assumed here that if a priest seizes the firstling we do not take it away from him, for it is laid down that [we must apply the principle that] the claimant must bring evidence [to substantiate his claim];⁹ and [thus] if the priest has not seized it, [the Baraitha teaches] that it must not be shorn or worked.¹⁰ But Rabbah answered him: You speak of the sanctity of a firstling — [this proves nothing]. I could well maintain that even if the priest has seized it we take it away from him, and still it would be forbidden to shear or to work [this animal], because the sanctity that comes of itself is different.¹¹

R. Hananiah said to Rabbah: There is [a Baraitha]¹² taught supporting your view:¹³ The [sheep with which the] doubtful [firstlings of asses have been redeemed] enter the stall to be tithed.¹⁴ Now, if the view were held that when the priest has seized [a doubtful firstling] we do not take it away from him, why [does the Baraitha teach that sheep with which doubtful firstlings of asses have been redeemed] enter the stall [to be tithed]? Would not the result be that this [Israelite, who owns the stall] would relieve himself of his liability [involved in the tithe] with the property of the priest, [who has a claim on it]?¹⁵ — Abaye answered him: There is really nothing in that [Baraitha] to support the Master [Rabbah], For it deals with a case where [the Israelite] has only

nine sheep, and this [makes the tenth], so that in any case [the Israelite is justified]: if he is obliged [to tithe the sheep] he has tithed them rightly,¹⁶ but if he is not obliged [to tithe them because the tenth sheep is not really his], then [he has had no advantage, as he only owned nine sheep, and] nine are not subject to tithe.¹⁷

Later Abaye said: My objection is really groundless.¹⁸ For in [a case where the liability of an animal to be tithed is in] doubt, tithing does not take place,¹⁹ as we have learnt: If one of the sheep which were being counted [for the purpose of tithing] jumped back into the stall, the whole flock is free [from tithing].²⁰ Now, if the view were held that doubtful cases are subject to tithe,²¹ [the owner] ought to tithe [the remaining sheep] in any case: if he is obliged [to tithe them]²² he will have tithed them rightly,²³ but if he is not obliged to tithe them, those already counted will be free because they were properly numbered,²⁴ for Raba said: Proper numbering frees [the sheep from being tithed].

(1) On dedication to Temple after the Destruction, v. A.Z. 13a.

(2) [S. of Sura, v. n. 3.]

(3) [Rabbah, whose seat was at Pumbeditha in the North, had to pass Sura on his journey to the South.]

(4) Toh. IV, 12.

(5) I.e., first-born whose primogeniture is in doubt because, in the case of an animal, it is not known whether its mother has borne before, or, in the case of a human mother who had previously miscarried, it is doubtful whether it was a real miscarriage or not. According to Biblical law the first-born belong to the priest. (Num. XVIII, 15-16.)

(6) E.g., an ass, the first-born of which has to be redeemed with a lamb. (Ex. XIII, 13.)

(7) If the Israelite is still in possession of the first-born, the priest is regarded as the claimant, who has to bring evidence to clear up the doubt. But if the priest has acquired possession, and the Israelite, though silent at first, protests later, denying the primogeniture, then it is for the Israelite, as the claimant, to prove his claim.

(8) Because of the prevailing doubt as to whether the young animal is 'holy' or not (cf. Deut. XV, 19).

(9) Which is obviously meant to apply to either claimant, either the Israelite or the priest.

(10) The animal is thus regarded as 'holy' even when the Israelite is in possession, which would show that the sanctification by the litigant without seizing it takes effect, if we say that the seizing of the disputed articles entitles him to keep it.

(11) The sanctity of the firstling is independent of any action on the part of the priest, as it is sacred from birth, in accordance with the Biblical Law. It cannot therefore be compared with the sanctity of an object that has been consecrated by a human being.

(12) The principal place where this law is taught is a Mishnah, Bek. 9a; cf. also *ibid.* 11a.

(13) Viz., that if a priest has seized a doubtful firstling he has to return it.

(14) The sheep that is used to redeem the doubtful firstling of an ass may be kept by the Israelite. He is under no obligation to give it to the priest, for the latter is in the position of a claimant who has to prove his claim, i.e. if the priest claims the sheep from the Israelite, he has to prove that the doubtful firstling is a real firstling. Such sheep, however, are liable to be tithed, if there are ten of them. (V. *infra* p. 28.) It follows that, in the same way, if in the Israelite's possession, they go into the stall with other sheep to be tithed, and if one of them comes out tenth it is offered as the tithe.

(15) If the priest has any kind of claim on the sheep, the Israelite should not be entitled to utilise this animal as the tithe.

(16) If the redeemed ass is not a real firstling, then the lamb belongs entirely to the Israelite, and if there are nine other sheep belonging to him he is obliged to tithe them, and there is nothing wrong in his action.

- (17) Therefore he has not relieved himself in any way, and in either case, not with anything belonging to the priest.
- (18) I.e., the Baraita quoted by R. Hananiah does support the view of Rabbah that the priest has no right to a doubtful firstling or its substitute.
- (19) I.e., the argument used by Abaye, that in any case the tithing could be proceeded with, is invalid, for doubtful cases are exempt from tithing, even when it could be said that in any case the owner could do no wrong, as the following Mishnah proves.
- (20) Bek. 58b. If during the process of tithing, while the sheep were being led one by one out of the stall, so that the tenth one might be marked and offered to the priest, one of the counted sheep jumped back into the stall and disappeared among the uncounted sheep, and it cannot be recognised, the whole flock is exempt from tithing. The sheep that left the stall on being counted are exempt because they have already been numbered, and there are sufficient sheep left in the stall to make up the required number of ten. The sheep that remained behind in the stall are also exempt because each one of them may be the one that jumped back after being counted. V. Bek. 59b.
- (21) I.e. that the sheep are liable to be tithed on the assumption that the owner will either have acted according to the law or have done nothing wrong.
- (22) I.e. if the tenth sheep that is taken when those left behind in the stall are numbered is not the one that jumped back after being counted.
- (23) As that sheep will be subject to tithe.
- (24) As long as there are sufficient sheep left in the stall to make up the ten, when added to those already counted, the counted sheep are free from tithing. V. Bek., loc. cit.

Talmud - Mas. Baba Metzia 7a

You must therefore conclude that [the decision of the Mishnah is prompted by another consideration, viz..] that the Divine Law states ‘the tenth’, [which means] the certain [tenth] but not the doubtful tenth,¹ the same consideration applies here;² the Divine Law states the certain tenth, but not the doubtful tenth.³

R. Aha of Difti said to Rabina: What kind of doubtful cases [does the above Baraita refer to]? If it refers to doubtful firstlings, the Divine Law says, [The tenth] shall be holy,⁴ excluding the animal which is already holy.⁵ — It must therefore refer to [the lamb which has been used for] the redemption of the doubtful firstling of an ass, and in accordance with [the view of] R. Nahman, for R. Nahman said in the name of Rabbah b. Abbuha: If an Israelite has ten doubtful firstlings of asses in his house, he sets apart ten lambs as substitutes for them,⁶ and he tithes these [lambs], and they belong to him.⁷

What was [the ultimate decision concerning] the bath-house? — Come and hear what R. Hiyya b. Abin said: A similar case came before R. Hisda, and R. Hisda brought it before R. Huna, and he gave his decision on the ground of what R. Nahman said: Property that cannot be reclaimed by legal proceedings [cannot be dedicated to the Temple.⁸ and] if it has been dedicated, the dedication is invalid.⁹ But [it is asked], would the dedication be valid if the property could be reclaimed by legal proceedings, even though [the rightful owner] has not obtained possession of it? Does not R. Johanan say [that] property which has been acquired by robbery, and which the rightful owners have not given up as lost, cannot be dedicated either by the robbers or by the owners: the former [cannot do it] because it is not theirs, and the latter because it is not in their possession?¹⁰ — You evidently think that the case under discussion is of a bath that is movable.

[No.] The discussion concerns a bath-house which is immovable property, and therefore, where it can be reclaimed by legal proceedings, it is [regarded as being] in the possession of [the claimant].¹¹

R. Tahlifa, the Palestinian, recited in the presence of R. Abbahu: Two [people] cling to a garment; [the decision is that] one takes as much of it as his grasp reaches, and the other takes as much of it as his grasp reaches, and the rest is divided equally between them. R. Abbahu pointed [heavenward and said:] But with an oath! But, [if so] our Mishnah, which teaches that [the value of the garment] shall be divided between [the two litigants], and which does not teach that each takes as much of it as his grasp reaches — to what particular case does it refer? — R. Papa said: [It refers to a case] where [both litigants] hold the fringes [of either end of the garment]. Said R. Mesharsheya: Hence we deduce: [If a seller] grasps the kerchief¹² by a piece measuring three by three fingers, [he has rendered the sale valid, as] we apply to it [the Scriptural term]: ‘And he gave it to his neighbour’. [The part that he holds] is considered as if cut off, and by this means [the buyer] acquires [the article sold to him].¹³ And why is [this case] different from that of R. Hisda? For R. Hisda says: When the bill of divorcement is in her hand,¹⁴ and the cord [to which it is tied] is in his hand,¹⁵ then if he is able to snatch [the bill of divorcement out of her hand by means of the cord] and to pull it to himself, she is not divorced,¹⁶ but if not she is divorced! — There separation is necessary, and there is none,¹⁷ but here it is the act of giving that is necessary, and this has taken place.¹⁸

Rabbah said: If the garment was embroidered with gold, it is divided [between the two litigants].¹⁹ But is not this self-understood? — It is necessary [to state this] when the gold is in the centre [of the cloth]. But is not this also self-understood? — It is necessary [to state this] when [the gold] is nearer to one side. You might assume that one could say to the other. ‘Divide it this way;’²⁰ therefore we are informed that the other may say to him, ‘What makes you think of dividing it this way? Divide it the other way.’²¹

Our Rabbis taught:²² Two [people] cling to a bill, the lender saying, ‘It is mine; I dropped it and found it again,’ and the borrower saying, ‘[True.] it was yours, but I paid you;’²³ [the validity of] the bill has to be established by its signatories [verifying their signatures]²⁴ — this is the view of Rabbi. Rabban Simeon b. Gamaliel says: They shall divide [the amount], If it [the bill] fell into the hand of a judge, it must never be produced again. R. Jose says: It retains its validity.²⁵

The Master said above: ‘[The validity of] the bill has to be established by its signatories’. Does he mean that the creditor may demand payment of the whole amount, and does he disapprove of the Mishnah, TWO HOLD A GARMENT etc.? — Raba replied in the name of R. Nahman: If the document has been endorsed [in Court].²⁶ all are agreed that [the litigants] divide [the amount between them].²⁷ The difference of opinion only arises in the case of an unendorsed [document]. Rabbi is of the opinion that even when one [i.e., a debtor] acknowledges the writing of a bill, it still requires endorsement [at Court], and if it is endorsed, [the amount] is divided, but if it is not endorsed [the amount] is not divided. For what reason? It is merely a potsherd.²⁸ Who renders the document valid? [Only] the borrower.²⁹ But he says, ‘It is paid!’³⁰ Rabban Simeon b. Gamaliel, however, is of the opinion that when one acknowledges the writing of a bill, it does not require endorsement [at Court] , and therefore even if it is not endorsed , [the litigants] divide the

amount.³¹

‘If it [the bill] fell into the hands of a judge, it must never be produced again.’

- (1) Seeing that the animal that jumped back after being counted cannot be numbered again, and it cannot be identified, there is a doubt regarding each tenth whether it is really the tenth, as, if the disqualified animal is among the previous nine, the tenth is really the ninth.
- (2) In the Baraita which R. Hananiah quoted in support of Rabbah.
- (3) Accordingly, had the priest a right to a doubtful firstling it could not be admitted to the stall for tithing.
- (4) Lev. XXVII, 32.
- (5) A firstling is in itself ‘holy’, even if it is a doubtful firstling. It cannot therefore be used as tithe.
- (6) For the purpose of redeeming the asses, so that he may use them for work.
- (7) They are not ‘holy’, and as the priest has no absolute right to them (on account of the doubt as to the primogeniture of the asses) the Israelite may retain possession of them.
- (8) If the claimant cannot prove his title to the property by legal evidence, he has no right to dedicate it.
- (9) For the same reason the dedication of the bath-house would be invalid. This conclusion is based on the assumption that neither of the claimants of the bath-house could produce evidence in support of his claim.
- (10) Which would prove that in order to be able to dedicate property one has not only to own it legally but also to be in actual possession of it.
- (11) The question of being in possession does not arise in the case of a bath-house, which is immovable property, and as regards legal ownership — it is vested in the claimant who dedicated it, if he can produce evidence to substantiate his claim.
- (12) [This was a recognised or legal manner of confirming a transaction, known as *Kinyan Sudar*, **rsux ihbe**, (cp. lat. sudarium) and derived from Ruth IV, 7: . . . to confirm all things a man plucked off his shoe and gave it to his neighbour. Any article can be used in the same way as the shoe if it measures three by three fingers.]
- (13) [The seller establishes his claim to the part of the kerchief which he holds, and thus proclaims himself the owner of the entire kerchief. By this symbolic action the seller confirms the sale of any article which is to become the property of the buyer. See, however, infra 47a.]
- (14) In the hand of the wife who is to be divorced.
- (15) In the hand of the husband who is divorcing her.
- (16) According to this view the bill of divorcement is not regarded as having been given to the wife as long as the husband holds one end of the cord attached to the bill. In the same way we ought to say that when the seller holds one end of the kerchief he does not transfer the purchase to the buyer.
- (17) In the case of a husband divorcing his wife the ceremony is to indicate the separation of the couple, the severance of the marriage tie. The cord in the hand of the husband, if it is strong enough to pull the bill of divorcement out of the hand of the wife, contradicts this idea.
- (18) In the case of a seller grasping the kerchief with his hand, the significance of the act lies in the giving of the kerchief by the one to the other.
- (19) I.e., even if the garment is embroidered with gold it has to be divided equally.
- (20) Lengthwise.
- (21) Widthwise, so that each may get half of the gold.
- (22) V. B.B. 170a.
- (23) ‘And on being paid you returned the bill to me and I lost it.’ This is the version given by Rashi in accordance with the wording of our text. Other texts have, ‘It is mine’ as the plea of the borrower (i.e. **hka** instead of

Ika) which is much simpler.

(24) And when the validity of the document has been thus endorsed, the creditor is entitled to demand payment.

(25) And the creditor could demand the return of the document and enforce payment.

(26) I.e., if the document has been produced in Court and the witnesses have verified their signatures, the judges certifying the endorsement.

(27) If the document is properly endorsed, and therefore quite valid, the litigants are in the same position as those who found the garment and were holding on to it. They therefore divide the amount of the debt recorded in the bill.

(28) I.e., the document is without any value.

(29) By admitting its genuineness.

(30) Since the unendorsed document becomes valid only as a result of the admission of its genuineness by the borrower, he is to be believed when he says that he has paid the debt.

(31) Even if the bill is not endorsed, the borrower cannot, when the document is produced by the lender, plead that he has paid the debt. The validity of the document does not, to that extent, depend on the plea of the borrower. Hence it is right that they should divide the amount.

Talmud - Mas. Baba Metzia 7b

Why is it different [if the bill fell] into the hands of a judge?¹ — Raba says: The meaning [of the clause] is this: If a third person finds a bill which has already been in the hands of a judge, that is, when it bears a legal endorsement,² it must never be produced again.³ And [thus we learn that a found bill] must not be returned [to the claimant] not only when it bears no legal endorsement, so that it can be assumed that it was written for the purpose of securing a loan but the loan did not take place, but even when it bears a legal endorsement, as when it has been verified [in Court], because we apprehend that payment may have been made.⁴ But R. Jose says: It retains its validity — and we do not apprehend that payment may have been made.

But does not R. Jose really apprehend that payment may have been made? Has it not been taught [in a Baraitha]: In the case of a marriage-contract⁵ found in the street, if the husband admits [that he has not paid her the amount specified in the contract] it shall be returned to the wife, but if the husband does not admit it, it must not be returned either to him or to her; R. Jose says that if the wife is still with the husband it shall be returned to her,⁶ but if she has become a widow or has been divorced, it must not be returned either to him or to her?⁷ — Reverse [the Baraitha and read it this way]: If [a bill] fell into the hands of a judge, it must never be produced again; this is the view of R. Jose. And the Sages say that it retains its validity.⁸ But if so, the two opinions of the Rabbis contradict each other!⁹ — [The Baraitha which deals with] the [lost] marriage-contract [conveys] in its entirety [the view of] R. Jose, but a clause is omitted, and [the Baraitha] should read thus: If the husband does not admit [that he has not paid the wife the amount specified in the contract] it must not be returned either to him or to her. This, however, only applies to [the case of] a widow or a divorced woman, but [in the case of a wife] who is still with her husband it shall be returned to the wife; this is the view of R. Jose; for R. Jose says: If the wife is still with the husband, it shall be returned to her; but if she has become a widow or has been divorced, it must not be returned either to him or to her. R. Papa says: There is really no need to reverse [the Baraitha];¹⁰ R. Jose only states the case in accordance with the views of the Rabbis [and he says to them:] According to me we do not apprehend that payment may have been made even in the case of a widow or a divorced woman, but according to you — admit at least

that when the wife is still with the husband [the marriage-contract] should be returned to her, as she is not entitled to receive payment [as long as she is his wife]. But the Rabbis answered him: Say, he handed her over bundles [of valuables] as security [and she has retained them]!¹¹ Rabina says: By all means reverse the first [Baraita],¹² and the reason why the Rabbis decide here [that if the husband does not admit liability, the marriage-contract must not be returned either to him or to her] is that we apprehend [lest the wife had] two marriage-contracts.¹³ And as to R. Jose — he does not apprehend [lest the wife had] two marriage-contracts.

R. Eleazar says: The division¹⁴ [takes place] when both [claimants] cling either to the form¹⁵ [of the bill] or to the operative part¹⁶ [thereof], but if one [claimant] clings to the form, and the other clings to the operative part, one takes the form and the other takes the operative part. And R. Johanan says: They always divide equally. [What!] Even if one clings to the form and the other to the operative part? Was it not taught: Each one takes as much as his hand grasps?¹⁷ — [Yes.] But it is necessary [to have R. Johanan's decision] in a case where the operative part is contained in the middle [of the document].¹⁸ But if so, what need is there to state it?¹⁹ — It is necessary [to state it that it may be applied to a case] where [the operative part] is nearer to one [of the claimants].²⁰ You might assume that one could say to the other, 'Divide it this way', therefore we are informed that the other may say to him: 'What makes you think of dividing it this way? Divide it the other way.' R. Aha of Difti said to Rabina: According to R. Eleazar, who says. 'One takes the form [of the bill] and the other takes the operative part.' — of what use are [the parts] to either of them? Does one need them to use as a stopper for one's bottle?²¹ — He [Rabina] answered him: [It is] the estimated value thereof [that has to be considered]. We estimate how much a dated document is worth as compared with one undated: with a dated document a debt may be collected from mortgaged property, but with the other [document] no debt can be collected from mortgaged property²² — and one gives the other the difference [in the value of the two documents].

Also [the decision previously given in the words], 'They shall divide,' as quoted,²³ refers to the value [of the bill]. For if you do not assume this, [how explain:] 'TWO HOLD A GARMENT' [etc.]? Would you say that here also they divide [the garment] in halves? They would surely render it useless! — This presents no difficulty,

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- (1) Why should the law be different when the bill falls into the hands of a judge than when it falls into the hands of any other person?
 - (2) The endorsement of the Court before which the witnesses verified their signatures, and which established the validity of the document.
 - (3) It must not be given either to the creditor or to the debtor, unless the ownership of the document is cleared up by evidence.
 - (4) I.e. if the debtor pleads that the debt has been paid, we take this plea into consideration.
 - (5) 'Kethubah', v. Keth. 10b and Glos.
 - (6) For a man does not ordinarily pay his wife her Kethubah while she is still with him.
 - (7) This shows that according to R. Jose we do apprehend that payment may have been made.
 - (8) And it must be returned to the claimant who can prove his claim.
 - (9) The view of the majority of the Rabbis in the case of the lost Kethubah, which the husband claims to have paid, and which the Rabbis say must not be returned either to the husband or to the wife, contradicts their view with

reference to the lost bill which has been legally endorsed, as according to the new ('reversed') rendering of the Baraitha the Rabbis (i.e., the Sages) say that 'it retains its validity' and must be returned to the claimant.

(10) The original version being correct.

(11) In order to save his wife the trouble of litigation after his death the husband gave her money or valuables while he was still with her to be appropriated by her when the Kethubah becomes due.

(12) The revised version is really the correct one, and there is no contradiction between the views of the majority of the sages. For their decision in the case of the lost Kethubah, the validity of which the husband contests, and which the Rabbis say must not be returned, is due to the apprehension that the husband may have given the wife a duplicate after the loss of the original document. The meaning of the words 'when the husband does not admit' would thus be that the husband pleads that the lost document should not be returned to her because he had given her another document, and she could, when she becomes a widow, produce both documents in succession to claim payment from his heirs. But so far as actual payment by the husband is concerned, the Rabbis would ignore such a plea, because when a bill is paid it is usually taken back and torn up.

(13) The original one and a duplicate, as explained in the previous note.

(14) I.e. the decision of R. Simeon b. Gamaliel that the two litigants who cling to a bill shall divide it between them.

(15) The **XPuy**, **, 'form', the general part, which may be written out in advance and does not contain the names of the contracting parties or the particulars of date, place, sum involved, etc.

(16) The **; ru**, (probably = **), the characteristic or essential part of a document, giving the names of the contracting parties, date, place, sum involved, etc.

(17) So here also each claimant should receive the part which he holds, irrespective of its value or importance.

(18) There is really no difference between the views of R. Johanan and R. Eleazar, as the words of R. Johanan are only intended to make clear that if the operative part happens to be in the middle of the document the litigants receive half each.

(19) As it is in full accord with the view of R. Eleazar, and it would be self-understood.

(20) R. Johanan deems it necessary to emphasise that 'they always divide equally' so as to include a case where the operative part is nearer to the grasp of one of the claimants, though not actually held by him.

(21) A familiar expression used in connection with a document which has no value and can only be used as paper.

(22) The absence of a date makes it impossible for a Court to say whether the debt recorded in the document was contracted before or after the mortgage was taken on the property. As the date is given in the operative part only, it enhances the value of that part.

(23) The decision of R. Simeon b. Gamaliel; v. supra p. 32.

Talmud - Mas. Baba Metzia 8a

as it would [still] be suitable for children. But what of the case of Raba, who said that [even] if the garment was embroidered with gold it should be divided?¹ Could they here also divide [the garment] in halves? They would surely render it useless! — This presents no difficulty [either], as it would still be suitable for royal children.² But [there is] the clause in our Mishnah: IF TWO RIDE ON AN ANIMAL [etc.]. Would you say that here also they divide [the animal] in halves? They would surely render it useless! Although it may be granted that in the case of a clean animal [its carcass] may be [cut up and] used for food — what if it is an unclean animal? They would surely render it useless [by slaying it and cutting it up]? It must therefore be said that it is the value [of the animal] that is divided. So here also: it is the value [of the bill that is divided].

Rami b. Hama said: This [decision of our Mishnah] enables [us] to conclude that when one picks up a found object for his neighbour, the neighbour acquires it.³ For if you were to say that the neighbour does not acquire it, this [garment] ought to be regarded as if one half of it were [still] lying on the ground, and [also] as if the other [half] were [still] lying on the ground, so that neither the one [claimant] nor the other should acquire it.⁴ It must therefore follow that when one picks up a found object for his neighbour, the neighbour acquires it.⁵ Said Raba: I could still maintain that when one picks up a found object for his neighbour, the neighbour does not acquire it.⁶ But here [in our Mishnah] the reason [why he does acquire it] is that we say, 'Since he takes possession for himself he may also take possession for his neighbour.'⁷ You may learn it from [the law] that if one said to a messenger, 'Go and steal something for me', and he [went and] stole it, he is free,⁸ but if partners stole [for each other]⁹ they are guilty. For what reason? Is it not because we say, 'Since he takes possession for himself, he may also take possession for his neighbour'? This proves it!

Said Raba: Now that it has been proved that we base our decisions on the Since argument.¹⁰ [it must be assumed that] when a deaf-mute¹¹ and a normal person have picked up a found object, the normal person acquires it by reason of the fact that the deaf-mute has acquired it. [But it is at once objected:] We may grant that the deaf-mute acquires it because a rational person has lifted it up for him,¹² but how does the normal person acquire it? — I must therefore say: The deaf-mute acquires it; the normal person does not acquire it.¹³ And how does the Since [argument] come in here?¹⁴ — Since two other deaf-mute persons would acquire [a found object by lifting it up], this [deaf-mute] also acquires it.¹⁵ But how is this? Even if you say that when one lifts up a found object for his neighbour the neighbour acquires it, this is [true] only when one lifts it up on behalf of his neighbour. But [in this case] that [normal person] lifted it up on his own behalf; now, if he himself does not acquire it,¹⁶ how can he enable others to acquire it? — But say: Seeing that the normal person does not acquire it, the deaf-mute does not acquire it [either]. And if you will argue: In what way does this case differ from that of the two other deaf-mute persons [previously referred to, I will answer you:] There our Rabbis made this provision¹⁷ in order that [the deaf-mutes] may not have to quarrel [with persons who may be ready to snatch the object from them], but here [the deaf-mute] will say [to himself]: 'The normal person does not acquire it, how should I acquire it?'¹⁸

R. Aha, the son of R. Adda, said to R. Ashi: Whence does Rami b. Hama derive his conclusion?¹⁹ If we say [that he derives it] from the first clause [of our Mishnah]. TWO HOLD A GARMENT etc., [the objection would arise that] there one pleads [to the effect]. 'It is all mine, and I lifted up the whole of it,' and the other pleads [to the same effect], 'It is all mine and I lifted up the whole of it!'²⁰ — Therefore [we must say that he derives it] from the clause which reads: ONE OF THEM SAYS IT IS ALL MINE,' AND THE OTHER SAYS, 'IT IS ALL MINE': what need is there again for this? It must therefore be that we are to learn from the additional clause that if one lifts up a found object for his neighbour, the neighbour acquires It —²¹ But did we not come to the conclusion that the first clause deals with a case of finding, and that the subsequent clause deals with a case of buying and selling? — We must therefore say that [he derives it] from the second part [of the Mishnah]: IF ONE SAYS, 'IT IS ALL MINE', AND THE OTHER SAYS 'HALF OF IT IS MINE': what need is there again for this? It must therefore be that we are to learn from the additional clause that if one lifts up a found object for

his neighbour, the neighbour acquires it. And how do you know that this clause deals with a case of finding? Maybe it deals with a case of buying and selling? And if you will say: If it deals with a case of buying and selling what need is there [for the case] to be stated? [I will answer:] There is a need. For I might have formed the opinion that the one who says, HALF OF IT IS MINE should be considered as the restorer of a lost object,²² and should be free [from taking an oath]. We are thus informed that [he has to swear, as] he may be employing a ruse, in that he might think: If I say 'It is all mine,' I shall have to swear; I will say thus,²³ so that I shall be like a restorer of a lost object, and I shall be free [from taking an oath]. Therefore [we must say that he derives it] from this clause: IF TWO RIDE ON AN ANIMAL etc.: what need is there again for this? It must therefore be that we are to learn from the additional clause that if one lifts up a found object for his neighbour, the neighbour acquires it. But perhaps [this clause] is to let us know that a rider also acquires [found property]?²⁴ Therefore [we must say that he derives it] from the last clause: IF BOTH ADMIT [EACH OTHER'S CLAIMS], OR IF THEY HAVE WITNESSES [TO ESTABLISH THEIR CLAIMS], THEY RECEIVE THEIR SHARES WITHOUT AN OATH. To which case does it refer? If it refers to [a case of] buying and selling — is it necessary to state it?²⁵ It must therefore refer to [a case of] finding.²⁶ and this proves that if one lifts up a found object for his neighbour, the neighbour acquires it. And Raba?²⁷ — He will explain [the decision in the last clause of our Mishnah] by the principle [adopted by him]: Since he takes possession of it for himself, he may take possession of it also for his neighbour.²⁸

IF TWO RIDE [etc.]. R. Joseph said: Rab Judah told me,

(1) Supra 7a.

(2) Although a gold-embroidered garment when reduced in size by division could not be worn by ordinary children, it would still retain its value, as it could be worn by children of the aristocracy, to whom the wearing of a gold-embroidered garment would be nothing unusual.

(3) The decision that if two people have picked up an ownerless object they are entitled to keep it, each one taking half of its value and enabling his partner to claim the other half, must rest on the assumption that one may acquire an object for someone else by lifting up, i.e., by the same means as one acquires it for himself.

(4) From the point of view of each claimant the other person's half would have to be regarded as if it were still lying on the ground. But such an acquisition does not constitute legal possession because the law demands that we must acquire possession of the whole article in order to obtain title thereto. Consequently if a third person came and snatched the garment, neither of the two could dispute his right to claim at least half. V. infra p. 39 for further elucidation of the argument.

(5) And it is assumed that in our Mishnah each person, when picking up the garment, intended that the other person should have half of it, and in this way the two acquired the garment.

(6) V. infra 10a.

(7) Although one cannot acquire a found object entirely for his neighbour, one can acquire part of it for a neighbour if one acquires part of it for himself.

(8) From the penalty of making double restitution, as the responsibility for the wrong done rests upon the one that does it, not upon the instigator.

(9) V. B. K. 78b.

(10) Heb. Miggo, **udn** ; v. Glos. 'Since he acquires it for himself he may also acquire it for his neighbour' is the argument used in the previous paragraph.

(11) A deaf-mute is not a responsible person, and, like a minor and an imbecile, he cannot acquire property, but

'for practical reasons' the Rabbis laid it down that to deprive them of anything they possess is robbery (cf. Git. 59b). Applying the Miggo argument to the deaf-mute, Raba holds that 'Since he acquires it (according to rabbinic ruling) for himself, he also acquires it for his neighbour'.

(12) The end which the normal person has picked up for himself and for the deaf-mute has been rightly acquired, so far as the deaf-mute is concerned, for the latter benefits by the right of the rational person to acquire the garment and by his own right, conceded to him by the Rabbis, to claim his own possessions 'for practical reasons'. But the normal person suffers from the disability of the deaf-mute, in so far as the right conceded to the deaf-mute to own property extends only to his own person, and does not include the right to acquire property for someone else. Therefore the end which the deaf-mute has picked up, when considered in relation to the normal person, must be regarded as if it had not been picked up at all. Thus the question arises: How does the normal person acquire the garment?

(13) The Miggo argument employed by Raba would therefore apply to the deaf-mute himself.

(14) It would be impossible to argue that since the normal person acquires it for himself he also acquires it for the deaf-mute, as the normal person does not acquire it at all.

(15) The Miggo argument would thus be derived from another case, not hitherto considered.

(16) For the reason explained in note 2.

(17) The claim of the two deaf-mutes is granted only because of a provision of the Rabbis 'for practical reasons' but is not based on law.

(18) It would not be proper to make a concession to the deaf-mute which could exceed the right of a normal person.

(19) From which clause of our Mishnah does Rami b. Hama derive the conclusion that if one lifts up a found object for his neighbour, the neighbour acquires it.

(20) [A paraphrase of 'I FOUND IT'.] Each of the two claimants maintains that he lifted up the whole garment for himself and thus acquired it all, so that none of them can be said to have lifted up part of the garment for his neighbour and acquired it for him. The two claimants share the garment between them, not because one acquired it for the other, but because they both hold the garment and no third person can claim any part of it.

(21) The additional plea, which seems to be a mere repetition of what is conveyed by the first plea of 'I FOUND IT', is really intended to indicate that in a case where both claimants lifted up the garment with the intention of acquiring it for each other, they do acquire it, and this is why the garment is divided between them. The two clauses therefore differ from each other in that, in the second clause, it is assumed that both claimants really picked up the garment, and thus one acquired it for the other, while in the final clause the garment is divided between the two claimants because we do not know who tells the truth, and the oath is given for the reason stated in a previous discussion (2b-3a).

(22) As he could have pleaded 'It is all mine' and he would have been entitled to half the garment.

(23) I.e. 'Half of it is mine'.

(24) That one may take possession of an animal by riding on it.

(25) If the two claimants admit having bought the garment simultaneously, it stands to reason that they should be awarded equal shares without having to swear.

(26) And it is necessary to state the law, in order to let us know that both have acquired the garment, and no one has a right to snatch it away from them, on the principle that 'if one lifts up a found object for his neighbour, the neighbour acquires it.'

(27) Since he does not admit the above-mentioned principle, how does he explain the last clause of our Mishnah?

(28) Although Raba denies that one may acquire an ownerless object for a neighbour by lifting it up for him, he admits that when one lifts up an object for himself and his neighbour, the neighbour also acquires it, as explained above, and the last clause of our Mishnah is needed in order to establish this law.

Talmud - Mas. Baba Metzia 8b

Talmud - Mas. Baba Metzia 8b

'I heard two [laws] from Mar Samuel: If one rides [on an animal] and another leads [it], one of them acquires [the animal], and the other does not acquire it,¹ but I do not know [to] which of the two [either decision was meant to apply].' But how is this to be understood?² If it refers to [two cases, in one of which there was] a man riding [on an animal] by himself and [in the other] there was a man leading [an animal] by himself³ — is there anyone who would say that he who leads an animal by himself does not acquire it?⁴ If, therefore, it is to be said that one does not acquire [the animal], it can only be said of the one that rides on it!⁵ — Thus [it must be assumed that] the doubt [expressed] by Rab Judah concerns a case where one rides on an animal, and simultaneously someone else leads it.⁶ The question then is: Is the rider to be given preference because he holds it,⁷ or is perhaps the leader to be given preference because it moves through his action?⁸ R. Joseph [then] said: Rab Judah said to me, Let us look [into the matter] ourselves.⁹ For we learnt: He who leads [a team composed of an ox and an ass]¹⁰ receives forty lashes,¹¹ and [likewise] he who sits in the waggon [drawn by such a team] receives forty lashes. R. Meir declares him who sits in the waggon free.¹² And since Samuel reverses [the Mishnah] and reads: 'And the Sages declare him who sits in the waggon free'¹³ it follows that [according to Samuel] he who rides [on an animal] by himself does not acquire it, and this would apply with even greater force to one who rides on an animal while someone else leads it!

Said Abaye to R. Joseph: Have you not told us many times [the argument headed by the words]: 'Let us look [into the matter],' and yet you never told us it in the name of Rab Judah?¹⁴ [R. Joseph] answered him: Truly, [it is Rab Judah's argument]: I even remember saying to him, 'How can you, Sir, derive the decision regarding [the case of] One who rides [on an animal] from [the case of] one who sits [in the waggon], seeing that he who sits [in the waggon] does not hold the reins, while he who rides [on the animal] does hold the reins?' And he answered me: 'Both Rab and Samuel agree that one does not acquire [an animal] by holding the reins.'¹⁵

Some give another version.¹⁶ Abaye said to R. Joseph: How do you, Sir, derive the law regarding one who rides [on an animal] from that concerning one who sits [in a waggon pulled by an animal], [seeing that] he who sits [in the waggon] does not hold the reins, [while] he who rides does hold the reins? — [R. Joseph] answered him: Thus Idi learned: One does not acquire [an animal] by holding its reins. It has also been reported: R. Helbo said in the name of R. Huna: One [who buys an animal] may acquire it by taking over the reins from the neighbour [who sells it], but one who finds [an animal] and [one who seizes an animal which was] the property of a proselyte [who died without heirs]¹⁷ does not acquire it [in this way]. What is the derivation of the term 'Mosirah' [used for reins]? — Raba said: Idi explained it to me: [It is derived from 'masar', to hand over, and it indicates] the handing over of the reins by one person to another. [Such action] rightly [enables a person who buys an animal] from his neighbour to acquire it, as the neighbour transfers to him in this way [the possession of the animal]. But in the case of a found [animal] and [in that of an animal that was] the property of a proselyte [who died without heirs] — who transferred it to him that he should have a right to acquire it?

An objection was raised: IF TWO RIDE ON AN ANIMAL etc. — whose opinion is that? If I should say that it is R. Meir's,¹⁸ [the question presents itself:] If the 'sitter' acquires it, need I be

told that the 'rider' acquires it? It must therefore be [said that it is the opinion of the majority of] the Rabbis¹⁹ — which would prove that the 'rider' acquires it?²⁰ — Here we deal with one who drives [the animal] with his feet.²¹ But if so, then it is the same as 'leading'.²² There are two ways of 'leading':²³ you might say that the 'rider' has a preference, because he drives it and holds it [at the same time], therefore we are informed [that leading is the same as riding].

Come and hear: If two persons were pulling a camel or leading an ass, or if one was pulling and one was leading,

(1) Rab Judah remembered that Mar Samuel had stated the two cases, and had given his decision regarding each case, but he did not remember what Samuel's decision was in each case.

(2) The question is at once asked how such a doubt could have arisen in R. Joseph's mind.

(3) If Samuel gave his decisions regarding two separate cases, in one of which a man claimed to have acquired an animal by riding on it, and in the other a man claimed to have acquired an animal by leading (or pulling) it, and in each case another person came along and pulled the animal away in order to acquire it for himself, the expression of doubt by Rab Judah as to which of the two cases either decision was meant to apply to, would accordingly have implied that he was not certain whether leading (or pulling) an animal is a legitimate way of acquiring it.

(4) Rab Judah could not have been in doubt on this point, as all are agreed that leading (or pulling) an animal is the legitimate way of acquiring it. Cf. Kid. 22b.

(5) Riding on an animal may just mean sitting on it without making it move, in which case it may not be a legitimate way of taking possession of it. Cf. Kid. *ibid.*

(6) And both claim the animal.

(7) And although pulling is the recognised way of taking possession of an animal, this may only be so when there is no one riding on it.

(8) And causing the animal to move is the correct method of acquiring it.

(9) Rab Judah thought that it would be possible to reconstruct Samuel's decision from the view expressed by Samuel in the following passage.

(10) And thus transgresses the Biblical prohibition of Deut. XXII, 9-11.

(11) Really 39 lashes — the penalty inflicted upon one who deliberately transgresses a Biblical prohibition. Cf. Deut. XXV, 3, and Mak. 13 and 22.

(12) As he is not guilty of any action in regard to the driving of the animals, v. Kil. VIII, 3.

(13) As the decision of the majority of the Sages must be accepted, Samuel ascribes the decision which he favours, viz., that sitting in the waggon is of no consequence, to the anonymous Sages, not to R. Meir. Riding an animal (without moving it) would be the same as sitting in the waggon attached to the animal (without driving it).

(14) R. Joseph spoke as if he himself had advanced the argument that removed the doubt regarding Samuel's decision.

(15) I.e., in the case of a found animal. It is only by pulling the animal and causing it to move (even if it only moves one fore-leg and one hind-leg) that the finder can take possession of the animal. It is different with a bought animal. Cf. Kid., 22b and 25b.

(16) Of the argument advanced by R. Joseph, of Abaye's reply, and of R. Joseph's rejoinder. According to this version R. Joseph did not speak in the name of Rab Judah when he said, 'Let us look into the matter,' etc., but gave his own view, which Abaye challenged.

(17) The property of a proselyte who dies without Jewish issue is regarded in Jewish law as ownerless, which anyone may acquire.

(18) Who is of the opinion that even a person that sits in a waggon drawn by an ox and an ass has committed an

offence, and who would thus regard 'sitting' as a legitimate way of acquiring an animal. The Mishnah would thus express the view of our Tanna only, and, as a minority decision, it would not be accepted.

(19) Who attach no importance to 'sitting' but who nevertheless attach importance to 'riding', and they let us know in the Mishnah that 'riding' is a legitimate way of acquiring an animal.

(20) Then how could Rab Judah derive a decision regarding the validity of 'riding' from the decision regarding 'sitting'?

(21) He spurs it on with his feet and makes it move, so that apart from 'riding' there is the recognised method of acquiring an animal by making it move.

(22) Then why does the Mishnah say: 'or one rides, and the other leads it'? As this distinction would have no significance, why not say 'or if both lead it'?

(23) Although 'riding' is a form of 'leading' it was necessary to say 'or one rides, and the other leads it' and thus to indicate that the two actions are equally good, as otherwise one might regard 'riding' as more important and award the animal to him who claims to have acquired it by riding on it.

Talmud - Mas. Baba Metzia 9a

they acquired it by this method. R. Judah says: One never acquires a camel except by pulling it, and [one never acquires] an ass [except by] leading it.¹ In any case it is taught [here]: 'or if one was pulling, and the other was leading,' [from which we may infer that] pulling and leading are [legitimate methods of acquiring an animal], but not riding? — The same law applies also to riding, but the reason why 'pulling' and 'leading' is given here is [that it was desired] to exclude the view of R. Judah, who says, 'one never acquires a camel except by pulling it, and [one never acquires] an ass [except by] leading it.' We are thus informed that even if [the methods are] reversed they [the animals] are also legitimately acquired.² But if so,³ let [the Tanna] combine them and teach: 'If two persons were pulling and leading either a camel or an ass'? — There is one side which [prevents the combination, as one of the two actions mentioned] is invalid [in the case of one of the animals]:⁴ some say, it is [the act of] pulling [in the case of] an ass, and others say, it is [the act of] leading [in the case of] a camel.⁵ There are some who construe the objection [to the validity of riding as a means of acquiring an animal] from the conclusion [of the quoted passage]: 'They acquire it by this method.'⁶ What are [the words] 'by this method' intended to exclude? [Are they] not [intended] to exclude riding? — No. [They are intended] to exclude the reversed [methods].⁷ But if so, this view is identical with that of R. Judah? — There is a difference between them [in so far as according to the first Tanna] there is only one side which is invalid:⁸ some say, it is [the act of] pulling [in the case of] an ass, and others say, it is [the act of] leading [in the case of] a camel.

Come and hear: If one rides on an ass, and another holds the reins,⁹ one acquires the ass, and the other acquires the reins. This proves that one acquires [an animal] by means of riding? — Here also [it is understood that the rider] drives it with his feet. But if so let the rider also acquire the reins?¹⁰ — Say: one acquires the ass and half of the reins, and the other acquires half of the reins. But [it is argued] the rider rightly acquires [his part] seeing that a rational person lifted up for him [the other end of the reins from the ground], but he who holds the reins — how does he acquire [his part]?¹¹ — Say: One acquires the ass and [nearly] all of the reins, and the other acquires what he holds in his hand.¹² But how is this? Even if you say that if a man lifts up a found object for his neighbour the neighbour acquires it, it could only apply to [a case] where he lifted it

up on behalf of his neighbour, but this one lifted up [one end of the reins] on his own behalf: if he himself does not acquire it [by this action], how is he to enable others to acquire it? — Said R. Ashi: The one acquires the ass with the halter, and the other acquires what he holds in his hand, but the rest [of the reins] neither of them acquires.¹³ R. Abbahu said: In reality we may leave it as taught [at first].¹⁴ [and] the reason is that he [who holds the reins] can pull them violently and bring [the other end also] to himself.¹⁵ But R. Abbahu's view is a mistake: for if you do not say so, [how would you decide in a case where] one half of the garment lies on the ground and the other half [rests] upon a pillar, and one person comes and lifts up the half from the ground, while another person comes and lifts up the half from the pillar — will you maintain here also that the first one acquires it but the last one does not acquire it, for the reason that [the first one] can pull it violently and bring [the other half also] to himself?¹⁶ [We must] therefore [say that] the view of R. Abbahu is a mistake.¹⁷

Come and hear: R. Eliezer says: One who rides [on a found animal] in the country, or one who leads [a found animal] in the city, acquires it!¹⁸ — Here also the rider drives [the animal] with his feet.¹⁹ But if so, it is the same as 'leading'? — There are two ways of 'leading'.²⁰ But if so, why does not he who rides [on an animal] in the city acquire it? — R. Kahana said: It is because people are not in the habit of riding in a city.²¹ R. Ashi then said to R. Kahana: According to this, he who picks Up a purse on a Sabbath should not acquire it either, seeing that people are not in the habit of picking up a purse on a Sabbath?²² But in fact he does acquire [the purse] because [we say:] What he has done is done;²³ so here also [we ought to say]: What he has done is done, and he acquires [the animal by riding on it in the city]! — It must therefore be that we deal here with [a case of] buying and selling, where he says to him:²⁴ 'Acquire it in the way people usually acquire [a bought article]',²⁵

(1) [Camels are usually tugged at the halter; asses are driven from behind.]

(2) I.e., that leading is valid even in the case of a camel, and that pulling is valid also in the case of an ass.

(3) If there is no distinction between the mode of acquiring a camel and that of acquiring an ass, there is no need to state the two cases separately.

(4) Therefore the Tanna could not adopt the phrasing first suggested, and he had to say: 'If two persons were pulling a camel or leading an ass, or if one was pulling and one was leading,' viz., the animal which can be acquired by either method, — but this would not apply to the other animal, which could only be acquired by one of the methods.

(5) Some of the Rabbis thought that an ass could not be acquired by pulling (while a camel could be acquired either by pulling or by leading), and others thought that a camel could not be acquired by leading (while an ass could be acquired either by leading or by pulling).

(6) This was at first understood to mean that both the camel and the ass could be acquired by either method.

(7) I.e., pulling in the case of an ass, and leading, in the case of a camel.

(8) According to R. Judah pulling is applicable to a camel only, and leading is applicable to an ass only, while according to the first Tanna one of the animals can be acquired by either method.

(9) But does not lead or drive the animal.

(10) If the rider has acquired the ass legitimately, the reins should also go to him, as they are attached to the ass and are intended to serve as an ornament for the animal.

(11) Seeing that the other end is attached to the ass and has not been lifted up by the person to whom the reins are awarded, and seeing also that an ownerless object can be acquired only by one who removes the whole of it, how

can the person that holds the reins attached to the ass be said to have acquired them?

(12) For the part that he holds in his hand has been entirely lifted by him.

(13) And if a third person were to come and appropriate it, it would be his.

(14) Viz., one acquires the ass, and the other the reins, including the halter.

(15) The person that holds the other end of the reins could, by violent pulling, remove also the end that is attached to the head of the ass, as owing to the elevated position of the ass's head it would be easy to pull off the halter with the reins by one sharp tug.

(16) If a distinction were to be made between cases on the ground that the position of the other end, or the other half, of the found object might facilitate its removal by the person that holds the first end or first half, then if a garment is found one half of which rests on a pillar, or on some other elevation that would facilitate the removal of the whole garment by one strong pull on the part of the person that has seized the low-lying end, the law of our Mishnah which divides the garment between the two claimants should not apply, and the first claimant (who seized the low-lying end of the garment) should receive the whole garment. But the law recognises no such distinction. Hence R. Abbahu is mistaken in the view he advances

(17) The word used in describing R. Abbahu's error occurs in several places in the Talmud. It is regarded as a courteous substitute for other terms which might be used in refuting wrong decisions, but which would appear derogatory to the dignity of the Rabbis who committed the error. The term is associated with the word **ת, ורע**, meaning something external, which does not fit in, and which is therefore rejected. In other places, however, (such as Pes. 11a; B.B. 145a) the rendering is **ת, ורע**, an invention, an unfounded assertion.

(18) This would at least prove that riding is a legitimate method of acquiring an animal, even though riding in a city is excluded (for the reason given below).

(19) V. supra p. 44, n. 3.

(20) V. ibid. n. 5.

(21) It is regarded as unbecoming to ride in the streets of a town.

(22) As it is improper to pick it up and carry it away on a Sabbath.

(23) Even if the action is improper, it has legal validity.

(24) I.e., the seller to the buyer.

(25) And as long as the buyer takes possession of the animal in a manner which is not unusual, he acquires it legally.

Talmud - Mas. Baba Metzia 9b

so that if [the buyer rides on the animal in] the open street¹ he acquires it, or if he is an important personage he acquires it,² or if [the buyer] is a woman she acquires it,³ or if [the buyer] is a mean person⁴ he acquires it.

R. Eleazar inquired: If one says to another, 'Pull this animal along so that you may acquire the vessels that are [placed] upon it,'⁵ what is the law? [But, it is at once objected, by saying], 'so that you may acquire;' does he really tell him, 'Acquire'?⁶ [The question must] therefore [be put this way]: [If one says to another,] 'Pull this animal along and acquire the vessels that are [placed] upon it,' what is [the law]? Does the pulling of the animal enable him to acquire the vessels or not? — Said Raba: [Even] if he says to him, 'Acquire the animal and the vessels [at the same time],' does he then acquire the vessels?⁷ Is not the animal like a moving courtyard? And a moving courtyard does not enable [its owner] to acquire [the objects placed in it]!⁸ And if you should say [that he acquires them] when it stands still,⁹ [then it would be objected:] Is it not [the

law] that whatever does not acquire while in motion, does not acquire even while standing still or at rest? [It must be admitted, however, that] the [above] law obtains when [the animal] is tied.¹⁰

R. Papa and R. Huna said to Raba: According to this,¹¹ if one sails on a boat, and fish jump and fall into the boat, [do we] then also [say] that [the boat] is [like] a ‘moving courtyard’ and it does not enable [its owner] to acquire [the objects placed in it]? — He [Raba] answered them: The boat is really at rest, only the water moves it along.

Rabina said to R. Ashi: According to this, if a married woman walks in a public street, and the husband throws a bill of divorcement into her lap or into her basket,¹² [do we] then also [say] that she is not divorced?¹³ — He answered him: The basket is really at rest, and she walks underneath.¹⁴

MISHNAH. IF A MAN, RIDING ON AN ANIMAL, SEES A LOST ARTICLE AND SAYS TO HIS NEIGHBOUR: ‘GIVE IT TO ME’; THE LATTER] TAKES IT UP AND SAYS: ‘I ACQUIRED IT [FOR MYSELF].’ — [THEN] IT IS HIS. [BUT] IF AFTER GIVING IT TO HIM, THAT PERSON SAYS: ‘I ACQUIRED IT FIRST’, THERE IS NOTHING IN WHAT HE SAYS.¹⁵

GEMARA. We have learned elsewhere:¹⁶ If one gleaned the corner of a field¹⁷ and said, ‘This is for that poor person.’ R. Eliezer says: he conferred possession [of the gleanings] on that person.¹⁸ But the Sages say: He must give it to the first poor person that comes along. ‘Ulla said in the name of R. Joshua b. Levi: The difference of opinion [between R. Eliezer and the Sages] concerns [a case where] a rich person [gleaned] for a poor person. R. Eliezer is of the opinion [that] [i] since, if he had wished, he could have declared his possessions public property, so that he would have become a poor man [himself] and would have been entitled [to the gleanings of the corner], he is entitled [to them] even now, and [ii] since he might thus take possession [of them] for himself,¹⁹ he could also confer possession [of them] upon his neighbour. But [the Sages] are of the opinion [that] we can use the Since argument once but not twice.²⁰ But [in a case where] a poor person [gleaned] for [another] poor person all are of the opinion that he could confer possession [of the gleanings] upon that person, for since he could take possession [of them] for himself he could also confer possession [of them] upon his neighbour.²¹

R. Nahman said to ‘Ulla: And why not say, Master, that the difference of opinion [between R. Eliezer and the Rabbis] concerns [even a case where] a poor person [gleaned] for a poor person. — seeing that in regard to a found object all are [in the same legal position as the] poor are in regard [to the corner of the field]?²² And we learned: IF ONE, RIDING ON AN ANIMAL, SEES A LOST ARTICLE AND SAYS TO HIS NEIGHBOUR: ‘GIVE IT TO ME’; THE LATTER TAKES IT UP AND SAYS: ‘I ACQUIRED IT [FOR MYSELF].’ — [THEN] IT IS HIS. Now, it is all correct if you say that the difference of opinion [between R. Eliezer and the Rabbis] concerns [even a case where] a poor person [gleaned] for a poor person.²³ [for]

(1) Where it is usual to ride on a bought animal, instead of leading it, in view of the possibility of passers-by intervening between the animal and the person that leads it.

(2) For it is usual for an important person to ride on an animal even in a side-street where there are no people

about, as leading an animal by the reins is undignified.

(3) A woman is, as a rule, not strong enough to prevent the animal from breaking loose. She does not, therefore, usually lead it.

(4) A person that has no dignity will ride on an animal in any circumstances, whether it is regarded as proper for him to do so or not, but the ordinary person, whose standing is neither too high nor too low, will not, as a rule, ride on an animal in town in a quiet street. In such circumstances, riding would not be a legitimate way of acquiring the animal if the buyer has been told to acquire it 'in the usual manner'.

(5) The speaker has sold the vessels to the other, but he has not sold him the animal.

(6) I.e., the words 'so that you may acquire', spoken by the seller, do not convey the direct authorisation which the buyer must receive before he can really acquire the vessels.

(7) Raba assumes that R. Eleazar asks his question regarding the vessels placed on the animal because he has in mind a case where the animal itself has not been sold, and he concludes from this that, where the animal has been sold with the vessels, R. Eleazar would be sure that the buyer would acquire the vessels simultaneously with the animal, as he pulls it along, because the animal would then be regarded in the same light as his courtyard, which enables the owner to acquire whatever is placed in it. Raba then objects that the moving animal, like anything else on the move, does not convey to the owner possession of the articles placed upon it.

(8) The original law regarding the utilisation of a person's premises for the purpose of acquiring the objects placed within them only applies to fixed premises; cf. Git. 77a.

(9) I.e., after it has been pulled along by the buyer, and has thus been acquired by him, the animal comes to a standstill, and it may then be regarded as a 'fixed courtyard'.

(10) As the animal is then unable to move, it is rightly regarded as a 'fixed courtyard'.

(11) I.e., according to your view that a 'moving courtyard' does not enable its owner to acquire the objects placed therein,

(12) The basket which women used to carry on their heads, and which served the purpose of a work-basket.

(13) The Mishnah in Git, 77a makes it clear that in such circumstances the wife is divorced.

(14) The basket is therefore like a 'fixed courtyard'.

(15) For as soon as he handed over the found object to that person it became the latter's property, no matter whether the former first acquired it for himself or not, and his subsequent declaration is of no avail.

(16) Pe'ah. IV, 9; Cf. Git. 113.

(17) V. Lev. XIX, 9.

(18) The gleaner of the corner of the field, who according to R. Eliezer may confer possession of the gleanings upon a poor individual, would have to be a stranger, not the owner of the field. For the owner, even if he is poor himself, has no right to the gleanings of the corners of his field (cf. Hul., 131a), and he could not therefore acquire it for others. As the argument 'Since (Miggo) he can take possession of it for himself he may also confer possession of it upon someone else' could not in this case be used, R. Eliezer would also say that the other poor person is not entitled to the gleanings to the exclusion of anyone else.

(19) I.e., if he had, in the stated circumstances, desired to acquire the gleanings, he could have legally made them his own.

(20) Only one miggo can be applied to a case, but not two miggos. In this case we would first have to say: miggo (since) a poor man can acquire the gleanings for himself he can also acquire them for a poor neighbour; and then we would have to say: miggo (since) if he wished to renounce his property he could acquire the status of a poor man, he may be given such status even if he is rich.

(21) The one miggo would be accepted by all.

(22) Just as every poor person has a right to glean the corners of a field, so every person who finds an object has a right to pick it up and acquire it.

(23) And the Rabbis who differ from R. Eliezer would hold the view that although we may say, in the case of two persons picking up together a found object that each one acquires it for the other at the same time as he acquires it for himself (v. supra p. 37), yet in this case they would say that one poor man cannot acquire the gleanings for the other poor man. For in the case of the found object the argument is: 'Since (Miggo) he takes possession of it for himself, he may also take possession of it for his neighbour.' But in the case of the gleanings the argument would have to be: 'Since (Miggo), if he had wished, he could have taken possession of it for himself, he may also take possession of it for his neighbour' — and such an argument the Rabbis would not adopt. It would only be a potential miggo, which the Rabbis would not regard as valid.

Talmud - Mas. Baba Metzia 10a

our Mishnah would then be in accord with the Rabbis.¹ But if you say that the difference of opinion concerns [a case where] a rich person [gleaned] for a poor person, but that all agree [in the case] of a poor person [gleaning] for a poor person that one transfers possession upon the other, with whose view is our Mishnah in accord? It agrees neither [with the view of the Rabbis nor with [that of] R. Eliezer!² — He ['Ulla] answered him: Our Mishnah speaks of [a case] where [the person who picked up the article] said: [I took possession of it] first.³ This also stands to reason! Since the second clause teaches: IF AFTER GIVING IT TO HIM, THAT PERSON SAYS: 'I ACQUIRED IT FIRST,' THERE IS NOTHING IN WHAT HE SAYS, what need is there to state FIRST in this second clause? Surely even if he did not say FIRST [it would be assumed that] he meant 'FIRST'?⁴ It must therefore be concluded that it was intended to let us know that in the first clause also he stated 'first'.⁵ And the other?⁶ The wording of the second clause is intended to throw light on the first: In the second case he said 'FIRST' but in the first case he did not say 'first'.⁷

Both R. Nahman and R. Hisda Say: If a man lifts up a found object for his neighbour, the neighbour does not acquire it.⁸ For what reason? Because it is like one who seizes [a debtor's property] on behalf of a creditor, thereby causing loss to [the debtor's] other [creditors],⁹ and one who seizes [a debtor's property] in behalf of a creditor, causing loss thereby to [the debtor's] other [creditors], does not acquire [the property].¹⁰ Raba asked R. Nahman: [A Baraitha teaches:]¹¹ A labourer's find belongs to himself. This decision only applies to a case where the employer said to the labourer: 'Weed for me to-day', [or] 'Hoe for me to-day.'¹² But if he said to him: 'Do work for me to-day.' the labourer's find belongs to the employer!¹³ — He [R. Nahman] answered him: A labourer is different, as his hand is like the hand of his employer.¹⁴ But does not Rab say: 'The labourer may retract even in the middle of the day? — He [R. Nahman] answered him [again]: Yes, but as long as he does not retract [and he continues in the employment] he is like the hand of the employer. When he does retract [he can withdraw from the employment] for another reason,¹⁵ for it is written: For unto me the children of Israel are servants; they are My servants¹⁶ — but not servants to servants.¹⁷

R. Hiyya b. Abba said in the name of R. Johanan: If one lifts up a found object for his neighbour, the neighbour acquires it. And if you will say: Our Mishnah [differs]!¹⁸ — [it is because our Mishnah deals with a case] in which he said, 'Give me it,' and did not say, 'Acquire it for me.'¹⁹

MISHNAH. IF ONE SEES AN OWNERLESS OBJECT AND FALLS UPON IT, AND ANOTHER PERSON COMES AND SEIZES IT, HE WHO HAS SEIZED IT IS ENTITLED TO ITS POSSESSION.

GEMARA. Resh Lakish said in the name of Abba Kohen Bardala: A man's four cubits acquire [property] for him everywhere. For what reason? — The Rabbis instituted [this law] in order that people might not be led to quarrelling.

Abaye said: R. Hiyya b. Joseph raised an objection from [the tractate of] Pe'ah. Raba said: R. Jacob b. Idi raised an objection from the [tractate of] Nezikin.²⁰ Abaye said: R. Hiyya b. Joseph raised an objection from [the tractate of] Pe'ah:²¹ If he [a poor man] takes part [of the gleanings] of the corner [of a field] and throws it over the rest [of the gleanings],²² he cannot claim anything. If he falls Upon it, [or if] he spreads his garment upon it, he may be removed from it. And the same [law applies] to a forgotten sheaf.²³ Now if you say that a man's four cubits acquire [property] for him everywhere, let the four cubits [of the poor man] acquire for him [the gleanings on which he fell]! — Here we deal with a case where the man did not say, 'I wish to acquire it.' But if the Rabbis instituted [this law], what does it matter if he did not say, ['I wish to acquire it']? — Since he fell [upon it], he made it clear that he wished to acquire it by falling [upon it]²⁴ but did not wish to acquire it by means of [his four cubits].

(1) [Who disregard the potential miggo and do not admit the argument. 'Since the person who picked up the article for the rider could, if he had wished, have picked it up for himself, he may also confer possession of it upon his neighbour.' The latter therefore can rightly retain the article if he wishes to do so. At this stage the Gemara presumes that he had originally picked up the article for the rider, but that he subsequently refused to hand it over to him.]

(2) For it would appear from our Mishnah that one cannot ordinarily acquire an object for someone else, and the only way in which one can confer upon the other the right of possession is by handing the object over to him.

(3) The reason why the rider cannot claim the found object unless it has been handed over to him is that the other person claims to have picked it up straight away for himself. But if the other person had picked it up for the rider it would have belonged to the latter straight away, for we say that since, if he had wished, he could have taken possession of it for himself, he may also take possession of it for his neighbour.

(4) When he claims the article after handing it over, he must surely mean that he acquired it first for himself. There would be no sense in his claim that he acquired it for himself after he disposed of it to the rider,

(5) I.e., that the person who picked it up maintained that he took possession of it for himself right at the beginning. And the last clause teaches us that even if he claims to have picked it up for himself straightaway, his plea is not accepted, for by handing over the article to the rider he made it clear that he originally meant to acquire it for that person.

(6) R. Nahman — what is his view regarding the use of the word FIRST in the second clause?

(7) The use of the word FIRST in the second clause makes it clear that it was intentionally excluded from the first clause. [For there, even if he did not say 'first', but picked it up for the rider, the rider would still have no claim to it until it had been delivered to him.]

(8) Cf. Bezah, 39b.

(9) The person who lifts up a found object for someone else does not benefit himself, and he deprives other people of the chance of finding and acquiring the object. He is therefore like a person who comes and seizes a debtor's property for the benefit of a creditor, thus depriving other creditors of the chance of recovering their debt.

(10) As the creditor in whose behalf he seized the property had not authorised this man to act on his (the creditor's) behalf his intervention is illegal and constitutes an infringement of the rights of the other creditors (Rashi). [According to Tosaf, the same law would apply even where he had been authorized by the creditor. V. Keth. 84b; Git., 113.]

(11) V. infra 12b; 118a,

(12) As the work which the labourer is to do for the employer is specified it cannot include anything else, not even finding and acquiring an ownerless object. If the labourer has spent any time in finding and acquiring the object, the employer may deduct payment for the time lost, but he cannot claim the object.

(13) Since the work is not specified it includes anything that the labourer may do during the time of his employment, so that the object that he finds and acquires during that time belongs to the employer. This would show that when one lifts up a found object for his neighbour the neighbour acquires it — in contradiction to R. Nahman and R. Hisda.

(14) The employer's right to the object found by his employee has nothing to do with the question whether one may acquire an object for a neighbour, as in the case of the employer the reason why he is entitled to the object found by his employee is that during the time of the employment the employee belongs to the employer, and anything that the former acquires during that time belongs to the latter.

(15) The fact that the labourer may terminate the employment any time he likes does not imply that he does not belong to the employer while the engagement lasts and that he can acquire a found object for himself during that time. There is another reason for the right conceded to the employee to terminate his engagement whenever he likes.

(16) Lev, XXV, 55.

(17) The freedom of the individual ought not to be jeopardised by an engagement which is to bind the employee to work for the employer against his own inclination, as if he were the employer's chattel, Cf. B.K. 116b.

(18) In that it says that the person who picked up the object and said, 'I took possession of it,' acquired it for himself, even though he acted for the rider who told him to give it to him.

(19) Had the rider said: 'Acquire it for me by picking it up on my behalf' the object would have belonged to the rider. By saying: 'Give it to me,' the rider made it clear that the found object was to become his only when it was handed over to him. The other person is therefore entitled to keep the object.

(20) The three 'Babas' ('Gates': Baba Kamma, Baba Mezia, and Baba Bathra), formed originally one tractate, which was called 'Nezikin'.

(21) Ch. IV, Mishnah 3.

(22) In order to acquire it by this act.

(23) V. Deut. XXIV, 19.

(24) He preferred to acquire the gleanings by the act of falling upon them, believing that this would be legally more effective than the claims of the four cubits sanctioned by the Rabbis, And as he did not intend to exercise the right afforded him as regards the four cubits, the right lapsed, and there was nothing in his action of throwing himself upon the gleanings to entitle him to claim their possession.

Talmud - Mas. Baba Metzia 10b

R. Papa said: The Rabbis instituted [the law of the] four cubits only in a public place.¹ but the Rabbis did not institute [such a law] in a private person's field.² And although the Divine Law gave [the poor person] a right therein, it gave him the right to walk in it and glean its corners, but the Divine Law did not give him the right to regard it as his ground.³ Raba said: R. Jacob b. Idi raised an objection from [the tractate of] Nezikin: IF ONE SEES AN OWNERLESS OBJECT

AND FALLS UPON IT, AND ANOTHER PERSON COMES AND SEIZES IT, HE WHO SEIZED IT IS ENTITLED TO ITS POSSESSION — now if you will say [that] the four cubits of a person acquire for him [an ownerless object] everywhere, let his four cubits acquire it for him [in this case also]? — Here we deal [with a case] where he did not say, ‘I wish to acquire it.’ But if the Rabbis instituted [the right of the four cubits], what does it matter if he did not say it? — As he fell [upon the object] he made it clear that he wished to acquire it by falling [on it] but did not wish to acquire it by means of the four cubits. R. Shesheth said: The Rabbis instituted [the law of the four cubits] in regard to a side-street, which is not crowded, [but] in regard to a high road, which may be crowded, the Rabbis did not institute [this law]. But does it not say ‘everywhere’? — [The term] ‘everywhere’ is to include the [ground on both] sides of the high road.⁴

Resh Lakish said further in the name of Abba Kohen Bardala: A girl who is [still] a minor⁵ has neither the right [to acquire, an object by means] of her ‘ground’⁶ nor the right [to acquire an object by means] of her ‘four cubits’.⁷ But R. Johanan said in the name of R. Jannai: She has the right, both in regard to her ground and in regard to her four cubits. Wherein do they differ? — One⁸ is of the opinion that [the scriptural term] ‘ground’⁹ is included in her ‘hand’; just as her ‘hand’ acts for her, so her ‘ground’ also acts for her. But the other¹⁰ is of the opinion that ‘ground’ [acts] in the capacity of ‘agent’;¹¹ and as she has not the power [while she is a minor] to appoint an agent to act for her¹² neither can her ‘ground’ act for her. But is there anyone who says that ‘ground’ is regarded as ‘agent’? Was it not taught: [If the theft be found at all] in his hand [alive];¹³ — [from this] I would gather [that the law applies] only [when it is found in] ‘his hand’: how do we know that the same law applies [when the theft is found on] his roof, in his court-yard and in his enclosure?¹⁴ Because we are told: [If the theft] ‘be found at all’,¹⁵ [which means]: ‘wherever [it may be found].’¹⁶ Now if your view is that ‘ground’ [acts] because it is regarded as agent, then we must conclude [that there] is an agent for a sinful act,¹⁷ whereas it is held by us¹⁸ that there is no agent for a sinful act?¹⁹ — Rabina answered: We say ‘there is no agent for a sinful act’ only when the agent is subject to the law prohibiting the act, but in regard to [a thief’s] ‘ground’, which cannot be said to be subject to the law prohibiting the act [of stealing] the responsibility [does not lie with the agent, but it] lies with the originator [of the deed]. But if so — what if one says to a woman or a slave: ‘Go and steal for me,’ seeing that they are not subject to the law prohibiting the act [of stealing].²⁰ does the responsibility in this case also lie with the originator [of the deed]? — I will tell you: A woman and a slave are subject to the law prohibiting [theft], only they are temporarily unable to pay,²¹ as we learnt: When the woman has been divorced and the slave set free, they are obliged to pay.²² R. Sama said: When do we say, ‘there is no agent for a sinful act’? — [Only in a case] where [the agent is at liberty to choose: to] do it if he wishes, and not do it if he does not wish. But in regard to a ‘ground’ [where. e.g., a stolen animal is found], seeing that it has no will but must receive [what is deposited therein, the responsibility lies with the originator [e.g., of the theft]. Wherein do they differ?²³ — They differ [in the case where] a priest says to an Israelite: ‘Go and betroth for me a divorced woman’²⁴ or [where] a man says to a woman:²⁵ ‘Cut around the corners of the hair of a minor:’²⁶ according to the version which says that whenever [the agent has the choice to] do it if he wishes, and not to do it if he does not wish, the responsibility does not lie with the originator; here also he has the choice to do if he wishes and not to do it if he does not wish, [and therefore] the responsibility does not lie with the originator. But according to the version which says that whenever the agent is not subject to the law prohibiting the act, the responsibility lies with the originator, in these

[cases] also, seeing that [the agents] are not subject to the laws prohibiting the acts, the responsibility lies with the originators. But is there anyone who says that ‘ground’ is not included in [the term] ‘hand’? Has it not been taught: [And he shall give it] in her hand²⁷ — from this I would learn only that ‘her hand’ acts for her. How do we know [that] her roof, her courtyard and her enclosed space [also act for her]? Because the Scriptural verse emphasises, ‘And he shall give’, [which implies that he may give it to her] anywhere.²⁸ With regard to a divorce there is no difference of opinion [and all agree] that ‘ground’ is included in her ‘hand’. The difference of opinion exists only as regards a found object: One²⁹ is of the opinion that

(1) Such as a high road, a public thoroughfare, or a lane, a side-street and an alley adjoining an open space — places that are open to everybody.

(2) Where, having regard to the limited space, it is impossible to assign to each person four cubits.

(3) For the purpose of acquiring an object situate on that ground.

(4) But not side-streets and alleys.

(5) Cf. Keth. 39a.

(6) Lit. ‘Court’.

(7) Therefore, if she is married, the husband cannot divorce her by throwing the bill of divorcement into her court or into the space constituting her four cubits in a public place, although in the case of a wife who has attained her majority (cf. Keth. 39a) this would be a valid way of effecting her divorce (cf. Git. 78a).

(8) R. Johanan.

(9) Used in Deut, XXIV, 1: that he writeth her a bill of divorcement, and giveth it in her hand. cf. Git. 77b. That the term ‘hand’ means also ‘possession’ may be gathered from Num, XXI, 26.

(10) Resh Lakish.

(11) Not because it is like her ‘hand’ and thus ‘acts’ automatically, but because the ground stands to her in the relation of a messenger to the sender, or of an agent to the originator of a deed, for which a free will or a sense of legal responsibility is required. A minor cannot therefore be represented by such an agent. The right of an adult person, whether man or woman, to act through a messenger, or agent, as regards marriage and divorce, is derived from Deut, XXIV, 1. v. Kid. 41a.

(12) Only a ‘man’ and a ‘woman’ can appoint agents to act for them, but not a minor. Cf. Kid. 42a.

(13) Ex, XXII, 3.

(14) I.e., that one is guilty of theft if an animal walks into an enclosed space belonging to him, and he locks it in.

(15) The emphatic term **tmn, tmnv** is taken to indicate: ‘wherever it may be found’.

(16) Cf. infra 56b; B.K. 65a; Git, 77a.

(17) That the responsibility for the act rest upon the principal originator, who instructed the agent, and not upon the agent who carried out the instruction. The sinful act in this case is the act of stealing the animal.

(18) V. Kid. 42b.

(19) I.e., if one commits an illegal act on the instruction of someone else the guilt rests upon the performer of the act, and not upon the one who gave the instruction, as each person is bound to obey the law given by the Supreme Master, and one has no right to carry out the instruction of another person if it is contrary to the divine Law.

(20) At least so far as the penalties involved are concerned, as they are unable to pay. Cf. B.K. 87a.

(21) The married woman cannot pay because she cannot dispose of her property without her husband's consent, and the slave because everything he has belongs to his master,

(22) For an injury they caused in their previous state, while they were unable to pay (B.K. 87a).

(23) What practical difference is there in the views expressed by Rabina and R. Sama?

(24) A priest may not take to wife a divorced woman. (Lev. XXI, 7.) Betrothal marks the two parties concerned

husband and wife.

(25) A woman is not subject to the prohibition of rounding the corners of the head (Lev. XIX, 27) as she is not subject to the prohibition contained in the second half of the same Biblical verse, neither shalt thou mar the corners of thy beard. Cf. Kid. 35b; Naz. 57b.

(26) A minor is mentioned for the reason that an adult will not allow anyone to round the corners of his head, as the Biblical prohibition applies to 'rounding' as well as to 'being rounded'.

(27) Deut. XXIV, 3.

(28) The term **i, bu**, 'and he shall give' is taken as having no exclusive reference to the following word **vshc** ('in her hand'). Had the emphasis been restricted to 'in her hand' the term used would have been **uvb, h vshcu** (Rashi). The inference therefore is that any place belonging to her, i.e. her 'ground', is as good as her 'hand', and not because the place is her 'agent', for the fact that the woman can appoint an agent in connection with either marriage or divorce is already indicated in this verse by the word **vj kau** 'he shall send her' (cf. Kid., 41a), and need not be indicated again by **i, bu**. Git. 77a.

(29) R. Johanan.

Talmud - Mas. Baba Metzia 11a

we derive [the law regarding] a found object from [the law regarding] divorce,¹ and the other² is of the opinion that we do not derive [the law regarding] a found object from [the law regarding] divorce.³ And if you wish I will say: As regards a female minor there is no difference of opinion [and all agree] that we derive [the law regarding] a found object from [the law regarding] divorce, but here they differ regarding a male minor: One⁴ says: We derive [the law regarding] a male minor⁵ from [the law regarding] a female minor, and the other⁶ says: We do not derive [the law regarding] a male minor from [the law regarding a female minor]. And if you wish I will say: One deals with one case⁷ and the other deals with another case, and they do not really differ [as regards the law].

MISHNAH. IF A MAN SEES PEOPLE RUNNING AFTER A LOST ARTICLE [E.G.,] AFTER AN INJURED STAG [OR] AFTER UNFLEDGED PIGEONS,⁸ AND SAYS: 'MY FIELD ACQUIRES POSSESSION FOR ME',⁹ IT DOES ACQUIRE POSSESSION FOR HIM.¹⁰ BUT IF THE STAG RUNS NORMALLY, OR THE PIGEONS FLY [NATURALLY], AND HE SAYS: 'MY FIELD ACQUIRES POSSESSION FOR ME,' THERE IS NOTHING IN WHAT HE SAYS.¹¹

GEMARA. Rab Judah said in the name of Samuel: This¹² is, provided he is present by the side of his field. But ought not his field to acquire it for him [in any case], seeing that R. Jose, son of R. Hanina, said:¹³ A man's 'ground' acquires [property] for him [even] without his knowledge? — These words apply only to a [piece of] 'ground' that is guarded,¹⁴ but when [the piece] of 'ground' is not guarded, [then the law is that] if [the owner] is present by the side of his field he does [acquire the property], [but] if [he is] not [present] he does not [acquire it]. And whence do you derive that when [the piece of] 'ground' is not guarded [the owner] does [acquire the property] if he is present by the side of the field, [but that he] does not [acquire it] if [he is] not [present]? — From what was taught: If one stands in town and says, 'I know that the sheaf which I have in the field has been forgotten by the labourers,¹⁵ [and it is my wish that the sheaf] shall not be regarded as forgotten',¹⁶ I might think that it shall not [in any circumstances]¹⁷ be regarded as

forgotten: the scriptural verse therefore tells us: And thou hast forgot a sheaf in the field [etc.]¹⁸ implying ‘only if thou hast forgotten it [while thou wast] in the field [does the law of the forgotten sheaf apply] and not [if thou hast forgotten it when thou hast returned] to town.’ Now, this seems self-contradictory. First you say: ‘I might think that it shall not be regarded as forgotten’ — from which it would appear that [in fact] it is regarded as forgotten; and then the Gemara¹⁹ concludes: ‘Only if thou hast forgotten it [while thou wast] in the field [does the law of the forgotten sheaf apply] but not [if thou hast forgotten it when thou hast returned] to town’ — from which it would appear that [in the case discussed] it is not regarded as a forgotten [sheaf]. It must therefore be assumed that what is meant is this: In the field, [i.e.,] if it was forgotten at the outset, [while the owner was still in the field,] it must be regarded as [a] forgotten [sheaf], [but] if it was remembered [by the owner in the field] and was subsequently forgotten [by the labourers] it is not regarded as [a] forgotten [sheaf]. For what reason? Since he was standing near it [in the field, the field] acquires it for him. But [when the owner is again] in town, even if [the sheaf] was at first remembered [by him] and was forgotten later [by the labourers in the field], it must be regarded as [a] forgotten [sheaf].²⁰ For what reason? Because he is not there beside it, so that [the field] does not require possession [of the sheaf] for him. But how does it follow?²¹ Perhaps it is a Biblical decree that [only that which is forgotten by the owner while he is] in the field shall be subject to the law of the forgotten sheaf, but that [when the owner is] in town [again] the sheaf is no more subject to that law?²² The Scriptural verse says [further]: Thou shalt not go back to fetch it — this is to include the sheaf which has been forgotten [by the owner on his return] to town. But is not this needed to indicate that disregard of the law involves the transgression of a negative command?²³ — If that were so, the Scriptural verse would only have to say ‘Thou shalt not fetch it’. Why does it say: ‘Thou shalt not go back’? [Obviously] in order to include the sheaf which has been forgotten [by the owner on his return] to town. But is not this [additional phrase] still required for [the rule] which we have learned: That which is in front of him [who is engaged in reaping] is not [subject to the law of the] forgotten [sheaf]; that which is behind him is [subject to the law of the] forgotten [sheaf], as it is included in the prohibition: ‘Thou shalt not go back [to fetch it]’.²⁴ This is the general rule: All that can be included in the prohibition ‘Thou shalt not go back [to fetch it]’ is [subject to the law of the] forgotten [sheaf]; all that cannot be included in the prohibition ‘Thou shalt not go back [to fetch it]’ is not [subject to the law of the] forgotten [sheaf]?²⁵ — R. Ashi said: The Scriptural verse says: It shall be [for the stranger]²⁶ etc., so as to include that which has been forgotten [by the owner when he is back] in town.

‘Ulla also said:²⁷ ‘This is, provided that he is present by the side of his field’. And Rabbah b. Bar Hanah said likewise: ‘This is, provided that he is present by the side of his field’. R. Abba placed before ‘Ulla the following objection: It happened once that Rabban Gamaliel and some elders were going in a ship.²⁸ Rabban Gamaliel then said: The tithe which I shall measure off [when I come home] is given [by me] to Joshua.²⁹

(1) That just as her ‘ground’ acts for her as regards a bill of divorcement it also acts for her as regards a found object.

(2) Resh Lakish.

(3) Divorce is a matter that has to do with the ritual part of the Law, while the claim to a found object is only a matter of money. In regard to the latter the deduction from Ex. XXII, 3, dealing with theft, to include ‘ground’ may be explained as an extension of the law of agency, i.e., the thief’s ‘ground’ is treated as his, agent and it may

be applied to other 'money matters'. The Scriptural indication is however necessary in the case of theft, as otherwise we might have thought that a thief's premises do not act for him, because of the principle that 'there is no agent for a sinful act'.

(4) R. Johanan.

(5) Which is not indicated anywhere in the Bible.

(6) Resh Lakish.

(7) Resh Lakish states the law regarding a found object — that it is not acquired by means of one's 'ground' — and R. Johanan states the law regarding a bill of divorcement — that it is acquired by means of one's ground. Or alternatively it could be said that one deals with the case of a male minor, and the other deals with the case of a female minor, and this accounts for the difference in their decision. It may thus be assumed that R. Johanan and Resh Lakish do not differ at all as regards the law as it applies to each case, and that they would both uphold each other's decision.

(8) The injured stag and the unfledged pigeon cannot move out of the field in which they are found, and will therefore remain there, unless someone takes them away. The field, in these circumstances, acts for the owner and acquires the animal or the birds for him, if the owner expresses his wish in this respect before the others have taken hold of these finds. (V. however, Tosaf a.l.)

(9) V. supra. 10b.

(10) They become his property, and the others have no right to take them away.

(11) As the animals or birds are not staying in the field his 'ground' cannot acquire them for him.

(12) The Mishnaic law that the field acquires for its owner the injured stag and the unfledged birds that are found there.

(13) B.K. 493; infra 102a, 118a; Hul. 141b.

(14) As when it is surrounded by a fence.

(15) I placed the sheaf there so that the labourers might see it and bring it home.

(16) It shall not be subject to the law regarding a sheaf which has been forgotten in the field — the law given in Deut. XXIV, 19: When thou reapest thy harvest in thy field, and hast forgot a sheaf in the field, thou shalt not go back to fetch it etc.

(17) I.e., even if the owner himself forgot it subsequently.

(18) Deut. XXIV, 19.

(19) [MS.M. 'Talmud', v. infra p. 206, n. 6.]

(20) The argument of the Gemara would then be as follows: 'I might think that it shall not be regarded as a forgotten sheaf, The Scriptural verse therefore tells us: And thou hast forgot a sheaf in the field etc., meaning thereby: Only when thou art in the field it is necessary that thou thyself shalt forget the sheaf in order to make it available for the stranger etc., but when thou hast returned to town it is not necessary that thou thyself shalt forget the sheaf: the forgetfulness of the labourers in the field has the same effect as thine own.

(21) That the meaning of the verse is as stated, and that the conclusion of the Baraita is correct (Tosaf.).

(22) The emphasis in the verse would then be that the law of the forgotten sheaf only applies to **vsac** ('in the field') but never to **rlhgc** ('in the town').

(23) Carrying with it the penalty of thirty-nine lashes.

(24) This phrase is superfluous and thus serves as a basis for this deduction.

(25) Pe'ah VI, 4.

(26) Deut. *ibid*.

(27) 'Ulla expressed the same view as Rab Judah expressed in the name of Samuel (v. p. 59. n. 9).

(28) Cf. Hor. (Sonc. ed) pp. 70f.

(29) Joshua b. Hananiah, who was a Levite and was entitled to receive the first tithe. (Cf. 'Ar. 11b.) Rabban

Gamaliel was afraid that if he waited till he returned home he would be too late to perform the duty of tithing for that year. [Or that the members of his household might make use of the produce on the assumption that he had set the tithe aside before his departure, incurring thereby the guilt of eating untithed produce]. According to the view of Rabbenu Tam (Tosaf. a.l. and Kid. 26b) this happened on the eve of the Passover festival of the fourth year, when all the tithe offerings had to be 'put away' (cf. Deut. XXVI, 12ff.)

Talmud - Mas. Baba Metzia 11b

and the place [where it lies] is leased to him [by me].¹ And the other tithe² which I shall measure off is given [by me] to Akiba b. Joseph³ that he may acquire possession of it for the poor, and the place [where it lies] is leased to him [by me].⁴ Now, were R. Joshua and R. Akiba standing by the side of the field of Rabban Gamaliel [when the latter made that declaration]?⁵ — He ['Ulla] then said to him [R. Abba]: This student seems to imagine that people do not study the law.⁶ When he [R. Abba] came to Sura⁷ he related to those [at the College]: This is what 'Ulla said, and this is the objection that I placed before him. One of the Rabbis then answered him: Rabban Gamaliel made them acquire the movable property through the immovable property.⁸ R. Zera accepted it. R. Abba did not accept it. Said Raba: He [R. Abba] did right in not accepting it: for had they not a 'cloth' by which to acquire from him [the tithes] as 'exchange'?⁹ [It must] therefore [be said that] the enjoyment of the right [to give the tithes to whom one likes]¹⁰ is not [regarded as something that has a] money [value] by which one could acquire [goods] as 'exchange'. In the same way [it must be said that] the enjoyment of this right is not [regarded as something that has a] money [value] for the purpose of being acquired through immovable property.¹¹ But this is not so: In regard to the priestly perquisites¹² [the term] 'giving' is used in Scripture:¹³ 'Exchange' is a commercial transaction; [whereas the acquisition of] movable property through immovable property is [a transaction to which] 'giving' [may be] legitimately [applied].¹⁴ R. Papa says:¹⁵ [In a case where there is] a person bestowing [upon the recipient] the right [to the property] it is different.¹⁶ And whence do you derive this? From what we have learned [in our Mishnah]: 'IF A MAN SEES PEOPLE RUNNING AFTER A LOST OBJECT' etc. And [in regard to this] R. Jeremiah said in the name of R. Johanan: 'This is, provided that [if] he runs after them and can overtake them.'¹⁷ R. Jeremiah then asked: What is the law regarding a gift?¹⁸ R. Abba b. Kahana approved [of the distinction implied in] this question, [and he answered: If the objects are given to the owner of the field, they become his] even if he runs after them, and cannot overtake them. For what reason? Is it not because [where there is] a person bestowing [upon the recipient] the right [to the property] it is different!

Said R. Shimi to R. Papa: Behold there is [the case of] a bill of divorcement [thrown by the husband into the wife's house or court-yard],¹⁹ where there is a person bestowing upon the recipient the right to its possession²⁰ — and yet 'Ulla said: 'That is, provided that she is present in the vicinity of her house or her court-yard'! — [The case of] a bill of divorcement is different, as it may be given even against her will. But can it not be concluded [the other way] by means of a Kal wa-homer: If [in the case of] a bill of divorcement, which may be given against [the wife's] will, it is valid if she is standing by the side of her house or her court-yard, but not otherwise, how much more should this be so in the case of a gift, for which [the recipient's] consent [is necessary]? — Therefore R. Ashi said:²¹

- (1) This enabled Joshua to acquire the tithe without actually taking possession of it, as movable property may be acquired either by pulling it or having it placed within one's premises (v. supra 9b). According to Ma'as. Sh. V, 9 the leasing of the premises was confirmed by the immediate payment of a nominal rental by Joshua to R. Gamaliel.
- (2) The tithe which had to be given to the poor in the third and sixth year after the Sabbatical year.
- (3) Who held the office of almoner.
- (4) Ma'as. Sh. V, 9.
- (5) It is obvious that in this case the condition laid down by 'Ulla and the other Rabbis could not have been fulfilled. The conclusion must therefore be drawn that a person's premises may acquire for him the objects placed therein even if he is not standing by the side of the premises.
- (6) B.B. 84b.
- (7) Cf. supra 6b.
- (8) The leasing of the ground on which the tithes were lying enabled Joshua and Akiba to acquire the tithes, not because the ground acted for them as their 'hand' or 'agent', but because of the principle that 'movable property, which cannot be pledged as security to a lender, may be acquired together with immovable property, which can be pledged as security to a lender,' by means of the payment of the purchase price of the immovable property (v. Kid 26a). Rabban Gamaliel could therefore have leased to Joshua and Akiba any other piece of ground, with the same effect so far as the acquisition of the tithes is concerned. Even movable property which is received as a gift can be acquired in the same way. (Cf. loc. cit.)
- (9) Heb. **ihphkj** halipin; cf. Ruth. IV, 7. What need was there then for Joshua and Akiba to pay R. Gamaliel for the lease of the ground? Cf. supra p. 30. n. 3.
- (10) The tithe offered by R. Gamaliel to Joshua and Akiba was not really the former's property as it belonged by law to the Levite poor. R. Gamaliel's right was limited to the choice of the person to whom the tithe was to be handed over. This right has no money value in the sense indicated to enable the recipient of the tithe to acquire it in association with a transaction of 'exchange'.
- (11) In the same way, and for the same reason, the tithe could not be acquired by means of the payment of the purchase price for immovable property. But it could be acquired in the way in which an ownerless object is acquired by one in whose premises it is placed, and for this reason the method employed by R. Gamaliel, as originally interpreted (by leasing his ground on which the tithe was lying), was correct.
- (12) Including the portions due to the Levites and to the poor.
- (13) Deut. XXVI, 12.
- (14) 'Giving' precludes selling, and 'exchange' is a method of sale. But the acquisition of movable property, even when it is received as a gift in association with immovable property is legally valid, and it is not regarded as a sale. This method may therefore be employed in reference to tithes.
- (15) R. Papa upholds the original version regarding R. Gamaliel's method of distributing the tithes by means of his 'ground'.
- (16) Literally: 'Where another mind causes one to acquire them,' i.e., where the recipient does not acquire (ownerless) goods by his own action, but has them conferred upon him by the owner, as in the case of R. Gamaliel. In such a case there is no need for the recipient to 'be standing by the side of the field,' as laid down by 'Ulla and others in regard to the case in our Mishnah.
- (17) The injured animal and immature birds are assumed to be able to move along slowly through the field, where they can be overtaken by the owner.
- (18) If someone's animals or birds have landed in a strange field and their owner gives them to the owner of the field as a present, Must the owner be able to overtake them in order to be able to acquire them, or not?
- (19) V. Git. 77b; and supra 10b.
- (20) It is the husband's intention that the wife should take possession of the document, so that she may be divorced

by it.

(21) R. Ashi acknowledges the validity of the arguments advanced by R. Shimi and R. Shesheth, and he gives a new reason for the distinction between a bill of divorcement and a gift. In both cases the ground on which the object is placed acts as the recipient's agent, whether the recipient is present or not. Where the recipient has no knowledge of the action, the agency is valid only if the action yields an advantage or benefit to the recipient. Where the action results in a disadvantage (loss or injury) to the recipient, it has no validity. Therefore, in the case of a gift, the recipient's ground acquires it for him, whether he is aware of it or not. But in the case of the bill of divorcement thrown into the wife's house or court-yard (against her will) the agency of the premises is not effective because the result would be a disadvantage to her, and in such a case the premises could only act for her if she is present and aware of what is happening, for then the premises would be regarded as 'her hand' (cf. supra 10b) and not merely as her agent. Therefore the divorce is not valid unless the woman was beside her premises when the bill was thrown.

Talmud - Mas. Baba Metzia 12a

[A person's] 'ground' [acts for him because] it is included in [the term] 'hand', and is no less effective than a [human] agency: In the case of a bill of divorcement, where the agency would work to her disadvantage, [we say that] one may not do anything to a person's disadvantage except when the person is present. But in the case of a gift, where the agency would work to the advantage [of the recipient, we say that] one may do something to a person's advantage when the person is absent.¹

[To revert to] the above text: 'IF A MAN SEES PEOPLE RUNNING AFTER A LOST ARTICLE etc. R. Jeremiah said in the name of R. Johanan: This is provided that if he runs after them he can reach them. R. Jeremiah asked: What [is the law] in [the case of] a gift? R. Abba b. Kahana approved of the [distinction implied in the] question [and answered]: 'Even though if he runs after them and cannot reach them.' Now, Raba asked:² If one throws [away] a purse through one door and it falls through another door,³ what is the law? [Do we say that even] when a thing does not come to rest in the air it is regarded as being come to rest there,⁴ or not? — R. Papa said to Raba, (and according to some R. Adda b. Mattena said to Raba, while according to others Rabina said to Raba): Is not this the same as [the case in] our Mishnah: IF A MAN SEES PEOPLE RUNNING AFTER A LOST ARTICLE [etc.]. and R. Jeremiah said in the name of R. Johanan: 'This is, provided that if he runs after them he can reach them', and R. Jeremiah asked: 'What is the law in the case of a gift?' and R. Abba b. Kahana approved of the [distinction implied in the] question [and answered]: 'Even though if he runs after them and cannot reach them'?⁵ [Raba] answered him: You speak of [a case where the objects were] moving [on the ground]: moving [on the ground] is different, as it is like resting.⁶ MISHNAH. AN OBJECT FOUND BY A MAN'S SON OR DAUGHTER WHO ARE MINORS,⁷ OR BY HIS CANAANITE BONDMAN OR BONDWOMAN,⁸ OR BY HIS WIFE,⁹ BELONGS TO HIMSELF. AN OBJECT FOUND BY HIS SON OR DAUGHTER WHO ARE MAJORS, OR BY HIS HEBREW MANSERVANT OR MAIDSERVANT, OR BY HIS WIFE WHOM HE HAS DIVORCED, ALTHOUGH HE HAS NOT PAID [HER THE AMOUNT DUE TO HER ACCORDING TO] HER MARRIAGE-CONTRACT, BELONGS TO THE FINDER.

GEMARA. Samuel said: For what reason has it been laid down that an object found by a minor

belongs to his father? Because when he finds it he brings it hurriedly to his father¹⁰ and does not retain it in his possession. Shall we then say that Samuel is of the opinion that a minor has no right to acquire anything for himself [and that this is] in accordance with Biblical law? Surely it was taught: If one hires a labourer [to work in his field] the son [of the labourer] may gather the gleanings behind [his father]?¹¹ [But if the labourer receives] a half or a third or a fourth [of the crops as wages] his son may not gather the gleanings behind him.¹² R. Jose says: In either case his son and his wife may gather the gleanings behind him.¹³ And Samuel said: The halachah is like R. Jose. Now it is all well if you say that a minor has a right to acquire things for himself in accordance with Biblical Law. For then his son gathers the gleanings for himself, and the father acquires it from him. But if you say that a minor has no right to acquire anything for himself, then the son must gather the gleanings for his father; but his father is rich,¹⁴ — why then may his wife and son gather the gleanings behind him? — Samuel merely gave the reason of the Tanna of our Mishnah, but he himself does not hold that view.¹⁵ And does R. Jose hold the view that a minor has a right to acquire things for himself in accordance with Biblical law? Have we not learnt: An object found by a deaf-mute, an imbecile, and a minor [may not be taken away from them as the law of] robbery is applied to them out of consideration for the public good.¹⁶ R. Jose says: It is actual robbery.¹⁷ And R. Hisda says: It is actual robbery because of an enactment by the Rabbis; the difference is as regards reclaiming the object by law?¹⁸ — Therefore Abaye said: [The field] is treated as if the last gleaners had passed through it,¹⁹ so that the poor themselves dismiss it from their minds, thinking that the son of that [labourer] would gather the gleanings.²⁰ R. Adda b. Mattana then said to Abaye: Is it permissible for a man to cause a lion to lie down in his field in order that the poor may see it and run away?²¹ — Therefore Raba said:

(1) Cf. Kid. 23a and 32b; A person's 'ground' acquires for him the object given to him, if even he is not present and is not aware of the gift, because it is assumed that he agrees that the 'ground' should act for him and receive on his behalf the gift from the donor, who wishes to bestow upon the recipient the right to the possession of the object. It is different, however, in the case of a found object, as there is no one to bestow upon the claimant the right to the property, and unless he is present, or the ground where the object is found is guarded (fenced in), the 'agency' cannot take effect nor can the principle of his 'hand' be applied when he is not present (Rashi).

(2) Cf. *infra* 102a.

(3) Through the door of a house belonging to another person.

(4) So that the owner of the first house could claim the purse on the ground that his premises had acquired it for him before it reached the other house. Cf. *Git.* 77a.

(5) In which case the animal or the birds are bound to get beyond his field and land on someone else's ground. And yet the law is that he acquires the animal or birds. The owner of the first house, through which the purse passed after being thrown (away), should therefore also acquire the purse.

(6) There is no comparison between the case of the purse thrown through the door of a house, and the animal or birds moving through a field, as moving on the ground is like resting on the ground, and the owner acquires the objects before they leave his field.

(7) Cf. *Keth.* 46b.

(8) Cf. *Lev.* XXV, 46.

(9) Cf. *Keth.* *loc. cit.*

(10) It is therefore assumed that when he picked up the object he did it in behalf of his father.

(11) Cf. *Lev.* XIX, 9.

(12) As he receives part of the crops he is no more poor, and he is in the same position as the owner of the field.

His son is therefore not allowed to gather the gleanings for him.

(13) For although the labourer is no more poor, his son and wife may still be regarded as poor, and they may gather part of the crops.

(14) As he receives part of the crops.

(15) He himself does not hold that an object found by a minor belongs to his father.

(16) Lit. 'ways of peace'.

(17) Git. 59b.

(18) According to the view of R. Jose the robbed object can be reclaimed by legal proceedings. But even according to him it is not a Biblical law that a minor has a right to acquire things for himself. Consequently by gleaning after his father, and on behalf of his father (who is now rich) he robs the poor.

(19) Cf. Pe'ah VIII,1. Abaye admits that a minor has no right of possession, but he advances another reason why a minor may glean after his father: When the poor learn that the labourer in the field has a wife and children they give up hope of finding any gleanings there. The field is thus regarded as one through which the old people (, **vaunb**) have passed (old people who come last and walk slowly and haltingly, so that they cannot miss anything still left on the ground) and in which everybody is allowed to take away the gleanings — even the rich — because of the assumption that the poor are satisfied that after these last gleaners have searched the field nothing worth taking is left.

(20) This is why the son may gather the gleanings for his father.

(21) If the only reason why the son is permitted to gather the gleanings is that his presence serves to keep the poor away, although he is not legally entitled to glean in the field, it is like placing a wild beast in the field in order to frighten the poor people away, which is, of course, wrong.

Talmud - Mas. Baba Metzia 12b

[In this case] the right to take possession has been conceded to one who really has no such right.¹ For what reason? — [Because] the poor themselves are pleased [with this concession], so that when they are hired [as labourers] their children may also be allowed to glean after them. Now this [Samuel's view]² differs from that of R. Hiyya b. Abba. For R. Hiyya b. Abba said in the name of R. Johanan: [By] MAJOR [we do] not [mean one who is] legally a major, nor [do we mean by] MINOR [one who is] legally a minor, but a major who is maintained by his father is regarded as a minor, and a minor who is not maintained by his father is regarded as a major.³

AN OBJECT FOUND BY HIS HEBREW MANSERVANT OR MAIDSERVANT BELONGS TO THE FINDER. Why? Ought not [the servant] to be regarded as a [hired] labourer? And it has been taught: 'An object found by a [hired] labourer belongs to himself. This is the law only when [the employer] said to him: "Weed for me today; hoe for me today," but if [the employer] said to him: "Do work for me today." the object found by him belongs to the employer'⁴ — R. Hiyya b. Abba said in the name of R. Johanan: The servant referred to here [in our Mishnah] is one [who does highly skilled work, such as] perforating pearls, so that his master does not wish to change him over to any other kind of work.⁵ Raba says: We deal here with [a servant] who picked up a found object while doing his work.⁶ R. papa says: [The object found by the hired labourer belongs to the employer] when [the employer] hired him to collect ownerless objects, as, for instance, when a meadow was flooded with fish.⁷

What kind of a MAIDSERVANT is it [that our Mishnah speaks of]? If it is one who has grown

two hairs,⁸ what business has she with him [who claims to be her master]?⁹ And if she has not grown two hairs, then if she has a father the found object belongs to her father,¹⁰ and if she has no father she should have been released on the death of the father.¹¹ For Resh Lakish said: The Hebrew maidservant gains her liberty from the master through the death of her father, which law may be derived by means of a Kal wa-homer!¹² — But was not Resh Lakish refuted?¹³ [Yes.] But does not this [law of our Mishnah] provide an additional refutation? — No. You may assume that [our Mishnah refers to a case where] the father is alive, but the words, IT BELONGS TO THE FINDER, mean [in her case] that the master is excluded.¹⁴

AN OBJECT FOUND BY HIS WIFE [WHOM HE HAS DIVORCED], etc. If he has divorced her it is self-evident [that the object found by her belongs to her]! — Here we deal with the case of a woman who has been divorced and yet is not divorced.¹⁵ For R. Zera said in the name of Samuel: Wherever the Sages have said [that a woman is] ‘divorced and yet not divorced’ her husband is obliged to maintain her.¹⁶ Now the reason why the Rabbis said that an object found by a wife belongs to her husband is that he may entertain no ill-feeling towards her. Here [it is obvious that the husband] entertains intense ill-feeling towards her.¹⁷ MISHNAH. IF ONE FINDS NOTES OF INDEBTEDNESS CONTAINING A MORTGAGE CLAUSE PLEDGING [THE DEBTOR'S] PROPERTY, ONE SHALL NOT RETURN THEM,¹⁸ BECAUSE THE COURT WILL ENFORCE PAYMENT ON THE STRENGTH OF THEM.¹⁹ IF THEY CONTAIN NO SUCH MORTGAGE CLAUSE, ONE SHALL RETURN THEM, BECAUSE THE COURT WILL NOT ENFORCE PAYMENT²⁰ ON THE STRENGTH OF THEM. THIS IS THE VIEW OF R. MEIR. BUT THE SAGES SAY: ONE SHALL NOT RETURN THEM IN EITHER CASE, AS THE COURT WILL ENFORCE PAYMENT [IN BOTH CASES].

GEMARA. With what kind of circumstances do we deal here? If the debtor admits [that the debt is due], then, even if there is a mortgage clause [in the documents], why shall [the finder] not return them, seeing that the debtor admits [that he has not paid the debt]?²¹ And if the debtor does not admit, why should [the finder] return [the documents where they do not contain a mortgage clause]? Granted that [the creditor] may not exact payment from encumbered property,²² but he may certainly exact payment from unencumbered property!²³ — Yes. [It is] indeed [a case] where the debtor admits his debt, but the reason [why the documents are not to be returned is this]: We apprehend that they might have been written to secure a loan [say] in Nisan²⁴ whereas the loan was not granted until Tishri,²⁵ so that [the lender] would come to seize unlawfully the property bought [by others from the borrower during that space of time]. But if so, we ought to entertain the same fear as regards all documents that come before us? — Ordinary documents are not suspect, but these are suspect.²⁶ Then [the question arises] regarding the law that we learnt [in a Mishnah]: A note of indebtedness may be written for the borrower even when the lender is not present.²⁷ How do we write it deliberately [seeing that] we ought to apprehend that the note might have been written with the intention of borrowing in Nisan, whereas the loan was not granted until Tishri, so that the lender would seize unlawfully the property [which others will have] bought [from the borrower during that space of time]?²⁸ — Said R. Assi:

(1) The Rabbis have conceded the son the right to glean after his father, although legally he has no such right.

(2) That the reason why our Mishnah decides that the object found by a minor belongs to his father is that a minor has no right of possession.

- (3) Therefore an object found by a son who is maintained by his father, even if he be an adult, belongs to his father (to avoid ill-feeling), and an object found by one who is not maintained by his father, even if he be a minor, belongs to himself. (Rashi.)
- (4) Supra 10a; infra 118a. Thus we see that an object found by a hired labourer engaged to do general work belongs to the employer. The Hebrew servant ought to be treated in the same way, as his time is his master's, and anything he does is done for the master.
- (5) The master would therefore not wish him to interrupt his work in order to lift up a found object, the value of which would seldom exceed the value of his work, so that if it does happen that the servant lifts up a valuable object the master can only claim compensation for the time in which he interrupted his work in order to acquire the object.
- (6) The finding of the object involved no interruption in the servant's work. The object therefore belongs to the servant, and there is no compensation due to the master.
- (7) When a meadow has been flooded, and the fish remained after the waters have receded.
- (8) The sign of puberty.
- (9) [A Hebrew maid-servant secures her freedom on attaining puberty. Cf. Kid. 14b.]
- (10) As she is still a minor, v. supra 12a.
- (11) The death of her father necessitates her release.
- (12) Cf. Kid. 16a, and Keth. 43a.
- (13) V. Kid. loc. cit.
- (14) The words **ivka ukt hrv** used in the Mishnah are meant to indicate that the found objects do not belong to the master but become the property of the children's father (who acquires them from the children).
- (15) It is doubtful whether the divorce is valid, as when the husband has thrown to her a bill of divorcement in an open street, and it is not certain whether the document was nearer to him or to her when it fell to the ground.
- (16) Keth. 97b; Git. 74a; B.B. 47b.
- (17) Seeing that he tried to divorce her; consequently the husband forfeits all claim to whatever she finds.
- (18) I.e., to either of the parties named therein.
- (19) The Court will exact payment from the mortgaged property even if the debtor has sold it to others after incurring the debt. This may lead to injustice, as explained below in the Gemara.
- (20) The court will not exact payment from the purchasers of the debtor's real property, and the possibility of injustice will not arise.
- (21) And the creditor is legally entitled to exact payment from the mortgaged property even if the debtor has sold it, so there is no injustice.
- (22) Which the debtor disposed of after incurring the debt.
- (23) So that an injustice may still be done to the debtor, who may have paid the debt already, as he claims to have done.
- (24) The first month of the year, corresponding mostly to April.
- (25) The seventh month of the year, corresponding mostly to October.
- (26) The fact that they were not properly taken care of, and were thus lost, would show that no importance was attached to them. There is thus a prima facie case against their validity.
- (27) Cf. B.B. 167b.
- (28) V. p. 71, n. 2.

Talmud - Mas. Baba Metzia 13a

[The Mishnah deals] with deeds of transfer,¹ in which case he pledged himself [that his property

would be at the disposal of the lender from the date given in the note].

But if this is so, [how do we understand] our Mishnah, which teaches that, IF THERE IS A CLAUSE IN THEM MORTGAGING THE DEBTOR'S PROPERTY, THEY SHALL NOT BE RETURNED, and which has been explained as dealing with a case where the debtor admits the debt, and for the reason that [the documents] might have been written to secure a loan in Nisan, while the loan was not granted until Tishri, and [the lender] would seize unlawfully the property bought [by others from the borrower during that space of time]? Why should not [the documents] be returned? We ought to see: If it is a case of a deed of transfer, then he has pledged himself [to let the lender have the property from the date of the deed]; if it is not a deed of transfer, there is nothing to apprehend,² for you have said that if the lender is not present with him³ we do not write [the note of indebtedness]? — R. Assi answered: Although ordinarily we do not write notes which are not deeds of transfer, when the lender is not present, in our Mishnah, which [deals with a document that] has been dropped and has consequently become suspect, we do apprehend that by some chance it might have been written [in the absence of the lender]. Abaye says: The witnesses acquire for him⁴ [the right to the property] by [affixing] their signatures [to the document], even if it is not a deed of transfer, [Abaye's reason for this explanation being] that he objected [to R. Assi's version]: If you say that notes which are not deeds of transfer are not written when the lender is not present, then there is no ground for the apprehension that by some chance they may have been written [in the absence of the lender]. But [it may be asked]: What of [the other Mishnah] which we learnt: If one has found bills of divorcement given to wives, deeds of liberation given to slaves, wills of dying persons, deeds of gifts and receipts, one need not return them, as they may have been written and then cancelled, without being handed over [to the persons mentioned in the deeds].⁵ Now, even if they have been cancelled, what does it matter, in view of your statement that 'the witnesses acquire for him [the right to the property] by [affixing] their signatures [to the document]'? — This statement only applies to a case where [the documents] came to his [the creditor's] hand,⁶ but in a case where they did not come to his hand it does not apply.⁷

[The question arises,] however: [As regards] our Mishnah, which teaches: IF ONE HAS FOUND NOTES OF INDEBTEDNESS, IF THEY CONTAIN A CLAUSE MORTGAGING [THE DEBTOR'S] PROPERTY, ONE SHALL NOT RETURN THEM, and we explained that [it refers to a case] where the debtor admits [the debt], and the reason why [the notes are not returned] is that they may have been written with a view to granting a loan in Nisan, while the loan may not actually have been granted until Tishri — it is right according to R. Assi, who says that [the first cited Mishnah] refers to deeds of transfer, as [this latter Mishnah can then be explained as] referring to [documents which are] not deeds of transfer,⁸ as previously stated. But according to Abaye, who says: The witnesses, by their signatures, acquire for him [the lender the right to the property]. how can it be explained?⁹ — Abaye will answer you: The reason for the teaching of our Mishnah is the fear that the debt may have been already paid and that a fraudulent agreement¹⁰ [may have been reached between the lender and the borrower].¹¹ But how could it be explained according to Samuel, who says¹² that we are not afraid that the debt may have been already paid and that a fraudulent agreement [may have been reached between the lender and the borrower]?¹³ It would be right if he [Samuel] shared the view of R. Assi, who says that [the first cited Mishnah] is to be understood as referring to deeds of transfer, [as he could then explain our

Mishnah as referring] to [documents which are] not deeds of transfer.¹⁴ But if he [Samuel] shared the view of Abaye, who says: The witnesses, by their signatures, acquire for him [the right to the property],¹⁵ — how can it be explained?¹⁶ — Samuel explains the Mishnah as referring to a case where the debtor does not admit [the genuineness of the document].¹⁷ But if so, why should [the document] be returned when it does not contain a clause mortgaging [the borrower's] property? Granted that he [the lender] may not exact payment from encumbered property, he may surely exact payment from unencumbered property! — Samuel has his own reason. For Samuel stated: R. Meir used to say: A note of indebtedness which has no clause mortgaging property does not [entitle the creditor to] exact payment from either encumbered or unencumbered property. But since it does not [entitle one] to exact payment, why should it be returned? — R. Nathan b. Oshaiah said: That the lender may use it as a stopper for his bottle. Then let us give it back to the borrower that he may use it as a stopper for his bottle?¹⁸ — It is the borrower

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- (1) By which the borrower transfers to the lender his property from the date of the document, so that the lender is entitled to seize property sold by the borrower after that date, whether the loan has actually been granted or not; v. B. B. (Sone. ed.) p. 753, n. 1.
 - (2) We need not fear that he would have the document written before the actual date of the loan, as the Court would not allow such a document to be written.
 - (3) I.e., with the borrower, to hand him over the money.
 - (4) The lender. As soon as the witnesses have signed the document the borrower's property becomes legally liable to be seized by the lender, even if the money has not really been lent yet. There is therefore no fear of the lender seizing the borrower's sold property unlawfully, even if the document is an ordinary note of indebtedness.
 - (5) V. infra 18a; Git. 27a.
 - (6) Even if the creditor received the document at a later date, his right to the property is conceded from the date of the document. But if the document was cancelled and was never handed over to the creditor, the latter has no right to the debtor's property.
 - (7) Lit., 'We do not say (thus)'.
 - (8) Which are not to be returned because they may have been written illegally in the absence of the lender (before the date of the actual loan), and the fact that they were dropped by the owner would show that they were not deemed to be valid documents.
 - (9) Why should not the documents be returned, seeing that their validity from the date of the witnesses' signatures could not be questioned?
 - (10) Gr. **.
 - (11) The borrower may have dropped the document because he had already paid the debt, but he may subsequently have conspired with the lender to exact payment from the purchasers of the borrower's land (as if the debt had not been paid) with a view to sharing in the spoil.
 - (12) V. infra 16b.
 - (13) Samuel assumes that the borrower would tear up the note of indebtedness as soon as the debt is paid, and the conspiracy could not therefore arise. Cf. infra ibid.
 - (14) In which case the return of the lost documents might involve an injustice to the purchasers of the borrower's property, to which the lender would have no legal claim.
 - (15) V. p. 73, n. 1.
 - (16) Why should the document not be returned to the lender, seeing that it is valid from the date of writing?
 - (17) I.e., the borrower maintains that the document was forged, and his plea is accepted because the loss of the document tends to show that it was not properly taken care of, the reason for the negligence being, one had a right

to assume, that the document was deemed to be invalid.

(18) Cf. supra 7b.

Talmud - Mas. Baba Metzia 13b

who denies the whole transaction.¹

R. Eleazar says: The difference of opinion [in our Mishnah] concerns a case where the debtor does not admit [his indebtedness]. R. Meir being of the opinion that a document which contains no clause mortgaging [the debtor's] property does not entitle [the creditor] to exact payment either from encumbered property or from unencumbered property,² while the Rabbis³ are of the opinion that it does not entitle [the creditor] to exact payment from encumbered property, but that it does entitle him to exact payment from unencumbered property.⁴ But in a case where the debtor admits [the debt] all agree that [the document] should be returned, and that we are not afraid that the debt may have been already paid and a fraudulent agreement reached [between the lender and the borrower to exact payment from the purchasers of the borrower's property]. But R. Johanan says: The difference of opinion [in our Mishnah] concerns a case where the debtor admits [his indebtedness], R. Meir being of the opinion that a document which contains no clause mortgaging [the debtor's] property does not entitle [the creditor] to exact payment from encumbered property, but it does entitle him to exact payment from unencumbered property. But in a case where the debtor does not admit [his indebtedness]⁵ all agree that [the document] should not be returned, because we are afraid that it may have been already paid.

It has been taught in support of R. Johanan, and in refutation of R. Eleazar in one point, and of Samuel in two points: If one has found notes of indebtedness in which there is a clause mortgaging [the debtor's] property, even if both [the debtor and creditor] admit [the genuineness of the documents], one should not return them either to the one or to the other. But if they contain no clause mortgaging [the debtor's] property, then as long as the borrower admits [the debt] they should be returned to the lender, but if the borrower does not admit the debt, they should not be returned either to the one or to the other. This is the view of R. Meir, for R. Meir maintained that notes of indebtedness which contain a clause mortgaging [the debtor's] property [entitle the lender to] exact payment from encumbered property,⁶ and that those that contain no clause mortgaging [the debtor's] property [entitle the lender] to exact payment from unencumbered property [only]. But the Sages say: In either case does [the document entitle the lender to] exact payment from encumbered property. This is a refutation of R. Eleazar in one point, as he maintained that according to R. Meir a document that contains no clause mortgaging [the debtor's] property does not [entitle the lender to] exact payment either from encumbered or unencumbered property, and he [further] said that both R. Meir and the Rabbis agree that we are not afraid of a fraudulent agreement [between the lender and the borrower to exact payment from the purchasers of the borrower's property], while the Baraitha teaches that a document which contains no clause mortgaging [the debtor's] property [does not entitle the creditor to] exact payment from encumbered property but does [entitle him to exact] payment from unencumbered property, and it [further] proceeds to indicate that both R. Meir and the Rabbis agree that we are afraid of a 'fraudulent agreement', for it teaches that even if both parties admit [the debt] one must not return [the documents] either to the one or to the other, which shows that we are afraid

of a fraudulent agreement [between the parties to rob the purchasers of the borrower's property]. But are not these two points?⁷

(1) Lit., 'There was no such thing'. The borrower cannot claim the document as he maintains that it is forged.

(2) According to R. Meir every note of indebtedness must, in order to be valid, contain a clause mortgaging the borrower's property, otherwise the loan is treated as a verbal loan without witnesses, and the lender can only claim his money if the borrower admits the debt.

(3) The Sages in the Mishnah.

(4) The Rabbis recognise the validity of the document to the extent that they treat it as a verbal loan to which witnesses testify. The lender can therefore exact payment in ordinary cases from unencumbered property, even when the borrower denies the debt. But in the case of a lost document the borrower's denial is accepted (for the reason indicated above) and the document is therefore deemed to be forged and is not returned.

(5) Even if he admits that the document is genuine, but contends that the debt has been paid.

(6) Therefore they must not be returned, even if their genuineness is admitted, as we are afraid of a 'fraudulent agreement'.

(7) It was maintained before that the Baraitha refutes the view of R. Eleazar in one point only.

Talmud - Mas. Baba Metzia 14a

— They are really one, for there is one reason [for both views]. As it is because R. Eleazar says that the difference of opinion [in our Mishnah] concerns a case where the debtor does not admit [his indebtedness] that he interprets it thus.¹ The view of Samuel is refuted in two points. The one point [is the same] as [that which applies to] R. Eleazar, for he [also] interprets our Mishnah as referring to a case where the debtor does not admit [his indebtedness]. And the other point is that Samuel says:² If one finds a deed of transfer³ in the street one should return it to the owners, and we are not afraid that [the debt] may have been already paid.⁴ The refutation is that here [in the Baraitha] we are taught that even if both parties admit [the genuineness of the documents] one should not return them either to the one or to the other, which shows that we are afraid that [the debt] may have been paid, and it follows with even greater certainty that in a case where⁵ the borrower does not admit [the genuineness of the document] we are afraid that [the debt] may have been paid.⁶

Samuel said: What is the reason of the Rabbis [who maintain that a document which contains no clause mortgaging the debtor's property entitles the creditor to exact payment even from encumbered property]? They are of opinion that [the omission of the clause] mortgaging [the debtor's property] is due to an error of the scribe.⁷

Said Raba b. Ithi to R. Idi b. Abin: And has Samuel really said thus? Has not Samuel said: '[As regards] improvement [of the field], [the claim to] the best property, and mortgaging [the debtor's property] it is necessary for the scribe to consult [the seller of the field]?'⁸ Shall we say that he who stated the one view [of Samuel] did not state the other?⁹ — There is no contradiction [between the two views]. The first view [was stated] in connection with a note of indebtedness, [in which case it is assumed] that no man will advance money without adequate security.¹⁰ The second view [was stated] in connection with buying and selling, [in which case it is assumed] that a man may buy land for a day,¹¹ as, for instance, Abbuha b. Ihi did, who bought a garret from his

sister [and] a creditor came and took it away from him. He appeared before Mar Samuel [who] said to him: 'Did she write you a guarantee?' He answered, 'No.' [Whereupon Samuel] said to him: 'If so, go in peace.'¹² So he said to him: 'Is it not you, Sir, who said that [the omission of a clause] mortgaging [the debtor's property] is due to an error of the scribe?'¹³ He [Samuel] answered him: 'This applies only to notes of indebtedness, but it does not apply to documents [drawn up in connection with] buying and selling, for a man may buy land for a day.'

Abaye said:¹⁴ If Reuben sold a field to Simeon with a guarantee,¹⁵ and Reuben's creditor came and took it away from him, the law is that Reuben may go and sue him [the creditor],¹⁶ and he [the creditor] cannot say to him [Reuben]: 'I have nothing to do with you,'¹⁷ for he [Reuben] may say to him [the creditor]: 'What you take away from him [Simeon] comes back on me.'¹⁸ Some say that even [if the field has been sold] without a guarantee the law is the same, for he [Reuben] may say to him [the creditor]: 'I do not wish Simeon to have a grudge against me.'¹⁹

Abaye also said: If Reuben sold a field to Simeon without a guarantee, and claimants appeared [contesting Reuben's title to sell the land], he [Simeon]

(1) The reason why R. Eleazar finds himself in disagreement with the Baraita in the two points mentioned is that he interprets the Mishnah as referring to a case where the debtor does not admit the debt, and it therefore follows that the document, on the view of R. Meir, does not entitle the lender to exact payment even from unencumbered property, and when in consequence thereof R. Eleazar has to add, 'But when the debtor admits (the debt) all agree that (the document) should be returned,' he explains that 'we are not afraid that the debt may have been already paid and a fraudulent agreement reached,' etc. The two conclusions therefore result from the same premise.

(2) Cf. *infra* 16b.

(3) Which renders the debtor's property liable to legal seizure by the creditor irrespective of the date of the actual loan.

(4) Even when the debtor does not admit the debt, for it is assumed that if the debt had been paid the document would have been torn up.

(5) [V. D.S. a.l., printed editions read 'here'.]

(6) But according to R. Eleazar even a deed of transfer would not have to be returned if the debtor does not admit the debt, and the reason why R. Meir says that a document containing no mortgage clause should be returned is that it is of no use to the creditor, as he cannot enforce payment with such a document, and he may just have the paper for what it is worth.

(7) All notes of indebtedness must be assumed to contain the mortgage clause, as no one will lend money without adequate security, and if a note is produced which contains no mortgage clause it can only be due to an error on the part of the scribe who, in writing the note, failed to carry out the instructions given to him by the creditor. Cf. *infra* 15b; Keth. 104b; B.B. 169b.

(8) The scribe must ask whether, in drawing up a deed of sale of land, he is to insert clauses dealing with the guarantees given to the buyer in case the land is seized by the seller's creditors, and making clear the buyer's claims to compensation for improvements made by him in the land; to the best portions of the seller's land (as indemnity to the buyer); and to the seller's property generally as security against loss through seizure by the seller's creditors. For all this the seller's consent is required, which would show that the omission of the mortgage clause in a document is not merely 'a scribe's error'.

(9) I.e., that there is a conflict of opinions between Amoraim as to what Samuel's view really was.

(10) In the case of a loan, where the lender derives no benefit from the transaction, one must assume that the

lender will take no risks and will insist on adequate security. In such a case the omission of the mortgage clause could only be due to a mistake on the part of the scribe.

(11) The buyer will take risks, for even if the land is ultimately seized by the seller's creditors, he (the buyer) will in the meantime have profited by the produce of the land.

(12) I.e., you have no case, as you have not secured yourself by asking for a guarantee to be inserted in the deed of sale.

(13) I.e., that even if the guarantee is not inserted in the deed, the Court assumes that the omission is only a scribe's error, and that the guarantee must have been given.

(14) Cf. B.K. 8b; Keth. 92b; and Tosaf. a.l.

(15) Against seizure by the seller's creditors.

(16) Reuben may put up a counter-claim against the creditor, and thus prevent him from taking away the land bought by Simeon.

(17) The creditor cannot plead that Reuben's counter-claim does not affect his right to seize the land bought by Simeon, and that Simeon's claim should be dealt with by the Court as a separate action.

(18) I.e., I shall have to refund him the purchase money. I am thus directly concerned in your action against Simeon, and I have a right to stop you from seizing his land in virtue of my counter-claim.

(19) Although legally Simeon has no redress, as I did not offer him any guarantee against loss through the actions of my creditors, I do not wish him to feel that I have let him down by selling him property which was liable to be seized by my creditors.

Talmud - Mas. Baba Metzia 14b

may retract as long as he has not taken possession of it,¹ but if he has taken possession of it he cannot retract,² for he [Reuben] may say to him [Simeon]: 'You bought a bag sealed with knots, and you got it.'³ When is he deemed to have 'taken possession'? When he has set his foot upon the landmarks.⁴ But some say that even [when the field is sold] with a guarantee [the buyer may not retract]⁵ for he [the seller] may say to him [the buyer]: 'Show me your document [legalising the seizure of the field and entitling you to demand your money back] and I shall pay you.'⁶

It was stated: If one sells a field to his neighbour and it turns out not to be his own,⁷ — Rab says: He [the buyer] is entitled to [the return of the money [which he paid for the field] and to [compensation from the seller for the] improvement [which he made in the field].⁸ But Samuel says: He is entitled to the money [he paid] but not to [compensation for the] improvement.

R. Huna was asked: If he [the seller] expressly stated [that he would compensate the buyer for the] improvement [if the field were taken away], what is the law then? Is Samuel's reason [for withholding compensation] that [the seller] did not expressly state [that he would compensate the buyer for the] improvement? [Then it would not apply to this case, for] here [the seller] did state expressly [that he would compensate the buyer]. Or is Samuel's reason that, in view of the fact that he [the seller] really had no land [to sell, the money received by the buyer as compensation for the improvement] would appear like usury?⁹ R. Huna answered: Yes and No, for he was hesitant.¹⁰

It was taught: R. Nahman said in the name of Samuel: He [the buyer] is entitled to [have returned to him] the money [paid for the field], but not to [compensation for] improvement, even

if he [the seller] stated expressly that [he would compensate the buyer for the] improvement, the reason being that, in view of the fact that he [the seller] really had no land to sell, he [the buyer] would be taking profit for his money.⁹ Raba then asked R. Nahman [from the following Mishnah]: We may not collect from encumbered property for the purposes of usufruct, the improvement of land, the alimentation of wife and daughters, out of consideration for the public good.¹¹ [This would show that] it is only from encumbered property that we do not collect, but we do collect from unencumbered property, and it is stated [that this law applies] to the improvement of land. Now may it not be assumed that it refers to [land] bought from one who acquired it wrongfully?¹² — No, [it refers to land seized by] a creditor.¹³ But note the first part: ‘We may not collect [etc.] for the purpose of usufruct.’ Now if it refers [to land seized by] a creditor, is the creditor entitled to the produce [of the land]? Has not Samuel said: ‘A creditor collects [his debt from] an improved field,’¹⁴ and does it not mean that [he] only [collects it from] an improved field but not from the produce [of the field]? It is therefore obvious that it refers to one who acquired [a field] wrongfully and to the one who has been deprived of it,¹⁵ and seeing that the first part deals with one who acquired a field wrongfully and one who has been deprived of it, the second part [surely] also deals with such a case!¹⁶ — How does it follow? This [first part] deals with one case,¹⁷ and this [second part] deals with another case.¹⁸ But are we not taught differently [in a Baraita relating to the above Mishnah]: How [does it happen that payment is exacted for] improvement of the land? If one has taken away a field by violence from a neighbour, and he has had to give it up again [in consequence of legal action], then the one that is entitled to compensation may collect the original value [of the field] from encumbered property, and the value of the improvement [may be collected] from unencumbered property.¹⁹ Now, how is this to be understood? If we say that [it is to be understood] as stated,²⁰ what right has the person who acquired the field wrongfully to claim compensation from anybody? It must therefore be [understood as referring to a case] where a person wrongfully took away a field from a neighbour and sold it to another person, and [this other person] has improved it!²¹ — [R. Nahman] answered him: Had you not to remove the difficulty [in the Baraita] by explaining [that it refers to an unlawfully acquired field]? You may as well remove the difficulty [by saying that it refers to a field seized] by a creditor [after it has been improved by the buyer].

Come and hear: How [does it happen that payment is exacted as compensation for] the use of the produce [of the field]? If one has wrongfully taken away a field from a neighbour, and he has had to give it up again [in consequence of legal action], then the one that is entitled to compensation may collect the capital [value of the field itself] from encumbered property, and the value of the produce [may be collected] from unencumbered property. Now, how is this to be understood? If we say that it is to be understood as stated,²² what right has the person who has acquired [the field] wrongfully to claim compensation from anybody? It must therefore be [understood as referring to a case] where one wrongfully took away a field from a neighbour and sold it to another person, and [this other person] has enhanced its value [by producing fruit]!²³ — Raba answered: We deal here with a case where one wrongfully took away from a neighbour a field full of fruit and ate the fruit, and then dug in it pits, ditches and hollows. When the robbed [neighbour] comes to demand the capital [value of the field itself] he may exact payment from encumbered property, but when he comes to demand [the value of] the fruit he may exact payment from unencumbered property [only]. Rabbah son of R. Huna said: [It refers to a case] where

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- (1) And has not paid the purchase price. (Rashi.)
 - (2) Even if he has not paid yet, for the buyer acquires the land legally when he takes possession of it, and the purchase price, if not paid, becomes a debt due to the seller (Rashi).
 - (3) You agreed to buy the field without examining my title, and you have to stand the consequences.
 - (4) [To level them round (Rashi).]
 - (5) Although in the end the seller must make good the buyer's loss, the buyer has no right to withdraw from the transaction on the plea that in the end his money will have to be refunded.
 - (6) I need not refund your money until the Court has given its decision regarding the legality of the seizure and your title to have the money refunded.
 - (7) The seller had acquired the field wrongfully and had no title to the property. The rightful owner then comes and seizes the field from the buyer.
 - (8) If during his tenure of the field the buyer improved it by manure or by erecting a fence round it, he may claim compensation from the seller. The obvious question why the original (rightful) owner, who regains possession of his field, is not made to pay for the improvement, may be answered by referring to a case where the seller allowed the field to deteriorate after taking it away from the rightful owner, and the buyer only restored it to its original condition so that the original owner derives no actual benefit from the change (Rashi).
 - (9) As the seller had no right to the field the transaction was entirely invalid, and there was no sale. The money handed over to the seller could therefore only be regarded as a loan, and when the seller returns to the buyer a larger sum than the purchase-price paid him, it appears like interest on the money.
 - (10) Lit., 'it was lax in his hand.' Similar expressions occur in Shab. 113; 115a; Kid. 65a.
 - (11) Cf. Git. 48b. The reason why one may not hold encumbered property liable for such purposes is that it would prevent people from buying land, as such obligations are so common that they would arise in nearly every case. [This is apart from the fact that the amount involved is not fixed; v. n. 1.]
 - (12) And has improved it before the original owner seized it again. The buyer may then collect the purchase price from the seller's encumbered property even if this property has been sold after the purchase of that field, for as long as the deed of sale contains a guarantee clause the claim involved has priority. The compensation for the improvement, however, can only be collected from unencumbered property — 'out of consideration for the public good' — as at the time when the deed of sale was written, and the guarantee clause inserted, no one knew what the compensation for improvements would amount to, and it is not in the interests of the public to allow such claims. In any case, this shows that the buyer is entitled to compensation from the seller, who had no title to the land, for the amount he spent on improvements.
 - (13) The seller was entitled to sell, but the seller's creditors were entitled to seize the property, in which case the buyer is certainly entitled to the return of the money he spent on improvements, and if he receives a larger amount than the price he paid for the field it does not appear like interest on a loan, as the original sale was valid, and the return of the field is a new transaction.
 - (14) Cf. B.K. 95b.
 - (15) The produce of the field or the improvement therein may be claimed by the original owner who was robbed of his property, no matter whether the produce was there when the field was first taken away, or not. The owner can always claim the land with all its improvements, except that the buyer may demand back his outlay which brought about the improved condition of the field, provided that the sum demanded by the buyer does not exceed the amount by which the value of the field was increased as a result of the improvements.
 - (16) Cf. p. 82, n. 4.
 - (17) Lit., 'as it is'.
 - (18) I.e., the first part deals with a person who has been robbed of his field, and the second part deals with a

creditor who has seized the field from the buyer.

(19) V infra 72b; B.B. 157b.

(20) Viz., that the person who acquired the field unlawfully has not sold it, and it is he who is made to give it up, not a buyer.

(21) The Court compels the buyer to return the field to the rightful owner, who is also entitled to demand from the seller the value of the improvement. From this we would infer that the buyer collects the value of the improvement from the seller who had no title to the field — a contradiction to the view of R. Nahman.

(22) Viz., that the person who robbed the field did not sell it, and it is this person who is compelled by the Court to return it to the owner.

(23) The original (rightful) owner is not expected to pay for the produce of the field, with the exception of the buyer's outlay in looking after the field, as he is entitled to the produce of his own land. The buyer is therefore entitled to compensation from the person who sold him the field unlawfully, and from him the buyer can claim the value of the field as well as the value of the produce, which he may collect from unencumbered property — again a contradiction to the view of R. Nahman.

Talmud - Mas. Baba Metzia 15a

bandits took away [the field from the person who acquired it unlawfully].¹ When the [original owner who was] robbed [of his field] comes to demand the capital [value of the field] he may exact payment from encumbered property. But if he comes to demand the value of the fruit he may exact payment from unencumbered property [only]. Raba does not give the same explanation as Rabbah son of R. Huna because it says, 'He has had to give it up again,' which obviously means through the [intervention of the] Court.² And Rabbah son of R. Huna does not give the same explanation as Raba, because it says, 'He has had to give it up again,' which obviously means in its original condition [and not full of holes].³ R. Ashi said: It refers partly to one and partly to the other,⁴ viz., if one violently took away from a neighbour a field full of fruit, and ate the fruit and sold the field,⁵ when the buyer comes to demand the capital [value of the field itself] he may exact payment from encumbered property; when the robbed [neighbour] comes to demand [the value of] the fruit he may exact payment from unencumbered property [only]. [The question now arises:] Both according to Raba and according to Rabbah son of R. Huna this is [like] a debt contracted verbally,⁶ and a verbally contracted debt does not entitle [the creditor] to exact payment from encumbered property? — Here we deal with a case where [the robber first] stood his trial and then sold [the field].⁷ But if so, the produce [of the field should] also [be recoverable from encumbered property]? — [The case is one where the robber] has stood his trial as regards the capital [value of the field itself] but has not stood his trial as regards the produce. But how can this be determined?⁸ — It is the usual practice: When a person sues, he sues first for the principal.⁹

But does Samuel [really] hold the view that he who bought [a field] from a robber is not entitled to [compensation for the] improvement [he made in the field]? Did not Samuel say to R. Hinena b. Shilath [the scribe]:¹⁰ Consult [the seller, when drawing up a deed of sale], and write, 'best property, improvement, and produce'¹¹ Now, to what [kind of transaction does this apply]? If [it applies] to a creditor [claiming the field for his debt], is he entitled to the produce of the field? Has not Samuel said: The creditor exacts payment from the improvement, [which means] from the improvement only, but not from the produce? It must therefore [be said that it applies]

to one who bought [a field] from a robber!¹² — R. Joseph said: Here we deal with a case where [the robber] owns land.¹³ Said Abaye to him: Is it permitted to borrow a measure [of corn and to repay the loan] with [the same] measure,¹⁴ when [the borrower] has land? — He [R. Joseph] answered him: There [it is] a loan; here [it is] a sale.¹⁵

Some say: R. Joseph said: Here we deal with a case where there was a formal act of acquisition [whereby the seller pledged himself to be immediately responsible to the buyer for the improvement].¹⁶ [But] Abaye said to him: Is it permitted to borrow a measure [of corn and to repay the loan] with [the same] measure, when there was a formal act of acquisition [whereby the borrower pledged himself to be immediately responsible to the lender for an increase in price]? — He [R. Joseph] answered him: There [it is] a loan; here [it is] a sale.

[To revert to] the above text: Samuel said: ‘A creditor exacts payment from the improvement.’ Said Raba: You may know [that this view is correct], for the seller writes [in the deed of sale] the following [guarantee] to the buyer: ‘I shall confirm, satisfy, clear, and perfect these purchases¹⁷ — them, the gains resulting from them, and the improvements to be made in them — and I shall stand [as surety] for you, and this purchaser agrees [to it] and accepts it.’¹⁸ R. Hiyya b. Abin then said to Raba: If this is so, [would you say that] in the case of a gift, regarding which [the donor] writes no such [guarantee], [a creditor who has a previous claim to the property] may indeed not appropriate the improvement?¹⁹ — He [Raba] answered him: Yes. But [R. Hiyya then asked]: Does a gift confer a greater right [on the recipient] than a sale [does on the buyer]?²⁰ — [The former] answered: Yes, it undoubtedly does.²¹

R. Nahman said: The following Baraitha corroborates the view of Mar Samuel, but our colleague Huna explains it as referring to a different matter. For it was taught: If one has sold a field to a neighbour and then [the buyer] has to surrender it [to another claimant], he [the buyer] may, when seeking redress, exact repayment of the capital [value of the field itself] from encumbered property, and the [refund of the cost of the] improvement he collects from unencumbered property. But our colleague Huna explains it as referring to a different matter, [viz.], to that of one who has bought [a field] from a person who acquired it wrongfully.²² Another [Baraitha] taught: If one has sold a field to his neighbour, and he [the buyer] has improved it, and then a creditor [of the seller] comes and seizes it, he [the buyer], when seeking redress, is entitled, in a case where [the value of] the improvement is greater than the cost [thereof], to collect [the value of] the improvement from the owner of the land and the cost thereof from the creditor.²³ But in a case where the cost [of the improvement] is greater than the [value of that] improvement, he [the buyer] is only entitled to collect from the [seller's] creditor the amount of the cost which corresponds to the [value of the] improvement.²⁴ Now, how does Samuel explain this [Baraitha]? If [he explains it as referring] to one who bought [the field] from a person who acquired it wrongfully, then the first part [of the Baraitha]²⁵ contradicts him, for Samuel said [above]: ‘He who buys [a field] from a person who acquired it wrongfully is not entitled to [compensation for] the improvement [he made in the field].’ [And] if [he explains it as referring] to [the seller's] creditor [seizing the field], then both the first part and the second part [of the Baraitha] contradict him,²⁶ for Samuel said [above]: ‘A creditor exacts payment from the improvement [made in the field by the buyer]’? If you like, I shall say [that Samuel will explain the Baraitha as referring] to one who bought [the field] from a person who acquired it wrongfully,

and where the latter owns land,²⁷ or where there was a formal act of acquisition [whereby he pledged himself at the sale that he would pay for the improvement].²⁸ [And] if you like, I shall say [that Samuel will explain the Baraitha as referring] to [the seller's] creditor [seizing the field]. [Nevertheless] there is no contradiction [to Samuel's views]. [For] here [the reference is] to an improvement

(1) The robber was robbed (by heathen men of violence, against whom there is no redress). In such a case the first (Jewish) robber is responsible to the rightful owner, and he is made to pay the owner for his loss. Cf. B.K. 116b.

(2) The term, 'He has had to give it up' (lit., 'It is made to go out from under his hand'), applied to the person who first robbed the field, indicates that this first robber is in possession of the field, and is made to give it up as a result of the intervention of the Court. It cannot therefore be assumed that bandits took it away.

(3) Rabbah son of R. Huna cannot accept the version that the robber dug pits etc. in the field, as the term 'It is made to go out etc.' implies that the field was intact when the court intervened to compel its return to the rightful owner.

(4) I.e., one part refers to the buyer of the field, and the other to the original owner. The former demands the cost of the field itself, and is entitled to exact payment from encumbered property, while the latter demands compensation for the produce of his field, and is entitled to exact payment from unencumbered property only.

(5) The Court then intervened and compelled the person who had bought the field to return it to the rightful owner, and it was given back in its original condition.

(6) As the claim of the robbed person is not based on any document, the payment which the robber has to make in compensation for the property he had seized is like the repayment of a loan granted without a note of indebtedness.

(7) The reason why encumbered property is liable to be seized by the seller's creditor who has written evidence as to his claim is that the writing of the document ensures publicity, which should prevent people from advancing money on such property. A trial in Court has the same effect as regards publicity and the consequent warning to would-be mortgagees.

(8) How could it be said with certainty that cases would arise where a person who acquired a field wrongfully would be tried for seizing the field itself but not for appropriating its produce?

(9) He first wants to make sure that he will recover the main loss, and subsequently he tries to regain the smaller losses.

(10) A highly respected friend of Samuel. Cf. Sanh. 72b; Shab. 58a.

(11) V. supra 14a. The guarantee given to the buyer in the deed of sale is to include a clause entitling the buyer to recover his loss, in the event of the property being claimed by creditors, by exacting payment from the seller's best property, as compensation for the original value of the field as well as for the improvements he made and for the produce of the field.

(12) [In which case the formula provides for compensation in respect of the improvement made by the buyer in the field.] How then could Samuel have said that the person who has bought a field from a robber and has to return it to the rightful owner cannot claim compensation for the improvement he made in it?

(13) The robber repays with land, not with money, and therefore the additional amount paid for the improvement does not appear as usury given for borrowed money; cf. supra 24b.

(14) This is not permitted, as any advance in the price of corn would increase the value of the returned measure, and the increase would be usury.

(15) There is no usury in a sale.

(16) [The payment for the increase included in the guarantee becomes thus due from the moment of the sale and is no longer regarded as usury.]

(17) I.e., the seller undertakes to satisfy all claims against the property and to be responsible for any loss the buyer

may sustain because of previous claims against the property or for any other reason. The guarantee refers to 'produce and improvement' as well as to the original value of the property sold.

(18) As the seller is thus responsible to the buyer, the creditor enforces his claim against the property acquired by the buyer and the produce it has yielded, and the latter then seeks redress from the seller.

(19) As there is no guarantee given by a donor as regards previous claims against the property given away, the recipient is not entitled to compensation from the donor, and if the former loses the improvements he has made in the property he has no redress. For this reason the creditor of the donor ought not to be entitled to the improvement made by the recipient, as the loss would be the latter's, not the debtor's.

(20) I.e., why should a person who receives a free gift be more protected against loss than a person who pays for what he gets?

(21) Lit., 'It is better and better.' The creditor has no right to inflict a loss upon the recipient of the gift by taking away the improvement made by the recipient. As the recipient cannot reclaim the loss from the donor, whose debt is the cause of the creditor's action against the recipient of the gift, there is no reason why the latter should lose more than the value of the gift itself, which was originally accepted by the creditor as security for his loan.

(22) According to R. Huna the rightful owner of the field has a right to claim the improvement, as the field, which was taken away from him wrongfully and sold illegally, never became the property of the buyer. But a creditor who seizes a field for a debt due to him from the seller has no right to claim the improvement made in it by the buyer, for the latter acquired the field legally, and, until the creditor seized it, it was his property.

(23) The buyer is entitled to compensation from the seller to the amount by which the value of the improvement exceeds the expense incurred in making the improvement, as the improvement helped to pay the seller's debt. But the cost of the improvement the creditor has to refund to the buyer, who spent his money on improving the field before the creditor seized it.

(24) The buyer cannot claim from the creditor the excess of his expenditure over the actual value of the improvement, and he loses this amount.

(25) According to which the rightful owner of the field, designated 'creditor', has to pay for the improvement.

(26) As it is laid down in both parts of the Baraitha that the creditor has to refund the cost of the improvement, while Samuel teaches that the creditor may collect his debt from the improvement, without repaying the cost incurred by the buyer.

(27) V. p. 86, n. 4.

(28) V. *ibid.* n. 7.

Talmud - Mas. Baba Metzia 15b

which [has matured and] is ready to be carried away,¹ [but] there [the reference is] to an improvement which [has not yet matured and] is not ready to be carried away. But do not cases occur daily² where Samuel allows [creditors] to collect [their debts] even from improvements which [have matured and] are ready to be carried away?³ — There is no contradiction: These [are cases] where [the creditor] claims from him [the seller] an amount equal to [the combined value of] the land and the improvement;⁴ the other is [a case] where [the creditor] claims from him [the seller] an amount equal to the value of the land alone, in which case the creditor compensates him [the buyer] for [the value of] his improvement and dismisses him. [But, it is asked:] This is right and proper according to the view of him who says⁵ that when the buyer has money [to pay the seller's debt] he cannot dismiss the creditor [by paying him the money].⁶ But according to the view of him who says that when the buyer has money [to pay the seller's debt] he can dismiss the creditor [by paying him the money], let him⁷ say unto him [the creditor]: 'If I had money I would

have kept you away from the whole field [by paying the amount due to you] — now that I have no money give me a piece⁸ of ground in the field corresponding to the value of my improvement! — Here [in the Baraita] we deal with a case where he [the seller] had made it [the field] an hypothec,⁹ in that he said [to the creditor], ‘You shall receive payment only from this.’

If [the buyer] knew that [the field] did not belong to him [who sold it], and [yet] he bought it, Rab says: He is entitled to the purchase-price¹⁰ but not to the [value of the] improvement.¹¹ But Samuel says: He is not entitled even to the purchase-price. Wherein do they differ? Rab is of the opinion that a person, knowing that [the seller] has no land, will make up his mind and give him [the money] as a deposit.¹² But then he should say to him that it is to be regarded as a deposit? He is afraid that he [the seller] will not accept it [as such].¹³ But Samuel is of the opinion that a person, knowing that [the seller] has no land, will make up his mind and give him [the money] as a present. But then he should say to him that it is to be regarded as a present? He [the recipient] might be bashful.¹⁴ But has not this difference of opinion [between Rab and Samuel] been expressed once already? Has it not been stated:¹⁵ ‘If a man betrothed his sister to himself [by giving her money],¹⁶ Rab says: The money has to be given back. But Samuel says: The money is to be regarded as a present. Rab says that the money has to be given back, [because he is of the opinion that] a person, knowing that one's betrothal to one's sister is not valid, will make up his mind and give [her the money] as a deposit. But then he should say to her that it is to be regarded as a deposit? He is afraid that she will not accept it [as such]. But Samuel says that the money is to be regarded as a present, [because he is of the opinion that] a person, knowing that one's betrothal to one's sister is not valid, will make up his mind and give [her the money] as a present. But then he should say to her that it is to be regarded as a present? She might feel bashful? — It is necessary [to have the difference of opinion recorded in both cases]. For if it were taught [only] in that case¹⁷ [we might think that only] in such a case does Rab say [that the money is to be returned],¹⁸ because people do not usually give presents to strangers, but as regards a sister [we might think that] he agrees with Samuel. And if it were taught [only] in this case,¹⁹ [we might think that only] in such a case does Samuel say [that the money is not to be returned],²⁰ but as regards the other case²¹ [we might think] that he agrees with Rab.²² [Therefore] it is necessary [to state both cases].

[Now, behold,] both according to Rab, who says [that the money is to be regarded as] a deposit, and according to Samuel, who says [that the money is to be regarded as] a present — how does [the person who has given the money] go down [to the field] and how does he eat the fruit [thereof]?²³ He thinks, ‘I shall go down to the field and work [in it] and shall eat [the fruit] thereof,²⁴ just as he [who acquired it wrongfully] would have done, and when the [rightful] owner of the field will come [and claim it] my money will be [treated] as a deposit, according to Rab, who says [that it is to be regarded as] a deposit, and as a gift, according to Samuel, who says [that it is to be regarded as] a gift.’

Said Raba: The law [in regard to the above controversy] is that he [the buyer] is entitled to the purchase-price as well as to the [value of the] improvement, even if the improvement was not mentioned [in the indemnity clause in the deed of sale].²⁵ If [the buyer] knew that [the field] did not belong to him [who sold it], he [the buyer] is entitled to the purchase-price but not to [the value of] the improvement, [and the omission of] the guarantee clause is [to be regarded as] an

error of the scribe,²⁶ both in [the cases of] notes of indebtedness and in [the cases of] deeds of sale. Samuel asked Rab [the following question]: If [the robber who sold the field unlawfully] bought it subsequently from the original owners, what is the law [then]?²⁷ — [Rab] said to him [in reply]: What was it that the first person²⁸ sold to the second person?²⁹ [Surely the former sold to the latter in advance] every right that he [the former] might subsequently acquire!³⁰ [And] for what reason?³¹ — Mar Zutra said: [Because] he wished that he [the buyer] should not call him a robber. R. Ashi said: [Because] he wished to vindicate his honesty. What is the difference between them?³² — The difference would be seen [in a case] where the buyer died. According to the view [of Mar Zutra, viz.], ‘he wished that he should not call him a robber,’

(1) V. B.B. (Sonc. ed.) p. 569, n. 8. Our Baraitha deals with a case where the improved produce of the field is nearly ready to be harvested, so that, although it is still attached to the field and still needs the soil, it may be regarded as ‘ripe fruit’ whose cost of production the creditor has to refund.

(2) Cf. *infra* 110b; B.K. 95b.

(3) Samuel was known to have repeatedly allowed creditors to seize property sold by the debtors and to appropriate the improvement made in it by the buyers, without compensation for the expense incurred, even though the improved produce was near harvesting.

(4) In such cases Samuel does not award the buyer the expense of his improvement, as the creditor is entitled to the full repayment of the debt due to him from the seller.

(5) Cf. *infra* 110b; B.K. 96a.

(6) The creditor cannot be prevented from seizing the land, if he prefers it to the money offered him by the buyer in settlement of his debt, as the creditor has a prior claim to the land.

(7) Let the buyer, in the case dealt with in our Baraitha, say to the creditor, who claims the field with the improvement: ‘As I am entitled to keep the land if I am able to repay your debt, I am surely entitled to retain part of the field as compensation for the amount which I have spent on the improvement, and which I am entitled to recover from you.’

(8) **tcrd**, in other places spelt **tuhrd**, a measure of grain, or a piece of ground in which such an amount of grain can be sown.

(9) In which case all would agree that the buyer cannot put off the creditor by paying the seller's debt, and that the creditor is entitled to seize the field.

(10) The buyer is entitled to demand the return of the money he paid the seller for the field which the rightful owner has reclaimed. The fact that the buyer knew that the sale was illegal does not deprive him of the right to reclaim his money from the seller.

(11) As the sale of the field was illegal, the buyer never really acquired the field, and as he knew this to be the case he has only himself to blame for the loss he incurred in improving a field which was not his own.

(12) For safe keeping — to be demanded back in due course.

(13) He will not undertake to look after somebody else's money.

(14) It will make the recipient feel bashful of accepting the gift.

(15) *Git.* 45a; ‘*Ar.* 30a; cf. *Kid.* 46b.

(16) Cf. *Kid.* 2a.

(17) Where the buyer knew that the field did not belong to the seller.

(18) In view of the fact that the money is regarded as a deposit, according to Rab.

(19) I.e., the case of a brother giving money to his sister for the purpose of betrothing her to him.

(20) In view of the fact that the money is regarded as a present, according to Samuel, and one is apt to give a present to a sister.

- (21) Where a person pays money to a stranger for a field which he knows to have been wrongfully acquired.
- (22) That the money is not to be regarded as a gift, and must be returned.
- (23) How can it be said that the reason why Rab says that the money is to be returned is that it has to be regarded as a deposit, and that the reason why Samuel says that the money is not to be returned is that it has to be regarded as a gift, seeing that in either case the person who handed over the money would not have deemed himself entitled to take possession of the field and to use its produce. If he did so, it would show that he meant to buy the field with the money, and that, not being familiar with the law, he deemed the sale valid. Rab and Samuel must therefore have given their decisions for reasons other than those stated above.
- (24) I.e., he knows that it is not a sale, and the money was not handed over as purchase-money. He only intended to take possession of the field and use its produce until the rightful owner reclaimed it, and the money was to be treated as a deposit (in the view of Rab) or as a gift (in the view of Samuel).
- (25) Samuel's view that the scribe must consult the seller regarding the inclusion of 'improvement' in the indemnity clause, and that non-inclusion is not regarded as an accidental omission by the scribe, is thus rejected.
- (26) So that in every case the buyer whose field is seized by the seller's creditors can claim indemnity from the seller's property, contrary to the view of Samuel.
- (27) Is the robber entitled to take the field away from the person to whom he sold it unlawfully, just as any other person would have been who bought the field from the rightful owner?
- (28) The robber.
- (29) The person who bought the field from the robber.
- (30) When the robber sold the field he made over to the buyer any right that he (the robber) might subsequently acquire in regard to the field, and therefore the robber has no right to claim the field from the person who bought it from him. It is assumed, indeed, that the robber only bought the field in order to legalise its sale to the first buyer.
- (31) What was the motive that could have prompted the robber to secure the property for the buyer?
- (32) What would be the effect of their difference in actual cases that may arise?

Talmud - Mas. Baba Metzia 16a

[it could not be applied to this case], as he [the buyer] is dead.¹ But according to the view [of R. Ashi, viz.,] 'he wished to vindicate his honesty,' [it could be applied even to this case], as he [the robber] would wish to vindicate his honesty before [the buyer's] children also. [But, it is argued,] would not the buyer's children call him [who sold the field to their father] a robber?² — Therefore [we must say that] the difference between them would appear [in a case] where the robber died.³ According to the view [of Mar Zutra, viz.,] 'he wished that he should not call him a robber,' [it could not be applied to this case,] as he [the robber] is dead.⁴ But according to the view [of R. Ashi, viz.,] 'he wished to vindicate his honesty,' [it could be applied even to this case,] as he [the robber] would wish that his honesty should be vindicated even when he is dead. [But, it is argued,] would not his children after all be called the children of a robber?⁵ — Therefore [we must say that] the difference between them would appear [in a case] where he [the robber] gave [the field] as a present: According to the view [of R. Ashi, viz.,] 'he wished to vindicate his honesty,' [it could be applied even to] a present, [in regard to which] he would also wish to vindicate his honesty. But according to the view [of Mar Zutra, viz.,] 'he wished that he should not call him 'a robber,' [it could not be applied to this case, for he could say [to the recipient of the gift], 'What have I taken away from you [that I should be called a robber]?'

It is obvious that if he [who robbed a field and sold it], subsequently sold it [to another person],

or bequeathed it to his heirs, or gave it away as a present, [and then bought it from the original owner, we must assume that] he did not, [in buying the field,] intend to secure it thereby for the [first] buyer.⁶ If it came to him as an inheritance⁷ [we must assume this, too, for] an inheritance comes of itself, and he did not trouble himself to get it.⁸ If he took it in payment of a debt [due to him from the original owner of the field],⁹ then our attitude is [as follows]: if [the original owner] had other land, and [the robber] said, 'I want this,' [we assume that the robber, in acquiring the field,] intended to secure it thereby for the [first] buyer,¹⁰ but if not,¹¹ [we assume] that he merely wanted to be paid [his] money.¹²

[In a case where the original owner] gave him [the robbed field] as a present, R. Abba and Rabina differ: One says, Gifted property is like inherited property, in that it [also] comes of itself.¹³ But the other says, Gifted property is like bought property, for if the recipient had not exerted himself to win the favour [of the donor, the latter] would not have given him the present, and the reason why he [the recipient] exerted himself to win the favour [of the original owner of the field] was that he [the recipient who first robbed the field] might vindicate his honesty. And till when does he wish to vindicate his honesty?¹⁴ — R. Huna says: Until [the buyer of the robbed field is] summoned to appear in court.¹⁵ Hiyya b. Rab says: Until he [the buyer] receives the decree of the Court [entitling him to seize the robber's property].¹⁶ R. papa says: Until the days of the announcement [of the public sale of the robber's property] begin.¹⁷ To this Rami b. Hama demurred:¹⁸ Seeing that this buyer acquired this land [from the robber] only by the deed of sale, [is not the sale invalid because] the deed is a mere potsherd?¹⁹ — Raba answered him: It is a case where [the buyer] believes him [the robber]: Because of the pleasure [it gives the robber] that he [the buyer] said nothing to him, but trusted him implicitly, he [the robber] exerts himself to acquire the field for him [the buyer], and determines to confer upon him the rightful ownership [of the field].²⁰ R. Shesheth then asked: [It has been taught:²¹ If one says to another,] 'What I am to inherit from my father is sold to you,' [or,] 'What my net is to bring up²² is sold to you,' [it is as if] he [had] said nothing.²³ [But if he says,] 'What I am to inherit from my father to-day is sold to you,' [or,] 'What my net is to bring up to-day is sold to you, his words are valid?'²⁴ — Rami b. Hama said [to that]: 'There is a man and there is a question!'²⁵ Raba retorted: 'I see the man but I do not see [the force of] the question.'²⁶ Here²⁷ he [the buyer] relied on him [the seller]; there he did not rely on him: Here he relied on him that he would exert himself and acquire [the robbed field] for him [the buyer] so that he might not call him a robber; there he did not rely on him.²⁸ [The question of R. Shesheth] was then submitted to R. Abba b. Zabda, [and] he said: This [question] does not need [to be brought] inside [the College].²⁹ Raba said: It does need [to be brought] inside, and even to the innermost [part]:³⁰ Here he [the buyer] relied on him [the seller]; there he did not rely on him. A case occurred in Pumbeditha, and the question [of R. Shesheth] was asked. R. Joseph then said to them [who asked the question]: This does not need to be brought inside [the College]. But Abaye said to him [R. Joseph]: It does need to be brought inside, and even to the innermost part: Here²⁷ he [the buyer] relied on him [the seller]; there he did not rely on him. And wherein does the first part [of the teaching quoted by R. Shesheth] differ from the last part? R. Johanan said: The last part, [viz.] 'What I am to inherit from my father to-day' — because of his father's honour;³¹ 'What my net is to bring up to-day'

(1) And he cannot call the seller a robber any more.

(2) Even when the buyer is dead, the desire on the part of the seller to vindicate his honesty may still have been the

motive for his action in buying the field from the rightful owner, as the children of the dead buyer would call him a robber when they discover that the field was sold to their father unlawfully, and that they could not retain possession of it.

(3) After he bought it from the original owner, and the question arises whether the robber's children inherit the field and are entitled to take it away from the person to whom their father sold it unlawfully.

(4) Even if the robber did buy the field from the original owner in order to vindicate his honesty he would only have been concerned about his reputation during his life-time.

(5) There is therefore a good reason why the robber should have wished that his honesty should be vindicated even after his death.

(6) If the robber sold the field a second time (to another person), or disposed of it in some other way after selling it to the first person, it is obvious that his subsequent action in buying the field from the original owner was not due to a desire to secure the field for the first buyer, and must have been prompted by a different motive. The first buyer would not then be entitled to keep the field, which would legally belong to the person to whom it was subsequently sold, given or bequeathed.

(7) If the person, from whom the field was taken away unlawfully, died, and the robber proved to be his heir, so that the latter became the rightful owner of the field.

(8) As the robber acquired the field merely as a result of the death of the owner, and not because of any steps or trouble he took to acquire it, it cannot be assumed that the robber, in acquiring the property, manifested a desire to secure its possession for the person to whom he sold it unlawfully.

(9) If, after appropriating the field illegally and selling it, the robber claimed it as payment of a debt due to him from the original owner.

(10) The fact that the robber insisted on getting this field as payment, while there were other fields owned by the debtor which he could have taken, would show that he was prompted by the motive of securing that field for the person to whom he sold it unlawfully.

(11) If the debtor had no other field to offer.

(12) He only took the field because he wanted payment, not because he wished to secure it for the buyer.

(13) I.e., without any effort on the part of the recipient.

(14) Up till what stage in the proceedings do we assume that the robber, in buying the field from the original owner, intended to secure its possession for the person to whom he sold it unlawfully?

(15) Until legal steps are taken by the original owner to retrieve his property from the person who bought it from the robber. As the latter's reputation is thus lost it cannot be said that he bought the field from the original owner in order to 'vindicate his honesty'.

(16) **t, frst** (from **lrs** 'to pursue'), a document authorising a creditor to search for property belonging to the debtor and to seize it wherever it may be.

(17) I.e., when property belonging to the robber has been discovered and the Court has begun to advertise its public sale for the purpose of compensating the person to whom the robber sold the field unlawfully. The period of such advertising usually extended over thirty days. Cf. 'Ar. 21b.

(18) He raised an objection to Rab's decision that the robber, in buying the field from the original owner, intended to secure its possession for the person to whom he sold it unlawfully, and that therefore the latter's purchase became legal.

(19) The document is invalid because the robber did not own the field, and therefore had no right to sell it. 'A potsherd' is a common term for an invalid document, like the modern term 'a scrap of paper'.

(20) We assume that the robber bought the field from the original owner because he appreciated the confidence placed in him by the person to whom he sold it unlawfully and who did not question the robber's right to sell it. It was for this reason — we assume — that he wanted to legalise the sale.

- (21) Tosef. Nedarim, Ch. VI end.
- (22) I.e., any animals or birds or fishes that may be caught in the net (or snare).
- (23) His words are of no consequence.
- (24) The sale is legal. In the first instance the sale is not legal because at the time of selling the goods were not yet the property of the seller, and the sale does not become legalised by what took place after the sale. This contradicts the view of Rab who, in the case of the robber who bought the field after selling it unlawfully, says that he intended to sell his future rights, and thus this legalises the sale.
- (25) It is a great question worthy of the great man who asked it.
- (26) He admits that R. Shesheth is a great man, but he does not admit that the question is great.
- (27) In Rab's case.
- (28) In the case referred to by R. Shesheth, the person to whom the goods to be acquired were sold had no occasion to rely on the seller; it did not depend upon the seller whether he would ultimately acquire the goods or not.
- (29) As no-one inside the College will be able to answer it (Rashi). In the **ohbutdv , cua**, (cited by Rashi) this phrase is explained as meaning that the question is not good enough to be discussed in the College.
- (30) Literally: 'into the inside of the inside,' the meaning being obviously that the question was so important that it ought to be discussed by the best men in the College.
- (31) By saying, 'What I am to inherit from my father to-day is sold to you' the seller indicates that his father is dying, and that he requires the money for the purpose of giving his father a decent burial.

Talmud - Mas. Baba Metzia 16b

— because of the need to support himself.¹ R. Huna said in the name of Rab: If one says to his neighbour: 'The field which I am about to buy shall, when I have bought it, be sold to you from now,' [the neighbour] acquires it.² Raba said: It stands to reason that Rab's decision is right [when applied to a case where the seller refers] to a field in general, but in [a case where the seller points out the land sold by saying] 'this field' [it would] not [be right, for] who can say whether [the owner of that field] will sell it to him?³ But — by God! Rab himself did maintain that even when [the seller says] 'this field' [the sale is valid], seeing that Rab stated his law in accordance with [the view of] R. Meir, who said that a man may convey [to another person] a thing which has not yet come into existence, as it has been taught: If one says to a woman: Be betrothed to me after I shall become a proselyte, [or,] after thou shalt become a proselyte, [or,] after I shall be set free, [or,] after thou shalt be set free, [or,] after thy husband will have died, [or,] after thy brother-in-law will have given thee halizah,⁴ [or] after thy sister will have died, [the woman] is not betrothed.⁵ R. Meir says: She is betrothed.⁶ Now, the woman [in this case] is like 'this field,'⁷ and [yet] R. Meir says that she is betrothed.⁸

Samuel said: If one finds a deed of transfer⁹ in the street one shall return it to the owners.¹⁰ For even if [this were objected to] on the ground that [the deed] may have been written for the purpose of a loan and the loan may [in fact] not have been granted [the objection would not be valid] because [the borrower] pledged himself.¹¹ And if [this were objected to] on the ground that [the loan] may [in the meantime] have been repaid [the objection would not be valid either] because we are not afraid of repayment [having taken place], as [we assume that] if [the borrower] had repaid [the loan] he would have torn up [the deed]. R. Nahman said: My father was among the scribes of Mar Samuel's court when I was about six or seven years old, and I remember that they used to proclaim: 'Deeds of transfer which are found in the street should be

returned to their owners.’ R. Amram said: We have also learned so [in a Mishnah]: All documents executed by a court of law shall be returned [when found],¹² which shows that we are not afraid of repayment. [But] R. Zera said to him: Our Mishnah treats of documents containing decrees of the Court which confirm the creditor's right to belongings appropriated from the debtor,¹³ and of documents authorising a creditor to search for the debtor's belongings and to seize them wherever they may be found,¹⁴ which [documents] are not concerned with repayment. Raba [then] said: And are not such [documents] concerned with repayment? Have not the Nehardeans¹⁵ . said: [Property assigned in] valuation¹⁶ returns [to the debtor] until [the end of] twelve months,¹⁷ and Amemar said: I am from Nehardea and I am of the opinion that the [property assigned in] valuation always returns?¹⁸ Therefore Raba said: There¹⁹ the reason²⁰ is this: we say: He has himself to blame for the loss, for at the time when he paid [the debt] he should have torn up the document, or he should have [asked for] another document to be written [entitling him to claim the property], as according to law [the creditor] need not return the property], and it is only because [of the command], And thou shalt do that which is right and good in the sight of the Lord²¹ that the Rabbis declared that it should be returned: therefore he [the debtor] is [in the position of one who is] buying [the property] anew, and he ought to ask for a deed of sale to be written [and given to him].²² [But] in regard to a note of indebtedness,²³ what may be argued [in favour of the return thereof is] that if it had been paid he should have torn up the note?²⁴ [To this] I say: He [the creditor] may have given an excuse by telling him [the debtor], ‘I shall give it to you to-morrow, as I have not got it with me just now,’ or he [the creditor] may have kept it back until he is refunded the scribe's fee.²⁵

R. Abbahu said in the name of R. Johanan: If one finds a note of indebtedness in the street, even if it contains the endorsement of the Court,²⁶ it shall not be returned to the owners: It is undoubtedly so when it does not contain the endorsement of the Court, as it may then be said that it was written for the purpose of a loan, and that [in fact] the loan was not granted. But even if it does contain the endorsement of the Court, which means that it is officially confirmed,²⁷ it shall not be returned, because we are afraid that [the loan] may [in the meantime] have been repaid. R. Jeremiah objected [to the ruling of] R. Abbahu [from the following Mishnah]: ‘All documents executed by a Court of Law shall be returned [when found]’? [R. Abbahu] answered him: Jeremiah my son, not all documents executed by a court of law are alike! Indeed, [the Mishnah refers to a case where the debtor] has been found to be a liar.²⁸ Raba [then] said: And because he has been found to be lying once [must it be assumed] that he would not pay [his debts] any more?²⁸ — Therefore Raba said: Our Mishnah treats of a document containing a decree of the Court which confirms the creditor's right to belongings appropriated from the debtor, and of a document authorising a creditor to search for the debtor's belongings and to seize them wherever they may be found — and in accordance with [the interpretation of] R. Zera [given above].²⁹ As we have just dealt with the case of [one who was found to be] a liar, we shall say something [more] about it. For R. Joseph b. Manyumi said in the name of R. Nahman: If they [the members of the Court] said to him [the debtor], ‘Go [and] give him [what you owe him];’

(1) In the same way the word ‘to-day’ in the second case indicates that the seller depends for his livelihood on that day's catch. This is why the Rabbis decided in both these cases that the sale should be regarded as valid. But in the first part these reasons do not apply.

(2) The moment the seller has bought the field from the original owner it becomes the property of the buyer, and

the seller ends the transaction.

(3) When a person sells or gives away a piece of land in general terms (without specifying it) the buyer, or the recipient, makes up his mind to acquire the land, as he knows that some land will be available for sale, and he believes that the person who offered the land to him will buy it and convey it to him. But when a person specifies the field he offers, the buyer or recipient will not take the offer seriously, as that field may not be in the market, and the person may not be able to realise his intention of buying that field and conveying it to his friend.

(4) V. Glos.

(5) The transaction is not valid, as the fulfilment of the conditions stipulated by the man is beyond the power or control of the woman.

(6) Yeb. 93b.

(7) Just as in the case of 'this field' the seller, or donor, is unable to compel the original owner to dispose of the field (to enable the former to convey it to his friend), in the case of the woman also the fulfilment of the condition necessary to render the transaction valid is beyond her power or control.

(8) Which shows that according to the view of R. Meir on which Rab based his ruling, no distinction is made between 'the field' and 'a field'.

(9) V. p. 72, n. 4.

(10) As there is every reason to believe that the deed is still valid.

(11) To let the lender have the property in any case. Cf. pp. 77-78.

(12) Infra 200. This would include a note of indebtedness endorsed by the court and excluding the possibility of the loan not having been granted (cf. B.K. 112b) which would show that as long as we are sure that the loan was granted we do not suspect its validity on the ground that the loan may have been repaid.

(13) **vtykj rya** (from **ykj**, to establish, make sure') = a document issued by the court authorising a creditor to keep certain properties allotted to him in payment of his debt.

(14) V. p. 95, n. 8.

(15) A famous town in Babylonia, near the junction of the Euphrates and 'Nahr Malka,' and the seat of the Academy rendered famous by Samuel and other great Rabbis. Among the natives of Nehardea was R. Nahman (v. Hul. 95b).

(16) I.e., to the creditor.

(17) If the debtor pays during that time.

(18) There is no time limit, and whenever the debtor pays he is entitled to reclaim his property. [This being the case, the question of repayment arises also in these deeds of assignment, there being a possibility that the debtor had had his property restored on paying his debt, and in returning the documents to the creditor we empower the latter to seize anew the debtor's property.]

(19) In the case of deeds of assignment dealt with in the Mishnah.

(20) Why the document is to be returned.

(21) Deut. VI, 18.

(22) As a deed of transfer entitles the creditor to keep the seized property even when the debtor offers to repay the loan, and as the Rabbis decided that the property should be returned merely on the grounds of equity, the debtor, on failing to get the deed of transfer back, ought to have asked for a new deed — a deed of sale — as if the property had then been sold to him by the creditor.

(23) Dealt with by Samuel.

(24) And they apply to a note of indebtedness the same reason that is given for the law that a lost 'deed of transfer' has to be returned, viz., that since it has not been torn up the debt must still be due and the document still valid.

(25) By the debtor in case the creditor laid it out for him, the scrivener's fee being charged to the debtor. The debt may thus have been paid even though for some reason or other the creditor did not return the note to the debtor,

and this should preclude the return of the note to the creditor.]

(26) **epbv** . V. p. 33, n. 1.

(27) Cf. *supra*, *ibid*.

(28) On another occasion it was established that he told a lie. Therefore he would not be believed if he pleaded in this case that he had paid the debt. This is why the documents must be returned.

(29) That these documents are not concerned with the payment of money, and therefore are to be returned.

Talmud - Mas. Baba Metzia 17a

and he [the debtor] said [later], 'I have paid [as ordered]', he is believed.¹ [If then] the lender comes [to the Court and asks for a decree] to be written,² [the decree] may not be written and given to him. [But if the Court said to the debtor,] 'You are obliged to give him [what you owe him],' and he [the debtor] said [later], 'I have paid,' he is not believed. [If³ then] the lender comes [to the Court and asks for a decree] to be written, [the decree] may be written and given to him. R. Zebid said in the name of R. Nahman: Whether [the Court said], 'Go [and] give him' or [it said] 'You are obliged to give him,' if [the debtor subsequently comes and] says, 'I have paid,' he is believed. [If then] the lender comes [to the Court and asks for a decree] to be written, [the decree] may not be written and given to him. If, therefore, [the wording of the Court's decision] is to make a difference [at all], the difference can only apply to the following cases: If they [the members of the Court] said to him [the debtor], 'Go [and] give him [what you owe him],' and he [the debtor] said [later], 'I have paid [as ordered],' and witnesses testify that he did not pay him,⁴ while he repeats his assertion that he did pay,⁵ [then we say:] 'He has been found to be a liar in regard to this money.'⁶ [But if the Court said to the debtor,] 'You are obliged to give him [what you owe him], and he [the debtor] said later, 'I have paid,' and witnesses testify that he did not pay,⁷ while he repeats his assertion that he did pay,⁶ [then we say:] 'He has not been found to be a liar in regard to this money.'⁸ For what reason? — [We say that the debtor] was just trying to put him off, thinking to gain time until the Rabbis would consider their decision more carefully.⁹

Rabba b. Bar Hanah said in the name of R. Johanan: [If one says to another], 'You have in your possession¹⁰ a hundred zuz belonging to me,' and the other replies, 'I have nothing belonging to you,' while witnesses testify that he [the defendant] has [the money], and he [the defendant] again pleads, 'I paid it,' [then we say], 'He has been found to be a liar in regard to this money.' Such was the case of Sabbathai, the son of R. Merinus: He assigned to his daughter-in-law in her Kethubah¹¹ a cloak of fine wool, and he pledged himself to it. Her Kethubah got lost, [whereupon] he [Sabbathai] said to her,¹² 'I deny altogether [having assigned to you the cloak].' [But] witnesses came and said, 'Yes, he did assign it to her.' In the end he said, 'I gave it to her.' He then appeared before R. Hiyya,¹³ [and R. Hiyya] said to him: You have been found to be a liar in regard to this cloak.'¹⁴

R. Abin said in the name of R. Elai, who said in the name of R. Johanan: If one was due [to take] an oath [in regard] to [a claim of] his neighbour, and he said, 'I took the oath,' but witnesses testify that he did not take the oath, while he repeats the assertion, 'I did take the oath,' [we say:] 'He has been found to be a liar in regard to this oath.'¹⁵ This [decision] was conveyed to R. Abbahu, [whereupon] he said: R. Abin's decision seems right [in a case where] the oath was imposed upon [the defendant] by a Court of Law,¹⁶ but [in a case where the defendant] imposed

Talmud - Mas. Horayoth 2a

CHAPTER I

MISHNAH. IF THE COURT¹ RULED THAT 'ANY ONE OF THE [RITUAL.] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED, AND AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR², IN ACCORDANCE WITH THEIR RULING, WHETHER THEY³ ACTED [THUS]⁴ AND HE ACTED WITH THEM⁵ OR THEY ACTED⁴ AND HE ACTED AFTER THEM OR EVEN IF THEY DID NOT ACT⁴ AND HE ACTED,⁴ HE IS EXEMPT,⁶ BECAUSE HE RELIED ON [A RULING OF] THE COURT. [IF, HOWEVER, WHEN] THE COURT ISSUED [AN ERRONEOUS] RULING ONE OF THEM,³ WHO KNEW THAT THEY HAD ERRED, OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW, PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR RULING, WHETHER THEY³ ACTED⁴ AND HE⁷ ACTED WITH THEM OR THEY ACTED AND HE ACTED AFTER THEM OR THEY DID NOT ACT AND HE ACTED,⁴ HE IS LIABLE,⁸ SINCE HE⁹ WAS NOT DEPENDENT UPON [THE RULING OF] THE COURT. THIS IS THE GENERAL RULE: HE WHO IS [IN A POSITION] TO RELY UPON HIMSELF IS SUBJECT TO A PENALTY, AND [ONLY] HE WHO MUST DEPEND UPON THE COURT IS EXEMPT.⁶

GEMARA. Samuel said: A court is never responsible¹⁰ unless they ruled.¹¹ 'You are permitted'. R. Dimi of Nehardea said: Unless they ruled, 'You are permitted to act'. What is the reason? — Because [otherwise]¹² the decision is not final. Said Abaye: We also have learned the same: If he¹³ returned to his [home] town and continued to teach as he had taught,¹⁴ he is exonerated. If, however, he issued instructions [for the public] to act,¹⁵ he is subject to the penalty.¹⁶ Said R. Abba: We also have learned the same: If the court decided¹⁷ that she¹⁸ may be married, and she went and contracted a forbidden union¹⁹, she²⁰ must bring an offering, because the court permitted her only to marry.²¹ Rabina said: We also have learned the same: IF THE COURT RULED THAT ANY ONE OF THE [RITUAL] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED.²² Nothing more [need he said about it]. Some read as follows:²³ Samuel said: A court is not responsible unless they' ruled, 'You are permitted to act'.²⁴ R. Dimi of Nehardea said.' Even [if the ruling was], 'You are permitted' the decision is [regarded as] final. But surely, said Abaye, we have not so learnt: If he returned to his [home] town and continued to teach as he had taught he is exonerated. If, however, he issued instructions [for the public] to act, he is subject to penalty!²⁵ But surely, said R. Abba, we have not so learned: If the court decided that she may be married and she went and committed adultery, she must bring an offering, because the court permitted her only to be married!²⁶ But surely, said Rabina, We have not so learned: IF THE COURT RULED THAT ANY ONE OF THE [RITUAL] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED!²⁶ Nothing more [need be said about it]. AND AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING. Let it be taught, AND HE ACTED IN ACCORDANCE WITH THEIR RULING; what need was there for²⁷ THROUGH ERROR! — Raba replied: [The addition of] THROUGH ERROR [was meant] to include [the following case]. If the court ruled that suet²⁸ was permitted [to be eaten], and a person mistook²⁹ suet for fat and

ate it,³⁰ he is exonerated,³¹ [while] ACCORDING TO THEIR RULING [implies] at their actual ruling.³² Others read [as follows]. Raba said: Only a person who ACTED THROUGH ERROR [NAMELY] IN ACCORDANCE WITH THEIR RULING IS EXONERATED, but he who mistook suet for fat³³ and ate it is liable.³⁴ That which was obvious to Raha was raised by Rami b. Hama as a question. For Rami b Hima asked: 'What [is the law where] the court ruled that suet was permitted and a person mistook it for fat³⁵ and ate it?'³⁶ — Raba replied: Come and hear: AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING etc. Why should it be necessary to state³⁷ THROUGH ERROR [and also] IN ACCORDANCE WITH THEIR RULING.³⁸ Obviously³⁹ to include [the following case]: Where the court ruled that suet was permitted and a person mistook suet for fat and ate it, he is exonerated!⁴⁰ — Perhaps [it may be retorted, our Mishnah means to] exempt a person only when he ACTED THROUGH ERROR [namely] IN ACCORDANCE WITH THEIR RULING, but when he mistook suet for fat and ate it he is liable. Others say that Raba said: Come and hear AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING. This surely implies⁴¹ that only when he acted THROUGH ERROR [namely] IN ACCORDANCE WITH THEIR RULING he is exonerated, but when he mistook suet for fat and ate it he is liable!⁴² — Perhaps [it was retorted, our Mishnah implies] either THROUGH ERROR or IN ACCORDANCE WITH THEIR RULING.⁴³ [The following are] in dispute [on the case mentioned]: If the court ruled that suet was permitted and a person mistook suet for fat and ate it, Rab said: He is exonerated, and R. Johanan said: He is liable. An objection was raised: Of the common people [sin] in doing⁴⁴ excludes⁴⁵ the apostate.⁴⁶ R. Simeon b. Jose said in the name of R. Simeon: This is not necessary; since it is written, [And doeth] through error [any of all the things], which [the Lord hath commanded] not to be done, and is guilty; if [his sin] . . . be known to him,⁴⁷ [which shows that only] he who repents when it becomes known to him [that he has sinned] brings a sacrifice for a sin he committed through error, but he who does not repent when he becomes aware [of his sin] does not bring a sacrifice for a sin he has committed through error.⁴⁸ Now, if [this view] is tenable, surely [it may be objected], he⁴⁹ would not repent even when he becomes aware [of the facts]!⁵⁰ — R. Papa replied: R. Johanan holds the view that since the court would repent when [the error] became known to them, and he⁵¹ also would then repent, [such a person] may justly be described as one who repents of his action when he becomes aware [of his sin], and he is, therefore, liable. Raba said: Rab agrees that he is not counted in the making up of the majority of the congregation.⁵² What is the reason? Scripture says, through error, implying [that no sacrifice is to be brought] unless all of them shared⁵³ one and the same 'error'. WHETHER THEY ACTED [THUS] AND HE ACTED WITH THEM etc. What need was there⁵⁴ to teach all these?⁵⁵ [In the case of] the former section, this may be justified [as being a climactic arrangement]: 'not only this but also that:' in the later section, however, where liability is spoken of, the order, surely, should have been reversed!⁵⁶

(1) rich. Beth din, House of Judgement or Law, v. Glos.

(2) This will be explained in the Gemara Infra.

(3) The members of the court.

(4) In accordance with their decision.

(5) Eating, e.g., together with them blood or suet.

(6) From bringing the prescribed sin offerings. V. Lev. IV, 27 ff.

(7) The member of the court or the disciple who knew the ruling to be erroneous.

- (8) To bring the prescribed sin offerings. Cf. n. 6. supra.
- (9) Being capable of deciding such matters for himself.
- (10) Lit., 'guilty', 'culpable'.
- (11) Lit., 'until they' would say' to them', i.e., to the public. (12) Unless the ruling was issued in this definite form it is not regarded as final. [Cf. B. B. 130b.] Hence, in the case there the entire, or the majority of the public transgressed by relying on a ruling of a court to which the formula 'You are permitted' was not added, neither they nor the court are under an obligation to bring a sin offering (v. Lev. IV, 13 ff). nor is an individual in the case of such a ruling entitled to claim exemption by reason of his reliance upon the court. (The question whether, in any case, the court or the congregation, are to bring the offering is a matter of dispute, infra).
- (12) If 'to act' is not added.
- (13) A 'rebellious elder' who defied the authority of the supreme court in Jerusalem. Deut. XVII, 8 ff.
- (14) Before the decision of the supreme court.
- (15) In accordance with his own decisions.
- (16) Sanh. 86b. The expression 'to act' in this case implies final decision, similar to the formula 'You are permitted to act' required by R. Dimi.
- (17) Lit., 'they taught her or directed her'.
- (18) A woman the death of whose husband is attested by one witness only. (In the case of two witnesses no special ruling of a court is necessary.)
- (19) Which was in any case forbidden to her.
- (20) Her husband having subsequently appeared.
- (21) I.e., to contract a lawful marriage. Yeb. 87b. Since the expression 'decided' and not merely 'allowed' is used, a definite and final decision is meant. Cf. supra note 5.
- (22) 'Ruled . . . may be transgressed', implies definite and final decision to act. Cf. previous note.
- (23) Lit., 'there are who say'.
- (24) V. supra p. I for notes.
- (25) V. supra p. 2 for notes. This proves, contrary to the view of H. Dimi, that the formula 'you are permitted' is not sufficient unless 'to act' is added!
- (26) V. supra p. for notes, and Previous note.
- (27) Lit., 'Why to me'.
- (28) 'Forbidden fat', v. Lev. III, 17. VII, 25.
- (29) Lit , 'it was is exchanged for him'.
- (30) Thus sinning through error, though not 'serially 'at their ruling', since he ate the suet not because he depended upon the court but lease he thought the suet was fat.
- (31) Because even if he had known it to be suet he would have eaten it, relying on the ruling of the court.
- (32) I.e., the case where a person ate suet not through his own error but through his reliance upon the ruling of the court.
- (33) V. supra note 5.
- (34) Since his error was not due to the Court's ruling. The Mishnah had to specify both 'through error', and 'in accordance with their ruling', to indicate that where the sin was due to his error alone be is liable.
- (35) V. p. 3, n. 5.
- (36) Is he exempt from a sin offering because the court permitted the eating of suet; or is he liable since he ate the suet not because of his reliance upon the court but through his own error of mistaking suet for fat?
- (37) Lit., 'why to me'.
- (38) [Delete with MS. M.: IN ACCORDANCE WITH THEIR RULING, v. D.S. a.l.]
- (39) Lit., 'not'?

- (40) I.e., in accordance with the first version of Raba's statement.
- (41) Lit., 'what, not'
- (42) I.e., in accordance with the second version of Raba's statement.
- (43) And one is exonerated in either case Hence a person mistaking suet for fat would also be exonerated.
- (44) Lev. IV, 27.
- (45) 'Of the people', **ogn**, the **n** partitive implying. 'not all of them'.
- (46) From whom no offering is to be accepted.
- (47) Lev. IV, 22f
- (48) An apostate does not repent when he becomes aware of his sin.
- (49) The person who mistook suet for fat.
- (50) Because even when it was brought us his notice that he ate suet he would not repent, in view of the ruling of the court. How then could R. Johanan subject one in such a case to the obligation of a sacrifice?
- (51) The person who mistook the suet for fat.
- (52) The sacrifice of a bullock on the part of the congregation (Lev. IV, 13 ff) is brought only when all or at least a majority of the people had committed the same sin through the error of the court. Eating forbidden food by mistake is not the same as eating it deliberately in reliance upon the decision of a court, though erroneous (MS. M. preserves a clearer inference: Num. XV, 26, For in respect of all the people it was done in error.)
- (53) Lit., 'were in'.
- (54) Lit., 'wherefore to him'.
- (55) Acting with, acting after, etc. (10) Not only is one exonerated when acting together with the court (a definite case of dependence on it) but also when acting after them, not only when the court also has so acted but even when one acted alone but in reliance on the court's ruling.
- (56) Since each succeeding case is more obvious than the previous one as regards obligation.

Talmud - Mas. Horayoth 2b

— This is a case¹ [of anti-climax]: 'this, and there is no need to say that.' ONE OF THEM WHO KNEW THAT THEY HAD ERRED, OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW. What need was there for the two? — Raba replied: Both are required, since, otherwise, it might have been assumed that the reference was only to² one who possesses learning and is also capable of logical reasoning and deduction but not to one possessing learning and no capacity for logical reasoning. Said Abaye to him: Surely, CAPABLE OF DECIDING MATTERS OF LAW implies the possession of knowledge and also capacity for logical reasoning! What I mean, the other replied, is this: If [the inference had to be derived] from that,³ it might have been assumed that the reference is only to² one who possesses learning and is also capable of logical reasoning and deduction, but not to one possessing learning and no capacity for logical reasoning and deduction; hence it was taught, CAPABLE OF DECIDING MATTERS OF LAW [so that] from the superfluous Mishnah [it may be inferred that the reference includes] even him who possesses learning only, though incapable of logical reasoning and deduction, [as well as] him who is only capable of logical reasoning and deduction though he possesses no learning. CAPABLE OF DECIDING MATTERS OF LAW etc. Like whom, for instance? — Raba replied: For instance, like Simeon b. Azzai and Simeon b. Zoma.⁴ Said Abaye to him: In the case of such [scholars] it would be a wilful transgression!⁵ And according to your argument, [the other replied, how will you explain] the following wherein it was taught: 'In doing one,⁶ [implies that if] an individual acts on his own authority he is liable; if under the authority of

the ruling of the court, he is exonerated. How is this so? [In the case where] the court ruled that suet was permitted and it was known to one of them, or to a disciple sitting before them and capable of deciding matters of law, such for instance as Simeon b. ‘Azzai, that they erred, it might have been assumed that he is exonerated, hence it was expressly taught, in doing one,⁷ [implying that if] an individual acts on his own authority he is liable: if under the authority of the ruling of the court he is exonerated’?⁸ How then could this⁹ be possible? [Obviously] in such a case as where [the scholar] knew that it¹⁰ was prohibited, but erred in the [interpretation of the] precept of obeying the words of the Sages;¹¹ according to my view also¹² it is a case where they erred in the [interpretation of the] precept of obeying the words of the Sages. THIS IS THE GENERAL RULE: HE WHO IS [IN A POSITION] TO RELY UPON HIMSELF IS SUBJECT TO A PENALTY. What does this include? It includes one who usually disregards¹³ the decisions of the court.¹⁴ ‘HE WHO MUST DEPEND UPON THE COURT includes [the case where] the court issued a decision and when they discovered that they erred they retracted.¹⁵ But this, surely, is explicitly stated!¹⁶ — It was first stated here and later it was amplified. Rab Judah said in the name of Samuel: This¹⁷ is the view of R. Judah, but the Sages maintain that an individual who acted in accordance with [an erroneous] ruling of the court is liable. Which [statement of] R. Judah [is referred to]? — It was taught: If any one person...sin through error in doing,¹⁸ behold there are three limitations¹⁹ [to indicate that only] he who acts on his own authority is liable; [but he who acts] on the authority of the ruling of the court is exonerated. Which [statement of the] Rabbis?²⁰ — It was taught: Lest it be said²¹ that a minority of the congregation who committed a sin are subject to the obligation of a sacrifice because the court does not bring a bullock on their account,²² but a majority of the congregation who had committed a sin should be exempt because the court brings a bullock on their account,²² Scripture expressly stated, Of the common people²³ [to indicate that] even if a majority of them²⁴ or all of them. Now, in what [circumstances was the sin spoken of committed]? If it be suggested through error in action,²⁵ how [it may be asked] does the court enter at all into the question²⁶ when [the commission of the sin] was not on the authority of the ruling of the court? Does then a court bring [a sacrifice] when [the commission of the sin] was not under the authority of their ruling!²⁷ If, however, [it be suggested that the sin had been committed] under the authority of the ruling of the court, surely [it may be pointed out] the text, Of the common people,²³ was written in reference to error in action!²⁵ Consequently²⁸ [it must be concluded that] it is this that was meant: A minority of the congregation who committed a sin through error in action²⁵ are liable, because the court does not bring a bullock on their account in [the case where a sin was committed] on the authority of the ruling of the court, and yet they²⁹ are liable.³⁰ [Since, however,] one might assume that a majority of the congregation who committed [a sin] through error in action²⁵ should be exempt because the court brings a bullock on their account when [the sin was committed] under the authority of the ruling of the court, it was expressly taught, ‘Of the common people’³¹ [to include] even a majority of them.³² Said R. Papa: Whence [is this proved]? Is it not possible that neither they nor the court [bring any sacrifice]!³³ — If so,³⁴ why should it be sought to prove that a majority is liable?³⁵ Must it not then be concluded that [in the case of] a minority acting under a court’s ruling it had been definitely established that they were liable, though they had acted under the authority of the ruling of a court;³⁶ for [otherwise] it should have been sought first to prove that a minority is liable, when sinning through error of action, and then should have come the attempt to prove that a majority also is liable when sinning through error of action. Consequently, since³⁷ the attempt has not been made [first] to prove that a minority is liable, when sinning through error of action, and

only finally to prove that a majority [also] is liable when sinning through error of action, it must be concluded that a minority [committing a sin] under the ruling of the court are liable [to bring] a lamb or a goat, and likewise when they committed the sin under no authority from the ruling of a court, through error of action, they are also liable.³⁸ Consider, however, this: Both [Baraitas]³⁹ have been taught⁴⁰ anonymously, whence then [is it proved] that the first one [represents the view of] R. Judah and the last [that of] the Rabbis? Might not the reverse be suggested! — Who has been heard to make an exposition on limitations in such a manner?⁴¹ Surely it was R. Judah: for it has been taught: R. Judah said:

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- (1) Lit., 'he teaches'.
 - (2) Lit., 'these words'.
 - (3) If one qualification only had been mentioned.
 - (4) They were for some reason never ordained. V. Sanh. 17b.
 - (5) Involving no sacrifice, while our Mishnah does subject such disciples to the obligation of a sacrifice.
 - (6) Lev. IV. 27. **V, uagc** Lit., 'in her doing one', 'her' referring to 'soul', the subject of the sentence.
 - (7) V. p. 6, n. 7.
 - (8) Which shows that even in the case of a Ben 'Azzai he is not considered a wilful transgressor, contrary to the view of Abaye.
 - (9) The obligation to bring a sacrifice on the part of a scholar who knew the ruling of the court to be wrong.
 - (10) That which the court permitted.
 - (11) Believing that the Sages must be obeyed even here they permit a thing prohibited.
 - (12) Raba's: Instancing b. 'Azzai and b. Zoma, as the kind of disciple referred to in our Mishnah.
 - (13) Lit., 'kicks against'.
 - (14) It is obvious, therefore, that on this occasion he acted in accordance with their decision, not because he relied upon their ruling but because it happened to agree with his convenience or with his view.
 - (15) Even in such a case the individual who acted on the authority of their ruling is exonerated.
 - (16) In the Mishnah infra 3b.
 - (17) The ruling of our Mishnah exempting an individual acting on the erroneous decision of the court.
 - (18) Lev. IV, 27. E.V.. 'If anyone etc.'
 - (19) 'One', 'person', 'in its doing'. **V, uagc , j t apb** Cf. Shab. 93a.
 - (20) The Sages.
 - (21) Lit., 'I might yet say'.
 - (22) I.e., If they committed the sin by acting in accordance with his erroneous ruling of the court.
 - (23) Lev. IV. 27.
 - (24) Lit., 'her', the congregation.
 - (25) The people committed the sin through their own error and not in depending on an erroneous ruling of the court.
 - (26) Lit 'what is their doing?'
 - (27) [Read with MS. M.: 'If it be . . . in action, not on the ruling of the court, how does the court enter etc.?.']
 - (28) Lit., 'but not'.
 - (29) The minority of the congregation.
 - (30) Because, according to the Rabbis, even an individual who acted under the ruling of a court is also obliged to bring the prescribed sin offering.
 - (31) V. p. 8, n. 5.
 - (32) I.e. that even where most of the people committed the sin, everyone of them must bring the sin offering

prescribed in Lev. IV, 27ff.

(33) The Baraitha cited being interpreted as follows.' A minority ate liable to bring a sacrifice when they have sinned through error in action because only in the case where their sin was committed on the authority of the court's ruling neither the court nor they themselves (acting as they did under the court's authority) are liable. Whereas in the case of a majority, since the court brings a bullock on their account, they should be exempt in respect of error in action.

(34) That a minority who committed a sin under the authority of a ruling of the court is exempt from the obligation of bringing a sacrifice.

(35) In respect of an error in action when the liability of a minority has not yet been proved.

(36) And this warrants the assumption that they are liable in respect of error in action.

(37) Lit., 'but not'.

(38) [The text in cur. edd. is unduly long and not smooth. MS. M. preserves a better reading: Why should the Tanna have sought to prove that a majority is liable in respect of an error in action, he should first have sought to prove that a minority is liable in respect of error in action and then attempted to show that a majority (too) is liable through error in action. Consequently it must be concluded that a minority (committing a sin) under the ruling' etc.]

(39) The one ascribed to R. Judah and the one ascribed to the Sages.

(40) Lit., 'we learned'.

(41) As supra 'behold these are three limitations'.

Talmud - Mas. Horayoth 3a

This is the law of the burnt offering,¹ behold these are three exclusions.² And if preferred I might say, [the statement beginning] 'Lest it be said'³ cannot be attributed to R. Judah, for in it was taught. 'Where a majority of the congregation committed a sin, the court brings a bullock on their account', while⁴ R. Judah had said. 'The congregation only have to bring [the sacrifice] but not the court'; as we learned: R. Judah said: Seven tribes who committed a sin⁵ bring seven bullocks.⁶ R. Nahman, however, said in the name of Samuel: This⁷ is the view of R. Meir, but the Sages maintain that an individual who acted in accordance with [an erroneous] ruling of the court is liable. Which [statement of] R. Meir and which of the Rabbis? — It was taught, 'If they had ruled and acted accordingly, R. Meir exonerates them and the Sages consider them liable'. Now, who are 'those that acted'? If the court be suggested, what [it may be retorted] is the reason of the Rabbis who consider them liable? Surely it was taught, 'Since it might have been assumed that a court who issued [an erroneous] ruling and acted accordingly are liable, it was expressly taught. The assembly, and do,⁸ indicate that] action depends on the assembly⁹ and ruling depends on the court.'¹⁰ If, again,¹¹ [it be suggested that the meaning¹² is that] the court ruled and the majority of the congregation acted accordingly, the question arises] what is the reason why R. Meir exonerates them? Must it not then be concluded¹³ [that the meaning¹⁴ is that] the court ruled and a minority of the congregation acted accordingly, and that the principle underlying their¹⁵ dispute is the following: The Master¹⁶ holds that an individual who acted under the authority of the ruling of the court is exonerated, and the Masters hold that an individual who acted under the authority of the ruling of the court is liable! R. Papa. however, said: All agree¹⁷ that an individual who acted under the authority of the court's ruling is exonerated, but they differ [on the question] whether the court is counted in the making up of a majority of the congregation.¹⁸ The Masters hold that the court is counted in the making of a majority of the congregation¹⁹ and the Master

holds that the court is not to be counted in making up a majority of the congregation. And if preferred I might say [that the meaning²⁰ is that] the court ruled and a majority of the congregation acted accordingly: and²⁰ by ‘Sages’ was meant²¹ R. Simeon who stated that both the congregation and the court bring [a sin offering].²² And if you prefer I might say [that they differ in the case where] one tribe acted in accordance with the ruling of its own court: and by ‘Sages’ R. Judah was meant; for it was taught, ‘A tribe that acted on the authority of [an erroneous] ruling of its court, that tribe is liable.’²³ And if you prefer I might say [that the dispute relates to] such a case as where the sin was committed by six [tribes] who formed a majority of the congregation or by seven [tribes] although they did not form a majority of the congregation, and [the anonymous author of] our Baraita²⁴ is²¹ R. Simeon b. Eleazar; for it was taught: R. Simeon b. Eleazar said in his²⁵ name. ‘Six [tribes] who form a majority of the congregation or seven [tribes] although they do not form a majority of the congregation, who have committed a sin are liable [to bring a sin offering].’²⁶ R. Assi said: In [the case of an erroneous] ruling [of a court]²⁷ the majority of the inhabitants of the Land of Israel are to be taken into account,²⁸ for it is said, So Solomon held the feast at that time, and all Israel with him, a great congregation, from the entrance of Hamath unto the Brook of Egypt, before the Lord our God, seven days and seven days, even fourteen days.²⁹ Now, consider, it is written, and all Israel with him a great congregation, what need was there for,³⁰ from the entrance of Hamath unto the Brook of Egypt? From this it may be inferred that only these³¹ are included in the³² ‘congregation’ but those are not.²⁸ It is obvious [that the case where] a majority³³ has been reduced³⁴ to a minority [is a matter of] dispute between R. Simeon and the Rabbis.³⁵ What, [however, is the law where] a minority³⁶ has become³⁷ the majority?³⁸ Do R. Simeon and the Rabbis differ [in this case also]. R. Simeon, who is guided by³⁹ [the status of the person at the time of the] discovery [of the sin], holding them liable,⁴⁰ and the Rabbis who are guided by [the status of the person at the time of the] commission of the sin, exonerating them,⁴¹ or not? — How could [such a thing]⁴² be imagined! It might well be said that R. Simeon was heard to be guided by³⁹ [the time of the] discovery [of the sin] also:⁴³ was he heard, however, [to be guided by the time of the] discovery alone!⁴⁴ For had that been the case⁴⁵ they⁴⁶ should have brought [their offering] according to their present status.⁴⁷ Consequently [it must be concluded that] R. Simeon requires both commission of the sin and its discovery.⁴⁸ The question was raised: What [is the law where] the court ruled that suet was permitted and a minority of the congregation acted accordingly, and, after the court had withdrawn their decision and again issued a similar ruling, another minority acted accordingly? [Are we to say,] since this is a case of two distinct spells of awareness,⁴⁹ they do not combine,⁵⁰ or perhaps, since both⁵¹ [are concerned with] suet they combine? And if some ground could be found for the decision⁵² that, since both⁵¹ [are concerned with] suet, they combine, [the question arises,] what [is the law where one] minority [was involved] in the forbidden fat of⁵³ the maw and [another] minority in the forbidden fat of⁵³ the small bowels? Is it certain that in these cases,⁵⁴ since [the prohibitions] are derived⁵⁵ from⁵⁶ two [distinct] texts, they⁵⁷ do not combine, or, perhaps, since both⁵¹ [are concerned with] forbidden fat, they⁵⁷ combine. And if some ground should be for the decision⁵² that, [since the two kinds bear] the name of ‘forbidden fat’, they⁵⁷ combine, [the question may be asked,] what [is the law where one] minority [was involved] in the [eating of] suet and [another] minority in that of blood? Is it certain that in this case,⁵⁸ since these are two [distinct] prohibitions they⁵⁹ do not combine, or perhaps, since the same kind of sacrifice has to be brought in both cases,⁶⁰ they combine? And if some ground could be found for the decision⁶¹ that, since the same kind of sacrifice has to be brought in both cases, they⁵⁹ combine,

[the question might be asked,] What is the law [where one] minority [was involved] in [the eating of] suet and [another] minority in idolatry? Is it certain that in this case,⁵⁸ [since] neither the prohibitions nor the sacrifices are alike [they⁵⁹ are not to be combined] or, perhaps, since [the punishment] in both cases⁶² is that of kareth⁶³ they are to be combined. — These questions remain undecided.⁶⁴ The question was raised: [What is the law where] a court ruled that suet was permitted and a minority of the congregation acted accordingly, and the members of that court died and another court that was appointed also issued a similar ruling and another minority acted [in accordance with that ruling]? According to him who stated that the court brings [the sacrifice] no question arises, for, surely, they are no more in existence. The question, however, arises what [is the law] according to him who stated that the congregation bring [the sacrifice]? The congregation, surely, exists.⁶⁵

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- (1) Lev. VI, 2.
 - (2) V. Nid. 40a.
 - (3) The second Baraitha, supra 2b.
 - (4) Lit., 'and if'.
 - (5) Owing to an erroneous ruling of the court.
 - (6) But the court brings none, infra 5a.
 - (7) V. supra p. 11, n. 7.
 - (8) Lev. IV, 13.
 - (9) Or 'congregation', i.e the people.
 - (10) Consequently 'those who acted' cannot refer to the court.
 - (11) Lit 'but'.
 - (12) Of the Baraitha cited.
 - (13) Lit., 'what, not'?
 - (14) Of the Baraitha cited.
 - (15) That of R, Meir and the Sages.
 - (16) R. Meir.
 - (17) Lit., 'all the world', i.e., R. Meir and the Sages.
 - (18) Where members of the public as well as the judges of the court had acted in accordance with the court's decision and together only they form a majority of the congregation.
 - (19) [In which case there is a liability for a communal offering.]
 - (20) As to the question why R. Meir exonerates them.
 - (21) Lit., 'who. . . it'.
 - (22) And to this R. Meir objected, advancing the view that the congregation is exonerated. The court only has to bring the sacrifice.
 - (23) To bring a sin offering. One tribe, in his opinion, is also called 'assembly' or 'congregation' (kahal).
 - (24) The Sages.
 - (25) R. Meir's
 - (26) Infra 5a.
 - (27) In connection with which a sin offering of a bullock must be brought if the majority of the people acted in accordance with this ruling.
 - (28) Those living outside that land are not to be included in the computation.
 - (29) I Kings VIII, 65.
 - (30) Lit. 'wherefore to me'.

- (31) Those living within the boundaries of Palestine specified.
- (32) Lit., 'called'.
- (33) Of the people, who acted in accordance with an erroneous ruling of the court.
- (34) Between the time of the emission of the sin and that of bringing the Sacrifice.
- (35) Infra 10a.
- (36) V. supra note 9.
- (37) Between the time of the action and the time when it was discovered to have been a sinful act.
- (38) Owing to cases of death among members of the previous majority.
- (39) Lit., 'goes after'.
- (40) Since at the time their sin came to their notice they were already a majority.
- (41) Because when the sin had been committed they were still a minority.
- (42) That a minority who increased into a majority shall be liable.
- (43) Cur. edd. add, 'where the sin and consciousness of it took place (when the person was under the status of obligation'.
- (44) Lit., 'knowledge (of the sin) that is not (i.e.. without) sin'.
- (45) Lit., 'if so', that discovery alone is the determining factor.
- (46) A High Priest and a prince who assumed office after they had committed a sin as laymen.
- (47) I.e., a bullock, and not (as laymen) a lamb or a goat. Since they are now conscious of the sin why does not R. Simeon consider them liable unless they were also conscious of it before their appointment!
- (48) One without the other is no determining factor. Consequently, in the case under discussion (i.e., a minority that became a majority), no communal sacrifice is to be brought, since the sin was committed when they were still a minority who are exempt if acting on the ruling of the court.
- (49) The acts being based on two separate rulings, the erroneous character of which was subsequently discovered.
- (50) To form a majority and consequently to become liable to bring a communal sacrifice.
- (51) Lit., 'that and that'.
- (52) Lit., 'and if you will find to say'.
- (53) Lit., 'which is upon'.
- (54) Lit., 'here'.
- (55) Lit., 'come'.
- (56) Lit., 'in'.
- (57) The two minorities.
- (58) Lit., 'here'.
- (59) The two minorities.
- (60) Lit., 'their sacrifice is the same'.
- (61) Lit., 'and if you will find to say'.
- (62) Lit., 'that and that'.
- (63) , רף 'premature, or sudden death through some visitation'. V. Glos.
- (64) ueh, Teku, v. Glos.
- (65) Hence the two minorities are to be combined to form a majority, and a sacrifice is to be brought.

Talmud - Mas. Horayoth 3b

or is it, perhaps, necessary¹ [to have in the case of both minorities] the ruling² of the court that ruled [in the first instance]. — This is undecided. R. Jonathan said: Where a hundred [judges] sat down to consider a decision they are not liable³ unless all of them arrived at the same [erroneous]

decision; for it is said, and if the whole congregation of Israel shall err⁴ [which implies] that they must all⁵ err.⁶ Said R. Huna son of Hoshaiah: Logical deduction leads to the same conclusion.⁷ For throughout the Torah there is an established rule that a majority is like the whole and yet it was written here, ‘the whole congregation’; and since such is the case⁸ [it must be concluded that] even if there were a hundred.⁹ We learned, [WHEN] THE COURT ISSUED [AN ERRONEOUS] RULING AND ONE OF THEM, WHO KNEW THAT THEY HAD ERRED OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR RULING, WHETHER THEY ACTED AND HE ACTED WITH THEM OR THEY ACTED AND HE ACTED AFTER THEM, OR THEY DID NOT ACT AND HE ACTED, HE IS LIABLE, SINCE HE WAS NOT DEPENDENT UPON [THE RULING OF THE COURT]. [From this it follows that only] that person¹⁰ is liable, but another¹¹ is exempt; but why? The decision, surely, was not unanimous!¹² — Here it is a case where that person¹³ nodded with his head.¹⁴ Come and hear: If the court issued a ruling, and one of them knew that they erred and said to them, ‘You are mistaken’, they are exempt.¹⁵ The reason, then, why they are exempt is because he said to them, ‘You are mistaken’, had he however remained silent they would have been liable and their decision would have been regarded as unanimous;¹⁶ but why? Surely, they did not all arrive at the same decision? — It may be answered that here also it is a case where he nodded with his head. R. Mesharsheya raised an objection: Our Rabbis relied upon the words of R. Simeon b. Gamaliel and upon the words of R. Eleazar the son of R. Zadok who said, ‘No law may be imposed upon the public unless a majority of the people can endure it’; and R. Adda b. Abba said: What Scriptural proof is there for this view? Ye are cursed with a curse, yet ye rob me, even this whole nation.¹⁷ Now, surely, it is written here, ‘This whole nation,’ and yet a majority is regarded as the whole.¹⁸ [Is not this] a refutation of the view of R. Jonathan?¹⁹ — This is a refutation. Why then did the All-Merciful say, ‘the whole congregation’? — It is this that was meant: Where they are all present²⁰ the decision is valid; but if not, their decision is invalid. R. Joshua said: When ten sit in judgment, the responsibility rests upon²¹ all of them. Is not this obvious? It teaches us that even a disciple in the presence of his Master [must share the responsibility].²² When R. Huna went to court he took with him ten students of the college, ‘in order that’, he said, ‘each of us²³ might receive only a chip of the beam’,²⁴ When an animal suffering from an organic disease was brought before R. Ashi²⁵ he used to bring together ten ritual slaughterers²⁶ of Matha Mehasia²⁷ and made them sit down before him, saying, ‘In order that each of us might receive only a chip of the beam’.²²

MISHNAH. WHERE A COURT ISSUED A DECISION,²⁸ AND LATER DISCOVERED THAT THEY HAD ERRED AND WITHDREW THEIR DECISION, WHETHER THEY BROUGHT THEIR OFFERING²⁹ OR WHETHER THEY DID NOT BRING THEIR OFFERING, IF AN INDIVIDUAL³⁰ PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR [ERRONEOUS] DECISION, R. SIMEON EXONERATES HIM AND R. ELEAZAR DECLARES [HIS CASE] DOUBTFUL.³¹ WHICH CASE MAY BE REGARDED DOUBTFUL? IF HE³² WAS³³ AT HOME, HE IS LIABLE.³⁴ IF, HOWEVER, HE WENT TO A COUNTRY BEYOND THE SEA HE IS EXEMPT. SAID R. AKIBA: I AGREE THAT A PERSON IN SUCH A CASE³⁵ IS NEARER TO EXONERATION THAN TO CULPABILITY. SAID BEN ‘AZZAI TO HIM: HOW DOES SUCH A PERSON DIFFER FROM ONE WHO REMAINS AT HOME? HE WHO REMAINS AT HOME IS IN A POSITION TO

ASCERTAIN THE FACTS³⁶ BUT THE OTHER WAS NOT IN SUCH A POSITION.³⁷ IF THE COURT RULED THAT AN ENTIRE PRINCIPLE HAS TO BE UPROOTED; IF THEY SAID, FOR EXAMPLE, THAT [THE LAW CONCERNING THE] MENSTRUANT³⁸ IS NOT FOUND IN THE TORAH OR THE [LAW CONCERNING THE] SABBATH IS NOT FOUND IN THE TORAH OR [THE LAW CONCERNING] IDOLATRY IS NOT FOUND IN THE TORAH, THEY ARE EXEMPT. IF, HOWEVER, THEY RULED THAT A PART [OF A COMMANDMENT] WAS TO BE ANNULLED AND A PART RETAINED, THEY ARE LIABLE. HOW IS THIS SO? — IF THEY SAID: [THE LAW CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY³⁹ HE IS EXEMPT, [OR THAT THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN TO A PUBLIC DOMAIN HE IS EXEMPT, [OR THAT THE LAW OF] IDOLATRY OCCURS IN THE TORAH, BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT, THEY ARE LIABLE; FOR SCRIPTURE SAYS, AND IF SOME THING BE HID,⁴⁰ ‘SOMETHING BUT NOT THE ENTIRE PRINCIPLE.

GEMARA. Rab Judah said in the name of Rab: What is R. Simeon's reason? Because he acted on the authority of the court. Others say that Rab Judah said in the name of Rab: R. Simeon used to say that [in the case of] any ruling [of the court], which has spread⁴¹ to a majority of the congregation, if an individual acted according to it he is exempt;⁴² for [he ruling was given for the purpose⁴³ of distinguishing between one who acts in error⁴⁴ and one acting presumptuously.⁴⁵ An objection was raised: The bullock required⁴⁶ when a matter was hid from the congregation,⁴⁷ and the goats [of atonement] for idolatry⁴⁸ are to be purchased from a collection made for the purpose:⁴⁹ these are the words of R. Simeon. R. Judah said: They are taken⁵⁰ from the funds of the Temple treasury.⁵¹ Now, why?⁵² Since a collection is made for the purchase of the sacrifices, the facts became known!⁵³ — If you wish I might say: It is a case, for instance, where the object of the collection was not stated.⁵⁴ And if you prefer I might say: In the case, for instance, where he was not in town.⁵⁵ And if you prefer I might say: Rab holds the same view as the other Tanna,⁵⁶ [in whose name] the reverse was taught: ‘A collection is made for the occasion;⁵⁷ these are the words of R. Judah. R. Simeon said: They are taken from the funds of the Temple treasury.’⁵⁸ It was taught: R. Meir declares him⁵⁹ liable and R. Simeon exonerates him; R. Eleazar said, ‘doubtful’; in the name of Symmachus it was said, ‘suspended’. Said R. Johanan: The difference between them⁶⁰ is the obligation to bring an asham talui.⁶¹ Said R. Zera: [As to an] analogy [in respect of the view] of R. Eleazar — to what may the thing be compared? To the case of a man who ate something about which it is doubtful whether it was suet or fat,⁶² who, when it becomes known to him⁶³ brings a guilt offering.⁶⁴

(1) If the two minorities are to be combined.

(2) Thus Bomberg ed. Cur. edd.: ‘knowledge’, i.e., ‘discovery of the sin’.

(3) To bring the sacrifice if they erred in their decision.

(4) Lev. IV, 13.

(5) Since Scripture uses the expression ‘the whole’, which is taken to refer to the assembly of the judges who are the cause of the error committed by the congregation.

(6) Cur. edd. insert, ‘until the rulings will spread among all the congregation of Israel’.

- (7) Lit., 'thus also'.
- (8) 'The whole' being specifically stated.
- (9) They must all arrive at a unanimous decision.
- (10) The member of the court or learned disciple.
- (11) Anyone who did not take part in the deliberations of the court.
- (12) Lit., 'the ruling was not concluded', since there was at least one dissident.
- (13) V. supra note 6.
- (14) Which is taken as consent.
- (15) Infra 4b.
- (16) Cf. note 8.
- (17) Mal. III. 9.
- (18) Since both R. Simeon and R. Eleazar had said, 'a majority of the people'. v. A.Z. 36a.
- (19) Who said supra that a majority of the court is not regarded as the whole.
- (20) Though their opinions differ.
- (21) Lit., 'the collar (or 'chain') hangs on the neck of'.
- (22) Sanh. 10a.
- (23) Lit., 'we'.
- (24) That the responsibility for any wrong decision might be shared by all of them.
- (25) For him to decide whether it was ritually fit for human consumption.
- (26) Who were familiar with the ritual laws relating to diseased animals.
- (27) A suburb of the town of Sura; v. B.B. (Sonc. ed.) p. 10, n. 1.
- (28) And a majority of the people acted accordingly.
- (29) Lit., 'their atonement', the sin offering prescribed in Lev. IV, 13ff.
- (30) Who was unaware that the decision is as rescinded.
- (31) It cannot be determined whether such a case comes under the category of dependence upon the court or under that of acting independently. Hence an asham talui (v. Glos.) must be brought.
- (32) The transgressor who claims not to have heard that an erroneous decision had been withdrawn.
- (33) Lit., 'sat'.
- (34) To bring an asham talui (v. Glos.).
- (35) Lit., 'in this, that he'.
- (36) Lit., 'it was possible for him to hear'.
- (37) Cf. previous note. Since it was an impossibility for him to ascertain the facts his action is regarded as entirely dependent upon the court's decision. Hence he is exonerated.
- (38) Cf. Lev. XV, 19ff: XVIII, 19.
- (39) If during the eleven day's (which follow the seven unclean days that a woman must observe after her menstruation (cf. Lev. XV, 19), she noticed any kind of blood, it is not regarded as the blood of menstruation but as a mere flow; and she need not, therefore, count seven days (as in the case of menstruation) but waits only one day, after which she is again clean.
- (40) Lev. IV, 13.
- (41) Lit., 'went out'.
- (42) [Even after the court had retracted, provided he was unaware of the retraction.]
- (43) Lit., 'was not given but'.
- (44) Believing the decision of the court to be a correct one and thus acting upon it.
- (45) (And this reason applies even after the court has withdrawn its decision.)
- (46) As an offering.

- (47) In consequence of which they committed a transgression, and when the error was discovered must bring an offering, cf. Lev. IV, 13.
- (48) Cf. Num. XV, 24.
- (49) Lit., 'in the beginning they called for them'. Every member of the congregation makes a special contribution towards the cost of the sacrifice.
- (50) Lit., 'they come', i.e., they are purchased.
- (51) No special collection from the members of the congregation is to be made. Men. 52a.
- (52) Why does R. Simeon exempt the individual in our Mishnah?
- (53) Lit., 'it is to be known'. Since every individual contributes towards the cost of the offering everyone must be aware of the fact that the court has retracted!
- (54) Hence it is quite possible for individuals to be unaware of the retraction of the court.
- (55) He should not know, therefore, of the retraction of the court even if those in town were informed of the object of the collection.
- (56) Quoted in the following Baraita.
- (57) V. supra p. 18, n. 10.
- (58) So that, according to R. Simeon, individuals might be unaware of the fact that the court had retracted, and are, therefore, as stated by him in our Mishnah, exonerated.
- (59) An individual who acted in accordance with an erroneous ruling of the court after it had been rescinded.
- (60) R. Eleazar who said, 'doubtful' and Symmachus who said 'suspended'.
- (61) V. Glos. According to R. Eleazar such an offering is to be brought as is the case with all 'doubtful' trespasses. According to Symmachus, however, his offering is 'suspended' and he consequently brings nothing.
- (62) Lit., 'doubtful suet, doubtful fat', and he took it to be fat.
- (63) That it might have been suet.
- (64) Asham talui, v. Glos.

Talmud - Mas. Horayoth 4a

And there is no need¹ [to say that this is so] according to him, who holds that the public bring the offering, since [in that case] the matter is well known;² but even according to him who holds that the court brings the sacrifice, in which case the matter is not well known,³ [the asham talui must be brought, because] had he inquired he would have been told.⁴ R. Jose b. Abin — others say, R. Jose b. Zebida — said: [As to an] analogy [in respect of the view'] of Symmachus — to what may the thing be compared? To [the case of] a man who brought [an offering for] his atonement at twilight when there was doubt whether it was still day⁵ and⁶ his atonement was effective or night has already fallen⁷ and his atonement was not effective,⁶ who does not bring an asham talui.⁸ And there is no need⁹ [to say that this is so] according to him who holds that the court bring [the sacrifice] since [in that case] the matter is not sufficiently known;¹⁰ but even according to him who holds that the public bring the sacrifice, in which case the matter is well known and people could have told him,¹¹ [this case is nevertheless the same] as¹² that of doubt whether it was still day, or night has already fallen.¹³ For even if he had wished to ask he might not have found anyone who could tell him.¹⁴ SAID BEN 'AZZAI TO HIM: HOW DOES SUCH A PERSON DIFFER FROM ONE WHO REMAINS etc. R. Akiba, surely, answered Ben 'Azzai well!¹⁵ — Raba replied: The difference between them is [the case of one who started on a journey].¹⁶ According to Ben 'Azzai he is liable because he is still at home;¹⁷ according to R. Akiba he is exempt since he has already started on his journey.¹⁸ IF THE COURT RULED THAT AN

ENTIRE PRINCIPLE WAS TO BE UPROOTED. Our Rabbis taught: And something be hid,¹⁹ but not when an entire commandment be uprooted. How? One might assume that if they said, for example, that [the law concerning] the menstriant is not found in the Torah [or the law concerning] the Sabbath is not found in the Torah [or the law concerning] idolatry is not found in the Torah — they are liable,²⁰ hence it was expressly stated, ‘And something be hid’²¹ but not when an entire commandment he hid. They are consequently exempt. One might assume, however, that if they said: [The law’ concerning] the menstruant occurs in the Torah but if a man has intercourse with a woman that awaits a day corresponding to a day²² is exempt [or that the law concerning] the Sabbath occurs in the Torah but if a man carries anything from a private domain into a public domain he is exempt. [or that the law’ concerning] idolatry occurs in the Torah but if a man only bows down to an idol he is exempt, they²³ are exempt, hence it was expressly stated, ‘and something he hid’ but not the entire principle. The Master said, ‘One might assume that . . . they are exempt’. But [it may be asked] if when [the ruling was that] part [of a commandment] be retained and a part annulled they are exempt. and when an entire principle be uprooted they are also exempt, in what case, then, would they be liable?²⁴ — The Tanna bad raised his question thus: It might have been assumed that *dabar*²⁵ means the entire commandment,²⁶ hence it was expressly said. And something be hid. How does this prove it? — ‘Ulla replied: In this text, read, ‘and a part of a thing was hid’.²⁷ Hezekiah replied: Scripture says. And do any of the commandments²⁸ [which implies] of the commandments,²⁹ but not all the commandments. Does not commandments’ denote the plural?³⁰ — R. Nahman b. Isaac replied: It is written, commandment.³¹ R. Ashi replied: *Dabar*,³² here, is to be deduced from *dabar*’ mentioned in the case of a ‘rebellious elder.’³³ For concerning a ‘rebellious elder’ it was written, If there arise a matter too hard for thee³⁴ . . . thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left hand;³⁵ as in the case of the ‘rebellious elder’ the meaning is ‘a part of the thing’ and not all the thing³⁶ so in the case of an [erroneous] ruling, [of a court] a part of the thing [is meant] and not an entire principle. Rab Judah said in the name of Samuel: The court is liable only when they ruled concerning a prohibition³⁷ which the Sadducees³⁸ do not admit,³⁹ but if concerning a prohibition³⁷ which the Sadducees admit⁴⁰ they are exempt.⁴¹ What is the reason? It is a matter which anyone can learn at school.⁴² We learnt: [THE LAW’ CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY HE IS EXEMPT. But why? Surely [the law concerning] a woman that awaits a day corresponding to a day is mentioned in the Scriptures: Then she shall number to herself,⁴³ teaches that she counts one [day] for one [day]!⁴⁴ — They might rule that the first stage of contact is permitted and only the consummation of coition is forbidden. Surely this also is written in the Scriptures: He hath made naked her fountain!⁴⁵ — They might rule that in the natural way it is forbidden; in an unnatural way it is permitted. but, surely, it is written, As with womankind.⁴⁶ — They might rule that in the natural way even the first stage of contact is forbidden; in the unnatural way, however, consummation of coition only is forbidden but the first stage of contact is permitted. If so, [the same might apply] even [to the case of] a menstruant also!⁴⁷ — The fact, however, is [that the ruling might have permitted]⁴⁸ even in the natural way⁴⁹ alleging [that the prohibition of] the first stage⁵⁰ has reference to a menstruant woman only.⁵¹ And if you prefer I might say: The — ruling may have been that a woman is not regarded as a *zabah*⁵² except during the day time because it is written, all the days of her issue.⁵³ We learnt: [THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES

ANYTHING FROM A PRIVATE DOMAIN INTO A PUBLIC DOMAIN IS EXEMPT [etc.]. But why? Surely the prohibition of carrying from [one domain into another] is mentioned in the Scriptures: Neither carry forth a burden out of your houses on [the Sabbath day]⁵⁴ — They ruled that carrying out alone is prohibited but bringing in is permitted. And if you prefer I might say: They ruled that only carrying out and bringing in⁵⁵ is prohibited but handing across and throwing⁵⁶ is permitted.⁵⁷ We learnt: [THE LAW CONCERNING] IDOLATRY OCCURS IN THE TORAH BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT [etc.]. But why? The case of him, who bows down is certainly mentioned in the Scriptures: for it is written, Thou shalt bow down to no other god!⁵⁸ — They ruled that bowing down is prohibited only when performed in the usual manner but if in an unusual manner it is permitted. And if you prefer I might say: They ruled that bowing itself in a natural manner is only then prohibited when the hands and the feet are stretched out but bowing without stretching out the hands and the feet is permitted.

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- (1) Lit., 'and it is not required'.
 - (2) And every individual is thus acquainted with the retraction of the court.
 - (3) And it might have been assumed that the transgressor could justify his action by claiming that he was not aware of the retraction of the court.
 - (4) As he did not take the trouble to inquire he must himself bear part of the responsibility.
 - (5) Sacrifices may only be offered in the day time.
 - (6) So MS.M., Cur. edd., 'it was atoned for him'.
 - (7) Lit., 'from when it was dark'.
 - (8) V. Glos.
 - (9) V. supra p. 19. n. 12.
 - (10) Hence the individual can justify his action by pleading ignorance of the retraction and claiming reliance upon the court's original ruling.
 - (11) Cf. Bomberg ed.
 - (12) So Ma'aseh Rab, quoted in marginal glosses, a.l., Cur. edd., 'in'.
 - (13) As no sacrifice is required in the latter case so it is not required in the former.
 - (14) So MS.M. v. D.S. a.l., Cur. edd. 'whom to ask'.
 - (15) How then, could the latter differ from the former's view?
 - (16) Lit., 'he took hold of the way', i.e., he already left his house but is still in town.
 - (17) The town being regarded as home MS.M. reads, 'in town' for, 'in his house' of cur. edd.
 - (18) Being pre-occupied with the anxieties of travel he is not in a position to pay attention to what is happening in the town.
 - (19) Lev. IX, 13; then a sacrifice is to be brought.
 - (20) To bring the prescribed offering.
 - (21) V. p. 20,11 13.
 - (22) V. Supra p. 17, n. 10.
 - (23) The court or the public.
 - (24) since it is impossible that there should be no liability at all, how could such an assumption be entertained?
 - (25) **rCS** rendered something, may also signify 'a thing', i.e., an entire commandment.
 - (26) And that only when an entire commandment was uprooted is liability incurred, but not when a part only was annulled.
 - (27) The Mem, **n** in **rCS okgbu** is read twice; once as the final letter of **okgbu** and again as the initial of

רCS having the force of the partitive; **רCSn** '(a part) of a thing'.

(28) Lev. *ibid.*

(29) I.e., a part was annulled and a part retained.

(30) Lit., 'two'. Does not 'any of the commandments' imply one of several, and not a part of one,

(31) , **umn** (with the omission of the waw of the plural) is to be read as *mizwath*, , **umn** , sing. const., 'commandment of', not *mizwoth* in the plur.

(32) **רCS** 'thing'. (Lev. *ibid.*).

(33) An elder who defies the authority of the supreme Court in Jerusalem.

(34) Deut. XVII, 8.

(35) *Ibid.* v. II.

(36) V. Sanh. 88b.

(37) Lit., 'thing'.

(38) A sect believing in the Scriptures (the Written Law) but not in the Rabbinic interpretations and traditions (Oral Law).

(39) I.e., a prohibition not mentioned in the Scriptures.

(40) A Biblical law'.

(41) Because their ruling, being Contrary to what everybody is expected to know, has no validity whatsoever.

(42) Lit 'it (is a matter of) go read at school'. There was no reason why anyone should rely upon the court's erroneous ruling when any school boy knew it to be contrary to a Biblical prohibition.

(43) Lev. XV, 28.

(44) Cf. *supra* p. 17, n. 10. Since she is thus Biblically' considered unclean how could a court rule that one having intercourse with her is exempt?

(45) Lev. XX,18.

(46) *Ibid.* 13. The plural **hcfan** implies natural, and unnatural intercourse.

(47) Why then was the case of a woman who 'awaits a day corresponding to a day' given as an illustration when the case of a menstruant, already mentioned, should supply the same illustration.

(48) The first stage of Contact.

(49) In the case of one 'who awaits a day corresponding to a day'; only consummation of coition being forbidden in her case.

(50) Cf. Lev. XX, 18.

(51) Thus permitting a forbidden act which the Sadducees do not admit.

(52) A woman who has an issue of blood not in the time of her menstruation, and is subject to certain laws of uncleanness and purification (Lev. XV, 25 ff).

(53) Lev. XV, 26. Emphasis being laid on days.

(54) Jer. XVII, 22. Why then should there be liability to a communal offering seeing that the Court ruled against a specific Biblical prohibition?

(55) So Bomberg ed. Cur. edd. delete 'Carrying in' [V. shap. 96b, where 'carrying in' is treated as a specific Biblical prohibition as well as 'carrying forth'.]

(56) From one domain into another.

(57) These are not mentioned in the Scriptures.

(58) Ex. XXXIV, 14; cf. p. 23. n.9.

Talmud - Mas. Horayoth 4b

R. Joseph enquired: What [is the law where the court ruled that] ploughing is not forbidden on the

Sabbath, is it assumed that, as they had admitted the whole law,¹ the ruling is deemed to be a partial annulment and a partial retention [of a law]² or, perhaps, since they have uprooted altogether the law of ploughing it is deemed to be an uprooting of an entire principle? — Come and bear! [THE LAW CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY HE IS EXEMPT [. . . THEY ARE LIABLE]. But why? surely, [the law concerning] a woman that awaits a day corresponding to a day has been uprooted completely!³ — R. Joseph can reply⁴ [that the law of] a woman that awaits a day corresponding to a day, that has been mentioned, is to be explained as above.⁵ Come and bear: [THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN INTO A PUBLIC DOMAIN HE IS EXEMPT [. . . THEY ARE LIABLE]. But why? Surely, [the law concerning] carrying from [one domain into another] has been completely uprooted!³ — There also the explanation is as given above.⁵ Come and hear: [THE LAW CONCERNING] IDOLATRY OCCURS IN THE TORAH BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT [. . . THEY ARE LIABLE]. But why? Surely, the law concerning bowing to an idol has been completely uprooted!⁶ — It may be reported that [the law of] bowing also is to be explained as above.⁷ R. Zera enquired: What [is the law where the court ruled that] no Sabbath is to be kept in the seventh⁸ year? Wherein did they err? — In the following text: In ploughing time and in harvest thou shalt rest,⁹ when ploughing is carried on, [they explained,] Sabbath is to be observed but when no ploughing is carried on Sabbath is not to be observed. Is it to be assumed that, as they retain it¹⁰ in the other years of the Septennial, [their ruling] is deemed to be a partial annulment and a partial retention [of a law] or, perhaps, since they are uprooting it in the seventh year it is deemed to be an uprooting of an entire principle? Rabina replied: Come and hear! If a prophet taught¹¹ that any thing¹² of the words of the Torah was to be uprooted, he is guilty; if only to annul a part of it and to retain a part he is, R. Simeon said, exempt. And in respect of idolatry, even if he said that the idol be worshipped only to-day and destroyed to-morrow, he is guilty.¹³ From this¹⁴ it may be inferred that [the ruling that] no Sabbath is to be kept in the Sabbatical year is to be deemed as partial annulment and partial retention.¹⁵ This proves it.

MISHNAH. IF THE COURT RULED AND ONE OF THEM KNEW THAT THEY HAD ERRED AND SAID TO THEM, YOU ARE MISTAKEN', OR IF THE MUFLA¹⁶ OF THE COURT WAS NOT PRESENT,¹⁷ OR IF ONE OF THEM WAS A PROSELYTE OR A BASTARD OR A NATHIN¹⁸ OR TOO OLD TO HAVE CHILDREN,¹⁹ THEY ARE²⁰ EXONERATED, FOR CONGREGATION WAS MENTIONED²¹ HERE²² AND CONGREGATION WAS MENTIONED FURTHER ON;²³ AS CONGREGATION FURTHER ON [REFERS TO MEN] ALI. (IF WHOM MUST BE CAPABLE OF DECIDING MATTERS OF LAW²⁴ SO [IN THE CASE OF] CONGREGATION. MENTIONED HERE [THE RULING IS INVALID] UNLESS²⁵ THEY ARE ALL CAPABLE OF DECIDING MATTERS OF LAW.

GEMARA. OR IF THE MUFLA OF THE COURT WAS NOT PRESENT. Whence is this derived? — R. Shesheth replied, and so It was taught by the School of R. Ishmael: Why has it been said that a court that ruled concerning a prohibition²⁶ which the Sadducees admit, are exempt? because they should have learned and did not learn; [in the case of] the absence of the mufla of the court they are also exempt, because they should have learned and did not learn.²⁷

CONGREGATION WAS MENTIONED HERE AND CONGREGATION WAS MENTION FURTHER IN . . . UNLESS THEY ARE ALL CAPABLE OF DECIDING MATTERS OF LAW. And whence is this²⁸ derived there? — For R. Hisda said: Scripture states, That they may stand there with thee,²⁹ with thee implies ‘such as are like thee’. Might it not be suggested that with thee [has reference] to the divine presence?³⁰ — but, said R. Nahman b. Isaac. Scripture states, And they shall bear the burden with thee,³¹ ‘with thee’ implies ‘such as are like thee’.³²

MISHNAH. IF THE COURT ISSUED A [WRONG] DECISION UNWITTINGLY AND ALL THE PEOPLE ACTED UNWITTINGLY ACCORDINGLY, A BULLOCK MUST BE BROUGHT.³³ [IF THE COURT RULED] WILFULLY AND [THE PEOPLE] ACTED UNWILLINGLY ACCORDINGLY, A LAMB OR A GOAT³⁴ MUST BE BROUGHT. [IF THE COURT RULED] UNWILLINGLY AND [THE PEOPLE] ACTED WILLINGLY ACCORDINGLY, THEY ARE EXEMPT.

GEMARA. [IF THE COURT RULED] UNWITTINGLY AND [THE PEOPLE] ACTED WILFULLY, THEY ARE EXEMPT. [From this³⁵ it follows] that one acting unwittingly though in a way similar to one acting wilfully, is liable; and how’ is this to be imagined? When e.g., the court ruled that suet was permitted and a man mistook it for fat and ate it.³⁶ May it then be suggested that this answers Rann b. Hania's enquiry!³⁷ — He can tell you: Because in the first clause it was taught, [IF THE COURT RULED] WILFULLY AND THE PEOPLE ACTED UNWITTINGLY it was also taught in the final clause,³⁸ [IF THE COURT RULED] UNWITTINGLY AND [THE PEOPLE] ACTED WILFULLY.³⁹

MISHNAH. IF THE COURT ISSUED AN [ERRONEOUS] RULING AND. ALL THE PEOPLE OR A Majority OF THEM ACTED ACCORDINGLY, A BULLOCK MUST BE BROUGHT.⁴⁰ AND IN [THE CASE OF] IDOLATRY A BUTTOCK OR A GOAT⁴¹ ARE TO BE BROUGHT; THESE ARE THE WORDS OF R. MEIR. R. JUDAH SAID: THE TWELVE TRIBES BRING TWELVE BULLOCKS;⁴² AND IN RESPECT OF IDOLATRY TWELVE BULLOCKS AND TWELVE GOATS.

(1) Lit., ‘thing’, the corpus of all the laws of Sabbath.

(2) Hence, in accordance with our Mishnah, they are liable.

(3) And yet it is regarded in our Mishnah as partial annulment only. So also in the case of the law of ploughing its denial where the other laws of the Sabbath are retained, should be regarded as partial annulment.

(4) Lit. ‘he said to you’.

(5) Supra 4a, where it was explained that only a part of that law was annulled.

(6) V. p. 24, n. 4.

(7) V. p. 24. N. 6.

(8) v. Ex. XXIII,10F, DEUT. XV, 1FF.

(9) Ex. XXXIV, 21.

(10) The Sabbath.

(11) Lit., ‘prophesied’.

(12) A Complete law.

(13) Sanh, 90a.

(14) That worshipping idols on one day and destroying them in another is regarded as partial annulment and

partial retention of the law of idolatry.

(15) Like the case of idolatry cited the law of the Sabbath was, according to the ruling, to be retained at one time and annulled at another.

(16) **tkpurn** lit., 'distinguished'; an expert not a member of the court, to whom doubtful points are submitted and by whose directions the court is guided in its deliberations. For a fuller discussion of the term, v. Sanh. 9Sonc.ed.) p. 574, n. 1.

(17) Lit., 'there'.

(18) **ih, b** lit., 'given', i.e., dedicated in the service of the Temple and the people. A descendant of the Gibeonites (Josh. IX, 3ff) whom Joshua made into hewers of wood and drawers of water (ibid. v. 27) and David excluded from intermarriage with the Community (Yeb. 78b) [They are not competent to act as members of the Beth din, v. Sanh. 32a]

(19) Others: 'too aged, or one who never had children.' [These too may not act on the Beth din, v. Sanh. 36b]

(20) So MS. M. Cur. edd 'he is exempt', is obviously a misprint.

(21) Lit., 'for it was said'.

(22) In the case of an erroneous ruling of the court, Lev'. IV, 13.

(23) In respect of the Sanhedrin. (V. Num. XV, and Sanh. 2a.)

(24) Proof of this is given in the Gemara infra.

(25) Lit., 'until',

(26) Lit., 'thing'.

(27) And as such are in be considered wilful transgressors.

(28) That they' must all be capable of deciding matters of law.

(29) Num. XI, 16.

(30) I.e., though God said to Moses, 'Gather unto Me seventy' men', they are to remain 'with thee', i.e., with Moses, and must not venture into the divine presence.

(31) Ex, XVIII, 22. The section deals with the appointment of judges.

(32) V. Sanh, (Sonc. ed.) p. 230.

(33) It will be explained infra by' whom it is to be brought.

(34) V. Lev, IV, 27ff, 32ff.

(35) The mention of wilful action only for which a sacrifice cannot atone,

(36) His eating of the suet was done unwittingly since he believed to be permitted fat, it is nevertheless similar to wilful action since in fact he has not been acting on the strength of the court's decision,

(37) V. Supra 2a.

(38) By way of contrast.

(39) Hence no deduction can be made, and Rami's enquiry remains unanswered.

(40) Lev. IV, 13ff.

(41) Num. XV, 24. V. Gemara, infra.

(42) In his view the people and not the court bring sacrifices, and each tribe is called 'congregation' (kahal).

Talmud - Mas. Horayoth 5a

R. SIMEON SAID: THIRTEEN BULLOCKS;¹ AND IN RESPECT OF IDOLATRY, THIRTEEN BULLOCKS AND THIRTEEN GOATS: A BULLOCK AND A GOAT FOR EACH TRIBE, AND A BULLOCK AND A GOAT FOR THE COURT. IF THE COURT RULED [ERRONEOUSLY] AND SEVEN TRIBES OR A MAJORITY OF THEM² ACTED ACCORDINGLY, A BULLOCK IS TO BE BROUGHT; AND IN RESPECT OF IDOLATRY,

A BULLOCK AND A GOAT MUST BE BROUGHT; THESE ARE THE WORDS OF R. MEIR. R. JUDAH SAID: THE SEVEN TRIBES WHO SINNED MUST BRING SEVEN BULLOCKS AND THE REST OF THE TRIBES WHO DID NOT SIN MUST BRING BULLOCK[S]³ (IN THEIR ACCOUNT, BECAUSE EVEN THOSE WHO DID NOT SIN MUST BRING OFFERINGS ON ACCOUNT OF THESE WHO SINNED. R. SIMEON SAID: EIGHT BULLOCKS; AND IN RESPECT OF IDOLATRY, EIGHT BULLOCKS AND EIGHT GOATS, A BULLOCK AND A GOAT FOR EVERY TRIBE AND A BULLOCK AND A GOAT FOR THE COURT. IF THE COURT OF ONE OF THE TRIBES RULED [ERRONEOUSLY], AND THAT TRIBE ACTED ACCORDINGLY, THAT TRIBE IS LIABLE, BUT ALL THE OTHER TRIBES ARE EXEMPT; THESE ARE THE WORDS OF R. JUDAH. BUT THE SAGES SAY: NO LIABILITY IS INCURRED EXCEPT AS A RESULT OF THE RULINGS OF THE SUPREME COURT ONLY; FOR IT IS STATED, AND IF THE WHOLE CONGREGATION OF ISRAEL SHALL ERR,⁴ BUT NOT THE CONGREGATION OF ONE PARTICULAR TRIBE.

GEMARA. Our Rabbis taught: It might have been assumed that, if it had come to the knowledge of the court that a ruling of theirs was erroneous and they had forgotten what the ruling was,⁵ they are liable,⁶ hence it was expressly stated, When the salt was known,⁷ [implying] not, however, when only those who sinned were known. Wherein they have sinned⁸ [implies that] if two tribes had sinned they must bring two bullocks,⁹ if three had sinned three have to be brought. But is it not possible that this only means¹⁰ that if two individuals had sinned they bring two bullocks, if three had sinned they bring three? It was expressly stated. The congregation,¹¹ [showing that] only a congregation is liable, and that every congregation¹² is liable. How? If two tribes sinned they bring two bullocks, if seven sinned they bring seven, and also the other tribes who did not sin bring each a bullock on account of the former,¹³ because even those who had not sinned must bring sin offerings, because of those who sinned — Hence Scripture stated, ‘congregation’, in order to impose the obligation upon every congregation: these are the words of R. Judah. R. Simeon said: If seven tribes sinned they bring seven bullocks, and the court also brings a bullock on account of them, for ‘congregation’ was mentioned below¹⁴ and ‘congregation’ was also mentioned above,¹⁵ as ‘congregation’ that was mentioned above means both the court and the congregation¹⁶ so ‘congregation’ that was mentioned below means both the court and the congregation. R. Meir said: If seven tribes had sinned the court brings a bullock on their account but they themselves are exempt, for ‘congregation’ was mentioned below¹⁴ and ‘congregation’ was mentioned above,¹⁵ as ‘congregation’ that was mentioned above refers to the court and not to the people¹⁷ so ‘congregation’ that was mentioned below refers to the court and not to the people. R. Simeon b. Eleazar said in his name: If six tribes had sinned and they¹⁸ represent a majority of the people, or seven, although they¹⁸ do not represent a majority of the people, they bring a bullock. The Master said: ‘When the sin was known [implying], not, however, when only those who sinned were known’. Who is the author of this statement? — Rab Judah said in the name of Rab (others say Raba): It is not¹⁹ R. Eliezer, for it was taught:²⁰ R. Eliezer said,²¹ ‘Whatever your assumption [he must bring a sin offering], for if he ate the suet he is liable and if he ate the nothar²² he is also liable.²³ R. Ashi said: It may even be said to be R. Eliezer, for here the case is different since it is written, [When the sin] wherein they have sinned [is known]²⁴ But surely, there²⁵ also it is written, [If he sin], wherein he has sinned, [be known to him]²⁶ — That²⁷ is required for the purpose of excluding the case of one who performed a

forbidden act while his mention was to perform a different act.²⁸ What is the reason of R. Judah? — He holds the opinion that ‘congregation’ was written four times: ‘Congregation’, the congregation congregation, the congregation.²⁹ One of these is to indicate \hat{t}hat the obligation bring offering falls on every congregation;³⁰ one is to indicate that the ruling depends on the court and the action depends on the congregation;³¹ one is to indicate attraction,³² and one has reference to a tribe that acted in accordance with the [erroneous] ruling of its own court.³³ And R. Simeon maintains that ‘congregation’ was written three times: The congregation, congregation, the congregation³⁴ because the expression, from the eyes of the congregation is the usual form of Biblical speech — as people say, ‘from the eyes of so and so’,³⁵ one of these³⁶ is to indicate that the obligation to bring an offering falls on every congregation.³⁷ and the other two [are required for the following deduction]: ‘Congregation’ was mentioned below and ‘congregation’ was mentioned above, as below the reference is to the court together with the congregation, so here also it refers to the court together with the congregation.³⁸ And R. Meir makes no exposition on congregation, the congregation. Consequently, congregation was written only twice, and both are required [for the following deduction]: ‘congregation was mentioned below and ‘congregation’ was mentioned above, as below the reference is to the court and not to the congregation, so here also the reference is to the court and not to the congregation.³⁸ As to R. Simeon b. Eleazar, what is his reason? It is written, And it shall be it from the eyes of the congregation³⁹ which clearly refers to a minority, since it is written, from the eyes,⁴⁰ but it is also written, For in the respect of all the people it was done in error,⁴¹ which indicates that the reference is only to⁴² a majority and not to a minority; how’, then, [are these contradictory deductions to be reconciled]? — If the sin was committed by six tribes who represent the majority of the congregation or by seven, even though they do not comprise a majority of the congregation, they are liable.

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- (1) In the case of an erroneous ruling other than idolatry.
 - (2) Of each tribe, representing a majority of all Israel.
 - (3) Each of them one.
 - (4) Lev. IV, 13.
 - (5) Lit., ‘they knew that they ruled and erred what they ruled’.
 - (6) To bring an offering of a bullock if the people unwittingly infringed two prohibitions one or the other of which was that which the court erroneously permitted.
 - (7) Lev, IV, 24: Emphasis on sin. Only then is an offering of a bullock to be brought.
 - (8) Ibid.
 - (9) I.e., one offering is not enough when more than one tribe had sinned.
 - (10) Lit., ‘or he does not say’.
 - (11) **kvev**
 - (12) I.e., ‘tribe’, which is called kahal. V. infra.
 - (13) Lit., ‘through them’.
 - (14) Lev, IV, 24, ‘then the congregation shall offer’.
 - (15) Ibid, v. 13, ‘the thing being hid from the eyes of the congregation’.
 - (16) ‘The eyes’ referring to the court: ‘congregation’ to the people.
 - (17) The eyes of the congregation’, according to R. Meir, implying the court only.
 - (18) In the number of their individuals,
 - (19) Lit , ‘that not as’.

- (20) Gut. edd. 'we learnt'.
- (21) In the case where it is not certain which of two prohibited foods a man has eaten through error,
- (22) **ר , ub** , sacrificial meat that was left over beyond the period allowed for its consumption.
- (23) Shebu. 18b. So here, according to R. Eliezer, a sin offering would be obligatory even if it were not certain to what precise prohibition the ruling of the court referred. (Cf. supra p. 29.11 2).
- (24) Lev, IV, 14. Emphasis on 'knowledge of the sin'.
- (25) The case of all individual who is uncertain which prohibited food he ate. Cf. supra n.4.
- (26) Lev. IV, 23. Emphasis on 'wherein' (**VC**).
- (27) The emphasis bah. V. previous note.
- (28) V. Sanh. (Sonc. ed.) p. 426.
- (29) I.e., 'the congregation' (hakahal), occurs in Lev, IV, 13 and ibid. v. 14, and each expression (because the definite article is used there it could have been omitted) counts for two.
- (30) I.e., 'tribe'.
- (31) V. supra p.10 notes 12 and 13.
- (32) **vrhird** 'dragging', i.e., the tribes who sinned drag with them the others who did not sin into the liability of bringing the sin offerings.
- (33) V. the final section of our Mishnah.
- (34) Cf. p. 30, n. 12.
- (35) I.e., while the definite article in v. 14 is unnecessary and may, therefore, be regarded as doubling the expression of 'congregation', the article in v. 13 is grammatically required by the status constructus.
- (36) Expressions of 'congregation'.
- (37) I.e. tribe,
- (38) V. supra p. 29, for notes.
- (39) Num. XV, 24.
- (40) **hbhgn** (**n**) partitive.
- (41) Ibid, 26.
- (42) Lit., 'yes'.

Talmud - Mas. Horayoth 5b

And whence does R. Simeon and R. Meir¹ infer that the ruling depends on the court and the action depends on the congregation?² — Abaye replied: For Scripture stated, And it shall be it from the eyes of the congregation the sin be committed unwittingly.³ Raba said: [It is inferred] from, In respect of all the people it was done in error.⁴ And [both texts are] required. For if the All Merciful had written only', And it shall be if from the eyes of the congregation the sin be committed unwittingly it might have been assumed that the reference⁵ is even to a minority', hence it was written, In respect of all the people it was done in error. And if only In respect of all the people it was done in error had been written, It might have been assumed [that there is no obligation]⁶ unless the court⁷ committed the sin together with the majority, hence it was written. Did it shall be if from the eyes of the congregation the sin be committed unwittingly. But, surely, both these texts speak rather of⁸ idolatry! — From the eyes⁹ is inferred from [the other expression] from the eyes.¹⁰ IF THE COURT OF ONE etc, The question was raised: Where one tribe acted on the [erroneous] ruling of the supreme court, do the other tribes, according to the view of R. Judah, bring sin offerings] or not? Is it assumed that only where seven tribes [have sinned] do the other tribes bring [sin offerings] together with them because they¹¹ constitute a

majority, but not where one tribe¹² [only had sinned] since it does not constitute a majority, or is there, perhaps, no difference? — Come and hear! ‘What do they bring? One bullock. R. Simeon said two bullocks.’ Now, under what circumstances?¹³ If it be suggested where seven tribes had sinned. [it might be retorted.] R. Simeon, ‘surely, requires [in such a case] eight [bullocks]!’¹⁴ If, again,¹⁵ [it be suggested,] where one tribe had sinned, [it may be asked] under what authority?¹⁶ If on the ruling of its own court, R. Simeon, surely, does not in such a case admit liability!¹⁷ Consequently it must be a case¹⁸ of acting under the ruling of the supreme court; who, however, is the first Tanna?¹⁹ If it be suggested R. Meir, be, [it may be asked] surely requires a majority,²⁰ consequently,²¹ it must be R. Judah!²² — It may be argued²³ that here it is a case²⁴ where a sin was committed by six tribes who constituted a majority of the congregation and it²⁵ is the view of R. Simeon b. Eleazar. For it was taught: R. Simeon b. Eleazar said in his name, ‘Six [tribes] who form a majority of the congregation or seven [tribes], although they do not form a majority of the congregation who committed a sin, bring a bullock.’²⁶ Come and hear: R. Judah said, ‘If a tribe acted on the ruling of its own court, that tribe is liable²⁷ and all the other tribes are exempt: if, [however, it acted] on the ruling of the supreme court. even the other tribes are liable. This proves it. Said R. Ashi: This may also be deduced from our Mishnah, for it was taught, AND THAT TRIBE ACTED ACCORDINGLY, THAT TRIBE IS LIABLE, BUT ALL THE OTHER TRIBES ARE EXEMPT; what need was there for the statement, THE OTHER TRIBES ARE EXEMPT when²⁸ it was stated, THAT TRIBE IS LIABLE? Surely, since it was stated, THAT TRIBE IS LIABLE it is obvious that THE OTHER TRIBES ARE EXEMPT! This, consequently, teaches us the following: That only when [one tribe acted] on the ruling of its own court are the other tribes exempt, but if on the ruling of the supreme court even the other tribes are liable — This proves it. The question was raised: Does one tribe who acted on the [erroneous] ruling of the supreme court bring [a sin offering],²⁹ according to R. Simeon, or not?³⁰ Come and hear! ‘What do they bring? One bullock. R. Simeon said: Two bullocks.’ Now, under what circumstances? If it be suggested that seven tribes had sinned, [it may be retorted that in such a case not] two bullocks but eight bullocks are required! Consequently it must be a case where one tribe had sinned, but, [it may be asked,] under what authority?³¹ If on the ruling of its own court, R. Simeon surely does not in such a case admit liability! Consequently, [it must be a case of a tribe's acting] under the ruling of the supreme court!³² Who, however, is to be understood to be the first Tanna? If [it be suggested] R. Meir, be, surely, [it may be asked,] requires a majority!³³ If R. Judah. [surely he holds] that other tribes also must bring,³⁴ consequently, it must be [the view of] R. Simeon b. Eleazar, and as it has been taught.³⁵ Come and hear: But the Sages say. ‘One is never liable except when acting on a ruling of the supreme court.’³⁶ Now, who are the Sages? If it be suggested R. Meir, surely. [it may be retorted,] be requires a majority!³³ Consequently it must represent the view of R. Simeon. This proves it. And whence do R. Judah and R. Simeon infer that one tribe is called ‘congregation’? — It may be replied: Because it is written, And Jeheshaphat stood in the congregation of Judah and Jerusalem, in the house of the Lord before the new court.³⁷ What is meant by ‘new’? — R. Johanan replied: They issued new regulations ordaining that an unclean man who bathed during the day³⁸ must not enter the camp of the Levites. R. Aha b. Jacob demurred: How [does this prove it]?³⁹ Is it not possible that Jerusalem is different since Benjamin also was there!⁴⁰ — But, said R. Aha b. Jacob, because it is written, And he said unto me: Behold, I will make thee fruitful and multiply thee, and I will make of thee a congregation of Peoples;⁴¹ but who was born to him at that time? Only Benjamin! Consequently it must be concluded that the All Merciful said thus: Another congregation will now be born unto thee.⁴²

Said R. Shaba to R. Kahana: Is it not possible that the All Merciful said to him⁴³ thus: ‘When Benjamin will have been born to you there will be twelve tribes so that you might then be called congregation’? — He said to him: Would twelve tribes, then, be called ‘congregation’ while eleven tribes would not be called ‘congregation’.⁴⁴ It was taught, R. Simeon said: What need was there for stating. And a second young bullock shalt thou take for a sin offering⁴⁵ If it is to teach that there were two, surely, [it may be pointed out] it has already been stated, And he shall offer the one for a sin offering and the other for a burnt offering, unto the Lord!⁴⁶ But [the purpose of the statement is this]: As it might have been assumed that this sin offering was to be eaten by the Levites⁴⁷ it was expressly stated, And a second young bullock,⁴⁸ , [implying that it is] second to the burnt offering; as the burnt offering must not be eaten

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- (1) Who require the two expressions of ‘congregation’ (Lev. IV, 13 and 14) for the purpose of comparison.
 - (2) A law which R. Judah inferred supra from one of the expressions of ‘congregation’.
 - (3) Num. XV, 24. The use of the Niph'al (**v, agb**) implies that the commission of the sin by the people was due to the error of others, i.e., the court on whom the ruling depends.
 - (4) Ibid. 26. ‘All the people’, implies the court as well as the congregation, the former through their ruling and the latter through their action.
 - (5) To the obligation of bringing a bullock for a sin offering.
 - (6) Cf. n.4.
 - (7) In addition to their erroneous ruling.
 - (8) Lit., ‘are written’.
 - (9) Lev. IV, 13, dealing with an erroneous ruling of the court.
 - (10) Num. XV, 24 speaking of idolatry.
 - (11) The seven tribes.
 - (12) Or any minority of the tribes.
 - (13) Lit., ‘in what are engaged ‘.
 - (14) Seven for the tribes and one for the court.
 - (15) Lit., ‘but’.
 - (16) Lit., ‘in what’.
 - (17) Lit., ‘there is not to him’, i.e., he does not impose the obligation to bring a sin offering, the word ‘congregation’, according to him, occurring only three times providing no Biblical authority for this obligation. (V. supra 5a)
 - (18) Lit., ‘but not’,
 - (19) In the Baraitha cited,
 - (20) A minority bring no such sin offering.
 - (21) Lit., ‘but, not’,
 - (22) Thus it has been proved that according to R. Judah the other tribes do not bring sin offerings on account of the one tribe that sinned, (Cur. edd., ‘and for example when one tribe had sinned’).
 - (23) Lit., ‘said’,
 - (24) Lit., ‘in what are we engaged’.
 - (25) The statement of the first Tanna in the Baraitha.
 - (26) On behalf of all the congregation (v. supra 3a). The first Tanna of the Baraitha cited who requires the offerings of one bullock may consequently be R. Simeon b. Eleazar.
 - (27) To bring the sin offering of a bullock.
 - (28) Lit., ‘surely’.

- (29) As it must bring in the case where it committed the sin together with the majority.
- (30) Is one tribe, committing the sin alone, regarded as an individual who is exempt from an offering when acting on the ruling of the court?
- (31) Lit., ‘and in what’.
- (32) This shows that according to R. Simeon a single tribe committing a sin has to bring an offering.
- (33) Cf supra p. 33, n.5.
- (34) As shown supra p. 33.
- (35) Ct. p. 33. The Baraitha, consequently, does not deal with the case of one tribe.
- (36) Cf. our Mishnah. The Sages ate in dispute with R. Judah who speaks of the case where only one tribe had sinned.
- (37) II Chron. XX, 5. The tribe of Judah alone was mentioned and yet it is described as ‘Congregation’ (kahal).
- (38) **ouh kucy**, lit., ‘immersed of the day’, a person Levitically unclean who bathed during the day and is awaiting sunset (nightfall) for the completion of his purification,
- (39) That one tribe is called ‘congregation’. Lit., ‘from what’.
- (40) Congregation (Kahal) may have reference to the two tribes,
- (41) **ohng kve**, Gen. XLVIII, 4.
- (42) Thus it is proved that one tribe is also called ‘Congregation’.
- (43) Jacob.
- (44) Hence, it must have been Benjamin alone who was referred to as ‘congregation’, proving that one tribe also is so called.
- (45) Num, VIII, 5,
- (46) Ibid, 22.
- (47) As were the other sin offerings.
- (48) Num, VIII, 8.

Talmud - Mas. Horayoth 6a

so must not this sin offering be eaten. Similarly, said R. Jose: The children of the captivity, that were come out of exile, offered burnt offerings unto the God of Israel twelve bullocks . . . all this was a burnt offering;¹ can it be imagined that ‘all this was a burnt offering’ [is to be taken literally]? Is it possible for a sin offering to be a burnt offering?² But [this is the meaning]: all this was like a burnt offering, as a burnt offering must not be eaten so were those sin offerings not to be eaten,’ for it was taught:³ R. Judah said, ‘They brought them for the sin of idolatry’.⁴ Furthermore, Rab Judah said in the name of Samuel: [They brought them] for the sin of idolatry that had been committed in the days of Zedekiah. According to R. Judah one can well understand these twelve sin offerings to be possible in the case, for example, where the sin was committed by twelve tribes who must bring twelve goats — or again where the sin was committed by seven tribes where others must bring offerings on account of them.⁵ According to R. Simeon, also, this is possible in the case, for example, where the sin was committed by eleven tribes who bring eleven goats, the twelfth⁶ being that of the court, According to R. Meir, however, who said that the court, and not the congregation, bring the sin offering. how could [the bringing of] twelve offerings be possible? — In the case, for instance, where they sinned, and sinned again and again unto the twelfth time. But surely, those who had committed the sin⁷ were dead!⁸ — R. Papa replied: The tradition that a sin offering the owner of which died must be left to die,⁹ is applicable only to the offering¹⁰ of an individual, but not to that of a congregation — because a congregation

does not die.¹¹ Whence does R. Papa derive this law? If it be suggested, from the Scriptural text, Instead of thy fathers shall be thy sons,¹² if so, [it may be asked], this should apply to the offering of an individual also! — But R. Papa draws his inference from the goat of the new moon¹³ concerning which the All Merciful said that it was to be brought from the funds of the Temple treasury.¹⁴ but surely, some of Israel had died,¹⁵ how then¹⁶ could those who survived bring [the new moon sin offering]? From this it must consequently be inferred that a sin offering of the congregation — whose owners had died, may be offered. Are these at all alike? [In the case of] the goat for the new moon it is possible that none of the congregation had died, but here¹⁷ [the owners] had certainly died! — R. Papa's proof, however, is derived from here: Because it is written, Forgive, O Lord, thy people Israel, whom thou hast redeemed¹⁸ [which implies that] this offering is fit to atone even for those who departed from Egypt,¹⁹ for it is written, Whom thou hast redeemed.²⁰ Is this, however, a proper analogy? There²¹ they were all²² present, and since [the heifer] atones for the living it may also atone for the dead: here,²³ however, were there any survivors? — Yes; there were indeed, for it is written, But many of the priests and Levites and heads of fathers' houses etc.²⁴ Is it not possible that they²⁵ were only a minority²⁶ and not a majority?²⁷ — Surely it is written, So that the people could not discern the noise of the shout of joy from the noise of the weeping of the people. . . . and the noise was heard afar off.²⁸ Were they not, however, wilful sinners?²⁹ — That³⁰ was a temporary measure. This³¹ may also be arrived at by reasoning. For should this not be granted, on whose behalf, [it may be asked,] were the ninety and six rams and seventy and seven lambs?³² But, [it must be granted, that] it was a temporary measure; in this respect also it must have been a temporary measure. Our Rabbis taught: If one of the congregation died³³ they are still liable; if one of the court, they are exempt. Who is the author [of this statement]? — R. Hisda, in the name of R. Zera in the name of R. Jeremiah, in the name of Rab, said: It is R. Meir who maintains that the court, and not the congregation, bring the sin offering. Hence, when one of the congregation dies they are still liable since all the members of the court are alive; if, however, one of the court dies they are exempt, because it is then a sin offering one of whose joint owners died; and for this reason they are exempt. R. Joseph demurred: Let this statement be established in accordance with the view of R. Simeon who maintains that the court together with the congregation [bring the sin offering]. Hence, when one of the congregation dies, they are still liable because a congregation does not die;³⁴ if one of the court dies they are exempt for the reason given, because it is a sin offering [one] of [whose] joint owners [died]! — Abaye said to him: We have heard R. Simeon say that a sin offering in joint ownership is not to be left to die;³⁵ for it was taught, 'If the bullock and the goat of the Day of Atonement were lost and others were set aside in their stead,³⁶ all these must be left to die; so R. Judah. R. Eleasar and R. Simeon said: They shall be left to the pasture,³⁷ because no congregational sin offering may be left to die.'³⁸ — Said R. Joseph to him: Do you speak of priests! Priests are different, because they are called 'congregation'; for it is written, And he shall make atonement for the priests and for all the people of the congregation.³⁹

(1) Ezra VIII, 35.

(2) The text referred to enumerates sin offerings as well as burnt offerings.

(3) [Read with MS.M. 'And it was taught.' as R. Jose would not likely appeal for support to a statement of R. Judah his contemporary. v. D.S. a.l.]

(4) Such sin offerings must not be eaten (v.Zcb. 47a).

(5) V.supra p. 30, n.14.

- (6) Lit., 'and the other',
- (7) The generation of Zedekiah, as stated supra.
- (8) In the time of Ezra when the offerings were brought. This difficulty arises according to the views of both R. Judah and R. Simeon as well as according to that of R. Meir, since a sin offering, the owner of which had died, must not be offered up.
- (9) I.e., not offered up on the altar.
- (10) Lit., 'these words'.
- (11) Though the whole generation had passed away.
- (12) Ps. XLV, 17.
- (13) Which was a sin offering. V. Num. XXVIII, 15.
- (14) All congregational offerings were purchased from the funds to which all Israel contributed,
- (15) Between the time they contributed to the funds and the time the sacrifice was offered.
- (16) Since owners of the sacrifice were dead.
- (17) The sin offerings in the days of Ezra brought for the idolatry of the generation of Zedekiah.
- (18) Deut. XXI, 8.
- (19) Who were obviously dead when the heifer was brought (v. Deut, XXI, I ff).
- (20) An allusion to those 'redeemed' from the slavery of Egypt. As a sin offering could be brought for the dead men of the Exodus so it could be brought for the dead generation of Zedekiah.
- (21) In the case of the heifer (Deut. *ibid.*).
- (22) All living men concerned,
- (23) The offerings in the days of Ezra,
- (24) Ezra III, 12. The conclusion of the verse reads, The old men that had seen the first house . . . wept with a loud voice, which shows that there were survivors from the days of the first Temple.
- (25) The survivors.
- (26) Of the generation of Ezra.
- (27) If a majority of the sinners had died, the sin offering must not be offered up.
- (28) Ezra III, 13. This shows that the survivors formed a majority of the people. Where a majority of its owners ate alive, a sin offering may be offered up.
- (29) The idolaters in the days of Zedekiah, whose sin, therefore, could not be atoned by an offering.
- (30) The privilege of bringing an offering for a wilful sin.
- (31) That it was a temporary measure.
- (32) Ezra VIII, 35.
- (33) Before the sin offering, for an erroneous ruling of the court that resulted in a transgression by the public, had been offered.
- (34) And consequently a congregational sin offering is to be offered on the altar though a number of individuals (its joint owners) died.
- (35) If one of the owners died: but is to be offered on the altar.
- (36) And after the rite of atonement had been performed with the substituted animal the lost one was found.
- (37) Where they graze until they contract some disqualifying blemish when they are sold and the sum they realize is used for the purchase of free will offerings.
- (38) V. Shebu. 11a, The bullock of the Day of Atonement brought by Aaron and his sons as a sin offering is of joint ownership, and concerning it R. Simeon stated that, unlike the sin offering of an individual, it must not be left to die. Now, since according to R. Simeon no sin offering in joint ownership may be left to die, it is possible that in this case only, where the atonement was performed with a substituted animal, are the original ones to be left to the pasture, but where one of the joint owners died (no animal having been substituted for the original one) it is

possible that R. Simeon even allows the sacrifice to be offered on the altar, Hence the Baraita cited cannot be taken, as A. Joseph suggested, to represent his view (Rashi). [Or, better, since the other joint owners (the surviving members of the court) are alive there is no reason why it should not be sacrificed by them (Tosaf. Asheri).]

(39) Lev, XVI, 33. 'priests' being placed on the same footing as 'congregation', [Tosat. Asheri reads, 'they are considered a people by themselves, since they ate mentioned separately.] A court, however, cannot be regarded as a 'congregation' and if one of them died their joint sin offering, according to R. Simeon, may have to be killed.

Talmud - Mas. Horayoth 6b

If so,¹ however, let them also bring a bullock in the case of an erroneous ruling! And if it be said that this is really the case,² then there would be more tribes!³ — But, said R. Aha, son of R. Jacob: The tribe of Levi is not called 'congregation',⁴ for it is written, Behold, I will make thee fruitful and multiply thee, and I will make of thee a congregation of peoples etc.⁵ He who has a possession is designated 'congregation', but he who has no possession is not designated 'congregation'.⁶ If so,⁷ there would be less than twelve tribes! — Abaye replied: Ephraim and Manasseh, even as Reuben and Simeon, shall be mine.⁸ Said Raba: But, surely, it is written, They shall be called after the name of their brethren it, their inheritance,⁹ [which shows that] they were compared only in regard to 'inheritance' but not in any other respect!¹⁰ — Were they not? Surely, they were also separated [when mentioned] in [connection with] the banners!¹¹ — Their campings were like their possessions; in order to show respect to their banners. But, surely, they were also separated in respect of their princes!¹² — That was done in order to show honor to the princes, as it was taught: 'Solomon celebrated seven days of dedication; what reason did Moses have for celebrating twelve days of dedication? In order to show honor to the princes.' What becomes of that?¹³ — Come and hear that which has been taught: R. Simeon said: The following five kinds of sin offerings are to be left to die.¹⁴ The young of a sin offering,¹⁵ the exchange of a sin offering, a sin offering whose owner died — a sin offering whose owner has received atonement¹⁶ and a sin offering that passed the age of a year. And since in the case of a congregation one cannot speak of the young of a sin offering, because no female offering is ever brought¹⁷ by a congregation; and one cannot speak of an exchange of a sin offering in the case of a congregation because a congregation may not exchange an offering;¹⁸ and one cannot speak, in the case of a congregation, of a sin offering whose owner died because a congregation does not die; while as regards one whose owner had received atonement and one that passed the age of a year we have not heard;¹⁹ one might suppose that they should be left to die, it is, therefore, pointed out²⁰ that what is vague may be inferred from what is explicit; as in regard to the law²¹ of the young of a sin offering, the exchange of a sin offering and one whose owner had died we find that it applies only to an individual owner²² and not to a congregation, so also the law²¹ in regard to the case of one whose owner has received atonement and one that passed the age of a year it is applicable to an individual and not to a congregation.²³ But may that which is possible²⁴ be deduced from that which is impossible?²⁵ — R. Simeon received the tradition [in regard to the five kinds of sin offering that they must be left to die] from one common source.²⁶

CHAPTER II

MISHNAH. AN ANOINTED HIGH PRIEST²⁷ WHO MADE A DECISION FOR HIMSELF²⁸ THROUGH ERROR AND ACTED UNWITTINGLY ACCORDINGLY, MUST BRING A SIN

OFFERING OF A BULLOCK.²⁹ IF, HOWEVER, HE MADE THE DECISION THROUGH ERROR BUT ACTED UPON IT WILFULLY, OR MADE IT Wilfully BUT ACTED UPON IT UNWITTINGLY, HE IS EXEMPT; FOR A DECISION A HIGH PRIEST MADE FOR HIMSELF IS LIKE A RULING ISSUED BY THE COURT TO THE CONGREGATION.³⁰

GEMARA. THROUGH ERROR AND ACTED UNWITTINGLY ACCORDINGLY MUST BRING A SIN OFFERING OF A BULLOCK. Is not this Obvious? — Abaye replied: The case dealt with here is one, for example, where³¹ he made a decision and forgot on what ground his decision had been made, and at the time of his action³² he declared, 'I am acting on the strength of my³³ decision;' in view of the fact that [in such a case] it might be assumed that, since, had he recollected³⁴ he might have retracted, he is like a wilful sinner³⁵ and, therefore, not liable to a sin offering, hence it was taught [that it is not so]. OR MADE IT WILFULLY BUT ACTED UPON IT UNWITTINGLY etc. Whence these words? — For our Rabbis taught: So as to bring guilt upon the people,³⁶ proves³⁷ that the anointed High Priest is like the congregation.³⁸ Could not this be arrived at by deduction?

(1) Lit., 'From now', if the priests are designated 'congregation'.

(2) Lit., 'thus also'.

(3) Thirteen; while R. Simeon speaks of no more than twelve tribes,

(4) And the same applies to the priests who are descendants of that tribe. Hence the Baraitha, contrary to R. Joseph's arguments, cannot be reconciled with the view of R. Simeon (Rashi). [Tosaf. Asheri: priests nevertheless are considered a 'people' in respect of the sacrifice one of the joint owners of which died, so that the Baraitha can be in agreement with R. Simeon.]

(5) Gen. XLVIII, 4, the conclusion of the verse being 'And I will give this land to thy seed . . . for an everlasting possession.'

(6) Priests and Levites received no possessions when Canaan was divided between the tribes.

(7) That the tribe of Levi was not included in the number of the tribes.

(8) Gen. XLVIII, 5. The tribe of Joseph was divided into two tribes.

(9) Ibid. 6.

(10) In the case, e.g., of the number of offerings on the occasion of an erroneous ruling of the court Ephraim and Manasseh would, consequently, be regarded as one tribe. How, then, is the number twelve in the total of the tribes arrived at?

(11) V. Num. II, 18-21.

(12) V. ibid, Vli, 45, 54,

(13) Lit., what is on it'; the question, supra, whether, according to R. Simeon, a sin offering belonging to joint owners, one of whom has died, is to be offered on the altar or left to die,

(14) I.e., must not be offered up on the altar,

(15) Born after its dam had been consecrated.

(16) Through another offering, in the case where the original could not be found at the time.

(17) Lit., 'separate'.

(18) Cf. Tem. 13a.

(19) Whether, if their owners were a congregation, they were to be offered up on the altar or left to die.

(20) Lit., 'you said',

(21) That it must be left to die,

(22) Lit., 'in an individual the words are said'.

- (23) Tem. 26a.
- (24) The last two cases which may be applicable to a congregational sin offering.
- (25) The first three cases which can never occur with regard to an offering of the congregation.
- (26) Lit., 'place'. Consequently, they must all be subject to the same reservations, and since the first three cannot apply to a Congregation, the last two must all deal with the case of an individual. Similarly since the second case (the 'exchange') applies only to an individual to the exclusion even of joint partners (v. Tem, 13a), the others too must be similarly restricted, It thus follows that according to R. Simeon a sin offering of joint owners, one of whom died, may be offered, Therefore the Tanna of the Baraita which exempts the court when one of its members died, because the sin offering must be left to die, cannot be R. Simeon,
- (27) **jhan ivf** the title of the High Priests in the days of the first Temple when they were anointed with the 'holy anointing oil' (v. Ex. XXX, 30 ff).
- (28) In ritual, or other religious matters.
- (29) v. Lev. IV, 3 ff.
- (30) Both action and ruling must be the result of an error.
- (31) Lit., 'here in what are we engaged? As for instance.'
- (32) So MS.M., Cur. edd. 'when he erred'.
- (33) So MS.M. Cur. edd. 'his'.
- (34) The reason for his decision.
- (35) He should have hesitated in his act, in view of the fact that he could no longer recollect the reason of his decision.
- (36) Lev. Iv., 3.
- (37) Lit., 'behold'.
- (38) It is explained infra in what respect.

Talmud - Mas. Horayoth 7a

A congregation, [it might be argued,] is excluded from the law relating to¹ an individual and the anointed High Priest is excluded from the law relating to an individual; as the congregation is only liable [to bring a sin offering] where there was ignorance of the law² together with error in action³ so an anointed High Priest should only be liable where there was ignorance of the law together with error in action! Or it might be argued thus:⁴ A ruler is excluded from the law relating to an individual⁵ and an anointed High Priest is excluded from the law relating to an individual; as a ruler brings a sin offering where there was only error in action without ignorance of the law so an anointed High Priest should bring a sin offering where there was error in action without ignorance of the law! — Let us, then, see whom he more resembles. The congregation brings a bullock but does not bring an asham talui⁶ and an anointed High Priest brings a bullock and does not bring an asham talui;⁷ as the congregation is liable to a sin offering only where there was ignorance of the law together with error in action so an anointed High Priest should be liable only where there was ignorance of the law together with error in action! Or argue thus: A ruler brings a goat for the sin of idolatry⁸ and also brings an asham waddai⁹ and an anointed High Priest brings a goat for idolatry and also an asham waddai; as a ruler brings a sin offering where there was error in action only¹⁰ so the anointed High Priest brings a sin offering where there was error in action only. Hence¹¹ it was definitely stated, So as to bring built upon the people¹² to show that¹³ an anointed High Priest is like the congregation; as the congregation bring a sin offering only where there was ignorance of the law together with error in action so the anointed High Priest brings a sin offering

only where there was ignorance of the law together with error in action. Since it might be suggested that as [in the case of] a congregation, [if the court] ruled and the congregation acted in accordance with their decision they are liable, so [in the case of] an anointed High Priest where he ruled and they acted in accordance with his ruling he is also liable, it was, therefore, definitely stated, Then let him offer for his sin, which he hath sinned,¹⁴ [which shows that] he brings a sin offering for his own sin¹⁵ only, and that he does not bring a sin offering for the sins of others.¹⁶ The Master said, 'An anointed High Priest brings a bullock and does not bring an asham talui.' Whence is it deduced that he does not bring an asham talui? — For it is written,¹⁷ And the priest shall make an atonement for him concerning the error which he committed,¹⁸ [which shows that] only he whose sin and error are alike¹⁹ [brings an asham talui], but not²⁰ an anointed High Priest whose error and sin are not alike, for it is written, So as to bring guilt upon the people²¹ which shows²² that an anointed High Priest is like the congregation.²³ Did he not, however, speak at that point²⁴ [on the assumption that]. So as to bring guilt upon the people²¹ had not been written!²⁵ — But [the fact is that the mention of] guilt offering²⁶ is irrelevant²⁷ MISHNAH. IF [THE ANOINTED HIGH PRIEST] GAVE [AN ERRONEOUS] DECISION ALONE²⁸ AND ACTED [ACCORDINGLY] ALONE, HE MAKES HIS ATONEMENT ALONE.²⁹ IF HE GAVE HIS RULING TOGETHER WITH [THE COURT OF] THE CONGREGATION AND ACTED ACCORDINGLY TOGETHER WITH THE CONGREGATION, HE MAKES HIS ATONEMENT TOGETHER WITH THE CONGREGATION.³⁰ THE COURT IS NOT LIABLE³¹ UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT; AND SO [IT IS WITH] THE HIGH PRIEST. NOR [ARE THEY LIABLE] FOR IDOLATRY UNLESS THEY RULED TO ANNUL THE LAW IN PART AND TO RETAIN IT IN PART.

GEMARA. Whence are these laws³² derived? — [From that] which our Rabbis taught; It might have been assumed that if he³³ ruled together with [the court of] the congregation and acted together with the congregation he must bring a bullock independently, this being arrived at by the following argument: A ruler is excluded from the law relating to an individual³⁴ and an anointed High Priest is excluded from the law relating to an individual; [if the argument — then, be advanced that] as a ruler, if he committed a sin alone, brings his offering alone and if he committed the sin together with the congregation he makes atonement together with the congregation, so in the case of a High Priest, if he sinned alone he must bring a sin offering alone, and if he sinned together with the congregation he must make his atonement together with the congregation, [it can be retorted] no; if this³⁵ applies to the ruler who makes his atonement together with the congregation on the Day of Atonement, must it also apply to an anointed High Priest who does not make his atonement together with the congregation on the Day of Atonement! Consequently, since his atonement is not made together with the congregation on the Day of Atonement it might have been assumed that he must bring a bullock as a sin offering independently, hence it was expressly stated, For his sin which he hath sinned;³⁶ how [is this to be understood]? If he sinned alone he brings his sin offering alone, and if he sinned together with the congregation he makes his atonement together with the congregation.³⁷ How is this³⁸ to be imagined? It be suggested, that he is a mufla³⁹ and they⁴⁰ are not mufla'in,⁴¹ is it not obvious that he must make his atonement alone since their ruling has no legal force⁴² and every individual⁴³ must bring a lamb or a goat!⁴⁴ And if [it be suggested] that they are mufla'in and he is not a mufla,⁴⁵ why should he make his atonement alone? His ruling, surely, has no legal force!⁴⁶ —

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- (1) Lit., 'general rule', that of bringing a sin offering of a lamb or a goat (Lev. IV. 27ff). The congregation brings a bullock (ibid. 23ff).
- (2) On the part of the court.
- (3) On the part of the congregation.
- (4) Lit., 'finish and go to this way'.
- (5) Cf. n. 3. A ruler brings a goat as a sin offering (Lev. IV, 22 ff).
- (6) V. Glos. Such a guilt offering is brought only by an individual when it is doubtful whether he committed a sin. [This cannot apply to a congregation whose offering is limited to a sin through an erroneous decision.]
- (7) When his sin is in doubt, v. infra.
- (8) [Cf. Num. XV, 27; 'A soul' includes all-commoners, as well as prince or High Priest.]
- (9) **htsu oat** a guilt offering brought in connection with a number of sins (v. Lev. v, 20 ff) when there is no doubt that the sin had been committed. Cf. *asham talui* in Glos.
- (10) Though there was no ignorance of the law.
- (11) As logically it is uncertain with whom the High Priest is to be compared.
- (12) Lev. IV, 3.
- (13) Lit., 'behold'.
- (14) Lev. IV. 3.
- (15) Lit., 'what he sinned'.
- (16) Lit., 'what others sinned'.
- (17) In the case of an *asham talui*.
- (18) Lev. V, 18
- (19) I.e., an ordinary individual in whose case error in action alone involves him in the obligation of bringing a sin offering as if he was also ignorant of the law.
- (20) Lit., 'he went out', 'excluded'.
- (21) Lev. IV, 3.
- (22) Lit., 'behold'.
- (23) Before obligation to bring a sin offering is incurred by him, both error in action as well as ignorance of the law are necessary'.
- (24) Lit., 'until here'; i.e., iii the argument, *supra*, where it was attempted to show that the High Priest resembles the congregation.
- (25) Lit., 'he did not say', i.e., if the assumption is that the text had not been written, how can this presumably non-existent text be adduced as proof?
- (26) The *asham talui*, v. Glos.
- (27) Lit., 'he took it without any purpose,' the resemblance between an anointed High Priest and the congregation being their respective obligations to bring a bullock, and not a goat or a lamb, as a sin offering, being in itself sufficient to compare the High Priest to the Congregation.
- (28) Though the court had at the same time ruled erroneously concerning another prohibition, e.g., he having permitted *suet*, and they an idolatrous cult,
- (29) He brings the offering of a bullock on his own behalf.
- (30) His atonement is effected by the communal offering.
- (31) So MS.M. reading, **ih**t [**ih**t a in cur. edd. is explained by Tosaf. Asheri **ih**tu v. Bezah 8a.]
- (32) Lit., 'words'; the first two laws in our Mishnah relating to an anointed High Priest.
- (33) A High Priest.
- (34) Cf. *supra* p. 43, n.6.

- (35) Lit., 'you said'. That if he sinned together with the congregation he brings his offering together with them.
- (36) Lev. IV, 3. I.e., he brings an offering alone, only where he alone has sinned.
- (37) Thus the first two laws in our Mishnah have been proved.
- (38) That where a High Priest ruled erroneously alone he must bring his sin offering alone, though the court had at the same time ruled erroneously concerning another prohibition, e.g., he having permitted suet, and they an idolatrous rite. [R. Han. explains the question as referring to where he sinned together with the congregation in which case he makes his atonement together with them.]
- (39) V. Glos. [The term mufla seems here to be used in a loose sense to denote one who is qualified to give decisions, although this would imply that when no qualified scholars were available, the absence of the necessary qualifications would not debar one from acting as judge — v. Tosaf. Asheri, cf. also Tosaf. Sanh. 16b, s.v. **sj t** .]
- (40) The court who ruled erroneously concerning a prohibition other than that permitted by the High Priest.
- (41) Plural of mufla.
- (42) Lit., 'and nothing'.
- (43) Of the Congregation.
- (44) V. supra 4b.
- (45) V. Glos.
- (46) Lit., 'and nothing'.

Talmud - Mas. Horayoth 7b

R. Papa replied; in the case, for instance, where both¹ were mufla'in. Abaye proposed to say that IF [THE ANOINTED HIGH PRIEST] GAVE [AN ERRONEOUS] DECISION² ALONE AND ACTED [ACCORDINGLY] ALONE, is to be understood³ [as referring to a High Priest and a court] who live⁴ in two different places and ruled respectively concerning two different prohibitions. Raba, however, said to him; Is then diversity of domicile⁵ the determining factor? [Surely not]; but even if they dwell in the same place, so long as they ruled concerning two different prohibitions, he⁶ is regarded as having sinned alone. It is obvious that if he⁶ [transgressed⁷ in respect of the prohibition] of Suet and they⁸ in respect of idolatry, he [is regarded as] having sinned alone, because these prohibitions are distinct in origin⁹ and distinct in respect of sacrifices, he⁶ bringing a bullock and they⁸ a bullock and a goat.¹⁰ so that they bring, in addition, a goat and he does not bring one; and much more so¹¹ if he transgressed in respect of idolatry and they in respect of suet, since these prohibitions are entirely distinct in respect of their sacrifices, he having to bring a goat¹² and they a bullock; what, however, is the law where he transgressed in respect of the forbidden fat of the entrails and they in respect of the forbidden fat of the small bowels? Is it assumed that, though they are alike in respect of sacrifices, they are nevertheless, being derived from two different Biblical texts, to be regarded as distinct in their origins¹³ or, perhaps, since the designation of 'fat' is the same [in both cases, they are regarded as one]. If some reason could be found for the assumption¹⁴ that [since] the designation of 'fat' is the same [in both cases, they are to be regarded as one], what is the law, [it may be asked], where he⁶ transgressed in respect of suet and they⁸ in respect of blood? Is it assumed [that these are distinct prohibitions since] they are distinct in their origins, or, perhaps, since they are alike in respect of sacrifices, [they are to be regarded as one] the determining factor being the sacrifice?¹⁵ — This remains undecided.¹⁶ THE COURT IS NOT LIABLE UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT etc. Whence is it derived that [they are not liable] UNLESS THEY RULED TO ANNUL PART OF A

COMMANDMENT AND TO RETAIN A PART OF IT? — As it has been said in the preceding¹⁷ chapter; And a thing be hid,¹⁸ i.e. ‘a thing’ but not an entire principle.¹⁹ AND SO IT IS WITH THE ANOINTED HIGH PRIEST. Whence is this deduced? — [From the text] wherein it is written, So as to bring guilt upon the people,²⁰ which shows²¹ that the anointed High Priest is like the congregation. NOR [ARE THEY LIABLE] FOR IDOLATRY etc. Whence is this derived? — [From] what our Rabbis taught: From the fact²² that idolatry was singled out²³ it might have been assumed that only the uprooting of the entire principle involves the bringing of a sacrifice,²⁴ hence it was stated here, from the eyes²⁵ and elsewhere it was stated, from the eyes,²⁶ as elsewhere the court is meant²⁷ so here also the court was meant;²⁷ and as further on only a think²⁸ [was hid]²⁶ but not an entire principle so here also²⁹ a part only, not an entire principle, must have been annulled.

MISHNAH. THE OBLIGATION [UPON THE COURT TO BRING A SACRIFICE]³⁰ IS INCURRED ONLY WHERE IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION, AND SO [IT IS WITH THE] ANOINTED HIGH PRIEST; NOR [DO THEY INCUR OBLIGATION] IN THE CASE OF IDOLATRY UNLESS IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION. GEMARA. Whence is this³¹ deduced? — [From] what our Rabbis taught: They err³² might have been assumed to imply obligation for error in action, hence it was stated, They err and a thing be hid,³² indicating that no obligation is incurred unless ignorance of the law was accompanied by error in action. AND SO [IT IS WITH] THE ANOINTED HIGH PRIEST. Whence is this deduced? — From the Scriptural text, So as to bring guilt upon the people.³³ which shows³⁴ that the anointed High Priest is like the congregation. NOR [DO THEY INCUR OBLIGATION] IN THE CASE OF IDOLATRY UNLESS IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION. Whence is this derived? — [From what] our Rabbis taught: In view of the fact that the prohibition of idolatry was singled out it might have been assumed that obligation is incurred even for error in action, hence it was stated here, from the eyes,³⁵ and elsewhere it was stated, from the eyes.³⁶ [to indicate that] as further on no obligation is incurred unless ignorance of the law was accompanied by error in action so here also no obligation is incurred unless ignorance of the law was accompanied by error in action. Since the anointed High Priest was not mentioned³⁷ in connection with idolatry, our Mishnah must represent the view of³⁸ Rabbi. For it was taught: [As to the obligation to bring a sacrifice on the part of] an anointed High Priest in the case of idolatry, Rabbi said, [it depends] on his error in action, and the Sages said, [only if this was accompanied] by ignorance of the law. Both, however, agree³⁹ that the sacrifice he brings is a goat, and both also agree³⁹ that he does not bring an asham talui.⁴⁰ Consider, however, [this point]; Has [the anointed High Priest] been specified³⁷ in connection with [the offence] concerning which the punishment is kareth, if it was committed wilfully, and a Sin offering if committed unwittingly?⁴¹ And yet it must be admitted⁴² that though he was mentioned in the one case⁴³ the same law applies to the other,⁴⁴ so here also⁴⁵ he was mentioned in the first case⁴⁶ and the same law applies to the second. What is Rabbi's reason? — Scripture states, And the priest shall make atonement for the soul that erreth, when he sinneth through error.⁴⁷ The soul, refers to⁴⁸ the anointed High Priest; that erreth, refers to the ruler; when he sinneth through error, implies, according to⁴⁹ Rabbi, ‘this shall be deemed a "sin"⁵⁰ even if due to error in action alone⁵¹. But the Rabbis are of the opinion [that the reference is to] him whose sin depends on error in action, the anointed High Priest, however, being excluded, since his ‘sin’⁵² does not depend solely on error in action but

also on ignorance of the law.⁵³ ‘Both, however, agree that the sacrifice he brings is a goat like [that of any other] individuals’ Whence is this deduced? — [From that] which Scripture stated, And If one person,⁵⁴ implying that there is no difference between a private individual, a ruler, or an anointed High Priest. All of them, are included in the general expression of ‘one person’

(1) The High Priest and the court.

(2) So MS.M. reading **vruv** Cur. edd.: **tyj** ‘he sinned’.

(3) Lit., ‘how is it to be imagined’.

(4) Lit., ‘sit’.

(5) Lit., ‘two places’.

(6) The High Priest.

(7) I.e., by erroneous ruling and action.

(8) The court.

(9) Lit., ‘in their reasons’, each prohibition being derived from a different Biblical text.

(10) Cf. Num. XV, 24.

(11) Is the High Priest regarded as having transgressed alone.

(12) V. supra p. 43, n. 9, and infra p. 50.

(13) V. supra 3a.

(14) Lit., ‘if you will find to say’.

(15) Lit., ‘we go after the sacrifice’.

(16) Heb., teko, v. Glos.

(17) Lit., ‘other’.

(18) Lev. IV, 23.

(19) Supra 4a.

(20) Lev. IV, 3.

(21) Lit., ‘behold’.

(22) Lit., ‘because’.

(23) Lit., ‘went out to pass sentence (or ‘to judge’) separately’. i.e., Scripture did not include the sin of idolatry among the prohibitions for which a bullock is offered (Lev. IV, 13ff) but singled it out for special sacrifices (Num. XV. 22ff).

(24) Lit., ‘they are liable for’.

(25) Num. XV, 24, referring to idolatry.

(26) Lev. IV, 13, referring to the other commandments.

(27) V. supra 5a. Lit., ‘in (or about) the court’.

(28) Heb. dabar, ** read with the addition of the Mem ** partitive, v. supra p. 21, n. 8.

(29) Num. XV, 24, referring to idolatry.

(30) V. Lev. IV, 23.

(31) The first law in our Mishnah.

(32) V. Lev. IV, 13.

(33) Lev. IV, 3.

(34) Lit., ‘behold’.

(35) Num. XV, 24, referring to idolatry.

(36) Lev. IV, 13, referring to the other commandments.

(37) Lit., ‘taught’.

(38) Lit., ‘who? it is’.

- (39) Lit., 'and they are alike'.
- (40) Sanh. 61b. V. Glos. Our Mishnah thus represents the view of the Rabbi.
- (41) V. Mishnah, infra 8a.
- (42) Lit., 'but'.
- (43) Lit., 'he taught that', i.e., mentioned the High Priest in the first clause of the Mishnah, infra 5a.
- (44) The second clause.
- (45) In our Mishnah.
- (46) Lit., 'he taught that'.
- (47) Num. XV, 28.
- (48) Lit., 'this'.
- (49) Lit., 'holds the view', 'is of the opinion'.
- (50) For which the must bring a sin offering.
- (51) Lit., 'this sin, in error shall be'.
- (52) In connection with other transgressions.
- (53) V. Supra 7a.
- (54) Num. XV. 27.

Talmud - Mas. Horayoth 8a

'And both also agree that he does not bring an asham talui'. Whence is this deduced? — From the Scriptural text. And the priest shall make atonement for him concerning the error which he committed.¹ Rabbi is of the opinion [that only] he whose 'sin'² depends entirely on error in action³ [brings such a guilt offering]; a High Priest, however,⁴ whose sin⁵ does not [invariably] depend entirely on error in action alone but also on ignorance of the law, is excluded. Is it, then, written 'entirely'?⁵ — [Virtually] Yes; for otherwise⁶ it should have been written, 'Concerning his error'; what need was there for which he committed! Its object, consequently, must be, to teach us that [there is no obligation] unless all one's sin⁷ is dependent on error in action.⁸ And the Rabbis?⁹ — Only he whose sin⁷ depends on error in action alone [is liable]; an anointed High Priest, however, is excluded since his sin⁷ does not depend on error in action alone, either in idolatry or in the other commandments, but on ignorance of the law together with error in action.

MISHNAH. THE COURT IS UNDER NO OBLIGATION¹⁰ UNLESS THEY RULED CONCERNING A PROHIBITION¹¹ THE PUNISHMENT FOR WHICH IS KARETH,¹² IF IT WAS TRANSGRESSED WILFULLY, AND A SIN OFFERING IF TRANSGRESSED UNWITTINGLY; AND SO [IT IS WITH] THE ANOINTED HIGH PRIEST. NOR [ARE THEY LIABLE] IN RESPECT OF IDOLATRY UNLESS THEY RULED CONCERNING A MATTER THE PUNISHMENT FOR WHICH IS KARETH, IF IT WAS COMMITTED WILFULLY, AND A SIN OFFERING IF COMMITTED UNWITTINGLY.

GEMARA. Whence is this deduced? — From the following.¹³ Rabbi said: Here¹⁴ it is stated 'aleha,¹⁵ and further on¹⁶ it is stated 'aleha;¹⁷ as further on¹⁶ the prohibition involves the penalty of kareth,¹⁸ if it was transgressed wilfully, and that of a sin offering if transgressed unwittingly, so¹⁴ here also, [the ruling must be concerning] a prohibition which involves the penalty of kareth, if it was transgressed wilfully and that of a sin offering if transgressed unwittingly. Proof has thus been found for the case of the congregation, whence that of the anointed High Priest? — So as to

bring guilt upon the people¹⁹ shows²⁰ that the anointed High Priest is like the congregation. As to a ruler? — The inference is made by a comparison of ‘commandments’;²¹ with ‘commandments’ in respect to a ruler it is written, And doeth [through error] any one of all the commandments which the Lord,²² and in respect of the congregation it is written, And do any of the commandments,²³ as the [obligation of the] congregation relates to a prohibition involving kareth, if it was transgressed wilfully, and a sin offering if transgressed unwittingly, so also the obligation of a ruler relates to a prohibition involving kareth, if it was transgressed wilfully, and a sin offering if transgressed unwittingly. As to an ordinary individual? — Scripture states, And if any one,²⁴ and the latter is inferred from the former.²⁵ NOR [ARE THEY LIABLE] IN RESPECT OF IDOLATRY UNLESS THEY RULED etc. Whence [is this law deduced] in regard to idolatry? — [From] what our Rabbis taught: From the fact that idolatry was singled out²⁶ it might have been assumed that, [in regard to it] obligation is incurred even in respect of a prohibition which does not involve kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly,²⁷ hence it was stated here, From the eyes²⁸ and elsewhere it was stated, From the eyes.²⁹ as there obligation is incurred only in respect of a prohibition involving kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly, so here also obligation is incurred only in respect of a prohibition involving kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly. Proof has thus been found for the case of the congregation. whence that of an ordinary individual, a ruler or an anointed High Priest? — Scripture stated, And if one person.³⁰ [which implies that] there is no distinction between a private individual, a ruler, or an anointed High Priest. All of them, are included in the general expression of one person, and the latter may be deduced from the former.³¹ [This explanation] is satisfactory in accordance with the view of him who employed³² the expression of ‘aleha for an analogical purpose, as stated above; whence, however, do the Rabbis, who employed ‘aleha in connection with the laws of incest and rival wives,³³ deduce that obligation is incurred only where the prohibition involves kareth when it was transgressed wilfully, and a sin offering when transgressed unwittingly? — They deduce it from that which R. Joshua b. Levi taught his son: Ye shall have one law for him that doeth aught in error. But the soul that doeth aught with a high hand etc.,³⁴ all the commandments of the Torah were compared to the prohibition of idolatry;³⁵ as in regard to idolatry obligation is incurred only where the offence involves the punishment of kareth when it was committed wilfully, and a sin offering when committed unwittingly, so also here obligation is incurred only where the offence involves kareth when committed wilfully and a sin offering when committed unwittingly. Proof has thus been found³⁶ for the case of a private individual, a ruler and an anointed High Priest both in regard to idolatry and the rest of the commandments; whence, however, [is it proved that the same applies to the] congregation? The former³⁷ is deduced from the latter.³⁸ As to Rabbi,³⁹ what does he do with R. Joshua b. Levi's text? He applies it to the following:⁴⁰ Since we find that Scripture made a distinction⁴¹ between a majority and individuals, a majority being punished by the sword and their money destroyed⁴² while individuals are punished by stoning and their money is spared.⁴³ it might have been assumed that a distinction should also be made in respect of their sacrifices,⁴⁴ hence⁴⁵ it was expressly stated, Ye shall have one law etc.⁴⁶ R. Hilkiyah of Hagronia⁴⁷ demurred: is the reason⁴⁸ because Scripture did not differentiate in this respect, but had it differentiated it would have been suggested that a distinction should be made [in respect of their sacrifices]? What, however, could they⁴⁹ bring! Should they bring a bullock? The congregation, surely, brings a bullock for the infringement of any of the other commandments!⁵⁰ Should they bring a bullock for a burnt

offering and a goat for a sin offering? The congregation, surely, brings such offerings in respect of idolatry!⁵¹ Should they bring a goat? A ruler, surely, brings such an offering in the case of his transgression of any of the other commandments!⁵¹ Should they bring a goat? This, Surely, is also the sacrifice of an individual!⁵¹ — It⁵² is required; because it might have been suggested that whereas the congregation brings a bullock for a burnt offering and a goat for a sin offering, these⁵³ should reverse the procedure and bring a bullock for a sin offering and a goat for a burnt offering. Or [the meaning⁵⁴ may be]; It might have been assumed to be necessary⁵⁵ and that consequently there is no remedy for them,⁵⁶ hence it was taught [that there was no such necessity].⁵⁵ All,⁵⁷ at any rate, agree that if these verses were written [for any purpose at all] they were written for that of idolatry; but what is the proof? Raba, (others say R. Joshua b. Levi, and again others say, Kadi), replied: Scripture says; And when ye shall err, and not observe all these commandments.⁵⁸ Now, which is the commandment that is as weighty as all other commandments? Surely⁵⁹ it is that concerning idolatry. The School of Rabbi⁶⁰ taught; Scripture Says, Which the Lord hath spoken unto Moses,⁶¹ and it is also written That the Lord hath commanded you by the hand of Moses.⁶² Now, which is the commandment that was given in the words of the Holy One, blessed be He, and also by the hand of Moses? Surely⁶³ it is that of idolatry; for R. Ishmael recited; [The words] I⁶⁴ and Thou shalt not have⁶⁵ were heard⁶⁶ from the mouth of Omnipotence.⁶⁷ The School of R. Ishmael taught:

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- (1) Lev. V, 18, dealing with the laws of *asham talui*.
 - (2) Making him liable to a sin offering.
 - (3) Lit 'all his sin in error'.
 - (4) Lit., 'this'.
 - (5) Lit., 'all'.
 - (6) Lit., 'if so', i.e., if 'entirely' was not implied.
 - (7) V. p. 50, n. 15.
 - (8) Cur. edd. insert in parenthesis: 'An anointed High Priest is excluded, all whose sin is not in error but in idolatry, not in the rest of the commandments, where it must be through ignorance of the law together with error in action'.
 - (9) Why do they exempt a High Priest from the *asham talui*?
 - (10) To bring the sin offering prescribed in Lev. IV, 13ff.
 - (11) Lit., 'a thing', 'matter'.
 - (12) V. Glos.
 - (13) Lit., 'for it was taught'.
 - (14) Concerning an erroneous ruling.
 - (15) **vhkg** Lev. IV, 14. (E.V. 'wherein'.)
 - (16) Concerning the marriage of two sisters.
 - (17) Ibid. XVIII, 18. (E.V. 'to her')
 - (18) V. Ibid. 29.
 - (19) Ibid. IV, 3.
 - (20) Lit., 'behold'.
 - (21) , **umr** 'commandments'.
 - (22) Lev. IV, 22.
 - (23) Ibid. 13.
 - (24) Ibid. 27. dealing with one of the common people.

- (25) Yeb. 9a. Lit., 'lower from the upper', the case of the individual (Lev. IV. 27ff) is deduced from that of ruler (ibid. v. 22ff). [The inference is from the copulative particle. waw', 'and' (Rashi. Yeb. 9a).]
- (26) V. supra p. 48, notes 6 and 7.
- (27) When the idol, e.g., was only kissed or embraced.
- (28) Num. XV, 24, dealing with idolatry.
- (29) Lev. IV, 13, with reference to other commandments.
- (30) Num. XV, 27.
- (31) Cf. supra p. 52, n. 7. 'One person' (in Num. XV, 27) which includes a private individual, ruler and High Priest is deduced from the law relating to the congregation (ibid. 24).
- (32) I.e., Rabbi.
- (33) V. Yeb. 3b. [Read with MS.M. 'to prohibit the rivals if the forbidden relatives'.]
- (34) Num. XV, 29-30.
- (35) The text quoted refers to idolatry (v. infra), and in it the expression of law or Torah is mentioned.
- (36) By deduction from 'person' (Num. XV. 27) which includes persons of all ranks and the analogy, supra, in Num. XV. 29-30.
- (37) Num. XV, 22, 'and when ye shall err', which refers to the congregation. v. ibid. 24.
- (38) Ibid. 27, 'and if one person'.
- (39) Who derives this latter ruling from the similarity of expressions — 'aleah.
- (40) Lit., 'as it was taught'.
- (41) Where the offence was committed wilfully.
- (42) In the case of a town 'condemned for idolatry'. V. Deut. XIII, 13ff.
- (43) V. ibid. XVII, 21f.
- (44) If the sin was committed unwittingly.
- (45) To show that where an entire town committed idolatry (v. Deut. XIII, 13ff) unwittingly they only bring the same sacrifices as individuals.
- (46) Yeb. 911.
- (47) [A suburb of Nebardea; Obermeyer, Die Landschaft Babylonian, p. 265.]
- (48) Why there is no differentiation between the sacrifices of a majority and those of individuals. V. supra.
- (49) The inhabitants of the 'condemned town'. (V. supra notes 5 and 6).
- (50) If a distinction must be made between the sin offerings of a 'condemned town' and those of individuals, how-much more should such a distinction be made between the sin offerings of such a town and those which the congregation — which must consist of at least one tribe (v. supra 3a) and which consequently is never subject to the laws of a 'condemned town' (v. Sanh. 2a) brings for the transgression of any of the other commandments!
- (51) And consequently if a distinction is to be made, these could not be offerings of a condemned town.
- (52) The Scriptural text of Num. XV. 29.
- (53) The inhabitants of a condemned town.
- (54) Of the citation supra from Yeb. 9a.
- (55) For the inhabitants of a 'condemned town' to bring a special sin offering.
- (56) If the sin was committed unwittingly; since an offering all peculiar to themselves is an impossibility.
- (57) Lit , 'that all the world'.
- (58) Num. XV, 22, emphasis on all.
- (59) Lit., 'be saying'.
- (60) Bomberg Ed., 'R. Ishmael'.
- (61) Ibid.
- (62) Ibid. 23.

(63) Lit., 'be saying'.

(64) The first word of the first commandment, 'I am the Lord etc.' Ex. XX, 2.

(65) First words of the second commandment. Ibid. 3.

(66) Lit., 'we heard them'.

(67) The Almighty. Mak. 24a. The commandment was repeated by Mosei in many passages of the Pentateuch. [The other commandments, according to R. Ishmael, the people received from Moses only. This is another way of saying that the Revelation at Sinai that enabled Israel to apprehend in a unique manner the Divine was limited, as far as the people themselves were concerned, to God's special dealings with Israel and to His Oneness as proclaimed in the first two commandments; the others the people accepted on trust at the hands of Moses whose divine mission they had seen confirmed before their eyes.]

Talmud - Mas. Horayoth 8b

From the day that the Lord gave commandments, and onward throughout your generations;¹ which is the commandment that was spoken at the very beginning?² Surely³ it is that of idolatry.⁴ But did not a Master state that Israel was given ten commandments at Marah!⁵ — But⁶ the best proof is that given at first.⁷

MISHNAH. [THE COURT] ARE UNDER NO OBLIGATION [TO BRING A SIN OFFERING] FOR THE TRANSGRESSION⁸ OF A POSITIVE OR A NEGATIVE COMMANDMENT RELATING TO THE SANCTUARY; NOR [DOES ANYONE]⁹ BRING AN ASHMTALUI¹⁰ FOR THE TRANSGRESSION OF A POSITIVE OR A NEGATIVE COMMANDMENT RELATING TO THE SANCTUARY. THEY¹¹ ARE LIABLE, HOWEVER,¹² FOR THE TRANSGRESSION¹³ OF A POSITIVE, OR A NEGATIVE COMMANDMENT RELATING TO THE MENSTRUANT; AND [ANY OTHER INDIVIDUALS] BRING AN ASHAM TALUI FOR THE TRANSGRESSION OF A POSITIVE OR NEGATIVE COMMANDMENT RELATING TO THE MENSTRUANT. WHICH IS THE POSITIVE COMMANDMENT CONCERNING THE MENSTRUANT? [THE COMMANDMENT]. SEPARATE THYSELF FROM THE MENSTRUANT.¹⁴ AND THE NEGATIVE COMMANDMENT? — DO NOT COME IN UNTO THE MENSTRUANT.¹⁵

GEMARA. Whence is it deduced¹⁶ that elsewhere¹⁷ the congregation is not liable to bring a sacrifice and that an individual also is not liable to bring an asham talui?¹⁸ — R. Isaac b. Abdimi replied: Scripture said, And he is guilty in connection with a sin offering¹⁹ and an asham talui,²⁰ and it also said, And they are guilty in connection with the congregation;²¹ as [the phrase] 'and he is guilty' in connection with an individual refers to the fixed sin offering²² So And are guilty, said in connection with the congregation, also refers to the fixed sin offering, and, furthermore, as the congregation brings only the fixed sin offering, so is the asham talui²³ brought only in the case of doubt in respect of one's liability to the fixed sin offering.²⁴ If so, the same law should also apply to a sliding scale sacrifice²⁵, for Surely it is written, And it shall be, when he shall be guilty in one of these things?²⁶ — Deduction may be made from the analogy between 'is guilty' and 'are guilty', but no deduction may be made from an analogy between 'is guilty' and 'he shall be guilty'. But what is the difference? The School of R. Ishmael taught. [with reference to the expressions.] The priest shall return²⁷ and The priest shall come²⁸ that 'returning' and 'coming' mean the same thing!²⁹ Furthermore, let deduction be made from And he is guilty, said in connection with

uncleanness relating to the Sanctuary and its consecrated things; for it is written, And [it being hidden from him that] he is unclean and he is guilty!³⁰ — R. Papa replied: An analogy is drawn only between the expressions. And he is guilty, and, The commandments of the Lord [on the one hand],³¹ and the expressions. And are guilty, and, The commandments of the Lord³² [on the other].³³ Said R. Shimi b. Ashi to R. Papa; Then let deduction be made from the analogy between, ‘And he is guilty, and, Bearing of iniquity³⁴ [used in reference to the asham talui] and he is guilty, and, Bearing of iniquity³⁵ [that occur in connection with sliding scale sacrifices]! — But, said R. Nahman b. Isaac: Deduction is made from analogy between ‘he is guilty’, and The things which the Lord hath commanded not to be done³⁶ [used in reference to asham talui] and ‘they are guilty’ and ‘The things which the Lord hath commanded not to be done³⁷ [that’ occur in connection with the congregational sin offering];³⁸ no proof, however, may be adduced from, The hearing of the voice,³⁹ Swearing clearly with the lips,⁴⁰ and uncleanness relating to the Sanctuary and its consecrated things,⁴¹ concerning ‘which it has not been said, ‘he is guilty’ and ‘The things which the Lord hath commanded not to be done’.

MISHNAH. [THE COURT] ARE UNDER NO OBLIGATION [TO BRING AN OFFERING] FOR [AN ERRONEOUS RULING RELATING TO] THE HEARING OF THE VOICE [OF ADJURATION].⁴² FOR SWEARING CLEARLY WITH THE LIPS⁴³ AND FOR UNCLEANNESS RELATING TO THE SANCTUARY AND ITS CONSECRATED THINGS;⁴⁴ AND THE RULER IS SIMILARLY [EXEMPT]; THESE ARE THE WORDS OF R. JOSE THE GALILEAN. R. AKIba SAID; THE RULER IS LIABLE⁴⁵ IN THE CASE OF ALL THESE EXCEPT THAT OF HEARING OF THE VOICE [OF ADJURATION], BECAUSE THE KING⁴⁶ MAY NEITHER JUDGE NOR BE JUDGED, NEITHER MAY HE GIVE EVIDENCE NOR MAY EVIDENCE BE TENDERED AGAINST HIM.⁴⁷ GEMARA. ‘Ulla said: What is the reason of R. Jose the Galilean? — Scripture said, And it shall be when he shall be guilty in one of these things;⁴⁸ whoever is subject to liability for every one of these is liable for any of them, and whosoever is not subject to liability for every one of these is not liable for any of them.⁴⁹ Might not this⁵⁰ be suggested to imply that liability is incurred for one⁵¹ even where a person is not subject to liability for all!⁵² — But the following is the source from which⁵³ R. Jose the Galilean derives his reason. It was taught: R. Jeremiah⁵⁴ used to say, it was stated in the Scriptures,

(1) Num. XV, 23.

(2) before any of the other commandments.

(3) Lit., ‘be saying’.

(4) Since it is the first of the Ten Commandments.

(5) Sanh. 56b. Marah was reached long before Sinai where the Ten Commandments were given.

(6) Cut. edd. insert in parenthesis: For it is written, If thou wilt diligently. hearken to the voice of the Lord thy God (Ex. XV, 26).

(7) Either that of Rabbi's school or R. Joshua b. Levi.

(8) Through an erroneous timing of theirs (V. Lev. IV. 13).

(9) Who in the case of doubtful transgressions has to bring an asham talui.

(10) V. Glos.

(11) The Court.

(12) To bring a sin offering.

- (13) V. supra, note 6
- (14) V. Shebu. 18b.
- (15) V. Lev. XVIII. 19.
- (16) Lit., 'these words'.
- (17) I.e., wherever the sin involves a sliding scale sacrifice, the value of which is determined by the sinner's financial position, as in the case of a transgression relating to the sanctuary, v. Shebu. 2a.
- (18) For transgressing a positive or negative precept relating to the Sanctuary.
- (19) Lev. IV, 27, dealing with the sin offering of an individual.
- (20) Ibid. V. 17.
- (21) Ibid. IV, 13.
- (22) **vguce , tyj**
- (23) Of an individual.
- (24) But not in the case of an offering that must be brought for the certain transgression of precepts (positive and negative) relating to the Sanctuary, the value of which varies according to one's means.
- (25) **sruhu vkug icre** determined by the means of the offender.
- (26) Lev. V. 5, dealing with a sliding-scale sacrifice.
- (27) Lev. XIV, 39.
- (28) Ibid. 44.
- (29) Viz. the coming of the priest to the affected house. Now, if a comparison is made between words which resemble each other in their general significance only, how much more should comparison be made between the same verbs that differ in tense only!
- (30) Lev. V,2. (Cf.vv. 3 and 4).
- (31) Ibid. V, 17, used with reference to the asham talui.
- (32) Ibid. IV. 13. used in reference to the congregation.
- (33) In the case, however, of uncleanness relating to the Sanctuary and its consecrated things these two expressions do not occur.
- (34) Lev. V, 17.
- (35) ibid. vv. I and 4.
- (36) Lev.V, 17.
- (37) Ibid. IV. 13.
- (38) As the congregation brings the fixed sin offering only so is an asham talui to be brought in here there is doubt about that kind of sin offering only; but not where the doubt relates to an offering the value of which is not fixed, and varies according to one's means.
- (39) Of adjuration; Lev. V, I.
- (40) Lev. V, 4.
- (41) For the transgressions for which sliding scale sacrifices are prescribed. v. Lev. V, 1-13.
- (42) V. Lev. V, 1.
- (43) V. ibid. v. 4.
- (44) For these transgressions individuals are liable to a sliding scale sacrifice, whereas the court is exempt.
- (45) To bring the offering.
- (46) Ruler, v. infra 10a, Mishnah.
- (47) Sanh. 18a. Since he cannot act as witness the laws of evidence cannot apply to him.
- (48) Lev. v, 5, dealing with the transgressions enumerated in our Mishnah.
- (49) Since the former is exempt from one (hearing of the voice) he is also exempt from the others.
- (50) The text cited from Lev. V, 5.

(51) Of the transgressions enumerated.

(52) The ruler should, consequently, be liable for the last two transgressions mentioned though he may be exempt from the first.

(53) Lit., 'from here'.

(54) [A Tanna and contemporary of Rabbi; not to be confused with the Palestine Amora.]

Talmud - Mas. Horayoth 9a

His means suffice not¹ and later it was stated again. His means suffice not² [to indicate that] only he who is subject to the vicissitudes if³ poverty and wealth [is subject to the laws mentioned], a ruler and an anointed High Priest, however, are excluded since they can never be reduced to poverty. As to 'a ruler', — it is written, And doeth any one of all the things which the Lord his God hath commanded,⁴ [implying], he above whom there is none but the Lord his God;⁵ as to 'an anointed High Priest', — It is written, And the priest that is highest among his brethren,⁶ [meaning,] who is greatest among his brethren in beauty, strength, wisdom and wealth. Others say: Whence is it proved that if he has nothing of his own he must be made to be greater than his brethren? For it was expressly stated, And the priest that is highest among his brethren upon whose head [the anointing oil] is poured,⁶ he must be made greater than his brethren. Rabina enquired of R. Nahman b. Isaac: What is the law of a ruler who was stricken with leprosy;⁷ [was his obligation] completely set aside,⁸ or was he only temporarily exempted?⁹ — He said to him: [Does he bring] of yours or of his own!¹⁰ It was taught: R. Akiba said: An anointed High Priest is exempt from all these.¹¹ Raba said: What is R. Akiba's reason? — Scripture stated, This is the offering of Aaron and his sons,¹² [implying] that only this [one] is obligatory upon him but no other such offering¹³ is obligatory upon him. Might it not be suggested that the All Merciful has exempted him only from the poorest offering which is¹⁴ a tenth part of an ephah¹⁵ but not¹⁶ [from those other offerings that are brought in case of] poverty and wealth!¹⁷ — his cannot be imagined at all, for it is written, And the priest shall make atonement for him as touching his sin that he hath sinned in any of these things,¹⁸ whoever may receive atonement by everyone of these¹⁹ may also receive atonement by any of the others,²⁰ but whosoever may not obtain atonement by every one of these may not obtain atonement by any of the others. Now, however,²¹ since it is written, And it shall be, when he shall be guilty in one of these things,²² is the meaning there also that whosoever is liable for everyone of these can also become liable for any of the others and whosoever is not liable for everyone of these cannot become liable for the others! Why then have we learned that R. Akiba said: A ruler is liable for all except for hearing of the voice? — Both Abaye and Raba replied: [The expression] in any²³ is regarded by him as proof but that of in one²⁴ is not regarded by him as proof. But why is 'in any' regarded as proof? — Because the All Merciful has written in at the end in connection with the law of the tenth part of an ephah; thus indicating that whosoever is liable to bring the tenth part of an ephah can also come under the obligation to bring any of the others. For could it have been imagined that a person may be liable for one of these offerings [alone] although he cannot become liable for any of the others, in any of these things²⁵ should have been written either in connection with the offering to the poor²⁶ or with that for the rich!²⁷

MISHNAH. [FOR THE UNWITTING TRANSGRESSION OF ANY OF] ALL THE COMMANDMENTS IN THE TORAH THE PENALTY FOR WHICH, IF COMMITTED

WILFULLY, IS KARETH AND, IF COMMITTED UNWITTINGLY, A SIN OFFERING, THE INDIVIDUAL BRINGS AS AN OFFERING A LAMB OR A GOAT;²⁸ THE RULER BRINGS A GOAT;²⁹ AND THE ANOINTED HIGH PRIEST AND THE COURT BRING A BULLOCK.³⁰ IN THE CASE OF IDOLATRY, THE INDIVIDUAL AND THE RULER AND THE ANOINTED HIGH PRIEST BRING A GOAT³¹ WHILE THE COURT BRING A BULLOCK AND A GOAT, THE BULLOCK FOR A BURNT OFFERING AND THE GOAT FOR A SIN OFFERING.³² THE INDIVIDUAL AND THE RULER ARE BOTH SUBJECT TO THE OBLIGATION OF AN ASHAM TALUI,³³ BUT THE ANOINTED HIGH PRIEST AND THE COURT ARE EXEMPT. THE INDIVIDUAL AND THE RULER AND THE ANOINTED HIGH PRIEST ARE SUBJECT TO THE OBLIGATION OF AN ASHAM WADDAI,³⁴ BUT THE COURT IS EXEMPT. [FOR UNWITTING TRANSGRESSION] IN RESPECT OF THE HEARING OF THE VOICE [OF ADJURATION],³⁵ FOR SWEARING CLEARLY WITH THE LIPS³⁶ AND FOR UNCLEANNESS RELATING TO THE SANCTUARY AND ITS CONSECRATED THINGS, THE COURT IS EXEMPT AND THE INDIVIDUAL, THE RULER³⁷ AND THE ANOINTED HIGH PRIEST ARE LIABLE, WITH THIS EXCEPTION,³⁸ THAT THE ANOINTED HIGH PRIEST IS NOT LIABLE FOR A TRANSGRESSION RELATING TO THE UNCLEANNESS OF THE SANCTUARY AND ITS CONSECRATED THINGS; THESE ARE THE WORDS OF R. SIMEON. WHAT DO THEY³⁹ BRING? A SLIDING SCALE SACRIFICE. R. ELIEZER SAID: THE RULER BRINGS A GOAT.⁴⁰

GEMARA. It was taught: R. Simeon laid down the following rule; Wherever the individual is liable to an asham talui⁴¹ the ruler is subject to the same obligation, while an anointed High Priest and the court are exempt; and wherever the individual is liable to an asham waddai⁴¹ a ruler and an anointed High Priest are subject to the same obligation while the court is exempt. In respect of hearing of the voice, swearing clearly with the lips, and the uncleanness relating to the Sanctuary and its consecrated things, the court is exempt while a ruler and an anointed High Priest are liable, except that the ruler is not liable in respect of hearing of the voice nor the anointed High Priest in respect of uncleanness relating to the Sanctuary and its consecrated things. Wherever an individual is liable to a sliding scale sacrifice, the ruler is subject to the same obligation while the anointed High Priest and the court are exempt. Is not this teaching self-contradictory? First it is stated that an anointed High Priest is not liable in respect of uncleanness relating to the Sanctuary and its consecrated things. [from which it follows that] he is exempt only in respect of uncleanness relating to the Sanctuary and its consecrated things but that in respect of hearing of the voice and swearing clearly with the lips he is liable; now read the final clause; ‘Wherever an individual is liable to a sliding scale sacrifice, the ruler is subject to the same obligation while an anointed High Priest and the court are exempt;’ since the exemptions of the High Priest and that of the court were mentioned together⁴² [it follows that] as the court is exempt from all these⁴³ so is the anointed High Priest exempt from all these.

(1) Lev. V,7, referring to the transgressions enumerated in our Mishnah.

(2) Ibid. V. 11, with reference to the same transgressions.

(3) Lit., ‘he who comes to the hand of’.

(4) Lev. IV, 22, dealing with the transgression of a ruler. Emphasis is laid on his.

(5) I.e., he must be supreme in all things including wealth.

(6) Lev. XXI, 10.

- (7) And was in consequence deposed from office.
- (8) Hence he is never liable to such an offering.
- (9) While he held office. Hence he must bring the offering now.
- (10) Lit., 'treasure'. As he would obviously have to bring the offering out of his own funds there can be no difference between his being in, or out of office. His wealth, which is the cause of his exemption, has not been lost or diminished by his deposition. There is, therefore, no need for him to bring an offering even after his deposition.
- (11) As regards the bringing of a sliding scale sacrifice.
- (12) Lev. VI, 13. with reference to the special priestly offering of a tenth part of an ephah.
- (13) I.e., the offering of a tenth part of an ephah which forms one in the series of offerings the value of which varies according to means. (V. Lev. V, 6-11.)
- (14) Lit., 'and what is it'.
- (15) V. Lev. VI, 13. and *ibid.* V, II.
- (16) Lit., 'the All Merciful did not exclude bins'.
- (17) A lamb or a goat for the rich who can afford it (Lev. V, 6), and turtledoves or pigeons for the poor who cannot afford it (*ibid.* V. 7). How, then, could R. Akiba maintain that a High Priest is exempt from these offerings if his transgression related to any of those enumerated in our Mishnah.
- (18) Lev. V. 13.
- (19) Including the offering of a tenth part of an ephah.
- (20) Lit, 'all of them'.
- (21) If deduction is to be made from 'in any', , j tn
- (22) *Ibid.* v. 5; 'in one', , j tk
- (23) Lev. V. 13 (V. p. 60, n. 14).
- (24) *Ibid.* V, 5.
- (25) Lev. V, 13.
- (26) I.e., with that of turtledoves or pigeons (*ibid.* v. 7).
- (27) A lamb or a goat (*ibid.* v. 6). Since, however, it was written in connection with the tenth part of an ephah (the poorest of the offerings) it must have been intended for the purpose of indicating that whosoever is exempt from that offering is also exempt from the rest. An anointed High Priest being exempt from that offering by deduction from Lev. VI, 23 (v. *supra*), is also exempt from all the others.
- (28) Lev. IV, 27ff, 32ff.
- (29) *Ibid.* 22ff
- (30) *Ibid.* IV, 3ff, 13ff. V. *supra* 8a
- (31) Num. XV, 27. V. Gemara *infra*.
- (32) *Ibid.* 24. V. *supra* 7b.
- (33) V. Glos. and Lev. V, 17ff.
- (34) V. Glos. and Lev. V, 14-16, 20-26; *ibid.* XIX, 20-22; *ibid.* XIV, 12; Num. VI, 12.
- (35) Lev. V, I.
- (36) *Ibid.* 4.
- (37) It will be shown *infra* that a ruler is exempt according to R. Simeon from the 'hearing of the voice', even as in the view of R. Akiba in the preceding Mishnah.
- (38) Lit., 'but'.
- (39) The ruler in the case of the two last mentioned transgressions (v. *supra* note 5), and the High Priest in the case of the two first mentioned.
- (40) Lev. IV, 22ff
- (41) V. Glos.

(42) Lit., 'it taught . . . exempt'.

(43) The three transgressions enumerated.

Talmud - Mas. Horayoth 9b

Are not, then, these two statements contradictory! — R. Huna son of R. Joshua replied: There is really no contradiction, one statement referring¹ to the poor² and the other¹ to the poorest;³ and R. Simeon is of the same opinion as R. Akiba in respect of the one, and disagrees with him in respect of the other. He is of the same opinion as R. Akiba that in respect of the poorest offering the High Priest is exempt,⁴ and disagrees with him in respect of the poor.⁵ WITH THIS EXCEPTION, THAT THE ANOINTED HIGH PRIEST IS NOT LIABLE etc. Hezekiah said; What is A. Simeon's reason?⁶ — Because it is written,⁷ That soul shall be cut off from the midst of the assembly⁸ [which implies that] only he whose offering is like that of the 'assembly' [is liable];⁹ he,¹⁰ however, since his offering is not like that of the 'assembly',¹¹ is excluded. If so, [it may be asked, the offering of] a ruler also is not like that of the 'assembly'!¹² — It is like [that of the 'assembly'] in the atonement of the Day of Atonement. If so, [it may again be asked.] the priests also are not like the 'assembly' in the atonement of the Day of Atonement!¹³ — Priests are like the 'assembly' in respect of the other commandments throughout the year. But the anointed High Priest also is like [the 'assembly'] in respect of the other commandments of the year! — But. said Raba. say thus: He whose sin is like that of individuals; and who are they? The 'assembly'.¹⁴ R. ELIEZER SAID; THE RULER BRINGS A GOAT etc. Said R. Johanan; R. Eliezer referred only to the uncleanness relating to the Sanctuary and its consecrated things¹⁵ because the punishment of kareth was mentioned concerning it as in the case of the fixed sin offering.¹⁶ R. Papa said; Logical argument leads to the same conclusion. For if it be imagined that R. Eliezer referred to all of them.) consider this; Since the goat of a ruler or the bullock of an anointed High Priest corresponds to the sin offering of an individual it should also have been stated that an anointed High Priest brings a bullock in respect of a transgression relating to the 'hearing of the voice' and the 'swearing clearly with the lips'! As, however, the anointed High Priest was not mentioned, it must be concluded that the reference is only to the uncleanness relating to the Sanctuary and its consecrated things from which the anointed High Priest is exempt.¹⁷ R. Huna son of R. Nathan said to R. Papa: How is this inferred? Is it not possible that R. Eliezer refers to all of them,¹⁸ but in the case of an anointed High Priest he holds the same opinion as R. Akiba who maintains that the anointed High Priest is exempt in the case of all of them?¹⁹ — He replied to him; And does R. Akiba exempt him from the bringing of the bullock!²⁰ And there is nothing more [to be said on the subject]. R. Johanan said; R. Eliezer admits that he²¹ does not bring a guilt offering.²² A tanna recited before R. Shesheth: An asham talui²³ is offered for [the unwitting transgression of the law of] uncleanness relating to the Sanctuary and its consecrated things. He said to him: Who could have told you this? Obviously R. Eliezer who²⁴ said: Because kareth was mentioned in connection with it, as in the case of a fixed sin offering, a goat must be offered by the ruler for it,²⁵ but R. Johanan Surely said that R. Eliezer admitted that he²¹ does not bring an asham talui! — This is a difficulty.

CHAPTER III

MISHNAH. IF AN ANOINTED HIGH PRIEST COMMITTED A SIN AND

SUBSEQUENTLY RELINQUISHED²⁶ HIS HIGH PRIESTHOOD,²⁷ AND SIMILARLY IF A RULER COMMITTED A SIN AND SUBSEQUENTLY LOST²⁶ HIS RANK,²⁸ THE ANOINTED HIGH PRIEST BRINGS²⁹ A BULLOCK, AND THE RULER BRINGS A GOAT. IF THE ANOINTED HIGH PRIEST RELINQUISHED²⁶ HIS HIGH PRIESTHOOD²⁷ AND COMMITTED A SIN AFTERWARDS, AND, SIMILARLY, IF A RULER LOST²⁶ HIS RANK AND COMMITTED A SIN AFTERWARDS, THE ANOINTED HIGH PRIEST STILL BRINGS A BULLOCK WHILE THE RULER [BRINGS THE SAME SIN OFFERING] AS A LAYMAN.

GEMARA. Now that it had to be stated [that if a High Priest] relinquished his High Priesthood

(1) Lit., 'here'.

(2) In the case of an offering brought by a poor man (turtledoves or pigeons) the High Priest is liable in respect of 'Hearing of the voice' and 'Swearing with the lips'.

(3) In which case the High Priest is exempt, as deduced supra 9a.

(4) As deduced from who is the offering', supra p. 60.

(5) Though R. Akiba exempts the High Priest in this case also R. Simeon does not, as he does not accept the argument based on the text, 'And the priest shall . . . in any,' loc. cit.

(6) I.e., why does he exempt a High Priest from transgressions relating to uncleanness of the Sanctuary and its consecrated things

(7) In connection with such transgressions. (V. previous site.)

(8) 'Assembly' — congregations'. Num. XIX, 20.

(9) V. p. 63, n. 9.

(10) Lit., 'this', the High Priest.

(11) On the Day of Atonement his offering is a bullock and that of the congregation is a goat.

(12) For a transgressions committed during the year a ruler brings a goat while the congregation brings a bullock. Why, then, was only a High Priest, and not also a ruler excluded?

(13) The offering of the priests is the same as that of the High Priest. Since they, like him, differ from the congregation they also should be exempt like him from the same offering (v. p. 63. n. S).

(14) If individuals, or a congregation, committed a sin through 'error in action', where there was no 'ignorance of the law', every one of them must bring a sin offering. A High Priest, however, is not liable to bring an offering unless his error in action was also accompanied by ignorance of the law.

(15) Only in that case does a ruler bring an offering of a goat instead of a sliding scale sacrifice.

(16) Which is brought by individuals only for offenses involving the penalty of kareth, if committed wittingly; and as in the case of a fixed sin offering, the offering for this offence of uncleanness to be brought by the ruler must be that of a goat. In respect, however, of transgressions relating to 'hearing of the voice' and 'swearing with the lips' which are not subject to the penalty of kareth if committed wilfully. the offering of a ruler, in the case of error, is not a goat but the same as that of a private individual — a sliding scale sacrifice. (9) I.e., that a ruler brings an offering of a goat for 'hearing of the voice', 'swearing', and uncleanness relating to the Sanctuary and its consecrated things.

(17) As suited by R. Simeon in the Mishnah.

(18) V. p. 64, n. 9.

(19) Cf supra p. 60. And he consequently could not have mentioned the High Priest.

(20) He only exempts him from a sliding scale sacrifice. Had R. Eliezer therefore been referring to all the other offenses, he should have mentioned the High Priest as well as the ruler. [There is no warrant for the assumption

that R. Akiba would not exempt the High Priest from bringing a bullock. On the other hand if R. Papa's statement was a mere suggestion, it would be devastating for his claim that logical reasoning is in support of R. Johanan. The words 'He replied bullock' are accordingly suspect, especially as they do not occur in MS.M., v. Tosaf. Asheri.]

(21) The ruler.

(22) MS.M. reads *asham talui*. I.e., he agrees with the Mishnah supra p. 56. without differentiating between a ruler and an ordinary individual.

(23) V. Glos.

(24) In giving the reason why a ruler brings a goat for all offence of uncleanness relating to the Sanctuary and its consecrated things.

(25) And from this the liability to an *asham talui* is obviously deduced.

(26) Lit., 'he passed'.

(27) Lit., 'from his anointing'.

(28) Lit., 'from his greatness'.

(29) As a sin offering.

Talmud - Mas. Horayoth 10a

and committed a sin afterwards he still must bring a bullock, was it also necessary to state [that he brings a bullock] where he sinned first and relinquished his high priesthood afterwards? — Since it was stated¹ in respect of a ruler that if he lost his rank and committed a sin afterwards he brings [the same sin offering] as a layman it stated in respect of an anointed High Priest that if he committed a sin and afterwards relinquished [his high priesthood] he brings a bullock.² Whence are these laws derived? — [From] that which our Rabbis taught: Then let him offer for his sin³ teaches that he⁴ brings his sin offering even [if he sinned] after he relinquished office. For it might have been argued,⁵ if a ruler who brings a sin offering in case of error in action alone does not bring his sin offering⁶ after he lost his rank how much less an anointed High Priest who does not bring his sin offering in case of error in action alone but only where error in action was accompanied by ignorance of the law; hence Scripture expressly stated, 'Then let him offer for his sin,'⁷ which teaches that he brings [the same offering] for his sin even [if he sinned] after he relinquished his office. [And in case it be argued:] Let, then [the law that] a ruler also⁸ brings [the same sin offering]⁹ be deduced by an inference from major to minor:¹⁰ If an anointed High Priest who does not bring a sin offering for error in action alone brings nevertheless [the same] sin offering¹¹ [even if he sinned] after relinquishing office, how much more should a ruler who brings a sin offering for error in action alone, bring the same sin offering¹² [even if he sinned] after losing his rank; Scripture expressly stated, When a ruler sinneth,¹³ only when he is 'a ruler'¹⁴ but not when he is a layman.

MISHNAH. IF THEY¹⁵ COMMITTED A SIN BEFORE THEY WERE APPOINTED, AND WERE SUBSEQUENTLY APPOINTED, THEY ARE REGARDED¹⁶ AS LAYMEN. R. SIMEON SAID: IF THEIR SIN CAME TO THEIR KNOWLEDGE BEFORE THEY WERE APPOINTED THEY ARE LIABLE, BUT IF AFTER THEY WERE APPOINTED THEY ARE EXEMPT. WHO IS MEANT BY RULER? A KING; FOR IT IS STATED IN THE SCRIPTURES, ANY OF ALL THE THINGS WHICH THE LORD HIS GOD HATH COMMANDED,¹⁷ HE ABOVE WHOM THERE IS NONE BUT THE LORD HIS GOD.

GEMARA. Whence are these laws derived? — [From] that which our Rabbis taught: If the anointed priest shall sin,¹⁸ excludes sins committed previously.¹⁹ Could not this law, however, be arrived at by logical reasoning: If a ruler who brings a sin offering for error in action alone does not bring one for sins committed previously,²⁰ how much less should a High Priest, who brings a sin offering only where error in action was accompanied by ignorance of the law, bring one for sins committed previously! But no; if this²¹ is said to apply to a ruler who indeed does not bring his sin offering after he lost his rank, could it be said to apply also to an anointed High priest who does bring his sin offering even after he relinquished office?²² Since he brings his sin offering even after relinquishing office it might have been assumed that he brings also for sins committed previously,¹⁹ hence Scripture stated, 'The anointed priest shall sin'¹⁸ [which teaches that] if he sinned while he was already anointed High Priest he brings [the prescribed sin offering], if, however, when he was still one of the common people he does not bring it. A similar discussion also took place²³ in respect of a ruler: When in ruler sinneth²⁴ excludes sins he committed previously.¹⁹ Could not this law, however, be arrived at by logical reasoning: If an anointed High Priest who brings his sin offering even [if he sinned] after he relinquished office does not, nevertheless, bring one for sins he committed previously,¹⁹ how much less should a ruler who does not bring his sin offering²⁵ [if he sinned] after he lost his rank, bring one for sins he committed previously. The anointed High Priest [it may, however, be retorted] may well be exempt from bringing²⁶ because he is also exempt [where his sin consisted] of error in action alone, could it be said, however, [that the same law should apply] to a ruler who does bring one [where his sin consisted] of error in action alone? Now, since he brings 'for error in action alone it might be assumed that he brings also for sins he committed previously,²⁷ hence Scripture stated, 'When a ruler sinneth,'²⁸ only if he sinned when he was already ruler,²⁹ but not if he sinned while he was still a layman. Our Rabbis taught: When³⁰ a ruler sinneth³¹ might have been taken to imply a decree, hence Scripture stated, If the anointed priest shall sin,³² as there the meaning is 'if and when³³ he sinneth' so here also the meaning is 'if and when he sinneth'. The Master said, '[It] might have been taken to imply a decree'; but could one possibly imagine such a thing!³⁴ — Yes, it may be answered, for we find that it is written in the Scripture, And I shall put the plague of leprosy in a house of the land of your possession,³⁵ which is an announcement to them that they will be visited by plagues; these are the words of R. Judah. R. Simeon said: [This text] excludes³⁶ plagues due to supernatural causes.³⁷ Now, as³⁸ R. Judah declared [that the Scriptural text is] an announcement, so here also it might have been assumed that the text implies a decree, hence 'if' had to be written.³⁹ According to R. Simeon, however, do not plagues that are due to supernatural causes impart Levitical uncleanness? Surely it was taught, When a man shall have,⁴⁰ implies 'from the time of the promulgation onwards'.⁴¹ May not this, however, be arrived at by logical deduction? Uncleanness [is mentioned in connection] with one who has an issue,⁴² and uncleanness [is mentioned in respect] of plagues; as in the case of a man who has an issue, [the laws of uncleanness are applicable only] from the time of their promulgation onwards,⁴³ so in the case of plagues [their laws of uncleanness are applicable only] from the time of their promulgation onwards! No; if [this restriction] is applicable to a man who has an issue, because he does not become unclean where it was due to accident, could it also be said to apply to plagues which do impart uncleanness even where they were due to supernatural causes.⁴⁴ Hence Scripture stated, 'When a man shall have'⁴⁵ which implies, 'from the time of the promulgation onwards'!⁴⁶ — Raba replied: The exclusion⁴⁷ refers to plagues that are due to ghosts,⁴⁸ R. Papa replied: The exclusion refers to plagues that are due to witchcraft.⁴⁸ Our Rabbis taught: When in ruler sinneth⁴⁹ excludes

a sick man. Should he, because he is, sick, be removed from his rank? — R. Abdimi b. Hama replied: The exclusion refers to a ruler who became leprous; as it is said, And the Lord smote the king, so that he was a leper unto the day of his death, and dwelt in the house of freedom,⁵⁰ and Jotham the king's son wins over the household.⁵¹ Since it is stated, In the house of freedom⁵⁰ it must be inferred that until then he was a servant;⁵² as is illustrated in the case⁵³ of R. Gamaliel⁵⁴ and R. Joshua.⁵⁵ They once traveled on board a ship. R. Gamaliel had with him some bread only, while R. Joshua had with him bread and flour. When R. Gamaliel's bread was consumed he depended on R. Joshua's flour. 'Did you know', the former asked him, 'that we should be so much delayed that you brought flour with you?' The latter answered him, 'A certain star rises once in seventy years and leads the sailors⁵⁶ astray, and I suspected it might rise and lead us astray.' 'You possess so much knowledge', the former said to him, 'and yet must travel on board a ship!'⁵⁷ The other replied, 'Rather than be surprised at me, marvel at two disciples you have on land, R. Eleazar Hisma and R. Johanan b. Gudgada,⁵⁸ who are able to calculate how many drops there are in the sea, and yet have neither bread to eat nor raiment to put on. He decided to appoint them as supervisors,⁵⁹ and when he landed⁶⁰ he sent for them, but they did not come.⁶¹ He sent for them a second time and when they came he said to them, 'Do you imagine that I offer you rulership?

(1) Lit., 'that it taught'.

(2) Text of cur. edd. is difficult. Read with MR.M. 'It was necessary to state it on account of a ruler. As I might think since where he had passed from his greatness and then sinned he is treated as a layman, he should be also considered so even where he first sinned and then passed from his greatness, hence we are told that this is not so.']

(3) Lev. IV, 3.

(4) A High Priest.

(5) Lit., 'for he could, is it not (a matter for) reasoning'.

(6) I.e., a he-goat which is the prescribed sin offering for a ruler.

(7) Lev. IV, 3.

(8) Where he sinned after he lost his rank.

(9) A he-goat. V. supra note 2.

(10) Kal wa-homer. V. Glos.

(11) A bullock, as if he were still High Priest.

(12) V. supra note 2.

(13) Lev. IV, 22.

(14) Does he bring the sin offering of a he-goat.

(15) A High Priest and a ruler.

(16) In respect of their sin offerings.

(17) Lev. IV, 22.

(18) Ibid. 3.

(19) Prior to his appointment.

(20) V. infra.

(21) That no sin offering is to be brought for sins committed prior to appointment.

(22) As stated in the previous Mishnah.

(23) Lit., 'and it was also taught'.

(24) Lev. IV, 22.

(25) A he-goat which is the ruler's prescribed sin offering.

- (26) A bullock, the sin offering prescribed for a High Priest. (10) A he-goat which is the ruler's prescribed sin offering.
- (27) Prior to his appointment.
- (28) Emphasis on 'ruler'.
- (29) Only then does he bring the sin offering prescribed for a ruler.
- (30) **rat** may be rendered 'when' (i.e., 'if') as well as 'that', (i.e., 'shall').
- (31) Lev. IV, 22.
- (32) Ibid. v. 3.
- (33) The expression 'if', (im, **ot**) having been used.
- (34) Lit., 'a decree? Whence does it come!'
- (35) Lev. XIV, 34.
- (36) From Levitical uncleanness.
- (37) [**ihxbut hgdb**] So Rashi. The argument that follows, however, does not run smoothly: Tosaf. Asheri in the name of the Ramah renders, 'due to accident,' it being assumed at present that the reference is to bodily plagues as those affecting houses were held to be possible only as a result of a providential infliction.]
- (38) Lit., 'not'.
- (39) The expression 'if' (**ot**).
- (40) Lev. XIII, 2.
- (41) But any plagues that broke out prior to the promulgation of the law were not subject to the laws of uncleanness
- (42) V. Lev. XV, 2ff.
- (43) Since the future (imperfect) **vhv** is used in Lev. XV, 2. V. supra p. 69, n. 15.
- (44) [Or 'to accident'.]
- (45) Lev. XIII, 2.
- (46) How, then, could it be said that, according to R. Simeon, plagues that are due to supernatural causes (or to accidents) are not subject to the laws of uncleanness?
- (47) Deduced by R. Simeon.
- (48) Such are not unclean: while in the Baraitha cited the reference is to plagues that are due to external violence such as a fall or scald which do impart uncleanness. [According to Tosaf. Asheri: Such are not unclean, while in the Baraitha cited the reference is to plagues of houses inflicted providentially, and as such impart uncleanness, it being now maintained that there is an additional agency apart from a special act of Providence for the infliction.]
- (49) Lev. IV, 22.
- (50) , **hcc** , **hapj v** (E.V. 'in a house set apart'), indicating that he became freed of all royal prerogatives and privileges and considered an ordinary individual.
- (51) II Kings XV, 5.
- (52) Of his people, i.e., a ruler.
- (53) Lit., 'that'.
- (54) [R. Gamaliel II on his journey to Rome in the year 95.]
- (55) Which proves that a person in authority is described as 'servant'.
- (56) Who steer their course by the stars. [The star with which R. Joshua was acquainted has been identified as Halley's comet whose periodic time is about 75 years. Brodetsky, Z. disputes this view, since one of the periodic returns of Halley's comet was in the year 66, whereas the journey of R. Gamaliel to Rome was in the year 95. It remains nevertheless remarkable that the periodic time of at least one comet was known to R. Joshua in the second century, about 1500 years before this phenomenon became known even to the most civilized nations. V. Feldman, W.M. Rabbinical Mathematics, pp. 11 and 216.]
- (57) To earn a livelihood.

(58) [R. Johanan b. Gudgada belonged to a much earlier generation, and the reference must be in R. Johanan b. Nuri, v. Bacher AT., I, 374.]

(59) Thus enabling them to earn a living.

(60) Lit., 'went up', i.e., on land.

(61) being too modest to accept a position of honor.

Talmud - Mas. Horayoth 10b

It is servitude that I offer you; as it is said, And they spoke to him saying: If thou wilt be a servant unto this people this day.¹ Our Rabbis taught: When a ruler sinneth,² R. Johanan b. Zakkai said: Happy³ is the generation whose ruler brings a sacrifice for a sin he has committed unwillingly. If its ruler brings a sacrifice, is there any need to say what one of the common people would do; and if he brings a sacrifice for a sin he has committed unwillingly, is there any need to say what he would do in case of a sin committed wilfully? Raba son of Rabbah demurred: Now, then, it is written, And he shall make restitution for that which⁴ he hath done amiss in the holy thing,⁵ and concerning Jeroboam the son of Nebat it is written, Which⁴ he hath sinned, and wherewith⁶ she hath made [Israel] to sin,⁷ could the meaning there⁸ also be, 'happy is that generation'? — Here the case is different, because Scripture deliberately changed the expression.⁹ R. Nahman b. Hisda made the following exposition: What is meant by the Scriptural text: There is a vanity which is done upon the earth: [That⁴ there are righteous men, unto whom it happeneth according to the work of the wicked; again there are wicked men to whom it happeneth] etc?¹⁰ Happy¹¹ are the righteous men unto whom it happeneth in this world according to the work of the wicked in the world to come;¹² woe¹³ to the wicked men to whom it happeneth in this world according to the work of the righteous in the world to come.¹⁴ Said Raba: Would the righteous, then, if they enjoyed both worlds find it so distasteful? — But, said Raba, happy¹¹ are the righteous men unto whom it happeneth in this world according to the work of the wicked in this world;¹⁴ woe¹³ to the wicked men unto whom it happeneth in this world according to the work of the righteous in this world.¹² R. Papa and R. Huna son of R. Joshua once came before Raba. 'Have you', he asked them, 'mastered¹⁵ this or that tractate?' 'Yes', they replied. 'Are you', he asked, 'a little better off?'¹⁶ 'Yes', they replied, 'for we have bought some¹⁷ land.' He, thereupon, exclaimed:¹⁸ Happy are the righteous unto whom it happeneth in this world according to the work of the wicked in this world. Rabbah b. Bar Hana said in the name of R. Johanan: What is meant by the Scriptural text, For the ways of the Lord are right, and the just do walk in them; but transgressors do stumble therein?¹⁹ This may be applied²⁰ to two men both of whom roasted their paschal lambs, and one of them ate his with the intention of performing the commandment, while the other ate his merely to enjoy a substantial meal.²¹ To him who ate with the intention of performing the commandment [applies], The just do walk in them,²² while to him who ate merely to enjoy a substantial meal [applies], But transgressors do stumble therein.²² Said Resh Lakish to him: Do you call him 'wicked'? Granted he has not performed the commandment to perfection, has he not, however, eaten of the paschal lamb? But it²² may be applied²³ to two men, one of whom had his wife and his sister with him at home and the other also had his wife and sister with him at home. One happened to come in contact with his wife while the other happened to come in contact with his sister. To him who happened to come in contact with his wife [applies] The just do walk in them,²² while to him who happened to come in contact with his sister [applies], But transgressors do stumble therein.²² What a comparison! We spoke of one way,²⁴ but here, is it not a case of two

ways?²⁵ But it²² may be applied²³ to Lot and his two daughters. To them, whose intention was the performance of a commandment [applies], The just do walk in them,²² but to him, since his intention was to commit a sin [applies], But transgressors do stumble therein.²² Is it not possible that he also intended to perform a commandment? R. Johanan replied: This entire verse shows that his intention was transgression: And Lot lifted up²⁶ [is analogous to], His Master's wife lifted up her eyes;²⁷ His eyes²⁶ [is analogous to] Samson said. . . . 'Get her for me, for she is pleasing in my eyes;²⁸ And beheld²⁶ [is analogous to], Shechem the son of Hamor beheld her;²⁹ All the plain³⁰ of the Jordan²⁶ [is analogous to], For on account of a harlot in man is brought to a loaf³⁰ of bread;³¹ That it was well watered²⁶ [is analogous to], I will go after my lovers, that give me my bread and my water, my wool and my flax, mine oil and my drink. But was he³² not a victim of circumstances?³³ — It was taught in the name of R. Jose son of R. Honi: Why is there a point on the waw of u-be-kumah³⁴ mentioned in connection with the elder daughter? To indicate that though he did not know when she lay down³⁵ he well knew when she arose.³⁵ What, however, could he do?³⁶ Surely what was done could not be undone?³⁷ — Matters might have been different: He should not have drunk again on the following evening. Rabbah made the following exposition: What is meant by the Biblical text, A brother transgressed against a strong city, and their contentions are like the bars of a castle?³⁸ — A brother transgressed against a strong city refers to Lot who separated himself from Abraham;³⁹ and their contentions are like the bars of the castle, because he caused contentions between Israel and Ammon, as it is said, An Ammonite or a Moabite shall not enter into the assembly of the Lord.⁴⁰ Raba (others say R. Isaac) made the following exposition: What is the meaning of the Biblical text, He that separateth himself seeketh his own desire, and snarleth against all sound wisdom?⁴¹ — He that separateth himself seeketh his own desire, refers to Lot who separated himself from Abraham: And snarleth⁴² against all sound wisdom, for his shame was exposed⁴³ in the Synagogues and in the houses of study, as we learnt: An Ammonite and a Moabite are forbidden [to enter into the assembly] for ever. 'Ulla said: Tamar⁴⁴ committed adultery and Zimri⁴⁵ also committed adultery. Tamar committed adultery and kings and prophets descended from her;⁴⁶ Zimri committed adultery and through him many ten thousands of Israel fell.⁴⁷ R. Nahman b. Isaac said: A transgression with good intent is more meritorious than the performance of a commandment with no intent; for it is said, Blessed above women Jael be,⁴⁸ the wife of Heber the Kenite, above women in the tent shall she be blessed.⁴⁹ Who are the women in the tent? Sarah, Rebeka, Rachel and Leah. But this⁵⁰ is not so! For did not Rab Judah say in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive may be ulterior,⁵¹ because even ulterior motive will ultimately lead to disinterested [study and performance]?⁵² Say. 'Like the meaningless performance of a commandment.'⁵³ R. Johanan said: That profligate⁵⁴ had seven sexual connections at that hour; for it is said, Between her feet he sunk, he fell. he lay etc.⁵⁵ But, surely, she enjoyed the transgression! — R. Johanan said in the name of R. Simeon b. Yohai: Even the favours of the wicked are distasteful to the righteous. [Reverting to] the above text,⁵⁶ 'Rab Judah said in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive be ulterior, because ulterior motive will ultimately lead to disinterested [study and performance];'⁵⁷ for as a reward for the forty-two sacrifices which the wicked Balak offered⁵⁸ he gained the privilege of having Ruth descended from him; for R. Jose son of R. Hanina said: Ruth was the daughter of the son of Eglon who was the son of the son of Balak the King of Moab. R. Hiyya b. Abba said in the name of R. Johanan: Whence is it deduced that the Holy One, blessed be He, does not deprive one even of the reward for an elegant

expression? From here: Whereas in the case of the elder daughter,⁵⁹ who called her son Moab,⁶⁰ the All Merciful said to Moses, Be not at enmity with Moab, neither contend with them in battle,⁶¹ ‘battle’

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- (1) I Kings XII, 7, addressed by the old counsel lots to Rehoboam who was at that time King of Judah and Israel.
 - (2) Lev. IV, 22.
 - (3) When, **rat**, is rendered ‘happy’ like **hrat**.
 - (4) **rat**.
 - (5) Lev. V, 16.
 - (6) **ratu**
 - (7) I Kings XIV. 16.
 - (8) Lit., ‘here’: the incidents referred to in the texts cited.
 - (9) While in the case of the High Priest (Lev. IV, 3) and the people (ibid. v. 13) the expression **ot** (if) has been used, in that of the ruler the expression is **rat** (v. supra p. 71, n. 9).
 - (10) Eccl. VIII, 14.
 - (11) Cf. p. 71, n. 9.
 - (12) They suffer.
 - (13) **ahu** read as **ah hu** (woe that there is).
 - (14) They prosper.
 - (15) Lit., ‘established’.
 - (16) Lit., ‘richer’.
 - (17) Lit., ‘a small (piece)’.
 - (18) Lit., ‘called about them’.
 - (19) Hos. XIV, 10.
 - (20) Lit., ‘compared’.
 - (21) [Or, a gluttonous meal, Tosaf. Asheri.]
 - (22) Hos. XIV, 10.
 - (23) Lit., compared’.
 - (24) In which the righteous walk and the transgressors stumble.
 - (25) One permitted (wife); and one forbidden (sister).
 - (26) Gen. XIII, 10.
 - (27) Ibid. XXXIX, 7. With immoral intent.
 - (28) Jud. XIV, 3. Unholy marriage with a heathen.
 - (29) Gen. XXXIV, 2. Adultery.
 - (30) **rff**.
 - (31) Prov. VI, 26. (12) Hos, II, 7.
 - (32) Lot.
 - (33) Having been under the influence of drink administered by his daughters (v Gen. XIX, 32ff).
 - (34) **vnucci** Gen. XIX. 33.
 - (35) Ibid.
 - (36) When she arose.
 - (37) Lit., ‘that which was, was’.
 - (38) Prov. XVIII, 19.
 - (39) V. Gen. XIII, 11. ‘Strong’ is a reference to Abraham (cf. Isa. LI, 1-2).
 - (40) Deut. XXIII, 4.

- (41) Prov. XVIII, 1.
- (42) **gkd, h**.
- (43) **vk d, b** (rt. **vk d** resembles **gkd**).
- (44) V. Gen. XXXVIII, 13ff.
- (45) V. Num. XXV, 6ff and 14.
- (46) Her motive was not gratification but the propagation of her tribe.
- (47) This was a case of common adultery.
- (48) Though she committed a sin (v. infra), her intention was to weaken and exhaust the wicked.
- (49) Jud. V, 24.
- (50) That a meaningless performance of a commandment is worse than a well-meant transgression and must, consequently, be discouraged.
- (51) Lit., 'not for its sake'.
- (52) Which shows that even meaningless performance of a commandment is to be encouraged.
- (53) I.e., not more, but a, meritorious.
- (54) Sisera,
- (55) Jud. V, 27. Each of the expressions, he sunk (**grf**), and he fell (**kpb**) occurs three times, and he lay (**cfa**), occurs once.
- (56) So in Naz. 23b.
- (57) [This is based on the sound psychologic principle that 'personal experience with the good will induce recognition of its ideal value and teach that it is to be esteemed and sought for its own sake.' Lazarus, M. The Ethics of Judaism, I, p. 173.]
- (58) Seven bullocks and seven rams on each of three altars, V. Num, XXIII, 1f., 14, 29ff.
- (59) Of Lot.
- (60) Meaning 'from the father', thus publicly announcing her indecent act.
- (61) Deut. II, 9.

Talmud - Mas. Horayoth 11a

only must not [be contended with them] but annoying them was well permitted; in the case, however, of the younger daughter, who called her son Ben-ammi,¹ He told him, Harass them not, nor contend with them² at all, even annoying them was not permitted. R. Hiyya b. Abin said in the name of R. Joshua b. Korha: One should always perform a good deed³ as early as possible, for as a reward for the one night by which she⁴ anticipated the younger⁵ the elder⁵ gained the privilege of royal status [in Israel]⁶ four generations earlier.⁷ Our Rabbis taught: Of the common people⁸ excludes an anointed High Priest;⁹ 'of the common people' excludes a ruler.⁹ Have not these been once excluded, the anointed High Priest having been subjected to the offering¹⁰ of a bullock and the ruler to that¹⁰ of a he goat? — Since it might have been assumed that an anointed High Priest brings a bullock only where ignorance of the law was accompanied by error in action but where there was error in action alone he brings a lamb or a she-goat,¹¹ hence it was expressly stated, 'of the common people,' to exclude an anointed High Priest,¹² 'of the common people', to exclude a ruler. This reply satisfactorily explains the case of the anointed High Priest, but as regards that of the ruler, he, surely, does bring [his particular] offering even where there was only error in action!¹³ — R. Zebid replied in the name of Raba: Here it is a case¹⁴ where he ate, for instance, suet of the size of an olive¹⁵ while he was still a commoner, then he was appointed to rulership and then his transgression came to his knowledge;¹⁶ it might have been assumed that he must

bring a lamb or a she goat,¹⁷ hence it was stated [that the law was not so].¹⁸ This explanation is quite satisfactory according to R. Simeon who is guided by¹⁹ [the time the sin was brought to his] knowledge;²⁰ what, however, can be said according to the Rabbis who are guided by [the time] the sin was committed?²¹ — But, said R. Zebid in the name of Raba, here it is a case¹⁴ where he ate, for instance, suet of the size of half an olive while he was a commoner and then he was appointed to rulership and finished it,²² and after that his transgression came to his knowledge; since it might have been assumed that these²³ are combined²⁴ and he must bring an offering of a lamb or a she goat, hence it was stated [that the law was not so].²⁵ Raba enquired of R. Nahman: Does rulership constitute a break? How is this to be understood? Where a man, for instance, ate suet of the size of half an olive while he was commoner, then he was appointed to rulership, and when he relinquished office he finished it;²² are [the two halves] in the previous case²⁶ not combined merely because he ate the one half when he was a commoner and the other when he was ruler, but in this case,²⁷ since he ate both halves²⁸ when he was a commoner, the two are combined, or is there perhaps no difference? — This may be solved from the following: For ‘Ulla said in the name of R. Johanan: If a man having eaten suet had set aside a sacrifice,²⁹ and then changed his faith and subsequently retracted, his offering, since it had been suspended,³⁰ must remain so for ever.³¹ How now! An apostate is not a person qualified to bring a sacrifice, but this ruler is, surely, one who is well qualified to bring a sacrifice. R. Zera enquired of R. Shesheth: What is the law if, while a commoner, [the ruler]³² ate something concerning which there is doubt as to whether it was not suet,³³ and having been appointed to rulership the doubt came to his knowledge?³⁴ According to the Rabbis who are guided by the time the sin was committed³⁵ there can be no question that he must bring an asham talui; the question, however, arises according to R. Simeon; does the change³⁶ affect a case of doubt as it does one of certainty³⁷ or does it, perhaps, affect a case of certainty only, because the ruler has to bring a different sacrifice,³⁸ but here, since his sacrifice does not change,³⁹ it might be said that he must bring an asham talui? — This remains undecided.⁴⁰ Our Rabbis taught: Of the common people⁴¹ excludes an apostate.⁴² R. Simeon b. Jose said in the name of R. Simeon: [And doeth through] error [any of all the things] which [the Lord his God hath commanded] not to be done, and is guilty⁴³ implies that only he who repents when he becomes conscious of his sin brings a sacrifice for his error, but he who does not repent on becoming conscious of his sin does not bring a sacrifice for his error. What practical difference is there between them?⁴⁴ — R. Hamnuna replied: The difference between them lies in the case of one who, being an apostate in respect of the eating of suet, brings a sacrifice for eating blood; the Masters hold that since he is an apostate in respect of the eating of suet he is also regarded as an apostate in respect of the eating of the blood,⁴⁵ while the Master holds that in respect of blood, at least, he repents when he becomes conscious of his sin.⁴⁶ But, surely, Raba stated that all agreed that an apostate in respect of the eating of suet is not regarded as an apostate in respect of the blood! — But here they⁴⁴ differ in regard to one who eats carrion⁴⁷ to satisfy his appetite,⁴⁸ and suet was mistaken by him for permitted fat and he ate it;⁴⁹ the Masters are of the opinion that, as he would have eaten it to satisfy his appetite even wilfully,⁵⁰ he is treated as an apostate,⁴⁵ while the Master is of the opinion that, as he does not eat forbidden food when he can obtain permitted food, he is not regarded as an apostate.⁵¹ Our Rabbis taught: He who eats suet is considered an apostate; and who is an apostate?⁵² He who eats meat that is nebelah or trefa,⁵³ loathsome creatures or reptiles; or he who drinks wine of libation.⁵⁴ R. Jose son of⁵⁵ R. Judah said: Also he who wears a garment made of wool and linen mingled together.⁵⁶ The Master said: ‘He who eats suet is considered an apostate; and who is an

apostate? He who eats the meat that is nebelah or trefa.’ What does this mean?⁵⁷ — Rabbah b. Bar Dana replied in the name of R. Johanan: It is this that was meant: If a man eats suet merely in order to satisfy his appetite he is considered an apostate, but if in defiance of the law he is considered a Sadducee.⁵⁸ And which apostate, in the absence of declared motive, is to be regarded a Sadducee? He who⁵⁹ eats the meat of animals that is nebelah or trefa, loathsome creatures or reptiles, or he who drinks wine of libation.⁶⁰ ‘R. Jose son of R. Judah said: Also he who wears a garment made of wool and linen mingled together.’ What is the practical difference between them?⁶¹ — The difference between them is the case of a mingled texture forbidden only Rabbinically; the Masters hold the opinion that only when something is Biblically forbidden is he [who disregards it] to be deemed an apostate but if it is only Rabbinically forbidden one is not to be deemed an apostate; while the Master is of the opinion that in respect of a mingled texture, since its prohibition is well known, one is deemed an apostate [if he disregards it] even though the prohibition is only Rabbinical. [Concerning this law] there is a dispute between R. Aha and Rabina. One maintains [that he who eats forbidden food] in order to satisfy his appetite is deemed an apostate, but if in defiance of the law he is deemed to be a Sadducee; and the other maintains that even in defiance of the law he is deemed an apostate; but who is a Sadducee? He who worships idols. An objection was raised: ‘If he ate one flea or one gnat he is considered an apostate;’ in this case, surely, he acted in defiance of the law⁶² and yet he is called an apostate! — There it is a case where he said, ‘I would like to feel the taste of forbidden food.’⁶³ WHO IS MEANT BY RULER? A KING etc. Our Rabbis taught: A ruler⁶⁴ might signify the ruler of a tribe, like Nahshon the son of Amminadab, hence it was stated, Of all the things which the Lord his God hath commanded,⁶⁵ and further on it stated, That he may learn to fear the Lord his God,⁶⁶

(1) I.e., ‘son of my people’, thus displaying some modesty.

(2) Ibid. v. 19.

(3) Lit., ‘to a matter of commandment’.

(4) Lit., ‘the elder’,

(5) Daughter of Lot.

(6) So in Naz. 23b.

(7) From the elder daughter descended Ruth the ancestress of Obed, Jesse, David and Solomon (v. Ruth IV, 21f), while from the younger descended Naamah the mother of Rehoboam (v. I Kings XIV, 31) the first King of Judah.

(8) Lev. IV, 27.

(9) Whose sin offering is not to be that of a goat or a lamb as prescribed in that section for laymen.

(10) Lit., ‘to be judged’.

(11) As a layman.

(12) Who is not to bring a sin offering for error in action alone.

(13) What, then, does the text exclude?

(14) Lit., ‘in what are we engaged’?

(15) The minimum quantity for which an offering is due.

(16) Lit., ‘and afterwards it was known to him’.

(17) His sin having been committed while he was still one of the common people.

(18) His appointment to office exempts him from the offering of the commoner.

(19) Lit., goes after’.

(20) I.e., the nature of the offering is determined by the status of the sinner at the time he becomes aware of his sin: not by that in which he was at the time of its commission, v. supra 10a.

- (21) The ruler, surely, having been a commoner at the time of the commission of the sin would have to bring the offering of the layman.
- (22) Eating suet of the size of another half an olive and thus completing the prescribed minimum (v. supra p. note 2).
- (23) The two halves.
- (24) To form together the prescribed minimum.
- (25) The two halves are not to be combined.
- (26) Lit., 'there'.
- (27) Lit., 'here'.
- (28) Lit., 'this and this'.
- (29) An offering for his sin.
- (30) During the period of his apostasy when no offering would be accepted at his hands.
- (31) Lit., 'shall be suspended'.
- (32) The same question applies mutatis mutandis to a High Priest.
- (33) He being unaware of the doubtful nature of the food.
- (34) Has he to bring an asham talui (v. Glos.)?
- (35) V. supra, p. 77 notes 6-8.
- (36) Of the personal status of the sinner.
- (37) As in the case of certain sin he is entitled to exemption from the offering prescribed for a commoner on attaining to rulership, so should he be exempt in the case of doubtful sin.
- (38) As commoner he had to bring a she goat or a lamb; as ruler he has to bring a he goat.
- (39) Both ruler and commoner having to bring the same kind of offering for a doubtful sin.
- (40) V. Glos. s.v. teko.
- (41) Lev. IV, 27; emphasis on of, i.e., some of and not all.
- (42) From whom no sacrifice is accepted.
- (43) Lev. IV, 22.
- (44) The Rabbis and R. Simeon.
- (45) Hence no sacrifice whatsoever may be accepted from him.
- (46) If, then, he brings a sacrifice as an atonement for having eaten blood it is to be accepted.
- (47) **vkcb**, the meat of an animal that has not been ritually slaughtered.
- (48) I.e., not just in defiance of the law.
- (49) Believing that he was eating permitted food; and when he discovered his error he desired to bring a sin offering.
- (50) Even if he had known it to be suet.
- (51) And his sacrifice must be accepted.
- (52) The meaning of the question is explained infra.
- (53) V. Glos.
- (54) **lxb ihh** wine that is known, or suspected, to have been consecrated to an idol.
- (55) Cur. edd. omit.
- (56) **ohtkf**, V. Lev. XIX, 19.
- (57) First a definition of apostate is given and then it is asked what is an apostate!
- (58) [Read with MS.M., Min, a general term for sectarian, heretic, not necessarily a Jewish Christian; v. A. Z. (Sonc. ed.) p. 14, n. 2.]
- (59) Lit., 'be saying'.
- (60) [These are supposed to be unfit for human consumption, trefa denoting here meat of an animal afflicted with a

disease which renders it unwholesome for food even as carrion and other loathsome creatures and reptiles. As to wine of libation, it is the gravity of the prohibition which branded the offender as an apostate; v. Tosaf. Asheri.]

(61) The Rabbis (first Tanna), and R. Jose.

(62) Since no man would eat such unwholesome things to satisfy his appetite.

(63) And no defiance was intended.

(64) Lev. IV, 22.

(65) Lev. IV, 22.

(66) Deut. XVII, 29.

Talmud - Mas. Horayoth 11b

as further on the reference is to him¹ who has none above him save the Lord his God so in the case of the ruler the reference is to him above whom there is none save the Lord his God. Rabbi enquired of R. Hiyya: 'Is one like myself to bring a he-goat?'² 'You have your rival in Babylon,'³ the other replied. 'The Kings of Israel and the Kings of the House of David,' the first objected, 'bring sacrifices independently of one another!' 'There,' the other replied, 'they were not subordinate to one another, here,⁴ however, we are subordinate to them.'⁵ R. Safra taught thus: Rabbi enquired of R. Hiyya, 'Is one like myself to bring a he-goat?'² 'There,'⁶ the other replied, 'is the scepter; here⁴ only the law giver;' as it was taught. The scepter shall not depart from Judah⁷ refers to the exilarch in Babylon who rules Israel with the scepter; nor the ruler's staff from between his feet⁷ refers to the grandchildren of Hillel⁸ who teach the Torah to Israel in public.⁹

MISHNAH. AND WHO IS THE ANOINTED HIGH PRIEST!¹⁰ HE WHO WAS ANOINTED WITH THE ANOINTING OIL¹¹ AND NOT HE [WHO MERELY MINISTERS] IN MORE GARMENTS.¹² THE ONLY DIFFERENCE BETWEEN A HIGH PRIEST WHO IS ANOINTED WITH THE ANOINTING OIL AND THE [ONE WHO MERELY MINISTERS] IN MORE GARMENTS IS THE BULLOCK¹³ THAT IS OFFERED FOR [THE UNWITTING TRANSGRESSION OF] ANY OF THE COMMANDMENTS.¹⁴ AND THE ONLY DIFFERENCE BETWEEN THE ACTING, AND THE RETIRED¹⁵ HIGH PRIEST IS THE BULLOCK ON THE DAY OF ATONEMENT AND THE TENTH PART OF THE EPHAH.¹⁶ THEY¹⁷ ARE BOTH EQUAL IN THE TEMPLE SERVICE OF THE DAY OF ATONEMENT, AND BOTH ARE COMMANDED TO MARRY A VIRGIN¹⁸ AND ARE FORBIDDEN TO MARRY A WIDOW.¹⁹ BOTH MAY NOT DEFILE THEMSELVES FOR [THE DEAD BODIES OF] THEIR RELATIVES,²⁰ NEITHER MAY THEY LET THEIR HAIR GROW WILD, NOR MAY THEY REND²¹ THEIR CLOTHES, AND BOTH ENABLE THE MANSLAYER TO RETURN.²²

GEMARA. Our Rabbis taught: The anointing oil which Moses prepared in the wilderness²³ was used for the boiling of²⁴ the roots;²⁵ these are the words of R. Judah. R. Jose said: Surely it did not suffice even for the dabbing of the roots!²⁶ But the roots were soaked in water and over its surface the oil was poured, which thus absorbed the scent and retained it. Said R. Judah to him: Did, then, only one miracle happen with the anointing oil? Surely, it was originally only twelve logs and with it was anointed the Tabernacle and its furniture, Aaron and his sons, throughout the seven days of consecration, and all of it still remained intact for the time to come, as it is said, This shall be a holy anointing oil unto Me throughout your generation.²⁷ Another

[Baraita] taught: And Moses took the anointing oil, and anointed the tabernacle and all that was therein,²⁸ R. Judah said: With the anointing oil which Moses prepared in the wilderness there occurred many miracles from the beginning to the end. Originally it only measured twelve logs. Now, consider how much the pot absorbed, how much the roots absorbed, and how much the fire burned, and yet it sufficed for the anointing of²⁹ the Tabernacle and its furniture, and Aaron and his sons, throughout the seven days of consecration; and High Priests and kings also were anointed with it. And even a High Priest who was the son of a High Priest must be anointed,³⁰ but a king who was the son of a king need not be anointed. And if it be asked: Why was Solomon anointed?³¹ It was due, [it may be replied], to the dispute of Adonijah; and so was Joash anointed on account of the claims of Athaliah, and Jehoahaz on account of Jehoiakim who was older than he by two years; and that oil remains for the time to come, as it is said, This shall be a holy anointing oil unto Me throughout your generations,³² the numerical value of Zeh³³ is twelve — logs. The Master said, ‘And even a High Priest who is the son of a High Priest must be anointed.’ Whence is this deduced? — [From the Scriptures] wherein it is written, And the anointed priest that shall be in his stead from among his sons;³⁴ Scripture should have stated, ‘And the priest that shall be in his stead³⁵ from among his sons,’ why, then, the anointed? Consequently it must have been intended to imply³⁶ that even the son³⁷ of a High Priest succeeds to his father's office only if he was anointed: otherwise³⁸ he does not. The Master said, ‘But a king who is the son of a king need not be anointed.’ Whence is this deduced? R. Aha b. Jacob replied: [From Scripture] wherein it is written, To the end that he may prolong his days in his kingdom [he and his children] etc.³⁹ which implies that the kingship is an inheritance.⁴⁰ Whence is it deduced that in cases of dispute anointing is required, and that the king is not entitled to transmit the kingship as he desires? — R. Papa replied: Scripture stated, He and his children in the midst of Israel,⁴¹ only when there is peace in Israel may the text, He and his children, be applied to him even though no anointing had taken place. A Tanna taught: Jehu the son of Nimshi also was anointed only on account of the dispute of Joram. This surely could have been deduced from the fact that he was the first of a dynasty! — There is a lacuna in the text and the following should be inserted: ‘The kings of the House of David were anointed: the kings of Israel were not anointed.’⁴² Whence is this deduced? — Raba replied: Scripture stated, Arise, anoint him; for this is he, etc.,⁴³ only he requires anointing but no other [who is not of the Davidic dynasty] requires anointing. The Master said, ‘Jehu the son of Nimshi also was anointed only on account of the dispute of Joram.’ Is it permissible to make inappropriate use⁴⁴ of the sacred oil on account of the dispute of Joram the son of Ahab? — As R. Papa said elsewhere⁴⁵ that the anointing was performed with pure balsam,⁴⁶ so here also it was performed with pure balsam. ‘And Jehoahaz on account of Jehoiakim who was older than he by two years.’ But was he older than he? Surely it is written, And the sons of Josiah: the firstborn Johanan, the second Jehoiakim, the third Zedekiah, the fourth Shallum,⁴⁷ and R. Johanan said that Shallum is identical with Zedekiah, and Johanan with Jehoahaz! — Jehoiakim was in fact older, but the meaning of firstborn⁴⁸ is ‘first in succession to the kingship.’ Do, however, younger sons succeed to kingship before the older ones? Surely, it is written, But the kingdom gave he to Jehoram, because he was the firstborn!⁴⁹ — Jehoram was worthily filling the place of his ancestors;⁵⁰ Jehoiakim was not worthily filling the place of his ancestors. The Master said, ‘Shallum is identical with Zedekiah, and Johanan with Jehoahaz.’ Were they not, however, enumerated individually, for it is written, the third, the fourth?⁵¹ — ‘Third’ means third of the sons, and ‘fourth’ means fourth in succession to the kingdom, since Jehoahaz reigned first, then Jehoiakim, then Jekoniah and finally Zedekiah. Our Rabbis taught:

Shallum is identical with Zedekiah. Then why was he called Shallum? Because he was perfect⁵² in his deeds. Others say: Shallum implies that the kingdom of David came to end⁵³ in his days. And what was his real name? Mattaniah; as it is stated, And the king of Babylon made Mattaniah his father's brother king in his stead, and changed his name to Zedekiah.⁵⁴ He said to him, 'May God justify⁵⁵ my judgment against you, should you rebel against me,' as it is said, And he⁵⁶ brought him under an oath,⁵⁷ and it is also written, And he also rebelled against King Nebuchadnezzar, who had made him swear by God.⁵⁸

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- (1) The king. The entire section (ibid. XVII, 14-20) deals with the appointment of a king.
- (2) The ruler's sin offering (Lev. IV, 23). i.e., does his office of Patriarch in the Palestine community confer upon him the title of 'ruler' over all Israel?
- (3) The Babylonian exilarch.
- (4) In Palestine.
- (5) V. next paragraph.
- (6) In Babylon.
- (7) Gen. XLIX, 10.
- (8) Rabbi was of the line of Palestine Patriarchs and heads of the principal academies, who descended from Hillel.
- (9) V. Sanh. (Sonc. ed.) p. 16, n. 2.
- (10) Referred to in Lev. IV, 3.
- (11) V. Ex. XXX, 23ff.
- (12) **ohsdc vcurn** ('having more garments', i.e., more than an ordinary priest) was the title of the High Priests in the days of the Second Temple. In the days of the first Temple when the anointing oil was in use the title was **juan ivf** (or **jlan**) 'the anointed High Priest'
- (13) Which is to be brought by the anointed High Priest only. The other brings the same sin offering as an ordinary individual.
- (14) V. Lev. IV, 2ff.
- (15) If the High Priest is for any reason disqualified for the Temple service, a substitute is appointed in his place. When the disqualification is removed the priest returns to his duties while his substitute retires. The former then becomes the acting, and the latter the retired High Priest.
- (16) V. ibid. VI, 13-15.
- (17) The acting, and the retired High Priest.
- (18) V. Lev. XXI, 13.
- (19) V. ibid. 14.
- (20) Ibid. 11.
- (21) In token of mourning. Ibid. 10.
- (22) From the cities of refuge. v. Num. XXXV, 25.
- (23) V. Ex. XXX, 23ff.
- (24) Lit., 'they were boiling in it'.
- (25) Of the spices. V. ibid. 23ff.
- (26) Much less for boiling them.
- (27) Ex. XXX, 31.
- (28) Lev. VIII, 10.
- (29) Lit., 'and with it was anointed'.
- (30) Otherwise he does not succeed to the office.
- (31) V. I Kings, I, 34, 39.

- (32) Ex. XXX. 31; emphasis on the last three words.
- (33) **VZ** ‘this’.
- (34) Lev. VI, 15.
- (35) [So MS.M.]
- (36) Lit., ‘he teaches us’.
- (37) Lit., ‘from his sons’.
- (38) Lit., ‘and if not’.
- (39) Deut. XVII, 20.
- (40) Lit., ‘an inheritance to you’.
- (41) Deut. XVII, 20.
- (42) Yet Jehu was anointed for the reason stated.
- (43) I Sam. XVI, 12.
- (44) Since the other kings of Israel were not anointed.
- (45) Infra 12a.
- (46) Not with the holy oil.
- (47) I Chron. III, 15.
- (48) As applied to Johanan (Jehoahaz).
- (49) II Chron. XXI, 3.
- (50) In the early days of his kingship he was righteous and just.
- (51) I Chron. III, 15.
- (52) **okuan** from the same root as **ouka** .
- (53) **vnka** Cf. previous note.
- (54) II Kings XXIV, 17.
- (55) **ehsmh vh** , a play upon the word **uvhesm**
- (56) The King of Babylon.
- (57) Ezek. XVII, 13. This is the reading of Bomberg Ed. M.T. reads **u, t tchu** instead of **uvthchu** . Cur. edd. enclose in parentheses, **vkcc uvthchu** which is meaningless in the context.
- (58) II Chron. XXXVI, 13.

Talmud - Mas. Horayoth 12a

Was, however, the anointing oil in existence [in the days of Jehoahaz]? Surely it was taught: At the time when the Holy Ark was hidden away there were also hidden the anointing oil, the jar of manna,¹ Aaron's rod with its almonds and blossoms,² and the coffer which the Philistines had sent to Israel as a gift and concerning which it is said, And put the jewels of gold, which ye returned Him for a guilt offering, in a coffer by the side thereof; and send it away that it may go.³ And who hid them? It was Josiah, King of Judah, who hid them; because, having observed that it was written in the Torah, The Lord will bring thee and thy king . . . [unto a nation that thou hast not known],⁴ he gave orders that they shall be hidden away, as it is said, And he said unto the Levites that taught all Israel, that were holy unto the Lord, ‘Put the Holy Ark into the house which Solomon the son of David, King of Israel, did build; there shall no more be a burden upon your shoulders; now serve the Lord your God and his people Israel;’⁵ and R. Eleazar stated: The inference⁶ is arrived at by an analogy between the expressions. ‘There’ and ‘there’,⁷ ‘To he kept’⁸ and ‘to he kept’,⁹ and ‘generations’ and ‘generations’!¹⁰ — R. Papa replied: [Jehoahaz was anointed] with pure balsam. Our Rabbis taught: How were the kings anointed? — In the shape of

a wreath. And the priests? — In the shape of a Chi. What is meant by ‘the shape of a Chi’! — R. Menashya b. Gadda replied: In the shape of a Greek ** . One [Tanna] reported that oil was poured upon his head first and afterwards some oil was applied between his eyelids, but another [Tanna] reported that first some oil was applied between his eyelids and afterwards oil was poured upon his head!¹¹ — This is a matter of dispute between Tannaim. Some maintain that anointing takes precedence while others maintain that the pouring takes precedence. What reason is advanced by him who maintains that pouring takes precedence? — [The fact] that it is written. And he poured of the anointing oil upon Aaron's head and anointed him, to sanctify him.¹² And what reason is offered by him who maintains that anointing takes precedence? — He holds this opinion because a similar procedure is found in connection with the vessels of ministry.¹³ But, surely, And he poured¹² is written first, and only afterwards And he anointed!¹² — The meaning intended is this: What is the reason why he poured? Because he had already anointed. Our Rabbis taught: It is like the precious oil . . . coming down upon the beard, even Aaron's beard, etc.,¹⁴ two drops like pearls hung from Aaron's beard. R. Papa said: A Tanna taught that when he spoke¹⁵ they ascended and lodged at the root of his beard. And concerning this matter, Moses was anxious. He said, ‘Have I, God forbid, made an improper use of the anointing oil?’¹⁶ A heavenly voice came forth and called out, Like the precious oil . . . , like the dew of Hermon;¹⁷ as the law of improper use of holy objects is not applicable to the dew of Hermon, so also is it not applicable to the anointing oil on the beard of Aaron. Aaron however, was still anxious. He said, ‘It is possible that Moses did not trespass, but I may have trespassed’. A heavenly voice came forth and said to him, Behold how good and how pleasant it is for brethren to dwell together in unity;¹⁸ as Moses is not guilty of trespass, so are you not guilty of trespass. Our Rabbis taught: The kings are anointed only at a fountain that their sovereignty may endure, as it is said, And the king said unto them: ‘Take with you the servants of your lord . . . and bring him down to Gihon’.¹⁹ R. Ammi said: He who wishes to ascertain whether he will live through the year or not shall, during the ten days between the New Year and the Day of Atonement, kindle a lamp in a house wherein there is no draught. If the light continues to burn he may know that he will live through the year. He who desires to engage in business and wishes to ascertain whether he will succeed or not, let him rear up a cock; if it grows plump and fine he will succeed. He who desires to set out on a journey and wishes to ascertain whether he will return home again or not. let him station himself in a dark house; if he sees the reflection of his shadow he may know that he will return home again. This, however, is not a proper thing to do, lest his courage fail him and he meet with misfortune in consequence. Said Abaye: Now that it has been said that omens are of significance, a man should make a regular habit of eating,²⁰ at the beginning of the year, pumpkin, fenugreek, leek, beet and dates.²¹ R. Mesharsheya said to his sons: Whenever you intend coming in for your lesson with your master revise the subject first and then enter the presence of your master; and when you sit before him, look at his mouth, for it is written, But thine eyes shall see thy teacher.²² When you practice your lessons, practice them by a river of water so that as the waters advance continually, so may your acquired knowledge advance continually. Rather sit on the rubbish heap of Matha Mehasia²³ than in the palaces of Pumbeditha. Rather eat an unsavory gildana²⁴ of Matha Mehasia than the kuthha²⁵ of the lofty mansions.²⁶ My horn is exalted in the Lord;²⁷ my horn is exalted but not my flask: The kingdoms of David and Solomon who were anointed with a ‘horn’²⁸ endured; the kingdoms of Saul and Jehu who were anointed with a ‘flask’²⁹ did not endure. HE WHO WAS ANOINTED WITH THE ANOINTING OIL etc. Our Rabbis taught: ‘Anointed’ might imply a king, hence it was stated ‘priest’. If only ‘priest’ had been stated one might have applied it

to the High Priest who was dedicated by the additional garments only, hence it was stated, 'anoointed'. If only 'anoointed' had been written one might have applied it to the priest anoointed for war,³⁰ hence it was stated, and the anoointed Priest³¹ above whom there is no other anoointed [Priest]. How is this inferred? — As Raba said that 'the thigh'³² implies the right thigh, so here also 'the anoointed' implies the most important of the anoointed. The Master said, 'Anoointed might imply a king.' Does a king bring a sin offering of a bullock? Surely it is a he-goat that he brings!³³ — It³⁴ was necessary, since it might have been assumed that only for error in action does a king bring a sin offering of a he-goat but that for ignorance of the law he brings a bullock, hence it was necessary to teach us [that he never brings a bullock]. THE ONLY DIFFERENCE BETWEEN A [HIGH PRIEST WHO IS] ANOINATED WITH THE ANOINING OIL etc. Our Mishnah cannot be reconciled with the view of R. Meir; for should it be assumed to agree with the view of R. Meir it may be pointed out that it was taught: A High Priest who is dedicated by the additional garments brings a bullock which is the prescribed sin offering for the transgression of all the commandments; these are the words of R. Meir, but the Sages did not agree with him. What is R. Meir's reason? Because it was taught: Anoointed only implies a High Priest who was anoointed with the anointing oil, whence, however, is it deduced that one dedicated by the additional garments only is also subject to that law? For it was expressly stated, If the priest the anoointed.³⁵ To whom, then is our Mishnah to be attributed? To the Rabbis!³⁶

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- (1) V. Ex. XVI, 33.
 - (2) V. Num. XVII, 23.
 - (3) I Sam. VI, 8.
 - (4) Deut, XXVIII, 36.
 - (5) II Chron. XXXV, 3.
 - (6) That the anointing oil and the other objects mentioned were hidden at the same time as the Ark.
 - (7) Ex. XVI, 33 (the manna) and ibid. XXX, 6 (the Ark).
 - (8) Ibid. XVI, 33 (the manna).
 - (9) Num. XVII, 25 (Aaron's rod).
 - (10) Ex. XVI, 33 (manna) and ibid. XXX, 31 (anointing oil). Thus it has been shown by analogy that the anointing oil was hidden away in the days of Josiah: how then could it have been in use when Jehoahaz was made king?
 - (11) How are the two contradictory statements to be reconciled?
 - (12) Lev. VIII, 12.
 - (13) Which were only anoointed.
 - (14) Ps. CXXXIII. 2.
 - (15) [Or when he dipped (his beard).]
 - (16) [By having applied too much (Rashi Ker. 5b).]
 - (17) Ibid. 3.
 - (18) Ibid. 1.
 - (19) I Kings I, 33.
 - (20) So in Ker. 5b. Cur, edd.: 'to see'.
 - (21) These grow in profusion and are symbolic of prosperity.
 - (22) Isa. XXX, 20.
 - (23) A suburb of Sura, a place of scholarship and culture; v. B.B. (Sonc. ed.) p. 10, n. 1.
 - (24) A kind of small fish.
 - (25) A kind of preserve of curdled milk.

- (26) Jastrow, ‘than a kuthha which is hard enough to break rocks.’
- (27) I Sam. II, 1.
- (28) The receptacle of the anointing oil, v. I Sam. XVI, 13, and I Kings I, 39.
- (29) V. I Sam. X, 1, and II Kings IX, 1.
- (30) V. Deut. XX, 2.
- (31) Lev. IV, 3.
- (32) Gen. XXXII, 33.
- (33) Consequently the context could not possibly have been assumed to refer to a king; what need, then, was there for a specific expression to show the obvious?
- (34) The specific expression.
- (35) Lev. IV, 3. [So literally. The inference is from the redundant ‘the priest’, v. Tosaf. Asheri.]
- (36) Lit., ‘in what did you set it? According to the Rabbis.’

Talmud - Mas. Horayoth 12b

Read, however, the final clause: THE ONLY DIFFERENCE BETWEEN THE ACTING, AND THE RETIRED HIGH PRIEST IS THE BULLOCK ON THE DAY OF ATONEMENT AND THE TENTH PART OF THE EPHAH. This,¹ surely, must represent the view of R. Meir! For it was taught: If some disqualification occurred in the High Priest who consequently retired and another priest was anointed in his stead, when the first² returns to his ministry the other retains all the obligations relating to the priesthood; these are the words of R. Meir. R. Jose said: The first returns while the second is rendered unfit either as a High Priest or as an ordinary priest. Said R. Jose, once it happened with Joseph the son of Ailim of Sepphoris³ that, a disqualification in the High Priest having occurred, he⁴ was appointed in his stead; and when the incident was submitted to the Sages they ruled that the first returns to his ministry while the second is rendered unfit either as a High Priest or as an ordinary priest. [He is unfit as] a High Priest owing to enmity;⁵ [and he is unfit as] an ordinary priest, because, in the sphere of holiness, you may ascend, not descend.⁶ Does the first clause,⁷ then, represent the view of the Rabbis and the final clause⁷ that of R. Meir! — R. Hisda replied: Yes; the first clause represents the view of the Rabbis and the final clause that of R. Meir. R. Joseph replied: The author of our Mishnah is Rabbi who based⁸ it upon the opinions of two Tannaim. Raba replied: The views represented⁹ are those of R. Simeon who agrees with R. Meir in one respect and differs from him in the other; as it was taught: The things which distinguish a High Priest from an ordinary priest are the following: The bullock that is offered for [the unwitting transgression of any of] all the commandments, and the bullock of the Day of Atonement, and the tenth part of the ephah; he must neither let his hair grow wild nor may he rend his garments, but he tears them from below while the ordinary priest tears them from above; he must not defile himself by [coming in contact with the dead bodies even of his] relatives; he is commanded to marry a virgin and is forbidden to marry a widow; he¹⁰ enables the manslayer to return to his home;¹¹ he may offer sacrifices even while an onan,¹² though he must not then eat of the sacrificial meat or take a share of it; he offers up his portion first and receives his portion first; he ministers in eight garments, and the entire service of the Day of Atonement may be performed by him alone; and he is also exempt from bringing a sacrifice for an unwitting transgression of defilement relating to the Sanctuary and its consecrated things. And all these laws are applicable to the High Priest who is dedicated by the additional garments alone, with the exception of the bullock that is offered for [the unwitting transgression of any of] ‘all the

commandments'. All these laws, furthermore, are also applicable to an anointed High Priest who [having acted as substitute] has retired from office, with the exception of the bullock of the Day of Atonement and the tenth part of the ephah. All these laws are inapplicable to a Priest anointed for War, with the exception of the five things that are specified in the Biblical Section under discussion: He must not let his hair grow wild nor may he rend his garments, he must not defile himself for the dead bodies of his relatives, he is commanded to marry a virgin and forbidden to marry a widow, and enables the manslayer to return to his home;¹³ so R. Judah. But the Sages said: He does not enable [the manslayer] to return.¹⁴ And whence is it proved that this Baraita represents the view of R. Simeon? — R. Papa replied: Who was it that was heard to say that [the High Priest] is exempted in regard to an unwitting transgression of defilement relating to the Sanctuary and its consecrated things? Surely it was R. Simeon.¹⁵ 'With the exception of the five things that are specified in the Biblical section under discussion.' Whence is this inference?¹⁶ — From that which our Rabbis taught: And the priest that is highest among his brethren,¹⁷ refers¹⁸ to the High Priest; upon whose head the anointing oil is poured,¹⁷ refers to the Priest who is anointed for War; and that is consecrated to put on the garments,¹⁷ refers to the High Priest who is dedicated by the additional garments alone. Concerning all of them it is stated, He shall not let the hair of his head grow wild,¹⁹ nor rend his clothes, neither shall he go in to any dead body.²⁰ As one might assume that all of them may offer sacrifices while onans, it was specifically stated, For the consecration of the anointing oil of his God is upon him,²¹ upon 'him'²² but not upon his associate.²³ Now that Scripture has excluded him²³ it might have been assumed that he is not commanded to marry a Virgin, hence it was stated, And he [shall take a wife in her virginity].²⁴ On this point²⁵ Tannaim are in dispute: And he shall take a wife in her virginity,²⁴ after Scripture has excluded him²³ it included him again; so R. Ishmael. R. Akiba said: One could well have known²⁶ [this law]²⁷ in the case where he²⁸ was [temporarily] removed on account of a mishap²⁹; whence, however, could it have been inferred [in the case where he was permanently removed] on account of disqualifying blemishes? Hence it was stated, 'And he.'²⁴ Raba inquired of R. Nahman: May an anointed High Priest who was stricken with leprosy³⁰ marry a widow;³¹ is he only suspended³² or is he exempt from all the duties of the High Priesthood?³³ — He³⁴ was unable to give an answer.³⁵ Once R. Papa was sitting at his studies and raised the same inquiry. Said Huna the son of R. Nahman to R. Papa: We have learned [such a law]:³⁶ 'One could well have known [this law] in the case where he was [temporarily]³⁷ removed on account of a mishap; whence, however, could it be inferred [in the case where he was permanently] removed on account of disqualifying blemishes? Hence it was stated, 'and he'. He³⁸ thereupon arose, kissed him on his head and gave him his daughter. MISHNAH. A HIGH PRIEST RENDS HIS GARMENTS³⁹ FROM BELOW AND AN ORDINARY PRIEST FROM ABOVE. A HIGH PRIEST MAY OFFER SACRIFICES WHILE AN ON AN THOUGH HE MAY NOT EAT [OF THE SACRIFICIAL MEAT]; BUT AN ORDINARY PRIEST MAY [IN SUCH CIRCUMSTANCES] NEITHER OFFER SACRIFICES NOR EAT [OF SACRIFICIAL MEAT].

GEMARA. Rab said: BELOW means actually below⁴⁰ and ABOVE means actually above.⁴¹ Samuel, however, said: BELOW means beneath the binding⁴² and ABOVE means above the binding,⁴³ the one as well as the other being round the neck. An objection was raised: In respect of all relatives⁴⁴ a man may, if he wishes, sever⁴⁵ his binding, and if he wishes he need not sever his binding. In respect of his father and mother, however, he must sever.⁴⁶ Now, since [a tear made in such a manner]⁴⁷ is elsewhere [regarded as a legally proper] tear, the prohibition for a

High Priest to tear his garments should be applied to such a tear also!⁴⁸ — Samuel is of the same opinion as R. Judah who said: Any tear that does not sever one's binding is nothing more than a wanton rent.⁴⁹ Is R. Judah, however, of the opinion that the law of rending one's garments is applicable to a High Priest? Surely it was taught: If Scripture had only stated, 'He shall not let the hair of a head go loose, nor rend a garment' it might have been assumed that Scripture spoke of the head and the garment of a sotah,⁵⁰ hence it was expressly stated, He shall not let the hair of his head grow wild, nor rend his clothes.⁵¹ showing that the requirements of letting one's hair grow wild or rending one's garments⁵² are not at all applicable to him;⁵³ so R. Judah. R. Ishmael said: He does not rend his clothes in the manner of other people, but he rends from below while an ordinary priest rends from above!⁵⁴ — Samuel holds the same opinion as R. Judah in one respect⁵⁵ and disagrees with him in another.⁵⁶

MISHNAH. WHATEVER IS MORE FREQUENT THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER, AND WHATSOEVER IS MORE SACRED THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER. IF THE BULLOCK OF THE ANOINTED HIGH PRIEST AND THE BULLOCK OF THE CONGREGATION ARE SIMULTANEOUSLY PRESENTED,⁵⁷ THE BULLOCK OF THE ANOINTED HIGH PRIEST MUST PRECEDE THAT OF THE CONGREGATION IN ALL ITS DETAILS.⁵⁸

GEMARA. Whence are these laws deduced? — Abaye replied: From Scripture which stated, Besides the burnt offering of the morning which is for a continual burnt offering.⁵⁹ Now consider, since it was written the burnt offering of the morning, what need was there for writing again continual burnt offering? Consequently it was this that the All Merciful intended: Whatsoever is more frequent takes precedence. AND WHATSOEVER IS MORE SACRED THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER. Whence is this deduced? — From what was taught at the School of R. Ishmael: Thou shalt sanctify him [the priest] therefore,⁶⁰ in respect of any matter of sanctity; he must be the first in the reading of the Law, the first in the recital of any benediction⁶¹ and the first in receiving a handsome portion.

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- (1) That in all respects other than those mentioned the two are entitled to the same privileges.
 - (2) His disqualification having disappeared.
 - (3) [He was a kinsman of Matthias, a High priest, at the time of Herod. 'This Matthias the High Priest, on the night before that day when the fast was to be celebrated, seemed in a dream to have conversation with his wife, and because he could not himself officiate on that account, Joseph the son of Ellemus his kinsman assisted him in that sacred office.' (Josephus. Ant. XVII, 6, 4.)]
 - (4) This to the end of the sentence, is the reading in Yoma 12b, and is adopted here by Bash (v. marginal Glosses). Cur. edd. enclose the following in parentheses: 'And he was removed, and another was appointed in his stead, and his brethren the priests did not allow him to be either High Priest or ordinary priest.'
 - (5) Between him and the first High Priest.
 - (6) Lit., 'we bring up in holiness, but do not bring down'.
 - (7) Of our Mishnah.
 - (8) Lit., 'took'.
 - (9) In our Mishnah.
 - (10) When he dies.
 - (11) One who killed another unwittingly finds shelter in the cities of refuge where he remains until the death of the

High Priest.

(12) V. Glos.

(13) V. p. 90, n. 7.

(14) Thus it has been shown that R. Simeon, the presumed author of the Baraita, agrees with R. Meir that the only difference between the High priest and his temporary substitute is the bullock of the Day of Atonement and the tenth part of the ephah, and differs from him in maintaining that the bullock for the unwitting transgression of any of 'all commandments' is to be brought by the anointed High Priest only and not, as R. Meir asserted, by the High Priest also, who was dedicated by the extra garments only.

(15) Supra 9a.

(16) Lit., 'these words'.

(17) Lev. XXI, 10.

(18) Lit., 'this'.

(19) E.V. 'go loose'.

(20) Ibid, vv. 10-11.

(21) Ibid, v. 12.

(22) The anointed High Priest.

(23) The Priest anointed for War only.

(24) Lev. XXI, 13.

(25) Whether the Priest anointed for War is commanded to marry a virgin.

(26) Lit., 'there is not to me but'.

(27) That a High Priest must marry a virgin.

(28) A High Priest.

(29) Cf. Deut. XXIII, 11.

(30) In consequence of which he retired from office.

(31) For the following interpretation, which differs from that of Rashi, v. Tosaf. Asheri.

(32) From the High Priesthood; i.e., from the performance of such duties as are forbidden to a leper; hence he is still subject to all other restrictions of the High Priesthood including the prohibition to marry a widow which a leper also may observe.

(33) And consequently also from the prohibition to marry a widow.

(34) R. Nahman.

(35) Lit., 'it was not in his hand'.

(36) Supra (in the name of R. Akiba) q. v. for notes.

(37) Leprosy is, of course, one of the disqualifying blemishes.

(38) R. Papa.

(39) A sign of mourning on the death of certain relatives.

(40) The lower hem of the garment.

(41) The upper hem round the neck.

(42) **vpa line** 'the stiff cords in the binding round the neck'. The binding itself remaining untern.

(43) The tear starting above the binding and passing also through it.

(44) Other than parents.

(45) V. supra, n. 1.

(46) M.K. 22b.

(47) From beneath the binding only.

(48) Lit., 'read here: He shall not tear his garments'. How, then, could Samuel state that the High Priest does rend his garment beneath the binding?

- (49) It has no legal or religious significance. Samuel could, therefore, justly permit a High Priest to rend his garment below the binding.
- (50) A woman suspected of adultery. The priest lets her hair go loose (Num. V, 18), and takes hold of her garments which may or may not thereby be torn (Sotah 7a).
- (51) Lev. XXI, 10.
- (52) As symbols of mourning.
- (53) The High Priest.
- (54) Now, since R. Judah exempts a High Priest from the law of rending one's clothes, how could Samuel who, as it has been said, holds the same opinion as R. Judah require a priest to rend his clothes at all?
- (55) That a rent that does not cut the binding round the neck is of no legal or religious significance.
- (56) While R. Judah exempts the High Priest entirely from the law of rending one's clothes, Samuel maintains that a High Priest must rend his garments but only from below the binding.
- (57) As sin offerings (v. Lev. IV, 3, 13). Lit., 'stand'.
- (58) Lit., 'deeds', i.e., the various parts of the process of sacrificing.
- (59) Num. XXVIII, 23.
- (60) Lev. XXI, 8.
- (61) Especially in the zimmun, v. Glos.

Talmud - Mas. Horayoth 13a

IF THE BULLOCK OF THE ANOINTED HIGH PRIEST AND THE BULLOCK OF THE CONGREGATION etc. Whence is this deduced? — From what our Rabbis taught: And he shall burn it ins he burnt the first bullock;¹ what need was there to state, the first?² In order to indicate that it³ must precede the bullock of the congregation in all its details.⁴ Our Rabbis taught: If the bullock of the anointed High Priest and the bullock of the congregation are simultaneously presented, the bullock of the anointed High Priest must precede the bullock of the congregation in all its details,⁴ forasmuch as the anointed High Priest effects the atonement and the congregation receives the atonement, it is reasonable that he who effects atonement shall take precedence over him who receives the atonement; and so it is also stated [in Scripture]. And have made atonement [i] for himself, and [ii] for his household, and [iii] for all the assembly of Israel.⁵ The bullock that is offered for a sin committed by the congregation through ignorance of a law is to precede the bullock for the sin of idolatry. What is the reason? — The one is a sin offering and the other⁶ is a burnt offering, and it was taught, 'What need was there for Scripture to state, And he shall offer that which is for the sin offering first?'⁷ If merely in order to teach that the sin offering was to be the first, surely, it has already been stated, And he shall prepare the second for a burnt offering, according to the ordinance!⁸ Consequently it must be concluded that in this text there has been laid down the general principle⁹ that all sin offerings are to precede the burnt offerings that are presented together with them; and, there is an accepted tradition that even a sin offering consisting of a bird is to precede a burnt offering consisting of a beast.' The bullock for idolatry is to precede the goat for idolatry. Why? The one surely, is a sin offering while the other is a burnt offering! — In the West¹⁰ it was explained in the name of Rabbah¹¹ b. Mari: Because an Aleph is wanting in the Hattath¹² for idolatry, the written form being le-Hatth.¹³ Raba replied: Because According to the ordinance¹⁴ was written concerning it.¹⁵ The goat for idolatry is to precede the goat of the ruler. What is the reason? — The one is for a congregation while the other is for an individual. The he-goat of a ruler is to precede the she-goat of a private individual. What is the

reason? — The one is for a sovereign; the other for a commoner. The she-goat of an individual is to precede the ewe-lamb of an individual.¹⁶ But, surely, it was taught that the ewe-lamb of an individual must precede the she-goat of an individual! — Abaye replied: This is a matter of dispute between Tannaim. One Master holds the view that a she-goat is preferable since it has also the advantage of being the offering of an individual for the sin of idolatry, while the other Master is of the opinion that a ewe-lamb is preferable since it has the advantage of having its fat tail also offered on the altar. The omer¹⁷ must precede the lamb that is brought together with it. The two loaves¹⁸ are to precede the lambs¹⁹ that are brought with them. This is the general rule: The offering which is due to the sanctity of²⁰ the day is to precede the offering the presentation of which is due to²⁰ the bread.²¹ MISHNAH. A MAN TAKES PRECEDENCE OVER A WOMAN IN MATTERS CONCERNING THE SAVING OF LIFE AND THE RESTORATION OF LOST PROPERTY, AND A WOMAN TAKES PRECEDENCE OVER A MAN IN RESPECT OF CLOTHING AND RANSOM FROM CAPTIVITY. WHEN BOTH ARE EXPOSED TO IMMORAL DEGRADATION IN THEIR CAPTIVITY THE MAN'S RANSOM²² TAKES PRECEDENCE OVER THAT OF THE WOMAN.

GEMARA. Our Rabbis taught: If a man and his father and his teacher were in captivity he takes precedence over²³ his teacher and his teacher takes precedence over his father,²⁴ while his mother takes precedence over all of them. A scholar takes precedence over a king of Israel, for if a scholar dies there is none to replace him²⁵ while if a king of Israel dies, all Israel are eligible for kingship. A king takes precedence over a High Priest, for it is said, And the king said unto them: Take with you the servants of your lord etc.²⁶ A High Priest takes precedence over a prophet, for it is said, And let Zadok the priest and Nathan the prophet anoint him there,²⁷ Zadok being mentioned before Nathan; and furthermore it is stated, Hear now, O Joshua the High Priest, thou and thy fellows etc.,²⁸ lest it be assumed that these were common people it was expressly stated, For they are men that are a sign,²⁸ and the expression 'sign' cannot but refer to a prophet as it is stated, And he²⁹ give thee a sign or a wonder.³⁰ A High Priest anointed with the anointing oil takes precedence over one who is only dedicated by the additional garments. He who is dedicated by the additional garments takes precedence over an anointed High Priest who has retired from office owing to a mishap. An anointed High Priest who has retired from office on account of a mishap takes precedence over one who has retired on account of his blemish. He who has retired on account of his blemish takes precedence over him who was anointed for war purposes only. He who was anointed for war takes precedence over the Deputy High Priest.³¹ The Deputy High Priest takes precedence over the amarkal.³² What is amarkal? — R. Hisda replied: He who commands³³ all. The amarkal takes precedence over the Temple treasurer. The Temple treasurer takes precedence over the chief of the watch.³⁴ The chief of the guard takes precedence over the chief of the men of the daily watch.³⁵ The chief of the daily watch takes precedence over an ordinary priest. The question was raised: In respect of Levitical uncleanness,³⁶ who takes precedence, the Deputy High Priest or the Priest anointed for War? — Mar Zutra the son of R. Nahman replied: Come and hear what has been taught: If a Deputy High Priest or a Priest anointed for War were going on their way and came upon a corpse the burial of which is obligatory upon them,³⁷ it is better that the Priest anointed for War shall defile himself rather than the Deputy High Priest; for if the High Priest meet with some disqualification the Deputy High Priest steps in to perform the Temple service. Has it not been taught, however, that the Priest anointed for War takes precedence over the Deputy High Priest? — Rabina replied: That Baraitha

deals with the question of saving life.³⁸

MISHNAH. A PRIEST TAKES PRECEDENCE OVER A LEVITE, A LEVITE OVER AN ISRAELITE, AN ISRAELITE OVER A BASTARD, A BASTARD OVER A NATHIN,³⁹ A NATHIN OVER A PROSELYTE, AND A PROSELYTE OVER AN EMANCIPATED SLAVE. THIS ORDER OF PRECEDENCE APPLIES ONLY WHEN⁴⁰ ALL THESE WERE IN OTHER RESPECTS EQUAL. IF THE BASTARD, HOWEVER, WAS A SCHOLAR AND THE HIGH PRIEST AN IGNORAMUS,⁴¹ THE LEARNED BASTARD TAKES PRECEDENCE OVER THE IGNORANT HIGH PRIEST.

GEMARA. A PRIEST TAKES PRECEDENCE OVER A LEVITE for it is stated The sons of Amram: Aaron and Moses; and Aaron wins separated that he should be sanctified as most holy.⁴² A LEVITE takes precedence OVER AN ISRAELITE for it is stated, At that time the Lord separated the tribe of Levi etc.⁴³ AN ISRAELITE takes precedence OVER A BASTARD for the one is of legitimate birth and the other is not. A BASTARD takes precedence OVER A NATHIN for the one comes from an eligible origin and the other from a non-eligible origin. A NATHIN takes precedence OVER A PROSELYTE for the one was brought up with us in holiness and the other was not brought up with us in holiness. A PROSELYTE takes precedence OVER AN EMANCIPATED SLAVE for the one was included in the curse⁴⁴ and the other was not included in the curse. THIS ORDER OF PRECEDENCE APPLIES ONLY WHEN ALL THESE WERE IN OTHER RESPECTS EQUAL etc. Whence is this deduced? — R. Aha son of R. Hanina replied: From Scripture which states, She⁴⁵ is more precious than rubies,⁴⁶ i.e., more precious than the High Priest who enters into the innermost⁴⁷ sanctuary. It was taught, R. Simeon b. Yohai said: It stands to reason that an emancipated slave should take precedence over a proselyte, for the one was brought up with us in holiness and the other was not; but the former was included in the curse⁴⁴ while the latter was not. R. Eleazar son of R. Zadok was asked by his disciples: Why are all willing to marry a proselyte while not all are willing to marry an emancipated slave? He answered them: The one was included in the curse⁴⁸ while the other was not. Another explanation is that the one is known to protect her chastity while the other is not. R. Eleazar⁴⁹ was asked by his disciples: Why does a dog know its owner while a cat does not? He answered them: If he who eats something of that from which a mouse has eaten loses his memory, how much more so the animal which eats the mouse itself! R. Eleazar⁵⁰ was asked by his disciples: Why do all persecute the mice? — Because of their bad nature. What is it? Raba replied: They gnaw even at clothes⁵¹

(1) Lev. IV, 21.

(2) This being obvious, since that offering was in that context mentioned first.

(3) The bullock of the High Priest.

(4) V. supra p. 94, n. 8.

(5) Lev. XVI, 17.

(6) That for idolatry.

(7) Lev. V, 8.

(8) Ibid. 10.

(9) Lit., 'but this built a father'.

(10) Palestine.

(11) So MS. M. Cut, edd. 'Raba'.

- (12) , **tyj** , ‘sin offering’.
- (13) , **yjk** , ‘for a sin offering’. Num. XV, 24; as if to say that it is lacking in something accorded to other sin offerings.
- (14) Ibid.
- (15) The burnt offering for idolatry; thus implying that the process of the offering of the sacrifices in that particular case must be in the same order as they were ordained in that text, viz., the burnt offering first.
- (16) The individual's sin offering may be either a she-goat (Lev. IV, 28) or a ewelamb (ibid. v. 32).
- (17) V. Glos.
- (18) The wave-loaves offered on Pentecost. V. Lev. XXIII, 17.
- (19) V. ibid. v. 18.
- (20) Lit., ‘that comes for the sake of’.
- (21) The wave-loaves and the omer. The lambs are merely an adjunct to these.
- (22) [To spare him the indignity of pederasty.]
- (23) In procuring his ransom.
- (24) I.e., he must procure the ransom of his teacher before that of his father.
- (25) Lit., ‘we have none like him’.
- (26) I Kings I, 33. David is designated lord in an instruction addressed to Zadok his High Priest.
- (27) Ibid. 34.
- (28) Zech. III, 8.
- (29) The prophet.
- (30) Deut. XIII, 2.
- (31) Segan, v. Sanh. (Sonc, ed.) p. 97, n. 1.
- (32) V. Glos. [They were officers, the ‘Keepers of the door’ (cf. II Kings XII, 12) drawn from every watch; Mishmar (v. n. 4), entrusted with the keys and vessels of the Temple during their particular week of service. V. Buchler, *Priester and Cultus*, p. 96, who draws attention to Josephus, *Contra Apinem*, II, 8: ‘When those days are over, other priests . . . assemble together at mid-day and receive the Keys of the temple and the vessels by tale.’]
- (33) **tkuf rnt** , ‘who said (i.e, directs) all things.’
- (34) Mishmar, v. Glos.
- (35) Heb., beth ab, v. Glos.
- (36) The burial, e.g., of a corpse found in a lonely spot where there is no one else to attend to it.
- (37) Heb, meth mizwah, v. Glos. and cf. previous note.
- (38) The life of the Priest for War is of more importance in a war of defence than the life of the Deputy High Priest.
- (39) V. Glos.
- (40) Lit., ‘when? at the time’.
- (41) Heb. ‘am ha-arez, v. Glos.
- (42) I Chron. XXIII, 13. A priest is a descendant of Aaron.
- (43) Deut. X, 8.
- (44) Lit., ‘cursed be’, ‘the first two words of the curse which Noah pronounced against Canaan when he condemned him to slavery (v. Gen. IX, 25), which he considered the greatest curse imaginable (Rashi).
- (45) The Torah, learning.
- (46) Prov. III, 15. **ohhbfn** .
- (47) **ohbpku hbpk** a play upon the word **ohhbfn** V. n. 7.
- (48) V. p. 99, n. 5.
- (49) [MS. M.: ‘Eleazar b. Zadok.’]
- (50) [Var. lec.: ‘Eleazar b. Zadok.’]

(51) Which is no food. They cause loss to the owner though they themselves derive no benefit.

Talmud - Mas. Horayoth 13b

R. Papa replied: They gnaw even at the handle of a hoe. Our Rabbis taught: Five things make one forget one's studies: Eating¹ something from which a mouse or a cat has eaten, eating¹ the heart of a beast, frequent consumption² of olives, drinking³ the remains of water that was used for washing, and washing⁴ one's feet one above the other. Others say: He also who puts his clothes under his head [forgets his studies]. Five things restore one's learning:⁵ Wheaten bread and much more so wheat⁶ itself, eating¹ a roasted⁷ egg without salt, frequent consumption⁸ of olive oil, frequent indulgence in wine and spices, and the drinking³ of water that has remained from kneading. Others say: Dipping one's finger in salt and eating is also included. 'Frequent consumption of olive-oil'. This corroborates the view of R. Johanan who said: As the olive causes one to forget seventy years of study, so does olive oil restore seventy years of study. 'Frequent indulgence in wine and spices'. This corroborates the view of Raba who said: Wine and spices have made me wise. 'Dipping one's finger in salt' — Said Resh Lakish: One only. This is a matter of dispute between Tannaim: R. Judah said, one finger but not two; R. Jose said, two but not three. Your mnemonic⁹ is the third finger.¹⁰ Ten things adversely affect one's study: Passing¹¹ under the bit of a camel and much more so under the camel itself, passing¹¹ between two camels, passing between two women, the passing of a woman¹² between two men, passing under the offensive odour of a carcass, passing under a bridge under which water has not flowed for forty days, eating bread that was insufficiently baked, eating meat out of a soup-ladle, drinking from a streamlet that runs through a graveyard, and looking into the face of a dead body. Others say: He who reads an inscription upon a grave is also [subject to the same disability]. Our Rabbis taught: When the Nasi¹³ enters, all the people rise and do not resume their seats until he requests them to sit. When the Ab-beth-din¹⁴ enters, one row rises on one side¹⁵ and another row on the other [and they remain standing] until he has sat down in his place. When the Hakam¹⁶ enters, every one [whom he passes] rises and sits down [as soon as he passed] until the Sage has sat down in his place. Sons of sages, and scholars may, if the public is in need of their services, tread upon the heads of the people.¹⁷ If one [of them] went out in his need to ease himself he may re-enter and sit down in his place.¹⁸ Sons of a scholar¹⁹ whose father holds the office of Parnas²⁰ may, if they possess the capability of understanding [the discourses], enter and sit down before their father with their backs to the people. When, however, they do not possess the capability of understanding [the discourses] they enter and sit down before their father with their faces towards the public. R. Eleazar son of R. Zadok said: In a festive gathering²¹ also they are treated as attachments [to their father].²² The Master said, 'If he went out in his need to ease himself he may re-enter and sit down in his place.' R. Papa said: This applies only²³ to the minor [functions of the body] but not to the major [functions], since he should have examined himself before; for Rab Judah said: A man should always make a habit of easing himself early in the morning and late in the evening in order that there be no need for him to go far.²⁴ Now,²⁵ however, that everybody²⁶ is weaker the same rule applies even to the larger functions. 'R. Eleazar son of R. Sadok said: At a festive gathering also they²⁷ are treated as attachments [to their father].' Raba said: Only during the lifetime of their father and in the presence of their father. R. Johanan said: That instruction²⁸ was issued²⁹ in the days of R. Simeon b. Gamaliel [II], when R. Simeon b. Gamaliel was the President, R. Meir the Hakam,³⁰ and R. Nathan the Ab-beth-din.³¹ Whenever R. Simeon b.

Gamaliel entered all the people stood up for him; when R. Meir and R. Nathan entered all the people stood up for them also. Said R. Simeon b. Gamaliel: Should there be no distinction between my [office] and theirs? And so he issued that ordinance.³² R. Meir and R. Nathan were not present on that day. Coming on the following day and seeing that the people did not rise for them as usual, they inquired as to what had happened.³³ On being told that R. Simeon b. Gamaliel had issued that ordinance, R. Meir said to R. Nathan, 'I am the Hinkam and you are the Ab-heth-din, let us retaliate.'³⁴ Now, how are we to proceed against him? — Let us request him to discourse³⁵ upon the tractate of 'Ukzin with which he is unfamiliar,³⁶ and as he will be unable to discourse upon it³⁷ we shall tell him: Who can express the mighty acts of the Lord; make all His praise to be heard;³⁸ for whom is it becoming to express the mighty acts of the Lord? For him who can make all his praise to be heard. We shall then depose him and I shall become Ab-beth-din and you the Nasi.' R. Jacob b. Korshai on hearing this conversation³⁹ said, 'The matter might, God forbid, lead to [the Nasi's] disgrace.' So he went and sat down behind R. Simeon b. Gamaliel's study, expounding [the tractate of 'Uksin], and repeating it again and again. He⁴⁰ said, 'What could this mean?⁴¹ Did anything, God forbid, happen at the college!' He concentrated his attention and familiarized himself with it. On the following day when they said to him, 'Will the Master come and discourse on 'Uksin', he began and discoursed upon it. After he had finished he said to them, 'Had I not familiarized myself with it, you would have disgraced me!' He gave the order and they were removed from the college. Thereupon they wrote down scholastic difficulties on slips of paper which they threw into the college.⁴² That which he⁴³ solved was disposed of⁴⁴ and as to those which he did not solve they wrote down the answers and threw them in. Said R. Jose to them:⁴⁵ The Torah is without and we are within! Said R. Simeon b. Gamaliel to them:⁴⁵ We shall re-admit them⁴⁶ but impose upon them this penalty, that no traditional statement shall be reported in their names. [As a result] R. Meir was designated 'others', and R. Nathan 'some say'. In their dreams they received a message to go and pacify⁴⁷ R. Simeon b. Gamaliel. R. Nathan went; R. Meir did not, for he said: Dreams are of no consequence.⁴⁸ When R. Nathan came,⁴⁹ R. Simeon b. Gamaliel remarked to him: The honorable position⁵⁰ of your father has indeed helped you to become Ab-beth-din; shall we therefore make you also Nasi? Rabbi taught his son R. Simeon: Others say that if it⁵¹ had been an exchanged beast

(1) Lit., 'he who eats.'

(2) Lit., 'he who is accustomed in.'

(3) Lit., 'he who drinks.'

(4) Lit., 'he who washes'.

(5) I.e., strengthen one's memory.

(6) So MS. M. Cur. edd. 'bread of (i.e, baked on) coals . . . coals.'

(7) Lit., 'rolled'.

(8) Lit., 'he who is accustomed'.

(9) An aid for remembering the numbers given by the two Tannaim.

(10) Which, the thumb not being counted, has one finger on its right and two on its left.

(11) Lit., 'he who passes.'

(12) Lit., 'and a woman who passes.'

(13) The Prince, the President of the Sanhedrin.

(14) [Father of the Beth din, generally taken to denote as here the Vice-President. Buchler, *Synedrion*, pp. 172ff., however, shows that the title 'Ab-beth-din' was also of a more general character, designating the head of any

important school.]

(15) Lit., 'they make for him one row from here.'

(16) [Lit., 'the Sage.' There is no certainty either in regard to the original function or rank of the Hakam. He here appears as third in rank to the Nasi; v. Buchler, op. cit. pp. 155, 161ff.]

(17) [I.e., they may enter the house of study though the rest are already seated (cf. n. 10); v. Sanh. (Sonc. ed.) p. 30, n. 8.]

(18) Though he thereby disturbs the people whom he has to pass.

(19) Lit., 'scholars.'

(20) [A title denoting usually a general leader of the people, and sometimes also a member of the council of the city; v. Buchler, Sepphoris, pp. 14, 16.]

(21) Lit., 'house'.

(22) Are given a place beside him. [According to Krauss, Sanhedrin-Makkot, p. 34, the meaning is that the young men were delegated to assist as supervisors against laxities and misdemeanours at marriage festivities.]

(23) Lit., 'they did not say but.'

(24) To find a private spot. In those days privies within the town or the village were unknown.

(25) 'Raba said' is placed within parentheses in cur. edd. [It is rightly omitted in some texts, as Raba is unlikely to comment on a statement of R. Papa, his pupil.]

(26) Lit., 'all the world.'

(27) The sons of scholars mentioned supra.

(28) Heb., Mishnah, (teaching), v. Glos.

(29) Lit., 'taught.'

(30) **Ofj** 'sage', 'wise man'; an office in the college next in rank to that of Ab-beth-din. V supra p. 101, n. 8.

(31) V. supra p. 101, n. 6.

(32) Lit., 'established that teaching.' the procedure described supra. [This arrangement, made by H. Simeon, was not prompted by personal vanity. (Simeon's humility, well attested by his sayings. B. M. 84, 55a, is the best proof against such an imputation.) But it was introduced in order to increase the authority of the College over which the Nasi presided and to promote due respect for learning. V. Lauterbach, J.E. XI, p. 347.]

(33) Lit., 'they said, what is this'.

(34) Lit., 'let us do a thing as to us'.

(35) Lit., 'reveal', i.e., expound.

(36) Lit., 'he has not'.

(37) Lit., 'he did not learn'.

(38) Ps. CVI, 2.

(39) Lit., 'heard them'.

(40) K. Simeon b. Gamaliel.

(41) Lit., 'what is that in front'.

(42) Lit., 'there'.

(43) V. p. 102, n. 9.

(44) Lit., 'was solved'.

(45) The members of the college.

(46) The expelled scholars.

(47) Lit., 'they showed them in their dreams, go pacify him'.

(48) Lit., 'words of dreams neither bring up nor bring down'.

(49) Lit., 'went'.

(50) Lit., 'girdle'.

(51) A beast that in the course of tithing has been erroneously counted as the tenth.

Talmud - Mas. Horayoth 14a

it would not have been sacrificed.¹ The latter said to him: Who are those whose waters we drink but whose names we do not mention? Rabbi answered him: These are men who wished to uproot your dignity and the dignity of your father's house. His son said to him: As well their love, as their hatred and their envy is long ago perished!² Rabbi said to him, The enemy has disappeared; the swords³ are forever.⁴ The other said to him: This applies only to the case where their actions were successful; in the case of these Rabbis, however, their actions were not successful. Subsequently he repeated his lesson [as follows]: It was said in the name of R. Meir that if it had been an exchanged beast it would not have been sacrificed. Raba said: Even Rabbi who was unassuming used the expression,⁵ 'it was said in the name of R. Meir', and did not say 'R. Meir said'. R. Johanan said: [On the following point] there is a difference of opinion between R. Simeon b. Gamaliel and the Rabbis. One view is⁶ that a well-read scholar⁷ is superior [to the keen dialectician] and the other view is⁶ that the keen dialectician⁸ is superior. R. Joseph was a well-read scholar; Rabbah was a keen dialectician. An enquiry was sent up to Palestine:⁹ Who of these should take precedence? They sent them word in reply: 'A well-read scholar is to take precedence'; for the Master said, 'All are dependent on the owner of the wheat'.¹⁰ R. Joseph, nevertheless, did not accept office. Rabbah was head¹¹ for twenty-two years and only after this period did R. Joseph take up the office.¹² Throughout the years of Rabbah's rectorship. Rab Joseph did not call to his house even a cupper.¹³ Abaye. Raba, R. Zera and Rabbah b. Mattana once sat studying together and felt the need to appoint a head.¹⁴ They agreed¹⁵ that whosoever would make a statement which could not be refuted shall become head. The statements of all of them were refuted, but that of Abaye was not. When Raba¹⁶ saw that Abaye held up his head, he called out to him: 'Nahmani,¹⁷ begin and say something'. The question was asked: Between R. Zera and Rabbah son of R. Mattana which is the superior? R. Zera was keen-witted but undecided¹⁸ while Rabbah son of R. Mattana was slow but able to arrive at conclusions.¹⁹ Now, what is the answer? — This must remain undecided.²⁰

(1) V. Bek. 60a.

(2) Eccl. IX, 6.

(3) , **lcrj** , pl. of **crj** 'sword'. Others, 'waste places'.

(4) Ps. IX, 7.

(5) Lit., 'taught'.

(6) Lit., 'one said'.

(7) A sinai. A scholar well versed in the Law communicated from Mount Sinai.

(8) Lit., 'he who uproots mountains'.

(9) Lit., 'thither.'

(10) The scholar who is well read and who is, consequently, able to give reliable decisions based on trustworthy tradition.

(11) Lit., 'reigned' [as head of the school of Pumbeditha].

(12) [Because he was told by astrologers that he would reign only two years (v. Ber. 64a). Rabbah was head 309.330, and R. Joseph who succeeded him died in 333, v. Graetz, Geschichte IV, pp. 322ff. Funk, Die Juden in Babylonien, I, p. 26, suggests that there may be a deeper reason for R. Joseph's reluctance. He felt that the keen

dialectical method of the Pumbeditha School (cf. Sanh, 17b) needed for its direction a man with greater dialectical powers than he possessed.]

(13) R. Joseph, in his modesty, avoided all superior airs and called on the cupper instead of summoning him to his house.

(14) [To the school of Pumbeditha after the death of R. Joseph.]

(15) Lit., 'said.'

(16) So Bomberg ed. Cur. edd.: 'Rabbah.' [D.S. a.l. n. 90, gives preference to the reading 'Rabbah' who, as Abaye's teacher, had to give him permission to expound. In this case, the 'head' they felt in need of would be, not for the school of Pumbeditha, but for the purpose of taking charge of that particular course: v. Tosaf. Asheri.]

(17) Abaye's nickname. Nahmani was the name of the father of Rabbah in whose house Abaye received his education as well as his upbringing.

(18) **vaen** 'raises difficulties.'

(19) **ehxn** 'coming to conclusions.'

(20) Heb, tekū, v. Glos.

Talmud - Mas. Makkoth 2a

CHAPTER I

MISHNAH. HOW DO WITNESSES BECOME LIABLE [TO PUNISHMENT] AS ZOMEMIM?¹ [IF THEY SAY:] ‘WE TESTIFY THAT N. N. [A PRIEST] IS A SON OF A WOMAN WHO HAD [FORMERLY] BEEN DIVORCED² OR A HALUZAH,³ IT IS NOT SAID [IN THIS CASE] THAT EACH [MENDACIOUS] WITNESS BE HIMSELF STIGMATIZED AS BORN OF A DIVORCEE OR HALUZAH; HE ONLY RECEIVES FORTY⁴ [LASHES].

[IF THEY SAY:] ‘WE TESTIFY THAT N.N. IS GUILTY OF [A CHARGE ENTAILING] BANISHMENT,⁵ IT IS NOT SAID [IN THIS CASE] THAT EACH [MENDACIOUS] WITNESS SHOULD HIMSELF SUFFER BANISHMENT; HE ONLY RECEIVES FORTY [LASHES].

GEMARA. Should not the opening words of the Mishnah have been rather, ‘How do witnesses not become liable [to punishment] as zomemim?’ Moreover, since we read in a subsequent Mishnah: But if they [i.e. counter-witnesses] said to them, ‘How can you testify at all, since on that very day you were with us at such and such a place?’ these are condemned as zomemim,⁶ does not ‘these’ imply that those in the foregoing instances are not treated as zomemim? — The Tanna had just been dealing with the last Mishnah in the preceding tractate [of Sanhedrin]⁷ to which this Mishnah is but a sequel, namely: ‘All zomemim are led forth to meet a talionic death save zomemim in an accusation of adultery⁸ against the [married] daughter of a priest, and her paramour, who are led forth to meet not the same death [as she], but another [manner of] death.’ Accordingly in our Mishnah we are provided with other instances of zomemim where the main law of retaliation is not enforced, but ‘a flogging of forty’ [lashes] is inflicted instead: [IF THEY SAY:] ‘WE TESTIFY THAT N. N. [A PRIEST] IS A SON OF A WOMAN WHO HAD [FORMERLY] BEEN DIVORCED OR A HALUZAH,’ IT IS NOT SAID THAT EACH [MENDACIOUS] WITNESS BE HIMSELF STIGMATIZED AS BORN OF A DIVORCEE OR HALUZAH; HE ONLY RECEIVES FORTY [LASHES].

What is the sanction for this [substitutive] penalty? — Said R. Joshua b. Levi: R. Simeon b. Lakish⁹ said that it is based on the text: then shall ye do unto him as he purposed to do;¹⁰ that is to say, punish him [the culprit] and not his [innocent] offspring.¹¹ But why should not he alone be stigmatised, and not his offspring? — We must needs fulfil ‘as he had purposed to do’ and in such a case we should have failed to do so.¹²

Bar Pada¹³ says that the sanction [here, for the substitutive penalty of a flogging] may be obtained by an argument a fortiori.¹⁴ What do we find in the case of the ‘desecrator’?¹⁵ The ‘desecrator’ himself does not become ‘desecrated’ [by his forbidden association]. Is it not then logical [to argue from this] that a zomem who only came to [try and] ‘desecrate’ a person,¹⁶ but did not [in fact] desecrate him, should not become ‘desecrated’ himself?

Rabina demurred to this argument, saying that if you admit this [kind of] deduction, you nullify [in effect] the law of retaliation for zomemim.

- (1) Zomem-im, the plural of zomem, lit., 'intriguer' or 'schemer' is the technical term for a type of false witnesses (v. pp. 19 ff.) and their punishment is by the law of retaliation (Deut. XIX, 16ff.).
- (2) The child of a union of a priest and a divorcee is considered a Halal, i.e., vulgarized, desecrated, and disqualified from priestly office. (Lev. XXI, 6-8, 14-15; Ezek. XLIV, 22.)
- (3) The widow of a man (absolutely) childless, who had been discharged by performing the halizah (lit., 'the drawing off', sc., the shoe. Deut. XXV, 5-10) is designated Haluzah-widow, and is (Rabbinically) considered tantamount to a divorcee and consequently may not be married to a priest. Haluzah may be taken to mean either 'discharged', 'withdrawn' (cf. Hosea, V. 6); or, 'drawer of the shoe', v. M. Segal, Mishnaic Hebrew Grammar, 235.
- (4) According to Rabbinic interpretation of Deut. XXV, 2-3, the maximum number of lashes was 'forty save one', v. p. 155.
- (5) v. Num. XXXV, 10ff. and Deut. XIX, 4-5.
- (6) V. infra 5a.
- (7) Mishnah Sanh., XI, 6, the final clause in that tractate, both in our editions of the Mishnah and the Palestinian recensions. The order is, however, different in our editions of the Babylonian Talmud, where it is not the last chapter, but the last but one (Chap. X, fol. 89a).
- (8) The specific penalty for a priest's daughter caught in adultery was Burning (Lev. XXI, 9.; Gen. XXXVIII, 24; cf. Sanh. 50a seq.). The seducer of any married woman was to be strangled, v. 84b. On the traditional methods of execution, v. Sanh. VII.
- (9) The words 'R. Simeon b. Lakish said' are omitted in some texts and questioned on the ground that R. Joshua b. Levi was the older of the two and could not have been the former's disciple; but this form of reporting does not invariably imply discipleship, v. Yad Malaki, sect. 74.
- (10) Deut. XIX, 29.
- (11) I.e., if the zomemim are priests, their innocent children would, on the application of the law of retaliation thenceforth, also become stigmatized as 'desecrated', cf. p. 1, n. 2.
- (12) Hence 'lashes' are inflicted instead.
- (13) I.e., R. Judah b. Pedayah, one of R. Joshua b. Levi's teachers.
- (14) Hebrew, Kal wahomer, lit., 'the light and the grave' set in contrast; an argument by analogy, either from the lesser to the more important or from the more important to the lesser, V. Glos. Note that we have here an instance of two tendencies in attempting to trace accepted principles back to their origins. Some seek their origin in the Bible, others again delight also in giving them a logical basis by deduction.
- (15) A priest who enters into a forbidden union 'desecrates' the woman and all her future offspring. V. p. 1, notes 2 and 3.
- (16) Impugning by false evidence the past status of a priest's mother. For a historical illustration v. Kid. 66a, and Josephus, Ant., XIII, 10, 5 — 6.

Talmud - Mas. Makkoth 2b

For, [you might argue,] what do we find in the case of one who [as witness]¹ had stoned a person? He himself is not stoned. Is it not then logical [to argue from this] that one who had only purposed to stone another [by his evidence] but did not succeed in stoning him, should not be stoned himself? Hence the derivation as taught from the text in the first instance, is the best.

[IF THEY SAY:] ‘WE TESTIFY THAT N.N. IS GUILTY OF A CHARGE [ENTAILING THE PENALTY OF] BANISHMENT..... What is the sanction for this (substitutive) penalty? — Said Resh Lakish,² It is based on the text which reads: He, he-shall-flee³ unto one of the cities of refuge, which emphatically asserts that he alone shall flee, but not the zomemim.

R. Johanan said that the sanction for this (substitutive penalty of a flogging) may be obtained by argument a fortiori, thus: Now, what do we find in the case of one who had effected his intended act [of murder]? He is not banished.⁴ Is it not then logical [to argue from this] that zomemim who had not [actually] effected their intended act should not be banished?

But does not this [very] argument point to a reverse conclusion? For is it not logical [to argue] that he who had effected the intended act [of murder] is not to go into banishment, so as not to obtain the possibility of atonement; whereas the zomemim who have not effected their intended act, should be allowed to go into banishment, so as to obtain the possibility of atonement? Hence the derivation as from the text, given by Resh Lakish, is the best.

‘Ulla said: Where is there found an allusion in the Torah to the treatment of zomemim-witnesses? Where is there found an allusion in the Torah to zomemim-witnesses! Is it not prescribed, then shall ye do unto him as he had purposed to do unto his brother?⁵ What is meant is some allusion in the Torah for inflicting on Zomemim-witnesses a flogging [in lieu of retaliation]! — It is written: And they shall justify the righteous and condemn the wicked: and it shall be if the wicked man deserve to be beaten [flogged], that the judge shall cause him to lie down and be beaten . . . forty [lashes].⁶ Now, is it because the judges justify the righteous and condemn the wicked’, that ‘the wicked man deserve to be beaten’?⁷ But, if you refer the text to a case where witnesses had incriminated a righteous man; then came other witnesses who justified the righteous’, [that is, indicated his innocence as heretofore], and ‘condemned the wicked’, [that is, proved the former witnesses wicked men] then [you can say that] ‘if the wicked man’ [the zomem] ‘deserve to be beaten,⁸ the judge shall cause him to lie down and be beaten.’ Cannot the sanction for the flogging be derived from the eighth Commandment: Thou shalt not bear false witness against thy neighbour?⁹ No, it cannot be, as that is a prohibition applying to no [tangible] action, and ‘wherever a prohibition is contravened without [involving tangible] action, no flogging is inflicted’.¹⁰

Our Rabbis taught: Four observations were made in reference to zomemim-witnesses, they [a] are not stigmatized as born of [a priest and] a woman who had been a divorcee or a haluzah;¹¹ [b] do not go into banishment to the cities of refuge; [c] are not made to pay ransom;¹² and [d] are not sold as slaves.¹³ In the name of R. Akiba it was stated that they are also not made to pay [compensation] on their own admission.¹⁴

‘They are not stigmatized as born of [a priest and] a divorcee or a haluzah’ — as we have already explained [above]. ‘They do not go into banishment to the cities of refuge’ — as we have already explained [above]. ‘They are not made to pay ransom’ — because ransom is held to be [a form of] atonement and these fellows stand in no need of that.¹⁵ Who could be the Tanna who considers ransom as [a form of] atonement? — Said R. Hisda: It is R. Ishmael, son of R. Johanan

b. Berokah, as it has been taught: It is written, then he shall give for the redemption of his life [whatever is laid upon him],¹⁶ that is, compensation for the [life of] the person injured [dead]. R. Ishmael, son of R. Johanan b. Berokah, says: It is compensation for [his own life], the one responsible for the injury.

Is it not right to assume that [ultimately] they differ in the interpretation of the import of kofer [ransom]; one Master considering the ransom merely as pecuniary satisfaction, whilst the other Master interprets it as [a form of] expiation [of guilt]? Said R. Papa: Not [necessarily] so! Both¹⁷ may be taken to consider ransom as a form of expiation [of guilt], only here they differ on this, that one Master considers the assessment should be based on the value of the injured [dead] person, while the other Master considers that it should be based on the value of the person responsible for the injury.

What is the reason underlying the view held by our Rabbis?¹⁸ — They argue that as the same expression for assessment is used in two proximate instances in the same chapter,¹⁹ therefore just as in the former instance the assessment is based on the injured [dead child], the assessment in the second instance²⁰ is likewise to be based on the [dead] person [injured by the ox]. And what is R. Ishmael's [reason]? — He argues that the text states [explicitly the compensation to be] for the redemption of his life [soul].

And [what is the reply of] the Rabbis [to this interpretation]? — Yes indeed, the text has it for the redemption of his life [soul]; nevertheless, in regard to the amount to be paid assessed according to the value of the injured.²¹

‘And they are not sold as slaves’ — R. Hamnuna²² was inclined to argue that this exemption would be granted only where the [innocently] accused had the means to pay his threatened fine; for, inasmuch as he would then not have been sold, they [the zomemim] should likewise not be sold; but where he himself had no means, the zomemim, even though they have the means, should be sold. [Said Raba to him:] Let the zomemim say to him, ‘If you had the means, would you have been sold? Therefore, we likewise should not be sold.’ But what R. Hamnuna did propose to argue was that this exemption should be granted only where either he or they have the means; but where neither he nor they have means they should be sold.²³ Said Raba to him: The Divine Law²⁴ prescribes, If he has nothing, then he shall be sold for his theft,²⁵ which directs that he be sold for theft, but not for insidious scheming.

‘In the name of R. Akiba it was stated that they do not pay on their own admission.’ What is R. Akiba's reason [for this exemption]? — He considers this compensation as kenas²⁶ and kenas is not payable on one's own admission. Rabbah [commenting on this] said: You may recognise it as such, because, you see, these [schemers] have actually done nothing [tangible], yet they are put to death or made to pay damages. R. Nahman [commenting] said: You may recognise it as kenas, as the money remains [undisturbed] in the possession of the owner, yet those fellows are made to pay.

(1) ‘The hand of the witness shall be upon him first to put him to death’ (Deut. XVII, 7). If the intrigue was not discovered till after the execution had taken place, the zomemim were not punished by retaliation, v. p. 25.

- (2) Resh Lakish's view is given by Bar Pedayah in J. Mak, i. 1.
- (3) **xubh tuv** Deut. XIX, 5. The verb **xubh** alone, means he shall flee; the addition of the pronoun **tuv** = he, adds emphasis to the subject of the verb.
- (4) Deliberate murder is not punished by banishment, but by death. Yet, if on technical grounds the criminal escapes the extreme penalty, he is not relegated into banishment (either for atonement, or protection from the 'avenger').
- (5) Deut. XIX, 19.
- (6) Deut. XXV, 1ff. Notice, there is no mention of zomemim or any indication in the text or context. What 'Ulla reads into it is therefore only claimed as a suggestion, a mere allusion and no more,
- (7) V. next note.
- (8) I.e., where retaliation is inapplicable or cannot be justly imposed. This is not altogether so strained an interpretation as it may seem at first. The main difficulty here is the word **chr**, 'a contention', 'controversy', between two parties; the penalty of flogging is not determined by the relative righteousness of the one and the wickedness of the other, but is inflicted for religious, ritual, or moral transgressions. Hence, the reference is to the attempts of contentious fellows to degrade an enemy by a false imputation; v, the comments of Nahmanides, Malbim and J.Z. Meklenburg, Ha-kebab we-ha-Kabbalah, a,I.
- (9) Ex. XX, 13.
- (10) V, infra, 16a. Mere speaking is generally (with the exception of some specific instances), not considered 'action'.
- (11) V. Glos.
- (12) Pecuniary compensation chargeable on a fatal accident caused by a vicious animal, due to the owner's negligence; v. Ex. XXI, 28ff. If the charge was made on fictitious evidence, and the witnesses were found zomemim, they do not pay the amount that the court might have imposed on the one accused innocently.
- (13) If they had accused one of having stolen, and the accused had not the means to pay, v. Ex. XXI, 37; XXII, 1-3.
- (14) When witnesses are proved zomemim and they make a timely confession of their guilt, they are not made to pay the statutory fines.
- (15) As their beast has not actually killed a human being.
- (16) Ex. XXI, 30. If there be laid on him (**rpf**, atonement) a sum of money, then he shall give for the (**ihsp**, redemption) ransom of his life (Heb., soul) whatsoever is laid upon him. In view of the last part of verse 29, the ox shall be stoned and his owner also shall be put to death, it is difficult to say which of the two is demanded, atonement for the negligence which resulted in the death of a human being, or the pecuniary compensation, redemption, for the loss to the capacity of the family. V. Nahmanides and Ibn Ezra on Exodus.
- (17) Lit., 'all the world.'
- (18) I.e. the representatives of the anonymous opinion.
- (19) I.e., Ex. XXI, 22, (where one hurt a woman with child, so that her fruit depart from her); and verse 30, (where one's ox killed a man).
- (20) Ibid. 30.
- (21) I.e., by the method indicated in verse 22 (in the case of the child).
- (22) There were several Babylonian scholars of that name; this contemporary of Raba is the fourth on the list in Hyman's Toledoth I, p. 378.
- (23) The words, 'said Raba to him' are to be omitted, according to a marginal note; but on closer examination the whole passage down to the next 'said Raba to him,' will be found to be a later insertion, out of harmony. It is not in the Munich text, v. D.S, p. 2.
- (24) V. Glos.

(25) Ex. XXII, 2.

(26) A monetary imposition (more than is due), by way of penalty. The rule is obtained from Ex. XXII, 8, 'whom the judges shall condemn, he shall pay double . . . , but not on his own admission. (Rashi); v. Glos.

Talmud - Mas. Makkoth 3a

How has this money remained undisturbed? [Obviously] because they had done nothing [tangible]! [But] that is just what Rabbah said! — Then it should be reported thus: And so had also said R. Nahman.

Said Rab Judah: Rab said that a zomem-witness pays his quota. What is meant by 'pays his quota'? If it means that this one pays half and that one half, we learn this already expressly: Monetary impositions are divided proportionately, but [the number of] lashes is not divided proportionately!¹ This dictum is applicable where only one of the witnesses was found a zomem, in which case he would be made to pay his half [of the fine]. But does he in such a case pay at all? Is it not taught: 'No zomem-witness pays money [damages] until the two of them have been found zomemim'? — Said Raba: It has a possible application where one of the zomemim admits, 'I gave false evidence'. But would we accept such statement coming from him?² What about [the rule]: A witness, once he has made his depositions [before the Court], cannot retract and testify again? — Hence this dictum can only be applied where one says: 'We gave evidence and were found zomemim by such and such a Court'.³

Now, with whose view will this explanation accord? — Not with R. Akiba's; for how could this accord with what he said: 'They also do not pay on their own admission'! Hence Rab's dictum is applicable only when one of the witnesses says, 'We gave evidence, were found zomemim by such and such a Court and were condemned to pay a sum of money'.⁴ Now [in such a case] you might presumably expect me to argue that since this fellow cannot [by his sole statement] commit his confederate, he could not commit himself either; therefore Rab teaches us that in this instance a zomem pays his quota.

MISHNAH. [IF THEY SAY:] 'WE TESTIFY THAT N.N. DIVORCED HIS WIFE AND HAS NOT PAID HER KETHUBAH'⁵ SEEING THAT HER KETHUBAH WILL ULTIMATELY HAVE TO BE PAID, SOONER OR LATER⁶ THE ASSESSMENT SHOULD BE MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE WILLING TO OFFER THE WOMAN FOR HER KETHUBAH IN THE EVENT OF HER BEING WIDOWED OR DIVORCED OR, ALTERNATIVELY, HER HUSBAND INHERITING HER AFTER HER DEATH.

GEMARA. How is it appraised? — Said R. Hisda: The appraisal is made on the basis of the husband's claims.⁷ R. Nathan b. Oshaia says: On the basis of the woman's claims;⁸ R. Papa says: On the basis of the woman's claims and strictly on her kethubah.⁹

MISHNAH. [IF THEY SAY]: 'WE TESTIFY THAT N.N. OWES HIS FRIEND ONE THOUSAND ZUZ'¹⁰ WITH AN UNDERTAKING THAT HE WILL RETURN THE SAME TO HIM THIRTY DAYS HENCE', WHILE THE DEBTOR SAYS 'TEN YEARS HENCE', THE

ASSESSMENT [OF THE FINE] IS MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE WILLING TO OFFER FOR [THE DIFFERENCE BETWEEN] HOLDING THE SUM OF ONE THOUSAND ZUZ TO BE REPAID IN THIRTY DAYS OR IN TEN YEARS HENCE.

GEMARA. Said Rab Judah: Samuel said that if one lent his friend a sum of money for ten years, the [end of the] Sabbatical year will cancel that debt;¹¹

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- (1) Infra 5a.
 - (2) And reverse the judgment claim?
 - (3) Whereas the other witness does not admit.
 - (4) As a judgment debt which can be proved, it is no longer a voluntary admission to be waived on technical grounds.
 - (5) The 'document, containing among other undertakings a settlement on the wife payable at her husband's death, or on her being divorced by him. V. Glos. The husband presumably contests this statement, and ultimately the witnesses are proved intriguers and have to pay damages as zomemim.
 - (6) Lit., 'to-day or to-morrow'. The husband having lost practically nothing by the evidence of these witnesses cannot expect an award equal to the full amount of the kethubah.
 - (7) E.g., the value of a speculative loan obtainable by the husband on the kethubah, in the event of his wife's death, and some compensation for their attempt to deprive him forthwith of his enjoyment of the usufruct of his wife's property, on which he might likewise have a favourable offer by way of a loan.
 - (8) E.g., the advance she might have obtained on her kethubah. As the woman's rights, however, had not been assailed by these witnesses, the estimated 'advance' is to be deducted from the actual amount due to her on the kethubah-settlement and the balance is the husband's award, apart from the threatened immediate loss of the usufruct.
 - (9) R. Papa does not allow the claim of the threatened loss of usufruct, of which these witnesses may plead they had no cognizance, and therefore, not having assailed this item, they are not liable on that account (Rashi).
 - (10) The zuz is a small silver coin corresponding to the Attic drachm and Roman denarius, worth about 9d.
 - (11) V.Deut. XV, 1ff.

Talmud - Mas. Makkoth 3b

even though [it might be argued that] at the time of its incidence the injunction: he shall not exact it of his neighbour¹ is inapplicable,² it does nevertheless become applicable, ultimately.³ R. Kahana⁴ referred him back [to the Mishnah]: THE ASSESSMENT IS MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE WILLING TO GIVE FOR [THE DIFFERENCE BETWEEN] HOLDING THE SUM OF ONE THOUSAND ZUZ TO BE REPAID IN THIRTY DAYS OR IN TEN YEARS HENCE. Now, if it were as you say that the Sabbatical year cancels the debt, then the zomemim ought to be made to pay even the whole capital? — Said Raba: The Mishnah might be dealing with the case of a loan against a pledge, or where the creditor deposited his bills at the Court, as we learnt: 'A loan against a pledge or one where the creditor had delivered the bill thereof to the court, is not cancelled⁵ [by the Sabbatical year].'

Some report this discussion thus: Rab Judah said that Samuel said that if one lends to his friend a sum of money for ten years, the Sabbatical year does not cancel the debt, and even though ultimately it becomes subject to the injunction, he shall not exact it of his neighbour, yet that

injunction is inapplicable at the time of the incidence of the Sabbatical year. Said R. Kahana: We have learnt likewise: THE ASSESSMENT IS MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE WILLING TO GIVE FOR HOLDING THE SUM OF ONE THOUSAND ZUZ TO BE REPAID IN THIRTY DAYS OR IN TEN YEARS HENCE. Now, if you would say that the Sabbatical year cancels the debt, then the zomemim should be made to pay even the whole capital? — Said Raba: [This argument is not conclusive, as] the Mishnah might deal with the case of a loan against a pledge, or, where the creditor deposited his bills at the Court.

This also Rab Judah said: Samuel said that if one says to his friend ‘[I lend you this money] on condition that the Sabbatical year shall not cancel the debt for me,’ the Sabbatical year does cancel it.

Is it to say that Samuel considers this a stipulation that is in conflict with what is prescribed in the Torah, and [the rule is]: ‘If one makes a stipulation which is in conflict with what is prescribed in the Torah,⁶ his stipulation is void’? But has it not been stated: If one said to his friend, ‘[I sell you this thing] on condition that you have no complaint of an unfair deal⁷ against me,’ Rab says he has a complaint; and Samuel says he has no complaint of an unfair deal against him? — Yes, but behold on this very point R. ‘Anan is stated to have said: I had it explained to me by [Mar]⁸ Samuel himself, that [if a person stipulate] ‘on condition that you have no complaint of an unfair deal against me,’ he has no complaint; but if he stipulate that no complaint of an unfair deal shall obtain in the deal, it does obtain. Exactly the same [distinction holds good in regard to the Sabbatical year; if he stipulate] ‘on condition that you do not cancel the debt for me in the Sabbatical year’, the Sabbatical year does not cancel it, but, ‘on condition that the Sabbatical year does not cancel it,’ the Sabbatical year does cancel it.

A Tanna taught: If a person lends his friend some money without specifying a date [for repayment] he may not demand it of him for thirty days at least.⁹ Rabbah b. Bar Hanah put forward a reasoned argument before Rab that this restraint could only be intended for a loan against a Shetar,¹⁰ because nobody would take trouble to execute a written instrument for less than thirty days; but in the case of a loan parol, the restriction did not apply. Said Rab to him: ‘[No!] thus said my Beloved [Uncle]:¹¹ It is the same whether one lends against a Shetar or parol’. It has likewise been taught: If one lends money to his friend without specifying a time [for repaying], he may not demand repayment for at least thirty days, no difference being made whether it be a loan against a Shetar or parol.

Samuel [once] said to R. Mattena: Don't squat down¹² before you give me an explanation of the origin of the oft-repeated dictum of our Teachers: If one lends money to his friend without specification [of date], he may not demand repayment for thirty days, at least, no difference being made whether it be parol or against a Shetar. He replied: It is written, [Beware that there be not a base thought in thy heart saying,] the seventh year, the year of release is at hand, [and thy eye be evil against thy poor brother].¹³ Now, from the import of the words ‘the seventh year . . . is at hand’, is it not obvious that it is the same as ‘the year of release’? What instruction is then the year of release intended to convey? It is to tell you that there is yet another, a kindred form of release; which is it? — It is when one lends his friend some money without specifying a date [for repayment], in which case he may not demand repayment of him for thirty days, at least. [Why

thirty days?] Because the Master has enunciated [in other matters] that thirty days prior to the incidence of the Sabbatical year, count as a year.¹⁴

Rab Judah also said the following: Rab said that if one forcibly enlarges the opening for the neck in a new garment on the Sabbath day, he is liable in a sin-offering. R. Kahana demurred to this view, asking what is the difference between this process [of enlarging the neck] and broaching a cask [which is admittedly permitted]? — [Rab Judah] said in reply that there is a rending of integral parts of the woven material in the case of the garment; whereas the stopper is not an integral part of the cask [but merely inserted]. Rab Judah also said: Rab said that if a kortob¹⁵ of wine fell into three logs¹⁵ of water, imparting a wine colour, and this [mixture] again fell into a mikweh,¹⁶ the mikweh is not thereby rendered ineffectual. R. Kahana demurred to this, asking: What is the difference between a mixture of wine and water and the dye-water about which we learnt: R. Jose says that dye-water renders the mikweh ineffectual?¹⁷ Said Raba to him: [There is a difference], as there, people call it ‘dye-water’, whereas here, they call it ‘diluted wine’.

But yet, did not R. Hiyya teach: These spoil the efficacy of the mikweh?¹⁸ — Said Raba to him: There is no difficulty, as one [Rab] presents R. Johanan b. Nuri's view, while the other [R. Hiyya] presents the view of the Rabbis; as we learnt:¹⁹ If a kortob of wine fell into three logs of water

(1) Ibid. 2.

(2) Because the agreed period of the loan (ten years) extends beyond the ‘year of release’ and the creditor could not ask for its repayment then, but only at the end of the ten years, when the cancelling power of the Sabbatical year will be past.

(3) I.e., retrospectively.

(4) Probably a disciple of Raba.

(5) Sheb. X, 2. This formal exemption was a social and economic measure called Prosbul instituted by Hillel. If a creditor deposited formally his claim to the Court, he was no longer an individual creditor against his brother (v. Deut. XV, 3). Similarly a pledge (against a debt) acted as a sort of anchorage keeping the debt fast, as a pledge cannot be wiped out like negotiable money that had actually been used. V. Git. 37a.

(6) V. Deut. XV, 2. This rule is enunciated by Rabban Simeon b. Gamaliel in Keth. IX, 1.

(7) Ona'ah overreaching, a stipulation in conflict with Lev. XXV, 14, oppress being taken to mean to overreach, to deal unfairly. Cf. B.M. IV, 3 ff. and Talm, fol. 51a seq.

(8) An honorific title, Master, a reading well attested D.S, p. 3.

(9) Tosef. B.M. X, 1.

(10) A written document. ‘Starr’ is an adopted word in mediaeval Anglo-Jewish history. Tovey, Anglia Judaica, p. 32.

(11) R. Hiyya the Great. Rab and Rabbah b. Bar Hanah were cousins and fellow-students under their paternal uncle Hiyya in Palestine.

(12) A familiar phrase for ‘before settling down;’ students usually sat low, on the floor. V. Ab. I, 4.

(13) Deut. XV, 9.

(14) V.R.H. 9bff, where it is suggested as a sort of minor year of release.

(15) Kortob: the smallest liquid measure, 1/64 of a log, which was a small domestic measure, about 2/3 of a pint; 24 logs went to one se'ah.

(16) Mikweh: a well, pool or reservoir used for ritual purification. Lev. XXII, 3-7. The water must not be contained

in a vessel or filled by means of a vessel, but be naturally-gathered and in contact with the ground, Lev. XI, 36. The minimum requisite quantity for a mikweh is 40 se'ahs (or 960 logs), the amount considered necessary to allow the complete immersion of a person of average size. Once the mikweh has naturally attained the standard quantity of 40 se'ahs nothing, save reduction or discolouration, can then affect its efficacy. When under the required standard, the mikweh is ineffectual and the addition of three logs of 'vessel-drawn' water vitiates the whole entirely. The addition, however, of milk, wine, or other pure undiluted fruit-juice neither disqualifies the mikweh nor helps to bring it up to standard.

(17) Mik. VII, 3.

(18) That is, this quantity of wine and water fallen into a defective mikweh rendered the same totally useless; how could Rab, Hiyya's disciple, contradict his master?

(19) Mik. VII, 5, where, however, it should be noted, the reading in the first clause is 'three logs full', not as quoted in our Talmud texts, here, and Hul. 26a.

Talmud - Mas. Makkoth 4a

short of a kortob, imparting a wine colour, and then the whole fell into a [deficient] mikweh, the mikweh is not thereby rendered ineffectual. Likewise, if a kortob of milk fell into three logs of water short of a kortob, and then the whole fell into a [deficient] mikweh, the colour remaining that of water, the mikweh is not thereby rendered ineffectual. R. Johanan b. Nuri says that it all depends on the colour.¹ But, that is just the point on which R. Papa sought a solution.² For R. Papa asked whether Rab read in the first clause of the Mishnah 'three logs short of a kortob', and if so, then [a] the Tanna³ of that first clause [presumably] holds that [a kortob of wine which has fallen into full] 'three logs' of water would render the mikweh ineffectual, and consequently, [b] R. Johanan b. Nuri expressed his dissent, [namely] that it all depends on the colour⁴ [rather than on the measure of the liquid]. In that case, Rab [as reported above] adopted the view of R. Johanan b. Nuri. Or, alternatively, Rab did not read in the first clause of the Mishnah 'three logs short of a kortob', [but whole three logs]⁵ and consequently [a] R. Johanan b. Nuri's dissenting comment referred only to the last [milk] clause⁶ and therefore, [b] Rab [as reported] expressed a unanimous view?⁷ — This was doubtful only to R. Papa, whereas Raba was certain about it.⁸

R. Joseph remarked: [Though a disciple of Rab Judah,] I never heard from him that 'reported topic'.⁹ Said Abaye to him: You told us about this very theme yourself and this is how you told it to us, that Rab did not read in the first clause of the Mishnah 'short of a kortob'; that R. Johanan dissented only from the latter clause, and that Rab's statement expresses a unanimous view.

Rab Judah also said: Rab said that if a cask-full of water had fallen into the Great Sea [the Mediterranean] and someone immersed himself [ritually] on that spot, his immersion is of no avail to him, as we have some misgiving lest three logs are left in one spot [undistributed]. Now this applies particularly to the Great Sea where the water remains stationary, which is not the case generally in stream water. The same has been also taught: If a cask-full of wine had fallen into the Great Sea and someone immersed himself on that spot, his immersion is of no avail to him, as we have some misgiving lest [three logs of] the wine¹⁰ was left in one spot [undistributed]. And likewise if a terumah¹¹ — loaf fell there, it is defiled.

What is the purport of the clause 'And likewise . . . '? — You might argue that, as in the

former instance, [when in doubt] you consider the person in status quo [i.e, defiled], you would do the same in the second instance and consider the terumah also in status quo [as holy]; the second clause, therefore, is essential, to inform you that the loaf is defiled.

MISHNAH. [IF WITNESSES DECLARE]: ‘WE TESTIFY THAT N. N. OWES HIS FRIEND TWO HUNDRED ZUZ’, AND THEY ARE FOUND ZOMEMIM, THEY ARE FLOGGED AND ORDERED TO PAY [CORRESPONDING DAMAGES], BECAUSE THE TITLE¹² WHICH SANCTIONS THE FLOGGING¹³ IS OTHER THAN THE TITLE THAT SANCTIONS THE COMPENSATION.¹⁴ THESE ARE THE WORDS OF R. MEIR; BUT THE SAGES SAY THAT ONE WHO IS ORDERED TO PAY DAMAGES IS NOT FLOGGED.

[IF WITNESSES DECLARE:] ‘WE TESTIFY THAT N. N. IS LIABLE TO A FLOGGING¹⁵ OF FORTY LASHES, AND THEY ARE FOUND ZOMEMIM, THEY RECEIVE EIGHTY, FORTY ON THE COUNT OF ‘THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY NEIGHBOUR,’¹⁶ AND FORTY ON THE COUNT OF THEN SHALL YE DO UNTO HIM AS HE PURPOSED TO DO UNTO HIS BROTHER’.¹⁷ THESE ARE THE WORDS OF R. MEIR; BUT THE SAGES SAY THAT THEY RECEIVE ONLY FORTY LASHES.

GEMARA..

(1) That means, if the colour of the mixture (that has fallen in) was that of wine or milk, it is to be taken as wine or milk, without adverse effect on the mikweh even if it fell in to whole three logs of water; and Rab thus follows the principle of R. Johanan b. Nuri (v. supra note 2, end). Whether R. Johanan's observation refers to the last clause alone, or also to the first, is discussed immediately.

(2) As Rab, in his dictum, states that if a kortob of wine fell into three logs of water, imparting a wine colour, there is no adverse effect on a defective mikweh, the discussion arises as to what reading he followed, in his interpretative dictum.

(3) I.e., the authority, though unnamed, yet representing the consensus of the Sages, v. Glos.

(4) I.e., if wine-coloured, it is as if wine had been added, without adverse effects.

(5) As in the Mishnah texts.

(6) I.e., where the colour remained that of water.

(7) For all agree that if the colour of the mixture is that of wine or milk, it is without effect on the efficacy of the mikweh, good or ill, even where the milk or wine was added to three logs.

(8) I.e., that Rab adopted the view of R. Johanan b. Nuri.

(9) **t, gna** Shema'ta is something ‘heard’ from the lips of an eminent person, v. Glos. R. Joseph lost his memory after a severe illness, and Abaye often recalled to his beloved Master his own teachings.

(10) The reason is that wine is not suitable for ritual immersion, v. Rashi on Shab., 144b. The reading ‘three logs of vessel-drawn’ is certainly incorrect in reference to wine. Cf. Hananel, Nahmanides and Strashun, a.l.

(11) I.e., the priestly due given in kind, corn, wine and oil (also fruits), which could be consumed only by one in a state of ritual purity, cf. Num, XVIII, 11-13. V. Glos.

(12) Literally, ‘name’ ‘denomination’ or ‘category’, meaning the Biblical text; v. next clause of the Mishnah.

(13) The breach of the ninth Commandment, Ex. XX, 13.

(14) The specific law of retaliation for ‘intriguers’, v. Deut. XIX, 19.

(15) Either in connection with an offence that he had committed in their presence, or they testify that he had been sentenced to a flogging by another tribunal, but ran away.

(16) V. p. 15, n. 4.

(17) V. p. 15, n. 5.

Talmud - Mas. Makkoth 4b

The Rabbis' view here is perfectly in order since, as it is written there, according to his misdeed,¹ can penalize him [once only], for a [single] 'misdeed,' but not [twice as] for two misdeeds. But as to R. Meir, what is his reason [for imposing two penalties for a single offence]? — 'Ulla said that R. Meir inferred the principle [by analogy] from the case of the 'Defaming husband'.² What do we find in the law of the 'Defaming husband'? He is flogged and also made to pay compensation; the same should obtain in every case where the offender made himself liable to a flogging and compensation. [No!] This is no analogy, because what is that law of the 'Defaming husband'? It is [essentially] a case of *kenas*!³ — [Admitted;] but R. Meir is of the same opinion as R. Akiba, that is that the punishment of *zomemim* is [likewise] one of *kenas*.⁴

Some introduce this Mishnah-comment of 'Ulla in connection with that which has been taught: And ye shall let nothing of it remain until the morning; and that which remaineth of it until the morning ye shall burn with fire.⁵ Now Scripture came and provided here a [remedial] act to follow a [disregarded] prohibition;⁶ this [provision] is to convey that no flogging is inflicted for the transgression. These are the words of R. Judah. R. Jacob⁷ says: [No!] this interpretation is not relevant,⁸ as it is rather an instance of a prohibition contravened without action, and any prohibition contravened without action entails no flogging.⁹ Now, the general import of the above statement seems to imply that R. Judah is of [the] opinion that a prohibition contravened without Action does entail a flogging: whence does he obtain this principle? — 'Ulla submitted that R. Judah derived it from the [law of the] Defaming husband. What do we find in [the case of] the Defaming husband? It is a prohibition¹⁰ contravened without action,¹¹ and yet the offender receives a flogging! [No, your conclusion falls short, as] what do we find in the law of the Defaming husband? He is flogged and also pays [one hundred shekels of silver], But, said Resh Lakish, R. Judah derived it from the [case of] *zomemim*. Now what do we find [in the case of] *zomemim*? — It is a prohibition contravened without action, and yet the offenders are flogged; the same obtains wherever there is a prohibition contravened without action. [But, can you argue that from the *zomemim*, as] what do we find in [the case of] *zomemim*? They need not be cautioned!¹² Then [I say] let the case of the Defaming husband¹³ enforce my argument. And thus the argument turns to and fro, the characteristics of one case not being quite those of the other; but they are alike in this, that they are cases of a Prohibition contravened without action, and [in each case] the offender is flogged; the same [I submit] obtains in all cases of a Prohibition contravened [even] without action — that the offender is flogged. [But yet, note] what is their common characteristic? They are both [cases of] *kenas*!¹⁴ — This presents no difficulty, as R. Judah does not take the same view as R. Akiba.¹⁵ But yet [the argument might be carried on], what they both have in common is that they have each some singular trait of severity.¹⁶ — R. Judah does not raise this point.¹⁷

[BUT THE SAGES SAY THAT THEY RECEIVE ONLY FORTY LASHES.] And what lesson do the Rabbis derive from the text, 'Thou shalt not bear false witness against thy neighbour'? — They must needs utilize it as the [statutory] admonition¹⁸ to *zomemim*. And where

does R. Meir find that [requisite Scriptural] admonition? — Said R. Jeremiah that R. Meir found the same in the context, And those that remain shall hear and fear and shall henceforth commit no more such evil in the midst of thee.¹⁹ And why do not the Rabbis also adopt the same? — They apply it to another principle,

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- (1) Deut. XXV, 2, as applied to zomemim. V, supra p. 4, text and notes.
 - (2) V, Deut. XXII, 13-19, where it is directed to chastise him and 'amerce him 100 shekels of silver'.
 - (3) I.e., a punitive treatment which cannot be taken as a standard, and from which no deductions can be drawn.
 - (4) I.e. they are both of a punitive type, and the argument from them by analogy is therefore in order; v. supra p. 7, n. 4.
 - (5) I.e., of the roasted flesh of the paschal lamb, Ex. XII, 10.
 - (6) Lit., a prohibition translated into a positive action', **vagk e, hbv utk**
 - (7) Akiba is a corrupt reading.
 - (8) Lit., 'is not of the proper denomination or category,' i.e. not correctly assigned, or conceived,
 - (9) I.e. the offence was passive, without any bodily exertion, and therefore not punishable.
 - (10) Derived from thou shalt not go up and down as a tale-bearer among thy people (Lev. XIX, 16); according to another suggestion, from keep thee free from every wicked thing (Deut. XXIII, 10), v. Keth. 46a.
 - (11) I.e., slander is not the same as actual assault. Speech was deemed intangible, as mere breath without direct bodily contact. Some, however, consider that the movement of the lips in speech constitutes action, cf. infra 16a.
 - (12) Whereas in all cases entailing a flogging previous caution is absolutely essential, in this case it is not even possible; for, zomemim caught in fictitious evidence could not possibly have been so warned, and yet they are flogged, which shows that their treatment is exceptional and cannot, therefore, be used for fixing a standard rule.
 - (13) Who is entitled to be cautioned and yet receives a flogging for an offence of intangible action.
 - (14) V, supra, p. 16 note 6.
 - (15) All agree that (the secondary instance) the Defaming husband, is a case of kenas (penal), as the fixed heavy fine of 200 shekels shows. But in regard to the primary instance of zomemim, the Sages, including R. Judah, differ from R. Akiba in considering the compensation pecuniary (mamon), not penal (kenas), as the amount is not a fixed sum, but assessed according to the damage threatened by their perfidy. V. B.K. 5a (Rashi, top), kenas = poena and mamon = multa.
 - (16) I.e., zomemim are to be flogged, even though they had not been previously cautioned; the Defaming husband is not only flogged, but also has to pay a fine (100 shekels) and may not send away his wife (Deut. XXII, 19).
 - (17) On logical grounds, as you cannot argue from dissimilarities. Cf. Tosaf. Keth. 32b s.v. **ifa**.
 - (18) I.e., as an explicit primary statement that such an action is a sin, as 'no punishment (**abg**) can be inflicted without admonition (**vrvzt**)'. Cf. Mek. on Ex. XX, 13.
 - (19) Deut. XIX, 20.

Talmud - Mas. Makkoth 5a

namely that of proclamation.¹

And whence does R. Meir derive that principle? — He obtains the principle of proclamation from the phrase [in the same passage], And those that remain shall hear and fear. MISHNAH. MONETARY IMPOSITIONS ARE SHARED AMONG THE OFFENDERS, BUT THE LASHES OF A FLOGGING ARE NOT SHARED AMONG THE OFFENDERS. HOW FOR INSTANCE? IF THEY GAVE EVIDENCE AGAINST A PERSON THAT HE OWED HIS

FRIEND ONE HUNDRED ZUZ, AND THEY WERE FOUND ZOMEMIM, THEY DIVIDE THE CORRESPONDING DAMAGES PROPORTIONATELY BETWEEN THEM; BUT IF THEY GAVE EVIDENCE AGAINST HIM THAT HE WAS LIABLE TO A FLOGGING OF FORTY LASHES AND WERE FOUND ZOMEMIM, EACH ONE RECEIVES HIS FORTY LASHES.

GEMARA. [EACH ONE RECEIVES HIS FORTY LASHES.] What is the [Scriptural] warrant for this? — Said Abaye: The term rasha'² occurs in the text prescribing a flogging,³ and also in the text prescribing the death penalty by order of the Court:⁴ just as the death-penalty cannot be effected in half-measure, so a flogging likewise, may not be effected in half-measure.⁵

Raba said: We require to fulfil the words, Then shall ye do unto him as he purposed to do unto his brother,⁶ and this would not be done [unless each zomem-witness receives his full due]. Then, if that be so, why should not the same obtain in regard to monetary imposition? Money can be unified into one total, whereas lashes cannot be so unified.

MISHNAH. WITNESSES ARE NOT CONDEMNED AS ZOMEMIM UNTIL THEY THEMSELVES ARE [DIRECTLY] INCRIMINATED⁷ ; HOW, FOR INSTANCE? IF THEY HAD DECLARED: 'WE TESTIFY THAT N.N. KILLED THAT PERSON'; AND OTHER WITNESSES SAID TO THEM: HOW COULD YOU TESTIFY TO THAT, AS THAT MURDERED PERSON OR THAT [ALLEGED] MURDERER WAS WITH US ON THAT VERY DAY, AT SUCH AND SUCH A PLACE?' [THEN] THE WITNESSES ARE NOT THEREON CONDEMNED AS ZOMEMIM. BUT, IF THESE [OTHER] WITNESSES SAID: HOW COULD YOU TESTIFY TO THAT, AS ON THAT VERY DAY, YOU WERE WITH US AT SUCH AND SUCH A [DISTANT] PLACE?' [THEN] THE FORMER ARE CONDEMNED AS ZOMEMIM. IF OTHER WITNESSES CAME, AND THEY CHARGED THEM [WITH PERFIDY]: THEN [AGAIN] OTHERS CAME, AND THEY [AGAIN] CHARGED THEM⁸ [WITH PERFIDY], EVEN TO A HUNDRED, THEY ARE ALL TO BE EXECUTED. R. JUDAH SAYS THAT THIS IS [SEEMINGLY] A CONSPIRACY⁹ AND THE FIRST SET ALONE IS [TO BE] EXECUTED.

GEMARA. What is the [Scriptural] warrant for this? — Said R. Adda:¹⁰ The text says, and behold, if the witness be a witness-of-falsehood etc.¹¹ [which conveys that he is not a zomem] until the lie is given to the body of the evidence.¹² In the School of R. Ishmael it was taught: to testify against him¹³ a wanton perversion [sarah],¹⁴ conveys [that he is] not [a zomem] until the body of the evidence is controverted. Raba¹⁵ stated that if two came and declared that N.N, had killed that person on the eastward side of the citadel, and two others came and said [to the former witnesses]: 'But were you not [then] with us at the westward side of the citadel?' we have to consider. If while standing on the westward side of the citadel, it is possible to see that [indicated] spot on the eastward side of the citadel, they are not condemned¹⁶ as zomemim; otherwise, they are [condemned] as zomemim. But that is quite obvious! — No; you might say that we [should not convict but] consider the possibility of [the first witnesses having] a stronger eye-sight. Therefore Raba informs us that we do not give such special consideration [to zomemim].

Raba also stated that if two came and declared that N.N, had killed so-and-so early on Sunday

morning at Sura, and two other witnesses came and said, 'You were with us at sunset on Sunday evening at Nehardea', we have to consider. If one can get from Sura to Nehardea between the early morning and sunset,¹⁷ the first witnesses are not condemned as zomemim; otherwise, they are zomemim. But that is quite obvious! — No; you might say that we should consider the possibility of the 'Flying Camel'.¹⁸ Therefore Raba informs us that we do not give such special consideration [to zomemim].

Raba further stated that if two witnesses came and declared that N.N, had killed so-and-so on Sunday and two others came and said, 'But were you not with us on Sunday [elsewhere]? It was [in fact] on Monday that N.N, killed him;' or, furthermore, even if the latter witnesses declared that N.N, had [actually] killed the person on the [previous] Friday, the former witnesses are still executed as zomemim, inasmuch as Sunday, the time stated in their evidence [was disproved, and] the murderer had then not yet been [found guilty and sentenced to the death-penalty].¹⁹ What new information does he proffer here? — [That the murderer as well as the perfidious witnesses are ultimately executed!]²⁰ We have learnt [that] already: Consequently, if one of these [two sets of witnesses]²¹ has been found zomemim, both the criminal and the zomemim are executed, while the other set is let go?²² — Yes, but one must needs wait to hear the latter part of Raba's statement, in reference to evidence bearing on the time of the verdict, namely, if two came and declared that N. N, had been convicted [of murder] on Sunday, and two others then came and said to the first; 'You were with us [elsewhere] on Sunday, but N. N. was [in fact] convicted on Friday,' or furthermore, even if the latter said N. N. was [not] convicted [till] Monday, the former are not executed as zomemim, because by the time when the first witnesses gave their [fictitious] evidence,²³ the man charged had already been sentenced to death.

The same principle obtains in cases of *kenas* [fine].²⁴ If two came and said that N.N. had stolen and killed or sold [an animal] on Sunday, and two others came and said to the first, 'You were with us [elsewhere] on Sunday but, it was [in fact] on Monday that N.N. had stolen and killed or sold the animal,' [the first witnesses have to pay the fine];²⁵ nay, furthermore, even if the second witnesses said that N.N. had stolen and killed or sold [the animal] on the [previous] Friday, still the first witnesses have to pay, because at the time when they gave their evidence, N.N. had not yet been made liable²⁶ to pay [the fine that these perfidious fellows tried to fix on him].

If two came and declared that N.N. had stolen and killed or sold [an animal] and been convicted on Sunday, and then, two others came and said [to the witness], 'You were with us [elsewhere] on Sunday, but [in fact], N.N. had stolen and killed or sold [the animal] on Friday, when he was convicted;' nay, even if the second witnesses said that N.N. had [actually] stolen and killed or sold [the animal] on Sunday [or even on Monday],²⁷ but that he was not convicted [and fined] till Monday, the former witnesses have not to pay [the exactions], because, at the time when they were giving [their perfidious] evidence,²⁸ N.N. had already been made liable [to pay the fine] by a tribunal.

R. JUDAH SAYS THAT THIS IS [SEEMINGLY] A CONSPIRACY AND THE FIRST SET ALONE IS [TO BE] EXECUTED.

(1) On textual grounds, four criminal convictions had to be published abroad as a deterrent measure, among them

that of zomemim, Sanh. 89a.

(2) **gar** i.e, wicked, guilty.

(3) If the (guilty) wicked man be worthy to be beaten, that the judge shall cause him to lie down and to be beaten . . . forty stripes. Deut. XXV, 2-3.

(4) 'Ye shall take no satisfaction for the life of a murderer, which is guilty of death; but he shall surely be put to death.' Num. XXXV, 31.

(5) This exegetical method is called Gezerah Shawah, v. Glos.

(6) Deut. XIX, 19.

(7) Read **inmg** , **t unuzh** or **unuzh** (v. D.S, a.l) that is, not their evidence, but their personal presence at the alleged offence, is being challenged (Rashi).

(8) I.e., successive witnesses came to charge the accused, and the witnesses who came to his defence challenged them in turn as conspirators: so Rashi, Alfasi, and Maim.; on the other hand, Nahmanides defends another interpretation, that successive sets of witnesses came and contradicted each other, these for and the next against the accused, in which he is supported by the wording in the Tosefta. The alternative translation would then be: — If other witnesses came and charged them, then (again) other witnesses came and charged them (the last) even to a hundred . . .

(9) Estattis. The traditional derivation is incorrect; it is a popular contracted (or corrupt) form of the Greek stasiastes or stasiodes meaning a member of a faction or factious party.

(10) V.l. Raba (D.S); Rabbah (Han.).

(11) Deut. XIX, 18.

(12) I.e., the villany of the witness, as bearer of the evidence, is established rather than flaws in the evidence. (In Roman law, *testibus non testimoniis*.)

(13) I.e, the perfidious witness as against himself (Ritba; v. J. Z. Meklenburg's long commentary on Deut. XIX, 16.

(14) **VRX** — usually derived from **RUX** — a turning or falling away (from the law of God), cf. Deut. XIII, 6; but it is more probably from the secondary Po'el form, **RRUX** to be pervert and rebellious, cf. Deut. XXI, 18, 29 and especially. Isa. I, 23.

(15) Var. lec. Rabbah (Han.).

(16) As both impressions may be truly received.

(17) Nehardea lay over 20 parasangs (about 70 miles) north of Sura; both were on the Euphrates: the journey would ordinarily take two days of steady travelling. V. J. Obermeyer. *Die Landschaft Babylonien*, p. 293.

(18) Probably the popular name for a special fast camel service. 'The fleeter camels will carry their rider and a bag of water for fifty miles a day without a drink'. Enc. Brit. s.v. Camel. 'The speed of the imperial post averaged five miles an hour: the distance between Antioch and Byzantium (747 miles) was accomplished in little under six days: hired vehicles would take longer.' Caroline A. J. Skeel, *Travel in the First Century*, p. 70.

(19) It was at the time a plot against a still innocent man by insidious witnesses, v. Tosaf, a.l., Han. and Maim. Yad, Eduth, XVIII, 2.

(20) The culprit for his crime, and they for their proved perfidy.

(21) I.e., who do not see each other, and are therefore unaware of their common perfidy.

(22) V. Mishnah 6b.

(23) Probably Tuesday, cf. Sifrei on Num. XXXV, 31.

(24) V. Glos.

(25) If caught with the object, the thief had to pay twofold (Ex. XXII, 3); if he killed or sold a beast, he had to pay five oxen for an ox and four sheep for a sheep (ibid. XXI, 37).

(26) I.e., by a tribunal, after a due trial. If the thief voluntarily admitted his offence, he returned either the object (if available), or its value. It is the witnesses, therefore, who force the fines upon the thief.

(27) So Maharsha, but see Maim. Yad, Eduth, XIX, 2 and comment. Kesef Mishneh.

(28) I.e., after Monday (as may be gathered from the evidence of the second witnesses).

Talmud - Mas. Makkoth 5b

If it seems a conspiracy, even the first witnesses should not be executed? — Said R. Abbahu: [The plot was discovered only] after execution had already taken place. ‘After execution had already taken place’! Then the thing is done [and there is nothing more to be said]?¹ But, said Raba, he [R. Judah] means this: if there was only one set, the witnesses are executed;² but if there be more than one set, they are not executed.³ But does not R. Judah say, THE FIRST SET ALONE IS EXECUTED, [implying that there are more]? This is rather a difficult point. There was a certain woman who brought [her] witnesses and they were discredited; she brought others, and they [too] were discredited;⁴ she went and brought further witnesses [who were not discredited]. Said Resh Lakish: This woman is suspect.⁵ Said R. Eleazar to him: ‘Assuming she is suspect, are all Israel to be held as suspects?’ Once as they were both present at the sessions of R. Johanan, there came such a suit before them and Resh Lakish observed: ‘This woman is suspect.’ Thereupon R. Johanan replied to him: ‘If she is suspect, are all Israel to be held as suspects?’ Resh Lakish then turned round and looked askance at R. Eleazar, saying: ‘So you had heard this from [Johanan] bar-Nappaha and did not tell it to me in his name!’⁶

Is it to be suggested that Resh Lakish sides here with R. Judah [in the Mishnah], while R. Johanan sides with the Rabbis — [Not necessarily, as] Resh Lakish might say: I do hold the view of the Sages,⁷ but they allow such latitude only because there we have no one running about for his witnesses, whereas here we have this one woman running about and fetching them along.⁸ And R. Johanan, likewise, might say: My view [in this instance] is in accord even with that of R. Judah, and the reason of his reservation there is only because people ask [in surprise], ‘Was the whole world standing there with them?’⁹ Whereas in this case [of the woman, obviously], those who came last happened to have knowledge of the [facts in] question, and the former had not. MISHNAH. WITNESSES ARE NOT TO BE PUT TO DEATH AS ATTESTED ZOMEMIM UNTIL [AFTER] THE TERMINATION OF THE TRIAL;¹⁰ BECAUSE THE SADDUCEES CONTENTED THAT ZOMEMIM WERE PUT TO DEATH ONLY AFTER THE ACCUSED HAD [ACTUALLY] BEEN EXECUTED, PURSUANT TO THE SCRIPTURAL TEXT, ‘LIFE FOR LIFE’.¹¹ SAID THE [PHARISEE] SAGES TO THEM: BUT DOES NOT THE CONTEXT READ: THEN SHALL YE DO UNTO HIM AS HE PURPOSED TO DO UNTO HIS BROTHER,¹² WHICH CLEARLY IMPLIES WHEN HIS BROTHER IS STILL ALIVE? IF SO, WHAT IS THE PURPORT OF LIFE FOR LIFE’? YOU MIGHT ARGUE THAT ZOMEMIM ARE LIABLE TO BE PUT TO DEATH FROM THE MOMENT THEIR [PERFIDIOUS] EVIDENCE HAD BEEN TAKEN, THEREFORE THE WORDS ‘LIFE FOR LIFE’ ARE A POINTED INSTRUCTION THAT ZOMEMIM ARE NOT TO BE PUT TO DEATH UNTIL [AFTER] THE TERMINATION OF THE TRIAL.

GEMARA. It is taught: An eminent disciple¹³ put the principle of [the Mishnah] in this [paradoxical] form: If they have not slain, they are slain; and if they have slain, they are not slain.¹⁴ My son, said the father [or Principal],¹⁵ is there not an argument a fortiori¹⁶ against your rule? Our Master [replied the disciple], have you not taught us: No Penalty is inflicted on the

strength of a logical inference?¹⁷ For it has been taught: And if a man shall take his sister, his father's daughter or his mother's daughter . . . it is a shameful thing, and they shall be cut off¹⁸ . . . Here we have it specified, his father's daughter [who is] not his mother's, and, his mother's daughter [who is] not his father's. On what [Scriptural] authority is the same penalty extended to one who is both, his father's as well as his mother's daughter? It is indicated explicitly in the additional instructive words, 'He hath uncovered his sister's nakedness,' he shall bear his iniquity.¹⁸ Now, even without [having recourse to] this textual addition I could have inferred it, since, if punishment is decreed in the case of [a half-sister] 'his father's daughter' not his mother's, or 'his mother's daughter' not his father's, is it not all the more evident in the case of [a full sister] the daughter of both his father and his mother? Here, therefore, you learn the rule: No penalty is inflicted on the strength of a logical inference.¹⁹

We have established the principle relative to a penalty; where do we find it in reference to admonition?²⁰ — In the instructive text, 'The nakedness of thy sister, the daughter of thy father, or the daughter of thy mother thou shalt not uncover.'²¹ Here we have specified, 'his father's daughter', not his mother's, and 'his mother's daughter', not his father's. On what [Scriptural] authority is the same prohibition extended to one who is both, his father's as well as his mother's daughter? It is indicated explicitly in the additional instructive words, 'the nakedness of thy father's wife's daughter begotten of thy father, she is thy sister.'²² Now even without this textual addition I could have inferred it, since, if a man is admonished about [his half-sister] 'his mother's daughter', not his father's, and 'his father's daughter', not his mother's, is it not all the more applicable to [his full sister] the daughter of both of his father and mother? Here, therefore, we learn the rule: An admonition inferred by argument is not warranted.²³

And what is the [corresponding] Scriptural reference relating to a [retaliatory] flogging of zomemim?²⁴ — It is obtained [by the linking of the law of flogging²⁵ with the law of murder]²⁶ by the term rasha' [guilty] which they both have in common.²⁷ And what is the reference for such as are liable to banishment? — It is [likewise] obtained [by the linking of the law of banishment²⁸ with the law of murder,]²⁶ by the term rozeah [murderer] which they both have in common.²⁷

It has been taught: R. Judah b. Tabbai said: 'May I [never] see consolation [of Israel] if I did not have one zomemim-witness done to death to disabuse the mind of the Sadducees, who used to say that zomemim [found guilty] were put to death only after the [falsely] accused person had [actually] been executed.' Said Simeon b. Shetah to him: 'May I [never] see consolation [of Israel] if you have not shed innocent blood because the Sages declared that witnesses found to be zomemim are not put to death until both have been proved as such, and are not [juridically] flogged until both have been proved as such.' Forthwith did Judah b. Tabbai take upon himself a resolve never to deliver a decision save in the presence of Simeon b. Shetah.²⁹ And all through his [remaining] days, Judah b. Tabbai used to go and prostrate himself on the grave of that [slain] witness, and his voice would be heard and people thought that it was the voice of the slain man; but he would tell them, 'It is my voice! You will be convinced when on the morrow of this man's [his own] death his voice will be heard no more'.

Said R. Aha, the son of Raba, to R. Ashi: He might perhaps have answered the summons of the deceased, or else he might have obtained his forgiveness.³⁰

MISHNAH. [IT IS PRESCRIBED:] AT THE MOUTH OF TWO WITNESSES OR THREE WITNESSES SHALL HE THAT IS TO DIE BE PUT TO DEATH.³¹ IF THE FACT IS SUFFICIENTLY ESTABLISHED BY TWO WITNESSES, WHEREFORE DOES HOLY WRIT [FURTHER] SPECIFY THREE? — THIS IS ONLY TO SHOW THEIR COMPARATIVE COMPETENCY, THAT JUST AS THREE ARE COMPETENT TO INCRIMINATE TWO AS ZOMEMIM, SO ARE TWO COMPETENT TO INCRIMINATE THREE. HOW DO WE KNOW THAT [TWO OR THREE] CAN EVEN INCRIMINATE A HUNDRED? FROM THE INSTRUCTIVE CONTEXT WHICH HAS [TWICE] ‘WITNESSES’.³² R. SIMEON SAYS THAT JUST AS TWO WITNESSES ARE NOT PUT TO DEATH AS ZOMEMIM UNTIL BOTH HAVE BEEN INCRIMINATED, SO THREE ARE NOT PUT TO DEATH UNTIL ALL THREE HAVE BEEN INCRIMINATED AS ZOMEMIM. HOW DO WE KNOW THAT THIS ALSO APPLIES EVEN IN THE CASE OF A HUNDRED? — FROM THE INSTRUCTIVE CONTEXT WHICH HAS [THRICE] ‘WITNESSES’³³. R. AKIBA OBSERVES THAT THE THIRD WITNESS WAS SUPERADDED HERE [NOT TO MAKE HIS RESPONSIBILITY THE LIGHTER],³⁴ BUT TO RENDER IT AS SERIOUS FOR HIM AND MAKE HIS LEGAL LIABILITY EQUAL TO THAT OF THE OTHERS.³⁵ NOW, IF HOLY WRIT THUS PENALISES ONE WHO CONSORTS WITH MALEFACTORS, AS ONE OF THE MALEFACTORS, HOW MUCH MORE SHALL HE WHO CONSORTS WITH BENEFACTORS RECEIVE A REWARD AS ONE OF THE BENEFACTORS! [AGAIN,] AS IN THE CASE OF TWO WITNESSES, IF ONE OF THEM WAS FOUND TO BE A NEAR KINSMAN³⁶ OR [OTHERWISE] DISQUALIFIED,³⁷ THE WHOLE EVIDENCE IS RENDERED VOID, SO IS IT WITH THREE: IF ONE OF THEM WAS FOUND TO BE A NEAR KINSMAN OR [OTHERWISE] DISQUALIFIED, THE WHOLE EVIDENCE IS VOID. HOW DO WE KNOW THAT THIS IS THE CASE EVEN WITH A HUNDRED? FROM THE INSTRUCTIVE CONTEXT WHICH HAS [THRICE] ‘WITNESSES’.

(1) I.e., what point is there in R. Judah's statement?

(2) An exemplary punishment for zomemim.

(3) Because they are regarded as victims of a plot.

(4) The bracketed words are missing in many good texts, v. D.S.

(5) I.e. to bring false witnesses.

(6) This was laid to Eleazar's charge on several occasions. V. Yeb. 96b; Keth, 26b. Cf. J. Ber, ii, 1, where an explanation is offered that it was not customary in Babylon always to mention the master's name, v, Hyman Toledoth, I, p. 195.

(7) To take evidence were there ‘even a hundred’ sets of discrediting or discredited witnesses.

(8) And thereby creating suspicion.

(9) Explanation: — According to Rashi, Alfasi and Maimonides (v, p. 20, note 1) A and A1 charge M (Murderer) — B and B1 charge A and A1 with alibi. C ,, C1 ,, ,, ,, ,, ,, ,, C ,, C1 ,, ,, D ,, D1 ,, ,, ,, ,, ,, D ,, D1 ,, ,, Was the whole world on the day of the murder with B and B1? According to Nahmanides and others A and A1 charge M — B and B1 charge A and A1 with alibi. C ,, C1 ,, ,, D ,, D1 ,, C ,, C1 ,, ,, E ,, E1 ,, ,, F ,, F1 ,, E ,, E1 ,, ,, etc. How was everybody conveniently present to be able to assist his own side? We have obviously a factious feud here. Cf. Han.

(10) I.e., only after a sentence had been obtained by the plotters against the innocent victim. If their perfidy is detected before sentence is given or after their victim had been executed, they escape retaliative punishment,

according to the traditional (Pharisaic) interpretation; v. Maim. Yad, Eduth, XX, 2.

(11) And thine eye shall not pity; life for life . . . Deut. XIX, 21.

(12) Ibid. 19. It appears that the words stressed here are 'to do (or, to be done) unto his brother', i.e. as when yet to be done. Rashi (in Deut, a, l. and Mak, 2b, top) stresses 'as he purposed to do,' but has not yet done it. Cf. Chajes notes on 5b and Meklenburg (longer commentary) on Deut, a. l. The fact that the judges were themselves involved with the zomemim in the unfortunate miscarriage of justice may be the reason for letting them off post eventum, since the zomemim, as the witnesses, were compelled by the judges' decision to lay hands on their victim, Cf. also Friedmann's instructive note Sifre, Num, XXXV. ** 160 n. 6 (p. 61a), and Hoffmann's **khgivr snkn**, III, 142.

(13) b'Rabbi or b'Ribbi denotes either 'a prominent scholar of an eminent College' or, 'a rabbi-graduate, acting as tutor to senior students under his own Principal, while still at College,' v. Rashi Hul. 11b s.v. **thb, vu** and Dictionaries, v. however Ginzberg, L., J.E.II, p. 52.

(14) I.e., the zomemim, who as witnesses had to strike the first fatal blow, Deut. XVII, 6.

(15) By way of test,

(16) If zomemim are put to death when their plot failed, it is surely all the more necessary that they should be where their plot had succeeded!

(17) That is, the 'principle' that 'a reprehensible action is not a punishable offence, unless it has been plainly forbidden and the form of punishment stated'.

(18) Lev. XX, 17.

(19) Sifra, Kedoshim, a.l.

(20) V. p. 18, n. 5.

(21) Lev. XVIII, 9,

(22) Ibid, 11.

(23) V. Sifra, Kedoshim on Lev. XX, 17. Mishnah 12; cf. infra 14a, 17a.

(24) The zomem-penalties as prescribed in Deut. XIX, 21, and thine eye shall not pity (the zomem); life (shall go) for life, eye for eye, tooth for tooth, hand for hand, foot for foot, apply only in cases of the death penalty and (penal compensation) for imputed bodily injuries. Scriptural authority is now sought for the remaining forms of retaliatory punishments, namely, flogging and banishment, (cf, the first Mishnah, 2a), which, like the death penalty, are incurred only after a court sentence (on fictitious evidence) had been enforced.

(25) Deut. XXV, 2-3. If the guilty **gar** (wicked) man be worthy to be beaten . . .

(26) Num, XXXV, 31, take no satisfaction for the life of a murderer, guilty **gar** of death. On the principle of Gezerah Shawah, v. Glos.

(27) Cf, supra, p. 19.

(28) Num. XXXV, 11, that the murderer **j mr** may flee thither, which killed a person unawares.

(29) The names are reversed in Mek. Ex. XXIII, 7. This aggadic report fixes the time of the controversy referred to in the Mishnah: Simeon B. Shetah was the brother of Queen Salome (= Shelom-Zion, Alexandra), wife of Alexander Jannaeus; v. Aboth, i. 8-9. Note the phrase, 'May I (never) see consolation' (Luke II, 25) which points to troublous times. Political reprisals were rife then. On the cause of the controversy and the treatment of Zomemim, v. Graetz, Hist, (Eng, ed.) ii, chap. 2, and J. Klausner, , **hktrah vhruyxhv** ii, 145.

(30) R. Aha argues that the fact that no voice would be heard after Judah's death would be no proof that it was not the slain man calling, as it is likely that Judah would, on death, have appeared before the Heavenly Tribunal with the deceased or obtained pardon from the wronged man, and this silenced his voice calling from the grave.

(31) Deut. XVII, 6.

(32) V, next note.

(33) 'Two witnesses or three witnesses', indicating that these are mentioned as the first in a series even to a

hundred.

(34) Omitted in many texts. D.S. Cf. San. 9a.

(35) I.e. he cannot plead that, as two witnesses were enough to establish the evidence, his was superfluous and negligible and therefore he might be let off; but the context demands that all witnesses form one inseparable group and must suffer alike, if found *zomemim*.

(36) The exclusion is based on a traditional interpretation of Deut. XXIV, 16, thus: The fathers shall not be put to death on account of (the evidence of) the children, and vice versa. Sanh. 27b and Maim.

(37) By reason of status or crime and infamous bearing, v. Sanh. 24b.

Talmud - Mas. Makkoth 6a

SAID R. JOSE: THESE AFOREMENTIONED LIMITATIONS APPLY ONLY TO WITNESSES IN CAPITAL CHARGES;¹ BUT IN MONETARY SUITS, THE EVIDENCE MAY BE ESTABLISHED BY THE REST.² RABBI³ SAYS: IT IS ONE AND THE SAME RULE, BE IT IN MONETARY SUITS OR CAPITAL CHARGES; THAT IS, PROVIDED THE DISQUALIFIED WITNESSES TOOK PART IN THE PRE-ADMONITION.⁴ BUT WHERE THEY WERE NOT OF THOSE WHO GAVE THE PRE-ADMONITION [TO THE OFFENDERS], WHAT COULD TWO BROTHERS DO THAT SAW⁵ SOMEONE SLAYING A PERSON?

GEMARA. [EVEN TWO OR THREE CAN INCRIMINATE A HUNDRED.] Said Raba: And such[an incrimination by two against a hundred witnesses] could be sustained only where they all had given their evidence in 'un-intermittent utterance'. R. Aha of Difti remarked to Rabina: Seeing that 'un-intermittent utterance' is generally defined as the brief interval which a disciple would take in uttering the salutation, Peace Upon Thee, my Master and Guide! — the evidence of a hundred witnesses will take a great deal more time than that! Said Rabina: [What is meant is that] each one follows the other un-intermittently [which renders the whole as one undivided group].

R. AKIBA OBSERVES THAT THE THIRD WITNESS WAS SUPERADDED... SO IT IS WITH THREE; IF ONE OF THEM WAS FOUND TO BE A KINSMAN . . . THEIR EVIDENCE IS DISQUALIFIED. R. Papa observed to Abaye: But, then, [admitting such extreme pretexts against capital punishment] let the very presence of the murdered man himself⁶ [at the murder] save [the delinquent from the 'death penalty']?⁷ — [Said Abaye: The penalty can be inflicted in case] he was attacked from behind.⁸ Let the presence of the victim in a case of sodomy save the delinquent from the death penalty? — [The penalty can be inflicted where] the assault was from behind. Then why not let the presence of the criminal⁹ [in each of these cases] be made a pretext for disqualifying the evidence? Abaye remained silent. When R. Papa came [with these questions] before Raba, the latter replied: The Holy Writ prescribes, at the mouth of two witnesses, or at the mouth of three witnesses shall the matter be established;¹⁰ the text¹¹ thus refers only to those who have to establish the matter.¹²

SAID R. JOSE: THESE LIMITATIONS APPLY ONLY. .. IN CAPITAL CHARGES ... RABBI SAYS. .. BE IT IN MONETARY SUITS OR CAPITAL CHARGES, PROVIDED THE WITNESSES DISQUALIFIED WITNESSES TOOK PART IN THE PRE-ADMONITION How

do we [the Judges] put it to the witnesses? — Said Raba: [We ask them] whether they had come¹³ as mere onlookers, or to give evidence. If they say to give evidence, and one is found to be a near kinsman, or disqualified person, the entire evidence is disqualified, but if they say they had come as mere onlookers [the evidence is allowed to stand].

WHAT COULD TWO BROTHERS DO THAT SAW SOMEONE SLAYING A PERSON? It is stated: Rab Judah reported [his Master] Samuel to have said that the halachah¹⁴ was to follow the view of R. Jose¹⁵ while R. Nahman said that the halachah was to follow the view of Rabbi.¹⁶

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- (1) Where every effort should be made to avoid execution, pursuant to the words, And the congregation (of judges) shall deliver the slayer . . . and the congregation shall restore him . . . Num. XXXV, 25.
 - (2) For even in the case of two witnesses, if the evidence of one proves inadmissible, that of the other is not entirely invalidated as it serves to enforce an oath (Tosaf.). Cf. Shebu. 40a.
 - (3) I.e. the Patriarch, R. Judah the Prince.
 - (4) It was the duty of eye-witnesses to admonish and warn any person about to commit an offence of its wrong and its consequences.
 - (5) I.e. casually witnessed the crime together with another stranger. Cf. variant Sanh. 9b (and Rashi).
 - (6) Since he is an interested party in the case, and a witness of the crime, while being his own nearest kinsman! All this is sheer casuistry; yet these conundrums lead to the examination of the legal principles involved.
 - (7) This, however, would make the death penalty impossible of practical application.
 - (8) I.e. where he could not identify his assailant if the attempt failed, and could not be an 'eye-witness'.
 - (9) Who is deeply concerned in the issue and mixed up with the witnesses.
 - (10) Deut. XIX, 15.
 - (11) Invalidating the whole evidence through the presence of a disqualified person.
 - (12) I.e., to substantiate the matter; not the litigants or the principals in a criminal charge, but solely the witnesses.
 - (13) On the scene of the assault; on the scene of a money-transaction; or, whether they came now to Court. V. Tosaf. and Han.
 - (14) I.e., the rule in practice.
 - (15) That the association of disqualified witnesses does not vitiate the whole evidence in monetary suits.
 - (16) I.e., that even in monetary suits if they came to give evidence, ab initio, they disqualify the whole evidence, i.e. in verbal evidence; it is not so strictly enforced in some documentary evidence. Cf. Han. and Alfasi.

Talmud - Mas. Makkoth 6b

MISHNAH. IF TWO PERSONS SEE THE MALEFACTOR FROM ONE WINDOW AND TWO OTHER PERSONS SEE HIM FROM ANOTHER WINDOW AND ONE STANDING MIDWAY UTTERS THE PRE-ADMONITION TO HIM, THEN, IF SOME ON ONE SIDE AND SOME ON THE OTHER SIDE CAN SEE ONE ANOTHER,¹ THEY CONSTITUTE TOGETHER ONE BODY OF EVIDENCE, BUT IF THEY CANNOT [PARTLY SEE ONE ANOTHER], THEY ARE TWO BODIES OF EVIDENCE. CONSEQUENTLY, IF ONE OF THESE [BODIES] IS FOUND ZOMEMIM, BOTH HE AND THEY² ARE PUT TO DEATH, WHILE THE PARTY THAT CAME SECOND IS DISCHARGED. R. JOSE OBSERVES THAT A MALEFACTOR IS NEVER PUT TO DEATH UNLESS TWO WITNESSES HAD DULY PRE-ADMONISHED HIM, AS HOLY WRIT PRESCRIBES, AT THE MOUTH OF TWO WITNESSES OR THREE WITNESSES SHALL HE THAT IS WORTHY OF DEATH

BE PUT TO DEATH; BUT AT THE MOUTH OF ONE WITNESS HE SHALL NOT BE PUT TO DEATH.³ ANOTHER INTERPRETATION OF THE WORDS, AT THE MOUTH OF TWO WITNESSES . . . IS THAT THE SANHEDRIN SHALL NOT HEAR THE EVIDENCE FROM THE MOUTH OF AN INTERPRETER.

GEMARA. R. Zutra b. Tobiah reported that Rab said: How can it be shown that ‘disjoined’ testimony⁴ is disqualified? Because, Holy Writ prescribes that at the mouth of one witness he shall not be put to death.³ Now, what is [the import of this special admonition here against] one witness? If it be taken literally as one sole witness, is not this already implied in the earlier context, at the mouth of two witnesses or three witnesses shall he that is worthy of death be put to death? What, then, is the meaning of one witness? One by one.⁵ The same is also taught, thus: Holy Writ prescribes [especially], at the mouth of one witness he shall not be put to death to cover instances where two persons see the malefactor, one from a window here and the other from a window there, without, however, seeing each other, [in which case] such evidence cannot be conjoined. Nay, furthermore, even if they both witnessed the offence from the same window, first one and then the other, their testimony cannot be conjoined.

R. Papa remarked to Abaye: Now, if, [in the first instance above,] where one saw the offence from one window and another from another window [simultaneously], one having witnessed the whole act and the other having witnessed the whole act, you say that such testimony cannot be conjoined; is there any occasion at all to give [the second instance], where two witnesses saw the act [albeit from the same window], only consecutively, and where consequently this one only saw but half the act, and the other but half the act? — Abaye replied: The second might seem unnecessary, but for such an instance as incest.⁶

Raba said: If they both saw the admonitor, or he saw them both, they can be conjoined in the testimony as a whole, Raba further said in reference to the requisite admonition, that if it was uttered even by the victim himself, or even if it came from some [invisible] demon⁷ [it was sufficient].

R. Nahman⁸ stated that in monetary suits ‘disjoined’ testimony is admissible, since Holy Writ prescribes, ‘by the mouth of one witness he shall not be put to death’. It is only in a capital charge that ‘disjoined’ testimony is inadmissible; but in monetary suits it is admissible. R. Zutra⁹ demurred to this [and argued,] if so, why not put this forward as a plea for ‘deliverance’¹⁰ [in a capital charge]? Why, then, does the Mishnah state that BOTH HE [THE ACCUSED] AND THEY [THE ZOMEMIM] ARE PUT TO DEATH?¹¹ — This is a difficult point.

R. JOSE¹² OBSERVES THAT A MALEFACTOR IS NEVER PUT TO DEATH UNLESS TWO WITNESSES HAD DULY PRE-ADMONISHED HIM . . . Said R. Papa to Abaye: Is this really R. Jose’s view? Do we not learn: R. Jose says, An [avowed] enemy is executed, because he is, as it were, attested and already pre-admonished?¹³ — To this Abaye replied that the authority of that cited Mishnah was R. Jose b. Judah, as it is taught [explicitly elsewhere]: R. Jose b. Judah says, a scholar¹⁴ needs no pre-admonition, because pre-admonition was introduced only as a means for discriminating between the inadvertent and deliberate offender.

ANOTHER INTERPRETATION OF THE WORDS, AT THE MOUTH OF TWO WITNESSES.....IS THAT THE SANHEDRIN SHALL NOT HEAR THE EVIDENCE FROM THE MOUTH OF AN INTERPRETER. Certain foreigners came [with a suit] before Raba and he appointed an interpreter. How could he do that? Do we not learn that THE SANHEDRIN SHALL NOT HEAR THE EVIDENCE FROM THE MOUTH OF AN INTERPRETER? — Raba understood well enough what they said, only he did not know how to reply.

(1) V. Tosaf, s.v. **וה**.

(2) I.e., the malefactor, against whom the charge has been proved and who consequently has to pay the penalty; and the intriguers who, out of enmity to him, supported the charge against him, although by an attested alibi, they could not possibly have been eye-witnesses. 'This is a unique instance in the jurisdiction of Sanhedrin.' J. Makk. I, 14.

(3) Deut. XVII, 6.

(4) I.e. where each of the witnesses was unaware of the other's presence at the time of the alleged offence.

(5) And the purport of the admonition is to bar 'disjoined' testimony.

(6) Where the merest superficial penetration technically constitutes the carnal offence. Yet even here, 'disjoined' testimony is not admissible.

(7) V. K. Kohler, Demonology, J.E. IV, 514ff.

(8) Var. lec. Judah, D.S.

(9) Var. lec. Hisda, D.S.

(10) Seeing that it is the duty of 'the Congregation' (the Judges of the High Court) to deliver, that is, to avoid capital punishment on any and every pretext, then why not advance this argument: just as you stressed the verse, by . . . one witness he shall not be put to death, to mean, not a fit witness to effect a capital sentence, yet fit enough among others in a monetary suit; you might just as well stress it to mean, not fit to effect a capital sentence, yet fit enough to effect a deliverance (discharge) on the ground that, as a witness of 'disjoined' evidence (disqualified in a capital charge), he disqualifies by his presence all the other witnesses.

(11) V. supra p. 32, n. 2.

(12) Usually = R. Jose b. Halafta, but J. Mak. has here R. Jose b. Judah (see discussion).

(13) V. infra 9b.

(14) Haber **רצ** lit., 'associate', 'fellow-student', sometimes a colleague of prominent scholars, Talmid-haber, v. Glos.

Talmud - Mas. Makkoth 7a

Elai and Tobiah were near kinsmen to a surety, and R. Papa maintained that [their evidence was admissible, as] they were strangers to the debtor and the creditor; but R. Huna, the son of R. Joshua, pointed out to R. Papa that if the debtor were unavailable,¹ would not the creditor come down on the surety?² MISHNAH. IF ONE FLED AFTER HAVING BEEN CONVICTED AT A COURT AND AGAIN COMES UP BEFORE THE SAME COURT, THE [FIRST] JUDGMENT IS NOT SET ASIDE.³ WHEREVER TWO WITNESSES STAND UP AND DECLARE, 'WE TESTIFY THAT N. N. WAS TRIED AND CONVICTED AT THE COURT OF X⁴ AND THAT Y AND Z WERE THE WITNESSES IN THE CASE,' THE ACCUSED IS EXECUTED. A SANHEDRIN⁵ HAS JURISDICTION WITHIN THE LAND [OF PALESTINE] AND OUTSIDE IT. A SANHEDRIN THAT EFFECTS AN EXECUTION ONCE IN SEVEN YEARS, IS BRANDED A DESTRUCTIVE TRIBUNAL; R. ELIEZER B.

AZARIAH SAYS: ONCE IN SEVENTY YEARS. R. TARFON AND R. AKIBA SAY: WERE WE MEMBERS OF A SANHEDRIN, NO PERSON WOULD EVER BE PUT TO DEATH. [THEREUPON] RABBAN SIMEON B. GAMALIEL REMARKED, [YEA] AND THEY WOULD ALSO MULTIPLY SHEDDERS OF BLOOD IN ISRAEL!

GEMARA. [IF ONE FLED . . . AND AGAIN COMES UP BEFORE THE SAME COURT . . .] This wording implies [that the first judgment] is not to be set aside in the same Court, but may be set aside In another Court, whereas in the next clause we read: WHEREVER TWO WITNESSES STAND UP AND DECLARE, ‘WE TESTIFY THAT THIS MAN WAS TRIED AND CONVICTED AT THE COURT OF X AND THAT Y AND Z WERE THE WITNESSES IN THE CASE’ THE ACCUSED IS EXECUTED [which conveys a contrary impression]! — Said Abaye: That presents no difficulty; [there are two domains in regard to Court decisions], one has reference to a Palestinian Court, the other to an extra-Palestinian Court, as it is taught: R. Judah b. Dosithai says [in the name of R. Simeon b. Shetah] that if a fugitive from Palestine went abroad, his sentence is not set aside; from abroad to Palestine, his sentence is set aside, on account of Palestine's prerogative.⁶

A SANHEDRIN HAS JURISDICTION WITHIN THE LAND . . . AND OUTSIDE IT.

What [Scriptural] authority is there for this? — Our Rabbis taught: [From the text,] And these things shall be for a statute of judgment unto you throughout your generations in all your dwellings,⁷ we learn that a Sanhedrin has jurisdiction both in and outside Palestine. If that be so, what is the import of [the limitation in] the text, Judges and officers shalt thou make thee in all thy gates which the Lord thy God giveth thee tribe by tribe?⁸ — [It means that] in your [own] gates you set up tribunals in every district as well as in every city, whereas outside the Land [of Palestine], you set up tribunals only in every district but not in every city.⁹

A SANHEDRIN THAT EFFECTS AN EXECUTION ONCE IN SEVEN YEARS IS BRANDED A DESTRUCTIVE TRIBUNAL; R. ELIEZER B. AZARIAH SAYS, ONCE IN SEVENTY YEARS. The question was raised whether the comment [of R. Eliezer b. Azariah was a censure, namely] that even one death-sentence in seventy years branded the Sanhedrin as a destructive tribunal, or [a mere observation] that it ordinarily happened but once in seventy years? — It stands [undecided].

R. TARFON AND R. AKIBA SAY, WERE WE MEMBERS OF A SANHEDRIN, NO PERSON WOULD EVER BE PUT TO DEATH. How could they [being judges] give effect to that [policy]? Both R. Johanan and R. Eleazar suggested that the witnesses might be plied with [intimate] questions such as, ‘Did you take note whether the victim was [perchance] suffering from some fatal affection or was he perfectly healthy?’ R. Ashi [enlarging on this] said: And should the reply be, ‘Perfectly healthy’, they might further be embarrassed by asking, ‘Maybe the sword only severed an internal lesion?’¹⁰

And what would be asked, say, in a charge of incest? — Both Abaye and Raba suggested asking the witnesses whether they had seen the offenders as intimate as ‘kohl-flask and probe’?¹¹

Now [with regard to] the Rabbis,¹² what kind of evidence [in such a charge] would they deem sufficient to convict? — According to Samuel's maxim; for Samuel said that being caught in the attitude of the unchaste is sufficient evidence.

CHAPTER II

MISHNAH. THE FOLLOWING GO INTO BANISHMENT: HE WHO SLAYS IN ERROR.¹³ IF [FOR INSTANCE] WHILE HE WAS PUSHING A ROLLER¹⁴ [ON THE ROOF] IT [SLIPPED OVER]. FELL DOWN AND KILLED SOMEBODY, OR WHILE HE WAS LOWERING A CASK IT FELL DOWN AND KILLED SOMEBODY, OR, WHILE COMING DOWN A LADDER HE FELL ON SOMEBODY AND KILLED HIM, HE GOES INTO BANISHMENT. BUT, IF WHILE HE WAS PULLING UP THE ROLLER IT FELL BACK ON SOMEONE KILLING HIM, OR WHILE HE WAS RAISING A BUCKET THE ROPE SNAPPED AND THE BUCKET KILLED SOMEBODY IN ITS FALL,

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- (1) The readings vary here, v. D.S, but the translation meets either.
 - (2) I.e., if the debt has been repaid, the surety is quit of his liability; if not, he has to meet it. This will have to be determined on the evidence of his near kinsmen, who are inadmissible.
 - (3) In order to have a new hearing, in the prisoner's favour.
 - (4) I.e., either at such-and-such a place, or under the presiding judge X.
 - (5) Provided the members were ordained in Palestine, v. Maim. Yad. Sanh. IV. 6.
 - (6) Cf. Tosef. Sanh III, 11, 'R. Dosithai b. Judah (J. Mak. I has 'R.D.b. Jannai) says that fugitives who had been convicted to death, having fled from Palestine abroad, are put to death forthwith; and those who fled to Palestine from abroad are not put to death (forthwith), but are sent to trial as in the first instance.' 'Dos, b. Judah' seems the better reading; also the bracketed part is missing in many good MSS.
 - (7) Num. XXXV, 29 (in reference to manslaying). The wording makes the provision operative everywhere and always.
 - (8) Deut. XVI, 18, i.e. in Palestine only, after the distribution and occupation of the land by all the tribes.
 - (9) No city was entitled to a Sanhedrin of twenty-three judges unless it had at least 120 residents (another view 230), cf. Sanh. 17b.
 - (10) The juridical point involved in asking such intimate questions is this: that if the witnesses could not be absolutely certain on any material point in the evidence, they could not be expected to take a lead in the actual execution of the offender, as required by law. (Deut. XVII, 6-7.) Thus capital punishment fails.
 - (11) A euphemism for carnal intimacy.
 - (12) I.e., those others who do not share the views of R. Tarfon and R. Akiba in regard to capital punishment.
 - (13) I.e., accidentally, without premeditation.
 - (14) Eastern roofs are flat; they are plastered to make them water-tight and give them the necessary slope. The levelling is done by a log (or smooth flat stone) to which a long handle attached, by which it is pushed backwards and forwards. Cf. M. K. 11a and Vergil, Georgics, I, 178, area cum primis ingenti aequanda cylindro.

Talmud - Mas. Makkoth 7b

OR WHILE GOING UP A LADDER HE FELL DOWN AND KILLED SOMEBODY, HE DOES NOT GO INTO BANISHMENT. THIS IS THE GENERAL PRINCIPLE: WHENEVER THE DEATH WAS CAUSED IN THE COURSE OF A DOWNWARD MOVEMENT, HE

GOES INTO BANISHMENT, BUT IF IT IS CAUSED NOT IN THE COURSE OF A DOWNWARD MOVEMENT, HE DOES NOT GO INTO BANISHMENT.

GEMARA. What is the [Scriptural] authority for these [distinctions]? — Said Samuel: It is prescribed, or . . . he let it fall upon him so that he died,¹ [meaning that one has not to go into banishment] until something fell in a downward movement.

Our Rabbis taught: [That killeth any person] by error,² precludes anyone that killed with full knowledge; [whoso killeth . . .] unawares,³ precludes anyone that killed with intent. ‘By error...precludes anyone that killed with full knowledge’. — Is that not obvious [without ‘stressing the text’]? Such a one is ‘the son of Death’! — Said Rabbah: I would suggest that it is to preclude a case where one pleads that he thought he was permitted to kill [that person]. Said Abaye to Rabbah: If [as you suggest], he thought that he had a right to kill, then [surely], he is a victim of mischance! — [No], replied Rabbah, because I consider anyone pleading that he thought it permissible [to kill] closely akin to a wilful [murderer]. ‘Whoso killeth . . . unawares . . . precludes anyone that killed with intent’ — Is not that obvious? Such a one is ‘the son of Death’! — Said Rabbah: I would suggest that it is to meet such cases as when he intended to kill an animal, but killed a man;⁴ to kill a heathen,⁵ but killed an Israelite; to kill a premature-born,⁶ but killed a fully-developed infant.

Our Rabbis taught: if . . . suddenly,⁷ precludes [from refuge] anyone [killing through rushing precipitately] round a corner;⁸ without enmity, precludes an adversary; he thrusts him, means with his body;⁹ or have cast upon him, includes [an accident resulting from] a downward motion as a prerequisite of an upward swing; without laying of wait,¹⁰ precludes an intended throw in one direction which swerved to another. And if a man lie not in wait,¹¹ precludes anyone who intended to throw an object a distance of two ells, but made it go four ells. And as a man goeth into the wood with his neighbour,¹² [provides here a standard. For] what is the nature of this forest? It is a domain affording [free] access to the injured as well as to the injurer.¹³ In like manner every place [of injury] must be a domain of free access to the injured as to the injurer [to involve liability for injury].

R. Abbahu asked R. Johanan: If while a person is going up a ladder, a rung giving way under him comes down and kills somebody, how would this be taken? Was the death to be considered [a result] of an upward or a downward movement?¹⁴ — He replied: You have indeed laid your finger on [an accident resulting from] a downward motion as a prerequisite of an upward movement. To this R. Abbahu objected [from the Mishnah]: THIS IS THE GENERAL PRINCIPLE: WHENEVER THE DEATH WAS CAUSED IN THE COURSE OF A DOWNWARD MOVEMENT, HE GOES INTO BANISHMENT, BUT IF [CAUSED] NOT IN THE COURSE OF A DOWNWARD MOVEMENT, HE DOES NOT GO INTO BANISHMENT. Now, [what kind of case would be included in the general] terms of the latter principle — BUT IF [CAUSED] NOT IN THE COURSE OF A DOWNWARD MOVEMENT . . . if not an instance of this kind? — [R. Johanan replied:] Following your opinion, what instance would you include in the general terms of the first principle — WHENEVER. . . IN THE COURSE OF A DOWNWARD MOVEMENT . . . ? [You could give] but one, namely, that of a butcher; and that instance is also within the terms of the latter principle, as it is taught: If a

butcher whilst chopping meat killed somebody [there are four different versions of the case]. Version A¹⁵ has it: If he killed a person in front of him, he is liable to go into banishment; if behind, he is exempt. Version B: If behind him, he is to go into banishment; if in front, he is exempt. Version C: Whether in front of him or behind, he is to go into banishment. Version D: Whether in front of him or behind, he is exempt. And [continued R. Johanan], it is really not difficult [to explain these diversities], thus: In Version A: If he killed in front by a downward stroke [he goes into banishment]; if behind him by an upward swing [of the chopper], he is exempt.¹⁶ In Version B: If he killed in front of him by the upward swing [he is exempt]; if behind him, by the downward [back] movement [he goes into banishment].¹⁷ In Version C: If he killed either in front or behind him by the downward movement [he goes into banishment]; and in Version D: If he killed either in front or behind him by the upward swing [he is exempt].¹⁸

May we say that this question has already been disputed by Tannaim: If while a person is going up a ladder and a rung gave way under him . . . Version A has it that he is liable, and Version B that he is exempt? Is not the point at issue between them this, that one Master considers it a downward movement, and the other an upward movement? — Not necessarily; it may be that all agree in considering it an upward movement, and yet it is not difficult [to explain the discrepancy]: Version A refers to his liability in damages,¹⁹ Version B, to his liability of banishment. And, if you prefer, I might even suggest that both versions refer to banishment,²⁰ and it is not difficult [to find an explanation]: Version A refers to a case where the rung was worm-eaten,²¹ while Version B to where it was not worm-eaten. Nay, if you prefer, I might even suggest that it was not worm-eaten, and still it is not difficult [to explain]: Version B refers to a case where the rung was fixed tightly, while Version A refers to where it was not fixed tightly.²¹ MISHNAH. IF THE IRON SLIPPED FROM ITS HELVE²² AND KILLED [SOMEBODY], RABBI SAYS HE DOES NOT GO INTO BANISHMENT AND THE SAGES SAY HE GOES INTO BANISHMENT; IF FROM THE SPLIT LOG,²³ RABBI SAYS HE GOES INTO BANISHMENT, AND THE SAGES SAY HE DOES NOT GO INTO BANISHMENT.

GEMARA. It is taught: Rabbi said to the Sages: Does the text read, and the iron slippeth from its tree [wood]?²⁴ It reads only, from the tree. Moreover,²⁵ the tree occurs twice in the same text, and just as in the first instance²⁶ the reference is to the tree that is being hewn, so is the reference in the second instance²⁷ to the tree that is being hewn.

R. Hiyya b. Ashi²⁸ observed that Rab had said that both sides based their views on a different interpretation of the same text, namely, and the iron slippeth from the tree;²⁴ Rabbi maintains that the Masorah [the traditional text unvocalized],²⁹ is determinant [in Biblical exposition] and we may as well read the word as ve-nishshal [and . . . was hurled away],³⁰ and the Rabbis, on the other hand, maintain that Mikra [the text as habitually read] is determinant³¹ [in exposition] and here we have but ve-nashal³² [and . . . slipped].

But does Rabbi actually maintain that the Masorah is determinant [in exposition]?

(1) But if he thrust him suddenly without enmity, or have cast upon him anything . . . or with any stone . . . seeing him not and let it fall upon him, that he die . . . Num. XXXV, 22ff.

(2) To be cities of refuge for you; that the slayer may flee thither, that killeth any person by error. Num. XXXV, 11

and 15.

(3) The slayer, which shall flee thither that he may live, whoso killeth his neighbour ignorantly. AV. Deut. XIX, 4.

(4) I.e., he misdirected his blow.

(5) [The death of a heathen is as little condoned as that of a premature-born child, but is not subject to the relevant Scriptural law of refuge, v. B.K. (Sonc. ed.) p. 253, n. 6.]

(6) [Within 30 days of his birth. In each of these cases, the offence is treated as culpable, for which banishment is inadequate as affording neither atonement nor protection against the avenger.]

(7) An interpretation of, But if he thrust him suddenly without enmity, or have cast upon him any thing without laying of wait, Num. XXXV, 22.

(8) While carrying a dangerous object.

(9) I.e., unintentionally.

(10) The root **VSm** is taken as cognate with **SSm**, side-tracking.

(11) Ex. XXI, 13. Cf. I Sam. XXIV, 11.

(12) Deut. XIX, 5.

(13) Both have an equal right to go into the wood to cut down trees.

(14) The man moves upward, the rung moves downward; which is the determining factor here as regards the law of banishment, the man's movement or that of the rung?

(15) Lit., 'One Tanna teaches . . . and another Tanna teaches . . . '

(16) Although the upward swing behind is the beginning of the downward stroke in front.

(17) Although the downward back movement is but a continuation of the upward swing in front.

(18) See Rashi. Cf, however, R. Han and Kesef Mishneh on Maim. Yad, Rozeah, VI, 13, for other readings.

(19) Man is 'constantly forewarned' and liable to pay damages in all circumstances, whether the injury or damage was caused by him through inadvertence or culpable negligence; man is held 'constantly forewarned' — v. B.K. 26a.

(20) Maim. seems to have read here 'damages'. Cf. Maggid Mishneh on Yad, Hobei, VI, 4.

(21) Easily giving way under the tread until it breaks and falls, which is a downward motion all the time, and therefore entailing banishment.

(22) According to Rabbi, it slipped before it struck the log; having neglected to examine his tool before using it, he does not go into banishment, i.e., he is not to be given the benefit of asylum (but must evade the avenger as best he can; V. Maim. Yad Rozeah, VI, 4).

(23) I.e., if the axe rebounded from the log and killed, or if a chip from the log flew out and killed, he needs, according to the Rabbis, no atonement in exile (v. Maim, *ibid.* VI, 3), as it is a secondary force (v. Gemara) with no element of neglect in this strange unforeseen accident (Han. Cf. Rashi and Jer. Targum Deut., a.l.).

(24) Deut. XIX, 5. (As when a man goeth into the wood with his neighbour to hew trees and his hand fetcheth a stroke with the axe) to cut down the tree and the iron slippeth from the tree . . . he shall flee . . . From its tree (lit., 'wood') might mean from its helve, but from the tree is open to another interpretation, namely, a rebound from the tree.

(25) He seeks support in the text for his contention that the term 'the tree' cannot refer to two different objects, when mentioned in the same context.

(26) . To hew trees,' lit., 'the tree.'

(27) 'Slippeth from the tree.'

(28) Ashi the elder, Rab's disciple.

(29) The vocalization of the Hebrew text is of very late date. The Pentateuch is still strictly retained unvocalized in the Synagogue; thus the same consonants might be read in several ways, often giving rise to different meanings, e.g. **ckv** and **ckv** and similarly **kabu** and **kabu** as suggested here in the discussion.

(30) **kabu** probably meant as the Nifal form, cf. **adb** Gen. XXXIII, 7; Ex. XX, 21, and **i, b** Lev. XIX, 20; Num. XXVI, 62. The root is found to have both a transitive meaning (Deut. VII, 22, cast away the nations; also, cast off thy shoe, Ex. III, 5), and an intransitive meaning (Deut. XXVIII, 40, thine olive shall cast its fruit). Cf. J. Mak. II, 2 (31c) and Nahmanides' Notes on Mak. Rashi suggests the Pi'el form, 'and the iron hurled away part of the tree;' on his second explanation by vocalizing it like **katbu** or **kavbu** v. Rashi, Keth. 69b, top, s.v. **oj bh**

(31) [Lit., 'Mikra has a mother,' or 'there is preference to Mikra' (Halper, B., ZAW. XXX, p. 100), i.e., the reading of the sacred text according to Kere (**h're**) the established vocalization has an authentic origin, hence well-founded, as distinct from the Masorah, the Kethib (**ch, f**) the traditional text of consonants without vowels.]

(32) **kabu**, the Kal.

Talmud - Mas. Makkoth 8a

Did not R. Isaac b. Joseph report R. Johanan to have said that Rabbi, R. Judah b. Ro'ez, the School of Shammai, R. Simeon and R. Akiba all maintained that the Mikra is determinant [in exposition]?¹ — [Just so;] but that is why he also enforces his contention with his [additional argument], 'Moreover...'

R. Papa observed that if one flung a clod at a palm, thereby knocking off some palm-fruit, which in falling killed somebody,² then we have an instance which will aptly illustrate the controversy between Rabbi and the Rabbis.³

[What is the point of this observation?] Is it not obvious? — [Not quite so obvious, as] you might argue that the falling fruit that killed was [according to Rabbi] but a secondary force⁴ [entailing no banishment]; therefore R. Papa's statement makes it clear that it is not so [according to Rabbi].

But, what would be a secondary force according to Rabbi's interpretation? — For instance, if he flung a clod and struck a stem which precipitated a cluster of fruit, and the fruit then dropped and killed somebody.

MISHNAH. IF A MAN THREW A STONE INTO THE PUBLIC DOMAIN AND KILLED A PERSON, HE GOES INTO BANISHMENT; R. ELIEZER B. JACOB SAYS THAT IF AFTER THE STONE HAD LEFT HIS HAND ANOTHER PERSON PUT OUT HIS HEAD AND CAUGHT IT,⁵ THE THROWER IS EXEMPT [FROM BANISHMENT]. IF A MAN THREW A STONE INTO HIS [OWN] COURT AND KILLED A PERSON, THEN, IF THE VICTIM HAD A RIGHT OF ENTRY THERE, THE THROWER GOES INTO BANISHMENT,⁶ AND IF NOT, HE DOES NOT GO INTO BANISHMENT, BECAUSE IT IS WRITTEN: AS WHEN A MAN GOETH INTO THE WOOD WITH HIS NEIGHBOUR TO HEW WOOD . . .⁷ WHAT IS [THE NATURE OF] THE WOOD [REFERRED TO]? IT IS A DOMAIN ACCESSIBLE TO THE VICTIM AS TO THE SLAYER;⁸ EVEN THE SAME [LAW] OBTAINS IN EVERY DOMAIN WHICH IS [EQUALLY] ACCESSIBLE TO THE VICTIM AND TO THE SLAYER; OUTSIDE [THIS LAW] IS THE COURT OF THE HOUSEHOLDER WHERE THE VICTIM HAS NO RIGHT OF ENTRY. ABBA SAUL SAYS: WHAT IS [THE NATURE OF] THIS HEWING OF WOOD [REFERRED TO]? IT IS AN

OPTIONAL ACT; [EVEN THE SAME OBTAINS IN ALL VOLUNTARY ACTS];⁹ OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON, OR THE MASTER STRIKING HIS PUPIL, OR THE COMMISSIONER OF THE COURT¹⁰ [ADMINISTERING THE LASH]. GEMARA . . . A STONE INTO THE PUBLIC DOMAIN — he is a deliberate offender?¹¹ — Said R. Samuel b. Isaac: It happened while he was demolishing a [defective] wall.¹² Even then, he should be circumspect? — He was demolishing it at night. At night, too, ought he not to be circumspect? — He was clearing the debris on to a rubbish-heap. On to a rubbish-heap! Under what circumstances? If the public pass there often, he is guilty of negligence; and if the public do not pass there often, he is the victim of mischance!¹³ — Said R. Papa: No! We must explain the Mishnah by an instance where the debris is thrown on to a rubbish-heap to which people resort for convenience at night-time, but not during the day; yet occasionally, someone comes and squats there. In such a case, the thrower is not guilty of negligence, because the place is not resorted to for convenience during daytime; nor is he [merely] a victim of mischance, because, occasionally, someone comes and squats there.¹⁴

R. ELIEZER B. JACOB SAYS THAT IF AFTER THE STONE HAD LEFT HIS HAND etc. Our Rabbis taught: The text, and if he [or it] found¹⁵ [his neighbour. . . he shall flee], precludes a case where the victim put himself in the way. On this text it was that R. Eliezer b. Jacob based his statement: IF AFTER THE STONE HAD LEFT HIS HAND ANOTHER PERSON PUT OUT HIS HEAD AND CAUGHT IT, THE THROWER IS EXEMPT [FROM BANISHMENT].

Is that to say that u-maza means, finding something there already ab initio?¹⁶ If so, contrast therewith that other exposition of the same form of the word in the text. [It is taught:] and he found [sufficiency to redeem it],¹⁷ which excludes other means [that were] available heretofore, that is, that he is not allowed to sell a remote property to redeem therewith one more proximate, or to sell an inferior property to redeem a fair property? — Said Raba: The expressions must each be taken in its context. There, the expression, ‘and he found sufficiency [to redeem it]’ must be taken with its context, ‘and his own hand attained [and found sufficiency to redeem it]’. Now, what is the meaning of [the phrase] ‘and his own hand attained’? [It means], what he has attained but now,’ so must [its concomitant], ‘and found [sufficiency]’ be taken in the same sense- ‘but now.’ Here, too, the expression must be taken in its proper context: ‘and if he [or it] found’ must be understood in the same sense as its concomitant, ‘the wood’; what is the case of ‘the wood’? — it was there ab initio,’ so must we take ‘and if he [or it] found’ to imply that he found his victim who was there ab initio [and not suddenly coming forward later].

ABBA SAUL SAYS, WHAT IS THE NATURE OF THIS HEWING OF WOOD etc.?¹⁸ One of the [senior] scholars said to Raba: What ground is there for Abba Saul's assumption that the hewing of wood referred to was [essentially] an optional task; it might as well be a hewing of wood [as a religious act] for building a Sukkah,¹⁹ or cutting faggots for the altar,²⁰ and accordingly, one might infer that the Divine Law ordained that the slayer shall nevertheless go into banishment? — Said Raba to him: Supposing he found some hewn wood [he would not have to hew any] and hewing would not then be any part of the prescribed command; nor can it, for the same reason, even in the first instance, be taken as part of the prescribed command.²¹ Rabina, thereupon, referred him back [to the Mishnah], OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON, OR THE MASTER STRIKING HIS PUPIL OR THE COMMISSIONER

OF THE COURT ADMINISTERING THE LASH. Here, also [he argued], where the son [or pupil] is already learned, it is no longer obligatory [on the father or master] to [teach and] strike? It should therefore not be considered even in the first instance part of a prescribed command?²² — Although the son is already taught [replied Raba], it is still obligatory on the father to chasten, because it is written, Correct thy son and he will give thee rest, yea he will give delight to thy soul.²³ Reconsidering it, however, Raba said: What I told you was not a correct reply; because, re-examining the text, when²⁴ ‘a man goeth into the wood with his neighbour,’ I say its import is [clearly] that of an optional act; that is, if he wishes to go there he goes, and if he does not wish, he does not go there. Now, therefore, if [as you suggested] the context ‘to hew wood’ is to be applicable [also] to an obligatory act of hewing, could he sufficiently meet his obligation without going into the forest?

R. Adda b. Ahaba then asked of Raba: Does then the [conditional] particle *asher*-when-always imply an optional action? If so, considering the text, but when²⁵ a man be unclean and shall not purify himself²⁶ [that soul shall be cut off from among Israel]²⁷ — will you likewise explain it as referring only to [a case] where if he wishes he defiles himself [by touching a corpse], and if he does not care to defile himself, he need not; but in the case of an obligatory corpse²⁸ where the finder could not but defile himself [but must needs give it burial], would he indeed [on entering the Temple during defilement] be exempt [from the penalty?]²⁹ That is quite different [replied Raba], because there, the text distinctly emphasises

(1) V. Sanh. 4a and 4b where the several statements of the above-mentioned authorities are cited, all turning on the legitimate deduction, or otherwise, from the possibility of an alternative vocalization of a word, e.g. **ohgca** fortnight, as **ohgca** seventy (days); , **bre** horns of, as , **bre** horn of; **vtrh** shall be seen (appear) as **vtrh** shall see, etc.

(2) The palm is sometimes 60 to 80 feet high. There are many varieties of fruit varying in form, size, and character, e.g. dates, areca, sago and cocoa-nut. The fruits usually cluster closely together, and when precipitated from a great height can easily kill a person.

(3) In the Mishnah, the falling fruit being compared to the flying chip.

(4) As the clod, the first force, had left his hand before it struck off the palm-fruit. This is not a correct assumption; he takes the clod as the axe, and the falling fruit as the flying chip which kills, entailing banishment.

(5) And was killed, the thrower is not blamable in the least for such an unforeseen event, and needs no atonement or protection by exile.

(6) He should have been more circumspect: the guiding rule is derived from the example of the wood afforded by Scripture.

(7) Deut. XIX, 5.

(8) Lit., ‘the injured as to the injurer.’

(9) This bracketed clause is absent in most texts.

(10) These are instances of accidents arising in the course of performing an act of duty, v. discussion.

(11) And is not entitled to protective banishment, as directed in the Mishnah.

(12) Removing such possible danger to the public is commendable. Cf. M. K. 7a.

(13) And as he could not have foreseen the victim's arrival on the scene of the accident, he should be exempt from banishment, and the ruling of the Mishnah as it stands is surprising.

(14) There was therefore an element of neglect, and the thrower goes into banishment.

(15) Deut. XIX, 5, that is, either the iron (axe) slipping from the helve, found, met or caught; or, he, the hewer (on

the iron slipping) caught his neighbour.

(16) **tmn** is grammatically in the past tense (Perfect); the addition of **u** imports the possibility of a future sense, 'and he (it) shall have found'.

(17) Lev. XXV, 26. If a man sold a field out of necessity, he or his kinsman had the right to buy it back at any time before the next Jubilee, by paying a price proportionate to the number of years the stranger might have enjoyed it up to the Jubilee, when the property would automatically revert to the owner. This anticipatory redemption could not be enforced by using moneys that were available at the time of sale, or borrowed money, or by part-redemption, or the proceeds of the sale of inferior or remote-lying property. Such means would show that the vendor did not sell out of poverty, and the purchaser's rights must not be disturbed. V. Commentaries on Mish. 'Ar. IX, 2; Talm. 'Ar. 30b.

(18) This is the correct heading; the one in the texts is misplaced and belongs to the beginning of the Gemara.

(19) Lev. XXIII, 42, v. Glos.

(20) Ibid. VI, 5; Nehem. X, 35, and Ta'an. 28a.

(21) I.e., the obligation lies mainly in making and using the tabernacle, or donating the faggots for the altar, not in hewing, as the wood might be purchased ready cut. Acting in the discharge of a religious obligation (mizwah) is considered, in case of a resulting accident, an extenuating circumstance: the desire to do a religious act counterbalances the element of slight negligence. Cf. B.K. 30a; 32a.

(22) And according to above argument, father or teacher should go into banishment.

(23) Prov. XXIX, 17, v, ibid. XIII. 24.

(24) As when (asher, **rat**) a man goeth into the wood = as if a man . . .

(25) Lit., rendering of **tnyh rat ahtu**

(26) Before entering the Temple.

(27) Num. XIX, 13.

(28) Of an unknown stranger found dead on the road, it was the duty of the finder, even if he were the High Priest himself, to attend to the burial, unless another was there to act for him.

Talmud - Mas. Makkoth 8b

'he shall be unclean' — meaning under any circumstances.¹ But has not that phrase been claimed for another deduction, namely, as it is taught: 'He shall be unclean' means, to include [defiled] persons who had taken their rite of ablution during daytime;² 'uncleanness is yet upon him' means, to include [purified] persons still short of the atonement rite?³ — [Yes,] replied Raba, but I mean to derive my point by stressing the [redundant particle] 'yet'.⁴

Some introduce the discussion in connection with the following: [Six days thou shalt work, but on the seventh day thou shalt rest;]⁵ in ploughing time and in harvest thou shalt rest.⁶ Says R. Akiba: This [second part of the] text is not needed as a provision against ploughing or harvesting in the Sabbatical year itself, for that is explicitly dealt with elsewhere: Neither shalt thou sow thy field nor prune thy vineyard etc.;⁷ but it is a provision to restrict ploughing even in the pre-Sabbatical year, where its effect extends into the Sabbatical period;⁸ and [similarly] to restrict the harvesting of the [produce partly grown in the] Sabbatical period, which is reaped in the post-Sabbatical year.⁹ Says R. Ishmael: What is the characteristic of ploughing? It is an optional act;¹⁰ so too is the harvesting debarred¹¹ only when it is an optional act. Outside [this restriction], therefore, is the harvesting [of the first barley] for the 'omer which is prescribed.¹²

One of the [senior] scholars then asked Raba: What ground has R. Ishmael for assuming that the ploughing [referred to in the text] is an optional act; might it not as well be the ploughing for the omer — barley which is prescribed? And accordingly one might infer that the Divine Law even in such a case enjoins the Sabbath rest! — Said Raba to him: [No,] because if he found the plot already ploughed he would not be required to plough again. The [act of] ploughing cannot therefore be considered obligatory. Rabina thereupon referred him to the Mishnah: OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON, OR THE MASTER STRIKING HIS PUPIL, OR THE COMMISSIONER OF THE COURT [ADMINISTERING THE LASH]. Now, might we not argue [similarly] that, since where the son [or pupil] is an accomplished scholar it is no longer obligatory [on the father or master] to punish him, it should therefore not be considered even in the first instance as obligatory?¹³ — There [he replied], even though the son is accomplished, it is still a duty, because it is written, Correct thy son and he will give thee rest.¹⁴ Reconsidering it, however, Raba said: That first argument [I used] was not correct, because [continuing the analogy] I argue: What is the characteristic of ploughing? If he found the plot ploughed he need not plough [again]; so too is the characteristic of reaping; [if he found the corn cut, he need not cut again]. But if you assume that the reaping [mentioned in the text] constitutes an obligatory act, then, employing the analogy, you will conclude that if he found the sheaves cut, he need not cut again. How can this be maintained? Is not the bringing as well as the reaping prescribed?¹⁵ MISHNAH. THE FATHER GOES INTO BANISHMENT FOR [THE DEATH OF] HIS SON, AND THE SON GOES INTO BANISHMENT FOR [THAT OF] HIS FATHER. ALL GO INTO BANISHMENT FOR [THE DEATH OF] AN ISRAELITE, AND ISRAELITES GO INTO BANISHMENT ON THEIR ACCOUNT, SAVE FOR A SOJOURNING-STRANGER,¹⁶ AND A SOJOURNING-STRANGER GOES INTO BANISHMENT¹⁷ FOR [ANOTHER] SOJOURNING-STRANGER.

GEMARA. THE FATHER GOES INTO BANISHMENT FOR HIS SON. Did you not say [before], OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON?¹⁸ — [Here it is a case of] a son who has already learnt enough.¹⁹ But did you not [also] say that even if the son has learnt enough, the father is still obliged to teach [his son]? — He was teaching him [only] as a carpenter's apprentice. [Even so] he was teaching him [the means of] a livelihood!²⁰ — He was already accomplished in another craft.

AND THE SON GOES INTO BANISHMENT FOR THE DEATH OF HIS FATHER. This statement was contrasted with that which is taught elsewhere: That killeth a person,²¹ means, to exclude [from banishment] one that killeth his father [or mother]!²² — Said R. Kahana: It is not difficult [to explain the discrepancy]: the passage cited reflects the view of R. Simeon, while the Mishnah reflects that of the Rabbis. According to R. Simeon, execution by strangulation is a severer penalty than by the sword.²³ Therefore, in [the ordinary] case of death by error, the [incurred] penalty, of [execution by] the sword, has its appropriate form of remission [when commuted into banishment]; whereas in the case of parricide in error, the [severer] penalty by strangulation has not its appropriate form of remission [when commuted into banishment]. On the other hand, according to the Rabbis, execution by the sword is a severer penalty than by strangulation. Therefore, in the case of a parent-slayer [who committed the deed] in error, the penalty due is [the severer], that of the sword; and the penalty of the sword has its appropriate form of remission [when commuted into banishment].

Raba explained [the Baraitha] thus: ‘That killeth a person [through error may flee there]’, means, to exclude [from banishment] one that woundeth²⁴ his father [or mother] in error. For you might possibly think that, since by deliberately wounding his parent he would incur the death penalty,²⁵ therefore, in the case of error, he also should go into banishment. The deduction, however, drawn from the text points ‘to exclude one that woundeth his father [or mother] in error’.

ALL GO INTO BANISHMENT FOR [THE DEATH OF] AN ISRAELITE, AND AN ISRAELITE GOES INTO BANISHMENT ON THEIR ACCOUNT. — ALL GO INTO BANISHMENT’ — What is this ‘all’ intended to include? — It is to include slaves²⁶ or Cutheans.²⁷ We [thus] learn [here] what our Rabbis taught [in the following]: A slave or Cuthean goes into banishment or receives a flogging on account of an Israelite, and an Israelite goes into banishment or receives a flogging on account of a Cuthean or slave. Now, [the statement] ‘a slave or Cuthean goes into banishment or receives a flogging on account of an Israelite’ is perfectly clear, meaning that if he [inadvertently] kills an Israelite, he goes into banishment, or that if he utters [the Divine Name in] an imprecation against an Israelite, he receives a flogging.²⁸ [But as regards the second statement] ‘and an Israelite goes into banishment or receives a flogging, on account of a Cuthean or slave,’ while there is a clear case for the Israelite going into banishment, namely if he kills a slave or Cuthean [inadvertently], how explain his receiving a flogging? [You will perhaps explain,] in case he cursed him. This cannot be, since the text ‘nor curse a ruler of thy people’ limits the offence to a curse uttered against one who acts according to the usages ‘of thy people’? — Said R. Aha b. Jacob: But it might be a case where he [the Cuthean] had given evidence against him [the Israelite as liable to a flogging] and on being found a zomem — witness [is flogged himself].²⁹ And similarly does the slave’s liability [to a flogging] likewise arise where he had given evidence against [an Israelite] and was then found to be a zomem — witness? Is a slave [legally] competent to give such evidence? — But no, said R. Aha son of R. Ika, [the flogging] could be explained in a case where an Israelite had struck a [wounding] blow

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- (1) Even in a defilement by an obligatory corpse.
 - (2) Even after ablution, defilement ceased only with sunset. Lev. XXII, 6-7.
 - (3) Four persons, on emerging from their state of impurity, had to complete their purification on the day after ablution, with offerings, Lev. XII, 6ff; XIV, 9ff; XV, 13ff and 28ff. q.v.
 - (4) His uncleanness is yet (**Siq**) upon him.
 - (5) Lit. ‘keep Sabbath’ or ‘desist (from work)’.
 - (6) Ex. XXXIV, 21; meaning that, however urgently the season may demand it, ploughing or reaping may not be done on the Sabbath day. The special mention here of ploughing and reaping suggests the association of the weekly Sabbath-day with the septennial Sabbath-year (cf. *ibid.* XXIII, 10-12). In the exposition that follows, R. Akiba stresses the latter; R. Ishmael the former; v, commentaries of Rashi and Maim, on Sheb. I, 1.
 - (7) That which groweth of itself. . . thou shalt not reap and the grapes . . . thou shalt not gather. Lev. XXV, 4-5.
 - (8) Lit. ‘enters into the Sabbatical year,’ i.e, produces the fruit in the seventh year.
 - (9) I.e, produce grown of itself that has reached a third of its maturity in the seventh year is subject to the restrictions of the seventh year when it matures in the eighth year.
 - (10) There being nowhere in the Law a command prescribing ploughing.
 - (11) On the Sabbath day.

- (12) And therefore may be cut even on the Sabbath day; Lev. XXIII, 10ff, ordains: When ye come into the land . . . and reap the harvest thereof, then ye shall bring the sheaf ('omer) of the first-fruits of your harvest unto the priest. 'Omer means 'sheaf'; it is also the name of a measure, one-tenth part of an epha (Ex. XVI, 36).
- (13) And the father (or master) should go into banishment.
- (14) Prov. XXIX, 17.
- (15) Ye shall reap the harvest thereof, then shall ye bring the first-fruits of your harvest unto the priest. Lev. XXIII, 10.
- (16) A gentile resident in the midst of the Jewish community who abstains from idolatry (immorality and rapacity), v. A.Z. 64b; also Nahmanides, on Ex. XX, 10.
- (17) This reading of the J.T. is authenticated by our Gemara 9a. In our Mishnah texts the word 'only' occurs.
- (18) I.e., does not go into banishment, and here it is ruled that he does.
- (19) And the chastisement was not strictly an act of duty.
- (20) One of the duties of the father to his son, next to teaching him Torah and seeing him suitably married, v. Rashi a.l, and Kid. 30b; more fully Mekil. on Ex. XIII, 13.
- (21) . . . appoint you cities . . . of refuge . . . that the manslayer that killeth a person through error may flee there. Num. XXXV, 11.
- (22) So in Sifre text. A parent-killer is excluded and denied protection in refuge because, by wounding alone, even without fatal consequences, the smiter has already incurred the death penalty by strangulation; v. Sanh. 84b. The general manslayer is punished by the sword; if he slays in error, the punishment is commuted into banishment to one of the Cities of Refuge.
- (23) Sanh. 49b. Whenever two penalties have been incurred, the severer of the two is inflicted. V. Sanh. 81a.
- (24) The Hebrew for killeth a person is **apb vfn** which means literally, 'smiling a soul', that is, do to death. The word **vfn** by itself means 'beating', 'wounding' or 'killing', hence the interpretation of Raba. Cf. Ex. XXI, 15 (the penalty for wounding parents); ibid. 18 (wounding without killing), and Deut. XXV, 1-3 (beating or lashing).
- (25) By strangulation, v. Sanh. 84b.
- (26) I.e., a non — Israelite, or 'Canaanite' slave (cf. Gen. IX, 25, 26; Lev. XXV, 44ff.) who had to be circumcised (Gen. XVII, 12ff), to discard idolatry and abstain from work (for his master) on Sabbath (Ex. XX, 10; XXIII, 12) and who was a member of the household (cf. Lev. XXII, 11; Deut. XVI, 11).
- (27) Samaritans (cf. II Kings XVII, 24 ff), sometimes called 'Lion ('terrorized) Proselytes' (cf. ibid. 25-26). They professed adherence to the Mosaic Law, but remained outside by their laws and practices, and do so to this day.
- (28) Ex. XXII, 27, Thou shalt not revile God (or judges) nor curse a ruler of thy people. By combining the import of this text with that of Lev. XIX, 14, Thou shalt not curse the deaf the prohibition is taken to have a general application, involving a flogging if the imprecation is accompanied by the mention of God's name. The words 'of thy people' however limit the offence, as punishable only when committed against law-abiding Jews, v. Sanh. 66a.
- (29) R. Aha's explanation refers to the first clause which, however, at the same time is also explanatory of the second.

Talmud - Mas. Makkoth 9a

which is estimated [in damages] at less than a perutah, as R. Ammi, reporting R. Johanan, said that if one struck a [wounding] blow worth [in damages] less than a perutah, the assailant receives a flogging¹ [and that no analogy between battery and imprecation is admitted].²

SAVE NOT FOR A SOJOURNING — STRANGER, etc. This implies that the

sojourning-stranger is treated as a heathen [in regard to the law of refuge];³ but then read the latter clause: A SOJOURNING-STRANGER GOES INTO BANISHMENT FOR [ANOTHER] SOJOURNING-STRANGER [in accordance with the law of refuge]?⁴ — Said R. Kahana: It is not difficult [to explain the seeming discrepancy]; the last clause provides for a sojourning-stranger who had slain [inadvertently] another sojourning — stranger, whereas the previous clause provides for a sojourning-stranger who had slain an Israelite. Some throw into contrast one [Scriptural] text against another. It is written: For the children of Israel and for the stranger and for the sojourner among them, shall these six cities be for refuge . . .⁵ And again it is written: [Speak unto the children of Israel . . .] and the cities shall be unto you [for refuge from the avenger]⁶ — which implies for ‘you’ [exclusively] but not for strangers? — Said R. Kahana: It is not difficult [to explain], as one text [verse twelve] provides for a sojourning — stranger who killed an Israelite,⁷ while the other text [verse fifteen] provides for a sojourning-stranger who killed another sojourning-stranger.⁸ [As against this interpretation,] some cited [in contrast] the following: ‘Therefore, stranger and heathen who killed [a person]⁹ are killed.’ In this quotation ‘stranger’ and ‘heathen’ are taken together as of the same category,¹⁰ that is to say, that just as in the case of a ‘heathen’ [killing someone] it made no difference whether he killed a person of his own status or not of his own status, he was slain: so in the case of a ‘stranger’, it likewise made no difference whether he killed a person of his own status or not of his own status, he would be slain? — Said R. Hisda: It is not difficult to explain [the seeming discrepancy in the texts],¹¹ as one¹² provides for a case where death results from a downward movement, whereas the other¹³ [provides for a case] where it results from an upward movement.¹⁴ In the case of a downward motion, where an Israelite would go into banishment, it is enough if the ‘stranger’ too is allowed to go into banishment, whereas in the case of an upward motion, where an Israelite is acquitted, the [sojourning] ‘stranger’ dies for it.¹⁵

Said Raba: But does not an argument a fortiori demand a contrary conclusion? Why, if in a death by a downward motion, where an Israelite would go into banishment, it is considered enough for a ‘stranger’ also to go into banishment, would you, in the case of death by an upward motion, where an Israelite is acquitted, insist on a ‘stranger’ being killed? — But, said Raba, [the severity is explicable] where the ‘stranger’ thought he had a right to kill. Said Abaye to him: If he thought that he had a right to kill, he is himself a victim of misadventure. Answered Raba: [Indeed, he is] for I consider anyone doing wrong thinking that it is permissible as next to a deliberate offender. And they both maintain that view [consistently] as both follow their own respective principles as expressed elsewhere. For it has been stated: Supposing one thought it was a beast and it happened to be a human being; a heathen and it happened to be a sojourning-stranger, Raba says he is liable [and R. Hisda says he is acquitted. Raba says he is liable]¹⁶ for one who thought he had a right to kill is next to a deliberate offender¹⁷ and R. Hisda says he is acquitted because one who thought he had a right to kill was [himself] a victim of a misadventure. Thereupon Raba referred R. Hisda to the [Scriptural] text, Behold, thou shalt die, because of the woman whom thou hast taken; for she is a man's wife.¹⁸ What else does it imply but liability to human execution [for his error]? — No, liability to Heaven's displeasure, and note carefully the context, And I also withheld thee from sinning against Me.¹⁹

Accepting your interpretation, how then would you explain this text, How then can I do this great wickedness and sin against God?²⁰ Does it mean only [a sin] against God and not [an

offence] against man?²¹ It can only mean that his trial is left to human authority, and the same is implied in the former text, viz., that the trial is left to human authority. Abaye then referred Raba to [Abimelech's plea], Lord, wilt Thou slay even a righteous nation?²² — But you have there the answer to that plea [of innocence], Now therefore restore the man's wife, for he is a prophet.²³

(1) Injury must be compensated. Cf. Lev. XXIV, 19ff., where 'breach for breach, eye for eye' is taken to mean monetary compensation for injuries. If the injury is too paltry for monetary compensation, the assailant is flogged. Cf. Keth. 32b.

(2) This is merely the concluding part of R. Johanan's dictum. The question of analogy between battery and imprecation is raised (in Sanh. 85a) in this way. If a son curses his condemned father who is on his way to execution, he is technically exempt although cursing a parent is a capital offence, (v. Ex. XXI, 17), as only cursing a man who did not act according to the usages 'of thy people'. Is he also exempt (by analogy with imprecation) if he struck his condemned father a wounding blow? V. Ex. XXI, 15. The analogy between the two might be suggested by the close juxtaposition of verses 15 and 17 (yet divided by verse 16). R. Johanan is reported to have decided against the analogy, and similarly, though the imprecation of a Cuthean is not punishable, battery is.

(3) The Jewish slayer does not go into banishment as he would for inadvertently slaying a Jew and the heathen likewise is afforded no refuge.

(4) That is, the sojourning — stranger slayer and slain are subject to the law of banishment. See, however, the discussion which follows.

(5) Num. XXXV, 15, granting equal enjoyment of the right of refuge.

(6) Num. XXXV, verse 12.

(7) And the slayer is not to go into banishment (for his protection), but is slain.

(8) As provided in the text.

(9) Jew or non-Jew.

(10) Whereas, in Num. XXXV, 15, (as above), equal enjoyment of the right of refuge is granted to the stranger and sojourner. The problem arises from the ambiguous use of the terms **rd** 'stranger' and **cau**, 'sojourner'. 'Stranger' means (a) an idolatrous newcomer, or (b) one who, after a while, discontinues idolatry, and leads a moral and honourable life; he is sometimes called 'a son of Noah'. After prolonged residence he may become (c) a quasi, unavowed convert: he is then a 'sojourning-stranger, and finally, (d) the avowed and formally accepted convert, the 'righteous stranger' **esm rd** who is an Israelite in the eyes of the law. An Israelite offender is naturally treated according to his native (Biblical) code; but if an Israelite is the victim, how is the non — Israelite offender to be legally treated, according to Biblical law or his own? There are fundamental differences, e.g., in a criminal case of incest or murder, the Israelite law demands two Jewish witnesses, at least; their forewarning to the offender; twenty-three judges, etc., which are not requisite in the non-Jewish code where one witness or even (it is surmised) the judges' personal knowledge (without other witnesses) is enough to condemn, etc.; v. Sanh. 57 ff. Maim. Yad Melakim VIII, 10 ff. IX, 14 ff.

(11) Num. XXXV, 12, and 15, as pointed out above.

(12) Verse 15.

(13) Verse 12,

(14) Cf. beginning of this chapter.

(15) I.e., by the avenger if he so choose (without consequences to himself). V. Maim. *ibid.* X, 1.,

(16) So in Yalkut. Gen. 88 and D.S, a, l., cf. p. 39.

(17) Because the attack was intentional, with intent to hurt ab initio, and he should have been more careful.

(18) Gen. XX, 3, Abimelech took Sarah under the belief that she was Abraham's unmarried sister, yet he was threatened with death.

(19) Ibid. 6, i.e., only against God but not an offence punishable by human law.

(20) Gen. XXXIX, 9. Joseph repulsing Potiphar's wife.

(21) Joseph knew she was his master's wife, and that he would have to pay the penalty as seducer. Tosaf. cites another explanation (and reading) that trial is left to God because there were no witnesses to prove his guilt, otherwise it would be dealt with by human authority.

(22) Gen. XX, 4, which proves that the belief that an offence was permissible exonerates the offender.

(23) Ibid. 7.

Talmud - Mas. Makkoth 9b

‘Restore the prophet's wife’, and were she not a prophet's wife, need she not have been restored? — But this can only be taken as R. Samuel b. Nahmani had explained it; for R. Samuel b. Nahmani, citing R. Jonathan, said that the Divine reply was as follows: Now therefore restore the man's wife in any case, and, as regards your plea, Wilt Thou slay even a righteous nation? Said he not himself to me: She is my sister, and she, even she herself said, He is my brother? . . .¹ [Abimelech was told,] ‘for he [Abraham] is a prophet’ and he conjectured, from the questions put to him, the reply he was to give. A stranger coming to a city is [generally] asked about his food and drink . . .; do they ask: Is this your wife? Is this your sister? From the above data it has been deduced that ‘a son of Noah’² suffers death [even for a crime committed under misapprehension], as he should have taken pains to ascertain the facts and did not.

MISHNAH. A BLIND MANSLAYER DOES NOT GO INTO BANISHMENT; THESE ARE THE WORDS OF R. JUDAH. R. MEIR SAYS HE GOES INTO BANISHMENT. AN ENEMY DOES NOT GO INTO BANISHMENT; R. JOSE³ SAYS, AN ENEMY IS SLAIN, AS HE IS QUASI-ATTESTED.⁴ R. SIMEON SAYS THERE IS AN ENEMY THAT GOES INTO BANISHMENT AND THERE IS AN ENEMY THAT GOES NOT INTO BANISHMENT, [THE CRITERION BEING THAT]⁵ WHEREVER IT CAN BE SUGGESTED THAT HE HAD SLAIN [HIS VICTIM] WITTINGLY, HE GOES NOT INTO BANISHMENT,⁶ AND WHERE HE HAD SLAIN UNWITTINGLY, HE GOES INTO BANISHMENT.

GEMARA. [A BLIND MANSLAYER DOES NOT GO . . . R. MEIR SAYS HE GOES etc.]

Our Rabbis taught: [The words] seeing him not⁷ imply the exemption of a blind manslayer⁸ [from banishment]. These are the words of R. Judah; but R. Meir says that these words seeing him not do imply the inclusion of a blind manslayer.⁹ On what [textual] ground does R. Judah adopt his interpretation? — The wording, as when (a man) goeth into the wood with his neighbour . . .¹⁰ [he argues] implies [anybody], even a blind person; but then comes [elsewhere] the qualification seeing him not¹¹ and thereby reduces the wider application.¹² And R. Meir? — Since seeing him not [he argues] is a limiting expression, and [whoso killeth his neighbour] unawares¹¹ is another, the effect of limitation after limitation [logically] only amounts to amplification.¹² And R. Judah?¹³ — He takes unawares to exclude intentional injury.¹⁴

R. JOSE SAYS, AN ENEMY IS SLAIN, AS HE IS QUASI-ATTESTED. But how? They have not duly forewarned him! — This Mishnah expresses the opinion of R. Jose b. Judah, as it is taught: R. Jose b. Judah says a Haber¹⁵ needs no forewarning, as forewarning was only

introduced as a means for differentiating between one acting in error or with presumption.¹⁶

R. SIMEON SAYS, THERE IS AN ENEMY THAT GOES INTO BANISHMENT AND AN ENEMY THAT GOES NOT INTO BANISHMENT. It is taught: ‘How [illustrate] R. Simeon’s statement that THERE IS AN ENEMY THAT GOES INTO BANISHMENT AND AN ENEMY THAT GOES NOT INTO BANISHMENT? [In this way:] if something snapped¹⁷ [and the severed object dropped and killed], he goes into banishment;¹⁸ if it slipped,¹⁹ he goes not into banishment.

But is it not also taught, ‘R. Simeon says, One never goes into banishment until the hammer-block had [all]²⁰ slipped from his hand.’ — which conflicts with the above statements both in regard to something snapping and slipping?²¹ [The seeming conflict] in regard to slipping is not difficult to explain, as version A deals with a person who was ill-disposed [towards the dead man], while version B deals with one who was well-disposed;²² nor is it difficult to explain the seeming conflict in the case of snapping, as version A is in accordance with Rabbi’s view, while version B agrees with the view of the Rabbis.²³ MISHNAH. WHITHER ARE THEY BANISHED? TO THE THREE CITIES SITUATE ON THE YONDER SIDE OF THE JORDAN AND THREE CITIES SITUATE IN THE LAND OF CANAAN, AS ORDAINED, YE SHALL GIVE THREE CITIES BEYOND THE JORDAN AND THREE CITIES IN THE LAND OF CANAAN; THEY SHALL BE CITIES OF REFUGE.²⁴ NOT UNTIL THREE CITIES WERE SELECTED IN THE LAND OF ISRAEL DID THE [FIRST] THREE CITIES BEYOND THE JORDAN RECEIVE FUGITIVES, AS ORDAINED, [AND OF THESE CITIES WHICH YE SHALL GIVE] SIX CITIES FOR REFUGE SHALL THEY BE UNTO YOU²⁵ WHICH MEANS THAT [THEY DID] NOT [FUNCTION] UNTIL ALL SIX COULD SIMULTANEOUSLY AFFORD ASYLUM. AND DIRECT ROADS WERE MADE LEADING FROM ONE TO THE OTHER, AS ORDAINED, THOU SHALT PREPARE THEE A WAY AND DIVIDE THE BORDERS OF THY LAND INTO THREE PARTS.²⁶ AND TWO [ORDAINED] SCHOLAR — DISCIPLES WERE DELEGATED TO ESCORT THE MANSLAYER IN CASE ANYONE ATTEMPTED TO SLAY HIM ON THE WAY, AND THAT THEY MIGHT SPEAK TO HIM.²⁷ R. MEIR SAYS: HE MAY [EVEN]²⁸ PLEAD HIS CAUSE HIMSELF, AS IT IS ORDAINED, AND THIS IS THE WORD OF THE SLAYER.²⁹ R. JOSE B. JUDAH SAYS: TO BEGIN WITH, A SLAYER WAS SENT IN ADVANCE TO [ONE OF] THE CITIES OF REFUGE, WHETHER HE HAD SLAIN IN ERROR OR WITH INTENT. THEN THE COURT SENT AND BROUGHT HIM THENCE. WHOEVER WAS FOUND GUILTY OF A CAPITAL CRIME THE COURT HAD EXECUTED, AND WHOEVER WAS FOUND NOT GUILTY OF A CAPITAL CRIME THEY ACQUITTED. WHOEVER WAS FOUND LIABLE TO BANISHMENT THEY RESTORED TO HIS PLACE [OF REFUGE] AS IT IS ORDAINED, AND THE CONGREGATION SHALL RESTORE HIM TO THE CITY OF REFUGE WHITHER HE WAS FLED.³⁰

GEMARA. Our Rabbis taught: Moses had set apart three cities on the other side of the Jordan, and corresponding to them Joshua set apart [others] in the land of Canaan. And they were made to correspond on opposite sides like a double row [of trees] in a vineyard; Hebron in Judah,³¹ corresponding to Bezer in the wilderness;³² Shechem in mount Ephraim,³¹ corresponding to Ramoth in Gilead;³² Kedesh in mount Naphtali,³¹ corresponding to Golan in Bashan.³² And thou

shalt divide the border of thy land into three parts³³ means that they shall form triads,³⁴ [namely], that the distance from the Darom [southern] boundary to Hebron be similar to that from Hebron to Shechem; and that from Hebron to Shechem similar to that from Shechem to Kedesh; and that from Shechem to Kedesh similar to that from Kedesh to the North [boundary].

Were³⁵ three cities [necessary] in Trans-Jordania [the same as] three cities for the [whole] land of Israel? — Said Abaye: By reason that manslaying was rife in Gilead,

(1) Ibid. 5.

(2) V, p. 54, n. 3. Thinking he had a right to kill is culpable negligence, as the attack was deliberate and there being no way of testing the slayer's intention, he has to pay the penalty of a homicide: in other words, he is judged by the non-Jewish criminal code that does not admit the plea of ignorance. In Israelite law the forewarning by the two witnesses and relegation to the 'cities of refuge' were mitigations of the death penalty.

(3) Mishnah and other texts read 'R. Jose b. Judah'; see discussion below.

(4) As hostile, virtually standing before the world as already forewarned against injuring the man he hates, and in case of wilful murder requires no formal forewarning (**vtr, V**). See Z. Tosef., p. 440. Cf. Sanh. 29a.

(5) The bracketed part is omitted in some texts, D.S.

(6) I.e., he is afforded no protection and has to evade the avenger as best he can.

(7) But if he thrust him suddenly without enmity . . . seeing him not . . . and the Congregation (of Judges) shall judge . . . and restore him to the city of refuge . . . Num. XXXV, 22-25.

(8) Unable to see at all, he need not go into banishment but is protected at home.

(9) Within the terms of the law of banishment.

(10) Deut. XIX, 5.

(11) Deut. XIX, 4

(12) In this instance, seeing him not suggests a person capable of seeing, but who on this unfortunate occasion did not see his victim; whereas unawares is applicable to the blind as to the seeing. Cf. Ned. 87-88. On this exegetical rule, see Malbim's introduction to Leviticus, * 237.

(13) How does he interpret the term unawares?

(14) Cf. supra, p. 39, and B.K. 86b.

(15) A scholar, v. Glos.

(16) V, p. 34, n. 4.

(17) E.g, a rope in lowering a bucket or barrel, see Mishnah 7a, and cf. Z. Tosef., Mak. II, 10, p. 440.

(18) As that could hardly have been contrived deliberately.

(19) E.g, the rope slipped from his hand, or the hatchet fell out of his hand. In these instances, as foul play is possible, he does not go into (protective) banishment, but has to evade the avenger as best he may. He cannot be treated as guilty, for lack of due warning and proof.

(20) So in Z. Tosef., II,3, p. 439, and Nahmanides.

(21) According to the first version, A, if it snapped — he goes into banishment; if it slipped — he does not. According to the second version, B, by implication, if it snapped — he goes not into banishment; if it slipped — he goes into banishment.

(22) This is the order of the text as proposed by Rashi, following an ancient reading (supported by Zerahiah Halevi and Nahmanides): If the whole thing slipped, an enemy goes not into banishment (A) as there is a suspicion of foul play; while a friend, in whose case no such suspicion can arise, goes into banishment (B).

(23) 'If the iron slipped from the helve and killed, Rabbi says that he goes not into banishment and the Sages say he goes into banishment'. (V, p. 42): If snapped, where foul play is unlikely, according to the Rabbis (the Sages)

even an enemy goes into banishment (A); whereas according to Rabbi, even a friend (by implication in B), goes not into banishment; that is, if we take the case of the iron head slipping from the helve as similar to the snapping of a rope, or as part-snapping of the rammer-block.

(24) Num. XXXV, 14.

(25) Ibid. 13; Cf. Josh. XX, 1 ff.

(26) Deut. XIX, 3.

(27) To the Avenger, appealing for the refugee.

(28) Omitted in some MSS.. v. D.S.

(29) Deut. XIX, 4.

(30) Num. XXXV, 25.

(31) Josh. XX, 7-8.

(32) Deut. IV, 43.

(33) Deut. XIX, 3.

(34) I.e., two parallel groups of three cities on either side of the Jordan, between the northern and eastern boundaries, thus: Hebron Shechem Kedesh S
N Bezer Ramoth Golan

(35) This discussion here interrupts the quotation.

Talmud - Mas. Makkoth 10a

as it is written: Gilead is a city of them that work iniquity and is covered with footprints of blood.¹ What is meant by [covered with footprints] ‘akubbah² ? — Said R. Eleazar: It suggests that they tracked down³ victims to slay them.

Why are some further apart at one end and closer together at the other?⁴ — Said Abaye: Because manslaying was equally rife at Shechem, as it is written, and as troops of robbers wait for a man, so doth the company of priests; they murder in the way toward Shechem.⁵ What is meant by ‘the company of priests?’ — Said R. Eleazar: They formed themselves into gangs to commit murder as when priests go in groups to the barns at the distribution of priestly [prime] dues.

But were there no more [than six cities of refuge]? Is it not written, and to them ye shall add forty and two cities . . . so all the cities shall be forty and eight cities?⁶ — Said Abaye: The main six cities afforded asylum with or without cognizance,⁷ while the additional cities only afforded asylum knowingly, but not without cognizance. And was Hebron a city of refuge? Is it not recorded, and they gave Hebron to Caleb as Moses had said?⁸ — Said Abaye: It was the environs he was given, as it is written, but the fields of the city and the villages thereof gave they to Caleb the son of Jephunneh for his possession.⁹ And was Kedesh a city of refuge? Is it not recorded, and the fortified cities were Ziddim, Zer, Hammath, Rakkath and Chinnereth . . . and Kedesh,¹⁰ and is it not taught: Now these cities [of refuge] are to be made neither into small forts nor large walled cities, but medium — sized boroughs? — Said R. Joseph: There were two places called Kedesh. R. Ashi observed: Such as Seleucia [Ctesifon] and the Fort of Seleucia.¹¹

[To turn to] the main text: ‘These cities [of refuge] are to be made neither into small forts nor large walled cities,¹² but medium-sized boroughs; they are to be established only in the vicinity of a water supply and where there is no water at hand it is to be brought thither; they are to be established only in marketing districts; they are to be established only in populous districts,¹³ and

if the population has fallen off others are to be brought into the neighbourhood, and if the residents [of any one place] have fallen off, others are brought thither, priests, Levites and Israelites.¹⁴ There should be traffic neither in arms nor in trap-gear there.¹⁵ these are the words of R. Nehemiah; but the Sages permit. They, however, agree that no traps may be set there nor may ropes be left dangling about in the place so that the blood avenger may have no occasion to come visiting there.'

R. Isaac asked: What is the Scriptural authority [for all these provisions]? — The verse, and that fleeing unto one of these cities he might live¹⁶ which means — provide him with whatever he needs so that he may live.

A Tanna taught: A disciple who goes into banishment is joined in exile by his master, in accordance with the text, and that fleeing unto one of these cities he might live,¹⁶ which means — provide him with whatever he needs to live.¹⁷ R. Ze'ira remarked that this is the basis of the dictum, 'Let no one teach Mishnah to a disciple that is unworthy.'¹⁸ R. Johanan said: A master who goes into banishment is joined in exile by his College. But that cannot be correct, seeing that R. Johanan said: Whence can it be shown [Scripturally] that the study of the Torah affords asylum?¹⁹ From the verse, [Then Moses separated three cities . . .] Bezer in the wilderness . . . Ramoth... and Golan . . ., which is followed by, and this-the law which Moses set before the children of Israel?²⁰ — This [discrepancy] is not difficult [to explain]. One [of his sayings] is applicable to the scholar who maintains his learning in practice, while the other saying is applicable to him who does not maintain it in practice. Or, if you will, I might say that 'asylum' means refuge from the Angel of Death, as told of R. Hisda who was sitting and rehearsing his studies in the school-house and the Angel of Death could not approach him, as his mouth would not cease rehearsing. He [thereupon] perched upon a cedar of the school-house and, as the cedar cracked under him, R. Hisda paused and the Angel overpowered him.²¹

R. Tanhum b. Hanilai observed: Why was Reuben given precedence to be named first in the appointment of [the cities of] deliverance?²² Because it was he who spoke first in delivering [Joseph from death], as it is said, And Reuben heard it and he delivered him out of their hand [and said, Let us not take his life].²³

R. Simlai gave the following exposition: What is the meaning of the text, Then Moses separated three cities beyond the Jordan, toward the sun — rising?²⁴ It means that the Holy One, blessed be He, said to Moses: 'Make the sun rise²⁵ for [innocent] manslayers!' Some say [he explained it so]: The Holy One, blessed be He, said to Moses [approvingly], 'You did make the sun rise for [innocent]²⁶ manslayers!'

R. Simlai [also] gave the following exposition: What is the meaning of the verse, He that loveth silver shall not be satisfied with silver, and who delighteth in multitude, not with increase; [this also is vanity].²⁷ 'He that loveth silver shall not be satisfied with silver', might be applied to our Master Moses, who, while knowing that the three cities beyond the Jordan would not harbour refugees so long as the [other] three in the land of Canaan had not been selected, nevertheless said: The charge having come within my reach, I shall give [partial] effect to it, now!²⁸ [The second part,] 'And who delighteth in multitude, not with increase' [means]: Who is fit to teach 'a

multitude'? — He who has all increase²⁹ of his own.³⁰ This is similar to the interpretation given by R. Eleazar [b. Pedath] of, 'Who can utter the mighty acts of the Lord: [who can] show forth all His praise'?³¹ as, Who is fit to utter the mighty acts of the Lord? He [only] who is able to show forth all His praise! But the Rabbis, or some say Rabbah b. Mari, interpreted the same, 'who delighteth in multitude has increase', as, Whoever delighteth in the multitude [of scholars] has increase [of scholars], and the eyes of the schoolmen turned on Rabbah the son of Raba.³² R. Ashi said it meant that whoever loves studying amidst a multitudes of [fellow] students has increase, which is to the same effect as what R. Jose b. Hanina said: What is the import, [he asked], of the words, a sword upon [the boasters] ha-baddim and they shall become fools?³³ May a sword fall upon the neck of the foes³⁴ of scholar-disciples, that sit and engage in the study of the Torah, solitary [bad] and apart [b'bad]!³⁵ Nay, furthermore, such wax foolish! Holy Writ has here, and they shall become fools³³ — and elsewhere it says, wherein we have done foolishly;³⁶ nay, furthermore, they also become sinners, as it is added there, and wherein we have sinned' If you prefer, [it is derived] from this verse, The princes of Zoan have become fools.³⁷ Rabina explained [that former passage] thus, Whoever delighteth in teaching a multitude [of scholars] has increase, which is to the same effect as what Rabbi said: Much Torah have I learnt from my Masters, more from my fellow — students and from my disciples most of all!

R. Joshua b. Levi said: What is the meaning of the [Psalmist's] words, Our feet stood within thy gates, O Jerusalem?³⁸ [It is this.] What helped us to maintain our firm foothold in war? The gates of Jerusalem³⁹ — the place where students engaged in the study of Torah! R. Joshua b. Levi said also the following: What is the meaning of the [Psalmist's] words, A song of Ascents unto David. I was rejoiced when they said unto me: 'Let us go unto the house of the Lord'?⁴⁰ David, addressing himself to the Holy One, blessed be He, said: Lord of the Universe! I heard men saying, 'When will this old man die and let his son Solomon come and build us the Chosen Shrine and we shall go up there [as pilgrims]?' and I rejoiced at that. Said the Holy One, blessed be He, to him, A day in thy courts is better than a thousand!⁴¹ Better to Me one day spent by you in study of Torah than a thousand sacrifices that your son Solomon will [some day] offer before Me, on the altar!⁴²

AND DIRECT ROADS WERE MADE LEADING FROM ONE TO THE OTHER. It is taught: R. Eliezer b. Jacob says

(1) Hos. VI, 8.

(2) **vceg**

(3) **ceg** means 'to follow on the heel of a person,' cf. Gen. XXV, 26 and XXVII, 36.

(4) The text is in disorder. The reading adopted is that of the Yalkut. See D.S. On the western side Hebron and Shechem lie nearer each other than the other cities on the line, and on the eastern side of the Jordan, Ramoth and Golan are closer together.

(5) Hos. VI, 9.

(6) Num. XXXV, 6-7. Cf. 1 Chron. VI, 39-66.

(7) I.e., without the refugee being aware of his safety there (v. Rashi), or, without the knowledge and assent of the city authorities (L. Ginzberg, J.E, ii, 258a, s.v. Asylum).

(8) Judg. I, 20.

(9) Josh. XXI, 12.

- (10) Josh. XIX, 35-37.
- (11) I.e., an open place with a fortress near by, both bearing the same name (Rashi). Kirkuk di'Sluq. Cf. Obermeyer, Die Landschaft Babylonien p. 141.
- (12) The former, because they are liable to run short of necessities; the latter, because the avenger may escape notice in large crowds of strangers.
- (13) To prevent a coup to carry off the slayer.
- (14) Although they were Levitical cities.
- (15) Tosef. III, 9, and J. Mak. II, 6, read here instead 'set up no olive-press nor wine-press there: these are the words of R. Nehemiah, but the Sages permit.'
- (16) Deut. IV, 42.
- (17) I.e., also the spiritual life.
- (18) As he may ultimately dishonour his master. This is cited as a dictum of Rab's in Hul. 133a and of R. Simeon b. Eleazar, Tosef. A.Z. VII, end.
- (19) Refuge from evil and wrong-doing. Cf. Sot. 21a.
- (20) Deut. IV, 41-45.
- (21) Cf. Shab. 30b, a similar incident about King David, and B.M. 86a, about Rabbah b. Nahmani.
- (22) Deut. IV, 43 and Josh. XX, 8.
- (23) Gen. XXXVII, 21 ff.
- (24) Deut. IV, 41. Cf. Num. XXXV, 14, where beyond the Jordan is not further described by toward the sunrising as here.
- (25) Taking **khšch** as 'let him separate,' in an exhortative sense, make now, immediate provision for the innocent manslaughter's protection. Cf. Gen. XIX, 22-23; Ex. XXII, 2; Ps. CVII, 14; and Deut. Rab. II, 30.
- (26) By way of testimony, then began he already, while still on the east of the Jordan, to separate three of them. On this use of the imperfect with **zt** see Driver's Hebrew Tenses, III * 27 (inceptive).
- (27) Eccles. V, 9.
- (28) I.e., although the selection then was (as yet) to no purpose, it was not vanity, but pious devotion to the cause that prompted him: half a duty early begun, was better than none. It would seem that R. Simlai read it interrogatively, He that loveth silver, shall he not be satisfied with (ready) silver (to be spent in a good cause)? (the same as the second half of the verse). The implication seems to be as follows: A miser gets no joy from his hoard, as a pompous fellow will soon deplete his income on his retinue: both are victims of their vanity; but not so one who has nobler desires, e.g., Moses, who was satisfied with attaining even half an achievement in giving early effect to the law of asylum, or, say, the erudite scholar who delights in distributing his great learning to large gatherings of hearers. These suffer neither pain nor loss, as their pursuit is not after vanity.
- (29) I.e., stores of knowledge Scripture, Mishnah and traditional lore.
- (30) I.e., interpreting it as if **vtuc, uk tk** cf. Gen. XXXVIII, 9, and Sot. 27b and 31a. The transition from the negative **tk** to the positive **uk** is by logical process and not due to variant MSS, reading (for which there is no evidence). The reasoning process is as follows: (a) Some spenders are not happy; (b) Some spenders (you say) are not happy? (c) Some spenders (I say) are happy; (a) and (c)-in formal logic — are technically in Sub-contrary Opposition (O and I), and are compatible. See B. Bosanquet, Essentials of Logic, Lect. VIII, and Adamson's Teacher's Logic, Ch. XX.
- (31) Ps. CVI, 2. The interpretation is that one should not be profuse in praising God as this might savour of adulation, bordering on blasphemy. Cf. Ber. 33b and Meg. 18a; and thus it is only he who is possessed of the best store of knowledge who may presume to expound and teach the Law of God.
- (32) Whose family was distinguished by many scholars. (5) R. Ashi and Rabina (see below) were the leading heads at Matha Mehasia, the former as the Principal of the Academy and the latter as his most valuable co-adjutor, at the

half — yearly so-called kallah gatherings, held for the critical discussion and redaction of the Talmud.

(33) Jer. L, 36.

(34) An intended euphemism, so as to avoid the appearance of cursing scholars.

(35) A play on the word **ohscv** ha-baddim, translated above by boasters (deluded dupes). The root **SC**, **SCC** also means to be alone, separate, solitary, e.g., Gen. XLIII, 32; Ex. XVIII, 14, 18, and Lam, I, 1.

(36) Num. XII, 11, wherein we have done foolishly and wherein we have sinned.

(37) Isa. XIX, 13. Cf. supra 2 and 11 ff, which show that there will be no consultation or co-operation between the wise men of Egypt, with disastrous consequences. Discussion sharpens the wits of scholars and leads to the elucidation of the true bearings of the subject under consideration. V. Ta'an. 74.

(38) Ps. CXXII, 2.

(39) I.e., he renders **lrgac** 'by (virtue of) thy gates', not 'within thy gates', and by 'gates' again, he means the seat of the elders, the courts of law and learning. Cf. Deut. XVI, 18-20; XVII, 8-11; and Ber. 8a. King David is often represented rather as ardent scholar than as warrior. Wars were waged only to secure conditions of peace for study and devotion. (Cf. Ps. XIX, LXIII and CXIX.) In Ab. VI, 3, David is said (probably by the same R. Joshua b. Levi) to have shown great deference to a scholar in return for the least information.

(40) Ps. CXXII, 1.

(41) Ibid. LXXXIV, 11.

(42) Cf. Micah VI, 6-8.

Talmud - Mas. Makkoth 10b

that the word miklat [asylum] was inscribed at the parting of the ways so that the [fugitive] manslayer might notice and turn in that direction.

Said R. Kahana:¹ What is the Scriptural authority for that? Thou shalt prepare thee the way,² meaning, make you preparation for the road.

R. Hama b. Hanina opened his discourse on the theme with this text: Good and upright is the Lord, therefore doth He instruct sinners in the way.³ Now, if He instructs sinners⁴ how much more so the righteous!

R. Simeon b. Lakish opened his discourse [on this theme] with these [two] texts: And if a man lie not in wait, but God cause it to come to hand; then I will appoint thee a place whither he may flee,⁵ and As saith the proverb of the ancients: Out of the wicked cometh forth wickedness; but my hand shall not be upon thee.⁶ Of whom does the [former] text speak? Of two persons who had slain, one in error and another with intent, there being witnesses in neither case. The Holy One, blessed be He, appoints them both [to meet] at the same inn; he who had slain with intent sits under the step-ladder and he who had slain in error comes down the step-ladder, falls and kills him. Thus, he who had slain with intent is [duly] slain, while he who had slain in error [duly] goes into banishment.⁷

Rabbah son of R. Huna reporting Rab Huna⁸ [some say,

R. Huna reporting R. Eleazar]⁹ said: From the Pentateuch, the Prophets and the Hagiographa it may be shown that one is allowed to follow the road he wishes to pursue.¹⁰ From the Pentateuch,

as it is written, And God said to Balaam, Thou shalt not go with them¹¹ and then it is written, [If the men came to call thee] rise up and go with them.¹² From the Prophets, as it is written, I am the Lord thy God who teacheth thee for thy profit, who leadeth thee by the way that thou shouldest go.¹³ From the Hagiographa, as it is written, If he is of the scorers, he will [be allowed to] speak scorn and [if] of the meek, he will show forth grace.¹⁴

R. Huna said that if a manslayer, on his way into banishment, was met and killed by the avenger, he is acquitted, because, he holds, the clause, and he — not deserving of death,¹⁵ refers to the blood-avenger. Thereupon an objection was raised: [It is taught]: The verse, ‘and he — not deserving of death’, is said of the manslayer.¹⁶ You say of the manslayer; maybe it refers to the blood-avenger?¹⁷ When, however, the text adds also, ‘inasmuch as he hated him not in time past’, you have to take it as referring to the manslayer!¹⁸ R. Huna follows another Tanna, as it is taught [in the following]: The clause ‘and he — not deserving of death’ is said of the blood-avenger. You say of the blood-avenger; maybe it refers to the manslayer? When, however, the text adds ‘inasmuch as he hated him not in time past’, the manslayer is already disposed of;¹⁹ what then can I make of the clause ‘and he — not deserving of death’ save that it refers to the blood avenger? [Now,] we learn, AND TWO [ORDAINED] SCHOLAR-DISCIPLES WERE DELEGATED TO ESCORT THE MANSLAYER IN CASE ANYONE ATTEMPTED TO SLAY HIM ON THE WAY THAT THEY MIGHT SPEAK TO HIM. What did they say to him? Did they not warn the avenger that if he killed the manslayer he would himself be deserving of death? — No, [not that!] as it is taught, That they might speak unto him appropriate words: they would say: ‘Do not treat him after the manner of shedders of blood; it was but in error that he had a hand in it.’ R. Meir says: He may even himself plead his cause, as it is said, And this is the word [plea] of the slayer.²⁰ They say to the avenger, Much is effected [for Providence] by agents!²¹ The Master said: ‘It was but in error that he had a hand in it’. Is that not too obvious a plea, because, if he had committed it wilfully, would he be a refugee? — Yes, he would be, as it is taught: R. Jose b. Judah says, that to begin with, every slayer, be it in error or with intent, was first sent forward to [one of] the cities of refuge. The Court then sent and had him brought thence. Whoever was found guilty of a capital crime, they had put to death, as it is written, Then the elders of his city shall send and fetch him thence and deliver him into the hand of the avenger of blood, that he may die.²² Whoever was found not guilty [of murder] they acquitted, as it is said, And the congregation [of judges] shall deliver the slayer out of the hands of the avenger of blood.²³ Whoever had incurred banishment, they sent him back to his place [of refuge], as it is said, And the congregation [of judges] shall restore him to the city of his refuge, whither he was fled.²³ Rabbi says [they were not sent in the first instance], they went [there] into banishment of their own accord, thinking that every slayer, whether in error or with intent, was afforded shelter, and they knew not that those cities [only] afforded shelter to those who had slain in error, but to those who had slain with intent, they afforded no shelter.

R. Eleazar said²⁴ that a city, the majority of whose denizens were [quondam] slayers, could not [by right] admit fugitives, because [in the ordinance] it is said, And he shall declare his words [cause] in the ears of the elders of that city,²⁵ that is, [declare] his cause, but not a cause like their own.

R. Eleazar also said that a city which has no [body of] elders could not [by right] admit

fugitives, as the elders of that city²⁵ are required [by the ordinance] and these were not there.

It has been stated: The [legal status of the] city which has no elders was discussed by R. Ammi and R. Assi, the one holding It could admit fugitives, the other that it could not. The one who denied it the right of admitting fugitives argued that ‘the elders of the city’ were [an essential] requisite [in the ordinance]²⁵ and these were not there; the other, who accorded it the right of admitting fugitives, argued that it was merely [a statement of] what was requisite generally. The city which has no elders was again discussed by R. Ammi and R. Assi, one holding that a person could [legally] be charged there as ‘a stubborn and rebellious son’, while the other held he could not be. He who denied it the [legal] capacity of receiving the charge of ‘a stubborn and rebellious son’ argued that the elders of his city²⁶ were [an essential] requisite [in the ordinance] and these were not there; while the other, who accorded it the right of receiving the charge of ‘a stubborn and rebellious son’, argued that it was merely [a statement of] what was requisite generally. Further, the city which has no elders was likewise, discussed by R. Ammi and R. Assi, one holding that it had to bring a murder-atoning heifer,²⁷ and the other holding that it had not to bring a murder-atoning heifer. He who said that it had not to bring the murder-atoning heifer, argued that the elders of that city²⁸ were [an essential] requisite [in the ordinance] and these were not there; while the other who maintained that it had to bring a murder-atoning heifer argued that it was merely [a statement of] what was requisite generally.

R. Hama b. Hanina remarked: Why was the section of the law of murder

(1) Var. lec. R. Huna.

(2) Deut. XIX, 3.

(3) Ps. XXV, 8 ff.

(4) In providing for signposts to direct them in their flight to the Cities of Refuge.

(5) Ex. XXI, 13.

(6) I Sam. XXIV, 13-14.

(7) Cf. Mekilta, Ex. XXI, 13.

(8) Not his father. D.S. reads here Rabbah b. Bar Hana reporting R. Huna.

(9) Yalkut (in all three places) has simply, ‘R. Eleazar said’.

(10) In accordance with the doctrine of Free Will.

(11) Num. XXII, 12.

(12) Ibid. 20.

(13) Isa. XLVIII, 17.

(14) Prov. III, 34.

(15) Deut. XIX, 6. (He shall flee unto one of these cities and live) lest the avenger of blood pursue the manslayer while his heart is hot and overtake him, because the way is long, and smite him mortally, and he (the manslayer, was (the avenger, is) not deserving of death; inasmuch as he hated him not in time past. The Hebrew and he — not deserving of death may refer to either the manslayer in the first instance, or to the avenger, in the second; hence arise the two opposite interpretations in the following discussion.

(16) I.e., taking it as he was not deserving of death, and the avenger, killing him, committed real murder.

(17) I.e., taking it as he is not deserving of death.

(18) Which is a refutation of R. Huna.

(19) By being allowed to go into banishment.

- (20) Deut. XIX, 4.
 (21) Cf. Ta'an. 18b, 'Providence has many bears and lions in the world to attack and slay us.'
 (22) Deut. XIX, 12.
 (23) Num. XXXV, 25.
 (24) These discussions are merely theoretical, as the law on these points had been long in abeyance.
 (25) Josh. XX, 4.
 (26) Deut. XXI, 19, 20.
 (27) Lit., 'the heifer, whose neck was broken' in case of an untraced murderer. Deut. XXI, 1 ff.
 (28) Ibid. 3, 4, 6.

Talmud - Mas. Makkoth 11a

introduced by a strong [emphatic] term,¹ as it is written, And the Lord spake [directed] unto Joshua saying, Speak [direct] unto the children of Israel saying, Appoint for you cities of refuge, whereof I spake to you by the hand of Moses?² Because it was a direction to give effect to what had been ordained in the Torah. Does it mean to say that the use of the term dabber always denotes strong [emphatic] utterance? — Yes indeed, as it is written [explicitly], and he [Joseph] spake hard words to them.³ But, is it not taught [elsewhere] that in the passage, Then they that feared the Lord spake together one with another⁴ means none other than gentle discourse, and thus the verse says, He shall subdue [yadber] the peoples under us?⁵ — Yes; but Dabber⁶ is a form different from Yadber⁷ [with consequent different shades of meaning].⁸

R. Judah and our [other] Rabbis differ [as to the reason for the introduction of the strong term]: one thinking it is because Joshua must have somewhat delayed the appointment of those [cities of refuge]; whereas the other thinks it was simply because of its importance as being an ordinance in the Torah.

And Joshua wrote these words in the book of the Law of God.⁹ R. Judah and R. Nehemiah are divided on the interpretation thereof, one taking them as referring to the final eight verses of the Pentateuch,¹⁰ while the other takes them to be the section on the cities of refuge.¹¹ Now, according to the one who holds that they were the final eight verses of the Pentateuch, it is quite correct to say, [and Joshua wrote these words] in the book of the Law of God.¹² But, if they are taken to refer to the section on the cities of refuge,¹³ how do you explain the wording, wrote these words in the book of the Law of God? — We take them in this way: 'And Joshua wrote', in his own book, 'these words'¹⁴ [that are prescribed] 'in the book of the Law of God'.

[The fitness of] a Sefer[-Torah] whose parchment skins are sewn together with flaxen thread was a point of issue between R. Judah and R. Meir,¹⁵ one declaring that it is fit [for public use] while the other holds it to be unfit. The one who declares it unfit appeals to the verse, And it shall be for a sign unto thee upon thine hand and for a memorial between thine eyes that the Lord's law may be in thy mouth.¹⁶ The whole Torah is set thus side by side with Tefillin.¹⁷ [Accordingly we draw an analogy:] As in the case of Tefillin there is a statute [a rule in practice] received by Moses at Sinai in regard to the use of gut-string for sewing them, the same is to obtain in the sewing of Torah scrolls. And the other?¹⁸ — He applies the analogy only to the requirement that the parchment [for Torah scrolls] has to be made of skins of animals permitted as food [for Jews];¹⁹

but the argument from analogy is not carried so far as to extend to [subsidiary] 'rules in practice'.²⁰ Rab remarked: We saw the phylacteries in the household of my Beloved [uncle R. Hiyya], and they were sewn with flaxen thread. But, the halachah²¹ is not in accordance with his practice.

MISHNAH. IT IS ALL ONE WHETHER A HIGH PRIEST [WHO DIED] HAD BEEN ANOINTED WITH THE [HOLY] ANOINTING OIL;²² OR HAD BEEN CONSECRATED BY THE MANY VESTMENTS,²³ OR HAD RETIRED FROM HIS OFFICE²⁴ — ALL MAKE POSSIBLE THE RETURN OF THE MANSLAYER; R. JUDAH SAYS ALSO THE [DEATH OF THE] PRIEST WHO HAD BEEN ANOINTED FOR WAR²⁵ PERMITS THE RETURN OF THE MANSLAYER. THEREFORE, MOTHERS OF HIGH PRIESTS WERE WONT TO PROVIDE FOOD AND RAIMENT FOR THEM THAT THEY MIGHT NOT PRAY FOR THEIR SON'S DEATH.

GEMARA. What are the data [for the above statement]? — Said R. Kahana: They are [severally] indicated in the texts [the high priest being mentioned three times], And he shall abide in it unto the death of the high priest which was anointed with the holy oil;²⁶ again it is written, Because he should have remained in the city of refuge until the death of the high priest;²⁷ and once more, But after the death of the high priest the slayer shall return into the land of his possession.²⁷ And whence R. Judah's view? — It is written once again, [And ye shall take no satisfaction for him that is fled to the city of his refuge] that he should come again to dwell in the land, until the death of the priest.²⁸ And the other?²⁹ — Since the description 'high' is omitted therein, the last quoted passage is taken [by him] as [but a secondary reference to] one of the aforementioned.

THEREFORE MOTHERS OF HIGH PRIESTS [WERE WONT TO PROVIDE FOOD AND RAIMENT FOR THEM THAT THEY MIGHT NOT PRAY FOR THEIR SON'S DEATH]. The reason [given] is that the banished might not pray [for the high priest's death]; but what if they should pray, [think you] he would die? [Surely the saying is,] As the flitting bird as the flying swallow, so the curse that is causeless shall [not] follow!³⁰ Said a venerable old scholar: I heard an explanation at one of the sessional lectures of Raba, that [the high priests were not without blame, as] they should have implored Divine grace for [averting the sorrows of] their generation, which they failed to do. Others read in the Mishnah thus: THAT THEY MIGHT PRAY FOR THEIR SONS THAT THEY DIE NOT. The reason [given then] is that the banished should pray [for the high priest]; but, what if they did not pray [for him; think you] he would die? What should he have done [to avert it]? — As they say here [in Babylon]: 'Toby did the [bad] jobbing and Ziggad³¹ got the [hard] slogging,' or as they say there [in Palestine]: 'Shechem got him a wife³² and Mabgai³³ caught the knife.' Said a venerable old scholar: I heard an explanation at one of the sessional lectures of Raba that [the high priests were not without blame, as] they should have implored Divine grace for [averting the sorrows of] their generation, which they failed to do. Just as in the case of that poor fellow who was devoured by a lion some three parasangs from the town where R. Joshua b. Levi lived, when [the prophet] Elijah would not commune with the Rabbi,³⁴ on that account, for three days! Rab Judah reported Rab to have said that the curse of a Sage, though uttered without cause, takes effect. Whence is this obtained? From [the fate of] Ahithophel; because, when David was digging out the [Temple's] foundations, the Deep came

surging up threatening to flood the world.³⁵ He [David] asked, ‘What [is the law]³⁶ about writing the Divine Name on a shard and throwing it into the Deep to [make it] keep to its own region?’ As no one made reply, he said, ‘Whoever knoweth aught on this topic and would not tell, may he be suffocated!’³⁷ Thereupon, Ahithophel reasoned thus in his own mind: If in the cause of restoring harmony between husband and wife³⁸ the Torah said: ‘Let My Name,³⁹ solemnly inscribed [in a scroll, rather] be blotted out in water’,⁴⁰ may that not the more readily be done for the [safety of] the whole world? ‘Yes, It is allowed!’ [exclaimed Ahithophel]. The Divine Name was thereupon inscribed on a shard and thrown in the Deep; It subsided and abode in its own region. Nevertheless it is recorded, And when Ahithophel saw that his counsel was not followed, he saddled his ass and arose and gat him home to his house, to his city and put his household in order, and hanged himself and died.⁴¹

R. Abbahu said that the curse of a Sage, though uttered without cause, takes effect — Whence is this derived? From the fate of Eli; because, Eli said to Samuel, God do so to thee, and more also, if thou hide anything from me of all the things He said to thee.⁴² Now, although it is recorded, And Samuel told him every whit and hid nothing from him,⁴³ nevertheless it is recorded, And his [Samuel's] sons walked not in his ways.⁴⁴

(1) Dabber, **rCS** direct, drive forward (cf. ‘drive home’), see Dictionaries.

(2) Josh. XX, 1-2. Cf, however, XVII, 15, 17, and XVIII, 3.

(3) Gen. XLII, 7. Cf. Sifra on Lev. X, 19, where Num. XXI, 5 is quoted in support.

(4) nidberu **urcsb** — Mal. III, 16.

(5) Ps. XLVII, 4. Yadber **rCSH** — in the Hif'il (causative) form, is taken in its Aramaic sense to mean, Let Him lead, that is, induce peoples to come and submit.

(6) **rCS** — is in the Pi'el, emphatic, assertive form.

(7) In the Hif'il.

(8) And similarly from the Nif'al, **urcsb**, the passive or reflexive form, ‘spake together one with another.’

(9) Josh. XXIV, 26.

(10) Deut. XXXIV. 5-12.

(11) Josh. XX, 1-9.

(12) Josh. XXIV, 26.

(13) Ibid. XX, 1-9.

(14) Concerning the cities of refuge.

(15) R. Meir was reputed to be a remarkably skillful scribe.

(16) Ex. XIII, 9.

(17) Phylacteries, v. Glos.

(18) Who declares a scroll of the Law whose parchment skins are sewn with flaxen thread to be fit — how will he employ the analogy?

(19) I.e., that the word of God may be written only on parchment skins of animals that may be eaten, i.e, animals that have cloven hoofs and chew the cud. The words ‘in thy mouth’ occurring in the ordinance Tefillin are interpreted: What can be put in thy mouth, thus excluding skins of animals forbidden as food, and this restriction in the preparation of parchments is carried over by analogy from Tefillin to Torah scrolls.

(20) Such as sewing. Biblical texts alone are admitted for analogical comparisons, but not Rabbinical or traditional practices. Each case is considered on its own merits.

(21) V.Glos.

- (22) With which Aaron and every high-priest were anointed (cf. Ex. XXX, 23ff) down to the time of Josiah. (Rashi quoting Hor. 11b.)
- (23) After the cessation of the anointing oil which, according to tradition, was hidden by King Josiah (v. Yoma 52b), what distinguished the high priest from the ordinary priest was the number of vestments, the high priest having eight, the ordinary priests having only four.
- (24) Lit., 'from his anointment' — his office of anointed priest.
- (25) Cf. Num. XXXI, 6; Deut. XX, 2 ff; I Sam. IV, 4 ff.
- (26) Num. XXXV, 25.
- (27) Ibid. 28.
- (28) Ibid. 32.
- (29) Why does the former Tanna not use the latter verse likewise?
- (30) Prov. XXVI, 2, where both readings, the positive **uk** and the negative **tk** are admitted as alternatives, meaning that (a) a causeless curse will not follow (the innocent), or (b) that it will follow (the person who curses without cause).
- (31) Toby and Ziggad or Zingad (i.e, a Numidian slave of Zinga, Numidia, N. Africa), are popular names of slaves. (Cf, our Tommy Atkins and Jack Tar for 'soldier' and 'sailor'). There is also probably a play here on the name Zingad in the Aramaic, Zingad (— who is hoisted) minnegad (— gets a flogging).
- (32) Referring to Dinah's abduction by Shechem and subsequent circumcision of all the Shechemites. Gen. XXXIV.
- (33) Another popular name for Shechemite, cf. 'Er. 64b, Josephus, Wars, IV, 8,1, mentions that Neapolis (or Sichem) was called by the people of that country Mabartha, maybe a corruption of Mabg(a)itha.
- (34) Because he failed to shield a fellow man from sin, the cause of sorrow and misfortune. There are many anecdotes of Elijah's appearance as friend, guide, monitor or rescuer. See J. E. V, 122 ff. and M. Friedmann's exhaustive study in his introduction to the Seder Elijahu Rabbah (Wien, 1904). Chap. IV, p. 27 ff.
- (35) Cf. Gen. VII, 11; VIII, 2; Ps. XXIV, 1-2, and CIV, 6-9, and Suk. 53a.
- (36) V, 1., Is there someone who knows whether it is permitted to write . . . On the incident cf. J. Sanh. X, 29a, and Friedm. op. cit., p. 157.
- (37) By way of retribution, for not speaking out when flooding waters threatened the world.
- (38) I.e, in the case of a wife suspected of faithlessness; cf. Num. V, 12-36.
- (39) The Torah is here identified with the Lord, whose word it reveals.
- (40) Num. V, 23. which is otherwise forbidden, v. Deut. XII, 3-4.
- (41) This was in connection with Absalom's rebellion. II Sam. XVII, 23.
- (42) I Sam. III, 17.
- (43) Ibid. 18. .
- (44) I Sam. VIII, 3. Thus was fulfilled the threatened curse of Eli when he uttered the words, God do so to thee, i.e., to Samuel if he would not reveal God's word in regard to Eli's wicked sons.

Talmud - Mas. Makkoth 11b

Rab Judah reported Rab to have said that a conditional exclusion [even if self-imposed]¹ requires [formal] absolution. Whence is this derived? — From [the fate of] Judah, for it is written, And Judah said to Israel his father. 'Send the lad [Benjamin] with me . . . if I bring him not unto thee . . . then let me bear the blame² for ever.'³ And [on this theme]. R. Samuel b. Nahmani repeated how [his Master] R. Jonathan said: What are [the allusions in] the text, Let Reuben live and not die; and let not his men be few. And this [is] unto Judah, and he [Moses] said, Lord, hear

the voice of Judah and bring him unto his people; let his hands be sufficient for him and be Thou an help to him from his enemies?⁴ All through the forty years that Israel remained in the wilderness, Judah's bones were jolted about in their coffin until [in the end] Moses stood up and supplicated for mercy on his behalf: Lord of the Universe! [said he.] Who influenced Reuben to make free confession [of his guilt]?⁵ Was it not Judah?⁶ 'and this [was due] to Judah! And he [Moses] said, Lord, hear the voice [appeal] of Judah.' Thereupon, joint slipped into socket. Judah, not having yet been ushered in to the Celestial College.⁷ [Moses again prayed] — 'and bring him unto his people'! Judah, being unable to parry in debate [through prolonged absence, Moses prayed] — 'let his hands [capacity] be sufficient for him'; being unable to disentangle [analyse or explain] intricate points raised in discussion, Moses prayed — 'and be Thou an help unto him from his adversaries'.

[ALL PERMIT OF THE RETURN OF THE MANSLAYER.] The question was raised: Does the text mean that a manslayer returns home at the death of all the [contemporary] high priests. or at the death of any one of them?⁸ — Come and hear: If his trial was concluded while there was no high priest [in office] . . . the manslayer can never come home thence.⁹ Now if it were as you suggest [alternatively], he would get home at the death of any one of the high priests!¹⁰ — [No! The next Mishnah means when] there is none [in office at the time].

MISHNAH. IF THE HIGH PRIEST DIED AT THE CONCLUSION OF THE TRIAL, THE SLAYER GOES NOT INTO BANISHMENT. IF HE DIED BEFORE THE TRIAL WAS CONCLUDED AND ANOTHER HIGH PRIEST WAS APPOINTED IN HIS STEAD AND THE TRIAL WAS THEN CONCLUDED, THE SLAYER RETURNS [HOME] AFTER THE LATTER'S DEATH. IF THE TRIAL WAS CONCLUDED WHEN THERE WAS NO HIGH PRIEST [IN OFFICE], OR WHERE THE HIGH PRIEST WAS THE VICTIM, OR WHERE THE HIGH PRIEST WAS THE MANSLAYER, THE SLAYER CAN NEVER COME AWAY FROM THAT PLACE [OF REFUGE].

HE [THE SLAYER] MAY NOT GO OUT THENCE TO BEAR WITNESS IN RESPECT OF SOME RELIGIOUS OBSERVANCE;¹¹ NOR AS WITNESS IN A MONETARY SUIT; NOR AS WITNESS IN A CAPITAL CHARGE; NOR EVEN SHOULD [ALL] ISRAEL HAVE NEED OF HIM, NOT EVEN IF HE BE 'CAPTAIN OF THE HOST LIKE JOAB B. ZERUIAH.¹² HE MAY NEVER GO OUT THENCE, AS IT IS SAID, 'HE FLED THERE'¹³ [TO INDICATE THAT] 'THERE' MUST BE HIS ABODE, 'THERE' HIS DEATH, 'THERE' HIS BURIAL. JUST AS THE CITY AFFORDS ASYLUM SO DOES ITS BOUNDARY AFFORD ASYLUM. IF A SLAYER WENT BEYOND THE BOUNDS AND THE BLOOD — AVENGER FELL IN WITH HIM, R. JOSE THE GALILEAN SAYS THAT FOR THE AVENGER IT IS A MATTER OF OBLIGATION [TO STRIKE]; FOR EVERYONE ELSE, A MATTER OF OPTION. R. AKIBA SAYS THAT FOR THE AVENGER IT IS A MATTER OF OPTION AND ANYONE [ELSE] IS [NOT]¹⁴ RESPONSIBLE FOR HIM.

GEMARA. [IF THE HIGH PRIEST DIED AT THE CONCLUSION OF THE TRIAL, THE SLAYER GOES NOT INTO BANISHMENT.] What is the reason for this [remission]? — Said Abaye: We infer it a fortiori. For what happens to a slayer who had already gone into banishment? He comes out [free] now [on the death of the high priest]. Is it not a [logical] argument to say

that he who had not gone into banishment should not have to go at all¹⁵ on the intervention of the death of the high priest? But perhaps [there is this to be said, that] while he who had gone into banishment had [suffered for] his atonement, this one who has not [yet] gone into banishment has not [yet] been granted it? [No,] do you think it is banishment that procures atonement [remission of exile]? It is the death of the [high] priest that procures the atonement.¹⁶ IF HE DIED BEFORE THE TRIAL WAS CONCLUDED . . . THE SLAYER RETURNS [HOME] AFTER THE LATTER'S DEATH. Whence is this derived? — R. Kahana said: The text¹⁷ says, and he shall abide in it [the city of refuge] unto the death of the high priest whom he¹⁸ hath anointed with the holy oil. Was it he [the slayer] that anointed the high priest? But the implication is, that high priest who was anointed in his [the slayer's] days.¹⁹ What should the high — priest [the latter] have done [to avert the unhappy event]?²⁰ He should have implored Divine mercy for the slayer's acquittal, which he [seemingly] failed to do.

Abaye observed: We have it [on good authority]²¹ that if the slayer died on the conclusion of the trial, his bones [body] would be conveyed thither, as it is written, that he should come back to dwell in the land²² [until the death of the priest].²³ Now, what dwelling is it that is in the land [in the soil]? You are bound to say, the burial place. A Tanna taught: If the slayer died [in banishment] before the high priest, they convey [on the death of the latter] the bones [body] of the slayer to the sepulchre of his forebears, as it is written, [And after the death of the high priest] the slayer shall return to the land of his possession;²⁴ now, what return²⁵ is it that is to the 'land of his possession'? — You are bound to say, it is burial [in the ancestral soil].

exile could not depend on the amount of suffering involved (in exile), as one may have to spend a day, and another a whole lifetime in exile. Cf. also Tosaf. s.v. **hshn** Where the trial had been concluded and the [high] priest was then found [to be] the son of a divorcee or haluzah,²⁶ this case was discussed by R. Ammi and R. Isaac Nappaha; one said that [in effect] the priestly Office dies,²⁷ and the other said that the priestly Office has become void.²⁸

Could it be suggested that they were differing on the same point as that on which R. Eliezer and R. Joshua differed? For we learnt: If while engaged in offering on the altar, a priest is discovered to be the son of a divorcee or haluzah, R. Eliezer says that all offerings [hitherto] laid by him on the altar are become vitiated; R. Joshua declares them appropriate.²⁹ [Accordingly,] he who [in the former instance] held that the discovery meant [in effect] the death [of the priestly Office]³⁰ takes the view of R. Joshua; and the other who said that it has become void,³¹ takes the view of R. Eliezer!

(1) So in many texts, see marginal notes and D.S, a.I. Exclusion = Nidduy **hushb** a form of excommunication usually extended for thirty days.

(2) I.e., to be a sinner, under a ban.

(3) Gen. XLIII, 8-9.

(4) Deut. XXXIII, 6-7.

(5) Gen. XXXV, 22; XLIX, 4.

(6) Ibid. XXXVIII, 26.

(7) Cf. Ber. 18b, where it is told how R. Levi had been excluded from the Celestial College for as many years as he had absented himself from the College Sessions of R. Efes (of Sepphoris).

(8) I.e., 'anointed', or 'many-robed' (i.e., unanointed acting high priest), or retired, or the one consecrated for war.

(9) V, next Mishnah.

(10) Therefore it seems he can return only at the death of all the (contemporary) high priests.

(11) Such as to report to the Sanhedrin at Jerusalem the first appearance of the new moon, cf. R.H. II, 5-6; Tosef., Mak, a.l. (a Nazirite cannot go to the Temple, cf. Num. VI).

(12) Cf. I Kings II, 5 and 28ff.

(13) Num. XXXV, 25. In the Sifre, Midr. Tannaim (Hoffmann), Lek. Tob, and Yalkut, this lesson is appended to Deut. XIX, 4 — Flee there and live, 'what is the lesson from the recurring there, there, there, three times? — (To indicate that) there must be his abode,' etc. (cf. Tosef.). The phrase flee there occurs only twice in Deut. XIX, in verses 3 and 4, while in Num. XXXV, it occurs four times, namely, in verses 11, 15, 25, 26. On closer examination it will be found that only three of those passages, where the phrase flee there occurs, enlarge on the safety, rights or comforts of the refugee, namely, Num. XXXV, 15 (safety for all classes), verse 25 (to be escorted after trial and his right of residence there, unmolested, till the death of the High Priest, when he may return home), and Deut. XIX, 4 (that he flee there and live) which has been explained above as directing that he be provided with all amenities of life.

(14) See D.S. The negative is the authentic reading. Both forms, the negative and positive, mean practically the same thing, namely, that besides the avenger, it is nobody's affair to avenge the death of the slain; or (taken positively), everybody else, besides the avenger, will be held responsible for killing the slayer, i.e., it will be considered as murder, if deliberate, and as a case for banishment for the slayer, if by accident. See discussion on this text later. On R. Akiba's opposition to capital punishment, cf. supra 7a.

(15) V. Tosaf s.v. **hct rnt**

(16) I.e., on Scriptural grounds, Num. XXXV, 25, 28. 'R. Meir says: A manslayer shortens a man's life while the high priest prolongs a man's life; is it not logical (to say) that he who shortens a man's life should remain in the presence of him (the priest) who prolongs a man's life? Rabbi says: A slayer defiles the earth (cf. Num. XXXV, 33-34) and causes the Divine Presence to withdraw, while the high priest causes the Divine Presence to abide with man on earth; is it not logical (to say) that he who defiles the earth should remain in the presence of him who causes the Divine Presence to abide with man on earth?' (Sifre and Yalkut on Num. XXXV, 28). Atonement, by

(17) Num. XXXV, 25.

(18) The impersonal use of the verb, **jan** one has anointed, a use often preferred to the passive (who has been anointed).

(19) I.e., that he, in the status of manslayer, and the high priest, were contemporaneously together. If, therefore, the high priest died before the conclusion of the trial, that is, before the sentence of banishment was passed on the manslayer, his death has no connection with the subsequent decision of the Court.

(20) V. pp. 72-73.

(21) V. Rashi, 'Er. 5a (bottom). Abaye uses this expression (**ibhyeb** we hold) frequently, usually quoting some text in support of his words. (R. Ez. Michelson in the notes of R. Herschel of Berlin on Makkoth, 11b.)

(22) That the slayer should not be permitted, on the payment of a ransom, to return home before the death of the high priest, to live or be buried at home. The word ba-arez . **rtc** in the land, is taken to mean to be buried in the soil.

(23) Num. XXXV, 32.

(24) Ibid. 28.

(25) Reading here **vcha** (not as before **vchah** — dwelling). Here, too, the word land is stressed. Cf. Lev. XXV, 41 and infra, the discussion, 13a.

(26) V. Glos.

(27) Now, at the discovery of the disqualification, and with the termination of his office refugees are liberated from

their banishment.

(28) Retrospectively, ab initio; and the case is treated as if THE TRIAL WAS CONCLUDED WITH NO HIGH PRIEST IN OFFICE, and there is no release.

(29) Ter. VIII, 1.

(30) Now, and with its termination refugees are liberated from their banishment.

(31) The whole past is undone with disastrous effect on the worshippers and here likewise on the refugees.

Talmud - Mas. Makkoth 12a

— [No;] accepting R. Eliezer's point of view, there can be no divergence;¹ whereas from R. Joshua's point of view, it may be argued that he who says that the priestly Office died, follows R. Joshua's view; and the other, who says that the priestly Office has become void might explain that R. Joshua considered all the [past] offerings as appropriate [for some special reason] because it is written, Bless, Lord, helo [his substance]² and accept the work of his hands,³ which [if read as hillo]⁴ means to include [the work of] even the profane [vulgarized] in his midst; whereas here [in regard to the liberation of refugees] even R. Joshua might admit [that the priestly office is rendered void]. IF HIS TRIAL WAS CONCLUDED . . . [HE MAY NOT GO OUT THENCE... NOT EVEN IF HE BE CAPTAIN OF THE HOST LIKE JOAB B. ZERUIAH . . .] Rab Judah reporting Rab said: At that hour Joab fell into two errors, as it is written, And Joab fled unto the Tent of the Lord and caught hold of the horns of the altar.⁵ He erred [once], as only the roof of the altar⁶ affords asylum and he caught hold on its horns; he erred [again], as only the altar of the permanent Temple⁷ afforded asylum and he caught hold on the altar at Shiloh.⁸ Abaye observed that he also erred in this respect, that the altar affords asylum only to a priest while engaged in actual service,⁶ whereas Joab was a lay person.

Resh Lakish said that the Prince [Guardian Angel] of Edom [Rome] is destined to fall into three errors, as it is written, Who is this that cometh from Edom with dyed garments from Bozrah?⁹ He will err [first], as only Bezer affords asylum, but he will betake himself to Bozrah [Bostra];¹⁰ he will err [again], as asylum is afforded only to slayers in error, but he slays with intent; and he will err [yet again], as asylum is afforded only to man, but he is an angel!

R. Abbahu said that the 'cities of refuge'¹¹ were not assigned for burial, as it is written, [And the cities shall they have to dwell in] and the suburbs of them shall be for their cattle and for their goods and for all their living,¹² meaning, assigned [only] for 'living' but not for burial.¹³ An objection was raised: THERE MUST BE HIS ABODE, THERE HIS DEATH, THERE HIS BURIAL. — The case of the slayer is different, because the Divine Law has [distinctly] indicated his [special] treatment.

JUST AS THE CITY AFFORDS ASYLUM SO DOES ITS BOUNDARY AFFORD ASYLUM. Against this some cited the following: [It is written,] And he shall abide in it,¹⁴ that means, In the city [of refuge] but not in its [outer] bounds?¹⁵ — Said Abaye: This is no difficulty; here [in our Mishnah], the point under consideration is [its domain] as an asylum, whereas there, [in the cited passage] it is [its limitation] as a domicile. But is not that [last] point to be derived from the fact that a 'Field is not turned into suburb, nor suburb into field; nor suburb into city, nor city into suburb'?¹⁶ — Said R. Shesheth: [Yes,] but we still need that other statement if only to

debar subterranean retreats.¹⁷

IF A SLAYER WENT BEYOND THE BOUNDS AND THE BLOOD-AVENGER FELL IN WITH HIM etc. Our Rabbis taught: And the avenger of blood shall slay the manslayer, [there shall be no blood guiltiness for him];¹⁸ this means that it is an obligation for the blood-avenger [to slay the vagrant murderer]; if there be no blood-avenger, it is permissible for anyone¹⁹ [to do so]: these are the words of R. Jose the Galilean. R. Akiba says [it means] that it is permissible for the blood-avenger, and everyone [else] is [not] responsible for him.²⁰ What is the reason [for the view] of R. Jose the Galilean? — Is it written, if he shall slay him?²¹ And what is R. Akiba's reason? — Does it say, he shall slay him [yirzah]?²²

Mar Zutra b. Tobiah citing Rab said: If a slayer [who] had gone beyond the bounds [of the city of refuge] was met and slain by the avenger of the blood, the latter is slain on that account.²³ Whose view does Rab follow? It is in accord with neither R. Jose the Galilean nor with R. Akiba!²⁴ — It is in accord with the view of the following Tanna, as is taught: R. Eliezer says: [that the manslayer die not] until he stand before the Congregation [of judges] for judgment.²⁵ What does this teach? Since it is said, and the avenger of blood shall slay the manslayer,²⁶ one might presume that he [the avenger] may do so forthwith, therefore does the earlier text provide that the manslayer die not until he stand before the Congregation [of judges]²⁷ for judgment.²⁵ And what deductions do R. Jose and R. Akiba obtain from, until he stand before the Congregation? — They require that text for [another ruling], as it is taught: R. Akiba says: Whence may it be shown that, if a Sanhedrin had been eye-witnesses to an act of murder, they cannot themselves have him put to death until he stand for trial before another tribunal? From the instructive text, the manslayer die not until he stand before, the Congregation [of judges] for judgment, [which means, not] until he stood [for trial] before another tribunal.²⁸

Our Rabbis taught: But if the slayer do [verily] come out²⁹ beyond the border of his city of refuge . . . there shall be no blood guiltiness;³⁰ from this I learn, only a case of deliberate egress; whence do I derive that the same law applies for an unintentional strayer? From the instructive double-verb, which implies a coming-out anyway.³¹ But then, is it not taught [elsewhere], If [the slayer comes out beyond the bounds] deliberately, he³² is slain; if in error, he³³ goes into banishment? — This is no difficulty. One [Baraita]³⁴ is in accordance with the view that the Torah uses [occasionally] popular idiom;³⁵ while the other [Baraita]³⁶ follows the view that the Torah does not use popular idiom.³⁷ Abaye remarked: It seems logical to take the view that the Torah does [occasionally] use popular idiom, as you could not treat his later act [of accidental straying] more severely than his first act [of accidental killing], arguing: What is the law in his first act? If [the killing was] deliberate, he is slain; if in error [accidental], he goes into banishment. Similarly in his later act [of vagrancy], if the vagrancy was deliberate, he is slain [by the avenger with impunity]; if in error [accidentally], his slayer goes into banishment.

It is taught in one [Baraita]: 'If a father killed [a son], his [other] son becomes the avenger of blood.' Again it is taught in another [Baraita], 'One's [own] son cannot become the avenger of blood.' Now, could it be suggested that the first reflects the view of R. Jose the Galilean,³⁸ while the second reflects that of R. Akiba?³⁹ Can this be maintained? For whichever view you take of the avenger's role, whether that of the one who regards it as obligatory, or of him who says it is

optional, is it admissible? Did not Rabbah son of R. Huna say, and the same is taught by one of the School of R. Ishmael: Never is a son [to be] commissioned [by the Court] to punish his father, whether it be to inflict a flogging or pronounce a [formal] execration on him, save only in the case of one who entices [another] to idol worship, because there the Torah says neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him . . . [but thou shalt surely kill him,] thine hand shall be first upon him!⁴⁰ But this [seeming] incongruity is not difficult [to explain]. One [Baraitha]⁴¹ treats of a son [against a father], the other⁴² of a grandson against his grandfather.

MISHNAH. IF A TREE STANDING WITHIN THE BOUNDARY HAS ITS BOUGHS EXTENDING BEYOND [THE BOUNDARY]⁴³ OR STANDING WITHOUT THE BOUNDARY HAS ITS BOUGHS EXTENDING WITHIN, IT WHOLLY FOLLOWS⁴⁴ [THE POSITION OF] THE BOUGHS.⁴⁵

GEMARA. A point [of difficulty] was raised [from the following]:⁴⁶ If a tree standing within [the wall of Jerusalem] overhangs outside or standing without overhangs inside — the part which bends over the wall from the wall inwards is considered as within [the wall], and that part which bends over the wall from the wall outwards is considered as without [the wall]?⁴⁷

You cannot raise a point from [the law of second] tithes as against the [law of the] cities of refuge! [There is no comparison]. Tithes are associated by the Divine Law with the wall [of the Holy City]⁴⁸ whereas the cities of refuge are governed [in the Divine law] by [the principle of] domicile.⁴⁹ Now, it is the boughs that afford shelter of domicile, not the root of a tree.

Then the [same] point might be raised from another Baraitha⁵⁰ regarding [the law of] tithes, where it is taught: In regard to Jerusalem,⁵¹ follow the bough: In regard to the cities of refuge, follow the bough!⁵² — Said R. Kahana: There is no difficulty; one [this latter] citation presents the view of R. Judah, while the other [the former], adopts the view of the Rabbis, as is taught:

(1) I.e., his clear, emphatic disqualification leaves no room for any other suggestion.

(2) **ukhj** the traditional reading, meaning his substance or power.

(3) Deut. XXXIII, 11, Moses, blessing the Levite tribe for their loyalty at the time of the sin of the golden calf invokes the blessing of God upon the work of their hands, i.e., his service at the altar, v. Ex. XXXII, 26ff.

(4) **ukhv** (as the traditional text is unpointed) = **ukv** from the root **kkj** meaning profane, ordinary, vulgar, common, v, p. 1, nn. 2-3. In Kid. 66b, the explanation given here is ascribed to Abba, Samuel's father.

(5) I Kings II, 28.

(6) Thou shalt take him (the wilful murderer) from mine altar to die (Ex. XXI, 14) Is explained as, 'take him away from next to (**ogn**) mine altar, but not from upon (**kgn**) mine altar (where priests stood while placing the offerings).' V. Yoma 85a.

(7) This too is derived from the same text 'from next to mine altar to die,' i.e., from such an altar as has a constituted Sanhedrin sitting with the power to impose capital punishment by due trial, that is to say, a National Altar, not a local one, as prescribed in Deut. XVII, 8-11. Cf. Nahmanides on Num. XXXV, 29. Shiloh was rejected and abandoned at the death of Eli and his sons (cf. I Sam. II, 30-35; Ps. LXXVIII, 60-61); Nob was destroyed by Saul, and the altar at Gibeon was only temporary and local. I Chron. XV, 1, and XVI, 1. V. Zeb, 118b.

(8) D.S. has 'at a bamah (High place),' v. Rashi and marginal note. Shiloh, however, is the reading supported by

the observations of R. Johanan, J. Mak. II, 6, and stands for all temporary sanctuaries.

(9) Isa. LXIII, 1, taken as referring to the time when Edom's (Rome's) cruelty and the murder of many innocent people will be punished.

(10) Suggested to Resh-Lakish by his own mistake on this point in which R. Johanan put him right. V.A.Z. 58b.

(11) Assigned to the Levites, Num. XXXV, 3.

(12) Ibid. **O, hj** translated 'living beasts', may also mean 'living persons'.

(13) That is, the dead had to be buried outside the bounds of the city.

(14) Num. XXV, 25.

(15) V. Z. Tosef, Mak. III, 6, p. 441.

(16) Cf. 'Ar. 33b. The migrash (suburb) was an open common of 1000 cubits on each side of the city and another 1000 cubits beyond that, available for cultivation, and constituted the bounds of the cities of refuge. V. Num. XXXV, 4-5.

(17) Which do not encroach upon the actual bounds of the cities.

(18) Num. XXXV, 27. R. Jose — it should be noted — takes the last part of the verse as the consequence (apodosis) of the condition set out in verses 26-27, i.e., If the manslayer ventures abroad beyond the bounds of his place of refuge and is caught outside by the avenger, the avenger is to do his duty and kill him. R. Akiba carries the conditional part a little further, namely, If the manslayer ventures abroad . . . and is found outside, and if the avenger (perchance) killed, then no guilt shall attach to the avenger, as the manslayer had run the risk to his own cost.

(19) This is seemingly derived from the wording in vv. 19-21, where it is first ruled, the avenger of blood shall slay the murderer; when he meeteth him, he shall slay him (19), and then again, the avenger of blood shall slay the murderer when he meeteth him (21), that is, anyone. Cf. Sifre on those texts.

(20) V. note on the Mishnah above.

(21) I.e., the word if-**ot**- should have been repeated before the latter clause of verse 27, to make clear that it is part of the condition stated in vv. 26-27.

(22) He shall slay, or let him slay, **j mrh** instead of **j mru**= and '(shall) have slain', This argument (on the syntactical forms of the conditional sentence, if one do so-and-so, then such-and-such is to happen) finds ample illustration in this section, verses 16, 17, 18, 20-21, (yumath) — he shall die. R. Jose's way of reading finds illustration in vv. 22, 23, followed by another form (Perfect) in the apodosis 24, 25. Cf. Lev. XXV, 51 and 52, where the two forms appear side by side, and I Kings I, 52, where both forms are given side by side in the same verse.

(23) Cf. Deut. XIX, 6, Lest the avenger of the blood pursue the slayer while his heart is hot.

(24) Note that this indirectly supports the negative reading in the last part of the Mishnah, taken however to mean that it is not permissible for a stranger to kill the murderer, and yet he is not guilty of murder if he did.

(25) Num. XXXV, 12.

(26) Ibid. 27.

(27) Consequently should the blood avenger kill him before he appeared before the court, he himself is slain, and similarly if he slays him on coming out beyond the border of the city of refuge.

(28) The reason being that it is as much the duty of judges to save as to condemn (Num. XXXV, 24-25), and, judges having witnessed the act themselves, their minds are already made up before the trial commences; therefore, there is really no trial. V. R.H. 26a (top).

(29) Lit. 'if he cometh out a-coming'.

(30) Num. XXXV, 26-27.

(31) Intentionally (defiantly), or unintentionally.

(32) With impunity.

- (33) The avenger or anyone else. V. Maim. Yad, Rozeah, v. 11.
- (34) The latter.
- (35) That is, the ordinary style without stressing the use of the double verb (v, n. 7 and 9 above): here it means simply, he came out and deliberately exposed himself to danger.
- (36) The former.
- (37) I.e., each word or particle has its precise significance, and the use of a double verb here is deliberate and indicates two kinds of coming out, intentionally and unintentionally. Cf. B.M. 31a ff; and Malbim, Introduction to Leviticus, No. 38.
- (38) That it is the stern duty of the avenger to avenge the blood.
- (39) That it is merely optional.
- (40) Deut. XIII, 9-10.
- (41) The second.
- (42) The first Baraitha.
- (43) I.e., beyond the 2000 cubits about the cities of refuge on each side. Cf. Num. XXXV, 4-5.
- (44) As a sheltering zone.
- (45) That is, the root follows the branch, thus: If the refugee sat at the root within the bounds and the bough extends beyond the bounds, he is considered as outside the bounds. Again, if he sits at the root outside the bounds and the bough extends within, he is considered as within the bounds and is protected.
- (46) Ma'as. Sh, III, 7. The subject here is not the law of asylum, but that of the 'second tithe'. After the first dues to the priest and the Levite (cf. Num. XVIII, 24ff.) had been given (of 'corn, wine and oil' and other fruits), a further second — tithe was set apart by the owner for himself to be taken to Jerusalem and enjoyed there, or it might be 'redeemed', that is, commuted into money which was to be spent there on victuals. (Deut. XIV, 22-26.) Fruits of the second tithe may not be eaten outside Jerusalem without first being redeemed; and when once in Jerusalem they could not be redeemed and taken out again but had to be eaten there as holy food. Cf. infra 19b.
- (47) But not the root itself; whereas in our Mishnah it is ruled that the root follows the branch. Cf. p. 84, n. 8.
- (48) Deut. XII, 17 and XIV, 26, and thou shalt eat there before (in the presence of) the Lord thy God, i.e, within the walls of the Holy City.
- (49) And he shall dwell therein . . . Num. XXXV, 25, 28.
- (50) **thb**, is more authentic than **ib**, as can be seen from the several references in Rashi, Tosaf., Nahmanides (and others) and probably alludes to Tosef. 'Ar. V, 7, rather than to Ma'as., III, 10.
- (51) The order is reversed in the Mishnah; but the Tosefta has all three mentioned together; Jerusalem, the cities of refuge and the second-tithe as following the same rule. In all cases the tree and its branches follow the root from which they spring and draw their nourishment. In the three specific instances mentioned here also the branch is a deciding factor.
- (52) In reference to eating under it or redeeming fruits of the second-tithe, or partaking of certain sacrificial meats, that are likewise permitted only within the sacred area of the Holy City. Cf. Deut. XII, 7, 12-15; 20ff.

Talmud - Mas. Makkoth 12b

R. Judah says: In the case of a cavern, follow its opening;¹ in the case of a tree, follow the bough.²

Let us grant [that we may legitimately suppose] R. Judah to apply this principle³ to the [second] tithes, where it would lead to a more strict observance, thus: If the root is outside [the wall] and the bough overhangs inward, [he maintains that] just as the owner may not redeem the

fruits [of the second tithe] under the bough⁴ so he may not redeem those at the root. And again, if the root is inside the wall and the bough overhangs outside, [he maintains that] just as he may not eat the fruits [of the second tithe] under the bough without first redeeming them, so he may not eat even those at the root without first redeeming them. But, take now the case of a city of refuge; the application [of the same principle] goes perfectly well where the root lies beyond the boundary and the bough overhangs inside: just as the avenger may not slay the manslayer at the bough, so he may not slay him at the root. But where the root is within and the bough extends beyond, are we to say that just as the avenger may slay him at the bough he may also slay him at the root?⁵ Surely he [the manslayer] stands within? — Said Raba: [It might be;] nobody would dispute, where he [the manslayer] stands at the root [within the boundary], that the avenger dare not slay him; nor [would anybody dispute], where he stands at the bough [outside] and the avenger can attack him by means of arrows or stones, that he may kill him.⁶ But difference of opinion may arise as to whether the root may be regarded as [some sort of] ladder for [getting on to the]⁷ bough. In this case, one master⁸ considers that [part of the] root as a [mere] ladder for the bough,⁹ while the other master¹⁰ holds that the root cannot be considered a ladder for the bough.¹¹ R. Ashi says: What is the meaning of [the expression] ‘it entirely follows the bough’?¹² It means, [follow] also the bough.¹³

MISHNAH. IF [WHILE A REFUGEE] HE SLEW [SOMEONE] IN THAT CITY [OF REFUGE] HE IS BANISHED FROM ONE QUARTER [THEREOF] TO ANOTHER;¹⁴ AND A LEVITE IS BANISHED FROM ONE CITY TO ANOTHER.

GEMARA. Our Rabbis taught: [It is written:] Then I will appoint unto thee a place whither he may flee;¹⁵ [the words,] ‘then I will appoint unto thee’ imply, during thy life-time;¹⁶ ‘unto thee a place’ means, in your place;¹⁷ ‘whither he shall flee’ indicates that the Israelites sent slayers into banishment while yet in the wilderness. Whither did they send them into banishment? To the Levitical camp. From this text, they ruled that if a Levite slew someone he was banished from one province to another; and that if he went into banishment to his own [native] province¹⁸ it does afford him asylum. Said R. Aha the son of R. Ika: What is the Scriptural warrant [for this rule]? Because he shall abide in the city of his refuge.¹⁹ [which implies,] the city which has already afforded him shelter before.

MISHNAH. SIMILARLY²⁰ A MANSLAYER, IF ON HIS ARRIVAL AT THE CITY OF HIS REFUGE THE MEN OF THAT CITY WISH TO DO HIM HONOUR, SHOULD SAY TO THEM, ‘I AM A MANSLAYER!’ AND IF THEY²¹ SAY TO HIM, ‘NEVERTHELESS [WE WISH IT],’ HE SHOULD ACCEPT FROM THEM [THE PROFFERED HONOUR], AS IT IS SAID: ‘AND THIS IS THE WORD²² OF THE MANSLAYER.’²³

(1) I.e., if the opening is within the city, it is intra-mural, even though the whole subterranean cavity lies outside; and vice versa, if it opens outside the city walls It is considered extra-mural, even though the whole subterranean cavity lies under the city within.

(2) So that both our Mishnah and the second Baraitha (‘In regard to Jerusalem . . .’) are expressing R. Judah's view, that the root follows the branches. (Cf, nn. 3 and 8.) The Mishnah of Ma'as. Sh., on the other hand, gives the view of the Rabbis.

(3) Viz., that the whole tree including the root follows the branches.

- (4) Because it overhangs within, and second tithes may not be redeemed in Jerusalem, but must be eaten there as such. Cf, p. 85, n.1.
- (5) This cannot be maintained and the analogy (between Jerusalem and the city of refuge) breaks down, and consequently R. Kahana's suggestion that the Baraitha (second citation, like the main Mishnah) is R. Judah's view (in contrast to that of the Rabbis in the first citation) does not remove the difficulty felt at first, as it leaves us with a new difficulty.
- (6) Since the branch does not follow the root.
- (7) By which the avenger might climb up (from within bounds) to grapple with the manslayer perched on the bough (beyond bounds).
- (8) R. Judah.
- (9) And he may climb up the root, though it is within, in order to get at him at the bough, just as he may slay him at the bough. The analogy consequently can be maintained.
- (10) I.e., the Rabbis.
- (11) And must not be used by the nearest of kin to get to the bough without.
- (12) In our Mishnah, q.v.: and in the other Mishnah and Baraitha cited.
- (13) In the case of the second tithes and city of refuge, we follow in addition as a stringent measure also the bough, so that where the root is without and the branch within, the manslayer finds protection even at the root. And the same applies to the second tithes. In other words we always adopt the stricter measure.
- (14) As he may not leave it without risking his life. Num. XXXV, 25-28.
- (15) Ex. XXI, 13.
- (16) Cf. supra 10a, R. Simlai's exposition of Deut. IV, 41ff.
- (17) So some texts (v. D.S.), i.e, the Levite camp in the centre. Cf. Num. I, 50ff; II,17; X, 17.
- (18) I.e., on slaying someone abroad he ran home for refuge. Maim. Yad, Rozeah, VII, 5. Or, if he slew someone in one quarter and he took refuge in another quarter of the same province.
- (19) Num. XXXV, 18, stressing his, that is, his own home town becoming his retreat for safety.
- (20) Some consider this word out of place here (and it is indeed absent in good texts), as being an unconscious repetition of an earlier Mishnah, Sheb. X, 8, where it effects a comparison. Others take it as connecting this Mishnah with the preceding, where it was indicated that a manslayer needs atonement by suffering, for instance, to be sent away from his town or district to another, and similarly he should abase himself when people wish to show him deference: he should tell them (sorrowfully), 'I am a manslayer'. V. D.S.
- (21) For this reading, v. D.S.
- (22) Or (single) statement.
- (23) Deut. XIX, 4.

Talmud - Mas. Makkoth 13a

THEY USED TO PAY¹ RENT TO THE LEVITES: THESE ARE THE WORDS OF R. JUDAH; R. MEIR SAYS THAT THEY DID NOT PAY THEM ANY RENT. AND [ON HIS RETURN HOME] HE RETURNS TO THE OFFICE HE FORMERLY HELD, THESE ARE THE WORDS OF R. MEIR; R. JUDAH SAYS THAT HE DOES NOT RETURN TO THE OFFICE HE FORMERLY HELD.

GEMARA. Said R. Kahana: The difference of opinion [on the question of rent] is only in regard to the [main] six cities [of refuge], as one Master takes the words, and the cities shall be unto you for refuge² [to mean,] for the purpose of refuge [and no more], while the other Master

takes 'unto you' [to mean,] yours for all your needs; but, as regards the other forty-two [additional] cities³ they are agreed that they did pay them rent. Said Raba to him: The expression 'unto you' certainly implies here 'for all your requirements'! But, said Raba, the difference of opinion is rather about [the claim of] the other forty-two [additional] cities, one Master taking the words, and to them ye shall add forty and two cities⁴ to mean that these [additional] cities shall be for refuge [mainly, like the six], while the other master takes the words, and to them ye shall add forty and two cities to mean that just as the other six are for all your requirements, so are these [additional] cities [to be] for all your requirements; but as regards the [main] six they are fully in agreement that no rent was paid to them.

AND HE RETURNS TO THE OFFICE HE FORMERLY HELD etc. Our Rabbis taught: [It is written], And he shall return to his family, and unto the possession of his fathers shall he return;⁵ this means that he returns [strictly] to his 'family' [possessions] but he does not return to the station occupied by his fathers;⁶ these are the words of R. Judah;⁷ R. Meir says that he even returns to the station occupied by his fathers,[since it says] 'to the possession of his fathers', [that is, exactly] like his fathers. Similarly in the case of the exile, as the text says, he shall return, it is meant to apply the same rule to the manslayer [by way of allusion]. What is meant [exactly] by saying, 'Similarly in the case of the exile'? — It refers to what is taught [on the following text]: [And after the death of the high priest] the slayer shall return to the land of his possession,⁸ which means that he returns only to 'the land of his possession' but not to the station occupied by his fathers;⁶ these are the words of R. Judah;⁹ but R. Meir says that he returns also to the station occupied by his fathers, [and] he derives [this interpretation] from the use of the same expression yashub ['he shall return'], both here¹⁰ and there.¹¹

CHAPTER III

MISHNAH.¹² AND THESE INCUR A [JUDICIAL] FLOGGING:¹³ ONE WHO CAME [CARNALLY] TO HIS SISTER.¹⁴ TO HIS FATHER'S SISTER, TO HIS MOTHER'S SISTER,¹⁵ TO HIS WIFE'S SISTER;¹⁶ TO HIS BROTHER'S WIFE,¹⁷ TO HIS FATHER'S BROTHER'S WIFE¹⁸ OR TO A NIDDAH;¹⁹ A HIGH PRIEST ON TAKING TO WIFE A WIDOW,²⁰ OR AN ORDINARY PRIEST ON TAKING A DIVORCEE²¹ OR HALUZAH,²² ANY ISRAELITE ON TAKING TO WIFE A MAMZERETH²³ OR NATHINITE²⁴ WOMAN, OR ANY ISRAELITESS BECOMING THE WIFE OF A MAMZER²⁵ OR NATHINITE.²⁶ IN THE CASE OF A DIVORCEE-WIDOW [A HIGH PRIEST] IS LIABLE ON TWO COUNTS,²⁷ BUT [AN ORDINARY PRIEST,] IN THE CASE OF A DIVORCEE-HALUZAH, IS LIABLE ONLY ON ONE COUNT.²⁸ ONE WHO WHILE UNCLEAN,²⁹ ATE HOLY MEAT³⁰ OR ENTERED THE SANCTUARY; ONE WHO ATE HELEB,³¹ BLOOD,³² OR 'LEAVINGS' [OF SACRIFICIAL MEATS],³³ OR PIGGUL;³⁴ OR [AN OFFERING] THAT HAS BECOME UNCLEAN;³⁵ , ONE WHO SLAUGHTERS,³⁶ OR OFFERS UP³⁷ A SACRIFICE, OUT-OF-PRECINCTS;³⁸ ONE WHO ATE 'LEAVENED [BREAD] DURING THE PASSOVER;³⁹ ONE WHO PARTAKES OF FOOD [OR DRINK]⁴⁰ OR DOES WORK ON THE DAY OF ATONEMENT;⁴¹ ONE WHO COMPOUNDS INGREDIENTS [AS] FOR THE [ANOINTING] OIL,⁴² OR THE INGREDIENTS [AS] FOR THE INCENSE,⁴³ OR ANOINTS⁴⁴ WITH THE [HOLY] OIL FOR ANOINTING:

ONE WHO EATS OF NEBELAH⁴⁵ OR TREFA,⁴⁶ OR ANY OF THE [CREATURES DEEMED] 'ABOMINABLE' AND 'TEEMING'.⁴⁷ WHO EATS OF TEBEL⁴⁸ OR 'FIRST-TITHE STILL COMPRISING⁴⁹ ITS 'PRIME-DUE', OR 'SECOND-TITHE UNREDEEMED,⁵⁰ OR OF 'SANCTUARY- GIFTS' UNREDEEMED.⁵¹ HOW MUCH OF TEBEL⁵² IS ONE TO EAT TO BECOME LIABLE?⁵³ R. SIMEON SAYS THE MEREST MORSEL; THE SAGES SAY AN OLIVE'S SIZE.⁵⁴ SAID R. SIMEON: DO YOU NOT ADMIT THAT IF ONE ATE THE MINUTEST ANT HE WOULD BE LIABLE?⁵³ — SAID THEY TO HIM: [ONLY] BECAUSE IT IS A SEPARATE CREATURE,⁵⁵ SAID HE TO THEM: EVEN SO A [GRAIN OF] WHEAT IS A SEPARATE ENTITY: GEMARA. [AND THESE INCUR A FLOGGING etc.] This Mishnah [it should be noted] mentions instances of [a flogging for] such as incurred the penalty of kareth but not any of such as have incurred the penalty of death by sentence of the Court.⁵⁶ Whose is the view presented in this Mishnah? — It is R. Akiba's, as may be gathered from what is taught [in the following]: Both offenders who are liable to kareth, and offenders who are liable to death by sentence of the Court

(1) The refugees, or according to some texts, the cities.

(2) Num. XXXV, 12.

(3) Num. XXXV, 6.

(4) V, p. 88, n. 9.

(5) Lev. XXV, 41, referring to the Hebrew slave.

(6) Here, the honours of some high office, conferred by others.

(7) It seems that R. Judah limits this text by the terms of an earlier assertion, verse 10, where the fathers are not mentioned, but only the possessions and the family. V. Malbim, Sifra on Lev. XXV, 10.

(8) Num. XXXV, 28.

(9) He seems to stress here the word land, he returns 'to the land of his possession.'

(10) Num. XXXV, 28.

(11) Lev. XXV, 41: a Gezerah Shawah, v. Glos.

(12) In this chapter the Biblical basis for a judicial flogging is considered somewhat at length. The main principle to be remembered is that, (a) every prohibited act must be clearly specified in Holy Writ and (b) the threatened punishment plainly stated. This Mishnah enumerates various types of offences that entail a judicial flogging at least.

(13) The list is incomplete (cf. Ker. I, 1), and mostly those that require comment are enumerated here. V. Rashi and Tosaf. As the Biblical references of each prohibition and its threatened punishment (if any) are to be indicated, it will be necessary to make use of the following notation: — B denotes — 'let him (her, them) bear his (her, their) iniquity,' i.e. bear the punishment for their sin, kareth, usually. q.v.; C denotes — threatened with the death of childlessness; D denotes — threatened with death by Divine dispensation; K denotes — kareth — , **rf** — 'cut off'; extirpation of the soul, v. Glos. It will be noticed that B, C, D and K amount more or less to the same thing, namely, Divine retribution; N denotes — No punishment prescribed in Holy Writ for the particular offence, though distinctly prohibited.

(14) Lev. VIII, 9, 29 K; XX, 17 BK.

(15) Ibid. VIII, 12-13, 29 K; XX, 19 B.

(16) Only during his wife's lifetime, Ibid. VIII, 18, 29 K.

(17) Ibid. VIII, 16, 29 K; XX, 21 C. Not even his brother's divorcee or widow, except in levirate marriage. i.e., if this brother died absolutely childless. Cf. Deut. XXV, 5ff.

(18) Lev. XVIII, 14, 29 K; XX, 20 BC.

- (19) I.e., not even to his own during her menses, *ibid.* XVIII, 19, 29 K; XX, 18 K.
- (20) *Ibid.* XXI, 13-14 N.
- (21) Lev. XXI, 7, 14 N.
- (22) V. Glos. A haluzah is treated as a divorcee and is forbidden to a priest.
- (23) Mamzer, fem. mamzereth, is a child born in incest or adultery (with the wife of another man); such a child is debarred from regular marriage within the community: the stigma is perpetual. V. Deut. XXIII, 3 N.
- (24) The Nathinites were descendants of the old Gibeonites, Hivites in origin, who became allies of the invading Israelites by a ruse, and were reduced to communal serfs in the time of Joshua. V. Josh. IX, 3, 15, 18, 23. A Hivite intermarriage with Israelites was forbidden, Deut. VII, 1ff. Their vindictiveness in the time of David (II Sam. XXI, 1ff.) and their continued identity as Hivites in their status as serfs (v. Ezra, II, 13, 58; VIII, 20, and Nehem. X, 29) contributed to their unenviable distinction as pariahs. Cf. Yeb. 78b.
- (25) V. p, 90, n. 12.
- (26) V. p. 90. n. 13.
- (27) One on each status distinctly forbidden in Lev. XXI, 14 N.
- (28) As haluzah is not explicitly mentioned in Lev. XXI, 7, but is derived from the wording by implication 'a woman divorced by her man' being taken to mean, 'any woman rejected by her man' (i.e. on whom she had some claim to be his lawful wife).
- (29) I.e., being in a state of impurity, unfit to participate in religious ceremonial. For instances v. Lev. XI, 24-25, 31. 39-40; XII, 2ff; Num. XIX, 11-13.
- (30) E.g., sacrificial meat, Lev. VII, 20-21 K.
- (31) Mainly fat which was burnt on the altar, Lev. VII, 23-25 K.
- (32) Lev. VII, 26-27 K; XVII, 10ff, K.
- (33) Sacrificial meats were restricted (for their consumption), some to one day and the following night, others to two days and the night; after that, the leavings had to be burnt, Lev. VII, 15-18 B. Cf. Ex. XXIX, 34 and XII, 10; P.B. pp. 12-13, sections 5-8.
- (34) Lit., 'loathsome'. The intention to disregard the time-limit *ab initio* vitiates and renders the sacrifice (like) putrid flesh, and is not to be eaten, Lev. VII, 18 B; XIX, 7-8 K.
- (35) Lev. VII, 19.
- (36) Lev. XVII, 3-4 K; Deut. XII, 13 ff.
- (37) Lev. XVII, 8-9 K; Deut. XII, 13ff. Killing and offering sacrifice are two separate acts. V. Zeb. 106a-b.
- (38) I.e., away from the Temple.
- (39) Ex. XII, 15, 19 K; XIII, 3.
- (40) Lev. XXIII, 27. 29 K. Cf. Yoma, 81a.
- (41) Lev. XXIII, 28, 39 K ('cause to perish', 'destroy').
- (42) Ex. XXX, 32-33 K.
- (43) *Ibid.* 37-38 K.
- (44) V. p. 91, n. 18.
- (45) Any animal that died of itself from disease or exhaustion, carrion (Lev. XI, 39; XVII, 15; XXII, 8) Deut. XIV, 21 N. Traditionally, any beast or fowl not killed in accordance with the Jewish laws of shechitah, is *nebelah*.
- (46) Lit., 'torn', mortally lacerated; it also signifies afflicted with an organic disease. Ex. XXII, 30 N; Lev. XVII, 15. Cf. also Ezek. IV, 14.
- (47) All animals, fowl or fish Scripturally forbidden as food are termed 'abominate' as contaminating the very soul of the eater. V. Lev. XI, 4-8 (animals); 10-13 (fishes); 13-20 (fowl); 29ff (reptiles) and generally 41ff. Deut. XIV, 7-21, N.
- (48) **kcy** Produce or fruits from which any of the 'dues' has not yet been taken, such as *terumah* or the

‘Prime-due’ (to the priest) of corn, wine and oil (Num. XVIII, 11-12) and hallah of dough or bread (ibid. XV, 19-21); ‘first-tithe’ (to Levite or priest); ‘second-tithe’ (to be eaten at Jerusalem) and poor-tithe’.

(49) ‘First-tithe’ was to be given to the Levite, who again had to give ‘Prime-due’ of it to the priest, which was also called ‘tithe-of-the-tithe’, and was strictly forbidden to the Levite, Num. XVIII, 26-32, BD.

(50) ‘Second-tithe’ had to be separated and designated as such and being holy due had to be consumed by the owner at Jerusalem. It could not be sold or bartered, but could be redeemed by the owner (outside Jerusalem) at the market price enhanced by a fifth of its value with good silver coin. Deut. XIV, 22-29; Lev. XXVII, 16, 19. Cf. M. Sh. I, 1; IV, 2, 7.

(51) Anything donated to the Sanctuary fell under a lien and its enjoyment or use by the owner was a ‘trespass’ which required atonement. It was, however, redeemable at its value enhanced by a fifth. Lev. V, 15-16; XXVII, 9ff. (16, 19, 30-31).

(52) V. supra n. 6.

(53) To a (judicial) lashing.

(54) The traditional requisite quantity for constituting eating (technically).

(55) As a complete organism or ‘creature’.

(56) If the offenders had been warned by witnesses before the offence; also in respect of the penalty of flogging.

Talmud - Mas. Makkoth 13b

are alike subject to the sanction of ‘forty lashes’; these are the words of R. Ishmael.¹ R. Akiba says that only those who are liable to kareth are subject to the sanction of ‘forty lashes’, because, if the offenders should betake themselves to repentance [before God], the Heavenly Tribunal would grant them remission;² whereas those who have become liable to death by sentence of the [human] Court are not subject to the punishment of ‘forty lashes’ because, [even] if they should do penance, the Earthly Tribunal would not grant them remission.³ R. Isaac says: Seeing that Holy Writ had [already] comprehensively declared all the offenders [in unlawful relations to be] liable to kareth,⁴ what object was there in reiterating that penalty [solely] in the case of [the brother with] his sister?⁵ To show that kareth is their penalty, not a flogging.⁶

What is R. Ishmael's reason? — It is written: If thou wilt not observe to do all the words of this law . . . and it is further written, then the Lord will make thy strokes pronounced.⁷ I should not have known what is [really] meant by this ‘pronouncement’ but when it states elsewhere: [If the wicked man deserve to be beaten] the judge shall cause him to lie down and to be beaten [before his face according to the measure of his misdeed by number . . . forty stripes]⁸ then I say that the expression, this ‘pronouncement’ has some bearing on the [judicial] flogging; and that passage is introduced by, if thou wilt not observe to do all the words of this law.⁹ But if so, why not impose a [judicial] flogging also for [the neglect of] a positive precept?¹⁰ — It says, if thou wilt not observe to do, and this is the sense given by R. Abin as reporting R. Elai; for R. Abin reported R. Elai to have said that wherever the expression ‘observe’,¹¹ ‘lest’,¹² or ‘do not’,¹³ occur [in Holy Writ], it is an indication of a prohibited action.¹⁴

Then why not [give a flogging] for the contravention of a prohibition attended by no action?¹⁵ — It is written, ‘If thou wilt not observe to do.’ [Then again, why not give a flogging] also for [offending against] a prohibition which can be remedied by a [subsequent] action?¹⁶ — [An act entailing a flogging] must conform with the prohibition of ‘Muzzling’.¹⁷

And what is R. Akiba's reason?¹⁸ — [It says,] ‘according to the measure of his misdeed’¹⁹ [which means that] you make him liable to punishment for one misdeed, but you cannot hold him liable [in two ways as] for two misdeeds.²⁰ And R. Ishmael?²¹ — This objection applies only to such [diverse punishments] as a death-sentence and pecuniary compensation, or a flogging and pecuniary compensation; but death and a flogging [are cognate] as [flogging] is but a protracted death.²² But why should not R. Akiba, if [he] so [interprets the wording], exclude [from a flogging] also even those liable in kareth?²³ And if you argue: Suppose the offenders should betake themselves to repentance [before God], then [I retort], Now, after all, they have not yet done so?²⁴ — Said R. Abbahu: The Torah distinctly includes those who have incurred kareth among those who may receive a flogging; for we derive ‘before the eyes’²⁵ from ‘before thine eyes’.²⁶ To this R. Abba b. Memel demurred strongly: If so, why not include as well those liable to death by sentence of the Court among those who may receive a flogging, by deriving ‘from the eyes’²⁷ from ‘before thine eyes’?²⁶ — It is admissible to interpret ‘before the eyes’²⁵ in the light of ‘before thine eyes’,²⁶ but hardly to interpret ‘from the eyes’ in the light of ‘before thine eyes’. But what matters [such a slight variation in form]? Was it not taught in the school of R. Ishmael that the [variant expressions] and the priest shall come again,²⁸ and, and he shall go in [and see],²⁹ have the same import there [for the purpose of deduction]?³⁰ Nay, furthermore, one ought to be able to interpret, ‘from the eyes of’²⁷ in the light of, ‘before the eyes of their people,’²⁵ after having already been allowed to interpret, ‘before the eyes,’²⁵ in the light of, ‘before thine eyes’?²⁶ The explanation that R. Samuel son of R. Isaac [later] personally received from him³¹ on [the difficulty arising from R. Akiba's interpretation of] the text ‘according to the measure of his misdeed’ as meaning ‘that you make him liable to punishment for one misdeed, but you cannot hold him liable [in two ways as] for two misdeeds’, was that the verse refers only to penalties that are entrusted to Beth din.³²

Raba said.³³ Where the forewarning [to the would-be offender] was in respect of a death penalty, opinion would be unanimous that the offender should not be both flogged, and put to death.³⁴ The difference, however, arises where the forewarning was only in respect of a flogging. [In that case] R. Ishmael³⁵ holds that ‘a prohibition which [has been stated to] serve as a forewarning to a capital sentence’³⁶ is [sufficient] warrant for the infliction of a flogging; while R. Akiba³⁷ holds that ‘a prohibition which [has been stated to] serve as a forewarning to a capital sentence’ is no warrant for a flogging.³⁸ But if so then even those liable to kareth should also be excluded [by him from the liability to flogging], since the prohibition [in regard to such transgressions has in each case been stated to] serve as a forewarning to kareth? — Said R. Mordecai to R. Ashi: Thus said Abimi of Agrunia³⁹ in the name of Raba, that [would-be] offenders in a case of kareth do not require forewarning; the proof is that kareth is imposed for neglecting the rite of the Paschal lamb⁴⁰ and the rite of circumcision,⁴¹ although there is no [other] warning [in Holy Writ].⁴²

Maybe the forewarning is [inscribed in the Torah in case of kareth] for the purpose of a sacrifice,⁴³ as [might be proved from the fact that] the neglect of the Paschal lamb or circumcision, for which no forewarning is inscribed in the Torah, does not entail an atoning sacrifice? — [No,] this is not a correct reason [for the absence of sacrificial-atonement] in those two instances, but [there is another reason altogether]. It is because we find the sin of idolatry set

in the balance against the entire [body of commandments in the] Torah,⁴⁴ and [from this we argue]: Just as the precept relating to idolatry is of the type ‘Sit still and don't do it,’ so any precept which is of the type ‘Sit still and don't do it’ [entails a sin-offering for its unintentional transgression], and we exclude these which are of the type ‘Get up and do it’.⁴⁵

Rabina said: After all [the various explanations offered] we must come back

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- (1) [It is assumed at present that the warning was both in respect of lashes as well as of a death penalty or kareth.]
 - (2) As the earthly Tribunal could not allow a serious offence to go unnoticed, the flogging is the least they can impose, leaving the rest between Heaven and the offender's conscience.
 - (3) And there would thus be inflicted two penalties — flogging and execution — for one offence. V. discussion later.
 - (4) Lev. XVIII, 29. For whosoever shall do any of these abominations (mentioned in detail in verses 6-23), even the souls that do them shall be cut off from among their people.
 - (5) Lev. XX, 17, imposing only BK and not death penalty as in the other instances.
 - (6) The end of the quotation. R. Isaac disagrees with both preceding views. The case of ‘brother and sister’ — he contends — shows clearly that each offence has its appropriate punishment (B C D K or Execution by Court) as indicated in detail in the parallel passage. Lev. XX. Flogging, in his view, is not warranted by the written law where another penalty is definitely prescribed.
 - (7) Deut. XXVIII, 58-59. ‘Will make pronounced’ has here a double import, (a) to make striking, extraordinary, surprising, and (b) pronounce, speak out clearly. Cf. Lev. XXVII, 2 and Num. VI, 2.
 - (8) Deut. XXV, 2-3. The strokes (lashes) had to be clearly counted out aloud ‘pronounced’ before each stroke fell, by one of the judges present at the flogging. Cf. infra 22b.
 - (9) I.e., a flogging is made incidental to any and every breach of the Written Law.
 - (10) E.g., for neglecting the rite of circumcision (Gen. XVII, 10ff. 14 K), or for neglecting to offer the Paschal lamb (Num. IX, 13 KB).
 - (11) **rnav**, be mindful, beware. Cf. Ex. XIX, 12 and Nahmanides on Ex. XX, 8.
 - (12) **ip** Cf. Ex. XIX, 21.
 - (13) **kt** a parallel word to **tk**; cf. Ex. XII, 9.
 - (14) ‘Don't do it!’ — **vag**, **tk** in contrast to ‘Do it!’- **vag**, a positive command.
 - (15) V. supra p. 17, n. 3.
 - (16) V. supra p. 16, n. 9.
 - (17) Deut. XXV, 4, which is immediately subjoined to the ordinance of the flogging and is taken as the illustration, as a type of offence, namely as one involving action, and which cannot be remedied by a subsequent action.
 - (18) For excluding those liable to a death-penalty by human tribunal from a judicial flogging.
 - (19) With reference to flogging. Deut. XXV, 2.
 - (20) I.e., death and lashes. V. supra p. 16.
 - (21) What is his answer to this?
 - (22) Lit., ‘a prolonged death.’
 - (23) [Seeing that there too two penalties are involved — kareth and lashes.]
 - (24) Who can judge another's conscience, whether the repentance was sincere and acceptable to Heaven or not? [By flogging them they may thus have inflicted a twofold penalty!]
 - (25) With reference to kareth. Lev. XX, 17, KB for incest.
 - (26) Deut. XXV, 3, with reference to flogging. Thus equating the two passages by a Gezerah Shawah.
 - (27) Num. XV, 24.

- (28) Lev. XIV, 39, when a house affected with signs of leprosy was under observation by the priest at intervals of seven days.
- (29) Ibid. 44.
- (30) That the treatment prescribed in the former instance (v. 39) be fully repeated in the second instance (v. 44).
- (31) From R. Abbahu or R. Abba b. Memel.
- (32) [As we have no cognizance as to the punishment or remission by the Celestial Tribunal. So that those liable to kareth, if warned in respect of lashes, are flogged.]
- (33) [Raba rejects the assumption on which the discussion was hitherto based, v. p. 93, n. 2.]
- (34) As the major (capital) penalty already covers the minor.
- (35) Who on textual grounds considers all offenders, even those liable to a death penalty, subject to flogging.
- (36) [It is a recognised principle that no transgression carries with it a penalty unless the relevant prohibition, 'thou shalt not', is explicitly stated in the Bible., v. p. 18, n. 5.]
- (37) Who excludes from a flogging all those liable to a capital penalty.
- (38) [Where the warning of the witnesses was only in respect of lashes.]
- (39) Or Hagronia, near Nehardea. Cf. Sot. 46b.
- (40) Num. IX. 13.
- (41) Gen. XVII, 13-14.
- (42) [Hence any explicit prohibition stated in the Law in cases of kareth is designed to serve as a forewarning to the penalty of flogging.]
- (43) [I.e., that the offender is to bring a sacrifice as atonement, but not in order to make him liable to flogging.]
- (44) Num. XV, 22-23: And when ye shall err and not observe all these commandments that the Lord hath commanded you by the hand of Moses, from the day that the Lord gave commandment, and onward throughout your generations . . . [This verse is explained in Hor. 8a, as referring to idolatry.]
- (45) The rites of the Paschal lamb and circumcision are Positive Commands, of the type, Get up and do it! [This then is the reason why no sin-offering is entailed by neglect of these precepts, and not because there is no explicit prohibition stated in regard to them, as the obligation of bringing an offering for a transgression is not determined by a forewarning being stated in the Bible.]

Talmud - Mas. Makkoth 14a

to the original statement [of R. Akiba], namely, 'that if those [liable to kareth] should resort to repentance the Heavenly Tribunal would grant them remission.' And in regard to the objection, 'Now, after all, they have not yet done so [i.e. repented]?'¹ [I retort.] The penalty of kareth is not [yet] decided² [either].

R. Isaac says:³ Seeing that Holy Writ had [already] comprehensively declared all the offenders in unlawful relations to be liable to kareth, what object was there in reiterating that penalty in the instance of [the brother with] his sister? To show that kareth is their penalty, not a flogging. And the Rabbis,⁴ how do they explain [the reiteration of the penalty of] kareth in the case of [the brother with] his sister? — It is to indicate the principle of Distributive Incidence, as instanced in R. Johanan's statement; for R. Johanan said: The Mishnah⁵ means to teach us that should one happen to commit all these offences in one spell of unawareness he would [on discovering his error] become liable [to a sin-offering]⁶ on each act, separately. And R. Isaac, whence does he obtain that distributive principle? — He derives it from [the text]: And thou shalt not approach unto a woman⁷ [one being] in the separation of her uncleanness,⁸ [which he takes] to indicate

liability for any and every woman approached [while being in that state]. And why do not the Rabbis derive the principle from this [text]? — They do, indeed so. But [if so], what would be the purpose of the reiteration of kareth in the instance of [the brother with] his sister? — To indicate separate liability for the several offences⁹ — with his sister,¹⁰ his father's sister¹¹ and his mother's sister.¹²

[But] is not that obvious? Are they not diverse persons and of different denominations? — No; [I mean] a separate liability for [an unlawful association with] his sister, who is also his father's sister and his mother's sister.¹³ And [if you say], how is this possible? — It is possible in the case of a sinner the son of a sinner.¹⁴ And this last point, whence does R. Isaac derive it? — He obtains it by an [argument] a fortiori,¹⁵ as taught in the following: R. Akiba said: I [once] asked Rabban Gamaliel and R. Joshua at the fair held at Emmaus¹⁶ whither they had gone to buy an animal for the [forthcoming marriage] feast of Rabban Gamaliel's son: If one came [carnally] to his sister who is his father's sister and his mother's sister, what is the extent of his offence? Would he be liable once only for the several categories of the offence, or on each count severally? — Said they to me, This problem we have not heard, but we have heard the following: If one had come [carnally] to five [different] women during their term of niddah,¹⁷ in one spell of unawareness, [on discovering his error] he is liable [a sin-offering] for each one severally. And the point [you raise,] it seems, may be solved by an [argument] a fortiori [thus]: What say we in the problem of the niddah? That although each error is [a sin] of the same denomination, he is nevertheless liable [a sin-offering] on each act, severally; should he not all the more be held liable on each count where the sinful act falls under three different denominations? And the Rabbis [what say they]? — The [argument] a fortiori is not sound, for how can you argue from the niddah where several distinct persons are involved [to this where there is only one person]?¹⁸ And the other [R. Isaac] likewise accepts the refutation of that a fortiori; but he derives the principle of Distributive Incidence from the [redundant] expression of 'his sister' in the latter part of the same verse.¹⁹ And the other [Rabbis], what [say they] is the purport of repeating the expression — 'his sister' in the latter part of that verse? — They say, It lays down specifically the penalty of [a brother with any sister], his sister who is both his father's and mother's daughter, to indicate the [legal principle] that penalties inferred by argument are not sanctioned.²⁰

And the other [R. Isaac, whence does he derive this²¹ legal principle]? — If I may, I would say that he derives the penalty from the prohibition.²² Or, if I may, I should say that he derives it

(1) V. supra, p. 95, n. 5.

(2) It may never be inflicted, as the sinner may repent in his last hour (cf. Ezek. XXXIII, 11ff and the last Mishnah, infra 23a); the flogging therefore is the sole penalty to be imposed by the human authority.

(3) This is the third view cited in the Baraitha (at the beginning of the discussion on the Mishnah).

(4) R. Akiba and R. Ishmael.

(5) [In Ker. 2a in enumerating and giving the number of the offences liable to kareth.]

(6) The statutory offering for a sin punishable by kareth.

(7) A euphemism for intimacy.

(8) Lev. XVIII, 19 K. The text should have 'And thou shalt not approach a niddah (menstruate). The superfluous word 'woman' thus denotes every individual woman.

(9) [Committed in one spell of unawareness.]

- (10) Ibid. XVIII, 9, 11, 29 K; XX, 17 KB.
- (11) Ibid. XVIII, 12, 29 K; XX, 19 B.
- (12) Ibid. XVIII, 13, 29 K; XX, 19B.
- (13) [There being a separate prohibition stated in respect of each one.]
- (14) Rake I came (carnally) to his Mother who bore him two daughters, A and B. Rake I then came to A, who bore him a son Rake II, and Rake II then came to B. B was thus to Rake II his own sister, his father's sister, and his mother's sister.
- (15) I.e., not directly from a Scriptural source.
- (16) A military colony not far from Jerusalem, which Vespasian had given to 800 of his war veterans (Josephus, Wars, VII, 6, 6). It is identified with Mozah, mentioned in Josh. XVIII, 26, and Suk. 45a; the Jewish colony Mozah (founded 1894) preserves the name anew, and the Arabic name of Kulonieh retains the old name. V. J. Klausner, *hktrah vhruyxv* IV, 236. The puzzling term *zhkyht* may be here the Greek word *telos*, 'a military station', or company. [For a full discussion of the term v. Cohn, J., *Festschrift d. jud. theolog. Seminars*, Breslau, 1929, II, pp. 11 ff.]
- (17) Even his own wives, during menses, v. Glos.
- (18) Whereas in the complex sister-problem there is involved in one act but one sole (physical) person, albeit of treble designation.
- (19) He hath uncovered the nakedness of his sister, (meaning a sister of any and every category). Lev. XX, 17.
- (20) Cf. supra 5b.
- (21) Having used that text (Lev. XX, 17) for another deduction, namely, as showing that the prescribed penalty in kareth-offences is kareth and not flogging, he cannot use the same again to teach that he is liable for his sister who is both his father's and mother's daughter.
- (22) Ibid. XVII, 9 and 11. It is from verse 11 that he derives the principle, from the repetition of the words, she is his sister — i.e. be she half-sister or even sister-german. Just as in the verse laying down the prohibition all kinds of sisters are included, so likewise in regard to the penalty no distinction is made.

Talmud - Mas. Makkoth 14b

from the [redundant] expression of 'his sister' in the former part of the text.¹ And the other [Rabbis]?² — They require it to teach the principle of distributive incidence in the case of one who both compounds [the prescribed ingredients for the holy anointing-oil] and anoints therewith.³ And the other [R. Isaac]?⁴ — He shares the view of R. Eleazar quoting R. Hoshai; for R. Eleazar in the name of R. Hoshai said that wherever you find two prohibitions with the sanction of kareth mentioned only once, each lapse occasions a sin-offering on its own account.⁵ Or, if you wish, I should say that R. Isaac does not adopt the view of R. Eleazar⁶ as citing R. Hoshai, but he derives [the principle of distributive incidence]⁶ from the following text: And if a man shall lie with a woman [one] having her sickness.⁷ And the other [Rabbis]?⁸ — That text is required for another point, as reported by R. Johanan; for R. Johanan said in the name of R. Simeon b. Yohai: How can it be shown that a woman is not [ritually] 'unclean' [as parturient]⁹ until the flux emerges through the normal passage? From the wording of the text: And if a man . . . uncovered the fountain of her flux⁷ which teaches that a woman is not 'unclean' [as parturient] until it emerges through its normal passage.

ONE WHO WHILE UNCLEAN ATE HOLY MEAT OR ENTERED THE SANCTUARY [incurs kareth and consequently a flogging]. This is quite in order where one while [ritually]

unclean entered the sanctuary, because both the penalty and the [requisite] forewarning are written [explicitly]. ‘The penalty,’ — as it is written: he hath defiled the tabernacle of the Lord [that soul shall be cut off from Israel];¹⁰ ‘the forewarning,’ — as it is written: That they [the unclean] defile not their [holy part of the] camp.¹¹ But as regards the unclean who ate holy meat, the penalty, I grant, is written: But the soul that eateth of the flesh of the sacrifice of peace offerings that pertain unto the Lord, having his uncleanness on him, that soul shall be cut off from his people.¹² But where is found the [requisite] forewarning for this? — Resh Lakish said [that it is found in the text:] She shall touch no hallowed thing.¹³ R. Johanan said that Bardela taught it [as derived] from the recurring expression of ‘his uncleanness’ [in two relevant passages].¹⁴ Here it is written: ‘having his uncleanness on him shall be cut off,’¹⁵ and in the other [context] it is written: He shall be unclean:¹⁶ his uncleanness is yet upon him. Just as in this latter passage [there is given] the warning and the penalty [if he does], so in the former [passage]¹⁷ we associate with it a warning and penalty. Now, we understand why Resh Lakish does not give the same explanation as R. Johanan, namely, that he had not received it on tradition from his master.¹⁸ But why should R. Johanan not accept the explanation of Resh Lakish? — He will tell you that the text, [She shall touch no hallowed thing]¹³ serves as admonition in respect of terumah.¹⁹ And whence does Resh Lakish derive the [requisite] admonition in regard to terumah? — He derives it from the wording: What man [person] soever of the seed of Aaron²⁰ is a leper or hath an issue [he shall not eat of the holy things until he be clean].²¹ Now, what [holy] things are permitted [as food] to the seed of Aaron alike? You are bound to say, terumah. And the other [R. Johanan]? — That passage²¹ refers to ‘eating’ of [terumah in uncleanness] while this text²² forbids touching terumah. But, how can Resh Lakish take the text, She shall touch no hallowed thing for that [stated] purpose.²³ Does he not require it to serve as forewarning against [the unclean person] ‘touching’ holy things as was stated: If a [ritually] unclean person touches hallowed [meat], Resh Lakish says: he incurs a flogging; whereas R. Johanan says: he does not incur a flogging. ‘Resh Lakish says he incurs a flogging.’ — as it is written: She shall touch no hallowed thing; ‘R. Johanan says he incurs no flogging,’ as that text is the forewarning against terumah!²⁴ — Resh Lakish can answer that the unclean who touches hallowed meat [is liable to a flogging], because the All-Merciful has expressed the prohibition of eating [hallowed meat] in terms of touching; while the warning against the eating thereof is deduced from the fact that ‘hallowed thing’ and the ‘sanctuary’ are placed in juxtaposition.²⁵ But yet [again, I ask,] did Resh Lakish base that view on this text? Does he not require it in reference to the question of one who eats holy flesh prior to the sprinkling of the blood [of the sacrifice] on the altar? For it has been stated: If an unclean person ate holy flesh prior to the sprinkling of the blood on the altar, Resh Lakish says he incurs a flogging; R. Johanan says he incurs not a flogging. ‘Resh Lakish says he incurs a flogging.’ — because of the warning, she shall touch²⁶ no holy thing, it being immaterial whether he ate of it before the sprinkling or after the sprinkling. ‘R. Johanan says he incurs no flogging,’ — he [R. Johanan] adheres to his own [line of] interpretation [after Bardela, namely linking as analogous] the two passages having [the expression of] ‘his uncleanness’ in common, and, [argues R. Johanan, the expression] ‘uncleanness’²⁷ is written in respect of the passage [sacrificial flesh] after the sprinkling!²⁸ — That [Resh Lakish] derives from [the comprehensive negative], [She shall touch] no hallowed thing.²⁹

It is taught in accordance with [the view of] Resh Lakish: ‘She shall touch no hallowed thing’ is the admonition to one [while ritually unclean] not to eat [of hallowed flesh]. You say it is an admonition against eating? Or may it perhaps but be an admonition against touching only? The

text reads: She shall touch no hallowed thing nor come into the sanctuary, thus equating [by juxtaposition] ‘hallowed thing’ with [entering] the sanctuary. Now that which is [incurred by entering] the sanctuary [while unclean] namely — the loss of a soul [kareth],³⁰ so likewise all [the prohibitions in regard to ‘hallowed things’] involve as penalty the loss of a soul. But [if you take it literally, as an admonition against] touching, is there any instance where [mere] touching [holy meat] entails the loss of a soul?³¹ It cannot therefore mean but [contact by] eating.³²

[OR WHILE UNCLEAN ENTERED THE SANCTUARY.] Rabbah b. Bar Hanah reporting R. Johanan said: The contravention of any negative command which is preceded by a positive command, entails a flogging.³³

(1) Lev. XX, 17. The verse could merely have read: And if a man shall take his father's daughter or his mother's daughter, omitting his sister. R. Isaac thus derives three points from this one verse: (a) that kareth without a flogging is the prescribed penalty; (b) Distributive incidence of guilt, which he derives from the added description his sister, i.e., sister of any category (v. p. 99 n. 4); and also (c) liability for a sister who is both the father's and mother's daughter, this being derived from the redundant ‘his sister’ in the first part of the verse.

(2) How do they expound this redundant expression of his sister, in the first part of the verse?

(3) Ex. XXX, 32-33. Verse 32 forbids distinctly, either anointing (with holy oil), or compounding (the prescribed ingredients for it); verse 33 states the penalty of kareth for both jointly. Does it mean kareth (or a sin offering, if done in error) for doing both, or severally, for either act? As there is nothing here to show whether compounding and anointing (in one occasion) are (or are not) to be taken as two offences, the principle of distributive guilt deduced above from the redundant expression of his sister (in Lev. XX, 17) is made to apply here. [This is deduced on the principle of **ihbg ubht ot**, if an expression has no significance for the context in which it occurs it is employed for the exposition of another suitable passage.]

(4) Whence does he derive the principle of distributive incidence in the case first mentioned?

(5) And so likewise here, since there is a distinct prohibition both for compounding and anointing with the holy oil the penalty of kareth is attached to each separately.

(6) In cases outside those that come under the category of forbidden relationships.

(7) Lev. XX, 18, where **VUS** = niddah is used. Cf. p. 98, n. 5. And since it is superfluous here, the principle as applying to a menstruous woman having been already derived from Lev. XVIII, 19, as supra, it is employed for general purposes.

(8) How do they expound this latter verse seeing that they derived this general principle from ‘his sister’.

(9) Ibid. XII, 2-7. She would not be ritually ‘unclean’ if parturition was effected by a Caesarean operation.

(10) With reference to the unclean who enters the sanctuary. Num. XIX, 13 and 20, where ‘sanctuary’ is used instead of ‘tabernacle’, on the significance of which see Shebu. 16b.

(11) Num. V, 3.

(12) Lev. VII, 20.

(13) Ibid. XII, 4, referring to a woman after childbirth who after a certain period has to purify herself and bring certain offerings.

(14) By the method of Gezerah shawah, v. Glos.

(15) V. p. 101, n. 8.

(16) For seven days, if he had touched the dead, and may not enter the sanctuary so long as he has not been ritually purified with the sprinkling water and ashes as prescribed in Num. XIX, 11-13. If he enters unpurified he shall be cut off from Israel. Ibid. 13.

(17) Lev. VII, 20 (cited above), where only the penalty of being cut off for eating the flesh of the sacrifice of peace

offering during uncleanness is stated but not the warning.

(18) The rule being that the method of Gezerah shawah cannot be employed on one's own suggestion. Pes. 66a.

(19) Cf. note on the Mishnah. Terumah was eaten by the priest and the members of his household, his wife, sons, single daughters or even childless daughter, the widow of a non-priest and his slaves; but not while ritually unclean, Num. XVIII, 11-13. and cf. Lev. XXII, 11-13. Sacrificial flesh, however, (with some very few exceptions) was restricted only to the male priests, within the Temple area. Cf. Num. VIII, 9.

(20) 'Seed of Aaron' means both sons and daughters.

(21) Lev. XXII, 4-6 in reference to eating terumah. Verses 3-6 refer to officiant priests at making sacrifice.

(22) Lev. XII, 4.

(23) To act as forewarning in respect of eating holy things in an unclean state.

(24) Thus we see that Resh Lakish requires the verse, 'she shall touch no holy thing, with reference to touching and not as warning against eating.

(25) The Talmud text here is in slight disorder (v. D.S.); but the meaning is clear. The twofold injunction, She shall touch no hallowed thing nor come into the sanctuary, shows clearly how both are considered as equally grave offences. This point is more fully developed later.

(26) Taking 'touch' eat, as shown lower down in the discussion.

(27) With reference to the eating of sacrificial flesh in an unclean state, v. Lev. VII, 20.

(28) Lev. VII, 20-21. Cf. Deut. XII, 27, where from the wording it is clear that the flesh may be eaten only after the sprinkling on the altar, v. Men. 25a. [Thus we see that Resh Lakish requires the verse, she shall touch no hallowed thing, to extend the penalty of flogging to the eating in an unclean state prior to the sprinkling.]

(29) **gd, tk ase kfc**, i.e., not any kind whatsoever. [This extends the prohibition and penalty to the eating of sacrificial flesh prior to the sprinkling, while the text itself is employed by Resh Lakish to serve as a warning in respect of eating whether before or after the sprinkling.]

(30) V. Glos.

(31) Lev. VII, 21 shows clearly that only eating after touching is punishable by kareth, *ibid.* XXII, 6, 16, and Hag. II, 11-13. 'Said R. Eleazar, is there any case where by mere touching one incurs kareth?' Sifra on Lev. VII, 20, and Zeb. 45b.

(32) Which supports Resh Lakish.

(33) [Even on the view that a negative command that is attended by a positive command with remedial effect does not carry a flogging (v. *supra* 4b), that is, provided the positive command can be fulfilled only after the contravention of the negative command, as in the case of nothar discussed *loc. cit.* But where the positive command could have been fulfilled before the contravention of the negative command, as in the illustrations that follow, there is no exemption from the penalty of flogging.]

Talmud - Mas. Makkoth 15a

When he¹ was [subsequently] asked whether he had said that, he denied it.² Said Rabbah:³ God! he did say it; and furthermore, this is found in Scripture and we learn it [in the Mishnah, too]. 'This is written : [Command the children of Israel] that they put out of the camp⁴ . . . and that they defile not their camp⁵ [in the midst whereof I dwell].⁶ Again, [bearing on this] we learnt: WHO WHILE UNCLEAN ENTERED THE SANCTUARY INCURS A FLOGGING.⁷ Why then did he⁸ retract [his statement]? — Because he found it difficult [to explain the case of] the Ravisher,⁹ as taught [in the following]: A Ravisher who put away his wife [by divorce], if he be a [lay] Israelite, he can take her back without receiving a flogging,¹⁰ but if he be a priest¹¹ he receives a flogging but does not take her back. Now, 'if he be a [lay] Israelite he takes her back

without receiving a flogging', why,¹² seeing that this is an instance where a negative command is preceded by a positive command — why should he receive no flogging?¹³ — 'Ulla said'¹⁴ [that the words], She shall be his wife¹⁵ could have been left out in the case of the Ravisher and have been inferred from the [somewhat analogous] case of the Defaming husband,¹⁶ thus: Since in the case of the Defaming husband, although he did no [tangible] act,¹⁷ the All-Merciful ordained that 'she shall be his wife,'¹⁸ is not this injunction even more appropriate in the case of the Ravisher?¹⁹ What then, is the purport of those words²⁰ [in the case of the Ravisher]? [Consequently] if they are not [strictly] needed at the first stage,²¹ make use of them for the latter stage, to indicate that if the Ravisher did put her away [unlawfully], he must take her back.²²

But yet, no inference can be drawn from the case of the Defaming husband to that of the Ravisher because there is a refutation, namely, What is the [penalty of the] Defaming husband? He is flogged as well as amerced [one hundred shekels], [which is not the case with the Ravisher]! — Rather therefore argue thus: The injunction 'she shall be his wife' might have been omitted in the case of the Defaming husband, and inferred from the case of the Ravisher, thus: What is the [penalty of the] Ravisher? That although he is not flogged in addition to the amercement [of fifty shekels] the All-Merciful [nevertheless] ordained that, 'she shall be his wife',²³ how much more then should this be so in the case of the Defaming husband.²⁴ Why then were these words inserted? If they are unnecessary in the case of the Defaming husband,²⁵ utilise them in connection with the Ravisher; [and again], if they are not necessary for the first stage,²⁶ utilise them in connection with the latter stage [after the Ravisher had put her away].²⁷

[Yet again, I say] the case of the Defaming husband could not be inferred from that of the Ravisher, because there is a counter argument, namely, that the Ravisher has done a [tangible] act,²⁸ [which cannot be said of the Defaming husband]!²⁹ — Let us then rather [argue thus]: [The words] 'she shall be his wife' might have been omitted in the case of the Defaming husband, as she is his wife [already]. Why then, was it inserted there? If it is not essential in the case of the Defaming husband, transfer its application to that of the Ravisher;(*) and if it be not applicable there at first,³⁰ then it is to be applied to the latter stage [after he unlawfully put her away].³¹

But why not argue thus: As this order is not essential at the first stage of the Defaming husband,³² let it be referred to himself in the latter stage, so that he [the Defaming husband] receives [therefore] no flogging?³³ — Indeed, you might argue thus, and then apply the same conclusion to the Ravisher³¹ [You say, 'Indeed'? Let us see,] by what [process of argument] is this derived? Whether by an a fortiori³⁴ or by analogy;³⁵ there is the counter argument already mentioned; [viz.:] What is the case of the Defaming husband? He has done no [tangible] action, which is not the case with³⁶ the Ravisher!

But [no], said Raba,³⁷ [the explanation must be sought in] the expression 'all his days,'³⁸ , [which means that] 'all his days' he has the Scriptural demand upon him to 'Get up and take her back.'³⁹ Likewise, when Rabin came [from Palestine], he reported R. Johanan to have said that during 'all his days' there is the demand upon him to get up and take her back. Said R. Papa to Raba: But [in fact] the prohibition [contained in this combination of a negative command preceded by a positive] does not conform to the [standard] negative [command] against Muzzling [the ox]!⁴⁰ — Replied Raba: Why should the additional [charge of a] Do!⁴¹ by the All-Merciful,

minimize [the force of the prohibition]?⁴² [Said R. Papa:] If that is your view, then why not say likewise, in the case of a prohibition translated into [remedial] action,⁴³ why should the additional charge of a Do! by the All-Merciful minimize [the force of] the prohibition? — Replied Raba: There, the positive command comes to remove⁴⁴ [the effects of the contravention of] the prohibition.⁴⁵

That [explanation]⁴⁶ harmonizes with the view of those who say that [the flogging depends on] whether the transgressor has nullified,⁴⁷ or not nullified [his chance of making redress]; but according to those who say that [the flogging depends on] whether he had carried out, or not carried out⁴⁸ [the act of redress], what explanation does it afford?⁴⁹

(1) Rabbah b. Bar Hanah.

(2) As he retracted from the ruling he reported in the name of his teacher R. Johanan.

(3) Var. lec.: Raba.

(4) The positive (part of the) command, here.

(5) The negative (part of the) command, here, enforcing the positive ordinance above. The 'camp' is here defined by 'in the midst whereof I dwell' and means the Tabernacle (cf. Ex. XXV, 8, and XXIX, 42-46). which was situated in the centre, there having been three camps: the priests' in the centre, then the Levites' and around these the Israelitish camp. V. Num. I, 50 ff; II, 17.

(6) Num. V, 2-3.

(7) [Although this is a case where a positive command (v. n. 1) attends a negative command (v. n. 2) there is nevertheless a flogging, because the former command, to put out of the camp, could be carried out even before the contravention of the negative prohibition, that they defile not the camp, by the unclean man who entered the sanctuary, i.e., by preventing his entry therein — which supports the principle formulated by R. Johanan as reported by Rabbah b. Bar Hanah.]

(8) Rabbah b. Bar Hanah.

(9) Deut. XXII, 29. A similar case of a negative preceding a positive command.

(10) Having made amends.

(11) As he is forbidden to marry a divorcee. Lev. XXI, 7, 14.

(12) Assuming that the principle enunciated by R. Johanan stands.

(13) For having unlawfully put her away. Holy Writ ordains: And she shall be his wife because he humbled her; he may not put her away all his days. Deut. XXII, 29. And it was this difficulty that constrained Rabbah b. Bar Hanah to retract.

(14) 'Ulla attempts to explain this Baraitha on the view of R. Johanan.

(15) Deut. XXII, 29.

(16) Deut. XXII, 13-19, a similar case.

(17) Defamation is not considered a bodily injury. v. p. 17, n. 5.

(18) Deut. XXII, 19.

(19) Who committed a bodily assault.

(20) The words, 'she shall be his wife'.

(21) As he is expected to marry her, and generally, the ravisher does.

(22) Therefore, this is really a case of the type of a prohibition translated into (remedial) action, for which there is no flogging.

(23) Deut. XXII, 18-19. An exceptionally severe penalty, whereas the Ravisher is not flogged at all and only pays half the amount! The case can hardly be taken as analogous. [Consequently, the words 'she shall be his wife' may

still refer to the first stage, affording thus no indication that by remarrying her after the divorce he remedies the offence he committed by putting her away.]

(24) Who is much more severely punished, being flogged and amerced a hundred shekels of silver.

(25) As it can be deduced from Ravisher.

(26) As he is expected to marry her.

(27) Therefore, this is really a case of the type of a prohibition translated into (remedial) action, for which there is no flogging. V. supra p. 105. n. 11.

(28) A bodily injury, unlike the Defamer.

(29) Cf. p. 106, n. 106 (end).

(30) V. p. 106, n. 9.

(31) V. p. 106, n. 10.

(32) As she is his wife already.

(33) [But there is still no scriptural warrant exempting a Ravisher from a flogging, unless R. Johanan's principle is rejected.]

(34) If the Defamer who was flogged (in the first instance) as well as amerced a hundred shekels can take back his wife and is not flogged for divorcing his wife if he remarries her, should not the Ravisher, who receives no flogging (in the first instance) and is amerced only half, fifty shekels be exempted from a flogging for divorcing his wife if he remarries her.

(35) **ubhm n vn**

(36) V. supra p. 106 (end).

(37) As the attempted explanations so far have not been satisfactory, and the ruling of the cited Baraita, namely, that a (lay) Israelite Ravisher is not flogged if he takes back his wife (for having flouted the prohibition to put her away) is still unexplained according to R. Johanan's principle, Raba offers one.

(38) He may not put her away all his days, Deut. XXII, 29 (cf. verse 19), on the reading adopted. v. D.S.

(39) I.e., he can at all times by remarrying her remedy the offence he committed in divorcing her and for this reason he is not flogged.

(40) Deut. XXV, 4, which is taken as the typical instance of an action that involves the penalty of a flogging (ordained in verses 2-3, there): (cf. the exposition on this above, 13b) and which is not preceded by a positive command.

(41) I.e., the addition of the positive command.

(42) No longer to entail a flogging, like any ordinary prohibition, i.e., like a pure negative.

(43) E.g., Ex. XII, 'And ye shall let nothing of it (the roast meat of the Paschal lamb) remain until the morning; but that which remaineth of it until the morning ye shall burn with fire.' Cf. supra 4b.

(44) **heu, bk** (Rashi). Nahmanides and others read **hbue, k** 'to amend'.

(45) As some sort of amends allowed by the Law for some omissions. Cf. supra 13b.

(46) Of Raba (supported by Rabin) namely, that the expression 'all his days' indicates that he can at all times remedy the offence by remarriage.

(47) Supposing he made remarriage absolutely impossible, e.g. by killing her, or getting her married (by ruse) to another man. (These instances create serious difficulties in other directions, raised later.) But, so long as he has not nullified the chance of remedying the offence, he might defer (the act of) redress to some later time.

(48) Forthwith, without delay.

(49) Because he should be flogged immediately when bidden by the court to remarry the wife and does not do so.

Talmud - Mas. Makkoth 15b

— Has not this [explanation been given] as reason for R. Johanan's view?¹ But surely it was R. Johanan [himself] who told a tanna:² If he has nullified [his chance of making redress], he is liable; and if he has not nullified it, he is exempt! Because [once] a tanna recited³ in the presence of R. Johanan: Whenever a negative precept involves the fulfilment of a positive action,⁴ then, if the offender has carried out the positive action he is exempt; if he has nullified [his chance of carrying out] the positive action he is liable. [Thereupon] R. Johanan [corrected him] saying: What did you say? 'That if he carried out the positive act he is exempt', [which implies that] if he did not carry it out he is liable [and that] 'if he has nullified [his chance of carrying out] the positive act he is liable', which implies that if he has not nullified [his chance of carrying out] the positive act he is exempt?⁵ [Not so]. Teach thus: 'If he has nullified it [he is liable], and if he has not nullified it [he is exempt].'⁶ And Resh Lakish, [on the other hand,] says that [the flogging depends on] whether he [the transgressor] has carried out, or has not carried out [the requisite act of redress]. What is the point at issue between them? — The question of a dubious warning,⁷ one Master taking the view that a dubious warning may be called [in law] a warning,⁸ while the other Master takes the view that a dubious [warning] is not called [in law] a warning.⁹ And they follow each his point of view [in several discussions], for it has been stated: [If one said, 'I take] an oath that I shall eat this loaf to-day,' and the day passed and he ate it not, both R. Johanan and Resh Lakish concur that he is not [to be] flogged. R. Johanan says he is not flogged

(1) [It was R. Johanan's view imposing a flogging for the contravention of a negative command preceded by a positive command that gave rise to the question from a Ravisher and it was in reply to this question that Raba gave the explanation. Var. lec. reverse the reading: 'That is in order according to the view (that flogging is determined by whether) he has or has not carried out (the act of redress) but what is there to say on the view (that it depends on whether) he has or has not nullified (his chance of making redress)?' The question will accordingly refer to the last statement of Raba that the positive command comes to remove (the effects of the contravention of) the prohibition. Now this answer of Raba to R. Papa's question will be in accord with the former view, but on the latter view that although he has actually carried out the act of redress, but provided he has not cut off all chance of doing so, there is no flogging, the reason being that the prohibition does not conform to that of muzzling, the question of R. Papa remains unanswered. According to this variant preserved by R. Han., among others the statement of R. Johanan to the tanna which follows on should run: 'Teach, If he has carried it out he is liable, if he has not carried it out he is exempt.']

(2) V. Glos.

(3) A Baraita, cf. Tosef, Mak. IV, 6.

(4) Lit., 'Rise and do', v. infra, p. 113. A combination of a negative and positive precept, v. pp. 112f.

(5) That is, showing him that such a wording involves directly contradictory conclusions. The first part yields an inference that if he carried it out immediately, he is exempt, while delay means a flogging; while the second yields the opposite conclusion, that as long as the prescribed course of redress is possible, he is exempt from a flogging.

(6) On variant, v. supra n. 1.

(7) A warning, to entail a judicial flogging, must be definite and direct to prevent an immediate breach of law; a merely pious remonstrance against some breach which may happen sometime, sooner or later, is dubious, indefinite and ineffective legally.

(8) [I.e., R. Johanan, who holds that it all depends whether or not he has nullified his chance, considers a dubious warning to be a warning, and consequently although at the time of the transgression it is not known whether he will cut off his chance of remedying the offence, he is nevertheless flogged when the circumstance arises.]

(9) [Resh Lakish holds that a dubious warning is not considered a warning and so he becomes liable to a flogging

only when he is confronted by the order of the court to carry out the act of redress and refuses to do so. According to variant given p. 109. n. 1, interpret thus: R. Johanan holds that a dubious warning is considered a warning, and the transgressor can accordingly be warned at the time of the transgression, making him liable to the penalty on his failure to carry out the act of redress; whereas Resh Lakish holds that a dubious warning is considered no warning, consequently it is only when he is warned as he is about to nullify his chance of making redress that the warning is effective in making him liable to flogging.]

Talmud - Mas. Makkoth 16a

because this was [transgressing] a prohibition without [tangible] action [on his part],¹ and a prohibition [contravened] without [tangible] action does not involve a flogging. Resh Lakish [on the other hand] says he is not flogged, because the warning in this case is dubious [in character]² and a dubious warning is not [legally] regarded as a warning. And both base their views on statements of R. Judah's,³ as it is taught: And ye shall let nothing of it remain until the morning; but that which remaineth of it till the morning ye shall burn with fire.⁴ Scripture comes here providing a [positive] act to follow [in the wake of] a prohibition,⁵ thereby indicating that here no flogging is to be inflicted: these are the words of R. Judah; [etc.].⁶ Now R. Johanan argues thus: The reason [why no flogging is given here] is [only] because Scripture comes [with the direction of a positive act after the contravened prohibition]; but if Scripture had not come [and made here] this special provision, he [the offender] would have been given a flogging;⁷ this implies that a dubious warning is [legally] a warning.⁸ Resh Lakish [on the other hand] argues thus: The reason [that no flogging is given here] is because Scripture comes [with the direction of a positive act as following the contravened prohibition]; but if Scripture had not come [and made such provision here], he would receive a flogging; this implies that a prohibition [contravened] without [tangible] action entails a flogging.⁹ But according to R. Simeon b. Lakish, surely this too also is a [good] instance of dubious warning?¹⁰ — He bases his view [on this point] on another statement of R. Judah's, as it is taught: If one [maliciously] wounded first one husband [of his mother's] and then the other husband [of hers],¹¹ or invoked a Divine imprecation,¹² first on the one and then on the other, or wounded them both simultaneously, or cursed them both simultaneously, he is liable.¹³ R. Judah says, of [he did so] to both simultaneously,¹⁴ he is liable; if to one after the other, he is not liable.¹⁵

And according to R. Johanan surely this too is a [good] instance of a prohibition [contravened] without [tangible] action?¹⁶ — On this [particular] point, his [R. Johanan's] view is in accordance with what R. Idi b. Abin stated, in the name of R. Amram who reported R. Isaac as reporting R. Johanan to have said that R. Judah, citing the name of R. Jose the Galilean, said: 'In all prohibitions of the Torah, a prohibition involving [tangible] action entails a flogging; a prohibition not involving [tangible] action, does not entail a flogging, save in the case of one who takes an oath [and does not fulfil it];¹⁷ one who commutes [one gift promised to the Sanctuary with another]¹⁸ or invokes a Divine imprecation on his fellow.'¹⁹ Then, is not one statement of R. Judah contradicting another!²⁰ — [The divergence in the statements] of R. Judah's according to R. Simeon b. Lakish [on the question of a dubious warning] may be taken as two [different] versions²¹ of R. Judah's [original] statement; again, [the divergence in R. Judah's statements] according to R. Johanan is not difficult to explain, as one may be taken as his own [R. Judah's] view and the other as that of his Master [R. Jose the Galilean].

We learnt elsewhere:²² ‘If one takes the dam with the young, R. Judah says he is flogged,²³ and he does not send the dam free; but the Sages say that he lets the dam go,²⁴ and receives no flogging. This is the general principle, Whenever a negative command involves the fulfilment of a positive action²⁵ there is no flogging for contravention.’ R. Johanan observed: We have only this instance and one other.²⁶ R. Eleazar asked him: Where? — When you find it [you will know], was the reply. He left him, made careful search and found [the following], as it is taught: A Ravisher who put away his wife [by divorce], if he be a [lay] Israelite, takes her back without receiving a flogging; if he be a priest, he receives flogging²⁷ but does not take her back. Now this accords well on the view that teaches [the flogging depends on] whether the transgressor had carried out,²⁸ or not carried out [the act of redress];²⁹ but what about the view that teaches that [it depends on] whether he has nullified, or not nullified [his chance of making redress]?³⁰ [True,] this [principle] applies well enough to the case of sending away the dam;³¹ but in the case of the Ravisher, how is the principle ‘whether he had nullified, or had not nullified [his chance of making redress]’ applicable? If [for instance], he killed his wife, he is liable to the severer penalty [of death]!³² — R. Shimi of Mahuza suggested that, for instance, he accepted on her behalf a betrothal token³³ from another man. Said Rab: [Let us see:] If she had made him³⁴ her attorney, it is the woman who nullified [the chance of] redress; and if she had not made him her attorney — can he do anything of the kind? It would be futile [on his part]! — But said R. Shimi of Nehardea: [Let us say,] for instance, that he took a solemn vow publicly [that he would never again live with her]. That [suggestion] is compatible with the opinion held that a vow made publicly is not subject to [formal] rescission; but, according to the opinion that a vow made publicly is subject to [formal] rescission,³⁵ what can you then say? — That he made it dependent on the consensus of the public, as Amemar stated: The law is that a vow made in public is subject to [formal] rescission, but if made dependent on the consensus of the public, it is not subject to [formal] rescission.³⁶

And are there not other instances? (Mnemonic: Larceny, Pledge, Corner.) There is the case of Larceny, where the All-Merciful ordained, Thou shalt not oppress [withhold from] thy neighbour nor rob him,³⁷ and then [elsewhere] directs, That he shall restore that which he took by robbery!³⁸ Then again, there is the case of the Pledge, where the All-Merciful ordained, Thou shalt not go into his house to fetch his pledge, and then [follows], Thou shalt stand without . . . thou shalt surely restore to him the pledge when the sun goeth down!³⁹ And do not these instances fit equally well [if we say that the flogging depends on] whether the transgressor has carried out, or not carried out [the act of redress], or whether he had nullified or not nullified [his chance of making redress]?⁴⁰ — [True,] but⁴¹ as [amends can be made] here by a monetary compensation [if he destroyed the pledge], he is not liable to both a flogging and compensation.⁴² To this R. Zera demurred: What if the pledge⁴³ belonged to a proselyte,⁴⁴ who has since died?

(1) Sheer dilatoriness, by omitting to do what he intended.

(2) Merely a friendly reminder not to forget, which the vower might in all sincerity have intended to fulfil, had he not inadvertently forgotten or been prevented till the time had gone by.

(3) Lit., ‘according to the heart (intention) of R. Judah.’

(4) Ex. XII, 10. The meat left over is termed ‘nothar’.

(5) To burn the remaining meat.

- (6) V. supra p. 17.
- (7) That is R. Judah's interpretation.
- (8) I.e., by saying that were it not for the special dispensatory action provided, he would receive a flogging, and notwithstanding the fact that from the nature of the case the warning must be dubious and indefinite as to the exact time of its application, it is yet sufficient (judicially) for a flogging.
- (9) But it affords no proof that a dubious warning should be considered a warning.
- (10) Thus proving that it is a warning.
- (11) The woman, divorced from her first husband, was married to another man rather soon and gave birth to this son prematurely. It was doubtful whether this child was a premature child of the second husband, or a mature child of the first, either man thus being a possible father. The warning that wounding a parent was a capital offence (Lev. XXI, 15), was here a dubious warning, in regard to whom it actually applied, maybe this one or the other.
- (12) Thus cursing a parent with the Divine Name pronounced, was also a capital offence, cf. *ibid.* verse 17. Shebu. 36a, and supra p. 52, n. 1.
- (13) To the death penalty.
- (14) If the warning given to the son was concerning both men, and he with one deliberate aim and stroke wounded both men simultaneously, one of them was certainly his father whom he injured.
- (15) Which implies that a dubious warning is regarded as no adequate (legal) warning, according to R. Judah.
- (16) [The reference is to the 'leavings' nothar, (v. p. 111), from which R. Johanan infers that R. Judah holds that a dubious warning is considered a warning, why does he not also deduce that a prohibition involving no tangible action entails a flogging seeing that nothar too involves no action?]
- (17) For fuller discussion on this point. v. Shebu. 21a; Tem. 3a.
- (18) V. Lev. XXVII, 9-10. and Tem. 3a ff.
- (19) V. p. 52. n. 1.
- (20) On both issues, as regards a flogging in the case of an offence without action and the dubious warning, according to the respective implications in the statements of R. Judah which R. Johanan and Resh Lakish interpret each in his own way.
- (21) Lit., 'two Tannaim'.
- (22) Hul. 141a. cf. also supra 17a, where in the course of the discussion it is shown that R. Judah took that ordinance as a positive preceding a negative. viz., If you chance on a bird's nest, first, 'send away the mother bird and take the young' (positive); next, 'Thou shalt not take the dam with the young' (negative).
- (23) For having contravened the above prohibition; and as the dam had been taken and the offender was punished for the offence, the matter is at an end.
- (24) As an act of redress, v. next note.
- (25) I.e., wherever the positive provides the (way of making) amends, and escaping the flogging.
- (26) Although it is stated in the Mishnah as a 'general principle' where the exemption from flogging depends on the fulfilment of the positive command.
- (27) Because as a priest, by divorcing her, he nullified his chance of making redress.
- (28) V. p. 109, n. 1.
- (29) E.g., the lay-Israelite, who remarries her and escapes the flogging.
- (30) R. Johanan's view as reported above, that he is flogged only when he has made amends impossible.
- (31) If he killed her or broke her wings, he is flogged.
- (32) And there is no question of flogging.
- (33) Kiddushin — a ring or coin accepted at the hand of the groom (or his attorney) by the woman as a marriage token renders her legally bound as his wife-designate: she can be released only by formal bill of divorce, but even then he could not remarry her (after having become the wife of another man). V. Deut. XXIV, 1-4.

- (34) Her late husband, the Ravisher, authorised by her to accept the marriage-token on her behalf.
- (35) By a recognized authority who may, under certain genuine, unforeseen, extenuating circumstances, rescind a vow by declaring him absolved. Cf. Rashi on Num. XXX, 2 (end) and Ned. 77b.
- (36) And by making such a vow, the Ravisher nullifies all chance of making redress.
- (37) Lev. XIX, 13, the negative command.
- (38) Lev. V, 23, the positive command, providing the amends for the negative.
- (39) Deut. XXIV, 10-13 and 19-21.
- (40) [As on either view there is a possibility of a flogging being inflicted in the case where the article stolen or given on deposit was lost or destroyed intentionally by the thief or bailee so that he can no longer fulfil either the positive commands involved.] Why did R. Johanan say there were only two?
- (41) These cases are of a different category, he can pay the penalty in money and will not be flogged.
- (42) ‘The Sages say, Whoever is ordered to pay damages is not flogged.’ Cf. supra 4a [Tosaf. however shows that everywhere in such cases the offender is flogged and does not pay, the money penalty being merged in the graver penalty; they accordingly omit ‘he is not . . . compensation.’]
- (43) Seized unlawfully by the creditor and destroyed by him, thereby having already made himself liable to a flogging.
- (44) A proselyte, who died without a Jewish issue to whom the Hebrew law could be applicable. As on the proselyte's death the creditor is left without a claimant for damages, the offender should be flogged, as he cannot make amends by compensation. In that case, it would be a third instance.

Talmud - Mas. Makkoth 16b

— Here too the man is [in fact] liable to [pay] compensation; only the title of the proselyte has lapsed [with his death].

And is there not the instance of the ‘Corner of the Field’, where the All-Merciful ordained, Thou shalt not wholly reap the corner of thy field, neither shalt thou gather the gleanings of thy harvest, [and then continues,] Thou shalt leave them for the poor and for the stranger?¹ And, this too, fits equally well [if we say that the flogging depends on] whether the transgressor has carried out, or has not carried out [the act of redress], or on whether he had nullified, or not nullified [his chance of making redress],² as [is to be gathered from what] we learnt: The ordinance of the ‘Corner [of the field]’ is [in the first instance] to leave apart some of the standing corn [for the poor]; if he neglected to leave some of the corn standing, he sets apart some of the sheaves; if he failed to set apart some of the sheaves, he leaves apart some of the grain in the heap before winnowing; having winnowed, he should tithe the grain [first]³ and then give to the poor [his due]!⁴ — [No. R. Johanan holds] according to R. Ishmael, who said: He can also give it in part of the dough.⁵ But even according to R. Ishmael, there is still the case where the transgressor has already consumed the bread!⁶ — Hence this [indeed] is the only other instance that R. Johanan had in mind when he said, ‘We have only this instance [of the Bird's Nest] and one other’ — But it is not that of the Ravisher [who pledged himself publicly not to live with her], because it is only in an optional matter that we say that a vow made dependent on the consensus of the public is not subject to [formal] rescission; but where the matter involved is one in the nature of religious obligation⁷ it is subject to [formal] rescission, as for instance in the case of a certain elementary teacher treating the children harshly so that R. Aha made him pledge himself [on the consensus of the public⁸ not to teach]; but Rabina reinstated him, because no other teacher could be found who

was equally reliable.⁹

ONE WHO EATS OF NEBELAH, OR TREFA, OR ANY CREATURE ABOMINABLE AND TEEMING [INCURS A FLOGGING]. Said Rab Judah: If one eats [knowingly] a worm in a cabbage¹⁰ he incurs a flogging. A certain fellow [once deliberately] ate a worm in a cabbage and Rab Judah had him chastised.¹¹ Abaye observed that if one eats an eel¹² he [technically] incurs a flogging on four¹³ counts; if an ant, on five counts, [the extra count being] for Any swarming [crawling] thing that swarmeth upon the earth [ye shall not eat them];¹⁴ if a hornet, on six counts [the extra count being] for [And all] winged swarming things [are unclean] to you; [they shall not be eaten].¹⁵ Raba¹⁶ observed that anyone confining his faeces sins against And ye shall not make your souls detestable.¹⁷ R. Bibi son of Abaye observed that anyone drinking out of a cupping-horn sins against Ye shall not make your souls detestable [by . . . what I have set apart for you to hold unclean].¹⁷ Rabbah the son of R. Huna said that if one crushed nine ants [into a mash] adding thereto another live one, thus bringing up the quantity to [the requisite] an olive's size [and ate them], he renders himself liable on six counts; five for the [live ant as a] separate creature,¹⁸ and one for [the mass as amounting to] an olive's size of nebelah.¹⁹ Rabbah reporting R. Johanan said [it would be the same], even with only two [mashes] and one other whole.

R. Joseph [reporting R. Johanan]²⁰ said even only one [mashed] and one alive. And there is no disagreement between them [in principle], for one is thinking of larger and the other of smaller sized [insects].

ONE WHO EATS OF TEBEL, OR A FIRST TITHE FROM WHICH ITS TERUMAH HAS NOT BEEN TAKEN, OR OF SECOND TITHE WHICH HAS NOT BEEN REDEEMED. Rab said that one who eats of tebel-produce from which its poor tithe²¹ has not been taken is flogged.²² Whose view is followed [in this statement of Rab's]? — That of the Tanna [in the following passage,] where it is taught: R. Jose says:²³ It might be supposed that one is liable [to a flogging] only on eating tebel-produce from which no due whatsoever has yet been set apart; but where [for instance] terumah gedolah²⁴ has been separated, but not yet the first tithe, or the first tithe, but not yet the second tithe, or [say] even the poor tithe [has not yet been separated] — whence [is derived the prohibition of] eating such produce? From the following instructive texts: Thou mayest not eat within thy gates²⁵ the tithe of thy corn, or of thy wine, or of thine oil;²⁶ and later it says, that they may eat within thy gates and be satisfied.²⁷ What is the reference in the latter [text]? To the poor tithe. So likewise in the former [text] reference is to the poor tithe, and the All-Merciful enjoins 'Thou mayest not eat of ...'²⁸

Joseph said: [Rab's point has been debated already] by Tannaim: R. Eliezer says that in the case of demai²⁹ there is no need even to designate [and assign]³⁰ the poor tithe; but the Sages say

(1) Lev. XXIII, 22, cf. *ibid.* XIX, 9-10.

(2) Cf. p. 109, n. 1.

(3) So as not to deprive the poor of part of his gift, namely the proportion of the tithe, as the 'Corner' is not subject at all to tithes, provided it was assigned to the poor before the winnowing when tithes become due.

(4) [So that there is a possibility for the owner to nullify the precept in the case where he ground the grain into flour after which he can no longer fulfil the command of the corner, and is consequently flogged.]

- (5) [So that he can still fulfil the command even after having ground the grain.]
- (6) Cf. p. 114, n. 7.
- (7) As here, where it is Scripturally demanded that she shall remain his wife (unless she herself does not wish it).
- (8) [According to reading in Git. 36a].
- (9) in any case, the original instance which gave rise to the whole discussion (of the theory of the positive preceding negative ordinance, namely, not to defile the holy Camp — the Sanctuary), is different in nature from the others, as the positive command can be fulfilled before the actual violation of the negative command; his coming away is thus not considered (an act of) redress, and the flogging is incurred.
- (10) Forbidden in Lev. XI, 43, as a ‘swarming thing’ (although not actually found crawling abroad) bred in the cabbage. R. Tam (Tosaf.) suggested (instead of a cabbage-grub) a small fish found alive on the field (such as a tadpole or young eel; v. next note). Being found on dry land (not in the water, its usual habitat,) it comes under the category of a ‘swarming thing’ — **. rav . ra** — forbidden in Lev. XI, 43.
- (11) Probably only a disciplinary castigation, not the judicial (39) stripes, being outside Palestine. V. **ktrah rmut** (Eisenstein) s.v., **uekn**. Vol. VI, p. 229b.
- (12) **t, hyup**, according to Gaonic interpretation, the young eel (Arabic garri. v. Kohut, Aruch, s.v. **t, yp** and B.M. Lewin, Otzar ha-Gaonim III (Pes.) No. 42). Young eels — glass eels — are often found in thousands (2 to 2 1/2 inches in size) travelling at night overland to get to the sea.
- (13) Lev. XI. 10-11 (forbidden on several grounds: (a) as water-insect; (b) as finless; (c) as scaleless) and twice again, ibid. 43. Cf. Rashi ‘Er. 28a.
- (14) Lev. XI, 41-44: Forbidden as insect crawling on the ground (41); as many-footed (42); twice forbidden as food (43); once more forbidden as an insect crawling on the ground (44).
- (15) Deut. XIV, 10, in addition to those in the preceding note.
- (16) D.S. **itn htv** of which the reading in the printed texts is a distortion; v. Friedmann, M. Tractate Makkoth a.l.
- (17) Lev. XX, 25.
- (18) As supra note 2 and cf. n. 13 on Mishnah.
- (19) V. p. 93, n. 12.
- (20) Cf. D.S.
- (21) The tithe levied in the third and sixth years of the Septennial or Sabbatical cycle.
- (22) A novel point, as there is no direct explicit prohibition against eating of fruits from which the poor tithe had not been set apart. It is implied in Deut. XXVI, 13 (cf. Sifre a.l.); but not openly prohibited. No judicial flogging (of ‘forty’ lashes) is inflicted except the offence is explicitly prohibited in Holy Writ. No punishment is warranted on logical inference, hence the search for the basis of Rab's assertion.
- (23) **rnut hxuh r** is the correct reading, cf. Yeb. 86a and Sifre, on Deut. XII, 17.
- (24) V. Glos.
- (25) **l hrgac** This phrase serves as a Gezerah shawah.
- (26) Deut. XII, 17. In verse 18 it is ordered that the various offerings and hallowed dues were to be shared ‘with the Levites in thy gates’.
- (27) With reference to the poor tithe; Deut. XXVI, 12 (also v, 13).
- (28) Not to eat of the various offerings and dues without giving the Levite and other poor their share.
- (29) **htns** ‘Suspect Produce’ — produce regarding which it is not known whether the prescribed tithes have been duly set apart by the vendor before selling. An ancient tradition has it that Johanan the High Priest (the Maccabean John Hyrcanus I), discovered (after investigation) that while the priests’ terumah (v. Glos.) was being given regularly, the ‘amme ha-arez (v. Glos.) throughout the land were none too observant about the several other tithes. To meet the scruples of the pious (and to preserve the laws regulating the tithes from extinction), he promulgated

that the several tithes should be set apart by the purchaser from an 'am ha-arez. But, as this practice would evidently fall heavily on the purchasers, it was agreed that after setting the prescribed dues apart, the buyer might retain them for his own consumption, as, firstly these tithes were not forbidden to a lay-Israelite, and secondly the claim of any particular priest (or Levite) to the first tithe, or of any particular poor man to the poor tithe was uncertain.

(30) If one had need to partake of his produce before he had set apart any of the several dues, he could provisionally 'designate' and 'assign' them by saying: 'Let the terumah of this bin be located in the east; the first tithe in the west; the second tithe in the north, or (in the 3rd and 6th year) the poor tithe in this or that particular spot,' and then take his temporary supply from any other part. Later he would attend to these dues.

Talmud - Mas. Makkoth 17a

that one should 'designate' it, but need not set it apart.¹ Is not here the point at issue this — that one authority [the Sages] holds that the known presence [of unseparated poor tithe in produce] makes it tebel,² while the other authority [R. Eliezer] holds that it does not make it tebel! — Said Abaye: If that were the issue, why raise it in connection with demai? It should have been raised in connection with produce which is known to be untithed! Hence, [it must be said,] all are agreed that the known presence [of unseparated poor tithe] does render the produce tebel,² and the issue involved here is rather this, that one authority [R. Eliezer] takes the view that the 'amme ha-arez³ are not suspected of withholding the poor tithe of demai, as, being merely a money matter, they do [not fail to] set it apart;⁴ while the Rabbis⁵ take the view that 'amme ha-arez are mistrusted about it, because it involves trouble,⁶ and as the separation of the due means some trouble to them,⁷ they will not set it apart.

HOW MUCH OF TEBEL IS ONE TO EAT TO BECOME LIABLE? R. SIMEON SAYS THE MEREST MORSEL AND THE SAGES SAY AN OLIVE'S SIZE. R. Bibi reporting R. Simeon b. Lakish said that this difference of opinion referred only to the [grain of] wheat, but as to the [requisite amount of] flour all were agreed that it is an olive's size. But R. Jeremiah reporting R. Simeon b. Lakish said that there was a difference of opinion on both the [amount of] flour as well as the [grain of] wheat.

We learn [in the Mishnah]: SAID R. SIMEON, DO YOU NOT ADMIT THAT IF ONE ATE THE MINUTEST ANT HE WOULD BE LIABLE? SAID THEY TO HIM: [ONLY] BECAUSE IT IS A SEPARATE CREATURE. SAID HE TO THEM: EVEN SO A [GRAIN OF] WHEAT IS A SEPARATE ENTITY. [Does not this text show that] there was a dispute only about the [grain of] wheat, but nothing about flour! — [Not so.] R. Simeon only argues [with the Rabbis] on their own contention: My own opinion [he argues] is that even the same quantity of [tebel] flour is enough [for entailing a flogging]; but even according to your contention, you should admit to me that one [grain of] wheat is a separate entity. And the Rabbis' [reply]? — An animate thing is of sufficient importance [as to be considered a separate entity], but a [grain of] wheat is not of such importance. [In a Baraita] it is taught as R. Jeremiah had reported: R. Simeon says that any minute quantity⁸ is sufficient to entail a flogging; the 'olive's size' mentioned [by the Rabbis] is required only to entail a [sin-offering].'

MISHNAH. ONE WHO EATS⁹ OF FIRST FRUITS PREVIOUS TO THE RECITAL OVER

Talmud - Mas. Sanhedrin 2a

CHAPTER I

MISHNAH. MONETARY CASES [MUST BE ADJUDICATED] BY THREE JUDGES; CASES OF LARCENY AND MAYHEM,¹ BY THREE; CLAIMS FOR FULL OR HALF DAMAGES,² THE REPAYMENT OF THE DOUBLE³ OR FOUR- OR FIVE-FOLD RESTITUTION [OF STOLEN GOODS],⁴ BY THREE, AS MUST CASES OF RAPE⁵ SEDUCTION⁶ AND LIBEL⁷; SO SAYS R. MEIR. BUT THE SAGES⁸ HOLD THAT A CASE OF LIBEL REQUIRES A COURT OF TWENTY-THREE SINCE IT MAY INVOLVE A CAPITAL CHARGE.⁹

CASES INVOLVING FLOGGING,¹⁰ BY THREE; IN THE NAME OF R. ISHMAEL IT IS SAID, BY TWENTY-THREE.

THE INTERCALATION OF THE MONTH IS EFFECTED BY A COURT OF THREE;¹¹ THE INTERCALATION OF THE YEAR,¹² BY THREE: SO R. MEIR. BUT R. SIMEON B. GAMALIEL SAYS THE MATTER IS INITIATED BY THREE, DISCUSSED BY FIVE AND DETERMINED BY SEVEN. IF HOWEVER, IT BE DETERMINED ONLY BY THREE, THE INTERCALATION HOLDS GOOD. THE LAYING OF THE ELDERS' HANDS [ON THE HEAD OF A COMMUNAL SACRIFICE]¹³ AND THE BREAKING OF THE HEIFER'S NECK¹⁴ REQUIRE THE PRESENCE OF THREE: SO SAYS R. SIMEON. ACCORDING TO R. JUDAH, FIVE. THE PERFORMANCE OF HALIZAH,¹⁵ AND THE DECISION AS TO MI'UN¹⁶ IS MADE BY THREE. THE FOURTH YEAR FRUIT¹⁷ AND THE SECOND TITHE¹⁸ OF UNKNOWN VALUE ARE ASSESSED BY THREE. THE ASSESSMENT OF CONSECRATED OBJECTS FOR REDEMPTION PURPOSES IS MADE BY THREE; VALUATIONS OF MOVABLE PROPERTY¹⁹ BY THREE. ACCORDING TO R. JUDAH ONE OF THEM MUST BE A KOHEN;²⁰ IN THE CASE OF REAL ESTATE, BY TEN INCLUDING A KOHEN, IN THE CASE OF A PERSON, BY THE SAME NUMBER. CAPITAL CASES ARE ADJUDICATED BY TWENTY-THREE. THE PERSON OR BEAST CHARGED WITH UNNATURAL INTERCOURSE, BY TWENTY-THREE, AS IT IS WRITTEN, THOU SHALT KILL THE WOMAN AND THE BEAST,²¹ AND ALSO, AND YE SHALL SLAY THE BEAST.²²

THE OX TO BE STONED²³ IS TRIED BY TWENTY-THREE, AS IT IS WRITTEN, THE OX SHALL BE STONED AND ITS OWNER SHALL BE PUT TO DEATH²⁴ — AS THE DEATH OF THE OWNER, SO THAT OF THE OX, CAN BE DECIDED ONLY BY TWENTY-THREE.

THE DEATH SENTENCE ON THE WOLF OR THE LION OR THE BEAR OR THE LEOPARD OR THE HYENA OR THE SERPENT²⁵ IS TO BE PASSED BY TWENTY-THREE. R. ELIEZER SAYS: WHOEVER IS FIRST TO KILL THEM [WITHOUT TRIAL], ACQUIRES MERIT, R. AKIBA, HOWEVER, HOLDS THAT THEIR DEATH IS TO BE DECIDED BY TWENTY-THREE.

A TRIBE,²⁶ A FALSE PROPHET²⁷ AND A HIGH PRIEST CAN ONLY BE TRIED BY A COURT OF SEVENTY-ONE. WAR OF FREE CHOICE²⁷ CAN BE WAGED ONLY BY THE AUTHORITY OF A COURT OF SEVENTY-ONE. NO ADDITION TO THE CITY OF JERUSALEM OR THE TEMPLE COURT-YARDS CAN BE SANCTIONED SAVE BY A COURT OF SEVENTY-ONE.

SMALL SANHEDRINS FOR THE TRIBES CAN BE INSTITUTED ONLY BY A COURT OF SEVENTY-ONE.

NO CITY CAN BE DECLARED CONDEMNED²⁸ SAVE BY A DECREE OF A COURT OF SEVENTY-ONE. A FRONTIER TOWN CANNOT BE CONDEMNED NOR THREE CITIES AT A TIME,²⁹ BUT ONLY ONE OR TWO.

THE GREAT SANHEDRIN CONSISTED OF SEVENTY-ONE MEMBERS; THE SMALL SANHEDRIN OF TWENTY-THREE. WHENCE DO WE DEDUCE THAT THE GREAT SANHEDRIN IS OF SEVENTY-ONE? — IT IS SAID, GATHER UNTO ME SEVENTY MEN;³⁰ WITH MOSES AT THEIR HEAD WE HAVE SEVENTY-ONE. R. JUDAH SAID IT CONSISTED ONLY OF SEVENTY. WHENCE DO WE KNOW THAT THE SMALL SANHEDRIN IS OF ONLY TWENTY-THREE? — IT IS SAID, AND THE ‘EDAHA’³¹ SHALL JUDGE... AND THE ‘EDAHA’ SHALL DELIVER.³² ONE ‘EDAHA’ JUDGES, [I.E. CONDEMN] AND THE OTHER MAY DELIVER [I.E. ACQUIT], HENCE WE HAVE TWENTY. BUT HOW DO WE KNOW THAT A CONGREGATION CONSISTS OF NOT LESS THAN TEN? — IT IS WRITTEN, HOW LONG SHALL I BEAR WITH THIS EVIL ‘EDAHA’?³³ EXCLUDING JOSHUA AND CALEB, WE HAVE TEN. AND WHENCE DO WE DERIVE THE ADDITIONAL THREE? — BY THE IMPLICATIONS OF THE TEXT, THOU SHALT NOT FOLLOW A MAJORITY FOR EVIL,³⁴ I INFER THAT I MAY FOLLOW THEM FOR GOOD;³⁵ IF SO, WHY IS IT SAID, TO INCLINE AFTER THE MAJORITY³⁶ ? TO TEACH THAT THE MAJORITY TO ‘INCLINE AFTER’ FOR GOOD [I.E. FOR A FAVOURABLE DECISION] IS NOT THE ONE TO ‘INCLINE AFTER’ FOR EVIL [I.E. FOR AN ADVERSE DECISION] SINCE FOR GOOD, A MAJORITY OF ONE SUFFICES; WHEREAS FOR EVIL, A MAJORITY OF TWO IS REQUIRED. [

(1) An assault on a person involving bodily injury, Lev. XXIV, 19.

(2) Done by a goring ox, Ex. XXI, 35.

(3) Ex. XXII, 3.

(4) Ex. XXI, 37.

(5) Deut. XXII, 28-29.

(6) Ex. XXII, 15-16.

(7) Deut. XXII, 14ff.

(8) Representing the opinion of teachers in general.

(9) For if the woman is proved guilty she is stoned.

(10) Deut. XXV, 2-3.

(11) V. p. 42.

(12) Making it 13 instead of 12 months.

- (13) Lev. IV, 15. According to Maimonides, 'The Ordination of Elders'.
- (14) Deut. XXI, 1- 9.
- (15) Deut. XXV, 5-10. V. p. 91, lit., the 'drawing off' of the shoe.
- (16) The annulment of a woman's marriage following her refusal to agree to the union contracted by her as a fatherless girl during her minority.
- (17) V. Lev. XIX, 23-25. It could be exchanged into money and its equivalent consumed in Jerusalem.
- (18) The tithe taken by the landowner to Jerusalem there to be consumed, as distinct from the 'first tithe' assigned to the Levites, according to Rabbinic interpretation of Deut. XIV, 22-26.
- (19) The value of which had been vowed to the Sanctuary.
- (20) Priest, v. Glos.
- (21) Lev. XX, 16.
- (22) Lev. XX, 15. The procedure at the trial of the beast and the person is thus made alike.
- (23) If he gored a person. Ex. XXI, 28.
- (24) Ex. XXI, 29.
- (25) Which has killed a human being.
- (26) That has gone astray after idolworship, v. p. 76.
- (27) Deut. XVIII, 20. (12) I.e., all wars apart from the conquest of the seven nations inhabiting Canaan.
- (28) Deut. XIII, 13.
- (29) V. p. 82.
- (30) Num. XI, 16.
- (31) **Vsg** Congregation.
- (32) Ibid. XXXV, 24.
- (33) Ibid. XIV, 27. Referring to the twelve spies. Ibid. XXXV, 24.
- (34) I.e., for condemnation. Ex. XXIII, 2.
- (35) For acquittal.
- (36) Ibid.

Talmud - Mas. Sanhedrin 2b

AND AS A COURT CANNOT CONSIST OF AN EVEN NUMBER¹ ANOTHER ONE IS ADDED, MAKING A TOTAL OF TWENTY THREE.

WHAT MUST BE THE POPULATION OF A TOWN TO MAKE IT ELIGIBLE FOR A [SMALL] SANHEDRIN? — ONE HUNDRED AND TWENTY. R. NEHEMIA SAYS: TWO HUNDRED AND THIRTY, SO THAT EACH MEMBER SHOULD BE A RULER OF [AT LEAST] TEN.²

GEMARA. Do not LARCENY AND MAYHEM come under the category of MONETARY CASES? [Why then this specification?] R. Abbahu says: The Tanna adds here an explanatory clause, teaching that the MONETARY CASES of the Mishnah refer only to LARCENY AND MAYHEM, but not to admission and transaction of loans³ [i. e. cases of indebtedness]. And both clauses are necessary. For had the Tanna mentioned only MONETARY CASES I might have said that they included also cases of indebtedness. Hence the necessity of the explanatory LARCENY AND MAYHEM; or again had the Tanna mentioned only LARCENY AND MAYHEM, I might have said that these included cases of indebtedness, and that the reason for specifying particularly

LARCENY AND MAYHEM is that the regulation requiring three judges is laid down in Scripture In connection with larceny and mayhem (the verse, the master of the house shall come near unto the judges,⁴ though primarily dealing with cases of larceny,⁵ includes also those of mayhem, there being actually no difference in regard to an injury whether it is inflicted on one's person or on one's property). The Tanna had accordingly to supplement the MONETARY clause by that of LARCENY AND MAYHEM, to exclude thereby cases of indebtedness.

And what is the point in excluding cases of indebtedness? Shall I say it is to show that three judges are not required for them? But did not R. Abbahu [himself] say that all agree that no judgment given by two in monetary cases is valid? — It is to teach that cases of indebtedness require no Mumhin⁶ of their adjudication. [This being the case, let us consider] what is the determining principle of the Tanna. Does he hold that we have here an instance of transposition of sections, [in which case all the provisions in this section⁷ apply to cases of indebtedness]?⁸ He should then demand Mumhin here also [since the term Elohim denoting Mumhin is mentioned in this place]. If on the other hand, he does not hold this view [and in this case the provisions in this section are limited to the cases of larceny as set forth], where is the authority for the necessity of three judges? — Indeed the Tanna accepts the principle of ‘transposition of sections’ — and consequently, in accordance with the strict application of the Law, in cases of indebtedness he would require [three] Mumhin — nevertheless they have become exempted from this regulation for the reason advanced by R. Hanina. For R. Hanina said:⁹ In accordance with the Biblical law, the juridical procedure in regard to the investigation¹⁰ and examination¹¹ of witnesses applies to monetary as well as to capital cases , for it is written,

(1) For if their opinion were halved no verdict could be established.

(2) V. Ex. XVIII, 25.

(3) Claims supported by witnesses attesting the defendant's former admission of his liability, or who were actually present at the time of the transaction.

(4) The term ‘Elohim’ denoting ‘Judges’ occurs three times in this section, Ex. XXII, 7.

(5) Arising from the denial of the bailment.

(6) Plural of Mumheh, specially ordained judges; v. Glos.

(7) Ex. XXII, 6-8

(8) Ex. XXII, 24. [On the principle ‘transposition of sections’ , **uharp curhg** V. Responsa Solomon Duran, 541, and B.K. (Sonc. ed.) 107a, n. a.1.]

(9) Infra 32a; Yeb. 122b.

(10) As to the day and hour.

(11) As to attendant circumstances.

Talmud - Mas. Sanhedrin 3a

One manner of judgment shall you have.¹ Why then did they [the Sages] declare that monetary cases are not subject to this exacting procedure? In order not to ‘bolt the door’ against borrowers.² But if non-Mumhin are competent to adjudicate in monetary cases, ought they not to be protected against any claim of compensation in case of their having given an erroneous decision? — All the more then would you be ‘bolting the door’ against borrowers.

If it be so, [that cases of indebtedness require three, why does R. Abbahu say that the Tanna adds an explanatory clause, and not simply that] the Mishnah teaches two separate laws; viz. MONETARY cases are tried by three laymen³ whilst cases of LARCENY AND MAYHEM are tried by three Mumhin³. Moreover, if the two clauses merely explain each other, why mention 'three' in each? — indeed, said Raba,⁴ the Tanna teaches two separate laws; and cases of indebtedness need no Mumhin for the reason given above by R. Hanina.

R. Aha the son of R. Ika says: According to Scriptural law, even a single person is competent to try cases of indebtedness as it is said: In righteousness shalt thou judge thy neighbor.⁵ Three, however, are needed in case traffickers⁶ presume to act as judges. But even with the provision of three might they not all be traffickers? — It is, however unlikely that none of them should have any knowledge of the law. If this be so, they should be exempt from liability in case they erred? — But how much more would traffickers presume in such circumstances to act as judges!⁷ Wherein then lies the difference between Raba and R. Aha the son of R. Ika [since both agree that mere laymen are competent]? Their difference centres round the opinion of Samuel who said: 'if two [laymen] have tried a monetary case, their decision holds good. but they are called a presumptuous Beth din.' Whereas Raba⁸ does not agree with Samuel, R. Aha does agree with him.

CLAIMS FOR FULL OR HALF DAMAGES etc.

Do not FULL DAMAGES come under the category of MAYHEM⁹ [why then this specification]? — Since the Tanna had to state HALF DAMAGES he mentions, also FULL DAMAGES. But is not HALF DAMAGES also included in the same category? — The Tanna speaks of two classes of payment — kenas¹⁰ [fine] and indemnity. This opinion would be in accord with the Amora who considers HALF DAMAGES kenas, but how meet the difficulty according to the one who regards it as indemnity?¹¹ — Since the Tanna had to state DOUBLE AND FOUR- OR FIVE-FOLD RESTITUTION, which is an indemnity

(1) Lev. XXIV, 22.

(2) Creditors would refuse to advance loans should difficulties confront them in collecting their debts; and the same consideration has led to the suspension of the law regarding the need of Mumhin.

(3) *****, an ordinary person.

(4) Differing from R. Abbahu.

(5) Lev. XIX, 15.

(6) Unversed in the law. [Heb. , **ubre hcauh**, lit., rendered sit (a) at street corners, (b) in waggons, (c) in markets, (d) a company (of musicians), connecting the word with the Latin corona, (e) a corruption of the abbreviations , **"ure , uhyr , u , uhxere** 'circuses and theatres', a reading supported by the J.T.]

(7) Since they would be protected against all claims of compensation.

(8) Since according to him three are biblically required.

(9) The term Nezek (damage), being the terminus technicus for all kinds of damages including those rising out of mayhem.

(10) I.e. a fine imposed upon the owner for not guarding his animal from causing damage, as distinct from damages in cases of mayhem, which are considered indemnity.

(11) V. B.K. 15a.

Talmud - Mas. Sanhedrin 3b

not corresponding with the exact amount of damage done, he mentions HALF DAMAGES which is likewise an indemnity that does not correspond with the exact amount of damage done. And as he has to state HALF DAMAGES, WHOLE DAMAGES is incidentally also stated.

Whence do we deduce that three are needed [for the composition of a court]? — From what our Rabbis taught: ‘It is written: The master of the house shall come near unto the judge. here you have one; and again: the cause of both parties shall come before the judge, here you have two; and again: whom the judge shall condemn,¹ so you have three.’ So says R. Josiah. R. Jonathan holds the initial reference to judges occurs in the first passage above, and cannot as such, be employed for exegetical purposes.² But [the deduction is as follows:] The cause of both . . . judge, here you have one; again whom the judge shall condemn, here you have two; and since a court must not be of an even number, another is added, making the total of three. Shall we say that R. Josiah and R. Jonathan have as point of dispute the question whether or not first citations can be used for exegetical purposes. R. Josiah being of the opinion that they can be used, and R. Jonathan that they cannot? — No! Both agree that first citations cannot be used. R. Josiah nevertheless employs one such in this case because were its purpose merely to indicate the need of a judge, the text should have stated The master. . . unto the Shofet [judge]. Why does it say ‘Elohim’? — To enable us to infer that the first citation is to be used to derive from it the number of three judges. R. Jonathan, however, argues that the verse employed the popular term [‘Elohim’ for a recognised judge]. even as the current saying goes; ‘Whoever has a trial let him go to the Dayyan.’³ And is not R. Josiah of the opinion that a court must consist of an uneven number of judges?⁴ Has it not been taught; R. Eliezer the son of R. Jose the Galilean says: ‘What is the signification of the phrase to incline after many to arrest judgement?’⁵ The Torah implies: Set up for thyself a court of an uneven number, the members of which may be able to incline to one side or the other? — R. Josiah is of the opinion of R. Judah that the Great Sanhedrin consisted of seventy. For we learnt: THE GREAT SANHEDRIN CONSISTED OF SEVENTY-ONE . . . R. JUDAH SAYS OF SEVENTY. It might, however, be objected that R. Judah has been known to express this view only regarding the Great Sanhedrin [and that on Biblical authority]; but have you heard him express it with regard to other courts? Should you presume to say that [R. Judah] makes no such distinction, how then explain what we learnt: THE LAYING OF HANDS BY THE ELDERS AND THE CEREMONY OF BREAKING THE HEIFER'S NECK [REQUIRE THE PRESENCE OF] THREE. SO HOLDS R. SIMEON. R. JUDAH SAYS FIVE. And it has been stated. ‘What is R. Judah's reason? He finds it in the text, the elders shall lay.⁶ the plural in each word indicating at least two, and so four in all, and since there cannot be a court of an even number, a fifth is added.’⁷ R. Josiah's opinion goes further than that of R. Judah. Whilst the latter is of the opinion that only the Great Sanhedrin needs an uneven number, but not other courts, R. Josiah extends that requirement to all courts. But [on R. Josiah's opinion] how is ‘to incline’ explained?⁸ — He applies it to capital but not to monetary cases. If so, what of the ruling which we learnt that in [monetary] cases: if two of the judges acquit the defendant and the third condemns him, he is acquitted; if two condemn him and one acquits, he is condemned.⁹ Can it be said it does not accord with R. Josiah's view?¹⁰ — No! you can correlate that Mishnah's ruling even with that of R. Josiah [for he will agree that the decision of the majority is valid even in civil

cases] by virtue of a kal wahomer¹¹ from capital cases. If in capital cases that are so grave, the Divine Law¹² vested the authority in the majority, all the more so in monetary cases.

Our Rabbis taught: Monetary cases are tried by three. Rabbi says, by five, so that in case of a division there will be a majority verdict, i.e., of three. But surely even in the case of three there is possible a majority verdict [namely, of two]? — What Rabbi means is that an unanimous decision of three is required for the verdict. Hence he holds that the stage at which three judges are prescribed is the final decision. This opinion was ridiculed by R. Abbahu, for the Great Sanhedrin would accordingly have to consist of one hundred and forty one, in order that the final verdict might be given [in case of a division] by a majority of at least seventy-one; and the small Sanhedrin would have to consist of forty-five, in order that the final verdict might be given by twenty-three? This however cannot be maintained, since the text, Gather unto me seventy men of the elders of Israel¹³ prescribes seventy at the time of gathering; and likewise, the verse, The congregation shall judge, and the congregation shall deliver¹⁴ refers to the time when the congregation proceeds to judge. Similarly it may be concluded that the verse, The master of the house shall come near unto the judges¹⁵ [from which the need of three judges in monetary cases is derived], is to be explained as referring to the time when the plaintiff appears before the Court, at which point three judges are required. [Whence then does Rabbi deduce that three are needed?] — Rabbi derives this from the plural form of the predicate ‘yarshi’un’ [they shall condemn], arguing that the subject ‘Elohim’ [judges] is here a plural, indicating at least two; and similarly the earlier ‘Elohim’¹⁶ in the same context denotes two. So we have four. Adding another, since a court cannot consist of an even number, there are five;

(1) Ex. XXII, 7-8. [The plural Elohim is treated as plural of ‘majesty’, cf. G. K. 124, g-i.]

(2) As it is required simply to indicate the need of a judge.

(3) An authoritative judge.

(4) Otherwise he would not have resorted to the first citation for deducing the number three.

(5) Ex. XXIII, 2.

(6) Lev. IV, 5. It might have sufficed to state, ‘The elders, having their hands on the head of the Sacrifice etc.’ v. infra 13b.

(7) All of which proves that R. Josiah cannot find in R. Judah any support for an even court.

(8) Which shows that the court must be uneven.

(9) V. infra 29a.

(10) Who requires the unanimous verdict of three since that number is specially prescribed for deciding a case.

(11) A conclusion a minori ad majus.

(12) Lit. ‘The All Merciful One’, i.e. God, whose word the Law (Scripture) reveals.

(13) Num. XI. 16.

(14) Num. XXXV, 24 from which the membership of a small Sanhedrin is derived, v. p. 3.

(15) Ex. XXII, 7.

(16) The cause of both parties shall come before the Judges, *ibid*, 8.

Talmud - Mas. Sanhedrin 4a

but the Rabbis [who hold that only three are needed] adopt the written form yarshi’un.¹

R. Isaac b. Joseph² said in the name of R. Johanan: Rabbi and R. Judah b. Ro'ez, the Shammaites. R. Simeon and R. Akiba, all hold that Mikra³ is determinant in Biblical exposition.

Rabbi's opinion is reflected in what has been said; that he reads yarshi'un.

The opinion of R. Judah b. Ro'ez is given in the following: For it has been taught: The disciples of R. Judah b. Ro'ez asked him: Why not read shibe'im [seventy] instead of shebu'ayim [two weeks]⁴ [extending the period of uncleanness to seventy days]? He answered: The law has fixed the period of purity and impurity in the case of a male child and it has fixed the period of purity and impurity in case of a female child. Just as the period of purification after the birth of a female child is double that after the birth of a male child, so must the period of uncleanness after the birth of a female child be no more than double that after the birth of a male child [which is only seven days]. After they left him he sought them out again and said 'You have no need of that explanation since Mikra is determinant, and we read shebu'ayim [two weeks].

The opinion of the Shammaites is advanced in the following [Mishnah]: For we learned:⁵ Beth Shammai said: If the blood of sacrifices that is to be sprinkled on the outer altar was applied only once,⁶ the offering is valid, as it is said, the blood of thy sacrifice shall be poured out⁷ [denoting one application]. In the case of a sin offering, however, they hold that two applications are required; but the Hillelites hold that in the case of a sin offering also a single sprinkling effects atonement. And R. Huna said: What is the Shammaites' reason for their opinion? — It is that the plural 'karnoth' [horns of the altar] occurs three times in this context⁸ denoting six, and so implying that four sprinklings are prescribed in the first instance, but that two are indispensable. But the Hillelites argue that since 'karnoth'⁹ is twice written defectively, and can be read 'karnath'¹⁰ [singular], only four sprinklings are implied, three being prescribed in the first instance, and that only one is indispensable. But why not argue that all the four are merely prescribed without a single one being indispensable? — We do not find an act of expiation effected without an accompanying rite.

R. Simeon's opinion is expressed in the following [Baraita]: It has been taught:¹¹ A Sukkah¹² needs at least two walls of the prescribed dimensions and a third of the width of at least a hand-breadth. R. Simeon says; Three complete walls and the fourth the width of a hand-breadth. What is really their point of dispute? — The Rabbis¹³ hold that Masorah¹⁴ is determinant in Biblical exegesis, while R. Simeon holds that Mikra is determinant. The Rabbis, taking the former view, argue that as the word 'bassukoth' which occurs three times¹⁵ is written once plene [in the plural] and twice defectively¹⁶ making in all four references. So, subtracting one as required for the command itself, there are three left. Next comes the Sinaitic Halachah¹⁷ and diminishes the third and fixes it at a hand-breadth. But R. Simeon is of the opinion that Mikra is determinant and thus all the three bassukoth are to be read in the plural, making a total of six. One of these is required for the command itself, leaving four, and the fourth is diminished in virtue of the Sinaitic Halachah, to a handbreadth.

As to R. Akiba's opinion — it has been taught:¹⁸ R. Akiba said: Whence is it deduced that a fourth of a log¹⁹ of blood which issues from two corpses carries uncleanness according to the law relating to the pollution of tents.²⁰ It is said: He shall not go in unto any dead body.²¹ [The plural

nafshoth translated 'body' indicates that] even from two bodies a single [vital] quantity suffices to carry uncleanness; but the Rabbis argue that it is written nafshath [singular], [denoting that a vital quantity can defile only if it issues from one corpse].

R. Aha b. Jacob questioned this statement of R. Isaac b. Joseph — Is there no one [apart from those above mentioned] who does not accept the Mikra as determinant? Has it not been taught: Thou shalt not seethe a kid in the milk of [bahaleb]²² its mother²³ in which verse you might read beheleb²⁴ [in the fat of]?

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- (1) [The singular form, cf. the Arabic ending in an, and the subject Elohim is taken throughout as singular.]
- (2) Var. lec.: R. Jose.
- (3) [Lit. 'Mikra has a mother,' or' these is preference to Mikra (Halper. B., ZAW. XXX, p. 100), i.e. the reading of the sacred text according to the Kere **h're** the established vocalization has an authentic origin, hence well-founded, as distinct from the 'Masorah the Kethib, **ch, f** the traditional text of consonants without vowels.]
- (4) In the verse: If she bear a female child, she shall be unclean etc. Lev. XII, 5.
- (5) Zeb. 36b.
- (6) Instead of two sprinklings constituting four at the two opposite angles of the altar.
- (7) Deut. XII, 27.
- (8) Lev. IV, 25, 30, 34.
- (9) Following the Mikra.
- (10) , **bre** instead of , **ubre**, cf. the feminine ending at.
- (11) Suk. 6b.
- (12) A booth, erected for the Festival of Booths. v. Glos.
- (13) The representatives of the anonymous opinion quoted first.
- (14) V. p. 10, n. 4.
- (15) In connection with the command of Festival of Booths.
- (16) , **ufxc** , and , **fxc**, Lev. XXIII, 42-43.
- (17) The traditional interpretation of the Law traceable to Sinai, see Hoffmann, Die Erste Mischna, p. 3.
- (18) Hul. 72a.
- (19) A liquid measure, about two-thirds of a pint.
- (20) Num. XIX, 14.
- (21) Lev. XXI, 11; Lit., 'souls of the dead', the soul denoting blood, as the life-force, cf. Deut. XII, 23., and the loss of a quarter of a log is regarded as the loss of vital blood.
- (22) **ckj C**
- (23) Ex. XXIII, 19.
- (24) **ckj C**

Talmud - Mas. Sanhedrin 4b

Say: this is unacceptable, as Mikra is determinant?¹ — Hence all agree that Mikra is determinant, but Rabbi and the Rabbis² differ in the following: Rabbi holds that the plural yarshi'un³ refers to two judges [elohim] other than those prescribed in the previous verse;⁴ while the Rabbis maintain that it refers to elohim here [its own subject] and to that in the previous clause.⁵

As to R. Judah b. Ro'ez, the Rabbis do not oppose him.⁶

As for the Hillelites, they derive their ruling⁷ from the following: For it has been taught: wekipper⁸ has to be repeated three times [in connection with the sin offering]⁹ to indicate that even one application is adequate, contrary to an analogy which might otherwise be advanced in favour of the need of four applications. But could we not have deduced this by [the following] analogy? The use of blood is mentioned [for application] above the line;¹⁰ and the use of blood is mentioned [for application] below the line.¹¹ Just as in the case of the blood to be applied below the line, one application effects atonement,¹² so should it be with the blood to be applied above the line.

But you may argue this way: Sprinkling is prescribed for sacrifices offered on the outer altar¹³ and also for those offered on the inner altar.¹⁴ As in the case of those offered on the inner altar, expiation is not effected if one application has been omitted, so should it be with sacrifices offered on the outer altar!

Let us, however, see to which it is to be compared. Comparisons may be made between sacrifices offered on [the same] the outer altar, but not between sacrifices offered on the outer and inner altars.¹⁵

But may you not, on the other hand, argue in this way? We can compare sin offerings, the blood of which is applied on the four horns of the altar,¹⁶ to other sin offerings, the blood of which is applied on the four horns,¹⁷ but no proof can be deduced from such a sacrifice as is neither a sin offering nor has the blood sprinkled on the four horns of the altar!¹⁸ Hence on account of this latter analogy, Wekipper has to be repeated three times, to indicate that atonement is effected by means of three sprinklings, or even by means of two, or indeed even by means of one alone.

Now as to R. Simeon and the Rabbis, their real point of difference is the following: R. Simeon holds that a cover for a Sukkah needs no textual basis,¹⁹ while the Rabbis maintain that a special textual basis is necessary for a cover.²⁰

R. Akiba and the Rabbis again disagree on the following point: According to the former, nafshoth denotes two bodies,²¹ while the Rabbis say that nafshoth is a general term for bodies.²²

But do all, indeed, regard the Mikra as determinant? Has it not been taught: 'letotafoth [frontlets] occurs thrice in the Torah, twice defective and once plene,²³ four in all, to indicate [that four sections are to be inserted in the phylacteries]. Such is the opinion of R. Ishmael. But R. Akiba maintains that there is no need of that interpretation, for the word totafoth itself implies four, [it being composed of] tot which means two in Katpi²⁴ and foth which means two in Afriki?²⁵ — Hence, in reality, it is disputable whether Mikra is always determinant in Biblical exegesis, but this is true only of cases where Mikra and Masorah differ in the spelling of a word.²⁶ But where-as for example, in the case of the milk — the reading behaleb involves no change in the spelling,²⁷ Mikra is determinant. But does not the text, Three times in the year all thy males shall appear [shall be seen] before the Lord²⁸, occasion a dispute whether we shall follow the Mikra [yera'eh]²⁹ or read yir'eh³⁰ according to Masorah?³¹ For it has been taught: R. Johanan b. Dahabai

said on behalf of R. Judah b. Tema: One who is blind in one eye is exempted from visiting the Temple, for we read YR'H³² which according to Mikra means he shall be seen and according to Masorah, he shall see. That is to say, as He comes to see the worshipper, so should man come to be seen by Him; as He [the Lord] comes to see [so to speak] with both eyes.³³ so should he, who comes to be seen by Him, come with both eyes!³⁴ Hence, says R. Aha, the son of R. Ika: The scriptural text says. Thou shalt not seethe a kid in its mother's milk. It is seething, as a method of cooking, that the law forbids.³⁵

Our Rabbis taught: Monetary cases are decided by three;

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- (1) And this is disputed by no one, as otherwise there would be no foundation for the prohibition.
 - (2) V. p. 9.
 - (3) Whom the judges shall condemn. Ex XXII, 8.
 - (4) Ex. XXII, 7, and that accounts for his view that five judges are required.
 - (5) Elohim in each case being taken as plural of majesty and so no additional judges are implied.
 - (6) V. p. 10.
 - (7) That one application of blood suffices in a sin offering.
 - (8) **rpfu** he shall make an atonement.
 - (9) Lev. IV, 26, 31, 35.
 - (10) I.e., the red line which marked the middle of the altar's height. The blood of sin offerings was applied above the line.
 - (11) I.e., the blood of burnt, trespass, and peace offerings, v. Zeb. 53a, Mid. III, 1.
 - (12) Deduced from Deut. XII, 27. The blood of thy sacrifices shall be poured out, v. Zeb. 37a.
 - (13) All sacrifices, except those of the Day of Atonement, the offering prescribed for the anointed Priest and the community's sacrifice on having erred (Lev. IV, 13) were offered on this, the brazen altar.
 - (14) V. n. 4.
 - (15) As for example between the sin offering of the anointed Priest and these sin offerings in connection with which wekipper is mentioned.
 - (16) The offerings in regard to which wekipper occurs.
 - (17) Such as that of the anointed Priest.
 - (18) Such as the burnt (v. Lev. III, 1-11), the trespass and peace offerings. V. p. II.
 - (19) The term sukkah (**lfx** 'to cover') itself denotes a cover, and all the references are thus employed for the walls of the sukkah to indicate that three complete walls and one diminished are needed.
 - (20) V. p. 11.
 - (21) So that one quantity of blood pollutes even if it issues from two corpses.
 - (22) And does not indicate any definite number.
 - (23) , **pyyk** (defective) (a) Deut. VI, 8. (b) ib. XI, 18; , **pyuyk** (plene) Ex. XIII, 16. (Rashi) v. Tosaf. Zeb. 25a; Men. 34b. In our versions, the defective form occurs only once: Deut. VI, 8.
 - (24) Coptic language? [V. Neubauer, p. 418]
 - (25) The language of N. Africa or Phrygia in Asia Minor.
 - (26) As, for example, in the following words: 'totafoth', 'bassukthoth', 'karnoth', in each case of which the Mikra implies an extra letter.
 - (27) **ckj** might be read **ckj** (fat) or **ckj** from **ckj** (milk).
 - (28) Ex. XXIII, 17.
 - (29) **vtrh** 'shall be seen.'

(30) **vtrh** 'he shall see.'

(31) Although the spelling in both readings is the same.

(32) **vtrh**.

(33) Cf. Deut. XI, 12.

(34) Hence we see that the authority of Mikra is a moot point in every case, and if so, what is the definite basis for the prohibition relating to meat and milk?

(35) Seething is a term applicable only to a liquid, such as milk, and not to fat which would require such a word as roasting. Therefore we must read behaleb, (in the milk of) according to Mikra.

Talmud - Mas. Sanhedrin 5a

but one who is a recognised Mumheh¹ may judge alone.

R. Nahman said: One like myself may adjudicate monetary cases alone. And so said R. Hiyya.

The following problem was [consequently] propounded: Does the statement 'one like myself' mean that as I have learned traditions and am able to reason them out, and have also obtained authorisation² [so must he who wishes to render a legal decision alone]; but that if he has not obtained authorisation, his judgment is invalid; or is his judgment valid without such authorisation? Come and hear! Mar Zutra, the son of R. Nahman, judged a case alone and gave an erroneous decision. On appearing before R. Joseph, he was told: If both parties accepted you as their judge, you are not liable to make restitution. Otherwise, go and indemnify the injured party. Hence it can be inferred that the judgment of one, though not authorised, is valid.

Said Rab: Whosoever wishes to decide monetary cases by himself and be free from liability in case of an erroneous decision, should obtain sanction from the Resh Galutha,³ And so said Samuel.

It is clear that an authorisation held from the Resh Galutha 'here' [in Babylonia] holds good 'here' — And one from the Palestinian authority 'there' [in Palestine] is valid 'there' — Likewise, the authorisation received 'here' is valid 'there', because the authority in Babylon is designated 'sceptre' — but that of Palestine, 'lawgiver' [denoting a lower rank] — as it has been taught: The sceptre shall not depart from Judah,⁴ this refers to the Exilarchs of Babylon who rule over Israel with sceptres;⁵ and a lawgiver . . . , this refers to the descendants of Hillel [in Palestine] who teach the Torah in public. Is, however, a permission given 'there' valid 'here'? Come and hear! Rabbah b. Hana gave an erroneous judgment [in Babylonia]. He then came before R. Hiyya, who said to him: If both parties accepted you as their judge, you are not liable to make restitution; otherwise you must indemnify them. Now — Rabbah b. Hana did hold permission [but from the Palestinian authority]. Hence we infer that the Palestinian authorisation does not hold good for Babylon.⁶

But is it really not valid in Babylon? Did not Rabbah, son of R. Huna, when quarrelling with the members of the household of the Resh Galutha, maintain:, I do not hold my authorisation from you. I hold it from my father who had it from Rab, and he from R. Hiyya, who received it from Rabbi [in Palestine]?' — He was only trying to put them in their place with mere words.

Well, then, if such authorisation is invalid in Babylon, what good was it to Rabbah, son of R. Huna? — It held good for cities that were situated on the Babylonian border [which were under the jurisdiction of Palestine].⁷

Now, what is the content of an authorisation? — When Rabbah b. Hana was about to go to Babylon, R. Hiyya said to Rabbi: ‘My brother’s son is going⁸ to Babylon. May he, decide in matters of ritual law?’ Rabbi answered: ‘He may. May he decide monetary cases?’ — ‘He may.’ ‘May he declare firstborn animals permissible [for slaughter]?’⁹ — ‘He may.’ When Rab went there, R. Hiyya said to Rabbi: ‘My sister’s son is going to Babylon. May he decide on matters of ritual law?’ — ‘He may.’ ‘May he decide [monetary] cases?’ — ‘He may.’ ‘May’ he declare firstborn animals permissible for slaughter?’ — ‘He may not.’ Why did R. Hiyya call the former ‘brother’s son’ and the latter ‘sister’s son’? You cannot say that it was actually so, since a Master said that Aibu [Rab’s father] and Hana [Rabbah’s father], Shila and Martha and R. Hiyya were the sons of Abba b. Aha Karsela of Kafri?¹⁰ — Rab was also R. Hiyya’s sister’s son [on his mother’s side], while Rabbah was only his brother’s son. Or, if you prefer, I might say he chose to call him sister’s son’

(1) V. Glos.

(2) V. n. 6.

(3) Lit. — ‘head of the Golah’, Exilarch. Title given to the chief of the Babylonian Jews who from the time of the exile were designated by the term Golah, v. Jer. XXVIII, 6.

(4) Gen. XLIX. 10.

(5) Sceptre, symbol of the authority of a ruler appointed by the Government, as was the Resh Galutha, ‘Lawgiver’ designates the heads of Palestinian schools who have no political authority.

(6) Otherwise he should not have been liable to indemnification.

(7) [V. Zuri, Toledoth Hamishpat Haziburi I, pp. 384 ff.]

(8) Lit., ‘descending’.

(9) On finding, after careful examination, that they had permanent blemishes. After the destruction of the Temple, firstborn animals could be slaughtered only on having permanent defects.

(10) In Babylonia. Hence Rab was also the son of R. Hiyya’s brother’s.

Talmud - Mas. Sanhedrin 5b

on account of his eminent wisdom, as it is written: Say unto wisdom, thou art my sister.¹

What was the reason that Rab was not authorised to permit the slaughter of firstborn animals? Was it that he was not learned² enough? But have we not just said that he was very learned? Was it because he was not an expert in judging defects? But did not Rab himself say: I spent eighteen months with a shepherd in order to learn which was a permanent and which a passing blemish? — Rabbi withheld that authorisation from Rab, as a special mark of respect to Rabbah b. Hana.³ Or, if you prefer, I might say that for the very reason that Rab was a special expert in judging blemishes, he might in consequence declare permissible, with a view to slaughter, [permanent] defects which to others might not be known as such. These latter might thus be led to maintain that Rab had passed cases of such a kind and so to declare permissible transitory blemishes.

We were told above that Rabbi authorised him, Rabbah, and Rab respectively, to] decide in matters of ritual law. Since he was learned in the law, what need had he to obtain permission? — Because of the following incident, for it has been taught: Once Rabbi went to a certain place and saw its inhabitants kneading the dough without the necessary precaution against levitical uncleanness.⁴ Upon inquiry, they told him that a certain scholar on a visit taught them: Water of bize'im [ponds] does not render food liable to become unclean. In reality, he referred to bezim [eggs], but they thought he said bize'im [ponds].⁵ They further erred in the application of the following Mishnah:⁶ The waters of Keramyon and Pigah,⁷ because they are ponds, are unfit for purification purposes.⁸ They thought that since this water was unfit for purification, it likewise could not render food liable to become unclean. But this conclusion is unwarranted, for whereas there, that is in connection with the purification offering, running water is required, waters, from any source, can render food liable to uncleanness. There and then⁹ it was decreed that a disciple must not give decisions unless he was granted permission by his teacher.

Tanhum son of R. Ammi happened to be at Hatar, and in expounding the law to its inhabitants, taught them that they might soak the grain before grinding for Passover.¹⁰ But they said to him: Does not R. Mani of Tyre live here, and has it not been taught that a disciple should not give an halachic decision in the place where his teacher resides, unless there is a distance of three parasangs — the space occupied by the camp of Israel — between them? He answered: The point did not occur to me.

R. Hiyya saw a man standing in a cemetery and asked him: 'Are you not the son of so and so who was a Priest?'¹¹ 'Yes,' he answered, 'but my father being wilful, set his eyes upon a divorced woman, and by marrying her, profaned his priesthood.'¹²

It is obvious that a partial authorisation is valid,¹³ as has already been said. But how is it with a conditional authorisation?¹⁴ Come and hear! R. Johanan said to R. Shaman:¹⁵ You have our authorisation until you return to us.

The text [above states]: 'Samuel said, If two [commoners] try a case [instead of three] their decision holds good, but they are called a presumptuous Beth din.'

R. Nahman sat and reported this teaching, but Rabbah objected to it on the ground of the following [Mishnah]:¹⁶ Even if two acquit or condemn, but the third is undecided¹⁷ the number of the judges must be increased. Now if it were so, as Samuel maintains, why add; why not let the decision of these two be as valid as that of two who have tried a case? — There [in the Mishnah] the case is different, since from the outset they sat with the intention of constituting a court of three; whereas here they did not sit with that intention.

He raised a further objection.¹⁸ 'R. Simeon b. Gamaliel says: Legal judgment is by three; arbitration is valid if made by two. And the force of arbitration is greater than that of legal judgment, for if two judges decide a case, the litigants can repudiate their decision, whilst if two judges arbitrate, the parties cannot repudiate their decision.'¹⁹

(1) Prov. VII, 4.

- (2) Lit, 'wise'.
- (3) So as to establish him firmly in the respect of Babylonians, whilst Rab's standing was in any case high.
- (4) V. Lev. XI, 38.
- (5) That disciple must have been defective of speech, and the listener could easily fall into error owing to the similarity of pronunciation of **ohgmc** 'ponds' — (cf. Job VIII, 11) — and **ohmhc** 'eggs'.
- (6) Parah VIII. 10.
- (7) In Palestine. V. B. B. (Sonc. ed.), p. 298, n. 10
- (8) Num. XIX, 17.
- (9) Lit., 'in that hour'.
- (10) Leavenness, the result of dampness, does not occur in this, as the grain is ground immediately after washing.
- (11) According to Levitical law, the Priest is forbidden to have direct contact with a dead body or come within a roofed enclosure where such lies buried.
- (12) The offspring of the marriage between a priest and a woman disqualified for him (v. Lev. XXI, 14) are profane and the laws pertaining to priestly status do not apply to them. [In J. Sheb. the incident is ascribed to Rabbi, which explains the mention of it in this connection, v. Hazofeh XIII, 346.]
- (13) As in the case of Rab.
- (14) For a definite time.
- (15) [R. Shaman b. Abbe, on the occasion of his visit to Babylon. v. D. S. a. 1.]
- (16) Infra 29a.
- (17) Lit., 'he says. 'I do not know' (how to decide).'
- (18) Tosef. Sanh. 1.
- (19) Because the arbitrators were of their own choice. Hence we see clearly that the decision of two in a legal judgment is not valid.

Talmud - Mas. Sanhedrin 6a

And should you maintain that the Rabbis differ from R. Simeon b. Gamaliel,¹ it may be asked: Did not R. Abbahu say that all agree that a judgment given by two in monetary cases is not valid? — But why should you seek to show a disagreement between two persons?²

The text [above states]: 'R. Abbahu says all agree that a judgment given by two in monetary cases is not valid.' R. Abba objected and asked R. Abbahu [from the following]: If one has judged a case by himself and pronounced the guilty 'guiltless' and the guiltless 'guilty', or the clean 'unclean' and the unclean 'clean', his act cannot be undone, but he has to pay indemnity from his own pocket?³ — Here we are dealing with a case where the parties accepted the judge. If so, why make him pay indemnity? — Because they had said to him: We agree to abide by your award on condition that you give a decision in accordance with the Torah.

R. Safra asked R. Abba: What did the judge overlook in giving this erroneous decision? Was it a law cited in the Mishnah? But did not R. Shesheth say in the name of R. Ashi: 'If one overlooks a law cited in the Mishnah, he may revoke his decision'? — Hence it must be he erred in deciding against common practice. How can we conceive that? R. Papa said: If, for example, two Tannaim or Amoraim opposed each other's views in a certain matter and it was not clear with whom the true decision lay, but the general trend of practice followed the opinion of one of them, and yet he decided according to the opinion of the other, that is termed 'an error of judgment against

common practice'.

Is it true to say that the point of difference [between Samuel and R. Abbahu] had been anticipated by Tannaim in the following controversy? Arbitration is by three, so says R. Meir. The Sages say that one is sufficient. Now the Schoolmen presumed that all agree that the force of arbitration is equal to that of legal decision; their point of difference would accordingly resolve itself into one holding that three are required for legal decision and the other holding that two are enough.⁴ — No, all [both R. Meir and the Sages] agree that legal decision is by three, and the point in which they differ is this: One [R. Meir] holds that the force of arbitration should be regarded as equal to that of legal decision, while the other disputes it.

May it be assumed then that there are three views held by the Tannaim with regard to arbitration, viz., one [R. Meir] holds that three are needed; another [R. Simeon b. Gamaliel] holds that two are sufficient⁵, while the Sages hold that one is enough? — R. Aha the son of R. Ika, or according to others R. Yemar b. Salomi, said: The Tanna who says two are necessary is really of the opinion that a single one is sufficient. And the reason he requires two is that they might act as witnesses in the case, if required.

R. Ashi said: We may infer from this that no Kinyar⁶ is needed for arbitration, for if it be thought necessary, why does the Tanna in question require three? Surely two should suffice, the two parties being bound by Kinyan!⁷ The adopted law however, is that arbitration requires Kinyan [even when made by three].⁸

Our Rabbis taught: Just as for legal judgment three are required, so are three required for settlement by arbitration. After a case has been decided by legal judgment, thou must not attempt a settlement.

(1) I.e. the majority opinion is that the decision of two is valid.

(2) Why should Samuel, unlike R. Abbahu, hold that the Rabbis differ from R. Simeon b. Gamaliel?

(3) B. K. 100a. It is thus seen that the decision of even one is valid.

(4) I.e. their point of difference is thus the same as that between R. Abbahu and Samuel.

(5) Supra 5b.

(6) A formal act of acquisition effected when two enter into mutual obligation.

(7) Pledging themselves to adhere to the award.

(8) Because, strictly speaking, the decision is not one of law, and unless the parties have bound themselves by Kinyan, they can retract.

Talmud - Mas. Sanhedrin 6b

(Mnemonic: Sarmash Bankash.)¹

R. Eliezer the son of R. Jose the Galilean says: It is forbidden to arbitrate in a settlement, and he who arbitrates thus offends, and whoever praises such an arbitrator [bozea'] contemneth the Lord, for it is written, He that blesseth an arbiter [bozea'], contemneth the Lord.² But let the law cut through the mountain,³ for it is written, For the judgment is God's.⁴ And so Moses's motto

was: Let the law cut through the mountain. Aaron, however, loved peace and pursued peace and made peace between man and man, as it is written, The law of truth was in his mouth, unrighteousness was not found in his lips, he walked with Me in peace and uprightness and did turn many away from iniquity.⁵

R. Eliezer says: If one stole a se'ah [a measure] of wheat, ground and baked it and set apart the Hallah,⁶ what benediction can he pronounce? This man would not be blessing, but contemning, and of him it is written, The robber [bozea'] who blesseth, contemneth the Lord.⁷

R. Meir says: This text refers to none but Judah, for it is written, And Judah said to his brethren, What profit [beza'] is it if we slay our brother?⁸ And whosoever praises Judah, blasphemes, as it is written, He who praiseth the man who is greedy of gain [bozea'] contemneth the Lord.⁹ R. Judah b. Korha says: Settlement by arbitration is a meritorious act, for it is written, Execute the judgment of truth and peace in your gates.¹⁰ Surely where there is strict justice there is no peace, and where there is peace, there is no strict justice! But what is that kind of justice with which peace abides? — We must say: Arbitration.¹¹ So it was in the case of David, as we read, And David executed justice and righteousness [charity] towards all his people.¹² Surely where there is strict justice there is no charity, and where there is charity, there is no justice! But what is the kind of justice with which abides charity? — We must say: Arbitration.

But the following interpretation of this verse will accord with the First Tanna [who holds arbitration to be prohibited]: In rendering legal judgment, David used to acquit the guiltless and condemn the guilty; but when he saw that the condemned man was poor, he helped him out of his own purse [to pay the required sum], thus executing judgment and charity, justice to the one by awarding him his dues, and charity to the other by assisting him out of his own pocket. And therefore Scripture says, David practised justice and charity towards all his people.¹³

Rabbi, however, objected to this interpretation, for in that case [he said], the text ought to have read 'towards the poor' instead towards all his people? Indeed, [he maintained,] even if he had not given assistance out of his own pocket, he would nevertheless have executed justice and charity; justice to the one by awarding him his dues, and charity to the other by freeing him from an ill-gotten thing in his possession.

R. Simeon b. Manasya says: When two come before you for judgment, before you have heard their case, or even afterwards, if you have not made up your mind whither¹⁴ judgment is inclining,¹⁵ you may suggest to them that they should go and settle the dispute amongst themselves. But if you have already heard their case and have made up your mind in whose favour the verdict inclines, you are not at liberty to suggest a settlement, for it is written: The beginning of strife is as one that letteth out water. Therefore, leave off contention before the quarrel break out.¹⁶ Before the case has been laid bare, you may leave off [give up] the contention;¹⁷ after the case has been laid bare, you cannot leave it off.

The view of Resh Lakish¹⁸ is as follows: When two men bring a case before you, one weak [i.e. of small influence], the other strong [of great influence], before you have heard their case, or even after, so long as you are in doubt in whose favour judgment is inclining, you may tell them: 'I am

not bound to decide in your case', lest the man of great influence should be found guilty, and use his influence to harass the judge. But, if you have heard their case and know in whose favour the judgment inclines, you cannot withdraw and say, I am not bound to decide in your case', because it is written: Ye shall not be afraid of the face of any man.¹⁹

R. Joshua b. Korha says: Whence do we know that a disciple, who is present when his master judges a case and sees a point which would tell in favour of a poor man or against a rich man, should not keep silence?. From the words of the text: Ye shall not be afraid [lo taguru] of the face of any man.²⁰ R. Hanin explains this word to mean, 'Ye shall not hold back your words because of anyone.'²¹ Further, witnesses should know against whom they are giving evidence, before whom they are giving evidence and who will call them to account [in the event of false evidence]. For it is written: Then both the men, between whom the controversy is, shall stand before the Lord.²² Judges should also know whom it is they are judging, before whom they are judging, and who will call them to account [if they pervert justice], as it is written: God standeth in the Congregation of God [in the midst of judges doth He judge].²³ And thus it is said, concerning Jehoshaphat, He said to the judges, Consider what ye do, for ye judge not for man, but for the Lord.²⁴ And lest the judge should say: Why have all this trouble and responsibility? It is further said: He is with you in giving judgment.²⁴ The judge is to be concerned only with what he actually sees with his own eyes.

When is judgment to be regarded as rendered [i.e. at which point is arbitration forbidden]? — Rab Judah, in the name of Rab. says: On the pronouncement of the words: So and so, thou art guilty; or, so and so, thou art not guilty.

Rab says: the halachah is in agreement with R. Joshua b. Korha [who holds arbitration to be a meritorious act]. How can this be? Was not R. Huna a disciple of Rab, and yet, when a case was brought to him, he would ask the litigants whether they desired to resort to law or to a settlement?²⁵ As to the expression, 'meritorious act which R. Joshua b. Korha uses, he means

(1) Mnemonic device to recollect names of authorities that follow: Jose, Eliezer, Meir, Joshua, Rabbi, Simeon b. Manasya, Judah b. Lakish. Joshua b. Karha. These letters have been chosen because they afford in addition aids to their respective statements, v. Hyman. Toledoth, I, p. 23]

(2) Ps. X. 3. The root-meaning of **gmuc** is 'to cut'; hence the word translated, 'covetous', is taken in the sense of an arbiter in a compromise, when the difference between two claims is split.

(3) Take its course.

(4) Deut I, 17. And no court has the right to tamper with it.

(5) Mal. II, 6.

(6) Priest's share of the dough. Num XV, 20-21.

(7) Ps. X, 3. Lit. 'he who is greedy of gain etc.' Cf. Prov. I, 19.

(8) **gmc**, Gen. XXXVII, 26.

(9) Taking **gmuc** as object of the verb 'who praiseth'.

(10) Zech. VIII, 16.

(11) Because the strict application of the law does not always set both parties at peace.

(12) II Sam. VIII, 15. It is noteworthy that 'charity to the poor', in the usage of Rabbinic speech, is described by Zedakah — a word denoting 'righteousness', 'just doing'.

- (13) Ibid.
- (14) I.e., In whose favour.
- (15) I.e., before the court becomes cognisant of the respective merits of the litigants.
- (16) Prov. XVII, 14.
- (17) I.e.. suggest a settlement.
- (18) Other readings: (a) R. Judah b. Lakish. (b) R. Joshua b. Lakish. V. **x"av , ruxn** a.l.
- (19) Deut. I, 17.
- (20) Ibid.
- (21) **urud**, from **rdt** 'gather in'. According to the Tosef., and other versions, R. Joshua b. Korha is the author of this interpretation.
- (22) Deut. XIX, 17. This refers to the witnesses (cf. Shebu. 30a).
- (23) Ps. LXXXII, 1.
- (24) II Chron. XIX, 6.
- (25) Hence we see that Rab does not favour R. Joshua b. Korha's opinion, as it is unlikely that R. Huna the disciple would deviate from the ruling of his master.

Talmud - Mas. Sanhedrin 7a

that it is a meritorious act to ask the litigants whether they wish to resort to law or to a settlement. If so, this agrees with the opinion of the first Tanna?¹ There is this difference, however: R. Joshua b. Korha regards this as a moral obligation; the first Tanna merely as a permissible act. But this would make the first Tanna express the same opinion as R. Simeon b. Manasya? — The difference centres round the latter part of R. Simeon's statement: 'If you have already heard the case and know in whose favour the verdict inclines, you are not at liberty to suggest a settlement', [a distinction which the first Tanna does not admit].

A difference of opinion is expressed by R. Tanhum b. Hanilai, who says that the verse quoted² refers only to the story of the golden calf, as it is written: And when Aaron saw it, he built an altar before it.³ What did he actually see? — R. Benjamin b. Japhet says, reporting R. Eleazar: He saw Hur lying slain before him and said [to himself]: If I do not obey them, they will now do unto me as they did unto Hur, and so will be fulfilled [the fear of] the prophet, Shall the Priest and the Prophet be slain in the Sanctuary of God?⁴ and they will never find forgiveness. Better let them worship the golden calf, for which offence they may yet find forgiveness through repentance.⁵

And how do those other Tannaim, who allow a settlement even when a case has been heard, interpret the verse: The beginning of strife is as one that letteth out water?⁶ They interpret it as does R. Hamnuna. For R. Hamnuna says: The first matter for which a man is called to give account in the Hereafter is regarding the study of the Torah, as it is said: The beginning of judgment⁷ concerns the letting out of water.⁸

R. Huna says [with reference to this verse]: Strife is compared to an opening made by a rush of water that widens as the water presses through it.

Abaye the Elder⁹ says: Strife is like the planks of a wooden bridge; the longer they lie, the firmer they grow.

(‘Mnemonic: Hear, And Two, Seven, Songs, Another.’)¹⁰

There was a man who used to say: Happy is he who hears abuse of himself and ignores it; for a hundred evils pass him by. Samuel said to Rab Judah: This is alluded to in the verse: He who letteth out water [of strife] causeth the beginning of madon¹¹ [the numerical value of which is a hundred].¹² that is, the beginning of a hundred strifes.

Again, there was a man who used to say: Do not be surprised if a thief goes unhangd for two or three thefts; he will be caught in the end. Samuel said to Rab Judah: This is alluded to in the verse: Thus saith the Lord: for three transgressions of Judah, but for four I will not reverse it¹³ [i.e. My judgment].

Another used to say: Seven pits lie open for the good man [but he escapes]; for the evil-doer there is only one, into which he falls. This, said Samuel to Rab Judah, is alluded to in the verse: The righteous man falleth seven times and riseth up again.¹⁴

Yet another used to say: Let him who comes from a court that has taken from him his cloak sing his song and go his way.¹⁵ Said Samuel to Rab Judah: This is alluded to in the verse, And all this people also [i.e. including the losers] shall come to their place in peace.¹⁶

There was yet another who used to say: When a woman slumbers the [working] basket drops off her head.¹⁷ Said Samuel to Rab Judah: This is alluded to in the verse, By slothfulness the rafters sink in.¹⁸

Another man used to say: The man on whom I relied shook his fist at me.¹⁹ Samuel said to Rab Judah: This is alluded to in the verse: Yea, mine own familiar friend, in whom I trusted and who did eat of my bread, hath lifted up his heel against me.²⁰

Another used to say: When love²¹ was strong, we could have made our bed on a sword-blade; now that our love has grown weak, a bed of sixty [cubits] is not large enough for us. Said R. Huna: This is alluded to in the verses: Of the former age [when Israel was loyal to God] it is said: And I will meet with thee and speak with thee from above the ark-cover;²² and further it is taught: The Ark measured nine hand-breadths high and the cover one hand-breadth, i.e. ten in all. Again it is written: As for the House which King Solomon built for the Lord, the length thereof was three score cubits, the breadth thereof twenty cubits, and the height thereof thirty cubits.²³ But of the latter age [when they had forsaken God] it is written: Thus saith the Lord, The Heaven is my throne and the earth my footstool. Where is the house that ye may build unto me?²⁴

What evidence is there that the verb taguru [translated ‘be afraid’] can also be rendered ‘gather in’?²⁵ R. Nahman answered by quoting the verse: Thou shalt neither drink of the wine nor gather [te'egor] the grapes.²⁶ R. Aha b. Jacob says that it can be proved from the following verse: Provideth her bread in the summer and gathereth [agerah] her food in the harvest.²⁷ R. Aha the son of R. Ika says it can be derived from the following verse: A wise son gathereth [oger] in summer.²⁸

(Mnemonic: Truth, Money, Shall See.)

R. Nahman said, reporting R. Jonathan: A judge who delivers a judgment in perfect truth²⁹ causes the Shechinah to dwell in Israel, for it is written: God standeth in the Congregation of God; in the midst of the judges He judgeth.³⁰ And he who does not deliver judgments in perfect truth causes the Shechinah to depart from the midst of Israel, for it is written: Because of the oppression of the poor, because of the sighing of the needy, now will I arise, saith the Lord.

Again. R. Samuel b. Nahmani, reporting R. Jonathan. said: A judge who unjustly takes the possessions³¹ of one and gives them to another, the Holy One, blessed be He, takes from him his life, for it is written: Rob not the poor because he is poor; neither oppress the afflicted in the gate', for the Lord will plead their cause, and will despoil of life those that despoil them.³²

R. Samuel b. Nahmani further said, reporting R. Jonathan: A judge should always think of³³ himself as if he had a sword hanging over his head³⁴ and Gehenna³⁵ gaping under him,

(1) Who holds that arbitration may be suggested before the verdict is given.

(2) Ps. X, 3.

(3) Ex. XXXII, 5.

(4) Lam. II, 20.

(5) He thus made a compromise, and this compromise is denounced by the Psalmist.

(6) Prov. XVII, 14.

(7) **iūsn** 'Strife' or 'judgment'.

(8) I.e. the Torah, which is compared by the Rabbis to water. V. Ex. Rab. II, 9.

(9) Abaye Kashisha, as distinct from the more famous Abaye. In fact, the latter quotes him in Keth. 94a.

(10) Or, 'Hear, Vashti, Seven, Songs, Another'; Vashti and 'And Two' being spelled alike in Hebrew, **h, au** V. p. 21, n. 5.

(11) Prov. XVII, 14.

(12) **iūsn** = 40,4,6,50 respectively — 100 in all.

(13) Amos II, 6. Taken as an elliptical verse, with the meaning: 'Though I may reverse or keep back My judgment for the first three offences, punishment shall not be withheld for the fourth.'

(14) Prov. XXIV, 16.

(15) He should be happy that he was relieved of an ill-gotten thing.

(16) Ex. XVIII, 23.

(17) Carelessness is the immediate cause of ruin.

(18) I.e. the house falleth to decay. Ecc. X, 18.

(19) Or, 'raised his club against me.'

(20) Ps. XLI, 10.

(21) Between my wife and myself.

(22) Ex. XXV, 22.

(23) I Kings VI, 2.

(24) Isa. LXVI, 1. Thus at first the Shechinah rested on an Ark of small dimensions, but when Israel sinned, even Solomon's Temple was too small.

(25) Referring back to p. 24.

(26) Deut. XXVIII, 39. **rdt**, .

(27) Prov VI, 8. **vrdt**

(28) Ibid. X, 5. **rdut**

(29) Lit. 'true to its own truth', i.e. an absolutely true verdict which can be arrived at by the judge if he endeavours to find out the truth himself and does not rely on the evidence alone. V. Tosaf B.B. 8b; Meg. 15b.

(30) Ps.LXXXII, 1. (10) Ibid. XII, 6.

(31) Lit., 'money'.

(32) Prov. XXII, 22-23.

(33) Lit., 'see'.

(34) Lit. 'resting between his flanks'.

(35) V. Glos.

Talmud - Mas. Sanhedrin 7b

for it is written, Behold, it is the litter of Solomon [symbolically the Shechinah], and round about it three score of the mighty men of Israel [symbolising the scholars]; they all handle the sword and are expert in war [in debates] and every man has his sword upon his flank because of the dread in the night.¹ [the dread of Gehenna, which is likened unto night].

R. Josiah, or, according to others, R. Nahman b. Isaac, gave the following exposition: What is the meaning of the verse, O house of David, thus saith the Lord: Execute justice in the morning and deliver the spoiled out of the hand of the oppressor!² Is it only in the morning that one acts as judge and not during the whole day? — No, it means: If the judgment you are about to give is clear to you as the morning [light], give it; but if not, do not give it.

R. Hiyya b. Abba says: R. Johanan derived this from the following verse: Say unto wisdom, Thou art my sister.³ If the matter is as clear to you as is the prohibition of your sister [in marriage], give your decision, but not otherwise.

R. Joshua b. Levi says: If ten judge a case, the chain hangs on the neck of all,⁴ Is not this self-evident? — This need not be stated except in reference to the case of a disciple who sits in the presence of his master, and allows to pass unchallenged an erroneous decision of his master.

When a case was submitted to R. Huna he used to summon and gather ten schoolmen, in order, as he put it, that each of them might carry a chip from the beam.⁵

R. Ashi, when a terefal⁶ was submitted to him for inspection, sent and gathered all the slaughterers of Matha Mehasia, in order, as he put it, that each of them should carry a chip from the beam.

When R. Dimi came [from Palestine] he related that R. Nahman b. Kohen had given the following exposition of the verse, The King by justice establisheth the land, but he that loveth gifts overthroweth it.⁷ If the judge is like a king, in that he needs no one's help, he establishes the land, but if he is like a priest who goes about threshing floors to collect his dues, he overthrows it.

The members of the Nasi's⁸ household once appointed an incompetent teacher,⁹ and the Rabbis said to Judah b. Nahmani, the interpreter¹⁰ of Resh Lakish: Go and stand at his side as interpreter. Standing by him, he [Judah] bent down to hear what he wished to teach, but the teacher made no attempt to say anything. Thereupon R. Judah took as his opening text: Woe unto him who saith unto wood: Awake! — to the dumb stone: Arise! Can this teach? Behold, it is overlaid with gold and silver, and there is no breath at all in the midst of it;¹¹ but the Holy One, blessed be He, [he proceeded], will call to account those who set them up, as it is written: But the Lord is in His holy Temple; let all the earth, keep silence before Him.¹²

Resh Lakish said: He who appoints an incompetent judge over the Community is as though he had planted an Asherah¹³ in Israel, for it is written: Judges and officers shalt thou appoint unto thee, and soon after it is said: Thou shalt not plant thee Asherah of any kind of tree.¹⁴ R. Ashi said: And if such an appointment be made in a place where scholars are to be found, it is as though the Asherah were planted beside the Altar, for the verse concludes with the words: beside the altar of the Lord thy God.¹⁵

Again, it is written: Ye shall not make with Me gods of silver or gods of gold.¹⁶ Is it only gods of silver and gold that may not be made, while those of wood are permitted? — The verse, says R. Ashi, refers to judges appointed through the power of silver or gold.

Rab, whenever he was to sit in court used to say: Of his own free will he [the judge] goes to meet death. He makes no provision for the needs of his household, and empty does he return home. Would only that he returned [as clean of hand] as he came!¹⁷ When [at the entrance] he saw a crowd escorting him, he said: Though his excellency mount up to the heavens, and his head reach unto the clouds, yet he shall perish for ever like his own dung.¹⁸

Mar Zutra the Pious, as he was carried shoulder-high¹⁹ on the Sabbaths preceding the Pilgrimage Festivals [when he preached on the Festival Laws], used to quote the verse: For riches are not for ever, and doth the crown endure unto all generations?²⁰

Bar Kappara said in a lecture: Whence can we derive the dictum of our Rabbis: Be deliberate in judgment? From the words: Neither shalt thou go up by steps upon My altar.²¹ For this is followed by: And these are the judgments . . .²²

R. Eleazar said: Whence is it to be derived that a judge should not trample over the heads of the people?²³ It is written: Neither shalt thou go up by steps [i.e. force thy way] upon My altar; and this is followed by: And these are the judgments.

The same verse continues: which thou shalt set before them. It should have stated: which thou shalt teach them. R. Jeremiah, or according to some, R. Hiyya b. Aha, said: This refers to the insignia of the judges [which they have to set before the public].²⁴

R. Huna, before entering the Court, used to say: Bring forth the implements of my office: the rod,²⁵ the lash;²⁶ the horn;²⁷ and the sandal.²⁸

Again. it is written: And I charged your judges at that time.²⁹ R. Johanan said: This is a warning to them to use the rod and lash with caution.

Again: Hear [the causes] between your brethren and judge righteously.³⁰ This, said R. Hanina, is a warning to the court not to listen to the claims of a litigant in the absence of his opponent; and to the litigant not to explain his case to the judge before his adversary appears. Shamo'a³¹ [hear], in the verse, can also be read, shammea'.³²

R. Kahana, however, says: We can derive this rule from the verse: Thou shalt not take up [tissa] a false report³³ [referring to the judge], which may be read, tashshi.³⁴

As for the text quoted above, You shall judge righteously.³⁵ Resh Lakish says that it means: Consider rightly all the aspects of the case before giving the decision.

As for the words, Between a man and his brother . . . R. Judah says that this refers to disputes between brothers about trifles such as, for instance, who should occupy the lower and who the upper part of a house. And the stranger that is with him . . . This, says R. Judah, refers even to so insignificant a dispute as one concerning a stove and an oven.³⁶

You shall not respect persons [lo takkiru] in judgment.³⁷ R. Judah says this means: You shall not favour [lit. recognise] any one [even if he is your friend]; and R. Eleazar takes it to mean; You shall not estrange anyone [even if he is your enemy].³⁸

A former host of Rab came before him with a law-suit, and said: 'Were you not once my guest?' 'Yes,' he answered, [and what is your wish?]³⁹ 'I have a case to be tried,' he replied. 'Then,' said Rab,

(1) Cant. III, 7-8.

(2) Jer. XXI, 12.

(3) Prov. VII, 4.

(4) I.e., all share the responsibility.

(5) I.e. share the responsibility with him.

(6) An animal afflicted with an organic disease.

(7) Prov. XXIX, 4.

(8) Judah II.

(9) Lit., 'judge'.

(10) Whose function it was to expound aloud to the audience what the teacher had spoken concisely and in a low voice.

(11) Hab. II, 19.

(12) Ibid.

(13) A sacred tree or pole associated with the ancient Semitic cults.

(14) Deut. XVI. 18-19.

(15) The scholars are compared to the Altar, because they impress upon sinners that they should mend their ways. Cf. Rashi a.l.

(16) Ex. XX, 23.

- (17) He gave expression to the thankless nature of the judge's task, full of responsibility and fraught with danger.
- (18) Job XX, 6-7.
- (19) Being advanced in age and unable to walk quickly, he was carried, so that the audience should not have to wait long for his arrival.
- (20) Prov. XXVII, 24.
- (21) Ex. XX, 26.
- (22) The juxtaposition shows that for judgments, one should proceed slowly and avoid large paces, as one does on ascending the altar.
- (23) Listeners usually sat on the floor, and by forcing his way through the crowd, it would appear as if he were trampling over their heads.
- (24) V. passage below and Notes 1-4.
- (25) For beating, according to the court's discretion.
- (26) For the thirty-nine stripes. Deut. XXV, 3.
- (27) Blown for excommunication.
- (28) For Halizah, v. Glos.
- (29) Deut. I, 16.
- (30) Ibid.
- (31) **gna**
- (32) **gna** In the Pi'el, which has a causative sense, (make hear).
- (33) Ex. XXIII, 1. **ta**,
- (34) **thw**, , in the hiph'il from **tab** 'entice', 'induce', 'mislead', with reference to the litigant that he should not attempt to win over the judge to his side by stating his case in the absence of his adversary.
- (35) Deut. I, 16.
- (36) **urd** interpreted here as sojourner', who sojourns in the same house. The nature of the disputes between them will be mostly over articles associated with the household — stoves and ovens.
- (37) Deut. I, 16.
- (38) R. Eleazar interprets takkiru as if it were tenakkru **urfb**, .
- (39) [So Rashi According to Rashal, Rab asked, on seeing the man: Are you not my former host?' The man replied. Yes! Thereupon Rab asked him, 'What is your wish', the words in brackets being embodied in the text.]

Talmud - Mas. Sanhedrin 8a

'I am disqualified from being your judge,' and turning to R. Kahana, said: 'Go you and judge the case'. R. Kahana noticed that the man presumed too much on his acquaintance with Rab, so he remarked: 'If you will submit to my judgment, well and good; If not, I shall put Rab out of your mind [by showing you my authority].'¹

Ye shall hear the small and the great alike.² Resh Lakish says: This verse indicates that a law-suit involving a mere perutah³ must be regarded as of the same importance as one involving a hundred mina.⁴ For what practical purpose is this laid down? If it is to urge the need of equal consideration and investigation, is it not self-evident! Rather, it is to give the case due priority, if it should be first in order.

For the judgment is God's.⁵ R. Hamma, son of R. Hanina, comments: The Holy One, blessed be He, hath said: It is not enough for the wicked [judges] that they take away money from one and

give it to another unjustly, but they put Me to the trouble of returning it to its owner.

And the cause that is too hard for you, bring unto me.⁶ R. Hanina, [according to some, R. Josiah,] says: For this utterance Moses was punished,⁷ as we can infer from this later passage: And Moses brought their cause before the Lord.⁸

R. Nahman objects to this comment, and asks: Did Moses say: 'Bring it unto me and I will let you hear it'? No, he said: 'I will hear it; if I am instructed, it is well! If not, I will get me instruction [how to deal with it]'. And the case of the daughters of Zelophehad is to be explained as was taught:⁹ The section relating to the laws of inheritance was intended to have been written at the instance of Moses our Teacher. The daughters of Zelophehad, however, were found worthy to have the section recorded on their account. Similarly, the law concerning the gathering of sticks on the Sabbath¹⁰ was to have been written at the instance of Moses our Teacher. The gatherer, however, was found culpable, and so it was recorded on his account. This is to teach us that evil is brought about through the agency of sinful men, and good through that of worthy men.

And I charged your judges at that time;¹¹ and again, I charged you at that time.¹² R. Eleazar, on the authority of R. Simlai, says: These passages are a warning to the Congregation to revere their judges, and to the judges to bear patiently with the Congregation. To what extent! — R. Hanan, [some say R. Shabatai,] says: As the nursing father carrieth the sucking child.¹³

One text reads: For thou [Joshua] must go with this people, etc.¹⁴ And another text says: For thou shalt bring the Children of Israel.¹⁵ R. Johanan said: Thou shalt be like the elders of the generation that are among them.¹⁶ But the Holy One, blessed be He, said to Joshua: Take a stick and strike them upon their head;¹⁷ there is only one leader to a generation not two.

A Tanna taught: A summons [Zimmun]¹⁸ requires three. What is meant by a summons? Shall I say it means a summons to say Grace after a common meal?¹⁹ But has it not been already taught that a summons and a summons to Grace need three?²⁰ Again, you cannot maintain that they both mean the same thing, the latter phrase merely explaining the earlier [and both referring to a summons to Grace], since it has been taught: A summons needs three, and a summons to Grace needs three [i. e., Zimmun is here particularly specified afresh as requiring three persons] — 'Summons' here, consequently, must mean a summons to appear before Court. As Raba said: When three judges sit in judgment, and the Court messenger, on summoning to Court, conveys the summons in the name of one only, the summons is of no account until he has brought it in the names of all three. This procedure, however, is necessary only on an ordinary day; on a Court-day²¹ it is not necessary.

R. Nahman, son of R. Hisda, sent to ask R. Nahman b. Jacob: Would our teacher inform us how many judges are required for the adjudication of cases of Kenas? But what did his question imply? Surely we learnt, THE REPAYMENT OF THE DOUBLE²² BY THREE. What he meant to ask was whether or not cases of fine may be adjudicated by one Mumheh. R. Nahman b. Jacob said to him: We have learnt, THE REPAYMENT OF DOUBLE OR OF FOUR OR FIVE-FOLD RESTITUTION, BY THREE. Now what kind of persons are these three to be? Shall I say they are commoners? But did not your father's father say, in the name of Rab, that even

ten commoners are incompetent to adjudicate cases of fine? Hence it must refer to Mumhin, and even of these, three are required.

BUT THE SAGES HOLD THAT A CASE OF LIBEL²³ REQUIRES A COURT OF TWENTY-THREE, etc. But, even though it may lead to capital punishment, what does it matter? [Since there are no witnesses yet known to be available, to corroborate the husband's suspicion, is it not merely a monetary case, involving only the Kethubah]?²⁴

‘Ulla says that the point of dispute [in the Mishnah between R. Meir and the Sages] is whether we consider seriously the effect of the husband's allegation.²⁵ R. Meir does not consider seriously the effect of the allegation — while the Rabbis do.

Raba says that all agree that the effect of the allegation need not be seriously considered.²⁶ They differ, however, as to whether [in cases where the judges have been reduced in number]²⁷ the honour of those who retired has to be considered or not. The actual case treated here is where the husband — [having had expectations of supporting his allegation with evidence,] appeared before a court of twenty-three²⁸ assembled to judge a capital case. Afterwards, [when he could not produce the required witnesses,] the Court began to disperse, and he then appealed to it that three should remain to decide his monetary claim.²⁹ [The Sages, in order to protect the dignity of those judges who would have left, require them to reassemble, while R. Meir does not hold this view.]

(1) Lit., ‘I shall get Rab out of your ears’; i.e., by applying the sanctions of excommunication

(2) Deut. I, 17

(3) The smallest of coins.

(4) A weight in gold or silver, equal to one hundred shekels.

(5) Deut. I, 17.

(6) Ibid.

(7) Because he attached too much authority to himself.

(8) Num. XXVII, 5 i.e., the case of the daughters of Zelophehad which he knows not how to decide.

(9) B.B. 119a.

(10) Num. XV, 32.

(11) Deut. I, 16.

(12) Ibid. I, 18.

(13) Num. XI, 12.

(14) Deut. XXXI, 7. Where Moses thus places Joshua on an equality with the people.

(15) Ibid. 23. Where Joshua is declared their leader.

(16) [So Yad Ramah a.l.

(17) I.e., show your authority.

(18) **iurhz** Invitation or summons.

(19) By inviting the guests to join in saying Grace.

(20) Which shows that Zimmun is not identical with Grace said by invitation.

(21) Usually Mondays and Thursdays.

(22) Which is also Kenas.

(23) An accusation made by a husband against his wife, that she was not a virgin at marriage. If adultery is not

proved, the accused as a non-virgin, suffers the loss of half the amount payable to her under the Kethubah (see note 4). If the woman is found guilty of adultery during her betrothed state, she is stoned. Hence the dispute in the Mishnah between R. Meir and the Sages. In Talmudic days Betrothal bound the couple as husband and wife, save for cohabitation and minor details.

(24) The marriage contract containing, among other things, the settlement on the wife of a minimum of two hundred zuz if she was a virgin, and a hundred zuz if she was not a virgin at marriage. This amount, payable on her husband's death, or on her being divorced, the woman forfeits on a charge of infidelity committed during her betrothed state. (See Keth. 10b, and Rashi and Tosaf. a.l.).

(25) Lit., 'gossip'. As soon as the charge is made before the Court, the report might be bruited, and witnesses, of whom the husband may be at the moment unaware, may come to support it, the charge thus becoming capital.

(26) And in the absence of witnesses three judges alone are sufficient.

(27) V. infra.

(28) As is required for a capital case.

(29) The husband's allegation of non-virginity is accepted by the rabbis even without evidence, in respect of the Kethubah. v. Keth. 10a.

Talmud - Mas. Sanhedrin 8b

The scholars, however, raised an objection from the following: The Sages say: If there is only a monetary claim, three are sufficient; if it involves capital punishment, twenty-three are needed.¹ This may be correct according to Raba,² [in which case the Baraitha should be understood thus:] If [the husband did not offer support of his allegation] his claim, being then only monetary, is decided by three. If however he proposed to bring evidence [on which basis a court of twenty-three was set up], as for a capital charge, but in the end, [owing to the failure to produce witnesses,] only makes a monetary claim, nevertheless the twentythree remain. But how would 'Ulla³ explain the Baraitha? Raba said: [In answer] I and the lion⁴ of the group, namely R. Hiyya b. Abin, have elucidated it. The case in question is one in which the husband attested his wife's guilt by witnesses. Her father, however, brought witnesses refuting their evidence.⁵ In that case the father's monetary claim from the husband⁶ is decided by three.⁷ But in a case [where witnesses have not yet been produced and consequently not refuted, and] which may yet turn out a capital charge, twenty-three are required.

Abaye says that all [even R. Meir] agree that the eventual effect of the allegation is to be taken into consideration, as well as the honour of the judges who had retired. And the reason that three are sufficient, according to R. Meir, is that the case treated here is that of a woman who, before committing adultery, was cautioned in general terms [as to the penalty of death to which she would make herself liable, but without the kind of death being defined]. And his opinion concurs with that of the following Tanna: For it has been taught:⁸ All those under sentence of death according to the Torah are to be executed only by the decree of a court of twenty-three, after proper evidence and warning, and provided the warners have let them know that they are liable to a death sentence at the hand of the Court. According to R. Judah, the warners must also inform them of the kind of death they would suffer [and failing that, they are not to be executed].⁹

R. Papa¹⁰ said: The case discussed here is that of a scholarly woman who received no warning at all; and they differ according to the difference of opinion between R. Jose b. Judah and the

[other] Rabbis. For it has been taught: R. Jose b. Judah, [with whom the Rabbis who oppose R. Meir agree.] holds that a scholar¹¹ is held responsible for his crimes even without being formally warned, as warning is only a means of deciding whether one has committed the crime wilfully or not.¹²

R. Ashi says,

(1) Tos. cf. Sanh. I.

(2) According to whom even the Rabbis agree that the husband's allegation alone can involve only a monetary claim.

(3) In whose opinion the rabbis consider the husband's suspicions alone as involving a capital charge.

(4) The distinguished one.

(5) By proving them to be Zomemim, 'plotters', 'schemers', as having been absent at the time of the alleged offence and so subject to the penalties under the law of retaliation. V. Deut. XIX, 18-19, and Mak. I, 2-4. V. Glos.

(6) The hundred pieces of silver, compensation for libel. V. Deut. XXII, 19.

(7) Even according to 'Ulla, the rabbis no longer apprehend the appearance of witnesses, because the husband's evidence was in the beginning false; neither is his allegation of non-virginity considered in this case, even in connection with the Kethubah, since he has become discredited.

(8) Tosef. Sanh. X.

(9) Consequently, in this case the woman is not liable to death, nor can any capital punishment follow.

(10) Who is in agreement with Abaye.

(11) Haber, v. Glos.

(12) In this case, even without warning, capital punishment is involved, and hence twenty-three are required.

Talmud - Mas. Sanhedrin 9a

R. Meir and the Rabbis treat of a case where the woman was cautioned in regard to her liability to lashes¹ only and not to capital punishment; and they differ in accordance with the difference of opinion between R. Ishmael and the [other] Rabbis. For we learnt: CASES INVOLVING LASHES BY THREE JUDGES; IN THE NAME OF R. ISHMAEL IT IS SAID BY TWENTY-THREE.

Rabina said that [R. Meir and the Rabbis are dealing with a case] where one of the witnesses, [who testified to the woman's guilt,] was found afterwards to be a relative or otherwise disqualified. Their point of difference is the same as that in which R. Jose and Rabbi differ in applying the opinion of R. Akiba. For we learnt: R. Akiba says that the third witness² is mentioned in the Torah, [not for the purpose of making him less responsible], but, on the contrary, to increase his responsibility, by making his status equal to that of the other two, indicating, incidentally, that if Scripture punishes as sinners those who associate with sinners, much more will it reward those who associate with men who fulfil the commandments, as though they themselves had actually fulfilled them.³ And just as in the case of two witnesses, if one is found to be a near kinsman or otherwise disqualified⁴ person, the whole testimony is rendered void, so in the case of three witnesses, the disqualification of one invalidates the whole evidence. And whence do we infer that this law would apply even if the number of witnesses reached a hundred? — We infer it from the repetition of the word witnesses.⁵ R. Jose says: These

aforementioned limitations apply only to witnesses in capital charges, whereas, in monetary cases, the evidence offered can be established by those remaining. Rabbi says it is one and the same rule; whether in monetary or capital cases the evidence becomes equally void, that is, provided the disqualified witnesses took part in the prerequisite warning. But if they were not among those who gave the warning, why should the evidence be affected by disqualified witnesses?

(1) Deut. XXV, 3.

(2) Deut. XIX, 15. Since the testimony of two suffices, the mention of the third seems superfluous. V. Mak. 5b.

(3) Lit., 'as those who fulfil the commandments'.

(4) By reason of status, crime, evil repute and infamous bearing. V. infra, fol. 24b.

(5) Deut. XIX, 15. V. Mak. 5b.

Talmud - Mas. Sanhedrin 9b

And what would be the situation of three acting as witnesses in a murder case, of whom two were brothers?¹ Or if you wish, you may say that the case [of the Mishnah] is one where the woman was warned by others and not by the witnesses. The point of difference, again, is the same as that between R. Jose and the Rabbis, as we learnt.² R. Jose says: A criminal cannot be executed unless he was cautioned by two who witnessed the crime, for it says: At the mouth of two witnesses or three shall he be put to death.³

Or, if you prefer, you may say that [R. Meir and the Rabbis differ in a case] where the witnesses contradicted themselves during the Court cross-examination regarding accompanying circumstances⁴ but corroborated each other during cross-examination [on such matters as date, time and place]. And their point of dispute is that of the principle on which the Rabbis and Ben Zakkai differ; for we learnt:⁵ Ben Zakkai once examined the witnesses minutely, enquiring as to the size of the prickles on the fig-[tree under which a certain crime had been committed].⁶

R. Joseph said: If a husband has produced witnesses testifying to his wife's guilt, and her father has brought witnesses refuting their evidence,⁷ the former are liable to death⁸ but are exempted from paying [the value of the Kethubah].⁹ If, however, the husband has again brought witnesses to refute the father's witnesses, the latter are then liable to death¹⁰ and also to pay the fines¹¹ — the money fine for intended injury to one person, and the death penalty for intended death to another.

R. Joseph again said: If a man says that so and so committed sodomy with him against his will, he himself with another witness can combine to testify to the crime. If, however, he admits that he acceded to the act, he is a wicked man [and therefore disqualified from acting as witness] since the Torah says: Put not thy hand with the wicked to be an unrighteous witness.¹² Raba said: Every man is considered a relative to himself, and no one can incriminate himself.¹³ Again Raba said:

(1) In this case the disqualified brother must not have participated in the warning, or the whole evidence is void. If he did not participate in the warning, the evidence of the remaining two holds good. Hence, in such a case the Rabbis, holding with Rabbi that the evidence is not invalidated by the presence of one disqualified witness,

consider this a capital charge requiring twenty-three.

(2) Mak. 6b.

(3) Deut. XVII, 6.

(4) V. p. 225.

(5) Infra 40a.

(6) Hence, according to R. Meir, who agrees with Ben Zakkai, the testimony is invalidated as a result of contradictions in the evidence regarding accompanying circumstances.

(7) I.e., they proved them Zomemim, v. Glos.

(8) For intending to bring about the death of the woman according to the law of retaliation. Deut. XIX, 16 ff. cf. Mak. I.

(9) Of which she would also have been deprived in the case of her condemnation, for he who has committed two offences simultaneously is held liable in law for the graver only. V. Keth. 36b.

(10) For intending to bring about the death of the husband's witnesses.

(11) A hundred pieces of silver, which the husband would have been fined in case his allegation was disproved.

(12) Ex. XXIII, 1.

(13) Consequently his evidence is valid only with regard to the criminal but not to himself, on the principle that we consider only half of his testimony as evidence.

Talmud - Mas. Sanhedrin 10a

[If one gives evidence, saying,] So and so has committed adultery with my wife, he and another witness can convict him [the adulterer] but not her [the wife]. What does he intend to teach us thereby? Does he mean to say that only half of a man's evidence is to be considered? Was this not understood from his previous teaching? — No, for you might have thought that whereas the principle was admitted that one is considered a relative of himself, we did not admit the principle that a man is considered a relative of his wife. Hence this rule.

Again Raba said: [If witnesses testify] that so and so committed adultery with a betrothed woman¹ and their evidence is refuted, they are liable to capital punishment, but not to the indemnification of the Kethubah.² If, however, they say, 'with the [betrothed] daughter of so and so,'³ they are liable to both capital punishment and the indemnification of the Kethubah. The money fine for intended injury to one person, and the death penalty for intended death to another.

Raba said further: [If witnesses testify] that so and so committed an unnatural crime with an ox, and the evidence is afterwards refuted, they are liable to capital punishment, but not to be mulcted in respect of the ox.⁴ If, however, they say, 'with the ox of so-and-so,' they must pay the fine and are put to death; the fine because of the loss they intended to inflict on one person, and death because they sought to bring about the death of another person. Why is it necessary to state this latter law? Is not the underlying principle the same as in the previous case? — It had to be stressed because Raba propounded in connection with it a question as follows: If witnesses declare that 'so-and-so has committed an unnatural crime with my ox,' what would in this case be the law?⁵ While adopting the principle, 'one is considered a relative to himself', do we admit the principle, 'one is considered related to his property', or do we not? After propounding the problem, he later solved it. We accept the principle as affecting his own person, but not as affecting his property.⁶

CASES OF FLOGGING BY THREE, etc. Whence do we infer this? — R. Huna said: Scripture says: They [the judges] judge them,⁷ indicating [at least] two, and since no Beth din can consist of an even number, another judge is added, giving a total of three.

But now, according to our exegesis, the verb 'vehizdiku' — [and they shall justify] — should also denote two, and so likewise the verb 'vehirshi'u' [and they shall condemn]⁸ an additional two, [so making, together with, the above three], a total of seven in all? — These verbs are to be explained according to 'Ulla. For 'Ulla said: Where in the Torah do we find an allusion to the treatment of witnesses attested as Zomemim? Where is there found any allusion to Zomemim [witnesses]! Do we not read, Then shall ye do unto him as he had purposed to do to his brother?⁹ What is required is some allusion supporting infliction of stripes upon Zomemim.¹⁰ This we find where it is written: And they shall justify the righteous, and shall condemn the wicked.¹¹ Now [assuming that this refers to the judges], how, since the judges justify the righteous and condemn the wicked, does it follow that the wicked man deserves to be beaten?¹² — [The text cannot therefore refer to judges;] rather it must refer to witnesses who have incriminated a righteous man, after whom other witnesses came and justified the righteous, and rehabilitated his [the injured man's] character, and thus condemned the wicked, that is, established the wickedness of the witnesses, in which case, if the wicked man [the false witness] deserve to be beaten, the judge shall cause him to lie down and be beaten. But why, could not this be deduced from the commandment: Thou shalt not bear false witness against thy neighbour?¹³ — No! Because that is a prohibition involving no material action, and the transgression of a prohibition involving no material action is not punishable by flogging.

IN THE NAME OF R. ISHMAEL IT IS SAID, BY TWENTY-THREE. Whence is this deduced? — Said Abaye: It is derived from the word rasha', which occurs alike in connection with flogging and with capital punishment. In the one case it is written: If the wicked [guilty] man [ha-rasha'] deserve to be beaten,¹⁴ and in the other, it is written, that is guilty, [rasha] of death.¹⁵ Just as in the case of the extreme penalty twenty-three are needed, so in the case of flogging. Raba says: Flogging is considered a substitute for death.¹⁶ R. Aha son of Raba said to R. Ashi: If so, why then the need of medical opinion as to the amount of lashes the condemned can stand? Let him be beaten, and, should he die, well, let him die!¹⁷ — R. Ashi answered: Scripture says: Then thy brother should be dishonoured before thine eyes,¹⁸ to indicate that when the lashes are applied, they must be applied to the back of a living person. But in this case [how explain what] has been taught: If in their [the medical] opinion he can stand no more than, say, twenty lashes, he is to be given a number of lashes divisible by three; namely, eighteen?¹⁹

(1) V. Deut. XXII, 25; v. p. 34, n. 3.

(2) Of which they intended to deprive her, because the woman was not named.

(3) To whom the amount of the Kethubah belongs before marriage.

(4) If they have not named the owner.

(5) Is the evidence of the owner valid with regard to the ox?

(6) The evidence is thus valid with regard to the ox.

(7) In the plural Deut. XXV, 1.

(8) Ibid.

- (9) Deut. XIX, 19.
 (10) In cases where the law of retaliation cannot be applied, v. Mak. 2b.
 (11) Deut. XXV, 1.
 (12) I.e., if so, why this reference to the justification of the righteous? Surely the application of the punishment does not depend on it! V. Rashi on same passage in Mak. 2b.
 (13) Ex. XX, 16.
 (14) Deut. XXV, 2. **gar(v)**
 (15) Num. XXXV, 31. **gar**
 (16) The sinner in reality deserves the death penalty for trespassing the command of his Creator (Rashi), and a death penalty must be administered by twenty-three.
 (17) Since death is his real desert, v. Mak. 22a.
 (18) Deut. XXV, 3.
 (19) Tosef. Mak. IV, 12.

Talmud - Mas. Sanhedrin 10b

Rather let him receive twenty-one. For even if he should die by reason of the twenty-first lash, he would still be alive when it [the twenty-first] begins to be applied? — R. Ashi replied: Scripture says, Then thy brother should be dishonoured before thine eyes.¹ that is to say, after the last lash has been administered, he must still be ‘thy [living] brother.’

THE INTERCALATION² OF THE MONTH BY THREE. [The Tanna of the Mishnah] mentions neither the ‘calculation’³ nor the ‘sanctification’⁴, but the INTERCALATION of the month. [Why then the need of three for this?] Suppose it is not sanctified [on the thirtieth day] it will then be automatically intercalated! — Abaye therefore said: Read then, THE SANCTIFICATION OF THE MONTH. It is also taught to the same effect: The sanctification of the month and the intercalation of the year is to be determined by three. So R. Meir holds. But, asked Raba, does not the Mishnah say, the INTERCALATION? — Hence, said Raba, the Mishnah means that the sanctification made on INTERCALATION, that is on the intercalary day,⁵ is determined by three; but on the day after it there is to be no sanctification. And this represents the opinion of R. Eliezer b. Zadok, as it has been taught: R. Eliezer b. Zadok says: If the new moon has not been visible in time, there is no need for the Sanctification next day, as it has already been sanctified in Heaven.⁶

R. Nahman said: [The Mishnah means] that Sanctification is held on the day after INTERCALATION [that is after the intercalary day] by three; but on the day itself, there is to be no Sanctification. And whose view is this? — Polemo's, as it was taught: Polemo says, [If the new moon has appeared] at its due time,⁷ there is not to be Sanctification; but if it has not appeared at its due time, Sanctification is to be proclaimed.

R, Ashi said: In reality, the Mishnah refers to the ‘calculation’, and as for THE INTERCALATION, it means the calculation relating to THE INTERCALATION. But having to state [explicitly] THE INTERCALATION OF THE YEAR,⁸ the Tanna also employs the phrase THE INTERCALATION OF THE MONTH.

The Mishnah thus holds that only ‘calculation’ is required in fixing the length of the month, but no formal ‘sanctification’. Whose view is this? — R. Eliezer's; as it has been taught: R. Eliezer says: Whether the moon appears at its due time or not, no sanctification is needed, for it is written, Ye shall sanctify the fiftieth year⁹ [from which it is to be inferred that] thou art to sanctify years¹⁰ but not months.

R. SIMEON B. GAMALIEL SAYS, BY THREE etc. It has been taught: How [are we to understand] R. Simeon b. Gamaliel when he says, THE MATTER IS INITIATED BY THREE, DISCUSSED BY FIVE AND DETERMINED BY SEVEN? — If, for example, one holds a meeting [for the purpose of considering the question of intercalation] to be necessary, but two hold that it is unwarranted, the opinion of the single one, being in the minority, is overruled. If, however, two are in favour of the meeting and one is not, two more are co-opted, and the matter is then discussed. Should then two [of the five] find intercalation necessary, and three not, the opinion of the two, being in the minority, is overruled. If, however, three favour intercalation and two not, an additional two are co-opted, as not less than seven form a quorum to determine an intercalation [where there is a division of opinion].

To what do these numbers, three, five and seven, correspond? — R. Isaac b. Nahmani, and an associate of his, namely, R. Simeon b. Pazi; or according to others [who invert the order], it was R. Simeon b. Pazi and an associate of his, namely, R. Isaac b. Nahmani, differ in the matter. One said [that the numbers, three, five and seven] correspond to [the respective number of Hebrew words] in [the three verses of] the Priestly Benediction;¹¹ the other said, they correspond to the three keepers of the threshold,¹² the five of them that saw the king's face,¹³ and the seven . . . who saw the king's face.¹⁴

R. Joseph learned: [The numbers] three, five and seven, correspond [as follows]: Three, to the keepers of the threshold, five, to those of them that saw the king's face, and seven, to those who saw the king's face. Whereupon Abaye asked him: ‘Why has the Master not explained it to us hitherto?’ He answered: ‘I knew not that you needed it. Did you ever ask me to interpret anything and I refused to do it?’

(Mnemonic: Appointment, Nasi, Necessary, Kid.)

Our Rabbis taught: The year can be intercalated only by a Court

(1) Ibid.

(2) The commencement of the month was dated from the time when the earliest visible appearance of the new moon was reported to the Sanhedrin. If this happened on the 30th day of the current month, that month was considered to have ended on the preceding 29th day, and was called deficient. But if no announcement was made on the 30th day, that day was reckoned to the current month, which was then called full, and the ensuing day was considered the first of the next month.

(3) The ‘calculation’ as to which and how many months were to be intercalated. It was an established rule that no year should consist of less than four nor more than eight full months.

(4) The proclamation by formal ‘sanctification’ of the new moon on the thirtieth day.

(5) The thirtieth day.

- (6) I.e., it is patent to all that the next day is the new moon, as no month exceeds 30 days.
- (7) I.e., on the thirtieth day.
- (8) Where a special proclamation is necessary, failing which the year is not intercalated.
- (9) Lev. XXV, 10.
- (10) The court is to sanctify the Jubilee Year by a formal proclamation: 'The year is hallowed'.
- (11) Num. VI, 24-26.
- (12) II Kings XXV, 18.
- (13) II Kings XXV, 19.
- (14) Est. I, 14.

Talmud - Mas. Sanhedrin 11a

whose members have been appointed for that purpose.¹

It once happened that Rabban Gamaliel² said: 'Send me up seven [scholars] early in the morning to the upper chamber³ [for this purpose].' When he came in the morning and found eight, he asked: 'Who is he who has come up without permission? Let him go down.' Thereupon, Samuel the Little arose and said: 'It was I who came up without permission; my object was not to join in the intercalation, but because I felt the necessity of learning the practical application of the law.' Rabban Gamaliel then answered: 'Sit down, my son, sit down; you are worthy of intercalating all years [in need of such], but it is a decision of the Rabbis that it should be done only by those who have been specially appointed for the purpose.' — But in reality it was not Samuel the Little [who was the uninvited member] but another;⁴ he only wished to save the intruder from humiliation.

Similarly it once happened that while Rabbi was delivering a lecture, he noticed a smell of garlic. Thereupon he said: 'Let him who has eaten garlic go out.' R. Hiyya arose and left; then all the other disciples rose in turn and went out. In the morning R. Simeon, Rabbi's son, met and asked him: 'Was it you who caused annoyance to my father yesterday?' 'Heaven forbid⁵ that such a thing should happen in Israel,' he answered.⁶

And from whom did R. Hiyya learn such conduct? — From R. Meir, for it is taught: A story is related of a woman who appeared at the Beth Hammidrash⁷ of R. Meir and said to him, 'Rabbi, one of you has taken me to wife by cohabitation.' Thereupon he rose up and gave her a bill of divorce,⁸ after which every one of his disciples stood up in turn and did likewise. And from whom did R. Meir learn this? — From Samuel the Little. And Samuel the Little? — From Shecaniah son of Jehiel, for it is written, And Shecaniah son of Jehiel, one of the sons of Elam answered and said unto Ezra: We⁹ have broken faith with our God and have married foreign women of the peoples of the land: yet now there is hope in Israel concerning this thing.¹⁰ And Shecaniah learnt it from [the story told of] Joshua. As it is written, The Lord said unto Joshua, Get thee up, wherefore, now, art thou fallen upon thy face? Israel hath sinned . . .⁴ 'Master of the Universe,' asked Joshua, 'who are the sinners?' 'Am I an informer?' replied God. 'Go and cast lots [to find out].'¹¹ Or, if you like, I might say that he learnt it from [the incident with] Moses, as we read, And the Lord said unto Moses, How long refuse ye to keep My commandments and My laws?¹²

Our Rabbis taught: Since the death of the last prophets, Haggai, Zechariah and Malachai, the Holy Spirit [of prophetic inspiration] departed from Israel; yet they were still able to avail themselves of the Bath-kol.¹³ Once when the Rabbis were met in the upper chamber of Gurya's¹⁴ house at Jericho, a Bath-kol was heard from Heaven, saying: 'There is one amongst you who is worthy that the Shechinah¹⁵ should rest on him as it did on Moses, but his generation does not merit it.' The Sages present set their eyes on Hillel the Elder. And when he died, they lamented and said: 'Alas, the pious man, the humble man, the disciple of Ezra [is no more].'

Once again they were met in the upper chamber at Jabneh, and a Bath-kol was heard to say: 'There is one amongst you who is worthy that the Shechinah should rest on him, but his generation does not merit it.' The Sages present directed their gaze on Samuel the Little. And when he died, they lamented and said: 'Alas! the pious man, alas! the humble man, the disciple of Hillel [is no more].' Samuel the Little also said shortly before he passed away: 'Simeon¹⁶ and Ishmael¹⁷ will meet their death by the sword, and his friends¹⁸ will be executed; the rest of the people will be plundered, and many troubles will come upon the world.' The Rabbis wished to use the same words of lamentation for R. Judah b. Baba;¹⁹ the troublous conditions of the time, however, did not permit it, for no funeral orations were delivered over those who were martyred by the [Roman] Government.²⁰

Our Rabbis taught: A year cannot be intercalated unless the Nasi sanctions it. It once happened that Rabban Gamaliel was away obtaining permission from the Governor in Syria²¹, and, as his return was delayed, the year was intercalated subject to Rabban Gamaliel's later approval. When Rabban Gamaliel returned he gave his approval with the result that the intercalation held good.

Our Rabbis taught: A year may not be intercalated except where it is necessary either for [the improvement of] roads²² or for [the repair of] bridges, or for the [drying of the] ovens²³ [required for the roasting] of the paschal lambs, or for the sake of pilgrims²⁴ from distant lands who have left their homes and could not otherwise reach [Jerusalem] in time.²⁵ But no intercalation may take place because of [heavy] snows or cold weather²⁶ or for the sake of Jewish exiles [from a distance] who have not yet set out.

Our Rabbis taught: The year may not be intercalated on the ground that the kids²⁷ or the lambs or the doves are too young.²⁸ But we consider each of these circumstances as an auxiliary reason for intercalation.²⁹ How so? — R. Jannai [gave the following example of the law in operation], quoting from R. Simeon b. Gamaliel's [letter to the Communities]: 'We beg to inform you that the doves are still tender and the lambs still young, and the grain has not yet ripened. I have considered the matter and thought it advisable to add thirty days to the year.'

An objection was raised: How long a period was intercalated in the year? Thirty days. R. Simeon b. Gamaliel said: A month?³⁰ — R. Papa Said: [The matter is left to the judgment of the intercalary court:] if they wish, they may add a month; or if they wish thirty days.

Come now and see the difference between

(1) By the Nasi on the previous evening (Rashi).

- (2) The Second.
- (3) The meeting place of the Rabbis. v. Keth. 50b; Shab. Ch. I, M. 4. [V. Krauss, Lewy-Festschrift, pp. 27, ff.].
- (4) [Probably R. Eliezer b. Hyrcanus, v. Bacher; Agada der Tanaiten, vol. I, p. 84.]
- (5) This is the reading in Rashi.
- (6) I.e., he acted with the intention of saving the real offender from humiliation.
- (7) 'House of Learning,' the school, or college. V. Glos.
- (8) Attaching the blame to himself.
- (9) Including himself, though no guilt was attached to him.
- (10) Ezra X, 2. (1) Josh. VII, 10-11.
- (11) So saving the real sinners from humiliation.
- (12) Ex. XVI, 28. Though no blame was attached to Moses, he is included to spare the offenders from humiliation.
- (13) Divine voice, of secondary rank to prophecy. v. Glos.
- (14) [J. Sotah IX, reads 'Gadia'.]
- (15) Divine presence. v. Glos.
- (16) R. Simeon b. Gamaliel the First, the father of Gamaliel of Jabneh. So Rashi. Cp. also Semahoth 8. But this statement lacks historical support, as Samuel the Little died nearly half a century after the destruction of the Temple, whereas Simeon died before that event. Halevy (Doroth, Ie, pp. 201 seq.) rightly assumes that Simeon here is the son of R. Hanina (the Segan of the Priests) known as Simeon b. ha-Segan (cf. Men. 100b) who witnessed the Destruction.
- (17) R. Ishmael b. Elisha, the High Priest.
- (18) R. Akiba and R. Hinina b. Teradyon.
- (19) Who was martyred at the age of seventy under the Hadrianic persecution, v. infra 14a.
- (20) Any words of praise spoken in public over the martyred would have been regarded by the Romans as an act of provocation.
- (21) [I.e., in order to secure confirmation of his appointment as Nasi (Derenbourg, Essai p. 311); or to obtain permission for intercalating the year (Yad Ramah).]
- (22) Which are impassable by those coming from afar to celebrate the Passover at Jerusalem.
- (23) These were erected in the open and, being exposed to the winter weather, became slimy and unfit for use, except after being allowed some time to dry.
- (24) Lit. 'Exiles of Israel', Jews from distant parts of the Diaspora.
- (25) For the Passover Feast.
- (26) As this need not prevent pilgrims from proceeding to Jerusalem.
- (27) Kids set aside for the Paschal Sacrifice.
- (28) Doves were prescribed as offerings for women after confinement and for persons cured from gonorrhoea. These, as a rule, postponed their offerings until the Passover Pilgrimage. But the reason that doves were too young was inadequate for intercalation, since the law provided the alternative of young pigeons for such offerings. Cf. Lev. XII, 8.
- (29) Two reasons were required to justify intercalation, v. infra.
- (30) Twenty nine days; whereas R. Simeon b. Gamaliel fixed it at thirty days.

Talmud - Mas. Sanhedrin 11b

the proud leaders of former days and their modest successors of later times. For it has been taught: It once happened that Rabban Gamaliel¹ was sitting on a step on the Temple-hill and the well known² Scribe Johanan was standing before him while three cut sheets were lying before

him. 'Take one sheet', he said, 'and write an epistle to our brethren in Upper Galilee and to those in Lower Galilee, saying: "May your peace be great! We beg to inform you that the time of 'removal' has arrived for setting aside [the tithe]³ from the olive heaps." Take another sheet, and write to our brethren of the South, "May your peace be great! We beg to inform you that the time of 'removal' has arrived for setting aside the tithe from the corn sheaves."⁴ And take the third and write to our brethren the Exiles in Babylon and to those in Media, and to all the other exiled [sons] of Israel, saying: "May your peace be great for ever! We beg to inform you that the doves are still tender and the lambs still too young and that the crops are not yet ripe. It seems advisable to me and to my colleagues⁵ to add thirty days to this year." [Yet] it is possible [that the modesty shown by Rabban Gamaliel in this case belongs to the period] after he had been deposed [from the office of Nasi].⁶

Our Rabbis taught: A year may be intercalated on three grounds: on account of the premature state of the corn-crops;⁷ or that of the fruit-trees;⁸ or on account of the lateness of the Tekufah⁹ Any two of these reasons can justify intercalation, but not one alone. All, however, are glad when the state of the spring-crop is one of them.¹⁰ Rabban Simeon b. Gamaliel says: On account of [the lateness of] the Tekufah. The Schoolmen inquired: Did he mean to say that 'on account of the [lateness of the] Tekufah' [being one of the two reasons], they rejoiced,¹¹ or that the lateness of the Tekufah alone was adequate reason for intercalating the year? — The question remains undecided.

Our Rabbis taught: [The grain and fruit of the following] three regions [are taken as the standard] for deciding upon the declaration of a leap-year: Judea,¹² Trans-Jordania,¹³ and Galilee.¹⁴ The requirements of two of these regions might determine the intercalation, but not those of a single one. All, however, were glad when one of the two was Judea, because the barley for the Omer¹⁵ was obtained [by preference] in Judea.¹⁶

Our Rabbis taught: The intercalation of a year can be effected [by the Beth din] only in Judea; but if for some reason [it had been decided upon by the Beth din] in Galilee, the decision holds good. Hanania of Oni, however, testified: 'If the intercalation was decided upon in Galilee, it is not valid.' R. Judah the son of R. Simeon b. Pazi asked: What is the reason for the view of Hanania of Oni? — Scripture states, Unto His habitation shall ye seek and thither thou shalt come:¹⁷ whatever search¹⁸ you have to make shall be only in the habitation of the Lord.¹⁹

Our Rabbis taught: A leap-year is to be declared only by day, and if it has been declared by night, the declaration is invalid. The sanctification of a month is to be performed by day, and if it has been performed by night it is not valid. R. Abba says: What passage [proves this]? — Blow the horn at the new moon, at the covering²⁰ of the moon our feast-day.²¹ Now on which feast is the moon covered? — We must say on the New Year.²² And it is thereupon written, For this is a statute for Israel, a judgment²³ of the God of Jacob: Just as judgment is executed by day,²⁴ so also must the sanctification of the month take place by day.

Our Rabbis taught: A year is not to be intercalated

(1) The Second, called also 'Gamaliel of Jabneh', who was noted for his firmness, and the enforcement of his

authority. Cf. R.H. 25a; Ber. 27b; Bek. 36a.

(2) Lit., 'that.'

(3) Tithes were of four classes: (a) the Levitical or First tithe; (b) the Priestly tithe given by the Levites from their own tithe; (c) the Second tithe, and (d) the triennial or Poor tithe. The Second tithe was to be eaten in Jerusalem every year of the septennial cycle, except the third and sixth, when it was replaced by the Poor tithe. The whole series of tithes reached its completion close upon Passover in the fourth and seventh year, and all the tithes which ought to have been paid in the course of the three years, but which, whether through negligence or other circumstances, were not given, had to be removed (**rughc**) on the eve of Passover, and a prayer of confession (**hushu**) offered, in accordance with Deut. XXVI, 13. Cf. M. Sh. V, 6.

(4) The chief product of Galilee was olives, and that of the south, wheat.

(5) He thus associated his colleagues with the epistle, whereas his son did not refer to his colleagues, though he was noted for his modesty. Cf. B.M. 85a. 'Rabbi says: There were three humble men, my father (R.S.b.G.) the children of Bathyra and Jonathan the son of Saul.'

(6) He was deprived of his position owing to the great displeasure he aroused in the Assembly by his harsh attack on R. Joshua b. Hanina, a famous pupil of R. Johanan b. Zakkai, but subsequently reinstated as joint-president with R. Eliezer b. Azaria. Cf. Ber. 27.

(7) This species must be ripe in the month of Nisan which is known in the Bible as the Abib (Ex. XIII,44) the month of ears (of corn), in reference to the ripeness of the corn in that month.

(8) Which should, as a rule, ripen close before 'Azereth (Pentecost), the time when the Pilgrims bring the first fruits to Jerusalem (Num. XXVIII, 26). If it happens that the fruit is unripe, the year may be intercalated so as to prevent a special journey.

(9) Lit. 'cycle', 'season'. The Jewish Calendar, while being lunar, takes cognisance of the solar system to which it is adjusted at the end of every cycle of nineteen years. For ritual purposes the four Tekufoth seasons, are calculated according to the solar system, each being equal to one fourth of 365 days, viz. 91 days, 71/2 hours. Tekufah of Nisan (Vernal equinox) begins March 21; Tekufah of Tammuz (Summer Solstice), June 21; Tekufah of Tishri (Autumnal equinox), September 23; Tekufah of Tebeth (Winter Solstice), December 22. Should the Tekufah of Tammuz extend till after the Succoth Festival, or the Tekufah of Tebeth till the sixteenth of Nisan, the year would be intercalated, so that the festivals might fall in their due seasons, viz., Passover in Spring, Succoth in Autumn.

(10) Because if the corn-crop is already ripe and the intercalation prompted by other reasons, the prohibition of new produce till after the Omer Offering (v. p. 50, n. 4) according to Lev. XXIII, 14, would be unduly prolonged for another month.

(11) Because if the Tekufah was in order, and the intercalation had been effected for other reasons, the pilgrims would be subject to wintry weather when returning from Jerusalem after the Succoth Festival.

(12) South of Palestine.

(13) East of Palestine.

(14) Northern Palestine.

(15) A measure of barley (1/10th of an ephah) taken from tender ears, was brought on the 16th day of Nisan to the Temple as a heave-offering. v. Lev. XXIII, 10-11.

(16) For two reasons, firstly, because the grain taken for the Omer offering had to be tender, and this could only be so if it was cut from a field in the proximity of Jerusalem, for if it were brought from a far-off distance, the stalks would become hardened in transit, by the wind. Secondly, according to the Talmudic rule, that one must not forego the occasion of performing a commandment (cf. Yoma 33a), the ripe corn in the vicinity of Jerusalem offered the earliest opportunity of fulfilling the precept (v. Men. 64b). If the grain in Judea, however, gave no cause for intercalation, it would be overripe at the time of the Omer, and so unfit for the purpose.

(17) Deut. XII, 5.

(18) I.e., religious enquiry, or investigation.

(19) I.e., Jerusalem the Capital of Judea, which the Lord (Heb. Makom, lit., 'the Place', v. Glos.) has selected as habitation unto Himself.

(20) **VXf** (E.V. 'full moon') is taken from **txf** 'to cover'.

(21) Ps. LXXXI, 4.

(22) Which alone of all festivals is fixed for the 1st of the month.

(23) E.V. 'ordinance'.

(24) V. infra 32a: 'Money cases are to be tried by day'.

Talmud - Mas. Sanhedrin 12a

in years of famine.¹ It has been taught: Rabbi says: A man came from Baal Shalisha and brought to the man of God bread of the first fruits; twenty loaves of barley, [bread of the newly ripened crop].² Now, there was no other place in Palestine where the fruit ripened earlier than in Baal Shalisha; yet, according to this account, only one species had ripened there [by that date]. If you suggest that it was wheat,³ the text reads 'barley'. If again you suggest that it was ripened before the bringing of the Omer, the text reads further: Give unto the people that they may eat, which must have been after the bringing of the Omer.⁴ We may conclude therefore that the year should have been intercalated.⁵ But why did Elisha not do so? — For the reason that it was a year of famine⁶ and all hastened to the threshing floor [to procure food].

Our Rabbis taught: The year may not be intercalated before the New Year,⁷ and if it be intercalated, the intercalation is invalid. In case of necessity,⁸ however, a year may be intercalated immediately after the New Year; yet even so, only a [second] Adar is added.⁹ But is this really so? Was not a message once sent to Raba:¹⁰ 'A couple [of scholars] have arrived from Rakkath¹¹ who had been captured by an eagle¹² whilst in possession of articles manufactured at Luz, such as purple,¹³ yet through Divine mercy and their own merits they escaped safely. Further, the offspring of Nahshon¹⁴ wished to establish a Nezib,¹⁵ but yon Edomite¹⁶ would not permit it.¹⁷ The Members of the Assembly,¹⁸ however, met and established a Nezib in the month in which Aaron the Priest died?'¹⁹ Yes, the calculations were indeed made, but not published [until after the New Year].

How was it implied that the term Nezib [mentioned in the message] connoted 'month'? — Because it is written, Now Solomon had twelve Officers [Nezibim] over all Israel who provided victuals for the king and his household; each man his month in the year.²⁰ (But is it not written, And one officer [Nezib] that was in the land?²¹ — Rab Judah and R. Nahman — one holds that one single officer was appointed over all [the other officers]: the other is of the opinion that this refers to the [special officer in charge of the provisions during] the intercalated month.)

Our Rabbis taught: We may not, in the current year, intercalate the following year,²² nor intercalate three years in succession. R. Simeon said: It once happened that R. Akiba, when kept in prison,²³ intercalated three years in succession. The Rabbis, however, retorted: 'Is that your proof? The court sat and intercalated each year at its proper time.'²⁴

Our Rabbis taught: We may not intercalate a Sabbatical year²⁵ nor the year following a

Sabbatical year.²⁶

But which year was it usual to intercalate? — That preceding the Sabbatical year.²⁷ Those of the House of Rabban Gamaliel, however, used to intercalate the year following the Sabbatical year.²⁸ And this enters into the dispute of the following Tannaim. For it has been taught: Herbs may not be imported from outside the land [of Israel]. But our Rabbis permitted it.²⁹

Wherein do they differ? — R. Jeremiah said: They differ as to whether we apprehend lest the earth attached to them [should also be imported].³⁰

Our Rabbis taught: We may not intercalate a year because of uncleanness.³¹ R. Judah said: We may intercalate. R. Judah observed: It once happened that Hezekiah king of Judah declared a leap year because of uncleanness, and then prayed for mercy, for it is written, For the multitude of the people, even many of Ephraim and Manasseh, Issachar and Zebulun had not cleansed themselves,

(1) So as not to prolong the prohibition of using the new produce for another month, v. supra p. 49, n. 6.

(2) II Kings IV, 42.

(3) Which is late in ripening.

(4) When alone the new produce is permitted.

(5) Owing to the delay of most of the crops in ripening.

(6) Cf. II Kings IV, 38: And there was a dearth in the land.

(7) I.e., Beth din may not declare before Tishri that a second Adar shall be added six months later, because in the meantime it may be forgotten and so the prohibition of leaven on the Passover be infringed through misdating.

(8) When possibly no intercalatory Board will be available later on, or it is feared that the Roman authorities may forbid intercalation, v. p. 52 n. 9.

(9) But not, e. g., a second Tishri.

(10) From Palestine.

(11) Tiberias, v. Meg. 6a.

(12) **rab** aquila, the eagle as the principal standard of the Roman legions; hence, Roman.

(13) I.e., the fringes for four-cornered garments, v. Num. XV, 38.

(14) The Nasi of Palestine, descendant of Nahshon, the first of the Princes of Judah. Cf. Ex. VI, 23.

(15) Nezib means month as well as officer; v. infra. Hence, they wished to intercalate one month.

(16) Primarily name given to Esau (Cf. Gen. XXV, 30; XXXVI, 1). **oust** (Edom) is used by the Talmudists for the Roman Empire, as they applied to Rome every passage of the Bible referring to Edom or Esau. In the middle ages it came to be used symbolically of Christianity, and that accounts for the substitution of **hnrt** 'Aramean' in censored editions.

(17) The above messages were sent in this obscure form to prevent them from being stopped by the Government under the reign of Constantius II (337-361 C.E.) when the persecutions of the Jews reached such a height that, as in the days of Hadrian, all religious exercises, including the computation of the Calendar, were forbidden under pain of severe punishment. Cf. Graetz, Geschichte, IV, 332 seq. pp. 402 seq.

(18) The Sanhedrin.

(19) The month of Ab. It is thus seen that the decision to intercalate may, in case of emergency, be made before the New Year, i.e. before Tishri.

(20) I Kings IV, 7. Nezib (sing. of Nezibim) can thus be employed as metonymy of 'month'.

(21) Ibid. IV, 19.

(22) I.e., make the necessary calculations and arrive at the decision to intercalate. So Tosaf. Rashi: One may not intercalate one year instead of the following. Maim. (Yad, Kid. Hahodesh IV, 13) agrees with the former.

(23) Akiba was kept in prison several years before being finally martyred for practising and teaching the Jewish religion. V. Ber. 61b.

(24) R. Akiba only made the calculation of the next three leap years, since he was the accepted authority on the computation of the calendar and the Rabbis always employed his aid in this matter, but the leap years were not in three successive years.

(25) Cf. Lev. XXV, 1-7. So as not to prolong the prohibition against tilling the soil.

(26) For the reason that the prohibition of the use of the new produce would be prolonged.

(27) To give an additional month for working the soil.

(28) They did not apprehend a shortage of provisions during the Sabbatical year, since importation from outside Palestine, which they held permissible (cf. Ned. 53b, and below), would prevent it.

(29) V. n. 7.

(30) Foreign soil was declared unclean. V. Shab. 14b.

(31) Even if it should involve the risk of offering the Paschal lamb in uncleanness. E.g. if the Nasi were dangerously ill, and it was judged that he would die less than a week before Passover, in which case the community, by attending the obsequies in his honour, would become unclean. (Rashi). Cf. Pes. 66b.

Talmud - Mas. Sanhedrin 12b

yet did they eat the Passover otherwise than it is written,¹ for Hezekiah had prayed for them, saying: May the Lord in His goodness pardon everyone.² R. Simeon said: If the intercalation was actually on the ground of uncleanness, it holds good. Why then did Hezekiah implore Divine mercy? — Because only an Adar can be intercalated and he intercalated a Nisan in Nisan.³ R. Simeon b. Judah said on behalf of R. Simeon, that it was because he had persuaded Israel to celebrate a Second Passover [unduly].⁴

The Master has said: 'R. Judah said: We may intercalate [on the ground of uncleanness]. Hence R. Judah holds that [the law of] uncleanness, in the case of an entire Community, is only suspended [and not abrogated].⁵ But has it not been taught: The ziz,⁶ whether it is on his [the Priest's] forehead or not, propitiates. So said R. Simeon. R. Judah said: Only when it is on his forehead does it propitiate, but not otherwise. R. Simeon thereupon said to him: The case of the High Priest on the Day of Atonement affords proof, seeing that it propitiates even when it is not worn on his forehead.⁷ And R. Judah answered him: Leave the Day of Atonement aside⁸, for the [laws concerning] impurity are entirely abrogated in the case of a whole Community?⁹ — But even according to this reasoning,¹⁰ is there not a contradiction within the passage itself? [Thus:] R. Judah said: We may intercalate [on account of uncleanness]; and then he himself relates what happened in the case of Hezekiah, king of Judah, who intercalated a year because of uncleanness, but implored Divine mercy on himself [for his action]?¹¹ But the text is evidently defective, and should read as follows: 'We may not intercalate a year on account of uncleanness, but if it has been intercalated, the decision holds good. R. Judah maintained that the intercalation is not valid,¹² and R. Judah observed: It once happened with Hezekiah etc.

But if so, [when] R. Simeon says: If the year is intercalated for the sake of [avoiding] uncleanness, the decision holds good, is [he not merely repeating] the opinion of the first Tanna?

— Said Raba: They differ as to whether [it may be intercalated] at the outset.¹³ It has been taught likewise: A year may not be intercalated at the outset because of uncleanness. R. Simeon said: It may be intercalated. Why then did he [Hezekiah] pray for mercy? — Because only an Adar can be intercalated, whereas he intercalated a Nisan in Nisan.

The Master has said: ‘Because only an Adar can be intercalated, whereas he intercalated a Nisan in Nisan.’ But did not Hezekiah agree [that the verse], This month shall be unto you the beginning of months,¹⁴ [implies], only this month can be Nisan [once proclaimed], and no other?¹⁵ — He erred on a ruling of Samuel, for Samuel said: The year is not to be intercalated on the thirtieth day of Adar, since it is eligible to be appointed [the first day of] Nisan.¹⁶ He [Hezekiah] however thought that we do not consider its eligibility [to belong to Nisan].¹⁷ It has been taught likewise: The year may not be intercalated on the thirtieth day of Adar, since it is eligible to be appointed [the first day] of Nisan.

[It was stated above:] ‘R. Simeon b. R. Judah said on behalf of R. Simeon that it was because he had [wrongfully] persuaded the people to celebrate a Second Passover [that Hezekiah prayed to be forgiven].’ How did it happen?¹⁸ — R. Ashi said: E.g., half of Israel¹⁹ were clean and half unclean, but the women²⁰ made up the number of the clean and turned it into a majority. Now, at first he held that women too are bound [to offer the lamb] on the first [Passover],²¹ so that only a minority²² was unclean; and a minority is relegated to the Second Passover.²³ But later he adopted the view [that the participation of] women in the First [Passover celebration] is only voluntary,²⁴ so that the unclean were in a majority, and a majority is not relegated to the Second Passover.²⁵

The text [states]: ‘Samuel said, The year is not to be intercalated on the thirtieth day of Adar, since it is eligible to be appointed [the first day of] Nisan.’ But what if it were intercalated? — ‘Ulla said: The month must not be sanctified.²⁶ But what if it were sanctified? — Raba said: Then the intercalation is invalid. R. Nahman said: Both the intercalation and the sanctification are valid.

Raba said to R. Nahman: Let us consider! Between Purim²⁷ and the Passover there are thirty days, and from Purim we begin to lecture on the laws of Passover, as has been taught: People must begin to inquire into the Passover laws thirty days before the Festival. R. Simeon b. Gamaliel said: A fortnight before. If, then, it [sc. Passover] is postponed at the beginning of the month [of Nisan],²⁸ people²⁹ will be liable to disregard³⁰ the law regarding leaven [on Passover].³¹ — He [R. Nahman] answered him: It is well-known that the intercalation of a year depends on [minute] calculations, hence they would say that [the declaration was not made until the thirtieth day] because the Rabbis had not completed their calculation until then.

Rab Judah said in Samuel's name: A year is not to be intercalated³² unless the [summer] Tekufah³³ is short of completion by the greater part of the month.³⁴ And how much is that? — Sixteen days: so holds R. Judah.

(1) I.e., not at the prescribed time, the 14th day of Nisan. Cf. Ex. XII, 9.

(2) II Chron. XXX, 18.

(3) I.e., after it had already been sanctified as Nisan, he reconsidered it and sanctified the month as the second

Adar.

(4) Instead of intercalating, to render this unnecessary.

(5) There is a dispute whether uncleanness, in the case of a community, is entirely permitted, as though there were no prohibition at all against it, or whether it is merely suspended on account of the communal need. On the latter view, it is disregarded only when unavoidable, but not here, where it may be avoided by intercalation.

(6) . **hm**, The golden front-plate. V. Ex. XXVIII, 36-38. It atoned for sacrifices offered in a state of uncleanness, and rendered them acceptable.

(7) The High Priest did not officiate in the interior, i.e., the Holy of Holies, on the Day of Atonement, robed in garments that had gold interwoven, as that would recall the sin of the golden calf. Cf. Lev. XVI, 3-4; R.H. 26a.

(8) It is no proof in this case.

(9) As on the Day of Atonement, when offerings for the whole Community are made. Hence the above inference of R. Simeon is contradicted.

(10) That even in a case involving a whole Community, as that of the Passover Offering, the year should be intercalated so as to avoid the state of uncleanness.

(11) Surely, according to the said argument, his action was lawful!

(12) Since there was no need at all for intercalation, the laws of impurity being withdrawn for the sake of a whole Community. Hezekiah, in intercalating the year, therefore prayed for forgiveness.

(13) According to R. Simeon it may be intercalated even at the outset, but he speaks of the case as if the act were already performed, merely in contradistinction to R. Judah.

(14) Ex. XII, 2.

(15) I.e., once Nisan has been proclaimed, it cannot be re-proclaimed Adar, making the ensuing month Nisan.

(16) When Adar is deficient.

(17) Hence he intercalated the year on that day. But afterwards, coming to agree with the standpoint represented by Samuel, and so realising his mistake, he prayed for forgiveness.

(18) That in the first place he thought it right to intercalate the year, but subsequently repented of his earlier decision?

(19) I.e., the male population. From the context, it is seen that the clean were not actually half, but a minority.

(20) Who were clean.

(21) As is the opinion advanced by R. Judah and R. Jose. Cf. Pes. 91b.

(22) Sc., of males, for whom the offering is compulsory.

(23) Therefore he intercalated the year, to obviate the necessity of this.

(24) As R. Simeon holds (ibid.).

(25) Hence the intercalation was unnecessary.

(26) As the second Adar. The succeeding month, however, will be sanctified as Nisan, the current month remaining unnamed.

(27) Feast celebrated on the fourteenth of Adar in commemoration of the deliverance of the Jews from the plot of Haman, as recorded in the Book of Esther.

(28) Through the institution of a second Adar, the lecturing on Passover laws having already begun.

(29) Not believing the report of the messengers that an intercalation had been made. — Raba's assumption that the messengers might be disbelieved, would seem to show that there were enemies of the Jews who might seek to upset the Calendar. Cf. p. 52, n. 9 on the attitude of the Roman authorities to intercalation.

(30) Lit., 'treat lightly'.

(31) Because they will not treat the Passover fixed by the Rabbis as such, having already celebrated it a month before.

(32) On account of the Tekufah. V. supra 11b.

(33) The solar year which consists of three hundred and sixty-five and a quarter days is divided into four equal parts, each period consisting of ninety-one days and seven and a half hours. These are called respectively the Nisan (vernal), Tammuz (summer), Tishri (autumnal), Tebeth (winter) Tekufoth. The lunar year which forms the basis of our calendar comprises altogether three hundred and fifty-four days. Though according to Biblical tradition our months are to be lunar (cf. Ex. XII, 2), yet our Festivals are to be observed at certain agricultural seasons; Passover and Pentecost in the Spring; Tabernacles, or Feast of Ingathering, in the autumn. In order to harmonise the lunar and solar years, a second Adar is intercalated once in two or three years. Our text lays down certain principles by which the Intercalators are to be guided.

(34) Tishri. I.e., the greater part of Tishri must be taken in to complete the Tekufah of Tammuz.

Talmud - Mas. Sanhedrin 13a

R. Jose said: Twenty-one days.¹ Now, both deduce it from the same verse, And the Feast of Ingathering at the Tekufah [season] of the year.² One Master³ holds that the whole Feast [of ingathering]⁴ is required to be included [in the new Tishri Tekufah];⁵ the other,⁶ that only a part of the Festival [of ingathering] must [be included].⁷

Now, which view do they adopt?⁸ If they hold that the Tekufah day⁹ is the completion [of the previous season]: then, even if it were not so,¹⁰ it will meet with the requirement neither of him who holds that the whole Festival [must be included,] nor of him who holds that only part of it [is necessary]! —¹¹ One must say therefore that they both hold that the Tekufah day begins [the new Tekufah].

An objection is raised: The Tekufah day concludes [the previous season]: this is R. Judah's view. R. Jose maintains that it commences [the new].¹² Further has it been taught: A year is not intercalated unless the [summer] Tekufah is short of completion by the greater part of the month [Tishri]. And how much is that? Sixteen days. R. Judah said: Two thirds¹³ of the month. And how much is that? Twenty days.¹⁴ R. Jose ruled: It is to be calculated thus: [If there are] sixteen [days short of completing the Tekufah] which precedes Passover,¹⁵ the year is to be intercalated.¹⁶ [If, however, there are] sixteen [short of completing the Tekufah] which precedes the Feast [of Tabernacles],¹⁷ the year is not to be intercalated.¹⁸ R. Simeon maintained: Even where there are sixteen [days short of completing the Tekufah] which precedes the Feast [of Tabernacles], the year is intercalated.¹⁹ Others say [that the year is intercalated even if the Tekufah is short of completion] by the lesser part of the month. And how much is that? Fourteen days?²⁰ — The difficulty remained unsolved.

The Master has said: 'R. Judah said: Two thirds of the month. And how much is that? Twenty days. R. Jose ruled: It is to be calculated [thus: if there are] sixteen [days short of completing the Tekufah] which precedes Passover, the year is to be intercalated.'²¹ But is not this view identical with R. Judah's?²² — They differ as to whether the Tekufah day completes [the previous] or begins [the new cycle].²³

The Master has said: '[R. Jose holds that] if there are sixteen [days short of completing the Tekufah] which precedes the Feast [of Tabernacles], the year is not intercalated.' According to R. Jose, then, only if there are sixteen [days short of completing the Tekufah] preceding the Feast [of

Tabernacles is intercalation] not [permitted]; but if there are seventeen or eighteen [days short], the year is intercalated. But has he not himself said: If there are sixteen [days short of completing the Tekufah] which precedes Passover, we may intercalate, but not if less?²⁴ — But no; in neither case²⁵ may we intercalate. But seeing that he spoke of the number sixteen [with regard to the Tekufah] preceding Passover,²⁶ he gives it also [in connection with the Tekufah] preceding the Feast [of Tabernacles].

[It was stated above]: ‘R. Simeon maintained:²⁷ Even where there are sixteen [days short of completing the Tekufah] which precedes the Feast [of Tabernacles], the year is intercalated.’ But is not this view the same as that of the first Tanna?

(1) As seen from the context, the entire statement, including that of the views of R. Judah and R. Jose, is Samuel's.

(2) Ex. XXXIV, 22. I.e., it must fall within the Tishri Tekufah.

(3) R. Judah.

(4) I.e., beginning with the day when the work of ingathering is permitted — the 16th day of the month, the day after the Festival.

(5) Hence if the summer Tekufah is short of completion by sixteen days, the new autumnal Tekufah begins on the seventeenth, and will thus not include all the days when the work of ingathering is permitted.

(6) R. Jose.

(7) Hence its possible delay until the 21st of the month, but not later, because the 22nd of Tishri is a full Festival again, on which no gathering is permitted. Neither consider the possibility of including Ellul, a full month of thirty days, and so giving one day more, because if Ellul were extended, it would interfere with the calculations whereby the first day of New Year must not fall on Sunday, Wednesday or Friday, v. R.H. 19b; Suk. 43b.

(8) Viz., with reference to the day on which the sun enters into the new Tekufah.

(9) I.e., the day on which the new Tekufah begins.

(10) I.e., even if it were not much short of completion, as sixteen days according to R. Judah, and twenty-one days according to R. Jose, but fifteen or twenty days, respectively.

(11) For even if the Tekufah day begins on the sixteenth or twenty-first day, the new season will commence only on the following day.

(12) Thus, according to R. Judah, none of the Festival of Ingathering is included in the new season.

(13) Lit., ‘two hands’ interpreted as ‘two portions’. Cf. Tosef. Men. IX,10.

(14) V. infra. This refutes Samuel on both points: (a) R. Judah holds here that part of the Feast is sufficient; and (b) in his view the Tekufah day commences the new season, and does not end the last.

(15) I.e., the winter Tekufah.

(16) For if not, the summer Tekufah would not end until the 21st of Tishri, the new Tekufah beginning on the 22nd. The two Tekufoth, the spring and summer, consist of hundred and eighty-two days, and the five lunar months between Nisan and Tishri consist of hundred and forty seven days which, when added to the fourteen days of Nisan and the twenty-one days of Tishri make a total of hundred and eighty-two days. The Tishri Tekufah beginning on the 22nd of the month will thus not include any part of the Festival of Ingathering.

(17) I.e., the summer Tekufah.

(18) Because at least part of the Feast of Ingathering will then fall in the new Tekufah.

(19) V. infra.

(20) Hence the contradiction of the two statements of R. Judah.

(21) In that the end of the cycle is delayed until the 21st of Tishri. V. n. 2.

(22) As it appears that both require the inclusion of only part of the Festival of Ingathering.

(23) According to R. Judah, that day completes the previous Tekufah, consequently, if twenty days have passed and the sun has reached its new cycle on the 21st, the new Tekufah begins on the 22nd, in which case not even part of the Feast of Ingathering is included; whilst according to R. Jose's calculation, even if the solstice occurs on the 21st day, that day is added to the new cycle.

(24) According to the above, in the case of fewer days, if these carry the Tekufah seventeen or eighteen days into Tishri, intercalation is permissible.

(25) I.e., in the case of a shortage neither of seventeen nor eighteen days. The number 'sixteen' therefore is not to be taken in its exact sense, for even if there is a shortage of more than that, intercalation is not justified.

(26) In which case, it is only a shortage of sixteen days which justifies intercalation.

(27) In contradistinction to R. Jose.

Talmud - Mas. Sanhedrin 13b

— They differ as to whether the Tekufah day completes [the previous] or begins [the new season].¹ But their views were not defined.²

[Again it was stated:] 'Others say: [That the year is intercalated even where there is a shortage] by the lesser part of the month. And how much is that? Fourteen days.' Now, which view do they adopt? Do they hold that the Tekufah day completes [the previous season], and that we require the whole Feast [of Ingathering to be included in the new Tekufah?] But surely in our case, it is so.³ [Why then intercalate?] — The 'Others', says R. Samuel son of R. Isaac, speak of the Nisan Tekufah, for it is written, Observe the month of Abib [spring];⁴ i.e., take heed that the beginning⁵ of the vernal Tekufah shall occur on a day in Nisan [when the moon is still in the process of renewal].⁶

But why not intercalate a day in Adar?⁷ — R. Aha b. Jacob said: The Tanna reckons from higher numbers downward, and says as follows: [If there is a deficiency] as far as [i.e., by more than] the lesser part of the month,⁸ the year is intercalated.⁹ And how much is that? Fourteen days.'

Rabina said: In reality, the 'Others' refer to the Tishri Tekufah, but they hold that the whole Feast [of Ingathering]¹⁰ must fall [in the new Tekufah] including also the first [day of the Feast].¹¹ '[Including] the first day'?¹² But is it not written, The Feast of Ingathering [shall be] at the Tekufah of the year; [meaning the day on which ingathering is permitted]? — [They interpret it as] 'The Feast which occurs in the season of ingathering.'

THE LAYING ON [OF HANDS] BY THE ELDERS. Our Rabbis taught: [And the elders . . . shall lay, etc.:]¹³ it might be assumed that it means ordinary people advanced in age;¹⁴ Scripture therefore adds, of the congregation.¹⁵ Now, if [you emphasised] congregation, I might think, [it referred to] the minor members of the congregation:¹⁶ therefore it is stated, 'the congregation',¹⁷ [meaning] the distinguished of the congregation.¹⁸ And how many are required? — The plural of 'wesameku'¹⁹ ['and they shall lay'] implies two; similarly, 'zikne' ['the elders'] implies two, and as there can be no court with an even number, another is added; hence five in all are required: this is R. Judah's view. R. Simeon said: 'Zikne' ['elders'] indicates two, and as a court cannot consist of an even number, another is added, making three in all. But according to R. Simeon, is it not

written ‘wesameku’ [‘and they shall lay’]? — That is needed for the text itself.²⁰ And R. Judah?²¹ — That is not needed for the text itself, since if the word wesameku has no significance for deduction, the text could have read [without it]: The Elders, their hands [being] on the head of the bullock.²² And R. Simeon?²³ — Had it been so written,²⁴ I might have translated ‘al[on], ‘in proximity’.²⁵ And R. Judah?²⁶ — He deduces this [actual contact] from the use of the word rosh [head] in this case and in connection with the burnt offering.²⁷ And R. Simeon? — He does not admit the deduction of head written here and in the case of the burnt offering.²⁸

It is taught: The laying on [of hands], and the laying on [of hands] of the Elders is performed by three. What is meant by, ‘Laying on [of hands]’, and ‘Laying on [of hands] of the Elders’? — R. Johanan said: [The latter] refers to the ordination of Elders. Abaye asked R. Joseph: Whence do we deduce that three are required for the ordination of Elders? Shall we say, from the verse, And he [Moses] laid his hand upon him [Joshua]²⁹ If so, one should be sufficient! And should you say, Moses stood in place of seventy-one,³⁰ then seventy-one should be the right number! — The difficulty remained unanswered.

R. Aha the son of Raba, asked R. Ashi: Is ordination effected by the literal laying on of hands? — [No,] he answered; it is by the conferring of the degree: He is designated by the title of Rabbi and granted the authority to adjudicate cases of kenas.³¹

Cannot one man alone ordain? Did not Rab Judah say in Rab's name: ‘May this man indeed be remembered for blessing — his name is R. Judah b. Baba; were it not for him, the laws of kenas would have been forgotten in Israel.’ Forgotten? Then they could have been learned. But

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- (1) Though they both state the number sixteen, the one who holds that the day completes the previous Tekufah must count the new season as beginning on the seventeenth.
 - (2) I.e., it is not clear who is of the one and who of the other opinion.
 - (3) For the Tishri Tekufah then commences on the fifteenth, whereas the Feast of Ingathering, as defined in p. 58, n. 1, commences on the sixteenth.
 - (4) Deut. XVI, 1.
 - (5) Lit., ‘ripening’.
 - (6) That accounts for the limit of fourteen days, after which it is on the wane. This is implied in the word **asij** which, derived from **asj** ‘new’, means the ‘new month’.
 - (7) Which would bring in the new Tekufah on the thirteenth day, when the moon is still waxing, rather than cause the derangement of a whole month; and though the first day of Passover must not fall on Monday, Wednesday or Friday, and the addition of a day might cause that, it would not matter, because the limitation of the days on which Passover may commence is due to the desire to avoid New Year falling on Sunday, Wednesday or Friday, and that could be avoided by adding a day to one of the normally defective months between Nisan and Tishri.
 - (8) I.e., down to, but not including, the fourteenth day.
 - (9) But if there is actually a shortage of fourteen days, only the month Adar is intercalated.
 - (10) Even the first day.
 - (11) And being of the view that the Tekufah day completes, the season, if there is a shortage of fourteen days, in which case the new autumnal Tekufah will begin on the fifteenth day, the first day of the Feast will not be included in it, so that intercalation is justified.
 - (12) On which work is prohibited.

- (13) **hbez ufnxu**, And the elders (of the Congregation) shall lay etc. Lev. IV, 15.
- (14) Lit., 'elders of the market'.
- (15) **Vsg**, lit., 'Group', or 'Congregation.' 'Edah' is frequently interpreted by the Rabbis as 'Sanhedrin'. V. Num. Rab. 15, Ch. 16, and Rashi on Lev. IV, 13. The latter derives his statement from Sifra, which again derives it by analogy between 'Edah in Num. XXXV, 24-25, cf. supra 2a.
- (16) I.e., the minor Sanhedrin of twenty-three.
- (17) With the definite article.
- (18) I.e., the major Sanhedrin.
- (19) It could have been written **lnxu** 'we-samak', denoting that any one of the elders should lay his hands. Cf. Malbim on Lev. IV, 15.
- (20) Viz., that there must be laying on of hands,
- (21) Does he not admit this?
- (22) A kind of absolute clause.
- (23) Does he not admit the superfluity of 'and they shall lay'?
- (24) As R. Judah suggests.
- (25) I.e., that the hands need not actually be laid on the head but only brought near. The word wesameku makes it clear.
- (26) Who employs wesameku for another interpretation.
- (27) Lev. I, 4: And he shall lay his hand upon the head of the burnt offering, which obviously means actual contact.
- (28) This type of exegesis, deducing identity of fact from identity of language, is called *gezerah shawah*, and it is a well-established principle that such deduction could not be made by a scholar without a direct tradition from his teacher that that particular identity of phraseology was intended to intimate identity of law. R. Simeon had no such tradition in respect of these two words.
- (29) Num. XXVII, 23.
- (30) I.e., having the same authority.
- (31) V. Glos.

Talmud - Mas. Sanhedrin 14a

these laws might have been abolished; because once the wicked Government,¹ [as an act of religious persecution],² decreed that whoever performed an ordination should be put to death, and whoever received ordination should he put to death, the city in which the ordination took place demolished, and the boundaries³ wherein it had been performed, uprooted. What did R. Judah b. Baba do? He went and sat between two great mountains, [that lay] between two large cities; between the Sabbath boundaries of the cities of Usha and Shefaram⁴ and there ordained five elders:⁵ viz., R. Meir, R. Judah, R. Simeon, R. Jose and R. Eliezer b. Shamua'. R. Awia adds also R. Nehemia in the list. As soon as their enemies discovered them he [R.J.b.B.] urged them: 'My children, flee.' They said to him, 'What will become of thee, Rabbi?' 'I lie before them like a stone which none [is concerned to] overturn,'⁶ he replied. It was said that the enemy did not stir from the spot until they had driven three hundred iron spear-heads into his body, making it like a sieve.⁷ — With R. Judah b. Baba were in fact some others, but in honour to him, they were not mentioned.

Was R. Meir indeed ordained by R. Judah b. Baba? Did not Rabbah b. Bar Hannah say in R.

Johanán's name: He who asserts that R. Meir was not ordained by R. Akiba is certainly in error? — R. Akiba had indeed ordained him, but the ordination was not acceptable;⁸ while R. Judah b. Baba's later ordination, on the other hand, was accepted.

R. Joshua b. Levi said: There is no ordination outside Palestine. What is to be understood by, 'There is no ordination'? Shall we assert that they⁹ have no authority at all to adjudicate cases of Kenas¹⁰ outside Palestine?¹¹ But have we not learnt: The Sanhedrin has competence both within and without Palestine! — This must therefore mean that ordination cannot be conferred outside Palestine.

It is obvious, that if the ordainers are outside Palestine and those to be ordained in Palestine, [then] surely as has been said, they cannot be ordained. But what if the ordainers are in Palestine, and those to be ordained outside? — Come and hear: [It is related] of R. Johanán that he was grieved when R. Shaman b. Abba was not with them [in Palestine] to receive his ordination. [Again it is related of] R. Simeon b. Zirud and another who was with him, viz., R. Jonathan b. Akmai, or according to others [who invert the order,] R. Jonathan b. Akmai and another who was with him, viz., R. Simeon, b. Zirud,¹² that the one who was with them was ordained, and the other, who was not, was not ordained.¹³

R. Johanán was very anxious to ordain R. Hanina and R. Oshaia, but his hope could not be realised,¹⁴ and it grieved him very much. They said to him: Master, you need not grieve, for we are descendants of the house of Eli.¹⁵ For R. Samuel b. Nahman, quoting R. Jonathan, said: Whence do we learn that none of the house of Eli are destined to be ordained? — From the verse, And there shall be no zaken¹⁶ [old man] in thy house for ever.¹⁷ What does the word 'zaken' mean [here]? Shall we say, literally, 'an old man', but it is written [immediately after], and all the increase of thy house shall die [young] men! — It must therefore refer to ordination.¹⁸

R. Zira used to hide himself to avoid ordination, because R. Eleazar had said: Remain always obscure,¹⁹ and [so] live.²⁰ But later, having heard yet another saying of R. Eleazar, viz., One does not attain greatness unless all his sins are forgiven,²¹ he himself strove [to obtain it]. When they ordained him, they²² sang before him, 'Neither paint nor rouge nor [hair-]dye, yet radiating charm.'²³

When the Rabbis ordained R. Ammi and R. Assi, they sang thus of them: Only such men, only such men ordain ye for us, but ordain not for us any of the 'sarmitin' and 'sarmisin', or as some say, 'hamisin' or 'termisin'.²⁴

When R. Abbahu arrived at the Emperor's Court²⁵ from College, the ladies of the court went out to receive him and sang to him: Great man of thy people, leader of thy nation, lantern of light, thy coming be blessed with peace.

BREAKING THE HEIFER'S NECK IS BY THREE. Our Rabbis taught: And thy Elders and thy judges shall come forth.²⁶ 'Elders' [indicates] two; [similarly,] 'judges', two. And as a court must not be evenly-balanced, another is added; hence there are five: this is R. Judah's view. R. Simeon says: 'Elders' indicates two, and as a court cannot consist of an even member, another is

added, making three in all. Now, according to R. Simeon, what purpose is served by the words ‘thy judges’? — It is needed, in his view, to indicate the necessity of choosing the most distinguished of ‘thy judges’.²⁷ And R. Judah?²⁸ — [He deduces it] from the pronominal suffix [appended] to Zaken.²⁹ And R. Simeon? — [He maintains:] Had ‘elders’ [alone] been written,³⁰ I might have said that it refers to [any] old men of the street.³¹ Hence the Torah says: ‘thy elders’.³² Yet had ‘thy elders’ [alone] been written, I might have said that it refers to [the members of] the minor Sanhedrin. Therefore Scripture wrote, ‘thy judges’, to indicate that the reference is to the most distinguished of ‘thy judges’.³³ And R. Judah?³⁴ — He derives this³⁵ from a comparison of the word elders [as used here]³⁶ and in the verse, And the elders of the congregation shall lay their hands [on the head of the bullock].³⁷ Just as there, the most distinguished of the congregation³⁸ [are necessary],³⁹ so here, too, the most distinguished of thy elders [are required]. But if this deduction be made, let us infer everything from that passage!⁴⁰ and what need then is there for ‘thy elders’ and ‘and thy judges’? — But [we should say: In R. Judah's opinion,] the [superfluous] waw [and] of, and thy judges, intimates the number.⁴¹ And R. Simeon⁴² — He does not employ the conjunction ‘waw’ for interpretative purposes.

But according to this line of argument, we might further deduce from the clauses, and they shall come forth, and, and they shall measure — each indicating two — that nine should be required, in R. Judah's opinion, and seven in R. Simeon's? — But these clauses are necessary, even as it has been taught: And they shall come forth, [meaning,] they, and not their deputies. And they shall measure; in all circumstances, even when the corpse is found

(1) That of Hadrian, in the second century.

(2) [**sna** given in some versions, v. D.S.]

(3) Heb. **ihnuj** , denotes the boundaries without the town, as far as which one may go on the Sabbath. That such was meant here is evident from the following passage, which states that Judah b. Baba chose a spot between two Sabbath boundary lines.

(4) Two Galilean cities prominent in the second century as places of refuge for the Sanhedrin. His purpose was that no city or region should suffer.

(5) Persons ordained bore the title of ‘zaken’.

(6) I.e., as something worthless: let them do their worst.

(7) Hence it is evident that even one person was authorised to bestow the degree of Rabbi.

(8) Lit., ‘they did not accept (him)’, because of R. Meir's youth at the time (Rashi). [Herford, R.T., Pirke Aboth, 108, suggests a probable explanation, viz. that R. Akiba had ordained him while on one of his journeys on which R. Meir accompanied him (v. Yeb. 121a). Such an ordination, having been performed outside the land, would not be recognised as valid. V. infra.]

(9) Who have been ordained in Palestine.

(10) V. Glos.

(11) That is, ordination, even if conferred in Palestine, is of no avail outside Palestine for such cases.

(12) The order is intended to show who was the principal ordainer and who was his assistant.

(13) Hence, a scholar outside Palestine cannot be ordained.

(14) Because when they were with him, he could not procure another two to assist him, ordination requiring a board of three.

(15) And therefore cannot receive that dignity. V. infra.

(16) **iez**.

- (17) I Sam, II, 32.
- (18) I.e., there shall be no ordained person, etc. **iez**, accordingly, is understood in its Rabbinical connotation, ‘one who has acquired wisdom’, viz., an ordained Rabbi,
- (19) I.e., without office.
- (20) V. infra 92a.
- (21) I.e., office brings with it moral improvement.
- (22) The schoolmen.
- (23) A snatch of a song sung at weddings in honour of the bride (Rashi).
- (24) Interpretations of these words are varied. Jastrow says that it was a jest at Talmudic scholars using foreign words, and translates: Do not ordain for us any of those using words like ‘sermis’ (semis), ‘sermit’, (prob. distortion of ‘tremis’) ‘hemis’ and ‘tremis’. Krupnik-Silberman translate, ‘superficial scholars’ (halbwisser). Dalman suggests, ‘half-wits’ and ‘third-wits’ (idiots and madmen?).
- (25) At Caesarea where his academy was.
- (26) Deut. XXI, 2.
- (27) I.e., members of the Great Sanhedrin.
- (28) Whence does he deduce this?
- (29) **I [hbez]**, thy.
- (30) Alone, without the suffix.
- (31) I.e., any people advanced in age.
- (32) ‘Thy’ intimates that the reference is to distinguished elders.
- (33) I.e., members of the Great Sanhedrin.
- (34) How does he know that neither old men in general nor the members of the minor Sanhedrin are meant?
- (35) The law that they must be members of the Great Sanhedrin.
- (36) Deut. XXI, 2.
- (37) Lev. IV, 15.
- (38) I.e., the Great Sanhedrin.
- (39) Cf. supra 13b.
- (40) I.e., the number of Elders also.
- (41) In truth, he does not employ the analogy, but derives the necessity of the presence of the Great Sanhedrin from the pronominal suffix to shofet (‘thy judges’) and their number, again from the conjunction ‘waw’, for it could have been written, And they shall go forth, thy elders, thy judges.
- (42) Who requires only three.

Talmud - Mas. Sanhedrin 14b

at the entrance of a town, measurement must be made.

Our Mishnah¹ is not in accord with the following Tanna. For it has been taught: R. Eliezer b. Jacob says, Thy elders and thy judges shall come forth.² ‘Thy elders’, refers to the Sanhedrin; ‘and thy judges’, to the King and High Priest. [That it ‘refers to] the King’ is deduced from the verse, The King by justice establisheth the land.³ ‘The High Priest’, as it is written, And thou shalt come unto the Priests, the Levites and unto the Judges.⁴

The schoolmen asked: Does R. Eliezer b. Jacob differ from the Mishnah in one thing, or in two? Does he differ only with respect to the King and High Priest,⁵ but as to the [number of the

members of the] Sanhedrin, [he agrees with] either R. Judah or R. Simeon; or does he differ on that point too, requiring the whole Sanhedrin to come forth? — Said R. Joseph: Come and hear! If he [sc. the rebellious elder]⁶ found them⁷ at Beth Pagi,⁸ and there rebelled against their decision, one might assume that his rebellion was punishable.⁹ Scripture therefore declares, And then shalt thou arise and get thee up unto the place,¹⁰ [thus teaching] that it is the place that conditions [the act].¹¹ Now, how many had gone out? If only part of the Sanhedrin [how could the elder be condemned?] Perhaps those remaining inside would have agreed with him? It is clear therefore that the whole of the Sanhedrin must have gone out, But if so, for what? Shall we say, for a secular purpose! Are they then permitted to go out? Is it not written, Thy navel is like a round goblet wherein no mingled wine is wanting?¹² Hence it was obviously for a religious purpose, and for what else, if not for measuring in connection with the heifer, the author of the passage being R. Eliezer b. Jacob, who holds that the attendance of the whole Sanhedrin is required?¹³ Abaye retorted: No; they might have gone out for the purpose of enlarging the city¹⁴ or the Temple court-yards, as we learnt: The city or the Temple court-yards may be enlarged only by [the sanction of] a court of seventy-one.¹⁵

The following Baraitha agrees with R. Joseph:¹⁶ If he¹⁷ met them¹⁸ at Beth Pagi and rebelled against their decision, when, for example, they had gone out for the purpose of measuring in connection with the heifer, or for the enlargement of the city or the Temple Courtyards, you might assume that his rebellion is culpable;¹⁹ but it is written, — And thou shalt arise and get thee up to the place,²⁰ to teach that it is the place that conditions [the act].

THE VALUATION OF THE FOURTH YEAR'S FRUIT, AND THE SECOND TITHE THE VALUE OF WHICH IS NOT KNOWN, IS BY THREE. Our Rabbis taught: What kind of second tithe has no established price? Decayed fruit, wine that has grown a skin,²¹ and rusty coins.²²

Our Rabbis taught: The second tithe that has no fixed price is to be redeemed [at the valuation of] three [experienced] dealers, but not by three who are inexperienced.²³ Even a Gentile or the owner may be amongst the assessors. R. Jeremiah propounded: What of three who are business partners,²⁴ [can they be appointed valuers]? — Come and hear! 'A man and his two wives may redeem the second tithe of unknown value.'²⁵ Perhaps in a case such as that of R. Papa and [his wife], the daughter of Abba from Sura.²⁶

DEDICATION IS BY THREE. Our Mishnah is not in accordance with the following Tanna: For it has been taught: R. Eliezer b. Jacob said: Even a hook of the sanctuary requires ten persons [to assess it] for its redemption.²⁷

R. Papa said to Abaye: As to R. Eliezer b. Jacob's opinion, it is well, its grounds being Samuel's dictum. For Samuel said: There are ten Biblical references to Priest in the Chapter.²⁸ But whence do the Rabbis learn that only three [are required]? And should you answer: Because it [sc. the word Priest] appears three times in relation thereto;²⁹ then since with reference to land [redemption] the word appears four times, let four be sufficient? And should you say that this is indeed so, have we not learnt: THE VALUATION OF LAND REQUIRES NINE PERSONS AND A PRIEST? But what [will you say]? — That this is because with these verses the ten

references are completed? Then should not other consecrated objects,³⁰ with the section on which six such references are completed, require six assessors? The difficulty was not solved.

THE ASSESSMENT OF MOVABLE OBJECTS etc. What is meant by THE ASSESSMENT OF MOVABLE OBJECTS?³¹ R. Giddal, reporting Rab, says: For example, one who says, 'I undertake to give the value of this vessel',³² for, R. Giddal said, reporting Rab:

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- (1) Which requires only members of the Sanhedrin to come forth.
 - (2) Ibid.
 - (3) Prov. XXIX, 4. The deduction is based on the cognate words 'judges' and 'justice', whence it follows that the same person is meant in both.
 - (4) Deut. XVII, 9.
 - (5) Viz., that they must come forth,
 - (6) Deut. XVII, 8.
 - (7) The Sanhedrin.
 - (8) 'The house of figs', a place within the walls of Jerusalem, which is treated as Jerusalem in all matters. The place cannot be exactly identified. V. Neubauer, Geographie, 147ff.
 - (9) Lit., 'is a rebellion', which is punishable by strangulation.
 - (10) Deut. XVII, 8.
 - (11) I.e., on the Temple Mount alone can a rebellious elder be judged. (V. infra 87a).
 - (12) Cant. VII, 3. I.e., if one wished to leave, it must be seen that twenty-three remain. Cf. infra 37b.
 - (13) Thus proving that he differs in both matters.
 - (14) Of Jerusalem.
 - (15) Shebu. 14a.
 - (16) Who assumes that their purpose was for measuring in connection with the heifer.
 - (17) The rebellious elder.
 - (18) The Sanhedrin.
 - (19) V. p. 67, n. 10.
 - (20) Deut. XVII, 8.
 - (21) Gone sour.
 - (22) I.e., if the second tithe was redeemed, and the redemption money became rusty, and lost its face value, the coins must be assessed and redeemed (i.e., exchanged) for others of current acceptance.
 - (23) Lit., 'who are not dealers'.
 - (24) Lit., 'Three who throw into one purse'.
 - (25) And those have a common purse.
 - (26) Who traded on her own, and he had therefore no share in her profits (cf. Keth. 39a).
 - (27) V. infra 88a.
 - (28) Relating to the laws of Redemption; thrice in reference to human beings, Lev. XXVII, 8; thrice in reference to beasts; ibid. 11-13, and four times in reference to land, ibid. 14, 18, 23, — from which he deduces the need of ten persons for valuation.
 - (29) I.e., in the section dealing with the redemption of animals, and presumably the same applies to the redemption of all forms of hekdesch.
 - (30) Such as unclean beasts.
 - (31) For the laws of assessment in Lev. XXVII comprise only men, beasts and land.
 - (32) To the Sanctuary.

Talmud - Mas. Sanhedrin 15a

If one declares, 'I dedicate the value of this vessel [to the Sanctuary]', its value must be handed over. Why so? Because it is well known¹ that there is no fixed assessment [in the Torah] for such objects:² he must therefore have spoken with reference to value;³ consequently, he must pay its value. But if so, [the words in the Mishnah] VALUATIONS OF MOVABLE OBJECTS should have read VALUATION CAUSED BY MOVABLE OBJECTS?⁴ — Read: VALUATIONS CAUSED BY MOVABLE OBJECTS.

R. Hisda, quoting Abimi [said]: It refers to one who pledges movable objects in payment of his own dedicated value.⁵ But in that case the words VALUATIONS OF MOVABLE OBJECTS should have been written MOVABLE OBJECTS OF ASSESSMENT!⁶ Read: MOVABLE OBJECTS OF ASSESSMENT.

R. Abbahu said: This refers to one who declares, 'I dedicate my value;' when the Priest comes to collect it, [on his failure to pay],⁷ movable property is assessed by three; immovable property by ten.⁸

R. Aha of Difti said to Rabina: The requirement of three assessors is correct in the case of one having to redeem anything out of the possession of the Sanctuary;⁹ but why need three to bring them into its possession?¹⁰ — It is common sense, he answered. What is the difference between appropriating a thing to, and expropriating a thing from [the possession of the Sanctuary]? In the case of expropriation, the reason [for three assessors] is the eventuality of error; but the same eventuality exists in the case of appropriation.¹¹

R. JUDAH SAYS etc. R. Papa said to Abaye: On R. Judah's opinion this is right: for that reason 'Priest' is written. But according to the Rabbis,¹² [who hold that no priest is required] — what is the purpose of that reference? — The question remained unanswered.

LAND VALUATION NEEDS NINE AND A PRIEST. Said Samuel: Whence is this inferred? — [From the] ten Biblical references to 'Priest' in the chapter [relating to valuation],¹³ One is needed for the actual law;¹⁴ the others are merely exclusions [of non-priests], one following the other. And [according to Talmudic rule,]¹⁵ exclusion, following exclusion, implies, not limitation, but extension,¹⁶ and so includes [as valid, a valuation made] even by nine non-priests,¹⁷ and [only] one priest.

R. Huna, the son of R. Nathan, demurred: Why not say that the ten assessors must consist of five priests and five non-priests?¹⁸ The difficulty remained unsolved.

THE VALUATION OF A MAN IS SIMILAR. But is a man an object that can be dedicated?¹⁹ — The words refer, said R. Abbahu, to the case of one who says; 'I dedicate my value'; as it has been taught 'If one says, I dedicate my value [to the Sanctuary-]', he is assessed exactly as a slave sold in the market; — and a slave is equated to immovable property.²⁰

R. Abin asked: How many assessors are needed for the valuation of hair that is ready to be shorn? Is it regarded as already shorn, and thus assessed by three,²¹ or as attached to the body, hence by ten?²² — Come and hear! If one dedicates his slave, no liability to a trespass-offering is incurred in respect of him.²³ But R. Simeon b. Gamaliel says: Liability is incurred in respect of his hair. And we know that the point on which they differ is regarding the hair which is ready to be shorn. Infer, therefore, from this [that R. Abin's question is a point of difference among the Rabbis].

Shall we take it that these Tannaim²⁴ differ in the same respect as the Tannaim of the following Mishnah? For we learnt: R. Meir says: There are things that notwithstanding their attachment to the soil are considered as movable property.²⁵ But the Sages disagree with him. In what case? [If A says to B.] 'I handed over to thee ten vines laden with fruit,' and the latter replies, 'They were only five,' R. Meir imposes [an oath on the defendant],²⁶ while the Sages say that an object which is still attached to the soil is subject to the laws of immovable property.²⁷ And R. Jose b. Hanina said: The case in question is one of grapes ready to be gathered: according to the one master,²⁸ they are considered as gathered; according to the other,²⁹ they are not! — No, you might say it is so³⁰ even according to R. Meir. Only there, in the case of grapes, which after ripening deteriorate by remaining ungathered, does R. Meir hold that they are considered as gathered: whereas hair, the longer it is left, the better it is.

CAPITAL CASES, CASES OF CARNAL CONNEXION WITH BEASTS etc. The law is stated categorically, without any distinction whether the connection is between a beast and a man or a beast and a woman. It is right as regards the [requirement of twenty-three] in the case of a woman, as this follows from the verse, Thou shalt slay the woman and the beast.³¹ But whence is it to be deduced in the case of a man? — It is written, Whosoever lieth with a beast shall surely be put to death.³² If this has no bearing on a case where a man is the active participant,³³ we must refer it to one in which he is the passive offender. And it is expressed in the Divine Law as if the man were the active sinner, for the purpose of equating the passive sinner to him. Just as in the case where the man approaches the beast, both he and the beast are judged by [a court of] twenty-three; so also, where the man is approached by the beast, both he and the beast are judged by twenty-three.

THE CASE OF AN OX TO BE STONED IS BY TWENTY-THREE, AS IT IS WRITTEN: THE OX SHALL BE STONED AND ITS OWNER ALSO SHALL BE PUT TO DEATH.³⁴ AS THE DEATH OF THE OWNER [IS BY TWENTY-THREE], SO THE DEATH OF THE OX. Abaye said to Raba: Whence do we know that the verse, and its owner also shall be put to death, means to [teach that] the judgment of the ox is to be similar to that of the owner?

(1) Lit., 'a man knows'.

(2) In the Bible, the word **lrg** ('erek) is used only in reference to men, and indicates a dedication of fixed sums varying according to the age and sex of the person who is the subject of such a dedication. Hence, strictly speaking, the word is meaningless when used in reference to utensils, and therefore a different meaning has to be given to it here.

(3) For, according to the Talmudic dictum, 'No man makes a purposeless declaration.' Cf. 'Ar. 5a.

(4) The difficulty is a grammatical one. **ihfrg** is the absolute form, and therefore **ihkykynv ihfrg** really

means, 'valuations which are movable' the article **V** being here a relative pronoun. The Talmud answers that the genitive particle **ka** is to be understood.

(5) Which, until their value is redeemed, are subject to the laws of sacred property, the assessment of which requires three. This interpretation is to justify the grammatical form used in the Mishnah, the meaning of the phrase being VALUATIONS (of human beings) which have been tendered in the form of MOVABLE OBJECTS.

(6) I.e., movable objects offered as the redemption price of human dedications.

(7) In case of non-payment his property is seized. V. 'Ar. 21a.

(8) The Mishnah therefore is to be interpreted thus: As for **ihfrgv** (human dedications), if movable property be rendered in redemption thereof, it is assessed by three; if real estate, by ten.

(9) As in the cases quoted by R. Giddal and R. Hisda.

(10) As in the case advanced by R. Abbahu.

(11) Hence the need of assessors in either case.

(12) The representatives of the first opinion cited anonymously.

(13) Lev. XXVII v. p. 69, n. 6.

(14) I.e., to state that a priest must be the assessor.

(15) Which is based on the following inference: For excluding purposes, one reference to 'priest' would have been sufficient; hence its repetition is not intended to exclude non-priests, but to extend. V. R. Han. a.l.

(16) In this case the extension to non-priests of the authority to make assessments.

(17) Lit., 'Israelites'. There were three classes in Israel, viz., 'Priests', 'Levites' and 'Israelites'.

(18) Since the rule that 'exclusion following exclusion implies extension' is based on redundancy, where there are a whole series of such exclusions, they are not all redundant. Thus, the first 'priest' teaching the exclusion of an Israelite, the second is redundant, and therefore teaches his inclusion. Hence, when the word has been written twice, we know that one priest and one Israelite are necessary. But for that very reason, the third 'priest' is not redundant, but to intimate that a priest is again required; after which the fourth is redundant, and so on; thus the first, third, fifth, seventh and ninth are needed for the actual law of priests and the others are superfluous, which gives five priests and five Israelites.

(19) So that he may be classed with sacred property.

(20) V. Meg. 23b. This is derived from the verse, And ye may make them an inheritance to your children after you, to hold for a possession. Lev. XXV, 46. Hence the need of ten assessors.

(21) Like movable property.

(22) Like immovable property.

(23) So, if one puts him to service, as is the case when one makes use of any other consecrated object; for the laws concerning the unlawful use of sacred property are not applicable to lands or things of similar status, as slaves. v. Me'i. 18b.

(24) R. Simeon b. Gamaliel and the first Tanna of the Baraita.

(25) Lit., 'there are things which are as real estate (being attached to the soil) yet are not as real estate (in a legal sense).'

(26) As in a case where there is partial admission of the claim (cf. B.K. 107a) and though an oath is not administered in cases of immovable property (v. Shebu, VI, 5). Here, however, since the vines no longer depend on the soil for ripening, they are considered as gathered.

(27) Hence no oath can be administered.

(28) R. Meir.

(29) The Rabbis.

(30) I.e., that hair, even though ready for cutting, is to be considered as immovable property, because the cases are not alike.

(31) Lev. XX,16, which indicates that the judgment on the ox is similar to that on the woman, and therefore the verdict must be pronounced by a similar body.

(32) Ex. XXII, 18.

(33) Since the reference in Lev. XX, 15, And if a man lie with a beast, he shall surely be put to death, suffices.

(34) Ex. XXI, 29.

Talmud - Mas. Sanhedrin 15b

Perhaps it is meant to [indicate] capital punishment [for the owner]? — In that case it should have been written, and the owner also, and no more. But [perhaps] had the Divine Law written so,¹ it could be argued that [the text implies death] by stoning?² — Could this view possibly be entertained! If a man himself is the murderer, his death is by the sword:³ when his property [sc. an ox] slays, shall he [the owner] be stoned!⁴

But might it not be argued⁵ that the reason the Divine Law wrote ‘yumath’⁶ is to [indicate] an easier death, i.e., to commute death by the sword to death by strangulation?⁷ Now, on the view that strangulation is a severer death,⁸ it is correct;⁹ but according to the view that strangulation is an easier death [than decapitation],¹⁰ what is there to be said [against it]?¹¹ — This cannot be entertained, because it is written, If there be laid on him a ransom;¹² and, should you maintain that he is liable to death, is it not written, You shall take no ransom for the life of a murderer?¹³ On the contrary, that fact [proves that the text is literal, Thus:] in case of a man's own crime, money is no adequate punishment, only death; whereas, when his beast kills, he can ransom himself with money?¹⁴ — But, said Hezekiah, and thus said a Tanna of the school of Hezekiah: Scripture state, He that smote him [a human being] shall surely be put to death, he is a murderer.¹⁵ For a murder committed by himself, you may put him to death, but you may not put him to death for a murder committed by his ox.¹⁶

The schoolmen asked: How many were needed [to judge] the ox [that sinned in approaching] Mount Sinai?¹⁷ [The question is] whether we can derive a temporary enactment from permanent practice or not? — Come and hear! Rammi b. Ezekiel taught, Whether it be beast or man, it shall not live;¹⁸ just as a man is judged by twenty-three, so is a beast judged by twenty-three.

THE LION AND THE WOLF etc. . . . Resh Lakish said: Provided, however, that they killed [a human being], but not otherwise.¹⁹ Thus he holds that they can be tamed and have owners.²⁰ R. Johanan says [that it is R. Eliezer's view] even when they have killed no one. Hence he holds that they cannot be tamed or have owners.²¹

We learnt: R. ELIEZER SAYS, WHOEVER IS FIRST TO KILL THEM [WITHOUT TRIAL], ACQUIRES. This is correct according to R. Johanan:²² What does he acquire? — He acquires [the possession of] their skin. But according to Resh Lakish, what does he acquire? As soon as they killed someone, the Rabbis regarded them as sentenced [to death], in which case every benefit from them is prohibited!²³ What then does he acquire? — He acquires [merit] in the sight of Heaven.

There is [a Baraita] taught which is in agreement with Resh Lakish: It is all one whether it be

an ox, or any other beast or animal that killed a man, [it is judged] by twenty-three. R. Eliezer says: Only an ox that killed [is tried] by twenty-three, but any other animal or beast who killed, whoever is first to kill them acquires merit in the sight of Heaven.²⁴

R. AKIBA SAID etc. Is not R. Akiba's opinion identical with that of the first Tanna [of the Mishnah]?²⁵ — [No;] they differ in the case of a serpent.²⁶

A WHOLE TRIBE MUST NOT BE JUDGED etc. What sin was committed by the tribe? Shall I say, that it is a case of a tribe that desecrated the Sabbath? But²⁷ if the Divine Law made a distinction between individual sinners and a multitude, it was only in cases of idolatry; did it then differentiate in cases [of the transgression] of other commandments? — It must therefore refer to a tribe that was beguiled [into idolatry]. Is it to imply that it must be tried like a multitude? [If so,] this coincides with the opinion of neither R. Josiah nor R. Jonathan. For it has been taught: How many inhabitants must a town have that it may be proclaimed condemned? Not less than ten and not more than a hundred.²⁸ this is the view of R. Josiah. R. Jonathan says: From a hundred to the majority of the tribe in question. And even R. Jonathan admits only the majority of a tribe, but not the whole of it.²⁹ The case in question, says R. Mathna, is one

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- (1) Without the word *yumath*, , **nuh** ('he shall be put to death').
 - (2) I.e., that the same death should be meted out to both man and ox.
 - (3) V. infra 52a.
 - (4) A severer death. Surely not!
 - (5) In support of the literal interpretation.
 - (6) Which is apparently superfluous.
 - (7) For by an unspecified death, strangulation is meant (infra 52b).
 - (8) As held by R. Simeon, cf. infra 49b.
 - (9) For it would appear illogical to punish the owner more severely than in the case of his own act.
 - (10) As held by the Rabbis, *ibid*.
 - (11) Sc. the argument in support of the literal interpretation of 'yumath'.
 - (12) Ex. XXI, 30.
 - (13) Num. XXXV, 31; and surely, if he is to be executed, he is considered as such.
 - (14) And where there is no offer of a ransom he is to be put to death. And the question — 'perhaps the verse means to indicate capital punishment for the owner' — remains.
 - (15) *Ibid*.
 - (16) Deduced from the words, 'he is a murderer', which appear superfluous.
 - (17) Cf. Ex. XIX, 13. Approach was forbidden to man and beast on pain of death.
 - (18) *Ibid*.
 - (19) Only then does R. Eliezer maintain that the sooner they are killed the better.
 - (20) I.e., their owners acquire legal title to them. For otherwise, it would be natural to assume that R. Eliezer meant that they should always be slain as potential mankillers.
 - (21) And even if a person does breed them, he acquires no legal title thereto, and anyone is at liberty to kill them.
 - (22) In whose opinion there is no ownership. Moreover, since they are slain even before they have killed a human being, they are not treated as animals sentenced to death, all benefit from which is prohibited.
 - (23) V. B.K. 41b.
 - (24) Tosef. Sanh. III.

(25) Why then state his view as though he differed with the first Tanna?

(26) Which, according to R. Akiba, can be killed even without trial.

(27) Lit., 'Say'.

(28) Only a town, referred to as 'ir (v. Deut. XIII, 14) can be condemned. R. Josiah holds that a community of less than ten is a village (kefar) and one of more than a hundred is an entire community, of which the 'city' is only a part.

(29) For in the case of a whole tribe, the members are to be tried individually as when an entire community, as distinct from a town, practises idolatry (v. preceding note).

Talmud - Mas. Sanhedrin 16a

where the head of the tribe has sinned;¹ did not R. Adda b. Ahabah say: Every great matter they shall bring unto thee² means the delinquencies of the great man;³ so this one [sc. the head of a tribe] too, is a great man.⁴

'Ulla, quoting R. Eleazar says: [This refers to the case of] a dispute over the division of land [where the procedure must be the same] as at the first [division] in Eretz Yisrael. As in the commencement,⁵ [such a dispute was decided by a Court of] seventy-one, so does it stand for all time.⁶ But if so, just as originally the division was made by means of the urn, the Urim and Tummim,⁷ and in the presence of all Israel, so at all times there must be an urn, the Urim and Tummim, and the presence of all Israel! But clearly, the answer given by R. Mathna is the better one.

Rabina says: I still maintain that the case in question is that of a tribe led astray into idolatry, and if you object that such should be judged after the manner of a multitude [I say,] True! though they are executed as individuals;⁸ yet their trial must indeed be by a court competent to try a multitude.⁹ For did not R. Hama son of R. Jose say in the name of R. Oshaia [in reference to the Scriptural passage]: Then shalt thou bring forth that man and that woman,¹⁰ that an individual man or woman may be brought unto [the court at] thy gates,¹¹ but not a whole town?¹² Similarly in this case, only an individual man or woman canst thou bring forth to thy gates, but thou canst not bring forth a whole tribe.

NOR THE FALSE PROPHET. Whence is this inferred? — R. Jose son of R. Hanina says: It is derived from [the analogy set up] by the word hazadah,¹³ used both here,¹⁴ and in reference to the rebellious elder.¹⁵ Just as there, [the rebellious elder is to be put to death only if he has rebelled against a Sanhedrin of] seventy-one, so here too, [the false prophet is to be tried by a court of] seventy-one. But is not the expression 'hazadah' mentioned in reference to his execution,¹⁶ which is determined by a court of twenty-three? —¹⁷ Resh Lakish therefore said: It is derived from the use of dabar [word] employed here,¹⁸ and in reference to his [the elder's] rebelliousness. But let us, in turn, deduce [that the execution of] the rebellious elder [is by seventy-one] by employing the analogy of hazadah written therein and in the case of the false prophet.¹⁹ — He [the Tanna] had a tradition authorising the analogy of dabar, but not that of hazadah.²⁰

NOR THE HIGH PRIEST.

Whence is this derived? — R. Adda b. Ahabah said: Scripture states, Every great matter they shall bring unto thee.²¹ [This means:] The matters [viz., delinquencies] of the great [man].²²

An objection is raised: A great matter [means] ‘a difficult²³ case’. You say, ‘a difficult case’; but perhaps it is not so, the meaning being ‘the matters of the great man’? Since Scripture states further on, Hard causes [difficult cases] they brought unto Moses,²⁴ it is clear that difficult cases are meant. [Hence great matter means ‘difficult case’]? — His²⁵ view is that of the following Tanna. For it has been taught: Every great matter, means ‘the matters of a great [man]’. You say so, but may it not mean, ‘every difficult case’? When Scripture further refers to ‘hard causes’ [difficult cases], these have already been mentioned.²⁶ How then, do I interpret, ‘great matter’? — ‘The matters of the great [man].’²⁷

But according to that Tanna,²⁸ why the need of both verses? — The one states the law itself; the other, its practice.²⁹ But the other [Tanna]?³⁰ — If so,³¹ either ‘great’ should be employed in both passages, or ‘difficult’ in both. Why ‘great’ in one passage and ‘difficult’ in the other? We may infer therefrom the two meanings.³²

R. Eleazar asked: How many judges are needed to judge the [goring] ox of the High Priest? Is it assimilated to the execution of his owner,³³ or is it assimilated to that of owners in general?³⁴ — Abaye said: Since he raised the question with regard to his ox, it seems that in regard to his other monetary cases, he is certain.³⁵ But is not this obvious? — No, for you might have supposed from the verse, Every great matter . . . that every matter of the great man³⁶ [is to be brought before the great Sanhedrin]. He [Abaye] therefore informs us [otherwise].

WAR OF FREE CHOICE etc.

Whence do we deduce this? — Said R. Abbahu: Scripture states, And he shall stand before Eleazar the Priest [who shall inquire for him by the judgment of the Urim before the Lord. At his word shall they go out and at his word they shall come in, both he and all the children of Israel with him even all the Congregation].³⁷ ‘He’, refers to the King;³⁸ ‘And all the children of Israel with him,’ to the Priest anointed for the conduct of war;³⁹ and, ‘all the Congregation,’ means the Sanhedrin.⁴⁰ But perhaps it is the Sanhedrin whom the Divine Law instructs to inquire of the Urim and Tummim?⁴¹ — But [it may be deduced] from the story related by R. Aha b. Bizna in the name of R. Simeon the Pious: A harp hung over David’s bed, and as soon as midnight arrived, a northerly wind blew upon its strings and caused it to play of its own accord. Immediately David arose and studied the Torah until the break of dawn. At the coming of dawn, the Sages of Israel entered into his presence and said unto him: ‘Our Sovereign King, thy people Israel need sustenance.’ ‘Go and support yourselves by mutual trading,’⁴² David replied, ‘But,’ said they, ‘a handful does not satisfy the lion, nor can a pit be filled with its own clods.’⁴³ Whereupon David said to them: ‘Go and stretch forth your hands with a troop [of soldiers].’⁴⁴ Immediately they held counsel with Ahitophel and took advice from the Sanhedrin⁴⁵ and inquired of the Urim and Tummim. R. Joseph said: What passage [states this]?

(1) Irrespective of the manner of transgression, provided it carries with it the penalty of death.

(2) Ex. XVIII, 22.

- (3) I.e., the High Priest (**kusd ivf** lit., 'great priest'), v. infra, and 18b.
- (4) Who, accordingly, is tried by seventy-one (v. preceding note).
- (5) When Palestine was divided for the first time amongst the tribes.
- (6) Lit., 'here'.
- (7) Objects used as a kind of Divine oracle which the High Priest wore on his breast, v. B.B. 122a.
- (8) By stoning.
- (9) Viz., of seventy-one.
- (10) Deut. XVII, 5.
- (11) The local court of twenty-three.
- (12) But before a court of seventy-one.
- (13) **VSZV** presumption.
- (14) In reference to the false prophet, Deut. XVIII, 20.
- (15) Ibid. XVII, 12. And the man that does presumptuously (bezadon).
- (16) Ibid: that man shall die.
- (17) The reference to the Sanhedrin in Deut. XVII, 12, is only with respect to his disregard of their decision.
- (18) The false prophet: ibid. XVIII, 20, The prophet that shall speak a word. The elder: ibid. XVII, 10, And thou shalt do according the word. The need of seventy-one for the false prophet, therefore, is derived from the passage relating to the rebelliousness of the elder, which must be directed against the major Sanhedrin.
- (19) I.e., just as the rule, that the judgment of the false prophet must be by seventy-one, is derived from an analogy of the two dabars, so, on the other hand, we may deduce that the execution of the elder must be by seventy-one, from an analogy of the two hazadahs.
- (20) That analogy was not handed down to him by his teachers, and no man may set up an analogy of his own. Cf. Pes. 66a and other places.
- (21) Moses. Ex. XVIII, 22.
- (22) E.g., the High Priest. v. p. 76, n. 8.
- (23) Lit., 'hard'.
- (24) Ibid. XVIII, 26.
- (25) R. Adda b. Ahabah.
- (26) And therefore the previous verse is unnecessary on this assumption.
- (27) I.e., the High Priest.
- (28) The first Tanna, who interprets 'great matter' as 'difficult case'.
- (29) Ex. XVIII, 22, states the law; ibid. 26 merely relates that this was carried out, but gives no new law.
- (30) I.e., why interpret both verses (v. n. 11) as stating laws, when the second is obviously mere narrative?
- (31) That the same thing is referred to in both verses.
- (32) a) Matters of a great man, b) difficult case. For though the second verse is a narrative, it refers to a difficult case, and is not identical with the first verse.
- (33) Which is by seventy-one.
- (34) Which is by twenty-three, v. Mishnah, supra 2a.
- (35) That they must be tried before a court of three.
- (36) Even monetary cases.
- (37) Num. XXVII, 21-22.
- (38) Joshua, who had regal authority.
- (39) And whose call to war must be heeded by all Israelites.
- (40) V. p. 3, no. 4.
- (41) I.e., that none but the Sanhedrin (also the King and the Priest anointed for war) may enquire of the Urim and

Tummim: but not because of any need to obtain their permission for the proclamation of war.

(42) Lit., 'one from another'.

(43) A community cannot live on its own resources.

(44) Invade foreign territory.

(45) Hence the ruling in the Mishnah, that the permission of the Sanhedrin was required for the proclamation of war.

Talmud - Mas. Sanhedrin 16b

— And after Ahitophel was Benaiah the son of Jehoiada¹ and Abiathar; and the Captain of the king's host was Joab.² 'Ahitophel' is the adviser, even as it is written, And the counsel of Ahitophel which he counselled in those days, was as if a man inquired from the word of God.³ 'Benaiah the son of Jehoiada', refers to the Sanhedrin, and 'Abiathar' to the Urim and Tummim. And so it is written, And Benaiah the son of Jehoiada was over⁴ the Kerethites and Pelethites.⁵ And why were they⁶ termed Kerethites?⁷ — Because they gave definite instructions,⁸ And Pelethites?⁹ — Because their acts were wonderful. Only after this [is it written]. And the captain of the king's host was Joab.¹⁰ R. Isaac the son of R. Adda, — others state, R. Isaac b. Abudimi — said: What verse [tells us of the harp hanging over David's bed]? — Awake my glory, awake psaltery and harp; I will wake the dawn.¹¹

THE ENLARGEMENT OF THE CITY, etc. Whence is this derived? R. Shimi b. Hiyya said: Scripture states, According to all that I show thee, the pattern of the Tabernacle [and the pattern of all the furniture thereof] even so shall ye make it¹² — [meaning,] in future generations¹³ Raba objected: All vessels made by Moses were hallowed by their anointing: those made subsequently were consecrated by [their] service.¹⁴ But why? Let us suppose [that] 'even so shall you make' applies to future generations [in this respect too]!¹⁵ — There it is different, for Scripture states, And he had anointed them and sanctified 'otham' [them];¹⁶ [hence] only they [were sanctified] by anointing, but not those of later generations. But why not deduce this: those¹⁷ [could be consecrated only] by anointing, whereas the vessels made afterwards might be consecrated either by service or by anointing? — R. Papa said: Scripture reads, . . . wherewith they shall minister in the Sanctuary.¹⁸ . Thus, Scripture made them [i.e., their consecration] dependent on service.¹⁹ Why then do we need 'otham'?²⁰ — But for 'otham', I might have thought that the consecration of the vessels of the future required both anointing and service, since it is written, so shall you make it;²¹ the Divine Law therefore emphasised, 'otham',²² i.e., only they need anointing, but not those of future generations.

THE APPOINTMENT OF THE SANHEDRIN IS BY SEVENTY-ONE. Whence do we derive this law? — Since we find that Moses set up Sanhedrins,²³ and Moses had an authority equal to that of seventy-one.²⁴

Our Rabbis taught: Whence do we know that judges are to be set up for Israel? — From the verse, Judges thou shalt make thee.²⁵ Whence do we deduce the appointment of officers²⁶ for Israel? — From the same verse, Officers shalt thou make thee. Whence the appointment of judges for each tribe? — From the words, Judges . . . for thy tribes.²⁷ And the appointment of officers for each tribe? — From the words, Officers . . . for thy tribes. Whence the appointment of judges

for each town? From the words, Judges . . . in all thy gates. And the appointment of officers for each town? — From the words, Officers . . . in all thy gates.²⁸ R. Judah says: One [judicial body]²⁹ is set over all the others, as it is written, . . . shalt thou make thee.³⁰ Rabban Simeon b. Gamaliel said: [The immediate connection] of ‘they shall judge’ and ‘for thy tribes’³¹ indicates that the tribal court must judge only those of its own tribe.

THE CONDEMNATION OF A TOWN [etc.]. Whence is this derived? — R. Hiyya b. Joseph said in R. Oshaia's name: Scripture states, Then shalt thou bring forth that man or that woman,³² [teaching,] an individual man or woman thou mayest bring to thy gates,³³ but not a whole town.³⁴

A CITY ON THE BORDER MAY NOT BE CONDEMNED. Why? — Because the Torah says: From the midst of thee,³⁵ but not [a city] on the border.³⁶

NOR CAN THREE CITIES BE CONDEMNED. For it is written, Concerning one of the cities.³⁷ Yet one or two may be condemned, as it is written, of thy cities.³⁸

Our Rabbis taught: [Concerning] one [of the cities]: ‘one’, excludes three. You say that it excludes three; but why not assume that it excludes even two? — When it states, ‘thy cities’, two then are indicated;³⁹ hence, how do I explain ‘one’? — That one [or two] cities may be condemned, but not three. At times Rab said that a single court cannot condemn three cities, but that [that number] may be condemned by two or three courts; at others he maintained that [three cities] can never be condemned, even by two or three courts. What is Rab's reason? — Because of ‘baldness’.⁴⁰ Resh Lakish said: They [sc. the Rabbis] taught this [only if the cities are] in a single province,⁴¹ but if they lie in two or three different provinces, they may be condemned. R. Johanan holds that they may not be condemned [even in that case], for fear of ‘baldness’. [A Baraita] was taught which is in agreement with R. Johanan: We cannot condemn three cities in Eretz Yisrael; but we may condemn two [if situated in two provinces] e.g. one in Judea and one in Galilee; but two in Judea or two in Galilee may not be condemned; and near the border, even a single city cannot be condemned. Why? Lest the Gentiles become aware of it and destroy the whole of Eretz Yisrael.⁴² But may not this⁴³ be deduced from the fact that the Divine law wrote, From the midst of thee, [implying], but not from the border? — He [the author of the Baraita] is R. Simeon, who always interprets the Biblical law on the basis of its meaning.⁴⁴

THE GREAT SANHEDRIN etc. What is the reason for the Rabbis maintaining that MOSES WAS OVER THEM?⁴⁵ — Scripture says, That they may stand there

(1) The Biblical version of the verse is Jehoiada the son of Benaiah. Tosaf. Hananel and Aruk (art. **rj t** a.) base their versions on this reading and comment accordingly. Rashi and this translation follow the text of the printed editions of the Talmud which agree with II Sam. XX, 23, and I Chron. XVIII, 17.

(2) I Chron. XXVII, 34.

(3) II Sam. XVI, 23.

(4) Of higher rank (Rashi).

(5) I Chron. XVIII, 17, and II Sam. XX, 23. Since Abiathar is mentioned in the previous verse after Benaiah, it follows that it is he who is referred to by Kerethites and Pelethites. [According to the text adopted by R. Tam (v. Tosaf.), the verse ‘Benaiah the son of Jehoiada etc.’ follows the word ‘Sanhedrin’. The explanation of Kerethites

and Pelethites refers accordingly to the Sanhedrin.]

(6) The Urim and Tummim.

(7) **h, rf** fr. , **rf** 'to cut'.

(8) Lit., 'they cut their words.'

(9) **h, kp** fr. **tkp** 'wonder'.

(10) I.e., only after the Sanhedrin had authorised a war was there any need for Joab, the chief general.

(11) Ps. LVII, 9. 'I will wake the dawn' implies that 'I am up and stirring before the dawn'.

(12) Ex. XXV, 9.

(13) Just as the position and bounds of the Tabernacle were regulated by Moses, representing the Great Sanhedrin, so must the boundaries of the city and Temple Courts be decided upon by the Great Sanhedrin.

(14) I.e., by their very use itself. Shebu. 15a.

(15) I.e., in regard to the consecration of the vessels by the anointing.

(16) Num. VII, 1.

(17) Of the time of Moses.

(18) Num. IV, 12.

(19) And the use of the imperfect **u, rah** (they shall minister) implies that the reference is to vessels of generations subsequent to Moses.

(20) **o, ut** 'them', in Num. VII, 1, which appears to serve as an exclusion — which in face of the said verse is unnecessary.

(21) Interpreted to mean, 'for later generations', v. supra.

(22) 'Them, to indicate a limitation.

(23) Ex. XVIII, where it is related how Moses followed the advice of Jethro, his father-in-law.

(24) V. supra 13b.

(25) Deut. XVI, 18.

(26) To execute the sentence of the court.

(27) Ibid.

(28) Ibid.

(29) I.e., the major Sanhedrin.

(30) Which indicates that the whole of Israel was to be treated as a corporate unit.

(31) The verse reads, Judges . . . shalt thou make thee . . . for (E.V. throughout) thy tribes, and they shall judge . . . thus; 'for thy tribes' is coupled with 'and they shall judge'.

(32) Deut. XVII, 5.

(33) I.e., to the court at thy gates which consists of twenty-three.

(34) The latter before a court of seventy-one.

(35) Ibid. XIII, 14.

(36) V. p. 83, n. 4.

(37) Ibid. XIII, 13.

(38) 'Undefined plurals mean at least two,' is a Talmudic rule.

(39) V. n. 12.

(40) I.e., depopulation.

(41) Lit., 'place'; e.g., Judea and Galilee.

(42) Tosef. Sanh. XIV.

(43) That a border city may not be condemned.

(44) V. 111.

(45) I.e., that the court consisted of seventy besides Moses.

Talmud - Mas. Shevu'oth 2a

CHAPTER I

MISHNAH. OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;¹ THE LAWS CONCERNING THE DISCOVERY OF HAVING [UNCONSCIOUSLY] SINNED THROUGH UNCLEANNESS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;² THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;³ THE SHADES OF LEPROUS AFFECTIONS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR.⁴

WHERE⁵ THERE IS KNOWLEDGE AT THE BEGINNING AND AT THE END BUT FORGETFULNESS BETWEEN,⁶ A 'SLIDING SCALES' SACRIFICE IS BROUGHT.⁷ WHERE THERE IS KNOWLEDGE AT THE BEGINNING BUT NOT AT THE END, THE GOAT THE BLOOD OF WHICH IS SPRINKLED WITHIN THE VEIL ON THE DAY OF ATONEMENT⁸ TOGETHER WITH THE DAY OF ATONEMENT ITSELF HOLD THE SIN IN SUSPENSE⁹ UNTIL IT BECOME KNOWN TO THE SINNER, AND HE BRINGS THE 'SLIDING SCALE' SACRIFICE. WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING BUT THERE IS KNOWLEDGE AT THE END, THE GOAT SACRIFICED ON THE OUTER ALTAR TOGETHER WITH THE DAY OF ATONEMENT ITSELF BRING HIM FORGIVENESS;¹⁰ FOR IT IS SAID: '[ONE HE-GOAT FOR A SIN-OFFERING] BESIDE THE SIN-OFFERING OF ATONEMENT':¹¹ [THEY ARE LIKENED TO ONE ANOTHER SO THAT WE MAY DEDUCE THAT] BOTH ATONE FOR SIMILAR KINDS OF SIN: JUST AS THE 'INNER' GOAT¹² ATONES ONLY FOR AN UNCONSCIOUS SIN — WHERE THERE WAS KNOWLEDGE [AT THE BEGINNING], SO THE 'OUTER'¹³ GOAT ATONES ONLY FOR AN UNCONSCIOUS SIN — WHERE THERE WAS KNOWLEDGE [AT THE END]. WHERE THERE IS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END, THE GOATS OFFERED AS SIN-OFFERINGS ON FESTIVALS AND NEW MOONS BRING ATONEMENT. THIS IS THE OPINION OF R. JUDAH [B. ILAI]. R. SIMEON [B. YOHAI] HOLDS THAT THE FESTIVAL GOATS ALONE AND NOT THE NEW MOON GOATS ATONE FOR THIS CLASS OF UNCONSCIOUS OFFENCE.¹⁴ AND FOR WHAT DO THE NEW MOON GOATS BRING ATONEMENT? —

(1) Positive and negative with reference to both future action (I swear I shall . . . ; I swear I shall not . . .) and past action (I swear I did . . . ; I swear I did not . . .). V. Lev. V, 4.

(2) A person defiled by dead man or carrion who, forgetful of his uncleanness, eats holy food or enters the sanctuary; or, does either of these two actions, whilst conscious of his uncleanness, but not of eating holy (sacrificial) food or entering the sanctuary. V. Lev. V, 2ff.

(3) Two kinds of Hoza'ah, carrying out: standing in public ground, stretching out the hand to private ground, and withdrawing an object; standing in private ground, and removing an object thence to public ground. And two kinds of Haknasah, bringing in: standing in private ground, stretching out the hand to public ground, and withdrawing an object; standing in public ground, and removing an object thence to private ground.

(4) Bahereth, white like snow; Se'eth, like white wool; Sid ha-hekal, white like the plaster of the Temple walls; and Kerum Bezah, white like the membrane round an egg: they are all different shades of white. V. Lev. XIII, 2ff.

- (5) The laws of uncleanness are here discussed. The Gemara (3a) explains why these laws rather than the laws of oaths are discussed first. The Sabbath and leprosy laws are explained in their own tractates, and are only mentioned here en passant simply because of their similarity in that they are 'two, subdivided into four'.
- (6) I.e., Knowledge at the time of becoming unclean, but forgetfulness (v. n. 2) at the actual moment of eating the holy food or entering the sanctuary.
- (7) According to the pecuniary circumstances of the sinner: a lamb or goat, if he be wealthy; two turtledoves or two young pigeons, if he cannot afford a lamb; or the tenth part of an ephah of fine flour, if he be poor (Lev. V, 6-11).
- (8) Lev. XVI, 15.
- (9) Shielding the sinner from punishment.
- (10) For he can never bring a sacrifice himself, since there was no knowledge at the beginning.
- (11) Num. XXIX, 11.
- (12) I.e., 'the sin-offering of atonement.'
- (13) The 'he-goat for a sin-offering.'
- (14) V. infra 9b.

Talmud - Mas. Shevu'oth 2b

FOR A RITUALLY CLEAN MAN WHO ATE HOLY FOOD THAT HAD BECOME UNCLEAN. R. MEIR SAYS: ALL THE GOATS [EXCEPT THE 'INNER'] HAVE EQUAL POWERS OF ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE¹ AND HOLY FOOD THEREOF.² NOW, R. SIMEON HOLDS THAT THE NEW MOON GOATS BRING ATONEMENT FOR A CLEAN MAN WHO ATE UNCLEAN HOLY FOOD; AND THE FESTIVAL GOATS ATONE FOR TRANSGRESSION OF THE LAWS OF UNCLEANNESS WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; AND THE 'OUTER' GOAT OF THE DAY OF ATONEMENT FOR TRANSGRESSION OF THESE LAWS WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END. THEY³ [THEREFORE] SAID TO HIM: 'IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER?'⁴ HE REPLIED 'YES!' THEY [HOWEVER] ARGUED WITH HIM: 'SINCE THEY ARE NOT EQUAL IN THE ATONEMENT THEY BRING, HOW CAN THEY TAKE EACH OTHER'S PLACE?' HE REPLIED: 'THEY ARE ALL AT LEAST EQUAL [IN THE WIDER SENSE] IN THAT THEY ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.' R. SIMEON B. JUDAH SAID IN HIS NAME:⁵ THE NEW MOON GOATS BRING ATONEMENT FOR A CLEAN PERSON WHO ATE UNCLEAN HOLY FOOD; THE FESTIVAL GOATS, IN ADDITION TO BRINGING ATONEMENT FOR SUCH A CASE, ATONE ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; THE 'OUTER' GOAT OF THE DAY OF ATONEMENT, IN ADDITION TO BRINGING ATONEMENT FOR BOTH THESE CASES, ATONES ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END. THEY ACCORDINGLY ASKED HIM: 'IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER?' HE SAID, 'YES!' THEY [FURTHER] SAID TO HIM: 'GRANTED THAT THE DAY OF ATONEMENT GOAT⁶ MAY BE OFFERED UP ON THE NEW MOON, BUT HOW CAN THE NEW MOON

GOAT BE OFFERED UP ON THE DAY OF ATONEMENT TO BRING ATONEMENT FOR A TRESPASS THAT IS NOT WITHIN ITS SCOPE?' HE REPLIED: 'THEY ARE ALL AT LEAST EQUAL [IN THE WIDER SENSE] IN THAT THEY ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.

FOR WILFUL TRANSGRESSION OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF, THE 'INNER' GOAT OF THE DAY OF ATONEMENT TOGETHER WITH THE DAY OF ATONEMENT ITSELF BRING FORGIVENESS.⁷ FOR OTHER TRANSGRESSIONS OF THE TORAH, LIGHT AND GRAVE, WILFUL AND UNCONSCIOUS, KNOWN AND UNKNOWN, POSITIVE AND NEGATIVE, THOSE PUNISHABLE BY KARETH⁸ AND THOSE PUNISHABLE BY DEATH IMPOSED BY THE COURT — FOR ALL THESE THE SCAPEGOAT⁹ BRINGS ATONEMENT TO ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST. WHAT [THEN] IS THE DIFFERENCE BETWEEN ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST?¹⁰ — [NONE], SAVE THAT THE BULLOCK¹¹ BRINGS ATONEMENT TO THE PRIESTS FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD.¹² R. SIMEON SAYS: JUST AS THE BLOOD OF THE GOAT THAT IS SPRINKLED WITHIN THE VEIL BRINGS ATONEMENT FOR ISRAELITES, SO THE BLOOD OF THE BULLOCK BRINGS ATONEMENT FOR PRIESTS; AND JUST AS THE CONFESSION OF SINS PRONOUNCED OVER THE SCAPEGOAT BRINGS ATONEMENT FOR ISRAELITES, SO THE CONFESSION PRONOUNCED OVER THE BULLOCK BRINGS ATONEMENT FOR PRIESTS.¹³ GEMARA. Now, the Tanna has just ended the treatise Makkoth; why does he study Shebu'oth?¹⁴ — Because he learned:¹⁵ For rounding the corners of the head¹⁶ the penalty of lashes is incurred twice, once for each corner;

(1) Lit., 'sanctuary'.

(2) They all equally atone for sins committed unconsciously, whether there was no knowledge at the beginning but knowledge at the end, or no knowledge either at the beginning or at the end; and for a clean man who ate unclean holy food.

(3) The Sages.

(4) If, for example, the goat set apart for offering on the Day of Atonement was lost, and was found only after another had been offered in its place, is it permissible to offer it up on a festival or new moon?

(5) Another version of R. Simeon b. Yohai's view.

(6) Because it is more inclusive.

(7) V. 12b seq.

(8) Extinction by divine intervention; v. Glos.

(9) Lit., 'the one to be sent away'.

(10) This apparent contradiction of the former statement is explained in the Gemara (13b).

(11) The bullock brought by the High Priest, Lev. XVI, 3-6.

(12) Whereas for Israelites the 'inner' and 'outer' goats bring atonement for these transgressions; the scapegoat, however, brings atonement both to Israelites and priests for all other transgressions.

(13) Disagreeing with the previous Tanna who holds that the scapegoat brings atonement to both Israelites and priests for other transgressions, he contends that the scapegoat is for Israelites only; the sprinkling of the blood of

the 'inner' goat (attended by no confession) brings atonement to Israelites for transgressions connected with uncleanness; the confession over the scapegoat (attended by no blood sprinkling) brings atonement to Israelites for other transgressions. Similarly, the sprinkling of the blood of the bullock brings atonement to priests for transgressions connected with uncleanness; and the confession over the bullock brings atonement to them for other transgressions; v. 13b. seq.

(14) Shevu'oth follows immediately upon Makkoth in the Mishnah. What connection is there between the two treatises that the Tanna studies them in this order?

(15) Mak. 20a.

(16) Removing the hair from the temples, where the head joins the cheeks; v. Lev. XIX, 27.

Talmud - Mas. Shevu'oth 3a

and for shaving the beard, five times, twice for each cheek,¹ and once for the point of the chin. Since he has been discussing a single prohibition involving two punishments, he continues with OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. Why did the Tanna enumerate all the instances of 'two, subdivided into four' only in this treatise, and not in the treatise Shabbath, when discussing the laws of carrying, nor in the treatise Nega'im, when discussing the shades of leprous affections? — I will tell you: The laws of oaths and uncleanness are mentioned together in the Bible,² and are akin to each other in that their transgressor brings a 'sliding-scale' sacrifice,³ the Tanna therefore mentions them together here, and, having mentioned these two, he includes the rest also.

Having begun with the laws of oaths, why does the Tanna proceed to explain the laws of uncleanness first? Because the laws of uncleanness are few he disposes of them first; then he proceeds to explain the laws of oaths which are more numerous.

OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: I shall eat; I shall not eat. SUBDIVIDED INTO FOUR: I have eaten; I have not eaten.

THE LAWS CONCERNING THE DISCOVERY OF HAVING [UNCONSCIOUSLY] SINNED THROUGH UNCLEANNESS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: The discovery of having been unclean and partaken of holy food; and the discovery of having been unclean and entered the Temple [the uncleanness having been forgotten in both cases]. Subdivided INTO FOUR: The discovery that it was holy food he had eaten while being unclean [having forgotten that it was holy during the eating of it]; and the discovery that it was the Temple he had entered while being unclean [having forgotten it was the Temple at the time of entering].

THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: The carrying out by the poor man; and the carrying out by the householder.⁴ SUBDIVIDED INTO FOUR: The bringing in by the poor man; and the bringing in by the householder.

THE SHADES OF LEPROUS AFFECTIONS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: Se'eth and Bahereth. SUBDIVIDED INTO FOUR: The derivative of Se'eth, and

the derivative of Bahereth.⁵

Who is the Tanna of our Mishnah? — It is neither R. Ishmael nor R. Akiba! It is not R. Ishmael, for he states: He is guilty only when the oath is in the future tense.⁶ And it is not R. Akiba, for he states: He is guilty only in the cases where he forgets his uncleanness [while eating holy food or entering the Temple], but not in the cases where he forgets that it is the Temple he is entering [or that the food is holy while he is unclean].⁷

If you wish, I can say the Tanna of our Mishnah is R. Ishmael, or, if you prefer, I can say it is R. Akiba. It may be R. Ishmael. [Of the four kinds of oaths mentioned, not all are equally serious; but] two incur punishment, and the other two do not. Or, it may be R. Akiba. Two [of the cases of transgression through uncleanness] incur punishment, and two do not. In some cases there is no punishment?

(1) Which has two corners, the end of the lower jawbone where it joins the bottom of the ear, and the end near the chin.

(2) Lev. V, 2ff.

(3) V. p. 1, n. 7.

(4) For the sake of brevity the terms 'poor man' and 'householder' are employed, it being assumed that the poor man stands outside, and the householder inside; v. supra p. 1, n. 3 on Mishnah.

(5) V. supra p. 1, n. 4 on Mishnah.

(6) Infra 25a. Our Mishnah includes also oaths in the past tense.

(7) Infra 14b. Our Mishnah includes the four categories.

Talmud - Mas. Shevu'oth 3b

But does not the Tanna mention them together with the laws concerning the shades of leprosy: just as in these laws all four shades make him unclean, necessitating a sacrifice, so here [in the case of oaths and uncleanness] all must be equal, necessitating a sacrifice? — Verily, the Tanna is R. Ishmael; and though in the case of oaths R. Ishmael excludes the past tense, it is only to free the transgressor from bringing a sacrifice¹ [if he transgresses unwittingly], but not to free him from lashes [if he transgresses wilfully].² And this will be in accordance with Raba's dictum, for Raba said:³ Clearly did the Torah state that a false oath is like a vain oath⁴ [for lashes]; just as a vain oath which is necessarily in the past [being untrue the moment it is uttered, is attended by the penalty of lashes], so is a false oath in the past [attended by the penalty of lashes].

Granted in the case of the oaths, 'I have eaten,' 'I have not eaten,' [he is guilty and receives the lashes, if they are false], as Raba says. Also, in the case of 'I shall not eat,' and he ate, he is guilty [and receives lashes], for he has transgressed a negative precept involving action; but in the case of 'I shall eat,' and he did not eat, why should he receive lashes, since the transgression is of a negative precept involving no action?⁵ [Where then are the four kinds of punishable oaths?] — R. Ishmael holds that the violation of a negative precept not involving action is also punishable by lashes. If so, R. Johanan contradicts himself; for R. Johanan said: The rule is in accordance with the anonymous Mishnah;⁶ and yet we find it stated: 'I swear I shall eat this loaf today,' and the day passed, and he did not eat it; R. Johanan and Resh Lakish both say he does not receive lashes,

R. Johanan's reason for his opinion being because it is a negative precept not involving action, and the transgression of a negative precept involving no action is not liable to lashes; and Resh Lakish's reason being because it is an 'uncertain warning',⁷ and an uncertain warning is not a warning — R. Johanan found another anonymous Mishnah [which agrees with his view] Which one? Is it the following anonymous Mishnah? For we learnt: 'But he who leaves over a portion of even a ritually clean paschal lamb; or breaks the bone of an unclean paschal lamb, does not receive the forty lashes.'⁸ Granted that he who breaks the bone of an unclean paschal lamb does not receive lashes, because it is written: Ye shall not break a bone thereof⁹ — of a ritually clean and not of a disqualified paschal lamb. But he who leaves over a portion of a clean paschal lamb — why should he be exempt, unless it be because he is transgressing a negative precept not involving action, and a negative precept not involving action is not liable to punishment? [This, then, is the anonymous Mishnah with which R. Johanan agrees.] But how do you know that this Mishnah is reflecting the view of R. Jacob, who holds that the violation of a negative precept involving no action is not punishable by lashes? Perhaps it is reflecting the view of R. Judah [b. Ila'i], who holds that this transgression is not punishable by lashes, because Scripture has come to appoint a positive precept to follow the negative precept,¹⁰ but otherwise it would be punishable by lashes. For it is taught: Ye shall let nothing remain until the morning; but that which remaineth of it until the morning ye shall burn with fire:¹¹ Scripture has come to appoint the positive precept to follow the negative precept to teach us that this negative precept is not punishable by lashes, — this is the opinion of R. Judah. R. Jacob says, this is not the reason;¹² but rather because it is a negative precept not involving action, and the disregard of a negative precept not involving action is not punishable by lashes.¹³ But he found the following anonymous Mishnah: 'I swear I shall not eat this loaf, I swear I shall not eat it;' and he ate it,

(1) V. Lev. V, 4 seq.

(2) According to this, our Mishnah, in enumerating four kinds of oaths, is referring to wilful transgression.

(3) V. infra 21a.

(4) A vain oath is an oath which is demonstrably untrue on the face of it, e.g., 'I swear this is gold' (pointing to a lump of wood or stone). A false oath is an oath which is not, on the face of it, demonstrably untrue, e.g., 'I swear I have eaten a loaf of bread.' It may be true; it is false only if he has not eaten.

(5) V. infra.

(6) Which, in the present instance, is shown to be in accordance with R. Ishmael's view that a negative precept not involving action is liable to the punishment of the forty lashes.

(7) If a transgressor is not warned immediately before committing the sin, the punishment is not inflicted. In this case the actual moment of transgression is uncertain, for he has the whole day in which to fulfil his oath.

(8) Pes. 84a.

(9) Ex. XII, 46.

(10) I.e., to provide a remedy for the violation of the negative precept, averting punishment.

(11) Ex. XII, 10.

(12) Lit., 'not of the same denomination.'

(13) And since the exemption of the transgressor from lashes in the cited Mishnah may be due to R. Judah's reason and not R. Jacob's, the question remains, which is the anonymous Mishnah which supports R. Johanan?

Talmud - Mas. Shevu'oth 4a

he is guilty of transgressing only one oath:¹ this is the 'useless oath'² for which the punishment of lashes is inflicted for wilful transgression, and the sliding-scale sacrifice for unwitting transgression.³ This is the oath for which the punishment of lashes is inflicted for wilful transgression, but in the case: 'I swear I shall eat,' and he did not eat, [we may deduce] he would not receive lashes. [Presumably because the transgression involves no action, and this anonymous Mishnah would be the one with which R. Johanan agrees.] Now, well! This Mishnah is anonymous, and our Mishnah is anonymous; why does R. Johanan prefer the ruling of this Mishnah rather than of ours? But [might it not be asked as a counter-question] even according to your argument, how can Rabbi⁴ himself agree with both? — At first, Rabbi held that a negative precept not involving action is punishable by lashes, and, therefore, stated the ruling of our Mishnah anonymously; afterwards, he held it is not so punishable, and stated the ruling of the second Mishnah anonymously, and [though he had changed his view] he allowed the first Mishnah to stand also.⁵

You have explained our Mishnah as being in accordance with R. Ishmael's view, and as referring to lashes for wilful transgression: if so, what lashes can there be in connection with the shades of leprosy? — There are lashes in the case where one cuts off his leprous spot; and as R. Abin said in the name of R. Ila'a; for R. Abin said in the name of R. Ila'a: Whenever there occur in Holy Writ the expressions 'take heed', 'lest', or 'do not', they are negative precepts.⁶ In connection with carrying on the Sabbath what lashes can there be? Is it not a negative precept which requires the warning that its violation is punishable by death?⁷ and every such negative precept is not punishable by lashes?⁸ — For this very reason we have explained the Mishnah as being in accordance with R. Ishmael's view, who holds that a negative precept requiring the death warning is [if the lashes warning be given] punishable by lashes.⁹ But, were it not for this, would it have been possible to explain the Mishnah as being in accordance with R. Akiba's view? [Surely not! For] has it not been shown that the laws of uncleanness in our Mishnah are not in accordance with his views? — But did you not say that even according to R. Ishmael, the Mishnah would have to be interpreted as referring to wilful transgressions involving the punishment of lashes; and, if so [were it not for the fact that R. Akiba holds that a negative precept requiring the death warning is not punishable by lashes, even if the lashes warning be given],¹⁰ we could just as easily have explained the Mishnah as being in accordance with R. Akiba's view, and as referring to lashes.¹¹

If so,¹² the phrase THE DISCOVERY OF HAVING SINNED THROUGH UNCLEANNESS [implying unconscious sinning] is inappropriate; the appropriate expression would be 'warnings against sinning through uncleanness'? — This question need cause no difficulty: the Tanna means 'the laws concerning the knowledge of the warnings against sinning' . . . If so, how can there be TWO, SUBDIVIDED INTO FOUR? There are only two!¹³ Further, WHERE THERE IS KNOWLEDGE AT THE BEGINNING AND AT THE END, BUT FORGETFULNESS BETWEEN . . . How can there be forgetfulness, if the Mishnah is referring to wilful transgression and lashes? Further, A 'SLIDING SCALE' SACRIFICE IS BROUGHT [obviously refers to wilful transgression]?¹⁴ — Hence, said R. Joseph, we must conclude that the Tanna of the Mishnah is Rabbi himself, who [as editor] incorporates the views of both Tannaim; for the laws of uncleanness he gives the view of R. Ishmael, and for the laws of oaths he gives the view of R. Akiba [the Mishnah referring accordingly to unwitting transgression]. Said R. Ashi: I repeated this

statement [of R. Joseph's] to R. Kahana; and he said to me: Do not think that [R. Joseph meant that] Rabbi simply incorporated in the Mishnah the views of both Tannaim, he himself not agreeing; but the fact is that Rabbi himself, for a sufficiently good reason, agrees [with R. Ishmael in the laws of uncleanness and with R. Akiba in the laws of oaths]. For it is taught: Whence do we deduce that one is not liable [to bring a sacrifice] except when there is knowledge at the beginning and at the end and forgetfulness between? Scripture records: It was hidden from him — twice.¹⁵ This is the opinion of R. Akiba. Rabbi said: This deduction is not necessary. Scripture says:

(1) The first: for, having uttered the first oath, the loaf is already prohibited to him; and when he utters the second oath, he is, as it were, swearing to fulfil a mizvah [i.e., to fulfil the first oath]; and he who swears to fulfil a mizvah, and does not fulfil it, is not liable to punishment; v. infra 27a.

(2) See Lev. V, 4.

(3) Infra 27b.

(4) Rabbi Judah the Prince, redactor of the Mishnah. Why does he include both anonymous Mishnahs, if they contradict each other?

(5) Lit., 'the Mishnah was not removed from its place', Rabbi relying on the intelligence of the student to realise that the second Mishnah is the authoritative one. R. Johanan, therefore, agrees with the second Mishnah.

(6) Deut. XXIV, 8: Take heed in the plague of leprosy. Cutting off a leprous spot is therefore a violation of a negative precept, punishable by lashes.

(7) The violation of a negative precept is punishable only if the appropriate warning be given by witnesses.

(8) Even if the warning was, erroneously, that its violation was punishable by lashes.

(9) Mak. 13b.

(10) Ibid.

(11) And not to an offering.

(12) If the Mishnah refers to wilful transgression and lashes.

(13) Warnings: against eating holy food whilst unclean, and against entering the Temple whilst unclean.

(14) And the question, 'Who is the Tanna of our Mishnah?' still remains unanswered.

(15) Lev V, 2, 3. One being superfluous, it is to teach that the uncleanness was hidden from him after having been known to him (i.e., knowledge at the beginning); knowledge at the end is obviously necessary, otherwise how does he know to bring a sacrifice? (Tosaf).

Talmud - Mas. Shevu'oth 4b

it was hidden from him [i.e., forgotten], therefore, it must have been known to him at the beginning; then Scripture says: and he knows of it¹ [i.e., at the end], hence, knowledge is essential both at the beginning and at the end. If so, why does Scripture say: it was hidden from him — twice? — In order to make him liable both in the case of forgetfulness of the uncleanness, and in the case of forgetfulness of the Temple or holy food.²

Concerning the laws of uncleanness, then, Rabbi has his own reason; but concerning oaths, where we do not find that he gives a reason of his own, how do we know [that he holds OATHS ARE TWO, SUBDIVIDED INTO FOUR]? — It is a reasonable assumption; for, what is R. Akiba's reason for including oaths in the past tense for liability? — Because he expounds 'amplifications and limitations'!³ We find that Rabbi also expounds 'amplifications and limitations'. For it is taught:⁴ Rabbi said: The first-born of man may be redeemed⁵ by all things

except bonds; but the Rabbis⁶ said: The first-born of man may be redeemed by all things except slaves, bonds, and lands. What is Rabbi's reason? — He expounds [the verse in accordance with the principle of] ‘amplifications and limitations’: And those that are to be redeemed from a month old — the verse amplifies; according to thy valuation, five shekels of silver — the verse limits; shalt thou redeem — the verse again amplifies; since it amplifies, limits, and amplifies, it includes everything, and excludes only bonds. But the Rabbis expound [the verse in accordance with the principle of] ‘generalisations and specifications’: And those that are to be redeemed from a month old — the verse generalises; according to thy valuation, five shekels of silver — the verse specifies; shalt thou redeem — the verse again generalises; since it generalises, specifies, and generalises, you must include in the ‘generalisation’ only those things which are similar to the ‘specification’: just as the specification is clearly movable and of intrinsic value, so all things which are movable and of intrinsic value [may be used for redeeming the first-born]; but you must exclude lands, which are not movable, and slaves, which have been likened to lands,⁷ and bonds, which, though they are movable, are not of intrinsic value. [Hence, since Rabbi expounds ‘amplifications and limitations’, he agrees with R. Akiba.]

Rabina said to Amemar: Does Rabbi really expound ‘amplifications and limitations’? Surely, Rabbi expounds ‘generalisations and specifications’! For it is taught:⁸ [Then thou shalt take] an awl . . .⁹ Hence I deduce that an awl may be used; whence do I deduce also a sharp wooden prick, thorn, needle, borer, or stylus? — It is said: Thou shalt take — anything that may be taken by hand. This is the opinion of R. Jose, son of R. Judah. Rabbi said: and awl — just as an awl is of metal, so only those things which are of metal [may be used]. And we explained the reason for their argument thus: Rabbi expounds ‘generalisations and specifications’,¹⁰ and R. Jose son of R. Judah expounds

(1) Lev. V, 3.

(2) This proves that the statement THE LAWS OF UNCLEANNES ARE TWO SUBDIVIDED INTO FOUR represents the view of Rabbi.

(3) Infra 26a. R. Akiba expounds the verse (Lev. V, 4) thus: If any one swear clearly with his lips — ‘amplification; (i.e., all oaths); to do evil or to do good — ‘limitation’ (i.e., this particularisation limits the general statement to oaths which are similar to the particular in that they are in the future tense); Whatsoever it be that a man utter clearly with an oath — another ‘amplification’ (this additional general statement serves to amplify the particular, adding even oaths which are not similar to it, i.e., even those in the past tense, and excluding only swearing to transgress a precept).

(4) Bek. 51a.

(5) V. Num. XVIII, 15, 16.

(6) Representing the opinion of teachers in general. And those that are to be redeemed is a general statement, implying that they may be redeemed with all things; this is followed by a particular statement five shekels of silver, limiting redemption to that alone; then follows another general statement shalt thou redeem — apparently with all things. According to Rabbi, the particular (five shekels) implies that the first generalisation is to be taken as including all things which are similar to the particular, and the final generalisation adds even things which are not entirely similar to the particular, excluding only that which is most dissimilar. According to the Rabbis, the particular limits the first generalisation to that particular alone, excluding even similar things, but the final generalisation adds all similar things, excluding all things which are dissimilar. Though in this verse both generalisations precede the particular (and those that are to be redeemed from a month old shalt thou redeem,

according to thy valuation, for five shekels of silver), the procedure is, in such a case, to assume that the particular is between the two generalisations. Rabbi's method of exposition is called 'amplification and limitation' (Ribbu u-Mi'ut **yughnu huchr**); the other is called 'generalisation and specification' (Kelal u-ferat **yrpu kkf**). The former is more inclusive than the latter.

(7) Lev. XXV, 46: And ye may make them (the slaves) and inheritance for your children, to hold for a possession.

(8) Bek. 51a.

(9) Deut. XV, 17, referring to a Hebrew slave who does not desire to be set free at the end of six years.

(10) Explaining the verse thus: Thou shalt take — a 'generalisation'; an awl — a 'specification'; and thrust it through his ear and into the door — another 'generalisation' (i.e., anything that may be thrust); in such a case, only those things which are similar to the specification (in the present instance, made of metal) are included. But R. Jose includes everything, excluding only the use of a poison which is powerful enough to bore a hole.

Talmud - Mas. Shevu'oth 5a

'amplifications and limitations'.¹

True, elsewhere he expounds 'generalisations and specifications', but here [in connection with the redemption of the first-born he expounds 'amplifications and limitations', and] his reason is that which was taught in the Academy of R. Ishmael, for in the Academy of R. Ishmael it was taught:² In the waters, in the waters — twice.³ This is not 'generalisation and specification', but 'amplification and limitation'. And the Rabbis [who disagree with Rabbi in connection with the redemption of the first-born — what is their reason]? Rabina said: They agree with the Western [Palestinian] Academies who hold that where there are two general statements followed by a particular, the particular should be regarded as being between the two general statements, and the verse may then be expounded on the principle of 'generalisations and specifications'.

Now that you say that Rabbi [as a general rule] expounds 'generalisations and specifications', the difficulty concerning oaths [in our Mishnah] necessarily remains.⁴ We must perforce say, therefore, that [in the Mishnah] he gives R. Akiba's view on oaths, but he himself does not agree.

To revert to the main subject:⁵ 'Whence do we deduce that one is not liable except when there is knowledge at the beginning and at the end and forgetfulness between? Scripture records: It was hidden from him — twice. This is the opinion of R. Akiba. Rabbi said: This deduction is not necessary. Scripture says: It was hidden from him, — therefore it must have been known to him at the beginning; then Scripture says: And he knows of it [i.e., at the end], hence, knowledge is essential both at the beginning and at the end. If so, why does Scripture say: it was hidden from him — twice: — In order to make him liable both in the case of forgetfulness of the uncleanness, and in the case of forgetfulness of the Temple or holy food.'

The Master said: 'And it was hidden from him, therefore it must have been known to him'. How do you conclude this? Raba said: Because it is not written: 'and it is hidden from him'.⁶ Abaye said to him: If so, in connection with the wife suspected of infidelity, when Scripture says: And it was hidden from the eyes of her husband,⁷ will you reason from this also that he knew at the beginning? [Surely not, for] if he knew, the waters would not test her, as it is taught: And the man shall be clear from iniquity, and that woman shall bear her iniquity:⁸ when the man is clear

from iniquity, the waters test his wife; but when the man is not clear from iniquity,⁹ the waters do not test his wife.¹⁰ And further, in connection with the Torah it is written: It is hid¹¹ from the eyes of all living, and from the birds of the heavens it is kept secret;¹² will you conclude from this that they knew it? [Surely not, for] it is written: Man knows not the value thereof.¹³ Of necessity then, said Abaye, Rabbi holds that the knowledge gained from a teacher¹⁴ is also called knowledge. But if so, said R. Papa to Abaye, the statement in the Mishnah WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING, BUT THERE IS KNOWLEDGE AT THE END [is incomprehensible, for] is there anyone who has not even the knowledge gained from a teacher? He replied: Yes! it is possible in a child taken into captivity among heathen.

THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. We learnt there:¹⁵ The laws concerning carrying on the Sabbath are two, subdivided into four inside;¹⁶ and two, subdivided into four outside.¹⁷ Why does our Mishnah here state simply: TWO, SUBDIVIDED INTO FOUR, and nothing else, whereas the Mishnah there states: Two, subdivided into four inside; and two, subdivided into four outside? — The Mishnah there deals mainly with the Sabbath laws, and therefore mentions the Principals and Derivatives, but our Mishnah here, which is not concerned mainly with the Sabbath laws mentions the Principals only and not the Derivatives. Which are the principals? — Carrying out: the laws of carrying out are only two.¹⁸ [and our Mishnah says: TWO, SUBDIVIDED INTO FOUR]! And perhaps you will say. [our Mishnah means] two hoza'oth [carrying out] which are punishable, and two which are not.¹⁹ [That is not possible, for] they are mentioned together with the shades of leprous affections, and just as those are all punishable, so are these? — We must necessarily say, said R. Papa, that the other Mishnah, which deals mainly with the Sabbath laws, mentions those which are punishable, and those which are not; but our Mishnah mentions only those which are punishable, and not those which are not. Which are those that are punishable? Carrying out: these are only two!²⁰ The Mishnah means two hoza'oth and two haknasoth. But the Mishnah says hoza'oth!²¹ — Said R. Ashi: The Tanna calls haknasah also hoza'ah. How do you know?

(1) Which shows that Rabbi does not expound 'amplifications and limitations', and that therefore he does not agree with R. Akiba.

(2) Hul. 67a.

(3) Lev. XI, 9: These may ye eat of all that are in the waters: whatsoever hath fins and scales in the waters, in the seas, and in rivers, them may ye eat. In the waters is a general statement; in the seas and in the rivers is a particular. In this verse the particular is not between the two general statements, but follows them. In such a case, R. Ishmael's Academy assert, the verse is expounded on the principle of 'amplifications and limitations'. Rabbi agrees, and he therefore expounds similarly the verse about the redemption of the first-born.

(4) For if Rabbi does not expound 'amplifications and limitations' he cannot agree with R. Akiba, who includes oaths in the past tense.

(5) Supra p. 11.

(6) The form of the verb (niph'al) **okgbu** used by Scripture has the force of: it became hidden from him, implying knowledge at the beginning.

(7) Num, V, 13: the niph'al is used.

(8) Num, V, 31.

(9) Having known of her intrigue and yet cohabited with her.

(10) Sotah 28a.

(11) The niph'al is used, **vokgbu**

(12) Job XXVIII, 21.

(13) Job XXVIII, 13

(14) The theoretical knowledge that one who touches an unclean thing becomes unclean is also considered knowledge for the purpose of 'knowledge at the beginning', even if he did not realise at the moment of touching the unclean thing that he had become unclean. According to this, there is always 'knowledge at the beginning', the only exception being the case of a child taken into captivity among heathen.

(15) In Shab. 2a

(16) The *haknasah* of the poor man and the *haknasah* of the householder (which are punishable); and the same two *haknasoth* when only half the action is done by each person, one person withdrawing the object, and the other taking it from him, thus completing the action. These two *haknasoth* are not punishable.

(17) Two *hoza'oth* which are punishable, and two which are not.

(18) Of the householder and the poor man.

(19) v. p. 15, n. 10.

(20) V. previous note.

(21) The word used is *yezi'oth* (going out), but it is presumably equivalent to *hoza'oth* (carrying out).

Talmud - Mas. Shevu'oth 5b

— Because we learnt: He who carries out from one domain to another domain [on the Sabbath] is guilty.¹ And are we not concerned there also with bringing in, and yet he calls it *hoza'ah*? [No!] Perhaps [the Tanna means] carrying out from a private domain to a public domain. — If so, let him say distinctly: He who carries out from a private domain to a public domain [is guilty]; why does he say: 'from one domain to another domain'? Obviously, to include even bringing in from a public domain to a private domain; and he calls it *hoza'ah* — What is the reason? — The withdrawing of an object from its place the Tanna calls *hoza'ah*. Rabina said: The Mishnah also lends support to this view, for it states: The laws of carrying [*Yezi'oth*] on the Sabbath are two, subdivided into four inside; and two, subdivided into four outside: and it goes on to explain *haknasah* [bringing in]!² This is conclusive. Raba said: The Tanna means domains; there are two kinds of domain³ with regard to carrying on the Sabbath.

THE SHADES OF LEPROUS AFFECTIONS ARE TWO, SUBDIVIDED INTO FOUR. We learnt there:⁴ the shades of leprous affections are two, subdivided into four: Bahereth intensively white, like snow; secondary to it [i.e., its derivative], Sid ha-hekal; Se'eth like white wool; secondary to it, Kerum bezah.⁵ R. Hanina said: the Tanna who stated this Mishnah of leprous affections⁶ is not R. Akiba; for, if it were R. Akiba, then, since elsewhere he enumerates them one above the other,⁷ Sid hekal cannot combine with any other shade; for, with which shade will you combine it? Will you combine it with Bahereth? There is Se'eth which is [one degree] higher than it [intervening, Bahereth being two degrees higher]. Will you combine it with Se'eth? It is not its derivative. If so, Kerum bezah also — with what will you combine it? Will you combine it with Se'eth? There is Sid which is [one degree] higher than it [intervening, Se'eth being two degrees higher]. Will you combine it with Sid? It is not of its kind.⁸

(1) Shah. 73a.

(2) The poor man, having withdrawn an object from public territory, stretches out his hand into the house, and

hands it to the householder; the poor man is guilty. V. Mishnah, Shah. 2a.

(3) Public and private, which produce four punishable transgressions, two hoza'oth and two haknasoth. Raba endeavours to explain why the Tanna uses the word yezi'oth and not hoza'oth; and he explains that it means 'goings out', i.e., roads or paths which go out or lead out, and is therefore equivalent to domains (Tosaf).

(4) V. Neg. I, 1.

(5) V. supra Mishnah, note 4.

(6) In the form of principals and derivatives, implying that a principal combines with its derivative to form the requisite size of **xhrdf** garis, bean, to mark the person thus afflicted a leper.

(7) According to their degree of whiteness — Bahereth, Se'eth, Sid, Kerum; holding that two shades, if separated by only one degree, may combine.

(8) For Sid and Kerum are derivatives of two different principals.

Talmud - Mas. Shevu'oth 6a

This is no question: without Sid hekal, Kerum bezah would present no difficulty, for, although Kerum bezah is [two degrees] lower than Se'eth, Scripture says: For Se'eth and for Sappahath.¹ Sappahath is secondary to Se'eth although it is much [i.e., two degrees] lower. But Sid hekal presents a difficulty: [with what shade can it combine?] Obviously, then, our Mishnah [in making Sid secondary to Bahereth, and Kerum secondary to Se'eth] is not in accordance with R. Akiba's view.

And where have we heard R. Akiba [enumerating the shades of leprosy] one above the other? Shall we say, in the following [Baraitha], where it is taught that R. Jose said: Joshua, the son of R. Akiba, asked R. Akiba. 'Why did they say the shades of leprous affections are two, subdivided into four?' He replied. 'What should they say?' 'They should say', [said his son, 'All shades] from Kerum bezah and upwards are unclean'. He replied. '[The Rabbis stated the law in the form of two, subdivided into four] so that we may deduce that they combine with each other.' His son argued. 'They could have said. "[All shades] from Kerum bezah and upwards are unclean, and combine with each other".' He replied. '[The Rabbis stated it in the form of two, subdivided into four] to teach us that a priest who is not well versed in them and their names is not competent to inspect the leprous shades.' Now, [in his question], Joshua did not suggest [that they could have said that the shades from Kerum bezah and upwards are unclean and combine, and the shades] from Sid hekal and upwards are unclean and combine. And because he did not say this, we may deduce that he had heard that R. Akiba held that they all combine with Se'eth,² [But this is not conclusive], as [R. Akiba may perhaps hold that] Se'eth combines with its derivative, and Bahereth with its derivative.³ Well, then from R. Hanina's statement [we may deduce that R. Akiba enumerates the shades one above the other], for R. Hanina said: To what may R. Akiba's statement be compared? — To four tumblers of milk; into one there fell two drops of blood; into the second, four drops; into the third, eight drops; and into the fourth, twelve drops — some say, sixteen drops. They are all shades of white, but one above the other. [No!]⁴ When did you hear R. Akiba holding this view — only in connection with variegated leprosy,⁵ but did you hear it in connection with plain [white leprosy]? And if you will say that, just as he holds this view in connection with variegated leprosy, so he holds it in connection with plain; are you really sure that he holds it [even] in connection with variegated leprosy? Is it not taught: R. Akiba says: the redness in this and in that [Bahereth and Se'eth] is like wine mixed with water, except that

Bahereth is white like snow, and Sid is fainter than it.

(1) Lev. XIV, 56: For a rising and for a scab. Sappahath (translated 'scab') is from a root meaning 'to Join', 'be added to'. It is here taken to denote that which is joined, attached to Se'eth (translated 'rising'), i.e., its derivative Kerum bezah.

(2) Because he suggests that the Rabbis could have said: the shades from Kerum and upwards are unclean and combine: without differentiating a derivative for Bahereth and a derivative for Se'eth. Hence we may deduce that Se'eth has two derivatives, Sid and Kerum (because Sappahath, which implies derivatives, is connected with Se'eth in Holy Writ), both of which combine with it and each other, and that Bahereth being only one degree higher than Se'eth also combines with Se'eth; but Bahereth has no derivative. Thus R. Akiba holds they are one above the other.

(3) And Joshua really asked: Let them say the shades from Kerum and upwards and from Sid and upwards are unclean and combine; but R. Jose was not particular to quote him verbatim.

(4) Neither is this conclusive.

(5) Reddish-white; v. Lev. XIII, 19

Talmud - Mas. Shevu'oth 6b

And if it is [as you say, that R. Akiba holds they are one above the other, i.e., Bahereth, then Se'eth], he should have said: White wool [i.e., Se'eth] is fainter than it? — That is so [R. Akiba really said Se'eth, and not Sid]. And so said R. Nathan: R. Akiba did not say: Sid is fainter than it, but white wool [i.e., Se'eth] is fainter than it.

And how do we know that Bahereth is brilliantly white? Abaye said: Because Scripture says: And if the bright spot be white . . .¹ That is white and no other is [as] white [as it].

Our Rabbis taught: Bahereth is deep; and so Scripture says: And the appearance thereof [of the Bahereth] is deeper than the skin² — like the appearance of the sun which is deeper than the shade. Se'eth: Se'eth denotes high; and so Scripture says: Upon all the high mountains and upon all the hills that are lifted up.³ Sappahath: Sappahath denotes an attachment [i.e. derivative]; and so Scripture says: And he shall say: Attach me, I pray thee, [to one of the priest's offices].⁴ We find a derivative for Se'eth.⁵ Whence do we deduce that there is a derivative for Bahereth.⁶ R. Zera said: The word 'white' is mentioned with Se'eth,⁷ and the word 'white' is mentioned with Bahereth.⁸ Just as the 'white' mentioned with Se'eth has a derivative, so the 'white' mentioned with Bahereth has a derivative.⁹ In a Baraitha it is taught: Scripture put Sappahath¹⁰ between Se'eth and Bahereth¹¹ to teach you that just as there is a derivative for Se'eth, so there is a derivative for Bahereth.

Se'eth is like white wool. What white wool? — R. Bibi said that R. Assi said: Clean wool of a new-born lamb which is covered, up [to be made] into a cloak of fine wool.¹²

R. Hanina said: The Rabbis' enumeration [of the four shades] — to what may it be likened? To two Kings and two Governors: the King of this is higher than the King of that; and the Governor of this is higher than the Governor of that.¹³ But this [enumeration] is one above the other!¹⁴ — Well then, the King of this is higher than his own Governor; and the King of that is higher than his

own Governor.¹⁵ R. Adda bar Abba said: It is like King, Alkafta,¹⁶ Rufila,¹⁷ and Resh Galutha.¹⁸ But this is one above the other! Well then, it is like King, Rufila, Alkafta, and Resh Galutha. Raba said: It is like King Shapur and Caesar.¹⁹ R. Papa said to Raba: Which of them is greater? He replied: You eat in the forest!²⁰ Go forth and see whose authority is greater in the world; for it is written: It shall devour the whole earth, and shall tread it down, and break it in pieces.²¹ Said R. Johanan: This is wicked Rome²² whose authority is recognised all over the world. Rabina said: It is like a [new white] woollen garment, and a worn-out woollen garment; and a [new white] linen garment, and a worn-out linen garment.²³

WHERE THERE IS KNOWLEDGE AT THE BEGINNING ETC. Our Rabbis taught: How do we know that Scripture [in demanding a sliding scale sacrifice for uncleanness] refers only to cases where the Temple is entered or holy food eaten while unclean?²⁴ — There is a good argument for this deduction. Scripture warns against uncleanness,²⁵ and punishes it;²⁶ and also enacts that a sacrifice be brought for uncleanness.²⁷ Now just as Scripture, in warning against uncleanness and punishing it, did so only in cases where the Temple was entered or holy food eaten while unclean; so when it enacted that a sacrifice be brought for uncleanness, it did so only in cases where the Temple was entered or holy food eaten. Then let us include Terumah²⁸ [for sacrifice, if eaten while unclean], since Scripture also warned [against its being eaten while unclean] and punished [the transgressor with death by divine intervention]?²⁹ — We do not find that the sin for which the death penalty by divine intervention is inflicted [for wilful transgression] should be punishable by sacrifice [for unwitting transgression].³⁰ You may say it is only the case in regard to a fixed sacrifice, but

(1) Lev. XIII. 4: 'bright spot' is the translation of Bahereth.

(2) Ibid. 25.

(3) Isa. II, 14: , **utab** (lifted up) is from the same root as , **ta**.

(4) I Sam. II, 36. **hbj px** (Attach me) is from the same root as , **j px**.

(5) V. supra p. 17, n. 7.

(6) This question is according to the Sages who hold that Bahereth has a derivative; and not according to R. Akiba who holds that it has no derivative.

(7) Lev. XIII, 10.

(8) Ibid. 4.

(9) This kind of deduction is called **vla vrzd** Gezerah Shawah: an inference from similarity of phrases; v. Glos.

(10) Meaning derivative.

(11) Lev. XIV, 56.

(12) A covering of skin is clasped round the lamb to protect the wool.

(13) Bahereth, the King (i.e., principal) of Sid, is higher than Se'eth, the King of Kerum; and Sid, the Governor (i.e., second in command) of this King (Bahereth), is higher than Kerum, the Governor of that King (Se'eth). According to this, the order is: Bahereth, Se'eth, Sid, Kerum.

(14) Which is R. Akiba's and not the Rabbis' enumeration.

(15) I.e., Principal and derivative: Bahereth, Sid; Se'eth, Kerum.

(16) High Persian dignitary.

(17) Persian military officer, lower than Alkafta.

(18) Chief of the Babylonian Jews.

- (19) I.e., Persian King and Roman Emperor, each having an adjutant.
- (20) You live in a forest, and know not what is going on in the world. Surely you know that the Roman Emperor is greater! R. Papa, however, asked the question, because Raba had mentioned Shapur before Caesar. Raba had done so, because he was a Persian subject.
- (21) Dan. VII, 23.
- (22) Read **lnur** in the text instead of **xrp**.
- (23) New garments are whiter than worn-out ones. New woollen and linen garments are closer to each other in whiteness than are the new and worn-out garments of each kind; so the two principals are, according to the Rabbis, nearer to each other than are principal and derivative of each kind.
- (24) Lev. V, 2. The verse merely states: If anyone touch any unclean thing . . . , making no mention of eating holy food or entering the Temple while unclean.
- (25) Num. V, 2-3: Command the Children of Israel that they put out of the camp . . . whosoever is unclean . . . that they defile not their camp; this is explained (Pes. 67a) as a warning against entering the Temple while unclean. Lev. XXII, 4: He shall not eat of the holy things until he be clean; this is the warning against eating holy food while unclean.
- (26) With Kareth for willing transgression; Num. XIX. 13: Whosoever toucheth the dead . . . and purifieth not himself — he hath defiled the tabernacle of the Lord — that soul shall be cut off; this is the punishment for entering the Temple while unclean. Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of peace offerings . . . having his uncleanness upon him, that soul shall be cut off; this is the punishment for eating holy food while unclean.
- (27) For unwitting transgression.
- (28) The priest's share of the produce, which is holy in a minor degree; v. Glos.
- (29) **V, ln** Mithah, as distinct from Kareth (v. Glos.). Lev. XXII, 4: He shall not eat of the holy things until he be clean; this is explained (Yeb. 74b) as being a warning also against eating Terumah while unclean, holy things including Terumah. Ibid. 9: They shall therefore keep My charge, lest they bear sin for it, and die therein, if they profane it; this is the punishment for eating Terumah while unclean.
- (30) When wilful transgression is punished by Kareth, unwitting transgression is punished by sacrifice (Hor. 8a).

Talmud - Mas. Shevu'oth 7a

a sliding scale sacrifice should perhaps be, as in the case of 'hearing the voice of adjuration'¹ and 'swearing clearly with the lips'² [where a sliding scale sacrifice is brought for unwitting transgression, though neither Kareth nor death [by divine intervention] is inflicted for wilful transgression]? — Scripture says: [Whatsoever his uncleanness be] by which [he becomes unclean.]³ By which, excludes Terumah.⁴ Let us rather say that by which excludes Temple [and holy food] in that a sliding scale sacrifice shall not suffice, but a fixed sacrifice be necessary? Raba said of Rabbi: He draws water from deep pits;⁵ for it was taught: Rabbi said: I read, [If any one touch any unclean thing, whether it be the carcass of an unclean] beast [or the carcass of unclean cattle . . .].⁶ Why should cattle be written?⁷ — [To deduce the following:] Here it is said unclean cattle, and further on it is said unclean cattle.⁸ Just as there it refers to eating holy food while unclean, so here it refers to eating holy food while unclean. Thus we deduce the law regarding eating holy food while unclean; whence do we deduce the law regarding entering the Temple while unclean? — Scripture says: She shall touch no hallowed thing, nor come into the sanctuary.⁹ Sanctuary is equated with holy food. — If so, Terumah also [should be included for sliding scale sacrifice, if eaten while unclean], for it has been said that she shall touch no hallowed

thing includes Terumah?¹⁰ — [No!] Scripture limits the application of the law by the expression, by which.¹¹ — Let us say that the expression by which excludes Temple [and not Terumah]? — It is reasonable not to exclude Temple, because the same punishment, Kareth, is inflicted [for wilfully entering the Temple, or eating holy food, while unclean].¹² — On the contrary, Terumah should not be excluded, because the act of transgression consists of eating, just as in the case of holy food [whereas in the case of the Temple, it is entering it which constitutes the transgression]? Well then, said Raba:¹³ Why is the punishment of Kareth for eating peace offerings [i.e., holy food] while unclean mentioned three times in Holy Writ?¹⁴ — Once for a general statement,¹⁵ once for a particular, and once for the uncleanness written in the Torah without being defined,¹⁶ so that I know not what it means. You may say, then, it means eating holy food while unclean; and since it is unnecessary to have another prohibition for eating holy food while unclean, for I deduce that from Rabbi's statement, you may utilise the prohibition for entering the Temple while unclean. — But this [extra Kareth] we require for R. Abbahu's deduction! For R. Abbahu said: Why does Scripture mention Kareth three times for eating peace offerings [while unclean]? — Once for a general statement, once for a particular, and once for things which are not eaten.¹⁷ And according to R. Simeon who holds that things which are not eaten are not punishable by Kareth if eaten during uncleanness,¹⁸ [we still require the extra Kareth to deduce that] the 'inner' sin offerings¹⁹ are included,²⁰ for we might have thought that, since R. Simeon holds that sacrifices which are not offered on the outer altar, as are peace offerings, are not subject to the law of piggul,²¹ therefore they are also not subject to the law of uncleanness;²² he therefore teaches us that they are. [The third Kareth, then, is necessary for this deduction. How then shall we deduce that an unclean person entering the Temple brings a sliding scale sacrifice?] — Well then, the Nehardeans say in the name of Raba:²³ Why does Scripture mention 'uncleanness' three times²⁴ in connection with peace offerings? — Once for a generalisation, once for a particular, and once for the uncleanness written in the Torah without being explained, so that I know not what it means. You may say then, it refers to eating holy food while unclean, and since it is unnecessary to have another prohibition for that, for I deduce that from Rabbi's statement, you may utilise the prohibition for entering the Temple while unclean. But this [extra word 'uncleanness'] we also require; since Scripture had to write [the extra] Kareth for R. Abbahu's deduction, it perforce had to write also [the extra] 'uncleanness', for without it the phrase would have been meaningless? — Well then, said Raba: We deduce [that an unclean person entering the Temple brings a sliding scale sacrifice] from [the similarity of phrases] 'his uncleanness', 'his uncleanness'. Here it is written: [If he touch the uncleanness of man] whatsoever his uncleanness be.²⁵

(1) Lev. V, 1: He heareth the voice of adjuration, he being a witness; v. infra Ch. IV.

(2) Ibid. 4: If anyone swear clearly with his lips to evil or to do good; v. infra p. 1, n. 1.

(3) Ibid. 3.

(4) The word **VC**, by which, is superfluous, and is taken to limit the applications of the law to some extent, i.e., to exclude a sacrifice for the lesser transgression; so that only for eating holy food while unclean is a sacrifice brought, but not for eating Terumah while unclean.

(5) I.e., shows great erudition. Here follows another argument to deduce that holy food and Temple are included, and Terumah excluded.

(6) Lev. V, 2.

(7) Cattle is included in beast. V. Lev. XI, 2, 3: These are the beasts which ye may eat . . . whatsoever parteth the

hoof . . . among the cattle . . .

(8) Lev. VII, 21: And when anyone shall touch any unclean thing, whether it be the uncleanness of man or unclean cattle . . . and eat of the flesh of the sacrifice of peace offerings, which pertain unto the Lord, that soul shall be cut off from his people.

(9) Lev. XII, 4: referring to a woman after childbirth.

(10) Mak. 14b.

(11) V. supra p. 22, n. 5.

(12) Whereas the wilful eating of Terumah while unclean is not punishable by Kareth.

(13) Another argument for including Temple and holy food, and excluding Terumah.

(14) (a) Lev. XXII, 3: Whosoever he be . . . that approacheth unto the holy things . . . having his uncleanness upon him, that soul shall be cut off. (Approach here means eat; v. Zeb. 45b). (b) Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of peace offerings . . . having his uncleanness upon him, that soul shall be cut off (c) Ibid. 21: When anyone shall touch any unclean thing . . . and eat of the flesh of the sacrifice of the peace offerings . . . that soul shall be cut off.

(15) Lev. XXII, 3: Whosoever he be . . . that approacheth unto the holy things. This is a generalisation — holy things; Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of the peace offerings. This is a particular specification — peace offerings. Now, peace offerings are included in holy things: why should they be specified separately? — In order that we may deduce that only holy things which are sacrificed on the altar (as are peace offerings) are included in the law regarding uncleanness, but offerings for the Temple repair are excluded. (Rashi.)

(16) The Kareth in Lev. VII, 21, being superfluous, is for the purpose of teaching that it is the punishment for the witting transgression of that sin (eating holy food while unclean), the unwitting transgression of which is punished by a sliding scale sacrifice in Lev. V, 2 (which is there not fully defined). And since we already know that unwittingly eating holy food while unclean punishable by a sliding scale sacrifice (from Rabbi's deduction, v. supra), we may apply the superfluous Kareth for deducing that it is the punishment for the witting transgression of that sin, the unwitting transgression of which is punishable by a sliding scale sacrifice, i.e., entering the Temple while unclean (for, eating holy food while unclean we already know).

(17) Such as incense. If he eats it wittingly while unclean, the transgressor is punished by Kareth.

(18) V. Zeb. 45b.

(19) Such as the bullock and goat offered on the Day of Atonement, whose blood is sprinkled within the veil.

(20) Eating them while unclean is punishable by Kareth for witting, and sliding scale sacrifice for unwitting, transgression.

(21) Zeb. 43a. **kudhip** (abomination, Lev. VII, 18; XIX, 7, 8) is a sacrifice left over beyond the time limit for its consumption; its eating is punishable by Kareth. Piggul is mentioned only in connection with peace offerings. The 'inner' sin offerings, according to R. Simeon, are, therefore, not subject to the law of piggul.

(22) Anyone eating an 'inner' sin offering while unclean would not be liable to Kareth for witting transgression, or sliding scale sacrifice for unwitting transgression.

(23) Another version of Raba's statement.

(24) Lev. XXII, 13: having his uncleanness upon him; Lev. VII, 20: having his uncleanness upon him; Lev. VII, 21: when anyone shall touch any unclean thing.

(25) Lev. V, 3.

Talmud - Mas. Shevu'oth 7b

And there it is written: He shall be unclean; his uncleanness is yet upon him.¹ Just as there it refers to entering the Temple while unclean,² so here it refers to entering the Temple while unclean. —

If so, why is the expression by which necessary?³ — To include [that he who eats] the carcass of a clean bird⁴ [and enters the Temple or eats holy food must bring a sliding scale sacrifice]. — But you said that by which is intended to exclude [and not include]! For the very reason that it does exclude it is superfluous: it is written: Or if he touch [the uncleanness]⁵ — this implies that only that which defiles by touch is included [in the regulation of the sliding scale sacrifice], but that which does not defile by touch is not included.⁶ Then it is written also: by which⁷ which implies limitation. We have, then, limitation after limitation; and limitation after limitation serves to amplify.⁸ WHERE THERE IS KNOWLEDGE AT THE BEGINNING BUT NOT AT THE END, THE GOAT THE BLOOD OF WHICH IS SPRINKLED WITHIN THE VEIL etc.

Our Rabbis taught: And he shall make atonement for the holy place, because of the uncleannesses of the Children of Israel . . .⁹ It is possible in this phrase to include three types of uncleanness — the uncleanness of idolatry, the uncleanness of incest, and the uncleanness of bloodshed. Of idolatry the verse says: [He hath given of his seed unto Molech] to defile My sanctuary.¹⁰ Of incest it says: Ye shall keep My charge, that ye do not any of these abominable customs . . . that ye defile not yourselves therein.¹¹ Of bloodshed it says: And thou shalt not defile the land.¹² Now, I might have thought that for these three types of uncleanness this ['inner'] goat atones, therefore the text says: Of the uncleannesses of the Children of Israel,¹³ and not 'all the uncleannesses'. [These three are excluded, because] what [uncleanness] do we find that the text has differentiated from all other uncleannesses? — You must say, it is the uncleanness of [the transgressor who enters] the Temple or [eats] holy food;¹⁴ so here also [the text in stating that the inner goat atones for the transgression of the laws of uncleanness refers to] the uncleanness connected with Temple and holy food.¹⁵ This is the opinion of R. Judah. R. Simeon says: From its own text it may be deduced, for it says. And he shall make atonement for the holy place, of the uncleannesses . . ., [i.e.,] of the uncleannesses of the holy place.¹⁶ Now, I might have thought that for every uncleanness connected with the Temple and holy food¹⁷ this goat atones, therefore the text says: And of their transgressions, even all their sins¹⁸ — sins are equated with transgressions; just as transgressions are not liable for sacrifice,¹⁹ so sins [in this verse] are those which are not liable for sacrifice.²⁰ And how do we know that [only] when there is knowledge at the beginning and not at the end does this goat hold the sin in suspense?²¹ — Because the text says, even all their sins — implying sins for which a sin offering may ultimately be brought.²²

The Master stated: 'It is possible in this phrase²³ to include three types of uncleanness — the uncleanness of idolatry, the uncleanness of incest, and the uncleanness of bloodshed.' With reference to idolatry, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;²⁴ if unwitting, he brings a sacrifice.²⁵ — [Yes, it may atone] for witting transgression without warning,²⁶ or unwitting transgression before it becomes known to him.²⁷

(1) Num. XIX, 13.

(2) Ibid: He hath defiled the Tabernacle of the Lord.

(3) V. supra p. 22, n. 5. It had been suggested that by which excludes Terumah; but that argument had been refuted; and now we find that we even require an extra deduction to include Temple; we should therefore not have included Terumah in any case, even without the limitation of by which.

(4) A dead clean bird defiles on being eaten, and not on being touched, as does a dead beast. V. Zeb. 69b.

(5) Lev. V, 3.

- (6) Hence the carcass of a clean bird is automatically excluded.
- (7) Ibid. Whatsoever his uncleanness be by which he is unclean. By which implies some limitation or exclusion.
- (8) A double limitation is equivalent to an amplification, just as a double negative is equivalent to a positive. This is one of the thirty-two hermeneutical principles by which R. Eliezer, son of R. Jose the Galilean, expounds Holy Writ. In the present instance the double limitation serves to include that he who eats the carcass of a clean bird and enters the Temple or eats holy food must bring a sliding scale sacrifice.
- (9) Lev. XVI, 16: referring to the sacrifice of the High Priest on the Day of Atonement of the goat the blood of which is sprinkled within the veil.
- (10) Ibid. XX, 3; worshipping Molech is idolatry (Sanh. 64a).
- (11) Ibid. XVIII, 30, referring to incest and other offences enumerated in the chapter.
- (12) Num. XXXV, 34.
- (13) Lev. XVI, 16: The **n** of , **tnyn** (of) is taken as partitive, implying some of, and not all.
- (14) In that a sliding scale sacrifice is brought for unwitting transgression, whereas a fixed sacrifice is brought for other unwitting transgressions.
- (15) And not idolatry, incest, or bloodshed.
- (16) As if in the text the two consecutive words , **tnyn asev** were transposed to read **asev , tnyn**
- (17) Even where there is knowledge at the end.
- (18) Lev. XVI, 16.
- (19) Transgressions mean witting sins, and cannot be atoned for by sacrifice.
- (20) Excluding those where there is knowledge at the end, when a sliding scale sacrifice is brought.
- (21) And does not atone for the sin where there is no knowledge at the beginning, though it is also not liable for a sacrifice.
- (22) **o, tyj** which may be atoned for by , **tyj** ; i.e., where there is knowledge at the beginning, but not at the end; a sacrifice is brought later when knowledge comes to the sinner. But where there is knowledge at the beginning, there is no possibility that a sacrifice may ultimately be brought.
- (23) Lev. XVI. 16.
- (24) Stoning; v. Sanh. 53a.
- (25) A she-goat; v. Num. XV, 27. How then could we possibly suggest that the 'inner' goat of the Day of Atonement atones for idolatry.
- (26) When warning has not been given, the death penalty is not inflicted (Sanh. 41a).
- (27) The inner goat will hold the sin in suspense till it become known to him, and he brings a sacrifice.

Talmud - Mas. Shevu'oth 8a

With reference to incest also, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;¹ if unwitting, he brings a sacrifice.² — [Yes, it may atone] for witting transgression without warning, or unwitting transgression before it becomes known to him. With reference to bloodshed also, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;³ if unwitting, he is exiled?⁴ — [Yes, it may atone] for witting transgression without warning, or unwitting transgression before it becomes known to him, or for cases where the punishment of exile is not inflicted.⁵

The Master has stated: 'I might have thought that for these three types of uncleanness this goat atones, therefore the text says, of the uncleannesses, and not "all the uncleannesses." What

do we find that the text has differentiated from all other uncleannesses? — The uncleanness connected with Temple and holy food; so here also [the text refers to] the uncleanness connected with Temple and holy food. This is the opinion of R. Judah.’ What is the differentiation [alluded to]? — [In that] he [alone]⁶ brings a sliding scale sacrifice.⁷ Then include idolatry;⁸ and as to the differentiation, it is in that the sinner brings a she-goat and not a lamb?⁹ — R. Kahana said: We mean a differentiation to relax,¹⁰ but this is a differentiation to restrict.¹¹

Then include a woman after childbirth, for the text differentiates in her case in that she brings a sliding scale sacrifice?¹² — R. Hoshaia said: [The verse says,] all their sins,¹³ and not ‘all their uncleannesses.’ And according to R. Simeon b. Yohai who said that a woman after childbirth is also a sinner,¹⁴ what shall we say?¹⁵ — R. Simeon is consistent in that he holds ‘from its own text it may be deduced.’¹⁶

Then include a leper [who also brings a sliding scale sacrifice]?¹⁷ — R. Hoshaia said [the verse says]: all their sins; and not ‘all their uncleannesses’.¹⁸ And according to R. Samuel b. Nahman who said, for seven sins leprosy afflicts man,¹⁹ what shall we say?²⁰ — There the leprosy itself atones for him;²¹ and the sacrifice is merely to permit him to join the congregation. Then include a Nazirite²² who has become unclean, for the text differentiates in his case in that he brings turtledoves or young pigeons?²³ — R. Hoshaia said [the verse says]: all their sins, and not ‘all their uncleannesses.’²⁴ And according to R. Eleazar ha-Kappar who said that a Nazirite is also a sinner,²⁵ what shall we say?²⁶ — He agrees with R. Simeon who holds that ‘from its own text it may be deduced.’²⁷

The Master has stated: ‘R. Simeon said from its own text it may be deduced, for it says: And he shall make atonement for the holy place, of the uncleannesses . . . of the uncleannesses of the holy place.’ R. Simeon argues well. [Why then does not] R. Judah [accept this deduction]?²⁸ — He may say to you that [and he shall make atonement . . .] is required [to teach us] that just as he does in the Holy of Holies,²⁹ so shall he do [outside the veil] in the Temple. And how does R. Simeon [deduce this]? — He deduces it from and so shall he do.³⁰ And R. Judah [cannot he also deduce it from this phrase? — No!] From this phrase we might have thought that he must bring another bullock and goat to do [the service outside the veil in the Temple], therefore the text teaches us [and he shall make atonement for the holy place, implying that he shall use the same bullock and goat, and so shall he do means that he shall repeat the service outside the veil]. And R. Simeon [why does he not agree with this argument of R. Judah? — Because the phrase] and so shall he do for the tent of meeting implies everything.³¹

The Master stated: ‘I might have thought that for every uncleanness connected with the Temple and holy food this goat atones, therefore the text says: and of their transgressions, even all their sins [- sins are equated with transgressions; just as transgressions are not liable for sacrifice, so sins in this verse are those which are not liable for sacrifice: but a sin which is liable for sacrifice is excluded, i.e., the inner goat does not atone for it].’³² Which is it [that is excluded]? Where there is knowledge at the beginning and at the end. [Surely for such a sin] the transgressor must bring a sliding scale sacrifice!³³ The deduction is not necessary save in the case where the sin becomes known to the transgressor near sunset [on the eve of the Day of Atonement].³⁴ I might have thought that [in the meantime] until he brings his sacrifice,

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- (1) Stoning; v. Sanh. 53a.
 - (2) Ker. I, 2.
 - (3) Decapitation by the sword; Num XXXV, 16; Sanh, 76b.
 - (4) Num. XXXV, 11.
 - (5) E.g., if a man ascending a ladder falls on another man and kills him, he is not exiled; v. Mak. 7b.
 - (6) I.e., the unwitting transgressor of the laws of uncleanness connected with the Temple and holy food.
 - (7) Whereas for other unwitting transgressions a fixed sacrifice is brought.
 - (8) That the inner goat of the Day of Atonement should atone for it.
 - (9) Whereas for other unwitting transgressions, either a she-goat or a lamb may be brought.
 - (10) A sliding scale sacrifice is an act of leniency on the part of Holy Writ enabling the sinner to bring an offering according to his means (v. p. 1, n. 7) — a differentiation characteristic of the inner goat of the Day of Atonement, which is a sacrifice bought from public funds, and secures for the individual sinner the suspension of his sin.
 - (11) He must bring a she-goat even at great expense.
 - (12) Lev. XII, 6-8. If the Day of Atonement arrives before the time when she has to bring her sacrifice, let us say that the inner goat has already atoned for her, and she need not bring a sacrifice.
 - (13) Ibid. XVI, 16. The inner goat atones for sins; but the woman, in giving birth to a child, has not committed a sin; she brings a sacrifice merely to cleanse her from her uncleanness, so that she may partake of holy food.
 - (14) Nid. 31b; because of the travail she vows she will not cohabit again with her husband; and she breaks her vow.
 - (15) Why should not the inner goat atone for her?
 - (16) He does not exclude a woman after childbirth because of the phrase all their sins; but he deduces that the inner goat atones only for the sin of uncleanness connected with the Temple and holy food from its own text; v. supra p. 26.
 - (17) Lev. XIV, 10-32.
 - (18) A leper is not a sinner,
 - (19) Calumny, bloodshed, false oath, incest, haughtiness, robbery, selfishness; 'Ar. 16a.
 - (20) A leper is therefore a sinner; let us say then that the inner goat of the Day of Atonement atones for him.
 - (21) The distress he suffers because of his leprosy is sufficient punishment for him.
 - (22) One who vows to consecrate himself to God; he must abstain from grapes and all productions of the vine, and let his hair grow; v. Num. VI, 1-21.
 - (23) Ibid. 9-10.
 - (24) A Nazirite is not a sinner.
 - (25) By his vow he has inflicted upon himself abstinence from wine, and has thereby sinned; Nazir 19a.
 - (26) Why should not the inner goat atone for him?
 - (27) That the inner goat atones only for the uncleanness connected with Temple and holy food.
 - (28) Instead of deducing it from the fact that Holy Writ differentiates in the case of the uncleanness connected with Temple and holy food; v. supra p. 26.
 - (29) Lev. XVI, 14, 15.
 - (30) Ibid. 16.
 - (31) That he shall repeat the service outside the veil; and it would not have entered our minds to think that he should bring an extra bullock and goat. Therefore the phrase and he shall make atonement for the holy place, of the uncleannesses is superfluous, and hence may of be utilised for the deduction that the inner goat atones only for the uncleannesses of the holy place, i.e., Temple and holy food.
 - (32) V. supra p 26.
 - (33) Why then do we require the deduction to exclude such a sin from the atonement effected by the inner goat.

(34) When there is no time to bring the sliding scale sacrifice, as sacrifices are offered only during the day-time (v. Meg. 20b).

Talmud - Mas. Shevu'oth 8b

the inner goat should hold the sin in suspense, therefore the text teaches us [that it does not].

The Master stated: 'How do we know that, when there is knowledge at the beginning and not at the end, this goat holds the sin in suspense?' 'How do we know'! What is his question?¹ — This is his question: Now that you say, 'sins are equated with transgressions: just as transgressions are not liable for sacrifice, so sins are those which are not liable for sacrifice;' you might logically argue, just as transgressions are never liable for sacrifice, so sins are those which are never liable for sacrifice; and which are they? Those where there is no knowledge at the beginning but knowledge at the end; but where there is knowledge at the beginning and not at the end, since, when the knowledge comes to him at the end, he is liable to bring a sacrifice, let us say that the inner goat should not hold the sin in suspense! And if you² should say, where there is no knowledge at the beginning but knowledge at the end, the outer goat together with the Day of Atonement atones?² — I might have thought that we should reverse [the atonements].³ Therefore the text says: even all their sins, so that we may infer that they are ultimately liable for a sin offering⁴ [i.e., the inner goat holds in suspense those sins where there is knowledge at the beginning but not at the end]. But why should it not atone completely [instead of merely holding the sin in suspense till he brings his sacrifice]? — If it had been written: '[And he shall make atonement . . . of their transgressions and] of their sins,'⁵ I should have agreed with you: but now that it is written: '[of their transgressions], even all their sins,' [the text means that it holds in suspense] such transgressions as may ultimately be atoned for by sin offerings.⁶

Now since it does not atone completely, what is the purpose of holding it in suspense? — R. Zera said: So that if he dies [before the knowledge comes to enable him to bring his sacrifice] — he dies without sin. Said Raba to him: If he dies, his death purges him from sin;⁷ but, said Raba, the inner goat [by holding the sin in suspense] shields him from suffering⁸ [until he brings his sacrifice].

WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING BUT KNOWLEDGE AT THE END THE GOAT SACRIFICED ON THE OUTER ALTAR AND THE DAY OF ATONEMENT ATONE, etc.

Now, they⁹ have been equated with each other; let the inner goat, then, atone for its own [where there is knowledge at the beginning and not at the end] and for that for which the outer goat atones [where there is no knowledge at the beginning but at the end], and the outcome of this would be [that there would be atonement] in such case where the outer goat was not sacrificed.¹⁰ [No!] The text says: [And Aaron shall make atonement upon the horns of it] once [in the year; with the blood of the sin offering of atonement once in the year shall he make atonement for it]:¹¹ one atonement it atones, but it does not effect two atonements. Well, let the outer goat atone for its own and for that for which the inner goat atones; and the outcome of this would be [that there would be atonement] in such case where uncleanness occurred between the offering of

this [inner goat] and that [outer goat].¹² No!] The text says: once in the year — this atonement shall be

(1) It has just been deduced that the inner goat atones for sins which are not liable for sacrifice, and such a sin is not liable for sacrifice at present.

(2) V. Mishnah: hence we know that the inner goat does not atone for it, and therefore, of necessity it will atone for the sin where there is knowledge at the beginning and not at the end, then why his question?

(3) Viz. the inner goat should atone for the sin where there is no knowledge at the beginning but knowledge at the end, because it is never liable for sacrifice; and the outer goat should hold in suspense the sin where there is knowledge at the beginning but not at the end.

(4) V. supra p. 27, n. 5.

(5) Cf. Lev. XVI, 16. **o, tyj nu ovhgapnu**

(6) Sins is explanatory of transgressions, i.e., the inner goat atones for the transgressions until such time as they enter the category **o, tyj kfk**, i.e., until a sin offering is brought; therefore the inner goat atones temporarily, not permanently; in other words, it holds the sin suspense.

(7) Since it was an unwitting sin; death purges also certain witting transgressions for which repentance alone does not suffice, such as the profanation of the Name; v. Yoma 86a.

(8) For certain offences for which Kareth (v. Glos.) is the penalty repentance alone does not suffice, but sufferings are inflicted on the transgressor to purge him from his sin; v. Yoma 86a.

(9) The inner and outer goats: v. supra p. 2.

(10) Because there were not sufficient goats available.

(11) Ex. XXX. 10: referring to inner goat.

(12) Where an unclean person entered the Temple or ate holy food after the inner goat had been offered, so that it cannot atone for him.

Talmud - Mas. Shevu'oth 9a

only once a year.¹

And according to R. Ishmael who holds that where there is no knowledge at the beginning but knowledge at the end the transgressor must bring a [sliding scale] sacrifice,² for which sin will the outer goat atone? For that where there is no knowledge either at the beginning or at the end. But for this the goats offered on the festivals and New Moons make atonement!³ He agrees with R. Meir who holds that ALL THE GOATS GIVE EQUAL ATONEMENT FOR THE UNCLEANNESSE CONNECTED WITH THE TEMPLE AND HOLY FOOD. In that case, for what purpose was the outer goat equated with the inner?⁴ — [To teach us that] just as the inner does not atone for other sins, so the outer does not atone for other sins.

WHERE THERE IS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END THE FESTIVAL AND NEW MOON GOATS BRING ATONEMENT: THIS IS THE OPINION OF R. JUDAH [B. ILA'I].

Said Rab Judah that Samuel said: What is R. Judah's reason? — Because the text says: And one goat for a sin offering unto the Lord:⁵ for a sin which is known only to the Lord⁶ shall this goat atone. — But this [superfluous word] we require for the deduction of R. Simeon b. Lakish, for R.

Simeon b. Lakish said: 'Why is the New Moon goat different in that [the phrase] onto the Lord is used in connection with it? — [Because] the Holy One, blessed be He, said: This goat shall be an atonement [for Me, as it were,] for my diminishing the size of the Moon!'⁷ — If so [for R. Simeon b. Lakish's deduction], the text could have said: '[a sin offering] for the Lord'; why 'to the Lord'? For our deduction. Then say that it is solely for this deduction [and eliminate R. Simeon b. Lakish's deduction]. If so, the text could have said: 'a sin offering of the Lord;' why 'to the Lord'? Hence we deduce both.

Let it [the New Moon goat] atone also for other sins [which are known only to the Lord, i.e., are unknown to the transgressor]! — In the school of R. Ishmael it was stated that since this [outer goat of the Day of Atonement] comes at a fixed season, and this [New Moon goat] comes at a fixed season; then, just as this [outer goat] atones only for the uncleanness connected with the Temple and holy food,⁸ so this [New Moon goat] atones only for the uncleanness connected with the Temple and holy food.

Thus we find [that] the New Moon goats [atone for this class of sin]; whence do we know [that] the festival goats [atone for it]? And if you will say that this also follows from the deduction of the school of R. Ishmael,⁹ it is possible to refute [this reasoning]: if [the deduction is made] from the New Moon [goat, it may be argued] that it is more frequent [than the festival goat, therefore it atones for this sin, but the festival goat may not atone for it]; and if [the deduction is made] from the Day of Atonement [goat, it may be argued] that the atonement of the Day is more inclusive,¹⁰ [therefore the outer goat of the Day atones for this sin, but the festival goat may not atone for it]. And if you will say,

(1) No other sacrifice can make this atonement.

(2) *Infra* 19b.

(3) *Supra* p. 2.

(4) *Ibid.* p. 2.

(5) Num. XXVIII, 15: referring to the New Moon goat.

(6) But unknown to others, i.e., where there is no knowledge at all either at the beginning or at the end. This deduction is made because the text could have said: one goat for a sin offering; the words unto the Lord are superfluous.

(7) V. Hul. 60b: It is written: 'And God made the two great lights' (sun and moon — apparently equal); and it is written: 'the greater light' and 'the lesser light' (obviously unequal)! The moon said to the Holy One, blessed be He: 'How can two kings use one crown?' He replied: 'Go and diminish thyself'.

(8) For it has been equated with the inner goat: *supra* p. 2.

(9) The festival goat comes at a fixed season, and the New Moon goat comes at a fixed season, and the Day of Atonement goat comes at a fixed season: the first may be deduced from either of the other two.

(10) Atoning for all sins, whereas the festival does not atone; and though Holy Writ states clearly that the festival goat atones, it may be that it has not the power to atone for a sin (such as entering the Temple or eating holy food while unclean), the witting transgression of which is punishable by Kareth.

Talmud - Mas. Shevu'oth 9b

but we deduced the New Moon [goat] from the Day Of Atonement [goat],¹ and did not refute the

argument, [therefore let us deduce the festival goat from the Day of Atonement goat; it may be said in reply that with reference to the New Moon goat] atonement is distinctly mentioned in the text [for a sin which is unknown to the transgressor];² and what we desired is merely an intimation [that only the unknown sins connected with Temple and holy food are intended]; but here it may be said that the whole law we cannot deduce.³ Well then, just as R. Hama b. Hanina said [elsewhere: the text could have said] ‘one goat’, [but it says] ‘and one goat’;⁴ so here [the text could have said] ‘one goat’, [but it says] ‘and one goat’;⁵ so that the festival goats are equated with the New Moon goats; just as the New Moon goats atone only for sins where there is no knowledge either at the beginning or at the end,⁶ so the festival goats atone only for sins where there is no knowledge either at the beginning or at the end.

The question was propounded: when R. Judah said [that the New Moon and festival goats atone] for sins where there is no knowledge either at the beginning or at the end, does this statement apply only to a sin which will ultimately remain unknown [to the transgressor], but a sin which will ultimately become known⁷ is counted as if there were knowledge at the end, and consequently is atoned for by the outer goat [of the Day of Atonement] together with the Day of Atonement; or [does his statement include] even a sin which will ultimately become known, since actually at this moment it [is unknown and] may be termed a ‘sin which is known only to the Lord’? — Come and hear: It has been taught: For sins where there is no knowledge either at the beginning or at the end, and for a sin which will ultimately become known, the festival and New Moon goats atone: this is the opinion of R. Judah.

R. SIMEON SAYS THE FESTIVAL GOATS ATONE [FOR THIS CLASS OF SIN], BUT NOT THE NEW MOON GOATS. [AND FOR WHAT DO THE NEW MOON GOATS ATONE? FOR A RITUALLY CLEAN MAN WHO ATE HOLY FOOD THAT HAD BECOME UNCLEAR.]

R. Eleazar said that R. Oshaia said: What is R. Simeon's reason?⁸ — The verse says: And it hath He given you to bear the iniquity of the congregation.⁹ This verse refers to the New Moon goat;¹⁰ and we deduce [by analogy, because of the use of the identical word] iniquity, from the ziz:¹¹ here it is said iniquity, and there it is said iniquity,¹² just as there it refers to the uncleanness of the flesh,¹³ so here it refers to the uncleanness of the flesh.¹⁴ [But, since we deduce one from the other, let us say,] just as there it refers to offerings, so here it refers [only] to offerings,¹⁵ [and let it not atone for a clean man who ate unclean holy food. No!] It is written: ‘the iniquity of the congregation’.¹⁶ Well now, we deduce one from the other; then let the New Moon goat atone for its own,¹⁷ and also do the work of the ziz, and the outcome would be [that there would be acceptance of the offering though unclean,] even when the ziz is broken? — [No!] the verse says: the iniquity¹⁸ — one iniquity it bears, but it does not bear two iniquities. Well then, let the ziz atone for its own¹⁹ and for that for which the New Moon goat atones, and the outcome would be [that there would be atonement] for uncleanness²⁰ which occurred between this [New Moon] and the next?²¹ [No!] the verse says: it²² hath He given you to bear the iniquity of the congregation — it bears the iniquity, but no other bears the iniquity. R. Ashi said: Here²³ it is written the iniquity of the congregation — congregation and not holy things; and there²⁴ it is written the iniquity of the holy things — holy things and not congregation.

Hence we find that the New Moon goats atone for a clean man who ate unclean holy food. How do we know that the festival goats atone for [sins of uncleanness] where there is no knowledge either at the beginning or at the end? — As R. Hama b. Hanina said [elsewhere,²⁵ the text could have said:] ‘one goat’, [but it says:] ‘and one goat’; so here [the text could have said:] ‘one goat’, [but it says:] ‘and one goat’.²⁶

(1) Just as this comes at a fixed season etc., supra p. 33.

(2) Num. XXVIII, 15: a sin offering to the Lord, as explained above.

(3) For, since it is necessary to deduce the whole law that the festival goats atone for these sins of uncleanness, the argument may be refuted: the Day of Atonement goat atones for these sins of uncleanness because its atonement is more inclusive, but the festival goats may not have the power to atone for sins which are punishable by Kareth for witting transgression.

(4) Infra 10a.

(5) Num. XXVIII, 22: the Passover goat; XXIX, 5: the New Year goat; XXIX, 16: the Tabernacles goat. In these verses the text has ‘and one goat for a sin offering’; the superfluous, vav (ו) and, which is a conjunction, implies that the law with reference to these goats is connected with and is the same as that of the first mentioned goat, i.e., of the New Moon (XXVIII, 15). In connection with the Pentecost goat (XXVIII, 30) the text has ‘one goat’ (not and), but as long as and occurs in even one of the festivals, the other festivals may be likened to it: v. Tosaf.

(6) This was deduced (supra 9a) from the phrase ‘sin offering to the Lord’, and by analogy from the Day of Atonement goat: just as this comes at a fixed season, etc.

(7) E.g., if he was seen to become unclean and to enter the Temple, he will be told later.

(8) For saying that the New Moon goat atones for a clean man who are unclean holy food.

(9) Lev. X, 17.

(10) V. Zeb. 101b.

(11) High Priest's plate of pure gold worn on the forehead: Ex. XXVIII, 36.

(12) And it (the ziz) shall be upon Aaron's forehead, and Aaron shall bear the iniquity committed in the holy things; Ex. XXVIII, 38.

(13) The ziz makes the sacrifice acceptable if the flesh or blood or fat had become unclean, and another need not be offered; but it does not atone for the uncleanness of the person offering the sacrifice: v. Men. 25b.

(14) Hence, the New Moon goat atones for a clean man who ate unclean holy food.

(15) The ziz does not atone for any sin, but makes the offering acceptable if it had become unclean. Let the atonement of the New Moon goat be limited likewise; it will be useful in the event of the ziz becoming broken.

(16) Implying that it atones for sins committed by men.

(17) For a clean man who ate unclean holy food.

(18) ‘It (the New Moon goat) hath He given you to bear the iniquity’ (Lev. X, 17).

(19) To make acceptable an offering the flesh of which had become unclean.

(20) I.e., the guilt incurred by a clean man caring unclean holy food.

(21) If the New Moon goat alone atones for this kind of sin, a clean man eating unclean holy food immediately after the New Moon would not have atonement until the next New Moon; but if the ziz atones, he will have immediate atonement, for the ziz is worn continually by the High Priest.

(22) **V, ut**, the New Moon goat.

(23) Lev. X, 17: referring to the New Moon goat; therefore it atones for a clean man who ate unclean holy food.

(24) Ex. XXVIII, 38: referring to the ziz; therefore it makes acceptable an offering the flesh of which had become unclean.

(25) Infra 10a.

(26) Num. XXVIII, 22; XXIX, 5, 16: referring to the festival goats: and one goat for a sin offering. The 'and' connects and equates the festival goats with the New Moon goat mentioned in the text immediately before them.

Talmud - Mas. Shevu'oth 10a

Thus the festival goats are equated with the New Moon goats; just as the New Moon goats atone for something connected with holy things, so the festival goats atone for something connected with holy things. And if you should say, let them [the festival goats] atone for that for which the New Moon goat atones, [we would reply. No! for] we have said: it [hath He given to you to bear the iniquity] — it [the New Moon goat] bears the iniquity, and no other bears the iniquity. And if you should say, let them atone for that for which the Day of Atonement [outer] goat atones,¹ [we would reply. No! for] we have said: once in the year [shall he make atonement for it]² — this atonement [of the Day of Atonement outer goat] shall be only once a year. For what, then, do they [the festival goats] atone? If for a case where there is knowledge at the beginning and at the end, the transgressor must bring a [sliding scale] sacrifice? If for a case where there is knowledge at the beginning and not at the end, this is a case where the inner goat and the Day of Atonement hold the sin in suspense? If for a case where there is no knowledge at the beginning but at the end, for this the outer goat and the Day of Atonement atone? Of necessity, therefore, they [the festival goats] atone for a case where there is no knowledge either at the beginning or at the end.

R. MEIR SAYS ALL THE GOATS HAVE EQUAL POWERS OF ATONEMENT, etc.

Said R. Hama b. Hanina: what is R. Meir's reason? — The text [could have] said: 'one goat', [but it says:] 'and one goat' — all the goats are thus equated with each other: the conjunction and adds to the preceding subject. It was at first assumed that each deduced [its additional powers of atonement] from its neighbour;³ [but that cannot be, for] R. Johanan said: In the whole Torah a law may be deduced by analogy from another law which has itself been deduced by analogy, except in the case of holy things, where a law may not be deduced by analogy from another law which has itself been deduced by analogy.⁴ — This need cause no difficulty: they may all deduce from the first.⁵ Granted, in every case where the text has 'and one goat',⁶ but in the case of Pentecost and the Day of Atonement where the text has not 'and one goat', how can we deduce [their laws]? — Well then, said R. Jonah, the verse says: 'These ye shall offer unto the Lord in your festivals'⁷ — all the festivals are equated with each other.⁸ But the New Moon is not a festival! Verily, the New Moon is also called a festival, as Abaye said [elsewhere], — for Abaye said Tammuz of that year⁹ they made a full month [of thirty days], as it is written: He hath called a solemn assembly [or, festival] against me to crush my young men.¹⁰

R. Johanan said: R. Meir agrees that the goat offered within [the veil on the Day of Atonement] does not atone their¹¹ atonements, nor do they atone his atonement. He does not atone their atonements: he atones one atonement, and does not atone two atonements;¹² they do not atone his atonement, for the verse says: once in the year [shall he make atonement]¹³ — this atonement shall be only once in the year. It was likewise taught [in a Baraitha]: For a case where there is no knowledge either at the beginning or at the end, and for a case where there is no knowledge at the beginning but knowledge at the end, and for a clean man who ate unclean holy food, the festival goats and the New Moon goats and the goat offered outside [the veil on the Day of Atonement]

bring atonement: this is the opinion of R. Meir. The inner goat, however, he leaves out, and that they [the others] atone [his atonement] he also leaves out.¹⁴

NOW, R. SIMEON SAYS THE NEW MOON GOATS ATONE FOR A CLEAN MAN WHO ATE UNCLEAN HOLY FOOD, etc.

Granted that the New Moon goats do not atone for that for which the festival goats atone, because the text says: [It hath He given you to bear] the iniquity¹⁵ — one iniquity it bears, but it does not bear two iniquities; but let the festival goats atone for that for which the New Moon goats atone? — [No!] The text says: it¹⁶ [hath He given you to bear the iniquity] — it bears the iniquity, but no other bears the iniquity.¹⁷ Granted that the festival goats do not atone for that for which the Day of Atonement goat atones, because the text says: once in the year [shall he make atonement]¹⁸ — this atonement shall be only once a year; but let the Day of Atonement goat atone for that for which the festival goats atone? [No!] The text says: [And Aaron shall make atonement upon the horns of it] once¹⁹ — one atonement it atones, but it does not atone two atonements. But once is written in connection with the inner goat [and not the outer]! — The text says: [One goat for a sin offering,]²⁰ beside

(1) Where there is no knowledge at the beginning but at the end.

(2) Ex. XXX, 10; supra 8b.

(3) The Passover goat (Num. XXVIII, 22) is mentioned in Holy Writ immediately after the New Moon goat; it is equated with it, and therefore, like it, atones for a clean man who ate unclean holy food (R. Meir agreeing with R. Simeon that the New Moon goat atones for a clean man who ate unclean holy food.) The Tabernacles goat (Num. XXIX, 16), mentioned immediately after the Day of Atonement goat, is equated with it, and therefore, like it, atones for a case where there is no knowledge at the beginning but at the end; and the Day of Atonement goat, being equated with the Tabernacles goat, atones, like it, for a case where there is no knowledge either at the beginning or at the end. Similarly, all the goats deduce the necessary laws from each other, each one from its nearest neighbour in Holy Writ; the result is that they all equally atone for all things which they atone for individually.

(4) How then, for example, can R. Meir deduce that the Day of Atonement goat atones for a clean man who ate unclean holy food? This has to be deduced first from the Tabernacles goat, which in its turn (being likened to the Passover goat) has to be deduced from the New Moon goat?

(5) They need not deduce, by gradual stages, each one from its nearest neighbour, but they may all equally and simultaneously deduce from the New Moon goat to atone for a clean man who ate unclean holy food; and the New Moon goat may deduce from them (the festival goats) to atone for a case where there is no knowledge either at the beginning or at the end. And all may deduce from the Day of Atonement goat to atone for a case where there is no knowledge at the beginning but at the end; and the Day of Atonement goat from them for a case where there is no knowledge either at the beginning or at the end.

(6) The and adds to the preceding subject, and equates them with each other.

(7) Num. XXIX, 39.

(8) New Moon is included in festival: mo'ed (**sgun**), appointed season, is the word used in the text.

(9) The second year after the Exodus. The twelve men who went to reconnoitre the land of Canaan left on the 29th of Sivan, and returned on the 8th of Ab (the 2 last days of Sivan, 30 days of Tammuz, and 8 days of Ab 40 days). And the people wept that night (Num. XIV, 1), i.e., on the eve of the 9th of Ab. Because they wept for no reason that night, it was fixed as an annual night of weeping for the future. (The first and second Temples were destroyed

on that date); v. Ta'an. 29a.

(10) Lam. I, 15: according to Abaye the verse means this: He called a mo'ed, **sgun** (festival), i.e., He intercalated an extra day, making Tammuz 30 days, so that the 30th day was proclaimed New Moon (festival), in order to crush my young men, in order that the night of weeping (9th of Ab) would coincide with the date my young men were to be crushed centuries later at the time of the destruction of the Temple.

(11) The outer goat of the Day of Atonement, festival and New Moon goats.

(12) Supra 8b.

(13) Ex. XXX, 10; supra 8b.

(14) He does not include the inner goat with the others; nor does he say that the other goats atone (or hold in suspense) where there is knowledge at the beginning but not at the end.

(15) Lev. X, 17; supra 9b.

(16) New Moon goat.

(17) Supra 9b.

(18) Ex. XXX, 10; supra 8b.

(19) Ibid.

(20) I.e., the outer goat.

Talmud - Mas. Shevu'oth 10b

the sin offering of atonement¹ — hence the outer is equated with the inner.

R. SIMEON B. JUDAH SAID IN HIS [R. SIMEON B. YOHAI'S] NAME: [THE NEW MOON GOATS ATONE FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD; THE FESTIVAL GOATS, IN ADDITION TO ATONING FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD, ATONE ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; THE OUTER GOAT OF THE DAY OF ATONEMENT, IN ADDITION TO ATONING FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD, AND FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END, ATONES ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END.]

What is the difference: the New Moon goats do not atone for that for which the festival goats atone because the text says: [it hath He given you to bear] the iniquity² — one iniquity it bears, but it does not bear two iniquities; then let the festival goats also not atone for that for which the New Moon goats atone, because the text says: it [hath He given you to bear the iniquity]³ — it bears the iniquity, but no other bears the iniquity?⁴ — Because [the emphasis on] it does not seem justified to him.⁵

What is the difference: the festival goats do not atone for that for which the Day of Atonement goat atones, because the text says: once in the year [shall he make atonement]⁶ — this atonement [of the Day of Atonement goat] shall be only once a year; then let the Day of Atonement goat also not atone for that for which the festival goats atone, because it is written: [And Aaron shall make atonement upon the horns of it] once⁷ — one atonement it atones, but it does not atone two atonements?⁸ [The emphasis on] once does not seem justified to him. Why? — For it is written in

connection with the inner goat [and not the outer]. If so, let the festival goats also atone for that for which the Day of Atonement goat atones, because once [in the year] is written in connection with the inner goat [and not the outer]. In reality, [the emphasis on] once does seem justified to him,⁹ but here it is different, for the text says: And Aaron shall make atonement upon the horns of it once in the year — the horns, namely, of the inner altar: with reference to this [we say that] it atones one atonement and not two atonements, but with reference to the outer [we may say] it atones even two atonements.¹⁰

Ulla said that R. Johanan said: The regular offerings which are not required for the community are redeemed unblemished.¹¹ Rabbah sat and stated this law. Said R. Hisda to him: Who heeds you and R. Johanan, your teacher! Whither has the holiness in them departed!¹² He replied to him: Do you not hold that we do not say, ‘whither has the holiness in them departed’?¹³ For we learnt in a Mishnah:¹⁴ The remainder of the incense — what was done with it?¹⁵ The wages of the workmen were allocated [from the Temple treasury],¹⁶ and the extra incense was exchanged for this money, and given to the workmen as their wages, and was then re-bought [from them] with the new donations.¹⁷ Now why [should this procedure be permitted]? Let us say, ‘whither has the holiness in them departed’?¹⁸ — He said to him: You argue from incense! Incense is different,

(1) I.e., the inner goat: Num. XXIX, 11.

(2) Lev. X, 17; supra 9b, 10a.

(3) Ibid.

(4) Why, then, does R. Simeon differentiate, and say that the festival goats do atone for that for which the New Moon goats atone?

(5) It hath He given you to bear the iniquity does not necessarily imply that no other goat can bear the iniquity. It may mean that it (the New Moon goat) was also, in addition to other goats, given the power of bearing the iniquity (of a clean man who ate unclean holy food). But the emphasis on iniquity he holds to be justified, for this word is clearly singular: the verse therefore implies that the New Moon goat atones for only one iniquity.

(6) Ex. XXX. 10: second half of the verse.

(7) Ibid.: first half of the verse.

(8) Why then does R. Simeon say that the Day of Atonement goat does atone also for that for which the festival goats atone?

(9) For, though it is written in connection with the inner goat, it has already been explained that the outer is equated with the inner (v. supra p. 2). Hence, the latter half of the verse: with the blood of the sin offering of atonement once in the year shall he make atonement for it implies that the atonement of the sin offering (i.e., inner goat, and also outer goat, for it has been equated with it) is only once a year, i.e., the other goats (such as the festival goats) cannot make this atonement.

(10) The first half of the verse does not mention the sin offering (i.e., inner goat), but only the inner altar; therefore we cannot say that the deduction that it atones only one atonement refers also to the outer goat; for the outer goat has been equated with the inner goat, but not with the inner altar; hence the outer goat of the Day of Atonement atones also for that for which the festival goats atone.

(11) In the Temple store-room for congregational offerings there had always to be at least six lambs which had been examined and found free from blemish (‘Ar. 13a), in order that there should always be a ready supply for the two daily offerings (Num. XXVIII, 1-4). On the first of Nisan the lambs of the previous year (i.e., the day before) were not permitted to be sacrificed, because congregational sacrifices were not allowed to be bought with the previous year's donations to the Treasury; hence there were always four lambs left which are not required for the

community. These could be redeemed, though they were unblemished, although an individual's offering may not be redeemed unless it has a blemish which disqualifies it as a sacrifice (Men. 101a). The method of redemption was to exchange the four lambs for their money equivalent, the lambs becoming hullin (un-holy), and the money becoming holy, and being utilised for making gold plates to cover the walls and floor of the Holy of Holies. Since the lambs were now not holy, they could be re-bought with the money subscribed in the New Year (1st of Nisan) to the Temple treasury.

(12) Since they were consecrated bodily (; **udv** , **ause**), and not merely for their value (**ohns** , **ause**), how can they become hullin if they are unblemished?

(13) In the case of a congregational offering, as distinct from an individual's offering.

(14) Shek. IV, 5.

(15) The incense (Ex. XXX, 34-36) was compounded from eleven ingredients: balm, onycha, galbanum, frankincense (in quantities of seventy manehs each in weight), myrrh, cassia, spikenard, saffron (sixteen manehs each), costus (twelve manehs), aromatic bark (three manehs), and cinnamon (nine manehs) — altogether 368 manehs, one for each day of the year (half in the morning, and half in the evening) and three extra for the Day of Atonement (v. Ker. 6a). But in an ordinary lunar year there were 11 manehs over (the lunar year being 354 days); and though these 11 manehs were necessary for supplementing the incense in intercalary years, they had to be bought from the new donations every 1st of Nisan (Tosaf). Some method had to be devised, therefore, of making the remainder of the old incense valid for the new year. — The lye obtained from a species of leek and the Cyprus wine which are mentioned in connection with the incense, were not actual ingredients, but were used simply for whitening the onycha, and also for making its odour more pungent (Ker. 6a).

(16) Omit **vbn** in the text. The workmen were the family of Abtinah who were skilled in compounding the incense for the Temple: Yoma 38a.

(17) The incense, having been exchanged for the money, became hullin, and could be re-bought with the donations of the new year, becoming holy again, and valid for the new year.

(18) And not permit the incense which had once been holy to become hullin; yet we do not say this. It is assumed at present that the mortar in which the incense is pounded, being a holy vessel, makes the incense bodily holy.

Talmud - Mas. Shevu'oth 11a

for it has [only] a monetary holiness.¹ — If so, let it not become invalid by [the touch of] a tebul yom,² and yet it has been taught: As soon as it [the incense] is placed in the mortar it becomes liable to invalidation by [the touch of] a tebul yom! But perhaps you will say, all things which have only a monetary holiness are liable to invalidation by [the touch of] a tebul yom — [that cannot be,] for we have learnt:³ The meal-offerings⁴ are liable to be trespassed against⁵ as soon as they are verbally consecrated; when they are consecrated in the vessel,⁶ they become liable also to invalidation by [the touch of] a tebul yom, and one lacking atonement,⁷ and by linah.⁸ [Hence we may deduce:] 'When they are consecrated in the vessel' — yes, [they become liable to invalidation by the touch of a tebul yom,] but before they are consecrated in the vessel — no!⁹ — Well then, is it [the incense] holy bodily? If so, let it become invalidated [also] by linah, and yet we have learnt:¹⁰ The handful,¹¹ and the frankincense,¹² and the incense, and the meal-offering of the priests,¹³ and the meal-offering of the anointed [High] Priest,¹⁴ and the meal-offerings brought with libations,¹⁵ are liable to be trespassed against as soon as they are verbally consecrated; when they are consecrated in the vessel, they become liable also to invalidation by [the touch of] a tebul yom, and one lacking atonement, and by linah, [Hence we may deduce:] When 'they are consecrated in the vessel' — yes, [they become liable to invalidation by linah,] but before they are

consecrated in the vessel — no.¹⁶ He said to him: You argue from [the fact that it is not invalidated by] linah [that therefore the incense is not bodily holy]! Incense is different [it is bodily holy even in the mortar, but is not invalidated by linah], because it retains its form all the year.¹⁷ Nevertheless, the question remains¹⁸ [since the incense is bodily holy]: whither has the holiness in them departed? — Rabbah said: The Beth din make a mental stipulation that if they are required, they are required [i.e., utilised]; but if not, they shall be holy only for their value.¹⁹

Said Abaye to him: But you, Sir, yourself said, if one consecrates a male [ram] to be holy only for its value, it nevertheless becomes bodily holy?²⁰ This is no question: [I said it becomes bodily holy] in the case where he said it should be holy for its value to buy a burnt offering;²¹ but if he said it should be holy for its value to buy libations [it does not become bodily holy].²² — Abaye asked him, [It was taught:]²³ The bullock and [inner] goat of the Day of Atonement which were lost, others being set apart in their stead,

(1) It is holy only for its value, and not bodily holy. The mortar in which it is pounded is not deemed to be a holy vessel; the incense can, therefore, be redeemed for money and become hullin, but why should the daily offerings which are actually holy bodily, be redeemable if unblemished?

(2) Lit., ‘bathed on that day’: a person who, having become unclean, and bathed, is not restored to perfect ritual cleanliness till sunset (Lev. XXII, 6, 7). His touch, before sunset, defiles holy objects. If the incense is not holy bodily, it should not become invalid by the touch of a tebul yom. (The holier the object the more easily it is liable to defilement.)

(3) Me'i. 9a.

(4) Of an individual who had sinned (Lev. V, II), **tyuj , j bn**; or a voluntary meal-offering (Men. 103a); or that which is brought with a thanksgiving sacrifice (Lev. VII, 12, 13).

(5) Lev. V, 15: unlawful use of sacred property constitutes **vkhg n**, trespass.

(6) Having been brought to the Temple, and placed in the appropriate holy vessel, their holiness is increased.

(7) An unclean person such as a **CZ**; (gonorrhoeist: Lev. XV, 1-15); **VCZ** (woman having irregular issue of blood: Lev. XV, 25-30); woman after childbirth (Lev. XII, 1-8); and leper (Lev. XIV, 1-32); must bring a sacrifice on becoming clean. Before the sacrifice is brought the person is **ohrupf rxuj n**; v. Ker. 8b. Strictly speaking, these four do not ‘lack atonement’, for they have committed no sin; they merely have to bring a sacrifice in order to be permitted to partake of holy food.

(8) Being kept over night.

(9) Hence things which have only a monetary, and not a bodily, holiness, are not liable to invalidation by the touch of a tebul yom; why then should the incense, if it has only a monetary holiness, become invalidated by the touch of a tebul yom?

(10) Me'i. 10a.

(11) Lev. II, 2: a handful (three middle fingers bent over the hollow of the palm) was taken by the priest from an individual's meal-offering, and burnt on the altar; the rest was eaten by the priest.

(12) Ibid. I: frankincense was put on the meal-offering to flavour it.

(13) Lev. VI, 16: a priest's meal-offering was wholly burnt on the altar.

(14) Ibid. 15.

(15) Num. XXVIII and XXIX: these meal-offerings are wholly burnt.

(16) This vessel is not the mortar in which the incense is pounded, but the vessel in which it is placed when brought to the altar to be burnt; for, while in the mortar, the Baraita states, it is invalidated by the touch of a tebul yom, and not by linah, whereas this Mishnah states that when the incense is consecrated in the vessel it is

invalidated also by linah; obviously, therefore, this is a different (holier) vessel. The incense, then, before it is placed in this holier vessel is not bodily holy.

(17) Linah does not alter its appearance or freshness as it would, for example, in the case of meat. When consecrated in the vessel, however, it is liable to invalidation by linah (though it still retains its form), because all other things consecrated in a vessel are liable to invalidation by linah; if incense were not so liable, it might sometimes be erroneously inferred that the others were also not so liable.

(18) Both in the case of incense and the daily offerings; why should they be redeemable if bodily holy?

(19) The authorities, when buying animals for the daily offerings, or when having the incense compounded, decide that only that which is necessary for that year shall become bodily holy; and that the rest shall become holy only for their value, and therefore be redeemable.

(20) And cannot be redeemed, because it is itself fit for a sacrifice. Accordingly, even granted that the Beth din do make the stipulation that they shall be holy only for their value, the daily offerings and incense ought still to retain their bodily holiness, and the question. 'Whither has the holiness in them departed?' remains.

(21) And since the ram is itself fit for a burnt offering, it cannot be sold in order that for its money another ram may be bought.

(22) Similarly, the Beth din have the power to stipulate at the outset that the daily offerings or incense not required shall become holy only for their value to provide gold plates for the floor and walls of the Holy of Holies.

(23) Tosaf. Yom Hakkip. IV.

Talmud - Mas. Shevu'oth 11b

and also the goats to atone for idolatry¹ which were lost, others being set apart in their stead — they all die.² This is the opinion of R. Judah. R. Eleazar and R. Simeon say: They pasture till they become unfit [for sacrifice],³ then they are sold, the money going as a donation [to the Temple treasury], for a congregational sin-offering does not die.⁴ — Why [should they be starved, or pasture till they become blemished]? Let us say the Beth din make a mental stipulation [that if they be lost and found again they be redeemed unblemished]? — You quote the case of lost sacrifices! Lost sacrifices are different, because they are rare.⁵ But the red heifer⁶ is rare, and yet it was taught:⁷ The red heifer is redeemed on account of any disqualification in it; if it died, it is redeemed; if it was slaughtered,⁸ it is redeemed; if he found another which was more excellent, it is redeemed;⁹ but if he had already slaughtered it on its wood-pile,¹⁰ it can never be redeemed?¹¹ The red heifer is different, for it is in the category of holy things for Temple repair.¹² If so,¹³ how is it redeemed if it died or was slaughtered [outside the prescribed place], surely we require 'placing and valuation'?¹⁴ — This will be in accordance with R. Simeon, who says that holy things for the altar are subject to the law of 'placing and valuation', but holy things for the Temple repair are not subject to the law of 'placing and valuation'.¹⁵ If it is in accordance with R. Simeon's view, how will you explain the last clause:¹⁶ If he had already slaughtered it on its wood-pile, it can never be redeemed? Surely, it has been taught:¹⁷ R. Simeon says. 'The red heifer defiles the defilement of edibles,¹⁸ because it had a period of fitness.'¹⁹ And R. Simeon b. Lakish said: 'R. Simeon used to say that the red heifer may be redeemed [even] on its woodpile!'²⁰ Well, then, the red heifer is different, because it is expensive.²¹

The Master said: 'If it died, it is redeemed.' Do we then redeem holy things in order to feed dogs?²² — R. Mesharsheya said: [It is redeemed] for the sake of its hide.²³ Do the Beth din, then, make a mental stipulation [merely] for the sake of its hide?²⁴ — R. Kahana said: 'Men say, of a

camel the ear [is valuable].²⁵

He further asked him:²⁶ THEY SAID TO R. SIMEON: IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER? HE SAID TO THEM: IT MAY BE OFFERED. THEY ARGUED WITH HIM: SINCE THEY ARE NOT EQUAL IN THE ATONEMENT THEY BRING, HOW CAN THEY TAKE EACH OTHER'S PLACE? HE REPLIED: THEY [ARE ALL AT LEAST EQUAL IN THE WIDER SENSE IN THAT THEY] ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNES IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.²⁷ Now, why [should R. Simeon give such an unconvincing reply]? Let him say, the Beth din make a mental stipulation in their case!²⁸ — You argue thus against R. Simeon! R. Simeon does not hold that the Beth din are empowered to make a mental stipulation; for R. Idi b. Abin said that R. Amram said that R. Johanan said: The regular offerings which are not required for the community are, according to R. Simeon, not redeemed unblemished;²⁹ and, according to the Sages, are redeemed unblemished.

Who are the Rabbis who disagree with R. Simeon [and hold that the Beth din make a mental stipulation]? Shall we say they are the Rabbis [who state the law] of incense?³⁰

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- (1) Num. XV, 22-26: referring to congregational lapse into idolatrous worship through erroneous ruling of the Beth din,
 - (2) I.e., the lost ones which were found again after the others had already been sacrificed (v. Hor. 6a); they are put in a special stable, and not given food, so that they die. V. Kid. 55b; Tem. IV, 1; Tosaf. Yom Tob.
 - (3) By becoming blemished.
 - (4) I.e., is not starved to death. Sin-offerings of individuals are, in certain circumstances, starved to death; but not congregational sin-offerings. V. Tem. 15a.
 - (5) It is rare for a sacrifice to be lost, and the Beth din, therefore, do not deem it necessary to make a stipulation for such an infrequent occurrence.
 - (6) Num. XIX. During the whole period of the first and second Temples only seven were prepared. V. Parah III, 5.
 - (7) Tosaf. Parah I.
 - (8) Outside the spot prescribed for the purpose on the Mount of Olives. V. Parah III, 6-11,
 - (9) Even if it has no blemish.
 - (10) In the proper place and in accordance with the prescribed ritual.
 - (11) Even if he finds a better one. Since everything in connection therewith has been correctly performed, it would not be seemly to redeem it and make it hullin (v. Glos.). Now reverting to the first clause of this Baraita, how could it be redeemed without a blemish, seeing that the Beth din do not make mental stipulations in connection with rare matters?
 - (12) , **hcv esc hase** I.e., holy only for its value, and not for offering on the altar, **j czn hase**, and therefore redeemable without a blemish. , **hcv esc hase** is equivalent to **ohns , ause**; v. Yoma 42a.
 - (13) If it is holy only in respect of its value.
 - (14) Lev. XXVII, 11, 12; He shall place (lit., cause to stand) the beast before the priest. And the priest shall value it. The beast must be able to stand on its feet to be valued and redeemed. If it died or was slaughtered, it cannot stand: how, then, can it be redeemed? It appears that if it were holy for the altar, the question would not arise, for, according to one authority (v. Tem, 32b), offerings for the altar, when redeemed, do not require 'placing and valuation'. V. Tosaf.
 - (15) Tem, 32b: they may be redeemed even if they are not able to stand,

(16) Lit., 'say the last clause.'

(17) Tosaf. Parah VI.

(18) After it has been slaughtered, its flesh can become unclean by contact with the carcass of an unclean animal (or clean animal not ritually killed), and it can then make edibles unclean by contact. Although the enjoyment of any kind of benefit from it is prohibited, and, according to R. Simeon, only edibles that are permitted are considered edibles capable of receiving and transmitting defilement (Men. 101b), it is, nevertheless, counted as an edible, because there was a time when the use of it might have been permitted, as explained infra. If it be asked, surely the flesh of the red heifer itself defiles without contact with a carcass, v. Hul. 82a, Rashi; B.K. 77a, Tosaf., for an explanation.

(19) I.e., capable of being counted fit as an edible.

(20) I.e., if a better one was obtainable, the heifer could be redeemed even after having been ritually slaughtered. This is the period of fitness to which R. Simeon alludes, and in virtue of which the flesh is regarded by him as an edible; R. Simeon holding that whatever is capable of being redeemed is counted as if it were redeemed. How, then, can the Baraitha be in accordance with R. Simeon's view, since the last clause in it states that if he slaughtered it on its wood-pile it can never be redeemed?

(21) The Baraitha will not be in accordance with R. Simeon's view; and the reason for its statement that if he found a better heifer it can be redeemed, is that the Beth din make a mental stipulation to that effect; and though a red heifer is rare, yet, because it is expensive, the Beth din deem it worth while to make such a stipulation. The red heifer was expensive because it was difficult to obtain one which fulfilled all the ritual requirements: e.g., two black or white hairs rendered it unfit (Parah II, 5). A perfectly red heifer was so rare that almost any price could be demanded by the owner. Dama b. Nethina, a heathen, received 600,000 gold denarii for a red heifer (Kid. 31a).

(22) If it died, its consumption is prohibited.

(23) Which may be utilised.

(24) Which is such an insignificant item.

(25) A proverb current in his day. Of a valuable animal even a small part is valuable.

(26) Abaye asked Rabbah.

(27) Supra Mishnah 2b.

(28) That if a goat set apart for the Day of Atonement, for example, is not offered on that day, it may be offered on a festival or New Moon. V. Rashal, comment on Rashi, a.l.

(29) This proves that he does not hold that the Beth din are empowered to make a mental stipulations; (v. supra 11a).

(30) Supra 10b. The incense left over at the end of the year was redeemed, because the Beth din made a mental stipulations to that effect.

Talmud - Mas. Shevu'oth 12a

[It may be retorted,] Incense is different, because it cannot be put to pasture.¹ Well, then, the Rabbis [who State the law] of the red heifer.² [But again it may be urged:] Perhaps the red heifer is different, because it is expensive!³ — Well, then, the Rabbis [of our Mishnah] who argued with him.⁴ [But here again,] how do you know that it is R. Judah⁵ [who argues with R Simeon], and that thus he argues with him: 'It is right according to my view, holding as I do that the Beth din make a mental stipulation; therefore the goat set apart for one day may be offered on another; but according to you who say, no, [we do not say the Beth din make a mental stipulation], why should the goat set apart for one day be offered on another?' — [How do you know this?] Perhaps it is R. Meir⁶ [who argues with R. Simeon], and thus he argues with him: 'It is right

according to my view, holding as I do that all the goats bring equal atonement, therefore the goat set apart for one day may be offered on another; but according to you [who do not hold that all the goats bring equal atonement], why should the goat set apart for one day be offered on another?' [Who, then, are the Rabbis who disagree with R. Simeon, holding that the Beth din make a mental stipulation?] — But. R. Johanan had a tradition that, according to R. Simeon, they [the daily offerings] are not redeemed [unblemished]; and, according to the Sages, they are redeemed.⁷

And according to R. Simeon who does not hold that the Beth din make a mental stipulation [that the daily offerings which are not required should be redeemed], what is done with them? R. Isaac said that R. Johanan said: They are offered as dessert⁸ to the altar.

R. Samuel, son of R. Isaac, said: R. Simeon admits, however, that the goats for a sin-offering are not themselves offered as dessert for the altar, but their money equivalent;⁹ for here [in the case of the surplus daily offering], it was originally intended for a burnt-offering, and it is now also a burnt-offering; but there [in the case of the sin-offering], it was originally intended for a sin-offering, and now it will be a burnt-offering; [it is, therefore, not permitted to be offered up itself,] a restriction being imposed even after [the congregation have had] atonement [with another sin-offering], as a preventive measure [in case it may be offered up] before [the congregation have had] atonement [with another].¹⁰

Abaye said: We have also learnt [in a Baraita]:¹¹ The bullock and [inner] goat of the Day of Atonement which were lost, others being set apart in their stead; and also the goats to atone for idolatry which were lost, others being set apart in their stead — they all die: this is the opinion of R. Judah. R. Eleazar and R. Simeon say: They pasture till they become unfit [for sacrifice], and then they are sold, the money going as a donation [to the Temple treasury],¹² for a congregational sin-offering does not die!¹³ — Now, why [should they pasture till they become blemished and then be sold]? Let them be offered up themselves as burnt-offerings [as dessert for the altar]. Obviously, therefore, [since they do not say this], we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case they may be offered up] before atonement.

Raba said: We have also learnt:¹⁴ . . . and the second one¹⁵ pastures till it becomes unfit [for sacrifice], when it is sold, and the money goes as a donation [to the Temple treasury].¹⁶ Now, why [should it pasture till it becomes blemished and then be sold]? Let it be offered up itself as a burnt-offering [as dessert for the altar]. Obviously, therefore, [since this is not done,] we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case it may be offered up] before atonement,

Rabina said: We have also learnt:¹⁷ A guilt offering¹⁸ the owner of which died, or obtained atonement [with another], pastures till it becomes unfit [for sacrifice],¹⁹ when it is sold, and the money goes as a donation [to the Temple treasury]. R. Eliezer says: It dies.²⁰ R. Joshua says: He brings a burnt-offering for its money.²¹ Now, let it be offered up itself as a burnt-offering [as dessert for the altar]. Obviously, therefore, [since this is not done,] we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case it may be offered

up] before atonement. This is conclusive.

This has also been taught [in the following Baraita].²² What do they bring from the surplus [congregational offerings]?

(1) Therefore the Beth din make a mental stipulation, but in the case of the regular daily offerings that are left over at the end of the year, since they may be put to pasture till they become blemished, and then redeemed, the Beth din would make no mental stipulations. The Rabbis who state the law of incense may, therefore, agree with R. Simeon in the case of the daily offerings. Who, then, are the Rabbis who disagree with him?

(2) Supra 11b. The red heifer may be redeemed unblemished.

(3) Therefore the Beth din deem it worth while to make a mental stipulation, but in the case of the daily offerings which are not expensive, the Beth din possibly do not make a mental stipulation.

(4) Thus: Since the goats are not equal in the atonement they bring, and since you do not hold that the Beth din can make a mental stipulation that if the goat of the Day of Atonement, for example, was lost and found later, it may be offered on a subsequent festival, how according to you, can the goat set apart on one day be offered on another? These Rabbis, then, themselves hold that the Beth din can make a mental stipulation.

(5) Who agrees with R. Simeon that the goats do not bring equal atonement (v. supra. Mishnah 2a), and disagrees with him only in that he holds that the Beth din make a mental stipulation that the goats can take each other's place.

(6) Who holds that all the goats bring equal atonement (v. supra Mishnah 2b). R. Judah, however, may not argue with R. Simeon, as he may not hold that the Beth din make a mental stipulation, and R. Meir's question to R. Simeon could quite as easily be directed against R. Judah too. R. Judah, also, would agree with R. Simeon's reply.

(7) Because they do hold that the Beth din make a mental stipulation.

(8) . **he** is summer fruit, v. II Sam. XVI, 1, 2. These burnt offerings were consumed by the altar after the usual obligatory offerings had been consumed, just as summer fruit (dessert) is taken at the end of a meal. Barth (Jahrb. der jud. Liter. Gesel. VII. 129), connects **j cznv . he** with the Syriac **txhe** 'wood', and translates it 'fuel for the altar', i.e., the extra burnt offerings are used as fuel for the altar when the ordinary offerings have been consumed. This is ingenious, but farfetched, and against the Talmud's own explanation of the word (infra 12b, top) 'as white figs for the altar'. Barth's objection that **. he** though meaning 'summer fruit', never has the meaning 'dessert', is unreasonable, for fruit is obviously dessert. — R. Simeon holds that the superfluous regular offerings are sacrificed on the altar as congregational freewill burnt-offerings, because they were originally intended as burnt-offerings (though as regular offerings and not as dessert); just as he holds, in the Mishnah, that a goat which was not offered on a festival may be offered on the New Moon or Day of Atonement because, though not exactly the same, they are all at least equal in that they atone for the sins of uncleanness connected with the Temple and holy food.

(9) If, for example, the New Moon goat for the month of Adar was lost, and found in Nisan, it cannot be offered up then, for it was bought with money from the previous year, but it may be used as dessert for the altar; it cannot, however, itself be offered on the altar as a burnt-offering, for it was originally intended as a sin-offering. It is allowed to pasture till it becomes blemished, and is then redeemed, and the money is expended on the purchase of an animal for a burnt-offering as dessert for the altar.

(10) After the congregation have had atonement with another sin-offering there is no reason why this sin-offering should not itself be permitted to be offered up as a burnt-offering as dessert for the altar. It is, however, prohibited, for, if it were permitted, it might be taken as a precedent for offering it up as a burnt-offering even before the congregation have had atonement with another sin-offering, when it is still a sin offering, having been expressly allocated for that purpose.

- (11) V. supra 11a. Confirming that R. Simeon holds sin offerings may not themselves be used as dessert for the altar, but only their money equivalent may be used, because a restriction is imposed even after atonement, in case they may be offered up before atonement.
- (12) From which burnt offerings are bought as dessert for the altar. V. Suk. 56a, Rashi.
- (13) Supra 11a-b.
- (14) Another confirmation.
- (15) Two goats were required for the Day of Atonement (Lev. XVI, 5-10), one of which, after lots had been cast, was offered up as a sin-offering, and the other hurled down a steep precipice in the wilderness (Yoma 67a). If the goat which had to be sent into the wilderness died, two other goats had to be obtained, and lots cast again. There were now two goats for a sin-offering to the Lord, the one left over from the first pair and one from the second pair. One of them was offered up as a sin-offering, and the other left to pasture till it became blemished, when it was sold, and the proceeds expended on a burnt-offering as dessert for the altar.
- (16) Yoma 62a: 'Because a congregational sin-offering does not die.' It is R. Simeon who is known to hold this view; and yet he says that the goat is not itself offered up as dessert for the altar, but is sold, after it becomes blemished, and a burnt-offering bought from the proceeds.
- (17) Tem. 20b. Another confirmation.
- (18) Lev. V, 15-26; XIV, 12; XIX, 20-22; Nuns. VI, 12. There are different kinds of guilt-offerings, v. Zeb. V, 5.
- (19) A sin-offering would, in such circumstances, be starved to death, v. Tem. 16a. Where a sin-offering is starved, a guilt-offering pastures, Tem. 18a.
- (20) Holding the view that a guilt-offering is like a sin-offering; v. Zeb. 2a.
- (21) The owner of the guilt-offering who obtained atonement with another sells this one, and for its money brings a burnt-offering; it is counted as his own private burnt-offering, and he must therefore supply the libations to go with it. According to the first view, as it comes from funds that had gone to the Temple treasury, it is counted as a congregational burnt-offering, and the libations are supplied from the public funds. V. Tem. 20b.
- (22) In confirmation that surplus congregational offerings remaining over at the end of the year are used as dessert for the altar, as R. Simeon holds; but v. Tosaf.

Talmud - Mas. Shevu'oth 12b

Dessert like white figs¹ for the altar. But it is written: For any leaven or honey ye shall not offer up as smoke, as an offering made by fire unto the Lord?² — R. Hanina explained: [The burnt-offerings are dessert for the altar] as white figs are [dessert] for man.

R. Nahman son of R. Hisda expounded: A burnt-offering of a bird is not offered as dessert for the altar.³ Raba said: This is an absurdity! Said R. Nahman b. Isaac to Raba: Wherein lies its absurdity? I told it him; and in the name of R. Shimi of Nehardea I told it him; for R. Shimi of Nehardea said: The surplus offerings are utilised as congregational donations;⁴ and a burnt-offering of a bird cannot be a congregational burnt offering.⁵

And Samuel also agrees with R. Johanan,⁶ for Rab Judah said that Samuel said: In the case of congregational offerings, it is the knife that draws them to what they are.⁷

It has also been taught likewise:⁸ And R. Simeon admits that the goat which was not offered on a festival may be offered on the New Moon; and if it was not offered on the New Moon, it may be offered on the Day of Atonement; and if it was not offered on the Day of Atonement, it may be

offered on a festival; and if it was not offered on this festival, it may be offered on another festival; for it was originally intended only to make atonement on the outer altar.

AND FOR WILFUL TRANSGRESSION OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF THE GOAT OFFERED WITHIN [THE VEIL] AND THE DAY OF ATONEMENT ITSELF BRING ATONEMENT.⁹

How do we know this? For our Rabbis learnt. [Scripture says:] And he shall make atonement for the holy place, because of the uncleannesses of the children of Israel, and because of their transgressions, even all their sins:¹⁰ Transgressions mean rebellious acts,¹¹ and thus it says, The king of Moab hath rebelled against me;¹² and also, Then did Libnah revolt at the same time.¹³ Sins mean unwitting sins, and thus it says: If any one shall sin through error.¹⁴

FOR OTHER TRANSGRESSIONS OF THE TORAH, LIGHT AND HEAVY, WILFUL AND UNWITTING, KNOWN AND UNKNOWN, POSITIVE AND NEGATIVE, THOSE PUNISHABLE BY KARETH AND THOSE PUNISHABLE BY DEATH AT THE HAND OF THE BETH DIN FOR ALL THESE THE SCAPEGOAT BRINGS ATONEMENT.¹⁵

Surely LIGHT is equivalent to POSITIVE AND NEGATIVE; HEAVY is equivalent to THOSE PUNISHABLE BY KARETH AND THOSE PUNISHABLE BY DEATH AT THE HAND OF THE BETH DIN; KNOWN is equivalent to WILFUL; and UNKNOWN is equivalent to in UNWITTING!¹⁶ — Rab Judah said: Thus he means:¹⁷ For other transgressions of the Torah, whether light or heavy, whether committed unwittingly or wilfully — those committed unwittingly, whether their doubtful commission¹⁸ was known to him or not known to him; and these are the light transgressions: positive and negative; and these are the heavy transgressions: those punishable by kareth and those punishable by death at the hand of the Beth din. That positive precept [for transgression of which the scapegoat atones] — how is this [to be understood]? If he did not repent, [why should the scapegoat atone? Surely it is written:] The sacrifice of the wicked is an abomination!¹⁹ If he did repent, [why do we require the scapegoat? Repentance on] any day avails, for it was taught: If he transgressed a positive precept and repented, he does not move from there until he is forgiven!²⁰ — R. Zera said:

(1) V. Ber. 40b.

(2) Lev. II, 11. Any sweet fruit juice is called honey. (Rashi, a.l.) How, then, can you use the expression like white figs for the altar?

(3) The money obtained from selling superfluous congregational sin-offerings or individual guilt-offerings is not expended on buying a turtle-dove or young pigeon to be offered as dessert for the altar.

(4) And the money obtained from their sale is used for providing burnt-offerings as dessert for the altar on behalf of the congregation.

(5) Lev. I, 14: He shall bring his offering of turtle-doves or of young pigeons. His offering: an individual may bring a bird as an offering, but not a congregation. (Sifra.)

(6) Supra 12a, that, according to R. Simeon, the surplus of regular offerings are used as dessert for the altar; and, according to the Rabbis, they are redeemed unblemished, and are re-bought to be sacrificed as regular offerings in the coming year; so that, both according to R. Simeon and the Rabbis, the regular offerings themselves are sacrificed, and they need not be put to pasture till they become blemished.

(7) It is the slaughtering knife, or, in other words, the moment of slaughter, that determines their purpose. Before they are slaughtered, however, they may be changed, according to R. Simeon, from one type of offering to another, e.g., from regular burnt-offerings to dessert (also burnt-offerings); and, according to the Rabbis who hold that the Beth din have the power to make a mental stipulation, the year's surplus of regular offerings may be redeemed unblemished, and later re-bought and sacrificed as regular offerings in the coming year. V. Rabbenu Hananel and Tosaf. a.l.; Zeb. 6b, Rashi and Tosaf.

(8) Confirmation of Samuel's statement that congregational offerings are drawn by the knife to be what they are; and that even R. Simeon holds this view. The Rabbis obviously hold this view, for they say the Beth din have the power to stipulate that the surplus regular offerings may be redeemed unblemished; but even R. Simeon, who disagrees with them, nevertheless holds that an offering which was set apart for one purpose may be sacrificed for a similar purpose, for he holds that the goats of all the festivals, New Moon, and Day of Atonement, are interchangeable, because they are all at least equal in that they are offered on the outer altar to bring atonement for transgressions of the laws of uncleanness connected with the Temple and holy food; and he would therefore similarly hold that the surplus regular offerings may be offered as dessert, because regular offerings and dessert are both at least equal in that they are both burnt-offerings; and it is at the moment of slaughter that their purpose is fixed.

(9) Supra 2b.

(10) Lev. XVI, 16; with the inner goat (verse 15).

(11) I.e., wilful transgressions.

(12) II Kings III, 7. The word used, **gap**, is from the same root as that which is used in Lev. XVI, 16, and translated transgressions.

(13) Ibid. VIII, 22. The same root, **gap**, is here also used for revolt.

(14) Lev. IV, 2. The word used for sin is from the same root, **tyj**, as that which is used for sins in Lev. XVI, 16.

(15) Supra 2b.

(16) Then why the repetition?

(17) The latter half is explanatory of the former half: POSITIVE AND NEGATIVE is explanatory of LIGHT, and KARETH AND DEATH is explanatory of HEAVY. And both light and heavy transgressions whether committed wilfully or unwittingly are atoned for by the scapegoat. KNOWN AND UNKNOWN is an amplification of UNWITTING.

(18) If, for example, he ate one of two pieces of fat, one of which was prohibited fat (**ckj**, Lev. III, 3, 4), and the other permitted fat (**inua**); and he is in doubt as to which of the two he ate, he would normally have to bring a guilt-offering for a doubtful sin (**huk, oat**, v. Lev. V, 17, 18, Rashi). Whether he became aware or not of the doubtful commission of this sin before the Day of Atonement, and if he had not yet brought his offering, he need not bring it after the Day of Atonement, for the scapegoat had atoned for it (Ker. 25a-b).

(19) Prov. XXI, 27.

(20) Yoma 86a.

Talmud - Mas. Shevu'oth 13a

[It refers to the case of a man] who persists in his rebellion;¹ and it is in accordance with Rabbi's view, for it was taught: Rabbi said: For all transgressions of the Torah, whether he repented or not, the Day of Atonement brings atonement, except in the case of one who throws off the yoke,² perverts the teachings of the Torah,³ and rejects the covenant in the flesh⁴ — [in these cases,] if he repented, the Day of Atonement brings atonement, and if not — the Day of Atonement does not bring atonement.

What is Rabbi's reason? For it was taught: [Scripture says:] Because he hath despised the word of the Lord:⁵ this refers to one who throws off the yoke, or perverts the teachings of the Torah; and hath broken His commandment:⁵ this refers to one who rejects the covenant in the flesh; that soul shall utterly be cut off:⁵ to be cut off before the Day of Atonement; he shall be cut off, after the Day of Atonement.⁶ I might think that [this is the case] even if he repented, therefore Scripture says: his iniquity shall be upon him.⁵ I did not say [that the Day of Atonement does not bring atonement] except when his iniquity is still on him.⁷ And the Rabbis?⁸ — [They may reply: Scripture means] to be cut off, in this world; he shall be cut off in the world to come.⁹ His iniquity shall be upon him: if he repented¹⁰ and died, death wipes out [the sin].¹¹

But how can you establish [our Mishnah as being] in accordance with the view of Rabbi?¹² Surely since the last clause is in accordance with R. Judah's view, the first clause must also be in accordance with R. Judah's view! For the last clause states — [THE SCAPEGOAT BRINGS ATONEMENT FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST.¹³ Now, who holds this view? R. Judah.¹⁴ Therefore the first clause must also be in accordance with R. Judah' view!¹⁵ — R. Joseph said: It is really in accordance with Rabbi's view, and he is in agreement with R. Judah.¹⁶

Said Abaye to him: Do you, Master, mean particularly that Rabbi agrees with R. Judah, but R. Judah does not agree with Rabbi;¹⁷ or that just as [you say,] Rabbi agrees with R. Judah, so also R. Judah agrees with Rabbi, but you state, as is customary, that a disciple agrees with his master?¹⁸ — He replied: I mean particularly that Rabbi agrees with R. Judah, but R. Judah does not agree with Rabbi; for it was taught: I might think that the Day of Atonement should atone for those who repent and for those who do not repent; and [although] an analogy [might be adduced to the contrary thus]: since sin-offering and guilt-offering atone, and the Day of Atonement atones, [we might therefore say,] just as the sin-offering and guilt-offering atone only for those who repent,¹⁹ so the Day of Atonement atones only for those who repent, [yet we could argue,] sin-offering and guilt-offering do not atone for wilful transgression²⁰ as for unwitting, [therefore they atone only for those who repent], but the Day of Atonement atones for wilful as for unwitting transgression, [therefore let us say that] just as it atones for wilful as for unwitting transgression, so let it atone for those who repent and for those who do not repent — therefore Scripture says: Howbeit²¹ [on the tenth day of this seventh month is the Day of Atonement] — this limits [the power of the Day of Atonement]. Now, who is the author of any anonymous statement in the Sifra? — R. Judah;²² and it states that [the Day of Atonement atones] for only those who repent, and not for those who do not repent.²³

But there is a contradiction between one anonymous statement in the Sifra and another! For it was taught: I might think that the Day of Atonement should not atone unless he fasted on it, and called it a holy convocation,²⁴ and did no work on it; but if he did not fast on it, and did not call it a holy convocation, and worked on it — whence do we deduce [that the Day atones for him]? Scripture says: It is a Day of Atonement²⁵ — in all cases [it atones].²⁶ Abaye said: This is no question; this [latter statement] is in accordance with the view of Rabbi,²⁷ and that [former statement] is in accordance with the view of R. Judah. Raba said: Both statements are in accordance with Rabbi's view; but Rabbi admits [that the Day does not atone for] the kareth of

the Day itself;²⁸ for, if you will not say this, does not Rabbi hold that there is kareth for the Day of Atonement!²⁹ Why not?³⁰ It is possible, for example, in the case where he committed [the sin]³¹ at night, and died, so that the Day did not come to atone for him!³² — But, say:

- (1) I.e., who did not repent, nevertheless the scapegoat atones for him, according to Rabbi; and the verse, the sacrifice of the wicked is an abomination, which implies that a wicked man (i.e., who does not repent) cannot obtain atonement with a sacrifice, has reference to a sacrifice on any other day, except the Day of Atonement.
- (2) Denying the existence of God.
- (3) Lit., 'reveals an aspect of the Torah (not in accordance with the correct interpretation)', or 'acts in a bare-faced manner against the Torah.' For a full discussion of the phrase, v. Sanh. 99a and Aboth III, 11.
- (4) Circumcision. V. loc. cit.
- (5) Num. XV, 31. Lit., 'to be cut off, he shall be cut off'. , rf , , rfv: the infinitive preceding the finite verb is taken as emphatic.
- (6) I.e., the Day of Atonement shall not have the power to wipe out the sin.
- (7) I.e., when he did not repent. According to Rabbi, therefore, it is only for these three sins that the Day of Atonement brings no atonement without repentance; but for other sins it brings atonement even without repentance.
- (8) Who disagree with Rabbi, holding that the Day does not atone even for other sins, without repentance. How will they interpret the emphasis of Scripture on that soul shall utterly be cut off?
- (9) In the case of these three sins, if the sinner does not repent; and even death cannot wipe out these sins without repentance; but in the case of other sins, if he does not repent, death has the power to wipe them out. The Day of Atonement, however, has not the power to wipe out even other sins without repentance.
- (10) His iniquity being no longer upon him.
- (11) Whereas in the case of other sins, apart from these three, death without repentance wipes them out.
- (12) That for all sins, except these three, the Day of Atonement brings atonement, even without repentance; and that the Mishnah, in stating that the scapegoat of the Day of Atonement atones for the transgression of positive precepts, refers to cases of non-repentance, in accordance even Rabbi's view.
- (13) Supra 2b.
- (14) Infra 13b: that the scapegoat brings atonement for the priests.
- (15) And not Rabbi's.
- (16) That the scapegoat brings atonement for the priests.
- (17) That the Day of Atonement brings atonement even when there is no repentance.
- (18) R. Judah the Prince was a disciple of R. Judah b. Il'ai; and therefore you said that Rabbi agrees with R. Judah, but the reverse is also true.
- (19) Lev. V, 5: he shall confess that wherein he hath sinned (sin-offering); Num. V, 7: they shall confess their sin (guilt-offering); (cf. verse 8, and Lev. V, 15).
- (20) V. Rashi: the majority of sin offerings and guilt offerings atone only for unwitting transgressions, but there are a few exceptions.
- (21) Lev. XXIII, 27. Heb. **l t** implies limitation: that the Day should atone only for those who repent. V. Sifra, a.l.
- (22) Sanh. 86a: an accepted Talmudic maxim. The Sifra is the tannaitic exposition of Leviticus (v. Sanh. p. 567, n. D).
- (23) Hence R. Judah, who is the author of the anonymous passage quoted from the Sifra, does not agree with Rabbi.
- (24) By including in the prayers on that day: Blessed art Thou, O Lord . . . Who sanctifiest Israel and the Day of

Atonement; and by wearing holiday garments to signify his acceptance of the Day as holy. V. Ker. 7a, Tosaf.

(25) Lev. XXIII, 28. V. Sifra, a.l.

(26) Hence this anonymous statement in the Sifra holds that the Day atones even for those who do not repent (but actually sin on the very Day); it, therefore, contradicts the other statement in the Sifra.

(27) That the Day atones even for those who do not repent. It is not an anonymous statement, but should be mentioned in the Sifra as being the view of Rabbi.

(28) The first anonymous statement that the Day does not atone for those who do not repent refers only to the sins, punishable by kareth, of the Day itself, such as non-fasting and working; the second statement that the Day does atone, even when the person does not fast, refers to other sins, i.e., the Day atones for other sins committed during the year even without fasting on the Day; but it cannot atone for the sin of non-fasting on the Day itself.

(29) If the Day atones for all sins, even connected with the Day itself, without repentance, why does Scripture decree the punishment of Kareth for transgressing the Day (Lev. XXIII, 29)? It can never be put into effect. Obviously, therefore, Rabbi must make the distinction which Raba suggests.

(30) Rabbi may hold that the Day atones even for the kareth which it itself carries, and yet it is possible to find a case where kareth is inflicted.

(31) Punishable by kareth, e.g., non-fasting.

(32) The night of Atonement cannot atone; Only the Day has the power of atonement: For on this Day shall atonement be made for you (Lev. XVI, 30).

Talmud - Mas. Shevu'oth 13b

Does not Rabbi hold that there is kareth for the day [of the Day of Atonement]?¹ Why not?² It is possible in the case where he ate a piece of meat, which choked him,³ so that he died; or, he ate it almost at the setting of the sun,⁴ so that there was not time to atone for him.⁵

[THE SCAPEGOAT BRINGS ATONEMENT EQUALLY FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST.⁶

This itself is contradictory: he states that [THE SCAPEGOAT BRINGS ATONEMENT EQUALLY FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST; then he states WHAT IS THE DIFFERENCE BETWEEN ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST?⁷ Rab Judah said, thus he means: Israelites, priests, and the anointed High Priest all equally obtain atonement with the scapegoat for other sins, and there is no difference between them [in this respect]; but what is the difference between Israelites, priests, and the anointed High Priest? [This:] the bullock atones for the priests for transgression of the laws of uncleanness in connection with the Temple and holy food thereof [whereas for Israelites the inner and outer goats atone for these transgressions]. And who holds this view?⁸ R. Judah; for it was taught: [Scripture says:] And he shall make atonement for the most holy place,⁹ this means the Holy of Holies; and the tent of meeting,⁹ this means the Holy place; and the altar⁹ — in its usual sense; he shall atone,⁹ this means for the various compartments in the Temple court; and for the priests⁹ — in the usual sense; and for all the people of the assembly;⁹ this means the Israelites;¹⁰ he shall atone,⁹ this means for the Levites; they are all equated for one atonement,¹¹ in that they obtain atonement with the scapegoat for other sins: this is the opinion of R. Judah. R. Simeon Says: Just as the blood of the goat offered within [the veil] atones for Israelites for transgression of the laws of uncleanness connected with the Temple and holy food thereof, so the

blood of the bullock atones for the priests for transgression of the laws of uncleanness connected with the Temple and holy food thereof; and just as the confession pronounced over the scapegoat atones for Israelites for other sins, so the confession pronounced over the bullock atones for the priests for other sins.¹²

But according to R. Simeon [it may be asked]: Surely they have been equated!¹³ — In what respect are they equated? In that they all obtain atonement, but each obtains atonement with his own.¹⁴

What is R. Simeon's reason?¹⁵ — It is written: And he shall take the two goats:¹⁶ the scapegoat is equated with the goat offered within [the veil]; just as the goat offered within [the veil] does not atone for the priests for transgression of the laws of uncleanness connected with the Temple and holy food thereof, because it is written concerning it: [the goat of the sin offering] that is for the people;¹⁷ so the scapegoat does not atone for the priests for other sins. And R. Judah?¹⁸ — He may say to you: For this reason they are equated, that they should be alike in colour, height, and value.¹⁹

Who is the Tanna who made this statement which the Rabbis taught. [viz., Scripture says:] He shall kill the goat of the sin offering that is for the people:²⁰ [this teaches] that the priests do not obtain atonement with it; and with what do they obtain atonement? With the bullock of Aaron.²¹ I might think that they should not obtain atonement with the bullock of Aaron, for it has already been said: [And Aaron shall offer the bullock of the sin offering] which is for himself;²² hence they would have no atonement at all.²³ But when Scripture says: And he shall make atonement for the priests,²⁴ we find that they have atonement. With what do they obtain atonement? It is better that they should obtain atonement with the bullock of Aaron, for it was released from its implication,²⁵ in order to include also his house;²⁶ and that they should not obtain atonement with the goat offered within [the veil], which was not released from its implication.²⁷ in order to include also his house. And if you desire to say anything,²⁸ [I may add another argument, for] Scripture says: O house of Aaron, bless ye the Lord; O house of Levi, bless ye the Lord; ye that fear the Lord, bless ye the Lord.²⁹ Who is the Tanna [of this Baraitha]?³⁰ — R. Jeremiah said: It is not R. Judah, for if R. Judah, surely he says the priests obtain atonement with the scapegoat!³¹ Then who is it? Raba said: It is R. Simeon who holds that the priests do not obtain atonement with the scapegoat. Abaye said: You may even say that it is R. Judah, and thus he³² reasons: Hence they would have no atonement at all for transgression of the laws of uncleanness connected with the Temple and holy food thereof;³³ but when Scripture says: And he shall make atonement for the priest, we find that they have atonement for other sins; and just as we find that they have atonement for other sins, so they have atonement

(1) If he holds that the Day atones even for transgression of the Day itself, the punishment of kareth decreed for transgressing the Day can never be put into effect; yet Scripture says: For whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from his people (Lev. XXIII, 29).

(2) Rabbi may still hold that the Day atones even for the kareth which it carries, and yet it is possible to have a case where kareth operates.

(3) So that not even a moment of the Day passed after the eating of it; but had he lived a moment after eating, the Day would have atoned.

- (4) At the termination of the Day.
- (5) Hence it is possible that Rabbi holds the Day atones even for the kareth it involves, and Raba's distinction does not necessarily follow.
- (6) Supra 2b.
- (7) Ibid.
- (8) That the scapegoat atones also for priests for other sins.
- (9) Lev. XVI, 33.
- (10) From this verse it is deduced that the High Priest on the Day of Atonement makes atonement with the bullock and goat for the transgression of the laws of uncleanness in the Holy of Holies, holy place, altar, etc. If one, that is to say, became unclean in the Holy of Holies, and tarried for such time as he could prostrate himself (v. infra 16b), or if he offered incense on the golden altar while unclean, or entered other compartments of the Temple court while unclean, he has transgressed the law of uncleanness, and for this the bullock atones for priests, and the goat for Israelites.
- (11) Priests, Levites, and Israelites, are all deduced from this latter part of the verse, which is superfluous, as obtaining equal atonement; but this equal atonement cannot refer to the atonement for transgression of the laws of uncleanness connected with the Temple and holy food, because in this case the atonements are not equal, the bullock atoning for priests, and the inner and outer goats for Israelites and Levites. The equal atonement, consequently, refers to the scapegoat which atones for priests, Israelites, and Levites, for other sins.
- (12) V. supra p. 4, n. 7.
- (13) The verse quoted by R. Judah above seemingly implying that both Israelites and priests obtain atonement with the scapegoat for other sins.
- (14) Priest with the bullock, and Israelite with the goat.
- (15) For stating that the scapegoat does not atone for priests for other sins.
- (16) Lev. XVI, 7: the inner goat and the scapegoat.
- (17) Ibid. 15.
- (18) How will he explain this equation of the two goats?
- (19) Yoma VI. 1.
- (20) Lev. XVI, 15.
- (21) Or his successor in the High Priest's office.
- (22) Lev. XVI, 6.
- (23) Neither with the goat, which is for the people, nor with the bullock, which is for Aaron.
- (24) Lev. XVI, 33.
- (25) The Biblical statement, which is for himself, implies that the bullock atones only for himself, and for other priests.
- (26) Lev. XVI, 6: And he shall make atonement for himself in for his house, i.e., household. The bullock, therefore, atones for more than himself; it may, therefore, atone also for the other priests.
- (27) Lev. XVI, 15: The goat of the sin offering that is for the people.
- (28) In refutation of this argument.
- (29) Ps. CXXXV, 19, 20. All priests are included in House of Aaron; therefore the priests obtain atonement with Aaron's bullock, for Scripture says: And he shall make atonement for himself and for his house.
- (30) Which states that if the priests would not obtain atonement with Aaron's bullock, they would have no atonement at all.
- (31) At least for other sins; whereas, according to the Baraitha, it appears that their atonement depends entirely on the bullock of Aaron.
- (32) R. Judah who is the Tanna of the Baraitha.

(33) If we should say that the priests can obtain atonement neither with the inner goat of the people nor with bullock of the High Priest for the sins of uncleanness connected with the Temple, the result would be that they would have no atonement at all for these sins; though for other sins they would still obtain atonement with the scapegoat.

Talmud - Mas. Shevu'oth 14a

for the sins of uncleanness in connection with the Temple and holy food thereof. With what do they obtain atonement? It is better that they should obtain atonement with the bullock of Aaron, for it was released from its implication, in order to include also his house; and that they should not obtain atonement with the goat offered within [the veil], which was not released from its implication. And if you desire to say anything, [I may add another argument, for] Scripture says: O house of Aaron, bless ye the Lord, etc.

What [is meant by]: If you desire to say anything?¹ You might say, it is written: [He shall atone for himself and for] his house,² [therefore I add the argument that] all [priests] are called his house, for it is said: O house of Aaron, bless ye the Lord . . . ye that fear the Lord, bless ye the Lord.

Now, as to the phrase, that is for the people,³ does it come for this purpose?⁴ Surely it is required [to deduce] that the Divine Law means it should be from the people's [funds]!⁵ — This we may deduce from: And from the congregation of the Children of Israel [he shall take two goats].⁶

Now, as to the phrase, which is for himself,⁷ does it come for this purpose?⁸ Surely it is required [to deduce] that which was taught: From his own [funds] he brings [the bullock], and he does not bring it from public funds. I might think that he does not bring it from public funds, because the congregation do not obtain atonement with it, but he may bring it from [funds subscribed by] his brother priests, for his brother priests obtain atonement with it, therefore Scripture says: which is for himself.⁹ I might think that he should not bring it [from priestly subscriptions], but if he did, it is still valid,¹⁰ therefore Scripture says once more: which is for himself;¹¹ the verse repeats it in order to make [this condition] indispensable!¹² — The Tanna meant thus in his argument: Why do they [the priests] not obtain atonement with [the goat of] the people? — Because they spend no money on it, for it is written: that is for the people;¹³ [then we should say, that since] on Aaron's [bullock] they also spend no money,¹⁴ [they should not obtain atonement with it,]¹⁵ therefore he says, they are all called his house.¹⁶

It is right according to R. Simeon¹⁷ that Scripture mentions two confessions¹⁸ and the blood of the bullock:¹⁹ one instead of the goat offered within [the veil],²⁰ one instead of the goat offered outside,²¹ and one instead of the scapegoat.²² But according to R. Judah,²³ why do we require two confessions and the blood of the bullock? One confession and the blood should suffice!²⁴ — One for himself and one for his household;²⁵ as it was taught in the Academy of R. Ishmael:²⁶ Thus the nature of justice is practiced:²⁷ it is better that the innocent should come and atone for the guilty, and not that the guilty should come and atone for the guilty.

CHAPTER II

MISHNAH. THE LAWS CONCERNING THE DISCOVERY OF HAVING UNCONSCIOUSLY SINNED THROUGH UNCLEANNESS ARE TWO, SUBDIVIDED INTO FOUR;²⁸ [IF] HE BECAME UNCLEAN AND WAS AWARE OF IT,²⁹ THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE HOLY FOOD;³⁰ [IF THE FACT THAT IT WAS] HOLY FOOD WAS HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [IF] BOTH WERE HIDDEN FROM HIM; AND HE ATE HOLY FOOD, AND WAS NOT AWARE,³¹ AND WHEN HE HAD EATEN, BECAME AWARE: — IN THESE CASES HE BRINGS A SLIDING SCALE SACRIFICE. [IF] HE BECAME UNCLEAN AND WAS AWARE OF IT, THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE TEMPLE;³² [IF THE FACT THAT IT WAS] THE TEMPLE WAS HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [IF] BOTH WERE HIDDEN FROM HIM; AND HE ENTERED THE TEMPLE, AND WAS NOT AWARE,³³ AND WHEN HE HAD GONE OUT, BECAME AWARE: — IN THESE CASES HE BRINGS A SLIDING SCALE SACRIFICE.

IT IS THE SAME WHETHER ONE ENTERS THE TEMPLE COURT OR THE ADDITION TO THE TEMPLE COURT,³⁴ FOR ADDITIONS ARE NOT MADE TO THE CITY [OF JERUSALEM], OR TO THE TEMPLE COMPARTMENTS EXCEPT BY KING, PROPHET, URIM AND TUMMIN,³⁵ SANHEDRIN OF SEVENTY ONE,³⁶ TWO [LOAVES] OF THANKSGIVING,³⁷ AND SONG;³⁸ AND THE BETH DIN WALKING IN PROCESSION, THE TWO [LOAVES] OF THANKSGIVING [BEING BORNE] AFTER THEM, AND ALL ISRAEL [FOLLOWING] BEHIND THEM.

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- (1) What argument could be used to refute this reasoning?
 - (2) Limiting the atonement to his household, and excluding other priests.
 - (3) Lev. XVI, 15.
 - (4) To limit the atonement by the inner goat to Israelites, and to exclude priests.
 - (5) Though the bullock of the High Priest is bought from his own private means.
 - (6) Lev. XVI, 5
 - (7) Ibid. 6.
 - (8) To limit the atonement by the bullock to the High Priest, and to exclude others.
 - (9) Lev. XVI, 11: **uk rat**, which may be translated which is his, i.e., bought with his own money.
 - (10) Sometimes an action which is not directly permissible before it is done is declared legitimate after it has been done, a distinction being drawn between **vkj**, **fk** (before the act) and **scghs** (after the act).
 - (11) Lev. XVI, 11. **uk rat** occurs twice in this verse, and once in verse 6. The first, in verse 6, prohibits the buying of the High Priest's bullock from public funds; the second, in verse 11, prohibits its purchase from priestly funds; and the third, in verse 11, is **cfgk**, to emphasize that it must be bought from his own funds, and that even if it had already been bought from priestly funds it is invalid.
 - (12) The phrase **uk rat** is, therefore, necessary for this deduction. How then could the Tanna suggest that it would come to limit the atonement by the bullock to the High Priest, and exclude other priests, were it not for the further arguments adduced to include them?
 - (13) From which we have deduced that it must be bought from the people's money, and not from the priest's

money. More accurately, this deduction was made from the phrase: from the congregation of the Children of Israel; v. supra, and Tosaf.

(14) For it must be bought from the High Priest's private means, as deduced from **uk rat**.

(15) The Tanna, therefore, in stating that from the phrase **uk rat** we might be inclined to exclude other priests from the atonement of the bullock, meant that, because from this phrase we deduced that other priests must not subscribe to it, we would, for that very reason, exclude them from the atonement.

(16) All priests are included in the house of Aaron, and therefore obtain atonement with his bullock, though they are not permitted to subscribe towards its cost.

(17) Who holds that the priests obtain all their atonement with the bullock, and have no atonement at all, even for the other sins, with the scapegoat.

(18) Lev. XVI, 6, 11: And he shall make atonement occurs twice. It refers to the verbal confession before the bullock is killed (Yoma 36b).

(19) Ibid. 14: And he shall take of the blood of the bullock, and sprinkle it etc.

(20) Which holds in suspense the sin in connection with uncleanness where there was knowledge at the beginning but not at the end.

(21) Which atones for the case where there was no knowledge at the beginning but knowledge at the end.

(22) Which atones for other sins. And for these three types of sin for which Israelites obtain atonement with the three goats, the priests obtain atonement with the two confessions and the blood sprinkling of the bullock.

(23) Who holds that the priests obtain atonement for other sins with the scapegoat.

(24) One instead of the inner goat, and one instead of the outer goat.

(25) He confesses his own sins, and then, being innocent, is in a position to make confession for the other priests.

(26) Yoma 43b.

(27) I.e., common sense dictates this.

(28) This Mishnah, elaborating the statement of the Mishnah, supra 2a, explains fully which are the four: forgetfulness of uncleanness (in connection with eating holy food), forgetfulness of holy food, forgetfulness of uncleanness (in connection with entering the Temple), forgetfulness of Temple, v. infra 14b.

(29) Either immediately or later.

(30) I.e., was aware that it was holy food he was eating.

(31) That he was unclean, or that the food was holy, or both.

(32) I.e., that the place he had entered was the Temple.

(33) That he was unclean, or that it was the Temple he had entered, or both.

(34) The additional portion is as holy as the original, for it is consecrated with full ceremonial. An unclean person entering the additional portion must, therefore, also bring a sacrifice. The whole of the Temple court was 187 cubits long and 135 cubits wide; and was divided into a number of compartments (Mid. V.). An unclean person was prohibited from entering anywhere within the court.

(35) V. Ex. XXVIII, 30; and Rashi, a.l.

(36) The great Sanhedrin sitting in Jerusalem; there were minor courts in each town composed of 3 members, for deciding monetary questions, and of 23 members, for deciding questions of life and death; v. Sanh. 2a.

(37) V. infra 15a.

(38) V. infra 15b.

Talmud - Mas. Shevu'oth 14b

THE INNER ONE IS EATEN, AND THE OUTER ONE IS BURNT.¹ AND AS TO ANY ADDITION THAT WAS MADE WITHOUT ALL THESE — HE WHO ENTERS IT [WHILE

UNCLEAN] IS NOT LIABLE.²

IF HE BECAME UNCLEAN IN THE TEMPLE COURT [AND WAS AWARE OF IT], AND THE UNCLEANNESS THEN BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE TEMPLE; [OR, THE FACT THAT IT WAS] THE TEMPLE BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [OR,] BOTH BECAME HIDDEN FROM HIM, AND HE PROSTRATED HIMSELF, OR TARRIED THE PERIOD OF PROSTRATION,³ OR WENT OUT THE LONGER WAY, HE IS LIABLE; THE SHORTER WAY, HE IS NOT LIABLE; THIS IS THE POSITIVE PRECEPT CONCERNING THE TEMPLE⁴ FOR WHICH THEY [THE BETH DIN] ARE NOT LIABLE.⁵ AND WHICH IS THE POSITIVE PRECEPT CONCERNING A MENSTRUOUS WOMAN FOR WHICH THEY ARE LIABLE?⁶ [THIS:] IF ONE COHABITED WITH A CLEAN WOMAN, AND SHE SAID TO HIM: 'I HAVE BECOME UNCLEAN!';⁷ AND HE WITHDREW IMMEDIATELY, HE IS LIABLE,⁸ BECAUSE HIS WITHDRAWAL IS AS PLEASANT TO HIM AS HIS ENTRY.⁹

R. ELIEZER SAID: [SCRIPTURE SAYS: 'IF ANY ONE TOUCH. . . THE CARCASS OF] AN UNCLEAN CREEPING THING, AND IT BE HIDDEN FROM HIM':¹⁰ WHEN THE UNCLEAN CREEPING THING IS HIDDEN FROM HIM, HE IS LIABLE; BUT HE IS NOT LIABLE, WHEN THE TEMPLE IS HIDDEN FROM HIM.¹¹ R. AKIBA SAID: [SCRIPTURE SAYS:] 'AND IT BE HIDDEN FROM HIM THAT HE IS UNCLEAN':¹² WHEN IT IS HIDDEN FROM HIM THAT HE IS UNCLEAN, HE IS LIABLE; BUT HE IS NOT LIABLE, WHEN THE TEMPLE IS HIDDEN FROM HIM.¹³ R. ISHMAEL SAID: [SCRIPTURE SAYS:] 'AND IT BE HIDDEN FROM HIM' TWICE,¹⁴ IN ORDER TO MAKE HIM LIABLE BOTH FOR THE FORGETFULNESS OF THE UNCLEANNESS AND THE FORGETFULNESS OF THE TEMPLE.

GEMARA. Said R. Papa to Abaye: TWO, SUBDIVIDED INTO FOUR! They are two, subdivided into six! Knowledge of the uncleanness at the beginning and at the end; knowledge of the holy food at the beginning and at the end; knowledge of the Temple at the beginning and at the end! — But [even] according to your argument, they should be eight; for there is the uncleanness in connection with eating holy food, and the uncleanness in connection with entering the Temple, [necessitating knowledge] both at the beginning and at the end!¹⁵ This is no question; the name uncleanness is the same.¹⁶ [But] nevertheless [there remains the question] there are six? — R. Papa said: Verily, they are eight:¹⁷ the first four which do not make him liable for a sacrifice¹⁸ are not counted; but the last four which make him liable for a sacrifice are counted. Some say: [Thus] said R. Papa: Verily, they are eight: the first four which occur nowhere else in the whole Torah are counted;¹⁹ but the last four which occur elsewhere in the Torah are not counted.

R. Papa asked; If the laws of uncleanness were hidden from him, what [is the ruling]? How do you mean? Shall we say that he did not know whether a reptile is unclean, or a frog is unclean?²⁰ Surely, this is taught in school!²¹ — Well then, he did know that a reptile is unclean, but, for example, he touched [a portion of a reptile] the size of a lentil; and he did not know whether the size of a lentil contaminates or not: What [is the ruling]? [Shall we say] since he knew that a

reptile contaminates, this is counted knowledge; or, since he did not know whether the size of a lentil contaminates or not, it is counted as unawareness?²² — The question remains undecided.²³

R. Jeremiah asked: If a Babylonian went up to Palestine, and the place of the Temple was hidden from him;²⁴ what [is the ruling]? — According to whose view? If according to R. Akiba, who holds there must be knowledge at the beginning,²⁵ [the question does not arise, for] he does not make him liable for [uncleanness in connection with] forgetfulness of the Temple;²⁶ if according to R. Ishmael, who does make him liable for [uncleanness in connection with] forgetfulness of the Temple,²⁷ [again the question does not arise, for] he does not require knowledge at the beginning?²⁸ — It is not necessary [to ask this question except] according to Rabbi, who requires knowledge at the beginning, and makes him liable in the case of forgetfulness of the Temple,²⁹ and who holds, furthermore, that knowledge gained from a teacher is counted knowledge;³⁰ what [is the ruling]? [Shall we say], since he knew that there was a Temple in existence, this is called knowledge; or, since its place was not known to him it is counted as unawareness?³¹ — The question remains undecided. IT IS THE SAME WHETHER ONE ENTERS THE TEMPLE COURT, etc. How do we know?³² — R. Shimi b. Hiyya said: Because Scripture says: According to all that I show thee, the pattern of the tabernacle, and the pattern of all its vessels,

(1) Ibid.

(2) Because it is not holy.

(3) V. infra 16b.

(4) Num. V, 2: Command the children of Israel that they send out of the camp . . . whosoever is unclean. If uncleanness occurs to him while in the precincts of the Temple, he must leave immediately by the shortest route.

(5) If the Beth din give an erroneous ruling, permitting that which is prohibited, they must bring a bullock for a sin-offering: If the whole congregation of Israel shall err . . . and do any of the things which the Lord hath commanded not to be done . . . the assembly shall offer a young bullock (Lev. IV, 13, 14). Congregation of Israel refers to the Beth din (Great Sanhedrin); v. Hor. 4b. In the present instance, if the Beth din give an erroneous ruling in connection with uncleanness occurring to a person while in the Temple, they do not bring a bullock, for they only bring a bullock for an erroneous ruling on a matter which, when unwittingly done by an individual, must be atoned for by a sin-offering, but not for an erroneous ruling on a matter which, when unwittingly done by an individual, is atoned for by a sliding scale sacrifice; v. Hor. 8b.

(6) Lev. XV, 31: Ye shall separate the children of Israel from their uncleanness; v. infra 18b. For an erroneous ruling on this the Beth din bring a bullock, because an individual, for an unwitting transgression of this precept, brings a sin offering.

(7) This is similar to entering the Temple legitimately while clean, and becoming unclean while in the Temple.

(8) And brings a sin offering.

(9) Coition; the remedy is to remain passive till the genital member becomes quiescent, when he withdraws.

(10) Lev. V, 2.

(11) He brings a sliding scale sacrifice for entering the Temple when unclean only when he has forgotten that he is unclean through contact with the carcass of a creeping thing, and not when he has forgotten that it is the Temple he is entering.

(12) Lev. V, 2.

(13) V. infra 18b for an explanation of the difference between the views of R. Eliezer and R. Akiba.

(14) Lev. V, 2, 3.

(15) The Mishnah uses the expression **vtnuyv , ughsh**, states of knowledge (or, awareness) of the uncleanness. Had the Mishnah used the word **, unkgv**, states of forgetfulness (or, unawareness), it would have been justified in stating that there are only four (v. supra p. 66, n. 1); states of awareness are, however, eight; for each state of unawareness must be preceded and followed by a state of awareness.

(16) The states of unawareness of the uncleanness both in connection with eating holy food and entering the Temple are reckoned as coming under one category. There are, therefore, only six states of awareness; before and after, in connection with the unawareness of the holy food; before and after, in connection with the unawareness of the Temple; before and after, in connection with the unawareness of the uncleanness (whether with reference to eating holy food or entering the Temple).

(17) The states of awareness are definitely eight, v. n. 1.

(18) For, if he remains unaware at the end, he cannot, obviously, bring a sacrifice.

(19) Elsewhere, with reference to the commission of other transgressions, there need be no awareness before the act that it was forbidden.

(20) E.g., he touched a dead toad (**Cm**, Lev. XI, 29) which resembles a frog, and did not know the law that a toad contaminates. A dead frog does not contaminate by touch (Ker. 13b).

(21) Lit., 'go, read it in school'. All children know that the carcass of a reptile contaminates (Lev. XI, 29, 30). His temporary forgetfulness of this law is, therefore, immaterial. He is reckoned as having knowledge at the beginning, and later, when eating holy food (having forgotten that he is unclean), there is unawareness in the middle; ultimately, when the knowledge at the end comes to him, he brings a sliding scale sacrifice. Had ignorance of the law been counted as unawareness, there would have been, in this case, no knowledge at the beginning, and he would not be liable for a sacrifice.

(22) Therefore, there is no knowledge at the beginning.

(23) Lit., 'Let it stand'.

(24) And he entered the Temple whilst unclean, and had never been aware that this building was the Temple.

(25) Supra 4a.

(26) Supra Mishnah 14b.

(27) Ibid.

(28) Infra 19b.

(29) Supra 4a-b.

(30) Supra 5a.

(31) And there is no knowledge at the beginning. The fact that he knew there is a Temple in existence does not constitute 'knowledge gained from a teacher', because he never knew its site; but in the case where he became unclean by touching a carcass though he was not aware at the moment of contact that this contact made him unclean, it is nevertheless counted as knowledge at the beginning (knowledge gained from a teacher), because he had been aware at one time that contact with a carcass makes him unclean, and he had been aware at the moment of contact that he was touching a carcass.

(32) That king, prophet, etc. are necessary for consecrating an addition to the Temple court.

Talmud - Mas. Shevu'oth 15a

even so shall ye make it¹ — for future generations. Raba objected: All the vessels which Moses made were consecrated by their anointing;² thenceforth,³ their employment in the service dedicated them.⁴ Now why? Let us say: so shall ye make it — for future generations.⁵ — It is different there, for Scripture says: And he anointed them and sanctified them⁶ — 'them' he anointed; but [vessels] in future generations [are] not [consecrated] by anointing. But you may

say: 'them' he anointed; but [vessels] in future generations [may be consecrated] either by anointing or by employment in the service? — R. Papa said: Scripture says. [And they shall take all the vessels of ministry,] wherewith they minister in the sanctuary;⁷ the verse makes them dependent upon ministry.⁸ Now that Scripture has written 'wherewith they minister', why do we require 'them'?⁹ — If Scripture had not written 'them', I might have said: these [in the time of Moses] were [consecrated] by anointing [only], but [vessels] in future generations [require both] anointing and employment in service, for Scripture has written so shall ye make it;¹⁰ therefore Scripture limits [by writing] 'them' — them¹¹ by anointing, but not [vessels] in future generations by anointing.¹²

AND WITH TWO [LOAVES] OF THANKSGIVING. We learnt: The two thanksgiving offerings which are mentioned refer to their loaves and not their flesh.¹³ How do we know? R. Hisda said: Because Scripture says: And I placed two great thanksgiving offerings,¹⁴ and we went in procession, on the right upon the wall.¹⁵ Now, what is meant by 'great'? Shall we say, from a great [or, large] kind actually?¹⁶ [If so,] let him say, oxen! But then, large of their kind?¹⁷ [That is impossible, for] is there any importance [attached to size] before Heaven? Surely we learnt: It is said with reference to a burnt offering of cattle: an offering made by fire, a sweet savour [unto the Lord];¹⁸ with reference to a burnt offering of a bird: an offering made by fire, a sweet savour [unto the Lord];¹⁹ with reference to a meal offering: an offering made by fire, a sweet savour [unto the Lord].²⁰ This teaches us that it is the same whether one gives much or little, as long as he directs his heart to his Father who is in Heaven! — Well then, that which is [inevitably] the larger in the thanksgiving offering, and which is it? The leaven. For we learnt: The thanksgiving offering came from five Jerusalem se'ahs, which are equivalent to six wilderness²¹ se'ahs, which are two ephahs, (for an ephah is three se'ahs); twenty tenths [of an ephah],²² ten for leavened, and ten for unleavened [loaves]; and the unleavened [loaves] were of three kinds: cakes, wafers, and cakes saturated with oil.²³ [Hence, the leavened loaves were larger.]²⁴

Rami b. Hama said: The [addition to the] Temple court is not sanctified except by the remnants of the meal offering.²⁵ What is the reason? — Like Jerusalem; just as Jerusalem is sanctified by that which must be eaten within it,²⁶ so the Temple court is sanctified by that which must be eaten within it.²⁷ Cannot then the loaves of thanksgiving be eaten in the Temple court?²⁸ — Well then, like Jerusalem; just as Jerusalem [is sanctified by] that which must be eaten within it, and which, if it goes outside it, becomes invalid,²⁹ so the Temple court [is sanctified by] that which must be eaten within it, and which, if it goes outside it, becomes invalid.³⁰ [But why not say,] just as there³¹ it is leaven, so here³² let it be leaven? — How can you reason thus? Is there, then, a meal offering of leaven!³³

(1) Ex. XXV, 9; the phrase, so shall ye make it, being superfluous, because it has already been said, Let them make Me a sanctuary (verse 8), is taken to imply that whatever was done for the tabernacle in the wilderness should be done for any future tabernacle or Temple. The tabernacle was consecrated in the presence of King and Prophet (Moses), Urim and Tummim (worn by Aaron), and the seventy elders.

(2) With the holy anointing oil (Ex. XXX, 25-28), becoming thereby bodily holy.

(3) Vessels in later times were not anointed.

(4) V. Sanh 16b.

(5) And let them require anointing.

- (6) Num. VII, 1; the tabernacle and all its vessels.
- (7) Num. IV, 12; this verse is taken to refer to future vessels, because the word used, **u, rah** is in the future tense (lit., 'they will minister'); v. Rashi, Sanh. 16b.
- (8) I.e., being employed in the service, they become vessels of ministry (holy).
- (9) Since we deduce from the phrase wherewith they minister that vessels in the future are consecrated by 'ministry', why do we require the emphasis on 'them' to exclude vessels in the future.
- (10) In the future: Just as now the vessels are consecrated by anointing, so they shall be in the future; and that vessels in the future are consecrated by 'ministry' is deduced from wherewith they minister; hence they require both anointing and employment in service in order to become consecrated.
- (11) In the time of Moses.
- (12) But by 'ministry' only.
- (13) A thanksgiving offering comprises, in addition to the animal sacrificed, loaves of unleavened and leavened bread (Lev. VII, 12, 13).
- (14) , **ukusd , usu, h, a**: E.V, two great companies that gave thanks.
- (15) Neh. XII, 31. The verse refers to the re-dedication of Jerusalem by Nehemiah.
- (16) The animals of the thanksgiving offerings were of a large breed (e.g., oxen) and not of a small breed (e.g., sheep).
- (17) I.e., even if they were of a small breed (e.g., sheep), the largest of that kind were brought.
- (18) Lev. I, 9.
- (19) Ibid. 17.
- (20) Lev. II, 2.
- (21) I.e., Biblical se'ahs, measures referred to in the Bible, when the Israelites were in the wilderness.
- (22) For it was made of 6 se'ahs = 2 ephahs; and an ephah is 10 tenths (i.e., omers): an omer is the tenth part of an ephah (Ex. XVI, 36).
- (23) Lev. VII, 12; ten loaves of each kind were made, so that there were thirty unleavened loaves made from the ten omers; the leavened loaves were only of one kind (Lev. VII, 13); so that the ten leavened loaves were equal to the thirty unleavened loaves; each leavened loaf was, therefore, three times the size of an unleavened loaf (Men. 77a).
- (24) Nehemiah's statement that he took two large thanksgiving offerings therefore means two leavened loaves of the thanksgiving offering.
- (25) Eaten by the priests (Lev. VI, 9).
- (26) The two loaves of the thanksgiving offering must be eaten within the city.
- (27) The remnant of the meal offering eaten by the priests (Lev. VI, 9).
- (28) The priest may eat the portion he receives from an Israelite's thanksgiving offering (Lev. VII, 14) within the Temple court, if he desires. Since the loaves of thanksgiving may, therefore, be eaten in the Temple court, let them sanctify the addition to the Temple court.
- (29) The loaves of thanksgiving, if taken outside the city walls, become invalid.
- (30) The remnant of the meal offering eaten by the priests becomes invalid, if taken outside the Temple court.
- (31) In sanctifying the city two loaves of leavened bread are used.
- (32) In sanctifying the Temple court.
- (33) Since we require the remnant of a meal offering to sanctify the Temple Court, it must perforce be unleavened: No meal offering, which ye shall bring unto the Lord, shall be made with leaven (Lev. II, 11).

Talmud - Mas. Shevu'oth 15b

And if you should say that he leavens the remnants,¹ and sanctifies with them, [that cannot be, for] it is written: It shall not be baked leavened. As their portion [have I given it].² And Resh Lakish said: Even their portion must not be baked leavened. But why not?³ It is possible to sanctify it with the two loaves of Pentecost!⁴ — It is impossible. How shall he do it? Shall he build it⁵ on the eve [of Pentecost], and sanctify it on the eve? The two loaves become holy only by the sacrifice of the lambs [on Pentecost].⁶ Shall he build it on the eve, and sanctify it now [on Pentecost]? We require sanctification at the time of [the completion of] the building. Shall he complete the building on the festival, and sanctify it on the festival? The building of the Temple does not supersede the festival.⁷ Shall he leave [the two loaves] till [a day] later, and complete the building and sanctify it? They [the loaves] become invalid by linah.⁸ Shall he build it on the eve of the festival, and leave a little [incomplete], so that when he has recited the blessing at the end of the day [Habdalah], he may complete it immediately and sanctify it?⁹ The building of the Temple cannot take place at night, for Abaye said: How do we know that the building of the Temple cannot take place at night? Because it is said: ‘And on the day that the tabernacle was reared up’¹⁰ — during the ‘day’ it is reared up, during the night it is not reared up. Therefore it is not possible.¹¹

AND WITH SONG. Our Rabbis taught: The song of thanksgiving¹² was [accompanied by] lutes,¹³ lyres,¹⁴ and cymbals¹⁵ at every corner and upon every great stone in Jerusalem; and [the psalm] is intoned; I will extol Thee, O Lord, for Thou hast raised me up etc.;¹⁶ and the song against evil occurrences,¹⁷ and some call it the song against plagues. He who calls it [the song] against plagues [does so] because it is written: neither shall any plague come nigh thy tent;¹⁸ and he who calls it [the song] against evil occurrences [does so] because it is written: a thousand may fall at my side;¹⁹ [that is to say, this psalm] is intoned: O thou who dwellest in the secret place of the Most High, and abidest in the shadow of the Almighty, till for thou hast made the Lord who is my refuge, even the Most High, thy habitation;²⁰ and then again [this psalm] is intoned; A Psalm of David, when he fled from Absalom his son. Lord, how many are mine adversaries become! till Salvation belongeth unto the Lord; Thy blessing be upon Thy people. Selah.²¹

R. Joshua b. Levi recited these verses²² when retiring to sleep. How could he do so? Did not R. Joshua b. Levi [himself] say it is prohibited to heal oneself with words of the Torah?²³ — To protect oneself is different.²⁴ Well then, when he said it is prohibited, [he meant] where there is [already] a wound. If there is a wound, is it merely prohibited, and nothing else? Surely, we have learnt: He who utters an incantation²⁵ over a wound has no portion in the world to come!²⁶ — But it has been taught with reference to this; R. Johanan said: They taught [this law only] if he spits, for the Name of Heaven must not be mentioned in connection with spitting.²⁷

THE BETH DIN WALK IN PROCESSION, THE TWO [LOAVES] OF THANKSGIVING BEING BORNE AFTER THEM, etc. Shall we say that the Beth din walk in front of the [loaves of] thanksgiving? Surely, it is written: And after them [the two loaves] went Hoshaiah and half of the princes of Judah.²⁸ — Thus he means: The Beth din walk, and the two [loaves] of thanksgiving are borne, and the Beth din walk behind.²⁹

How are they borne? — R. Hiyya and R. Simeon son of Rabbi [disagreed]: One said, one opposite the other; and the other said, one behind the other.³⁰ According to the one who holds

they were opposite each other, the inner one is that which is nearest the wall;³¹ and according to the one who holds that they were one behind the other, the inner one is that which is nearest the Beth din.³²

We learnt: THE INNER ONE IS EATEN, AND THE OUTER ONE IS BURNT. It is right according to the one who holds that they were one behind the other, therefore the inner one is eaten, because the outer one came before it and sanctified the place;³³ but according to the one who holds that they were opposite each other, they both simultaneously sanctified the place!³⁴ — But even according to your reasoning, according to the one who holds they were one behind the other, [why is the inner one eaten?] does the one [loaf]³⁵ then sanctify the place? Surely, we have learnt: ANY [ADDITION] THAT WAS NOT MADE WITH ALL THESE [IS NOT HOLY];³⁶ and even according to the one who holds [that the reading in the Mishnah is]: ‘with any one of all these’,³⁷ [still] these two [loaves] together are one precept!³⁸ — Well then, said R. Johanan,

(1) After the ritual has been performed by the priest with the unleavened meal offering, he takes the remnant due to him, and makes it leavened.

(2) Lev. VI, 10. **oekj .nj vpt, tk** may be translated: ‘their portion must not be baked leavened.’

(3) Is it not really possible to sanctify the Temple court with a meal offering of leaven?

(4) Lev. XXIII, 17: they shall be baked leavened.

(5) The addition in the Temple court.

(6) Lev. XXIII, 20: And the priest shall wave them with the bread of the first-fruits for a wave offering before the Lord, with the two lambs; they shall be holy to the Lord. Though the loaves are holy for their value (**ohns , aise**) before the lambs are sacrificed, for they are purchased from the Temple funds, they do not become bodily holy (**;udv , aise**) until the lambs are sacrificed on Pentecost; v. Men. 78b.

(7) No building operation may be performed on a Sabbath or festival even if it be for so sacred a task as the building of the Temple; v. Yeb. 6a.

(8) **vbhk** (night rest) ‘Being left overnight till the morrow’: for they are permitted to be eaten only for one day (Pentecost) and one night (till midnight); v. Zeb. 54b.

(9) Before midnight, while the loaves are still valid.

(10) Num. IX, 15.

(11) To sanctify the Temple court with leavened loaves.

(12) Ps. C.

(13) Of seven strings (v. ‘Ar. 13b), resembles the guitar.

(14) Stringed instrument like harp; or, leather wind instrument like accordion or concertina; v. ibid. Rashi.

(15) Of metal, clashed together in pairs.

(16) Ps. XXX; the heading is: A psalm; a Song at the Dedication of the House.

(17) I.e., the psalm referring to evil spirits or demons, XCI.

(18) Ps. XCI, 10.

(19) Ibid. 7; i.e., the evil spirits will depart when the place is sanctified.

(20) Ps. XCI, 1-9 this is actually the song of pegaim or nega'im; v. Rashal.

(21) Ps. III; according to Maharsha the heading of this psalm was not recited.

(22) Ps. XCI, 1-9.

(23) And these verses are intended to drive away evil spirits.

(24) And is permitted; the verses are not intended to heal an actual wound, but to shield from possible affliction.

(25) Lit., ‘whispers’.

- (26) Sanh. 90a. This is more than merely prohibiting it. [‘Spitting was believed to have the power of breaking the spell, v. Blau, Zauberesen, p.68.]
- (27) If he spits on the wound, and utters an incantation of Biblical verses, he has no portion in the world to come; but to utter the incantation without spitting is also prohibited; to utter verses to protect oneself from a possible affliction is permitted, v. Sanh. 101a.
- (28) Neh. XII, 32.
- (29) And the Mishnah should be emended accordingly.
- (30) The loaves are borne by two priests; according to one view, the priests walk side by side; according to the other view, they walk one behind the other.
- (31) According to Rashi, the procession marched round the wall outside; according to Tosaf., inside the city. In either case, the inner one is that which is nearest the wall. Tosaf. suggest that they marched inside the wall, because if the loaves were taken outside, they would automatically become invalidated by being **tmuh** (outside the consecrated area, i.e., the city of Jerusalem).
- (32) Because there is one priest in front, and the Beth din behind.
- (33) As soon as the first loaf in the procession comes to a place, it sanctifies it; the second one, coming to it, enters holy ground, and does not, therefore, become invalid by being **tmuh** (going out into unconsecrated ground). The first one, however, is burnt, because at the actual moment of entering the unconsecrated spot it became **tmuh**.
- (34) Then, either both should be burnt, if we assume that at the moment of entry into unconsecrated ground they became **tmuh**; or, both should be eaten, if we assume that the act of entry automatically sanctifies the spot at the same moment.
- (35) The first.
- (36) Hence we require both loaves to enter a place in order to consecrate it.
- (37) Infra 16a; that any one of those mentioned in the Mishnah suffices to consecrate a place; and you might, therefore, conceivably say that one loaf suffices.
- (38) They are inseparable; ‘any one of these’ means either King or priest or Sanhedrin or two loaves.

Talmud - Mas. Shevu'oth 16a

by the ruling of the prophet the one was eaten, and by the ruling of the prophet the other was burnt.¹

ANY [ADDITION] THAT WAS NOT MADE WITH ALL THESE, ETC. It was taught: R. Huna said: WITH ALL THESE we learnt in our Mishnah; R. Nahman said: WITH ANY ONE OF ALL THESE we learnt in our Mishnah. R. Huna said: WITH ALL THESE we learnt in our Mishnah, because he holds the first consecration² consecrated it for the time being, and consecrated it for the future; and Ezra [in re-consecrating it] merely did it as a symbol.³ R. Nahman said: WITH ANY ONE OF ALL THESE we learnt in our Mishnah, because he holds the first consecration consecrated it for the time being, and did not consecrate it for the future; and Ezra really re-consecrated it,⁴ although there were no Urim and Tummim. Raba asked R. Nahman: We learnt: ANY ADDITION THAT WAS NOT MADE WITH ALL THESE! — [Emend it and] learn: ‘With any one of all these.’

Come and hear: Abba Saul said: There were two meadows⁵ on the Mount of Olives, the lower and the upper;⁶ the lower was consecrated with all these;⁷ the upper was not consecrated with all these, but by the returned exiles,⁸ without King and without Urim and Tummim; the lower one

which was properly consecrated; the illiterate⁹ entered there, and ate there sacrifices of a minor grade of holiness,¹⁰ but not the second tithe.¹¹ And the learned¹² ate there sacrifices of a minor grade of holiness and also the second tithe.¹³ The upper one which was not properly consecrated; the illiterate entered there, and ate there sacrifices of a minor grade of holiness,¹⁴ but not the second tithe. And the learned did not eat there either sacrifices of a minor grade of holiness or the second tithe. And why did they not consecrate it? Because additions are not made to the city and to the Temple courts except by King, Prophet, Urim and Tummim, Sanhedrin of seventy-one, and two [loaves] of thanksgiving, and song. And why did they consecrate it?¹⁵ Why did they consecrate it? You have just said they did not consecrate it! — But [read] ‘why did they bring it within [the city boundaries]?’ Because it was a vulnerable spot of Jerusalem, and it would have been easy to conquer it [the city] from there.¹⁶ [This is, however, in conflict with R. Nahman's view!¹⁷ — He may answer that it is a subject upon which] Tannaim disagree [and he will agree with one of them], for it has been taught: R. Eliezer said: I heard [from my teachers] that when they were building the Temple [in Ezra's time], they made curtains for the Temple and curtains for the courts,¹⁸ but for the Temple they built [the wall] outside [the curtains],¹⁹ and for the courts they built [the walls] within [the curtains]. R. Joshua said: I heard that sacrifices were offered although there was no Temple,²⁰ and sacrifices of the highest grade of holiness were eaten although there were no curtains, and sacrifices of a minor grade and the second tithe, although there was no wall,²¹ because the first consecration consecrated it for the time being, and consecrated it for the future. This implies [does it not?] that R. Eliezer holds, it did not consecrate it for the future.²²

Said Rabina to R. Ashi; How [do you deduce this]? Perhaps all agree that the first consecration consecrated it for the time being, and consecrated it for the future, but one Master states [merely] what he heard [from his teachers], and the other Master states [merely] what he heard [from his teachers].²³ And if you will say, [if so,]²⁴ why, according to R. Eliezer, are curtains necessary? [We may reply,] for privacy only!

Well then, there the Tannaim [disagree], for it has been taught: ‘R. Ishmael son of R. Jose said: Why did the Sages enumerate these?²⁵ Because when the exiles returned, they came upon these, and consecrated them;²⁶ but [the sanctity of] the earlier [cities] was abolished when [the sanctity of] the land was abolished.’ Hence, he holds that the first consecration consecrated it for the time being, but did not consecrate it for the future. But we may point out an incongruity: ‘R. Ishmael son of R. Jose said: Were there, then, only these?²⁷ Surely it is already written: [And we took all his cities ... sixty cities, all the region of Argob, the kingdom of Og in Bashan. All these were fortified cities, with high walls.²⁸ Then why did the Sages enumerate these? Because when the exiles returned, they came upon these, and consecrated them.’ — They consecrated them now! Surely we state further on²⁹ that it was not necessary to consecrate them! But read, ‘they came upon these, and enumerated them. And not these only [are walled cities], but any one about which you may have a tradition from your fathers that it was surrounded by a wall from the days of Joshua, the son of Nun, then all these precepts³⁰ apply to it; because the first consecration consecrated it for the time being, and consecrated it for the future.’³¹ There is thus a discrepancy between [the statement of] R. Ishmael son of R. Jose [in the Baraita] and [that of] R. Ishmael son of R. Jose [in the Tosefta]!³² — If you will, you may say that [they reflect the opinions of] two tannaim [who] disagree about [the view of] R. Ishmael son of R. Jose; and if you will, you

may say that one of the statements was spoken by R. Eleazar b. Jose,³³ for it has been taught: R. Eleazar b. Jose said: [Scripture says: The city] that has a wall;³⁴ although it has not [a wall] now, as long as it had one before [it is reckoned a walled city].³⁵

(1) There is no discoverable reason why one loaf suffices and the other burnt; but this was the ruling of the prophets Haggai, Zechariah, and Malachi who were present at Ezra's and Nehemiah's re-consecration of Jerusalem.

(2) Of the Temple and of Jerusalem in the time of Solomon.

(3) Because it was still holy, and did not need re-consecration, and could not, in any, case, be re-consecrated, because King and Urim and Tummim were lacking (v. Yoma 21 b); for R. Huna holds that we require 'all these' (enumerated in the Mishnah) for re-consecration, and Ezra neither re-consecrated the city nor made any addition to it which would require consecration.

(4) With Sanhedrin, two loaves of thanksgiving, and song; for, according in R. Nahman, even one of the requisites (mentioned in the Mishnah) suffices for re-consecration.

(5) [ihgmc Schlatter, Tage Trajans, 20, renders it 'parts', 'districts'; Krauss, as 'fissures' produced by an earthquake, the Eroge mentioned in Josephus, Ant. IX, 10, 4, and which he identifies with Bethsaida (Bethesda), v. REJ, LXXIII, 59ff.]

(6) On the slopes of the mountain, one near the base and the other near the summit.

(7) During the time if the First Temple it was incorporated within the city boundary, and joined to the city by a wall.

(8) From Babylon, who included it in the city, and built another wall around it.

(9) Amme ha-arez (v. Glos.). I.e., not strictly observant of the laws regarding levitical uncleanness.

(10) Such as thanks offerings or peace offerings which were permitted to be eaten within the city by all Israelites; v. Zeb. V, 6-8.

(11) Eaten by the owner in Jerusalem: Deut. XIV, 22-26. The second tithe could also have been eaten in the lower meadow, for it was properly consecrated, and was part of the city; but the illiterate thought that the second tithe had to be eaten within the inner (old) wall of Jerusalem, for the verse states: Thou shalt eat before the Lord thy God . . . the tithe of thy corn . . . (Deut. XIV, 23). They were stricter with the tithe than with the sacrifices, because the verse (ibid. 22) states: Thou shalt surely tithe; and they had probably heard the popular exposition: **rag, , a khcac rag rag, rag** (a play on the word **rag, ;** v. Shab. 119a) — give tithes in order that thou mayest have wealth.

(12) Haberim (v. Glos.).

(13) Because they knew that the sacrifices and second tithe were equal, and that the lower meadow was properly consecrated and part of the city.

(14) They thought the upper meadow was as holy as the lower, because it had also been incorporated within the city by a wall, and they did not distinguished between the full consecration of the lower meadow and the incomplete consecration of the upper meadow.

(15) [Tosef. Sanh. III reads, 'Why was it not consecrated?']

(16) [V. REJ, loc. cit.]

(17) For it is stated that the upper meadow was not consecrated, because all the essentials were not present, whereas R. Nahman holds that 'any one of all these' suffices.

(18) As temporary partitions to enable sacrifices to be offered and eaten forthwith (v. n. 8); and then they built the walls near curtain.

(19) So that the curtains prevented the workmen from gazing into the holy place.

(20) Before it was re-built by Ezra; v. Ezra III, 1-6; Meg. 10a, Rashi.

- (21) Round Jerusalem.
- (22) Because R. Eliezer requires curtains in order that it may be counted as a Temple; but without curtains it is not holy because, presumably, the first consecration did not consecrate it for the future. R. Nahman will thus agree with R. Eliezer.
- (23) R. Eliezer and R. Joshua are not arguing on this subject, their statements being entirely separate, and not uttered to each other's hearing.
- (24) If R. Eliezer holds that the first consecration consecrated it for the future also.
- (25) The Mishnah ('Ar. 32a), explaining that walled cities (Lev. XXV, 29, 30) are such which had walls round them since the days of Joshua, mentions a few as examples, such as Gamala, Gedud, etc. Why did the Sages mention these particularly? There were many more which could have been mentioned.
- (26) By Beth din, two loaves of thanksgiving, and song; v. 'Ar. 32b, Rashi. Cf. however Rashi a.l.
- (27) Walled cities, mentioned in 'Ar. 32a.
- (28) Deut. III, 4, 5.
- (29) In the same passage.
- (30) Concerning the sale of a house (Lev. XXV, 20, 30); sending lepers outside the city (Lev. XIII, 46; Num. V, 2); and that the open space (1,000 cubits) round the city should be left uncultivated ('Ar. 33b).
- (31) Tosaf. 'Ar. V.
- (32) From the Baraita it appears he holds that the first consecration did not consecrate it for the future, and from the Tosefta it appears he holds that it did.
- (33) The statement in the Tosefta.
- (34) Lev. XXV, 30; the kethib is **vnj tk** ('has not a wall'), but the kere is **uk** ('has a wall to it').
- (35) Because the first consecration, when it had a wall, suffices for now also, though the wall is now destroyed. Hence, there are two tannaim, R. Ishmael and R. Eleazar b. Jose, who disagree as to whether the first consecration consecrated it for the future also or not; and R. Nahman will agree with R. Ishmael.

Talmud - Mas. Shevu'oth 16b

IF HE BECAME UNCLEAN IN THE TEMPLE COURT [AND WAS AWARE OF IT], THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, etc. How do we know uncleanness in the Temple court [is punishable]?¹ — R. Eleazar [b. Pedath] said: One verse states: The tabernacle of the Lord he hath defiled;² and another verse states: For the sanctuary of the Lord he hath defiled.³ If it is not applicable to [the case of] uncleanness occurring outside,⁴ apply it to [the case of] uncleanness occurring inside.⁵ But are the verses superfluous? Surely they are necessary, for it has been taught: R. Eleazar [b. Shammua'] said: If tabernacle is mentioned, why is sanctuary mentioned; and if sanctuary is mentioned, why is tabernacle mentioned? If tabernacle had been mentioned, and sanctuary had not been mentioned, I might have thought that for [entering] the tabernacle he should be liable, because it was anointed with the anointing oil;⁶ but for [entering] the sanctuary [i.e., Temple] he should not be liable; and if sanctuary had been mentioned, and tabernacle had not been mentioned, I might have thought that for [entering] the sanctuary he should be liable, because its holiness is an everlasting holiness;⁷ but for [entering] the tabernacle he should not be liable; therefore tabernacle is mentioned, and sanctuary is mentioned.⁸ — R. Eleazar [b. Shammua'] argued thus; Since tabernacle is called sanctuary, and sanctuary is called tabernacle, let Scripture write either in both verses sanctuary, or in both verses tabernacle;⁹ why [does Scripture write] tabernacle and sanctuary? Hence, we deduce both.¹⁰

Granted that sanctuary is called tabernacle, for it is written: And I will set My tabernacle among you;¹¹ but whence do we know that tabernacle is called sanctuary? Shall we say, because it is written: And the Kohathites, the bearers of the sanctuary set forward?¹² This refers to the Ark,¹³ — Well then, from this verse: And let them make me a sanctuary, that I may dwell among them,¹⁴ and it is written: According to all that I show thee the pattern of the tabernacle.¹⁵

AND HE PROSTRATED HIMSELF, OR TARRIED THE PERIOD OF PROSTRATION, Raba said: They did not teach this¹⁶ except when he prostrated himself facing inwards;¹⁷ but if he prostrated himself facing outwards, then, only if he tarried is he liable, but if he did not tarry, he is not liable. Some append this [comment of Raba] to the latter clause; OR TARRIED THE PERIOD OF PROSTRATION: This implies that prostration itself requires tarrying. Raba said: They did not teach this except when he prostrated himself facing outwards; but, if facing inwards, even if he did not tarry [he is liable;] and thus [the Mishnah] means: If he prostrated himself facing inwards [without tarrying], or if he tarried the period of prostration in his prostration facing outwards, he is liable.

What is considered prostration in which there is tarrying, and what is considered prostration in which there is no tarrying? — Where there is no tarrying, that is mere kneeling; where there is tarrying, that is the spreading out of hands and feet. And what is the duration of tarrying? In this there is disagreement between R. Isaac b. Nahmani and one of his associates, namely, R. Simeon b. Pazzi (and some say, R. Simeon b. Pazzi and one of his associates, namely, R. Isaac b. Nahmani, and some say, R. Simeon b. Nahmani); one says: As the time taken to recite this verse:¹⁸ And all the children of Israel looked on, when the fire came down, and the glory of the Lord was upon the house; and they bowed themselves with their faces to the ground upon the pavement, and prostrated themselves, and gave thanks unto the Lord: ‘for He is good, for His mercy endureth for ever’;¹⁹ and the other says: As [the time taken to recite] from and they bowed till the end.

Our Sages taught: Kiddah means [falling] on the face; and so Scripture says: Then Bath-sheba bowed with her face to the earth.²⁰ Kneeling means upon the knees; and so Scripture says: from kneeling at his knees.²¹ Prostration means spreading out of hands and feet; and so Scripture says: Shall I and thy mother and thy brethren indeed come to bow down to thee to the earth?²²

Raba queried: Is tarrying necessary for stripes,²³ or is tarrying not necessary for stripes? For [the bringing of] a sacrifice there is a tradition that tarrying is necessary,²⁴ but for stripes there is no tradition that tarrying is necessary?²⁵

(1) If one enters while clean, and becomes unclean in the Temple, how do we know that he must bring a sliding scale sacrifice?

(2) Num. XIX, 13; refers to a person defiled by a dead body entering the tabernacle or sanctuary.

(3) Ibid. 20.

(4) For that is deduced from the first verse.

(5) Since otherwise the verse is superfluous.

(6) And therefore possessed greater sanctity.

(7) Sacrifices on bamoth (‘high places’) being prohibited from the time the Temple was built, even after its

destruction.

(8) Hence, since neither is superfluous, how can the case of uncleanness occurring inside be deduced?

(9) And from the superfluous verse we could deduce the case of uncleanness occurring inside.

(10) Because Scripture of set purpose uses tabernacle in one verse and sanctuary in the other, we may deduce also that they are both equal in sanctity, and that an unclean person entering either is liable; v. Tosaf.

(11) Lev. XXVI, 11; lit., 'I will set My dwelling (or, 'abode') among you'. Wherever God dwells is His mishkan; since He dwelt in the sanctuary (i.e. Temple), that also is His mishkan (i.e., tabernacle). V. 'Er. 2a. Rashi, for another interpretation.

(12) Num. X, 21.

(13) And not to the tabernacle, for that was borne by the sons of Gershon and the sons of Merari (Num. X, 17).

(14) Ex. XXV, 8.

(15) Ibid. 9: tabernacle in this verse is referred to as sanctuary in the previous verse; hence the tabernacle they built in the wilderness was also called sanctuary.

(16) That if he prostrated himself quickly, without tarrying the period that prostration should take, he is liable.

(17) To the Holy of Holies in the west.

(18) In Hebrew.

(19) II Chron. VII, 3.

(20) I Kings I, 31; **se, u**, from the same root as **vshew sse**, ; the face alone touches the ground; this is not the same as complete prostration of the whole body; v. Suk. 53a.

(21) I Kings VIII, 54.

(22) Gen. XXXVII, 10; 'bow down to earth' implies complete prostration.

(23) If, having become unwittingly unclean in the temple, he was warned to leave; but he remained, though less than the duration of the tarrying period, is he punished by stripes?

(24) If he became unwittingly unclean in the Temple, and tarried the period of prostration while he was unaware of his uncleanness or of the Temple, he brings a sliding scale sacrifice; supra 14b.

(25) Perhaps, since he remained wilfully, after being warned, he is liable for stripes, though he did not tarry the full period of prostration.

Talmud - Mas. Shevu'oth 17a

Or, perhaps the tradition is that within [the Temple] tarrying is necessary, no matter whether for sacrifice or for stripes?¹ It remains undecided.

Raba queried: If he suspended himself in the air in the Temple,² what is the ruling? Is the tradition that tarrying makes him liable only in the case of such tarrying as may be used for prostration,³ but for such tarrying which cannot be used for prostration there is no tradition [that he is liable]? Or perhaps the tradition is that within [the Temple] tarrying makes him liable, no matter whether it may be used for prostration or not? It remains undecided.

R. Ashi queried: If he defiled himself wilfully, what is the ruling?⁴ For an accidental defilement there is a tradition that tarrying is necessary, but for wilful defilement there is no tradition that tarrying is necessary? Or perhaps the tradition is that within [the Temple] tarrying is necessary, no matter whether for accidental or wilful defilement? It remains undecided.

R. Ashi queried: Does a Nazirite at a grave require tarrying for stripes or not?⁵ Within [the

Talmud - Mas. Zevachim 2a

CHAPTER I

MISHNAH ALL SACRIFICES SLAUGHTERED NOT IN THEIR OWN NAME¹ ARE VALID,² SAVE THAT THEY DO NOT FREE THEIR OWNERS OF THEIR OBLIGATION,³ WITH THE EXCEPTION OF THE PASSOVER-OFFERING AND THE SIN-OFFERING.⁴ [THIS HOLDS GOOD OF] A PASSOVER-OFFERING IN ITS PROPER TIME;⁵ AND A SIN-OFFERING AT ALL TIMES. R. ELIEZER SAID: ALSO THE GUILT-OFFERING [IS INVALID]. [AND THE LAW HOLDS GOOD OF] A PASSOVER-OFFERING IN ITS PROPER TIME, AND A SIN-OFFERING AND A GUILT-OFFERING AT ALL TIMES. R. ELIEZER ARGUED: THE SIN-OFFERING COMES ON ACCOUNT OF SIN, AND THE GUILT-OFFERING COMES ON ACCOUNT OF SIN: AS A SIN-OFFERING [SLAUGHTERED] NOT IN ITS OWN NAME IS INVALID, SO IS THE GUILT-OFFERING [SLAUGHTERED] NOT IN ITS OWN NAME. JOSE B. HONI SAID: [SACRIFICES] SLAUGHTERED IN THE NAME OF A PASSOVER-OFFERING OR A SIN-OFFERING ARE INVALID. SIMEON THE BROTHER OF 'AZARIAH⁶ SAID: IF ONE SLAUGHTERED THEM UNDER A HIGHER DESIGNATION THAN THEIR OWN THEY ARE VALID; UNDER A LOWER DESIGNATION THAN THEIR OWN, THEY ARE INVALID. HOW SO? IF ONE SLAUGHTERED MOST SACRED SACRIFICES UNDER THE DESIGNATION OF LESSER SACRIFICES,⁷ THEY ARE INVALID; IF ONE SLAUGHTERED LESSER SACRIFICES UNDER THE DESIGNATION OF MOST SACRED SACRIFICES, THEY ARE VALID. IF ONE SLAUGHTERED A FIRSTLING OR TITHE IN THE NAME OF A PEACE-OFFERING,⁸ IT IS VALID; IF ONE SLAUGHTERED A PEACE-OFFERING IN THE NAME OF A FIRSTLING OR TITHE, IT IS INVALID.

GEMARA. Why must [the Tanna] teach, SAVE THAT THEY DO NOT FREE [THEIR OWNERS OF THEIR OBLIGATION]; let him teach, 'and they do not free their owners of their obligation?'⁹ — He informs us this: they merely do not free their owners of their obligation. yet they retain their [original] sanctity, and no alteration therein is permitted, in accordance with Raba's dictum. For Raba said: If a burnt-offering was slaughtered under a different designation, its blood must not be sprinkled under a different designation .¹⁰

If you wish, I can say [this follows] from reason, and if you wish I can say, from Scripture. If you wish, I can say [this follows] from reason: because he made an alteration therein [once], is he to go on making alterations therein?¹¹ And if you wish, I can say [it follows] from Scripture: That which is gone out of thy lips thou shalt observe and do; according as thou hast vowed a freewill-offering unto the Lord thy God etc.:¹² is this a freewill-offering —

(1) I.e. under a different designation. E.g., a burnt-offering slaughtered as a peace-offering.

(2) They count as a sacrifice, and all their rites, such as sprinkling the blood, burning the emurim (v. Glos). and eating the flesh, must be performed.

(3) If the owner vowed e.g.. a burnt-offering, this sacrifice does not free him of his obligation and he must bring another.

- (4) These are altogether invalid; hence they must be burnt (not on the altar), and the usual rites may not be performed.
- (5) Sc. from midday on the eve of Passover until nightfall.
- (6) Sotah 21a.
- (7) Sacrifices were divided into two categories: (i) Most sacred; these included the sin-offering, meal-offering, burnt-offering and guilt-offering; and (ii) Lesser sacrifices e.g., the peace-offering, Passover-offering and the thanksoffering.
- (8) The sanctity of the former is lower, v. infra 89a.
- (9) Which is more in keeping with the terse style of the Mishnah.
- (10) But as the blood of a burnt-offering.
- (11) Obviously not-one wrong does not authorise another!
- (12) Deut. XXIII,24.

Talmud - Mas. Zevachim 2b

surely it is a vow?¹ The meaning however is this: if you have acted in accordance with your vow,² let it be the fulfilment of your vow; but if not, let it count as a freewill-offering.³ Now as a freewill-offering is it permitted to make a change in it?⁴

Rabina said to R. Papa: You were not with us in the evening within the Sabbath limit of Be Harmack,⁵ when Raba pointed out a contradiction in two important laws, and then reconciled them. What are these important laws? — We learnt: ALL SACRIFICES SLAUGHTERED NOT IN THEIR OWN NAME etc. Thus it is only when they are slaughtered for another purpose; but if no purpose is defined, they even acquit their owners of their obligation, which proves that an undefined purpose is the same as its own purpose [defined]. But the following contradicts it: ‘Every Get⁶ which was written not in the name of the woman [for whom it is intended]⁷ is invalid;⁸ and [in point of fact if it is written with] an undefined purpose it is also invalid?⁹ And he answered it: Sacrifices, where no purpose is defined, stand [to be slaughtered] for their own purpose.¹⁰ whereas a woman, if nothing is defined, does not stand to be divorced.

Now, how do we know that sacrifices slaughtered with undefined purpose are valid? Shall we say, because we learned: ALL SACRIFICES SLAUGHTERED NOT IN THEIR OWN NAME etc., while he [the Tanna] does not teach, ‘which were not slaughtered under their own designation’. But surely in the case of the Get too, he also teaches: Every Get which was written not in the name of the woman, is invalid, and does not teach, ‘which was not written in the name of the woman is invalid’! — Rather, it follows from what we learned: How is ‘in its own name and not in its own name’ meant? In the name of the Passover-offering and in the name of a peace-offering.¹¹ Thus it is [invalid] only because he stated¹² ‘in the name of the Passover-offering and in the name of a peace-offering’ but, [if he slaughtered it] in the name of the Passover-offering and [sprinkled its blood] with undefined purpose, it is fit; which proves that with purpose undefined it is as in its own name!¹³ — Perhaps it is different there, because one may argue: Whoever does anything, does it with the original [expressed] intention! — Rather, it follows from the second clause: [How is] ‘not in its own name and in its own name’ [meant]? In the name of a peace-offering [first] and [then] in the name of the Passover-offering. Thus it is [invalid] only because he stated,¹² ‘In the name of a peace-offering and in the name of the

Passover-offering'; but [if he slaughtered it] without a defined purpose [and sprinkled the blood] in the name of the Passover-offering, it is valid!¹³ — Perhaps it is different there, because we say: the end illumines the beginning.¹⁴ Alternatively, [perhaps] because he teaches 'in its own name and not in its own name' [in the first clause], he also teaches 'not in its own name and in its own name' [in the second clause]!¹⁵ Rather, it follows from this: A sacrifice is slaughtered for the sake of six things: For the sake of the sacrifice, for the sake of the sacrificer, for the sake of the Divine Name, for the sake of fire-offerings, for the sake of a savour, for the sake of pleasing, and a sin-offering and a guilt-offering for the sake of sin.¹⁶ R. Jose said: Even if one did not have any of these purposes in his heart, it is valid, because it is a regulation¹⁷ of the Beth din.¹⁸ Thus the Beth din made a regulation that one should not state its purpose, lest he come to state a different purpose. Now if you think that an undefined purpose [renders] it invalid, would the Beth din arise and make a regulation which would invalidate it?¹⁹

Now how do we know in the case of a Get that an undefined purpose [renders] it invalid? Shall we say from what we learned: If one was passing through the street and heard the voice of scribes dictating: 'So-and-so divorced So-and-so of such a place,'²⁰ whereupon he exclaimed, 'That is my name and my wife's name,' it [the Get so written] is invalid for divorcing therewith!²¹ — Yet perhaps that is [to be explained] as [did] R. Papa. For R. Papa said: We are discussing scribes engaged in practising, So that it was not written for the purpose of divorcement at all!²² — Rather [it follows] from this:

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- (1) As thou hast vowed implies that we are treating of a vow; while a freewill-offering applies to a nedabah (a freewill-offering). When one vows, 'Behold, I undertake to bring a sacrifice,' it is technically called a vow; if one declares, 'Behold, this animal be for a sacrifice,' it is a freewill-offering. In the first case, if he subsequently dedicates an animal in pursuance of his vow, and it is lost before it is sacrificed, he must bring another. In the latter case, should the animal be lost or become unfit, his obligation is at an end.
 - (2) I.e., you have slaughtered it in the name of the sacrifice which you actually vowed.
 - (3) Additional to the vow originally made.
 - (4) Of course not. Hence, though it was slaughtered for a different purpose, its other rites must still be performed for the right purpose.
 - (5) To be able to visit us at the schoolhouse. — He was referring to the Sabbath. Be Harmack is in the vicinity of Pumbeditha; Obermeyer, Die Landschaft Babylonian p. 124.
 - (6) Deed of Divorce.
 - (7) Of course a name must be written in the Get; but even if this particular woman's name is written, yet without having her in mind, so that the fact of the name being identical is a pure coincidence, the Get is unfit.
 - (8) Git. 24a.
 - (9) Hence an undefined purpose is the same as a wrongful purpose.
 - (10) This may be assumed.
 - (11) I.e. he slaughtered the paschal sacrifice in the name of a Passover-offering as required but sprinkled the blood in the name of a peace-offering. V. infra 13a.
 - (12) Not necessarily, as mere wrongful intention is effective.
 - (13) Which proves that where the purpose is undefined the sacrifice is valid.
 - (14) Hence since the end (sprinkling) was in the name of the Passover-offering, we assume the beginning (the slaughtering) to have been likewise.
 - (15) For the sake of parallelism. Yet actually if he slaughters it without a defined purpose, it may be invalid.

(16) He who offers the sacrifice must have these in mind (or express them): (i) the particular sacrifice it is intended to be; (ii) the person for whom it is sacrificed; (iii) that it is sacrificed in honour of the Divine Name; (iv) with the intention of burning the emurim on the altar, not merely roasting it; (v) and (vi) with the intention that it shall provide a pleasing savour to God (v.e.g., Lev.III, 5 — nihoah, translated there 'sweet', is rendered 'pleasing').

(17) Lit., 'stipulation'.

(18) That one should not define its purpose—the name of the sacrifice for which it is offered, *infra* 46b.

(19) Surely not. This then proves Raba's first point.

(20) They were teaching pupils to write a Get, and had selected the names at random.

(21) *Git.* 24a.

(22) But if a scribe writes a Get for the purpose of divorce, selecting names at random, perhaps it is valid.

Talmud - Mas. Zevachim 3a

Even more; If he wrote [a Get] to divorce his wife and then changed his mind; then a fellow-citizen met him and said to him 'My name is the same as yours, and my wife's name is the same as your's, it [the Get] is invalid for divorcing therewith! — Yet perhaps it is different there, because it had been designated for that particular person's divorce!¹ — Rather, from the following: Even more: If he had two wives of the same name, and he wrote [a Get] to divorce the elder therewith, he cannot divorce the younger with it.² — Perhaps it is different there, as it had been designated for that particular wife's divorce! — Rather, from the following: Even more: If he said to the writer, 'Write it and I will then divorce whichever I desire,' it is invalid for divorcing therewith!² — Perhaps it is different there, because selection is not retrospective!³ — Rather, from this: He who writes formulas of *Gittin*⁴ must leave blanks for the name of the husband, and the name of the wife, the names of the witnesses, and the date.⁵ Rab Judah said in Samuel's name: He must also leave a blank for [the passage], 'Behold, thou art permitted unto all men'.

He [Raba] pointed out a further contradiction. Did then Rab Judah say in Rab's name: if one slaughtered a sin-offering under the designation of a burnt-offering, it is invalid; [if one slaughtered it] under the designation of *hullin*,⁶ it is valid? This proves that its own kind destroys it, while a different kind does not destroy it.⁷ But the following contradicts it: 'Every Get written not in the name of the woman [for whom, it is intended] is invalid',⁸ and [in point of fact] even [if written] in the name of a Gentile woman it is still invalid.⁹ And he answered: In the case of a Get, disregard the Gentile woman altogether,¹⁰ [and] it is then [written] without defined purpose, which is invalid.¹¹ But as for sacrifices, disregard the *hullin*,¹² [and] it is [a sacrifice slaughtered] without defined purpose, which is valid.¹³

He pointed out another contradiction. Did then Rab Judah say in Rab's name: If one slaughtered a sin-offering under the designation of a burnt-offering, it is invalid; [if he slaughtered it] under the designation of *hullin*, it is valid? This proves that its own kind destroys it, while a different kind does not destroy it. But it was taught : [And every earthen vessel into] whose inside [any of them falleth, whatsoever is in it shall be unclean, and it ye shall break]¹⁴ but not the inside of the inside, and even a non-earthen vessel¹⁵ saves it.¹⁶ And he answered it: They [the Rabbis] treated *hullin* in respect to consecrated animals as a partition in respect to an oven. Just as a partition in respect to an oven has no effect at all, so *hullin* in respect to consecrated animals has no effect at all. For we learned: If an oven is partitioned with boards or curtains, and a reptile is

found in one compartment, the whole is unclean. If a defective receptacle,¹⁷ which is stuffed with straw, is lowered into the air-space of an oven, and a reptile is in it, the oven becomes unclean; if a reptile is in the oven the foodstuffs in it [the receptacle] become unclean;¹⁸ while R. Eliezer declares it clean. Said R. Eliezer: It follows a fortiori: If it protects in the case of a corpse, which is stringent,¹⁹ shall it not protect it in the case of an earthen vessel²⁰ which is less stringent? Not so, they replied:

(1) And for no other.

(2) Git. 24b.

(3) His subsequent intention has no retrospective validity in the sense that it is regarded as though he had intended it thus in the first place, and so it is still possible that he had first intended it for the other, and therefore it is invalid.

(4) Plural of Get. He writes them to have them ready whenever the occasion arises.

(5) Then he can fill them in as required. But he cannot fill them in in the first place, though writing them for the express purpose of divorce, and then find persons with the same name (Git. 26a). This proves that they must be written expressly for persons who are to use them.

(6) V. Glos — i.e., not as a sacrifice at all.

(7) A sin-offering and a burnt-offering are of the same kind — both are sacred, and by substituting the name of the latter for that of the former, he destroys its validity. But hullin, being non-sacred, is of a different kind, as it were, and does not harm it.

(8) Git. 24a.

(9) Now a Gentile woman belongs to a different category, in that the law of Get does not apply to her at all, and yet she destroys the validity of the Get.

(10) Regard the Get as though it had not been written for her.

(11) Since it must be written expressly for a particular woman.

(12) Viz., that it was slaughtered as hullin.

(13) V. supra 2b.

(14) Lev. XI, 33.

(15) Lit., 'a vessel of rinsing.' This is the technical designation of all non-earthen vessels, because they can be purified from ritual uncleanness in a ritual bath (mikweh).

(16) If a reptile (sherez) falls inside an earthen utensil containing eatables, even without touching them, they become unclean. On this the comment is made: only if it falls, inside, but not into the inside of the inside. Thus: if a utensil containing eatables is lying in an earthen oven (ancient ovens were open on top), with its mouth protruding above the top of the oven, and a reptile falls into the oven, the foodstuffs remain clean, as the inside of the utensil is regarded as the 'inside of the inside,' of an oven. This holds good not only when the inner utensil too is an earthen one, but even if it is non-earthen. The difference between the two is this: an earthen vessel is defiled only if the reptile falls inside, whereas a non-earthen vessel is defiled even if the reptile touches it on the outside. Now a non-earthen vessel is really of a different kind, since it differs in law, and yet it protects the foodstuffs in it from defilement, acting as interposition between the foodstuffs and the vessel in the oven. Thus a different kind too can 'destroy' the status of the food as being 'inside' the oven and gives it the status of being 'inside the inside'.

(17) Lit. 'a beehive (shaped receptacle)'.

(18) Thus the receptacle, not being of the same kind as the oven, does not destroy the status of the food as being in the air-space of the oven. If the receptacle were whole it would protect the eatables, as above. Since it is not whole, however, it lacks the status of a utensil, and this is so even if it is stuffed with straw as a repair.

(19) If this partition were in a room containing a corpse, it would suffice to protect the foodstuffs from defilement,

though the contaminating powers of a corpse are far greater than those of a reptile in an oven.

(20) As in the case of the oven.

Talmud - Mas. Zevachim 3b

if it protects in the case of a corpse, which is stringent, that is because it is divided into tents;¹ shall it therefore protect in the case of earthen vessels which are less stringent but which are not divided into tents?² Now this is well according to the Rabbis.³ But what can be said on R. Eliezer's view?⁴ — R. Eliezer argues a fortiori.⁵ If so, here too we can argue a fortiori: if sacred animals profane sacred animals, how much more does hullin!⁶ — Rather, Rab's reason is in accordance with R. Eleazar.⁷ For R. Eleazar said: What is Rab's reason? And they shall not profane the holy things of the children of Israel, which they set apart unto the Lord:⁸ holy things profane holy things, but hullin does not profane holy things.⁹ This proves that a Scriptural text comes and nullifies the argument a fortiori; then here too, let the text 'its inside' come and nullify the argument a fortiori?¹⁰ — This text, 'its inside', is required in respect of foodstuffs pasted round with clay and placed within the air-space of an oven. You might think, since they cannot be defiled by contact,¹¹ they cannot be defiled through its air-space either. Hence [the deduction] informs us that It is not so.¹² And the Rabbis? — [They argue,] No text is necessary in respect of these [foodstuffs].¹³

R. Joseph b. Ammi pointed out a contradiction between change [of intention] in respect of sanctity and change [of intention] in respect of owners,¹⁴ and answered it. Did then Rab say: If one slaughters a sin-offering [for one offence] as a sin-offering [for another offence],¹⁵ it is fit; as a burnt-offering, it is unfit? This then proves that another kind destroys it, whereas its own kind does not destroy it. Yet surely Rab said: If a sin-offering is slaughtered on behalf of one who is liable to a sin-offering,¹⁶ it is unfit; on behalf of one who is liable to a burnt-offering, it is fit. This proves that a person of the same category as the offender destroys it, whereas one of a different category does not destroy it? And he answered: In the former case, the Divine Law states, And he shall kill it for a sin-offering,¹⁷ and lo, a sin-offering has been slaughtered as a sin-offering. But in the latter case it is written, and the priest shall make atonement for him,¹⁸ [which intimates,] 'for him', but not for his fellow, and 'his fellow' implies one like himself, who stands in need of atonement just as he does.¹⁹

R. Habibi shewed a contradiction between the law of change [of intention] in respect of owners and that of the inside of the inside, and then answered it. Did then Rab say: If a sin-offering is slaughtered on behalf of one who is liable to a sin-offering, it is unfit; on behalf of one who is liable to a burnt-offering, it is fit? This then proves that its own kind destroys it, whereas a different kind does not destroy it. Yet surely it was taught: 'Its inside', but not the inside of it inside, and even a non-earthen vessel protects it?²⁰ And he answered: 'Its inside' is written four times, 'the inside [tok]', 'its inside [toko]; 'the inside' [tok], 'its inside [toko]';²¹ one is required for its essential law;²² another for a gezerah shawah;²³ a third [intimates] the inside of this, but not the inside of another;²⁴ and finally [to teach]: Its inside, but not the inside of its inside, and even a non-earthen vessel protects.²⁵

(1) A single partition across a room is sufficient to divide it into two rooms, and if a corpse is in one, eatables or

utensils in the other are not contaminated. Hence it is right that even a defective receptacle should have the same effect.

(2) I.e., a partition placed in an earthen vessel (sc. an oven) does not divide it into separate compartments (here designated 'tents'), as stated supra 3a: therefore a defective receptacle cannot do so either; so Tosaf. Rashi explains more simply: if it protects . . . into tents — i.e., it is quite usual to partition off a room into two, therefore a partition converts it into two separate tents. But it is not usual to partition an oven: hence the partition cannot affect its status. On this interpretation it appears that R. Eliezer holds that a partition does affect it, protecting the foodstuffs from contamination. In that case they differ not only in respect to a defective receptacle, but also in respect to the partitioning of an oven by a board or curtain.

(3) The view that the defective receptacle (or, a partition) does not protect agrees with Rab's statement that what is not of its own kind does not 'destroy' it.

(4) According to him a different kind too apparently 'destroys' it: is then Rab's ruling a matter of dispute between the Rabbis and R. Eliezer?

(5) Generally he agrees with Rab, but in this particular case he rules differently, because of his argument.

(6) When one kills a sin-offering as a burnt-offering, he is still killing it as something sacred, and yet you say it is unfit. How much more should it be unfit when he kills it as hullin, which is not sacred at all!

(7) Not because a different kind does not 'destroy' it, but because a Scriptural text teaches this law. Sh. M. emends: R. Elai.

(8) Lev. XXII, 15.

(9) Tosaf. suggests that 'the holy things' is superfluous, being understood from the context, and is therefore employed for this deduction.

(10) From this text, 'its inside,' it is deduced supra a, but not 'the inside of the inside', which is explained as meaning the inside of a second vessel within the first. Now from this it is deduced afortiori that a partition does not destroy the unity of an oven (v. supra a), for if it did, a text would surely not be necessary for teaching that another vessel within the first protects its contents.

(11) For a 'creeping thing' cannot touch them.

(12) The food is defiled. This is learnt from the deduction, its 'inside', but not 'the inside of its 'inside', whence it follows that a partition does not protect; and it is in respect of a partition of this nature, viz., clay pasted round food, that this conclusion is drawn.

(13) For they are obviously 'inside' of the oven.

(14) I.e. between wrongful intention in respect of the sacrifice and that in respect of the owner thereof; e.g., he offered the sacrifice under the name of one who was not its owner.

(15) Its owner had incurred the liability on account of a particular offence, whereas in slaughtering it he (or the priest) intended it as a sin-offering for some other offence.

(16) But who is not the owner of this particular sacrifice.

(17) Lev. IV, 33.

(18) Ibid. 26, 31, 35.

(19) For otherwise he cannot be called 'his fellow' in this respect. Hence the exclusion of his fellow applies only to such a case.

(20) Cf. supra a p. 7. n. 1.

(21) V. Lev. XI, 33, where toko (lit, 'its inside') is repeated twice, though in each case tok ('inside') would suffice. Each tok (which could have been written) is interpreted; further, each addition, 'toko', is likewise interpreted, which gives four in all.

(22) Viz., that any food or drink within it is defiled through the reptile (sherez) entering its air-space.

(23) V. Glos. Teaching that the dead reptile defiles the utensil too, through entering its air-space, even without

touching it; v. Hul. 24b.

(24) Only an earthen vessel thus becomes unclean through its air-space without actual contact, but not a non-earthen vessel.

(25) Hence this is a specially decreed law and stands by itself; therefore its principle cannot be applied to sacrifices.

Talmud - Mas. Zevachim 4a

How do we know that the slaughtering must be in its own name? Because Scripture says, And if his offering be a zebah slaughtering of peace-offerings:¹ [this teaches] that its slaughtering must be in the name of a peace-offering. But perhaps that is their name?² — Since it is written, He that offereth the blood of the peace-offerings³ and [he] that dasheth the blood of the peace-offerings [against the altar],⁴ and zebah' is not written,⁵ whereas here 'zebah' is written, you may infer from it that the slaughtering must be in the name of a peace-offering.

We have thus learned [it of] slaughtering, how do we know [it of] the other [sacrificial] services?⁶ And if you say, let us learn then, from slaughtering [by analogy], then it may be objected, as for slaughtering, the reason is because it disqualifies in the case of a Passover-sacrifice [if done] on behalf of those who cannot eat it.⁷ — Rather Scripture says, He that offereth the blood of the peace-offerings⁸ which teaches that the reception [of its blood] must be in the name of peace-offerings. Then let the Divine Law state it of the reception [of the blood], whence the slaughtering [too] could be derived? — [That is not done] because [the analogy] can be refuted. As for the reception [of the blood], the reason is because it is unfit [if done] by a lay-Israelite or a woman.⁹ We have thus learned [it of] slaughtering and receiving; how do we know [it of] sprinkling? And if you answer, let us learn it from the former [by analogy, then it may be argued]: As for the former, the reason is because they require the north,¹⁰ and are practised in the case of the inner sin-offerings! — Rather, Scripture says, 'He that dasheth the blood of the peace-offerings!' [which teaches] that the sprinkling [dashing] must be in the name of peace-offerings. Then let the Divine Law write it in respect to sprinkling, whence the others could be derived? [That is impossible] because [the analogy] can be refuted: as for sprinkling, that is because a lay-Israelite is liable to death on its account.¹¹

We have thus found it of all [rites]; whence do we know [it] of carrying? And if you say, let us learn it from all the others, [then it may be argued]: As for all the others, that is because they are rites which cannot be dispensed with; will you say the same of carrying, which can be dispensed with?¹² — Rather, Scripture says, And the priest shall bring near¹³ the whole . . . to the altar,¹⁴ and a Master said: This refers to the carrying of the limbs to the [altar] ascent; while it was also taught, [And Aaron's sons . . .] shall present [the blood]:¹⁵ this refers to the receiving of the blood. Now, Scripture expresses this by a term denoting carrying¹⁶ in order to teach that carrying cannot be excluded from the scope of receiving,¹⁷

Now we have thus found [it] of change [of intention] in respect of sanctity;¹⁸ whence do we know it of change [of intention] in respect of owner? — Said R. Phinehas the son of R. Ammi: Scripture says, And the flesh of the slaughtering of his peace-offerings for thanksgiving etc.,¹⁹ [which teaches] that the slaughtering must be in the name of a thanksgiving; now since this is superfluous for change in respect of sanctity, for that is deduced from the other text, transfer its

teaching to change in respect of owners.²⁰ But is that the purpose of this verse? Surely it is required for what was taught. [Viz.,] ‘And the flesh of the zebah [slaughtering] of his peace-offerings for thanksgiving’: Abba Hanin said on R. Eliezer's authority: This comes to teach that if a thanksoffering is slaughtered in the name of a peace-offering, it is valid; if a peace-offering is slaughtered in the name of a thanksoffering, it is invalid.²¹ What is the difference between these two cases? — A thanksoffering is designated a peace-offering, but a peace-offering is not designated a thanksoffering!²² — We state [our deduction] from the word ‘slaughtering’.²³ Yet it is still needed [thus]: How do we know [it of] a sin-offering and a guilt-offering?²⁴ From the word ‘slaughtering’.²⁵ — If so,²⁶ let Scripture write, And the flesh of his peace-offerings for thanksgiving slaughtering [shall be eaten etc.]²⁷ why state, the slaughtering [of his peace-offerings for thanksgiving]?²⁸ So that both laws may be inferred from it.

We have thus found [it of] slaughtering; whence do we know [it of] other services?²⁹ And if you say, Let us learn [them] from slaughtering, [then it may be objected]: as for slaughtering, the reason is because it disqualifies in the case of a Passover-offering, [when it is done] for the sake of those who cannot eat it! — ‘Slaughtering’ is stated in reference to change [of intention] in respect of sanctity, and ‘slaughtering’ is stated in reference to change [of intention] in respect of owner; as in the case of the slaughtering stated in reference to change in respect of sanctity, you do not differentiate between slaughtering and other services, so also in the case of the slaughtering which stated in reference to change of owners, you must not differentiate between slaughtering and other rites. This can be refuted: as for change in respect of sanctity, [that is] because its disqualification is intrinsic,³⁰ and it is [operative] in respect of the four services,³¹ and it is [operative] after death,³² and it is [operative] in the case of the community as In the case of an individual.³³

(1) Lev. III, 1. So literally. E.V. ‘sacrifice of peace-offerings’.

(2) Perhaps the Heb. zebah simply means ‘sacrifice’, as E.V. the name of the offering being the sacrifice of peace-offerings, and thus it has no bearing on the question of slaughtering.

(3) Lev. VII, 33.

(4) Ibid. 14.

(5) It does not say, ‘He that offereth the blood of the ‘zebah’ of the peace-offerings.’

(6) Receiving the blood, carrying it to the part of the altar where it is to be sprinkled, and the actual sprinkling, count as separate services.

(7) E.g. on behalf of aged and infirm, who cannot eat. But if the blood is sprinkled on their behalf, the offering is not unfit; and similarly in the case of any other of the services performed on their behalf.

(8) The Rabbis refer this to the receiving of the blood,

(9) It must be done by a priest. The slaughtering however may be done by a lay-Israelite too, and therefore, but for the text which teaches otherwise, I might think that it need not be done specifically in the name of that particular sacrifice.

(10) They must both be done at the north side of the altar.

(11) If he performs it. But the slaughtering may be done by a non priest; while the receiving and carrying, though forbidden to a non priest, do not involve death. By ‘death’ is meant death at the hands of heaven, not capital punishment.

(12) If the animal is killed at the very spot where the blood is to be sprinkled.

(13) We-hikrib; E.V. ‘offer’.

- (14) Lev. 1,13.
- (15) Ibid. 5.
- (16) The same Heb. word, hikrib here explained to mean the receiving of the blood, is interpreted as carrying (the limbs) in the other verse.
- (17) I.e., receiving includes carrying, and the law of one applies to the other.
- (18) I.e., that a particular sacrifice must not be offered in the name of a different sacrifice.
- (19) Ibid. VII, 15.
- (20) This is a principle of Talmudic exegesis: where a verse is superfluous in respect of the subject upon which it directly bears, its teaching is to be transferred to another, analagous subject.
- (21) 'Valid' and 'invalid' mean that the bringer has discharged or not discharged his obligations respectively.
- (22) 'Peace-offering' is a wider term, which includes but is not included in the term 'thanksoffering'. — Thus the verse is required for a different purpose.
- (23) Whereas the other teaching is deduced from the phrase 'his peace-offerings for thanksgiving'.
- (24) That their flesh too may be eaten only on the day when they are sacrificed and the following night, as that text is interpreted is respect of thanksgiving.
- (25) Which term includes other sacrifices.
- (26) If that is the only teaching of that verse.
- (27) Thus 'zebah' would be written immediately in connection with eating.
- (28) Bringing 'slaughtering' into connection with the sacrifice rather than with the eating.
- (29) Sc. that they must not be performed in the name of any but their true owner.
- (30) I.e., on illegitimate intention is expressed in respect to the sacrifice itself.
- (31) An Illegitimate intention in respect of any service disqualifies it (according to the terms of the Mishnah). But change in respect of owner is a disqualification only for sprinkling, which constitutes the principal rite of atonement, either at that rite itself, or by expressing an intention at the slaughtering or any other service that the sprinkling shall be for a different owner.
- (32) If the owner dies, his son must bring it, and if he slaughters it for a different purpose it is invalid.
- (33) A public sacrifice, just like a private sacrifice, is disqualified if offered for another purpose.

Talmud - Mas. Zevachim 4b

Now although two [of these refutations] are not exact,¹ two at all events are! (For how is change in respect of owner different, that it is not an intrinsic disqualification? [Surely] because it is a mere intention!² Then change in respect of sanctity too is a mere intention! But what you must say is that since he intended it [for a wrongful purpose], he disqualified it; then here too,³ since he intended it [for a different owner], he disqualified it.⁴ Furthermore, according to R. Phinehas the son of R. Mari who maintained: Change in respect of owner does operate after death,⁵ on two points at least you can refute it.) — Rather, said R. Ashi, Scripture says, And it shall be accepted for him to make atonement for him,⁶ [implying,] but not for his fellow.⁷ But does it come for this purpose? Surely it is required for what was taught: And it shall be accepted for him to make atonement for him: R. Simeon said: Where [the sacrifice] is [a liability] upon him, he is responsible for its loss; where it is not [a liability] upon, him, he is not responsible for its loss,⁸ And R. Isaac b. Abdimi said: What is the reason? Since he declared, '[I take] upon myself to bring an offering,' it is as though he carried it on his shoulder!⁹ — R. Ashi makes his deduction from 'and it shall be accepted for him to make atonement,¹⁰

We have now learned [it of] slaughtering and sprinkling: how do we know [it of] the receiving [of the blood]? And if you say, let us learn it from slaughtering and sprinkling, [it can be objected]: as for slaughtering and sprinkling, the reason is because [each is] a service which involves culpability [if performed] without [the Temple court]!¹¹ — Rather said R. Ashi: It is deduced from the nazirite's ram. For it is written, And he shall offer the ram for a slaughtering of peace-offerings,¹² [which teaches] that it must be offered specifically as a peace-offering. Now since this teaching is superfluous regarding change in respect of sanctity, as that is deduced from the other text, apply its teaching to change in respect of owner. R. Aha b. Abba said to Raba: Let us say, 'he shall offer' is a general proposition.¹³ 'slaughtering' is a particularization: now [where we have] a general proposition followed by a particularization, [the rule is] the general proposition includes only what is contained in the particularization; hence slaughtering is so,¹⁴ but every other service is not so? — If [Scripture] wrote, 'He shall offer a peace-offering as a slaughtering,' it would be as you say. Since however it writes, 'he shall offer for a slaughtering of peace offerings,' It is an incomplete general proposition,¹⁵ and an incomplete general proposition is not treated as a case of a general proposition followed by a particularization. Rabina said: In truth we do treat it as such, but 'unto the Lord'¹⁶ is another general proposition.¹⁷ R. Aha of Difti said to Rabina: But the first generalization is dissimilar from the last generalization, for the first includes [sacrificial] acts but nothing more, whereas the last one implies everything that is 'unto the Lord', even the pouring out of the residue [of the blood] and the burning of the emurim?¹⁸ Behold the Tanna of the School of R. Ishmael¹⁹ [even] in the case of a general proposition and particularization of this nature applies the rule that in a general proposition followed by a particularization and followed again by a general proposition you must be guided by the particularization: just as that is explicitly a [sacrificial] service,²⁰ and we require rightful intention, so in the case of every [sacrificial] service we require rightful intention. If so, [you may argue:] just as the particularization is explicitly a service which involves culpability [if it is performed] without [its legitimate boundaries], so is every service [included] which involves culpability [if performed] without; hence slaughtering and sprinkling are indeed included, but not receiving and carrying? or [you may argue]: as the particularization is explicitly something that must be done at the north [side of the altar] and is operative in the case of the inner sin-offerings, so all [services] which must be done at the north and are operative in the case of the inner sin-offerings [are included]; hence slaughtering and receiving are indeed included, but not sprinkling? — You can argue in this way or in that way; they are equally balanced, and so both [arguments] are admissible.²¹ (Another version: Each argument stands.) Alternatively, I can say, sprinkling follows from R. Ashi's deduction.²²

We have thus found [it true of] the nazirite's ram; how do we know [it of] the other peace-offerings? And if you say, Let us learn them from the nazirite's ram, [it can be argued:] As for the nazirite's ram, the reason is because other sacrifices²³ accompany it.²⁴ — If so,²⁵ Scripture should write, [And he shall offer the ram for. . .] his peace-offerings;²⁶ why state, [for] peace-offerings? — In order to include all peace-offerings.

We have thus found [it true of] peace-offerings; how do we know [it of] other sacrifices? And if you say, Let us learn them from peace-offerings, [it can be argued:] As for peace-offerings, the reason is because they require laying [of hands], libations, and the waving of the breast and shoulder!²⁷ Rather, Scripture says, This is the law of the burnt-offering, of the meal-offering, and

of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of peace-offerings;²⁸ thus Scripture assimilates them to peace-offerings. Just as we require peace-offerings [to be offered] for their own sake, [thus forbidding] both change in respect of sanctity and change in respect of owner, so do we require all [sacrifices to be offered] for their own sake, [thus forbidding] both change in respect of sanctity and change in respect of owner.

Let us say that if one slaughtered them in a different name they are invalid? — Scripture says, 'That which is gone out of thy lips thou shalt observe and do,' as thou has vowed a nedabah [freewill-offering] etc.:²⁹ is this a freewill-offering — surely it is a vow? The meaning however is this: if you acted in accordance with your vow, let it be [the fulfilment of your] vow; but if not, let it count as a freewill-offering.³⁰ Now [both texts viz. . .] 'that which is gone out of thy lips' and 'this is the law' etc. , are required.³¹ For if the Divine Law wrote, 'that which is gone out of thy lips' [only], I would say,

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- (1) As it proceeds to explain.
 - (2) Nothing wrong is actually done to the sacrifice.
 - (3) Viz., in respect of wrongful ownership.
 - (4) Thus both can be regarded as intrinsic or non-intrinsic disqualifications.
 - (5) As a disqualification. The bracketed passage explains the two points in which they are not really different.
 - (6) Lev. I, 4.
 - (7) This proves that the 'sprinkling' which effects the atonement must be performed in the name of its owner.
 - (8) If a man declares, 'I vow an animal for a sacrifice,' he thereby undertakes a liability. If he subsequently sets aside an animal and it dies or is lost before it is sacrificed, he must replace it. But if he declared, 'I vow this animal for a sacrifice,' he accepted no liability beyond that animal, and if it dies his obligations ceases. R. Simeon deduces it from the verse quoted, which he renders and interprets thus: And it shall be accepted for him. When is it accepted for him? When its effect is to make atonement in which case he does not bring another. Hence if it did not make atonement, he must bring another. And when must he bring another in order to make atonement (i.e. to be quit of his obligation)? When he declared it a liability upon him' (E.V. for him). Sh. M.
 - (9) As though he had it in his care all the time, and until it is actually sacrificed his vow is not fulfilled. Thus the verse is required for a different purpose.
 - (10) Which implies: it must be 'for him to make atonement 'but not for another to make atonement. Whereas R. Simeon's deduction is from 'upon him' as stated in end of n. 9, p. 14.
 - (11) But there is no culpability if the other two services (receiving and carrying of the blood) are done outside their legitimate boundaries.
 - (12) Num. VI, 17.
 - (13) 'He shall offer (lit. 'do')' is a term embracing all services, while 'slaughtering' is a particular one.
 - (14) I.e. , the deduction made regarding change in respect of owner applies to slaughtering.
 - (15) 'He shall offer' obviously requires the completion of 'peace-offerings' before we know to what it refers at all; 'slaughtering' however interposes, and therefore it is only an incomplete generalization.
 - (16) The continuation of this verse.
 - (17) For it implies any service performed 'unto the Lord.' Thus we have a general proposition followed by a particularization and followed again by a general proposition. The exegetical rule then is that the general proposition includes all things similar to the particularization, and thus the other services are included.
 - (18) Whereas only the four services under discussion are sacrificial acts.
 - (19) Who formulated thirteen rules of exegesis, including this one.

(20) Sc. slaughtering.

(21) Since one approach includes slaughtering and sprinkling, and the other includes slaughtering and receiving, you must admit both, since neither is stronger than the other. Carrying too is then included, for it is really 'a part of the act of receiving.

(22) Supra, from the verse 'and it shall be accepted for him etc.; hence the present deduction must be in respect of receiving.

(23) Lit., 'blood',

(24) And it is natural that one cannot be sacrificed in the name of one person and a second in the name of another, when all are for the same person. The other sacrifices are the sin-offering and the burnt-offering.

(25) If the deduction of the verse were intended to be confined to this particular sacrifice.

(26) V. marginal gloss.

(27) But no other sacrifices require all these, and consequently they may be offered under another designation either in respect of sanctity or of ownership.

(28) Lev. VII, 37.

(29) Deut. XXIII, 24.

(30) V. supra. Since it counts as a freewill-offering, it is obviously valid.

(31) One might argue that the text, 'that which . . . lips' etc., itself proves that a sacrifice must in the first place at least be offered for its own sake. Hence the Talmud proceeds to shew that that is not so.

Talmud - Mas. Zevachim 5a

I do not know to what this refers,¹ therefore the Divine Law wrote 'this is the law' etc. While if the Divine Law wrote 'this is the law' [only], I would say that they become invalid;² therefore the Divine Law wrote, 'that which is gone out of thy lips' etc.

Resh Lakish lay face downward³ in the Beth Hamidrash, and raised a difficulty: If they are valid, let them be accepted;⁴ while if they are not accepted,⁵ for what purpose do they come?⁶ — Said R. Eleazar to him: We find that those [sacrifices] which come after the death [of their owners] are valid, yet they are not accepted.⁷ For we learnt: If a woman brought her sin-offering [after childbirth] and then died, her heirs must bring her burnt-offering; [if she brought] her burnt-offering, her heirs do not bring her sin-offering.⁸ I agree in the case of a burnt-offering,⁹ he replied, since it comes after death;¹⁰ but in the case of a guilt-offering which does not come after death,¹¹ whence do we know [that it is valid]?¹² — He replied, Lo, [support to] your contention is [available] close at hand: R. ELIEZER SAYS, ALSO THE GUILT-OFFERING [IS INVALID].¹³ Thereupon he exclaimed: Is this he who is spoken of as a great man? I speak to you of an explicit Mishnah, and you answer me with R. Eliezer's view!¹⁴ Rather, said Resh Lakish: I will find a solution myself: 'That which is gone out of thy lips etc.' is this a freewill-offering — surely it is a vow,¹⁵ etc. as above.¹⁶

R. Zera and R. Isaac b. Abba were sitting, and Abaye sat with them. They sat and debated: Resh Lakish had a difficulty about the guilt-offering, which does not come after death, and he adduced an exegesis on 'that which goeth out of thy lips'. Yet say, That which may come as a vow or as a freewill-offering must be brought¹⁷ but do not propitiate,¹⁸ but a guilt-offering is not to be brought at all?¹⁹ Said Abaye to them: Resh Lakish solved [the difficulty] from the following text: And he shall kill it for a sin-offering:²⁰ only it [when slaughtered] in its own name is valid

and [when slaughtered] not in its own name is invalid;²¹ but other sacrifices [slaughtered] not in their own name are valid. You might think then that they are ‘accepted’. Therefore it states, ‘that which goeth out of thy lips’.²² Then say, That which comes as a vow or a freewill-offering must be brought but is not ‘accepted’, whereas a guilt-offering is even ‘accepted’ too?²³ — Said Abaye: You cannot maintain that a guilt-offering is [in such circumstances] accepted, [as the reverse follows] from a burnt-offering, a fortiori: if a burnt-offering, whose purpose is not to make atonement, is not ‘accepted’,²⁴ then how much more is a guilt-offering, whose purpose is to make atonement, not ‘accepted’. As for a burnt-offering [you might argue] ‘the reason [that it is not ‘accepted’] is because it is altogether burnt! Then let peace-offerings prove it.’²⁵ As for peace-offerings, [you might argue] [they are not ‘accepted’] because they require libations and the waving of the breast and shoulder, Then let a burnt-offering prove it.²⁶ And thus the argument revolves: the characteristic of the former is not that of the latter and the characteristic of the latter is not that of the former. The factor common to both is that they are holy [sacrifices] ‘and if slaughtered not in their own names they are valid, yet not ‘accepted’, so also do I adduce the guilt-offering which is holy, hence if one slaughters it not in its name it is valid and not accepted. [No:] The factor common to both [it may be argued] is that they are [also] brought as public offerings!²⁷ — Then let the thanksgiving-offering prove it,²⁸

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- (1) I would not know that Scripture refers at all to the offering of a sacrifice for a purpose other than its own.
 - (2) If not offered for their own sake.
 - (3) Lit. ‘on his stomach.’ He was very stout, v. Git. 47a.
 - (4) I.e., let their owners be regarded as having fulfilled their obligations.
 - (5) If they do not acquit their owners.
 - (6) Why are they valid? At this stage he did not know that their validity is deduced from Scripture.
 - (7) I.e., they do not propitiate.
 - (8) Because in the latter case, it is a sin-offering whose owner died (the passage treats of the case where she dedicated both animals before her death) before it was offered, and it is a traditional law that such is not sacrificed but left to die. — Yet the burnt-offering is offered, though no propitiation is required on behalf of a dead woman. The present case is similar.
 - (9) That even if it is killed for a different purpose, it must still be offered (i.e., the remaining rites must be carried out).
 - (10) The same therefore applies to peace-offerings and other sacrifices which come after death.
 - (11) A guilt-offering is not brought after the death of the owner, but is left to pasture.
 - (12) Since the Tanna of the Mishnah mentions as exceptions only the paschal-offering and sin-offering.
 - (13) Sc. it is invalid presumably because it does not come after death.
 - (14) My difficulty concerns the law stated anonymously in the Mishnah, which presumably is authoritative, and it is not enough to answer me that according to R. Eliezer there is no difficulty.
 - (15) Resh Lakish had not known of this when he raised the difficulty, and arrived at this exegesis independently.
 - (16) Supra p. 2.
 - (17) I.e. if slaughtered not in its own name, the other sacrificial rites in, connection with it must be performed.
 - (18) I.e., the vow is not thereby fulfilled, since it was not brought in its proper name.
 - (19) The sacrifice in such circumstances being considered invalid.
 - (20) Lev. IV, 33.
 - (21) Altogether, and therefore we cannot proceed with the remaining rites.
 - (22) Teaching that it does not propitiate as the offering for which it was originally intended.

- (23) So that another sacrifice is not required.
- (24) If slaughtered not under its own name.
- (25) Which are not altogether burnt, yet are not 'accepted'.
- (26) Which does not require these,
- (27) The daily burnt-offering and the lambs of peace-offerings offered on Pentecost were public offerings. But no guilt-offering was ever a public offering.
- (28) Which was likewise never a public offering, yet conformed to the same law as the others,

Talmud - Mas. Zevachim 5b

As for the thanksgiving-offering [it is not 'accepted'] because it requires loaves [as an accompaniment]!¹ Then let the burnt-offering and peace-offerings prove it. And thus the argument revolves: the characteristic of the one is not that of the other, and that of the other is not that of the first. The factor common to all is that they are holy [sacrifices], and if one slaughters them not in their own name, they are valid and are not accepted; so also do I adduce the guilt-offering which is holy, and hence if one slaughters it not in its name it is valid and is not accepted. [No] the factor common to them all [it may be asked] is that they come as a vow or as a freewill-offering! — Rather said Raba: [Scripture saith,] 'This is the law etc.,' thus Scripture assimilated it [the guilt-offering] to peace-offerings. As the peace-offerings are holy [sacrifices], and if slaughtered not in their own name are valid and are not accepted, so do I adduce the guilt-offering too which is holy etc. What reason do you see to assimilate it to peace-offerings: assimilate it to the sin-offering?² — Surely the Divine Law expressed a limitation [in the word] 'it'.³

[Mnemonic: Hagesh Basar]⁴ R. Huna and R. Nahman were sitting, and R. Shesheth sat with them. They sat and said: Now Resh Lakish had experienced a difficulty, what about the guilt-offering which does not come after death?⁵ But R. Eleazar could have answered him that the guilt-offering too comes after death?⁶ — Said R. Shesheth to them: In what way is a guilt-offering brought? As a remainder!⁷ Then the remainder of a sin-offering too is indeed offered.⁸ [This, however, is no argument;] in the case of a sin-offering though the remainder thereof is offered, yet the Divine Law expressed a limitation in the word 'it' [hu]!⁹ — But in connection with the guilt-offering too hu [it] is written?¹⁰ — That is written after the burning of the emurim, as it was taught: But in the case of a guilt-offering, 'it is' [hu] is stated only after the burning of the emurim, and in fact if the emurim are not burnt at all it [the offering] is valid.¹¹ Then what is the purpose of 'it'? — For R. Huna's teaching in Rab's name. For R. Huna said in the name of Rab: If a guilt-offering was transferred to pasture and one then slaughtered it without a defined purpose, it is valid.¹² Thus, if it was transferred, it is so, but if it was not transferred, it is not so. What is the reason? Scripture says, 'it is', intimating, it must be in its essential form.¹³

R. Nahman and R. Shesheth sat, and R. Adda b. Mattenah sat with them. Now they sat and debated: Now as to what R. Eleazar said: 'We find in the case of sacrifices that come after the death [of their owners] that they are valid, yet are not accepted', let Resh Lakish say to him, Let these too come and be accepted?¹⁴ — Said R. Adda b. Mattenah to them: As for [the offering of] a woman after confinement, if she gave birth, did her children give birth?¹⁵ To this R. Assi demurred: Yet who is to say if she had been guilty of [the neglect of] many affirmative precepts

she would not be atoned for?¹⁶ And since she would be forgiven if she had been guilty of neglecting affirmative precepts, then her heirs too may thus be atoned for!¹⁷ — Are we then to say that they [the heirs] acquire it?¹⁸ But surely R. Johanan said: If one leaves a meal-offering to his two sons and dies, it is offered, and the law of partnership does not apply to it.¹⁹ If however you think that they acquire a title to it, surely the Divine Law saith, And when a soul [bringeth a meal-offering]!²⁰ Will you then say that they do not acquire it? Surely R. Johanan said: If one leaves an animal [dedicated for a sacrifice] to his two sons, and dies, it is offered, but they cannot effect substitution with it.²¹ Now it is well if you say that they acquire it; for that reason they cannot effect substitution with it, because they become partners,

(1) V. Lev, VII, 12.

(2) Which is mentioned in the same verse.

(3) As supra a.

(4) The object of this mnemonic, which means 'bring near flesh' is not clear. D.S. emends into Hanesh Nashad, consisting of key letters of the names of the Amoraim in the two paragraphs that follow.

(5) Supra 5a.

(6) For when its owner dies, it is left to graze until it contracts a blemish, whereupon it is sold and the money spent on a sacrifice, viz., a burnt-offering.

(7) As explained in preceding note.

(8) E.g., if a man sets aside two animals for his sin-offering, in case one is lost the other should be available. When the first is subsequently offered, the second is treated as a guilt-offering whose owner died. Thus a sin-offering too may be brought after death, and yet if it is sacrificed for a different purpose it is invalid; then a guilt-offering too should be invalid, and this justifies Resh Lakish's difficulty.

(9) Lev. IV, 24 (referring to the sin-offering, brought 'when a ruler sinneth'): And he shall . . . kill it . . . before The Lord; it is a sin-offering. This emphatic hu ('it is') implies that it must be brought as such, and if offered as a different sacrifice, it is invalid.

(10) Lev. VII, 5: And the priest shall make them smoke on the altar for an offering made by fire unto the Lord: it is (hu) a guilt-offering.

(11) I.e. , we cannot say that it teaches that if the emurim are burnt in the name of a different sacrifice this offering is invalid, since the sacrifice is fit even if the emurim are not burnt at all.

(12) If it was slaughtered (in the Temple court) before it became blemished ' it is valid as a burnt-offering, since that would eventually have been brought from its proceeds (v. note 2). The flesh is then burnt on the altar, while the hide belongs to the priest.

(13) Hence unless it was formally transferred to grazing on the instructions of the Beth din, it is not valid as a burnt-offering if it was slaughtered without a defined purpose.

(14) For the heirs.

(15) They do not need the sacrifice.

(16) Through the burnt-offering necessitated by childbirth. Burnt-offerings make atonement for the violation of positive precepts and negative precepts which are technically regarded as having been transformed into positive precepts. I.e where the violation of a negative precept necessitates the performance of a positive one: e.g., the violation of 'Thou shalt not rob' (Lev. XIX, 13) necessitates the performance of the positive precept, 'he shall restore that which he took by robbery' (ib. V, 23) — Thus this burnt-offering would serve another purpose too.

(17) If they were guilty of the same.

(18) And it becomes their own, so that it can make atonement for them.

(19) All sacrifices may be brought in partnership, except a meal-offering. Here this does not apply.

(20) Lev. II, 1. — So literally; E.V. and when any one. From this word 'a soul' the Talmud deduces that it can be brought by one person only. But if heirs acquire a title to their father's sacrifices, this meal-offering has now two owners.

(21) When a person dedicates an animal for a sacrifice, he must not propose another as a substitute; if he does, both are sacred (Lev. XXVII, 33). This is called effecting substitution. Here this does not apply, so that if they declare a substitute for it, it does not become sacred.

Talmud - Mas. Zevachim 6a

and partners cannot effect substitution. But if you say that they do not acquire it, let them indeed even effect substitution? — There it is different, because Scripture saith, 'And if he change it at all,' which is to include the heir;¹ and [the same verse teaches,] one can change, but not two.² To this R. Jacob of Nehar Pekod demurred: If so, when it is written, And if a man will redeem ought³ in connection with tithe, which is also to include the heir, will you say there too, One can redeem, but not two? — Tithe is different, because as far as their father too is concerned it [redemption] can be done in partnership.⁴ R. Assi said to R. Ashi: Now from this itself [you may argue]: It is well if you agree that they acquire it, for that reason one [heir] at least can effect substitution.⁵ But if you say that they do not acquire it, how can he effect substitution? Surely R. Abbahu said in R. Johanan's name: He who sanctifies [the animal] must add the fifth, whilst only he for whom atonement is made can effect substitution;⁶ and he who gives terumah of his own for another man's produce, the goodwill is his!⁷ — It does not effect a fixed [absolute] atonement, but it does make a floating atonement.⁸

The question was asked: Do they make atonement in respect of the purpose for which they came, or do they not make atonement?⁹ Said R. Shisha the son of R. Idi: Reason asserts that it does not make atonement; for if you think that it does, what is the purpose of a second [sacrifice]? What then: [do you maintain]; it does not make atonement? Why then is it offered?¹⁰ — Said R. Ashi: This is the difficulty felt by R. Shisha the son of R. Idi: It is well if you say that it does not make atonement; [for though slaughtered] for a different purpose, yet it comes in virtue of [having been dedicated for] its true purpose,¹¹ while the second [sacrifice] comes to make atonement. But if you say that it has made atonement, what is the purpose of the second?

The question was asked: Does it [a burnt-offering] make atonement¹² for [the violation of] a positive precept [committed] after the separation [of the animal], or not? Do we say, it is analogous to a sin-offering: just as a sin-offering [makes atonement] only for [the sins committed] before separation, but not for [those committed] after separation, so here too [it makes atonement] only for [the sins committed] before separation, but not for [those committed] after separation. Or, perhaps, it is unlike a sin-offering, for a separate sin-offering is incurred for each sin, whereas here, since it makes atonement if he had been guilty of [violating] many positive precepts,¹³ it may also make atonement for positive precepts [neglected] after separation? — Come and hear: And he shall lay [his hand upon the head of the burnt-offering]; and it shall be accepted [for him to make atonement for him];¹⁴ does then the laying [of hands] make atonement? Surely atonement can be made only with the blood, as it says, For it is the blood that maketh atonement by reason of the life!¹⁵ What then is taught by the verse, And he shall lay. . . and it shall be accepted. . . to make atonement? — [To teach] that if he treated [the laying of hands] as the

residue of the precept,¹⁶ Scripture regards him as though he did not make atonement, and yet he did make atonement. Now what is meant by ‘he did not make atonement’ and ‘he did make atonement’? Surely, ‘he did make atonement’ [means] in respect of positive precepts [neglected] before the separation [of the animal], while ‘he did not make atonement’ in respect of the positive precept of laying [of hands], because it is a positive precept [neglected] after separation?¹⁷ — Said Raba: You speak of the precept of laying [the hand]? There it is different, because as long as he has not yet slaughtered, he is subject to the injunction ‘Arise and lay [hands]’;¹⁸ when then is it a [neglected] positive precept? After the slaughtering; and in respect of [a precept neglected] after the slaughtering no question arises.¹⁹ R. Huna b. Judah said to Raba: Perhaps it means, ‘It did make atonement’ — for the person,

(1) The emphatic ‘at all’ is expressed in Hebrew by the doubling of the verb, and this doubling is interpreted as an extension including the heir.

(2) Since it is couched in the singular.

(3) Lev. XXVII, 31.

(4) If the produce belonged to partners in the first place, they could tithe and redeem the tithe in partnership. Hence the same applies to a man's heirs.

(5) If he is the only heir.

(6) If A dedicates an animal for B's sacrifice, and it subsequently receives a blemish and must be redeemed, then if A, who sanctified it, redeems it himself, he must add a fifth to its value, but not if B redeems it (this is deduced from Lev. XXVII, 15). Again, only B effects substitution, but not A. Since then the heir does effect substitution, he is obviously regarded as in the place of B, hence its owner.

(7) I.e., he (so. the man who gives it) can give it to any priest he desires. If money is offered for the terumah to be given to a particular priest, that money belongs to him.

(8) I.e., it does not make an absolute atonement for the heir as though he were its absolute owner; therefore in the case of a meal-offering, though there are two heirs, they still offer it. But the heir has, as it were, a light floating right of atonement in it (i.e., he has some slight rights of ownership in it), and therefore he can effect substitution.

(9) When a sacrifice is killed for a purpose other than its own, its owner has not fulfilled his obligation. Nevertheless the question arises where this was brought in order to make atonement for a certain sin, whether the owner can regard it as having made that atonement, or not. It makes no practical difference, save that the owner may feel himself forgiven even before he offers the second sacrifice.

(10) Why do we proceed with the sacrificial rites e.g. sprinkling, if it does not make atonement in any case?

(11) Originally it was dedicated for its rightful purpose. This hallows it, and so even when it is killed for a different purpose it retains its sanctity, and therefore the other sacrificial rites must be proceeded with,

(12) On the atoning effect of a burnt-offering V. supra p. 22, n. 3.

(13) One burnt-offering makes atonement for all.

(14) Lev. I, 4.

(15) Lev. XVII, 11.

(16) I.e., as something unimportant, and so neglected it altogether.

(17) Which solves the question propounded.

(18) Hence before he slaughtered he cannot be said to have violated it.

(19) It certainly does not make atonement for such (though further on R. Jeremiah asks even in respect of such too), and the question is only in respect of precepts neglected after the separation of the animal, but before it is slaughtered.

Talmud - Mas. Zevachim 6b

Talmud - Mas. Zevachim 6b

‘and it did not make atonement’ before Heaven?¹ Did we not learn: And the rest of the oil that is in the priest's hand he shall put upon the head of him that is to be cleansed; and the priest shall make atonement for him before the Lord;² if he put [it], he made atonement; while if he did not put [it], he did not make atonement — this is the view of R. Akiba. R. Johanan b. Nuri said: It is but the residue of a precept,³ therefore whether he did put [it on his head] or he did not, he made atonement, yet we regard him as though he did not make atonement. What is meant by ‘as though he did not make atonement’? Shall we say, that he must bring another sacrifice? But you say, ‘Whether he did put or he did not put, he made atonement’! Hence it must mean, ‘It made atonement’ — for the person, ‘yet it did not make atonement’ — before Heaven. Then here too [it may mean that] ‘it did make atonement etc’! — [No:] there too It means that ‘he made atonement’ — in respect of putting it on the thumbs,⁴ but ‘he did not make atonement’ — in respect of the putting it on the head.⁵ Come and hear: R. Simeon said: For what purpose are the [sacrificial] lambs of Pentecost brought?⁶ [Surely] the lambs of Pentecost are peace-offerings!⁷ Rather the question is: For what purpose are the two he-goats of Pentecost brought?⁸ — [To make atonement] for the defilement of the Temple and its holy things.⁹ Now once the blood of the first has been sprinkled, for what purpose is the second offered?¹⁰ [To make atonement] for uncleanness which [may have] occurred in the interval between the two. From this it follows that Israel should have been perpetually¹¹ engaged in offering their sacrifices,¹² but that Scripture spared them.¹³ Now in this case it is a positive command [violated] after the separation [of the animals],¹⁴ yet it makes atonement! — [No:] If they were separated at the same time, that indeed would be so;¹⁵ but the circumstances are that they were separated one after the other.¹⁶ Are we then to arise and assert that the written law of Scripture [that two are brought] holds good only [when they are separated] one after the other?¹⁷ — Said R. Papa: Do you speak of public sacrifices? Public sacrifices are different, because the Beth din tacitly stipulates concerning them,¹⁸ in accordance with Rab Judah's diction in Samuel's name. For Rab Judah said in Samuel's name: The knife draws them to their legitimate purpose.¹⁹ Said R. Joseph the son of R. Samuel to R. Papa: Does then R. Simeon accept the thesis that the Beth din makes a tacit stipulation? Surely R. Idi b. Abin said in the name of R. ‘Amram in the name of R. Isaac in the name of R. Johanan: Daily burnt-offerings which are not required for the community²⁰

(1) I.e., it has technically made atonement, the laying of the hands not being absolutely indispensable, yet not satisfactorily, in the proper way. On this interpretation it has nothing to do with the question when these precepts were violated.

(2) Lev. XIV, 18.

(3) Since Scripture refers to this oil as ‘the rest’; hence it is not indispensable.

(4) V. Lev. XIV, 14.

(5) Therefore more oil must be brought for that purpose. But whereas R. Johanan b. Nuri holds that it is sufficient now for the oil to be put on his head, R. Akiba rules that it must also be put again on his thumbs.

(6) Lev. XXIII, 18; Num. XXVIII, 27.

(7) Whose purpose is to permit the use of the new wheat for meal-offerings and first-fruits.

(8) V. Lev. XXIII, 19 and Num. XXVIII, 30.

(9) I.e., for the sin of entering the Temple or eating the flesh of sacrifices whilst unclean.

(10) Seeing that atonement has already been made with the first. The essence of atonement was the sprinkling of

the blood.

(11) Lit., 'at every time and every moment'.

(12) For this possibility is always before us; thus, immediately the blood of the second has been sprinkled, a third ought to be brought, and so on.

(13) For the strain and obligation would be too great.

(14) They were separated the previous day. The injunction against entering the Sanctuary lies in the passage: Command the children of Israel, that they put out of the camp . . . whosoever is unclean by the dead (Num. V, 2). Since this is expressed affirmatively, it ranks as a positive command.

(15) The second would not make atonement for anything not atoned for by the first, and so it would have no purpose.

(16) And the second makes atonement for the defilement which occurred in the interval on the eve of the Festival between the separations.

(17) That is hardly feasible!

(18) That no matter when they are actually separated, the last is to be regarded as though separated immediately prior to its being offered, and therefore it makes atonement up to that very moment.

(19) If an animal is slaughtered as a public sacrifice, yet for a purpose other than for which they had been originally intended the knife, as it were, automatically dedicates it to a legitimate purpose, and the sacrifice is valid. The reason is that Beth din is regarded as tacitly stipulating their purpose (v. Shebu. 12b), and so the same holds good here too.

(20) 'Not required' means here not fit as such. There was an annual levy of one shekel for the public sacrifices, which was to be paid not later than the first of Nisan. From that date the statutory public sacrifices had to be purchased from the new funds, and not from the old. If animals however were purchased with the old funds, they were offered as extra public sacrifices (if it happened at any time that there was a paucity of private sacrifices), but not as the statutory public sacrifices, such as the daily burnt-offering.

Talmud - Mas. Zevachim 7a

cannot be redeemed, according to R. Simeon's view, as long as they are unblemished, while on the view of the Sages they can be redeemed while unblemished.¹ Moreover,² surely R. Jeremiah asked R. Zera: If the blood of the Pentecostal he-goats was received in two basins,³ and the blood of one was sprinkled, what is the purpose of the second?⁴ [To which he replied:] On account of defilement that occurred between the sprinkling [of the blood] of the one and that of the other. Thus he is in doubt only in respect of [the violation of] a positive command after the slaughtering, but he does not ask in respect of [the violation of] a positive command after the separating [of the animal]!⁵ — [No:] Perhaps his question is hypothetical.⁶

It was taught: If one slaughtered a thankoffering in the name of his fellow's thankoffering,⁷ — Rabbah ruled: It is valid;⁸ while R. Hisda said: It is invalid. Rabbah ruled, 'It is valid', [because] a thankoffering has been slaughtered as a thankoffering. R. Hisda said, 'It is invalid', because it must be slaughtered in the name of his peace-offering.⁹ Rabbah said: Whence do I know it? Because it was taught: And the flesh of his peace-offerings for thanksgiving shall be eaten on the day of his offering:¹⁰ Abba Hanin said on R. Eliezer's authority: This comes to teach that if a thankoffering is slaughtered in the name of a peace-offering, it is valid; if a peace-offering is slaughtered in the name of a thankoffering, it is invalid. What is the difference between these two cases? A thankoffering is designated a peace-offering, but a peace-offering is not designated a

thanksoffering.¹¹ Thus a peace-offering [slaughtered] as a thanksoffering is invalid, whence it follows that a thanksoffering [slaughtered] as a [different] thanksoffering is valid. Surely that means, [even in the name] of his fellow's [thanksoffering].¹² No: only [when brought in the name of] his own.¹³ But what if it is [in the name of] his fellow's: it is invalid? Then instead of teaching, 'if a peace-offering is slaughtered in the name of a thanksoffering, it is invalid', let him teach, 'if a thanksoffering [is slaughtered in the name of] a thanksoffering [of a different class, it is invalid], and how much more so a peace-offering in the name of a thanksoffering? — He wishes to teach of a peace-offering [slaughtered] in the name of his own thanksoffering.¹⁴ You might argue, Since a thanksoffering is designated a peace-offering, a peace-offering too is designated a thanksoffering, and when he kills it [the former] in the name of the thanksoffering, it should be valid. Therefore he informs us [that it is not so].

Raba said: If one slaughters a sin-offering [for one offence] as a sin-offering [for another offence], it is valid; as a burnt-offering, it is invalid,¹⁵ What is the reason? The Divine Law saith, And he shall kill it for a sin-offering,¹⁶ and lo, a sin-offering has been slaughtered for a sin-offering; [while from the same verse we learn that if it is slaughtered] for a burnt-offering, it is invalid.¹⁷

Raba also said: If one slaughters a sin-offering on behalf of [another] person who is liable to a sin-offering, it is invalid; on behalf of one who is liable to a burnt-offering, it is valid. What is the reason? — [And the priest] shall make atonement for him,¹⁸ but not for his fellow, and 'his fellow' implies one like himself, being in need of atonement as he is.¹⁹

Raba also said: If one slaughters a sin-offering on behalf of a person who is not liable in respect of anything at all,²⁰ it is invalid, because there is not a single Israelite who is not liable in respect of an affirmative precept; and Raba said: A sin-offering makes atonement for those who are liable in respect of an affirmative precept, a fortiori: seeing that it makes atonement for those who are liable to kareth, how much the more for those who are liable in respect of an affirmative precept!²¹ Shall we then say that it belongs to the same category?²² But surely Raba said: If one slaughters a sin-offering on behalf of [another] person who is liable to a sin-offering, it is invalid; on behalf of a person who is liable to a burnt-offering, it is valid?²³

(1) For we assume a tacit stipulation of the Beth din that it be permitted to redeem them even while unblemished (normally this is forbidden) and thus, becoming hullin, they can be purchased with the new shekels and then be offered as daily burnt-offerings. R. Simeon however rejects this assumption, and therefore holds that they cannot be redeemed but must be offered as extra public sacrifices.

(2) Even assuming that the Biblical text itself might be explained as referring to the case where the two goats were separated one after the other.

(3) They were both killed at the same time.

(4) According to R. Simeon, since no defilement could occur in the interval, as they were killed simultaneously.

(5) Presumably R. Jeremiah was certain that according to R. Simeon it does make atonement in that case.

(6) He may be in doubt about the latter too, but his question is this: on the hypothesis that R. Simeon holds that it does make atonement in the latter case, how is it in the former one?

(7) A and B each brought one, and A's offering was killed for the purpose for which B's was brought.

(8) He has done his duty, and does not bring another.

- (9) Cf. Lev. VII, 15: And the flesh of his peace-offerings for thanksgiving.
- (10) Ibid.
- (11) Supra 4a
- (12) Belonging to a different class.
- (13) Even if he killed it for a different reason. E.g., he brought a thanksoffering for being freed from prison, but declared it to be on account of having made a sea-journey in safety. Here, though the reason is different, yet both belong to the same category, and therefore it is valid,
- (14) Where he was to bring both,
- (15) V. Supra 3b.
- (16) Lev, IV, 33.
- (17) V. infra 7b.
- (18) Ibid 26,31,35.
- (19) V. Supra 3b.
- (20) Actually specifying thus.
- (21) Hence it is the same as though he had slaughtered it on behalf of another person who is liable to a sin-offering.
- (22) I.e., that sins of omission fall into the same category as offences entailing a sin-offering.
- (23) Now a burnt-offering atones for sins of omission. But if these fall into the same category as offences entailing a sin-offering, then just as the latter is invalid when slaughtered on behalf of another who is liable to a sin-offering, so should it be invalid when slaughtered on behalf of another who is liable to a burnt-offering, for 'his fellow' is then like himself (V. supra).

Talmud - Mas. Zevachim 7b

— It [a sin-offering] does not make a fixed atonement but it does make a floating atonement.¹

Raba also said: If a burnt-offering was killed for a different purpose, its blood must not be sprinkled for a different purpose. This follows either from Scripture or by reason. If you will, it is [deduced from] a text: That which is gone out of thy lips thou shalt observe, etc.² Alternatively, it is logical: because he has made an alteration therein, etc. as stated at the beginning of this chapter.³

Raba also said: If a burnt-offering is brought after [the] death [of its owner], and is slaughtered under a changed sanctity,⁴ it is invalid;⁵ but [if it is slaughtered] with a change in respect of ownership,⁶ it is valid, for there is no ownership after death. But R. Phinehas the son of R. Ammi maintained: There is ownership after death.⁷ R. Ashi asked R. Phinehas the son of R. Ammi: Do you particularly maintain that there is ownership after death, and so he [the heir] must bring another burnt-offering;⁸ or perhaps, if he [the heir] has violated many affirmative precepts, it makes atonement for him?⁹ I maintain it particularly, he answered him.

Raba said further: A burnt-offering is a votive gift.¹⁰ For how is it possible?¹¹ If there is no repentance, then the sacrifice of the wicked is an abomination!¹² While if there is repentance, surely it was taught: If one violated an affirmative precept and repented, he does not stir thence until he is forgiven.¹³ Hence it follows that it is a votive gift.

(Mnemonic: For whom does a sin-offering atone? A burnt-offering after a votive gift.)¹⁴ It was taught likewise. R. Simeon said: For what purpose does a sin-offering come? — [You ask,] ‘for what purpose does a sin-offering come?’ Surely in order to make atonement! — Rather, [the question is:] Why does it come before the burnt-offering?¹⁵ [Because it is] like an intercessor who enters [to appease the King]: When the intercessor has appeared [him], the gift follows.¹⁶

WITH THE EXCEPTION OF THE PASSOVER-OFFERING AND THE SIN-OFFERING. How do we know it of the Passover-offering? — Because it is written, Observe the month of Abib, and prepare the Passover-offering;¹⁷ [this intimates] that all its preparations must be in the name of the Passover-offering. We have thus found [that] change in respect of sanctity [disqualifies it]; how do we know [the same of] change in respect of owner? — Because it says, Then ye shall say: It is the slaughtering of the Lord's Passover,¹⁸ [which teaches] that the ‘slaughtering’ must be done in the name of the Passover-offering. Now since this teaching is redundant in respect of change in respect of sanctity,¹⁹ apply the teaching to change in respect of owner. We have thus found it as a regulation;²⁰ how do we know that it is indispensable?²¹ — Scripture saith, And thou shalt sacrifice the Passover-offering unto the Lord thy God.²² To this R. Safra demurred: Does this [passage], ‘And thou shalt sacrifice etc.’ come for this purpose: Surely it is required for R. Nahman's dictum? For R. Nahman said in Rabbah b. Abbuha's name: How do we know that the leftover of a Passover-offering is brought as a peace-offering?²³ Because it is said, ‘And thou shalt sacrifice the Passover-offering unto the Lord thy God, of the flock and of the herd.’ Now surely the Passover-offering comes only from lambs or from goats?²⁴ Hence we learn that the left-over of the Passover-offering is to be [utilised] for something which comes from the flock and from the herd; and what is it? A peace-offering. — Rather, said R. Safra: ‘And thou shalt sacrifice the Passover-offering’ [is required] for R. Nahman's dictum; ‘Observe the month of Abib’ [is required] for the regulation in respect of changed sanctity; ‘Then ye shall say: [It is] the slaughtering of the Lord's Passover’ [is required] for the regulation relating to change in respect of owner; ‘it is’²⁵ teaches that it is indispensable, both in the former and in the latter cases.²⁶

Now we have thus found [it in the case of] slaughtering: how do we know [it of] the other services? — Since it was revealed [in the one], it was [also] revealed [in the others].²⁷ R. Ashi said: We do not argue, ‘Since it was revealed, it was revealed’. How then do we know it of [the other] services? — Because it is written, This is the law of the burnt-offering, of the meal-offering, [and of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of peace-offerings].²⁸ Now it was taught: In the day that He commanded the children of Israel to present their offerings²⁹ refers to the firstling, tithe, and Passover-offering. Thus Scripture assimilates it [the Passover-offering] to the peace-offering: as [in the case of the] peace-offering we require as a regulation [that there shall not be] either change in respect of sanctity or change in respect of owner, so in the case of all [these] do we require as a regulation [that there shall not be] either change in respect of sanctity or change in respect of owner. Again, it is like the peace-offering [in this respect]: As you do not differentiate in the peace-offering between slaughtering and the other services in respect of the regulation, so must you not differentiate in the case of the Passover-sacrifice between slaughtering and the other services in respect of indispensability.³⁰ Then in that case, what is the purpose of ‘it is’? — For what was taught: As for the Passover-offering, ‘it is’ is stated there to teach indispensability as far as slaughtering is concerned; whereas in the case of a guilt-offering ‘it is’ is stated only after the

burning of the emurim, and in fact if the emurim are not burnt at all, it [the offering] is valid.³¹

How do we know it of the sin-offering?³² — Because it is written, And he shall kill it for a sin-offering,³³ which intimates that it must be killed for the sake of a sin-offering. We have thus found [it of] slaughtering; how do we know [it of] receiving [the blood]? — Because it is written,

(1) Cf. supra 6a. A sin-offering does not make atonement for the omission of positive precepts when it is directly dedicated for that purpose only, but only when it is dedicated for sins which entail a sin-offering, but whose owner has also been guilty of sins of omission. Since it does not atone for sins of omission standing by themselves, one who is in need of a burnt-offering (on account of sins of omission) is not 'his fellow' similar to 'himself', and therefore if a sin-offering is slaughtered on behalf of such, it is valid, provided that one had already vowed a burnt-offering, which covers all his sins of omission, so that a sin-offering is quite superfluous as far as he is concerned. But if he had not vowed a burnt-offering, a sin-offering has a certain relation to him in so far that if he was liable to a sin-offering too, this would make atonement for the sins of omission also. Hence he is sufficiently similar to his fellow to invalidate his fellow's sin-offering slaughtered on his behalf.

(2) Deut. XXIII, 24.

(3) Supra 2a.

(4) I.e. as a different sacrifice, e.g. a peace-offering.

(5) And another must be brought before the deceased is deemed to have fulfilled his vow.

(6) For a different person.

(7) V. Supra 4b.

(8) As in n. 6.

(9) For the heir is the owner,

(10) It does not actually atone for sins of omission, but after one has repented this comes as a gift of appeasement, as it were.

(11) For it to make atonement in actuality.

(12) Prov. XXI, 27.

(13) I.e., he is undoubtedly forgiven even without a sacrifice.

(14) A string of words so arranged as to facilitate the remembering of the subjects discussed hereunder.

(15) When one has to bring both, the sin-offering takes precedence; infra 89b.

(16) Thus the sin-offering is the intercessor and the burnt-offering follows as a gift.

(17) Deut. XVI, 1.

(18) Ex. XII, 27.

(19) As that has been derived from Deut. XVI, 1.

(20) I.e., these verses teach that the Passover-offering must be sacrificed specifically as such and for its registered owner.

(21) In the sense that it is otherwise disqualified.

(22) Deut. XVI, 2. This too has the same teaching as XVI, 1. Since however it is superfluous in that case, it must intimate that this regulation is indispensable.

(23) E.g., if an animal dedicated for a Passover-sacrifice was lost, whereupon its owners registered for another animal, and then the first was found after the second was sacrificed. Or again, if a sum of money was dedicated to buy a paschal lamb, but it was not all expended; then too the surplus must be used for a peace-offering.

(24) But not from the herd, which means the larger cattle.

(25) Heb. 'hu', This is regarded as superfluous and hence interpreted as emphasizing the regulation to the extent of making it indispensable.

- (26) A change either in respect of sanctity or owner invalidates the paschal sacrifice.
- (27) I.e., they follow automatically.
- (28) Lev, VII. 37.
- (29) Ibid. 38.
- (30) What is indispensable for slaughtering is also indispensable for the other services. — Here follows a short passage in the original which the commentaries delete.
- (31) V. Supra 5b.
- (32) That if not slaughtered for its own sake it is invalid.
- (33) Lev. IV, 33.

Talmud - Mas. Zevachim 8a

And the priest shall take of the blood of the sin-offering,¹ which intimates that receiving must be for the sake of a sin-offering. We have thus found [it of] slaughtering and receiving: How do we know it of sprinkling? — Because Scripture saith, And the priest shall make atonement for him through his sin-offering,² [which teaches] that atonement must be [made] for the sake of the sin-offering.³ We have thus found [the law relating to] change in respect of Sanctity; how do we know it of change in respect of owner?—Scripture saith: [And the priest shall make atonement]for him, implying for him, but not for his fellow. We have thus found it as a regulation: how do we know that it is indispensable? — As R. Huna the son of R. Joshua said [elsewhere; Scripture saith,] ‘his sin-offering’, [where] ‘sin-offering’ [alone would suffice]: so here too’ [Scripture saith,] his sin-offering [where] sin-offering [alone would suffice].⁴ We have thus found the regulation relating to change in respect of sanctity, and [a prohibition of] change in respect of owner at the sprinkling, this being both a regulation and indispensable. How do we know that it is indispensable [in the case of all services]⁵ as far as change in respect of sanctity is concerned; and that [the prohibition of] change in respect of ownership at the other services is both a regulation and indispensable? — Said R. Jonah: It is inferred from a nazirite's sin-offering, for it is written, And the priest shall bring them before the Lord, and shall prepare his sin-offering, and his burnt-offering:⁶ [this intimates] that all its preparations [sc. the services] must be for the sake of a sin-offering. We have thus found it regarding change in respect of sanctity; how do we know change In respect of owner?⁷ — Said R. Huna son of R. Joshua: [Scripture saith,] ‘his sin-offering’, [where] ‘sin-offering’ [alone would suffice]. To this Rabina demurred: If so, how do you interpret [the superfluous] ‘his burnt-offering’ [where] ‘burnt-offering’ [alone would suffice]? (But according to Rabina, how does he interpret [the apparently superfluous] ‘his meal-offering’, ‘his drink-offering’, where ‘meal-offering’, ‘drink-offering’ [alone would suffice]?)⁸ — He requires those [for the following deduction]: Their meal-offering and their drink-offering [intimates] at night; their meal-offering and their drink-offering, even on the next day.)⁹ But how do you interpret [the superfluous] his burnt-offering [where] burnt-offering [alone would suffice]? Furthermore, can they¹⁰ be learnt from each other? The sin-offering of forbidden fat¹¹ cannot be learnt from a nazirite's sin-offering, since the latter is accompanied by another sacrifice.¹² [On the other hand] a nazirite's sin-offering cannot be learnt from the sin-offering of forbidden fat, since the latter is a case of kareth!¹³ — Rather, said Raba: We infer it from a leper's sin-offering, for it is written, And the priest shall prepare¹⁴ the sin-offering,¹⁵ which teaches that all its preparations [services] must be for the sake of a sin-offering. Thus we have found [the law relating to] change in respect of sanctity; how does he know it of change in respect of owner? — Scripture saith, And

[he shall] make atonement for him that is to be cleansed:¹⁵ [this intimates,] for this [man] who is to be cleansed, but not for his fellow who is to be cleansed.

Yet [the question] still [remains]: Can they be learnt from each other? The sin-offering of forbidden fat cannot be learnt from the leper's sin-offering, since the latter is accompanied by another sacrifice. [On the other hand] a leper's sin-offering cannot be learnt from the sin-offering of forbidden fat, since the latter is a case of kareth! — One cannot be learnt from one, but one can be learnt from two.¹⁶ But in the case of which should it not be written? [Shall we say,] Let the Divine law not write it in the case of the sin-offering of forbidden fat, and let it be deduced from these others? [Then I can argue that] the reason in the case of these others is that another sacrifice accompanies them! [If we say,] Let the Divine law not write it in the case of the nazirite's sin-offering and let it be deduced from these others: [I can argue that] the reason in the case of these others is that no absolution [revocation] is possible!¹⁷ [If I say,] Let the Divine law not write it in the case of the leper's sin-offering, and let it be deduced from these others: [then I can argue that] the reason in the case of these others is that they do not come in poverty!¹⁸ — Rather, Scripture saith, This is the law of the burnt-offering, of the meal-offering, and of the sin-offering [and of the sacrifice of peace-offerings]:¹⁹ thus the Writ assimilated it [the sin-offering] to the peace-offering. As in the case of peace-offerings both change in respect of sanctity and change in respect of name [are prohibited, for] we require [that the services be performed] for their own [sc. that of the peace-offerings'] sake, this being a regulation;²⁰ so in the case of the sin-offering both change in respect of sanctity and change in respect of name [are prohibited, for] we require [that the services be performed] for their own sake, this being a regulation. Therefore the regulation is deduced from a peace-offering, while these other verses²¹ teach that it is indispensable. Again, we have found [this of] the sin-offering of forbidden fat, where 'for a sin-offering' is written;²²

(1) Ibid, 34.

(2) Ibid. 35. This is apparently the Talmudic rendering of the verse.

(3) Atonement consists in essence of the sprinkling. — Carrying the blood to the side of the Altar where it is sprinkled is included in receiving (Rashi).

(4) The emphasis implicit in 'his' intimates indispensability.

(5) Sh. M. deletes bracketed words.

(6) Num. VI, 16.

(7) A passage follows here in the original which the commentaries delete.

(8) 'His meal-offering' and 'his drink-offering' (or rather 'their') occur quite frequently; why does Rabina ask only about 'his burnt-offering' and not about these?

(9) V. infra 84a.

(10) Sc. different kinds of sin-offerings.

(11) This is the technical designation of all sin-offerings brought on account of actual sin, in contrast e.g., to a nazirite's sin-offering, which is not really brought through sin at all.

(12) Lit., 'other blood'.

(13) A sin-offering is brought for the unwitting transgression of an injunction which, if deliberately violated, entails kareth (v. Glos).

(14) E. V. 'offer'.

(15) Lev. XIV, 19.

(16) For Scripture need not have intimated the teaching in the case of all those. — This answer implies that one

intimation at least is superfluous.

(17) A nazirite can be absolved of his vow altogether, and then his sacrificial obligations automatically expire. But in no circumstances can the other two be freed of their obligations.

(18) If a leper is too poor he can bring a bird instead of an animal for a sin-offering (V. Lev. XIV, 21-22). But this leniency is not permitted in the case of the other two.

(19) Lev. VII, 37.

(20) But not, however, indispensable to the extent that a peace-offering is invalid if offered as a different sacrifice,

(21) Quoted above, teaching that change of name and of sanctity are forbidden, which are now superfluous.

(22) In Lev. IV, 33. The passage deals with an offering brought for sins other than those which the Talmud proceeds to enumerate.

Talmud - Mas. Zevachim 8b

how do we know [it of] the sin-offerings of idolatry, hearing a voice, swearing clearly with the lips and the defilement of the Sanctuary and its sacred objects, where ['for a sin-offering'] is not written?¹ — The sin-offering of idolatry is inferred from the sin-offering of forbidden fat, since it entails kareth, just as the latter does. While all the others are inferred [by analogy] through a common characteristic.² Our Rabbis taught: The Passover-offering, in its season,³ [if slaughtered] in its own name, is valid; if not [slaughtered] in its own name, it is invalid. During the rest of the year, [if slaughtered] in its own name, it is invalid; if not [slaughtered] in its own name, it is valid.⁴ (Mnemonic: Shalew Kab'AYZan, Memaher, Beza, BA.) Whence do we know it? — Said Samuel's father: Scripture saith, And if his offering for a sacrifice of peace-offerings unto the Lord be of the flock:⁵ [this teaches that] whatever comes of the flock is to be for a sacrifice of peace-offerings.⁶ Then say, [if sacrificed as] a peace-offering, it is [valid]; but [if sacrificed as] anything else, it is not valid?⁷ Said R. Ela in R. Johanan's name: 'For a sacrifice' includes every sacrifice.⁸ Then say, For whatever purpose it is slaughtered, let it be such?⁹ — If it were written, 'for peace-offering and a sacrifice', [it would be] as you say; since however it is written, 'for a sacrifice of peace-offerings', [its implication is,] for whatever purpose it is slaughtered, let it be a peace-offering. Yet say, 'for a sacrifice' is a generalization, while 'of peace-offerings' is a particularization; how [in the case of] a generalization and a particularization, the generalization includes only what is contained in the particularization; [hence if it is sacrificed as] a peace-offering, it is [valid], but [if it is offered as] anything else, it is not [valid]? 'Unto the Lord' is again a generalization.¹⁰ To this R. Jacob of Nehar Pekod demurred: But the last generalization is dissimilar from the first, [for] the first generalization includes sacrifices but nothing else, whereas the last generalization, 'unto the Lord', implies whatever is the Lord's, even [if he slaughtered it] for fowl — [offerings],¹¹ and even for meal-offerings? — This is in accordance with the Tanna of the School of R. Ishmael who applies the rule to a generalization and a particularization of this nature, [and maintains that even in such a case, where you have] a generalization, a particularization and a generalization [in this sequence,] you must be guided by the particularization: as the particularization is explicitly something that is not in its own name, and it is valid,¹² so whatever that is not in its own name is valid. Then [say:] as the particularization is explicitly something which can come as a vow or a freewill-offering,¹³ so everything which can come as a vow or as a freewill-offering [is included]; [hence, if he slaughters the Passover-offering out of its season as] a burnt-offering or as a peace-offering it is [valid], [but if he slaughters it then as] a sin-offering or a guilt-offering, it is not [valid]! — Rather, 'For a

sacrifice' is an extension.¹⁴ Then say, for whatever it is slaughtered, let it be such!¹⁵ — Said Rabin:

(1) The sin-offering of idolatry: And when ye shall err, and not observe all these commandments etc.; and if one person sin through error etc. (Num. XV, 22, 27). The Talmud relates this to idolatry in ignorance. The text: And if any one sin, in that he heareth the voice of adjuration etc. . . ' . ' or if any one touch an unclean thing (and then, according to the Rabbinic interpretation, enters the Sanctuary or eats sacred food). . . or if any one swears clearly with his lips etc. (Lev. V, 1-4).

(2) They are inferred by analogy through the feature common to the sin-offering of forbidden fat, that of a nazirite, and that of a leper. The only feature they have in common is that they are sin-offerings, and both change in respect of sanctity and change in respect of owner disqualify them. Therefore the others here enumerated, which have the same feature, viz., that they are sin-offerings, are likewise disqualified by change of sanctity or change of owner.

(3) The time for killing it is from midday on the fourteenth of Nisan until nightfall.

(4) This refers to an animal dedicated for a Passover-offering which was lost when it was required and found later. It is then to be sacrificed as a peace-offering.

(5) Lev. III, 6.

(6) Since a Passover-offering comes of the flock it is included in this deduction. Further, that can only mean after its season, for it has already been deduced supra that if it is offered for anything but itself in its season it is invalid.

(7) Whereas it is simply stated, 'if not slaughtered in its own name, it is valid', which implies that it is valid if sacrificed as any offering.

(8) For these words (one word in the original) are superfluous, hence they are interpreted as an extension.

(9) E.g., if it is slaughtered as a burnt-offering, it is a burnt-offering. — Actually it is a peace-offering under all circumstances.

(10) In such cases the generalization includes everything that is similar to the particularization; hence, anything that comes of the flock.

(11) I.e., if he slaughtered it as the sin-offering of a bird.

(12) As explained above,

(13) Both are votive offerings. A vow is technically where one vows to bring a sacrifice, without specifying the animal at the time; a freewill-offering is a vow to bring a particular animal for an offering.

(14) Rashi: it is not interpreted under the rule of generalization etc., but as an extension, in which case even cases not similar to itself are included. The rule of generalization etc., is applied only where the natural sense of the passage yields a generalization and a particularization, without anything in the text being superfluous. Here, however, 'for a sacrifice of peace-offerings' is regarded as altogether superfluous, and therefore it is held to be an extension.

(15) As above,

Talmud - Mas. Zevachim 9a

We transfer sacrifices which are eaten to sacrifices which are eaten, but do not transfer sacrifices which are eaten to sacrifices which are not eaten.¹ Are then a sin-offering and a guilt-offering not eaten? — [Say] rather, we transfer sacrifices which are eaten by all to sacrifices which are eaten by all, but do not transfer sacrifices which are eaten by all to sacrifices which are not eaten by all.² R. Jose son of R. Abin said: We transfer sacrifices of lesser sanctity to sacrifices of lesser sanctity, but do not transfer sacrifices of lesser sanctity to sacrifices of higher sanctity.³ To this R. Isaac son of R. Sabarin demurred: Then say that if one slaughtered it as tithe, let it be tithe;⁴ and in

respect of what law would that be? That it should not require a drink-offering; and that the penalty of flagellation should be incurred by one who violates the injunction, It shall not be redeemed?⁵ — Scripture saith, The tenth shall be holy,⁶ [which implies,] this one [the tenth] can be tithe, but no other can be tithe. [Again,] say that if one slaughtered it as a firstling, let it be as a firstling: in respect of which law? That it should not require a drink-offering; or that it should be given to the priests? — As for a firstling too, similarity of law with tithe is deduced from the fact that ‘passing’ is written in both cases.⁷ Say that if one slaughtered it as a substitute,⁸ let it be a substitute: in respect of which law? To be flagellated on its account;⁹ or alternatively, that in respect thereof we should be guilty of, ‘it shall not be redeemed’?¹⁰ — Said Mar Zutra the son of R. Nahman: Scripture saith, Then both it and that for which it is changed shall be [holy], [which implies,] This is a substitute but no other is a substitute.¹¹ And say that if one slaughters is as a thanksgiving, let it be a thanksgiving: in respect of what law? That it may require [the addition of] loaves.¹² — Can there be a case where the Passover-offering itself does not require loaves, yet its remainder does require loaves! If so, then now too [you may argue:] Can there be a case where the Passover-offering itself does not require a drink-offering [to accompany it], yet its remainder requires a drink-offering? — This is our argument: Can there be a case where the remainder of the thanksgiving itself requires no loaves, yet the remainder of that which was converted into a thanksgiving¹³ shall require loaves!

To this¹⁴ R. Yemar the son of R. Hillel demurred: And whence [does it follow] that it is written in reference to the remainder of a Passover-offering: perhaps it is written of the remainder of a guilt-offering?¹⁵ — Said Raba, Scripture saith: ‘And if his offering for a sacrifice of peace-offerings be of the flock’,¹⁶ [which implies that it refers to] that for which the whole flock is equally fit.¹⁷ To this R. Abin b. Hiyya-others say, R. Abin b. Kahana-demurred: Everywhere else you say that ‘of’ is a limitation, yet here ‘of’ is an extension?¹⁸ — Said R. Mani: Here too ‘of’ is a limitation, [teaching] that it cannot be two years old nor a female.¹⁹ R. Hana of Baghdad demurred: Can you say that this text is written in reference to the Passover-remainder; surely since it states, If [he bring] a lamb [for his offering] . . . And if [his offering be] a goat,²⁰ it follows that it does not refer to a Passover remainder?²¹ — That is required for what was taught: ‘[If he bring] a lamb’: this is to include the Passover-offering, in respect of its fat tail.²² When it is stated, ‘If [he bring] a lamb’, it is to include a Passover-offering more than a year old,²³ and a peace-offering which comes in virtue of a Passover-offering²⁴ in respect of all the regulations of peace-offerings, [viz.,] that they require laying on [of the hands],²⁵ drink-offerings, and the waving of the breast and shoulder. [Again,] when it states, ‘and if [his offering be] a goat’,²⁶ it breaks across the subject [and] teaches that a goat does not require [the burning of the] fat tail [on the altar].²⁷ But is that²⁸ deduced from this? Surely it is deduced from [the verse quoted by] Samuel's father? For Samuel's father said: And if his offering for a sacrifice of peace-offerings unto the Lord be of the flock²⁹ [teaches that] whatever comes of the flock must be for a sacrifice of peace-offerings.³⁰ — But still, this is deduced from [the verse quoted by] R. Nahman in the name of Rabbah b. Abbuha. For R. Nahman said in Rabbah b. Abbuha's name: How do we know that a Passover remainder is brought as a peace-offering? Because it says, And thou shalt sacrifice the Passover-offering unto the Lord thy God, of the flock and of the herd.³¹ Yet surely the Passover-offering comes only from lambs or from goats? From this [we learn] that the Passover-remainder must be [utilised] for something which comes from the flock and from the herd; and what is it? A peace-offering.³²

In fact, however, three texts are written:

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- (1) The animal dedicated for a Passover-offering was in the first place consecrated as a sacrifice which is eaten. Now that it cannot be offered for what it was originally intended, it is transferred to a peace-offering, which is eaten, and not to a burnt-offering, which cannot be eaten.
 - (2) The Passover-offering and peace-offering are eaten by all, whereas the sin-offering and the guilt-offering are eaten by male priests only.
 - (3) These are fully discussed in Ch. V.
 - (4) For that too is a sacrifice of lesser sanctity.
 - (5) Lev. XXVII, 33 . The Talmud (Bek. 32b) interprets this to mean that it may not be sold; hence if one does sell it, he is liable to flagellation, which is the penalty for the violation of a negative command.
 - (6) Ibid. 32.
 - (7) Tithe: Whatsoever passeth under the rod (ibid); Firstling: All that openeth the womb thou shalt cause to pass (E.V. Set apart-the same root is used in both texts) to the Lord (Ex. XIII, 12). The employment of the same word in both cases teaches that they are similar in law. Therefore since this Passover-offering cannot be transferred to tithe, it cannot be transferred to a firstling either.
 - (8) Lev. XXVII, 33: Neither shall he change it; and if he change it at all, then both it and that for which it is changed shall be holy; it shall not be redeemed. From this it is learnt that if one consecrates an animal to substitute another consecrated animal, both are holy, the second having the same sanctity as the first,
 - (9) For having violated the injunction, Neither shall he change it.
 - (10) Sh. M. deletes.
 - (11) I.e., only if one consecrates a non-sacred animal (hullin, v. Glos) as a substitute does the law apply, but not when one consecrates as a substitute an animal which had already been consecrated earlier, as is the case of this lost Passover-offering.
 - (12) V. Lev. VII, 12 seq.
 - (13) Lit., 'the remainder of that which comes thereto (sc. the thanksoffering) from the world.' — Thus here we are treating of the remainder of a Passover-offering which it is proposed shall rank as a thanksoffering if slaughtered as such.
 - (14) Sc. the interpretation of the verse Lev. III, 6 quoted supra 8b, q.v.
 - (15) Since a guilt-offering too was a ram without blemish from the flock, and might not come from the herd.
 - (16) Lev. III, 6.
 - (17) I.e., sheep and goats too, whereas the guilt-offering must be a ram.
 - (18) If you interpret of the flock as intimating that all animals included in the term 'flock' are meant,
 - (19) By relating the verse to a Passover-offering remainder you exclude a two years old animal and a female. (V. Ex. XII, 5).
 - (20) Lev. III, 7, 12.
 - (21) This verse must simply refer to an ordinary peace-offering; for if it referred to a Passover remainder, it is obviously a lamb or a goat (V. Ex. XII, 5), and it need not be stated.
 - (22) The fat tail of all other sacrifices is explicitly counted in the emurim (q.v. Glos) which are burnt on the altar (V. Lev. III, 9, VII, 3). The burning of the emurim is not mentioned at all in connection with the Passover, however, but deduced from elsewhere; consequently a verse is required to teach that the fat tail too is included.
 - (23) I.e., dedicated as a Passover-offering, and consequently unfit for its purpose (V. Ex. XII, 5).
 - (24) E.g., the substitute of a Passover-offering; or where the owner of a Passover-offering registered for a different animal, so that the first is a Passover remainder: both are sacrificed as peace-offerings.

(25) V. Lev. III, 2.

(26) Ibid, 12.

(27) 'And if' is regarded as a disjunctive, teaching that the provisions that apply to a lamb do not apply to a goat, unless expressly stated. The fat tail is mentioned in connection with the former (V. 9) but not the latter,

(28) Sc. that a Passover-offering more than a year old, which is therefore a Passover remainder, is sacrificed as a peace-offering.

(29) Lev. III, 6.

(30) Supra 8b, q.v.

(31) Deut. XVI, 2.

(32) Supra 7b. Hence if you object that the law under discussion is deducted in accordance with the teaching of Samuel's father, it can be counter-objected that it follows from the verse last quoted.

Talmud - Mas. Zevachim 9b

One refers to [an animal] whose time [for slaughtering] is overpassed and whose year has passed;¹ another [is required] for [an animal] whose time [for slaughtering] is overpassed but whose year is not passed; and the third is required for an animal neither whose time [for slaughtering] nor whose year is passed.² Now [all three texts] are necessary. For if the Divine Law wrote one text [only], I would say that it applies only [to an animal] whose year is passed and also its time [for slaughtering], since it is completely disqualified from a Passover-offering. But if its time [for slaughtering] is passed but not its year, I would say that it is not [valid, if slaughtered as a peace-offering], since it is eligible for the second Passover.³ While if the Divine Law stated these two, [I would argue that they are valid if slaughtered as a peace-offering] because they have been disqualified from their own purpose.⁴ But if neither its time [for slaughtering] nor its year has passed, so that it is eligible for the [first] Passover, I would say that it is not so. Hence [all three texts] are necessary. Rab said in Mabog's name: If one slaughtered a sin-offering as the sin-offering of Nahshon⁵ it is valid, for Scripture saith, This is the law of the sin-offering,⁶ [which teaches that] there is one law for all sin-offerings,⁷ Raba sat and reported this discussion, whereupon R. Mesharshia raised an objection to Raba: R. Simeon said: All meal-offerings whose fistfuls were taken under a different designation⁸ are valid and acquit their owners of their obligation, because meal-offerings are dissimilar from [blood] sacrifices. For when one takes a fistful of a griddle [meal-offering] in the name of a stewing-pan [meal-offering], its preparation proves that it is a griddle [meal-offering].⁹ [If one takes a fistful of] a dry meal-offering¹⁰ in the name of [a meal-offering] mingled [with oil],¹¹ its preparation proves that it is a dry [meal-offering]. But in the case of [animal] sacrifices it is not so, for there is the same slaughtering for all, the same receiving for all, [and] the same sprinkling for all.¹² Thus it is only because its preparation proves its nature; hence if its preparation did not prove its nature, this would not be so. Yet why? let us say [that] This is the law of the meal-offering¹³ [intimates that] there is one law for all meal-offerings? — Rather if stated, it was thus stated: Rab said in Mabog's name: If one slaughtered a sin-offering in order that Nahshon might be forgiven through it, it is valid, [for] no atonement [is required] for the dead.¹⁴ Then, let him speak of any dead person? — He informs us this: The reason [that it is valid] is that he [Nahshon] is dead. Hence [if one slaughtered it] for a living person similar to Nahshon, it is invalid. And who are meant? [Those who are liable to] a nazirite's sin-offering or a leper's sin-offering.¹⁵ But these are [as] burnt-offerings?¹⁶ — Rather if stated, it was thus stated: Rab said in Mabog's name: If one slaughters a sin-offering for a [wrong]

person who is liable to a sin-offering such as Nahshon's, it is valid, [for] Nahshon's sin-offering was [as] a burnt-offering.

Others state that Rab said in Mabog's name: If one slaughters a sin-offering in the name of Nahshon's sin-offering, it is invalid, for Nahshon's sin-offering is [as] a burnt-offering. Now let him state a nazirite's sin-offering or a leper's sin-offering?¹⁷ — He mentions the original sin-offering [of that nature].¹⁸

Raba¹⁹ said: If one slaughters a sin-offering of forbidden fat in the name of a sin-offering of blood [or] in the name of a sin-offering for idolatry, it is valid. [If one slaughters it] in the name of a nazirite's sin-offering or a leper's sin-offering, it is invalid, [for] these are [in fact] burnt-offerings.²⁰ Raba asked: If one slaughters a sin-offering of forbidden fat in the name of a sin-offering on account of the defilement of the Sanctuary and its sacred flesh, what is the law? Do we say, [the latter entails] kareth,²¹ just as the former;²² or perhaps the latter is not fixed like itself?²³ R. Aha son of Raba recited all these cases as invalid. What is the reason? — And he shall kill it for a sin-offering²⁴ [intimates that it must be killed] for the sake of that sin-offering.²⁵ Said R. Ashi to R. Aha the son of Raba: How then do you recite Raba's question?²⁶ — We recite it in reference to change in respect of owner, he answered him, and we recite it thus: Raba said: If one slaughters a sin-offering of forbidden fat on behalf of a [wrong] person who is liable to a sin-offering for blood or a sin-offering for idolatry, it is invalid; [but if he slaughters it] on behalf of a person who is liable to a nazirite's sin-offering or a leper's sin-offering, it is valid. And as for the question, this is what Raba asked: If one slaughters a sin-offering of forbidden fat on behalf of a person who is liable to a sin-offering on account of the defilement of the sanctuary and its sacred flesh, what is the law? Do we say, [the latter entails] kareth like itself;²⁷ or perhaps the latter is not fixed like itself?²⁸ The question stands over. It was stated: If one slaughtered it for its own sake with the intention of sprinkling its blood for the sake of something else,²⁹ R. Johanan said: It is invalid; while Resh Lakish said: It is valid. R. Johanan said [that] it is invalid [because] an [effective] intention can be expressed at one service in respect to another service,³⁰ and we learn [by analogy] from the intention of piggul.³¹ While Resh Lakish said [that] it is valid, [because] an [effective] intention cannot be expressed at one service in respect to another, and we do not learn from the intention of piggul. Now they are consistent with their views. For it was stated:

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- (1) I.e., it was lost until it was too late for slaughtering as a Passover-offering, and is also more than a year old.
 - (2) I.e., if it is slaughtered before Passover as a peace-offering it is valid, though it was eligible for a Passover-offering.
 - (3) V. Num. IX, 9 seq.
 - (4) Which was to be slaughtered at the first Passover.
 - (5) Which Nahshon, the prince of the tribe of Judah, brought at the dedication of the altar; V. Num. VII, 12 seq.
 - (6) Lev. VI, 18.
 - (7) They all stand in the same category. Hence although Nahshon's sin-offering was not on account of sin at all, yet by slaughtering an ordinary sin-offering as such one is not deemed to have changed its purpose, and therefore it is valid.
 - (8) V. Lev. II, 2. The priest, in taking the fistful, declared that he took it for the sake of a different type of meal-offering.
 - (9) His declaration is manifestly untrue and of no account, since one can see what meal-offering it is. — For the

various types of meal-offerings mentioned here V. Lev. II, 4 seq.

(10) Which is brought on account of sin, v. Lev. V, 11f.

(11) Which was not brought on account of sin, v. Lev. II, 1 seq.

(12) In these acts there is nothing to indicate the nature of the sacrifice. Consequently a false declaration is effective to invalidate them.

(13) Lev. VI, 7.

(14) A sin-offering slaughtered for a wrong person is invalid, provided that he is likewise liable to a sin-offering. This condition is obviously unfulfilled here: hence the sacrifice is valid.

(15) Which are not brought on account of sin at all, just as Nahshon's sin-offering was not on account of sin.

(16) Rashi: A nazirite's sin-offering is the same as a burnt-offering, since it is not brought on account of sin, and it is stated supra 7a that if one slaughters a sin-offering in the name of a different person who is liable to a burnt-offering, it is valid. Sh. M. cites a reverse interpretation: These are as burnt-offerings; hence his action is tantamount to slaughtering a sin-offering as a burnt-offering, which is obviously invalid. What then does Rab inform us?

(17) Since that is in fact what he means to imply by 'Nahshon's sin-offering'.

(18) Nahshon was the first to bring a sin-offering which was not for sin. Hence his is mentioned as an example of all sin-offerings of that nature (Sh. M.).

(19) So amended in margin and Sh. M.; cur, edd. Rab.

(20) As above. But in the first clause the others too are on account of sin.

(21) V. Glos.

(22) Hence it is valid.

(23) For if the transgressor is too poor he can bring two birds instead of an animal, which is not permitted in the case of the former.

(24) Lev. IV, 33.

(25) Not in the name of any other.

(26) When is Raba in doubt?

(27) Hence it is invalid.

(28) Hence it is valid,

(29) Declaring this intention at the time of slaughtering.

(30) It is effective to render the animal unfit.

(31) V. Glos. There this is certainly the case; v. infra 27b.

Talmud - Mas. Zevachim 10a

If one slaughters an animal with the express intention of sprinkling its blood or burning its fat to an idol, — R. Johanan said: It is forbidden [for any use],¹ [for] an [effective] intention can be expressed at one service in respect to another service, and we learn 'without' from 'within'.² Resh Lakish rules that it is permitted,³ for an [effective] intention cannot be expressed at one service in respect of another service, and we do not learn 'without' from 'within'. [Now these are both necessary.] For if we were informed [of their views] in the latter case, I might argue that Resh Lakish rules [thus only] in this instance, yet he agrees with R. Johanan [that] 'within' [is learnt] from 'within'.⁴ While if we were informed [of their views] in the former instance, I might argue that R. Johanan rules [thus only] there, yet he agrees with Resh Lakish in the present case.⁵ Thus both are required. When R. Dimi came,⁶ he said: R. Jeremiah raised an objection in support of R. Johanan, while R. Ela [did so] in support of Resh Lakish. R. Jeremiah in support of R. Johanan: If

it is valid where one says, 'Behold, I slaughter after its time [for slaughtering],'⁷ yet it is invalid if one slaughters it with the intention of sprinkling the blood after time; then seeing that it is invalid if he declares, 'Behold, I slaughter for the sake of something else,' is it not logical that it is invalid if one slaughters it with the intention of sprinkling the blood for the sake of something else? To this Raba b. Ahilai demurred: As for [intending to sprinkle its blood] after time, the reason [that this invalidates it even at the slaughtering] is that it entails kareth!⁸ Rather said Raba b. Ahilai, This is his argument: If it is valid where one says, 'Behold, I slaughter [this sacrifice] without its precincts,'⁹ yet it is invalid when one slaughters it with the intention of sprinkling its blood without its precincts; then seeing that it is invalid when he declares, 'Behold, I slaughter for the sake of something else,' is it not logical that it is invalid if one slaughters it with the intention of sprinkling the blood for the sake of something else? To this R. Ashi demurred: As for [its unfitness when one intends sprinkling the blood] without its precincts, the reason is because it operates [as a disqualification] in the case of all sacrifices. Will you say that the same applies in the case of an intention for the sake of a different sacrifice, which does not operate [thus] save in the case of a Passover-offering and a sin-offering? Rather said R. Ashi, This is how he argues: If it is valid where one says, 'Behold, I slaughter [this sacrifice] in the name of so-and-so,'¹⁰ yet it is invalid [if one declares his intention] to sprinkle its blood for the sake of so-and-so; then seeing that when he declares, 'Behold, I slaughter [it] for the sake of something else,' it is invalid,¹¹ is it not logical that it is invalid if he slaughters it with the intention of sprinkling the blood for the sake of something else?

R. Ela [raised an objection] in support of Resh Lakish: Let it not be stated in the case of sprinkling¹² and it could be inferred a minori from slaughtering and receiving;¹³ then for what purpose did the Divine Law state [it]? To teach that you cannot [effectively] express an intention in respect of one service at a [previous] service.¹⁴ To this R. Papa demurred: Yet perhaps [its purpose is on the contrary to intimate] that you can express an intention in respect of one service at a [previous] service? — If so, let Scripture be silent about it, and infer it by R. Ashi's a minori argument. And the other?¹⁵ — Refute [the argument] thus: as for those [slaughtering and receiving], the reason may be that they require the north¹⁶ and are present at the inner sin-offerings. And the other?¹⁷ — Now, at all events, we are discussing peace-offerings.¹⁸

It was stated: If one slaughters it in its own name with the intention of sprinkling its blood for the sake of something else, — R. Nahman says: It is invalid; Rabbah says: It is valid. But Rabbah retracted on account of R. Ashi's a minori argument.

R, ELIEZER SAID: THE GUILT-OFFERING TOO. It was taught: R. Eliezer said: A sin-offering comes on account of sin, and a guilt-offering comes on account of sin: just as a sin-offering [slaughtered] under a different designation is invalid, so is a guilt-offering invalid [if slaughtered] under a different designation. Said R. Joshua to him: That is not so. If you say [thus] of the sin-offering, [the reason is] because its blood is [sprinkled] above [the scarlet line].¹⁹ Said R. Eliezer to him: Let the Passover-offering prove it: though its blood is [sprinkled] below, yet if one slaughters it for the sake of something else it is invalid. As for the Passover-offering, replied R. Joshua, the reason is that it has a fixed time. Said R. Eliezer to him: Then let the sin-offering prove it. R. Joshua replied:

- (1) Even if he did not eventually sprinkle it thus,
- (2) Idolatrous sprinkling of the blood etc. is naturally done without the Temple, while the illegitimate action of piggul is done within the Temple.
- (3) If he did not eventually sprinkle it idolatrously.
- (4) Sc. if one slaughters a sacrifice with the intention of sprinkling its blood in the name of a different sacrifice, his illegitimate intention is in respect of something that is done within, and therefore we learn by analogy from piggul that his intention is effective.
- (5) By reversing the argument.
- (6) From Palestine to Babylon. R. Dimi and Rabin were two Palestinian amoraim who travelled between the Palestinian and the Babylonian academics to transmit the teachings of one to the other.
- (7) Since whenever he slaughters it, that is the time,
- (8) This illegitimate intention renders the flesh piggul immediately, so that if one eats it even within the permitted time he is liable to kareth. Since it is so strict, it is natural that an illegitimate intention in respect of one service expressed at an earlier service is effective.
- (9) For his declaration cannot negate the fact that he is slaughtering it within its precincts.
- (10) For change of name is a disqualification at the sprinkling, but not at the slaughtering.
- (11) Viz., in the case of a Passover-offering and a sin-offering.
- (12) That an intention for a different sacrifice disqualifies it.
- (13) It slaughtering for the sake of a different sacrifice disqualifies, though it is valid when done by a zar (lay-Israelite), how much the more sprinkling, which may not be performed by a zar. And if you answer that slaughtering may be more stringent because a Passover-offering slaughtered for others than those enrolled for it is invalid; then let receiving prove it, where this disqualification does not operate.
- (14) I.e., the illegitimate intention in respect of sprinkling must be expressed at the sprinkling.
- (15) R. Johanan: How does he rebut this argument?
- (16) They are performed at the north side of the altar.
- (17) Resh Lakish: how does he rebut this argument?
- (18) Which are not slaughtered at the north nor on the inner altar. Hence the argument does not apply.
- (19) The blood of some sacrifices was sprinkled on the upper half of the altar, and the blood of other sacrifices was sprinkled on the lower half; a scarlet line on the altar demarcated them. — The fact that the blood of the sin-offering was sprinkled above that line may be the reason for greater stringency.

Talmud - Mas. Zevachim 10b

I am moving in a circle.¹ R. Eliezer then drew another analogy. In the case of a sin-offering it says, It is [a sin-offering],² [which intimates that if it is slaughtered] for its own sake it is valid, and if it [is] not [slaughtered] for its own sake it is invalid;³ [Again] in the case of a Passover-offering it says, It is [the sacrifice of the Lord's Passover],⁴ [which likewise intimates,] for its own sake it is valid, and if not for its own sake, it is invalid; [then] in the case of a guilt-offering too it says, It is [a guilt-offering],⁵ [hence this too intimates,] for its own sake it is valid, while if not for its own sake, it is invalid. Said R. Joshua to him: 'It is' is stated of the sin-offering in connection with the slaughtering, [and so] 'it is' [intimates], for its own sake it is valid, and if not for its own sake, it is invalid. [Again] 'it is' is stated of the Passover-offering in connection with the sacrificing,⁶ [and here too] 'it is' [intimates,] for its own sake it is valid, while if it is not for its own sake, it is invalid. But as for the guilt-offering. 'it is' is stated of it only after the burning of the emurim [is prescribed], and yet if the emurim were not burnt at all it is valid.⁷

Said R. Eliezer to him: Lo, it says. As is the sin-offering, so is the guilt-offering:⁸ [hence] as the sin-offering is invalid if not [slaughtered] for its own sake, so is the guilt-offering invalid if not [slaughtered] for its own sake.

The Master said: ‘R. Joshua said to him: I am moving in a circle.’ Yet let the argument revolve and the inference be made from the feature common to both.⁹ — [That argument is not employed] because it can be refuted: the feature common to both is that there is an aspect of kareth in them.¹⁰

The Master said:¹¹ ‘R. Joshua said to him: That is not so. If you say [thus] of the sin-offering, [the reason is] because its blood [is sprinkled] above [the scarlet line].’ Yet let him [rather] say to him: That is not so. If you say [thus] of the sin-offering, [the reason is] because its blood enters the innermost shrine?¹² — We are discussing the outer sin-offerings.¹³ [Yet let him say: The reason is] because if its blood enters the innermost shrine it is invalid? — R. Eliezer holds that the guilt-offering too [is invalid in that case]. [Let him say to him: The reason is] because it makes atonement for those who are liable to kareth? — [R. Eliezer draws his analogy] from the sin-offering incurred through hearing a voice.¹⁴ [Let him say to him: The reason is] because it [the blood] requires four applications? — [R. Eliezer holds] as R. Ishmael, who maintains: All blood¹⁵ requires four applications. [Yet let him say: The reason is because the blood requires four applications] on the four horns [of the altar]?¹⁶ — Now according to your reasoning, surely there are [the distinctions of] the finger, the horn, and the point?¹⁷ Rather [the fact is that] he [R. Joshua] mentions [but] one of two or three reasons [distinctions].

The Master said: ‘Said R. Joshua to him: That is not so. If you say’ etc. Let R. Eliezer answer him: The blood of a guilt-offering too is [sprinkled] above [the scarlet line]?¹⁸ — Said Abaye: You cannot say that the blood of a guilt-offering is [sprinkled] above, [as the reverse may be inferred] from a burnt-offering, a fortiori: if the blood of a burnt-offering, which is completely burnt, is [sprinkled] below, how much the more [is this true of] a guilt-offering, which is not completely burnt. As for a burnt-offering, the reason is because it does not make atonement! Let the bird sin-offering prove it.¹⁹ As for a bird sin-offering, the reason is because it is not a species that is slaughtered!²⁰ Then let a burnt-offering prove it. Thus the peculiarity of the one is not the peculiarity of the other, and that of the other is not the same as the peculiarity of the first: the feature common to both is that they are sacrifices of the higher sanctity,²¹ and their blood is [sprinkled] below: so will I adduce a guilt-offering too, that [since] it is of the higher sanctity, its blood is [sprinkled] below. Raba of Parzakhia²² said to R. Ashi: But let him refute [it thus]: The feature common to both is that [their value] is unfixed; will you then say [the same of] a guilt-offering, which has a fixed [value]?²³ Rather this is R. Eliezer's reason,²⁴ viz., because Scripture saith, The priest that offereth it for a sin-offering:²⁵ [‘it’ requires] its blood [to be sprinkled] above, but the blood of no other [sacrifice] is [sprinkled] above. If so, let us say with respect to [the slaughtering of] the sin-offering too, [only] it is valid [when slaughtered] in its own name but invalid when not [slaughtered] in its own name, whereas other sacrifices are valid whether in their own name or not in their own name?²⁶ — That ‘it’ is not meant particularly, since it disregards the Passover-offering.²⁷ Then here too it is not meant particularly, since it disregards the bird burnt-offering?²⁸ — At all events nothing which is slaughtered is omitted.²⁹ Alternatively, this agrees with R. Eleazar son of R. Simeon, who maintained: [The blood of] the one is

[sprinkled] in a separate place, and [that of] the other is [sprinkled] in a separate place.³⁰ For it was taught: The lower blood is applied below the scarlet line, while the upper [blood is applied] above the scarlet line,³¹ Said R. Simeon b. Eleazar: This holds good only of the bird burnt-offering; but in the case of the animal sin-offering its [blood] is applied essentially on the very horn [of the altar].³² We learnt elsewhere:³³ For R. Akiba maintained: All blood which entered the Hekal³⁴ to make atonement is unfit; but the Sages rule: The sin-offering alone [is unfit].³⁵ R. Eliezer said: The guilt-offering too [is thus], for it says, As is the sin-offering, so is the guilt-offering.³⁶ As for R. Eliezer, it is well, his reason being as stated. But what is the reason of the Rabbis? — Said Raba: [They argue that] you cannot say that if the blood of the guilt-offering enters within it is unfit, [for the reverse follows] from the burnt-offering, afortiori. If

(1) This way of arguing leads nowhere.

(2) Lev. IV, 24.

(3) It implies emphasis: it must be slaughtered as a sin-offering and nothing else.

(4) Ex. XII, 27.

(5) Lev. VII, 5.

(6) Likewise the slaughtering.

(7) Obviously then 'it is' cannot have the same implication here. V. supra 5b.

(8) Lev. VII, 7.

(9) Lit. from 'what is the side' (which they have in common)? V. Supra a bottom; the feature common to both the sin-offering and the Passover-offering is that they may be eaten one night only. The guilt-offering shares this feature, and therefore it also, like the other two, should be invalid if slaughtered for a different purpose.

(10) The sin-offering is brought on account of an unwitting offence which if wilful is punishable by kareth, The neglect to bring the Passover-offering by one who is not unclean or on a distant journey is likewise punishable by kareth (Num. IX, 13).

(11) Emended text (Sh. M.).

(12) In the case of the sin-offering of the Day of Atonement,

(13) Those which do not enter the innermost shrine — i.e., all save that of the Day of Atonement,

(14) V. Lev, V, 1ff. This does not involve kareth,

(15) The blood of all sacrifices,

(16) Whereas even R. Ishmael admits that the blood of the guilt-offering is not sprinkled on the four horns, but only on two.

(17) The blood of the sin-offering must be applied with the finger on the point (i.e., the top) of the horn, whereas the blood of other sacrifices is not applied actually on the top. — The point is: If one is seeking distinctions, there are many other than that drawn by R. Joshua.

(18) For R. Eliezer likens the guilt-offering to the sin-offering.

(19) Its blood is sprinkled below, though it does make atonement.

(20) The bird-offering was not slaughtered, its neck being wrung (Lev. I, 15).

(21) V. Supra 2a p. 1, n. 7.

(22) Farusag, in the vicinity of Be Dura, one of the four districts in the middle of which Baghdad was built; v. Obermeyer, Landschaft, pp. 268-9.

(23) V. Lev. V, 15 seq.

(24) For holding that the blood of a guilt-offering is sprinkled below.

(25) Lev. VI, 19. The Heb. **tyj nv** is understood to mean he who sprinkles its blood in accordance with its law as a sin-offering, viz., above the scarlet line.

- (26) Since the unfitness of a sin-offering when not killed for its own sake is deduced from, And he shall kill it for a sin-offering (Lev. IV, 33). Then R. Eliezer should regard the ‘it’ here too as a limitation and not apply the same law to the guilt-offering.
- (27) To which the same law applies, as was shewn supra 7b.
- (28) Whose blood too is sprinkled above; infra 65a.
- (29) The limitation of ‘it’ applies to all slaughtered sacrifices,
- (30) Though the blood of both the sin-offering and the bird burnt-offering is sprinkled above the scarlet line, yet each has a different place. Therefore the limitation of ‘it’ in respect to the sprinkling of the blood has no exception at all.
- (31) At any point above it. — ‘Lower’ and ‘upper’ mean that which is applied below and that which is applied above respectively.
- (32) And not merely anywhere above the line.
- (33) Infra 81b.
- (34) The hall containing the golden altar etc., contrad. to the Holy of Holies (Jast.).
- (35) When Moses rebuked Aaron for not eating the flesh of the sin-offering on the day of his consecration, he said to him: Behold, the blood of it was not brought into the sanctuary within; ye should certainly have eaten it (Lev. X, 18; v. also ib. VI, 23). This proves that if it had been brought ‘within’ Aaron would have been right, for the sacrifice would have thereby become unfit. Now the passage actually refers to a sin-offering: R. Akiba holds that its implication extends to all other sacrifices too, while the Rabbis confine it to the sin-offering.
- (36) Lev. VII, 7.

Talmud - Mas. Zevachim 11a

the burnt-offering is fit when its blood enters within, though it is entirely burnt, how much the more is the guilt-offering [fit], seeing that it is not entirely burnt. [But it may be asked:] As for the burnt-offering, [the reason is] because it does not make atonement? — Let a sinner's meal-offering prove it.¹ (Yet he should rather say: Let the sin-offering of a bird prove it?² The sin-offering of a bird is the subject of a question by R. Abin.)³ As for a sinner's meal-offering⁴ [the reason is] because it is not of the species that is slaughtered?⁵ Let the burnt-offering prove it. And thus the argument revolves, the peculiarity of the one not being that of the other, while the peculiarity of the latter is not that of the former: the feature common to both is that they are sacrifices of the higher sanctity, and when their blood enters within they are fit; so too will I adduce the guilt-offering which is a sacrifice of the higher sanctity, and if its blood enters within it is fit. Raba of Barnesh⁶ said to R. Ashi: Yet let him refute [it thus]: The feature common to both is that they have no fixed [value]; will you say [the same of] the guilt-offering, which has a fixed [value]? Rather this is the Rabbis' reason, viz., because Scripture saith, [And no sin-offering whereof any of] its blood [is brought into the tent of meeting . . . shall be eaten; it shall be burnt with fire]:⁷ [this intimates] the blood of this [sacrifice], but not the blood of another [sacrifice]. And the other?⁸ — ‘Its blood’ [implies,] but not its flesh.⁹ And the other?¹⁰ — [Scripture writes,] ‘its blood’ [where] ‘blood’ [would suffice].¹¹ And the other? — He does not interpret ‘blood’, ‘its blood’ [as having a particular significance].

It is well according to the Rabbis who maintain that if one slaughters a guilt-offering under a different designation it is valid: for that reason a meal-offering is likened to a sin-offering and to a guilt-offering. For it was taught, R. Simeon said: [It is written,] It is most holy, as the sin-offering,

and as the guilt-offering:¹² a sinner's meal-offering is like a sin-offering, therefore if its fistful [of flour] is taken under a different designation, it is invalid;¹³ a votive meal-offering is like a guilt-offering, therefore if he [the priest] takes its fistful under a different designation, it is valid. But according to R. Eliezer, in respect of which law is a meal-offering likened to a sin-offering and a guilt-offering? — In respect of the other [ruling] of R. Simeon. For it was taught: [If the fistful was carried to the altar] not in a service-vessel,¹⁴ it is invalid; but R. Simeon declares it valid.¹⁵ Now Rab Judah son of R. Hiyya said, What is R. Simeon's reason? — Scripture saith, 'It is most holy, as the sin-offering, and as the guilt-offering': [this teaches:] If he [the priest] comes to perform its service with his hand, he does so with his right hand, as in the case of the sin-offering; [if he comes] to perform the service with a vessel, he may do so with his left hand, as in the case of the guilt-offering.¹⁶ Now R. Simeon utilises this verse for both purposes?¹⁷ — The essential purpose of the text is to teach the dictum of Rab Judah the son of R. Hiyya, while that a sinner's meal-offering is invalid when [the priest does] not [take its fistful] for its own sake is [based] on a different reason. [Thus:] what is the reason of a sin-offering?¹⁸ Because 'it is' is written in connection therewith; then in connection with a sinner's meal-offering too 'it is' is written. Now according to the Rabbis, in respect of which law is a guilt-offering likened to a sin-offering? — To teach you: as a sin-offering requires laying on [of hands], so does a guilt-offering require laying on [of hands].

JOSEPH b. HONI SAID: SACRIFICES SLAUGHTERED [IN THE NAME OF A PASSOVER-OFFERING OR A SIN-OFFERING ARE INVALID]. R. Johanan said: Joseph b. Honi and R. Eliezer said the same thing.¹⁹ Rabbah said: They disagree in respect of others slaughtered in the name of a sin-offering. For it was taught: A paschal lamb which has passed its year,²⁰ and he [its owner] slaughtered it in its season,²¹ for its own purpose,²² and similarly, when a man slaughters other [sacrifices] as a Passover-offering in its season, — R. Eliezer disqualifies them,²³ while R. Joshua declares them valid. Said R. Joshua: If during the rest of the year, when it is not valid [if slaughtered] in its own name, yet others [slaughtered] in its name are valid;²⁴ then is it not logical that in its season, when it is valid [if slaughtered] in its own name, others [slaughtered] in its name are valid? Said R. Eliezer to him: Yet perhaps the argument is to be reversed? If it is valid [when slaughtered] during the rest of the year in the name of another sacrifice,²⁵ though it is not valid [if slaughtered then] in its own name; is it not logical that it should be valid [when slaughtered] in its season in the name of another sacrifice, seeing that it is valid [if slaughtered, then] in its own name; and thus a Passover-offering [slaughtered] on the fourteenth [of Nisan] under a different designation should be valid.²⁶ Now, would you say thus? [But in point of fact your a minori argument can be refuted thus:] As for others being valid during the rest of the year [when slaughtered] in its [sc. the Passover-offering's] name, that is because it is valid [when slaughtered then] in the name of other [sacrifices]; should then others [slaughtered] in its season²⁷ in its name be valid, seeing that it [the Passover-offering] is invalid [if slaughtered then] in the name of others?²⁸ Said R. Joshua to him: If so, you lessen the strength of the Passover-offering and increase the strength of the peace-offering?²⁹ Subsequently R. Eliezer proposed a different argument: We find that a Passover remainder³⁰ comes as a peace-offering, whereas a peace-offering remainder does not come as a Passover-offering. Now if the Passover-offering, whose remainder comes as a peace-offering, is [nevertheless] unfit if one slaughters it in its season as a peace-offering; is it not logical that the peace-offering is unfit if slaughtered in the name of a Passover-offering in its season, seeing that its remainder does not

come as a Passover-offering?

- (1) This makes atonement, yet if it enters within it remains fit, for the disqualification is stated in reference to the entering of blood only.
- (2) This would provide a better analogy, as it is a blood-sacrifice just as the other sacrifices under consideration.
- (3) Whether it is unfit when its blood enters within (infra 92b). The objection and answer are parenthetical, and now the Talmud returns to its discussion.
- (4) Emended text (Bah); omitting, 'and let him refute', of cur. edd.
- (5) It is not a blood-sacrifice.
- (6) A town in the vicinity of Matha Mehasia, a suburb of Sura (Obermeyer, op. cit. pp. 296-7).
- (7) Lev. VI, 23.
- (8) R. Eliezer: how does he explain 'its blood'?
- (9) If its flesh is taken 'into the tent of meeting', into the inner sanctuary, it is not disqualified.
- (10) The Rabbis: how do they know this?
- (11) Hence 'its' excludes that of other sacrifices, while 'blood' excludes the flesh of the same sacrifice.
- (12) Lev, VI, 10. This refers to the meal-offering, and since it is likened to two other sacrifices, R. Simeon deduces that one kind of meal-offering is like a sin-offering, while another is like a guilt-offering, as explained in the text,
- (13) The taking of the fistful of the meal-offering and its burning on the altar are the equivalent of the sprinkling of the blood of an animal sacrifice.
- (14) A service-vessel is one that has been sanctified for use in the Temple in connection with the sacrificial service.
- (15) If the priest carried it in his hand to the altar,
- (16) This being R. Simeon's view, others hold that the service of all sacrifices must be done with the right hand (infra 24b).
- (17) He had made two distinct deductions from the same verse,
- (18) That it is invalid when not slaughtered for its own sake.
- (19) R. Eliezer too holds that other sacrifices slaughtered as a Passover-offering in its time or as a sin-offering at any time are invalid. R. Johanan deduces this anon.
- (20) It became a year old on the first of Nisan, and was then set aside for the Passover sacrifice. Since a year is the extreme limit for such (V. Ex. XII, 5: a male of the first year), it automatically stands to be a peace-offering, being unfit for its original purpose.
- (21) I.e. , on the eve of Passover.
- (22) Sc. as a Passover-offering. Thus he slaughtered a peace-offering as a Passover sacrifice.
- (23) He infers this a minori: If an animal set aside for the Passover-offering is disqualified when slaughtered in its season (on the eve of Passover) as a peace-offering, though if left until after Passover it must be offered as such; then how much the more is a peace-offering disqualified if slaughtered on the eve of Passover as a Passover-offering, seeing that if left over and not brought as a peace-offering at the time appointed for same it cannot be brought as a Passover-offering on Passover eve.
- (24) For all sacrifices except the Passover-offering and the sin-offering are valid when slaughtered for a different purpose (supra 2a).
- (25) Sc. a peace-offering.
- (26) Which however is obviously wrong. Hence by a reductio ad absurdum the deduction a minori is shewn to be inadmissible.
- (27) On the eve of Passover,
- (28) Surely not. From this R. Johanan deduces that just as R. Eliezer declares others unfit when slaughtered in the name of the Passover-offering, so are they unfit when slaughtered in the name of a sin-offering. For R. Eliezer's

reason, as seen here, is because it (the Passover-offering) is unfit when slaughtered in the name of a different sacrifice, and this same holds good of the sin-offering too.

(29) For at the proper season for peace-offerings (i.e., during the rest of the year) the Passover-offering if slaughtered as a peace-offering is fit; whereas at the season of the Passover-offering (on Passover eve) a peace-offering slaughtered in the name of a Passover-offering is unfit! Yet in fact while Scripture insists that the Passover-offering must be killed in its own name (V. supra 7b), there is no such insistence with respect to the peace-offering. — ‘Weaken’ and ‘strengthen’ mean to weaken and strengthen the necessity for (or, the insistence on) slaughtering these sacrifices for nought but their own sake.

(30) If an animal was dedicated for a Passover-offering, lost and refound after Passover.

Talmud - Mas. Zevachim 11b

Said R. Joshua to him: We find that a sin-offering remainder comes as a burnt-offering,¹ but a burnt-offering remainder does not come as a sin-offering. Now if the sin-offering is unfit when slaughtered as a burnt-offering, though its remainder comes as a burnt-offering; is it not logical that a burnt-offering slaughtered as a sin-offering is unfit, seeing that its remainder does not come as a sin-offering?² Not so, replied R. Eliezer to him. If you speak of a sin-offering, the reason [that a burnt-offering slaughtered in its name is fit] is because it [the sin-offering] is fit [when slaughtered] in its own name throughout the year. Will you say the same of a Passover-offering which is fit [when slaughtered] in its own name only in its season? Since then that itself is unfit [when slaughtered] in its own name [during the rest of the year], it is logical that others slaughtered in its name [during the rest of the year] are unfit.

SIMEON THE BROTHER OF AZARIAH SAID etc. R. Ashi recited the following in R. Johanan's name, and R. Aha son of Raba recited it in R. Jannai's name: What is the reason of Simeon the brother of Azariah? Because Scripture saith, And they shall not profane the holy things of the children of Israel, which they shall exalt unto the Lord:³ [this teaches that] they are not profaned [rendered unfit] through what is superior [higher] than themselves, but they are profaned through what is inferior to themselves.⁴ But does this text come for this purpose? Surely it is required for Samuel's dictum! For Samuel said: Whence do we know that he who eats tebel⁵ is liable to death? From the verse, And they shall not profane the holy things of the children of Israel, which they shall exalt unto the Lord: the Writ refers to that which is yet to be exalted.⁶ — If so,⁷ Scripture should write, ‘which were exalted [offered]’: why state, ‘which they shall exalt’? Hence infer both from this.⁸

R. Zera asked: Are they valid yet do not propitiate, and so he disagrees in one only; or are they valid and propitiate, and he disagrees in both?⁹ — Said Abaye — others maintain, R. Zerika, -Come and hear: IF ONE SLAUGHTERED A FIRSTLING OR TITHE IN THE NAME OF A PEACE-OFFERING, IT IS VALID; IF ONE SLAUGHTERED A PEACE-OFFERING AS A FIRSTLING OR TITHE, IT IS INVALID. Now if you think that [he means that] they are valid and propitiate, is propitiation applicable to a firstling?¹⁰ Hence they are valid and do not propitiate, and since the second clause [means that] they are valid and do not propitiate, [in] the first clause too they are valid and do not propitiate. But what argument is this? The one is according to its nature, and the other is according to its nature.¹¹ Then what does he inform us?¹² [The principle governing] a higher and lower sanctity!¹³ Surely we learnt it: HOW SO? IF ONE

SLAUGHTERED MOST SACRED SACRIFICES UNDER THE DESIGNATION OF LESSER SACRIFICES etc. — You might say, Only in the most sacred sacrifices and the lesser sacrifices is there higher and lower, but not where both are lesser sacrifices. [Hence we are informed that it is not so.] But we learnt this too: The peace-offering takes precedence over the firstling, because the former requires four [blood-] sprinklings, laying on [of hands], drink-offerings, and the waving of the breast and the shoulder?¹⁴ — The present passage¹⁵ is the main source, while in the other it is taught incidentally.¹⁶

MISHNAH. IF ONE SLAUGHTERS THE PASSOVER-OFFERING ON THE MORNING OF THE FOURTEENTH [OF NISAN] UNDER A DIFFERENT DESIGNATION, R. JOSHUA DECLARES IT VALID, JUST AS IF IT HAD BEEN SLAUGHTERED ON THE THIRTEENTH; BEN BATHYRA DECLARES IT INVALID, AS IF IT HAD BEEN SLAUGHTERED IN THE AFTERNOON.¹⁷ SAID SIMEON B. AZZAI: I HAVE A TRADITION FROM THE MOUTH OF SEVENTY-TWO ELDER[S]¹⁸ ON THE DAY THAT R. ELEAZAR [SON OF AZARIAH]¹⁹ WAS APPOINTED TO THE ACADEMY,²⁰ THAT ALL SACRIFICES WHICH ARE EATEN,²¹ THOUGH SLAUGHTERED UNDER A DIFFERENT DESIGNATION ARE VALID, SAVE THAT THEIR OWNERS HAVE NOT DISCHARGED THEIR OBLIGATION, EXCEPT THE PASSOVER-OFFERING AND THE SIN-OFFERING. THUS THE SON OF ‘AZZAI ADDED²² ONLY THE BURNT-OFFERING, BUT THE SAGES DID NOT AGREE WITH HIM.

GEMARA. R. Eleazar said in R. Oshaia's name: Ben Bathyra declared fit a Passover-offering which one slaughtered in its own name on the morning of the fourteenth, because [he holds that] the whole day is its season.²³ Then what does AS IF [etc.] mean?²⁴ Because R. Joshua states AS IF,²⁵ he too says, AS IF. If so, instead of disputing where it is [slaughtered] under a different designation, let them dispute where it is [slaughtered] in its own name?²⁶ — If they differed where it is [slaughtered] in its own name, I would say that R. Joshua agrees with Ben Bathyra [that it is invalid] when [slaughtered] under a different designation, since part of it [the day] is fit [eligible]. Hence he informs us [that it is not so]. But surely it is written, At dusk?²⁷ — Said ‘Ulla the son of R. Ila'i: [That means,] Between two evenings.²⁸ Then [will you say] that the whole day is fit for the daily offering too, seeing that at dusk²⁹ is written in connection therewith? — There, since it is written, ‘The one lamb thou shalt offer in the morning’, it follows that ‘at dusk’ is meant literally. Yet say, One [must be offered] in the morning, while the other [may be offered] the whole day?-[Scripture prescribes] one for the morning and not two for the morning. Again, will you say that the whole day is fit for [the lighting of] the lamps, since ‘at dusk’ is written in connection therewith?³⁰ — There it is different, because it is written, [to burn] from evening to morning,³¹ and it was taught: ‘From evening to morning’: Furnish it with its [requisite] measure, so that it may burn from evening to morning. Another interpretation: You have no other [service] valid from evening to morning save this alone.

Now [will you say] in the case of incense too, where ‘at dusk’ is written,³² that the whole day is fit [for the burning thereof]?-incense is different,

(1) Tem. 23b.

(2) Yet in fact it is not unfit, which shews that an ad majus argument from the law of a remainder is inadmissible.

As R. Eliezer does not answer that in his view it is indeed unfit, Rabbah deduces that he admits that other sacrifices slaughtered as sin-offerings are fit.

(3) Lev. XXII, 15.

(4) Rendering: they shall not profane the holy things (sc. the sacrifices) when they exalt them, i.e., when they offer them as a sacrifice whose sanctity is higher than their own.

(5) V. Glos,

(6) I.e., offered. The verb **‘unhrh’** is imperfect (which they shall exalt) and hence refers to ‘holy things’, which includes terumah (q.v. Glos.), which are yet to be separated from the produce, so that it is all tebel. — For the liability to death (at the hands of Heaven) v. Sanh. 83a.

(7) That the text teaches the former dictum of Simeon the brother of Azariah only.

(8) The root word ‘exalt’ teaches the former, and the future tense teaches the latter.

(9) Does Simeon the brother of Azariah mean that when slaughtered in the name of a higher sacrifice they are fit, yet do not propitiate, i.e., they do not acquit their owner of their obligation; but if slaughtered in the name of a lower sacrifice they are completely unfit? In that case he agrees with the first Tanna as far as the former instance is concerned, and disagrees only in respect of the latter. Or does he mean in the former instance that they also propitiate? If so, he disagrees with the first Tanna in respect of the former too, the first Tanna holding that they do not propitiate.

(10) Surely not!

(11) Where there is no question of propitiation it means that they are valid but do not propitiate. But where propitiation does apply (sc. in the first clause) they may propitiate too.

(12) By the second clause,

(13) Is that the only purpose of this second clause dealing with the firstling etc.?

(14) V. Infra 89a. It takes precedence because its sanctity is higher.

(15) Sc. our Mishnah.

(16) As part of the order of precedence observed in all sacrifices. Yet the main source of the ruling that the peace-offering enjoys a higher sanctity than the firstling is our own Mishnah.

(17) V. Mishnah 2a.

(18) The Gemara discusses infra why the text uses the singular.

(19) Emended text.

(20) As its head. V. Ber. 27b.

(21) This excludes the burnt-offering.

(22) As being unfit.

(23) And not the afternoon only. For that very reason he declares it invalid when not slaughtered for its own sake.

(24) Seeing that if the whole day is the season, there is no point in saying AS IF IT HAD BEEN SLAUGHTERED IN THE AFTERNOON.

(25) On his view it is pertinent, since he holds that only the afternoon is its season.

(26) According to Ben Bathyra it is valid, while in R. Joshua's view it is invalid.

(27) Ex. XII, 6. How then can R. Oshaia maintain that the whole day is the proper time?

(28) This being the literal meaning of the Hebrew **ohcrgv ihc**. I.e., between the evening of the fourteenth (which he counts as until dawn) and the evening of the fifteenth, hence the whole day of the fourteenth.

(29) Ibid. XXIX, 39.

(30) Ibid, XXX, 8.

(31) Ibid, XXVII, 21.

(32) Ibid. XXX, 8, — the same text as that quoted for the lamps.

Talmud - Mas. Zevachim 12a

Talmud - Mas. Zevachim 12a

because it is likened to lamps.¹ But there too it is written, There thou shalt sacrifice the Passover-offering at even [ba-'ereb]?² — That comes to teach deferment. For it was taught: Let that in connection with which ba-'ereb [at even] and ben ha-'arbayim [between the evenings]³ are said be deferred after that in connection with which ben ha-'arbayim alone is said.⁴ Now can there be a case where if he slaughtered it in the morning you say that it is its proper time, yet when afternoon arrives you say that it should be deferred?⁵ — Yes, for surely R. Johanan said: The halachah is that one must recite the minhah [afternoon] service and then recite the additional service.⁶

Now, what is the purpose of 'ben ha-'arbayim' [at dusk] written in connection with incense and lamps?⁷ Furthermore, [it was taught:]⁸ Rabbi rebutted the words of R. Joshua on Ben Bathyra's view: That is not so,⁹ If you speak of the thirteenth, where no part of it is fit, will you speak [thus] of the fourteenth, where part of it is fit? Now if this is correct,¹⁰ then the whole of it is fit!¹¹ — Rather said R. Johanan: Ben Bathyra declared unfit a Passover-offering which one slaughtered in the morning of the fourteenth, whether in its own or in a different name, since part of it is fit [for the slaughtering].¹² R. Abbahu sneered at this view: If so, how is it possible on Ben Bathyra's ruling for a Passover-offering to be fit?¹³ If one separates it now, it is rejected ab initio; while if one separated it yesterday, it was eligible and rejected!¹⁴ — Rather said R. Abbahu: It must be [that he separated it] after midday.¹⁵ Abaye said: You may even say [that one separates it] in the morning, [because the disqualification of] prematureness does not apply to the same day.¹⁶ R. Papa said: You may even say [that one separates it] the [previous] evening:¹⁷ prematureness does not apply to the night. For R. Ishmael taught: On the night of the eighth day it enters the fold to be tithed.¹⁸ And [this is] in accordance with R. Aftoriki. For R. Aftoriki pointed out a contradiction, It is written, Then it shall be seven days under its dam;¹⁹ hence on the [following] night it is eligible. Yet it is written, But from the eighth day and thenceforth it may be accepted [for an offering],¹⁹ whence it follows that it was not eligible the [previous] evening. How is this [to be reconciled]? The night for sanctification and the day for acceptance.²⁰

R. Zera asked R. Abbahu: Must we say that R. Johanan holds that live animals can be [permanently] rejected?²¹ — Even so, replied he. For R. Johanan said: [With regard to] an animal belonging to two partners; if one [of them] dedicates half, and then purchases [the other] half and dedicates it, it is holy, yet cannot be offered up;²² and it establishes [the sanctity of] a substitute,²³ and the substitute is as itself.²⁴ This proves three things: that live animals may be rendered [permanently] rejected;²⁵ that which is rejected ab initio is rejected;²⁶ and

(1) Since 'at dusk' refers to both, as stated in the preceding note.

(2) Deut. XVI, 6.

(3) E.V. at dusk,

(4) In connection with the Passover-offering both expressions are used (Ex. XII, 6; Deut. XVI, 6), while in connection with the daily-offering one only is stated (Num. XXVIII, 4). Hence the former is sacrificed after the latter.

(5) Until after the afternoon daily offering.

(6) On the Sabbath, festivals and New Moon there are three services, the morning service, the additional service

and the afternoon service in that order (beside the evening service, which is recited the previous evening). The additional service must commence before the time of the afternoon service, which is from half an hour after noon until dusk. If one had not recited it by then, he must give precedence to the afternoon service. This is exactly analogous to our own case.

(7) Since its meaning must be elucidated through another text (supra 11b).

(8) In objection to R. Oshaia.

(9) Sc. that it is as though it was slaughtered on the thirteenth.

(10) That Ben Bathyra holds that the whole of the fourteenth is the proper time.

(11) And not only part!

(12) If slaughtered in its own name, it is invalid because the proper time is the afternoon. If not in its own name, it is invalid because part of that day is the proper time for it, and hence the law on 2a applies.

(13) Even if it is slaughtered at the proper time (in the afternoon of the fourteenth) and in its own name,

(14) If one separates the animal for a Passover-offering on the morning of the fourteenth, it is fit for nothing at all then, neither for a Passover-offering nor for a peace-offering. Thus from the very beginning it is ineligible (technically 'rejected'), and R. Johanan holds infra that in such circumstances it can never be eligible again, even if conditions subsequently alter. Again, if one separated it the previous day, it was then eligible for a peace-offering, but on the following morning it was 'rejected' (became ineligible), and in the view of all Rabbis it then remains permanently rejected.

(15) When it is actually eligible. — The answer is obvious, and R. Abbahu's objection is probably only rhetorical, as a means of expressing the opinion that according to Ben Bathyra as interpreted by R. Johanan the animal cannot be separated for the Passover-offering until the afternoon,

(16) Where an animal becomes eligible for a particular purpose during the day, the earlier part of the same day is not regarded as premature, in the sense discussed here.

(17) Which is also the fourteenth of Nisan.

(18) An animal cannot be sacrificed before it is eight days old, and for the same reason when animals are to be tithed it does not enter the fold for the purpose. Yet if the tithing is taking place on the night of the eighth day (it will be eight days old the next day) it does enter. This proves that prematureness does not apply to the night.

(19) Lev. XXII, 27.

(20) It can be sanctified on the night of the eighth but not 'accepted'. i.e., sacrificed, until the following day.

(21) V. following notes. For otherwise you need not answer that one separates it after midday.

(22) Since it was not fit for offering originally, as the half belonging to the other partner was as yet secular. Hence it must now be sold, and an animal purchased with the money and sacrificed,

(23) The reference is to Lev. XXVII, 33: neither shall he change it (a consecrated animal): and if he change it, then both it and the change thereof shall be holy. Thus here, if one substitutes another animal for this one, the substitute too is holy.

(24) It may not be sacrificed, but must be sold.

(25) As here: the animal having been tendered ineligible when dedicated, since half remained secular, it remains so even when the other half too is dedicated. There is an opposing view that only a dead animal can become permanently ineligible, V. Yoma 64a.

(26) This animal was not eligible for dedication by a single partner from the very outset.

Talmud - Mas. Zevachim 12b

that rejection applies to monetary sanctity.¹

‘Ulla said in R. Johanan's name: If one ate heleb² and set aside a sacrifice,³ then apostatized, yet subsequently retracted, since it was [once] rejected,⁴ it remains rejected. It was stated likewise: R. Jeremiah said in R. Abbahu's name in R. Johanan's name: If a man ate heleb, set aside an offering, became insane and then regained his sanity, since it [the offering] was [once] rejected, it remains so.⁵ Now both rulings are necessary. For had he informed us of the first only, [you might have said that] the reason is that he made himself ineligible [to offer a sacrifice] with his own hands; but in the latter case where he was involuntarily disqualified, he is [merely] as one who fell asleep.⁶ Again, had he informed us the latter case only, you might argue that the reason is because his recovery is not dependent on himself; but in the former case [apostasy] it is not so, since it lies with him to retract — Thus both are required.

R. Jeremiah asked: If one ate heleb, set aside a sacrifice, then the Beth din⁷ ruled that heleb is permitted, yet subsequently they retracted, what is the law? Does this constitute [permanent] rejection⁸ or does it not constitute [permanent] rejection? Said a certain old man to him: When R. Johanan commenced [his rulings] on rejected [sacrifices], he commenced with this very case.⁹ What is the reason? There¹⁰ the person was disqualified, but the sacrifice was not rejected¹¹; whereas here the sacrifice too became rejected.¹² SAID SIMEON THE SON OF AZZAI: I HAVE A TRADITION FROM THE MOUTH OF SEVENTY-TWO ELDER[S], etc. Why does he state, SEVENTY-TWO ELDER[S]?¹³ — Because they all held this view unanimously.¹⁴

BEN AZZAI ADDED ONLY THE BURNT-OFFERING. R. Huna said: What is Ben ‘Azzai's reason? — It is a burnt-offering, an offering made by fire, of a sweet savour unto the Lord:¹⁵ ‘it is’ implies that [when it is slaughtered] in its own name it is valid; when not in its own name, it is invalid. But ‘it is’ is written in the case of the guilt-offering too? — That is written after the burning of the emurim.¹⁶ But in this case too it is written after the burning of the emurim? — ‘It is’ is written twice [in connection with the burnt-offering].¹⁷ Yet ‘it is’ is written twice in the case of the guilt-offering too?¹⁸ — Rather, Ben ‘Azzai infers it a fortiori: If a sin-offering is invalid when one slaughters it under a different designation, though it is not entirely burnt, how much the more is a burnt-offering [invalid in such circumstances], seeing that it is entirely burnt — As for the sin-offering, [it may be argued] the reason is that it makes atonement! Then let the Passover-offering prove it. As for the Passover-offering, the reason is because its time [for slaughtering] is fixed! Then let the sin-offering prove it. And thus the argument revolves: the feature peculiar to the one is not that peculiar to the other, and the feature peculiar to the other is not that peculiar to the first. Their common characteristic is that they are sacred sacrifices, and if one slaughters them under a different designation they are invalid; so will I adduce the burnt-offering too, which is a sacred sacrifice, and if one slaughters it for a different purpose, it is invalid. [No:] their common feature is that an aspect of kareth is involved in them!¹⁹ — Ben‘Azzai

(1) This animal was sanctified from the very outset only for its value. i.e., that the money for which it would be sold should be expended for a sacrifice; nevertheless it becomes permanently ineligible for the altar. This excludes the possible view that only an animal that was fit in the first place to be dedicated to the altar can be rendered permanently ineligible.

(2) Forbidden fat. V. Glos.

(3) For atonement, v. Lev. IV, 27-28.

(4) For sacrifices are not accepted from apostates, cf. Hul. 5b.

- (5) An insane person cannot offer.
- (6) When he had to sacrifice. This gap in his intelligent consciousness does not of course permanently disqualify him.
- (7) V. Glos.
- (8) For when they ruled that heleb is permitted, the sacrifice became rejected, since a sin-offering can be brought only when one is liable.
- (9) Teaching that it is permanently rejected.
- (10) In the cases of apostasy and insanity.
- (11) The animal separated still belonged to the category of sin-offerings, save that its owner was not fit to bring it.
- (12) Hence it follows a minori that it remains rejected.
- (13) In the singular.
- (14) Sh. M. emends: they were all present at the same sitting (when they stated this). This apparently is Rashi's reading too.
- (15) Lev. I, 17.
- (16) V. supra, 5b for notes.
- (17) The one already quoted, and the other in Ex. XXIX, 18. Though there too it is after the burning of the emurim, yet since its teaching is unnecessary in that respect, as one text is sufficient for that, you must apply its teaching as intimating that when not slaughtered in its own name it is unfit,
- (18) Lev. V, 19 and VII, 5.
- (19) V. supra 10b p 49. n. 2.

Talmud - Mas. Zevachim 13a

does not admit the refutation of kareth.¹ Then let him adduce the guilt-offering too?² — The feature common to both is that they apply to the whole community as to an individual,³ Alternatively he does admit the refutation of kareth, but Ben 'Azzai had a tradition.⁴ And when R. Huna said [that he inferred it] afortiori, he said this only in order to sharpen his disciples.⁵

MISHNAH. IF ONE SLAUGHTERED THE PASSOVER-OFFERING OR THE SIN-OFFERING NOT IN THEIR OWN NAME, [AND] HE RECEIVED [THE BLOOD], WENT [WITH IT], AND SPRINKLED [IT] NOT IN THEIR OWN NAME, OR IN THEIR OWN NAME AND NOT IN THEIR OWN NAME, OR NOT IN THEIR OWN NAME AND IN THEIR OWN NAME,⁶ THEY ARE DISQUALIFIED. HOW IS 'IN THEIR OWN NAME AND NOT IN THEIR OWN NAME' MEANT? — IN THE NAME OF THE PASSOVER-SACRIFICE [FIRST] AND [THEN] IN THE NAME OF A PEACE-OFFERING. 'NOT IN THEIR OWN NAME AND IN THEIR OWN NAME' [MEANS] IN THE NAME OF A PEACE-OFFERING [FIRST] AND [THEN] IN THE NAME OF THE PASSOVER-OFFERING. FOR A SACRIFICE CAN BE DISQUALIFIED AT [ANY ONE OF] THE FOUR SERVICES: SLAUGHTERING, RECEIVING, CARRYING AND SPRINKLING. R. SIMEON DECLARES IT VALID IN THE CARRYING, BECAUSE HE ARGUED: [THE SACRIFICE] IS IMPOSSIBLE WITHOUT SLAUGHTERING, WITHOUT RECEIVING AND WITHOUT SPRINKLING, BUT IT IS POSSIBLE WITHOUT CARRYING. [HOW SO]? ONE SLAUGHTERS IT AT THE SIDE OF THE ALTAR AND SPRINKLES [FORTHWITH].⁷ R. ELIEZER SAID: IF ONE GOES WHERE HE NEEDS TO GO, AN [ILLEGITIMATE] INTENTION DISQUALIFIES [IT]; WHERE HE NEED NOT GO, AN [ILLEGITIMATE]

INTENTION DOES NOT DISQUALIFY [IT].⁸

GEMARA. Does then receiving disqualify? Surely it was taught: And they shall present:⁹ this refers to the receiving of the blood. You say, This refers to the receiving of the blood: yet perhaps it is not so, but rather it means the sprinkling? When it says, And they shall dash [the blood],¹⁰ lo, sprinkling is stated, hence to what can I apply, 'And they shall present'? It must refer to the receiving of the blood. Aaron's sons, the priests¹⁰ [teaches] that [these services] must be performed by a legitimate priest¹¹ [robed] in priestly vestments.¹² Said R. Akiba: How do we know that receiving must be performed by none but a legitimate priest [robed] in priestly vestments? 'Aaron's sons' is stated here, while elsewhere it says, These are the names of the sons of Aaron, the priests that were anointed:¹³ as there it refers to legitimate priest[s] [robed] in priestly vestments,¹⁴ so here too it means by a legitimate priest [robed] in priestly vestments. R. Tarfon observed: May I lose my sons if I have not heard a distinction made between receiving and sprinkling, yet I cannot explain [what it is]! Said R. Akiba: I will explain it. In the case of receiving intention was not made tantamount to action, whereas in the case of sprinkling intention was made tantamount to action.¹⁵ [Again] if one received [the blood] without [its proper precincts], he is not liable to kareth, whereas if one sprinkles [it] without, he is punished with kareth. If unfit men received it,¹⁶ they are not liable on its account, if unfit men sprinkled it, they are liable on its account. Said R. Tarfon to him, By the [Temple] service! You have[not] deviated to the right or the left!¹⁷ I heard [it] yet could not explain it, whereas you investigate it and agree with [my] tradition. In these words he addressed him: 'Akiba! whoever departs from thee is as though he departed from life!' — Said Raba: There is no difficulty: the one refers to an intention of piggul,¹⁸ while the other [our Mishnah] refers to an intention for the sake of something else. This too may be proved, because it teaches, FOR A SACRIFICE CAN BE DISQUALIFIED, but it does not teach, 'For a sacrifice becomes piggul'. This proves it.

Now, does not an intention of piggul disqualify it [the sacrifice] at the receiving? Surely it was taught: You might think that an intention [of piggul] is effective only at the sprinkling; whence do we know to include slaughtering and receiving? From the text, And if any of the flesh of the sacrifice of his peace-offerings be at all eaten on the third day, it shall not be accepted. . . it shall be an abhorred thing [piggul];¹⁹ Scripture treats of the services which lead to eating.²⁰ You might think that I also include the pouring out of the residue [of the blood] and the burning of the emurim; therefore it states, . . . on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it.²¹ Now sprinkling was included in the general statement,²² and why was it singled out? That an analogy therewith might be drawn, intimating: as sprinkling is a service and is indispensable for atonement, so every [act which is a] service and is indispensable for atonement [is included]; thus the pouring out of the residue and the burning of the emurim are excluded, since these are not indispensable for atonement!²³

(1) Because it does not feature in the same way in both of them. For the sin-offering is brought for a sin of commission which involves kareth, whereas it is the omission to bring the Passover-offering that entails kareth.

(2) That it is invalid when slaughtered under a different designation, by the same analogy. V. supra 10b, where the analogy is proposed but rejected because kareth is not involved in the guilt-offering. Since, however, Ben Azzai does not admit that this is a refutation, the analogy stands.

(3) A sin-offering may be incurred by the whole community, just as by an individual, v. Lev. IV. The

Passover-offering too, though brought by individuals, is a communal (public) sacrifice, since the whole community must bring one (Yoma 51a). But a guilt-offering is never brought by the whole community.

(4) In respect of the burnt-offering, as stated in the Mishnah. Hence he does not infer it a fortiori at all.

(5) Challenging them, as it were, to find the fallacy in his statement.

(6) I.e., one of the services was for its own sake and another was for a different purpose, in the order stated.

(7) Where it is straightway sprinkled. Since then the blood may not be carried at all, the sacrifice cannot be disqualified if it is carried for a different purpose.

(8) The Gemara discusses this.

(9) Lev. I, 5.

(10) Ibid.

(11) Which excludes one of profaned birth, e.g., the issue of a divorced woman, and one suffering from a physical blemish or defect; v. Lev. XXI, 7, 17.

(12) Lit., 'service vessels' (here, robes). 'The priests' implies that they must be vested as priests.

(13) Num. 111,3.

(14) Legitimate, since Nadab and Abihu, Eleazar and Ithamar, Aaron's sons, are enumerated (v. 2). 'Robed in priestly vestments' is deduced from the end of the verse: whom he consecrated to minister in the priest's office; cf. Lev. XXI, 10: and that is consecrated to put on the garments.

(15) The reference is to illegitimate intention and action. An illegitimate intention is now assumed to mean an intention to receive the blood in the name of a different sacrifice or to eat of its flesh after the permitted time, which would render it piggul (q.v. Glos.). Thus an illegitimate intention at the receiving of the blood does not disqualify, which contradicts the view in the Mishnah. — The difficulty is answered at the end of the discussion.

(16) E.g., lay Israelites or intoxicated priests.

(17) You have stated exactly what I heard, but had forgotten.

(18) Such an intention does not disqualify at the receiving.

(19) Lev. VII, 18.

(20) I.e. which permit the consumption of the flesh; these include receiving.

(21) 'Accepted' is understood to refer to the sprinkling, which makes the sacrifice acceptable.

(22) I.e., as one of the services which 'lead to eating'.

(23) Hence the intention of piggul at the reception of the blood does disqualify it,

Talmud - Mas. Zevachim 13b

— There is no difficulty:¹ In the one case it means that he declared, 'Lo, I slaughter [this sacrifice] with the intention of receiving its blood to-morrow while in the other case it means that he declared, 'Lo, I receive the blood with the intention of pouring out its residue to-morrow'.²

One of the Rabbis said to Raba: Now does not intention disqualify at the pouring out of the residue and the burning of the emurim? Yet surely it was taught: You might think that intention is effective only in connection with the eating of the flesh. Whence do we know to include the pouring out of the residue and the burning of the emurim? From the text, And if [any of the flesh. . .] be at all eaten [on the third day . . . it shall be an abhorred thing]:³ Scripture refers to two eatings, viz., eating by man and eating by the altar.⁴ There is no difficulty: 'In the one case he declares, 'Lo, I sprinkle [the blood] with the intention of pouring out the residue to-morrow';⁵ in the other he declares, 'Lo, I pour out the residue with the intention of burning the emurim to-morrow'.⁶

R. Judah the son of R. Hiyya said: I have heard that the dipping of the finger [in the blood]⁷ renders [a sacrifice] piggul in the case of an inner sin-offering.⁸ Ilfa heard this and reported it before Bar Padda. Said he: Do we learn piggul from ought else but from a peace-offering?⁹ Then as the dipping of the finger does not render a peace-offering piggul,¹⁰ so in the case of a sin-offering too, the dipping of the finger does not render piggul. But do we really learn everything from a peace-offering? If so, [then reason thus:] as [a service] in the name of a different sacrifice does not free a peace-offering from piggul, so [a service] in the name of a different sacrifice does not free a sin-offering from piggul.¹¹ What then can you say? That it is deduced from the extension implied in Scriptural texts;¹² and so here too it is deduced from the extension implied in the Scriptural texts.¹³

R. Joshua b. Levi said: In this upper chamber I heard that the dipping of the finger renders piggul. Thereat R. Simeon b. Lakish wondered: Do we learn piggul from ought else but from the peace-offering? Then as the dipping of the finger does not render the peace-offering piggul, so in the case of the sin-offering too, the dipping of the finger does not render it piggul. But do we then really learn everything from the peace-offering? If so, [then reason thus:] as [a service] in the name of a different sacrifice does not free a peace-offering from piggul, so [a service] in the name of a different sacrifice does not free a sin-offering from piggul? — Said R. Jose b. Hanina: Yes, indeed, we really learn everything from the peace-offering: since [the intention to consume it] without its precincts disqualifies a peace-offering, while [performing a service] for the sake of something else disqualifies a sin-offering, then as [the intention to consume it] without its precincts, which disqualifies the peace-offering, frees it from piggul, so [performing a service] for the sake of something else, which disqualifies the sin-offering, frees it from piggul. R. Jeremiah observed: The refutation [of this analogy] is at its side.¹⁴ As for [the intention of consuming it] without its precincts, which disqualifies a peace-offering, [it frees it from piggul] because it operates [as a disqualification] in all sacrifices; will you say [the same of performing a service] for the sake of something else, which operates in the case of the Passover-offering and the sin-offering only? Rather, what must you say?¹⁵ That that which disqualifies it [a peace-offering] frees it from piggul, while that which is indispensable for it renders it piggul;¹⁶ so here too that which disqualifies it [the sin-offering] frees it from piggul, while that which is indispensable to it¹⁷ renders it piggul.¹⁸

R. Mari said, We too have learned likewise: This is the general principle: Whoever takes the fistful [of the meal-offering], places it in the utensil, carries it [to the altar] or burns it [thereon] [renders it piggul].¹⁹ Now as for taking the fistful, it is well [that this effects piggul, as] it corresponds to slaughtering; carrying [the fistful] corresponds to carrying [the blood]; burning [it] corresponds to sprinkling. But to what does putting [the fistful] into a utensil correspond? Shall we say that it is similar to receiving: is it then similar? There it is automatic,²⁰ whereas here he takes it himself and places it [in the utensil]. But since you cannot dispense with placing it [in the utensil],²¹ you must say that it is an important service;²² so here too, since one cannot dispense with it²³ you must say that it is [part of] carrying [the blood to the altar]! — No: in truth it is similar to receiving, and as to your objection: There it is automatic whereas here he takes it himself and places it [in the utensil, the answer is:] since both are [instances of] placing in a utensil, what does it matter whether it is automatic or whether he personally takes and places it

[there]?

Shall we say that it is a controversy of Tannaim?²⁴ For one [Baraita] taught: The dipping of the finger renders a sin-offering piggul; while another taught: It does not effect piggul, nor does it become piggul.²⁵ Surely then it is a controversy of Tannaim! — No: one agrees with our Rabbis and the other agrees with R. Simeon.²⁶ If R. Simeon, why particularly the dipping of the finger? Surely he said,

(1) So Rashi. Cur. edd.: ‘Rather (answer thus)’.

(2) Both may be styled intentions of piggul at the receiving of the blood, yet they are obviously different intentions; the former does not disqualify the sacrifice, whereas the latter does,

(3) The emphatic ‘be at all eaten’ is expressed in the original by doubling the verb, which in Talmudic exegesis denotes extension.

(4) Sprinkling the blood and pouring out its residue at the foot of the altar are regarded as the eating of the altar. Thus in connection with these too, an illegitimate intention renders the sacrifice piggul, which contradicts the previous statement.

(5) Then the sacrifice becomes piggul, since it was his intention to give the altar its food on the morrow, which is after its appointed time.

(6) This does not render it piggul, since the wrongful intention was not at one of the four services.

(7) V. Lev, IV, 6: And the priest shall dip his finger in the blood, and sprinkle of the blood etc.

(8) One sacrificed at the inner altar. If he dipped his finger in the blood with the intention of burning the emurim the next day, the sacrifice becomes piggul.

(9) The law of piggul is expressly written only in connection with the peace-offering, whence we extend the law to other sacrifices.

(10) Since there is no dipping of the finger in the case of a peace-offering, the blood being dashed on the altar direct from the utensil. Since it is not a statutory service, it cannot render the sacrifice piggul even if it is done.

(11) It is stated infra 28b that if a sacrifice is slaughtered with the intention of consuming it after its prescribed period, which renders it piggul, it remains piggul only if the subsequent services (receiving, carrying and sprinkling), which are technically designated the *mattirin* (q.v. *Glos*) are performed without any other intention which would disqualify it in any case. Now if one slaughtered a peace-offering with the intention of consuming it after its prescribed period, thus rendering it piggul, and then performed the subsequent services in the name of a different sacrifice, it remains piggul, since this change of name does not disqualify a peace-offering. A sin-offering in like circumstances ceases to be piggul, since change of name does disqualify it, (Though the flesh of course remains forbidden, it is not forbidden as piggul, so that eating it does not render one liable to *kareth*.) But if piggul of other sacrifices were completely analogous to piggul of a peaceoffering, as Bar Padda's objection implies, then the sin-offering too should not be free from piggul.

(12) The extension of piggul to other sacrifices is effected not by analogy with the peace-offering, but from extending particles in the text; hence the conditions of freeing it from piggul need not be the same. By the same reasoning the conditions for making it piggul need not be the same.

(13) Hence though there is no piggul at the dipping of the finger in the case of the peace-offering, there is in the case of the sin-offering.

(14) Obvious and inherent.

(15) If you insist on retaining a complete analogy with the sin-offering.

(16) If performed with a piggul intention.

(17) Which excludes the dipping of the finger.

- (18) Thus the analogy is complete in its principles, though the detailed application of these principles varies according to the individual laws of the various sacrifices.
- (19) If he performs one of these services with the intention of consuming the rest or burning the fistful on the morrow. — The burning of the fistful corresponds to the sprinkling of the blood of an animal sacrifice.
- (20) It naturally drops into the basin.
- (21) I.e., it is a necessary part of the service.
- (22) It is a definite service in that an illegitimate intention thereat effects piggul.
- (23) Sc. the dipping of the finger.
- (24) Whether it is analogous to receiving the blood or to carrying the blood.
- (25) It does not effect piggul, if the priest dipped his finger with the intention of burning the emurim the next day; and it does not become piggul, if he slaughtered or received the blood with the intention of dipping the finger on the morrow.
- (26) All agree that it is part of carrying, but the ruling that it does not render it piggul is in accordance with R. Simeon in our Mishnah that there can be no piggul at the carrying.

Talmud - Mas. Zevachim 14a

Whatever is not [offered] on the outer altar, like the peace-offering, is not subject to piggul?¹ — Rather, both agree with the Rabbis,² yet there is no difficulty: the one refers to outer sin-offerings, while the other refers to the inner sin-offerings.³ As for the outer sin-offerings, it is obvious, since ‘and he shall dip’ is not written in connection therewith? — It is necessary [to teach it]: One might argue, since ‘and he shall take’ is written,⁴ and if an ape came and placed [the blood] thereon [his finger], he [the priest] must take it again, it is as though ‘and he shall dip’ were written.⁵ Therefore he informs us that for that very reason ‘and he shall dip’ is not written, so that it may imply the one and imply the other.⁶

R. SIMEON DECLARES IT FIT IN THE CARRYING. R. Simeon b. Lakish said: R. Simeon agrees that an [illegitimate] intention disqualifies at the carrying [of the blood of] the inner sin-offerings, because it is a service which cannot be omitted,⁷ But R. Simeon said: Whatever is not [offered] on the outer altar, like the peace-offering, does not entail liability on account of piggul?⁸ — Said R. Joseph son of R. Hanina: He agrees that it disqualifies it,⁹ a minori: If [offering] for the sake of something else disqualifies a sin-offering, though it is valid in the case of a peace-offering; is it not logical that [the intention of consuming it] after time disqualifies a sin-offering, Seeing that it disqualifies in the case of a peace-offering?¹⁰

We have thus found [that the intention of consuming it] after time [disqualifies it]. How do we know that [the intention to eat it] without its precincts [disqualifies]?¹¹ If [you would learn it] from after time [by analogy], [you may refute it:] as for after time, that is because [it involves] kareth.¹² If from [sacrificing] for the sake of something else, that is because it operates at the bamah?¹³ — Where does [sacrificing] for the sake of something else operate [as a disqualification]? [You must say] in the case of the Passover-offering and the sin-offering; and the Passover-offering and the sin-offering were not sacrificed at the bamah!¹⁴ Alternatively, It is a Scriptural analogy, [for And if any of the flesh of the sacrifice of his peace-offerings be at all eaten] on the third [day]¹⁵ refers to [the disqualification of] after time, while it shall be an abhorred thing [piggul]¹⁶ [refers to the intention of eating it] without its precincts.¹⁷

Raba said: If you will say that R. Simeon agrees with his son, who maintained, Between the ulam¹⁸ and the altar is north, [R. Simeon will then hold that] an [illegitimate] intention is effective in the case of the carrying [of the blood] of inner sin-offerings only from within the entrance of the ulam.¹⁹ And if you will say that [R. Simeon] agrees with R. Judah who maintained: The [whole of the] inner part of the Temple court is sanctified; [he will then hold that] an [illegitimate] intention is effective during the passage of the removal of the incense dishes only from the entrance of the hekal and without.²⁰ Again, if you will say that he holds that the sanctity of the hekal and that of the ulam is one, [then] an [illegitimate] intention is effective only from the entrance of the ulam and without.²¹ And if you will say that within the entrance is as within [the hekal]; then an [illegitimate] intention is not effective even for one step save within the stretching out of his [one's] hand.²² But if you will say that he holds that carrying without [using] the foot is not called carrying, then an [illegitimate] intention is not effective at all.

Abaye said to R. Hisda's amora:²³ Ask R. Hisda, what of carrying by a lay-Israelite [zar]? — It is valid, he replied, and a Scriptural text supports me: And they killed the Passover lamb, and the priests dashed [the blood, which they received] of their hand, and the Levites flayed them.²⁴ R. Shesheth objected: A zar, an onen,²⁵

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- (1) While we are now discussing the inner sin-offerings.
 - (2) Who maintain that there is piggul at the carrying of the blood.
 - (3) In the former case the dipping of the finger does not effect piggul, because Scripture does not say that the priest must dip his finger in the blood, but merely that he must take of the blood with his finger, which taking means the receiving of the blood (cf. infra 48a).
 - (4) Lev. IV, 30.
 - (5) Since we interpret 'he shall take' in the sense that he must personally take the blood from the utensil, which is impossible without dipping his finger into it,
 - (6) By not saying 'and he shall dip' Scripture intimates that the dipping is not a service on a par with the other services, and so it is not subject to piggul. At the same time 'and he shall take' definitely implies that the priest personally must do this, which is in fact dipping.
 - (7) Because it is unusual to slaughter it in the hekal (the inner sanctuary). Hence it is slaughtered in the Temple court and the blood carried to the horns of the inner altar in the hekal. Consequently R. Simeon's argument in the Mishnah does not apply here.
 - (8) For eating its flesh,
 - (9) Though one does not incur kareth, which is the penalty for eating piggul.
 - (10) It will disqualify both the outer and the inner sin-offerings.
 - (11) In the case of the inner sin-offerings.
 - (12) V. p. 71, n. 9.
 - (13) V. Glos. Slaughtering for a different purpose is a disqualification of a sacrifice offered on a private bamah, when such was permitted. But slaughtering it without its precincts did not disqualify.
 - (14) For only votive sacrifices were offered at the bamah, which excludes these two. Hence the refutation falls to the ground.
 - (15) Lev. VII, 18.
 - (16) Ibid.
 - (17) Scripture, by including them both in the same verse, assimilates them to each other and makes the same law

apply to both. In such a case the analogy cannot be rebutted even when there is a point of dissimilarity.

(18) Lit., 'porch', 'entrance', 'hall'. The hall leading to the interior of the Temple.

(19) A sin-offering must be slaughtered in the north (infra Ch. V.). Now it is possible for R. Simeon to agree with his son (infra 20a) that the northern part of the Temple court ('azarah) between the ulam and the altar, though actually to the west of the altar, and therefore one cannot apply to it the Scriptural injunction, And he shall kill it on the side of the altar northward before the Lord (Lev. 1, 11), is nevertheless 'north' in respect of sacrifices of the higher sanctity. The reason for his view in the Mishnah on 13a is that he holds an illegitimate intention expressed during the passage of the blood from the place of slaughtering to the ulam is disregarded, since this passage could altogether have been avoided by slaughtering at the entrance of the ulam. But if he agreed with R. Jose that the sacrifice must be slaughtered actually between the northern side of the altar and the northern wall of the Temple court, the passage of the blood would be an indispensable service, and therefore an illegitimate intention during that passage would disqualify it.

(20) The hekal is the 'Holy', the hall containing the golden altar etc., contrad. to the Holy of Holies (Jast.). The reference is to the burning of the shew-bread incense, in virtue of which the shewbread was permitted to be eaten, in the same way as the sprinkling of the blood permits the flesh of the sacrifice; consequently it is on a par therewith and the same law applies to both, Now, if R. Simeon holds that the whole of the inner part of the Temple court is sanctified, so that the incense can be burnt there and not necessarily at the altar only, it follows that its carriage to the altar is not an essential act, and therefore an illegitimate intention does not render the shewbread piggul.

(21) I.e., only at the five cubits of the thickness of the wall of the ulam. For the intention is not effective within the ulam itself, Since that is as the inner part, nor is it effective without the entrance, since the shewbread incense can be burnt there.

(22) He stands at the entrance of the ulam and stretches out his hand to the pavement; an illegitimate intention during that action is effective,

(23) V. Gos.

(24) II Chron. XXXV, 11. Thus the priests were only required for the sprinkling, but the blood was brought to them (which is the carrying) by those who slaughtered the sacrifice, these being zarim.

(25) V. Gos.

Talmud - Mas. Zevachim 14b

one who is intoxicated and one who is [physically] blemished are unfit to receive [the blood], carry [it] and sprinkle [it], and the same applies to one who is sitting and to [the performance of these by] 'the left hand. This is indeed a refutation! But R. Hisda quotes a text? — It means that he [the zar] served as a [mere] post.¹

Rabbah and R. Joseph both maintained: Carriage by a zar is a [subject of] controversy between R. Simeon and the Rabbis. [According to] R. Simeon who says that a [Temple] service which can be dispensed with is not a service, [carriage] by a zar is valid. But according to the Rabbis it is invalid. Said Abaye to them: But slaughtering is a service which cannot be dispensed with, and yet it is valid [when done] by a zar? — Slaughtering is not a service, he replied.² Is it not? Surely R. Zera said in Rab's name: The slaughtering of the [red] heifer by a zar is invalid; and R. Papa³ observed thereon: [The reason is because] 'Eleazar' and 'Statute' are written in connection with it.⁴ — The [red] heifer is different, because it is of the holy things of the Temple repair.⁵ But does it not follow a fortiori: it is a service in the case of the holy objects of the Temple repair, yet it is

not a service in the case of holy objects dedicated to the altar!⁶ — Said R. Shisha the son of R. Idi: Let it be analogous to the inspection of [leprous] plagues, which is not a service, and yet requires the priesthood.⁷

Yet the carrying of the limbs to the ascent⁸ is a service which can be dispensed with,⁹ and yet it is invalid [when done] by a zar, for it is written, And the priest shall offer [bring near] the whole, and make it smoke [burn it] upon the altar,¹⁰ and a Master said: This refers to the carrying of the limbs to the ascent? — Where [Scripture] has revealed [that a priest is required], it has revealed [it], but where [Scripture] has not revealed [it], it has not.¹¹ But does not [the reverse] follow a fortiori: if the carrying of the limbs to the ascent requires the priesthood, though it is not indispensable to atonement,¹² how much the more [does] the carrying of the blood [require a priest], seeing that it is indispensable to atonement!¹³

It was stated likewise: ‘Ulla said in R. Eleazar's name: Carriage by a zar is invalid even according to R. Simeon.

It was asked: Is carriage without [moving] the foot¹⁴ called carriage¹⁵ or not? — Come and hear: And the same applies to one who is sitting and to [the performance of these by] the left hand, [which renders it] invalid. Hence standing similar to sitting¹⁶ is valid! — [No:] perhaps sitting means that he drags himself along, [and then] standing similar to sitting means that he moves slightly.

Come and hear: A [lay-] Israelite slaughtered [the Passover-offering] and a priest received [the blood]; he handed it to his colleague, and his colleague to his colleague!¹⁷ — There too it means that they [the priests] moved slightly. Then what does he [the Tanna] inform us?¹⁸ — That in the multitude of people is the king's glory.¹⁹

Come and hear: If a fit person received [the blood] and handed it to an unfit one, the latter must return it to the fit one!²⁰ — Say, the fit person must go round and take it.²¹

It was stated: ‘Ulla said in R. Johanan's name: Carriage without [moving] the foot is not called carriage.

(1) On which the blood was placed. A priest received the blood and gave it to the zar, who held it until another priest took it from him and carried it to the altar. Thus the zar did not carry it himself but was completely passive.

(2) Rashi: Since it may be done by all who are otherwise unfit to perform the sacrificial service.

(3) Emended text (Bah).

(4) Num. XIX, 2 seq.: This is the statute of the law which the Lord hath commanded, saying: Speak unto the children of Israel, that they bring thee a red heifer . . . and ye shall give her unto Eleazar the priest . . . and he shall slaughter her (this is the literal translation, not as E.V.) before his face. Thus the text specifies that Eleazar, viz., a priest, must slaughter, and by referring to it as a ‘statute’ intimates that this is indispensable. This proves that slaughtering is a service.

(5) This is the technical term for all objects dedicated to the Temple which cannot be sacrificed.

(6) Surely if it is a service in the former case it is all the more so in the latter.

(7) And likewise with the red heifer, being of the holy things of the Temple repair, the slaughtering thereof is not

deemed in the category of Temple services, and the requirement of a priest is a special feature of the ritual connected therewith,

(8) The inclined ascent leading to the altar. — These limbs were carried there for burning.

(9) By slaughtering the sacrifice near the altar, and burning the limbs on the spot.

(10) Lev. I, 13.

(11) Hence according to R. Simeon the carrying of the blood to the altar may not require a priest, notwithstanding that the carrying of the limbs does,

(12) Even if the limbs are not burnt at all the purpose of the sacrifice is achieved.

(13) Var. lec. add: this is indeed a difficulty.

(14) When the blood is merely transferred by hand.

(15) So that an illegitimate intention will disqualify the sacrifice, on the view of the Rabbis; and likewise if it is performed by a zar.

(16) Viz., standing without moving.

(17) This is a description of the sacrifice of the Passover. The priests stood in rows, passing the blood from one to another, until it reached the altar for sprinkling. Thus the blood was carried without the priests moving their feet.

(18) In stating that the priests were drawn up in rows.

(19) Prov. XIV, 28.

(20) Hence carrying without using the feet does not count at all. For otherwise the unfit might simply be regarded as a post on which the fit person had placed the blood, and it would not be necessary for the former to return it to the latter, but simply for another fit person to come and take it.

(21) He must go to the other side of the unfit and take it from him. In that case his first carriage definitely counts.

Talmud - Mas. Zevachim 15a

[Now the question arises:] Can this be repaired or can it not be repaired?¹ — Come and hear: If a fit person received [the blood] and handed it to an unfit one, the latter must return it to the fit one. Now, granted that the fit person receives it back, yet if you think that it cannot be repaired, it has [already] been made invalid. [This does not prove anything:] do you think that the lay-Israelite² stood within? No: it means that the lay-Israelite stood without.³ It was stated: ‘Ulla said in R. Johanan's name: Carriage without [moving] the foot is invalid. This proves that it cannot be repaired.

R. Nahman raised an objection to ‘Ulla: If [the blood] was spilled from the vessel on to the pavement, and one [a priest] collected it, it is valid?⁴ — The circumstances here are that [the blood] had run outward.⁵ Would it run without [only] and not enter within?⁶ — [It fell] on sloping ground.⁷ Alternatively, [it fell] into a depression.⁸ Another alternative is that it [the blood] was thick.⁹ But does the Tanna trouble to teach us all these!¹⁰ Moreover, instead of teaching in another chapter, ‘If it was spilt on to the ground¹¹ and [the priest] collected it, it is unfit’¹²; let him [the Tanna] draw a distinction in that very case,¹³ thus: When does this hold good? [Only] if [the blood] ran without; but if it entered within, it is unfit? This is indeed a refutation.

It was stated: Carriage without moving the foot is [the subject of] a controversy between R. Simeon and the Rabbis.¹⁴ In the case of a long carriage all agree that it is unfit; they disagree only in respect of a short carriage.¹⁵ This was ridiculed in the West [Eretz Israel]¹⁶: if so, as for [the law that] an [illegitimate] intention¹⁷ disqualifies a sin-offering of a bird, how is this possible

according to R. Simeon? if [the priest] expressed this intention before the blood issued, it is nothing;¹⁸ if after the blood has issued, then surely the precept has already been performed?¹⁹ — What difficulty is this? perhaps [the priest expressed his intention] between the issuing [of the blood] and its reaching the altar? For surely R. Jeremiah asked R. Zera: What if one was sprinkling, and the sprinkler's hand was cut off before the blood reached the altar air-space? And he answered him, It is invalid. What is the reason? Because it is essential that 'he shall sprinkle' and 'he shall put' [of the blood upon the horns of the altar].²⁰

When R. Papa and R. Huna the son of R. Joshua came from [the academy] they stated: This was the [point of their] derision: Do they not differ about a long passage? Surely they differ precisely in respect of a long passage?²¹ Rather, all agree that it is not invalid in the case of a short passage;²² they differ in the case of a long passage.

If a zar carried [the blood],²³ whereupon a priest returned it and then carried it [himself], — the sons of R. Hiyya and R. Jannai disagree. One maintains that it is valid, while the other holds that it is invalid; the former holding that it can be repaired,²⁴ while the latter holds that it cannot be repaired. If a priest carried [the blood] but returned it and then a zar carried it [to the altar] again, said R. Simi b. Ashi: He who declares it valid [in the previous case], holds [here] that it is invalid; while he who declares it invalid [there], holds [here] that it is valid.²⁵ Raba said: Even he who declares it invalid [in the previous case], holds that it is invalid [here too]. What is the reason?—Because he is bound

(1) Do we regard the carriage as simply having been omitted, in which case the blood can be taken back and the carriage performed; or do we regard the carriage as having been performed improperly, thus disqualifying the blood permanently, so that it cannot be repaired, and the sacrifice is consequently invalid?

(2) The unfit person.

(3) Further away from the altar, not nearer to it. Hence the blood had been handed backward, and that certainly does not constitute carriage at all, and it can be repaired. The question under discussion, however, is whether a wrongly performed service can be repaired.

(4) Since it had been originally received in a vessel. Now, he assumed that the blood had run down toward the altar, so that we have a form of carriage without the foot, yet this can be repaired by collecting it.

(5) Away from the altar.

(6) Nearer the altar. Surely the blood would run in all directions!

(7) Sloping away from the altar,

(8) Where it could not run at all in any direction.

(9) Semi-solid, and so could not run.

(10) Would he state a law that holds good in such exceptional circumstances only?

(11) Directly from the animal's throat.

(12) Infra 25a.

(13) I.e., where it was spilt from the vessel,

(14) R. Simeon does not regard carriage as a service at all (v. Mishnah 13a); hence however it is done it cannot disqualify the sacrifice. The Rabbis, however, do regard it as a service, and therefore if done improperly the sacrifice is disqualified.

(15) I.e., when the animal is slaughtered so near the altar that the priest merely stretches out his' hand and sprinkles the blood without walking at all.

(16) V. Sanh. 17b.

(17) At the sprinkling.

(18) For the bird is killed near the altar and its blood made to spurt against the altar direct from the bird. This act of making it spurt constitutes a short carriage, during which, on the present hypothesis, there can be no disqualification, according to R. Simeon,

(19) This assumes that immediately the blood spurts from the neck, even before it reaches the altar, the precept has been performed.

(20) Cf. Lev. IV, 6-7. The priest must both 'sprinkle' the blood and 'put' it on the altar, i.e., see that it actually reaches the altar; consequently, until it actually reaches the altar the service is still being performed, and therefore if the priest's hand is cut off just then, we have a service performed by a priest with a physical blemish, which is invalid (v. Lev. XXI, 17 seq.). By the same reasoning, an illegitimate intention during the passage of the blood to the altar may disqualify it. — This argument is unrefuted, and therefore the view that the controversy refers to a short passage may be correct.

(21) Since R. Simeon states that it is possible without walking (12a), he obviously refers to a case where walking is, in fact, done.

(22) Var. lec., that it is invalid (Bah).

(23) Actually walking in doing so.

(24) Sc. the invalidity of the star's action.

(25) For the former makes the status of the last person who carries it the determining factor, while the latter reverses it.

Talmud - Mas. Zevachim 15b

to bring it up.¹

R. Jeremiah² said to R. Ashi, This is what R. Jeremiah of Difti³ said: [The validity of the argument,] 'Surely he is bound to bring it up', is disputed by R. Eliezer and the Rabbis. For we learned: R. ELIEZER SAID: IF ONE GOES WHERE HE NEEDS TO GO, AN [ILLEGITIMATE] INTENTION DISQUALIFIES IT; [IF HE GOES] WHERE HE NEED NOT GO, AN [ILLEGITIMATE] INTENTION DOES NOT DISQUALIFY IT. Whereon Raba commented: All agree that if [the priest] received [the blood] without and carried it within,⁴ that is a necessary walk. If he received [it] within and carried it without, it is an unnecessary walk.⁵ They disagree only where he brought it within and then carried it without again: One Master holds, But he must surely bring it up [to the altar];⁶ while the other Master holds: This is not the same as a carriage required for the service.⁷ Abaye refuted him: R. Eliezer said: If one goes where he must go, an [illegitimate] intention disqualifies it. How so? If he received it without and brought it within, it is a necessary walk. If he received it within and carried it without ' it is an unnecessary walk. Whence,⁸ if he carried it within again, it is a necessary walk? — Said he [Raba] to him: If it was taught, it was taught.⁹

CHAPTER II

MISHNAH. ALL SACRIFICES WHOSE BLOOD WAS CAUGHT BY A ZAR, AN ONEN, A TEBUL YOM,¹⁰ ONE LACKING SACRIFICIAL ATONEMENT,¹¹ ONE LACKING [PRIESTLY] VESTMENTS, ONE WHO HAD NOT WASHED HIS HANDS AND FEET,¹²

AN UNCIRCUMCISED [PRIEST]. AN UNCLEAN [PRIEST]. ONE WHO WAS SITTING, ONE STANDING ON UTENSILS¹³ OR ON AN ANIMAL OR ON HIS FELLOW'S FEET, ARE DISQUALIFIED. IF [THE PRIEST] CAUGHT [THE BLOOD] WITH HIS LEFT HAND, IT IS DISQUALIFIED. R. SIMEON DECLARES IT VALID.¹⁴

GEMARA. How do we know [that] a zar [disqualifies the sacrifice if he receives the blood]? — Because Levi taught: [Scripture says,] Speak unto Aaron and to his sons, that they separate themselves from the holy things of the children of Israel etc.¹⁵ What does 'the children [sons] of Israel' exclude? Shall we say that it excludes [the sacrifice of] women? Can women's sacrifice be offered in uncleanness?¹⁶ Again, is it to exclude [the sacrifices of] heathens? seeing that [even] the headplate does not propitiate, for a Master said: But in the case of [the sacrifices of] heathens, whether [done]¹⁷ in ignorance or deliberately, propitiation is not effected,¹⁸ can these [actually] be offered in uncleanness! Hence this is what [Scripture] means: that they separate themselves from the holy things of the children of Israel, and that they [the children of Israel] profane not [My holy name].¹⁹

The School of R. Ishmael taught: [That a zar disqualifies the sacrifice] is inferred a minori from [a priest] with a blemish: if [a priest] with a blemish, who may eat [of the sacrifice], profanes [it] when he officiates,²⁰

(1) Since in fact the blood was taken away from the altar, it must be brought back. This becomes a service, and is therefore disqualified by a zar.

(2) Sh. M. reads: Rabina.

(3) Obermeyer, op. cit. p. 197 conjectures that this is identical with Dibtha, in the neighbourhood of Wasit, north of Harpania.

(4) I.e., he received it at some distance from the altar and brought it up to the altar.

(5) During the course of which an illegitimate intention does not disqualify the sacrifice, on all views.

(6) Hence an illegitimate intention even during this second passage to the altar disqualifies it.

(7) Since there was no need in the first place to take it away from the altar. Hence an illegitimate intention during that passage does not disqualify it.

(8) Sh. M. deletes.

(9) I must accept it.

(10) V. Glos. for these terms.

(11) A priest who became unclean through the dead was sprinkled with the ashes of the red heifer mixed with water; then he took a ritual bath; and on the eighth day of his uncleanness he offered a sacrifice, which made atonement for him. Similarly, a leper and a zab (q.v. Glos.) took a ritual bath on becoming clean, and offered a sacrifice the following day. in all these cases they are regarded as 'lacking atonement' after their ritual bath and before they offer their sacrifice.

(12) At the laver; v. Ex. XXX, 18 seq.

(13) I.e., not directly on the pavement.

(14) In the law concerning the last case.

(15) Lev. XXII, 2. This prohibits the priest from officiating whilst unclean (see following verses). Hence the phrase 'the children' (or, 'sons', which may be the meaning of the Heb. **uħbc**) apparently implies a limitation: only from the sacrifices of 'the children of Israel' must they hold aloof when they are unclean, but not from other sacrifices.

(16) Surely not.

(17) I.e., offered in an unclean state.

(18) V. infra 45b.

(19) Since 'the children of Israel' cannot be a limitation, it is interpreted as an additional subject of 'separate': the children of Israel (i.e., zarim) too must separate themselves from the sacrifices, as otherwise they profane God's name, by disqualifying the sacrifice.

(20) V. Lev. XXI, 22f.

Talmud - Mas. Zevachim 16a

is it not logical that a zar, who may not eat,¹ profanes [the sacrifice] by officiating? [No:] as for [a priest] with a blemish, the reason may be because in his case the man who offers [officiates] is treated on a par with what is offered!² Then let an unclean [priest] prove it.³ As for an unclean [priest], the reason is that he defiles [the flesh of the sacrifice]! Then let one with a blemish prove it. And thus the argument revolves, the distinguishing feature of one not being that of the other, and the distinguishing feature of the other not being that of the first. The feature common to both is that they are admonished [not to officiate], and if they do officiate, they profane [the sacrifice]; so will I also adduce a zar, who is [likewise] admonished, that if he officiates, he profanes.

How do we know that he is admonished? If from, 'that they separate themselves',⁴ surely profanation is written in its very context!⁵ — Rather, from [the text] But a common man [zar] shall not draw nigh unto you.⁶ But the [argument] can be refuted: the feature common to both is that they were not permitted at the high places!⁷ Do not say. 'Let an unclean [priest] prove it', but say. 'Let an onen prove it'⁸ As for an onen, [the reason is] because he is forbidden [to partake of] the Second tithe!⁹ Then let a [priest] with a blemish prove it.¹⁰ And thus the argument revolves, the distinguishing feature of one is not that of the other [and vice versa]; the feature common to both is that they are forbidden etc. But here too let us refute [the argument]: the feature common to both is that they were not permitted at the high places? To this R. Sama the son of Raba demurred: And who is to tell us that an onen was forbidden at the high places; perhaps he was permitted at the high places?¹¹

R. Mesharshia said: It is inferred a minori from [a priest who] sits. If one who is sitting profanes [the sacrifice] if he officiates, though he may eat [thereof when sitting]; is it not logical that a zar, who may not eat, profanes [it] if he officiates? As for one who is sitting, the reason may be because he is unfit to testify!¹² — [The inference is] from a scholar who is sitting.¹³ [Then refute it thus:] As for the general interdict¹⁴ of one who sits the reason may be because such is unfit to testify!¹⁵ — One does not refute by a general interdict.¹⁶ And should you say that you can refute [thus], [then say that] it is inferred from one who sits and one of these others.¹⁷ And how do we know that one who is sitting is fit at the high place?¹⁸ — Scripture saith, To stand before the Lord, to minister to Him:¹⁹ before the Lord [one must stand], but not at the high place.²⁰

ONEN. How do we know it? — Because it is written, Neither shall he go out of the Sanctuary, and he shall not profane [the Sanctuary of his God]:²¹ hence if another [priest, when an onen,] does not go out, he does profane [it]. R. Eleazar said, [it is inferred] from this verse: Behold, have they offered [their sin-offering and burnt-offering this day before the Lord]?²² It was I who offered. Hence it follows that had 'they' offered, it would rightly have been burnt.²³ Now, why

does not R. Eleazar draw [the inference] from [the text] ‘Neither shall he go out of the Sanctuary’? — He can answer you: Is it then written, but if another goes out, he does profane it?²⁴ And the other; why does he not draw [the inference] from [the text] ‘Behold, have they offered’? — He holds that it was burnt on account of uncleanness.²⁵

The school of R. Ishmael taught: It is inferred a minori from a [priest] with a blemish. If

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- (1) The flesh of the most sacred sacrifices, such as a sin-offering.
 - (2) A blemish disqualifies a priest from offering the sacrifice, just as it disqualifies an animal from being sacrificed.
 - (3) He may not officiate; but an animal cannot become unclean while alive, to render it unfit for a sacrifice. He too disqualifies a sacrifice by officiating.
 - (4) As on 15b.
 - (5) Why infer it a minori?
 - (6) Num. XVIII, 4.
 - (7) Before the Temple was built sacrifices were offered at the bamoth or high places (v. infra 112a). A priest with a blemish and an unclean priest might not officiate, as in the Temple. but a zar could do so.
 - (8) He could officiate at the high places, yet if he officiated in the Temple he disqualified the sacrifice.
 - (9) V. Deut. XXVI, 14.
 - (10) Who is not so forbidden.
 - (11) This objection is left unanswered. Hence the argument by inference from a priest with a blemish cannot be sustained.
 - (12) A witness may not sit when giving his testimony. Of course, this has nothing to do with sacrifices, but in order to refute an argument based on an inference a minori it is sufficient to shew that the premise is subject to a particular restriction from which the other is free.
 - (13) He was permitted to testify sitting.
 - (14) Lit. ‘name’.
 - (15) I.e., we find that sitting disqualifies one (though not all) from testifying, but we never find a zar disqualified from testifying.
 - (16) In the abstract, but rather from the actual person. Since then the argument is based on a scholar who sits, it remains unrefuted.
 - (17) An onen, an unclean priest, or a priest with a blemish.
 - (18) For otherwise this inference too can be refuted as above.
 - (19) Deut. X, 8.
 - (20) ‘Before the Lord’ is understood to mean in the Temple.
 - (21) Lev. XXI, 12. This refers to a High Priest when an onen: he must remain in the sanctuary (for sacrificing). and is assured that he will not profane, i.e., disqualify the sacrifices at which he officiates.
 - (22) Ibid. X, 19.
 - (23) A he-goat was sacrificed as a sin-offering on the eighth day of Aaron's consecration (v. Lev. VIII, 33-IX, 3) On that same day Aaron's sons, Nadab and Abihu, died (Ibid. X, 1-2). and the he-goat, instead of being eaten, was burnt. Moses was angry, and enquired whether the reason was that Aaron's other sons, Eleazar and Ithamar, had officiated in their bereavement, to which Aaron replied as in the text. R. Eleazar's interpretation of the text as a rhetorical question does not agree with E.V., which makes it a positive statement. His reason is because if it were a positive statement it is superfluous, as Aaron should simply have answered, ‘Behold, there have befallen one such things as these this day,’ as he goes on to say, and which was the real cause of the burning of the sacrifice.

(24) Surely not. Possibly an ordinary priest too does not disqualify the sacrifice, yet Scripture specifically states that a High Priest does not disqualify it, lest it be thought that precisely because his sanctity is greater he does disqualify it.

(25) V. infra 101a. Hence the passage has nothing to do with bereavement.

Talmud - Mas. Zevachim 16b

a [priest] with a blemish, who does eat [thereof], profanes [it] if he officiates, it is surely logical that an onen, who may not eat thereof, profanes it by his officiating. In the case of a [priest] with a blemish, the reason may be because they who sacrifice are regarded the same as those which are sacrificed!¹ Then let a zar prove it. As for a zar, the reason may be because there is no remedy for him!² Then let a [priest] with a blemish prove it.³ And thus the argument revolves: the feature peculiar to one is not that of the other, and the feature which characterises the other is not that of the first. The feature common to both is that they are admonished [not to officiate], and if they do officiate, they profane it. So do I adduce an onen too who is admonished, and if he officiates, he profanes it. Now, where is he admonished? Shall we say, in the text, ‘Neither shall he go out of the Sanctuary’? Surely profanation is written in that very context!⁴ — Rather, [it is inferred] from [the text]. ‘Behold, have they offered’, and he [the school of R. Ishmael] holds that it was burnt on account of bereavement.⁵ This argument may be refuted: As for the feature common to both, it is that there is no exception to the general interdict!⁶ Then let an unclean [priest] prove it.⁷ As for an unclean [priest], the reason is that he defiles [the flesh]! Then let the others prove it. And thus the argument revolves etc. The feature common to both is that they are admonished etc. Yet let us refute it [thus]: As for their common feature, it is that there is no exception to the general [interdict] in favour of a High Priest in the case of a private sacrifice?⁸ — The interdict⁹ of uncleanness is nevertheless raised.¹⁰ R. Mesharshia said: It is inferred a minori from [a priest] who sits: if a priest, who eats sitting, profanes [the sacrifice] if he officiates whilst sitting, it is surely logical that an onen, who may not eat [thereof], profanes [the sacrifice] by his officiating. As for one who sits, the reason may be because he is unfit to testify? — [The argument is] from a scholar who sits. [Then refute it thus:] As for the interdict of sitting, that may be because such is unfit to testify? — One does not refute from the [general] interdict of sitting. And should you say that you can refute thus, [say that] it is inferred from one who sits and one of these others.¹¹ [All SACRIFICES WHOSE BLOOD WAS CAUGHT BY...] AN ONEN... ARE DISQUALIFIED. Rabbah¹² said: They learned this only of a private sacrifice, but in the case of a public sacrifice¹³ it is accepted.¹⁴ [this being inferred] from uncleanness, a minori: if the general interdict of uncleanness was not raised in favour of a High Priest in the case of a private sacrifice, yet it was permitted to an ordinary priest in the case of a public sacrifice; then bereavement, whose general interdict was raised in favour of a High Priest in the case of a private sacrifice, is surely permitted to an ordinary priest in the case of a public sacrifice. To this Raba b. Ahilai demurred: Let [the interdict of] bereavement not be raised in favour of a High Priest in the case of a private sacrifice, a minori: if [the interdict of] uncleanness was not raised in favour of a High Priest in the case of a private sacrifice, though it was raised for an ordinary priest in the case of a public sacrifice; is it not logical that [the interdict of] bereavement, which was not raised for an ordinary priest in the case of a public sacrifice, shall not be raised for a High Priest in the case of a private sacrifice? [Or. argue thus:] Let uncleanness be permitted to a High Priest in the case of a private sacrifice, a minori: if bereavement, which is not permitted to an ordinary priest in the case of a public

sacrifice, is permitted to a High Priest in the case of a private sacrifice; is it not logical that uncleanness, which is permitted to an ordinary priest in the case of a public sacrifice, is permitted to a High Priest in the case of a private sacrifice? Again. [argue thus:] let uncleanness not be permitted to an ordinary priest in the case of a public sacrifice, a minori: If bereavement is not permitted to an ordinary priest in the case of a public sacrifice, though it is permitted to a High Priest in the case of a private sacrifice; then uncleanness which is not permitted to a High Priest in the case of a private sacrifice, is surely not permitted to an ordinary priest in the case of a public sacrifice? [Mnemonic:¹⁵ Let it not be permitted; let it not be permitted; bereavement and uncleanness, private sacrifice; private sacrifice; public sacrifice.]¹⁶

(1) V. supra a, p. 81 ‘ n.6.

(2) Under no circumstances can he become fit to officiate. An onen however, will be fit on the next day.

(3) He may become whole again.

(4) If it is so interpreted as to make it bear upon an ordinary priest. there is no need for the inference a minori.

(5) Nevertheless the text itself does not prove that if an onen officiates the sacrifice is disqualified. as Moses may have meant: Perhaps you transgressed the law by sacrificing it in bereavement, and having done so, you mistakenly thought that it is now disqualified (Rashi, as elaborated by Tosaf.).

(6) Lit., ‘it was not permitted out of its general rule’. There is no exception to the general law that a zar and a blemished priest may not officiate; but a High Priest is excepted from the law interdicting an onen to officiate.

(7) There is an exception in his case, for if the majority of the people are unclean on the eve of Passover, they offer the Paschal lamb in their unclean state.

(8) As opposed to a communal sacrifice. The Passover-offering is accounted as the latter, since the whole nation had to offer one.

(9) Lit., ‘name’.

(10) There is an exception to the general interdict of uncleanness, viz. ‘ in the case of the Paschal offering.

(11) Cf. supra a for notes.

(12) Text as emended by Sh. M. Cur. edd. Raba.

(13) One offered on behalf of the whole community.

(14) This is the technical term to denote that it is made valid (generally, in virtue of the headplate worn by the High Priest).

(15) For the various arguments just adduced.

(16) The point of all these objections is this: if the Scriptural law can be qualified by logical arguments, these can easily be reversed and precisely the opposite conclusions drawn.

Talmud - Mas. Zevachim 17a

But you can refute it thus, and you can refute it thus;¹ [therefore] let each one remain in its place.² TEBUL YOM. Whence do we know it? — For it was taught, R. Simai said: Where is the allusion that if a tebul yom officiates he profanes [the sacrifice]? In the text , They [the priests] shall be holy . . and not profane:³ since this cannot refer to an unclean [priest], for [his prohibition] is deduced from, That they separate themselves,⁴ apply it to a tebul yom.⁵ Say, apply it to the making of a baldness and the shaving off of the corners of the beard?⁶ — Since a tebul yom is liable to death for officiating (and how do we know that? because we deduce [similarity of law] from the use of ‘profanation’ here and in the case of terumah.)⁷ [it follows that] he who is unfit [to partake of] terumah profanes the service [of sacrifice], whereas he who is not unfit [to partake

Talmud - Mas. Menachoth 2a

CHAPTER I

MISHNAH. ALL MEAL-OFFERINGS,¹ FROM WHICH THE HANDFUL WAS TAKEN UNDER ANY OTHER NAME THAN THEIR OWN,² ARE VALID, SAVE THAT THEY DO NOT DISCHARGE THE OBLIGATION OF THE OWNER,³ WITH THE EXCEPTION OF THE SINNER'S MEAL-OFFERING⁴ AND THE MEAL-OFFERING OF JEALOUSY.⁵ AS TO THE SINNER'S MEAL-OFFERING AND THE MEAL-OFFERING OF JEALOUSY, IF THE HANDFUL WAS TAKEN THEREFROM UNDER ANY OTHER NAME THAN THEIR OWN, OR IF THEY WERE PUT INTO THE VESSEL, OR BROUGHT NIGH, OR BURNT UNDER ANY OTHER NAME THAN THEIR OWN, OR UNDER THEIR OWN AND ANOTHER NAME, OR UNDER ANOTHER NAME AND THEIR OWN, THEY ARE INVALID. HOW CAN THEY BE 'UNDER THEIR OWN AND ANOTHER NAME'? IF OFFERED AS A SINNER'S MEAL-OFFERING AND AS A FREEWILL MEAL-OFFERING. AND HOW CAN THEY BE UNDER ANOTHER NAME AND THEIR OWN'? IF OFFERED AS A FREEWILL MEAL-OFFERING AND AS A SINNER'S MEAL-OFFERING.

GEMARA. Why does the Mishnah state SAVE THAT? It could have simply stated, 'But they do not discharge the obligation of the owner'? — It teaches this: The owner's obligation is not thereby discharged, but the meal-offering itself is in each case valid, and it is therefore forbidden to make any further changes with regard to it.⁶ This is in accordance with Raba, for Raba said, If a burnt-offering was slaughtered under any name other than its own, it is nevertheless forbidden to sprinkle its blood under any other name than its own. You may, if you wish, explain this by logical reasoning, or if you wish, by reference to a verse. 'You may, if you wish, explain this by logical reasoning' — is it to be permitted, because a change has been made with regard to it, to go on making more and more changes? 'Or if you wish, by reference to a verse' — for it is written, That which is done out of thy lips thou shalt observe and do; according as thou hast vowed unto the Lord thy God, a freewill-offering.⁷ 'A freewill-offering'? It is a vow, is it not? Hence the verse is to be explained thus: if thou hast done according as thou hast vowed, then it is a votive offering; and if not it shall be a freewill-offering.

(1) Cf. Lev. II, 2ff. The usual procedure in making a meal-offering consisted of the following four services: taking the handful out of the meal-offering, putting it into a vessel, bringing it nigh to the altar, and burning it. These services correspond respectively to the four main services in connection with animal sacrifices, viz., slaughtering, receiving the blood, bringing it nigh to the altar, and sprinkling it.

(2) Either declaring it to be a different offering, **ase hubha** e.g., while dealing with a meal-offering prepared on a griddle the officiating priest expressly declares that he is dealing with one prepared in a pan; or declaring it to be on behalf of a different person, **ohkgec hubha** e.g., while dealing with A's meal-offering the priest declares that he is dealing with it on behalf of B.

(3) And he must bring again the offering which he had undertaken to bring either by vow or of his free will.

(4) The meal-offering brought as a sin-offering by a person of poor means on the commission of any of the transgressions mentioned in Lev. V, 1-4.

(5) Brought by a woman suspected of adultery by her husband; cf. Num. V, 15. In these two cases the

meal-offering, if brought under another name, is invalid.

(6) The expression 'SAVE THAT' in the Mishnah implies that in every other respect the meal-offering is a valid meal-offering.

(7) Deut. XXIII, 24.

Talmud - Mas. Menachoth 2b

And is it permitted to make any changes in respect of a freewill-offering?¹

Must we say that our Mishnah is not in agreement with the view of R. Simeon? For it was taught: R. Simeon says, All meal-offerings, from which the handful was taken under any other name than their own, are valid, and they also discharge the obligation of the owner, since meal-offerings are unlike [animal] offerings. For if [the priest] takes the handful from a meal-offering prepared on a griddle² and expressly refers to it as one prepared in a pan.² [his intention is of no consequence]. for the preparation thereof clearly indicates that he is dealing with one prepared on a griddle. Or if he is dealing with a dry³ [meal-offering] and expressly refers to it as mingled [with oil, his intention is of no consequence], for the preparation thereof clearly indicates that he is dealing with a dry [meal-offering]. But with [animal] offerings, it is not so; the same slaughtering is for all offerings, the same manner of receiving the blood for all, and the same manner of sprinkling for all.⁴ This indeed presents no difficulty according to R. Ashi who said,⁵ 'Here he took the handful from that which was prepared on a griddle and referred to it as prepared in a pan, there he took the handful from a meal-offering prepared on a griddle and referred to it as a meal-offering prepared in a pan',⁶ for our Mishnah is a case where one meal-offering was referred to as another meal-offering. But what can be said according to the answers suggested by Rabbah and Raba? For should you accept the answer suggested by Rabbah namely, 'Here the change was as regards the offering, there as regards the owner',⁷ [the difficulty of reconciling R. Simeon's view with that of our Mishnah remains, for] our Mishnah speaks of the change as regards the offering, since it reads, HOW CAN THEY BE UNDER THEIR OWN AND ANOTHER NAME'? IF OFFERED AS A SINNER'S MEAL-OFFERING AND AS A FREEWILL MEAL-OFFERING! And should you accept the answer suggested by Raba namely, 'Here he took the handful out of a meal-offering and referred to it as [another] meal-offering, there he took the handful out of a meal-offering and referred to it as an animal-offering',⁸ [the difficulty also remains, for] our Mishnah speaks of a meal-offering being referred to as [another] meal-offering, since it reads, AND HOW CAN THEY BE 'UNDER ANOTHER NAME AND THEIR OWN'? IF OFFERED AS A FREEWILL MEAL-OFFERING AND AS A SINNER'S MEAL-OFFERING! — It is clear then that according to Rabbah and Raba our Mishnah is not in agreement with R. Simeon.

Now I can point out a contradiction between the words of R. Simeon here and the words of R. Simeon elsewhere. For it has been taught: R. Simeon says, It is written, It is most holy, as the sin-offering, and as the guilt-offering,⁹ that is, some [meal-offerings] are like the sin-offering, and some like the guilt-offering. The sinner's meal-offering is like the sin-offering, so that if [the priest] took the handful therefrom under any other name than its own, it would be invalid, as is the sin-offering [in such circumstances]; the freewill meal-offering is like the guilt-offering, so that if he took the handful therefrom under any other name than its own, it would remain valid. 'And

as the guilt-offering', that is, as the guilt-offering is valid [even when offered under any other name than its own], but does not satisfy [the obligation of the owner], so the freewill meal-offering is valid but does not satisfy [the obligation of the owner]!¹⁰ — Rabbah answered, It is no contradiction: here the change was as regards the offering, there as regards the owner.¹¹ Thereupon Abaye said to him, But consider, since it is established by analogy that, according to Divine Law, a wrongful intention renders the offering invalid,¹² what difference does it make whether the change was as regards the offering or as regards the owner? — He replied, The rule of R. Simeon that the preparation thereof clearly indicates [the true nature of the offering] is founded on reason (for R. Simeon generally expounds the reasons of Scriptural law); therefore a wrongful intention which is not manifestly [absurd] the Divine Law declares capable of rendering an offering invalid, but a wrongful intention which is manifestly [absurd]¹³ the Divine Law declares incapable of rendering invalid.

(Mnemonic: a burnt-offering; he nipped off a burnt-offering; he drained; a sin-offering of a bird; Most Holy sacrifices; Lesser Holy sacrifices.)

In that case it should follow that if [the priest] nipped off the head of a burnt-offering of a bird above [the red line which went around the altar]¹⁴ under the name of a sin-offering of a bird, it discharges¹⁵ [the owner], since the treatment thereof indicates plainly that it is a burnt-offering of a bird, for if it were a sin-offering of a bird he would have performed [the nipping] below [the red line]!¹⁶ — Do you think the sin-offering of a bird may not be performed above [the red line]? Surely a Master has stated that the nipping [of the sin-offering of a bird] may be performed at any place on the altar!¹⁷ Again, if he drained the blood of a burnt-offering of a bird above [the red line] under the name of a sin-offering of a bird, it should discharge [the owner], since the treatment thereof indicates plainly that it is a burnt-offering, for if it were a sin-offering he would have drained it below [the red line], and [would also have first] sprinkled [the blood upon the side of the altar]!¹⁸ —

(1) Certainly not! v. Sifra on Lev. I, 9. Hence even though the original sacrifice has been varied (as here from a votive to a freewill-offering) it is forbidden to make any further changes with regard to it, just as it is forbidden to vary the freewill-offering.

(2) V. Ibid. II, 5, 7; and infra 59a and 63a.

(3) I.e., one not mixed with oil, e.g., a sinner's meal-offering, or the meal-offering of jealousy.

(4) R. Simeon apparently disagrees with our Mishnah on two points: (a) He makes no exception for the sinner's meal-offering and the meal-offering of jealousy, and (b) he declares that even though the meal-offering was treated under another name the owner has discharged his obligation.

(5) In answer to the contradiction pointed out between the two statements of R. Simeon, infra.

(6) Where the officiating priest does not mention 'meal-offering' but merely the vessel in which it has been prepared, referring to one kind as another, it is clear that his words are meaningless and are to be ignored, since the very preparation of the meal-offering contradicts him; hence the offering is in no wise affected thereby and it discharges the owner's obligation. On the other hand, where he refers to one meal-offering as another, as is clearly the case in our Mishnah, the offering is affected thereby, since he has expressed a wrongful intention in connection with a meal-offering, and it therefore does not discharge the owner's obligation.

(7) Where the change was expressed in respect of the kind of offering, e.g., a meal-offering prepared on a griddle being referred to as one prepared in a pan, the offering is not thereby invalidated, for it is clear to all that it is the

former and not that which he declares it to be, and therefore counts in fulfilment of the owner's obligation. Where, however, the change was expressed in respect of the owner of the offering, the offering cannot discharge the true owner's obligation.

(8) In the former case the owner's obligation is discharged in spite of the variation in the kind of meal-offering, in the latter case it is not discharged.

(9) Lev. VI, 10.

(10) This latter statement of R. Simeon wholly agrees with our Mishnah, so that it is in conflict with the former statement of R. Simeon on two points; v. supra p. 3 n. 2.

(11) V. Supra p. 3 n. 5.

(12) In Lev. VI, 10, the meal-offering is equated with the animal sacrifices of the sin-offering and guilt-offering, and as a wrongful intention with regard to these sacrifices, whether in respect of the kind of sacrifice or of the owner, renders them invalid, so it should be with regard to the meal-offering too.

(13) I.e., where the actions of the officiating priest belie his expressed intention. In such a case his words cannot be taken seriously.

(14) Cf. Mid. III, 1.

(15) Lit., 'render acceptable'.

(16) The rule is that the burnt-offering of a bird must be prepared above the red line (v. Zeb. 65a); the sin-offering of a bird, on the other hand, was usually prepared below the red line. Hence in spite of the priest's express intention to the contrary, the fact that he is nipping the bird above the red line clearly indicates that he is dealing with a burnt-offering, and the offering should count in fulfilment of the owner's obligation; nevertheless the established law is not so.

(17) Zeb. 63a. So that the treatment does not clearly mark the offering as a burnt-offering.

(18) The fixed routine in bird-offerings was (a) in the case of a burnt-offering: the head was nipped off but not severed from the body, the blood was drained at the side of the altar above the red line, then the whole bird was burnt on the altar; (b) in the case of a sin-offering: the head was nipped off and also not severed from the body, the blood was sprinkled upon the side of the altar, the rest of the blood was drained at the base of the altar, then the flesh was consumed by the priests.

Talmud - Mas. Menachoth 3a

It might be said that it is now being drained, the sprinkling having already taken place; and [as for its being drained above the red line], has not the Master stated that wherever upon the altar the blood was drained it is valid?

Again, if he sprinkled the blood of the sin-offering of a bird below [the red line] under the name of a burnt-offering of a bird, it should discharge [the owner], since the treatment thereof indicates plainly that it is a sin-offering of a bird, for if it were a burnt-offering of a bird he would have performed [the sprinkling] above [the red line], and would also have drained out the blood? — This is so.¹ But did he not say, 'Since meal-offerings are unlike [animal] offerings'? — Yes, unlike [animal] offerings, but not unlike bird-offerings.²

Again, if one slaughtered Most Holy sacrifices on the north side [of the altar] under the name of Lesser Holy sacrifices, they should discharge [the owners], since the treatment thereof indicates plainly that they are Most Holy sacrifices, for if they were Lesser Holy sacrifices, [the slaughtering] surely would have been performed on the south side! — No, the rule of the Divine

Law is [that Lesser Holy sacrifices may be slaughtered] even on the south side, but not on the south side to the exclusion of the north.³ For we have learnt: [The Lesser Holy sacrifices] may be slaughtered in any part of the Temple court.⁴

Again, if one slaughtered Lesser Holy sacrifices on the south side under the name of Most Holy sacrifices, they should discharge [the owners], since the treatment thereof indicates plainly that they are Lesser Holy sacrifices, for if they were Most Holy sacrifices, [the slaughtering] would surely have been performed on the north side! — It might be said that they really were Most Holy sacrifices but that [the slaughterer] had transgressed the law and slaughtered them on the south side. If so, in the case where a meal-offering prepared on a griddle was referred to as one prepared in a pan, it might also be said that the owner had vowed a meal-offering prepared in a pan and the priest when taking the handful therefrom [rightly] referred to it as prepared in a pan, for it was to be a meal-offering prepared in a pan, but he [the owner] had transgressed and brought one prepared on a griddle!⁵ — There, even though he had vowed a meal-offering prepared in a pan, if he brought it prepared on a griddle it must be treated as prepared on a griddle.⁶ As we have learnt: If a man said, ‘I take it upon myself to bring a meal-offering prepared on a griddle’, and he brought one prepared in a pan; or if he said, ‘a meal-offering prepared in a pan’, and he brought one prepared on a griddle, what he has brought he has brought, but he has not discharged the obligation of his vow.⁷ But perhaps he used the expression ‘This’;⁸ as we have learnt: If he said, ‘Let this [meal] be brought [as a meal-offering prepared] on a griddle’, and he brought it [prepared] in a pan, or if he said, ‘Let this [meal be brought as a meal-offering] prepared in a pan’, and he brought it [prepared] on a griddle, it is invalid! —⁹ According to the view of the Rabbis this would indeed be [a difficulty]; but we are arguing according to the view of R. Simeon, and R. Simeon holds that [in the first case] he has even discharged the obligation of his vow. Hence the description [of the meal-offering] by the particular vessel is of no consequence,¹⁰ and it is immaterial whether he said ‘Let this be’ or ‘I take it upon myself’.

Again, if one slaughtered a burnt-offering under the name of a sin-offering it should discharge [the owner], for the one¹¹ is a male animal and the other¹² a female!¹³ — Since there is the goat of the sin-offering of a ruler, which must be a male,¹⁴ it is not so evident.¹⁵ Then what can be said if he referred to it as a sin-offering of an individual?¹⁶ Moreover, if one slaughtered the sin-offering of an individual under the name of a burnt-offering, it should discharge [the owner], since a sin-offering must be a female animal, and a burnt-offering a male! — It is covered by the tail.¹⁷ This holds good in the case where one brought a ewe, but what can be said where one brought a she-goat?¹⁸ — In truth people don't usually think of distinguishing between male and female animals.

Again, if one slaughtered the passover-offering under the name of a guilt-offering it should discharge [the owner], since the former must be in its first year whereas the latter must be in its second year! — Since there is the guilt-offering of the Nazirite and of the leper,¹⁹ it is then not so certain. Then what can be said if he expressly referred to it as the guilt-offering for robbery or for sacrilege?²⁰ Moreover, if one slaughtered the guilt-offering for robbery or for sacrilege under the name of the passover-offering it should discharge [the owner], since the passover-lamb must be in its first year whereas the others must be in their second year! — In truth people don't usually distinguish between an animal in its first year and one in its second year, for an animal in its first

year may sometimes look like one in its second year, and one in its second year may look like one in its first year.

Again, if one slaughtered a he-goat²¹ under the name of a guilt-offering it should discharge [the owner], since the one²² has wool and the other hair! — people might think that it²³ is a black ram.

Again, if one slaughtered a calf or a bullock under the name of the passover-offering or a guilt-offering it should discharge [the owner], since a calf or a bullock cannot serve as the passover-offering or as a guilt-offering!²⁴ — This is indeed so;

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- (1) That according to R. Simeon in such a case the owner counts the offering as the fulfilment of his obligation.
 - (2) I.e., a bird-offering like a meal-offering, although offered under a different name, discharges the obligation of the owner, for the treatment thereof clearly indicates the true nature of the sacrifice.
 - (3) Lit., 'did it say, On the south side and not on the north?' In contradistinction from the Most Holy sacrifices — the burnt-offering, the sin-offering, and the guilt-offering, which must be slaughtered on the north side of the altar only (v. Lev. I, 11; VI, 18; VII, 2). — Scripture does not specify any particular place for the slaughtering of the Lesser Holy sacrifices, and the implication clearly is that it may be slaughtered in any part of the Temple court.
 - (4) Zeb. 55a.
 - (5) And why does R. Simeon hold that in such a case the express intention is to be ignored? The text in cur. edd. is somewhat involved, and the reading of Sh. Mek. is followed.
 - (6) And therefore to refer to it as a meal-offering prepared in a pan is mere empty words.
 - (7) Infra 102b.
 - (8) So Sh. Mek, omitting the words, 'to be brought prepared on a griddle and he brought it prepared in a pan'.
 - (9) Infra 102b. Consequently where the expression 'this' was used it cannot be offered as anything else. Now in the present case it might be thought that the priest when taking the handful therefrom and referring to it as a meal-offering prepared in a pan, refers actually to its true character, so that his expressed intention cannot be said to be idle talk.
 - (10) But it is the vessel in which the meal is actually put that decides the kind of meal-offering it is to be; so that what is put on a griddle cannot be anything else, and the priest's reference to it as something else is idle talk.
 - (11) Sc. the burnt-offering.
 - (12) Sc. the sin-offering.
 - (13) And it is evident to all that to refer to this animal as a sin-offering is idle talk, for it is a male animal.
 - (14) V. Lev. IV, 22f.
 - (15) For the burnt-offering that he is slaughtering might reasonably be taken to be the goat of the sin-offering of a ruler, particularly since he refers to it as a sin-offering.
 - (16) Which every one knows must be a female animal. The fact therefore that he is dealing with a male animal indicates clearly that his words are meaningless.
 - (17) So that the sex of the animal is not noticeable.
 - (18) Which has no tail, i.e., its tail does not cover fully its hind quarters. like a sheep, and its sex is easily noticeable.
 - (19) Which must also be in the first year, for **acf** is prescribed, and the term **acf**, sheep, signifies a lamb not more than one year old, whereas the term **kht**, ram, signifies a sheep in its second year and not more than two years old (v. Parah I, 3). V. Num. VI, 12; and Lev. XIV, 12.
 - (20) Which must be a sheep in its second year; v. Lev. V, 25 and 15.
 - (21) The he-goat of the sin-offering of a ruler.

(22) Sc. the sheep for the guilt-offering.

(23) Sc. the he-goat; since goats are usually dark in colour (cf. Rashi and Tosaf.).

(24) For these must be of the flock.

Talmud - Mas. Menachoth 3b

and by the term ‘animal offerings’¹ he meant the majority of animal-offerings. Raba answered:² It is no contradiction: here he took the handful out of a meal-offering and referred to it as [another] meal-offering, there he took the handful out of a meal-offering and referred to it as an animal-offering. Where one meal-offering was referred to as [another] meal-offering [it discharges the owner's obligation, for it is written,] And this is the law of the meal-offering:³ there is but one law for all meal-offerings;⁴ where a meal-offering was referred to as an animal-offering, [it does not discharge the owner's obligation, for it is written.] ‘And this is the law of the meal-offering’; but it is not written ‘of the animal-offering’. But did not the Tanna [R. Simeon] say, ‘For the preparation thereof clearly indicates [the true nature of the offering]’?⁵ — He meant thus: Although the expressed statement⁶ clearly does not [correspond with the actual offering] and consequently it should be invalid,⁷ [yet it is not so, for it is written,] ‘And this is the law of the meal-offering’: there is but one law for all meal-offerings.⁴ Then what is the meaning of the statement, ‘But with animal-offerings it is not so’?⁸ — It means, in spite of the fact that the same manner of slaughtering is for all offerings, it is written, ‘And this is the law of the meal-offering’, and not ‘of the animal-offering’.

In that case, if one slaughtered a sin-offering brought on account of [eating] forbidden fat under the name of a sin-offering brought on account of [eating] blood, or under the name of a sin-offering brought on account of idolatry, or under the name of the sin-offering of the Nazirite or of the leper, it should be valid and also discharge [the owner], for the Divine Law says, This is the law of the sin-offering:⁹ there is but one law for all sin-offerings!¹⁰ According to R. Simeon it is indeed so; and¹¹ as for the view of the Rabbis,¹² Raba said, If one slaughtered a sin-offering brought on account of [eating] forbidden fat under the name of a sin-offering brought on account of [eating] blood, or under the name of a sin-offering brought on account of idolatry, it is valid;¹³ if [he slaughtered it] under the name of the sin-offering of the Nazirite or of the leper it is invalid, because with each of these there is a burnt-offering too.¹⁴ R. Aha the son of Raba reports that it is invalid in every case, for it is written, And he shall slaughter it for a sin-offering.¹⁵ that is, for that [particular] sin.¹⁶

R. Ashi answered, It is no contradiction: Here he took the handful out of that which was prepared on a griddle and referred to it as prepared in a pan, there he took the handful out of a meal-offering prepared on a griddle and referred to it as a meal-offering prepared in a pan.¹⁷ Where what is prepared on a griddle is referred to as prepared in a pan, [it discharges the owner's obligation, for] the wrongful intention is in respect of the vessel used, and a wrongful intention in respect of the vessel used does not invalidate the offering. Where a meal-offering prepared on a griddle is referred to as a meal-offering prepared in a pan, [it does not discharge the owner's obligation, for] the wrongful intention is in respect of a meal-offering, and it is thereby rendered invalid. But did not the Tanna [R. Simeon] say, ‘For the preparation thereof clearly indicates [the true nature of the offering]’?¹⁸ — He meant thus: Although the expressed statement clearly does

not [correspond with the actual offering], and consequently it should be invalid,¹⁹ [yet it is not so, for] the intention is in respect of the vessel and any wrongful intention in respect of the vessel does not invalidate the offering.²⁰ Then what is the meaning of the statement, 'But with animal-offerings it is not so'?²¹ — It means, in spite of the fact that the same manner of slaughtering is for all offerings, and the same manner of receiving the blood and sprinkling it for all offerings, the wrongful intention is in respect of the slaughtering and it is thereby rendered invalid.

R. Aha the son of Raba asked R. Ashi, Then why does R. Simeon say [that it discharges the owner's obligation] where a dry [meal-offering] was referred to as one mingled [with oil]?²² He replied, [The intention was] for anything that is mingled.²³ If so, when referring [to a burnt-offering] as a peace-offering it might also be taken to mean anything that brings about peace!²⁴ — There is no comparison at all! There the actual sacrifice is termed shelamim [peace-offering],²⁵ as it is written, He that offereth the blood of the shelamim,²⁶ which means, he that sprinkles the blood of the peace-offering;²⁷ but here, is the meal-offering ever referred to simply as belulah [mingled]?²⁸ It is written, And every meal-offering, mingled with oil [belulah ba-shemen] or dry;²⁹ it is indeed referred to as 'mingled with oil', but never as 'mingled' by itself.³⁰

Now they al³¹ do not adopt Rabbah's answer, for [they say], on the contrary, an intention which is manifestly [absurd] the Divine Law declares capable of rendering an offering invalid.³² They also do not adopt Raba's answer, for they do not accept his interpretation of the verse, 'And this is the law of the meal-offering'.³³ And they do not all adopt R. Ashi's answer because of the difficulty raised by R. Aha the son of Raba.³⁴

That which is clear to Rabbah in one way³⁵ and is clear to Raba in the opposite way,³⁶ is a matter of doubt to R. Hoshai. For R. Hoshai put the question (others say, R. Hoshai put the question to R. Assi): Where one referred to a meal-offering as an animal-offering

(1) V. supra 2b: 'Since meal-offerings are not like animal offerings'. In some cases, however, as in the last case stated, the express variation of the sacrifice is so absurd as to be absolutely ignored; and therefore the sacrifice serves to discharge the obligation of the owner.

(2) To reconcile the contradiction cited between the statements of R. Simeon, v. supra p. 4.

(3) Lev. VI, 7.

(4) I.e., all meal-offerings are regarded as one form of offering, and therefore when dealing with one kind of meal-offering to refer to it as another is of no consequence.

(5) Accordingly a meal-offering referred to as an animal-offering should be valid since the reference is apparently absurd.

(6) In the case where the priest expressly refers to a meal-offering prepared on a griddle as one prepared in a pan.

(7) For the view now held is that where the expressed intention is absurd on the face of it it most certainly renders the offering invalid, for otherwise it may be said that it is permitted to vary offerings.

(8) This statement originally was taken to mean that any variation in an animal-offering affects the owner in that his obligation is not discharged. Now, however, according to the interpretation suggested, the contrast with meal-offerings must give the result that any variation in animal-offerings discharges the owner's obligation since, after all, there is but one manner of slaughtering and one manner of sprinkling for all offerings.

(9) Lev. VI, 18.

(10) Consequently any variation regarding the kind of sin-offering should be of no consequence; wherefore then have we learnt that the sin-offering is thereby rendered invalid (Zeb. opening Mishnah)?

(11) The text is extremely doubtful and the suggested emendations are various each with different interpretations. The translation follows the text as suggested by Sh. Mek. in the margin, which is supported by MS.M. V. also commentaries of Birkath Hazebah (B.H.) and Z. Kodoshim (Z.K.)

(12) Who do not adopt the interpretation of And this is the law of the sin-offering.

(13) Although it does not count for the fulfilment of the owner's obligation (Rashi). It is valid, however, because each offering mentioned bears the name and true characteristic of the sin-offering.

(14) And it might be said that a sin-offering offered under the name of a burnt-offering is also valid, which is certainly not the law. According to another reading, the word **uvhshvc** is omitted, and the translation would be: 'these are (sc. have the characteristics of) burnt-offerings'; i.e., the sin-offering of the Nazirite and of the leper do not, like all other sin-offerings, bring about atonement, but only serve to render the person fit to partake of that which he was forbidden heretofore, namely, to permit the Nazirite to drink wine, and the leper to enter the Temple and to partake of sacred food.

(15) Ibid. IV, 33.

(16) Heb. **v, ut** translated 'it' is often interpreted by the Rabbis as the demonstrative pronoun 'that'; i.e., he shall slaughter the offering for that particular sin.

(17) V. supra p. 3, n. 4.

(18) Accordingly a meal-offering prepared on a griddle and referred to as a meal-offering prepared in a pan should also be valid since the expressed intention is apparently absurd.

(19) V. supra p. 10, n. 5.

(20) So in MS. M. and Sh. Mek.

(21) V. supra p. 10, n. 6.

(22) The variation here is clearly not in respect of the vessel in which the meal-offering is put, but rather in respect of the meal-offering itself, and therefore the wrongful intention should invalidate the offering.

(23) But not necessarily a meal-offering; such an intention therefore could in no wise affect the offering.

(24) And not necessarily a peace-offering; such an intention therefore should not invalidate the sacrifice, nevertheless it is admitted by R. Simeon that with regard to animal offerings a wrongful intention does invalidate the sacrifice.

(25) **ohnka**. And nowhere in the Bible has this word any other connotation.

(26) Lev. VII, 33.

(27) V. Zeb. 98b.

(28) **vkukc**.

(29) Lev. VII, 10. **inac vkukc**.

(30) So that to refer to a dry meal-offering as mingled does not necessarily mean that it is intended to be a meal-offering mingled with oil, for this would have been expressly stated; it is regarded as empty words and the offering is not affected thereby.

(31) The Gemara, having argued fully upon the suggested answers of Rabbah, Raba and R. Ashi in reconciling the conflicting views of R. Simeon, now proceeds to explain why these three Rabbis cannot agree upon one answer.

(32) For otherwise it may be said that one may vary the services of the sacrifices.

(33) Ibid. VI, 7. For if they accepted this interpretation, they would also have to accept the similar interpretation of the verse in connection with the sin-offering, and there is no evidence to show that R. Simeon ever held such a view with regard to the sin-offering, namely, that if one slaughtered a sin-offering brought on account of eating forbidden fat under the name of the sin-offering of the Nazirite, it discharges the owner's obligation.

(34) For the answer given is not quite satisfactory, since the term 'belulah' by itself generally refers to a meal-offering mingled with oil.

(35) That a statement which is manifestly absurd with regard to the offering, as when the actions of the officiating priest belie his expressed intention, does not render the offering invalid; v. supra p. 5.

(36) That a statement which is manifestly absurd does render the offering invalid; v. supra p. 9, n.7.

Talmud - Mas. Menachoth 4a

, what would be R. Simeon's view? Is this the reason for R. Simeon's opinion, namely, that a wrongful intention which is manifestly [absurd] does not invalidate the offering, and here also the intention is manifestly [absurd]; or is it this, namely, it is written. And this is the law of the meal-offering,¹ but it is not written 'of the animal-offering'? — He replied, We cannot fathom R. Simeon's mind, He² would not give Rabbah's answer because of Abaye's objection to it;³ nor Raba's answer because of the objection from the verse, And this is the law of the sin-offering;⁴ nor R. Ashi's answer because of the objection raised by R. Aha the son of Raba.

WITH THE EXCEPTION OF THE SINNER'S MEAL-OFFERING AND THE MEAL-OFFERING OF JEALOUSY. It is indeed clear with regard to the sinner's meal-offering, for the Divine Law terms it a sin-offering, as it is written, He shall put no oil upon it, neither shall he put any frankincense thereon; for it is a sin-offering.⁵ But whence do we know it with regard to the meal-offering of jealousy? From the following which a Tanna recited before R. Nahman: The surplus of the meal-offering of jealousy was used for [public] freewill-offerings.⁶ Whereupon he [R. Nahman] said to him, Well spoken, indeed! For the expression 'iniquity' is used with regard to it as well as with regard to the sin-offering;⁷ and as the surplus of the sin-offering goes for [public] freewill-offerings,⁸ so the surplus of the meal-offering of jealousy goes for [public] freewill-offerings. And again like the sin-offering; as the sin-offering is invalid if offered under any other name than its own, so the meal-offering of jealousy is also invalid if offered under any other name than its own. In that case the guilt-offering should also be invalid if offered under any name other than its own, since one can infer it from the sin-offering by means of the common expression 'iniquity'!⁹ — We may infer 'iniquity' from 'iniquity', but we may not infer 'iniquity' from 'his iniquity'. But what does this [slight variation] matter? Was it not taught in the School of R. Ishmael that in the verses, And the priest shall come again,¹⁰ and And the priest shall come in,¹⁰ 'coming again' and 'coming in' have the same import [for purposes of deduction]? Moreover, one can infer 'his iniquity' [stated in connection with the guilt-offering] from 'his iniquity' stated in connection with 'the hearing of the voice of adjuration', where it is written, if he do not utter it, then he shall bear his iniquity.¹¹ — Indeed the inference [from the sin-offering] relates only to the surplus [that it shall go] for freewill-offerings. Should you, however, retort, Surely an inference cannot be restricted to one point!¹² [I answer that] the Divine Law has expressly stated 'it' with regard to the sin-offering, as it is written, And he shall slaughter it for a sin-offering;¹³ 'it' [namely, the sin-offering, if slaughtered] under its own name is valid but under any name other than its own is invalid, whereas all other offerings are valid whether offered under their own or under any other name. Then whence do we know that the sinner's meal-offering and the meal-offering of jealousy are invalid [if offered] under any name other than their own? — Why is it [that this is so]¹⁴ regarding the sin-offering? Because there is written, It is [a sin-offering].¹⁵ With these, too, there is written, 'It is'.¹⁶ Then, with the guilt-offering we also find 'It is'?¹⁷ —

That is stated after the burning of the sacrificial parts; as it was taught: But with regard to the guilt-offering the expression 'It is' is stated after the burning of the sacrificial parts. And if the sacrificial parts thereof were not burnt at all, it is valid¹⁸. Then what is the purpose of the expression 'It is' [in the case of the guilt-offering]? — It is required for the teaching of R. Huna in the name of Rab, viz., If a guilt-offering that was assigned to pasture¹⁹ was slaughtered without any specified purpose, it is valid as a burnt-offering. That is so only if it was assigned to pasture, but if it was not so assigned it is not [valid], for the verse reads. It is [a guilt-offering],¹⁷ that is it retains its status.²⁰ Rab said, If [the priest] took the handful from the meal-offering of the 'Omer²¹ under any name other than its own it is invalid,²² for it is brought in order to render permitted [the new harvest] and it has not done so.²³ In like manner you may say with regard to the guilt-offering of the Nazirite

(1) Lev. VI, 7.

(2) R. Hoshai who put this question.

(3) V. supra p. 4.

(4) Ibid. VI, 18; v. supra p. 11.

(5) Ibid. V, 11. And as the sin-offering if offered under any other name than its own is invalid (v. Zeb. 2a). So it is also with the sinner's meal-offering.

(6) I.e., if a sum of money was set aside for the purpose of acquiring barley for the meal-offering of jealousy, and if in the meantime barley fell in price, the surplus money was to be put into the special collecting boxes in the Temple (v. Shek. VI, 1, 5). The accumulated money was expended in the purchase of animals for sacrifices which were offered as public freewill-offerings whenever the altar was 'vacant'.

(7) So according to the text of MS.M. and Sh. Mek. In connection with the sin-offering it is written (Ibid. X, 17). And he hath given it to you to bear the iniquity of the congregation; and in connection with the meal-offering of jealousy it is written (Num. V, 15). Bringing iniquity to remembrance.

(8) V. Tem. 23b.

(9) For in connection with the guilt-offering there is also used the expression 'iniquity': Yet is he guilty and shall bear his iniquity (Lev. V, 17). Nevertheless it is established law that a guilt-offering offered under any other name than its own is valid.

(10) Ibid. XIV, 39 and 44. The reference is to the treatment of a leprous spot in the walls of a house. (v. Sifra a.l.).

(11) Ibid. V, 1, where a sin-offering is prescribed for the atonement.

(12) Lit., 'there is no inference by halves; i.e., an inference cannot be drawn in respect of one law and not in respect of another law.

(13) Ibid IV, 33.

(14) Sc. that if offered under any other name than its own it is invalid.

(15) Ibid. 24.

(16) For the sinner's meal-offering v. Lev. V, 11 and for the meal-offering of jealousy v. Num. V, 15.

(17) Lev. VII, 5: And the priest shall burn them upon the altar . . . it is a guilt-offering. Accordingly if the guilt-offering was offered under another name it should be invalid.

(18) V. Pes. 59b, and Zeb. 5b. As the expression 'it is' refers only to the burning of the sacrificial parts it follows that the other services are valid even though performed under another name. Moreover to suggest that the burning of the sacrificial parts is invalid if performed under another name is out of the question, for the offering is valid without it.

(19) This was the usual course whenever an animal having once been set aside for a guilt-offering was no longer required for that purpose. e.g., where the owner who was to bring this guilt-offering died, or where the animal was

lost and another was used in its stead and was later found. This animal was assigned to the care of a shepherd and put out in the field to pasture until it became blemished, when it might be redeemed and the money used for freewill burnt-offerings (Rashi).

(20) Sc. that of a guilt-offering until it is expressly assigned to pasture when it is destined for a burnt-offering.

(21) V. Ibid. II, 14 and XXIII, 10ff. Only after the offering of the 'Omer on the sixteenth day of Nisan was it permitted to eat of the new harvest.

(22) I.e., the handful may not be burnt upon the altar, nor may the rest be eaten by the priests.

(23) Since it was offered under another name.

Talmud - Mas. Menachoth 4b

and the guilt-offering of the leper, viz., if one slaughtered them under any name other than their own they are invalid, for they are brought in order to render [the person] fit¹ and they have not done so. [An objection was raised:] We have learnt: ALL MEAL-OFFERINGS FROM WHICH THE HANDFUL WAS TAKEN UNDER ANY OTHER NAME THAN THEIR OWN ARE VALID, SAVE THAT THEY DO NOT DISCHARGE THE OBLIGATION OF THE OWNER, WITH THE EXCEPTION OF THE SINNER'S MEAL-OFFERING AND THE MEAL-OFFERING OF JEALOUSY. Now if the [above ruling of Rab] were correct, then it should have also stated 'with the exception of the meal-offering of the 'Omer'! — It only states those [meal-offerings] which are brought by an individual and not that which is brought by the whole community;² furthermore, it only states those which are brought by themselves and not that which accompanies an animal-offering;² furthermore, it only states those which are brought at no fixed time and not that which is brought at a fixed time.²

'In like manner you may say with regard to the guilt-offering of the Nazirite and the guilt-offering of the leper, viz., if one slaughtered them under any name other than their own they are invalid, for they are brought in order to render [the person] fit and they have not done so'. [An objection was raised:] We have learnt: All animal-offerings that were slaughtered under any name other than their own are valid, save that they do not discharge the obligation of the owner, with the exception of the passover-offering and the sin-offering.³ Now if [the above ruling of Rab] were correct, then it should have also stated with the exception of the guilt-offering of the Nazirite and the guilt-offering of the leper', for they are brought in order to render [the person] fit and they have not done so! — Since there is also the guilt-offering for robbery and the guilt-offering for sacrilege which are brought for atonement,⁴ [the Tanna] therefore could not have stated it absolutely.⁵ Why is it that the guilt-offering of the Nazirite and the guilt-offering of the leper [if slaughtered under another name are invalid]? It is, is it not, because they are brought in order to render [the person] fit and they have not done so? Then with the other [guilt-offerings] too, it might be said, they are brought to make atonement and they have not done so! — R. Jeremiah answered, It is because we find that Scripture distinguishes between sacrifices that bring about atonement and those that render [the person] fit; those that bring about atonement are sometimes brought after death;⁶ whereas those that render [the person] fit are never brought after death. As we have learnt:⁷ If a woman had brought her sin-offering and then died, her heirs must bring her burnt-offering; but if she had first brought her burnt-offering and then died, her heirs need not bring her sin-offering.⁸ R. Judah the son of R. Simeon b. Pazzi demurred: But are not sacrifices that render the person fit also brought after death? Surely we have learnt: If a man set

apart money for his Nazirite offerings,⁹ it is forbidden to make any other use of it, yet there would be no infringement of the law of sacrilege, since it may all be used for the purchase of peace-offerings.¹⁰ If he died and the money was not yet apportioned [for the respective offerings], it all goes for freewill-offerings;¹¹ if it was apportioned, the price of the sin-offering must be cast into the Dead Sea¹² — no use may be made of it; yet [if one did] there would be no infringement of the law of sacrilege;¹³ with the price of the burnt-offering a burnt-offering must be brought and the law of sacrilege applies to it; with the price of the peace-offering a peace-offering must be brought which must be eaten the same day¹⁴, but it does not require the Bread-offering.¹⁵ Now are not the burnt-offering and the peace-offering of the Nazirite brought in order to render him fit and yet are brought after death? — Said R. Papa. This is what R. Jeremiah meant: We do not find an absolute offering,¹⁶ serving to render the person fit, that can be brought after death, for as regards the Nazirite, the offering which serves to render him fit is not absolute,

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- (1) The guilt-offering of a Nazirite, which was brought if during the period of his vow the Nazirite contracted uncleanness, rendered him fit to resume his Nazirite mode of life; cf. Num. VI, 12. The guilt-offering of the leper rendered him fit to partake of consecrated food.
 - (2) As is the case with the meal-offering of the 'Omer; v. Lev. XXIII, 12.
 - (3) Which are invalid if slaughtered under any other name; Zeb. 2a.
 - (4) And from the above rule of Rab it is to be inferred that whatsoever is brought for atonement, even if offered under another name, is valid; v. infra.
 - (5) I.e., the Tanna could not have stated absolutely in the Mishnah 'with the exception of the passover-offering, the sin-offering and the guilt-offering', for the rule in the latter case is not general but varies according to the kind of guilt-offering.
 - (6) Sc. of the person for whom the atonement was to be made.
 - (7) Kin. II, 5; Kid. 13b.
 - (8) A woman after childbirth was enjoined to bring these two offerings: the burnt-offering for atonement, and the sin-offering in order to render her fit to partake of consecrated food; cf. Lev. XII, 6. It is clear from this Mishnah that only the sacrifice which brings atonement is brought after death.
 - (9) Viz., the burnt-offering, the sin-offering and the peace-offering; cf. Num. VI, 14.
 - (10) And peace-offerings are not subject to the law of sacrilege (except the sacrificial portions thereof after the sprinkling of the blood) since they are not regarded as consecrated property.
 - (11) This is a traditional ruling, referred to as a halachah given to Moses from Sinai, v. Nazir 25a.
 - (12) I.e., it must be disposed of so that no benefit whatsoever be derived from it by anybody, this being in accordance with the established law that a sin-offering whose owner had died must be left to die.
 - (13) Since the money is to be destroyed it cannot be said to be consecrated property and therefore cannot be subject to the law of sacrilege; cf. Me'il, 3a.
 - (14) I.e., not as the ordinary peace-offering which may be eaten during two days and one night, but as the Nazirite peace-offering which is limited to one day.
 - (15) Cf. Num. VI, 19. Since the Nazirite is dead the requirement regarding the Bread-offering, And he shall put them (sc. the loaves) upon the hands of the Nazirite, cannot be fulfilled; Me'il, 11a. Nazir 24b.
 - (16) I.e., an offering which is indispensable in every one of its parts and rites.

Talmud - Mas. Menachoth 5a

for a Master has said, If [the Nazirite] shaved [his head] after [the sacrifice of] any one of the

three offerings, he has fulfilled his obligation.¹

An objection was raised: If the guilt-offering of a leper was slaughtered under any name other than its own, or if the blood thereof was not put upon the thumb and great toe² [of the one to be cleansed], it may nevertheless be offered upon the altar, and it requires the drink-offerings;³ but another guilt-offering is necessary in order to render him fit. This is indeed a refutation of Rab's view.⁴

R. Simeon b. Lakish said, If [the priest] took the handful from the meal-offering of the 'Omer under any name other than its own, it is valid,⁵ but the rest of it may not be eaten until another 'Omer meal-offering has been brought and rendered it permitted. But surely, if the rest of it may not be eaten, how may it [the handful] be offered? It is written, From the liquor of Israel,⁶ that is, from that which is permitted to Israel! — R. Adda b. Ahabah said, Resh Lakish is of the opinion that the prohibition of 'out of time' does not apply to the same day.⁷

R. Adda the son of R. Isaac raised an objection: Some conditions apply to bird-offerings which do not apply to meal-offerings, and some conditions apply to meal-offerings which do not apply to bird-offerings. Some conditions apply to bird-offerings: a bird-offering may be brought as a voluntary offering by two people jointly,⁸ it is brought by those that lack atonement,⁹ and an exception to the general prohibition is made for consecrated birds;¹⁰ these, however, do not apply to meal-offerings. And some conditions apply to meal-offerings: a meal-offering requires a vessel,¹¹ it requires waving and bringing nigh,¹² it may be the offering of the community or of the individual;¹³ these, however, do not apply to bird-offerings. Now if [the aforesaid view] were correct,¹⁴ then with regard to meal-offerings it can also be said that an exception to the general prohibition was made for that which is consecrated, namely, in the case of the meal-offering of the 'Omer!¹⁵ — Since the prohibition of 'out of time' does not apply to the same day, it is not regarded as a prohibition at all.¹⁶

R. Shesheth raised an objection: If the application of the oil¹⁷ was performed before the application of the blood, he [the priest] must fill up the log of oil and must again apply the oil after applying the blood. If [the oil] was applied on the thumb and great toe before it was sprinkled seven times before the Lord, he must fill up the log of oil and must again apply it on the thumb and great toe after the oil has been sprinkled seven times. Now if you are right in saying that the prohibition of 'out of time' does not apply to the same day, why must [the priest] do it again? After all, what is done is done!¹⁸ — R. Papa answered, It is different with the rites of the leper since the expression 'shall be' is written with regard to them, as it is written, This shall be the law of the leper;¹⁹ 'shall be' implies that it shall always be so.²⁰ R. Papa raised an objection: If his²¹ sin-offering was [slaughtered] before his guilt-offering, one should not be appointed to keep stirring the blood²² [until the guilt-offering had been brought], but the appearance [of the flesh] must be allowed to pass away and it must be taken away to the place of burning!²³ But why does R. Papa raise this objection? Did not R. Papa say that the law is different with regard to the rites of a leper, since the expression 'shall be' is used with regard to them? — R. Papa had felt this difficulty: perhaps this law only affected what was a 'service', but slaughtering is no 'service';²⁴ now if [it is correct to say that] the prohibition of 'out of time' does not apply to the same day, then some one might keep stirring the blood [of the sin-offering] whilst the guilt-offering is being

offered and then the sin-offering can be offered! — Rather said R. Papa, This is the reason for Resh Lakish's view: he is of the opinion that the daybreak²⁵ [of the sixteenth day of Nisan] renders [the new harvest] permitted. For both R. Johanan and Resh Lakish said, Even when the Temple was in existence

(1) Nazir 45a.

(2) Cf. Lev. XIV, 17.

(3) V. infra 90b.

(4) For according to Rab whatsoever is brought to render the person fit, if offered under any other name than its own, is invalid, i.e., one may not proceed to burn it upon the altar.

(5) I. e., it may be offered upon the altar.

(6) Ezek. XLV, 15; referring especially to drink-offerings, but the Rabbis have inferred from this expression that whatsoever is forbidden to Israel may not be offered upon the altar.

(7) The prohibition of 'out of time', i.e., that the time has not yet arrived when the matter may be offered upon the altar, does not apply where this same matter will later on this very day be permitted to all Israel. Here, after the offering of another 'Omer, the new harvest will be permitted to all.

(8) But a meal-offering cannot be brought by two persons jointly, for the expression 'a soul' (Lev. II, 1) i.e., an individual, is used in connection with it; v. infra 104b. In cur. edd. this reason is, expressly stated in the text.

(9) I.e., those who had suffered uncleanness, viz., a man or woman that had an issue, a woman after childbirth, and a leper, and who had done all that was necessary for their purification except to present their offering. The offering in each case was a bird-offering.

(10) Generally to nip off the head of a bird would render the whole bird nebelah, I.e. carrion, and forbidden to be eaten. Nevertheless this was the prescribed method for 'killing bird-offerings, and the flesh was eaten by the priests.

(11) I.e., the handful taken out by the priest had to be put into a sacred vessel, whereas the nipping of the head of a bird had to be done with the priest's finger-nail.

(12) V. infra 60a.

(13) The meal-offering of the 'Omer was brought on behalf of the whole community; bird-offerings, however, were brought only by individuals and never by the community.

(14) That if the meal-offering of the 'Omer was offered under another name, the offering may be proceeded with, although the new harvest was still under the prohibition.

(15) For it is offered upon the altar although the new harvest is still forbidden. Consequently meal-offerings are similar to bird-offerings in that in each case there is an exception to a general prohibition.

(16) Hence one cannot speak of the offering of the 'Omer, even though it was offered under another name, as an exception to a general prohibition, as there is really no prohibition at all.

(17) In the purification rites of a leper the following duties, inter alia, had to be strictly observed: first, the officiating priest must apply the blood of the guilt-offering on the tip of the right ear, the thumb of the right hand and the great toe of the right foot of the one to be cleansed; secondly, from the log (v. Glos.) of oil the priest must sprinkle seven times before the Lord; thirdly, he must apply oil on those parts on which the blood was previously applied. V. Lev. XIV, 14-19.

(18) For the priority of services is not vital and the fact that one service was performed out of its time should not matter in the least.

(19) Ibid. XIV, 2.

(20) Without any variation in the routine.

(21) Sc. the leper's.

(22) That it should not become congealed.

(23) I.e., the flesh of the sin-offering must be allowed to remain overnight, when the freshness would be gone, and then burnt. The fact that it must be burnt proves that whatever is offered 'out of time' is invalid, thus in conflict with Resh Lakish's view.

(24) Since it does not require the services of a priest but a layman may slaughter the sacrifice. V. Tosaf. s.v. **vyhj a** 1.

(25) Lit., 'when the eastern sky has lit up'.

Talmud - Mas. Menachoth 5b

it was the daybreak that rendered [the new harvest] permitted.¹

This view of Resh Lakish² was not expressly stated but was inferred from the following: We have learnt:³ One may not offer⁴ meal-offerings, first-fruits, or meal-offerings that accompany animal-offerings, before the 'Omer;⁵ and if one did so it is invalid. Neither may one offer these before the Two Loaves;⁶ but if one did so it is valid. And R. Isaac said in the name of Resh Lakish. This rule⁷ applies only [if the offering was brought] on the fourteenth or fifteenth day [of Nisan], but if brought on the sixteenth day⁸ it would be valid. It is thus clear that he is of the opinion that the daybreak [of the sixteenth day of Nisan] renders [the new harvest] permitted.

Raba said, If [the priest] took the handful from the meal-offering of the 'Omer under any name other than its own, it is valid, and the rest of it may be eaten; moreover there is no need of another 'Omer meal-offering [to be brought in order] to render [the new harvest] permitted. For [Raba is of the opinion that] a wrongful intention does not affect the offering unless expressed by one fit for service, in respect of what is fit for service, and in the place that is fit for service. 'By one fit for service' — this excludes a priest with a physical-blemish; 'in respect of what is fit for service' — this excludes the 'Omer meal-offering which is not fit for any other offering, for it is exceptional;⁹ 'and in the place that is fit for service — this excludes an altar which has become chipped.¹⁰

Our Rabbis taught: When it says in the next verse Of the herd¹¹ — which is unnecessary — it does so only to exclude a trefah¹² animal. But surely this can be arrived at by an a fortiori argument:¹³ if a blemished animal which is permitted to man is forbidden to the Most High,¹⁴ how much more is a trefah animal which is forbidden to man forbidden to the Most High! The fat and the blood [of the animal], however, can prove otherwise; for these are forbidden to man yet are permitted to the Most High. [And if you retort,] This is so of the fat and the blood since they emanate from that which is permitted,¹⁵ but will you say the same of a trefah animal which is wholly forbidden? [I reply,] The rite of nipping off [the head of a bird-offering] which [would render the bird] wholly forbidden [to man] could prove otherwise: for it is forbidden to man yet is permitted to the Most High. [But you might retort,] This is so of the nipping since it is only rendered forbidden [to man] by this act which renders it consecrated;¹⁶ the same, however, cannot be said of a trefah animal for it is not rendered forbidden by any act which renders it consecrated.¹⁷ And if you reply to this, then [I say that] when it reads in the next verse 'Of the herd' — which is unnecessary-it does so only to exclude the trefah animal.

What was meant by 'If you reply to this':¹⁸ — Rab said, Because one could reply that the 'Omer meal-offering can prove otherwise: for it is forbidden to man yet permitted to the Most High. But this is so of the 'Omer meal-offering as it renders the new produce permitted!¹⁹ — The ['Omer meal-offering of the] Sabbatical year was meant.²⁰ But that surely renders the aftergrowth permitted? — [It is indeed the 'Omer meal-offering of] the Sabbatical year [that is meant], but the view is in accordance with that of R. Akiba who said that the aftergrowth is forbidden in the Sabbatical year.²¹ R. Aha b. Abba said to R. Ashi, Even according to R. Akiba's view one could refute the argument thus: This is so of the 'Omer meal-offering since it renders permitted the new produce [of the Sabbatical year grown] outside the Land [of Israel]²² And even according to him who maintains that outside the Land [of Israel] the new produce is not forbidden by the law of the Torah, [one can refute the argument thus: This is so of the 'Omer meal-offering,] since it serves to raise the prohibition that lies upon it.²³ R. Aha of Difti thereupon said to Rabina, If so, should not a trefah animal also be permitted to be offered as a sacrifice and so it would raise the prohibition [of trefah] that lies upon it?²⁴ -One could, however, refute the argument thus: This is so of the 'Omer meal-offering since there is an express command that it shall be so.²⁵

Resh Lakish said, One could reply that the case of the compounder of the incense can prove otherwise: for he is forbidden to man yet permitted to the Most High.²⁶ But the compounder is a person!²⁷ — Say, rather, The compound forming the incense can prove otherwise: for it is forbidden to man²⁸ yet permitted to the Most High²⁸ But this is so of the compound forming the incense since there is an express command that it shall be so!²⁹ Mar the son of Rabina said, One could reply that the Sabbath can prove otherwise: for it is forbidden to man yet permitted to the Most High.³⁰ But this is so of the Sabbath since an exception to the general prohibition is allowed to the layman in the case of circumcision!³¹ — Surely circumcision is not for the sake of the layman. It is a precept [of the Law]! — One could therefore say, This is so of the Sabbath since there is an express command that it shall be so!³²

R. Adda b. Abba said, One could reply that a garment of diverse kinds [of stuff]³³ can prove otherwise: for it is forbidden to the layman yet permitted to the Most High.³⁴ But this is so of diverse kinds since an exception to the general prohibition is allowed to the layman in the case of the zizith!³⁵ — Surely the zizith is not for the sake of the layman, it is a precept [of the Law]! — One could therefore say,

(1) V. infra 68a. The restriction against partaking of the new harvest is lifted at the dawn of the sixteenth day of Nisan, before the offering of the 'Omer. Consequently the handful, even though taken under another name, may be burnt upon the altar, for the new harvest is already permitted to all.

(2) That the daybreak of the sixteenth day of Nisan renders the new harvest permitted, even before the offering of the 'Omer.

(3) Infra 68b.

(4) Of the new harvest.

(5) For only that which is permitted to Israel may be offered upon the altar; cf. Ezek. XLV, 15, and supra p. 20.

(6) Which were offered on Shabuoth, the Feast of Weeks. These are referred to as 'a new meal-offering'. I.e., the first (wheaten) meal-offering of the new harvest; v. Lev. XXIII, 16, 17.

(7) That whatsoever is offered before the 'Omer is invalid.

(8) Although the 'Omer meal-offering had not yet been brought.

- (9) In that it was brought of barley (and of bruised grain in contradistinction from the meal-offering of jealousy which was of barley meal) whereas all other meal-offerings consisted of wheat.
- (10) Cf. Ex. XX, 21: And thou shalt slaughter upon it, implying that the altar shall be whole at the time of the service and not chipped. V. Zeb. 59a, and Hul. 18a.
- (11) Lev. I, 3. In the preceding verse 2, the particle ‘of’ that precedes each of the classes of animals mentioned is utilized to exclude from sacrifices such animals as were used for irreligious or immoral purposes.
- (12) V. Glos.
- (13) And no verse therefore is required to teach that a trefah animal is unfit for a sacrifice.
- (14) Sc. to be offered upon the altar.
- (15) I.e., the whole of the animal is permitted to be eaten except for these parts.
- (16) Sc. the nipping. It is with the rite of nipping that the bird becomes consecrated and so forbidden to a layman; before that it was permitted.
- (17) For without consecration a trefah animal is forbidden to man. And so no verse is really necessary to exclude a trefah animal from being offered as a sacrifice.
- (18) What reasoning could be adduced to refute the foregoing argument derived from the rite of nipping that it was found necessary to resort to the verse to exclude a trefah animal?
- (19) Whereas a trefah animal does not render anything permitted.
- (20) When there is no new produce to be rendered permitted, for in this year the fields were to rest and lie fallow (cf. Ex. XXIII, 10, 11). Hence the ‘Omer meal-offering of this year is on the same footing as any trefah animal in that neither can render anything else permitted; consequently by analogy with the ‘Omer meal-offering a trefah animal should be permitted as a sacrifice, and therefore the verse is necessary to exclude the trefah animal.
- (21) V. Pes. 51b. The ‘Omer of this year therefore does not render anything permitted and is on all fours with a trefah animal.
- (22) And so it is not on a par with a trefah animal which renders naught permitted.
- (23) Sc. the prohibition of the new produce. If in the Sabbatical year a man were to eat of the remnants of the ‘Omer meal-offering, he would not be liable for eating of the new produce, for this prohibition has been raised by the offering of the ‘Omer, but would only incur guilt for eating of the produce of the Sabbatical year. V., however, Tosaf. s.v. **ifa**.
- (24) And whosoever ate thereof would not be liable for eating what was trefah.
- (25) The ‘Omer meal-offering must be brought from the new produce of the year, for that is the very essence of the precept; on the other hand, it is not essential that only a trefah animal shall be offered, any other animal would serve just as well.
- (26) Cf. Ex. XXX, 34ff. Likewise it would be said that a trefah animal, though forbidden to man, is permitted to the Most High. Hence a verse is necessary to exclude a trefah animal.
- (27) And how can it be said that he is permitted to the Most High?
- (28) Cf. *ibid.* 37.
- (29) But there is no express command to offer a trefah animal!
- (30) I.e., work on the Sabbath is forbidden to the layman, yet it is permitted to offer thereon the prescribed sacrifices.
- (31) Which may be performed on the Sabbath. On the other hand there are no exceptions to the general prohibition of trefah!
- (32) For the Sabbath sacrifices can only be offered on the Sabbath.
- (33) I.e., a texture blended of wool and linen; v. Lev. XIX, 19; Deut. XXII, 11.
- (34) The High Priest whilst officiating in the Temple wore a girdle that was blended of wool and linen.
- (35) Sc. the fringes; cf. Num. XV, 38ff; Deut. XXII, 12. It is permitted to attach fringes of wool to a linen garment,

for the prohibition of diverse kinds of stuff does not apply to the precept of zizith.

Talmud - Mas. Menachoth 6a

This is so of the law of diverse kinds since there is an express command that it shall be so.¹ R. Shisha the son of R. Idi said, One could reply, Let the argument revolve and the inference be made from what is common to both. Thus, the argument, 'This is so of the nipping since it is only rendered forbidden to man by this act which renders it consecrated',² can be refuted by the argument, 'The fat and the blood can prove otherwise'. And the argument, 'This is so of the fat and the blood since they emanate from what is permitted',² can be refuted by the argument, 'The rite of nipping can prove otherwise'. And so the argument goes round; the characteristic feature of this case is not that of the other, and the characteristic feature of the other is not that of this case; but what they have in common is that each is forbidden to man yet permitted to the Most High. So I might have inferred that trefah, too, although it is forbidden to man, is permitted to the Most High.³ But they have this also in common, have they not, that in each case there is an express command that it shall be so?⁴ — R. Ashi therefore said, One could reply that the first proposition of the argument is unsound. Whence did you infer it⁵ at the outset? From the case of a blemished animal. But the case of a blemish is different, since in that case [the priest] who offers [the sacrifice] is on the same footing as the [animal] offered.⁶ Whereupon R. Aha the Elder said to R. Ashi, That which was extracted from the side of the mother's womb can prove otherwise: for in that case [the priest] who offers [the sacrifice] is not on the same footing as the [animal] offered,⁷ nevertheless such an animal is permitted to man and forbidden to the Most High.⁸ [And if the objection is raised:] But this is so only of that which was extracted from the side of the mother's womb since it is not holy as a firstling;⁹ [I reply,] The case of an animal with a physical blemish can prove otherwise.¹⁰ [And if this objection is raised:] But this is so only in the case of a blemish since in that respect [the priest] who offers [the sacrifice] is on the same footing as the [animal] offered, [I reply,] That which was extracted from the side of the mother's womb can prove otherwise. And so the argument goes round; the characteristic feature of this case is not that of the other, and the characteristic feature of the other is not that of this case; but what they have in common is that each is permitted to man yet forbidden to the Most High, then surely trefah, which is forbidden to man, is all the more forbidden to the Most High. But the others have this also in common, that in each case there is no exception to the general [prohibition]; will you say the same of the case of trefah seeing that it admits of an exception to the general [prohibition]?¹¹ Thereupon R. Aha the son of Raba said to R. Ashi, What is meant by saying that trefah admits of an exception to the general [prohibition]? Should you say that it refers to the rite of nipping off the head of the burnt-offering of a bird, [in which case the bird, although rendered trefah thereby,] is nevertheless permitted [to be offered] to the Most High; but this is also the case with physical blemishes, for a bird with a physical blemish is certainly permitted to be offered to the Most High, [for it has been said,]¹² The unblemished state and the male sex are prerequisites only to sacrifices of cattle but not of birds! You would say then that it refers to the rite of nipping off the head of a sin-offering of a bird, [in which case the bird is] permitted to [be eaten by] priests; but surely the priests receive it from the table of the Most High!¹³ — Indeed the argument could be refuted thus, The others¹⁴ have this further in common, for in each case the defect thereof is perceptible;¹⁵ will you then say the same of the case of trefah seeing that its defect is not perceptible? The verse is therefore necessary [to exclude trefah].

And is the case of trefah¹⁶ derived from here?¹⁷ Surely it is derived from the verse, From the liquor of Israel,¹⁸ that is, from that which is permitted to Israel; or from the verse, Whatsoever passeth under the rod,¹⁹ which excludes a trefah animal since it cannot pass under!²⁰ — All [three verses] are necessary; for from the verse, ‘From the liquor of Israel’, I should have excluded only those that were at no time fit²¹ [for a sacrifice], just as ‘orlah²² or diverse kinds in the vineyard;²³ but where it was at one time fit I would say that it is permitted [to be offered]. Scripture therefore states, ‘Whatsoever passeth under the rod’. And had Scripture only stated the verse, ‘Whatsoever passeth under the rod’, I should have excluded only those animals that were first rendered trefah and subsequently consecrated, as in the case of the Cattle Tithe;²⁴ but where it was consecrated first and subsequently it became trefah, since at the time when it was consecrated it was fit [for a sacrifice], I would say that it is permitted [to be offered], therefore all [three verses] are necessary. MISHNAH. WHETHER IT IS A SINNER'S MEAL-OFFERING OR ANY OTHER MEAL-OFFERING, IF A NON-PRIEST, OR [A PRIEST] THAT WAS IN MOURNING.²⁵ OR HAD IMMERSED HIMSELF DURING THE DAY.²⁶ OR WAS NOT WEARING THE [OFFICIAL PRIESTLY] ROBES,²⁷ OR WHOSE ATONEMENT WAS NOT YET COMPLETE.²⁸ OR THAT HAD NOT WASHED HIS HANDS AND FEET,²⁹ OR THAT WAS UNCIRCUMCISED³⁰ OR UNCLEAN, OR THAT MINISTERED SITTING,³¹ OR STANDING UPON VESSELS OR UPON A BEAST OR UPON ANOTHER'S FEET,³² HAD TAKEN THE HANDFUL THEREFROM IT IS INVALID. IF [A PRIEST] REMOVED THE HANDFUL WITH HIS LEFT HAND IT IS INVALID. BEN BATHYRA SAYS, HE MUST PUT [THE HANDFUL] BACK AND TAKE IT OUT AGAIN WITH THE RIGHT HAND. IF ON TAKING THE HANDFUL THERE CAME INTO HIS HAND A SMALL STONE OR A GRAIN OF SALT OR A DROP OF FRANKINCENSE IT IS INVALID;³³ FOR THEY HAVE RULED: IF THE HANDFUL WAS TOO MUCH OR TOO LITTLE IT IS INVALID. WHAT IS MEANT BY TOO MUCH? IF HE TOOK AN OVERFLOWING HANDFUL. AND ‘TOO LITTLE’? IF HE TOOK THE HANDFUL WITH THE TIPS OF HIS FINGERS ONLY.³⁴

GEMARA. Why does the Mishnah state: ‘WHETHER IT IS A SINNER'S MEAL-OFFERING OR ANY OTHER MEAL-OFFERING’? Surely it should state, ‘Every meal-offering from which the handful was taken by a non-priest or a priest that was in mourning [etc.]’. — It was necessary [to state it so] according to R. Simeon's view. For it was taught: R. Simeon said, By right the sinner's meal-offering should require oil and frankincense, so that the sinner should have no advantage;³⁵ why then does it not require them? In order that his offering be not sumptuous. Also, by right an ordinary sin-offering³⁶ should require drink-offerings.³⁷

(1) That the High Priest's girdle shall be of wool and linen; cf. Ex. XXVIII.

(2) V. supra p. 24, nn. 1 and 2.

(3) Consequently the verse of Lev. I, 3 is necessary in order to exclude the trefah animal from sacrifice.

(4) But this is not the case with trefah; so that it would not have been possible to infer the trefah animal from the common features of the other two (sc. the fat and the blood and the rite of nipping), and therefore the verse is rendered superfluous.

(5) That a trefah animal might not be offered upon the altar.

(6) But this is not so with trefah, for a priest with a physical blemish is disqualified from offering sacrifices (cf Lev. XXI, 17ff). whereas a priest who is trefah, i.e., who suffers from a serious organic disease, is still qualified to

officiate in the Temple; cf. Bek. 45b.

(7) A priest who at birth was extracted by a Caesarean operation from his mother's womb is considered fit to serve in the Temple, whereas an animal so extracted from the dam's womb is not fit for a sacrifice. V. Lev. XXII, 27 and Sifra thereon.

(8) And a trefah animal would a fortiori be forbidden to the Most High, since it is even forbidden to man; hence the verse excluding trefah is superfluous.

(9) Whereas an animal that was born a trefah is nevertheless holy as a firstling.

(10) For an animal that was born with a physical blemish, although holy as a firstling, is nevertheless not permitted to the Most High. The same therefore would be said of trefah, that although it is holy as a firstling it is forbidden to be offered.

(11) Accordingly it could be held that a trefah animal may be offered as a sacrifice.

(12) V. Kid. 24b.

(13) And with regard to the Most High it has been shown that there is also an exception to the general prohibition of physical blemishes in the case of birds.

(14) Sc. the animal that is blemished and that which has been extracted from the womb.

(15) For only an animal with a blemish exposed to the full view is declared to be unfit for sacrifice. Likewise an animal extracted from the side of its dam would be regarded as an object of curiosity, and so its peculiarity would soon be known to all. Trefah, on the other hand, is not always a perceptible taint, for it may be that only an internal organ has become affected.

(16) That it is not fit to be offered as a sacrifice.

(17) I.e., from Lev. I, 3; v. supra p. 23.

(18) Ezek. XLV, 15; v. supra p. 20.

(19) Lev. XXVII, 32, with reference to the Cattle Tithe, but the rule that is here derived is applied to all sacrifices; cf. Bek. 57a.

(20) A trefah animal, inasmuch as it cannot continue to live for more than twelve months (cf. Hul. 42a), is not deemed to possess vitality, and therefore cannot be said to pass of its own volition under the rod. Cf. however Rashi on Hul 136b where the suggestion is made that a trefah animal, e.g., one whose hind-legs were cut off above the knee-joint (v. l.c. 76a). on account of its defect cannot physically pass under the rod.

(21) E.g., an animal that was born trefah. According to Rabbinic interpretation the verse in Ezek. contains an allusion to 'orlah and to diverse kinds in the vineyard, and these were at no time ever allowed for any purpose.

(22) Lit., 'uncircumcised'. The fruit of newly-planted trees is during the first three years forbidden for all purposes. Cf. Lev. XIX, 23.

(23) V. Deut. XXII, 9.

(24) For the verse merely implies that a trefah animal, since it cannot pass under the rod, is not subject to the law of Cattle Tithe; but an animal consecrated as the tithe always remains consecrated even though it subsequently becomes trefah.

(25) Heb. **ibut**, a mourner while his dead relative is awaiting burial. Such a priest is forbidden to minister in the Temple, cf. Zeb. 16a.

(26) Heb. **ouh kucy**; one who having suffered uncleanness has taken the ritual bath during the day but must now await sunset before he is deemed fully clean. He may not enter the Temple or minister therein.

(27) V. Zeb. 17b.

(28) One who, having suffered the uncleanness of leprosy or of an issue, has performed all the rites of purification but is not deemed fully clean until he has brought an offering as an atonement. V. Zeb. 19b.

(29) Every priest was obliged to wash his hands and feet from the Temple laver daily before taking part in the service. Cf. Ex. XXX, 19, 20.

- (30) Whose brothers had died by reason of their circumcision.
- (31) For it is written, To stand to minister (Deut. XVIII, 5.).
- (32) The priest must stand on the floor and nothing should interpose between his feet and the floor of the Temple. V. Zeb. 24a.
- (33) For the handful is not quite full since there is lacking flour to the extent of the volume of the stone or other substance that came up with it.
- (34) Instead of extending his fingers over the palm of his hand, v. infra 11a.
- (35) By being spared the cost of these ingredients.
- (36) Lit., 'a sin-offering (to be brought on account) of (eating forbidden) fat'. This is the usual example of a transgression involving a sin-offering.
- (37) V. Num. XV, where are prescribed the quantities of flour and oil for the meal-offering and wine for the drink-offering which must accompany the burnt-offering and the peace-offering.

Talmud - Mas. Menachoth 6b

so that the sinner should have no advantage; why then are they not required? In order that his offering be not sumptuous. Now I might have thought that, since R. Simeon laid down the principle 'So that his offering be not sumptuous', it should be valid even where an unfit person took out the handful, we are therefore informed [that even according to R. Simeon it is invalid]. If so, there¹ too the Mishnah should have stated: 'Whether it is an ordinary sin-offering or any other offering, if a non-priest or a priest that was in mourning received the blood . . . [it is invalid]', and we would have explained that it was necessary [to be so stated] according to R. Simeon's view. But it is clear that the expression 'all' stated in that [Mishnah], since it is not followed by the term 'except', includes every offering;² then in our [Mishnah] too, had it stated 'all', inasmuch as it is not followed by the term 'except', it would have included every offering!³ — It was indeed necessary [to be so stated]; for I might have thought that since we had established that the first Mishnah was not in accordance with the view of R. Simeon,⁴ the second Mishnah also was not in accordance with the view of R. Simeon, we are therefore informed [that even according to R. Simeon it is invalid].

Rab said, If a non-priest took the handful [from the meal-offering], he should put it back again [and it is valid]. But have we not learnt, IT IS INVALID? — 'IT IS INVALID' means, it is invalid so long as he had not put it back again. If so, is not this identical with Ben Bathyra's view? — In the case where the handful is still here the Rabbis do not differ with Ben Bathyra at all;⁵ they differ only where the handful is no longer here, the Rabbis maintaining that one may not bring other flour from one's house to make up [the tenth],⁶ while Ben Bathyra maintains that one may bring other flour from one's house to make up [the tenth].⁷ But then, how can Ben Bathyra say, HE MUST PUT THE HANDFUL BACK AND TAKE IT OUT AGAIN WITH THE RIGHT HAND?⁸ He surely should have said, He should bring other flour from his house to make up [the tenth] and then take out the handful with the right hand! — Rather we must say that Rab said so according to Ben Bathyra.⁹ But is not this obvious? — [No, for] one might have thought that Ben Bathyra declared it valid only [in the case where the handful was taken out] with the left hand, but not where it was taken out by any of the persons that are unfit;¹⁰ he [Rab] therefore teaches us [that according to Ben Bathyra it is valid in all the cases]. But why [would the offering be valid where the handful was taken out] with the left hand? It is, is it not, because we find it¹¹ allowed in

the service of the Day of Atonement? Then in the case of a non-priest too, we find that he was allowed to perform a service, namely, the slaughtering! — The slaughtering is not regarded as a service.¹² But is it not? Has not R. Zera said in the name of Rab: If a non-priest slaughtered the Red Cow it is invalid; and Rab had explained the reason for it, namely, because the expressions ‘Eleazar’ and ‘statute’ are used in connection with it?¹³ — The case of the Red Cow is different, for it is in the category of things consecrated to the Temple treasury.¹⁴ But is it not all the more so here? For if in regard to things consecrated to the Temple treasury the priest is essential, how much more so in regard to things consecrated to the altar!¹⁵ — R. Shisha the son of R. Idi said, It might be compared with the inspection of leprosy plagues, which is certainly not a Temple service, and yet requires a priest.¹⁶ Why do we not prove [that a non-priest may perform a service] from the case of the high place?¹⁷ Should you say, however, that we cannot prove it from the case of the high place,¹⁸ but surely it has been taught: Whence do we know that [sacrificial portions] which had been taken out [of the Sanctuary], if brought up upon the altar must not come down again?¹⁹ From the fact that at the high place what had been taken out was still valid to be offered!²⁰ — The Tanna [there] really relies upon the verse, This is the law of the burnt-offering.²¹

Now we know this²² only because Rab informed us of it, but otherwise we should have said that [where the handful was taken out] by one of those that are unfit, Ben Bathyra declares it to be invalid; but surely it has been taught: R. Jose son of R. Judah and R. Eleazar b. R. Simeon said, Ben Bathyra declares it valid even [where the handful was taken out] by one of those that are unfit! Moreover it has been taught: It is written, And he shall take his handful from there,²³ that is, from the place where the feet of the non-priest may stand.²⁴ Ben Bathyra says, Whence do we know that if he took the handful with the left hand, he should put it back again and then take it out with the right hand? Because the verse says, ‘And he shall take his handful from there’, that is, from the place from which he has already taken a handful.²⁵ Now since the verse does not specify [the causes why the handful should have been returned], then it is all the same whether [it was originally taken] with the left hand or [taken] by any one of those that were unfit? — Rather it is this that Rab teaches us, that if he had taken out the handful and had even hallowed it [by putting it into the vessel of ministry, it may nevertheless be put back again].²⁶ Rab thus rejects the view of the following Tannaim; for it was taught: R. Jose b. Yasian²⁷ and R. Judah the baker said, This²⁸ is so only where he had taken out the handful and had not yet hallowed it, but where he had also hallowed it it is invalid.

Others report [that this is what Rab teaches us], that only if he had taken out the handful it is [valid], but if he had also hallowed it, it is not [valid] — Rab thus agrees with the view of those Tannaim and rejects the view of the first Tanna.²⁹

R. Nahman demurred: What is the view of those Tannaim? If they hold that the taking of the handful by persons unfit is regarded as a service, [then it should be invalid] even though it had not been put into a vessel?³⁰ And if they hold that the taking of the handful by persons unfit is not regarded as a service, then what does it matter even if it had been put into a vessel?³¹ — Later, however, R. Nahman said, It is indeed regarded as a service, but the service is not complete until [the handful] has been put into a vessel.³²

- (1) In Zeb., at the opening of Chap. II, 15b, the Mishnah states: 'All offerings are invalid if a non-priest . . . received the blood'. That Mishnah, following the example of our Mishnah, should surely have specified the case of the sin-offering, thereby indicating that it was also in accordance with R. Simeon's view.
- (2) Even the sin-offering and with this R. Simeon does in no wise disagree.
- (3) Even the sinner's meal-offering. And so the original question stands: Why does not our Mishnah state 'All meal-offerings . . . '?
- (4) V. supra p. 4.
- (5) All hold that the handful should be put back and taken out again by the proper person.
- (6) The vessel, which held a tenth part of an ephah, in which, according to the view of the Rabbis, the meal-offering was consecrated. If after the consecration in this vessel the flour of the meal-offering had been diminished it at once becomes invalid.
- (7) For he is of the opinion that it is the taking of the handful that renders the meal-offering consecrated and not merely the putting of the flour into the vessel.
- (8) Since it is assumed that the handful is no longer here, how can Ben Bathyra say, 'He must put it back'?
- (9) I.e., Rab interpreted Ben Bathyra's ruling to apply not only to the case where the handful was taken out with the left hand but also to all the preceding cases enumerated in the Mishnah where the handful was taken out by a person unfit.
- (10) Lit., 'the other (cases of) unfit persons'.
- (11) Sc. the left hand. On the Day of Atonement the High Priest used both hands in the course of the day's service; cf. M. Yoma 47a.
- (12) For in no instance do we find that it was essential that the priest shall perform the slaughtering; v. Tosaf. supra 5a, s.v. **vyhj a**, 1.
- (13) Cf. Num. XIX, 2, 3. Thus showing that the slaughtering must be performed by Eleazar i.e., by a priest and by none else, for the expression 'statute' indicates that that requirement is indispensable. Hence it is obvious that the slaughtering is considered a service of importance.
- (14) The reason why the slaughtering of the Red Cow must not be performed by a non-priest is not that the slaughtering is a service, for there are no 'services' in regard to things consecrated to the Temple treasury; but it is an express decree of the Torah that it shall be performed by a priest.
- (15) Nevertheless it is established that animals consecrated to the altar may be slaughtered by a non-priest. Hence we find that a service performed by a non-priest is allowed just in the same way as a service performed with the left hand; and the same equality should be upheld in the case of the handful taken from the meal-offering.
- (16) Cf. Lev. XIII. And so it is with the slaughtering of the Red Cow: it is not a Temple service, nevertheless it requires a priest.
- (17) For whenever the high places (i.e., private altars) were allowed-which was before the Tabernacle had been set up in the wilderness-non-priests were allowed to perform the services there (v. Zeb. 118a), so that Rab's statement is superfluous.
- (18) Since at that time Aaron and his sons had not yet been consecrated for service; so that one cannot infer from the conditions prevailing at the high places that a non-priest may perform a service.
- (19) V. Zeb. 84a.
- (20) For there were no restrictions as to place in connection with a sacrifice offered at a high place. It is seen however, that a rule of law is actually inferred from the case of the high place.
- (21) Lev. VI, 2. **vkugv** , **ru** , **tz** i.e., there is one law for all offerings that are brought up upon the altar, for even though they have been rendered unfit, once they have been brought up upon the altar they must not come down again. The Heb, **vkug**, rendered 'burnt-offering', is from the root **vkg**, meaning 'to come up'. The Tanna of the Baraita certainly did not intend to draw the authority for the law stated from the case of the high

place; he merely used it as a support for that law.

(22) That, according to Ben Bathyra, where an unfit person took the handful from the meal-offering, he should put it back again and the offering remains valid.

(23) Ibid. II, 2.

(24) I.e., the rite of taking the handful from the meal-offering may be performed anywhere in the Temple court, even in the space of eleven cubits, on the east side of the court, where laymen were allowed to stand (cf. Yoma 16b).

(25) But which was put back again, as it was not in accordance with the law.

(26) And it is valid according to Ben Bathyra.

(27) In cur. edd. 'R. Jose b. Jose b. Yasian'. The repetition 'Jose b.' is no doubt due to a scribal error; it is not found in MS.M. nor in Rashi.

(28) That according to Ben Bathyra the handful may be put back again and another taken out.

(29) Who disagrees with R. Jose and R. Judah and who presumably holds that Ben Bathyra declares it valid even though it had already been put into a vessel of ministry.

(30) For it has already been rendered invalid by the service performed by the unfit person, and this can in no wise be remedied.

(31) Since what was performed by persons unfit is not regarded as a service, then even if it was put into a vessel of ministry by such persons it would still be of no consequence; it should therefore be put back again, and once again taken out by the proper person.

(32) So that the act of an unfit person will render invalid only if he performed a complete service; in this case by putting the handful which he had taken out into a vessel of ministry.

Talmud - Mas. Menachoth 7a

But¹ surely when he puts the handful back again into its place it thus becomes holy, consequently it should be invalid!² — R. Johanan said, This proves that vessels of ministry hallow only [what has been put into them] intentionally.³ It follows, however, that they do hallow [what has been put into them] intentionally.⁴ But did not Resh Lakish enquire of R. Johanan, 'Can unfit persons hallow what they [intentionally] put into vessels of ministry so that it should be permitted to offer it [upon the altar] in the first instance?' and he replied. 'They cannot hallow it'? — [He meant,] They cannot hallow it so that it should be permitted to be offered up, but they can hallow it so that [through their act] it is rendered invalid.⁵

R. Amram said,⁶ We must suppose here that he put it back into a heaped up bowl.⁷ Then how could he have taken out the handful originally [from this vessel]?⁸ — Rather [say] he put it back into a brimful bowl. But surely when he took out the handful he left a hollow, so that when he puts it back again he puts it into the vessel, does he not? — He put it back on to the sides of the vessel and he then shook it so that it fell back of its own into the vessel; and it is the same as though it were put back by a monkey.⁹

R. Jeremiah said to R. Zera, Why not suggest that he put it back into a vessel which was upon the ground?¹⁰ We can then infer from this¹¹ that one may take out the handful from a vessel which is upon the ground!¹² — He replied, You are now touching upon a question that was raised by our [colleagues]. For Abimi was studying the Tractate Menahoth under R. Hisda. (But did Abimi even study under R. Hisda? Did not R. Hisda say, 'Many were the blows that I received from

Abimi upon the following subject: If [the Court] intend to announce [the sale of the property] daily, it must be done during thirty days; if only on Mondays and Thursdays, it must be done during sixty days?¹³ Abimi had forgotten this Tractate and so he went to R. Hisda that he might be reminded of it. Why did he not send for him, that he [R. Hisda] should come to him?¹⁴ — He thought that in this way¹⁵ he would make better progress.) R. Nahman once met him [Abimi] and asked him, ‘How does one take out the handful?’ He replied. ‘Out of this vessel’.¹⁶ Said the other, ‘And may one take the handful out of a vessel that is upon the ground?’ He replied, ‘A priest has to lift it up’. ‘And how does one hallow the handful taken from the meal-offering?’ [asked R. Nahman]. He replied, ‘One should put it into this vessel’. ‘But may one hallow it by putting it into a vessel that is upon the ground?’ He replied. ‘A priest has to lift it up’. Said R. Nahman, ‘Then you require three priests’.¹⁷ He replied, ‘[I don't mind] if thirteen are required as with the Daily Sacrifice’.¹⁸ He raised the following objection: [We have learnt:] This is the general rule: if one took out the handful or put it into the vessel or brought it nigh or burnt it, [intending] to eat a thing that it is usual to eat [outside its proper place] etc.¹⁹ Now there is no mention here of lifting up [the vessel]! — The Tanna merely teaches the order of the various services.²⁰

The question was put to R. Shesheth: May one take the handful from a vessel that is upon the ground? He answered, Go and see what is done within [the Temple]:²¹ Four priests entered in, two having in their hands the two rows [of Shewbread] and two the two dishes [of frankincense]; and four priests went in before them, two to take away the two rows and two to take away the two dishes.

(1) The words ‘if so even though he had not hallowed it’, inserted here in cur. edd., are obviously superfluous and are omitted by MS.M., and Sh. Mek.

(2) For when the non-priest puts back the handful he thereby completes the service, for it surely does not matter into which particular vessel of ministry he returns the handful, whether into another vessel or into the same vessel from which it was taken.

(3) In order to become hallowed. In this case, however, the unfit person puts the handful back again into the vessel out of which it was taken without intending it to become holy thereby.

(4) Even though it had been put in by a non-priest or by any other person that was unfit.

(5) Since it was intentionally put into a vessel of ministry by an unfit person for the purpose of hallowing it, the service has been completed by an unfit person, and so it is invalid and there can be no remedy. But is it quite different in the case where the handful was put back into the vessel but not for the purpose of hallowing it thereby.

(6) This is the reason why the handful is not hallowed when put back into the vessel from which it was taken.

(7) For only that which is in the vessel of ministry is hallowed by the vessel and not that which is above it.

(8) Since he must take the handful from that which is in the vessel.

(9) I.e., it was put back into the vessel not directly by the act of man; it is therefore not hallowed. Cf. *infra* 100b.

(10) And that is the reason why it does not become hallowed.

(11) Since this suggestion is not made.

(12) And that likewise one may put the handful into a vessel of ministry that is upon the ground. (Z. Kod.).

(13) When the Court have valued the property of orphans and are proposing to sell it in order to meet the father's debts, they must announce the sale either daily for a period of thirty days, or on Mondays and Thursdays (these being the days when the Courts sat) for a period of sixty days. V. ‘Ar. 22a.

(14) Since R. Hisda was the pupil.

(15) By Abimi putting himself out so as to go to R. Hisda to study. Cf. Meg. 6b.

(16) At that moment there happened to be a vessel lying before them on the ground.

(17) One to hold the vessel containing the meal-offering, a second to hold the vessel into which the handful is to be put, and a third to take the handful out of the one and put it into the other. This number of priests was necessary as, it must be remembered, only the right hand was to be used in any service, and therefore one priest could not hold the two vessels, one in each hand. It was, however, possible for the one priest to hold both vessels, one after the other, so that only two priests would be necessary. V. Sh. Mek.

(18) V. Yoma 25a.

(19) Infra 12a.

(20) Which can all be performed by the same priest; the Tanna, however, did not intend to give the number of priests employed in each service. The words 'but not the order of the priests', found in cur. edd., are obviously a gloss, and are omitted in MS.M. and also in Sh. Mek.

(21) V. Infra 99b.

Talmud - Mas. Menachoth 7b

Now there is no mention here of lifting up [the table].¹ But was not the answer given in the former case that the Tanna merely stated the order of the services? Then in this case too [we can say that] he only states the order of the services!² — Surely there is no comparison; there the Tanna does not state the number of priests, but here he does state the number of the priests. Now if [your contention were] right,³ he certainly should have mentioned [the priest] who lifts up [the table]! This proves that one may take the handful from a vessel that is upon the ground. This indeed proves it.

Raba said, I am certain that one may take the handful from a vessel that is upon the ground, for we find that this was so at the taking away of the dishes [of frankincense].⁴ Also that one may hallow the meal-offering by putting [the meal] into a vessel that is upon the ground, for we find that this was so at the setting down the dishes.⁴ Raba however was in doubt, What is the law with regard to the hallowing of the handful? Are we to derive it from the meal-offering itself,⁵ or from the [receiving of the] blood?⁶ Later Raba decided that we must derive it from the [receiving of the] blood. But could Raba have said so? Surely it has been stated: If the handful was divided [and put] into two vessels, R. Nahman says, It is not hallowed; and Raba says, It is hallowed. Now if [the above decision] were right, then this too he should derive from the blood,⁷ should he not? — Raba retracted from that opinion.⁸

Whence do we know that if the blood was divided [in separate vessels] it is not hallowed? — From the following which R. Tahlifa b. Saul learnt: If one mixed⁹ less than the quantity required for sprinkling in one vessel and again less than the quantity required for sprinkling in another vessel, the mixing is not valid.¹⁰ And the question was raised, How is it with regard to the blood?¹¹ Is that¹² a traditional law, and from a traditional law one may not draw any inferences; or is it so there¹² because it is written, And he shall dip it in the water,¹³ then here also it is written, And he shall dip [his finger] in the blood?¹⁴ And it was stated: R. Zerika said in the name of R. Eleazar, Even in the case of the blood it is not hallowed.¹⁵

Raba said, There has been taught [a Baraita] also to this effect: It is written, And he shall dip,¹⁶ but not wipe up;¹⁷ in the blood,¹⁶ that is, there must be at the very beginning sufficient

blood [in the one vessel] for dipping; [and shall sprinkle] of the blood,¹⁶ that is, of the blood spoken of in the context. And the expressions ‘and he shall dip’ and ‘in the blood’ are both necessary. For had the Divine Law only stated, ‘And he shall dip’. I might have said that [it was valid] even though [the priest] had not received at the very beginning sufficient blood [in the one vessel] for dipping; it therefore stated, ‘In the blood’. And had the Divine Law only stated, ‘In the blood’, I might have said that he may even wipe up [the blood]; it therefore stated, ‘And he shall dip’. ‘[Of the blood], that is, of the blood spoken of in the context’. What does this exclude? — Raba said, It excludes the blood that is still clinging to the finger.¹⁸ This supports R. Eleazar who said, The blood that is still clinging¹⁹ to the finger is not valid [for sprinkling].

Rabin son of R. Adda said to Raba, Your pupils report that R. ‘Amram raised [an objection from the following]: It was taught: If, while sprinkling, some blood dripped from his hand [on to a garment], if this happened²⁰ before he had made the sprinkling it must be washed,²¹ but if after he had made the sprinkling it need not be washed. Presumably the meaning is: before he had finished the sprinkling, and after he had finished the sprinkling.²² — No, the meaning is: if it happened before the blood had left his hand in an act of sprinkling it must be washed, but if after the blood had left his hand²³ it need not be washed.

Abaye raised an objection: [We have learnt:] When he had finished sprinkling²⁴ he wiped his hand on the cow's body. [Now] only when he had finished then did he [wipe his hand], but before he had finished he did not!²⁵ — He replied. When he had finished he wiped his hand, before he had finished he wiped his finger only.²⁶ It is well [to say] ‘When he had finished he wiped his hand on the cow's body’, for it is written, And the cow shall be burnt in his sight;²⁷ but [to say] ‘Before he had finished he wiped his finger’ [is difficult], for on what would he wipe it?²⁸ — Abaye answered, On the edge of the basin, as it is written, Bowls of gold.²⁹

But could R. Eleazar have said that?³⁰ Behold it has been stated: The meal-offering of the High Priest³¹ R. Johanan says, is not hallowed [if brought] a half at a time. R. Eleazar says. Since it is offered a half at a time it is hallowed [if brought] a half at a time.

(1) So as to avoid taking away the frankincense from a table that is standing upon the ground. Obviously then this does not matter at all. And it is to be observed that the services touching the frankincense and the Shewbread correspond with the services relating to the handful and the meal-offering in the following respects: the frankincense was taken away each week from the table, the handful was taken from of the meal-offering; frankincense was put upon the table each week, the meal for the meal-offering was put into a vessel of ministry. And just as the burning of the frankincense rendered the Shewbread permitted to be eaten, so the burning of the handful rendered the rest of the meal-offering permitted to be eaten, for each is described in the Torah as ‘a memorial’, cf. Lev. II, 2, and XXIV, 7.

(2) I.e., the main services; whereas lifting up is a service of little significance.

(3) That whatsoever is put into a vessel of ministry that is upon the ground is not thereby hallowed.

(4) v. p. 38, n. 5.

(5) And just as the other services in connection with the meal-offering may be performed in a vessel that is upon the ground, so the handful would be hallowed if put into a vessel that is on the ground.

(6) It has already been stated that the four main services in the procedure of a meal-offering, viz., taking out the handful, hallowing it by putting it into a vessel, bringing it nigh to the altar and burning it, correspond respectively

to the four main services of animal sacrifices, viz., slaughtering, receiving the blood, bringing it nigh to the altar and sprinkling it. Now just as the blood of an animal-offering may not be received in a vessel that is on the ground (v. Lev. I, 5: And Aaron's sons, the priests, shall present the blood, and Sifra thereon), so the handful of the meal-offering may not be hallowed by putting it into a vessel that is upon the ground.

(7) And the blood of an animal-offering may not be received in two separate vessels (v. infra).

(8) And he subsequently accepted R. Nahman's view, namely that if the handful was divided and put into two vessels it is not hallowed.

(9) Lit., 'sanctified'. The reference is to the mixing of the ashes of the Red Cow with water; cf. Num. XIX, 17.

(10) Even though subsequently the two quantities when combined in one vessel amounted to the required quantity. For the required quantity v. Parah XII, 5: 'Sufficient for the tips of the hyssop stalks to be dipped therein and water sufficient to be sprinkled.'

(11) Sc. the blood of offerings which had to be sprinkled seven times within, i.e., upon the golden altar and towards the veil. The question is: May the priest receive the blood, say sufficient for four sprinklings in one vessel and sufficient for three in another vessel?

(12) Sc. the ruling in connection with the mixing of the ashes of the Red Cow.

(13) Num. XIX, 18. The use of the definite article, 'in the water', indicates that all the water must be in one vessel.

(14) Lev. IV, 6. Here too the definite article is used, 'in the blood'.

(15) If the blood was received half in one vessel and half in another.

(16) Lev. *ibid.*

(17) The priest must dip his finger in the blood and not scrape up the blood from the sides of the bowl with his finger.

(18) The priest must dip his finger in the bowl of blood for each sprinkling and not sprinkle twice with one dipping. He must sprinkle each time of the blood that is mentioned in the context, that is of the blood in the bowl and not of the blood that is on his finger.

(19) Lit., 'the remnant'.

(20) Sc., the splashing of the blood on to the garment.

(21) Cf. Lev. VI, 20.

(22) I.e., if some blood had splashed on the garment at any time during the course of the seven sprinklings. e.g., after the second sprinkling but before the priest had dipped his finger into the bowl a third time, it must be washed, for the blood that fell upon the garment might well have been used for a further sprinkling; hence it is evident that blood still clinging to the finger is valid for sprinkling, contra R. Eleazar and Raba. On the other hand, if the blood fell on to the garment after the seven sprinklings had been performed, it does not require to be washed, for the blood could not have been used for sprinkling.

(23) I.e., after an act of sprinkling some blood that was still clinging to his finger fell upon the garment.

(24) Sc. the blood of the Red Cow seven times towards the Holy of Holies. V. Parah III, 9.

(25) For presumably the blood still clinging to his finger is valid for sprinkling, and therefore he need not wipe it away; contra R. Eleazar and Raba.

(26) I.e., between each sprinkling.

(27) Num. XIX, 5. After sprinkling the blood towards the Holy of Holies the priest would come down from the Temple mount, wipe his hand on the cow's body, and then the cow would be burnt in his presence.

(28) It surely cannot be suggested that after each of the seven sprinklings the priest must come down from the Temple mount and wipe his finger on the cow's body. Indeed if he did so the sprinkling that followed might be invalid, for some hairs of the cow's body might adhere to his finger. In cur. edd. there is an obvious gloss added in the text, but it has been struck out by all commentators. It is not found in MS.M.

(29) Ezra I, 10. The sprinkling bowls are here designated **hrupf**, which word is derived from the root **rpf** 'to

wipe'; i.e., bowls on whose rim the priests used to wipe away the blood from their fingers.

(30) That if the blood was received half in one vessel and half in another, it is not hallowed thereby.

(31) V. Lev. VI, 13, 14. This meal-offering prepared on a griddle (hence **oh, hcj** from **, cj n**). consisting of a tenth part of an ephah of fine flour, was offered by the High Priest daily; half of it in the morning and half in the evening.

Talmud - Mas. Menachoth 8a

Now if he held that view, he would surely derive [the ruling in the case of the High Priest's meal-offering] from the blood!¹ And should you say that R. Eleazar does not derive one case from another, but R. Eleazar has actually ruled: If the taking of the handful from the meal-offering was performed in the Temple,² it is valid, since we find that the taking away of the dishes [of frankincense was regularly performed there]³ — He derives [the rules of] one meal-offering from another meal-offering,⁴ but he does not derive [the rules of] a meal-offering from the blood.

But does he derive one meal-offering from another meal-offering? Surely it has been taught: If a loaf was broken before it⁵ had been removed, the Shewbread is invalid, and [the priest] may not burn on account of it the dishes of frankincense; if a loaf was broken after it⁵ had been removed, the Shewbread is invalid, but he may burn on account of it the dishes of frankincense. Whereupon R. Eleazar had said, [The expression 'after it had been removed'] does not mean that it⁵ had actually been removed, but rather that the time for removing it had come about,⁶ and although it had not yet been removed it is regarded as already removed. But why is this so?⁷ Surely it ought to be regarded as a meal-offering which was found to be lacking before the handful had been taken therefrom!⁸ — That is really no difficulty, for in a meal-offering the handful is not separate,⁹ whereas here [in the Shewbread] the handful¹⁰ is separate. But this is a difficulty: surely this case ought to be on a par with the remainder of a meal-offering which was found to be lacking after the handful had been taken therefrom but before it had been burnt, in which case the handful may not be burnt! — There is, is there not, a difference of opinion about this?¹¹ R. Eleazar is of the same opinion as him who says that where the remainder of the meal-offering was found to be lacking after the handful had been taken therefrom but before it had been burnt, the handful may indeed be burnt.

The text [above] stated: 'The meal-offering of the High Priest, R. Johanan says, is not hallowed [if brought] a half at a time. R. Eleazar says, Since it is offered a half at a time it is hallowed [if brought] a half at a time'. R. Aha said, What is R. Johanan's reason? Because the verse reads, For a meal-offering . . . half of it in the morning;¹² that is to say, he must bring a meal-offering¹³ and then he shall divide it in halves.

An objection was raised: [We have learnt:] The meal-offering of the High Priest may not be brought in [two separate] halves, but he must bring a whole tenth and then divide it. And it has been taught: Had Scripture stated, 'For a meal-offering a half', I should then have said that he must bring a half tenth from his house in the morning and offer it, and a half tenth from his house in the evening and offer it; but Scripture states, 'Half of it in the morning', that is, he must offer half of the whole tenth!¹⁴ — This is only a recommendation.¹⁵ Thereupon R. Gebiha of Bekathil said to R. Ashi, But is not the term 'statute'¹⁶ used in connection with it? — He replied: That

merely indicates that he must bring the whole [tenth] from his house.¹⁷

But did R. Johanan actually say that?¹⁸ Behold it has been stated: If a man set aside [in a vessel of ministry] a half tenth [of flour for his meal-offering]¹⁹ intending to add to it [to make up the tenth], Rab says, It is not hallowed; R. Johanan says, It is hallowed. Now if he held that view,¹⁸ he would surely derive [the ruling in this case] from that of the High Priest's meal-offering.²⁰ Should you say, however, that R. Johanan does not derive one case from another, but R. Johanan has actually ruled: If a peace-offering was slaughtered in the Temple it is valid, for it is written, And he shall slaughter it at the door of the tent of meeting,²¹ and surely the accessory cannot be more important than the principal!²² — It is different where he intended to add to it.²³ For it has been taught: It is written Full;²⁴ and full means nothing else but the whole amount. And R. Jose said, When is this so?²⁵ Only when there is no intention to make up [the full amount], but when there is an intention to make up [the full amount], then each part²⁶ [as it is put into the vessel of ministry] is hallowed.

Whose view does Rab²⁷ accept with regard to the High Priest's meal-offering? If you say R. Eleazar's, then he should surely derive [the ruling in the case of an ordinary meal-offering] from the High Priest's meal-offering.²⁸ And should you say that Rab does not derive one case from another, but Rab has actually said, A meal-offering is hallowed [even though it was put into the vessel of ministry] without oil, since we find it so in the case of the Shewbread,²⁹ without frankincense, since we find it so in the case of the drink-offerings;³⁰ without oil and without frankincense, since we find this in the case of the sinner's meal-offering?³¹ — We must therefore say that Rab accepts R. Johanan's view.³²

The text [above] stated: 'Rab said, A meal-offering is hallowed [even though it was put into the vessel of ministry] without oil, since we find it so in the case of the Shewbread; without frankincense, since we find it so in the case of the drink-offerings; without oil and without frankincense, since we find it so in the case of the sinner's meal-offering'. Moreover the oil and the frankincense are hallowed [in the vessel of ministry] alone, one without the other: the oil [without the flour and the frankincense], since we find it so in the case of the log of oil of the leper;³³ and the frankincense [without the flour and oil], since we find it so in the case of the dishes of frankincense. But R. Hanina said,

(1) And he would declare the meal-offering of the High Priest invalid if it was brought a half tenth at a time, just as it is invalid, according to R. Eleazar, if the blood of an animal offering was received in two vessels.

(2) The taking of the handful from the meal-offering was usually performed in the Temple court and not in the Temple proper.

(3) And the taking away of the dishes of frankincense was considered equal to the taking of the handful from the meal-offering (v. supra p. 38, n. 5).

(4) I.e., from the Shewbread which is regarded as a meal-offering.

(5) Sc. the two rows of loaves and the dishes of frankincense.

(6) I.e., at the seventh hour of the day (that is an hour after mid-day) on the Sabbath; v. Pes. 58a.

(7) That the frankincense may be burnt when a loaf was broken after the time for the removal of the Shewbread from the table had arrived.

(8) In which case the handful may not be burnt upon the altar; and here the Shewbread has not in fact been

removed from the table. Since, however, the ruling is that the frankincense may be offered, it is evident that R. Eleazar does not derive one meal-offering from the other.

(9) I.e., the handful is not separate from the rest of the meal-offering, and until it has actually been taken out one cannot consider it as a handful.

(10) Sc. the dishes of frankincense. These stand apart from the bread, so that when the time for their removal has arrived one can well consider them as already having been removed.

(11) V. infra 9a.

(12) Lev. VI, 13.

(13) I.e., a whole meal-offering which must consist of a tenth part of an ephah of flour.

(14) Hence an objection against R. Eleazar.

(15) Lit., 'for a precept'. I.e., it should be performed in this manner; nevertheless it is hallowed even though brought a half tenth at a time.

(16) Ibid. VI, 15. The term 'statute' implies that there must be no infringement or variation of the prescribed rites.

(17) But as for hallowing in a vessel of ministry this may be done a half tenth at a time.

(18) That the High Priest's meal-offering is not hallowed if brought half at a time.

(19) The minimum quantity of flour for a meal-offering is one tenth part of an ephah.

(20) And as the High Priest's meal-offering is not hallowed, according to R. Johanan, if brought a half at a time, so it should be also with every meal-offering.

(21) Lev. III, 2.

(22) If the slaughtering may take place in the Temple court, how much more so in the Temple itself! Thus R. Johanan derives the slaughtering in the Temple from the slaughtering in the Temple court.

(23) In that case each part as it is put into the vessel of ministry is hallowed.

(24) Num. VII, 13: Both of them full of fine flour.

(25) That anything less than the whole amount is not hallowed.

(26) Lit., 'the first, the first'.

(27) Who in the case of an ordinary meal-offering ruled that if only part of it was put into a vessel of ministry it was not hallowed.

(28) And just as the High Priest's meal-offering is hallowed in part (so according to R. Eleazar) so it should be with an ordinary meal-offering too. Nevertheless in the latter case Rab expressly said that it was not hallowed in part.

(29) Which is deemed to be a meal-offering and yet no oil went with it.

(30) Which accompanied most sacrifices, consisting of quantities of flour and oil for a meal-offering and wine for a libation, but no frankincense went with it. V. Ibid. XV, 1ff.

(31) V. Lev. V, 11, We thus see that Rab derives one case from the other by analogy.

(32) That the High Priest's meal-offering may not be hallowed a half at a time, just as Rab himself expressly ruled in connection with an ordinary meal-offering.

(33) Which was not accompanied by flour and frankincense; V. Lev. XIV, 10ff.

Talmud - Mas. Menachoth 8b

The one is not hallowed without the other.¹ Then according to R. Hanina why was the tenth measure anointed?² — To measure the sinner's meal-offering.³ And why was the log measure anointed? — To measure the log of oil of the leper.

Samuel, too, is of the same opinion as Rab.⁴ For we have learnt:⁵ The vessels for liquids hallow liquids, and the measuring vessels for dry stuffs hallow dry stuffs; the vessels for liquids cannot

hallow dry stuffs neither can the measuring vessels for dry stuffs hallow liquids. And Samuel had said, This applies only to the measuring vessels [for liquids], but the sprinkling bowls hallow also dry stuffs, for it is written, Both of them full of fine flour mingled with oil for a meal-offering.⁶ R. Aha of Difti said to Rabina, But this meal-offering is moist!⁷ — He replied. It refers particularly to the dry parts of the flour.⁸ Alternatively,⁹ I may say, In comparison with blood a meal-offering [though mingled with oil] is regarded as dry stuff.

The text [above] stated: ‘R. Eleazar said, If the taking of the handful from the meal-offering was performed in the Temple it is valid, since we find that the taking away of the dishes [of frankincense was regularly performed there]’.¹⁰ R. Jeremiah raised an objection: It is written, And he shall take his handful from there,¹¹ that is, from the place where the feet of the non-priest may stand.¹² Ben Bathyra says, Whence do we know that if he took the handful with the left hand he should put it back again and then take it with his right hand? Because the verse says, ‘And he shall take his handful from there’, that is, from the place from which he has already taken a handful! — Some say that he [R. Jeremiah] raised the objection and he himself answered it [as stated below]. Others report that R. Jacob said to R. Jeremiah b. Tahlifa, I will explain it to you: That [verse] merely serves to teach us that [the rite of taking the handful] may be performed in any part of the Temple court; and you should not argue that since the burnt-offering is most holy and the meal-offering is most holy, therefore as the burnt-offering must be [slaughtered] on the north side [of the Temple court]¹³ so the meal-offering must be [attended to] on the north side. But surely the case of the burnt-offering is different, since it is wholly burnt!¹⁴ — Then [one could argue in the same way] from the sin-offering.¹⁵ But surely the case of the sin-offering is different, since it atones for those [who committed an act inadvertently which, had they committed it wilfully, would have made them] liable to kareth!¹⁶ — Then [one could argue in the same way] from the guilt-offering.¹⁵ Again the case of the guilt-offering is different, since it effects atonement by blood!¹⁷ Nor [could one argue in the same way] from all these [sacrifices taken together].¹⁸ since all these [are different from the meal-offering since they] effect atonement by blood! — That [verse] is indeed necessary, for I might have thought that since it is written, And it shall be presented unto the priest, and he shall bring it unto the altar,¹⁹ and [then it says] ‘and he shall take out the handful’,²⁰ therefore just as the meal-offering was brought unto the south-west corner of the altar²¹ so the handful was to be taken out at the south-west corner of the altar; we are therefore taught²² [that it may be performed in any part of the Temple court].

The text [above] stated: ‘R. Johanan said, If a peace-offering was slaughtered in the Temple it is valid, for it is written, And he shall slaughter it at the door of the tent of meeting,²³ and surely the accessory cannot be more important than the principal!’ An objection was raised: R. Judah b. Bathyra said, Whence do we know that, if the Temple court was surrounded by gentiles,²⁴ the priests may enter the Temple and eat there the most holy meat and the remainder of the meal-offerings? Because the verse says,

(1) I.e., all the ingredients of the meal-offering must be put in together into the vessel of ministry.

(2) To render it consecrated as a vessel of ministry. The tenth measure was a vessel of ministry holding the tenth part of an ephah which was used for measuring the flour of a meal-offering. But as the flour by itself, without oil and without frankincense, is not hallowed when put into this measuring vessel, then it was obviously unnecessary to have anointed this vessel as a sacred vessel. The same argument applies to the log, a vessel of ministry used for

measuring oil only.

(3) Which consisted of flour only, without oil and frankincense; v. Lev. V, 11.

(4) That the vessel of ministry hallows the flour alone without the other ingredients.

(5) Zeb. 88a.

(6) Num. VII, 13. It is evident that the sprinkling bowl (mentioned previously in this verse) hallowed the flour that was put into it.

(7) For it is mingled with oil. Hence there is no proof from this verse that the sprinkling bowl can hallow dry goods.

(8) Although the flour was mingled with oil, it is inconceivable that every particle of the flour was moistened; nevertheless all the flour was hallowed in this bowl, obviously because the sprinkling bowl can hallow dry goods.

(9) In cur. edd. there is found here a passage of several lines enclosed within brackets. It is not found in any MS., and has been struck out by all commentators as a gloss.

(10) V. p. 42, nn. 7 and 8.

(11) Lev. II, 2.

(12) V. supra p. 34, n. 7. It is, however, evident from this that the rite of taking the handful must be performed in the Temple court only, and not in the Temple, contra R. Eleazar. The teaching of Ben Bathyra which follows is merely the continuation of the Baraitha quoted but it does not affect the argument at all.

(13) Ibid I, 11.

(14) How then could one apply the same to the meal-offering?

(15) Which is also a most holy offering and must be slaughtered in the north.

(16) V. Glos.

(17) Cf. Lev. XVII, 11. The meal-offering, however, does not effect atonement by blood.

(18) By arriving at the points they all have in common, viz., they are all most holy, and all must be slaughtered on the north side of the Temple court. Similarly it would be said of the meal-offering, that the rite of taking the handful must be performed at the north side of the Temple court only!

(19) Ibid II, 8.

(20) This is the purport of verse (9) which follows: And the priest shall take off from the meal-offering the memorial thereof.

(21) V. infra 19b.

(22) By the verse And he shall take the handful from there (ibid 2).

(23) Lev. III, 2. V. supra 45, n. 2.

(24) And so it became dangerous to remain in the Temple court or to eat there consecrated meat.

Talmud - Mas. Menachoth 9a

In the most holy place shalt thou eat thereof.¹ Now why is the verse necessary to teach this? One could say, it is sufficient that it is written, In the court of the tent of meeting they shall eat it,² and the accessory surely cannot be more important than the principal!³ — With regard to acts of service, since a man would perform services in the presence of his master, we apply the principle 'Surely the accessory cannot be more important than the principal'. But with regard to eating, since a man would not eat in the presence of his master, [it is permitted]⁴ only because the verse expressly says so, but had not the verse said so we would not have applied the principle 'Surely the accessory cannot be more important than the principal'.

It was stated: If the meal-offering was mingled⁵ outside the walls of the Temple court, R.

Johanan says, It is invalid; Resh Lakish says, It is valid. 'Resh Lakish says, it is valid', for it is written, And he shall pour oil upon it, and put frankincense thereon, and then, And he shall bring it to Aaron's sons the priests; and he shall take thereout his handful;⁶ hence from the taking of the handful begins the duty of the priesthood. This therefore teaches us that the pouring [of the oil upon the meal-offering] and the mingling [of the oil with the flour] are valid [even if done] by non-priests. Now since [the mingling] does not require the services of the priesthood, it likewise need not be performed within [the Temple court]. 'R. Johanan says, it is invalid', for since it must be prepared in a vessel [of ministry],⁷ even though it does not require the services of the priesthood, it must nevertheless be performed within [the Temple court]. There is a Baraita in support of R. Johanan's view; for it has been taught: If a non-priest mingled it it is valid; if it was mingled outside the walls of the Temple court it is invalid.

It was stated: If the meal-offering had diminished before the handful was taken from it, R. Johanan says, He may bring [flour] from his house to fill up the measure; Resh Lakish says, He may not bring [flour] from his house to fill up the measure. R. Johanan says, He may bring [flour] from his house to fill up the measure, for it is the taking of the handful that determines it [for a meal-offering].⁸ 'Resh Lakish says, He may not bring [flour] from his house to fill up the measure', for it is the hallowing of the vessel that determines it [for a meal-offering].⁹ R. Johanan then raised this objection against Resh Lakish: We have learnt: If the [oil in the] log was found to be lacking before it was poured out,¹⁰ he may fill up the measure.¹¹ This is indeed a refutation.

It was stated: If the remainder of the meal-offering was found to be lacking between the taking of the handful and the burning thereof, R. Johanan says, He may burn the handful on account of it; Resh Lakish says, He may not burn the handful on account of it. According to R. Eliezer's view there can be no difference of opinion;¹² they differ only according to R. Joshua's view. For we have learnt:¹³ If the remainder of the meal-offering became unclean or was burnt or lost, according to the rule of R. Eliezer¹⁴ it is lawful [to burn the handful], but according to the rule of R. Joshua¹⁵ It is unlawful. Now he who says it is unlawful [to burn the handful], clearly agrees with R. Joshua; but he who says it is lawful, [distinguishes the cases thus]: only in that case did R. Joshua say [that it was unlawful], since nothing [of the meat] remained available, but here where some [of the meal-offering] remained available, even R. Joshua admits [that it is lawful to burn the handful]. For it has been so taught: R. Joshua says, If of any animal-offering mentioned in the Torah there remained an olive's bulk of flesh or an olive's bulk of fat, one may sprinkle the blood; if there remained a half-olive's bulk of flesh and a half-olive's bulk of fat, one may not sprinkle the blood.¹⁶ In the case of a burnt-offering, however, even if there remained a half-olive's bulk of flesh and a half-olive's bulk of fat, one may sprinkle the blood, since it is wholly burnt.¹⁷ And in the case of a meal-offering, even though all of it remains, one may not sprinkle the blood.

(1) Num. XVIII, 10.

(2) Lev. VI, 9.

(3) And if the most holy meat may be eaten in the Temple court, how much more so on the argument of R. Johanan in the Temple proper! Surely then no verse is necessary to permit this.

(4) To eat in the Temple proper.

(5) With the oil.

(6) Ibid. II, 1, 2.

- (7) Or, according to the reading of MS.M and Sh. Mek., 'since it is hallowed (by being put) in a vessel of ministry'.
- (8) And so long as the handful has not been taken one may add to the flour of the meal-offering.
- (9) And once it has been determined for a meal-offering, if it had diminished there is no remedy for it, and it is invalid.
- (10) I.e., before the priest had poured the oil into the palm of his own left hand for the purification of the leper. cf. Lev. XIV, 15.
- (11) V. Neg. XIV, 10. We thus see that the defective measure may be filled up even though it had already been hallowed in a vessel of ministry, contra Resh Lakish.
- (12) For if where the remainder was lost entirely the handful may still be burnt, how much more so where only a part of the remainder was lacking!
- (13) V. infra 26a, Pes. 77b.
- (14) Who held (Pes. 77a) that the blood of the sacrifice may be sprinkled even though the meat is not available (either because it was rendered unclean or was burnt or lost); likewise with the meal-offering, he would hold that the handful may be burnt upon the altar even though the remainder is no longer available, and needless to say where only a portion of the remainder was wanting.
- (15) Who held that where the meat of the sacrifice was not available it is not lawful to sprinkle the blood.
- (16) For in order to sprinkle the blood there must remain a whole olive's bulk either of what may be eaten by man (i.e., the flesh) or of what may be consumed by the altar; (i.e., the fat).
- (17) And both the flesh and the fat are burnt upon the altar; hence a half-olive's bulk of the one may be joined with a half-olive's bulk of the other.

Talmud - Mas. Menachoth 9b

How does the meal-offering come in here?¹ Said R. Papa, It refers to the meal-offering offered with drink-offerings.² For I might have said that, since it accompanies the animal-offering, it is deemed to be part of the animal-offering;³ we are therefore taught [that it is not so]. And he who says it is unlawful [to burn the handful, what can he say to this]?⁴ — Here [in the case of the meal-offering] it is different, for the verse says, And the priest shall offer up from the meal-offering the memorial thereof, and shall burn it upon the altar;⁵ and the expression 'the meal-offering' implies that the meal-offering must be there in its entirety.⁶ And [what does] the other⁷ [say to this]? — He would say that the expression 'from the meal-offering' implies only that the meal-offering was once whole.⁸ R. Johanan raised this objection against Resh Lakish. It was taught:⁹ If a loaf was broken before it¹⁰ had been removed, the Shewbread is invalid, and [the priest] may not burn on account of it¹¹ the dishes of frankincense; if a loaf was broken after it¹⁰ had been removed, the Shewbread is invalid, but he may nevertheless burn on account of it the dishes of frankincense.¹² Whereupon R. Eleazar had said, [The expression 'after it had been removed'] does not mean that it had actually been removed, but rather that the time for its removal had arrived, even though it had not yet been removed!¹³ — He replied, The author of that Baraitha is R. Eliezer.¹⁴ He [R. Johanan] then said to him, I quote you an undisputed¹⁵ Mishnah,¹⁶ and you merely say that the author is R. Eliezer! If it is R. Eliezer, why does [the Baraitha] speak of only part [of the Shewbread] being broken, even if it were entirely burnt or lost he would also permit [the burning of the frankincense], would he not? — The other remained silent. And why did he remain silent? Surely he could have replied that it is different with the offering of the community,¹⁷ for just as uncleanness is permitted for the community¹⁸ so the

diminution [of an offering] is also permitted for it! R. Adda b. Abaha said, This¹⁹ proves that diminution is on a par with a physical blemish, and no [animal with a] physical blemish is permitted [even] for the community.

R. Papa was sitting reciting the above teaching²⁰ when R. Joseph b. Shemaiah said to him, Is it not the case that the dispute between R. Johanan and Resh Lakish refers also to the 'Omer meal-offering which is a communal offering?²¹

R. Malkio said, One [Baraita] teaches: The expression 'of the fine flour thereof'²² implies that if it had diminished, however little, it is invalid; and 'of the oil thereof'.²² implies that if it had diminished, however little, it is invalid. And another [Baraita] teaches: The expression 'of the meal-offering'²³ excludes the case where the meal-offering or the handful had diminished, or where nothing at all of the frankincense was burnt.²⁴ Now why are two verses necessary to exclude any diminution? Surely it must be that one refers to the case where the meal-offering had diminished before the handful was taken,²⁵ and the other to the case where the remainder had diminished between the taking of the handful and the burning thereof.²⁶ This then is a refutation of both views of R. Johanan, is it not? — No, one verse refers to the case where the meal-offering had diminished before the taking of the handful, in which case if he brings more [flour] from his house and makes up the measure it is [valid], otherwise it is not [valid]. The other refers to the case where the remainder had diminished between the taking of the handful and the burning thereof, in which case the remainder is forbidden to be eaten although he may burn the handful on account of it. For the question was raised: According to him who says that where the remainder had diminished between the taking of the handful and the burning thereof he may burn the handful on account of it, what is the position with regard to the eating of the remainder? — Ze'iri said, It is written, And that which is left [of the meal-offering], but not that which is left of the remainder. R. Jannai said, It is written, of the meal-offering,²⁷ that is, the meal-offering which was once whole.²⁸

IF [THE PRIEST] TOOK THE HANDFUL WITH HIS LEFT HAND [IT IS INVALID]. Whence do we know this? — R. Zera said, The verse states, And he presented the meal-offering, and filled his hand therefrom.²⁹ Now I do not know which hand was meant, but when another verse states, And the priest shall take of the log of oil, and pour it into the palm of his own left hand,³⁰ [I know that] only here ['hand' means] the left hand, but elsewhere wherever 'hand' is stated it means the right. But is not this expression required for its own purpose?³¹ — 'The left hand' is mentioned once again.³² But should I not apply here the principle: 'a limitation followed by a limitation extends the scope of the law'?³³ — 'The left hand' is mentioned yet once again,³⁴ so that we may say that only here ['hand' means] the left hand, whereas elsewhere ['hand'] cannot mean the left hand. perhaps I should say quite the contrary: just as here ['hand' means] the left hand so elsewhere ['hand' means] the left hand! — 'The left hand' is in fact stated four times: twice in the case of the poor man and twice in the case of the rich man.³⁵

R. Jeremiah said to R. Zera. For what purpose is it written, Upon the thumb of his right hand and upon the great toe of his right foot?³⁶ —

(1) How can one speak of the sprinkling of blood in connection with a meal-offering?

- (2) Which accompanied most animal-offerings; cf. Num. XV, 4-10.
- (3) And the blood of the offering may be sprinkled, even though all the flesh and the fat had gone, since the whole of the meal-offering that belongs to the animal-offering remains.
- (4) Surely Resh Lakish admits this distinction in R. Joshua made by R. Johanan, for R. Joshua himself expressly differentiates so in the Baraitha quoted.
- (5) Lev. II, 9.
- (6) At the time of the burning of the handful; otherwise it may not be burnt.
- (7) R. Johanan.
- (8) I.e., at the time of the taking of the handful.
- (9) V. supra p. 43.
- (10) Sc. the dishes of frankincense.
- (11) I.e., on behalf of the Shewbread that remained.
- (12) Hence it is evident that if the remainder of the meal-offering had diminished between the taking and the burning of the handful — which corresponds to the diminution of the Shewbread between the taking away and the burning of the frankincense — one may nevertheless burn the handful; contra Resh Lakish.
- (13) This is mentioned only incidentally as the continuation of the cited passage.
- (14) According to whom the diminution, and even the entire destruction, of the remainder of the meal-offering does not prevent the burning of the handful upon the altar; v. supra.
- (15) Lit. 'whole'.
- (16) [This is really a Baraitha but is nevertheless, as is frequently the case, designated Mishnah, v. Higger , u, hrcv rmut I, p. 37ff].
- (17) The Shewbread and the burning of the frankincense was a regular weekly service on behalf of the community. Cf. Lev. XXIV, 4-9.
- (18) If the whole community of Israel or the greater part thereof became unclean it is then permitted to offer the communal sacrifices, e.g., the Daily sacrifice, in uncleanness. V. Pes. 77a.
- (19) The fact that Resh Lakish remained silent and did not put forward the suggested answer.
- (20) That Resh Lakish remained silent and did not distinguish between communal and private offerings.
- (21) MS.M., Rashi and Sh. Mek. omit the word "Omer", and the sense of R. Joseph's remark is that the dispute between R. Johanan and Resh Lakish related also to the Shewbread which is a communal meal-offering.
- (22) Lev. II, 2. The amount of the flour of a meal-offering is fixed at a minimum of one tenth part of an ephah, and of oil at one log.
- (23) Ibid. 3.
- (24) But where some of the frankincense had been burnt upon the altar and then it was found to be wanting, the meal-offering is valid.
- (25) In which case the meal-offering is invalid, for the deficiency cannot be made up by bringing more flour, contra R. Johanan.
- (26) In which case the handful may not be burnt, again contra R. Johanan.
- (27) Lev. II. 3.
- (28) I.e., if at the time of the taking of the handful the remainder was intact, it is immaterial if later it was found to have diminished, and it may be eaten; R. Jannai accordingly is in conflict with Ze'iri. Rashi, however, gives another interpretation according to which R. Jannai is in agreement with Ze'iri: the meal-offering was once whole, i.e., at the time of the burning of the handful.
- (29) Ibid. IX, 17.
- (30) Ibid. XIV, 15, in reference to the purificatory rites of a leper.
- (31) That only the left hand shall be employed and not the right, and one therefore cannot draw any conclusion or

inference from this expression.

(32) Ibid. 16.

(33) Since 'the left hand' is stated twice, and inasmuch as each by itself serves as a limitation to exclude the right hand, the result is that the successive limitations actually amplify the law and include the right hand, that it, too, may be used in the purificatory rites of the leper.

(34) Ibid. 26. This third expression precludes the suggestion stated that the first two are to be regarded as limitation following limitation resulting in amplification, for if that were so this third expression would be superfluous.

(35) Lev. XIV, 14, 16, 26 and 27; the first two referring to the rites of a rich man that is being cleansed of his leprosy, and the latter two to those of a poor man. The result is therefore thus: the first expression 'the left hand' is required for its own purpose, the second to indicate that only here 'hand' means the left hand but not elsewhere, the third to preclude the suggestion that the first two are to be regarded as limitation following limitation, and the fourth to preclude the inference, suggested last, that wherever 'hand' is stated the left hand is meant.

(36) Ibid 17 and 28, with reference to the application of oil upon these parts, the former verse dealing with the case of the rich man and the latter with the poor man. In both cases, however, the passage is superfluous for in each verse appears the direction that the oil shall be applied on the place where the blood of the guilt-offering had been applied, and the latter, as expressly stated both in the case of the rich man and of the poor man (v. ibid. 14 and 25 respectively), was applied upon the thumb of the right hand and the great toe of the right leg. It must be observed that the thumb and the great toe are expressed in the Heb. by the same word **İVC**; thus the expression **İVC kg**, stated twice in this verse, is redundant.

Talmud - Mas. Menachoth 10a

One serves to permit [the application of the oil] upon the sides;¹ and the other to forbid it on the sides of the side.² And for what purpose are stated, Upon the blood of the guilt-offering, and, Upon the place of the blood of the guilt-offering?³ — They are both necessary; for had the Divine Law only stated, upon the blood of the guilt-offering, I should have said that only if [the blood] was still there it is [valid], but if it had been wiped off it is not [valid]; the Divine Law therefore stated, 'Upon the place of the blood of the guilt-offering'. And had the Divine Law only stated, 'Upon the place etc.', I should have said that it [the blood] must first be wiped off, but if it was still there it would be regarded as an interposition;⁴ the Divine Law therefore stated, 'Upon the blood of the guilt-offering'.

Raba said, Since there have been stated [with regard to the application of the oil] the expressions 'Upon the blood of the guilt-offering' and 'Upon the place of the blood of the guilt-offering', and moreover since with regard to the application of the blood the term 'right' is used, for what purpose then does the verse state, concerning the application of the oil upon the leper. 'Upon the thumb of his right hand and upon the great toe of his right leg', both in the case of the rich man and of the poor man?⁵ — Raba therefore said,⁶ The term 'hand' [is required for purposes of analogy] with 'hand' in respect of the taking out of the handful,⁷ the term 'leg' with 'leg' in respect of halizah,⁸ the term 'ear' with 'ear' in respect of 'boring of the ear'.⁹ Wherefore is 'the left' stated?¹⁰ — R. Shisha the son of R. Idi answered, In order to rule out the use of the priest's right hand in the case of the leper; lest you argue as follows: if in the case where the left hand is not allowed the right hand nevertheless is, in the case where the left hand is allowed surely the right hand is allowed too.¹¹ And wherefore is 'the left' stated again?¹² — For the reason

taught at the school of R. Ishmael: Any Biblical passage that was stated once, and then repeated, was repeated only for the sake of some new point contained therein.¹³

Rabbah b. Bar Hannah said in the name of R. Simeon b. Lakish, Wherever the words ‘priest’ and ‘finger’ are stated [in connection with a service of the Temple] they signify the right [hand] only. Now it was assumed that both these terms ‘priest’ and ‘finger’ were necessary [to signify this], as in the verse, And the priest shall take of the blood of the sin-offering with his finger,¹⁴ and [there the finger of the right hand is meant for] it is inferred from the case of the leper where it is written, And the priest shall dip his right finger.¹⁵ But there is the case of the taking of the handful, with regard to which only the word ‘priest’ is written, and yet we have learnt: IF [THE PRIEST] TOOK THE HANDFUL WITH HIS LEFT HAND IT IS INVALID! — Raba answered, It is either the word ‘priest’ or the word ‘finger’ [that is meant].¹⁶ Thereupon Abaye said to him, Take the case of the bringing of the limbs [of the sacrifice] to the [altar] ascent, with regard to which the word ‘priest’ is written, as it is said, And the priest shall present the whole and burn it upon the altar,¹⁷ and a Master said, This refers to the bringing of the limbs to the [altar] ascent,¹⁸ and yet we have learnt:¹⁹ The right [hind-]leg was carried in the left hand with the part covered with the skin outermost!²⁰ — The rule [that the word] ‘priest’ or ‘finger’ [implies the right hand] we apply only to such services as would invalidate the atonement [by their omission].²¹ Then take the case of receiving [of the blood in a vessel]; it is surely a service that would invalidate the atonement [by its omission], and yet we have learnt:²² If [the priest] received the blood in his left hand, It is invalid; but R. Simeon declares it valid!²³ — You raised this [difficulty] according to R. Simeon's view, did you not? But R. Simeon requires both terms.²⁴ Does then R. Simeon require both terms? Surely it has been taught: R. Simeon says. Wherever the term ‘hand’ is stated it signifies the right hand only, likewise the term ‘finger’ signifies the right finger only! — The term ‘finger’ does not require with it the term ‘priest’,²⁵ but the term ‘priest’ requires with it the term ‘finger’.²⁵ Why then is the term ‘priest’ stated at all?²⁶ [That he shall be clad] in the priestly robes.

(1) Sc. of the thumb and of the great toe; for the Hebrew particle **kg** may mean ‘close to’ as well as ‘upon’.

(2) I.e., the inner side of the thumb (facing the palm), and the lower side of the great toe (facing the ground).

(3) Ibid. 17 and 28. Surely one of them is superfluous (Rashi). According to Tosaf, the question is, Why the variation in the expressions; why in the second verse is ‘the place of’ added?

(4) For the oil must touch the body of the leper on the parts specified directly without any other substance interposing.

(5) The question is concerning the superfluous word ‘right’ stated with regard to the hand and the leg; for even if Scripture had omitted the word in each case we should still have known that the right hand and right leg were intended, either because the application of the blood was upon these limbs and the oil was to be applied upon the blood, or because of the original opinion expressed by R. Zera that ‘hand’ generally means the right hand. V. Tosaf. s.v. **rnt**.

(6) Raba on account of this last question abandons the conclusions of R. Zera that were derived from the expression ‘the left hand’ being stated four times, whereby the rule was established that ‘hand’ generally means the right hand and therefore the taking of the handful must be performed with the right hand, but proceeds to interpret anew all the expressions employed in this passage dealing with the purificatory rites of the leper.

(7) The word ‘hand’ is stated here in connection with the rites of a rich man (Lev. XIV, 17) and also in connection with the taking of the handful from the meal-offering (ibid IX, 17): as in the former case the right hand is meant

for it is expressly stated so, so in the latter case, too, the right hand is meant.

(8) The word 'leg' is stated here in connection with the rites of the rich man (ibid. XIV, 17) and also in connection with the ceremony of halizah (the drawing off of the shoe, v. Deut. XXV, 5-10): as here the right leg is meant, so there too the right leg is meant.

(9) The word 'ear' is stated here in connection with the rites of the rich man (Lev. ibid.) and also in connection with the boring of the ear of an Israelite slave who desired to continue in servitude (v. Ex. XXI, 5, 6): as here the right ear is meant, so there too the right ear is meant.

(10) In Lev. XIV, 16, in connection with the rites of the rich man: And the priest shall dip his right finger in the oil that is in his left hand. In the preceding verse (15) 'the left hand' is admittedly required for its own purpose, that the priest shall pour the oil into his left hand.

(11) Scripture therefore repeated 'the left hand' to indicate that the service shall be performed with the left hand only.

(12) Lev. XIV, 27, in connection with the rites of the poor man. This question applies to all the expressions used in connection with the rites of the poor leper.

(13) The new point being that the offerings for purification vary according to the means of the leper.

(14) Ibid. IV, 25.

(15) Ibid. XIV, 16. And as in this verse where both the expressions 'priest' and 'finger' are stated the right must be used, so wherever these two expressions are found they imply the use of the right hand.

(16) I.e., the occurrence of either of these terms in connection with any service signifies that that service shall be performed with the right hand or with the right finger.

(17) Lev. I, 13.

(18) Cf. Zeb. 4a and elsewhere.

(19) Tamid 31b.

(20) Hence although the term 'priest' is used in connection with the service of 'bringing nigh', it nevertheless may be performed with the left hand!

(21) Whereas the service of 'bringing nigh' is not indispensable, for even if it were omitted, e.g., If the sacrifice was slaughtered close to the altar ascent so that there was no need for bringing the limbs to the altar, the atonement would not be impaired.

(22) Zeb. 15b. In cur. edd. before 'we have learnt' are inserted the following lines: 'and with regard to which the term "priest" is stated, as it is written, And Aaron's sons, the priests, shall present the blood (Lev. I, 5), which refers to the receiving of the blood'. These lines are not found in any of the MSS. and apparently they were not in the text that was before Rashi. They are also omitted by Sh. Mek.

(23) Notwithstanding the expression 'priest' used in connection with the service, v. prec. n.

(24) Both the expressions 'priest' and 'finger' are necessary in order to signify the right hand.

(25) In order to signify the right finger.

(26) In a case where the term 'finger' is used the addition of the term 'priest' is of no significance whatsoever. This question and the answer which follows are omitted in all MSS.

Talmud - Mas. Menachoth 10b

Consider the case of the sprinkling [of the blood], with regard to which only the term 'priest' is used, yet we have learnt: If [the priest] sprinkled the blood with his left hand it is invalid; and R. Simeon does not differ! — Abaye answered, He does indeed differ in the Baraitha, for it was taught: If he received the blood in his left hand it is invalid, but R. Simeon declares it valid. If he sprinkled the blood with his left hand it is invalid, but R. Simeon declares it valid.

But then Raba's statement that the term 'hand' [is required for the purposes of analogy] with 'hand' in respect of the taking out of the handful,¹ is quite unnecessary, for it would have been inferred from the expression 'priest'!² — One [teaching] is required for the taking out of the handful and the other for the hallowing of the handful.³ But according to R. Simeon who holds [according to one view] that the hallowing of the handful is not essential,⁴ and even according to the other view that the hallowing of the handful is indeed essential but that it is valid if performed with the left hand, is not Raba's analogy by means of the common word 'hand' necessary? It cannot serve to indicate that the actual taking out of the handful [shall be performed with the right hand],⁵ as this is already established by the teaching of R. Judah the son of R. Hiyya. For R. Judah the son of R. Hiyya said, What is the reason for R. Simeon's view?⁶ Because the verse says, It is most holy as the sin-offering and as the guilt-offering;⁷ that is to say, if [the priest] comes to perform the service with his hand⁸ he must do so with his right hand as the sin-offering,⁹ and if he comes to perform it in a vessel he must do so with his left hand as the guilt-offering!¹⁰ — It is only necessary with regard to the handful of the sinner's meal-offering; for I might have said that, since R. Simeon has expressed the view that his [the sinner's] offering shall not be sumptuous,¹¹ then even if the handful were taken out with the left hand it should be valid, we are therefore taught [by Raba's analogy that it must nevertheless be performed with the right hand].

IF ON TAKING THE HANDFUL THERE CAME INTO HIS HAND A SMALL STONE OR A GRAIN OF SALT

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- (1) Namely that it shall be performed with the right hand; v. supra p. 56.
 - (2) The term 'priest' is used in connection with the taking 'of the handful, and this alone, according to the view of the Rabbis as stated by Raba, indicates that the service must be performed with the right hand.
 - (3) Raba's analogy is required to teach that the hallowing of the handful, i.e., putting it into a vessel of ministry, must also be performed with the right hand.
 - (4) But that the handful taken out by the Priest may be carried directly to the altar and burnt thereon. V. infra 26a.
 - (5) Since R. Simeon does not accept the view that the term 'priest' by itself signifies the use of the right hand. V. supra p. 58.
 - (6) That the offering is valid even though the handful was not hallowed in a vessel of ministry.
 - (7) Lev. VI, 10, with reference to the meal-offering.
 - (8) I.e., he does not put the handful into a vessel of ministry, but places it on the altar directly from his hand.
 - (9) The sprinkling of the sin-offering — which corresponds to the burning of the handful of the meal-offering — must be performed with the right hand, since in connection therewith both the expressions 'priest' and 'finger' are employed.
 - (10) Sc. the guilt-offering of the leper with regard to which the left hand is expressly required. It is evident, however, from this teaching of R. Judah that any service that is performed with the hand, as the taking of the handful from the meal-offering, must be performed with the right hand; hence Raba's analogy is unnecessary.
 - (11) And therefore it must be offered without oil and frankincense; v. supra 6b.

Talmud - Mas. Menachoth 11a

OR A DROP OF FRANKINCENSE IT IS INVALID. Why are all these mentioned? — They are all necessary; for had [the Mishnah] only stated a small stone, [I should have said that it is invalid]

because it is something that cannot be offered [upon the altar], but as for salt, since it is offered.¹ I would say that it does not render [the handful] invalid. And had the Mishnah stated salt only, [I should have said that it was invalid] because it is not prescribed to be brought with the meal-offering in the beginning, but as for frankincense, since it is prescribed to be brought with the meal-offering in the beginning, I would say that it does not render [the handful] invalid. We are therefore taught them all.

FOR THEY HAVE RULED: IF THE HANDFUL WAS TOO MUCH OR TOO LITTLE IT IS INVALID. Why is the reason given because it is too much or too little? Surely [it is invalid] because of the interposition?² — R. Jeremiah answered. It might have been at one side.³ Abaye asked Raba, How is the handful taken? — He replied, As people usually take a handful.⁴ He then raised the following objection against him: It was taught:⁵ This one⁶ is [for measuring] the span,⁷ this one⁸ [for taking] the handful,⁹ this one¹⁰ [for measuring] the cubit,¹¹ this one¹² is the finger,¹³ and this one¹⁴ the thumb!¹⁵ — It is used only in order to smooth the edge.¹⁶ How then was it done? — R. Zutra b. Tobiah said in the name of Rab, He bends his three fingers until he reaches the palm of his hand and then takes the handful. [A Baraita] has been taught to this effect: It is written, And he shall take out a full handful.¹⁷ Now one might suppose that it should be overflowing, another verse therefore says, In his handful.¹⁸ But from the verse, In his handful, one might suppose that it may be taken with the finger tips, it is therefore written, A full handful. How is it then to be? He should bend his three fingers over on to the palm of his hand and thus take the handful. In the case of a meal-offering prepared on a griddle or in a pan.¹⁹ he must level it with his thumb on top and with his little finger below. And this was the most difficult service in the Temple. This, and none other? Was there not the nipping?²⁰ and the taking of 'both hands full'?²¹ — Render: And this was one of the most difficult services in the Temple.

R. Papa said, I have no doubt at all that the expression 'a full handful' means in the manner in which people usually take a handful.²² But, asked R. Papa, what if he took out the handful with his fingertips,²³ or with the side [of his hand],²⁴ or [if he took it] from below upwards?²⁵ These questions remain undecided.

R. Papa said, I have no doubt at all that the expression 'his hands full'²⁶ means in the manner in which people usually fill the hands.²⁷ But, asked R. Papa, what if he filled his hands with his finger tips, or with the sides,²⁸ or if he filled each hand separately and brought them together? — These questions remain undecided.

R. Papa raised the question: What if he stuck the handful to the side of the vessel?²⁹ Must it be put inside the vessel, which is the case here; or must it be put down inside the vessel, which is not the case here? — This remains undecided.

Mar b. R. Ashi raised the following question: What if he turned the vessel upside down and put down the handful on the bottom of the vessel?³⁰ Must it be put inside the vessel, which is the case here; or must it be put down in a normal manner,³¹ which is not the case here? — This remains undecided.

MISHNAH. HOW SHOULD HE DO IT? HE SHOULD STRETCH OUT HIS FINGERS ON

TO THE PALM OF HIS HAND. IF HE PUT IN TOO MUCH OF ITS OIL OR TOO LITTLE OF ITS OIL.³² OR TOO LITTLE OF ITS FRANKINCENSE,³³ THE OFFERING IS INVALID.

GEMARA. What is meant by TOO MUCH OF ITS OIL? R. Eleazar said, If, for example, one set apart for it two logs of oil.³⁴ And why did he not suggest that ordinary [unconsecrated] oil or oil from another [meal-offering] was added to it? Should you, however, retort that [the addition of] ordinary [unconsecrated] oil or oil from another [meal-offering] would not render the offering invalid, then there is the objection (raised by R. Zutra b. Tobiah):³⁵ How can the ruling, that the sinner's meal-offering

Another interpretation is: he filled his hands with incense taken from the side of the vessel and not from the middle. is rendered invalid by the addition of oil,³⁶ ever be applied? If [you say that oil was especially set aside] for it — but it does not require any;³⁷ and if [you say that] ordinary [unconsecrated] oil or oil from another [meal-offering] was added to it — but you have now said that this would not render the offering invalid? And R. Eleazar [what does he say to this]?³⁸ — It is a case of 'it goes without saying'; thus, it goes without saying that the offering is rendered invalid by the addition of ordinary [unconsecrated] oil or oil of another [meal-offering]; but in the case where a man set aside for it two logs of oil, since each [log separately] is suitable for the purpose. I would say that it is not invalid; he therefore teaches us [that it is invalid]. But whence does R. Eleazar know this? — Raba said, Our Mishnah presented a difficulty to him. Why does it use the expression. IF HE PUT IN TOO MUCH OF ITS OIL? It should have stated, 'If he put in too much oil for it'. But it teaches us³⁹ that [it is invalid] even though he set aside for it two logs of oil.

IF HE PUT IN TOO LITTLE OF ITS FRANKINCENSE. Our Rabbis taught: If the frankincense had diminished until there remained one grain only, the offering is invalid; if there remained two grains, it is valid. So R. Judah. R. Simeon says. If there remained one grain, it is valid; if less than that it is invalid.

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- (1) For after the handful was placed upon the altar salt was sprinkled over it.
 - (2) When there is a stone or some other substance included in the handful it interposes or separates between the flour and the fingers, and this renders it invalid. And even where the stone happens to lie in the middle of the flour and does not touch the fingers it is also invalid for it interposes between the flour and divides it into two!
 - (3) The stone might have been at the end of the handful i.e., near the thumb or the little finger, so that there is no question of interposition, but it is invalid only because the handful is too little, since there is lacking flour to the extent of the volume of the stone.
 - (4) Using all the fingers of the hand, even the little finger.
 - (5) V. Keth. 5b.
 - (6) The little finger.
 - (7) I.e., the distance from the tip of the little finger to the tip of the thumb of a spread hand. The span was the measure of the breastplate of the High Priest; v. Ex. XXVIII, 16.
 - (8) The finger next to the little one.
 - (9) This finger was the limit on the one end of the handful, the thumb limiting it at the other end; so that the little finger was not used in taking the handful, contra Raba.
 - (10) The middle finger.

- (11) I.e., the distance from the tip of the middle finger to the point of the elbow.
- (12) The fourth from the little finger.
- (13) Which is used in the priestly service, as when the priest dips his finger in the blood for the sprinkling.
- (14) The fifth from the little finger.
- (15) Which was the subject of special rites in the purification ceremony of the leper.
- (16) The little finger was to be employed only to smooth level the side of the handful so that none of the flour should appear to be bursting out; this levelling was also performed at the other end by the thumb. It is clear, however, that the actual handful was made up by bending the middle three fingers over the palm. In cur. edd. there appears here in the text an explanatory gloss which is not found in any MS., it is struck out by Sh. Mek.
- (17) Lev. II, 2.
- (18) Ibid. VI, 8: the meaning of this expression being that the flour shall be entirely within the handful, so that none should burst out at the ends or between the fingers.
- (19) These meal-offerings were first baked into cakes, the cakes broken into pieces, and then the priest took out a handful. They were not, however, broken fine, and therefore when the handful was taken, particles of the cakes would be protruding on all sides; the thumb and little finger were then brought into operation so as to smooth the sides-an awkward and difficult manipulation.
- (20) Nipping off the head of a bird-offering. (v. Lev. I, 15) was an act which required considerable skill; cf. Zeb. 64b.
- (21) V. ibid. XVI, 12, where it is stated that the High Priest on the Day of Atonement took both hands full of incense and offered it in the Holy of Holies. The circumstances in which he took these were such as to render the taking a very difficult task. V. Yoma 49b.
- (22) I.e., by inserting the side of the hand, held at an angle, into the flour and scooping up a handful.
- (23) With the palm of his hand facing downwards he inserted his finger-tips and scooped up the flour little by little into the palm of his hand.
- (24) By laying his hand, palm upwards, upon the surface of the flour and moving it to and fro he gradually scooped up a handful. Another interpretation is: he took the handful from the flour at the side of the vessel and not from the middle.
- (25) He cupped his hand and pressed it, palm upwards, into the flour and thus took out a handful.
- (26) Ibid. XVI, 12. V. supra n. 3.
- (27) I.e., by cupping the hands, inserting them into the heap, drawing them towards each other, and taking out two hands full.
- (28) By laying the hands flat, palms upwards, on the incense and heaping up the incense on them via the space between the thumb and the first finger.
- (29) When putting back the handful to be hallowed in a vessel of ministry, the priest did not put it down in the bottom of the vessel but stuck it on the side of the vessel.
- (30) The vessel was overturned and the handful was put down on the now concave base of the vessel.
- (31) Lit, 'in its ordered manner'.
- (32) The amount of oil prescribed is one log (v. Glos.) for each tenth part of an ephah of flour.
- (33) The prescribed amount of frankincense is one handful; v. infra 106b.
- (34) And the oil was then mixed with the flour, so that to all appearances there are here two meal-offerings.
- (35) The bracketed words are deleted by Sh. Mek.
- (36) The sinner's meal-offering was to be without oil (v. Lev. V, 11); if any oil was put into it it is invalid, v. infra 59b.
- (37) And therefore what was set aside for it does not become consecrated.
- (38) Why then did he not suggest an addition of ordinary unconsecrated oil?

(39) The expression 'TOO MUCH OF ITS OIL' implies that a large quantity had been set aside for this meal-offering at the very beginning.

Talmud - Mas. Menachoth 11b

But have we not been taught [in another Baraitha]:¹ If the handful of frankincense had diminished, no matter how little, it is invalid?² — Render: If the [last] grain of frankincense had diminished, no matter how little, it is invalid. Alternatively I may say. One³ [Baraitha] refers to the frankincense that was offered together with the meal-offering,⁴ and the other to a separate offering of frankincense.⁵

R. Isaac b. Joseph said in the name of R. Johanan. In this matter there are three different views: R. Meir⁶ holds that there must be a handful [of frankincense] at the outset⁷ and also a handful in the end; R. Judah holds, a handful at the outset and two grains in the end; R. Simeon holds, a handful at the outset and one grain in the end. All these three [Rabbis] derived their opinions from the same verse, vis., And all the frankincense which is upon the meal-offering.⁸ R. Meir is of the opinion that [the offering is invalid] unless there is present now all the frankincense that was prescribed to be offered with the meal-offering at the outset. R. Judah maintains that the expression 'all'⁹ implies even one grain, and the particle 'eth'¹⁰ adds to it another grain. R. Simeon, however, does not interpret the particle 'eth'.¹¹

R. Isaac b. Joseph also said in the name of R. Johanan. They¹² differ only with regard to the frankincense that is offered together with the meal-offering, but with regard to frankincense that is offered by itself, all agree that there must be a handful at the outset and a handful in the end. Therefore the words 'which is upon the meal-offering' are expressly stated to indicate that this is so¹³ only [with regard to the frankincense] that is offered with the meal-offering, but not with regard to that offered by itself. R. Isaac b. Joseph further said in the name of R. Johanan, They¹² differ only with regard to the frankincense that is offered together with the meal-offering, but as for the frankincense offered in the dishes,¹⁴ all agree that there must be two handfuls at the outset and two handfuls in the end.¹⁵ Surely this is obvious!¹⁶ — You might have thought that since [the frankincense in the two dishes] is brought together with the Shewbread it is in the same category as that which is offered with a meal-offering; we are therefore taught [that it is not so].

This, however, is a matter of dispute between R. Ammi and R. Isaac Nappaha. One says, They¹⁷ differ only with regard to the frankincense that is offered together with the meal-offering, but with regard to the frankincense offered by itself, all agree that there must be a handful at the outset and a handful in the end. The other says, Just as they differ in the former case so they differ in the latter case too.

IF HE PUT IN TOO LITTLE OF ITS FRANKINCENSE THE OFFERING IS INVALID. It follows, however, that if he put in too much, it is valid; but we have been taught. If he put in too much it is invalid? — Rami b. Hama answered, That was a case where he set apart two handfuls.¹⁸

Rami b. Hama also said, If a man set apart two handfuls [of frankincense], and one of them was

lost before the taking of the handful [of flour, the offering is valid, for] they had not yet been appointed [for this meal-offering]; if [one was lost] after the taking of the handful, [the offering is invalid, for] they had already been appointed [for this meal-offering].¹⁹

Rami b. Hama also said, If he set apart four handfuls [of frankincense] for the two dishes, and two of them were lost before the taking away of the dishes,²⁰ [it is valid, for] they had not yet been appointed [for the Shewbread]; if [two were lost] after the taking away of the dishes, [it is invalid, for] they had already been appointed [for the Shewbread]. Wherefore was this case necessary? It is the same as the other! — You might have thought that, since in this case the handful is separate,²¹ as soon as the time for its removal has arrived it is regarded as already removed,²² we are therefore taught otherwise.

MISHNAH. IF HE TOOK THE HANDFUL²³ FROM THE MEAL-OFFERING [INTENDING] TO EAT THE REMAINDER OUTSIDE [THE TEMPLE COURT] OR AN OLIVE'S BULK OF THE REMAINDER OUTSIDE, OR TO BURN²⁴ THE HANDFUL OUTSIDE OR AN OLIVE'S BULK OF THE HANDFUL OUTSIDE, OR TO BURN ITS FRANKINCENSE OUTSIDE, THE OFFERING IS INVALID, BUT THE PENALTY OF KARETH²⁵ IS NOT INCURRED.²⁶ [IF HE INTENDED] TO EAT THE REMAINDER ON THE MORROW²⁷ OR AN OLIVE'S BULK OF THE REMAINDER ON THE MORROW, OR TO BURN THE HANDFUL ON THE MORROW OR AN OLIVE'S BULK OF THE HANDFUL ON THE MORROW, OR TO BURN ITS FRANKINCENSE ON THE MORROW,

(1) The words 'R. Simeon says' are deleted by all commentators on the strength of Rashi's remark: 'I believe that R. Simeon is the author of the statement'.

(2) There is here a contradiction between the views of R. Simeon, for the view expressed in the second Baraita is also that of R. Simeon.

(3) The first quoted Baraita which contains the dispute between R. Judah and R. Simeon.

(4) In which case the offering is valid as long as there remained one grain of frankincense.

(5) In which case there must be nothing less than a handful at all times.

(6) The anonymous author of our Mishnah.

(7) I.e., at the time of the taking of the handful of flour there must be in the vessel a handful of frankincense. This is admitted by all authorities; v. infra 106b.

(8) Lev. VI. 8, Heb. **kf** , **tu**.

(9) The expression **kf** 'all' is interpreted here, by R. Judah and R. Simeon, in the same sense as the Rabbinic **tuva kf** 'anything', 'aughtsoever'.

(10) , **t**. Hence there must be left at least two grains.

(11) As having any particular significance apart from its grammatical use.

(12) R. Meir, R. Judah and R. Simeon.

(13) That a diminution of the frankincense does not invalidate the offering according to R. Judah and R. Simeon.

(14) V. infra 106b.

(15) I.e., there must be a handful of frankincense in each dish from the time that they are set upon the table up to the time they are removed to be burnt.

(16) Since there is here no Biblical term or expression, like **kf**, to indicate that a diminution of the prescribed quantity is allowed.

(17) R. Meir, R. Judah and R. Simeon.

(18) Which is an excessive amount and therefore invalid; anything more than one handful but less than two would be valid. According to another interpretation, it is valid where two handfuls were set apart, for each handful can serve separately for the purpose.

(19) And the amount of frankincense was excessive. Or it is invalid, according to the aforementioned view of R. Meir, because there is a diminution of the frankincense appointed for the offering.

(20) I.e., of frankincense which had remained on the table the past week and which were removed on the Sabbath and burnt upon the altar.

(21) For it is contained in dishes and stands apart from the rest of the offering.

(22) So that as soon as the time for the removal of the dishes of frankincense of the past week has come about (which is immediately after the offering of the Sabbath additional sacrifice), the frankincense that has been set apart may be regarded as already appointed for their purpose; and therefore it is invalid if thereafter a part of it was lost.

(23) The rule here stated applies equally well to each of the four main services of the meal-offering-taking out the handful, putting it into a vessel, bringing it nigh to the altar, and burning it.

(24) The wrongful intention must be in respect of those parts of the offering that are usually eaten, but the term 'eat' includes also what is 'eaten' by the altar, i.e., burnt thereon, in this case the handful and the frankincense. This is derived from the fact that in Lev. VII, 18 there is a duplicated expression for eating, **kft^h kft^v**, thus referring to two kinds of eating.

(25) V. Glos.

(26) If a priest actually, ate the remainder or actually burnt the handful or the frankincense outside the Temple court.

(27) Which is 'outside the proper time', for a meal-offering must be eaten the same day and evening until midnight.

Talmud - Mas. Menachoth 12a

THE OFFERING IS PIGGUL,¹ AND THE PENALTY OF KARETH IS INCURRED. THIS IS THE GENERAL RULE: IF ONE TOOK THE HANDFUL OR PUT IT INTO THE VESSEL OR BROUGHT IT NIGH OR BURNT IT, [INTENDING] TO EAT A THING THAT IS USUAL TO EAT OR TO BURN A THING THAT IS USUAL TO BURN, OUTSIDE ITS PROPER PLACE, THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED; BUT IF [HE INTENDED THE LIKE] OUTSIDE ITS PROPER TIME, THE OFFERING IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED; PROVIDED THAT THE MATTIR² WAS OFFERED ACCORDING TO ITS PRESCRIBED RITE.³ HOW IS THE MATTIR OFFERED ACCORDING TO ITS PRESCRIBED RITE? IF HE TOOK OUT THE HANDFUL IN SILENCE, BUT PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME; OR IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME, BUT PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT IN SILENCE; OR IF HE TOOK OUT THE HANDFUL AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME — SUCH IS A CASE WHERE THE MATTIR IS OFFERED ACCORDING TO ITS PRESCRIBED RITE.⁴ HOW IS THE MATTIR OFFERED NOT ACCORDING TO ITS PRESCRIBED RITE? IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE

REMAINDER] OUTSIDE ITS PROPER PLACE, AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME; OR IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME, AND HE PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER PLACE; OR IF HE TOOK OUT THE HANDFUL AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT THESE SERVICES TO EAT THE REMAINDER] OUTSIDE ITS PROPER PLACE⁵ — (SUCH IS A CASE WHERE THE MATTIR IS OFFERED NOT ACCORDING TO ITS RITE).⁶ OR IF IT WAS A SINNER'S MEAL-OFFERING⁷ OR A MEAL-OFFERING OF JEALOUSY.⁷ AND HE TOOK THE HANDFUL THEREFROM UNDER ANY NAME OTHER THAN ITS OWN, AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME; OR IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME, AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT UNDER ANY NAME OTHER THAN ITS OWN; OR IF HE TOOK OUT THE HANDFUL AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT UNDER ANY NAME OTHER THAN ITS OWN — SUCH IS A CASE WHERE THE MATTIR IS OFFERED NOT ACCORDING TO ITS PRESCRIBED RITE.

[IF HE INTENDED]⁸ TO EAT AN OLIVE'S BULK OF THE REMAINDER OUTSIDE ITS PROPER PLACE AND ANOTHER OLIVE'S BULK THEREOF ON THE MORROW, OR TO EAT AN OLIVE'S BULK THEREOF ON THE MORROW AND ANOTHER OLIVE'S BULK THEREOF OUTSIDE ITS PROPER PLACE, OR TO EAT A HALF-OLIVE'S BULK THEREOF OUTSIDE ITS PROPER PLACE AND A HALF-OLIVE'S BULK ON THE MORROW,⁹ OR TO EAT A HALF-OLIVE'S BULK THEREOF ON THE MORROW AND AN HALF-OLIVE'S BULK OUTSIDE ITS PROPER PLACE,⁹ THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED. R. JUDAH SAID, THIS IS THE GENERAL RULE: IF THE INTENTION ABOUT THE TIME PRECEDED THE INTENTION ABOUT THE PLACE, THE OFFERING IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED; BUT IF THE INTENTION ABOUT THE PLACE PRECEDED THE INTENTION ABOUT THE TIME, THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED.¹⁰ BUT THE SAGES SAY, IN BOTH CASES THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED.

GEMARA. The question was raised: According to him who holds that if the remainder of the meal-offering had diminished in the time between the taking of the handful and the burning thereof he may nevertheless burn the handful on account of it; and we had established that that remainder may not be eaten¹¹ — [the question arises], can the burning of the handful have any effect [upon this remainder] that it should become piggul,¹² and that it should no more be subject to the law of Sacrilege or not?¹³ — R. Huna said, Even according to R. Akiba who said that the sprinkling [of the blood] has an effect upon [the consecrated meat] that was taken out [of its prescribed bounds],¹⁴ that is so only with regard to what was taken out, since it is entirely here but has become invalid only through some extrinsic cause,¹⁵ but upon that which has diminished, which is

an intrinsic defect, the burning surely can have no effect.¹⁶ Thereupon Raba said, On the contrary,¹⁷ even according to R. Eliezer who said that the sprinkling of the blood has no effect upon what was taken out, that is so only with regard to what was taken out, since it is no longer inside [the Sanctuary], but upon that which has diminished, since it is still inside [the Sanctuary], the burning surely can have an effect.

Raba said, How do [arrive at the above? Because we have learnt: IF HE TOOK THE HANDFUL FROM THE MEAL-OFFERING [INTENDING] TO EAT THE REMAINDER OUTSIDE [THE TEMPLE COURT]. OR AN OLIVE'S BULK OF THE REMAINDER OUTSIDE; and R. Hiyya when learning this Mishnah quoted, 'IF HE TOOK THE HANDFUL FROM THE MEAL-OFFERING', etc., but he did not include in it OR AN OLIVE'S BULK. Now why did he not include OR AN OLIVE'S BULK? Surely [because he assumed the Mishnah to be dealing with] the case where the remainder had diminished until there was only an olive's bulk left;¹⁸ and since with regard to the services of putting the handful into a vessel, of bringing it nigh, and of burning it, [R. Hiyya] could not have stated

(1) Heb. **kudhp**, lit., 'an abomination'. This term *piggul* which also involves the penalty of *kareth* (v. Glos.) applies only to a wrongful intention concerning the time of the eating of the offering, in contradistinction from the wrongful intention concerning the place which merely renders the sacrifice **kuxp** 'invalid', but which does not involve the penalty of *kareth*.

(2) Heb. **rh, n**; lit., 'that which renders permissible'. This refers to the handful of flour and the frankincense of a meal-offering which, on being burnt, render the remainder permissible to be eaten. It also refers to the blood of an animal-offering which, on being sprinkled upon the altar, renders the meat thereof permissible to be eaten.

(3) I.e., there was no other imperfection or fault in the course of the services of the offering save the wrongful intention of 'out of time'. If, however, there was some other fault during the course of the services, either before or after the wrongful intention of 'out of time', the offering is not *piggul* but merely invalid, and the penalty of *kareth* is not incurred by them that eat thereof. The Mishnah now proceeds to exemplify the two rules stated.

(4) For the only defect in this offering was the 'out of time' intention, even though it was expressed during the other services too.

(5) During one of these services, however, the intention was expressed of eating the remainder outside its proper time; thus in this offering there were two defects: the 'out of time' intention and the 'out of place' intention.

(6) This sentence is struck out by Sh. Mek., and it is not found in MS.M. and other MSS.

(7) These meal-offerings can also be rendered invalid by a wrongful intention concerning the nature of the offering. i.e., by treating the offering as if it were something else. V. supra 2a.

(8) During one service two wrongful intentions as exemplified in the Mishnah; and it is immaterial which intention was expressed first. This is in contradistinction from the foregoing cases of the Mishnah where two wrongful intentions were expressed during two services.

(9) In this case the two half-olive's bulks are reckoned together so as to invalidate the offering.

(10) This rule of R. Judah applies to two wrongful intentions expressed during two services as well as during one service.

(11) V. supra 9a and b.

(12) I.e., if while burning the handful the priest expressed the intention of eating this remainder (which in fact may not be eaten since it was found to be lacking) outside its proper time. This case may be put in the same category as where a wrongful intention was expressed concerning 'a thing that it is not usual to eat', which according to our Mishnah is not included in the law of *piggul*. On the other hand, since the burning of the handful is carried out

according to law, it is in no wise different from the burning in any other meal-offering, and it can render the offering piggul.

(13) The general rule is that after the burning of the handful the remainder of the meal-offering is not subject to the law of Sacrilege since it is now permitted to the priests (Me'il I, 1); and therefore if a layman were to derive any enjoyment whatsoever from the remainder, he would not be liable to bring a guilt-offering for Sacrilege. In this case, however, since even after the burning of the handful, the priests are not permitted to eat the remainder, it might rightly be said that the law of Sacrilege still applies.

(14) It is also established law that after the sprinkling of the blood of the animal-offering the consecrated meat is no more subject to the law of Sacrilege, since it may now be eaten by the priests. This rule, according to R. Akiba, applies even to what was taken out of its bounds and which consequently may not be eaten; v. Me'il. 7a.

(15) By being taken out of its prescribed bounds; nothing however of the meat was lacking.

(16) It is therefore still subject to the law of Sacrilege.

(17) Raba is of the opinion that consecrated matter that was taken out of the Temple is a more serious matter than if it had diminished.

(18) This of course can be the case with the other services but not with the service of the taking of the handful, for if at the time of taking the handful the meal-offering had diminished it is invalid, and can in no wise be affected by any wrongful intention.

Talmud - Mas. Menachoth 12b

'or an olive's bulk',¹ he therefore did not state 'or an olive's bulk' even with regard to the service of taking out the handful. Nevertheless, he states in the later clause, THE OFFERING IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED; hence, it is evident, that the burning [of the handful] has an effect [upon the diminished remainder]! Said to him Abaye. It is not so,² but the author is R. Eleazar; for we have learnt: If a man offered outside [the Temple court] an olive's bulk of the handful,³ or of the frankincense,³ or of the incense-offering,⁴ or of the meal-offering of the priests,⁵ or of the meal-offering of the anointed [High] Priest, or of the meal-offering offered with the drink-offerings, he is liable;⁶ but R. Eleazar declares him exempt unless he offered the whole thereof. Since therefore the expression 'or an olive's bulk' cannot be stated in connection with the [burning of the] handful, this same expression 'or an olive's bulk' is not stated in connection with the remainder.⁷ But if it is R. Eleazar, why is it stated⁸ '[Intending] to burn the handful'? It should state, '[Intending] to burn the handful and the frankincense'! For we have learnt:⁹ If a man offered either the handful or the frankincense outside [the Temple court], he is liable; but R. Eleazar declares him exempt unless he offered both! — It refers to the handful of the sinner's meal-offering.¹⁰ And did the Tanna trouble to teach us the case concerning the handful of the sinner's meal-offering? — He did. And likewise when R. Dimi came [from Palestine] he reported in the name of R. Eleazar that it referred only to the handful of the sinner's meal-offering, and it was in accordance with R. Eleazar's view.

Later Raba said, What I said before was wrong. For it has been taught: The expression It is¹¹ implies that if one of the loaves was broken all are invalid. It follows however, that if one was taken out of the Sanctuary¹² those that are inside are valid. Now whom have you heard say that the sprinkling [of the blood] has an effect upon what was taken out?¹³ [Obviously] it is R. Akiba, and yet it states that if one of the loaves was broken they are not [valid].¹⁴ Thereupon Abaye said to him, Does [the Baraita] expressly state 'But if one was taken out [the others are valid]'?

Perhaps the correct inference is: If one became unclean the others are valid, and that is because the [High Priest's] plate¹⁵ renders it acceptable, whereas if one was taken out the others would not [be valid],¹⁶ for the teaching is in accordance with R. Eleazar's view who maintains that the sprinkling of the blood has no effect upon what was taken out. And by right the Tanna [of the Baraita] should have also stated the case where one [of the loaves] was taken out, but he only stated the case where one was broken to teach us that, even though it is still inside [the Sanctuary], the 'burning' has no effect upon it. According to R. Akiba, however, who said that the sprinkling of the blood has an effect upon what was taken out, the 'burning' likewise will have an effect upon that which had diminished.¹⁷

MISHNAH. [IF HE INTENDED] TO EAT A HALF-OLIVE'S BULK AND TO BURN A HALF-OLIVE'S BULK,¹⁸ THE OFFERING IS VALID, FOR EATING AND BURNING CANNOT BE RECKONED TOGETHER.

GEMARA. Now the reason [why they cannot be reckoned together] is that [there was an intention] to eat and to burn, but it follows that where [there was the intention] to eat [what it is usual to eat] and also to eat what it is not usual to eat, they can be reckoned together;¹⁹ but it has been stated earlier [in the Mishnah]: '[Intending] to eat a thing that it is usual to eat or to burn a thing that it is usual to burn'. Hence [a wrongful intention to eat] is of consequence only in respect of a thing that it is usual to eat, but not in respect of a thing that it is not usual to eat!²⁰ — Said R. Jeremiah: The author [of our Mishnah] is R. Eliezer, who maintains that a wrongful intention to consume upon the altar what is usually eaten by man, or to eat what is usually consumed upon the altar is of consequence.²¹ For we have learnt: If he took out the handful from the meal-offering [intending] to eat a thing that it is not usual to eat or to burn a thing that it is not usual to burn, the offering is valid; but R. Eliezer declares it to be invalid. Abaye said, You may even say that [this Mishnah] is in accordance with the view of the Rabbis, but you must not infer from it that where [there was the intention] to eat [a half-olive's bulk of what it is usual to eat] and to eat [the same of] what it is not usual to eat [they can be reckoned together], but rather infer this, that where the intention was to eat [a half-olive's bulk] and also to eat [the same of] a thing that it is usual to eat [they can be reckoned together].²² What does it teach us?²³ We have expressly learnt this case in the earlier [Mishnah]: If he intended to eat an olive's bulk [of the remainder] outside its proper place and another olive's bulk thereof on the morrow, or to eat an olive's bulk thereof on the morrow and another olive's bulk thereof outside its proper place, or to eat a half-olive's bulk thereof outside its proper place and another half-olive's bulk thereof on the morrow, or to eat a half-olive's bulk thereof on the morrow and another half-olive's bulk thereof outside its proper place, the offering is invalid, but the penalty of kareth is not incurred.

(1) For once it is assumed as a fact that after the taking out of the handful the remainder had diminished until there was only an olive's bulk left, then it is absurd to state 'if he put the handful into a vessel (or brought it nigh, or burnt it) intending to eat the remainder or an olive's bulk of the remainder outside its proper time . . .' for the two, the remainder and the olive's bulk, are identical. This being so, R. Hiyya for the sake of consistency omitted the expression 'or an olive's bulk' even in the case of the taking of the handful where this expression is indeed meaningful. The condition of the text both in the Gemara and in Rashi is very doubtful and at present most unsatisfactory. The translation is based on the interpretation of R. Meir and his son Rashbam, given in cur. edd. at the end of Chapter I, infra 13a.

- (2) The reason why R. Hiyya omits 'or an olive's bulk' was not as suggested above by Raba, but because R. Hiyya stated the teaching in accordance with the view of R. Eleazar, v. Zeb. 109b.
- (3) Of an ordinary meal-offering.
- (4) Which was offered daily in the Temple, morning and evening.
- (5) Every meal-offering of the priest was to be wholly burnt. So too was the meal-offering of the High Priest which he was to bring daily, known as **kusd ivf h, hcj**. Likewise, the meal-offerings that were offered with the drink-offerings that accompanied most sacrifices (v. Num XV, 4ff) were wholly burnt.
- (6) To the penalty of kareth; v. Lev. XVII, 8, 9.
- (7) Hence, according to R. Eleazar, to burn only an olive's bulk of the handful is no 'burning', and an intention to do so outside its proper time expressed during another service (say, during the taking out of the handful) would not render the offering piggul. Accordingly one must omit the expression 'or an olive's bulk' from the first clause, which deals with a wrongful intention in connection with the burning of the handful, and for the sake of consistency the expression was omitted by R. Hiyya throughout.
- (8) In the Mishnah as taught by R. Hiyya.
- (9) Zeb. 110a.
- (10) I.e., the Mishnah taught by R. Hiyya on the authority of R. Eleazar refers specifically to the sinner's meal-offering in which there was no frankincense at all, so that the 'burning' consists only of the burning of the handful.
- (11) Lev. XXIV, 9: For it is most holy unto him; with reference to the Shewbread.
- (12) In all MSS. the following is added here in the text: 'or if one was rendered unclean'. So also Sh. Mek.
- (13) For here it is said that the burning of the frankincense of the Shewbread-offering — which corresponds to the sprinkling of the blood of an animal-offering — has an effect upon what was taken out, insofar as the number of the loaves is considered complete, the result being that those loaves which remained inside are now permitted to be eaten.
- (14) Hence, although the burning can have an effect upon what was taken out, it is admitted, even according to R. Akiba, that it can have no effect upon that which had diminished, and if one loaf was broken all are invalid, Raba thus agrees with R. Huna, and retracts his former view,
- (15) Heb. **. hm**: the High Priest's plate of pure gold worn on the forehead which had the power of propitiation (v. Ex. XXVIII, 36ff); i.e., it secured the Divine acceptance of the sacrifice even though the flesh or the blood or any other part thereof had become unclean.
- (16) For the burning of the frankincense must be on behalf of the whole Shewbread, i.e., twelve loaves, and here there is not this number.
- (17) Thus contrary to R. Huna's view.
- (18) Each either outside the proper time or outside the proper place.
- (19) E.g., if while taking the handful he intended to eat a half-olive's bulk of the remainder outside the Sanctuary and also to eat outside a half-olive's bulk of the handful (which is to be burnt and not eaten), these two intentions would be reckoned as one in respect of an olive's bulk and the offering would be invalid.
- (20) Such an intention even in respect of a whole olive's bulk is of no consequence whatsoever; so that there can then be no question at all of reckoning this intention together with another in order to render the offering invalid.
- (21) The handful is a thing that it is usual to burn upon the altar, and the remainder is a thing that it is usual to eat. Hence, according to R. Eliezer (v. infra 17a), a wrongful intention made in respect of a thing that it is not usual to eat or to burn renders the offering invalid and a fortiori if made partly in respect of a thing that it is usual to eat and partly in respect of a thing that it is not usual to eat.
- (22) The one to be eaten outside its proper place and the other on the morrow. Our Mishnah, by inference, teaches that these intentions combine and the offering is invalid.

(23) From this point until the end of the chapter the text is very doubtful and in many parts obviously corrupt; as is indeed evident from the many bracketed lines and words. In fact the entire passage seems to have been taken over bodily from Zeb. 31b, and altered in parts so as to suit the context in our tractate; hence the confusion. V. Tosaf. s.v. **tkt**. The translation given is based entirely upon Rashi and upon the text that was apparently before him. V. also D.S. on this passage.

Talmud - Mas. Menachoth 13a

What further does our Mishnah teach us? If it suggests the inference that where there was the intention to eat [a half-olive's bulk of what it is usual to eat] and also to eat [a half-olive's bulk] of what it is not usual to eat they can be reckoned together — but you already know from the first clause;¹ and if [it teaches] that where there was the intention to eat and burn [a half-olive's bulk they cannot be reckoned together] — but you surely know this by inference from the preceding Mishnah: for if the intentions to eat [what it is usual to eat] and to eat what it is not usual to eat, cannot be reckoned together, is it then necessary to state that the intentions to eat and to burn [cannot be reckoned together]?² — Yes, it is necessary to state that the intentions to eat and to burn [cannot be reckoned together]; for you might have thought that only in that case³ [the intentions cannot be reckoned together], for there is an intention there with regard to what is not proper.⁴ but here,⁵ since each intention relates to what is proper in each case, I might say that they should be reckoned together; — we are therefore taught [that they cannot be reckoned together].

CHAPTER II

MISHNAH. IF HE TOOK OUT THE HANDFUL [INTENDING] TO EAT THE REMAINDER OR TO BURN THE HANDFUL ON THE MORROW, IN THIS CASE R. JOSE AGREES THAT THE OFFERING IS PIGGUL⁶ AND THAT THE PENALTY OF KARETH⁶ IS INCURRED ON ACCOUNT THEREOF.⁷ [IF HE INTENDED] TO BURN THE FRANKINCENSE THEREOF ON THE MORROW, R. JOSE SAYS, IT IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF. THEY SAID TO HIM, HOW DOES THIS DIFFER FROM AN ANIMAL-OFFERING?⁸ HE SAID TO THEM, WITH THE ANIMAL-OFFERING THE BLOOD, THE FLESH AND THE SACRIFICIAL PORTIONS ARE ALL ONE;⁹ BUT THE FRANKINCENSE IS NOT OF THE MEAL-OFFERING.

GEMARA. Why does the Mishnah state, IN THIS CASE R. JOSE AGREES? — Because the Tanna wished to state the next clause: [IF HE INTENDED] TO BURN THE FRANKINCENSE THEREOF ON THE MORROW, R. JOSE SAYS, IT IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED ON ACCOUNT THEREOF. Now you might have thought that the reason for R. Jose's opinion [in the last clause] was that a wrongful intention in respect of half the mattir does not render piggul¹⁰ and that consequently [R. Jose] differs even in the first clause.

(1) I.e., from the preceding Mishnah that these two intentions cannot combine; v. supra 12a.

(2) For if two 'eatings' cannot combine, surely 'eating' and 'burning' cannot!

(3) Where the intention was to eat outside the Sanctuary a half-olive's bulk of the remainder and a half-olive's bulk

of the handful.

(4) I.e., to eat a thing that it is not usual to eat, sc. the handful.

(5) In our Mishnah where the intention is to eat of the remainder outside and to burn of the handful outside, each action being the proper practice.

(6) V. Glos.

(7) Should one eat it.

(8) For if one slaughtered an animal-offering intending to burn the sacrificial portions on the morrow the offering is certainly piggul. The same surely should be the case with the meal-offering, for the frankincense corresponds to the sacrificial portions of the animal-offering.

(9) Explained in the Gemara.

(10) The mattir (Heb. **מַטִּיר**, **מ** lit., 'that which renders permissible') of the meal-offering is the handful and the frankincense, for only after the burning of those two upon the altar is the remainder of the meal-offering rendered permitted to be eaten. It is now suggested that the reason for R. Jose's view in the second clause of our Mishnah is that a wrongful intention expressed during a service in respect of the frankincense, which is only half the mattir, is of no consequence. According to this principle, R. Jose should also hold in the first clause of our Mishnah that the offering is not piggul, since the wrongful intention was only in respect of the burning of the handful which is also only half the mattir.

Talmud - Mas. Menachoth 13b

We are therefore taught [that there he agrees].¹

[IF HE INTENDED] TO BURN THE FRANKINCENSE THEREOF ON THE MORROW, R. JOSE SAYS, IT IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED. Resh Lakish said, R. Jose laid down the principle that a 'mattir cannot render piggul the other mattir.'² So, too, you may say of the two dishes of frankincense of the Shewbread, that one mattir cannot render piggul the other mattir.³ What is the point of 'So, too, you may say'?⁴ — You might have supposed that R. Jose's reason in the case of the frankincense [in our Mishnah] was that it was not of the same substance as the meal-offering,⁵ but in the case of the two dishes of frankincense, since they each contain the same substance, you might have thought that one could render the other piggul; we are, therefore taught [that it is not so]. But how can you say that R. Jose's reason in the case of the frankincense is not 'that it is not of the same substance as the meal-offering'? Surely it is expressly so stated in the last clause: THEY SAID TO HIM, HOW DOES THIS DIFFER FROM AN ANIMAL-OFFERING? HE SAID TO THEM, WITH THE ANIMAL-OFFERING THE BLOOD, THE FLESH AND THE SACRIFICIAL PORTIONS ARE ALL ONE; BUT THE FRANKINCENSE IS NOT OF THE MEAL-OFFERING!⁶ — The expression 'IS NOT OF THE MEAL-OFFERING' means, it is not dependent upon the [handful of the] meal-offering: for it is not right to say, as the handful is indispensable to the remainder-for so long as the handful has not been burnt the remainder may not be eaten-so it is indispensable to the frankincense; but in fact if he wishes he may burn this first and if he wishes he may burn that first.⁷ And what do the Rabbis [say to this]? — [They hold that] we apply the principle, 'a mattir cannot render piggul another mattir', only to such a case as where [the mattirs] are not ordained to be in one vessel,⁸ but where they are ordained to be in one vessel⁹ they are regarded as one [mattir].

R. Jannai said, If a non-priest gathered up the frankincense,¹⁰ it is invalid. Why? — R. Jeremiah said, This touches upon the law of 'bringing nigh'.¹¹ He is of the opinion that 'bringing nigh' without even moving the feet is quite a proper act,¹² and [it is established that] if a non-priest brought it nigh, it is invalid.

R. Mari said, We have also learnt the same:¹³ This is the general rule: If one took the handful or put it into the vessel or brought it nigh or burnt it [etc.]. Now it is clear that the taking of the handful corresponds to the slaughtering [of the animal-offering],¹⁴ the bringing nigh [of the handful] to the bringing nigh [of the blood], the burning [of the handful] to the sprinkling [of the blood], but as to the putting [of the handful] into a vessel what [service] is he performing! Should you say that it corresponds to the receiving [of the blood], but surely there is no comparison between them, for there [the blood] comes in of itself [into the vessel], whereas here [the handful] is taken and put into the vessel. We must therefore say that, since it¹⁵ can in no wise be omitted, it is an important service, and perforce is regarded as corresponding to the receiving [of the blood]; here, too, since it¹⁶ can in no wise be omitted, it is an important service, and perforce is regarded as the 'bringing nigh'! — It is not so, for in fact it¹⁵ corresponds to the receiving of the blood; and as for your objection 'There it comes in of itself, whereas here it is taken and put into the vessel', I reply that, seeing that in both cases the subject is hallowed in a vessel, there can be no difference, surely, whether it comes into the vessel of itself or it is taken and put into the vessel!¹⁷

MISHNAH. IF HE SLAUGHTERED THE TWO LAMBS¹⁸ [INTENDING] TO EAT ONE OF THE [TWO] LOAVES ON THE MORROW, OR IF HE BURNT THE TWO DISHES [OF THE FRANKINCENSE INTENDING] TO EAT ONE OF THE [TWO] ROWS OF THE SHEWBREAD¹⁹ ON THE MORROW, R. JOSE SAYS, THAT LOAF OR THAT ROW ABOUT WHICH HE EXPRESSED THE INTENTION IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT OF THEM, WHILE THE OTHER IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED. BUT THE SAGES SAY, BOTH ARE PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT OF THEM.

GEMARA. R. Huna said, R. Jose maintains that if one expressed an intention which makes piggul in connection with the right thigh, the left thigh is not thereby rendered piggul.²⁰ What is the reason? You may say it is based upon a logical argument, or you may say it is based upon a verse. 'You may say it is based upon a logical argument', for surely the wrongful intention is not stronger than actual uncleanness! And if one limb became unclean is the whole unclean?²¹ 'Or you may say it is based upon a verse', for it is written, And the soul that eateth of it shall bear his iniquity,²² that is, of it²³ but not of any other part.

R. Nahman raised an objection against R. Huna from the following: 'There is never the penalty of kareth incurred unless he expressed an intention which makes piggul with regard to an olive's bulk from both'.²⁴ Thus an olive's bulk from both, but not from one.²⁵ Now who is the author of this Baraita? Should you say it is the Rabbis — but according to them even though [the intention was] in respect of one loaf only [both are piggul].²⁶ Obviously then it is R. Jose. Now if you say that they are regarded as one body [there],²⁷ then it is evident why they can be combined [here].²⁸

- (1) For R. Jose's reason is not as suggested above, but as given by Resh Lakish *infra*; v. next note.
- (2) R. Jose holds that in every offering in which there are two mattirs, a wrongful intention expressed during the service of one mattir with regard to the other mattir is of no consequence; thus an intention expressed during the burning of the handful (the first mattir) to burn the frankincense (the second mattir) on the morrow, would not render the offering piggul.
- (3) The two dishes of frankincense are the mattirs of the Shewbread, for only after the burning of both dishes are the twelve loaves of the Shewbread permitted to be eaten by the priests. Now if a wrongful Intention was expressed during the burning of the one dish in respect of the other dish (e.g., to burn the other dish on the morrow), it is of no consequence.
- (4) It is surely an obvious application of R. Jose's principle!
- (5) The mattirs of the meal-offering, the handful and the frankincense, are of different substances, and it might therefore be said that only in such a case does R. Jose hold that a mattir cannot render piggul the other mattir, but not where the mattirs are alike as in the case of the Shewbread.
- (6) And the meaning presumably is this: the blood and the sacrificial portions of an animal-offering all come from the one animal; the frankincense, on the other hand, is a different substance and does not come from the meal-offering.
- (7) This then is the position of R. Jose: a mattir does not render piggul another mattir; yet, says R. Jose, there is a distinction between an animal-offering and a meal-offering. In the case of an animal-offering the blood and the sacrificial portions are one, so that they are not regarded as separate mattirs; and therefore if a wrongful intention was expressed during the sprinkling of the blood with regard to the burning of the sacrificial portions, this would render the offering piggul. On the other hand, in the case of the meal-offering, the handful and the frankincense are two separate mattirs, for they ate of different substances, and are independent of each other, for either may be offered before the other; therefore the principle of a mattir not rendering piggul another mattir will apply.
- (8) E.g.. the two lambs offered at the Feast of Weeks; cf. Lev. XXIII, 19. These lambs are also mattirs, for by their slaughtering the 'two loaves' (*ibid.* 17) are rendered permissible unto the priests. This example is inserted in the text in brackets, but is wanting in MS.M., and has been struck out by Sh. Mek.
- (9) The handful and the frankincense of a meal-offering were both originally in the same vessel.
- (10) After the burning of the handful the frankincense was picked from the flour and then burnt upon the altar. V. Sotah 14b.
- (11) For when the non-priest hands over the frankincense to the officiating priest he has certainly reduced the distance of 'bringing nigh', which being an essential service must be performed by the priest only, whereas here it was partly performed by the non-priest.
- (12) Lit., 'its name is bringing nigh'. Therefore even if the non-priest did not move his feet at all, but merely handed over the frankincense which he had gathered up to the priest, this action is sufficient to fulfil the requirements of the 'bringing nigh'; and therefore if performed by a non-priest it is invalid.
- (13) V. *supra* 12a. R. Mari desires to prove from this Mishnah that the gathering up of the frankincense is a vital service.
- (14) For as the slaughtering separates the blood (i.e. the altar's portion) from the flesh (i.e., the priests' portion), so the taking of the handful separates the handful (i.e., the altar's portion) from the remainder (i.e., the priests' portion).
- (15) Sc. the putting of the handful into the vessel.
- (16) I.e., the gathering up of the frankincense.
- (17) Thus between these two services there is at least a point in common, but the gathering up of the frankincense is in no wise comparable with either of these services, and therefore is not regarded as a vital service.
- (18) Offered as peace-offerings on the Feast of Weeks, accompanied by two loaves as firstfruits; v. Lev. XXIII,

17,19. Throughout the whole of this chapter the expression 'lamb' refers to this special peace-offering.

(19) V. *ibid.* XXIV, 5ff.

(20) I.e., if a person while slaughtering the sacrifice expressed the intention of eating the right thigh outside the time prescribed for it, that thigh only is *piggul* and whosoever eats of it incurs the penalty of *kareth*, but the rest of the flesh of the animal is not *piggul*. R. Huna arrived at this by taking R. Jose's view expressed in our Mishnah to an extreme length; viz., just as each loaf is a separate body or entity and the wrongful intention with regard to one loaf will not affect the other, so is each limb a separate body and the wrongful intention with regard to one limb will not affect the other.

(21) Certainly not! Of course the limb spoken of here had been detached from the animal.

(22) Lev. VII, 18.

(23) Which was the subject of a wrongful intention.

(24) I.e., if the wrongful intention was in respect of both loaves, even though only to the extent of a half-olive's bulk of each loaf, they are both *piggul* and the penalty of *kareth* is incurred by them that eat thereof.

(25) I.e., if the wrongful intention was in respect of an olive's bulk of one loaf only, the other loaf would not be *piggul*.

(26) V. our Mishnah.

(27) I.e., that two limbs (as the right and left thigh) are not regarded as separate entities but as one 'body' derived from the one animal; so that if a wrongful intention was expressed with regard to one limb both would be *piggul*, contra R. Huna.

(28) For the two loaves are, by reason of the form of the intention expressed (not 'a half-olive's bulk from each loaf', but 'an olive's bulk from the two loaves'), also regarded as one entity. In our Mishnah, however, the two loaves are admittedly regarded as two separate entities, for they were in no wise combined in one, not even by the intention expressed.

Talmud - Mas. Menachoth 14a

But if you say that they are regarded as two bodies [there], why are they combined [here]?¹ The author of that [Baraitha] is Rabbi. For it was taught: If he slaughtered the lamb intending to eat a half-olive's bulk of the one loaf [on the morrow], and likewise [he slaughtered] the other lamb intending to eat a half-olive's bulk of the other loaf [on the morrow], Rabbi says, I maintain that this offering is valid. Now this is so only because he referred to two halves,² but had he referred to an olive's bulk of both [loaves] they would be combined.³

Whose ruling does Rabbi follow? If you say that of the Rabbis, but [according to them] even though the intention was in respect of one loaf only [both would be *piggul*]; and if you say that of R. Jose, then our original question confronts us again.⁴ It must be that he follows the ruling of the Rabbis, but read not [in the above mentioned Baraitha] 'unless he expressed an intention which makes *piggul* with regard to an olive's bulk from both',⁵ but rather 'unless he expressed an intention which makes *piggul* with regard to an olive's bulk in both',⁶ even though the intention was only [in respect of an olive's bulk] of one [loaf]. He thus rejects the view of R. Meir who said, A wrongful intention expressed during the service of half the *mattir* renders the offering *piggul*; and he teaches us [that it is not so].

If so, why is this introduced by the expression 'It must be'?⁷ If, of course, you would have said that the author of that Baraitha meant from both [loaves] and in both [lambs],⁸ adopting thus the

view of R. Jose and rejecting the views of R. Meir⁹ and the Rabbis,¹⁰ the expression 'It must be' would be quite in order. But if you merely say that he adopted the view of the Rabbis, rejecting only the view of R. Meir, why then the expression 'It must be'? Moreover R. Ashi had raised an objection [against R. Huna from the following]: Come and hear: Rabbi says in the name of R. Jose, If¹¹ [whilst performing a service outside]¹² he expressed an intention which makes piggul in respect of another service which is performed outside, the offering is piggul, if in respect of another service which is performed inside, it is not piggul. Thus, if whilst standing outside he said, 'Behold I am slaughtering with the intention of sprinkling the blood thereof on the morrow', it is not piggul, for this is an intention expressed whilst serving outside in respect of a service performed inside. If whilst standing inside he said, 'Behold I am sprinkling the blood with the intention of burning the sacrificial portions on the morrow', or, 'of pouring out the residue of the blood on the morrow', it is not piggul for this is an intention expressed whilst serving inside in respect of a service performed outside. If whilst standing outside he said, 'Behold I am slaughtering with the intention of pouring out the residue of the blood on the morrow', or 'of burning the sacrificial portions on the morrow', it is piggul; for this is an intention expressed whilst serving outside in respect of a service performed outside. Now [in the latter case] where the intention was of pouring out the residue of the blood, what is it that becomes piggul?¹³ Should you say that it is the blood that becomes piggul,¹⁴ but does the blood become piggul? Behold we have learnt:¹⁵ For the following things the penalty of piggul is not incurred: viz., the handful, the frankincense, the incense-offering, the meal-offering of the priests, the meal-offering offered with the drink-offerings, the meal-offering of the anointed [High] Priest, and the blood!¹⁶ Obviously then it is the flesh that becomes piggul. Now if in that case where no intention was expressed with regard to the flesh at all R. Jose holds that it nevertheless becomes piggul, how much more so in this case where he actually expressed an intention with regard to the [flesh of the] offering!¹⁷ Moreover Rabina had raised an objection [against R. Huna] from the following: Come and hear: if he took out the handful intending to eat the remainder or to burn the handful on the morrow, in this case R. Jose agrees that the offering is piggul and that the penalty of kareth is incurred on account thereof. Now where the intention was to burn the handful, what is it that becomes piggul? Should you say that it is the handful that becomes piggul, but does the handful become piggul? Behold we have learnt: For the following things the penalty of piggul is not incurred: viz., the handful, etc. Obviously then it is the remainder that becomes piggul. Now if in that case where no intention was expressed with regard to the remainder at all

(1) For if the two limbs which are derived from the one body are regarded as two entities so that the wrongful intention in respect of one will not affect the other, then the two loaves are a fortiori regarded as two entities and can by no means be combined in one merely by the form of intention expressed. Why then is it held that where the intention was in respect of an olive's bulk of the two loaves both are piggul?

(2) Lit., 'half', 'half'. I.e., the wrongful intention was expressed each time in respect of a half-olive's bulk only of the loaf, and therefore the two intentions cannot be combined to make the offering piggul.

(3) Thus identical with the view stated in the Baraitha quoted by R. Nahman.

(4) V. supra, beginning of 14a: 'But if you say... ', v. p. 83, n.9.

(5) I.e., from the two loaves. Heb. **ivh, ac** the fem. form referring to the loaves.

(6) I.e., in the course of the slaughtering of the two lambs. Heb. **ivhbac** the masc. form referring to the lambs. The wrongful intention which makes piggul must be expressed during the service of both lambs, which together form the mattir, i.e., that which renders the loaves permissible, and not during the slaughtering of one of the lambs

which is only half the mattir. This clearly conflicts with R. Meir's view.

(7) Heb. **okugk**, a dialectic term usually employed when a view is suggested rejecting all others.

(8) So that there must be an intention which makes piggul expressed during the slaughtering of both lambs and in respect of both loaves. This would be in accordance with R. Jose's view as stated in our Mishnah.

(9) Who maintains that a wrongful intention expressed during the slaughtering of one of the lambs, which is but half the mattir, renders piggul. This view is rejected by the statement in the Baraitha 'in both'.

(10) Who maintain that the wrongful intention expressed in respect of one loaf renders the other piggul too. This view is rejected by the expression 'from both'.

(11) This refers to the bullocks and the he-goats that were to be wholly burnt (Lev. IV, 1-12; 13-21; XVI, 3 and 5; Num. XV, 24). The procedure in these offerings (v. Zeb. V, 2) was as follows: the animals were slaughtered outside in the courtyard; the blood was sprinkled inside the Temple, i.e., on the veil and on the golden altar; the sacrificial portions, i.e., the entire beast, were burnt outside upon the outer altar; and the residue of the blood was poured out at the western base of the outer altar which stood in the Temple courtyard.

(12) In this passage the term 'outside' signifies outside the Temple building, i.e., in the Temple courtyard, and the term 'inside' within the Temple building.

(13) I.e., what portion of this offering must one eat in order to incur the penalty of kareth for eating piggul?

(14) So that if one were to eat the blood of this sacrifice in error one would be liable to bring two sin-offerings for the two counts of kareth, (a) for eating blood, and (b) for eating piggul.

(15) Zeb. 42b.

(16) I.e., if the offering was rendered piggul and one ate of the parts enumerated, the penalty of kareth is not incurred, for the law of piggul does not apply to that part of the offering which is the mattir, i.e., which renders other parts permissible. V. Zeb. 42b, 43a.

(17) Thus the piggul-intention expressed in connection with the right thigh will certainly render the left thigh also piggul-contra R. Huna. This sentence is found in the text in cur. edd., but it is wanting in MS.M. Sh. Mek. strikes it out as a gloss.

Talmud - Mas. Menachoth 14b

It nevertheless becomes piggul how much more so in this case where he actually expressed an intention with regard to the [flesh of the] offering! — Rather said R. Johanan, This is the reason for R. Jose's opinion:¹ Scripture regards [the two loaves] as one body and Scripture also regards them as two bodies. As one body—since one cannot be offered without the other; and as two bodies—since the Divine Law ordains that each [loaf] shall be prepared separately. Therefore if they were reckoned as one,² they are thereby united, since Scripture regards them as one body; if they were separated,³ they remain thus separated, since Scripture regards them also as two bodies.

R. Johanan raised the following questions: What is the position if one expressed an intention which makes piggul in respect of the loaves of the thank-offering?⁴ or in respect of the baked meal-offering?⁵ — Thereupon R. Tahlifa the Palestinian recited to him the following teaching: You must say the same⁶ of the loaves of the Thank-offering, and you must say the same of the baked meal-offering.

Our Rabbis taught: If during the slaughtering he intended to eat a half-olive's bulk [of the flesh after its prescribed time], and during the sprinkling [of the blood] he also intended to eat a

half-olive's bulk [after its prescribed time], the offering is piggul, for the slaughtering and the sprinkling can be reckoned together as one.⁷ Some explained that this applied only to the slaughtering and the sprinkling since they are both mattirin,⁸ but not to the receiving and the bringing nigh; whilst others explained that this applied even to these services which are not consecutive,⁹ and all the more to those services which are consecutive.¹⁰

This surely cannot be, for Levi has taught: The four services, viz., slaughtering, receiving, bringing nigh, and sprinkling cannot be reckoned together so as to render piggul! — Raba answered, There is no contradiction: the one¹¹ represents the view of Rabbi, the other the view of the Rabbis. For it was taught: If he slaughtered the lamb intending to eat a half-olive's bulk of the one loaf [on the morrow], and likewise [he slaughtered] the other lamb intending to eat a half-olive's bulk of the other loaf [on the morrow], Rabbi says, I maintain that this offering is valid. Said Abaye to him, perhaps Rabbi held that view only in the case of a [wrongful intention expressed during] half the mattir¹² in respect of half [the minimum quantity for] eating,¹³ but he might not uphold that view in the case of [a wrongful intention expressed during] the whole mattir in respect of half [the minimum quantity for] eating?¹⁴ Raba son of R. Hanan then said to Abaye, But if [as you say,] Rabbi holds that in the case of [a wrongful intention expressed during] the whole mattir in respect of half [the minimum quantity for] eating, [the offering is piggul], then he should declare the offering piggul even in the case of [a wrongful intention expressed during] half the mattir in respect of half [the minimum quantity for] eating, as a precautionary measure against the case of [a wrongful intention expressed during] the whole mattir in respect of half [the minimum quantity for] eating; for R. Jose adopts such a precautionary measure, and the Rabbis also adopt such a precautionary measure. 'R. Jose adopts such a precautionary measure', as we have learnt: [If he intended] to burn the frankincense thereof on the morrow, R. Jose says, it is invalid,¹⁵ but the penalty of kareth is not incurred on account thereof; but the Rabbis say, it is piggul and the penalty of kareth is incurred on account thereof. 'And the Rabbis also adopt such a precautionary measure', as we have learnt: If he expressed an intention which makes piggul during the [burning of the] handful and not during the [burning of the] frankincense, or during the [burning of the] frankincense and not during the [burning of the] handful, R. Meir says, It is piggul and the penalty of kareth is incurred; but the Rabbis say, The penalty of kareth is not incurred unless the intention which makes piggul was expressed during the service of the whole of the mattir.¹⁶ — He replied, There is no comparison between the cases. I grant you that there R. Jose declares invalid the case [where the wrongful intention was in respect] of the handful of frankincense as a precautionary measure against the case [where the wrongful intention was in respect] of the handful of the meal-offering;¹⁷ and also that the Rabbis declare invalid the case [where the wrongful intention was expressed during the burning] of the handful as a precautionary measure against the case [where the wrongful intention was expressed during the burning] of the handful of the sinner's meal-offering;¹⁸ and that they declare invalid the case [where the wrongful intention was expressed during the burning] of the frankincense as a precautionary measure against the case [where the wrongful intention was expressed during the burning] of the frankincense of the dishes.¹⁸ And in the case of the lambs too,¹⁹ they declare invalid the case [where the wrongful intention was expressed during the slaughtering] of one lamb as a precautionary measure against the case [where the wrongful intention was expressed during the slaughtering] of the other lamb too;¹⁹ and they declare invalid the case [where the wrongful intention was expressed during the burning] of one dish of frankincense as a precautionary

measure against the case [where the wrongful intention was expressed during the burning] of the other dish too.²⁰ In our case, however, is there ever a case of [a wrongful intention expressed during the service of] half a mattir in respect of half [the minimum quantity for] eating [that renders piggul], so that we should take here precautionary measures?²¹ Indeed it stands to reason that this²² is the explanation of the view of the Rabbis, for in the next clause [of that Mishnah]¹⁹ it states: The Rabbis, however, agree with R. Meir that if it was a sinner's meal-offering or a meal-offering of jealousy, and he expressed an intention which makes piggul during the burning of the handful, the offering is piggul and the penalty of kareth is incurred on account thereof, since the handful [alone] is the [entire] mattir. Now why was it necessary for this [last expression] to be stated? It is quite obvious, for is there then [in these cases] any other mattir? We must therefore say that it teaches us this: namely, the reason [why the Rabbis declare the offering invalid in the case where a wrongful intention was expressed during the burning] of the handful [of the 'ordinary meal-offering] is that there is the handful of the sinner's meal-offering which is similar to it [and which is a real case of piggul].

MISHNAH. IF ONE OF THE [TWO] LOAVES²³ OR ONE OF THE [TWO] ROWS [OF THE SHEWBREAD] BECAME UNCLEAN, R. JUDAH SAYS, BOTH MUST BE TAKEN OUT TO THE PLACE OF BURNING, FOR THE OFFERING OF THE CONGREGATION MAY NOT BE DIVIDED.²⁴ BUT THE SAGES SAY, THE UNCLEAN [IS TREATED] AS UNCLEAN, BUT THE CLEAN MAY BE EATEN.

GEMARA. R. Eleazar said, They differ only [in the case where one loaf became unclean] before the sprinkling of the blood,²⁵ but [where it became unclean] after the sprinkling, all agree that the unclean one is treated as unclean and the clean one may be eaten. And [in the case where one became unclean] before the sprinkling, on what principle do they differ? — R. Papa said, They differ as to whether the [High Priest's] plate renders [the offering] acceptable [where] the eatable portions [had become unclean].²⁶ [

(1) R. Huna's view is untenable, for it is accepted by all that a wrongful intention in respect of one limb certainly affects the other; nevertheless the case of the two loaves dealt with by R. Jose in our Mishnah is a special one, as R. Johanan proceeds to show.

(2) In the case where there was expressed an intention to eat one olive's bulk of the two loaves. This intention certainly reckoned the two loaves as one 'body' or entity, and therefore both are piggul, as stated in the Baraitha quoted supra p. 83 by R. Nahman.

(3) In the case where the expressed intention referred to one loaf only. The other loaf is not affected by this intention, as stated in the Mishnah.

(4) The thank-offering consisted of an animal-sacrifice and an offering of forty cakes, ten cakes of each of the four different kinds prescribed, v. Lev. VII, 12, 13. Now if during one of the services in connection with the animal-offering a wrongful intention was expressed with regard to the eating of the cakes of one kind, the question is: would R. Jose in this case also differ with the Rabbis and maintain that the other kinds of cakes are in no wise affected, or would he agree with them, seeing that all the kinds are rendered permissible by the offering of one sacrifice?

(5) The baked meal-offering consisted of either ten unleavened cakes or ten unleavened wafers (v. ibid II, 4), whilst according to R. Simeon it may consist of five cakes and five wafers; v. infra 63a. The question arises here according to R. Simeon's view: If a wrongful intention was expressed in respect of the cakes only or in respect of

the wafers only, would R. Jose agree with the Rabbis that the other kind is also affected, seeing that only one handful was taken from this meal-offering on behalf of both kinds, or not?

(6) R. Jose in this case too differs with the Rabbis.

(7) It is regarded as though during one service an intention was expressed in respect of one whole olive's bulk.

(8) These services are alike in that each renders some part of the offering permissible: the slaughtering renders the blood permissible for sprinkling, and the sprinkling renders the flesh permissible to be eaten.

(9) Lit., 'which are far apart from each other'.

(10) The order of the services is: slaughtering, receiving, bringing nigh, and sprinkling. Now if the first and the last services are reckoned together as one, how much more can those services which are consecutive be reckoned together!

(11) The Baraitha taught by Levi that services cannot be reckoned together.

(12) I.e., during the slaughtering of one of the two lambs which is only half of the mattir, for it is only the slaughtering of the two lambs which renders the two loaves permissible to be eaten.

(13) Sc. a half-olive's bulk.

(14) Indeed Rabbi would also agree that if an intention which makes piggul was expressed during the slaughtering of an ordinary offering (which is a whole mattir, v. supra n. 2) in respect of a half-olive's bulk of the flesh, and a similar intention was expressed during the sprinkling of the blood (which is also a whole mattir, ibid.), these intentions would be reckoned together to make the offering piggul.

(15) Strictly the offering should be valid for there is no piggul here; R. Jose, however, declares it invalid only as a precautionary measure, since this case is similar to a real case of piggul, namely, where the intention was to burn the handful of the meal-offering on the morrow.

(16) The offering, however, is invalid, as a precautionary measure against a real case of piggul where the burning of the handful of the meal-offering alone constitutes the whole mattir (as in the case of the sinner's meal-offering), or where the burning of the frankincense alone constitutes the whole mattir (as in the case of the frankincense of the Shewbread); v. infra 16a.

(17) Which is undoubtedly a real case of piggul; v. p. 89. n. 1.

(18) Which is a real case of piggul; v. supra p. 89, n. 2.

(19) infra 16a, Mishnah.

(20) Which is admittedly a real case of piggul.

(21) There is no such case, hence there is no ground for a precautionary measure.

(22) I.e., that in every case where the offering is declared to be invalid it is only as a precautionary measure against a case of absolute piggul which is similar to it.

(23) The two loaves offered with the two lambs on the Feast of Weeks; cf. Lev. XXIII, 19, 20.

(24) And if a part of the offering was rendered unfit for eating, as here on account of uncleanness, the whole may not be eaten.

(25) Or, in the case of the Shewbread-offering, before the burning of the dishes of the frankincense which corresponds to the sprinkling of the blood in an animal-offering.

(26) The High Priest's plate worn on the forehead had a propitiatory effect (v. Ex. XXVIII, 36-38), and if a part of the sacrifice became unclean the offering was nevertheless acceptable, and the sprinkling of the blood was deemed to be a valid sprinkling. The Rabbis and R. Judah differ as to what portions of the sacrifice are comprehended within the propitiating effect of the plate, whether it includes even those portions usually eaten by the priests (Heb. **ukhft**), or only those portions offered upon the altar (Heb. **ihkug**), as the blood and the fat, and the frankincense.

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The Rabbis are of the opinion that the plate renders [the offering] acceptable [even though] the eatable portions [had become unclean];¹ but R. Judah is of the opinion that the plate does not render [the offering] acceptable [where] the eatable portions [had become unclean].² Thereupon R. Huna the son of R. Nathan said to R. Papa, Behold the plate certainly renders [the offering] acceptable [where] the sacrificial portions [had become unclean], and yet they differ! For it has been taught: If one of the dishes of frankincense became unclean, R. Judah says, Both are offered in conditions of uncleanness, for an offering of the congregation may not be divided.³ But the Rabbis say, The unclean is offered in conditions of uncleanness and the clean in cleanness. Moreover R. Ashi had raised an objection thus: Come and hear: R. Judah says, Even though one tribe only was unclean and all the other tribes were clean, [all the Passover-offerings] shall be offered in conditions of uncleanness, for the offering of the congregation may not be divided.⁴ Now in this case, how does the principle of the plate rendering the offering acceptable apply?⁵ Furthermore Rabina had raised an objection thus: Come and hear: IF ONE OF THE [TWO] ROWS [OF THE SHEWBREAD] BECAME UNCLEAN, R. JUDAH SAYS, BOTH MUST BE TAKEN OUT TO THE PLACE OF BURNING, FOR THE OFFERING OF THE CONGREGATION MAY NOT BE DIVIDED. BUT THE SAGES SAY, THE UNCLEAN [IS TREATED] AS UNCLEAN, BUT THE CLEAN ONE MAY BE EATEN. Now if that were so,⁶ then it should have stated: 'for the plate does not render [the offering] acceptable [where] the eatable portions [had become unclean]'. — R. Johanan therefore said, It is an accepted teaching in the mouth of R. Judah that the offering of the congregation may not be divided.⁷

MISHNAH. THE THANK-OFFERING⁸ CAN RENDER THE BREAD PIGGUL BUT THE BREAD CANNOT RENDER THE THANK-OFFERING PIGGUL. THUS, IF HE SLAUGHTERED THE THANK-OFFERING INTENDING TO EAT A PART THEREOF ON THE MORROW, BOTH IT AND THE BREAD ARE PIGGUL; IF HE INTENDED TO EAT OF THE BREAD ON THE MORROW, THE BREAD IS PIGGUL BUT THE THANK-OFFERING IS NOT PIGGUL.

THE LAMBS⁹ CAN RENDER THE BREAD PIGGUL BUT THE BREAD CANNOT RENDER THE LAMBS PIGGUL. THUS, IF HE SLAUGHTERED THE LAMBS INTENDING TO EAT A PART THEREOF ON THE MORROW, BOTH THEY AND THE BREAD ARE PIGGUL IF HE INTENDED TO EAT OF THE BREAD ON THE MORROW, THE BREAD IS PIGGUL BUT THE LAMBS ARE NOT.

GEMARA. Why is it?¹⁰ Should you say it is because of R. Kahana's teaching, who said, Whence do we know that the cakes of the thank-offering are called 'the thank-offering'? From the verse, He shall offer for the sacrifice of the thank-offering unleavened cakes.¹¹ Then the reverse should also be true.¹² This, however, is no difficulty, for the bread is referred to as 'the thank-offering', whereas the thank-offering is nowhere referred to as 'the bread'. But when [the Mishnah] states: THE LAMBS CAN RENDER THE BREAD PIGGUL BUT THE BREAD CANNOT RENDER THE LAMBS PIGGUL, the question will be asked, Where do we find the bread ever referred to as 'the lambs'? — It must be that this is the reason [for our Mishnah]: the bread is appurtenant to the thank-offering¹³ but the thank-offering is not appurtenant to the bread; the bread is appurtenant to the lambs but the lambs are not appurtenant to the bread. Now both

cases had to be stated [in our Mishnah]. For had it stated only the case of the thank-offering, I would have thought that only in that case is it held that an intention which makes piggul expressed in respect of the bread does not render the thank-offering piggul since they¹⁴ are not dependent upon each other for the rite of waving,¹⁵ but in the case of the lambs, since they¹⁴ are dependent upon each other with regard to the rite of waving,¹⁵ I would say that an intention which makes piggul expressed in respect of the bread would render the lambs piggul too.¹⁶ Therefore [both cases] had to be stated.

R. Eleazar put this question to Rab: What is the law if he slaughtered the thank-offering intending to eat an olive's bulk of it and of its bread on the morrow?¹⁷ Of course, as to whether the thank-offering becomes piggul thereby, I have no doubt at all [that it does not], for if where the intention was in respect of a whole olive's bulk of the bread the thank-offering does not become piggul, can there be any question where [the intention was in respect of an olive's bulk made up] of it and of the loaves? My question is as to whether the bread becomes piggul or not. Is the thank-offering to be reckoned with [the bread] so as to render the bread piggul or not? — He answered, In this case too, the bread is piggul but the thank-offering is not piggul. But why is this so? Surely one can apply here an a fortiori argument thus, if what helps to make the other piggul does not itself become piggul,¹⁸ then surely what cannot even help to make the other piggul¹⁹ does not itself become piggul! And do we apply an a fortiori argument of such a kind? Behold, it has been taught: It once happened that a man

(1) Of course, there is no question at all that the unclean portions are forbidden to be eaten; for there is an express prohibition against it (Lev. VII, 19). They hold, however, that where one loaf became unclean the offering is acceptable, and the sprinkling is a valid sprinkling; consequently the other loaf is permitted to be eaten.

(2) And as the sprinkling is not valid, even the clean loaf may not be eaten. R. Papa apparently ignores the reason stated by R. Judah in our Mishnah, FOR THE OFFERING OF THE CONGREGATION MAY NOT BE DIVIDED, and submits quite a new argument for R. Judah's view.

(3) It is established law (Pes. 80a) that an offering of the congregation may be offered in conditions of uncleanness. And as the unclean dish of frankincense is offered in conditions of uncleanness, the other dish may be made unclean and offered together with the first. It is thus manifest that the reason for R. Judah's view is as stated here and also in our Mishnah, namely that the offering of the congregation may not be divided, and it has nothing whatever to do with the effectiveness of the plate, for we see that he put forward this reason in our Mishnah where it was suggested that R. Judah held that the plate does not render the offering acceptable where the eatable portions had become unclean, and he also gives this reason in the Baraita quoted where he admits that the plate renders the offering acceptable where the sacrificial portions had become unclean.

(4) Where all the members of one tribe of Israel became unclean on the fourteenth day of Nisan, the day for the offering of the Passover-lamb, they are permitted, according to R. Judah, to offer the Passover-lamb in conditions of uncleanness; and since the offering of the congregation may not be divided, all the Passover-lambs are to be offered in conditions of uncleanness.

(5) There can be no question here of the plate rendering the offering acceptable for the plate exercises a propitiatory effect only where part of the offering became unclean but not where the person officiating became unclean. Again it is clear from this that the reason stated, 'For the offering of the congregation may not be divided', has nothing whatever to do with the propitiating effect or otherwise of the plate.

(6) That the reason for R. Judah's view is that the plate does not render the offering acceptable where the eatable portions had become unclean.

- (7) In truth it has no relation to the propitiatory effect of the plate.
- (8) The thank-offering consisted of an animal-offering and a bread-offering of forty cakes, ten cakes of each of the four different kinds specified; v. Lev. VII, 12, 13. The entire thank-offering had to be consumed on the same day of offering until midnight.
- (9) Of the special peace-offering offered on the Feast of Weeks and accompanied by a bread-offering of two loaves as firstfruits, v. Lev. XXIII, 17-19. This peace-offering and the loaves had to be eaten on the same day of offering.
- (10) That a wrongful intention which makes piggul expressed during the service of the thank-offering renders the bread piggul too.
- (11) Ibid. VII, 12.
- (12) I.e., a wrongful intention expressed in respect of the bread should also render the thank-offering piggul. Yet this is not the case.
- (13) The slaughtering of the thank-offering renders the bread consecrated; so too does the slaughtering of the lambs at the Feast of Weeks.
- (14) Sc. the animal-offering and the bread-offering.
- (15) In the thank-offering the breast was waved before the Lord (Lev. VII, 30) but not in conjunction with the bread-offering; on the Feast of Weeks, however, the lambs were waved together with the loaves (ibid. XXIII, 20).
- (16) And, on the other hand, had the Mishnah only stated the case of the lambs, I should have thought that only there it is held that an intention which makes piggul expressed in respect of the lambs renders the bread piggul too, since they are dependent upon each other for the rite of waving; but since this is not the case with the thank-offering and its bread I would say that an intention which makes piggul expressed in respect of the thank-offering does not render the bread piggul.
- (17) I.e., the olive's bulk that he proposes to eat on the morrow is made up of a half-olive's bulk of the flesh of the offering and a half-olive's bulk of the bread.
- (18) The half-olive's bulk of the thank-offering helps by combining with the half-olive's bulk of the bread to render the other, sc. the bread piggul, although the thank-offering does not itself become piggul thereby.
- (19) Lit., 'which came to render piggul but did not actually make piggul'. The half-olive's bulk of the bread does not combine with the half-olive's bulk of the thank-offering to render the other (sc. the thank-offering) piggul.

Talmud - Mas. Menachoth 15b

sowed [with his own seeds] his neighbour's vineyard which was in the budding stage;¹ the case came before the Rabbis and they pronounced the seeds forbidden and the vines permissible. But why? Surely one could apply there [this kind of] a fortiori argument thus, If what makes the other forbidden² does not itself become forbidden, what may have made the other forbidden but did not do so³ surely does not itself become forbidden!⁴ — There can be no comparison. There [with regard to diverse kinds] the Torah has forbidden⁵ hemp and arum,⁶ but other seeds are forbidden only Rabbinically; therefore he who transgressed the law was penalized by the Rabbis, and he who did not transgress the law was not penalized by the Rabbis.⁷ In our case, however, one must certainly apply the a fortiori argument.⁸

Others refer the above argument to the case of the lambs thus: R. Eleazar put this question to Rab: What is the law if he slaughtered the lambs intending to eat an olive's bulk of them and of the bread [on the morrow]? Of course, as to whether the lambs become piggul thereby, I have no doubt at all [that they do not] for if where the intention was in respect of a whole olive's bulk of the bread the lambs do not become piggul, can there be any question where [the intention was in

respect of an olive's bulk made up] of them and of the bread? My question is as to whether the bread becomes piggul or not. Are the lambs to be reckoned with [the bread] so as to render the bread piggul or not?—He answered, In this case too, the bread is piggul but the lambs are not. But why is this so? Surely one can apply here an a fortiori argument thus, If what helps to make the other piggul does not itself become piggul, then surely what cannot even help to make the other piggul does not itself become piggul! And do we apply an a fortiori argument of such a kind? Behold, it has been taught: It once happened that a man sowed [with his own seeds] his neighbour's vineyard which was in the budding stage, etc. But why? Surely one could apply there [this kind of] a fortiori argument thus, If what makes the other forbidden does not itself become forbidden, what might have made the other forbidden, but did not do so, does not itself become forbidden! — There can be no comparison. There [with regard to diverse kinds] the Torah has forbidden hemp and arum, but other seeds are forbidden only Rabbinically; therefore he who transgressed the law was penalized by the Rabbis, and he who did not transgress the law was not penalized by the Rabbis. In our case, however, one must certainly apply the a fortiori argument.

Now those who refer it⁹ to the case of the thank-offering refer it all the more to the case of the lambs; but those who refer it to the case of the lambs maintain that it applies only to the case of the lambs since they¹⁰ are dependent upon each other with regard to the rite of waving, but not to the case of the thank-offering since they are not dependent upon each other with regard to the rite of waving.

R. Abba the Younger stated the question thus, R. Eleazar enquired of Rab: What is the law if he slaughtered the lamb intending to eat an olive's bulk of the other on the morrow? Does 'the other' mean the [other] lamb, in which case there is no piggul at all;¹¹ or does it mean the bread, in which case [the bread becomes] piggul? — He answered, You have learnt it: If he slaughtered one of the lambs intending to eat a part of it on the morrow, that [lamb] is piggul and the other [lamb] is valid; if he intended to eat of the other [lamb] on the morrow, both are valid.¹² Hence it is clear that 'the other' means the other lamb. Perhaps [however in that Mishnah] he expressly said 'the other lamb'.

MISHNAH. THE ANIMAL-OFFERING CAN RENDER THE DRINK-OFFERINGS PIGGUL¹³ AFTER THEY HAVE BEEN HALLOWED IN THE VESSEL. SO R. MEIR. BUT THE DRINK-OFFERINGS CANNOT RENDER THE ANIMAL-OFFERING PIGGUL. THUS, IF HE SLAUGHTERED AN ANIMAL-OFFERING INTENDING TO EAT THEREOF ON THE MORROW, BOTH IT AND THE DRINK-OFFERINGS ARE PIGGUL; IF HE INTENDED TO OFFER THE DRINK-OFFERINGS ON THE MORROW, THE DRINK-OFFERINGS ARE PIGGUL BUT THE ANIMAL-OFFERING IS NOT.

GEMARA. Our Rabbis taught: For the drink-offerings of an animal-sacrifice the penalty of piggul is incurred, since the blood of the animal-offering renders them permissible to be offered [upon the altar].¹⁴ So R. Meir. They said to R. Meir, Is it not the fact that a man may bring his animal-offering to-day and the drink-offerings thereof in ten days' time?¹⁵ He replied, I also only spoke of the case where they were brought together with the animal-offering. But¹⁶ surely they may be transferred to another animal-offering!¹⁷ — Raba said, R. Meir is of the opinion that with the slaughtering they became appropriated [to this offering] like the cakes of the thank-offering.¹⁸

Our Rabbis taught: For the leper's log of oil¹⁹ the penalty of piggul is incurred, since the blood of the guilt-offering renders it permissible to be applied to the thumb and the great toe.²⁰ So R. Meir. They said to R. Meir, Is it not the fact that a man may bring his guilt-offering to-day and the log of oil in ten days' time? He replied, I also only spoke of the case where it was brought together with the guilt-offering. But surely it may be transferred to another [leper's] guilt-offering! — Raba said, R. Meir is of the opinion that with the slaughtering it became appropriated [to this guilt-offering] like the cakes of the thank-offering.

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- (1) The sowing of seeds in a vineyard is expressly prohibited, cf. Deut. XXII, 9.
- (2) Sc. the vines, on account of which the seeds are declared forbidden.
- (3) Sc. the seeds, on account of which the vines would have been forbidden were it not for the reason stated infra in the Gemara.
- (4) Nevertheless the seeds are forbidden and such an a fortiori argument is not applied.
- (5) Of course in addition to the five kinds of grain (R. Nissim, Hul. X). V. however Sh. Mek. note 2.
- (6) Of all seeds only these kinds are forbidden to be sown in a vineyard, for they ripen only after three years, and their seed does not perish in the ground but they leave roots behind them; moreover they grow in clusters like grapes. In the cur. edd. there is here quoted the Mishnah Kil. I, 5; but it is omitted in all MSS.
- (7) So that in the above case where a man sowed seed in his neighbour's vineyard the prohibition involved was only a Rabbinic one, and the Rabbis penalized only him who transgressed their enactment but not the owner of the vineyard. Thus there is no place for the a fortiori argument, for even the seeds are not forbidden strictly but only as a penalty.
- (8) Concerning piggul, v. supra p. 95 at end.
- (9) Sc. Rab's answer to the question, namely that the offering combines with the bread to render the latter piggul.
- (10) Sc. the bread and the offering. V. supra P. 95, n. 2.
- (11) For, since the slaughtering of both lambs is the mattir, i.e., that which renders the loaves permissible, a wrongful intention expressed during the slaughtering of one lamb, which is only part of the mattir, in respect of the other part of the mattir, i.e., the other lamb, does not make piggul.
- (12) Infra 16a.
- (13) And whosoever partakes of the drink-offerings incurs the penalty of kareth on the ground of piggul. The drink-offerings consisted of prescribed quantities of flour and oil for the meal-offering and of wine for the libation; they accompanied most sacrifices (cf. Num. XV, 4-10).
- (14) And it is established law: Whatsoever is rendered permissible (ihrh, n uk aha rcs), whether for man or for the altar, by a certain rite is subject to the law of piggul. V. Zeb. 43a; Yoma 60a.
- (15) Hence it is evident that the drink-offerings are not part of the offering and are not affected by any intention concerning them expressed during the slaughtering of the offering.
- (16) In cur. edd. 'They said to him'. This is not found in the MSS. and is deleted by Sh. Mek.
- (17) Consequently they cannot be rendered piggul through any intention expressed during the slaughtering of the animal-offering, since they are not specifically bound to that offering.
- (18) And they may not be transferred to be used for another offering.
- (19) Cf. Lev. XIV, 10ff. If therefore while slaughtering the leper's guilt-offering he intended to deal with the oil on the morrow, the latter becomes piggul, and whosoever partakes of it incurs the penalty of kareth.
- (20) I.e., the oil may be applied only after the rites in connection with the blood of the guilt-offering have been performed. It is thus ihrh, n uk aha rcs; v. supra p. 98, n. 4.

Talmud - Mas. Menachoth 16a

MISHNAH. IF HE EXPRESSED AN INTENTION WHICH MAKES PIGGUL [IN RESPECT OF THE REMAINDER] DURING THE [BURNING OF THE] HANDFUL AND NOT DURING THE [BURNING OF THE] FRANKINCENSE, OR DURING THE [BURNING OF THE] FRANKINCENSE AND NOT DURING THE [BURNING OF THE] INCENSE, R. MEIR SAYS, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, THE PENALTY OF KARETH IS NOT INCURRED UNLESS HE EXPRESSED THE INTENTION WHICH MAKES PIGGUL DURING THE SERVICE OF THE WHOLE OF THE MATTIR.¹ THE SAGES, HOWEVER, AGREE WITH R. MEIR THAT, IF IT WAS A SINNERS MEAL-OFFERING² OR A MEAL-OFFERING OF JEALOUSY,² AND HE EXPRESSED AN INTENTION WHICH MAKES PIGGUL DURING THE [BURNING OF THE] HANDFUL, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF, SINCE THE HANDFUL IS THE ENTIRE MATTIR. IF HE SLAUGHTERED ONE OF THE LAMBS³ INTENDING TO EAT THE TWO LOAVES ON THE MORROW, OR IF HE BURNT ONE OF THE DISHES OF FRANKINCENSE⁴ INTENDING TO EAT THE TWO ROWS [OF THE SHEWBREAD] ON THE MORROW, R. MEIR SAYS, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, THE PENALTY OF KARETH IS NOT INCURRED UNLESS HE EXPRESSED THE INTENTION WHICH MAKES PIGGUL DURING THE SERVICE OF THE WHOLE OF THE MATTIR. IF HE SLAUGHTERED ONE OF THE LAMBS INTENDING TO EAT A PART OF IT ON THE MORROW, THAT [LAMB] IS PIGGUL BUT THE OTHER [LAMB] IS VALID; IF HE INTENDED TO EAT OF THE OTHER [LAMB] ON THE MORROW, BOTH ARE VALID.

GEMARA. Rab said, The dispute⁵ is only where he offered⁶ the handful in silence and then the frankincense with the expressed intention, but where he offered the handful with the expressed intention and then the frankincense in silence, all agree that it is piggul, for everything that a man does [in silence] he does in accordance with his first resolve.⁷ But Samuel said, There is still a dispute in that case too.⁸

Raba was once sitting and reciting this statement [of Rab], when R. Aha b. R. Huna raised against Raba the following objection: This⁹ applies only to the service of taking the handful, or of putting it in the vessel or of bringing it nigh;¹⁰ but if he had already reached the service of burning, and he offered the handful in silence and then the frankincense with the expressed intention, or if he offered the handful with the expressed intention and then the frankincense in silence, R. Meir says, It is piggul and the penalty of kareth is incurred on account thereof. The Sages say, The penalty of kareth is not incurred unless he expressed an intention which makes piggul during the service of the whole of the mattir. Now here is stated the clause: 'Or if he offered the handful with the expressed intention and then the frankincense in silence', and yet they differ!¹¹ — Render: [Or if he offered the handful with the expressed intention] having already offered the frankincense in silence. But there are two objections to this: in the first place, it is identical with the first clause;¹² and secondly, it has been taught [in another Baraitha]: 'And then'¹³ — R. Hanina explained that here there were two minds.¹⁴

Come and hear: This¹⁵ applies only to offerings whose blood must be sprinkled upon the outer altar;¹⁶ but in the case of offerings whose blood must be sprinkled upon the inner altar, as for example the forty-three sprinklings on the Day of Atonement,¹⁷ or the eleven sprinklings of the bullock of the anointed High Priest,¹⁸ or the eleven sprinklings of the bullock offered for the error of the community,¹⁸ if [the priest] expressed an intention which makes piggul either during the first [sprinklings] or the second or the third,¹⁹ R. Meir says, It is piggul and the penalty of kareth is incurred on account thereof. But the Sages say, The penalty of kareth is not incurred unless he expressed the intention which makes piggul during the service of the whole mattir.²⁰ Now here it states: 'If he expressed an intention which makes piggul either during the first [sprinklings] or the second or the third', and yet they differ!²¹ Should you, however, reply that there too there were two minds,²² I grant you that this is satisfactory according to him who holds that the expression 'with a bullock'²³ means also 'with the blood of the bullock';²⁴ but what can be said according to him who holds that the expression 'with a bullock' excludes the blood of the bullock?²⁵ — Raba said, We must suppose here that he²⁶ expressed an intention which makes piggul during the first sprinklings, was silent during the second, and again expressed an intention which makes piggul during the third; in which case we say, If you accept the principle that whatsoever a man does [in silence] he does according to his first resolve, why then did he express again an intention which makes piggul during the third [sprinklings]? R. Ashi demurred, saying, Does [the Baraitha] actually state 'he was silent'? — Rather, said R. Ashi, We must suppose here that he expressed an intention which makes piggul during the first [sprinklings] and also during the second;²⁷ in which case we say, If you accept the principle that whatsoever a man does [in silence] he does according to his first resolve, why then did he again express an intention which makes piggul during the second [sprinklings]?²⁷

(1) V. supra p. 89, n. 2.

(2) Which is offered without frankincense; cf. Lev. V, 11 and Num. V, 15.

(3) Which is but half the mattir; for two lambs were offered as peace-offerings on the Feast of Weeks, along with a bread-offering of two loaves; v. Lev. XXIII, 17ff.

(4) Also half the mattir; for two dishes of frankincense were offered with the Shewbread. V. ibid. XXIV, 7.

(5) Between R. Meir and the Sages in our Mishnah.

(6) Lit., 'put it in' sc. the vessel, in readiness for the burning upon the altar. It must be remembered that the handful of flour was first burnt upon the altar and then the frankincense.

(7) And as his first resolve expressed during the offering of the handful was an intention of piggul—namely, of eating the remainder on the morrow — it is to be assumed that such was also his intention—though unexpressed during the offering of the frankincense.

(8) MS.M. adds: And so also said R. Johanan, There is still a dispute in that case too.

(9) The ruling that a wrongful intention expressed whilst dealing with the handful alone renders piggul.

(10) For each of these services is performed once only and that in connection with the handful, hence at each of these services the intention is in respect of the whole mattir; whereas the burning is performed twice, viz., the burning of the handful of flour and of the frankincense.

(11) Thus contrary to Rab's view.

(12) Where the first service was performed in silence, for it is immaterial whether that first service was the burning of the handful or of the frankincense.

(13) Although in the Baraitha cited by R. Aha the expression 'and' may be explained as meaning 'having already', this cannot be so in the other Baraitha which expressly states 'and then'.

(14) I.e., two Priests had performed the rites of the meal-offering, one burnt the handful of flour with an intention of piggul and the other burnt the frankincense in silence. In such a case the principle, 'Whatever a man does in silence he does in accordance with his first resolve', cannot apply; for this can only be said of one person but not of two.

(15) The law that a wrongful intention expressed during one single sprinkling of the blood renders the offering piggul.

(16) For since with these offerings one single sprinkling would effect atonement (v. Zeb. 36b) that sprinkling is accounted as the whole mattir and can therefore render piggul.

(17) Made up as follows: eight sprinklings (one above and seven below) between the staves of the ark, of the blood of the bullock, and likewise eight of the blood of the he-goat; these same sprinklings repeated in the Sanctuary upon the veil; four sprinklings of the blood of the bullock and of the he-goat when mixed together, i.e., one upon each of the four corners of the golden altar, and seven upon the cleansed surface (i.e. the top) of the golden altar. V. Yoma Ch. V.

(18) These are: the seven sprinklings of the blood towards the veil, and the four sprinklings, one upon each of the four corners of the altar. Cf. Lev. IV, 6,7 and 17, 18.

(19) The first, second and third sprinklings refer to the sprinklings of the blood in the Holy of Holies between the staves of the ark, towards the veil, and upon the altar respectively.

(20) I.e., during all the three sprinklings.

(21) The Sages holding that where the intention which makes piggul was expressed during the first sprinklings only, the others being performed in silence, the offering is not piggul. Apparently the principle, Whatsoever a man does in silence he does according to his first resolve, is not adopted; contra Rab.

(22) I.e., the sprinklings were performed by two High Priests, the High Priest who performed the first sprinklings having died immediately thereafter or The Master stated: 'R. Meir says, It is piggul and the penalty having become unclean; in which case the sprinklings in silence by the second High Priest can have no reference to or bearing upon the resolve of the former High Priest.

(23) Lev. XVI, 3.

(24) If the High Priest, after having slaughtered the bullock, could not continue to serve, his successor continued the service, and was not required to begin all the services anew and slaughter another bullock for himself; for the verse, Herewith shall Aaron (sc. the High Priest) come into the holy place; with a bullock (ibid.) does not imply that the High Priest shall begin his service with a living bullock, but he may even take the blood of the bullock which was slaughtered by his predecessor. V. Yoma 49b.

(25) According to him the service can never be performed by two High Priests, for the successor must begin anew.

(26) The High Priest.

(27) 'And also during the third' — so in cur. edd. but wanting in all MSS. and struck out by Sh. Mek. The case is clearly one where the High Priest was silent during the third sprinklings; so that only a part and not the whole of the mattir was performed with an intention which makes piggul.

Talmud - Mas. Menachoth 16b

But does not the Baraita state: Either. . .or?¹ — This is a difficulty. of kareth is incurred on account thereof'. Consider: the penalty of kareth is incurred only after all the mattirin² have been offered, for a Master has stated:³ The expression 'accepted'⁴ suggests, as the acceptance of a valid offering so is the acceptance⁵ of an invalid offering; that is to say, as the acceptance of a valid offering is effected only after all the mattirin have been offered, so the acceptance of an invalid offering is effected only after all the mattirin have been offered. Now in this case since he

expressed a wrongful intention [when sprinkling] within,⁶ he has thereby rendered it invalid, consequently when he later sprinkles in the Sanctuary it is as though he were sprinkling water!⁷ — Rabbah said, It can happen where four bullocks and four he-goats were used.⁸ Raba said, You may even hold that there was only one bullock and one he-goat, but [the sprinklings] are acceptable in regard to the law of piggul.⁹

‘Forty-three [sprinklings]’. But we have been taught: Forty-seven! — This is no difficulty; one [Baraitha] accepts the view that for the sprinklings upon the horns of the altar they mix together [the blood of the bullock and the blood of the he-goat], whereas the other accepts the view that they do not mix them.¹⁰ But we have been taught: Forty-eight?—This is no difficulty; one [Baraitha] accepts the view that the [pouring out of the] residue [of the blood] is an indispensable service,¹¹ whereas the other accepts the view that the [pouring out of the] residue is not indispensable.

The question was raised: What is the law if he expressed an intention which makes piggul at the bringing nigh [of the handful to the altar]?¹² R. Johanan said that the bringing nigh is like unto the taking of the handful;¹³ but Resh Lakish said that the bringing nigh is like unto the burning.¹⁴ Now Resh Lakish's view is clear, for there is also the bringing nigh of the frankincense; but what is the reason for R. Johanan's view? — Raba said, R. Johanan is of the opinion that any service which is not an absolute mattir¹⁵ is regarded as a service complete in itself with regard to piggul.¹⁶ Whereupon Abaye said to him, Behold the slaughtering of one of the lambs [on the Feast of Weeks] is a service which is not an absolute mattir,¹⁷ and yet they differ! For we have learnt: IF HE SLAUGHTERED ONE OF THE LAMBS INTENDING TO EAT THE TWO LOAVES ON THE MORROW, OR IF HE BURNT ONE OF THE DISHES OF FRANKINCENSE INTENDING TO EAT THE TWO ROWS [OF THE SHEWBREAD] ON THE MORROW, R. MEIR SAYS, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, THE PENALTY OF KARETH IS NOT INCURRED UNLESS HE EXPRESSED THE INTENTION WHICH MAKES PIGGUL DURING THE SERVICE OF THE WHOLE OF THE MATTIR! — He replied, Do you imagine that the loaves are hallowed already in the oven? It is the slaughtering of the lambs that hallows them; and whatsoever serves to hallow is on the same footing as whatsoever serves to render permissible.¹⁸

R. Shimi b. Ashi raised an objection. It was taught: Others say, If he had in mind first the circumcised persons and then the uncircumcised, it is valid; if he had in mind first the uncircumcised persons and then the circumcised, it is invalid.¹⁹ And it was established that they differ concerning half the mattir!²⁰ — He replied, Do you think that the blood [of an animal-offering] is already hallowed in the throat? It is the knife [of slaughtering] that hallows it; and whatsoever serves to hallow is on the same footing as that which serves to render permissible.

Come and hear: This²¹ applies only to the services of taking the handful, or putting it in the vessel or bringing it nigh; [but if he had already reached the service of burning etc.] Now ‘bringing nigh’ surely means bringing nigh for the purposes of burning, does it not?²² — No, it means bringing nigh in order to put it in the vessel.²³ But if so, why is it stated [in this order] ‘putting it in the vessel or bringing it nigh’? It ought surely to have stated ‘bringing it nigh or putting it in the

vessel'! — This is no difficulty, for you may render it thus.²⁴ But [it will be asked], why does it state 'but if he had already reached the service of burning'? It ought to have stated 'but if he had already reached the service of bringing nigh'!²⁵ — This, too, is no difficulty, for since the bringing nigh is for the purposes of burning he refers to it as the burning. But [it will be asked], why does it state 'and he offered'? It ought to have stated, 'and he brought it nigh'!²⁶ — This is indeed a difficulty.

If he burnt the size of a sesame seed of the handful intending to eat the size of a sesame seed of the remainder [on the morrow, and he repeated this again and again] until the handful was entirely [burnt up],²⁷ — in this case R. Hisda, R. Hamnuna and R. Shesheth differ. One holds that it is piggul, the other that it is invalid, and the third that it is valid. Now shall we say that he who holds that it is piggul is in agreement with R. Meir,²⁸ he who holds that it is invalid is in agreement with the Rabbis,²⁸ and he who holds that it is valid is in agreement with Rabbi?²⁹ — But is this so? perhaps R. Meir is of that opinion only there where he expressed [the intention which makes piggul] during a complete service,³⁰ but not here where he did not express [such an intention] during a complete service. Moreover, perhaps the Rabbis are of their opinion only there where he did not express an intention [which makes piggul] during the service of the whole mattir, but here where he actually expressed an intention [which makes piggul] during the service of the whole mattir [they would agree that] it is piggul. And again, perhaps Rabbi is of his opinion only there where he did not make up [the minimum quantity] later in the same service,³¹ but here where he made up the quantity in the same service [he would agree that] it is invalid! — We must therefore say that he who holds that it is piggul holds thus according to all views; he who holds that it is invalid holds thus according to all views, and he who holds that it is valid holds thus according to all views. 'He who holds that it is piggul holds thus according to all views', for he maintains that that³² is a way of eating as well as a way of burning.³³ 'He who holds that it is invalid holds thus according to all views', for he maintains that that³² is a way of eating but not a way of burning, and it was as though [the handful of] the meal-offering had not been burnt at all.³⁴ 'And he who holds that it is valid holds thus according to all views', for he maintains that that³² is a way of burning but not a way of eating.³⁵

(1) This implies that the intention which makes piggul was expressed only during one of the three sprinklings mentioned.

(2) **ihrh, n** pl. of **rh, n**, 'that which renders the offering permissible'; v. Glos. The penalty of kareth for eating piggul is not incurred unless the whole mattir was offered according to its prescribed rite except for the expressed intention which made it piggul. Thus where the mattir consists of a number of sprinklings, and at the first sprinklings there was expressed an intention which makes piggul, then it is essential, if the penalty of kareth is to apply, that the subsequent sprinklings be performed according to the prescribed rite.

(3) Zeb. 28b, 42b.

(4) Lev. XIX, 7 and XXII, 27; the former referring to an offering which has been made piggul and the latter to a valid offering.

(5) Regarding the liability for piggul.

(6) Sc. in the Holy of Holies between the staves of the ark, this being the first of the sprinkling services.

(7) The penalty of kareth cannot therefore be incurred; how then can R. Meir say that kareth is incurred in those circumstances? It must be observed that at first sight this same question could also be raised in the case where a piggul intention was expressed during the slaughtering or during the receiving of the blood, for since the offering

is rendered invalid by that intention the subsequent sprinkling is no service, consequently the penalty of kareth cannot be incurred. Rashi, however, suggests this distinction: in this case the slaughtering or the receiving was performed entirely in sanctity, for the intention of piggul related to some subsequent service, whereas in the case of our text the sprinkling was not performed entirely in sanctity, for the intention of piggul related to the other sprinklings of this same service. V. also Rashi in Zeb. 42b, s.v. **hf**; and Tosaf. here s.v. **hf**.

(8) Where after the High Priest had sprinkled the blood of the bullock and of the he-goat in the Holy of Holies between the staves of the ark, the residue of the blood had spilt, so that it was necessary to slaughter another bullock and he-goat to obtain their blood for sprinkling in the Sanctuary. Again after the second sprinklings the residue of the blood had spilt and so another bullock and he-goat were once more slaughtered in order to perform the sprinklings upon the four corners of the altar. Once again owing to this same mishap, a fourth bullock and he-goat were slaughtered in order to perform the final sprinklings seven times upon the cleansed portion of the altar. In these circumstances the offering would be valid (v. Yoma 61a), for each of the sprinklings is considered as a separate service. Now if an intention which makes piggul had been expressed at the first sprinklings the offering would be piggul, for here the subsequent three sprinklings were admittedly in themselves valid and were not affected by the wrongful intention of the first sprinklings. In the normal case, however, where only one bullock and one he-goat had been used in the service, R. Meir would agree that, where an intention which makes piggul was expressed at the first sprinklings, the penalty of kareth cannot be incurred.

(9) Since the subsequent sprinklings had been performed without any further intention they are considered as vital services offered according to rule, and not as 'sprinklings of water'. The offering therefore is piggul.

(10) But the blood of the bullock and of the he-goat must each separately be sprinkled upon the four corners of the altar; hence an addition of four to the total number of sprinklings. V. Yoma 57b.

(11) The pouring out of the residue of the blood to the base of the altar, being an important service, is added to the number of the sprinklings, making thus a total of forty-eight. V. Yoma 60b.

(12) The service of bringing nigh to the altar applies both to the handful of flour and to the frankincense, so that it can be said that the bringing nigh of one is but half the mattir, and the dispute between the Sages and R. Meir would hold good here too.

(13) Which is a complete service, a whole mattir, for the handful was only taken from the flour but not from the frankincense.

(14) Of which there are two services: the burning of the handful and of the frankincense. And therefore the dispute between the Sages and R. Meir applies also to the service of bringing nigh.

(15) I.e., it can be dispensed with; the bringing nigh can in certain cases be dispensed with for the handful can be passed on from priest to priest till it reaches the altar (Rashi). Aliter: it does not render aught permissible; in this respect the service of bringing nigh is different from other services, for the receiving the blood of the animal-offering renders the sprinkling possible, and the sprinkling renders the flesh permissible (v. Sh. Mek. n. 4).

(16) And the ruling of the Sages that piggul does not apply to half a mattir does not apply here, since this service is not a mattir in the strict sense of the word.

(17) For it does not render aught permissible. V. supra n. 3.

(18) So that the slaughtering is on a par with an absolute mattir, and therefore the Sages hold that it is piggul only when the whole of this mattir (i.e., the slaughtering of both lambs) was affected by the wrongful intention.

(19) V. Pes. 62b. The Baraita refers to the case of a person who, whilst slaughtering the Passover-lamb on behalf of a number of people, circumcised and uncircumcised, cut one organ of the animal's throat on behalf of one class of people and then the second organ on behalf of the other class too. The view here stated is introduced by the expression 'Others say', which usually represents the view of R. Meir; the Sages, however, differ.

(20) I.e., whether a wrongful intention expressed during the service of half the mattir can invalidate the offering or not; and here the cutting of the first organ is, as it were, but half the mattir. Now the mattir here spoken of, namely

the slaughtering, is not an absolute mattir since it does not render aught permissible, and yet the Sages differ with R. Meir and hold that the wrongful intention in regard to half the mattir is of no consequence; contra Raba's interpretation of R. Johanan.

(21) That a wrongful intention expressed whilst dealing with the handful alone renders piggul. V. supra p. 101.

(22) And the Sages agree that a wrongful intention expressed during the bringing nigh renders piggul; contra Resh Lakish.

(23) Which is a complete service, for only the handful was put into a vessel and not the frankincense.

(24) And reverse the order of the Baraitha.

(25) For the service of bringing nigh is prior to the burning, and the Sages and R. Meir differ herein, too, according to Resh Lakish.

(26) For even if it is accepted, as suggested, that the term 'burning' includes the bringing nigh, when describing the service the Tanna of the Baraitha should have mentioned the first act thereof, namely the bringing nigh, and not the act of offering (lit., 'the putting' upon the altar, i.e., the burning).

(27) And so he did too with the frankincense.

(28) That an intention which makes piggul expressed during the service of a portion of the mattir — in this case during the burning of the size of a sesame seed of the handful and of the frankincense — renders the offering piggul. The Sages, however, in such a case declare the offering invalid.

(29) V. supra 14a where Rabbi holds the view that the two parts of the mattir cannot be reckoned together to affect the offering, where each intention was made in respect of less than the minimum quantity that constitutes eating, namely an olive's bulk.

(30) Viz., during the burning of the handful which, though but half of the mattir, for there is also the burning of the frankincense, is nevertheless a complete service. In this case only does R. Meir maintain that the offering is piggul.

(31) For in the case dealt with by Rabbi the piggul intention was expressed during the slaughtering of one lamb about a half-olive's bulk of one loaf and a similar piggul intention was expressed during the slaughtering of the other lamb about the same quantity of the other loaf.

(32) The taking of quantities the size of a sesame seed at a time.

(33) So that this case is no-different from the usual cases of piggul where during the burning of an olive's bulk of the handful there was an intention expressed to eat an olive's bulk of the remainder on the morrow.

(34) And therefore it is invalid.

(35) The burning in this manner is regarded as a normal burning of the handful, whereas the intention concerning the eating of the remainder is no intention in law so as to invalidate the offering.

Talmud - Mas. Menachoth 17a

The keen intellects of Pumbeditha¹ said, An intention which makes piggul expressed during one service of burning concerning another service of burning renders the offering piggul.² And this is so even according to the Rabbis who ruled that an intention which makes piggul expressed during the service of half the mattir does not render piggul, for that is their ruling only in the case where he expressed an intention [which makes piggul] about the remainder [of the meal-offering], the frankincense, however, remaining unaffected; but in this case where he expressed an intention [which makes piggul] about the frankincense, it is as though he had expressed the intention during the service of the whole mattir. Raba said, We have also learnt to the same effect: This is the general rule: If one took the handful or put it into the vessel or brought it nigh, or burnt it, intending to eat a thing that it is usual to eat or to burn a thing that it is usual to burn, outside its

Talmud - Mas. Chullin 2a

CHAPTER I

MISHNAH. ALL MAY SLAUGHTER,¹ AND THEIR SLAUGHTERING IS VALID, EXCEPT A DEAF — MUTE, AN IMBECILE OR A MINOR, LEST THEY INVALIDATE THEIR SLAUGHTERING; AND IF ANY OF THESE SLAUGHTERED WHILE OTHERS WERE STANDING OVER THEM, THEIR SLAUGHTERING IS VALID. STANDING OVER THEM, THEIR SLAUGHTERING IS VALID.

GEMARA. The expression ALL MAY SLAUGHTER [implies a right] in the first instance, yet the expression AND THEIR SLAUGHTERING IS VALID [implies merely a sanction] after the act!² — R. Aha the son of Raba said to R. Ashi: Is it correct that the expression ‘ALL MAY . . .’ [implies a right] in the first instance? If so, [consider the Mishnah]: ‘All may change.³ whether man or woman’; is that also a right in the first instance? Is it not written: He shall not alter it, nor change it, a good for a bad, or a bad for a good?⁴ — No,⁵ for there the Mishnah goes on to explain: ‘Not that a person is allowed to change, but only that, if he has changed, the change is effective and he receives forty stripes’.

Then, [consider this Mishnah]: ‘All may vow another's valuation and their valuation may be vowed by others, and they may vow another's worth and their worth may be vowed by others’;⁶ is that also a right in the first instance? Is it not written: And if thou shalt forbear to vow, it shall be no sin in thee?⁷ And it is further written: Better it is that thou shouldest not vow, than that thou shouldest vow and not pay.⁸ And it has been taught: Better than both⁹ is he who does not vow at all; this is the opinion of R. Meir. R. Judah says. Better than both¹⁰ is he who vows and pays. Now, even R. Judah refers only to the case of one who says. ‘Behold, let this be a sacrifice’,

(1) Sc. an animal or a bird according to the Jewish ritual.

(2) The expressions are apparently contradictory, for whereas in the former a direct permission is granted, in the latter it is only after the act that the slaughtering is considered valid. This contradiction is not attempted to be answered until p. 3 infra; meanwhile R. Aha questions the soundness of the implications.

(3) Sc. a consecrated beast for a common beast. Cf. Tem. 2a.

(4) Lev. XXVII, 10.

(5) The expression used, generally implying a right in the first instance, is in this particular case expressly limited.

(6) V. ‘Arak. 2a. The reference is to Lev. XXVII, which deals with the law of one who vows to offer to the sanctuary the value of any human being, which may include himself. The difference between ‘valuation’ and ‘worth’ is that the former term is applied to vows in the formula of which the word **lrg** — ‘valuation’ — is used. The amount in cases of valuation is fixed by the Torah.

(7) Deut. XXIII, 23. This verse implies that it is sinful, or at least not praiseworthy, to vow, as the quotation from Eccl. V, 4, as explained by the Baraita, clearly shows.

(8) Eccl. *ibid.*

(9) Sc. one who vows and pays and one who vows and does not pay.

(10) Sc. one who vows and does not pay and who does not vow at all.

Talmud - Mas. Chullin 2b

Talmud - Mas. Chullin 2b

but not to the case of one who says. 'Behold, I take it upon me [to bring a sacrifice]'.¹

Does then the expression 'ALL MAY . . . ' never imply a right in the first instance? What then of the statements: 'All must observe the law of Sukkah',² and, 'All must observe the law of Zizith'?³ Do these not imply a duty in the first instance? — [No;] I do not say so of the expression 'All must'.⁴

Then take this case: 'All lay the hand [upon the head of the sacrifice], whether man or woman'. Does this not mean a duty in the first instance? Surely it is written: And he shall lay his hand . . . and it shall be accepted for him.⁵ — The truth of the matter is: 'ALL MAY . . . ' sometimes implies a right in the first instance and sometimes implies a sanction after the act. This being so, in the case of our Mishnah, why should you say that it is a right in the first instance and consequently raise a difficulty? Say, rather, it is a sanction after the act and there will be no difficulty. — He⁶ replied: My difficulty is the expression. AND THEIR SLAUGHTERING IS VALID. Since it states, AND THEIR SLAUGHTERING IS VALID, which is obviously a sanction after the act, ALL MAY SLAUGHTER must be a right in the first instance, for otherwise why is it necessary to state the sanction after the act twice?

Rabbah b. Ulla said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even an unclean person [may slaughter] a common beast.⁷ An unclean person [may slaughter] a common beast! Surely this is obvious!⁸ — What is meant is this: [An unclean person may slaughter] a common beast in connection with which the cleanness proper to hallowed things has been observed; and the Tanna is of the opinion that common things kept in the cleanness proper to hallowed things are regarded as hallowed. How does he [the unclean person] proceed [in slaughtering]? — He fetches a long knife and slaughters therewith so as to avoid touching the flesh [of the beast]. But in the case of consecrated beasts he should not slaughter lest he touch the flesh.⁹ Nevertheless, if he did slaughter and declared: 'I am certain that I did not touch the flesh', his slaughtering is valid. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering even in the case of common beasts, and even after the act is invalid, lest¹⁰ they pause, press or thrust.¹¹

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which [persons] does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And if they slaughtered'! And if it refers to an unclean person slaughtering a common beast,¹² surely you have said that he may slaughter even in the first instance! Or again, if it refers to an unclean person slaughtering a consecrated beast,¹² surely you have said that in his case it is sufficient if he said: 'I am certain [that i did not touch the flesh]'! — [It refers to the latter case] when he is not present to be questioned.¹³

But is the law concerning an unclean person slaughtering a consecrated beast derived from [our Mishnah] here? Is it not derived from [that other Mishnah] there¹⁴ which reads: If any of those who are unfit [for service in the Temple] slaughtered [a consecrated beast], the slaughtering is

valid, for slaughtering is valid even if performed by them that are not priests or by women or by slaves or by unclean persons, and even if the beast was intended for a sacrifice of the highest grade;¹⁵ provided that the unclean person does not touch the flesh? — Here [our Mishnah] is the source of the law; [the other Mishnah] there mentions the unclean person slaughtering consecrated animals only because it mentions all others who are unfit. If you wish, however, I can say. There is the source of the law, seeing that it is in the tractate which deals with consecrated things; [our Mishnah] here mentions the unclean person slaughtering consecrated beasts only because it mentions the unclean person slaughtering common beasts.

This unclean person of whom we speak, how did he become unclean? If we were to say that he became unclean by touching a corpse, [there is this difficulty]. The Divine law says: One slain with a sword,¹⁶

(1) In the former case one who so vows is not liable to replace the animal if it is stolen or lost or has died, therefore if he has set aside the animal there is little fear that he will not fulfil his obligation; in the latter case the one who vows must supply an animal and is liable to replace it in all events, and there is therefore the danger of his not fulfilling his obligation. All vows of 'valuation' and of 'worth' come under this latter head; consequently the Mishnah quoted cannot possibly imply a right in the first instance.

(2) To dwell in booths during the feast of Tabernacles; v. Lev. XXIII, 42.

(3) The wearing of Fringes in accordance with Num. XV, 38ff.

(4) In these cases the Torah imposes a specific duty which can only mean in the first instance.

(5) Lev. I, 4.

(6) I.e., R. Ashi.

(7) Hullin, v. Glos.

(8) An Israelite was not required to observe the rules of levitical cleanness in connection with his ordinary food.

(9) This would make the beast unclean and unfit for a sacrifice.

(10) By doing any of the acts mentioned the slaughtering is invalid.

(11) V. p. 37, where the five rules to be observed with regard to slaughtering are enumerated and explained.

(12) And the Mishnah teaches that if others were standing over him his slaughtering is valid.

(13) As to whether he touched the flesh or not. The Mishnah therefore teaches that if others were standing over him while he slaughtered and saw that he did not touch the flesh his slaughtering is valid.

(14) Zeb. 31b.

(15) **ohase hase** e.g. a burnt-offering.

(16) Num. XIX, 16.

Talmud - Mas. Chullin 3a

[signifying that] the sword has the same degree of uncleanness as the slain person.¹ The slaughterer therefore, being a primary source of uncleanness, would defile the knife, and the knife in turn would defile the flesh!² — It must be that he became unclean through contact with a [dead] reptile.³ If you wish, however, I can even say that he became unclean by touching a corpse, but he prepared⁴ a reed haulm⁵ and slaughtered therewith; for it has been taught: One may slaughter with any instrument, with a flint, with glass or with a reed haulm.⁶

Abaye said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even a

Cuthean.⁷ This applies only where an Israelite is standing over him; but if [an Israelite] is merely going in and out he may not slaughter. If, however, he did slaughter, one cuts off an olive's bulk⁸ of the flesh and gives it to him; if he ate it, others may also eat of his slaughtering; if he did not eat it, others may not eat of his slaughtering.⁹ EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering, even after the act, is invalid, lest they pause, press or thrust.¹⁰

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these [the Tanna] should have said: 'And if they slaughtered'! And if it refers to a Cuthean, surely you have said that if an Israelite is standing over him he may slaughter in the first instance!¹¹ — This is a difficulty.

Said Raba, [But is it correct to state that], if an Israelite is going in and out [the Cuthean] has not the right [to slaughter] in the first instance? Have we not learnt: If one left a heathen in one's wine shop and an Israelite was going in and out [of the shop], the wine is permitted?¹² — Does it teach there 'one may leave'? It says: 'if one left', which is only a sanction after the act. You can, however, derive it from this [Mishnah]: There is no need for the supervisor to sit and watch the whole time; even if he keeps going in and out, [the wine] is permitted!¹³

Rather, said Raba, this is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even a Cuthean. This applies only where an Israelite is going in and out [at the time]; but if [an Israelite] came and found that [the Cuthean] had slaughtered, one must cut off an olive's bulk of the flesh and give it to him; if he ate it, others may also eat of his slaughtering; if he did not eat it, others may not eat of his slaughtering. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering, even after the act, is invalid, lest he pause, press or thrust.

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And if they slaughtered'! And if it refers then to a Cuthean, surely you have said that though an Israelite is [merely] going in and out he may slaughter in the first instance!¹⁴ — This is a difficulty.

R. Ashi said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even an Israelite apostate.¹⁵ In what respect is he an apostate? — In that he eats carrion¹⁶ in order to satisfy his appetite.¹⁷ [This holds good], provided the requirement of Raba is fulfilled; for Raba said: In the case of an Israelite apostate who eats carrion in order that he may satisfy his appetite,

(1) The general principle is that unclean matter defiles anything which comes in contact with it, and that the thing so defiled becomes unclean in a lesser degree than that which defiled it. The interpretation of this verse, however establishes the exception that where a metal comes into contact with a corpse or with one who had touched a corpse the metal assumes the same degree of uncleanness as the corpse or the person who had touched the corpse, as the case may be.

(2) The knife would itself assume the same degree of uncleanness as the unclean person, and would thus be a primary source of uncleanness; the flesh touching the knife would then become unclean in the first degree.

- (3) In this case the reptile is the primary source of uncleanness (**vtnuyv ct**); the slaughterer by touching the reptile becomes unclean in the first degree (**vtnuyk iuatr**) and cannot convey his uncleanness to the knife; for the rule is that anything which is unclean in the first degree can only defile foodstuffs or liquids but not other objects.
- (4) Lit., 'examined', 'tested'.
- (5) This neither contracts nor conveys uncleanness.
- (6) V. infra 15b.
- (7) The Cutheans, often called Samaritans, were one of the peoples that were settled in Samaria by the Assyrian king after the exile of the ten tribes. They adopted certain Jewish practices particularly those based on the written word of the Torah. V.II Kings XVII, 24ff.
- (8) The legal minimum to constitute 'eating'.
- (9) The argument is this: A Cuthean observes certain laws (including Shechitah) for himself but does not mind if he is the cause of others transgressing the laws, because he does not accept the prohibition: Thou shalt not put a stumbling block before the blind, Lev. XIX, 14, in its figurative sense but only in its literal meaning.
- (10) V. supra p. 3, n. 6.
- (11) Whereas the Mishnah declares the slaughtering valid only after the act.
- (12) Cf. A.Z. 69a. There is no fear that the heathen handled the wine with an idolatrous intent or at all, and the wine is therefore permitted for use. It would follow therefore that in the case of Shechitah the Cuthean is to be trusted to slaughter in the first instance if there is an Israelite going in and out, in contradiction to Abaye's interpretation of our Mishnah.
- (13) Cf. A.Z. 61a. This Mishnah clearly teaches that going in and out is sufficient supervision even in the first instance, which contradicts Abaye. V. previous note.
- (14) Whereas our Mishnah on the latest interpretation demands for the valid slaughtering that an Israelite be standing over him the whole time, and even then it is valid only after the act.
- (15) Mumar 'an apostate'; hence generally, a non-conforming, non-observant Jew.
- (16) Heb. **vkcb**; the meat of a dead animal that has not been ritually slaughtered.
- (17) I.e., not in defiance of the law.

Talmud - Mas. Chullin 3b

one prepares the knife and gives it to him, and then we may eat of his slaughtering. But if the knife was not prepared and given to him he may not slaughter.¹ If, however, he did slaughter, the knife should be examined now; if it is found to be satisfactory, we may eat of his slaughtering; otherwise we may not eat of his slaughtering. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering, even after the act, is invalid, lest they pause, press or thrust.

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And IF THEY slaughtered'! And if it refers to an Israelite apostate, surely you have said that if a knife was prepared and given to him, he has the right to slaughter in the first instance! And if [on the other hand] a knife was not prepared for him, well then, if the knife is here it can be examined now, and if it is not here, what is the advantage if others were standing over him at the time? Perhaps he slaughtered with a notched knife!² This is a difficulty. Rabina said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: [that is to say], all who

are qualified may slaughter, even though it is not known whether they are experienced or not: provided that we are satisfied that they are able to recite the rules of Shechitah.³ But if we do not know whether they are able to recite the rules of Shechitah, they may not slaughter; if, however, they did slaughter, they are to be examined now. If they are able to recite the rules of Shechitah, one may eat of their slaughtering; otherwise one may not eat of their slaughtering. EXCEPT A DEAF-MUTE. AN IMBECILE OR A MINOR: whose slaughtering, even after the act,⁴ is invalid, lest they pause, press or thrust.

Now on this interpretation, when the Mishnah continues] AND IF ANY OF THESE SLAUGHTERED. To which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And if they slaughtered'! And if it refers to those who are not qualified,⁵ surely you have said that it is sufficient if they are examined [after the slaughtering]! — [It must be] that they are not present to be examined.

Some there are who say: Rabina said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: [that is to say], all who are experienced may slaughter, even though it is not known whether they are qualified or not. This applies only where they have slaughtered two or three times in our presence and were not overcome by faintness. But if they have not slaughtered two or three times in our presence, they may not slaughter, lest they are overcome by faintness. If, however, one of these did slaughter and said: 'I am certain I was not overcome by faintness', his slaughtering is valid. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering, even after the act, is invalid, lest they pause, press or thrust.

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these [the Tanna] should have said: 'And if they slaughtered'! And if it refers to those who are not experienced, surely you have said that in such cases it is sufficient if they said: 'I am certain I was not overcome by faintness'! [It must be] that they are not present to be questioned.⁶

Rabina and Rabbah b. Ulla do not interpret [the Mishnah] in the ways suggested by Abaye or by Raba or by R. Ashi, because the latter find a difficulty in interpreting the expression: AND IF ANY OF THESE SLAUGHTERED.

All do not agree with Rabbah b. Ulla's interpretation, because, according to the one version which suggested that [our Mishnah] here is the source of the rule,⁷ on the contrary, [they say] that other [Mishnah] is the source of the rule, since it is in the tractate which deals with consecrated things; and according to the other version which suggested that the other [Mishnah] is the source of the rule but that [our Mishnah] here refers to the case of an unclean person slaughtering consecrated beasts merely incidentally because it deals with the case of an unclean person slaughtering a common beast,⁸ [they say], the case of an unclean man slaughtering a common beast was unnecessary [to be taught] because [the correct view is that] common things kept in the cleanness proper to hallowed things are not considered hallowed.

All do not agree with Rabina's interpretation, because, according to the one version which ruled that only those qualified may slaughter, but not those unqualified, [they hold the principle that] the majority of those who slaughter are qualified;⁹ and according to the other version which ruled that only those who are known to be experienced may slaughter but not those who are not so known, [they say] the danger of being overcome by faintness [in slaughtering] is too remote to be apprehended.

Raba does not agree with Abaye's interpretation because of the objection which he raised.¹⁰

Abaye does not agree with Raba's interpretation because, in that other case¹¹ the heathen is not handling [the wine],¹² while in our case the Cuthean is handling [the beast].¹³

R. Ashi does not agree with either of these interpretations because he holds the view that the Cutheans were lion-proselytes.¹⁴

Abaye does not agree with R. Ashi's interpretation because he does not accept Raba's statement.¹⁵

The question, however, remains: Why does not Raba interpret the Mishnah in accordance with his own statement?¹⁵ — Raba's interpretation merely follows up the argument of Abaye¹⁶ but he himself does not accept it.

Our Rabbis taught: The slaughtering by a Cuthean is valid. This applies only where an Israelite was standing over him [at the time]; but if he [the Israelite] came and found that the Cuthean had already slaughtered, he cuts off an olive's bulk of the flesh and gives it to him; if he ate it, then we may eat of his slaughtering; if he did not, then we may not eat of his slaughtering. And so, too, if [the Israelite] found in the possession of a Cuthean

(1) It is assumed that a non-observant Jew (as defined) would slaughter according to ritual if a knife was prepared and given to him, but he himself would not take the trouble to prepare it.

(2) Which would invalidate the Shechitah, v. infra 15b.

(3) **vyhja**; the ritual method of slaughtering an animal.

(4) And even if they know the rules of Shechitah.

(5) The words 'not qualified', **ihj nun iht** throughout this page refer to those of whom it is not known whether they are able to recite the rules of Shechitah or not. If they are absolutely unqualified their slaughtering is invalid even after the act (Tosaf.).

(6) Whether they were overcome by faintness in slaughtering or not.

(7) That an unclean person may slaughter a consecrated beast.

(8) That is a common beast prepared under conditions proper to hallowed things.

(9) It is therefore unnecessary to examine the slaughterer. Lit., 'the majority of those who are found (engaged) at slaughtering'. V. Rashi on this statement, infra 22a.

(10) V. supra 3a.

(11) The statement quoted from A.Z. 61a. V. supra 3a.

(12) Therefore going in and out is considered sufficient supervision.

(13) Therefore going in and out is not sufficient.

(14) Who were driven to conversion through fear of lions, v. II Kings XVII 24-29, and were therefore considered non-Jews.

(15) Which was the basis of R. Ashi's interpretation. V. supra 3a.

(16) Who did not agree with Raba's ruling in regard to a non-observant Israelite, and consequently had to interpret the Mishnah as dealing with a Cuthean.

Talmud - Mas. Chullin 4a

baskets of [slaughtered] birds, he cuts off the head of one of the birds and gives to him; if he ate it, then we may eat of his slaughtering; if he did not, then we may not eat of his slaughtering. Now Abaye emphasizes the first part of this statement, whereas Raba emphasizes the second part of the statement.¹ Abaye emphasizes the first part of the statement, [viz.] the reason [why the slaughtering of a Cuthean is valid is] that 'an Israelite was standing over him at the time', which implies that if the Israelite was merely going in and out it is not sufficient. Raba, on the other hand, emphasizes the second part of this statement, viz, the reason [why the prescribed test is necessary is] because 'he came and found that [the Cuthean] had slaughtered', which implies that if the Israelite was going in and out at the time it is in order.²

Now according to Abaye, is not the second clause difficult to explain?³ Abaye will tell you. A person going in and out can also be described as one who came and found that he had slaughtered. And according to Raba, is not the first clause difficult to explain?⁴ — Raba will say. A person going in and out is regarded as one who is standing over him.

'And so, too, if [the Israelite] found in the possession of a Cuthean baskets of slaughtered birds, he cuts off the head of one of the birds etc.'. Is this a sufficient test? Perhaps it was only this one bird that he slaughtered properly? — R. Manasseh said, (Mnemonic: putting a knife on rams.)⁵ This is a case where [the Israelite] put the basket under the lap of his garments [and took out a bird at random]. But perhaps the Cuthean had made a sign on the bird [by which he recognized it]? — R. Merharsheya said: It is a case where [the Israelite] has crushed the bird.⁶ But may it not be that the Cutheans maintain that birds do not require Shechitah according to the law of the Torah?⁷ — If you use this argument [you might ask:] Are the rules against pausing, pressing, thrusting, deflecting and tearing,⁸ specifically written [in the Torah]? What you must therefore admit, is that, since they have adopted these rules, they certainly observe them;⁹ so in our case, too, since they have adopted [Shechitah for birds], they certainly observe it.

Now, as to the observance or non-observance [by the Cutheans] of adopted unwritten customs, there are differences of opinion among Tannaim;¹⁰ for it has been taught: The unleavened bread of a Cuthean may be eaten [on Passover] and an Israelite fulfils his obligation by eating of it on the [first night of] Passover.¹¹ R. Eliezer says. It may not be eaten, because they are not versed in the details of the precepts like an Israelite. R. Simeon b. Gamaliel says. Whatever precept the Cutheans have adopted, they are very strict in the observance thereof, more so than Israelites.

The Master said: 'The unleavened bread of a Cuthean may be eaten, and an Israelite fulfils his obligation by eating of it on the [first night of] Passover'. Is not this obvious?¹² — [No.] You might say that they are not versed in the regulation of careful supervision;¹³ he, therefore, teaches

you [that an Israelite fulfils his obligation by eating of it.] ‘R. Eliezer says. It may not be eaten, because they are not versed in the details of the precepts like an Israelite’; for he is of the opinion that they are not versed in [the regulation of] supervision.¹⁴ ‘R. Simeon b. Gamaliel says: Whatever law the Cutheans have adopted, they are very strict in the observance thereof, more so than Israelites’. Is not this view the same as that of the first Tanna?¹⁵ — There is this difference between them, namely: A law which is written in the Torah but it is not known whether the Cutheans have adopted it. The first Tanna is of the opinion that, since it is a written law, even though we do not know whether they have adopted it, [we can rely upon them]. R. Simeon b. Gamaliel holds the view that only if they have adopted it can they be relied upon, but not otherwise. If this is so, why does R. Simeon b. Gamaliel say: ‘Whatever precept the Cutheans have adopted’? He should say: ‘If they have adopted it’.¹⁶ This, rather, is the real difference between them, namely: An unwritten law which has been adopted by them.¹⁷ The first Tanna is of the opinion that, since it is an unwritten law, even though they have adopted it, they do not [observe it]; R. Simeon b. Gamaliel holds the view that, since they have adopted it, they observe it.

The [above] text [stated]:¹⁸ ‘Raba said: In the case of an Israelite apostate who eats carrion in order to satisfy his appetite, one prepares the knife and gives it to him, and then we may eat of his slaughtering’. What is the reason for this? — Because, since there is the possibility of permissible and forbidden [food]¹⁹ he would not leave what is permitted and eat what is forbidden. If so, [should we not argue in like manner] even where a knife is not prepared for him? — No, for he would not go to any trouble.²⁰

Said the Rabbis to Raba. These is [a Baraitha] taught that supports your view, viz: The leavened bread²¹ of transgressors²² is, immediately after the Passover,

(1) I.e., Abaye who supra 3a does not permit a Cuthean to slaughter in the first instance where the Israelite was merely going in and out, and Raba who does permit it, both find support for their respective views in the Baraitha cited.

(2) Without the need of a further test.

(3) For the second clause implies that if the Israelite were going in and out at the time, the slaughtering would be valid without the necessity of administering the olive's bulk of flesh.

(4) For the first clause implies that if the Israelite were not standing by, but merely going in and out, the slaughtering would not be valid unless the Cuthean ate of the flesh.

(5) A mnemonic of the three laws taught by R. Manasseh in this Tractate. ‘Putting’ refers to the law dealt with here: ‘where the Israelite put the basket . . . ‘Knife’ v. infra 31a. ‘Rams’ v. infra 51a.

(6) Thus obliterating any distinguishing sign that may have been on it.

(7) For the verse: Then thou shalt slaughter of thy herd and of thy flock . . . as I have commanded thee, Deut. XII 21, does not specifically mention birds.

(8) For the meaning of these five technical terms vide infra 9a and the notes.

(9) And we may rely upon them.

(10) Plural of Tanna.

(11) During the festival of Passover an Israelite must abstain from eating anything which is leavened, whereas on the first night of the festival there is an obligation to eat Mazzah, or unleavened bread, which has been carefully supervised and specially prepared for the festival, v. Pes. 400.

- (12) Since it is permitted to be eaten, surely he thereby fulfils his obligation!
- (13) And therefore one does not fulfil one's obligation by eating this Mazzah, even though it is unleavened.
- (14) I.e., to guard the dough against becoming leavened. Var. lec., they are not well versed in (what constitutes) leaven. V. Rashi.
- (15) For both Rabbis are of the opinion that it may be eaten.
- (16) The expression 'Whatever law' includes even unwritten laws; for if it refers to written laws only, then R. Simeon b. Gamaliel, controverting the decision of the first Tanna, who specifically deals with a written law, namely. Mazzah, should have said: 'If they have adopted it they are reliable'.
- (17) E.g. the law relating to Shechitah.
- (18) Supra p. 7.
- (19) For it is at his disposal to slaughter according to ritual.
- (20) To prepare the knife.
- (21) Heb. . נֶיֶם Hamez, leavened bread, or any other matter containing leavened substance.
- (22) Those who do not destroy all leavened bread before the passover, according to prescribed law (Exod. XII, 15), because of the loss it entails.

Talmud - Mas. Chullin 4b

permitted [to be eaten], because they exchange it [for non-Jewish bread].¹ Now, it was thought, that the author of this Baraitha was R. Judah, who holds that leavened bread which has remained over Passover is forbidden by Biblical law,² and yet the Baraitha says: It is permitted because they exchange it; thus one can prove the principle that a person would not leave what is permitted and eat what is forbidden. Is this really so? Perhaps the author [of the Baraitha] is R. Simeon, who holds that leavened bread which has remained over Passover is forbidden only by Rabbinic law,² and therefore it is only in connection with Rabbinic laws that a lenient view is taken, but not in connection with Biblical laws?³ — Be it so, that the author is R. Simeon; but does [the Baraitha] say: Because I assume that they exchange it? It says: Because they exchange it,¹ .e, they certainly exchange it. It follows, therefore, that if in connection with Rabbinic laws [we say] a person would not leave what is permitted and eat what is forbidden, how much more so in connection with Biblical laws!⁴

Can we say that the following [Baraitha] supports Raba's view? [For it was taught:] 'All may slaughter, even a Cuthean, even an uncircumcised Israelite, even an Israelite apostate'. Now, what is meant by an uncircumcised Israelite? Shall I say it is one whose brothers have died as a result of circumcision? Surely such a one is a good Israelite!⁵ Clearly, then, it can only mean one who is opposed to the law of circumcision; and the Tanna is of the opinion that one who is opposed to one law is not regarded as one opposed to the whole Torah. Let us now read the last statement: 'Even an Israelite apostate'. What is meant by an Israelite apostate? If it means one who is opposed to one particular law, then it is identical with [our interpretation of] an uncircumcised Israelite'.⁶ It can only mean one who is opposed to this particular practice [Shechitah, and yet he is permitted to slaughter,] thus supporting Raba's view! — It is not so. Indeed, it might be said that one who is opposed to this particular practice [Shechitah] may not [slaughter], because since he constantly disregards it⁷ he deems it legitimate;⁸ but [by 'Israelite apostate is meant] one who is an apostate in respect of idolatry, and the view expressed is in accordance with the view of R. 'Anan, who said in the name of Samuel: In the case of an Israelite who is an apostate in respect of

idolatry, we may eat of his slaughtering.

The text [above stated]: ‘R. ‘Anan said in the name of Samuel, ‘In the case of an Israelite apostate in respect of idolatry, we may eat of his slaughtering’; for so we find it written concerning Jehoshaphat, king of Judah, that he partook of the feast of Ahab,⁹ as it is written: And Ahab slaughtered sheep and oxen for him in abundance, and for the people that were with him, and persuaded him to go up with him to Ramoth-gilead.¹⁰

But is it not possible that Ahab slaughtered but Jehoshaphat did not eat? — It reads: And he persuaded him. Perhaps he persuaded him with words? — Persuasion [in Scripture] never means with words. Is this so? Is it not written: If thy brother persuade thee?¹¹ — This verse also means, by eating and drinking. But is it not written: And thou didst persuade Me to destroy him without cause?¹² With reference to the Most High it is different.¹³

But is it not possible that he drank [wine] and did not eat [meat]? — But why distinguish and say that drinking [the wine is permitted]? Because you hold the view that one who is an apostate in respect of idolatry is not regarded as opposed to the whole Torah. The same then holds good with regard to eating [meat], for one that is an apostate in respect of idolatry is not regarded as opposed to the whole Torah? — How can you compare the two! With regard to drinking, the only ground for its prohibition is the law concerning the ordinary wine of gentiles,¹⁴ and at that period¹⁵ the ordinary wine of gentiles was not prohibited; but with regard to eating, I maintain that one that is an apostate in respect of idolatry is regarded as opposed to the whole Torah. — If you wish I can answer: It is not the custom of kings to drink without eating; and if you wish I can answer: It reads: And he slaughtered . . . and persuaded him,¹⁶ which suggests: How did he persuade him? By giving him to eat of what he had slaughtered.

But perhaps it was Obadiah¹⁷ who slaughtered the animals! — It reads: In abundance;¹⁶ Obadiah could not have managed it all by himself.

Perhaps the seven thousand [righteous men] slaughtered, for it is written: Yet will I leave seven thousand in Israel, all the knees which have not bowed unto Baal!¹⁸ — These were in hiding because of Jezebel. But perhaps the servants of Ahab were righteous! — You cannot assume such a thing, for it is written: If a ruler hearkeneth to falsehood, all his servants are wicked.¹⁹ But perhaps the servants of Jehoshaphat too were not righteous; therefore, that which was slaughtered by Ahab's men was eaten by Jehoshaphat's men, but that which was slaughtered by Obadiah was eaten by Jehoshaphat! — You cannot assume such a thing, for ‘if a ruler hearkeneth to falsehood all his servants are wicked’, it follows that if a ruler hearkeneth to the truth all his servants are righteous. But perhaps that which was slaughtered by Ahab's servants was eaten by Ahab and his men, but that which was slaughtered by Jehoshaphat's servants was eaten by Jehoshaphat and his men! —

(1) And the leavened bread of non-Jews which remained over Passover is permitted to be eaten immediately after Passover, v. Pes. 28a. However, the transgressor himself, who made the exchange, may not eat it; for otherwise, the law forbidding any benefit to be derived from the Hamez of a Jew which has remained over Passover can be circumvented by exchanging it for the Hamez of non-Jews.

- (2) V. Pes. 28aff for the dispute between R. Judah and R. Simeon.
- (3) E.g, the law of nebelah, Deut. XIV, 21.
- (4) For a prohibition specifically enacted in the Torah would be more strictly observed by the Cutheans than a Rabbinic law. The result is that Raba's view is supported by the Baraita quoted whether the author of it is R. Judah or R. Simeon.
- (5) One whose two brothers have died because of circumcision is not to be circumcised because of the danger to his life; he is, however, considered a good Jew.
- (6) Which was interpreted to mean one who is opposed to the law of circumcision.
- (7) Lit., 'to trample it', hence to treat with contempt.
- (8) Therefore one cannot apply to him the principle: 'He would not leave what is permitted and eat what is forbidden', for to him an animal which has not been slaughtered according to ritual is still permitted.
- (9) Ahab was an apostate in respect of idolatry and yet Jehoshaphat ate of his slaughtering.
- (10) II Chron. XVIII, 2.
- (11) Deut. XIII, 7.
- (12) Job II, 3.
- (13) In which case persuasion by eating and drinking is inapplicable.
- (14) The ordinary wine of gentiles, about which it is not known whether it has been used for idolatrous purposes or not, was prohibited by the disciples of Shammai and Hillel in the first century C.E.
- (15) Of Ahab and Jehoshaphat.
- (16) II Chron. XVIII, 2.
- (17) The God-fearing servant of Ahab, v. I Kings XVIII, 3.
- (18) Ibid. XIX, 18.
- (19) Prov. XXIX, 12.

Talmud - Mas. Chullin 5a

Jehoshaphat would not have kept himself aloof.¹ How do you know this? Shall I say because it is written: I am as thou art, my people as thy people?² If so, can [the following words]. 'My horses as thy horses', bear such a meaning?³ You must therefore say that the meaning of the last phrase is: Whatever [burden] shall be on thy horses shall be on my horses;⁴ then the first phrase too might mean: Whatever [burden] shall be upon thyself and upon thy men shall be upon myself and upon my men! — Rather it⁵ is derived from this verse: Now the king of Israel and Jehoshaphat king of Judah sat each on his throne, arrayed in their robes, in a threshing floor, at the entrance of the gate of Samaria.⁶ Now, what is meant by 'threshing-floor'? Shall I say it is to be taken literally? But surely the entrance of the gate of Samaria was not a threshing-floor! It can only mean [that they sat together] as in the 'threshing floor' [the court room],⁷ for we learnt: The Sanhedrin sat in the form of a semi-circular threshing-floor so that they might see one another.⁸

Can we say that the following supports his [R. 'Anan's] view? It is written: And the ravens brought him⁹ bread and flesh in the morning, and bread and flesh in the evening,¹⁰ and Rab Judah explained this in the name of Rab that [the ravens brought the flesh] from Ahab's slaughterers!¹¹ — Being a Divine command it is different.¹² What is meant by 'the ravens' [Orebim]? — Rabina said: It means actually ravens. R. Ada b. Manyomi, however, suggested to him: May it not mean two men whose names were Oreb, as we find it written: And they slew Oreb at the rock of Oreb, and Zeeb?¹³ — He replied. Could it have happened that both were named Oreb? But perhaps they

were so named after the town in which they lived? Just as it is written: And the Arameans had gone out in bands and had brought away captive out of the land of Israel a little maid.¹⁴ Now the difficulty was pointed out; [first] the verse refers to this girl as a maid [na'arah]¹⁵ and then as little [ketannah],¹⁶ and R. Pedath explained this to mean a little girl from the town of Na'aran!¹⁷ — If so, the verse should read Orebiim.¹⁸

Can we say that the following supports his [R. 'Anan's] view? [For it was taught:] All may slaughter, even a Cuthean, even an uncircumcised Israelite, even an Israelite apostate.¹⁹ Now, what is meant by an uncircumcised Israelite? Shall I say, it is one whose brothers have died as a result of circumcision? Surely such a one is a good Israelite! Clearly, then, it can only mean one who is opposed to the law of circumcision. Let us now read the last statement: 'Even an Israelite apostate'. What is meant by an Israelite apostate? Shall I say it means one who is opposed to one particular law, then is not this the same as [the case of] an uncircumcised Israelite? Hence it can only mean one who is an apostate in respect of idolatry [and yet he may slaughter] , thus supporting R. 'Anan's view! — No. I 'might still maintain that an apostate in respect of idolatry may not [slaughter], for it has been said,²⁰ Grave is idolatry in that he who denies it is as if he accepts the whole Torah;²¹ and by 'Israelite apostate' is meant one who is opposed to this particular practice [of shechitah]; [and yet such a one may slaughter] in accordance with Raba's view.²²

An objection was raised: [It is written]. Of you,²³ but not all of you,²⁴ thus excluding an apostate. Of you, that is, among you [Israelites] does this distinction apply but not among other nations.²⁵ 'Of the cattle' includes persons who are [devoid of merit] like animals; hence [the Rabbis] have declared: One should accept sacrifices from the transgressors in Israel, so that they may be inclined to repent, but not from an Israelite apostate, or from one who offers a wine libation [to idols], or from one who profanes the Sabbath publicly. Now this [Baraitha] is self-contradictory. It says. 'Of you, but not all of you, thus excluding an apostate'; and then it says: 'One may accept sacrifices from the transgressors in Israel'! — This is no difficulty. The former statement refers to one who is opposed to the whole Torah,²⁶ while the latter statement refers to one who is opposed to one particular law. Consider now the last statement of the Baraitha: 'But not from an Israelite apostate, or from one who offers a wine libation [to idols], or from one who profanes the Sabbath publicly'. What is meant by apostate in this statement? If it means one who is opposed to the whole Torah, then it is identical with the first statement;²⁷ and if it means one who is opposed to one particular law, then it is inconsistent with the middle statement. Of necessity this must be the meaning of the last statement: But not from an Israelite apostate for offering a wine libation [to idols] or for profaning the Sabbath publicly. This proves that one who is an apostate in respect of idolatry is regarded as opposed to the whole Torah; consequently R. 'Anan's opinion is refuted. This is a conclusive refutation.

But is this rule²⁸ derived from the above? Surely it is derived from the following statement, which was taught:²⁹

(1) By having his own men slaughter for him; for this would give rise to mistrust in the mind of Ahab. Nevertheless Jehoshaphat would not have eaten of Ahab's slaughtering had he been in doubt as to Ahab's observance of the law of Shechitah.

- (2) I Kings XXII, 4. This verse suggests that the followers of the one king were as reliable in religious matters as the followers of the other king.
- (3) It is surely impossible for these words to have any religious significance.
- (4) Meaning: We shall bear the burden equally in the battle.
- (5) That Jehoshaphat regarded Ahab as reliable in religious matters even though the latter served idols.
- (6) I Kings XXII, 20.
- (7) I.e., just as among the Sanhedrin there was trust and friendship between one another so also between Jehoshaphat and Ahab.
- (8) V. Sanh. 36b (Sonc. ed.) p. 230, n. 10.
- (9) I.e., Elijah.
- (10) I Kings XVII, 6.
- (11) Thus proving that the meat slaughtered by Ahab's men, though idolaters, was permitted.
- (12) It may have been forbidden food, but God permitted it on that occasion. There is therefore no support from this verse for R. 'Anan's view.
- (13) Judg. VII, 25, hence we find a person named Oreb,
- (14) II Kings V. 2. Heb. **vbye vrgb**.
- (15) I.e., a girl over the age of twelve years and one day.
- (16) I.e., a girl under the age of twelve years and one day.
- (17) V. I Chron. VII, 28. Thus showing that people were called after the name of the town in which they lived.
- (18) Which would mean: Inhabitants of the town of Oreb.
- (19) V. supra p. 14.
- (20) V. Sheb. 29a (Sonc. ed.) p. 160, n. 9.
- (21) And conversely, he who accepts it denies the whole Torah.
- (22) Supra p. 13.
- (23) Lev. I, 2: When any man of you bringeth an offering unto the Lord, ye shall bring your offering of the cattle.
- (24) 'Of' has a partitive meaning, i.e, some of you but not all.
- (25) From other nations all may bring offerings to the Temple.
- (26) Therefore he is precluded from offering sacrifices.
- (27) Why should it be repeated?
- (28) Of not accepting sacrifices from apostates.
- (29) V. Hor. 11a (Sonc. ed.) p. 78,

Talmud - Mas. Chullin 5b

Of the common people¹ excludes an apostate.² R. Simon b. Jose said in the name of R. Simeon: The verse: And doeth through error any of the things which the Lord his God hath commanded not to be done, and is guilty,³ implies that only he who repents when he becomes conscious of his sin brings a sacrifice⁴ for his error, but he who does not repent on becoming conscious of his sin does not bring a sacrifice for his error. And it was asked: What practical difference is there between them?⁵ And R. Hamnuna replied: The difference between them lies in the case of one who, being an apostate in respect of the eating of forbidden fat, brings a sacrifice for having eaten blood [in error]⁶ — [The rule is derived from both passages], but one⁷ speaks of the sin-offering, while the other of the burnt offering;⁸ and both are required. For if it were taught only in respect of a sin-offering, it would have been argued that the reason why he [the apostate] is precluded is because a sin-offering is brought for an atonement,⁹ but a burnt-offering, being in the nature of a

gift [to the Lord], we might say should be accepted from him. And on the other hand, if it were taught only in respect of a burnt-offering, it would have been argued that the reason why he is precluded is because there is no obligation on his part to offer it, but a sin-offering, being obligatory, we might say should be accepted from him. [Therefore both statements] are required.

But is it a general rule that whenever Scripture uses ‘cattle’¹⁰ it implies contempt? But is it not written: Man and cattle. Thou preservest, O Lord,¹¹ and Rab Judah said in the name of Rab: This verse refers to those who are wise in understanding and conduct themselves humbly like cattle? — There is this difference; in the latter verse it reads: ‘Man and cattle’, but in our text it says, cattle by itself. But is it a general rule that whenever Scripture uses ‘Man and cattle’ it implies merit? But is it not written: And I will sow the house of Israel and the house of Judah with the seed of man and with the seed of cattle?¹² — In this latter case Scripture clearly distinguishes between the two, referring to the seed of man separately and to the seed of cattle separately.

(Mnemonic: Niklaf[P]).¹³ R. Hanan reported in the name of R. Jacob b. Idi, who reported in the name of R. Joshua b. Levi, who reported in the name of Bar Kappara, as follows: R. Gamaliel and his Court took a vote concerning the slaughtering by a Cuthean, and declared it invalid. Thereupon R. Zera suggested to R. Jacob b. Idi: May it not be that my Master heard this ruling only in the case where no Israelite was standing over him? — He retorted: This student is as one who has never studied the law!¹⁴ Where no Israelite was standing over him is it necessary to rule [that it is invalid]. Now, the question arises: Did R. Zera accept [the retort]¹⁵ or not? — Come and hear: R. Nahman b. Isaac reported in the name of R. Assi as follows: I saw R. Johanan eating the flesh of an animal slaughtered by a Cuthean. Even R. Assi ate of the flesh of an animal slaughtered by a Cuthean. Now R. Zera was astonished at this. Could it be that they¹⁶ had not heard of this ruling [of the Court of R. Gamaliel], but had they heard of it they would have abided by it; or did they know of it but did not accept it? In the end R. Zera came to the conclusion: It is reasonable to suppose that they knew of it but did not accept it; for if you were to say that they had not heard of it, but had they known of it they would have accepted it, it is difficult [to understand] how it should come about that such righteous men should eat something forbidden. If the Holy One, Blessed be He, would not permit the beast of the righteous to sin in error.¹⁷ how much less the righteous themselves!

(1) Lev. IV, 27. The context of this verse is: And if anyone of the common people sinned through error . . . 28. Then he shall bring for his offering a goat.

(2) From whom no sin-offering may be accepted.

(3) Lev. IV, 22.

(4) I.e., a sin-offering.

(5) I.e., between the first Tanna and R. Simeon. According to either view, one who is rebellious or opposed to the laws of the Torah is precluded from offering a sacrifice.

(6) According to the first Tanna his sacrifice is not accepted because he is an apostate, whereas according to R. Simeon's view it is, for he is not an apostate in respect of that particular law for which he is bringing his sacrifice. It is clear, however, that the rule precluding an apostate from offering sacrifices is derived from the verse quoted in this Baraita and not from the verse quoted above ‘Of you’.

(7) I.e., the second Baraita which derived the rule from the phrase ‘of the common people’.

(8) A sin-offering was an obligatory sacrifice to be brought whenever certain sins were committed; a burnt-offering

was brought voluntarily as a gift to the Lord.

(9) And an apostate is not worthy of atonement since he would sin again and again.

(10) The Gemara now deals with the statement quoted above: 'Of the cattle' includes such persons who are devoid of merit like animals.

(11) Ps. XXXVI, 7.

(12) Jer. XXXI, 27. V. Sot. 22a. The seed of man is explained as referring to the righteous, and the seed of cattle as referring to the ignorant common people.

(13) Lit., 'peeled'. A mnemonic of the characteristic letters of the respective Rabbis in whose names the statement is reported. N = Hanan, K = Jakob, L = Levi, FP = Kappara.

(14) Aliter: This student thinks that men do not study the law.

(15) Of R. Jacob b. Idi (that it is forbidden to eat of the Cuthean's slaughtering even if an Israelite stands over him) and abide by it.

(16) R. Johanan and R. Assi.

(17) V. infra p. 28.

Talmud - Mas. Chullin 6a

Now, if you say that R. Zera did not accept [the retort of R. Jacob b. Idi], then he could have answered his query thus: In the one case there was an Israelite standing over [the Cuthean]¹ but in the other case there was not.² You must therefore say that R. Zera accepted [the retort]. It stands proved.

For what reason did the Rabbis proscribe them? — Because of the following incident. R. Simeon b. Eleazar was sent by R. Meir to fetch some wine from among the Cutheans. He was met by a certain old man who said to him. Put a knife to thy throat, if thou be a man given to appetite.³ Whereupon R. Simeon b. Eleazar returned and reported the matter to R. Meir who thereupon proscribed them. Why? — R. Nahman b. Isaac explained: Because they⁴ found a figure of a dove on the top of Mount Gerizim and they worshipped it;⁵ R. Meir therefore, consistent with his principle that the minority must be taken into consideration,⁶ proscribed all Cutheans⁷ because of this minority, and R. Gamaliel and his Court also held this principle.

What is the plain meaning of the above quoted text? — It refers to a pupil sitting before his master. For R. Hiyya taught: When thou sittest to eat with a ruler, consider well him that is before thee. And put a knife to thy throat, if thou be a man given to an appetite.⁸ If the pupil knows that the master is capable of answering the question, then he may ask it; otherwise . . . Consider well him that is before thee. And put a knife to thy throat, if thou be a man given to appetite, and leave him.⁹

R. Isaac b. Joseph was sent by R. Abbahu to fetch some wine from among the Cutheans. He was met by a certain old man who said to him: 'There are none here that observe the Torah'. R. Isaac went and reported the matter to R. Abbahu who reported it to R. Ammi and R. Assi; the latter forthwith¹⁰ declared the Cutheans to be absolute heathens. In what respect [were they declared absolute heathens]? If in respect of their slaughtering [that it is invalid] and in respect of their wine [that it is] idolatrous, had not the Rabbis proscribed them [in these matters] from that [former incident]?¹¹ — The Rabbis had previously proscribed them but their decree was not

accepted; R. Ammi and R. Assi came now and proscribed them and their decree was accepted.¹²

What was meant by declaring them absolute heathens? — Said R. Nahman b. Isaac: It meant that they have no longer the power to renounce or to transfer ownership.¹³ For it has been taught:¹⁴ An Israelite apostate who publicly¹⁵ observes the Sabbath may renounce and transfer his ownership, but if he does not observe the Sabbath publicly he may not renounce and transfer his ownership, because the Rabbis said: An Israelite may transfer or renounce his ownership, whereas with a heathen this can only be done by renting [his property].¹⁶ In what way [is ownership renounced]? One [Israelite] can say to another [Israelite]. ‘My ownership is acquired by you’, or, ‘My ownership is renounced in your favour’, and the latter has thereby acquired [the property] without the necessity of a formal acquisition.¹⁷

R. Zera and R. Assi happened to come to the inn of Yai. They were served with roasted eggs beaten up in wine. R. Zera did not eat it; R. Assi did. R. Zera asked R. Assi, ‘Master, are you not concerned about the admixture of demai’?¹⁸ He replied: ‘I did not think of it’. Can it be, thought R. Zera, that the Rabbis have prohibited demai in a mixed state and that it should come about that R. Assi should eat prohibited food? Surely, if the Holy One, Blessed be He, would not permit the beast of the righteous to sin in error, how much less the righteous themselves! R. Zera thereupon went out, looked into the matter and found [the law].¹⁹ For it was taught:²⁰ If one buys wine in order to pour it into muries²¹ or into alontith,²² or beans to make into grist, or lentils to make into groats, he must [tithe them], if they are demai;²³ it is needless to say so if they were certainly untithed. The mixtures themselves,²⁴ however, may be eaten [without tithing], because they are in a mixed state.

But did the Rabbis, then, not prohibit demai in a mixed state? Has it not been taught: If a man gives to his neighbour's wife²⁵ dough to be baked, or a dish to be cooked, [and also provides her with leaven and spices,] he need have no fear that the leaven and the spices used are Seventh Year produce or are untithed,²⁶ if, however, he said to her, ‘Make it with your own [ingredients]’, he must suspect that the leaven and spices used are Seventh Year produce or untithed?²⁷ — This last case is different for this reason: since he said to her, ‘Make it with your own [ingredients]’, it is as though he actually mixed it himself.²⁸ Rafram said: It is different with leaven and spices, since they are used primarily for seasoning, and seasoning never loses its distinctiveness.²⁹

But do we not suspect an exchange?³⁰ Have we not learnt:³¹ If a man gives to his mother-in-law [dough to be baked], he must tithe what he gives to her and what he takes from her,³² because she is suspected of changing it if it is spoilt? — In this case the reason [for her changing it] is added, viz., R. Judah says. Because she desires the welfare of her daughter and feels shamed for her son-in-law.³³ [

(1) In the case of R. Johanan and of R. Assi.

(2) For that was the ruling of the Court of R. Gamaliel.

(3) Prov. XXIII, 2. Meaning thereby: If you are an observing Jew abstain from using their wine.

(4) Those Cutheans living near Mount Gerizim.

(5) Aliter: They (the Rabbis) found among them a figure of a dove . . . which they worshipped.

(6) V. Yeb. 61b.

- (7) Even those who do not reside by Mount Gerizim.
- (8) Prov. XXIII, I, 2.
- (9) I.e., if you are athirst for knowledge seek for yourself another teacher, but do not put your teacher to shame.
- (10) Lit., 'they did not move from there until they declared etc.'
- (11) R. Meir had prohibited their wine and R. Gamaliel and his Court their slaughtering.
- (12) It is not to be inferred that R. Ammi and R. Assi were greater than the earlier Rabbis. Rashi explains that in the days of these earlier Rabbis there was much intercourse with the Cutheans and it would have been a hardship for the people to have accepted their decree, while in the days of R. Ammi and R. Assi it was possible to enforce the restrictions.
- (13) It was a Rabbinic institution for each of the residents of a block of tenements to which was attached a common courtyard to contribute before the Sabbath a portion of food towards a common dish, the food being then deposited in one of the tenements. By this act all the tenements were regarded as one common dwelling, and it was thus permitted to carry objects on the Sabbath from one tenement to another and across the courtyard. This is known as **urhmj hcurhg**. If a resident forgot to contribute his portion, he had the remedy of renouncing on the Sabbath the ownership of his tenement in favour of the other residents. Such a course was only open to a Jew.
- (14) V. 'Er. 69b.
- (15) Lit., 'in the market'.
- (16) And this could not be done on the Sabbath day.
- (17) I.e., a kinyan, V. Glos.
- (18) **htns**. Fruits and produce bought from an 'am ha-ares in respect of which there is a doubt whether the proper tithes have been taken. The demai in this case was the wine, but it was mixed with the roasted eggs and other ingredients.
- (19) Namely, that demai in a mixed state is not forbidden.
- (20) So Marginal Gloss. Cur. edd.: We learnt.
- (21) A pickle containing fish-hash and wine.
- (22) V. A.Z. 30a. A mixture of old wine, clear water and balsam, used as a cooling drink in the bath-house.
- (23) I.e., if bought from an 'am ha-ares. V. Glos.
- (24) I.e., if one bought from an 'am ha-ares the mixture ready prepared.
- (25) The wife of an 'am ha-ares.
- (26) We do not suspect that she has exchanged the leaven and the spices given to her for her own, which may be Seventh Year produce or untithed. The produce of a field cultivated in the Seventh or Sabbatical Year was prohibited. V. Lev. XXV, 2ff.
- (27) And he must tithe it, although it is in a mixed state.
- (28) For the law regards him as having acquired the leaven and the spices before they were put into the mixture, therefore he must tithe it.
- (29) Even in a mixture, and therefore he must tithe it.
- (30) I.e., that she may have substituted her own ingredients for those given to her.
- (31) Demai III, 6.
- (32) For not only must he abstain from eating demai himself but he must avoid causing others to eat it.
- (33) Normally a person is not suspected of exchanging, for, in the absence of any justifying circumstances, that would constitute stealing. A mother-in-law might well be tempted to make the exchange for the reason given by R. Judah.

Talmud - Mas. Chullin 6b

In all other cases, then, do we not suspect [an exchange]? Have we not learnt: If a man gives to his landlady [dough to be baked], he must tithe what he gives to her and what he takes from her, because she is suspected of changing it?¹ — In this case, too, she justifies herself by saying. Let the young student rather eat the fresh and I will eat the stale.²

But [otherwise], do we not suspect an exchange? Surely it has been taught: The wife of a haber³ may assist the wife of an 'am ha-arez³ in grinding corn only when she⁴ is in a state of uncleanness,⁵ but not when she is in a clean state.⁶ R. Simeon b. Eleazar says. Even when she is in a state of uncleanness she may not assist in grinding, because the other would offer her some corn to eat. Now, if it is said that the wife of an 'am ha-arez is ready to steal [from her husband],⁷ surely she is to be suspected of making an exchange! — In this case, too, she justifies herself by saying. The ox has a right to eat of what he threshes.

R. Joshua b. Zeruz, the son of R. Meir's father-in-law, testified before Rabbi that R. Meir ate a leaf of a vegetable in Bethshean⁸ [without tithing it]; on this testimony, therefore, Rabbi permitted the entire territory of Bethshean.⁹ Thereupon his brothers and other members of his father's family combined to protest, saying: The place which was regarded as subject to tithes by your parents and ancestors will you regard as free? Rabbi, thereupon, expounded to them the following verse: And he [Hezekiah] broke in pieces the brazen serpent that Moses had made; for unto those days the children of Israel did offer to it; and it was called Nehushtan.¹⁰ Now, is it at all likely that Asa did not destroy it? Or that Jehoshaphat did not destroy it? Surely Asa and Jehoshaphat destroyed every form of idolatry in the world!

(1) Demai III, 5,

(2) The exchange is made with a good intent.

(3) V. Glos.

(4) Sc. the wife of the haber.

(5) Because whenever she is in a state of uncleanness she is very careful not to handle food for fear of defiling it, and she will certainly not eat of it.

(6) For she may be tempted to eat of the corn, which is forbidden, being demai.

(7) And offer some to the wife of the haber.

(8) Scythopolis, in Galilee. R. Meir regarded it as territory outside Palestine, and therefore its fruits and vegetables were free from tithes; for the rule relating to tithing fruits and vegetables, being a Rabbinic injunction only, applied to Palestine proper.

(9) That the fruits and vegetables may be eaten without tithing.

(10) II Kings XVIII, 4.

Talmud - Mas. Chullin 7a

It must therefore be that his ancestors left something undone whereby he [Hezekiah] might distinguish himself; so in my case, my ancestors left room for me to distinguish myself.

From this is to be learnt that whenever a scholar reports a decision [however strange it may sound], he should not be made to move [mezihin] from his tradition. Others say. He should not be rejected [maznihin]. And others say: He should not be regarded as arrogant [mazhihin]. Those

who say. He should not be made to move from his tradition, base it on the verse. And the breastplate be not moved [yizzah] from the ephod.¹ Those who say: He should not be rejected, base it on the verse: For the Lord will not reject [yiznah] for ever.² And those who say. He should not be regarded as arrogant, base it on the following:³ For we learnt: When the arrogant increased, disputes increased in Israel.⁴

To this, Judah, son of R. Simeon b. Pazzi, demurred: Is there anyone who holds the view that Bethshean was not part of Palestine? Is it not written: And Manasseh did not drive out the inhabitants of Bethshean and its towns, nor of Taanach and its towns?⁵ — [When he raised his objection] there must have escaped his attention the statement of R. Simeon b. Eliakim who reported R. Eleazar b. Pedath in the name of R. Eleazar b. Shammu'a [as follows]: Many cities which were conquered by the Israelites who came up from Egypt⁶ were not re-conquered by those who came up from Babylon,⁷ for he held the view that the consecration of the Holy land on the first occasion [by Joshua] consecrated it for the time being but not for the future. They therefore did not annex these cities in order that the poor might have sustenance therefrom in the Seventh Year.⁸

R. Jeremiah said to R. Zera: But R. Meir ate a mere leaf [of a vegetable]⁹ — He replied: He ate it from a bundle, and we have learnt: Vegetables which are usually tied in bundles [become due for tithing] on being tied up.¹⁰

But perhaps R. Meir forgot [to tithe it]? — [This cannot be.] Surely, if the Holy One, Blessed be He, would not permit the beast of the righteous to sin in error, how much less the righteous themselves! But perhaps he set aside from other produce the tithe due for this [Vegetable]! — One would not suspect a haber of setting aside the dues for the produce that is before us out of produce that is not before us.¹¹ But perhaps he had in mind to set aside the tithe from one end of the bundle, whilst he ate from the other end! — He replied: See how great a man testified concerning this!¹²

What was the incident about the beast of the righteous? — Once, R. Phinehas b. Jair was on his way to redeem captives, and came to the river Ginnai. 'O Ginnai', said he, 'divide thy waters for me, that I may pass through thee'. It replied. 'Thou art about to do the will of thy Maker; I, too, am doing the will of my Maker.¹³ Thou mayest or mayest not accomplish thy purpose;¹⁴ I am sure of accomplishing mine'. He said: 'If thou wilt not divide thyself, I will decree that no waters ever pass through thee'. It, thereupon, divided itself for him. There was also present a certain man who was carrying wheat for the Passover, and so R. Phinehas once again addressed the river: 'Divide thyself for this man, too, for he is engaged in a religious duty'. It, thereupon, divided itself for him too. There was also an Arab who had joined them [on the journey], and so R. Phinehas once again addressed the river, 'Divide thyself for this one, too, that he may not say. "Is this the treatment of a fellow traveller?"' It, thereupon, divided itself for him too.

R. Joseph exclaimed: How great is this man! Greater than Moses and the sixty myriads of Israel! For the latter [the sea divided itself] but once, whilst for the former thrice! May it not be, however, for the former also only once?¹⁵ — Rather say. As great as Moses and the sixty myriads of Israel!

R. Phinehas happened to come to a certain inn. They placed barley before his ass, but it would not eat.

- (1) Ex. XXVIII, 28. Heb. **j zh**, which word is of the same root as **ihj hzn**.
- (2) Lam. III, 31. Heb. **j bzh**, which word is of the same root as **ihj hbzn**.
- (3) V. Sot. 47a. Heb. **hj uj z**, which word is of the same root as **ihj hj zn**.
- (4) The difference between the versions is merely textual, each version supporting its reading by a verse from the Bible or by a passage from the Mishnah.
- (5) Judg. I, 27.
- (6) At the first settlement in Palestine under the leadership of Joshua.
- (7) At the second settlement in Palestine under Ezra. The Holy land had to be consecrated a second time by the returning exiles, and therefore those towns which were not included in the re-consecration were not part of Palestine. Bethshean was one of the cities not included.
- (8) The law of the Seventh Year did not apply to land outside Palestine; therefore, certain towns near the boundary of Palestine were purposely not included in the re-consecration of the land so that these might be cultivated even in the seventh year.
- (9) This point destroys the basis of the preceding argument, for the eating of a snack, such as one leaf of a vegetable, is permitted even in Palestine without first tithing it. There is, therefore, no proof that Bethshean was regarded as being outside Palestine.
- (10) And once the duty of tithing has arisen one may not eat even a snack. V. Ma'as. I, 5.
- (11) Lit., 'from that which is not brought near'. For there is a danger that the produce which is not before us, and upon which he relies, may have been destroyed at the time that he purports to set it aside as tithe, and he would therefore be eating untithed produce.
- (12) R. Joshua b. Zeruz stated categorically that R. Meir did not tithe the vegetable, and a Rabbi of such eminence could certainly be relied upon in his testimony.
- (13) By divine command all rivers flow to the sea. V. Eccl. I, 7.
- (14) He may not succeed in redeeming the captives.
- (15) It may be that R. Phinehas addressed the river on the second and third occasions merely to ensure that the waters should remain parted and not resume their natural course.

Talmud - Mas. Chullin 7b

It was sifted, but the ass would not eat it. It was carefully picked; still the ass would not eat it. 'Perhaps', suggested R. Phinehas, 'it is not tithed'? It was at once tithed, and the ass ate it. He, thereupon, exclaimed, 'This poor creature is about to do the will of the Creator, and you would feed it with untithed produce'!

But was it at all necessary [to be tithed]? Have we not learnt: He who buys [corn from an 'am ha-ares] for sowing or for feeding animals, or flour for [preparing] hides, or oil for the lamp or for oiling vessels, need not tithe it because of demai?¹ — Surely there has been reported on this [Mishnah] the dictum of R. Johanan that this is so only if one bought the corn specifically for animals; but if one bought it originally for human consumption and later decided to give it to animals, it must be tithed!² And so it has been taught in a Baraitha, viz., He who buys fruit in the market for eating and decides later to use it for animals, may not give it either to his own animal

or to his neighbour's animal without first tithing it.

When Rabbi heard of the arrival of R. Phinehas, he went out to meet him. 'Will you please dine with me?' asked Rabbi. 'Certainly', he answered. Rabbi's face at once brightened with joy;³ whereupon R. Phinehas said: 'You imagine that I am forbidden by vow from deriving any benefit from an Israelite. Oh, no. The people of Israel are holy. Yet there are some who desire [to benefit others] but have not the means; whilst others have the means but have not the desire,⁴ and it is written: Eat thou not the bread of him that hath an evil eye, neither desire thou his dainties; for as one that hath reckoned within himself, so is he: Eat and drink, saith he to thee; but his heart is not with thee.⁵ But you have the desire and also the means. At present, however, I am in a hurry for I am engaged on a religious duty; but on my return. I will come and visit you'. When he arrived, he happened to enter by a gate near which were some white mules. At this he exclaimed: 'The angel of death is in this house! Shall I then dine here?' When Rabbi heard of this, he went out to meet him. 'I shall sell the mules', said Rabbi. R. Phinehas replied: 'Thou shalt not put a stumbling block before the blind'.⁶ 'I shall abandon them'. 'You would be spreading danger'. 'I shall hamstring them'. 'You would be causing suffering to the animals'. 'I shall kill them'. 'There is the prohibition against wanton destruction'.⁷ Rabbi was thus pressing him persistently, when there rose up a mountain between them.

Then Rabbi wept and said. 'If this is [the power of the righteous] in their lifetime, how great must it be after their death!' For R. Hanina b. Hama asserted: The righteous are more powerful after death than in life, for it is written. And it came to pass, as they were burying a man, that, behold, they spied a band; and they cast the man into the sepulchre of Elisha; and as soon as the man touched the bones of Elisha, he revived and stood up on his feet.⁸ Said R. Papa to Abaye: Perhaps [the restoration to life was] to fulfil Elijah's blessing, as it is written: Let a double portion of thy spirit be upon me!⁹ — He replied: If so, why has it been taught: He stood upon his feet but walked not to his home?¹⁰ Wherein, then, was Elijah's blessing fulfilled? — As R. Johanan has said: He healed the leprosy of Naaman,¹¹ leprosy being the equivalent of death, as it is written: Let her not, I pray, be as one dead.¹²

R. Joshua b. Levi said: Why are they [mules] called yemim?¹³ — Because they cast fear [emah]¹⁴ upon men. For R. Hanina has said: 'No one has ever consulted me for a case of a wound from a white mule and has recovered'. But do we not see people recovering from it? — 'I mean, never has the wound healed'. But do we not see cases where the wound has healed? — 'I am referring to [a wound inflicted by] a white-legged mule'.

There is none else beside Him:¹⁵ R. Hanina said: Even sorcery.¹⁶ A woman once attempted to cast a spell over R. Hanina.¹⁷ He said to her, 'Try as you will, you will not succeed in your attempts, for it is written: There is none else beside Him'. Has not, however, R. Johanan declared: Why is sorcery called keshafim? Because it overrules [the decree of] the heavenly council?¹⁸ — R. Hanina was in a different category, owing to his abundant merit.¹⁹ R. Hanina further said: No man bruises his finger here on earth unless it was so decreed against him in heaven, for it is written: It is of the Lord that a man's goings are established.²⁰ How then can man look to his way?²¹

R. Eleazar said: The blood of a bruise atones like the blood of a burnt-offering. Raba added: It

is only the blood of a second bruising of the thumb of the right hand that atones, and then only if it happened to one who was about to do a religious act.

It is related of R. Phinehas b. Jair that never in his life did he say grace over²² a piece of bread which was not his own;²³ and furthermore, that from the day he reached years of discretion he derived no benefit from his father's table.

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- (1) Demai, I, 3.
 - (2) The barley supplied to the ass was intended originally for mao, and therefore it had to be tithed.
 - (3) For R. Phinehas had the reputation of never having dined at another's table; v. infra.
 - (4) Though they felt constrained to extend an invitation to wayfarers.
 - (5) Prov. XXIII, 6, 7.
 - (6) Lev. XIX, 14.
 - (7) Based on Deut. XX, 19.
 - (8) II Kings XIII, 21. In his lifetime Elisha had to exert himself both by action and prayer in order to revive the dead (v. II Kings IV, 33-35), while after his death his mere touch revived a dead man; thus proving that the righteous are greater after death than in life.
 - (9) II Kings II, 9. And not because of the greatness of Elisha after death.
 - (10) The inference to be drawn from the Baraita being that the restoration to life of the dead man was not due to Elijah's blessing, for in that case the dead man should have lived on for some time, but to the greatness of Elisha, who could not suffer the wicked to touch him after his death.
 - (11) V. II Kings V.
 - (12) Num. XII, 12,
 - (13) V. Gen. XXXVI, 24. Heb, **ohnh**. The English versions translate the word 'yemim' by 'hot springs', but the traditional Jewish interpretation of the word is 'mules'.
 - (14) Heb. **vnht**.
 - (15) Deut. IV, 35. R. Hanina having been quoted in the previous passage, the Gemara now deals with several other of his statements.
 - (16) I.e., not even by sorcery can one overrule His decree,
 - (17) Lit., 'to take earth from under R. Hanina's feet'.
 - (18) I.e., the law of nature (Rashbo). The word **ohpaf** is treated as an abbreviation, thus: Keshafim: Kahash, Famalia, Ma'alah. (Opposes the Council on High).
 - (19) Therefore God would not allow him to come to harm by sorcery.
 - (20) Ps. XXXVII, 23.
 - (21) Prov. XX, 24.
 - (22) Lit., 'to break (bread)'.
 - (23) I.e., never accepted an invitation.

Talmud - Mas. Chullin 8a

R. Zera said in the name of Samuel: If one made a knife red-hot and slaughtered with it, the slaughtering is valid, because [the effect of] the sharp edge precedes [the effect of] the heat.¹ But, what about the sides [of the knife]?² — The cut opens wide.³

The following question was raised: If one made a spit red-hot and struck with it, is the resulting

wound⁴ to be regarded as a boil⁵ or as a burning?⁶ But what is the difference between the two?⁷ Even as it has been taught: A boil and a burning, each is declared unclean within seven days by one of two symptoms: by white hair, or spreading.⁸ Why, then, did the Torah deal with them separately? To teach you that they cannot unite one with the other.⁹ And we have learnt: What is a boil, and what is a burning? A wound caused by wood, or stone, or olive-peat, or the hot springs of Tiberias, or any wound that is not caused by fire, including a wound caused by lead just taken from the mine, is a boil. And what is a burning? A burn caused by a live coal, or hot ashes, or boiling lime, or boiling gypsum, or any burn that is caused by fire, including a burn caused by water heated by fire, is a burning. And it was further taught: In the case of [a wound which is both] a boil and a burning, if the boil came first then the subsequent burning annuls the boil [and it is considered a burn]; but if the burning came first then the subsequent boil annuls the burn [and it is considered a boil]. Now the circumstances of our case are as follows: A man had a boil of the size of half a bean,¹⁰ and was struck close to it with a red-hot spit, another wound of the size of half a bean resulting, [making the whole wound the size of a whole bean]. In such a case how [are we to consider the resulting wound]? Did the force of the blow take effect first, and the burn caused by the glowing heat that followed annul the effect of the blow, so that the whole wound is composed of a boil and a burning [each to the extent of half a bean] which do not unite [to make him unclean]? Or did the glowing heat take effect first, and the force of the blow that followed annul the effect of the glowing heat, and consequently the whole wound is composed of two boils [each to the extent of half a bean] which unite [to make him unclean]? Come and hear: R. Zera said in the name of Samuel: If one made a knife red-hot and slaughtered with it, the slaughtering is valid, because the effect of the sharp edge precedes the effect of the heat. It thus proves that the force of the blow precedes [the glowing heat]! — No; in the case of a sharp edge it is different.¹¹

Come and hear: If one was struck with a red-hot spit, the resulting wound is regarded as a ‘burning by fire’.¹² It thus proves that the force of the blow precedes [the glowing heat]. — No; here too, the wound was made by a thrust with the point, which is a sharp edge.¹³

R. Nahman said in the name of Rabbah b. Abbuha: A knife which has been used in connection with idolatrous services¹⁴ may be used for slaughtering, but it may not be used for cutting up meat — ‘It may be used for slaughtering’, for thereby one impairs [the value];¹⁵ ‘but it may not be used for cutting up meat’, for thereby one enhances [the value].¹⁶ Raba remarked: There are times when one may not slaughter with it, to wit, if the animal is at the point of death;¹⁷ and there are times when one may cut up meat with it, to wit, if the meat was in large pieces intended for a present.¹⁸

But should not the prohibition thereof be considered on account of the forbidden fat?¹⁹

(1) So that the throat is cut and not burnt.

(2) They would scorch the organs of the throat before the requisite amount had been cut through, and then the slightest scorching of the gullet would invalidate the slaughtering.

(3) Lit., ‘the place (or house) of slaughtering, i.e., the cut. The two sides of the cut spring apart as soon as the throat, which has been stretched taut, has been cut; therefore only the sharp edge touches the throat, but not the sides of the knife.

(4) Which turned into leprosy.

(5) Heb. **ihj a** V. Lev. XIII, 18.

(6) Heb. **vufn** V. Ibid. 24.

(7) I.e., in what case is it of consequence whether the wound is regarded as a boil or a burn. The text proceeds to discuss the law as to boils and burns and provides an illustration of such a case.

(8) The appearance of white hair ill the wound, and the wound spreading further on the skin, are the symptoms, in cases of a burning or a boil, by which one is declared unclean as a leper. V. Lev. XIII, 18-28. Furthermore, if these wounds remained stationary for seven days they are declared clean, whereas with other leprous wounds it is necessary to keep them under observation for a further seven days. V. Lev. XIII, 5.

(9) The minimum size of a leprous wound to be declared unclean is that of a bean. Leprous wounds of different classes cannot unite; e.g., a boil the size of half a bean next to a burning also the size of half a bean cannot unite to form together a leprous wound the size of a whole bean and make one unclean as a leper.

(10) This would not make him unclean as a leper.

(11) The sharp edge of a knife, being thin and pointed, cannot contain great heat; therefore only in such cases can it be said that the heat follows the blow, but not elsewhere.

(12) V. Lev. XIII, 24.

(13) And the case of a sharp edge is different, v. n. 1 .

(14) It is forbidden to derive any benefit or advantage from idolatry or from that which is connected with idolatry.

(15) A living animal is more useful and of more value than a slaughtered one; for, living, it may be used for breeding, for ploughing, and for food, but slaughtered, it has only its food value.

(16) For after slaughtering it becomes necessary to cut up the meat.

(17) By slaughtering an animal which is at the point of death one derives a gain, for otherwise it would have died and become carrion (which may not be eaten).

(18) In which case it has very little value if cut up in small pieces.

(19) Surely the knife should be forbidden to be used even for cutting up meat on account of the forbidden fat of carrion that it has absorbed in the past. This forbidden fat would now be imparted into the meat.

Talmud - Mas. Chullin 8b

— It was a new [knife]. If new, [it should not be prohibited at all, since] it is merely an appurtenance for the worship of idols, and appurtenances of idols, both according to R. Ishmael and R. Akiba,¹ are not forbidden till actually used in idol worship. — If you wish I can answer: It was used for cutting up wood for the idol;² or if you wish I can answer: It was an old knife which was cleansed in the fire.³

It was stated: If a man slaughtered with the knife of a Gentile, Rab says. He must pare (the flesh);⁴ Rabbah b. Bar Hana⁵ says: He need only rinse it. Shall we say that their difference lies in this: One holds the view that the throat is cold.⁶ while the other holds the view that it is hot?⁷ No. All hold the view that the throat is hot; therefore, he who says: 'he must pare it', is clearly understood, but he who says that he need only rinse it [argues thus]: while the organs [of the throat] keep on spurting out blood they will not absorb [any fat from the knife].⁸

Some there are who state as follows: All hold the view that the throat is cold; therefore, he who says: 'he need only rinse it'.is clearly understood, but he who says that he must pare it [argues thus]: by reason of the pressure of the knife [the flesh] must absorb [to some extent].

A knife which was used for slaughtering an animal found to be trefah,⁹ is the subject of a dispute between R. Aha and Rabina. One says, [It must be cleansed] with hot water;¹⁰ the other says. [It may be cleansed even] with cold water.

The law is: Even with cold water. And if there is at hand a piece of cloth¹¹ wherewith to wipe [the knife], nothing more is required. Now what is the reason of the one who says that it must be cleansed with hot water? It is [is it not] because it absorbed forbidden fat?¹² If so, even after slaughtering an animal which is permitted to be eaten it should also require [cleansing with hot water] because it absorbed [the fat] of the limbs of a living animal?¹³ — [It is not so;] for [the knife] absorbs [the fat] only when [the throat] is hot, and it becomes hot only at the end of the slaughtering when the animal is ritually permitted.

Rab Judah said in the name of Rab: A butcher requires three separate knives, one for slaughtering, one for cutting meat, and one for cutting away the [forbidden] fat. But why should he not use the same knife first for cutting meat and then for cutting fat? — It is forbidden to do so lest he cut with it the fat first and then the meat.¹⁴ Well, even now, he might get them mixed! — No; since he must have two separate knives he will make a distinguishing mark on each.¹⁵

Again Rab Judah said in the name of Rab: A butcher requires two separate pails of water, one in which he washes the meat and one in which he washes the fat. But why should he not use the same pail for washing in it first the meat and then the fat? — It is forbidden to do so lest he wash in it the fat first and then the meat.¹⁶ Well even now, he might get them mixed! — No; since he must have two separate pails he will make a distinguishing mark on each.

Amemar said in the name of R. Papa: One should not place the loins on top of other meat for fear that the fat [attached to the loins] will run and will be absorbed by the meat. If so, why not apprehend the same even when the loins lie in their natural position, namely, that the fat [upon the loins] will run and will be absorbed by the flesh [of the loins]? — There is a membrane underneath [the fat of the loins] which separates it [from the flesh of the loins]. But then,

(1) V. A.Z. 51b. These Rabbis differ in the case of a newly made idol as to whether it is prohibited immediately or only after it has been worshipped; but in the case of appurtenances of idols they agree that these are not prohibited until actually used in worship.

(2) Therefore there is here no question of any forbidden fat.

(3) The knife was thus cleansed and all the forbidden fat removed from it.

(4) I.e., he must cut away from the parts of the throat which came into contact with this knife a thin layer of flesh because of the fat of forbidden foods that was absorbed in the knife and was now transmitted to the flesh.

(5) MS.M: Samuel.

(6) Lit.. 'the place of slaughtering', I.e., the throat at the time of slaughtering is not sufficiently hot to absorb much from the knife and, therefore, Rabbah b. Bar Hana maintains that rinsing of the flesh in water is sufficient.

(7) Rab's view. Therefore the flesh of the throat must be pared.

(8) Nevertheless, it is necessary to wash the flesh because of the forbidden fat that may have been on the surface of the knife.

(9) V. Glos.

(10) Before slaughtering another animal with it.

(11) Lit., 'a shred of a curtain'.

(12) I.e., the fat of the trefah animal that had been slaughtered previously.

(13) The fat, as well as the flesh, of a living animal is forbidden, and therefore in the duration of the slaughtering before the requisite amount has been cut, the knife will have absorbed forbidden fat.

(14) Without first removing the fat from the knife. 'Fat' throughout the whole of this passage means forbidden fat.

(15) As regards the third knife, the knife for slaughtering, there is no fear that he will use it for any other purpose because of the danger of damaging or notching it.

(16) The danger is that particles of the fat will remain in the water and will adhere to any meat washed in the same water.

Talmud - Mas. Chullin 9a

is there not a membrane above [the fat]?¹ — [This membrane,] since it is handled by the butcher, crumbles away.

Again Rab Judah said in the name of Rab: A scholar must learn three things, viz.: writing, shechitah, and circumcision. R. Hanania b. Shelemia said in the name of Rab, He must also learn the art of forming the knot of the Tefillin,² the benedictions recited at the marriage ceremony,³ and the art of binding the Zizith.⁴ And the other [Rab Judah]? — [He says], These are frequent.⁵

Rab Judah stated in the name of Samuel: One may not eat of the slaughtering of any butcher who does not know the rules of shechitah. And these are the rules of shechitah:⁶ [the rules as to] pausing,⁷ pressing,⁸ thrusting,⁹ deflecting,¹⁰ and tearing.¹¹ Why is it necessary to teach us this? Have we not learnt about each of these [elsewhere]? — It is only necessary for the case where one [not knowing the rules] slaughtered two or three times in our presence correctly. You might argue that since on those occasions he slaughtered correctly so now, too, he will slaughter correctly. It is therefore necessary to teach you that [he may not slaughter because,] since he does not know the rules, it may sometimes happen that he will pause or press, and will not know [that it is wrong to do so].

Again Rab Judah said in the name of Samuel: The butcher must examine the organs of the throat after slaughtering.¹² R. Joseph remarked: We have learnt the same [in a Mishnah]:¹³ R. Simeon says. If one paused for the time taken to examine . . .¹³ Now does it not mean the time taken to examine the organs [of the throat]? — Abaye replied: No; thus did R. Johanan say: It means the time taken for the Sage to examine [the knife]. If this is the meaning, then the rule would vary according to circumstances?¹⁴ — Rather [the meaning is]: The time taken for a butcher [who is himself] a Sage to examine [the knife].

If one did not examine [the organs of the throat after slaughtering], what is the law? — R. Eliezer b. Antigonus ruled in the name of R. Eliezer son of R. Jannai: The animal is trefah¹⁵ and may not be eaten. In a Baraita it was taught: The animal is nebelah¹⁵ and defiles one who carries it. On what principle do they differ? — On the principle laid down by R. Huna, who said: An animal while alive is presumed to be forbidden¹⁶ [and, therefore, remains forbidden when dead] until it becomes known to you that it was ritually slaughtered; once ritually slaughtered, it is presumed to be permitted until it becomes known to you how it became trefah. The one¹⁷ reasons

thus: It is presumed to be forbidden, and now that it is dead [it is nebelah and therefore defiles].¹⁸ The other¹⁹ reasons thus: The presumption holds good²⁰ only in respect of the prohibition [to be eaten], but there is no presumption in respect of defilement.²¹

The text [above stated]: ‘R. Huna said: An animal while alive is presumed to be forbidden [and, therefore, remains forbidden when dead] until it becomes known to you that it was ritually slaughtered; once ritually slaughtered, it is presumed to be permitted until it becomes known to you how it became trefah’. Should he not [simply] have said: ‘Once ritually slaughtered it is permitted’?²² — He teaches you this: That even if something happened to the animal to impair its status²³ [it is nevertheless permitted]. For example, the question which was put to R. Huna by R. Abba: If a wolf came and carried away the intestines [of a slaughtered animal], what is the law? [You ask] ‘carried away’! Then they are not here!²⁴ — Rather, say: ‘and perforated the intestines’. ‘Perforated the intestines’! Then it is evident that the wolf did it! Rather say: ‘carried away the intestines and brought them back perforated’ — Now, what is the law? Are we to apprehend that the wolf inserted [its teeth] in a perforation that was there previously,²⁵ or not? — R. Huna replied: We do not apprehend that it inserted [its teeth] in a perforation.²⁶ [R. Abba] thereupon raised an objection [from the following Baraitha]: If one saw a bird nibbling at a fig or a mouse nibbling at a melon,

(1) For all fat is enclosed in a membrane so that there can be no harm when placing the fat of the loins on top of other meat.

(2) V. Glos. When properly tied the knot in the Tefillin worn on the head forms the shape of the Hebrew letter Daleth and that of the letter Yod in the Tefillin worn on the hand.

(3) V. Keth. 8b.

(4) V. Glos.

(5) I.e., the latter three acquirements. These being matters of common knowledge, it is not the special duty of a scholar to learn them. According to another explanation. ‘these’ refers to the accomplishments enumerated by Rab Judah. A scholar should particularly acquire these arts because he will be frequently called upon to practise them.

(6) The infringement of any of these rules invalidates the shechitah and renders the animal nebelah (v. Glos.).

(7) Heb. **vhlva**. There should be no pause or interruption while the slaughtering is being performed. The knife should be kept in continuous motion, forward and backward, until the organs or the greater part of them are cut through. V. infra 32a.

(8) Heb. **vxrs**. The knife must be moved horizontally across the throat and must not be pressed downwards. V. infra 30b.

(9) Heb. **vskj**. During the act of slaughtering the whole of the knife must be visible. If e.g., one thrust the knife into the side of the throat and thus cut the organs, the slaughtering would be invalid, since the knife would have been covered either by the organs or the skin of the throat. V. infra 32a.

(10) Heb. **vnrđv**. The slaughtering must be performed within a certain prescribed region in the throat of the animal. If the knife cut anywhere outside this region the slaughtering would be invalid. V. infra 18a.

(11) Heb. **ruehg**. Various interpretations have been suggested as to the meaning of this term. According to Rashi it means: tearing out the windpipe after having cut through the gullet; V. infra 32a. According to Halakoth Gedoloth it means: cutting through the organs after the windpipe has been dislocated or torn out of its position; v, infra 85a. According to Tosaf. s.v. **uvkuf** it means: slaughtering with a notched knife, which tears and does not cut the organs. V. article by Dr. S. Daiches in Hazafeh vol. 12, pp. 255-8 where it is shown that the Halakoth Gedoloth in fact agrees with Rashi.

- (12) To satisfy himself that they have been properly and sufficiently cut through.
- (13) V. infra 32a.
- (14) It would depend upon whether the Sage was close by or far away; in the latter case the time for examination must, of necessity, be longer than in the former case.
- (15) V. Glos.
- (16) Since it is not permitted to eat a limb or flesh cut off from a living animal. This being so, the animal retains its status of being forbidden food until we have definite proof that it has been properly slaughtered. Once, however, we know that an animal has been ritually slaughtered the presumption that it is permitted food will not be rebutted without proof that some internal defect has made it trefah.
- (17) The Baraitha.
- (18) Following the general rule that any dead animal which has not been ritually slaughtered is nebelah and therefore defiles.
- (19) R. Eliezer son of R. Jannai.
- (20) Lit., 'we say'.
- (21) R. Eliezer's argument is: The animal is now forbidden only because of the presumption which arose during its lifetime. Now, during its lifetime the animal was forbidden only to be eaten; it certainly could not defile. The effect, therefore, of the presumption can only be to render the animal forbidden to be eaten and not that it should defile.
- (22) Why speak of a presumption at all?
- (23) E.g., if some defect or disorder is now found in the animal, and there is a doubt whether it was there before the slaughtering or not, the animal is permitted because of the principle stated by R. Huna.
- (24) If the intestines have been carried away we have no reason to apprehend that there was any defect in them.
- (25) In which case the animal would be trefah.
- (26) Because of the presumption that, once ritually slaughtered, the animal is permitted until it becomes known how it became trefah.

Talmud - Mas. Chullin 9b

one must apprehend that it was nibbling in a pre-existing hole!¹ — He replied: How can you compare what is forbidden ritually with what is forbidden on account of possible danger to life! In the latter case we are certainly more apprehensive. Said Raba:² What difference is there? Whenever there arises a doubt concerning a prohibition based on danger to life the stricter view is preferred, and the same is the case with regard to a doubt in connection with a ritual prohibition! — Said Abaye to him, Is there then no difference between laws concerning danger to life and laws concerning ritual prohibitions? But let us see! Whenever there is a doubt regarding any object whether it is clean or unclean, if such doubt arose in a public place, it is deemed clean; but whenever there is a doubt regarding water that was left uncovered it is deemed to be forbidden.³ He answered: In the case of uncleanness the rule is derived by analogy from the case of a woman suspected of adultery, viz., as [the doubt in connection with] the suspected woman can only occur in a private place.⁴ so [every doubt in connection with] uncleanness must have occurred in a private place.⁵

R. Shimi raised an objection: [We have learnt:] If a weasel has a [dead] reptile in its mouth, and walks over loaves of terumah,⁶ and it is doubtful whether the reptile came into contact with the loaves or not, they are deemed clean.⁷ Yet in the case of water left uncovered, if there is any

doubt about it, it is forbidden? — Here again, the rule [in the case of uncleanness] is derived by analogy from the case of a woman suspected of adultery, viz., as [the doubt in connection with] the suspected woman [relates to a person that] has understanding to be questioned about it,⁸ so every doubt in connection with uncleanness must relate to such as have understanding to be questioned about it.⁹

Come and hear: If a man left uncovered a bowl [containing purification water]¹⁰ and came and found it covered, it is regarded as unclean, for I can say that an unclean person entered and covered it. If he left it covered and came and found it uncovered, and a weasel or, even a snake, according to R. Gamaliel¹¹ — could have drunk from it, or if dew fell on it during the night.¹² the water is invalid.¹³ And R. Joshua b. Levi said: What is the reason for this?¹⁴

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- (1) I.e., , a hole made by a snake in which it deposited poison; the fruit is, therefore, prohibited to be eaten on account of this danger.
 - (2) V. D.S. a.l. Cur. edd.: Said Raba to him (R. Huna).
 - (3) Laws relating to uncleanness come under the category of ritual prohibitions, while the rule concerning waters left uncovered belongs to the class of laws concerning danger to life. The danger in this case is that a snake may have drunk from the water.
 - (4) Where this woman has been in seclusion with her paramour. It is only in such cases that the suspicion is well founded and the woman must undergo the ordeal of the bitter waters, v. Num. V. 11ff. Seclusion with a paramour in a public place is not considered an act of infidelity.
 - (5) And it is only in such cases that the law regards the object as unclean, v. A.Z. 36b. It is thus only because of the analogy drawn from the case of the suspected woman that a doubt of uncleanness in a public place constitutes an exception to the general rule that wherever doubt arises in cases of ritual prohibitions, as well as danger to life, the law adopts the stricter view.
 - (6) V. Glos.
 - (7) Even though the doubt arose in a private place; v. Toh. IV, 2, 'Ed. II, 7.
 - (8) The suspected woman could, if she so desired, answer the question whether she was defiled or not.
 - (9) And it is only in such cases that the law regards the person as unclean. Thus a further exception to the general rule is admitted in the case of a doubt regarding uncleanness arising in connection, with anything other than a human being. In the case of the weasel the loaves cannot be asked whether or not they have been defiled.
 - (10) V. Num. chap. XIX.
 - (11) R. Gamaliel holds the view that a snake also invalidates the purification water by drinking therefrom, because it spits back the water it drinks into the bowl, and this action invalidates the water because of the reasons given in n. 9, *infra*.
 - (12) And might have fallen into the water. V. MS.M. cur. edd. 'into it'.
 - (13) But not unclean. V. Parah IX, 3, where it is taught that if a weasel drinks from purification water it becomes invalid, because the weasel, when drinking, laps up the water. Lapping or spitting invalidates the purification water either because it disturbs the water and it is considered as though the water were put to some work, or because by lapping or spitting the water drips back out of the mouth into the bowl, and it is regarded as though the water were poured out of another vessel into the original bowl, and this is not permitted, for according to the biblical injunction there must be living water in the bowl; v. Num. XIX, 17.
 - (14) That in the second case (where the bowl was found uncovered) the water is merely invalid, whereas in the first case (where the bowl was found covered) it is also regarded as unclean.

Talmud - Mas. Chullin 10a

Because it is the habit of reptiles to uncover [a vessel]¹ but not to cover one.² (Or you might argue thus: the above decisions only apply to the cases mentioned, viz., where he left the bowl uncovered and came and found it covered, and where he left it covered and came and found it uncovered, but if he found it as he left it, [the water] is neither unclean nor invalid.)³ Whereas, in the case of water left uncovered, if there is any doubt about it, it is forbidden.⁴ This, therefore, proves that regulations concerning danger to life are more stringent than ritual prohibitions. It stands proved.

We have learnt elsewhere.⁵ Three liquids are prohibited if left uncovered; water, wine and milk.⁶ How long must they have remained [uncovered] to become forbidden? Such time as it would take a reptile to come forth from a place near by and drink. What distance is meant by 'a place near by'? R. Isaac the son of Rab Judah explained: Such time as it would take a reptile to come forth from under the handle of the vessel and drink therefrom. 'And drink therefrom'! Then you see it!⁷ — Rather; And drink therefrom and return to its hole.

It was stated: If a man slaughtered with a knife⁸ which was found afterwards to have a notch in it, R. Huna says, even if he broke bones with it the whole day long [after the slaughtering], the shechitah is invalid, because we apprehend that it became notched while cutting the skin [before actually cutting the throat]. R. Hisda, however, says that the shechitah is valid, because we assume that it became notched by a bone. Now R. Huna's opinion is clear, it being in accordance with the principle he laid down above;⁹ but what is the reason of R. Hisda's opinion?— He reasons thus: A bone certainly notches [the knife], whereas the skin may or may not notch [the knife]; there is thus a doubt against a certainty, and a doubt cannot set aside a certainty.

Raba raised an objection [against R. Hisda], thereby supporting the opinion of R. Huna. [It was taught:] If a man immersed himself and came up,¹⁰ and then there was found something adhering to his body,¹¹ even though he was using that particular substance all day long [after his immersion], it is not regarded as a proper immersion unless he can declare: 'I am certain it was not upon me before [my immersion]' — Now in this case, he certainly immersed himself, and there is a doubt whether the substance was or was not upon him [before his immersion], yet the doubt sets aside the certainty! — This case is different, for one can say: Let the unclean person remain in his [unclean] status, and assume that there has been no immersion. Well, then, in our case too, one can say: let the animal remain in its [forbidden] status, and assume that there has been no slaughtering? — Surely the animal is slaughtered before us. But, here too, surely this man has immersed himself before us! In the latter case, something has happened to impair [his immersion]. But in the former case, too, something has happened to impair [the slaughtering]! — No; the defect is in the knife but not in the animal.

An objection was raised: If one cut through the gullet¹² and then the windpipe was torn away from its position, the slaughtering is valid. If the windpipe was first torn away and then one cut through the gullet, the slaughtering is invalid. If one cut through the gullet and then the windpipe was found to be torn away, and it is not known whether it was torn away before or after the slaughtering — this was an actual case [brought before the Rabbis], and they ruled: Any doubt

whatsoever arising about the slaughtering makes it invalid. Now what is the scope of this rule?¹³ Does it not include the case mentioned above?¹⁴ — No. It includes those cases where there is a doubt as to whether or not one paused or pressed [in the act of slaughtering].

(1) Therefore, in the second case the alternatives are (a) the bowl might have been uncovered by a reptile or by a clean person — in either case the water remains clean; (b) it might have been uncovered by an unclean person which would make the water unclean. The chances being more in favour of the first alternative, the water is regarded as clean on the principle of following the majority.

(2) Therefore, in the first case, as the possibility of a reptile having covered the bowl is excluded, the only alternatives are that it was covered either by a clean person or by an unclean person; and as the one is not more probable than the other, the law adopts the stricter view and regards the water as unclean.

(3) This bracketed passage is omitted by Rashal, neither is it found in MS.M.

(4) On the ground of danger to life. In cases regarding uncleanness however, it is clear from the foregoing statements that the law does not always adopt the stricter view; v. n. 2.

(5) Ter. VIII, 4.

(6) It is feared that these liquids might have been poisoned by a snake or by other poisonous reptiles.

(7) According to the time limit here laid down, it is clear that a man who came at the end of this period would see the reptile at the vessel, if any reptile had come; and there would therefore be no doubt but that the liquids had been poisoned. If, on the other hand, no reptile is seen, it is clear that no reptile could have been there in his absence.

(8) It is assumed throughout the whole of this discussion that the knife was perfectly good at the beginning, i.e., it had been examined before the slaughtering and pronounced to be free from notches.

(9) V. supra p. 39.

(10) Out of the mikweh, the ritual bath of purification.

(11) This substance may have been adhering to his body before the immersion and interposed between the water and his flesh, to which case the immersion is invalid.

(12) The statement deals with the slaughtering of a bird, in which case it is sufficient to cut through one organ, either the windpipe or the gullet.

(13) Lit., 'what does "whatsoever doubt about slaughtering" mean to include'.

(14) I.e., where after the slaughtering the knife was found to be notched.

Talmud - Mas. Chullin 10b

But what is the difference?¹ — In the latter cases the defect has arisen in the animal, whereas in the above mentioned case the defect has arisen in the knife but not in the animal.

The law is as R. Huna ruled² where he did not break up bones [with the knife after slaughtering]. And the law is as R. Hisda ruled³ where he did break up bones. It follows that R. Hisda maintains his view even where no bones were broken up;⁴ then the question is: how did the knife become notched? — You can say: It became notched through striking the bone of the neck.⁵ There happened such a case⁶ and R. Joseph declared as many as thirteen animals to be trefah. Now, whose view did he follow? Did he follow R. Huna's view [and so declared them all trefah,] including the first animal?⁷ — No, he may have followed R. Hisda's view, and [so declared then, all trefah.] excepting the first animal.⁸ If you wish, however, I can say that he followed R. Huna's view, because if he followed R. Hisda's view, then, since R. Hisda adopts a lenient view, why is it

suggested that the knife became notched through striking the neck-bone of the first animal? Should we not say that it became notched through striking the neck-bone of the last animal?⁹

R. Aha the son of Raba told R. Ashi that R. Kahana required the knife to be examined after each animal that was slaughtered. Now, whose view did he adopt? Was it R. Huna's view, with the result that [if the knife were not examined between each animal that was slaughtered,] even the first animal would be trefah? — No. It was R. Hisda's view that he adopted,¹⁰ and [he therefore required the knife to be examined after each animal so that] even those slaughtered after [the first] should be permitted. If this is so, should not the knife be examined by a Sage?¹¹ — [It is not necessary, for] one witness is believed in matters concerning ritual prohibition.¹² If so, it should never be necessary.¹³ — Indeed, has not R. Johanan said that it is only out of respect to the Sage that it was ruled that one must present the knife to the Sage [for inspection]?

Whence is derived the principle which the Rabbis have adopted, viz.: Determine every matter by its status?¹⁴ — R. Samuel b. Nahmani said in the name of R. Jonathan. It is derived from the verse: Then the priest shall go out of the house to the door of the house, and shut up the house seven days.¹⁵ Now may it not have happened that, while he was going out, the leprous spot diminished in size?¹⁶ [Yet we do not apprehend this] because we say: Determine every matter by its status.¹⁷ R. Aha b. Jacob demurred to this: Perhaps the priest in going out of the house walks backwards so that he can see [the spot] as he is leaving!¹⁸ — Abaye retorted: There are two answers to your objection. In the first place, going out backwards is not a 'going out'.¹⁹ In the second place, what will you say when the leprous spot is behind the door?²⁰ And if you say that he opens up a window [in the door]; have we not learnt: In a dark house one may not open up windows to inspect the leprous spot?²¹ — Said Raba to him, With regard to your statement that going out backwards is not a 'going out', the case of the High Priest on the Day of Atonement proves otherwise; for in that case, though it is written: And he shall go out,²² we have learnt: The High Priest goes out and leaves as he entered.²³ And with regard to your reference to the statement that 'in a dark house one may not open up windows to inspect the leprous spot', this rule only applies when the leprosy has not yet been ascertained; but once the leprosy has been ascertained the matter is determined.²⁴

A [Baraitha] was taught which is not in agreement with the view of R. Aha b. Jacob: [Since it is written,] 'Then the priest shall go out of the house', you might think that he may go to his own house and shut up [the affected house from there].²⁵ the verse therefore reads: 'To the door of the house'. But if [we had only] 'the door of the house' to go by you might think that he may stand under the doorpost [of the affected house] and shut it up. The verse therefore reads: 'Out of the house', that is to say, he must go right out of the house. How is this done? He stands outside the doorpost and shuts it up. Moreover, whence do we know that if he went to his own home and shut it up [from there], or if he remained within the [affected] house and shut it up the shutting-up is valid? The verse therefore says. 'And he shall shut tip the house', implying that the shutting-up in whatever way effected [is valid].²⁶ And R. Ahab. Jacob?²⁷ —

(1) Between these various cases of doubt. Why is it that in the case of the notched knife the slaughtering is valid, while in the cases where there is a doubt as to pausing or pressing in the act of slaughtering, it is invalid?

(2) That the slaughtering is invalid.

- (3) That the slaughtering is valid.
- (4) For otherwise there would be no dispute between them.
- (5) Which can only be done after having first cut through the organs of the throat, by which time the slaughtering has been completed and therefore the slaughtering is not affected thereby.
- (6) Where several animals were slaughtered without the knife being examined between each slaughtering, and after all the animals had been slaughtered the knife was found to be notched.
- (7) For R. Huna apprehends that the notch may have arisen in the knife while cutting the skin of the first animal.
- (8) For R. Hisda assumes that the notch was caused by striking the neck-bone after the animal had been duly slaughtered. It is therefore clear that at least the first animal had been properly slaughtered. On this view we must assume that the number of animals slaughtered was fourteen.
- (9) And therefore all the animals should have been permitted.
- (10) I.e., that we assume this notch to have been caused by the neck-bone of the first.
- (11) Since according to R. Hisda the purpose of the examination is to render valid those animals slaughtered after the examination, then it becomes necessary for a Sage to examine the knife, for there is a rule that the inspection of the knife before the slaughtering must be by a Sage; v. infra p. 85.
- (12) Therefore the slaughterer is trusted and his word is accepted when he examines the knife and pronounces it free from notches.
- (13) Lit., 'from the very beginning'. At no time should it be necessary to have the knife examined by a Sage since the slaughterer is trusted.
- (14) In cases of doubt it is presumed, unless there is evidence to the contrary, that all things retain the same status which they were last known to have had.
- (15) Lev. XIV. 38.
- (16) And it may thus have become less than the minimum size of a bean required to render the house unclean, so that there would be no necessity to shut up the house at all, and the act of 'shutting up' is consequently invalid.
- (17) And as the house has acquired the status of being unclean, it is presumed to remain so, and requires to be 'shut up'.
- (18) He can thus be certain that the spot has not diminished in size.
- (19) For when Scripture says: 'And he shall go out', it implies going out in the normal way.
- (20) In which case the spot would not be visible to the priest even though he walks out backwards.
- (21) Neg. II, 3; Sanh. 92a.
- (22) Lev. XVI, 18.
- (23) I.e., walking backwards, facing the Holy of Holies; V. Yoma 52b.
- (24) And then any means may be used, e.g. opening up a window, in order to confirm the existence of the leprosy.
- (25) By means of a long rope attached to the door of the affected house.
- (26) According to this Baraita the suggestion of R. Aba b. Jacob seems untenable; for the Baraita regards it valid even when the priest shut up the affected house from his own home, in which case it would be impossible for him to keep the leprous spot in view the whole time.
- (27) How will he meet this objection?

Talmud - Mas. Chullin 11a

[The Baraita refers to a case] where there was a row of men who reported that the leprous spot remained unaltered.¹

Whence is derived the principle which the Rabbis have adopted, viz.: Follow the majority?

Whence? [you ask]; is it not expressly written: Follow the majority?² — In regard to those cases where the majority is defined,³ as in the case of the Nine Shops⁴ or the Sanhedrin,⁵ we do not ask the question. Our question relates to cases where the majority is undefined, as in the case of the Boy and Girl.⁶ Whence then is the principle derived?

(Mnemonic: Zeman SHEbah Mekanesh.)⁷ R. Eleazar said: It is derived from the head of a burnt-offering. The verse reads: And he shall cut it into its pieces,⁸ which means, he shall cut it up into its pieces but not its pieces into [smaller] pieces. Now why do we not fear that the membrane which encloses the brain is perforated?⁹ Is it not because we follow the majority?¹⁰ But is this really so? Perhaps he splits open [the head] and examines the membrane, and as for the rule, 'he shall cut it into its pieces but not its pieces into [smaller] pieces', this only prohibits the cutting up of a limb into pieces but does not prohibit [the mere splitting open of a limb] so long as the parts remain joined!¹¹

Mar the son of Rabina said: It is derived from the rule concerning breaking the bones of the paschal lamb. The verse reads: And ye shall not break a bone thereof.¹² Now why do we not fear that the membrane which encloses the brain is perforated? Is it not because we follow the majority! But is this really so? Perhaps he places a burning coal upon the head, burns away the bone and examines the membrane; for it has been taught: He who cuts the sinews or burns away the bones [of the paschal lamb] has not transgressed the law of breaking the bones.¹³

R. Nahman b. Isaac said: It is derived from the law concerning the tail [of sheep]. The verse reads: The fat thereof, and the fat tail entire.¹⁴ Now why do we not fear that the spinal cord is severed? Is it not because we follow the majority! And should you say. He can cut off the fat tail lower down?¹⁵ Surely the Divine Law says [Which he shall take away] hard 'by the rump bone',¹⁶ that is to say, hard by the place where the counselling kidneys¹⁷ are seated!¹⁸ But perhaps he cuts open the fat tail and examines it; and as for [the law that] the fat tail be entire, this only prohibits the complete severing of it but does not prohibit cutting it open so long as it is still one piece!¹⁹

R. Shesheth the son of R. Idi said: It is derived from the case of the heifer whose neck was to be broken. The Divine Law says: Whose neck was broken,²⁰ [which has been interpreted] to mean that [after the neck has been broken] the heifer must remain whole. Now why do we not fear that it has some defect which makes it trefah? Is it not because we follow the majority! And should you say. What does it matter [even if it is trefah]?²¹ Surely it was taught in the school of R. Jannai: Forgiveness²² is mentioned in connection therewith as with sacrifices!²³

Rabbah b. Shila said: It is derived from the case of the Red Cow. The Divine Law says. And he shall slaughter it . . . and he shall burn it,²⁴ which signifies, just as for the slaughtering the animal must be whole, so for the burning it must be whole. Now why do we not fear that it is trefah? Is it not because we follow the majority? And should you say. What does it matter [even if it is trefah]? Surely the Divine law calls it a sin-offering!²⁵

R. Aha b. Jacob said: It is derived from the case of the Scapegoat.²⁶ The Divine Law says. And he shall take the two goats, which implies that the two shall be alike in all respects,²⁷ Now why do we not fear

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- (1) The report being passed along the line up to the priest.
 - (2) Ex. XXIII, 2. This is the traditional interpretation of the verse by the Rabbis. In the English versions it is rendered: to turn aside after a multitude to pervert justice.
 - (3) Lit., 'that is before us'; i.e., the number constituting the majority can be easily ascertained.
 - (4) V. Pes. 9b. Where if in a particular neighbourhood there are nine shops which sell ritually slaughtered meat and a tenth which sells trefah meat, any meat found in that neighbourhood is kosher or permitted, it being presumed to have come from the majority, i.e., one of the nine shops.
 - (5) V. Sanh. 40a. The Great Sanhedrin was the supreme court of the Jews and consisted of seventy-one Judges; the Small Sanhedrin was an inferior court and consisted of twenty-three Judges. In each case the decision of the majority of the Judges was the decision of the court.
 - (6) Where a boy who is a minor marries his deceased brother's wife who is also a minor, in accordance with the law of Levirate marriage laid down in Deut. XXV, 5, the marriage is valid, and we do not fear that one of them may prove to be sterile, in which case, the purpose of the levirate marriage having failed, the marriage would be unlawful as coming within the prohibited degrees. The reason is that we follow the majority, and the majority of people are not sterile. V. Yeb. 61b, and 111b.
 - (7) This mnemonic is formed by taking a characteristic letter from each of the names of the Rabbis who are quoted in the following passages. The Hebrew letters form three words which may be translated: Time brings profit.
 - (8) Lev. I, 6. The animal was cut up into limbs and these were offered on the altar whole, but it was not permitted to cut up a limb into smaller pieces.
 - (9) This defect, as well as the other defects mentioned in these passages, would make the animal trefah and consequently unfit for a sacrifice. The sacrifice of the burnt-offering is nevertheless valid, in spite of the fact that it was not possible to cut open the head and examine the membrane by reason of the prohibition against cutting up a limb.
 - (10) And the majority of animals are not trefah.
 - (11) Since in the way suggested it is possible to examine the animal as to any defect there is no proof from here that we follow the majority.
 - (12) Ex. XII, 46.
 - (13) V. Pes. 84b. This suggestion thus fails to prove our principle.
 - (14) Lev. III, 9. The fat tail of a sheep or ram in cases of sin-offerings or peace-offerings was offered in one whole mass upon the altar.
 - (15) I.e., below the point of partition where the spinal cord branches off into three minor cords, one extending into the right thigh, the second into the left thigh, and the third continuing straight on into the tail. If any one of these minor cords is severed the animal does not become trefah. V. infra 45b. It is therefore suggested that the fat tail should be cut off below the point of partition, in which case even if the cord is severed in the tail it is of no consequence.
 - (16) Lev. III, 9.
 - (17) Cf. Ber. 61a, where it is stated that the function of the kidneys is to give counsel.
 - (18) Which is above the point of partition.
 - (19) Since it is possible to examine the tail in the manner suggested, there is no proof from this case that we follow the majority.
 - (20) Deut. XXI, 6. After the breaking of the neck the heifer was immediately buried whole and on no account was it permitted to cut up the carcass.
 - (21) Since it was not a sacrifice in the ordinary sense of that term.
 - (22) Deut. XXI, 8: Forgive, O Lord, Thy people Israel.

(23) Therefore, just as a trefah animal was unfit for a sacrifice, so the heifer, if trefah, was unfit for the purpose. It is to be noted that R. Shesheth's argument succeeds in proving the principle of following the majority. This is also the case with the arguments used in the following passages, with the possible exception of R. Mari's argument. V. *infra* p. 51, n. 6.

(24) Num. XIX, 3, 5.

(25) *Ibid.* 9. And therefore like all sacrifices the Red Cow may not be trefah.

(26) Lev. XVI, 7. On the Day of Atonement two goats were required, one to be a sacrifice unto the Lord and the other, the Scapegoat, to be sent away to Azazel (*ibid.* 8), i.e., it was taken into the wilderness where it was hurled down a steep mountain. Lots were cast to decide which goat was to be for the Lord and which for Azazel.

(27) This interpretation suggests that the goat for Azazel may not be trefah, just as the goat which was for the Lord clearly may not be trefah. This, however, would seem to be superfluous as the reason why it may not be trefah is stated subsequently. The words, 'that the two shall be alike in all respects' are omitted in MS.M.

Talmud - Mas. Chullin 11b

that one of them is trefah?¹ Is it not because we follow the majority! And should you say, What does it matter [even if it is trefah]? Surely it has been taught: The lot cannot determine [the goat] for Azazel unless it is fit to be for the Lord!² And should you say: It can be examined?³ Surely we have learnt: Before it reached half way down the mountain it was already broken into pieces!⁴

R. Mari said: It is derived from the case of one that smiteth his father, or his mother,⁵ for which offence the Divine law prescribes death. Now why do we not fear that the person struck may not have ben his father? Is it not because we follow the majority, and a woman cohabits with her husband more often [than with a stranger]? But perhaps [the law applies] only to the case where the father and mother were locked up in prison!⁶ — Even so there is no guardian against unchastity.⁷

R. Kahana said: It is derived from the case of a murderer, for whom the Divine law prescribes death. Now why do we not fear that the victim may have been trefah?⁸ Is it not because we follow the majority! And should you say: We can examine the body? [This is not allowed because] it would thereby be mutilated! And should you say: Since a man's life is at stake, we should mutilate the body? Surely there is always the possibility that there was a hole [in the victim] in the place [where he was stuck] by the sword.⁹ Rabina said: It is derived from the law concerning witnesses who are found to be zomemim,¹⁰ in connection with whom the Divine Law says. Then shall ye do unto him, as he had purposed [to do unto his brother].¹¹ Now why do we not fear that the person against whom they gave false evidence [that he committed a capital offence] is trefah?¹² Is it not because we follow the majority! And should you say. We can examine him now? Sure]y it has been taught: Beribbi¹³ said: If the person [against whom their evidence was directed] has not been executed they are put to death; if he has been executed they are not put to death!¹⁴

R. Ashi said: It is derived from the law of Shechitah itself;¹⁵ for the Divine Law says [in effect]. Slaughter and eat. Now why do we not fear that there is a hole [in the gullet] in the place where It was cut through?¹⁶ Is it not because we follow the majority!

R. Ashi added: I put forward this argument to R. Kahana — others say: R. Kahana put forward

this argument to R. Shimi — and he replied: perhaps the law is that where it is possible to ascertain the facts we must do so; it is only where it is impossible to ascertain the facts that we follow the majority.¹⁷ For if you do not accept this [argument], then the question will be asked: Did R. Meir, who is of the opinion that the minority must be taken into consideration, always abstain from eating meat? And if you reply that this indeed was the case, then it will be asked:

(1) I.e., the one which was to be sent to the wilderness. It was obviously impossible to examine it as to any defects, since it was sent away alive.

(2) In other words, though only one of the goats was offered as the sacrifice to the Lord, it was necessary for both goats to be such as might have been sacrificed to the Lord; it follows therefore that neither goat might be trefah.

(3) After being sent away.

(4) Yoma 67a.

(5) Ex. XXI, 15.

(6) Where his mother conceived him and where it would be impossible for the mother to have intercourse with strangers.

(7) So that the offence of striking a father is made punishable only by reason of the principle of following the majority. This answer, however, is omitted in MS.M; if it is omitted, R. Mari's argument stands disproved.

(8) A person afflicted with a fatal organic disease, for whose killing a person is not punishable as a murderer.

(9) The murderer may have killed the victim by striking him in a place where he was already suffering from a fatal wound, and in so doing removed all traces of the previous wound. In such a case it is clear that no amount of post mortem examination would show that the victim was trefah; hence it is proved that we follow the majority.

(10) A technical term for a particular form of perjury. Cf. Deut. XIX, 16ff and Mak, chaps 1. The punishment meted out to these false witnesses is the sentence which the court had pronounced upon the person who was found guilty on the strength of their false evidence. This law, as will be seen from the subsequent statement, does not apply where the sentence has in fact been carried out.

(11) Deut. XIX, 19.

(12) Cf. p. 51, n. 7.

(13) I.e., a prominent scholar, or as Rashi suggests in Mak. 5 b a teacher of that name. V.J. E. III, p. 52.

(14) V.M ak. 5b. The position is this: if the person against whom the witnesses testified has been executed the witnesses are not punished at all, and if he has not been executed then it is not possible to examine him as to whether or not he is a trefah; hence it is proved that we follow the majority.

(15) The basic law of Shechitah, which is that one may eat an animal which has been ritually slaughtered.

(16) And therefore the slaughtering should not be valid because the animal may have been trefah.

(17) Lit., 'where (it is) possible, it is possible; where impossible, impossible'. Although in the cases previously quoted, it is true that the majority principle is adopted, it is not to be enlarged into a general principle, for in each of those cases it was impossible to ascertain the true facts; where, however, it is possible to do so one should not follow the majority.

Talmud - Mas. Chullin 12a

What about the meat of the paschal lamb and of other sacrifices?¹ You are therefore obliged to say [that R. Meir's view is]: where it is possible to ascertain the facts² one must do so, and only where it is impossible to ascertain the facts does one follow the majority. Our view then is the same: Where it is possible to ascertain the facts we must do so, and only where it is impossible to do so do we follow the majority.

R. Nahman said in the name of Rab: If [a man] saw another slaughtering, and he watched him from beginning to end, he may eat of the slaughtering; otherwise he may not eat of the slaughtering. What are the circumstances of the case? If he knows that the slaughterer is conversant [with the rules of shechitah], then why is it necessary to watch over him? If he knows that the slaughterer is not conversant [with the rules at all], then the case is obvious!³ Again, if he does not know whether the slaughterer is conversant [with the rules] or not, then should not the principle that ‘the majority of those who slaughter⁴ are qualified’ apply?⁵ For has it not been taught: If [a man] found a slaughtered chicken in the market, or if he said to his agent. ‘Go and slaughter [an animal]’, and subsequently found it slaughtered, it is presumed to have been ritually slaughtered? This proves that we apply the principle that ‘the majority of those who slaughter are qualified’; in our case, too, should we not apply this principle? — The actual facts of our case are that he knows that the slaughterer is not conversant [with the rules at all] and that the latter has cut one of the organs [of the throat] in his presence properly [according to ritual]. Now it might be said: since he has cut the one organ properly [he will cut] the other just as well; Rab therefore teaches us [that we may not assume such to be the case, because it might just as well be] that it happened merely by chance that he cut the one organ properly but in the cutting of the other he might pause or press.

R. Dimi b. Joseph put to R. Nahman the following questions: If [a man] said to his agent: ‘Go and slaughter [an animal]’, and he subsequently found it slaughtered, what [is the law]? — He replied: It is presumed to have been ritually slaughtered. If [a man] said to his agent: ‘Go and set aside the terumah’,⁶ and he subsequently found it set aside, what [is the law]? — He replied: It is not presumed to have been validly set aside as terumah. [He thereupon contended:] What is your opinion? If you hold that there is a presumption that an agent carries out his instructions, then apply it also to the case of terumah;⁷ and if you hold that there is no presumption that an agent carries out his instructions, then even in the case of shechitah it should not be presumed! — He replied: If you will measure out for it a kor of salt [I will then explain it to you].⁸ Actually there is no presumption at all that an agent carries out his instructions; now in the case of shechitah, even if we take into account the possibility that a stranger, having overheard the instructions, went and slaughtered [the animal], there is no harm, because of the principle that ‘the majority of those who slaughter are qualified’; whereas in the case of terumah if we take into account the possibility that a stranger, having overheard the instructions, went and set aside the terumah [it would be invalid] for he would have done so without the consent of the owner, and [the law is that] if one sets aside terumah without the consent of the owner the terumah is not valid.⁹

Shall we say that the principle, ‘The majority of those who slaughter are qualified’, is the issue between the following Tannaim? For it has been taught: If [a man] lost his kids or his chickens and subsequently found them slaughtered. R. Judah forbids them [to be eaten], but R. Hanina the son of R. Jose the Galilean permits them [to be eaten]. Said Rabbi: R. Judah's view is acceptable [to me] in the case where they [the kids or chickens] were found on a rubbish heap,¹⁰ and R. Hanina's view is acceptable [to me] in the case where they were found in a house. May we not assume that the issue between them is the above principle; one [R. Hanina] accepts the principle that ‘the majority of those who slaughter are qualified’, and the other [R. Judah] does not accept this principle? — R. Nahman b. Isaac replied: It is not so. Both accept the principle that ‘the

majority of those who slaughter are qualified', and if [the lost kids and chickens were found] in a house, both agree that they are permitted [to be eaten]; and furthermore, if [they were found] on a public rubbish heap, both agree that they are forbidden; the issue between them is only in the case where [the were found] on the rubbish heap of a private house: one [R. Judah] is of the opinion that a man is wont to cast a nebelah on to the rubbish heap in his house, while the other [R. Hanina] is of the opinion that a man is not wont to cast a nebelah on to the rubbish heap in his house.¹¹

The Master stated: 'Said Rabbi, R. Judah's view is acceptable [to me] in the case where they [the kids or chickens] were found on a rubbish heap'. Now what kind of rubbish heap is meant? Shall I say. A public rubbish heap? But you have said above that both agree that in such a case they are forbidden [to be eaten]! It must then be a rubbish heap of a private house. Now consider the next statement [of Rabbi]: 'And R. Hanina's view is acceptable [to me] in the case where they were found in a house'. What is meant by 'in a house'? Shall I say: In the house itself? But you have said above that in such a case both agree that they are permitted [to be eaten]! It must then be on the rubbish heap of a private house. Is there not then a contradiction between these two statements of Rabbi? —

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- (1) Did he likewise abstain therefrom? This is inconceivable, for it is a positive duty to eat the meat of the paschal lamb and of certain other sacrifices!
 - (2) By carefully enquiring into the case, taking into account even the minority.
 - (3) That the slaughtering is invalid unless some reliable person was watching him all the time.
 - (4) Lit., 'who have to do with slaughtering'.
 - (5) It would therefore be unnecessary to watch over him at all; v. supra 3b.
 - (6) V. Glos.
 - (7) The terumah would then be valid by reason of this presumption.
 - (8) As a reward for my labour! A facetious remark, generally used when about to explain to some person a subtle distinction between two cases. Kor is a measure of capacity.
 - (9) V. Ter. I, 1, and Git 23b.
 - (10) The fact that they were found on a rubbish heap is an indication that they were unfit to be eaten, probably nebelah.
 - (11) Therefore, whatsoever is found on a private rubbish heap is permitted to be eaten.

Talmud - Mas. Chullin 12b

This is what he [Rabbi] meant to say: The view of R. Judah is acceptable to R. Hanina the son of R. Jose the Galilean in the case where they were found on a public rubbish heap; for the latter differs from R. Judah only in the case where they were found on the rubbish heap of a private house, but agrees with him if they were found on a public rubbish heap. And the view of R. Hanina is acceptable etc.¹

EXCEPT A DEAF-MUTE. AN IMBECILE OR A MINOR, LEST THEY INVALIDATE THEIR SLAUGHTERING. It does not say: 'Lest they have invalidated', it says. LEST THEY INVALIDATE; this, said Raba, proves that one may not give them [even] common² beasts [to slaughter] in the first instance.³

AND IF ANY OF THESE SLAUGHTERED WHILE OTHERS WERE STANDING OVER THEM, THEIR SLAUGHTERING IS VALID. Who is the author of this statement [which suggests] that one does not require to have the intention to slaughter according to ritual?⁴ — Raba answered, It is R. Nathan. For Oshaia, junior of the collegiates,⁵ learnt: If one threw a knife intending to thrust it into a wall, and [in its flight] it slaughtered an animal in the usual way. R. Nathan declares the slaughtering valid; but the Sages declare it invalid. And [Oshaia] having learnt this [Baraita] added that the halachah was in accordance with R. Nathan's view. But do we not require a forward and backward motion [in slaughtering]?⁶ — There was here a forward and backward motion⁷ in the usual way.

R. Hiyya b. Abba reported that R. Johanan raised the following question: Does the law recognize the [expression of the] intention of a minor or not?⁸ — Said R. Ammi to R. Hiyya. He might as well have put the question in regard to the act [of a minor].⁹ Why did he not put the question in regard to the act [of a minor]? [Presumably] because we have learnt that the law recognizes the act [of a minor as sufficient evidence of his intention]; for the same reason he need not have put the question in regard to the [expression of the] intention of a minor, because we have learnt that the law does not recognize the [expression of the] intention [of a minor as sufficient evidence of his intention]! For we have learnt:¹⁰ Acorns or pomegranates or nuts which children hollowed out in order to measure sand therewith, or which they fashioned into scales, are susceptible to uncleanness,¹¹ because the law recognizes the act [of a minor as sufficient evidence of his intention]

(1) These last words are omitted in MS.M., and it would also seem that Rashi did not have them in his text, if they are to remain in the text they should be expanded thus: And the view of R. Hanina is acceptable to R. Judah in the case where they were found in a house, for the latter only differs from it. Hanina in the case where they were found on the rubbish heap of a private house, but agrees 'with him if they were found in a house.

(2) Hullin, v. Glos.

(3) Even when others are prepared to stand and watch over them they may not slaughter in the first instance, for they are liable at any moment to infringe the rules of shechitah.

(4) For the Tanna, in holding that the slaughtering of (inter alia) an imbecile is valid when others were standing over him, clearly is of opinion that the intention to slaughter according to ritual is not essential, since an imbecile is incapable of forming such an intention.

(5) Or, as others interpret, Oshaia Ze'ira of Haberya, v. Ta'an., Sonc. ed., p. 124, n. 2.

(6) V. infra 30b and Tosef. Hul. I, 4 and 5. In this case there was only a forward motion of the knife.

(7) The knife in its flight cut the throat in a forward motion, it then struck the wall, and in its rebound cut the throat again, now in a backward motion.

(8) The question refers to cases where the legal status of a thing is determined by the intention formed in relation thereto. It is not here disputed that it is sufficient if the necessary intention was formed by a minor; the question asked is: what evidence does the law require before it is satisfied that the minor has in fact formed the necessary intention? Is a minor's statement as to his intention sufficient evidence of that intention? Throughout this discussion Rashi's interpretation has been followed; v. however Tos. s.v. **hgch, u**.

(9) I.e., whether the law is satisfied as to the existence of any particular intention on the part of a minor when that expressed intention is evidenced by some unequivocal act on his part.

(10) Kel. XVII, 15.

(11) All articles are rendered susceptible to uncleanness by the intention to use them for some purpose. Here the intention of the children is clearly seen from their act of hollowing out the nuts.

Talmud - Mas. Chullin 13a

hut not [the mere expression of] his intention. — He replied. He certainly did not put the question in regard to the mere [expression of the] intention [of a minor]. What he asked was whether his intention¹ could be inferred from his act.² For example: there stood [an animal intended for] a burnt-offering on the south side [of the altar], and the minor brought it to the north side and slaughtered it there. Should we say that since he brought it to the north side and slaughtered it there [it is clear that] he had the proper intention,³ or should we rather say that he did not find a convenient place [in the south]?⁴

But has not R. Johanan already expressed his view in such a case? For we have learnt:⁵ If [a man] took his fruit up to the roof in order to keep it free from maggots and dew fell upon it, it does not come within the rule of 'if water be put'.⁶ If, however, he had the Intention [that the dew should fall upon it] it comes within the rule of 'if water be put'. If it was taken up by a deaf-mute, an imbecile or a minor, it does not come within the rule of 'if water be put', even though they had the intention [that the dew should fall upon it], because the law recognizes the act of a minor but not [mere] intention. And R. Johanan explained that this rule only applies where they⁷ did not turn the fruit over, but if they did turn the fruit over it comes within the rule of 'if water be put'.⁸ The question [R. Johanan] put was this: Was this rule⁹ laid down by the Torah or only by the Rabbis?¹⁰ R. Nahman b. Isaac gives this version [of the foregoing argument]. R. Hiyya b. Abba said that R. Johanan put this question: Does the law recognize the act of a minor [as sufficient evidence of his expressed intention] or not? Said R. Ammi to R. Hiyya. He might as well have put the question in regard to the [expression of the] intention [of a minor]. Why did he not put the question in regard to the [expression of the] intention [of a minor]? Because we have learnt that the law does not recognize the [expression of the] intention of a minor [as sufficient evidence of his intention]; for the same reason he need not have put the question in regard to the act of a minor because we have learnt that the law recognizes the act of a minor [as sufficient evidence of his expressed intention]! — The question [R. Johanan] put was this: Is this rule laid down by the Torah or only by the Rabbis? — And [R. Johanan himself] solved [it]: The act of a minor [as sufficient evidence of his unexpressed intention] is recognized even by the Torah; [the mere expression of] his intention is not recognized even by the Rabbis;¹¹ the [unexpressed] intention of the minor evidenced from his act is not recognized by the Torah but only by the Rabbis.

Samuel put the following question to R. Huna: Whence do we know that an act performed incidentally in connection with sacrifices¹² is invalid? — [He replied,] Because it is written: And he shall slaughter the bullock,¹³ thus teaching that the slaughtering should be intended for a bullock. Thereupon Samuel said: This we already know;¹⁴ but whence do we know that this rule is indispensable?¹⁵ — He replied: It is written: Ye shall slaughter it at your will,¹⁶ that is to say, slaughter it intentionally.¹⁷

MISHNAH. THAT WHICH IS SLAUGHTERED BY A GENTILE¹⁸ IS NEBELAH¹⁹ AND DEFILES BY CARRYING.²⁰

GEMARA. It is nebelah only but it is not prohibited for all other purposes. Who is the authority for this view? — R. Hiyya b. Abba in the name of R. Johanan replied: It cannot be R. Eliezer, for were it R. Eliezer [it should also be prohibited for all other purposes] since he maintains that the thoughts of a gentile are usually directed towards idolatry.²¹

R. Ammi said that the Mishnah is to be interpreted thus: THAT WHICH IS SLAUGHTERED BY A GENTILE IS NEBELAH, but [that which is slaughtered] by a min²² is presumed to be intended for idolatry.²¹ We thus learnt here what our Rabbis have taught: That which is slaughtered by a min [is regarded as] intended for idolatry, his bread as the bread of Cutheans,²³ his wine as wine used for idolatrous purposes, his scrolls of the Law as books of soothsayers,²⁴ his fruit as tebel.²⁵ Some add, even

(1) I.e., where he did not express it.

(2) In cases where the intention was unexpressed but the act was evidence thereof.

(3) Sacrifices of the highest grade had to be slaughtered on the north side of the altar; v. Zeb, chap. V. Furthermore, every act in connection with any sacrifice had to be intended for the particular sacrifice.

(4) So that the slaughtering of the animal may have been performed on the north side not because he knew that it was necessary to slaughter a burnt-offering there but because he found the place more convenient.

(5) Maksh, VI, 1.

(6) Lev. XI, 38. From this verse the law is derived that produce becomes susceptible to uncleanness only after it has been made wet by water or other liquids specified in Maksh. VI, 4. It is provided, however, that the owner must have applied the water to the produce intentionally, or, at least, that the presence of the water on the produce was acceptable to him. V. Maksh. I, 1.

(7) I.e., the deaf-mute, the imbecile or the minor.

(8) Their turning over the fruit shows that they intended the dew to fall on the other side of the fruit too. It must be assumed, however, that they did not expressly state their Specific purpose, for if they did, it would not be necessary for R. Johanan to teach this, for it is obvious that their act is conclusive evidence of their expressed intention. Here is a clear case of an act which, though not conclusive, might well serve to indicate the minor's intention; yet R. Johanan ruled that the law was satisfied with such evidence of intention.

(9) Viz., that the law recognizes the unexpressed intention of a minor where it can be inferred from his act.

(10) If the rule is Biblical then it would be applied in all cases, even where the effect of such application would produce a more lenient result; e.g., in the case of the burnt-offering mentioned above, the result of applying the rule would be to declare the sacrifice valid. If, however, the rule was only laid down by the Rabbis, it would only be applied in such cases where the effect of such application would produce a more stringent result; e.g. in the case of the fruit on the roof, the result of applying the rule would be to regard the fruit as susceptible to uncleanness.

(11) And therefore the expression of his intention is ignored in all cases, even where the effect would produce a more stringent result.

(12) E.g., a person while handling a knife unintentionally slaughters a consecrated animal.

(13) Lev. I, 5.

(14) Lit., 'that is in our hand'.

(15) I.e., that if the proper intention was absent the sacrifice is invalid even after the act.

(16) Lev. XIX, 5.

(17) Since we have two verses each directing that the slaughtering of a consecrated animal must be accompanied by the proper intention the rule becomes indispensable, in accordance with the Rabbinic dictum: wherever

Scripture repeats an injunction it is meant to be indispensable.

(18) Even though the slaughtering was performed according to ritual and in the presence of an Israelite, the animal is regarded as nebelah and may not be eaten; but also, like nebelah, it may be used for any other purpose.

(19) V. Glos.

(20) V. Lev. XI, 40.

(21) And it is established law that no use or benefit may be derived from anything connected with idolatrous worship.

(22) Heb. **ihn** pl. **ohbhn**. A Jew or a gentile who is devoted to the worship of idols, or who acts as priest unto idols, V. Glos.

(23) The bread of Cutheans (i.e., Samaritans) was forbidden to be eaten. V. Sheb. VIII, 10: He who eats the bread of a Cuthean is as one who eats the flesh of swine.

(24) Which serve for idolatrous purposes. V. Git. 45b: A scroll of the Law written by a min must be destroyed by fire.

(25) Produce from which there have not yet been separated the tithes and the priestly dues, and which may not be eaten on penalty of death at the hands of Heaven.

Talmud - Mas. Chullin 13b

his children as bastards. And the first Tanna?¹ — He holds that he would not allow his wife to prostitute herself.

The Master stated above: 'THAT WHICH IS SLAUGHTERED BY A GENTILE IS NEBELAH'. But perhaps he is a min? — R. Nahman in the name of Rabbah b. Abbuha answered: There are no minim among the gentiles. But we see that there are! Say: The majority of gentiles are not minim. For he accepts the opinion expressed by R. Hiyya b. Abba in the name of R. Johanan: The gentiles outside the land [of Israel] are not idolaters; they only continue the customs of their ancestors.

R. Joseph b. Minyomi stated in the name of R. Nahman: There are no minim among the idolatrous nations.² Now, to what would this rule apply? Do you say to shechitah? But surely, if what is slaughtered by a min who is an Israelite is prohibited, it goes without saying that what is slaughtered by a gentile min is prohibited! Do you then say it applies to the law of 'casting down into a pit'?³ But surely, if a min who is an Israelite may be cast down, it goes without saying that a gentile min may be cast down! R. 'Ukba b. Hama said: The rule applies to the matter of accepting sacrifices from them. For it has been taught:⁴ Of you,⁵ but not all of you, thus excluding an apostate. 'Of you', that is to say, among you [Israelites] is a distinction drawn but not among the gentiles.⁶ But are you correct in this? Perhaps this is the meaning [of the Baraitha]: As regards Israelites, you may accept sacrifices from the righteous but not from the wicked, but as regards gentiles you may not accept sacrifices from them at all?⁷ — You cannot entertain such a view, for it has been taught: [It would have sufficed had Scripture stated], a man,⁸ why does it state, 'a man, a man? To include gentiles, that they may bring either votive or freewill-offerings like an Israelite.

AND DEFILES BY CARRYING. Is not this obvious? Since it is nebelah [it follows that] it defiles by carrying! Raba answered: This is the interpretation. This animal defiles by carrying, but

there is another [similar] case where the animal even defiles [men and utensils that are] in the same tent.⁹ Which is that? It is the case of an animal slaughtered as a sacrifice to idols. This then is in accordance with the view held by R. Judah b. Bathyra.¹⁰ Some report this statement as follows: Raba answered: This is the interpretation. This animal defiles by carrying, and there is another case which is similar to this one in that the animal [there too] only defiles by carrying but does not defile [men and utensils that are] in the same tent. Which is that? It is the case of an animal slaughtered as a sacrifice to idols. This then is not in agreement with R. Judah b. Bathyra. For it has been taught: R. Judah b. Bathyra said: Whence do we know that sacrifices unto idols defile [men and utensils that are] in the same tent? From the verse: They joined themselves also unto Baal-Peor and ate the sacrifices of the dead¹¹ as a dead body defiles [men and utensils that are] in the same tent so also do sacrifices unto idols.

MISHNAH. IF ONE SLAUGHTERED BY NIGHT,¹² LIKEWISE IF A BLIND MAN SLAUGHTERED. THE SLAUGHTERING IS VALID. GEMARA. The expression 'IF ONE SLAUGHTERED' implies that the slaughtering is valid only after the act but it does not imply a right in the first instance.¹³ Now is not this contradicted [by the following statement]: At all times one may slaughter,¹⁴ by day or by night, and [in all places,] whether on the rooftop or on top of a ship?¹⁵ — R. Papa answered [that in the latter case] the man slaughters to the light of a torch. R. Ashi added. This is supported by the context, for in the latter case night and day are in juxtaposition,¹⁶ whereas in the Mishnah night and a blind man are in juxtaposition.¹⁷ This is conclusive.

(1) What is his view about the children?

(2) I.e., the law does not regard a gentile mill as a min.

(3) V. A.Z. 26a and b: Minim, betrayers and apostates may be endangered and need not be delivered from danger, whereas idolaters and Jewish shepherds of small cattle are not to be endangered, though one is not obliged to deliver them from danger. The expression 'cast down into a pit' is synonymous with 'endangering life'.

(4) V. supra p. 19.

(5) Lev. I, 2.

(6) I.e., sacrifices may be accepted from all gentiles without exception.

(7) And so when the Baraitha states that no distinction is made among the gentiles it is entirely negative, i.e., on no account and in no circumstances may sacrifices be accepted from gentiles.

(8) Lev. XXII, 18. The verse, translated literally, reads: A man, a man of the children of Israel . . . that bringeth his offering etc. It is suggested that the repetition of 'a man' extends the law to include such persons other than those contemplated in the ordinary meaning of the verse; in this case, gentiles.

(9) V. Num. XIX, 14: This is the law, when a man dieth in a tent, every one that cometh into the tent, and everything that is in the tent shall be unclean seven days. The rule laid down in this verse has been extended by the Rabbis to include a person or thing which is directly over (and thus forming a tent over) the unclean object.

(10) V. infra.

(11) Ps. CVI, 28.

(12) In the dark.

(13) And the reason is because it is to be feared that the slaughterer will not be able to ascertain whether he has sufficiently cut through the organs of the throat.

(14) This expression implies a right in the first instance to do so.

(15) Although we learnt (infra 41a) that one may not slaughter and allow the blood to run into the sea or vessel,

lest it be said the slaughtering was an act of idolatrous worship to the deity of the sea, or that it was being collected for an idolatrous purpose, here, where the slaughtering is performed on the roof top and the blood collected in a vessel, there is no such apprehension, for it was collected in a vessel merely to avoid fouling the roof. Similarly where the blood is allowed to run into the sea from the top of the ship it is done merely to avoid fouling the top of the ship.

(16) Suggesting that the distinction is merely one of time but not necessarily that the slaughtering is done in the dark.

(17) Implying that the darkness of the night is intended, corresponding with the darkness of a blind man.

Talmud - Mas. Chullin 14a

MISHNAH. IF A MAN SLAUGHTERED ON THE SABBATH OR ON THE DAY OF ATONEMENT, NOTWITHSTANDING HE IS GUILTY AGAINST HIS OWN LIFE,¹ THE SLAUGHTERING IS VALID.

GEMARA. R. Huna said that Hiyya b. Rab in an exposition [on this Mishnah] said in the name of Rab that the animal was nevertheless forbidden to be eaten that same day.² The colleagues thereupon suggested that [the reason for this decision was that] the view [expressed in the Mishnah] was that of R. Judah. Now where does R. Judah express such a view? — R. Abba said, in the matter of 'Readiness'.³ For we have learnt: One may cut up [on the Sabbath] pumpkins for beasts or a carcass⁴ for dogs. R. Judah says. It is forbidden to do so⁵ if the animal was not dead on the eve of the Sabbath, for then it would not belong to that class of things set in readiness for the Sabbath.⁶ This therefore shows that since it was not set in readiness on the eve of the Sabbath [for that particular use] it is forbidden [to be so used on the Sabbath]; so, too, in the case of our Mishnah, since the animal was not set in readiness on the eve of the Sabbath [for food] it is forbidden [to be so used on the Sabbath]. Thereupon Abaye said to him: What a comparison! In the case quoted the animal was originally set in readiness to serve for human food but now it merely serves for dog's food, whereas in the case of our Mishnah the animal was originally set in readiness to serve for human food and now too it serves for human food!⁷ — [He replied.] You are assuming that a living animal is intended for food; in reality it is intended for breeding purposes. If so, why is it permitted, on this view of R. Judah, to slaughter an animal on a festival?⁸ — R. Abba then replied. The truth of the matter is that a living animal is intended both for breeding purposes and for food. If it is slaughtered,⁹ this act proves that it was intended originally to serve for food; if it is not slaughtered,⁹ it proves that it was intended originally for breeding purposes.¹⁰ But surely R. Judah does not hold bererah!¹¹ Whence do we know this? Shall we say from the following [Baraita] wherein it is taught: If a man bought wine from the Cutheans¹² he may say. 'Let two logs which I intend later to set aside be terumah,¹³ ten first tithe,¹⁴ nine second tithe',¹⁵ and then, after redeeming [this latter tithe with money], he may drink it. This is the opinion of R. Meir. R. Judah. R. Jose and R. Simeon do not allow this?¹⁶ —

(1) For breaking the Sabbath the offender is put to death by stoning, cf. Exod. XXXI, 14-15 and Num. XV. 35; and for profaning the Day of Atonement he incurs the heavenly punishment of Kareth (v. Glos.) in accordance with Lev. XXIII, 30.

(2) Even if he desires to eat it raw.

(3) Heb. **vbfv**. The rule adopted by R. Judah is that such things which on the eve of the Sabbath were not set in

readiness or intended for the purpose which they actually serve on the Sabbath are forbidden to be so used on the Sabbath. They are mukzeh (v. Glos.), set apart, not counted on for use. This rule is based on Ex. XVI, 5, and applies particularly to fruit which fell from the tree on the Sabbath and also to an animal slaughtered on the Sabbath. In these cases neither the fruit nor the animal can be said to have been set in readiness for food on the Sabbath since on the eve of the Sabbath the fruit was still on the tree and the animal was still alive; v. Bez. 2b.

(4) Even though the animal died on the Sabbath.

(5) Sc. to cut up the carcass.

(6) Since on the eve of the Sabbath the animal was still alive and so was not set in readiness for food, it is forbidden to be so used (i.e., for food) on the Sabbath (Shab. 156b).

(7) It should therefore be permitted on the Sabbath.

(8) Since the animal on the eve of the festival was kept for breeding purposes it is clearly mukzeh on the festival, and therefore forbidden. Nevertheless the law is established beyond all doubt that one may slaughter an animal on a festival.

(9) At a time when it is permitted so to do.

(10) And so in the case of our Mishnah, since the animal was not slaughtered before the Sabbath, it is clear that the owner intended to keep it for breeding purposes, accordingly it is mukzeh and therefore forbidden to be eaten on the Sabbath.

(11) Heb. **vrhrc**, retrospective designation, i.e., the legal effect resulting from an actual selection or disposal of things previously undefined as to their purpose. It is applied in our case thus: the purpose of a living animal is uncertain, but the subsequent use of the animal will define its purpose retrospectively. Unless we hold that the animal was definitely intended for food on the eve of the Festival it would be forbidden, according to R. Judah's view, to slaughter it and eat it on the Festival.

(12) Also called Samaritans. V. supra p. 5, n. 6. It was doubtful whether the Cutheans were wont to set aside the *terumah* (v. next note) and other dues or not, and therefore it was necessary when purchasing wine or other produce from them to set aside the various dues. The circumstances of this case are as follows: A man has bought 100 logs (a liquid measure) of wine from the Cutheans and has got no other vessels wherein to set aside the dues; or the case may be that it is the eve of Sabbath and there is not sufficient time wherein to set aside the dues before the Sabbath begins.

(13) An offering to be given to the priest. The amount to be so given 15 not specified in the Torah but it was the general practice to offer two per cent of the produce. V. Glos.

(14) This tithe had to be given to the Levite.

(15) This tithe had to be consumed by the owner in Jerusalem. The Torah permits the redemption of this tithe with money, which money must be spent in Jerusalem; cf. Deut. XIV, 25. In the present case the circumstances do not prevent the owner from redeeming this tithe with some money that he may possess.

(16) It is assumed that the issue between these Rabbis relates to *bererah*. It must be remembered that the wine named as dues is not actually separate from the rest, and R. Meir, holding *bererah*, argues that when this purchaser subsequently sets aside the various dues, either after the Sabbath or when he acquires sufficient vessels, it is deemed that that which is now set aside is identical with that which was originally named, and there is no fear at all that this person has drunk any of the wine which was consecrated as dues. The other Rabbis, including R. Judah, apparently do not hold *bererah*, and therefore forbid this procedure on the ground that it is not established retrospectively that that which this person now separates as dues is identical with that which was previously named, and it is to be feared that he may have drunk of the wine consecrated as dues.

Talmud - Mas. Chullin 14b

[This case is quite different for] there the reasoning is expressly stated, viz., They said to R. Meir: Do you not agree that if the cask were to break the result would be that this person has from the outset been drinking untithed wine?¹ To this [R. Meir] replied: When it breaks . . . !² Rather we can derive it,³ from the teaching of Ayyo. For Ayyo taught: R. Judah says that a person cannot conditionally reserve for himself two contingencies simultaneously.⁴ [He may declare that] if a Sage comes to the east his 'erub⁵ at the east should serve him,⁶ and if to the west his 'erub at the west should serve him; but on no account [may he make such conditions] in the event of two Sages coming one to this side and the other to that side. Now it was argued. Why is it that in the event of two Sages coming one to this side and the other to that side that he may not make conditions? It is, is it not, because bererah is not held?⁷ Then even in the event of the Sage coming [to one side only], either to the east or to — the west, he should not be allowed to make conditions. [for the very same reason] that bererah is not held? And R. Johanan had explained that [in the latter case] the Sage had already arrived.⁸

Rather said R. Joseph:⁹ It is the view of R. Judah expressed in the matter of 'Vessels'. For we have learnt: Whatsoever vessels, which may be moved on the Sabbath, fragments thereof¹⁰ may likewise be moved on the Sabbath, provided they can perform aught in the nature of work,¹¹ e.g., fragments of a kneading trough that can be used for stopping the bung-hole of a cask, or fragments of a glass for covering the mouth of a flask. R. Judah says: Provided they can perform aught in the nature of their former work, e.g., fragments of a kneading trough that can have porridge poured into them, or fragments of a glass that can have oil poured into them. Now according to R. Judah [they are permitted to be moved] only if they can perform aught in the nature of their former work, but not if they can perform aught in the nature of some other work. This, therefore, shows that since they were not set in readiness on the eve of the Sabbath for that particular work, it is forbidden [to use them for such purpose on the Sabbath]; so, too. In the case of our Mishnah, since the animal was not set in readiness on the eve of the Sabbath for food, it is forbidden [to be so used on the Sabbath]. Thereupon Abaye said to him: What a comparison! There we are dealing with something that was originally a vessel and is now a fragment of a vessel, which is a case of nolad¹² and consequently forbidden; whereas here [in our Mishnah] we are dealing with something that was originally [intended for] food¹³ and now, too, is [intended for] food, it is therefore the same foodstuff merely more defined.¹⁴ And we have already ascertained that according to R. Judah, where the foodstuff is the same but more defined it is permitted.¹⁵ For we have learnt:¹⁶ One must not press fruit [on the Sabbath] in order to extract the juice, and even if the juice oozed out by itself it is forbidden.¹⁷ R. Judah says. If [the fruits were intended] to be eaten, the juice which oozed out is permitted,¹⁸ but if [they were kept only] for their juice, that which oozed out by itself is forbidden. [R. Joseph replied:¹⁹ But] has it not been stated in connection therewith: Rab Judah said in the name of Samuel that R. Judah accepts the opinion of the Rabbis in the case of baskets of olives and grapes?²⁰ Now the reason for this is clear, namely, since these fruits are usually kept for pressing one would always be inclined to do so at all times. Similarly it must be said [here in the case of our Mishnah], since an animal is usually kept for slaughtering one would always be inclined to do so.²¹ — [Abaye replied]. Indeed, the whole argument is based upon Rab's original statement, is it not? And Rab has stated that R. Judah was in conflict with the Rabbis even in the case of baskets of olives and grapes!²²

Rather said R. Shesheth b. Idi, It is the view of R. Judah expressed in the matter of 'Lamps'.

For it has been taught: A new lamp may be moved [on the Sabbath] from place to place but not an old one;²³ so according to R. Judah. But perhaps we are to understand R. Judah's view only in case of mukzeh on account of nausea,²⁴ but are we to understand that it applies also to cases of mukzeh in consequence of a ritual prohibition? — Yes, indeed, for it has been taught: R. Judah says,

(1) And it is because of the possibility of such an event happening that R. Judah and his colleagues prohibit this procedure and not because they do not hold bererah.

(2) I.e., R. Meir regards such a possibility too remote to be taken into consideration.

(3) That R. Judah does not hold bererah.

(4) This is explained anon.

(5) According to Sabbath law no person is allowed to go on the Sabbath beyond two thousand cubits from the boundaries of his town. If, however, he desires to go further, he must make an 'erub, i.e., he deposits on the eve of Sabbath some food, enough for two meals, at a spot at the limit of the prescribed two thousand cubits' distance. This spot is regarded in law as his temporary abode and he may then go two thousand cubits beyond it. Having, however, gained two thousand cubits in one direction he forfeits his right of movement in any other direction outside the town boundaries. It is obvious that a person can make only one 'erub and place it in that direction in which he intends to go. It is, however, provided for, in the event of a person being undecided as to which direction he will take on the Sabbath, that he may place a conditional 'erub in each direction, and on the Sabbath when he makes his decision the 'erub in the particular direction chosen will be effective.

(6) In order that he be enabled to attend the lecture of the Sage on the Sabbath which will be held at some place more than two thousand cubits beyond the boundaries of his town.

(7) In the case of a conditional 'erub recourse must be had to the principle of bererah. For when each 'erub is placed, it is not known which is to be effective; it is only when the decision is made on the Sabbath that a particular 'erub is determined retrospectively to be the one intended to be effective from the outset.

(8) The latter case therefore does not come within the purview of bererah since it is actually known and determined before the Sabbath which 'erub is effective by the arrival of the Sage. All that remains is for this person to ascertain this fact. This Baraitha, however, clearly proves from the first clause that R. Judah does not hold bererah; hence the suggestion of R. Abba that the view in the Mishnah corresponds with that of R. Judah in the matter of 'Readiness' can no longer be maintained.

(9) In answer to the first question: Where does R. Judah express the view which accords with that of our Mishnah.

(10) Even if the vessel was broken on the Sabbath.

(11) That they might still be regarded as vessels and not as potsherds.

(12) Heb, **Skub** 'born, created'. An object which is Produced, and only becomes available for a particular use, on a festival or on the Sabbath, may not be so used on that day.

(13) For it is established according to R. Judah that an animal while living is kept in order to be slaughtered and used as food, for otherwise it would be forbidden to slaughter an animal on the Festival.

(14) Lit., 'broken off', separated and distinct. Consequently the animal should be Permitted to be eaten even when slaughtered on the Sabbath.

(15) For it is not a case of nolad.

(16) Shab. 143b.

(17) It is a precautionary measure lest one will press the fruit deliberately for the sake of its juice on the Sabbath, which would constitute a breach of one of the main classes of work prohibited.

(18) R. Judah does not regard the juice which oozed out of the fruit as nolad, i.e., something new issuing from the fruit, but as the fruit itself in a more particular and defined form.

(19) The statement which follows is a counter argument against Abaye, and it further attempts to show that the view of R. Judah in the Mishnah quoted corresponds with the view of our Mishnah.

(20) For these fruits are usually kept for pressing, and it is only with such, other fruits as pomegranates and mulberries that R. Judah adopts a lenient view.

(21) And therefore the animal is forbidden to be eaten on the Sabbath for fear that one might deliberately slaughter it on the Sabbath.

(22) In which case also, R. Judah maintains a lenient view. Accordingly a similar view should be adopted in our Mishnah; so that the original question remains open: Why, according to R. Judah, is the animal forbidden to be eaten on the Sabbath?

(23) A new earthenware lamp before being used for lighting might well be used for other purposes, but an old lamp having already had oil poured into it for lighting would rarely be used for another purpose — it would be nauseating to do so — and so would be regarded in law as mukzeh (set apart, not counted on for use), and consequently forbidden to be moved. This same reasoning applies to our Mishnah: since the animal was not slaughtered before the Sabbath it certainly was not counted on as food for the Sabbath; it is therefore mukzeh and forbidden to be eaten.

(24) As in the case of an old lamp which has been used for lighting. In the case of our Mishnah, however, the animal is mukzeh in consequence of a ritual prohibition.

Talmud - Mas. Chullin 15a

All metal lamps¹ may be moved on the Sabbath, excepting a lamp that has been alight on this Sabbath.² But perhaps it might be suggested that in the latter case the law is exceptional since [the lamp] has been put away by the hand of man!³ Rather said R. Ashi: It is the view of R. Judah expressed in the matter of 'Cooking'. For it has been taught: If a man cooked food on the Sabbath inadvertently, [even] he himself may eat of it,⁴ but if deliberately, he may not eat of it:⁵ so R. Meir. R. Judah says: If inadvertently, he may eat of it only after the termination of the Sabbath,⁶ but if deliberately, he may never eat of it.⁷ R. Johanan ha-Sandlar⁸ says: If inadvertently, it may be eaten after the termination of the Sabbath by others only but not by himself, but if deliberately, it may never be eaten, neither by him nor by others.⁹ But may we not explain [the Mishnah] to be the case of a deliberate act and so in accord with R. Meir's view? — This cannot be, for [in our Mishnah,] Sabbath and the Day of Atonement are stated in juxtaposition, suggesting that as on the Day of Atonement the one who slaughtered may on no account eat of it whether he acted inadvertently or deliberately,¹⁰ so on the Sabbath he may not eat of it whether he acted inadvertently or deliberately.¹¹ But how can you explain [the Mishnah] to be a case of inadvertence and in accord with R. Judah's view? Does it not read: NOTWITHSTANDING HE IS GUILTY AGAINST HIS OWN LIFE?¹² — This is the interpretation: NOTWITHSTANDING HE IS GUILTY AGAINST HIS OWN LIFE had he acted deliberately, since in our case he has acted inadvertently, the slaughtering is valid. But may we not explain the Mishnah in accordance with R. Johanan ha-Sandlar who holds the view that whether he acted inadvertently or deliberately he may never eat of it? — Nay, for R. Johanan ha-Sandlar discriminates between him and others after the termination of the Sabbath, whereas the Tanna of our Mishnah states: THE SLAUGHTERING IS VALID, without discriminating between him and others.

A Tanna recited before Rab: If a man cooked food on the Sabbath inadvertently, even he

himself may eat of it, but if deliberately he may not eat of it. Rab thereupon bade him to keep silent. Now why did Rab silence him? Was it because Rab accepts the view of R. Judah and the Tanna was reciting the teaching in accordance with R. Meir's view? [Is he then justified,] because he himself accepts R. Judah's view, in bidding one who recites according to R. Meir's view to keep silent? Moreover, is it true to say that Rab accepts R. Judah's view? Has not R. Hanan b. Ammi reported that whenever Rab laid down the rule to his disciples he would rule according to R. Meir's view, but whenever he lectured at the public session he would expound the law according to R. Judah's view because of the ignorant masses present?¹³ And if you will say that this Tanna was reciting the teaching in the presence of Rab at the public Session?¹⁴ — Would then the public pay attention to the Tanna? They would pay attention to the Amora!¹⁵ — R. Nahman b. Isaac answered that the Tanna recited before Rab the case of slaughtering, thus: If a man slaughtered on the Sabbath inadvertently, he himself may eat of it, but if deliberately, he may not eat of it. Whereupon [Rab] said to him, You are inclined, no doubt, to accept R. Meir's view; but even so, R. Meir adopts a lenient view only in the case of cooking, inasmuch as the food could indeed be chewed raw;¹⁶ but not in case of slaughtering, since the animal could not be eaten raw.¹⁷ But then our Mishnah is a case of slaughtering and [it has been remarked above that] R. Huna said that Hiyya b. Rab in an exposition [on the Mishnah] in the name of Rab said that the animal was nevertheless forbidden to be eaten that same day, and furthermore that the colleagues thereupon suggested that the view expressed was that of R. Judah. Now does it not follow, therefore, that R. Meir would permit it to be eaten [that same day]?¹⁸ — R. Meir only permits it in such circumstances

(1) Even old ones.

(2) I.e., when the Sabbath began this lamp was alight, and so it immediately became mukzeh in consequence of the law prohibiting the moving of a lighted lamp for fear of extinguishing it, and it remains mukzeh the whole of the Sabbath.

(3) The mukzeh in this case is brought about by the definite act of man, that is, when he lights the lamp; whereas in our Mishnah the mukzeh comes of itself with the commencement of the Sabbath. In this latter case it is suggested that the mukzeh is not so strict, and if by some means it comes about that the animal is fit for eating it should be permitted.

(4) Immediately on the same day.

(5) Nor anybody else on the Sabbath.

(6) He and also others, but only after the lapse of such time as would be taken to cook the food, so that no benefit be derived from cooking on the Sabbath.

(7) Though others may eat of it after the Sabbath.

(8) The sandal maker; or, the Alexandrian. He was a disciple of R. Akiba.

(9) It is suggested that in our Mishnah the slaughtering was done inadvertently, nevertheless the animal is permitted to be eaten only after the Sabbath, thus being entirely in agreement with R. Judah's view.

(10) For it is a day of fasting.

(11) According to R. Meir, however, if he acted inadvertently he may eat of it immediately on the Sabbath.

(12) The death penalty is incurred only when one acts deliberately.

(13) Because of these, Rab would teach the stricter view, i.e., R. Judah's, merely as a precautionary measure.

(14) And for this reason Rab silenced him.

(15) Sc. Rab's Amora. The official speaker attached to a school or synagogue who expounded aloud to the public what the Rabbi said to him in brief and in a low voice.

(16) So that not only is there no infringement of the Sabbath laws, since the cooking was done inadvertently, but there is not even the prohibition of mukzeh since whilst raw it was also fit for food.

(17) I.e., whilst alive; so that it would be prohibited on the ground of mukzeh.

(18) In contradiction to what has just been stated in the name of Rab as to the view of R. Meir.

Talmud - Mas. Chullin 15b

as when there was an invalid in the house on the eve of the Sabbath.¹ If that be so, then why does R. Judah forbid it? — It must be the case of an invalid who recovered [on the Sabbath].²

The above view³ agrees with the statement of R. Aha b. Adda in the name of Rab, (others say, with the statement of R. Isaac b. Adda in the name of Rab), viz., If a man slaughtered [an animal] on the Sabbath for an invalid,⁴ it may not be eaten by a healthy person, but if a man cooked food on the Sabbath for an invalid, it may be eaten by a healthy person. What is the reason? — In the latter case the food could be eaten raw, in the former the animal could not be eaten raw.⁵

R. Papa⁶ stated: In certain cases even when a man-slaughtered [for an invalid on the Sabbath], it may be eaten [by a healthy person], e.g., where the invalid was ill already on the eve of the Sabbath.⁷ And in certain cases even when a man cooked [for one who fell ill on the Sabbath], it may not be eaten [by a healthy person], e.g., where a pumpkin was plucked [out of the ground on the Sabbath and cooked].⁸

R. Dimi of Nehardea said: The law is that where a man slaughtered on the Sabbath for an invalid,⁹ [the meat] may be eaten raw by a healthy person. What is the reason? — Inasmuch as one cannot have even an olive's bulk of meat without slaughtering [the animal], it is clear that the slaughtering was done for the sake of the invalid. But where a man cooked on the Sabbath for an invalid,⁹ it [the food] may not be eaten by a healthy person, for [otherwise] it is to be feared lest a greater amount will be cooked on account of the healthy person.

MISHNAH. IF ONE SLAUGHTERED WITH [THE SMOOTH EDGE OF] A HAND SICKLE,¹⁰ WITH A FLINT OR WITH A REED, THE SLAUGHTERING IS VALID. ALL MAY SLAUGHTER; AT ALL TIMES ONE MAY SLAUGHTER; WITH ANY IMPLEMENT ONE MAY SLAUGHTER, EXCEPTING A SCYTHE,¹¹ A SAW, TEETH¹² OR A FINGER NAIL,¹³ SINCE THESE STRANGLE.¹⁴

GEMARA. The expression 'IF ONE SLAUGHTERED' implies that the slaughtering is valid only after the act but it does not imply a right in the first instance. Now this view is reasonable in the case of a hand sickle, for it is always to be feared lest one will slaughter with the other edge;¹⁵ but is it right to say that one may not slaughter with a flint or reed in the first instance? Is there not an obvious contradiction from the following [Baraita]: With any implement one may slaughter.¹⁶ with a flint, with glass or with a reed haulm? — It is no contradiction, for the latter statement refers to [a reed or flint] that is detached [from the ground], whereas our Mishnah refers to [a reed or flint] that is attached [to the ground]. For R. Kahana reported: If one slaughtered with an implement that was attached to the ground. Rabbi declares the slaughtering invalid; but R. Hiyya declares it valid. And even R. Hiyya declares it valid only after the act, but

there is no right to do so in the first instance.¹⁷

Now what is the position? [Our Mishnah is] in agreement with R. Hiyya and the slaughtering is valid only after the act! Then what of the following which was taught: With any implement one may slaughter,¹⁶ whether it be detached or attached, whether the knife be on top and the throat below, or the knife below and the throat on top? Who can be the author [of this Baraitha]? It can be neither Rabbi nor R. Hiyya: If R. Hiyya, the slaughtering is valid only after the act but not in the first instance; if Rabbi, such slaughtering is invalid even after the act! — In truth, the author is R. Hiyya and he is [indeed] of the opinion that such¹⁸ slaughtering is permitted even in the first instance; and as to the reason why the dispute is reported with regard to the validity of such slaughtering after the act it is in order to demonstrate the [strong] view of Rabbis.¹⁹ If this be so, what of our Mishnah which reads: IF ONE SLAUGHTERED, implying that it is valid only after the act but not a right in the first instance, who can be the author thereof? It can be neither Rabbi nor R. Hiyya; if R. Hiyya, the slaughtering should be permitted even in the first instance; if Rabbi, it is always invalid even after the act! — In truth, the author [of the Baraitha] is R. Hiyya who holds that such slaughtering is permitted even in the first instance; and as to our Mishnah, which reads: IF ONE SLAUGHTERED, the author of it is Rabbi. But is not Rabbi then contradicting himself?²⁰ — There is no contradiction; for in the one case²¹ the implement had always been so attached [by nature], whereas in the other case²² the implement was first loose and subsequently attached. Whence do you know that a distinction is to be drawn between that which was always attached and that which was first loose and subsequently attached? — From the following [Baraitha] which was taught: If one slaughtered with a wheel,²³ the slaughtering is valid; with an implement that was attached to the ground, the slaughtering is valid; if one inserted a knife into a wall and slaughtered, [moving the throat of the animal to and fro across the knife], the slaughtering is valid; if there was a sharp flint jutting from the wall, or a reed growing of itself, and one slaughtered therewith, the slaughtering is invalid.

(1) In the case of an invalid an animal, even alive, is always regarded as set aside for food, for in such circumstances it is permitted to slaughter it on the Sabbath, in accordance with the Rabbinic dictum: the duty of saving life supersedes the Sabbath laws.

(2) And the animal was slaughtered after the invalid had recovered. Mukzeh of course does not apply, since on the eve of Sabbath the animal was set in readiness for food for the invalid. The difference of opinion between R. Meir and R. Judah is, therefore, only with regard to the breaking of the Sabbath by the slaughterer inadvertently; according to the latter he is to be penalized for his inadvertent act, whilst according to the former he is not.

(3) Sc. the explanation by R. Nahman b. Isaac as to why Rab bade the Tanna to keep silent, which introduced the distinction between foodstuffs which can be eaten raw and those which cannot.

(4) Who fell ill on this Sabbath.

(5) For although there is no infringement of the Sabbath laws, since the work was done for the invalid, there is, however, in the case of slaughtering the prohibition of mukzeh involved.

(6) MS.M. Raba.

(7) There is here neither the profanation of the Sabbath, since the slaughtering was for the invalid, nor mukzeh, since the invalid was already ill before the Sabbath.

(8) It is forbidden to be eaten because of mukzeh, since on the eve of the Sabbath the pumpkin was still attached to the ground. Cf. however Tosaf ad loc.

(9) Who was ill already on the eve of the Sabbath.

- (10) An implement with two cutting edges, one being smooth and the other serrated.
- (11) An implement with indentations.
- (12) Attached to the jaw bone of a dead animal.
- (13) Attached to the person.
- (14) These implements do not cut but tear the organs of the throat and consequently strangle the animal. In the case of the finger-nail it is prohibited because it is attached to the person. V. infra 16a.
- (15) Which is serrated and so invalidates the slaughtering.
- (16) Even in the first instance.
- (17) Accordingly our Mishnah is in agreement with R. Hiyya's view.
- (18) I.e., slaughtering with an implement which is attached to the ground.
- (19) That the slaughtering is invalid even after the act.
- (20) In the Mishnah Rabbi maintains that slaughtering with an implement attached to the ground is valid after the act, yet in dispute with R. Hiyya he declares such slaughtering absolutely invalid.
- (21) In dispute with R. Hiyya, where Rabbi declares the slaughtering invalid.
- (22) In our Mishnah, where Rabbi declares the slaughtering valid after the act.
- (23) A knife was fixed to the wheel so that it cut the throat of the animal whilst the wheel revolved.

Talmud - Mas. Chullin 16a

Now is there not a contradiction here?¹ — This proves that there is a distinction between that which was always attached and that which was first loose and subsequently attached.² This is proved.

The Master said: 'If one slaughtered with a wheel, the slaughtering is valid'. But was it not taught [in another Baraitha] that the slaughtering is invalid? — It is no contradiction, for the former [Baraitha] deals with a potter's wheel,³ whereas the latter with a wheel turned by water.⁴ If you wish, however, I can say that in both [Baraithas] the wheel was turned by water, and yet there is no contradiction, for in the former case it was turned by the first onrush⁵ [of the water], whereas in the latter case it was turned by the subsequent onrush [of the water]. And this [distinction] is in agreement with R. Papa's statement, who said that if a man bound his neighbour and turned on to him a jet of water so that the victim died, he is culpable. What is the reason? — It [the water jet] is, as it were, his arrow wherewith the victim has been attacked. But this is [the law] only [in the case] where [the victim was killed] by the first onrush⁶ of the water, but not [where he was] killed by the subsequent onrush⁷ of the water, for then the act was but the indirect cause of the death.

Rab was once sitting behind R. Hiyya whilst R. Hiyya was before Rabbi, when Rabbi, in session, expounded the following: Whence is it derived that the slaughtering must be performed with a detached implement? From this verse: And he took the knife to slay.⁸ Rab then asked R. Hiyya: What can he mean? — He replied: It is just idle talk!⁹ But does he not adduce a verse? — The verse merely serves to show the enthusiasm of Abraham.¹⁰

Raba stated: I have no doubt at all that in the law concerning idolatry, an object which was first loose and subsequently attached to the ground is regarded as detached. For Rab¹¹ has ruled that if a man worshipped his own house,¹² it thereby becomes forbidden [to be used for any purpose].

Now if you were to hold that such an object is to be regarded as attached, wherefore is the house forbidden? Is it not written, [Ye shall surely destroy. . .] their gods upon the mountains,¹³ but not the mountains which are themselves their gods?¹⁴ In the law concerning the susceptibility of plants to become unclean,¹⁵ it is the subject of dispute between Tannaim.¹⁶ For we have learnt:¹⁷ If one inverted a dish and placed it upon a wall in order that the dish might be washed [by the rainwater, and the rainwater subsequently ran off the dish on to foodstuffs], the rule of ‘if water be put’ applies.¹⁸ If, however, it was placed in order that the wall might not be damaged, [and the rainwater ran off the dish on to the foodstuffs], the rule of ‘if water be put’ does not apply.¹⁹ Now is there not an inconsistency here? The first clause reads: ‘If. . . in order that the dish might be washed, the rule of "if water be put" applies’. It follows, however, that if one placed it in order that the wall might be washed, [and the rainwater subsequently fell on the foodstuffs], the rule of ‘if water be put’ does not apply. Yet the second clause reads: ‘If it was placed in order that the wall might not be damaged, the rule of "if water be put" does not apply’. It follows, however, that if it was placed in order that the wall might be washed [and the rainwater subsequently fell on the foodstuffs], the rule of ‘If water be put’ applies. — R. Eleazar replied. You must break up [this Mishnah], for he who taught the first clause could not have taught the second!²⁰ R. Papa, however, answered: Indeed, the whole was taught by one Tanna, but the first clause deals with the wall of a cave,²¹ whereas the second clause deals with a built-up wall. Accordingly, the Mishnah is to be read thus: If one inverted a dish and placed it upon a wall in order that the dish might be washed, the rule of ‘if water be put’ applies; from which it follows that if one placed it in order that the wall might be washed, the rule of ‘if water be put’ does not apply. Now this is stated only in the case of a cave wall; but in the case of a built-up wall the law is: if one placed it in order that the wall might not be damaged, the rule of ‘if water be put’ does not apply; from which it follows that if one placed it in order that the wall might be washed, the rule of ‘if water be put’ applies.

Raba now raised the question:

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- (1) Between the second and last statements of this Baraitha.
 - (2) In the second clause the implement was first loose and subsequently attached to the ground, in which case the slaughtering is valid, whilst in the last clause it was always so attached by nature, and so the slaughtering is invalid.
 - (3) A wheel turned by the hand of the potter, in which case the slaughtering is valid. It is suggested, however, that even in the case of a potter's wheel the slaughtering is valid only if the throat was cut by the first revolution of the wheel. The subsequent revolutions are not directly referable to the human act. V. comment of R. Jonah on Ber.; end of chap. VIII.
 - (4) The slaughtering in this case is invalid for it is essential that there should be man power in the act of slaughtering. V. infra 31a and Deut. XXVII, 7.
 - (5) The water having been released by man, the slaughtering of the animal is directly referable to the act of man and is therefore valid.
 - (6) In this case the victim was placed close to the water outlet and the murderer then released the water jet, which in its first spurt inundated the victim.
 - (7) Here the victim was placed some distance away from the water outlet, so that the act of releasing the water jet was not the immediate and direct cause of death, for death came about only later on when the water actually reached the victim.

- (8) Gen. XXII, 10. This verse certainly suggests that the knife used was a detached implement.
- (9) Lit., ‘a vav carved on wood’, i.e., something unintelligible and indistinct like a line drawn on a rough piece of wood. He meant to say that Rabbi was not to be taken seriously, for R. Hiyya is of the opinion that it is not essential for the slaughtering to be performed with a detached implement.
- (10) Abraham took a knife with him merely because he was in doubt whether he would find on the holy mountain a suitable implement wherewith to slaughter his sacrifice.
- (11) So Bah.; cur. ed: ‘A master said’.
- (12) A house consists of materials originally loose which were subsequently built up and attached to the ground.
- (13) Deut. XII, 2.
- (14) This verse proves that whatever is attached cannot become prohibited, even if it is itself an object of idolatrous worship.
- (15) From the verse in Lev. XI, 38: If water be put upon seed, and aught of their carcass fill thereon, it is unclean unto you, is derived the rule that produce or foodstuffs, in order to be rendered capable of becoming unclean, must first be made wet by water or other specified liquids (v. Maksh. VI, 4). So that the rule should apply, that is, that the produce should become susceptible to uncleanness, it is necessary that: (a) the water should have been applied purposely, or (b) the presence of the water on the foodstuff should have afforded pleasure or should have been acceptable at some time to the owner, or (c) where the water on the foodstuff was not acceptable, the presence of this same water on some other object should have previously afforded pleasure, provided that such object was loose or detached.
- (16) Whether what was first loose and subsequently attached is to be regarded as attached or not. V. R. Eleazar's view infra.
- (17) Maksh. IV, 3.
- (18) This case would come under rule (c) in note 5 supra.
- (19) Because here the rainwater is in no wise acceptable; cf. rule (b).
- (20) I.e., this Mishnah contains the different opinions of two Tannaim.
- (21) I.e., a wall so formed by nature, as opposed to a wall built up from loose materials.

Talmud - Mas. Chullin 16b

In the law concerning slaughtering, how are we to regard an implement which was first loose and subsequently attached? Come and hear: If there was a sharp stone jutting from the wall, or a reed growing of itself, and one slaughtered therewith, the slaughtering is invalid!¹ — It is dealing here with the wall of a cave. Indeed the context proves this, for it puts ‘wall’ in juxtaposition with ‘a reed growing of itself’.² This is proved.

Come and hear: If one inserted a knife into a wall and slaughtered, the slaughtering is valid! — This case is different because one would not allow the knife to remain fixed [to the wall].³ Come and hear: [If one slaughtered] with an implement that was attached to the ground, the slaughtering is valid!⁴ — perhaps this clause is defined by the subsequent clause [of this Baraita, thus]: What is meant by ‘an implement that was attached’? A knife, which clearly would not remain fixed permanently.⁵

The Master said: ‘If one inserted a knife into a wall and slaughtered, the slaughtering is valid’. Said R. ‘Anan in the name of Samuel: This is the law provided the knife was on top and the throat of the animal below.’⁶ If, however, the knife was below and the throat of the animal on top, [the

slaughtering is invalid], for it is to be feared that the head might press down heavily upon the knife.⁷ But does not the aforementioned⁸ [Baraita] read: ‘Whether the knife be below and the throat on top or the knife on top and the throat below’? — R. Zebid answered: The cases are to be interpreted each in its own way, thus: ‘Whether the knife be below and the throat on top’, where [the knife is] loose;⁹ ‘or the knife on top and the throat below’, where [the knife is] attached. R. Papa answered, [The Baraita deals] with [the slaughtering of] a bird which is of light weight.¹⁰

R. Hisda stated in the name of R. Isaac, (others report that it was taught in a Baraita) viz., Five rules have been laid down in connection with a reed haulm:¹¹ (i) One must not slaughter with it, (ii) One must not perform circumcision with it, (iii) One must not cut flesh with it, (iv) One must not pick the teeth with it, (v) One must not cleanse oneself with it.

‘One must not slaughter with it’. But has it not been taught: One may slaughter with any implement, with flint, with glass or with a reed haulm? — R. Papa answered: [This Baraita deals] with simuna of the marshes.¹²

‘One must not cut flesh with it’. R. Papa used to cut with it the entrails of fish, for they are transparent.¹³ Rabbah son of R. Huna used to cut with it the flesh of chicken, for it is tender.¹⁴

‘One must not cleanse oneself with it’. But is it not indeed [prohibited to do so] because of what a Master said viz., Whosoever cleanses himself [after an evacuation] with a material that is inflammable tears away the ligaments [of the anus]?¹⁵ R. Papa answered: We must say [that the Baraita deals with] the cleansing of the opening of a wound.

ALL MAY SLAUGHTER; AND AT ALL TIMES ONE MAY SLAUGHTER. ALL MAY SLAUGHTER, that is to say, everything must be slaughtered,¹⁶ including birds.¹⁷

AT ALL TIMES ONE MAY SLAUGHTER. Who is the Tanna who holds this view? Rabbah replied: It is R. Ishmael. For it has been taught: [It is written] When the Lord thy God shall enlarge thy border, as He hath promised thee, and thou shalt say: ‘I will eat flesh’ . . .¹⁸ This verse, says R. Ishmael, is stated specially in order to permit the Israelites to eat flesh at will.¹⁹ For in the beginning they were forbidden to eat flesh at will,²⁰ but on entering the land of Israel they were permitted. But, now they are exiled, it might be said that they should revert to the former restriction; the Mishnah therefore teaches us: AT ALL TIMES ONE MAY SLAUGHTER. To this R. Joseph demurred, [In the first place,] why does the Mishnah read: AT ALL TIMES ONE MAY SLAUGHTER? It should read, ‘At all times one may slaughter and eat the flesh’!²¹ And in the second place, why were they forbidden in the beginning? [Surely] because they were near to the Sanctuary.²² And why were they permitted subsequently? [Similarly] because they were far away from the Sanctuary.

(1) It is suggested now that the stone was at some time inserted into the wall; nevertheless the slaughtering is said to be invalid, thus proving that such an implement is to be regarded as attached.

(2) Indicating that in each case it was so attached by nature.

(3) Lit., ‘he does not abandon it’. It was attempted to prove from this clause that whatever was loose and

subsequently attached is regarded as loose; but it fails because it deals only with the case of a knife, which could not have been intended to be attached permanently. Other things, however, which could be thought of as attached permanently might be regarded as attached.

(4) This clause deals with an implement which was loose but was subsequently attached, v. supra p. 75, n.6.

(5) The slaughtering is therefore valid. The question put by Raba remains unanswered.

(6) And the slaughterer moved the head to and fro across the knife.

(7) This would invalidate the slaughtering; v. p. 37, n. 8.

(8) Supra p. 74.

(9) In this case the slaughterer holds the knife beneath the throat of the animal and cuts upwards.

(10) There is, therefore, no fear of the head pressing heavily on to the knife. According to R. Papa, both cases of the Baraita deal with a knife which is attached.

(11) In all the following cases there is the danger of splinters breaking away from the reed and penetrating into the matter which is being cut, causing thereby damage or hurt. In the case of slaughtering it is feared that a splinter will perforate the gullet of the animal, thus invalidating the slaughtering.

(12) A species of reed which is smooth and hard. With such reeds there is no fear of splinters breaking off.

(13) And any splinter that might be lodged in them would easily be seen.

(14) So that there is no fear of splinters, for no pressure is necessary in cutting the flesh of a chicken.

(15) V. Shab, 81a. The teacher no doubt had in mind such materials as wood or twigs which if used for cleansing oneself might easily cause the injury mentioned.

(16) The word **kfv** 'all, everything', might just as well be taken as the object of the sentence, thus: One must slaughter everything.

(17) For in no passage in the Torah is shechitah ever mentioned in connection with birds. There is even the view that according to Biblical law birds need not be slaughtered at all. V. infra 27b.

(18) Deut. XII, 20.

(19) Lit., 'of desire'. I.e., on entering the Holy Land the Israelites would be permitted to slaughter animals at will and eat the flesh without having recourse to sacrifices.

(20) When the Israelites were in the wilderness they were not permitted to slaughter and eat flesh at will. The animal had first to be offered up as a sacrifice, v. Lev. XVII, 3 and 4.

(21) Seeing that the main point of the teaching is the permission to eat flesh at will.

(22) Lit., 'tabernacle'. It was therefore within reach of anyone who desired to eat meat to bring the animal as a sacrifice and to receive the meat for his own use after the blood and the fat had been offered upon the altar.

Talmud - Mas. Chullin 17a

Then is there not all the more reason [for them to be permitted] now that they are even further away from the Sanctuary!¹

Rather said R. Joseph: The Tanna of our Mishnah is R. Akiba. For it has been taught: [It is written] If the place which the Lord thy God will choose to put his name there be too far from thee, then thou shalt slaughter of thy herd and of thy flock.² This verse, says R. Akiba, is stated specially in order to prohibit the flesh of a stabbed animal. For in the beginning the Israelites were permitted to eat the flesh of a stabbed animal,³ but on entering the land of Israel they were forbidden. But now that they are in exile it might be said that they should revert to their former license, the Mishnah therefore teaches us: **AT ALL TIMES ONE MAY SLAUGHTER.**⁴

Talmud - Mas. Bechoroth 2a

CHAPTER I

MISHNAH. [AN ISRAELITE] WHO BUYS AN EMBRYO¹ OF AN ASS BELONGING TO A HEATHEN OR WHO SELLS ONE TO HIM, ALTHOUGH THIS IS NOT PERMITTED,² OR WHO FORMS A PARTNERSHIP WITH HIM,³ OR WHO RECEIVES [AN ANIMAL] FROM HIM TO LOOK AFTER⁴ OR WHO GIVES [HIS ASS] TO HIM TO LOOK AFTER,⁵ IS EXEMPT FROM THE [LAW OF THE] FIRSTLING,⁶ FOR IT SAYS:⁷ [‘I HALLOWED UNTO ME ALL THE FIRSTBORN] IN ISRAEL’, BUT NOT IN GENTILES⁸

GEMARA. What need is there for all these [cases mentioned in the Mishnah]⁹ — It is necessary [to state all these cases]. For if it taught only the case of HE WHO BUYS etc., I might have thought the reason was because he brings it [the animal] into the state of holiness¹⁰ but where he sells [to a heathen], since he releases it from holiness, he should be punished.¹¹ He accordingly states the second case [WHO SELLS etc.] What need is there for the statement OR WHO FORMS A PARTNERSHIP WITH HIM?¹² — It is to exclude the ruling of R. Judah Who said: A partnership with a heathen is subject to the law of the first-born.¹³ [The Mishnah] accordingly informs us [that a partnership with a heathen exempts the Israelite from the duty of the first-born]. What need is there for the case OR [AN ISRAELITE] WHO RECEIVES etc.?¹⁴ — It is necessary because [the Mishnah] wishes to teach the next case: OR [AN ISRAELITE] WHO GIVES [HIS ASS] TO HIM TO LOOK AFTER. And what need is there to state [the latter case itself.] OR [AN ISRAELITE] WHO GIVES etc.?¹⁵ — It is necessary. You might be inclined to assume that since the animal itself belongs to the Israelite¹⁶ we should punish him lest one come to confuse this with another animal.¹⁷ [The Mishnah] accordingly informs us that we have no such fear. We have learnt elsewhere:¹⁸ R. Judah permits the selling to a heathen of a maimed [animal]¹⁹ Ben Bathyra permits the selling of a horse.²⁰ The question was asked: What is R. Judah's ruling on selling an embryo to a heathen? Is the reason of R. Judah for allowing in that case²¹ because the animal is maimed and therefore an embryo also being incapable of work is on a par with a maimed [animal]? Or is the reason perhaps because a maimed [animal] is not a frequent occurrence,²² but a case of an embryo, being a frequent occurrence,²³ is unlike the case of a maimed [animal]? — Come and hear: OR WHO SELLS AN EMBRYO TO HIM ALTHOUGH HE IS NOT PERMITTED; and R. Judah does not contest this!²⁴ — But, according to your argument [in the cases mentioned in the Mishnah] OR WHO FORMS A PARTNERSHIP OR WHO RECEIVES FROM HIM OR WHO GIVES HIM, where [the Mishnah] does not expressly state that R. Judah differs, is it really the fact that he does not differ?²⁵ You must admit that he does differ without [the Mishnah] saying so; similarly here²⁶ also he differs without the Mishnah saying so. Come and hear: R. Judah says: If one received an animal from a heathen to look after²⁷ and it gave birth [to a firstling] we settle [with the gentile partner] for what it is worth and half of its value is given to the priest.²⁸ Or if [an Israelite] gives [an animal] to him [a heathen] to look after, although he is not permitted.²⁹ we punish him by compelling him to redeem the animal³⁰ even up to ten times its value and he gives its whole value to the priest.

(1) A firstling.

- (2) For one is forbidden to sell large cattle to a heathen because the animal is worked on the Sabbath. (A.Z. 14b).
- (3) Both purchasing an animal between them.
- (4) The Israelite for attending to the animal receiving in payment half of the offspring, but the animal itself belonging to the heathen.
- (5) The Israelite sharing a half or a third of the offspring.
- (6) Which required the Israelite to set apart the first-born as holy to be given to the priest and in the case of the firstling of an ass, to redeem it with a sheep, failing which its neck was broken. (Ex. XIII, 12, 13).
- (7) Num. III, 13.
- (8) Lit., 'in others'; where a Gentile has any share in the mother or the offspring, the firstborn is not holy.
- (9) HE WHO . . . SELLS ... FORMS A PARTNERSHIP etc., since obviously the principle that a non-Jew sharing in an animal or its offspring exempts the Israelite from the law of the first-born and which is applied in the first case (HE WHO BUYS etc.), applies equally to the others.
- (10) The animal coming into the possession of an Israelite will now rest on the Sabbath and therefore, having thereby performed a meritorious act he should not be punished by being made liable to observe the law of the firstling.
- (11) By being compelled to redeem it and give it to the priest.
- (12) If where the whole firstling belongs to the Israelite he is exempt, how much more so when he only shares in the offspring as a partner?
- (13) Half of the value of the first-born is consequently given to the priest.
- (14) Since, clearly, the rule that a non-Jew sharing in the animal or offspring exempts the Israelite from the law of the firstborn, applies here as in the previous passages.
- (15) What is the difference whether the Israelite undertakes to care for the heathen's animal or the non-Jew undertakes to attend to the Israelite's animal? For in both instances, since the non-Jew has a share in the offspring, the law of the first-born does not apply.
- (16) In the case of: OR WHO GIVES HIM etc., the whole animal, as well as half of the offspring. belongs to the Israelite.
- (17) In which the gentile has no portion either in the mother or in its offspring, claiming that exemption is also applicable in this instance.
- (18) A.Z. 14b.
- (19) An animal with a broken leg. The permission refers only to a place where there is no fear of carnal relations with animals.
- (20) Since a horse is generally used for riding, and if a gentile employed it in that manner on the Sabbath, there would be no breaking of the biblical prohibition of the Sabbath law, as riding on the Sabbath is only a rabbinic restriction.
- (21) In the case of a maimed animal.
- (22) And therefore we do not fear that if this is permitted, one would sell an ordinary animal to a heathen.
- (23) Because after its birth it is fit for work, and therefore if we allow it to be sold as an embryo, we may think that it is also permissible to sell an ordinary animal to a heathen.
- (24) And we are dealing with the case of an embryo and the Mishnah says ALTHOUGH HE IS NOT PERMITTED. Hence from the silence of R. Judah we may infer that the selling of an embryo to a heathen is forbidden according to every authority.
- (25) R. Judah differs from the Mishnah, as we have seen, with reference to a partnership with a heathen, and he also differs as stated later in the cases where an Israelite undertakes to look after a heathen's animal where a heathen looks after an Israelite's animal.
- (26) Where an Israelite sells an embryo to a heathen.

- (27) To share half the offspring between the Israelite and the heathen.
(28) The animal, however, is not consecrated for sacrifice on the altar, since half of it belongs to a heathen.
(29) To sell an animal to a heathen.
(30) From the possession of the heathen.

Talmud - Mas. Bechoroth 2b

Now, does this¹ not refer to the case of an embryo?² — No, it refers to the animal.³ But it does not say ‘damaw’ [‘its value’]?⁴ — Read ‘dameha’.⁵ But does it not say ‘and he gives its whole value to the Priest’? Now if [the words ‘its value’] refer to the animal, what has the priest to do with it?⁶ — [No.]⁷ We are dealing here with a case where e.g., [an Israelite] gave him a pregnant animal to fatten;⁸ since we punish him for [selling the] animal [to a gentile,] we also punish him for [selling] an embryo.⁹ Said R. Ashi, Come and hear: R. Judah permits the selling of a maimed [animal].¹⁰ because it cannot be cured.¹¹ But if it could be cured, it would be forbidden. Now, is not an embryo also like [an animal] which can be cured?¹² Deduce, therefore, from this [that it is forbidden to sell an embryo to a heathen according to R. Judah].

Some there are who referred [R. Judah's ruling on an embryo] to our Mishnah:¹³ AND WHO SELLS [AN EMBRYO] TO HIM [A HEATHEN] ALTHOUGH HE IS NOT PERMITTED. May we say that the Mishnah is not in agreement with R. Judah? For we have learnt: R. Judah permits the selling of a maimed [animal]!¹⁴ — You can even say [that the Mishnah] agrees with R. Judah. For the case of a maimed [animal] is not a frequent occurrence¹⁵ whereas the case of an embryo is a frequent occurrence.¹⁶ Come and hear: R. Judah Says: if one received an animal from a heathen to look after and it gave birth [to a firstling], we settle [with the gentile partner] for what it is worth and half of its value is given to the priest. Or if [an Israelite] gives [an animal] to him to look after, although he is not permitted to do so, we punish him [by making him, redeem the animal] even up to ten times its value and he gives its whole value to the Priest. Now, does this not refer to the case of an embryo? — No, it refers to the animal. But does it not say ‘damaw’? [‘its value’?] — Read ‘dameha’. But does it not say ‘and he gives its whole value to the Priest’? Now if [the words ‘its value’] refer to the animal, what has the Priest to do with it? — We are dealing here with a case where e.g., an Israelite gave him a pregnant animal to fatten, and since we punish him for [selling] the animal [to a gentile,] we also punish him for [selling] an embryo. Said R. Ashi, Come and hear: R. Judah permits the selling of a maimed [animal] because it cannot be cured. But if it could be cured it would be forbidden. And an embryo is on a par with an animal that can be cured. Deduce therefore from this [that according to R. Judah it is not allowed to sell an embryo to a heathen]. The following query was put forward: If one sold an animal for its [future] offspring [to a gentile,]¹⁷ what is the ruling?¹⁸ You can put this question to R. Judah and you can put this query to the Rabbis.¹⁹ You can put the query to R. Judah thus: are we to say that R. Judah only permits the case of a maimed [animal]²⁰ because he [the Israelite] will not come to confuse it with another animal and sell it [to a heathen], but in the case of a whole animal,²¹ where he may confuse it with another, [he will say that] it is forbidden, or are we to say that perhaps, if in the case of a maimed [animal] where he severs all connection with it,²² [it is allowed,] how much more so in the case of a whole animal where he has not severed all connection with it?²³ You can put this query to the Rabbis, thus: are we to say that the Rabbis only prohibit in the case of a maimed [animal] because he severs all connection with it,²⁴ but in the

case of a whole animal, where he does not sever his connection from the animal, it is permissible; or are we perhaps to say that if in the case of a maimed [animal], where he will not come to confuse it [with another animal], they forbid [the selling to a heathen,] how much more so in the case of a whole animal, is there the fear [of confusion.]²⁵ But is the reason of the Rabbis because of what [is stated] here?²⁶ Has it not been taught: They, [the Rabbis,] said to R. Judah:²⁷ Is it not possible to couple [an animal with a broken foot] so that it gives birth? Consequently, the reason is on account of the [future] offspring?²⁸ — This is what the Rabbis said [to R. Judah:] ‘Our reason [why we forbid the selling of a maimed animal] is because he may come to confuse it with another [animal]. But as for you, why do you permit a maimed [animal]? [It is] because it cannot be cured, and therefore it is as if he had sold it to be slaughtered.²⁹ But do we not couple it and it gives birth? And since we couple it and it gives birth, he will detain it.’³⁰ And thereupon he replied to them: ‘When it gives birth,³¹ for [in fact] it cannot take a male [for coupling purposes].’³² Come and hear: OR AN ISRAELITE WHO GIVES [HIS ASS] TO HIM [A HEATHEN] TO LOOK AFTER. And it does not say ‘although he is not permitted’!³³ — But, according to your argument, when it says: OR WHO FORMS A PARTNERSHIP WITH HIM, since it does not say [it is forbidden,] are we to infer that it is allowed? Has not the father of Samuel said: One must not form a partnership with a heathen lest he [the heathen] will be bound to take an oath to him and he will swear in the name of his idol and the Torah says: [And make no mention of the name of other gods.] neither let it be heard out of thy mouth?³⁴ You must, therefore, admit that when [the Mishnah] lays down that selling [to a heathen] is forbidden³⁵ the same ruling applies to a partnership [with a heathen]. Likewise here also when [the Mishnah] lays down that selling [is prohibited] the same ruling applies to kabanuth.³⁶ Why then does the Mishnah cite [the prohibition] specifically in connection with selling?³⁷ — Because the main prohibition refers to the selling. Come and hear: R. Judah said: If one receives an animal from a heathen to look after and it gives birth [to a first-born] we settle [with the gentile partner] for what it is worth and half of its value is given to the priest. If again an Israelite gives an animal [to a heathen] to look after, although [he knows that] this is not permitted, we fine him even up to ten times its value and he gives its whole value to the Priest.³⁸ But the Sages say, so long a gentile has a share in it,³⁹ it is exempt from the law of the first-born.

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- (1) The statement that we punish him because he is not permitted to sell to a heathen.
 - (2) I.e., where an Israelite gives a pregnant animal to a heathen to look after, both sharing the offspring while the animal itself belongs to the Israelite, the words ‘although it is not permitted’ referring to the embryo. We punish him by making him give the value of the embryo to the Priest. Hence we can deduce that one is forbidden to sell an embryo to a heathen.
 - (3) The words ‘although it is not permitted’ refer to the animal, but an embryo is allowed to be sold to a heathen.
 - (4) The masculine ending of the Hebrew word **uhns**, proves that it refers to the embryo.
 - (5) With a feminine ending referring to **VNVC** (animal), which is a feminine noun.
 - (6) The Priest having no claim on the animal itself, only on its first-born.
 - (7) We cannot deduce from here the prohibition to sell an embryo to a heathen.
 - (8) The Israelite and the heathen share the offspring and any increase in the animal's value after it is sold.
 - (9) But elsewhere, R. Judah may hold that an embryo may be sold to a gentile, just as he allows the selling of a maimed animal.
 - (10) Supra p. 2, n. 8.
 - (11) To enable it to do work on the Sabbath.

- (12) For in time, after its birth, it will be fit for work.
- (13) And do not, in the first place, propound a query which they subsequently attempt to solve from the Mishnah.
- (14) And an embryo may be compared with a maimed animal since in both cases the animals are unable to work, and therefore R. Judah will hold that an embryo may be sold to a heathen, contrary to the ruling of our Mishnah.
- (15) As it is an unusual occurrence, R. Judah permits its selling, and we do not fear lest one will sell in other circumstances also.
- (16) If we therefore permit in this case, one may come to sell in other cases also.
- (17) The animal itself, however, he does not sell.
- (18) Should we punish him by forcing him to redeem the animal for having broken the rule prohibiting the selling of large cattle to a gentile?
- (19) Who differ from R. Judah with reference to a maimed animal.
- (20) Supra p. 4, n. 22.
- (21) As in our query, he may think that it is permissible to sell to a gentile a whole animal, since here, too, we allow him to sell an animal for its future offspring.
- (22) The Israelite leaving nothing for himself after selling.
- (23) Since the animal itself belongs to the Israelite and is not yet pregnant, and when the offspring is born, it will be in the possession of the heathen.
- (24) The selling her is complete and, therefore, there is the fear that one might sell also a whole animal to a heathen.
- (25) For another animal, where the selling is complete and the Israelite has no share in the animal, unlike the circumstances in our query, where the animal still belongs to the Israelite and there is as yet no offspring.
- (26) So that the above query naturally arises.
- (27) In arguing why they forbid the selling of a sheburah to a heathen.
- (28) We may therefore solve from here our query by concluding that according to the Rabbis it is forbidden to sell an animal to a heathen for the sake of its future offspring, and according to R. Judah it is permissible.
- (29) Therefore there can be no fear that one might substitute another animal which is not to be slaughtered and sell it to a gentile.
- (30) For the sake of its offspring, and one who sees it in the house of a heathen at the end of a year or two may come to the conclusion that it is permissible to sell an animal which is not for slaughter to a heathen.
- (31) You will then inform me.
- (32) Because of the animal's disability.
- (33) Now here the animal was sold to the heathen for its offspring and therefore we can infer that it is permissible to sell an animal to a gentile for its future offspring.
- (34) Ex. XXIII, 23. 'Out of thy mouth', caused by thy mouth, i.e., when you are responsible for the heathen's oath, which shows that it is not allowed.
- (35) The passage in the Mishnah **ALTHOUGH HE IS NOT PERMITTED**.
- (36) Where the heathen undertakes to take care of the Israelite's animal in return for its offspring.
- (37) And not in connection with the other cases enumerated in the Mishnah.
- (38) Supra 2b.
- (39) Lit., 'has a hand in the middle'.

Talmud - Mas. Bechoroth 3a

Now, does not this statement¹ deal with the case of the animal? — No. It deals with the case of an embryo.² I can also prove this [from the wording]. For it says: We fine him up to ten times its

value; from which you may deduce that it refers to the embryo.³ [The ruling that we punish him for selling to a heathen] supports the view of Resh Lakish. For Resh Lakish said: If one sells large cattle to a heathen, we punish him by forcing him [to redeem the animal]⁴ even up to ten times its value. [Does Resh Lakish mean] exactly ten times or not?⁵ — Come and hear: For R. Joshua b. Levi said: If one sells a slave to a heathen, we punish him by forcing him [to redeem the slave] even up to a hundred times his value.⁶ — The case of a slave is different, for every day he [his gentile master] prevents him from carrying out religious duties.⁷ Another version [of this argument] is: Said Resh Lakish: If one sells large cattle to a heathen, we punish him by forcing him to redeem the animal even up to one hundred times its value. But we have learnt in a Mishnah: or if [an Israelite] gives an animal to him [a heathen] to look after, although he is not permitted, we punish him by forcing him [to redeem the animal] even up to ten times its value!⁸ — By selling he severs all connection with it [the animal].⁹ But in the ‘case of kablanuth’¹⁰ there is no severing of his connection with the animal.¹¹ [Does Resh Lakish mean] exactly [one hundred times] or not?¹² — Come and hear: For R. Joshua b. Levi said: If one sells his slave to a heathen, we punish him by forcing him [to redeem the slave], even up to ten times his value!¹³ — The case of a slave is different, for he does not return¹⁴ [to his master after being redeemed].¹⁵ Now in the case of an animal, what is the reason [why an Israelite is forced to redeem it even up to one hundred times its value]? Presumably, because it comes back [to its master]. Let us then force him [to pay] once over [the ten etc.]?¹⁶ — Rather the reason must be because the case of a slave [being sold to a heathen] is a rare occurrence,¹⁷ and any case which is of a rare occurrence, the Rabbis did not [in their rulings] guard against.¹⁸ ‘But the Sages say: So long a gentile has a share in it etc.’ Said R. Joshua:¹⁹ And both²⁰ expounded the same verse: [Sanctify unto me] all the first-born [whatsoever openeth the womb in Israel].²¹ The Rabbis hold that [the word] ‘first-born’ is to be understood as meaning even if a portion [of a first-born] belongs to an Israelite.²² Therefore the Divine Law inserts the word ‘all’ implying that the whole [of the first-born must belong to the Israelite].²³ R. Judah on the other hand holds that the word ‘first-born’ [by itself] is to be understood as meaning the whole of the first-born. Therefore the Divine Law inserts ‘all’ to show that even if any portion whatsoever [of the first-born belongs to the Israelite it²⁴ is subject to the law of the firstling.] Or if you prefer, I may say that all [the authorities] understand that the word ‘first-born’ denotes the larger part [of the animal]. One Master, however, holds that the [purport of the] word ‘all’ is to add²⁵ while the other Master²⁶ holds that it is to diminish.²⁷ And how much must a gentile's share be to exempt [the animal] from the law of the first-born? — Said R. Huna: Even if it is no more than of the [firstling's] ears. R. Nahman demurred. Let him [the Priest] say to him [the gentile] ‘Take your portion of the ear and go’?²⁸ It was stated: R. Hisda said: [The heathen's share in the animal] must be something which renders an animal nebelah.²⁹ Raba said: [The heathen's share in the animal] must be something which renders it trefah.³⁰ What is the point at issue between them? — Whether a trefah can live. He who says that [the gentile's share in the animal] must be something which renders it trefah, would maintain that a trefah cannot live,³¹ whereas he who says [the gentile's share] must be something which renders the animal nebelah but a trefah, he would maintain, that it is able to live.³² The Rabbis said in the presence of R. Papa: The ruling of R. Huna on the one hand and the rulings of R. Hisda and Raba on the other, do not differ.³³ The one [R. Huna's] relates to it [the first-born;]³⁴ the other [the rulings of R. Hisda and Raba] relate to the mother.³⁵ Said R. Papa to them [the Rabbis]: Why is there this ruling in connection with the first-born? [Presumably] because we require [the condition of] ‘all of the first-born’³⁶ and it is not found here.³⁷ In connection with its mother also,³⁸ we

require [the condition specified in the verse]: And of all thy cattle thou shalt sanctify the males,³⁹ which is not found here. But there is in fact no difference.⁴⁰ Mar, the son of R. Ashi demurred: Why should this⁴¹ be different from the premature [first births] of animals, which although they are not viable, are sacred? For a Master said: The words, [And every firstling that is a male] which thou hast coming from an animal [shall be the Lord's],⁴² [denote the foetus] which dwells in the animal? — There,⁴³ since there is no mixture of an unconsecrated [part of the animal],⁴⁴ we apply to it the words 'in the animal', 'all the first-born'.⁴⁵ Here,⁴⁶ however, since there is a mixture of the unconsecrated part of the animal,⁴⁷ we do not read concerning it the words 'all the first-born'.⁴⁸ R. Eleazar once did not attend the House of Study. He came across R. Assi and asked him 'What did the Rabbis say in the House of Study'? — He replied

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- (1) The ruling that we punish the Israelite to redeem it from the gentile refers to the animal. Consequently we see that if one sold an animal to a gentile for its future offspring, we punish him according to both the ruling of R. Judah and the Rabbis, for the opponents of R. Judah only differ from him in connection with the first-born.
 - (2) We punish him for making over the embryo in a pregnant animal to a gentile. But with the case of an animal sold for its future offspring, we are not here concerned. Therefore we are unable to solve the above query.
 - (3) Since it says **וְהָיָה** ('its value') with the masculine ending and also speaks of giving it to the Priest, v. supra p. 4, n. 2.
 - (4) From the possession of the heathen.
 - (5) Must the Israelite actually pay even ten times its value in order to redeem the animal or does the ruling only mean that even if the gentile demands a larger price than its worth, the Israelite is compelled to redeem it?
 - (6) Now, since it says here a hundred times the value of the object sold and in reference to an animal it states ten times, we can infer that the numbers are meant to be taken literally, for if it were otherwise, why does it not say in both instances either a hundred times or ten times?
 - (7) And in the case of a heathen slave he would be preventing him from living up to the obligations resting on the Noahide. We therefore force the Israelite to pay even one hundred times the value of the slave. But in the case of an animal, we are not so strict and the ten times mentioned may be taken as an exaggeration.
 - (8) Thus the Mishnah is contrary to the ruling of Resh Lakish.
 - (9) We therefore force him to pay even one hundred times its value to the gentile.
 - (10) The case in the Mishnah just cited where a heathen undertakes to attend to an Israelite's animal.
 - (11) Since the animal still belongs to the Israelite.
 - (12) Or is the one hundred times mentioned a mere hyperbole?
 - (13) And since in connection with a slave it says ten times and in reference to an animal one hundred times, we may infer that the numbers mentioned are not to be taken literally, for otherwise in the case of a slave where he is prevented from observing his religious obligations, the penalty should be much more severe than in the case of an animal.
 - (14) According to Rashi he is automatically set free. Y. Git. 43b. R. Gershom says that the slave hates to return of his own free will to his former master, after the latter had sold him to a heathen.
 - (15) And therefore we do not force him to pay more than ten times the value of the object sold, but in the case of an animal the number stated may be taken as precise.
 - (16) Since the animal returns to its former owner it cannot be counted as part of the fine i.e. the Israelite should be forced to pay eleven times its value.
 - (17) And therefore we do not force the Israelite to pay more than ten times the value of the object sold.
 - (18) But in the case of selling an animal which is a frequent occurrence, the Rabbis were more stringent.
 - (19) Var. lec.: R. Johanan.

- (20) The Sages and R. Judah.
- (21) Ex. XIII, 2.
- (22) In order to be subject to the law of the first-born.
- (23) Meaning literally 'all'.
- (24) The animal.
- (25) So that the entire animal must, be in the Israelite's possession.
- (26) R. Judah.
- (27) Meaning 'any', so that if the Israelite has a share in the first-born, however small, he is required to carry out the duty of the first-born.
- (28) For a first-born, even with a blemish, although unfit for sacrifice on the altar, is given to the Priest.
- (29) An animal that has died a natural death or was killed not in accordance with the Jewish ritual law, is called nebelah. If the gentile therefore had for his share an essential part of the animal the absence of which would make it impossible to perform ritual slaughter, e.g., its gullet or windpipe, since such a vital part of the animal was in his hand, it was as if the whole animal belonged to him and was therefore exempted from the law of the first-born.
- (30) An animal afflicted with an organic disease or disability as e.g., the removal of a certain portion of the knee. v. Hul. 42a.
- (31) And since the animal cannot live, it is as if it belonged completely to the gentile.
- (32) The gentile consequently does not possess a vital part of the animal.
- (33) R. Hisda and Raba however do differ.
- (34) Even if the gentile has the share of an ear in it, the law of the first-born does not apply.
- (35) And they differ as to whether the blemish must be of a nature which renders it nebelah or trefah.
- (36) In the possession of the Israelite so as to be subject to the duty of the first-born.
- (37) Where the ear belongs to the gentile.
- (38) Where the gentile has an element in the animal which makes it either trefah or nebelah.
- (39) Ex. XXXIV, 19, i.e. if the animal belongs entirely to you, then you are commanded to observe the law of the first-born.
- (40) Between the mother and its first-born, and consequently R. Huna on the one hand and R. Hisda and Raba on the other, do actually differ.
- (41) The case of a heathen having a share in an animal which renders it either trefah or nebelah.
- (42) Ex. XIII, 12 **rda** (shegor) coming from the word **rda** (shegor), the root being **rd** to dwell, sojourn. Or **rda** (shegor) that which it casts forth prematurely.
- (43) In the case of premature first births.
- (44) Shared by a heathen.
- (45) Whatever is in the animal has the holiness of a firstling.
- (46) In the case of the mother.
- (47) Shared by a heathen.
- (48) Which phrase denotes that any part shared by an Israelite makes it subject to the law of the first-born.

Talmud - Mas. Bechoroth 3b

Thus did R. Johanan say: Even if [the heathen's share in the firstling was only something constituting] a slight blemish,¹ And as to what we have learnt:² 'A ewe which gave birth to a species of a goat or a goat which gave birth to a species of a ewe, is exempt from the duty of the firstling'.³ But if [the offspring] possessed some features [similar to the mother] it is subject to the [law of the firstling]. [Thereon R. Johanan commented that this⁴ means that] it is [like a firstling]

with] a permanent blemish, on account of which it is slaughtered.⁵ We well understand R. Johanan laying down a ruling with reference to a slight blemish, for this informs us that [the law] is according to R. Huna and excludes the rulings of R. Hisda and Raba. But his ruling regarding a permanent blemish — what new thing does he teach us therewith? Is it to inform us that since it [the animal] is abnormal this is regarded as a blemish? [Surely] we have [already] learnt [this ruling⁶ in a Mishnah]: Or if the firstling's mouth is like a pig, it is a blemish!⁷ And should you argue that [in the Mishnah just cited] the firstling has changed into a species [of animal] in which the sanctity of the firstling does not exist⁸ but here the firstling has changed into a species [of animal] in which the sanctity of the firstling does exist,⁹ this too we have learnt: If one of its eyes is large and one is small [it is a blemish].¹⁰ And a Tanna taught that 'large' means large like a calf's and 'small', small like that of a goose. Now, we may grant your argument as far as [the case of a firstling] with a small eye like a goose is concerned, this being a species¹¹ in which the sanctity [of the firstling] does not exist.¹² But in the case of a large eye like a calf's — this is a species in which the sanctity of the firstling does exist.¹³ Must you not therefore admit that [the reason is] that we say since [the animal] is abnormal, it is regarded as a blemish?¹⁴ — No. The reason is because it is a sarua'.¹⁵ This really also stands to reason. For we have learnt: The above mentioned blemishes, whether permanent or transitory, make also human beings unfit for the Priesthood. To these must be added in the case of blemishes of human beings, two large eyes or two small eyes.¹⁶ [Because] with reference only to human beings it is written: Whatsoever man of the seed of Aaron¹⁷ requiring 'man' among the seed of Aaron to be with normal [human features].¹⁸ But the case of an animal, two large or two small eyes is not also regarded as a blemish. Now in the case of an animal with one large or one small eye what is the reason [why it is a blemish]? If because of the abnormality, then the same should apply to an animal with two large eyes or two small eyes? Then must you not admit that the reason [in the former case] is because of sarua'?¹⁹ — No. I can indeed still say that [the reason why an animal with one large and one small eye is blemished] is because of the abnormality. And as for your question that the [same ruling] should apply to the case of an animal with two large and two small eyes, [the answer is that] there [in the latter instance] if [the change is] because of the animal's extra obesity, the two eyes need to be large, and if because of its unusual leanness, then both [eyes] have to be lean [small].²⁰ There was a woman proselyte to whom the Achii²¹ gave an animal to fatten. She came before Raba.²² He said to her: There is no authority that pays any attention to the ruling of R. Judah who said: The partnership of a heathen [in an animal] is subject to the law of the firstling. R. Mari b. Rahel possessed a herd of animals. He used to transfer [to a heathen] possession of the ears [of the firstlings while still in the womb].²³ He [nevertheless] forbade the shearing and the working of the animals and gave them to the Priests.²⁴ The herd of R. Mari b. Rahel died. Now, since he forbade the shearing and the working of the animals and gave them to the Priests, why did he give [a heathen] possession of the ears [of the firstlings?]²⁵ — [It was] lest he should be led to commit an offence.²⁶ If so, why did the herd of R. Mari die?²⁷ — Because he deprived them of their holiness.²⁸ But has not Rab Judah said: One is permitted to make a blemish in a firstling before it comes into the world?²⁹ — There, [in the latter case] he deprives the animal of the holiness of being sacrificed on the altar but he does not deprive it of the holiness [of belonging to] the Priests.³⁰ But in the former case, he even deprives it of the holiness [of belonging to] the Priests.³¹ Or, if you prefer, I may say that R. Mari b. Rahel knew how to make a valid transfer to a heathen.³² But we are afraid that another man may see this and go and do [likewise], thinking that R. Mari did nothing significant³³ [when transferring to a heathen].³⁴ And thus he will be led

to commit an offence.

MISHNAH. PRIESTS AND LEVITES ARE EXEMPT³⁵ A FORTIORI: IF THEY EXEMPTED THE FIRST-BORN BELONGING TO THE ISRAELITES IN THE WILDERNESS,³⁶ IT FOLLOWS A FORTIORI THAT THEY SHOULD EXEMPT THEIR OWN.

(1) Like the ear of the animal which is not a vital part, in which case the Israelite is exempt from the duty of the firstling.

(2) V. infra 16b.

(3) For Scripture says: Or the firstling of a goat. Num. XVIII, 17. Both the firstling and the mother must belong to the same species and class i.e. a goat.

(4) The ruling that it is subject to the law of the firstling.

(5) I.e., outside the Temple. And eaten like any other firstling which possesses a blemish. It is, however, not suitable for sacrifice on the altar. This was R. Johanan's novel ruling emanating also from the House of Study, i.e., that a change in the animal renders it blemished.

(6) That a change in the animal renders it blemished.

(7) Infra 402.

(8) That of a pig.

(9) And therefore this would be the novelty in the ruling of R. Johanan, that even in such an instance it is regarded as a blemish.

(10) Infra 40b.

(11) Birds being exempt from the law of the firstling.

(12) There is need therefore for R. Johanan to inform us that even in this case it is a blemish since there is a change in the animal.

(13) And even so it is regarded as blemished.

(14) What new thing consequently does R. Johanan tell us in his ruling that a change renders it blemished, since this may be inferred from the Mishnah?

(15) An animal whose one limb is larger than the other is called a sarua'. Therefore were it not stated in the House of Study that a change in the offspring e.g., where its wool resembles that of a goat, renders it blemished, I should not have been in a position to infer this from the Mishnah, as sarua' is a permanent blemish explicitly mentioned in the Scripture.

(16) Infra 43a.

(17) Lev. XXII, 4.

(18) V. infra p. 289, n. 8.

(19) And it is not because of the change that an animal with one long and one short eye is regarded as blemished and therefore there is need for R. Johanan to inform us that elsewhere a change in the animal constitutes a blemish.

(20) So that two large or small eyes constitute no change. Now since we can after all deduce from the Mishnah that a change renders the animal blemished, one can still raise the question, what is there novel in R. Johanan's ruling? (R. Gershom).

(21) Certain heathens.

(22) To enquire whether the duty of the firstling applies.

(23) To be exempt from the law of the firstling.

(24) As if they were actually firstlings and holy.

(25) For in this manner he carried out the prohibitions in connection with the firstling.

- (26) In case he should shear and work the animal. And therefore he rendered himself exempt by transferring a part of the embryo to a heathen.
- (27) Since his motives were good.
- (28) By transferring a share of them to heathens.
- (29) As the sanctity of a firstling only begins after its birth.
- (30) Like a firstling with a blemish whose shearing is forbidden and work with which is prohibited, still possessing a certain degree of holiness.
- (31) Although he actually observes all the prohibitions with reference to a blemished firstling, it is really rendered, owing to the share of the heathens, an unconsecrated animal.
- (32) To accept money from a heathen which is the valid method whereby a selling transaction is concluded with a gentile.
- (33) Lit., 'did a mere word'.
- (34) By means of words only the transference was effected and no money was paid i.e., he simply informed the heathen that he had given him possession.
- (35) Presumably from the first-born of an ass.
- (36) This at present understood as meaning that since the Levites themselves exempted the asses of the Israelites in the wilderness, how much more should they exempt their own asses.

Talmud - Mas. Bechoroth 4a

GEMARA. Did they [themselves] exempt?¹ [Surely] a man [a Levite] exempted a man [a first-born Israelite]; an animal [of a Levite] exempted an animal [an Israelite's first-born ass]. For it is written: 'Take the Levites instead of all the first-born among the children of Israel and the cattle of the Levites instead of their cattle'² — Said Abaye: The Mishnah means this: 'As for priests and Levites, their animals are exempt a fortiori. If the animal [the sheep] of the Levites released the animal of the Israelites in the wilderness,³ it follows a fortiori that it should release their own'.⁴ Said Raba to him: But does not the Mishnah say: 'THEY EXEMPT' meaning the Levites] themselves? And further, if it is [as you state],⁵ they [the Levites] should be exempted even from [liabilities for] a clean animal?⁶ Why have we learnt: They [the Levites] are not exempted from the law of the firstling of a clean animal only from the redemption of the first-born male, and the first birth of an ass!⁷ No, said Raba; the [Mishnah] must be read thus: 'Priests and Levites exempt themselves [from the redemption of the first-born] a fortiori'. If the holiness of the [non-first-born] Levites canceled the holiness of the first-born Israelite [in the wilderness], should it not cancel that of their own [first-born]? We thus find that man [the Levite first-born is exempt]. Whence do we know that this also applies to an unclean animal?⁸ The text says: Howbeit the first-born of man shalt thou surely redeem and the firstling of unclean beasts shalt thou redeem.⁹ Whosoever is required [to redeem] the first-born of a man, is required [to redeem] the firstling of an unclean animal. But whosoever is not required [to redeem] the first-born of a man¹⁰ is not required to redeem the firstling of an unclean animal. Said R. Safra to Abaye: According to your interpretation, which is that [the a fortiori argument] also refers to their [the Levites'] animals,¹¹ a Levite who had a sheep [in the wilderness] to release [a first-born of an Israelite ass], could ipso facto release [his own], but he who did not possess a sheep to release [a first-born of an Israelite ass] could not release his own? Further, both according to your interpretation and Raba's,¹² [a Levite] of a month old who released [an Israelite first-born of a month old in the wilderness]¹³ should therefore release [himself from the necessity of

redemption,] while [a Levite first-born] less than a month old, who did not release [a first-born Israelite of the same age], should not therefore be able to release himself?¹⁴ Also, a Levite's daughter¹⁵ who gave birth to a first-born, should not be exempt [from redemption].¹⁶ Why then did R. Adda b. Ahaba say: If a Levite's daughter [married to an Israelite] gave birth, her son is exempt from the five sela's?¹⁷ — That is no objection, as Mar the son of R. Joseph [explained in the name of Raba who said: [Scripture says]: *petur rehem* [the opening of the womb]. The Divine Law makes [the duty of the first-born] depend on the opening of the womb.¹⁸ But what of Aaron since he was not included in that counting [of the Levites],¹⁹ then [the first-born of his asses] should not be released [from redemption]; (for it has been taught: Why is [the word] 'Aaron' dotted in the Book of Numbers?²⁰ Because he [Aaron] was not in that numbering [of the Levites]?) — Scripture said 'The Levites' implying that all Levites are compared to one another.²¹ And whence do we know [that] Priests [are included in the term Levite?] — As R. Joshua the son of Levi explained. For said R. Joshua: In twenty-four places Priests are called Levites and the following [instance] is one of them: But²² the Priests the Levites the sons of Zadok.²³

(1) The first-born of asses in the wilderness.

(2) Num. III, 45.

(3) From the redemption of the first-born of an ass.

(4) The Levites' own first-born of asses. Similarly, according to Abaye, just as the Levites themselves exempted the first-born of the Israelites in the wilderness, so they should a fortiori exempt their own first-born.

(5) That we argue a fortiori with reference to the animals of the Levites.

(6) From the law of the firstling, for the Levites' clean animals exempted the clean animals of the Israelites in the wilderness.

(7) *Infra* 13a.

(8) I.e., that priests and Levites are exempt from the law of the first-born of an ass!

(9) Num. XVIII, 15.

(10) E.g., the Levites and priests who are exempt a fortiori, are therefore also free from redeeming their first-born of asses.

(11) Inferring that the firstling of an ass belonging to a Levite and Priest is also exempt a fortiori.

(12) For both agree that we argue a fortiori that the first-born of a Levite is exempt from redemption.

(13) If the holiness of a plain (non-first-born) Levite of a month old released from holiness an Israelite first-born of a month old—as only the first-born of a month old were numbered, V. Num. III,40 — how much more so should the Levite first-born of a month old release himself from redemption?

(14) Why therefore does not Scripture state that the first-born Levites in the wilderness who were at the time of counting less than a month old had to be redeemed?

(15) Who married an Israelite.

(16) Since females were not included in the count in the wilderness.

(17) The sum of money necessary for the redemption of the first-born.

(18) We go therefore by the mother and since she comes of a tribe which is exempt from redemption of the first-born, we link the son with the mother and not with the father, that is provided the exemption in the wilderness extended to all Levites, even those who were not a month old at the time.

(19) Num. III, 14 etc. Neither he nor his animals were included and therefore they did not cancel the holiness of the first-born of the Israelites.

(20) Num. III, 39: All that were numbered of the Levies which Moses and Aaron numbered. For all dottings of a word have the purpose of limiting and excluding something.

(21) All Levites irrespective of age, including anybody performing sacred functions, such as the priests, all were exempt from redeeming the first-born of an ass. This answers all the questions raised above.

(22) Ezek. XLIV, 15.

(23) We see here therefore that the priests are described as Levites. Similarly where the word 'Levites' is mentioned by itself, it also embraces the priests.

Talmud - Mas. Bechoroth 4b

Whence do we know [that the exemptions]¹ apply to all time?² The text says: 'And the Levites shall be mine';³ 'and they shall be' means that they [the Levites] retain their status [for all time]. And whence [do we know] that [the Levite exempted the Israelite's first-born of asses in the wilderness] with a sheep?⁴ — Said R. Hisda: Money⁵ is written [in connection with the redemption of the first-born] for all time; and 'a sheep' is written [in connection with the redemption of the first-born of an ass]⁶ for all time. Just as with the money prescribed for all time, they both redeemed [the first-born] at all times and they redeemed at that particular time [in the wilderness], so with sheep prescribed for all time, they [the Levites] both redeemed [the firstlings] at all times and they redeemed at that particular time [in the wilderness]. But it may be objected⁷, that the case of money is different, because with it we also redeem consecrated objects and the second [year's] tithing!⁸ Rather [we deduce from the following]. Scripture said: 'Nevertheless the first-born of man thou shalt surely redeem and the firstling of unclean beasts shalt thou redeem'.⁹ Just as in the case of the first-born of a man you make no distinction between all time and that particular time [in the wilderness, the redemption in each case being] with money, so [in the case of an unclean animal], you shall not make a distinction between for all time and that particular time, [the redemption in each case being] with a sheep. R. Hanina said: One sheep of a Levite exempted many firstborn of the asses of the Israelites. Said Abaye: The proof is that Scripture numbers the surplus of men¹⁰ [over the Levites] but does not number the surplus [of Israelite] animals [over the Levites' animals]. But what proof is this? Perhaps they [the Israelites in the wilderness] did not possess many animals [asses] to redeem?¹¹ — That cannot enter your mind. For it is written: 'Now the children of Reuben and the children of Gad had a very great multitude of cattle'.¹² Perhaps even so the ordinary [non-first-born animals] of the Levites just corresponded with [the number] of the first-born of the Israelites?¹³ — Scripture says: And the cattle of the Levites instead of their cattle;¹⁴ one Levite animal instead of many [Israelite] animals [firstlings of asses]. But why can we not say that the word ['cattle'] also implies many [animals?]. — If so let Scripture write either 'cattle instead of cattle' or 'their cattle instead of their cattle'. Why does Scripture write 'cattle of . . . instead of their cattle'? Deduce from this that one [Levite] animal exempted many [Israelite] animals. Said Raba: We have also learnt [R. Hanina's ruling]: And he can redeem with it [the sheep]¹⁵ many times [the first-born of asses]. And R. Hanina?¹⁶ — He explains the reason of the Mishnah and what he means is this: What is the reason that he can redeem with it [the sheep] many times [the first-born of asses]? Because one sheep of a Levite exempted many firstborn of asses belonging to an Israelite. It was stated: R. Johanan said: The first-born¹⁷ in the wilderness were sanctified; Resh Lakish said: The first-born in the wilderness were not sanctified.¹⁸ R. Johanan said that the first-born were sanctified in the wilderness, for the Divine Law said that they should be sanctified, as it is written: Sanctify unto me all the first-born.¹⁹ Resh Lakish said that the first-born were not sanctified in the wilderness, since it is written: And it shall be when the Lord shall bring thee [into the land of the Canaanites] and it says

subsequently: That thou shalt set apart [unto the Lord all that openeth the womb].²⁰ From this you can infer that previously [to their entering the land],²¹ it [the first-born] was not sanctified.²² R. Johanan raised an objection to Resh Lakish's [view]: Before the Sanctuary was erected,²³ the High places²⁴ were permitted and the service [was performed] by the first-born!²⁵ — He replied to him: [The service was performed] by those [first-born] who departed from Egypt.²⁶ It also stands to reason. For if you will not say so, is a one year old²⁷ capable of performing the service? And [R. Johanan] how could he raise such a question at all?²⁸ — This was his [R. Johanan's] objection [to Resh Lakish's view]. You would be right if you said that the holiness [of the first-born] did not cease [in the wilderness],²⁹ because then those [first-born] also originally born [in Egypt], did not have their holiness canceled. But if you say that their holiness ceased,³⁰ then those [firstborn] originally born in Egypt, should also have had their holiness canceled?³¹ And [what says] the other [to this]? — Those who were holy [the first-born of Egypt], remained holy³² and those who were not hitherto holy,³³ [did not become] holy. He [R. Johanan] raised an objection: On the day on which the Sanctuary was erected, votive-offerings, freewill-offerings, sin-offerings, trespass-offerings, firstlings and the tithe of cattle, were sacrificed in Israel!³⁴ — Here, also, it refers to those [firstborn] who departed from Egypt. And [from the Baraitha] itself we can deduce this: 'On that day [firstlings] were sacrificed', but after that, [in the wilderness], there was no sacrifice [of firstlings].³⁵ Some there are who say, Resh Lakish cited against R. Johanan the following: 'That day on which the Sanctuary was erected, votive-offerings, freewill-offerings, sin-offerings, trespass-offerings, firstlings, tithe of cattle were sacrificed in Israel', as much as to say 'on that day' but after that [in the wilderness], there was no [sacrifice of firstlings]!³⁶ — R. Johanan replied: Amend [the Baraitha] thus: 'From that day and onward'.³⁷ And what does he tell us here? — That from that day [these sacrifices] were permitted but not at first, from which we are to infer that obligatory sacrifices were not sacrificed on a High place.³⁸ Come and hear: 'Consequently in three places were the firstborn sanctified for Israel: in Egypt, in the wilderness, and when they entered the Land. With reference to the first-born in Egypt, what does Scripture say? Sanctify unto me all the firstling.³⁹ With reference to the firstling in the wilderness Scripture says: For the first-born of the children of Israel are mine.⁴⁰ With reference to [the first-born] when they entered the Land, [Scripture] says: And it shall be when the Lord shall bring thee [into the land of the Canaanites] . . . That thou shalt set apart!⁴¹ Said R. Nahman b. Isaac: [This passage means] that in three places the Israelites were commanded concerning the sanctification of the first-born but they were not [actually] sanctified.⁴² And were not also the [first-born] in Egypt sanctified? Did we not say that they were holy?⁴³ — This is what the [passage] means: In some [of the three places referred to], [the first-born] were sanctified, and in some, they were not sanctified.⁴⁴ R. Papa demurred: And were not the first-born sanctified in the wilderness? Behold it is written: Number all the first-born males of the children of Israel.⁴⁵ Rather [if the above dispute was] stated, it was stated as follows: R. Johanan said: They [the first-born] were sanctified and did not cease [from their holiness].⁴⁶ But Resh Lakish said that they were sanctified [temporarily]

(1) For priests and Levites.

(2) And not limited to the wilderness.

(3) Num. III, 45.

(4) Perhaps the verse 'And the cattle of the Levites instead of all the firstlings among the cattle of the children of Israel', (Num. III, 41.) means that the first-born of the Levite's ass exempted the Israelite's firstling of an ass, but

not the sheep, (R. Gershom).

(5) Num. XVIII, 16.

(6) Ex. XIII, 13.

(7) To this analogy between 'money' and 'sheep'.

(8) Whereas we do not as a rule redeem sacred objects with a sheep. Consecrated objects are redeemed with money. V. Lev. XXVII, 15 and the second year's tithes are also redeemed with money, V. Deut. XIV, 25.

(9) Num. XVIII, 15.

(10) Of first-born Israelites who had to be redeemed with money. And since Scripture does not mention the surplus of Israelite animals over the Levites' animals, we can infer that one Levite sheep exempted many Israelite animals.

(11) And this being the case, one Levite sheep did not have to redeem many first-born of asses.

(12) Ibid. XXXII, I.

(13) So that there was no surplus and there is thus no evidence that the firstlings of the Israelites outnumbered the plain Levites' animals.

(14) Ibid. III, 45.

(15) Infra 9a. If the sheep which he gave to the priest as a redemption for the first-born of an ass, comes back to him either through the priest selling or giving it as a present to him, he can redeem another first-born of an ass with the same sheep.

(16) Since the Mishnah just cited teaches his ruling, then his is superfluous.

(17) Both of men and animals and certainly those born in Egypt.

(18) And Only the first-born in Egypt and those who were born when they entered the land were sanctified.

(19) Ex. XIII, 2.

(20) Ibid. XIII, II, 12.

(21) In the wilderness.

(22) And the above verse 'Sanctify unto me all the first-born' will refer to those born in Egypt.

(23) Zeb. 112b.

(24) Improvised and temporary altars.

(25) We therefore see that the first-born in the wilderness, were sanctified contrary to the ruling of Resh Lakish.

(26) But the first-born born in the wilderness were not sanctified.

(27) Since only one year had elapsed since the departure from Egypt and the erection of the Sanctuary.

(28) Surely there could be only one explanation of the Mishnah in Zebahim.

(29) That the first-born born in the wilderness were also sanctified.

(30) For a period, namely, those first-born born in the wilderness.

(31) And therefore the question is raised, according to Resh Lakish, how were the first-born permitted to offer sacrifices.

(32) And their holiness never ceased.

(33) The firstborn born in the wilderness.

(34) We therefore see that the first-born in the wilderness were sanctified contrary to the ruling of Resh Lakish.

(35) Because, as Resh Lakish says, the first-born in the wilderness either of men or cattle were not sanctified and those of cattle offered on the day the Sanctuary was erected, were born in Egypt.

(36) Which is contrary to the view of R. Johanan.

(37) For the first-born were sanctified in the wilderness.

(38) An improvised and temporary altar. Obligatory offerings are e.g. sin-offerings, firstlings, etc.

(39) Ex. XIII, 2.

(40) Num. VIII, 17.

(41) Ex. XIII, 11, 12. We see therefore that contrary to the view of Resh Lakish the firstlings were sanctified in the

wilderness.

(42) Until they entered the land.

(43) For this was agreed by all the above.

(44) Those born in the wilderness.

(45) Num. III, 40. The male first-born were to be numbered from a month and upwards and this took place in the wilderness.

(46) After being numbered in the wilderness.

Talmud - Mas. Bechoroth 5a

and then ceased [from their holiness]. As to Resh Lakish it is well, for the reason stated above.¹ But what is the reason of R. Johanan? — Said R. Eleazar: R. Johanan appeared to me in a dream telling me that I said an excellent thing, viz., Scripture said: Mine shall they be² [denoting] that they [the first-born] shall remain in their status. And what does R. Johanan do with the verses [which follow:] And it shall be when the Lord shall bring thee unto the land . . . That thou shalt set apart unto the Lord? — That [textual proximity] is required [to deduce] what the School of R. Ishmael taught: Perform this Divine command,³ on account of which you will be worthy to enter the Land. Said R. Mordecai to R. Ashi: You reported it in this manner, we reversed the names; R. Johanan said: Firstlings were not sanctified in the wilderness. But Resh Lakish said: Firstlings were sanctified in the wilderness. He thereupon asked him: ‘And do you also propose to reverse [the name of the author] of the refutation⁴ together with R. Eleazar's statement?’⁵ — He replied to him: [The words] ‘They were not sanctified’ [of R. Johanan] mean, there was no need for the firstlings to be sanctified [in the wilderness].⁶ If so, then it is identical with our version [of the dispute between R. Johanan and Resh Lakish]? — It teaches us that a man must cite a ruling in the exact language of his master.⁷ A Roman general Contrococ⁸ questioned R. Johanan b. Zakkai. ‘In the detailed record of the numbering of the Levites, you find the total is twenty-two thousand three hundred,⁹ whereas in the sum total you only find twenty-two thousand.¹⁰ Where are the [remaining] three hundred?’ He replied to him: [‘The remaining] three hundred were [Levite] first-born, and a first born cannot cancel the holiness of a first-born’. What is the reason? said Abaye: Because it is sufficient for a [Levite] first-born to cancel his own holiness. And again he questioned him: ‘With reference to the collection of the money,¹¹ you count two hundred and one kikkar¹² and eleven maneh¹³ for Scripture writes: A beka’ for every man, that is, half a shekel after the shekel of the Sanctuary,¹⁴ whereas when the money was given,¹⁵ you find only one hundred kikkar, for it is written: And the hundred talents of silver were for casting, etc.’¹⁶ Was Moses your teacher either a thief or a swindler or else a bad arithmetician? He gave a half, took a half, and did not [even] return a complete half?’¹⁷ — He replied to him: ‘Moses our teacher was a trustworthy treasurer and a good arithmetician, only the sacred maneh was double the common’.¹⁸ R. Ahi argued: What is his [the general's] difficulty? It says: And the hundred talents that were for casting etc.; these were used for casting¹⁹ and those others, [the two hundred and one kikkar] were for the treasury! — [Scripture] wrote another verse: And the silver of them that were numbered of the congregation, was a hundred talents etc.²⁰ And as to his reply that the sacred maneh was double the common, — whence did he derive this? If you say from it [this very verse], for here we have seventy-one maneh,²¹ since Scripture writes: And of the thousand seven hundred seventy and five shekels he made hooks for the pillars and recorded them only in Units [of shekels]. Now if [the value of a sacred maneh] is [not higher], Scripture ought to have written

one hundred and one kikkar and eleven maneh?²² But since Scripture does not record them except in units [of shekels,] you may deduce from here that the sacred maneh was double the common.²³ But perhaps it is only the sum total [of a hundred] kikkar that Scripture records but the odd amount [of only one kikkar or so], it does not record?²⁴ Rather deduce then from here.²⁵ And the brass of the offering was seventy talents and two thousand and four hundred shekels.²⁶ For here are ninety-six maneh, and Scripture does not record them except in units [of shekels]. Deduce from here, therefore, that the sacred maneh was double the common.²⁷ Perhaps, however, a large odd number [of kikkar]²⁸ Scripture records but a small odd number²⁹ it does not record? Rather said R. Hisda, Deduce from here:³⁰ And the shekel shall be twenty gerahs; twenty shekels, five and twenty shekels, fifteen shekels, shall be your maneh.³¹ [

(1) The juxtaposition of the verses in Ex. XIII, 11 and 12.

(2) Num. III, 13, indicating that there was no break in their holiness, even in the wilderness.

(3) The law of the firstling.

(4) That it was R. Johanan who refuted Resh Lakish with reference to the Baraita; 'That day on which the sanctuary was erected etc.' and not vice versa, as in our version.

(5) That he saw R. Johanan in a dream, and will you also alter this to Resh Lakish? Surely, it is more feasible to assume that it was R. Johanan, the teacher of R. Eleazar, who appeared to him in a dream.

(6) Since they were holy at birth, as R. Johanan maintains above that the first-born in the wilderness were sanctified.

(7) Although there may be no actual difference in the ruling.

(8) Rashi and Tosaf. in Hullin 27b read Contricon. There are a number of variants in the reading of this name, owing to corruptions. It is suggested that the name refers either to Quintus or Quietus. V. Hul., Sonc. ed., p. 141, n. 2.

(9) The families of Gershon numbered seven thousand and five hundred, the families of Kohath numbered eight thousand and six hundred, and the families of Merari numbered six thousand and two hundred, making a grand total of the families of the Levites of twenty-two thousand and three hundred.

(10) V. Num. III, 39.

(11) When every Israelite was bidden to give half a shekel.

(12) A weight of silver or gold, a talent. Now a kikkar contains sixty maneh, a maneh has twenty five sela's or holy shekels, therefore we have one thousand and five hundred shekels in one kikkar. Six hundred and three thousand five hundred and fifty half shekels collected from the people make three hundred and one thousand seven hundred and seventy-five shekels. Divide one thousand and five hundred into this, we have two hundred and one kikkar with the remainder of two hundred and seventy-five shekels, i.e., eleven maneh.

(13) A weight in gold or silver of twenty-five common shekels.

(14) Ex. XXXVIII, 26.

(15) When Moses rendered the account to the Israelites.

(16) Ibid. 27.

(17) For a complete half would have been one hundred and a half kikkar and five and a half maneh and he only returned one hundred kikkar. And although Scripture says: 'And of the thousand seven hundred seventy and five shekels he made hooks' and consequently, he returned more than a half, the general did not mention this verse, for he wanted to catch him with words.

(18) There were therefore one hundred and twenty maneh in a kikkar. The hundred kikkar were therefore really two hundred and the remaining kikkar and eleven maneh, were the one thousand seven hundred and seventy-five shekel mentioned, from which hooks were made.

- (19) And this would be separate from the two hundred and one kikkar mentioned.
- (20) Ex. XXXVIII, 25. And here no mention is made of being used for casting purposes.
- (21) A maneh containing twenty-five shekels; therefore one thousand seven hundred and seventy-five shekels make seventy-one maneh.
- (22) If all maneh consisted of sixty shekels, then seventy-one maneh is one kikkar more, plus eleven maneh.
- (23) And therefore the seventy-one maneh i.e. the one thousand seven hundred and seventy-five shekels, could not be counted in terms of kikkar, as there would then be one hundred and twenty maneh in a kikkar.
- (24) It is not of sufficient importance to record in terms of kikkar, but the sacred maneh may still have the same value as the common. Therefore the point would once again arise that Moses received two hundred and one kikkar and, when rendering the account, Scripture only mentions one hundred kikkar. (5) That the sacred maneh was double the common.
- (25) Ibid. XXXVIII, 29.
- (26) There being twenty-five shekels in a maneh.
- (27) I.e., one hundred and twenty maneh in a kikkar, and therefore Scripture could not count this in terms of kikkar.
- (28) Like seventy kikkar, although they cannot be counted in terms of one hundred kikkar.
- (29) Like one kikkar; but a sacred kikkar may contain only sixty maneh as the common.
- (30) That the sacred maneh was double the common.
- (31) Ezek. XLV, 12. We therefore see there were sixty shekels in a maneh.

Talmud - Mas. Bechoroth 5b

Now would not this [maneh] be two hundred and forty [denars]?¹ Therefore deduce from this that the sacred maneh was double [the common].² And further deduce from here that we may add to the measures, but not more than a sixth part. And still further deduce from here, that the sixth part added, is a sixth of the total.³ Said R. Hanina: I asked [R. Eliezer] in the great School of Learning [Beth Hamidrash:] 'Why were the first-born of asses different from the first-born of horses and camels?' — He replied: 'It is a decree of Scripture'.⁴ Moreover, they [the asses] helped the Israelites when they departed from Egypt, for there was not an Israelite who did not possess ninety Libyan asses laden with the silver and gold of Egypt. I also asked him: 'What does the word "Rephidim" signify?' And he told me: 'Rephidim was the name [of a place]'. There is a difference between Tannaim. R. Eliezer says: 'Rephidim' was the name [of a place], but R. Joshua says, it means that they relaxed [rifu] their hold on the words of the Law. And so Scripture says: The fathers shall not look back to their children for [rifyon] feebleness of hand.⁵ And I asked him further: 'What is the meaning of the word "Shittim"?' And he told me: 'Shittim was the name [of a place]'. Here too Tannaim differ. R. Eliezer says: 'Shittim' was the name of the place, whereas R. Joshua says, it means that they gave themselves up to lust.⁶ 'And they called to the people unto the sacrifices of their gods'.⁷ R. Eliezer says, this verse means that they [the Israelites] came into contact with naked bodies.⁸ But R. Joshua says they all became polluted.⁹

MISHNAH. IF A COW GAVE BIRTH TO A SPECIES OF ASS, OR AN ASS GAVE BIRTH TO A SPECIES OF HORSE, IT IS EXEMPT FROM [THE LAW OF] THE FIRSTLING, FOR IT IS SAID: FIRSTLING [PETER] OF AN ASS',¹⁰ 'FIRSTLING [PETER] OF AN ASS',¹¹ TWICE [TO TEACH] [THAT THE LAW OF THE FIRSTBORN DOES NOT APPLY] UNTIL THAT WHICH GIVES BIRTH IS AN ASS AND THAT WHICH IS BORN IS

AN ASS. AND WHAT IS THE LAW WITH REFERENCE TO EATING THEM?¹² IF A CLEAN ANIMAL GAVE BIRTH TO A SPECIES OF UNCLEAR ANIMAL, IT IS PERMITTED TO BE EATEN. BUT IF AN UNCLEAR ANIMAL GAVE BIRTH TO A SPECIES OF A CLEAN ANIMAL, IT IS FORBIDDEN TO BE EATEN, FOR THAT WHICH GOES FORTH FROM THE UNCLEAR IS UNCLEAR AND THAT WHICH GOES FORTH FROM THE CLEAN IS CLEAN.

GEMARA. We have learnt elsewhere:¹³ If a ewe gave birth to a species of goat or a goat gave birth to a Species of ewe, it is exempt from [the law of] the firstling. But if the offspring possesses some marks [resembling the mother], it is subject to [the law of] the firstling. Whence is this proved? Said Rab Judah: Scripture says: 'But the firstling of an ox',¹⁴ meaning that it [the animal] should be an ox and its firstling must be an ox; 'Firstling of a sheep',¹⁵ indicating that [the animal] should be a sheep and its firstling must be a sheep; 'Firstling of a goat',¹⁶ indicating that [the animal] 'Firstling of a goat',¹⁶ indicating that [the animal] should be a goat and its firstling must be a goat. You might think that even if it [the offspring] possesses some marks [similar to the mother]?¹⁷ There the text stated 'ak' [but],¹⁸ intimating that there is a distinction.¹⁹ But does not the Tanna [of our Mishnah] derive the ruling [for the exemption] of a cow [which gave birth to a species of ass] from 'peter' [firstling] ['peter' [firstling].²⁰ — He [R. Judah] follows the view of R. Jose the Galilean. For it was taught: R. Jose the Galilean said: 'But the firstling of an ox':²¹ [the law of the firstling does not apply] until it [the animal] is an ox and its firstling is an ox; 'firstling of a sheep': [the law of the firstling does not apply] until it [the animal] is a sheep and its firstling is a sheep; 'firstling of a goat': [the law of the firstling does not apply] until it [the animal] is a goat and its firstling is a goat. You might think that even if it [the offspring] possesses some marks [similar to its mother]?²² The text states 'ak' intimating that there is a distinction.²³ Wherein do they differ?²⁴ — Our Tanna [in the Mishnah] holds that the Divine Law informs us in that case of that which is consecrated for its value²⁵ [that a change in the offspring exempts it from the law of the firstling], and the same applies to an object consecrated as such.²⁶ But R. Jose the Galilean maintains that the Divine Law informs us in connection with an object consecrated as such [that a change in the offspring exempts it from the law of the firstling] and the same principle applies in connection with an object which is consecrated for its value. And we derive an object which is consecrated for its value from an object which is consecrated as such. And our Tanna²⁷ — what does he make of 'bekor' [firstling], 'bekor' [firstling].²⁸ — He requires it for R. Jose b. Hanina's [explanation]. For R. Jose b. Hanina said: Why does Scripture mention 'emurim'²⁹ in connection with the firstling of an ox, emurim in connection with the firstling of a sheep, emurim in connection with the firstling of a goat? It is necessary. For if the Divine Law had written 'emurim' in connection with the firstling of an ox [only], [I might have said], the reason [for the emurim was] because there was an increased drink offering.³⁰ [And if the Divine Law had written 'emurim'] in connection with the firstling of a sheep [only], [I might have said] the reason [for the 'emurim'] was because of the fat-tail which was included [to be sacrificed together with the emurim].³¹ [And if the Divine Law had written 'emurim'] in connection with the firstling of a goat [only], [I might have said] the reason [for the 'emurim' was] because a goat was included as a suitable offering in the case of the sin of idolatry committed by an individual. You could not have derived 'emurim' in connection with any single case [of a firstling of an ox, firstling of a sheep or firstling of a goat] from any other single case. [Perhaps] you could derive however 'emurim' in a single case [of a firstling mentioned] from the remaining two cases?³² in connection with what

case should the Divine Law have omitted to write ‘emurim’? Should the Divine Law not have written [‘emurim’] in connection with the firstling of an ox, and should we have proceeded to derive this from the remaining two cases, [the firstling of a sheep and the firstling of a goat quoted above], [I might have raised the objection] that the two cases [mentioned where emurim was written], were different, for a sheep and a goat are included as suitable to be brought as Passover sacrifices.³³ Or should the Divine Law have omitted [emurim] in connection with the firstling of a sheep and should we then have derived this from the remaining two cases [of the firstling of an ox and the firstling of a goat], [I might have raised the objection] that the cases [of an ox and a goat] were different, for they are included as suitable offerings for the sin of idolatry committed communally.³⁴ Or should the Divine Law have omitted [emurim] in connection with the firstling of a goat and should we then have derived this from the remaining two cases [of the firstling of an ox and the firstling of a sheep], [I might have raised the objection] that the cases [of an ox and a sheep] were different, for they have the [common] point of an increased offering upon the altar.³⁵ Therefore, all the three cases [to which the verse³⁶ refers] are necessary. And R. Jose the Galilean?³⁷ — [His answer is:] If so,³⁸ let the Divine Law write: ‘But the firstling of an ox, sheep and goat’. What need is there for the words ‘bekor’ ‘bekor’?³⁹ Hence you must deduce from here [the teaching also] that both [the animal] and its firstling must be an ox. And R. Jose the Galilean, what does he do with the texts ‘peter hamor’ ‘peter hamor’?⁴⁰ — He requires this for what was taught. R. Jose the Galilean says: Because it is said in the Scriptures: Howbeit the firstborn of man shalt thou surely redeem and the firstling of unclean beasts shalt thou redeem,⁴¹ I might infer from the text that even the first-born of horses and camels [are liable to the law of the first-born]. Therefore, there the text stated ‘peter hamor’. I have only spoken to you [says Scripture] of firstlings of asses⁴² but not of the firstlings of horses and camels. I can still maintain, however, that the firstlings of asses are to be redeemed with a sheep but the firstlings of horses and camels may be redeemed with any object.⁴³

(1) And a maneh has only one hundred dear or zuz, for there are twenty-five shekels to a maneh and four denar to a shekel.

(2) I.e., fifty shekels would be the maneh. This is two hundred denar and the remaining forty were added subsequently.

(3) Lit., ‘from outside’. I.e., to each five portions, one is added, an addition of twenty per cent. And here, also, there was an addition to the two hundred denar which constitute the sacred maneh of twenty per cent, making a total of two hundred and forty denar. This addition of forty denar makes therefore a sixth part of the sum total, i.e., a sixth ‘from the outside’, although not a sixth part of the value of the sacred maneh as such, as forty denar would be a fifth part of two hundred denar.

(4) There is no special reason for this differentiation.

(5) Jer. XLVII, 3. The feebleness being due to their neglect of the Law.

(6) The word ‘Shetuth’ (a stupid thing, like lust) and the word ‘Shittim’, have a verbal resemblance.

(7) Num. XXV, 2.

(8) For lustful purposes. The word **itre, u** is also derived from the word **vre** to meet; they themselves, their bodies, met naked bodies in order to stimulate sexual desire.

(9) **itre, u** is connected here with the word **hre** meaning seminal pollution,

(10) Ex. XIII, 13.

(11) Ibid. XXXIV, 20.

(12) The animals born which do not resemble their mother.

- (13) Supra 3b and infra 16b.
- (14) Num. XVIII, 17.
- (15) Ibid.
- (16) Ibid. In connection with the words 'ox', 'sheep' and goat', Scripture prefaces in each case the word **rufc** (firstling) which in each case is superfluous, as it is clearly dealing with the subject of a firstling.
- (17) That it is also excluded from the law of the firstling.
- (18) But the firstling etc.
- (19) Between total physical change in the offspring and where there is a partial resemblance to the mother, the word 'ak' having limiting qualifications.
- (20) Why therefore does R. Judah bring his own Scriptural proof since what applies to a cow whose offspring changes species applies equally to a sheep whose offspring changes?
- (21) Num. XVIII, 17.
- (22) V. supra.
- (23) V. supra.
- (24) The Tanna in our Mishnah and R. Jose the Galilean.
- (25) The case of an ass which is not holy in itself and is redeemed with a sheep.
- (26) The case of a cow or any clean animal where it is holy as such, and is irredeemable. In such an instance, the law of the firstling should certainly only apply where the offspring resembles its mother, as since it is irredeemable, the offspring should be required all the more to resemble its mother.
- (27) In the Mishnah.
- (28) The threefold repetition of the word 'bekor' (firstling) in Num. XVIII, 17.
- (29) The portion of the animal sacrificed on the altar. Scripture says: Thou shalt dash their blood against the altar and shalt make their fat smoke for an offering made by fire, which verse refers to all the three cases of firstlings mentioned in the text. If Scripture had written 'emurim' in connection with one of the firstlings mentioned, I could have inferred the rest.
- (30) A half of a hin, whereas with reference to a goat or a sheep, the amount is only a quarter of a hin.
- (31) Unlike the case of a goat or an ox.
- (32) One of the references to 'emurim' would, then, be unnecessary.
- (33) Whereas an ox is not brought as a passover sacrifice.
- (34) A bull for a burnt offering and a goat for a sin-offering.
- (35) Compared with a goat. For an ox has an increased drink-offering and a sheep has, in addition, its fat-tail offered up on the altar.
- (36) Thou shalt dash their blood against the altar etc. quoted above.
- (37) Since he explains the verse: 'But the firstling of an ox etc.' quoted above, as teaching that the mother and its offspring must be of the same species, how does he then explain the references to 'emurim' in connection with the three cases of firstlings mentioned above?
- (38) That the verse only teaches what R. Jose b. Hanina says.
- (39) The threefold repetition of the word 'bekor' ('firstling').
- (40) Employed by our Mishnah as basis for its teaching.
- (41) Num. XVIII, 15.
- (42) As liable to redemption.
- (43) And the law of the firstling will apply to these as well.

Talmud - Mas. Bechoroth 6a

The text therefore states ‘peter hamor’ ‘peter hamor’ twice, to intimate: ‘I have only spoken of the firstling of asses¹ but not [at all] of the firstlings of horses and camels’. R. Ahai raised an objection. [There is need for the repetition of ‘peter hamor’]. For if the Divine Law had written only one [‘peter hamor’], I might have said that it [the law of the firstling of an ass requiring redemption] is a thing which was included in the general proposition² and then made the subject of a special statement,³ so that the specification is not limited to itself alone but is to be applied to the whole class [of unclean animals], and so, in all cases, the redemption is indeed with a sheep. Therefore the Divine Law wrote in another text ‘peter hamor’ to intimate that only firstlings of asses are redeemed with a sheep but not the firstlings of horses and camels. But one might say that the limitation [with reference to horses etc.] only refers to [redemption] with a sheep, but, elsewhere, they may indeed be redeemed with any object? — If so, let the Divine Law write: ‘The firstling of an ass thou shalt redeem with a sheep’; ‘and an ass thou shalt redeem with a sheep’. Why [this repetition], ‘The firstling of an ass thou shalt redeem with a sheep’,⁴ ‘the firstling of an ass thou shalt redeem with a sheep’?⁵ It is to intimate, ‘I have only spoken to you of the firstlings of asses [as requiring redemption] but not of the firstlings of horses and camels’.⁶ And our Tanna of the Mishnah, whence does he derive a limitation of horses and camels [as being altogether exempt from the law of the firstlings]? — Said R. Papa: [Scripture says:] And of all the cattle thou shalt sanctify the males,⁷ this is a general proposition. ‘The firstling of an ox and sheep . . . And the firstling of an ass thou shalt redeem’, is a specification; and with a general proposition complemented by a specification the general proposition includes only the specification; thus teaching that an ox, sheep and an ass [are liable to the law of the firstling], but not any other [animal]. And R. Jose the Galilean?⁸ — [His answer is] that the word ‘peter’ interrupts the subject.⁹ And the Rabbis?¹⁰ — The letter waw¹¹ joins it again to the previous verse. And R. Jose the Galilean? — Let not Scripture write neither the waw [which joins it with the previous verse] nor [write the word] ‘peter’ [which interrupts the subject].¹² And the’ Rabbis? — Since the one part¹³ deals with objects consecrated in respect of their value and the other part with objects consecrated as such,¹⁴ Scripture, therefore, at first interrupts the subject and subsequently connects it again [with the previous verse]. The question was asked: If a cow gave birth to a species of ass and it possesses some marks similar [to its mother]; what is the ruling? If a goat gave birth to a species of ewe and a ewe gave birth to a species of goat, the ruling is that when it possesses some marks [similar to its mother] it is subject to the law of the firstling, the reason being that this one [the mother] is a clean animal and this one [the offspring] is a clean animal, this one [the mother] is an object consecrated as such and this one [the offspring] is also an object consecrated as such. But here, where this one [the offspring] is an unclean animal and this one [the mother] is a clean animal, this one [the mother] is an object consecrated as such and this one [the offspring] is an object consecrated for its value, the ruling should not be [the same]. Or, perhaps, since in both cases, [even in the case where the offspring is a species of ass and the mother is a cow], they belong to a category of animals possessing the sanctity of the first-born, shall we say that it is therefore sanctified?¹⁵ And should you maintain that since both cases mentioned above come under the law of the sanctity of the firstborn, therefore [where a cow gave birth to a species of ass which possesses some features akin to its mother] it is sanctified, what will be the ruling for an ass which gave birth to a species of horse? Here, surely, it¹⁶ does not belong to the category of animals which have the sanctity of the firstling. Or, are we perhaps to say that since [the horse] belongs to the same class of unclean animals,¹⁷ it is sanctified? And would you say that since it belongs to a class of unclean animals, it is sanctified, what will be the

ruling regarding a cow which gave birth to a species of horse? Here, surely, this one [the cow] is a clean animal whereas this one [the offspring] is an unclean animal, this one [the cow] belongs to a category of animals which possess the sanctity of the firstling, whereas this one [the horse] does not belong to the category of animals which have the sanctity of the firstling. Or are we perhaps to say that marks [similar to the mother] are the decisive factor?¹⁸ — Come and hear: ‘A clean animal which gave birth to a species of unclean animal is exempted from the law of the firstling. If it possesses, however, some marks [similar to the parent], it is liable to the law of the firstling¹⁹. What [does this mean]? Does it not refer even to the case of a cow which gave birth to a species of horse?’ — No, it refers to the case of a cow which gave birth to a species of ass.²⁰ Come and hear: ‘If a cow gave birth to a species of ass or an ass gave birth to a species of horse, it is exempt from the law of the firstling. If it possesses, however, some marks [similar to the mother], it is liable to [the law of] the firstling’. What [does this mean]? Does this [the last clause] not refer to both cases mentioned?²¹ — No, it refers only to the case of a cow which gave birth to a species of ass. But the case of an ass which gave birth to a species of horse—why does it state this? Is it to exempt it [from the law of the first-born]? Is this not obvious? Since, in the case of a cow which gave birth to a species of an ass, where both [the mother and its offspring] belong to a category of animals which have the sanctity of the firstling, you say if the ass has some marks [similar to its mother], it is sanctified, but if not, it is not sanctified, is there any question in the case of an ass which gave birth to a species of horse?²² — It is necessary to state this. You might be inclined to assume that there [in the case of a cow which gave birth to a species of ass] the reason is because the cow has horns but here the ass has no horns, here [the cow] its hoofs are cloven but there [the ass] its hoofs are closed.²³ But here [in the case where an ass gave birth to a species of horse], since in both instances, they have no horns and the hoofs of both are closed, I might have said that the offspring [a species of horse] was merely a red ass.²⁴ We are therefore informed [that this is not so].²⁵ WHAT IS THE LAW WITH REFERENCE TO EATING THEM etc. What need is there [for the Mishnah] to lay down FOR THAT WHICH GOES’ FORTH etc.? — It is a mere [mnemonical] sign so that you should not change the version [of the Mishnah]²⁶ and that you should not say ‘decide according to the offspring, and this is a perfectly clean animal and this is a perfectly unclean animal’.²⁷ But we rather say, ‘Follow the mother’. Whence is this proved? — Because our Rabbis taught: ‘Nevertheless these shall ye not eat of them that chew the cud or²⁸ of them that divide the hoof’.²⁹ You have the case of an animal which chews the cud and has divided hoofs which you are, nevertheless, forbidden to eat. And what is it? This is the case of a clean animal born from an unclean animal. Perhaps, it is not so but [the verse] refers to the case of an unclean animal born from a clean animal? And what is the interpretation of the verse: ‘Of them that chew the cud or of them that divide the hoof’?

(1) As requiring redemption.

(2) In the verse, ‘And the firstling of unclean beasts shalt thou redeem’ cited supra.

(3) That the firstling of an ass must be redeemed with a sheep.

(4) Ex. XIII, 13.

(5) The repetition of the word **רִפְיָא** (firstling) in Ex. XXXIV, 20.

(6) Because there is no holiness at all in regard to the firstlings of other unclean animals.

(7) Ibid. XXXIV, 19.

(8) Who infers the ruling that other animals beside the firstling of an ass, sheep and goat are not liable to the law of the firstborn from the repetition of ‘peter hamor’, why does he not derive this from the verse quoted by R. Papa

and in the manner interpreted by the latter.

(9) We do not interpret the verse as a general proposition complemented by a specification, as the word 'peter' before the text 'ox or sheep' indicates a break in the subject.

(10) The majority of the Rabbis who dispute with him as to the derivations of the various teachings under discussion.

(11) The 'waw', a conjunction, meaning 'and' in the word **רַיְפִי** which commences the following verse.

(12) If Scripture did not interrupt the theme with the word 'Peter', there would have been no need for the 'waw' to connect again.

(13) The general proposition: 'All that openeth the womb is mine etc.' which includes an ass, that is not holy as such and must be redeemed with a sheep.

(14) The firstlings of ox or sheep.

(15) A species of ass born from a cow is, therefore, holy if it has some features resembling its mother, for an ass although an unclean animal, is liable to the law of the firstling.

(16) A horse. Therefore, even if it has some marks like the mother, it should not be liable to the law of the firstling.

(17) . Like an ass, which though unclean, is liable to the law of the firstling. Therefore, if the offspring is a species of horse, and if there is a measure of resemblance between it and its mother, we do not regard the change between the ass and its offspring of such great importance, as to exempt it altogether from the law of the firstling.

(18) And although the difference between the parent and the offspring is great, since the latter resembles the mother, it is liable to the law of the firstling.

(19) We therefore deduce that signs in the offspring akin to the parent are an important matter and the other points raised above are also, incidentally, thereby solved.

(20) But where there is such a gap between the Parent and its offspring as e.g. where a cow gave birth to a species of horse, it is exempt from the law of the firstling. Therefore, only one of the above queries can be solved.

(21) Where a cow gave birth to a species of ass and an ass gave birth to a species of horse, if the offspring had some marks like its mother, it is liable to the law of the firstling.

(22) If the horse does not possess signs resembling the ass, that it should be exempt?

(23) Therefore only if the ass has signs resembling the cow, is it liable to the law of the firstling.

(24) And not a horse at all. An ordinary horse is red in color and an ordinary ass is black. Consequently, if the horse had some features like its parents, we ought perhaps to regard it as a kind of red ass, thus making it liable to the law of the firstling.

(25) Since a horse's color is generally red we regard it as a species of a horse and not as a freak ass. There is, consequently, no proof as to what is the ruling concerning an ass which gave birth to a species of horse.

(26) And say that a clean animal which gave birth to an unclean animal is forbidden to be eaten and an unclean animal which gave birth to a clean animal is permitted to be eaten. Clean animals are those which may be eaten according to the Jewish law and possess the necessary signs of a clean animal and unclean animals are those which do not possess these signs. .

(27) Therefore where a clean animal is born from an unclean animal, it should be permitted to be eaten.

(28) This can also be rendered 'and'.

(29) Lev. XI, 4.

Talmud - Mas. Bechoroth 6b

It means this: An object which proceeds from them which chew the cud and of them that divide the hoof, ye shall not eat!¹ The text therefore states: The camel . . . he is unclean,² intimating that he is unclean³ but an unclean animal born from a clean animal is not Unclean, but clean. R.

Simeon says: The word 'camel' occurs twice,⁴ once referring to a camel born from a camel [as forbidden], and the other, to a camel born from a cow. And as to the Rabbis who differ from R. Simeon — what do they do with the repetition 'camel', 'camel'? — One is to forbid [the camel itself] and the other to prohibit its milk. And whence does R. Simeon derive the prohibition of a camel's milk? — He derives it from the word 'eth, [with] the camel'.⁵ And the Rabbis? — They do not stress the word eth [occurring in the Scriptures]. As it was taught: Simeon the Imsonite used to expound the word eth wherever it occurred in the Law. When he reached, however, the verse, eth [with] the Lord thy God thou shalt fear,⁶ he abstained.⁷ His pupils, thereupon, said to him: 'Rabbi, every eth which you have expounded, — what will become of them?' He replied to them: 'Just as I have received reward for interpreting every eth, so I shall receive reward for abstaining'. Finally, however, R. Akiba came and taught that the verse: 'eth [with] the Lord thy God thou shalt fear', intimates that we must pay reverence to scholars next to God. Said R. Aha the son of Raba to R. Ashi: According to this, the reason of the Rabbis [why milk of an unclean animal is forbidden], is because of the repetition 'camel', 'camel', and that of R. Simeon is because of the text 'eth [with] the camel', but were it not so, I might have said that milk from an unclean animal is permitted. Why should it be different from what was taught: [The verse] These are the unclean,⁸ implies the prohibition of their brine, their soup and their jelly!⁹ — It is necessary [to find another basis for milk]. For I might have been inclined to assume that since even the use of milk itself of a clean animal is an anomaly, for a Master said: The blood [during the nursing period] is disturbed [decomposed] and turns into milk; and since it is an anomaly,¹⁰ therefore even from an unclean animal the milk should be permitted. We are accordingly informed [that this is not so]. This would indeed hold good according to him who says that the blood [during the nursing period] is disturbed [decomposed] and turns into milk. But according to him who says [that the reason why there is no menstruation period while nursing is] because her limbs become disjointed¹¹ and she does not become normal in herself for twenty-four months,¹² what can you reply? — It is still necessary. I might have been inclined to assume, that since there is nothing which proceeds from a living being which the Divine Law permits and yet milk which is similar to a part from a living animal [is permitted], therefore even from an unclean animal the milk should be permitted. We are accordingly informed [that this is not so]. And whence do we derive that milk itself from a clean animal is permitted? Shall I say that since the Divine Law prohibits [the boiling of] milk and meat together, this implies that separately milk is permitted? But might I not still maintain that milk by itself is forbidden to be eaten though permitted for other general use,¹³ whereas in the case of boiling meat and milk together, it is also forbidden for any use. And even according to the view of R. Simeon who holds that meat and milk boiled together is permitted for general use,¹⁴ the prohibition can be explained as necessary to inflict lashes for the boiling!¹⁵ Rather,¹⁶ since the Divine Law states in connection with dedicated objects which became unfit, Notwithstanding thou mayest kill¹⁷ but not to use the shearing, 'flesh', but not the milk,¹⁸ this implies that milk from an unconsecrated animal is permitted. But may I not take the meaning to be that milk from an unconsecrated animal is forbidden to be eaten but may be used for other general use, whereas in the case of consecrated objects, it is forbidden even for any use? — Rather deduce [the law] from what [Scripture] has written, And thou shalt have goats' milk enough for thy food, for the food of thy household, and for the maintenance of thy maidens.¹⁹ Perhaps, however, this only refers to business?²⁰ Rather deduce this from what [Scripture] writes, And carry these ten cheeses unto the captain of their thousand.²¹ Perhaps, here also, it refers to business.²² Is it usual in war to sell [food to the enemy]?²³ If you prefer, I may deduce from

here:²⁴ A land flowing with milk and honey.²⁵ Now if milk were not permitted, would Scripture commend the country to us with something which is not fit to be eaten? Or, if you prefer, I may deduce it from here:²⁶ Come ye buy and eat, yea, come buy wine and milk without money and without price.²⁷ Now, according to this,²⁸ , the repetition ‘Rockbadger’, ‘Rockbadger’,²⁹ ‘Hare’, ‘Hare’, ‘Swine’, ‘Swine’, — are these also come for some purpose?³⁰ But [the object of these repetitions quoted] is really as was taught: Why is there a repetition [of the clean and unclean] animals?³¹ On account of shesu'ah.³² Why with reference to birds, [is there the same repetition in the Scripture]? On account of ra'ah.³³ Then, perhaps, [the repetition of] ‘Camel’, ‘Camel’ also has the same purpose?³⁴ — All the same, wherever we can derive a lesson from the biblical text, we interpret it.³⁵ Our Rabbis taught: If a ewe gave birth to a species of a goat or a goat gave birth to a species of a ewe, it is exempt from the law of the firstling. But if the offspring possesses some marks similar to its mother, it is liable to the law of the firstling. R. Simeon says [it is not liable to the law of the firstling] until the head and the greater part of the body resemble the mother. The following query was put forward. Does R. Simeon require, in order that the animal may be permitted to be eaten, the head and the greater part of the body,³⁶ or not? In connection with a firstling, Scripture writes: ‘But the firstling of an ox’³⁷ indicating [that the law of the firstling does not apply] until the animal is an ox and its firstborn is an ox.³⁸ But as regards permission for eating, the Divine Law says that only a camel is prohibited, but

(1) I.e., a species of an unclean animal born from a clean animal.

(2) Ibid.

(3) And usually camels are born from camels and, since Scripture emphasizes that ‘he’ is unclean etc., this implies that a camel, however, born from a cow, is clean.

(4) Once in Lev. XI, 4 and again in Deut. XIV, 7.

(5) **kndv** , **t**. The accusative article , **t** can be rendered also ‘with’.

(6) Deut. X, 20.

(7) Because the word **eth** means by implication an amplification and he felt that here he could not amplify the word so as to include fearing someone besides the Deity.

(8) Lev. XI, 31. The **v** before **ohitny** meaning ‘the’. The superfluous letter suggests the inclusion of something else as unclean.

(9) And the sediments of boiled meat.

(10) This shows that blood, which ordinarily is prohibited, after a change is permitted, and the same is the case in connection with the milk of a clean animal.

(11) On account of the labor of childbirth.

(12) The period of nursing, and not because the blood is changed into milk. Therefore, the use of milk is not an anomaly and what need is there, consequently, for a special prohibition with reference to the milk of an unclean animal?

(13) I.e., to be sold to non-Jews.

(14) V. infra 10a.

(15) But milk by itself may still be forbidden, only, in addition, there is a penalty of forty lashes for boiling the meat and milk together.

(16) From the following verse, you may derive the permission for the use of milk.

(17) Deut. XII, 15.

(18) Although the animal is no longer fit for the purpose dedicated, even after its redemption, it possesses a measure of sanctity.

- (19) Prov. XXVII, 27.
- (20) To sell the milk profitably to non-Jews to maintain his family. But milk may be still prohibited for food.
- (21) I Sam. XVII, 18. And Jesse instructs David to bring them to the captain of their thousand in the war, which shows that milk is permitted to be eaten.
- (22) That the captain of their thousand might sell to the gentile enemy.
- (23) Their intention being to destroy the enemy heathen, the Hebrews would not do business with them to increase their power of resistance. Therefore the cheeses must have been intended for the Hebrews.
- (24) From the following verse, we can derive that milk is permitted.
- (25) Ex. III, 8.
- (26) From the following verse, one can derive that milk is permitted.
- (27) Isa. LV, 1.
- (28) Both according to the Rabbis and R. Simeon who derive lessons from the repetition of 'Camel', 'Camel', although variously.
- (29) Once in Leviticus and again in Deuteronomy, the same applying to the other repetitions quoted.
- (30) What need is there for these repeated prohibitions?
- (31) In Leviticus and Deuteronomy.
- (32) A creature with two backs and two spinal columns, which is not mentioned in Leviticus as forbidden.
- (33) The name of an unclean bird, not mentioned in Leviticus.
- (34) The repetition having no object except for the inclusion of one new animal and bird left unmentioned in Leviticus.
- (35) And the reason why we infer that special deductions are made from 'Camel', 'Camel', and not from the repetition of 'Rockbadger', 'Rockbadger' etc., is because the word 'Camel' occurs first in the text.
- (36) In the case of an unclean animal born from a clean animal where R. Simeon forbids the eating, if the offspring has no marks similar to the mother, but permits it if there are marks similar to the mother, the question arises whether he requires that the offspring must be like the mother to the extent of its head and the greater part of the body?
- (37) Num. XVIII, 17.
- (38) I.e., the head and the greater part of the body to be similar to its mother.

Talmud - Mas. Bechoroth 7a

if it has changed from a camel,¹ there is no objection. Or is there perhaps no difference?² — Come and hear: If a clean animal gives birth to a species of unclean animal it is forbidden to be eaten, but if the head and the greater part of the body resemble its mother, it is liable to the law of the firstling. May we not deduce from here³ that even as regards permission to eat, R. Simeon requires the head and the greater part of the body to be [similar to its mother?] — No, only as regards [the law] of the firstling.⁴ I can also prove it. For he leaves [the first clause of the above passage] relating to eating [as it is] and places [the provision of the head and the greater part of the body] in conjunction with the firstling. We deduce from here, therefore, [do we not] that only in connection with the firstling does R. Simeon require the head and the greater part of the body, but not as regards permission for eating! — No. I may still tell you that also as regards eating, R. Simeon requires the head and the greater part of the body; and that it was necessary to state this with particular reference to the firstling. For I might be inclined to assume that since Scripture writes: 'But the firstling of an ox',⁵ [that the law of the firstling does not apply] until the animal is an ox and its first-born is an ox, and that therefore it is not sufficient for the offspring to resemble

its mother to the extent only of its head and the greater part of its body, but the whole animal must resemble its mother. He accordingly informs us [that this is not so]. Come and hear: [Scripture says]: Nevertheless these shall ye not eat of them that chew the cud or of them that divide the hoof.⁶ We infer that this you must not eat,⁷ but you may eat an animal which has one mark similar [to its mother]. And what is this which has one mark? This is an unclean animal which was born from a clean animal impregnated from a clean animal. I might think that this is the case even if it was impregnated from an unclean animal? The Text therefore states: 'A sheep [born from a pair] of lambs', 'a goat [born from a pair] of goats',⁸ intimating that the father must be a sheep and the mother must be a female sheep. These are the words of R. Joshua. R. Eliezer says: The object of the text is not to allow what is [already] permitted⁹ but to add to what is already permitted. And what is this? This is the case of an unclean animal born from a clean animal impregnated from an unclean animal. Or, shall I say that this is not the case, but its pregnancy must be from a clean animal? Scripture therefore states: 'a sheep of lambs', 'a sheep of goats' in any case.¹⁰ Now he describes [in the above passage] the animal as unclean, therein agreeing with R. Simeon,¹¹ and proceeds to say, 'But you may eat an animal which possesses one [clean] mark similar to its mother'! — This Tanna [of the above passage] holds with R. Simeon in one thing¹² but he differs from him in the other.¹³ Some there are who raise a question [with reference to the above Baraitha], and answer it.¹⁴ [The question was asked]. Can impregnation take place from an unclean animal? For R. Joshua b. Levi said: There can be no impregnation either of an unclean animal from a clean animal, or of a clean animal from an unclean animal, or of large cattle from small cattle, or of small cattle from large cattle, or of a domestic animal from a beast of chase, or a beast of chase from a domestic animal, except in the case¹⁵ discussed by R. Eliezer and his disputants, where all say that a beast of chase can become pregnant from a domestic animal. And R. Jeremiah explained that the animal became pregnant from a kalut born of a cow,¹⁶ adopting the view of R. Simeon.¹⁷ And the Baraitha states: But you may eat an animal which has one mark like its mother?¹⁸ — This Tanna [from the Baraitha] holds with R. Simeon in one thing but differs from him in the other.¹⁹ Does this mean to say that R. Eliezer holds that a product of two [heterogeneous] factors is permitted²⁰ and that R. Joshua holds that a product of two such factors is forbidden? But have we not learnt the reverse of them? [For we have learnt]: The offspring of a trefah²¹ must not be offered upon the altar. But R. Joshua says it may be offered upon the altar!²² — As a rule, R. Eliezer maintains that a product of two [heterogeneous] factors is forbidden, but the case is different here.²³ For if it were so, Scripture should write: The sheep of lambs and goats. Why is the repetition of 'sheep', 'sheep' needed? Deduce from here, therefore, 'sheep' in any circumstances.²⁴ And R. Joshua? — He will explain the matter to you [as follows]. In general, a product of two [heterogeneous] factors is permitted, but here [in the Baraitha], if this were the case, let Scripture write: 'Ox', 'sheep of a lamb', 'sheep of a goat'. What need is there for the words 'lambs', 'goats'?²⁵ Deduce, therefore, from here that the father must be a sheep and the mother must be a sheep.²⁶ Come and hear: R. Simeon says: [We find] 'camel', 'camel' twice;²⁷ one refers to a camel born from a camel [as prohibited] and the other refers to a camel born from a cow. But if its head and the greater part of its body resemble the mother, it is permitted to be eaten. Deduce, therefore, from here that even for eating R. Simeon requires the head and the greater part of the body [to be similar to the mother]. This is proved. FOR THAT WHICH GOES FORTH FROM THE UNCLEAR, etc. A question was put to R. Shesheth. What is the ruling concerning the urine of an ass? Why should not the question be put [concerning the urine] of horses or camels? The question was not put [concerning the urine] of horses or camels, for it is

not thick and, consequently, it is not similar to milk. [It is merely] water coming in,²⁸ and water coming out. But the question does arise [concerning the urine] of an ass, because it is thick and is similar to milk. What is the ruling? Is the urine drained from the body of the ass itself and therefore it is forbidden, or, perhaps, [it is merely] water coming in and water coming out and its thickness is due to the exudations of the body? — R. Shesheth replied to his questioners. We have learnt it: FOR THAT WHICH GOES FORTH FROM THE UNCLEAR IS UNCLEAR, AND THAT WHICH GOES FORTH FROM THE CLEAR IS CLEAR. Now, it does not say ‘from what is Unclear’.²⁹

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- (1) But in some respects it is like its mother.
 - (2) Even for permission to eat, we require the head and the greater part of the body to be like the mother.
 - (3) For it is R. Simeon who holds that an unclean animal born from a clean animal is forbidden, and since the prohibition of eating is put in the proximity of the expression of the head and the greater part of the body, we therefore may conclude that for eating purposes, as well as for the law of the firstling, the offspring must resemble the mother as regards its head and the greater part of the body.
 - (4) Does R. Simeon require that the head and the greater part of the body must be similar to its mother.
 - (5) Num. XVIII, 17.
 - (6) Lev. XI, 4.
 - (7) E.g., a camel even born from a cow.
 - (8) So literally. Deut. XIV, 4.
 - (9) Where both parents are clean animals.
 - (10) From the repetition of the word ‘seh’, it is inferred that even if the unclean animal has only a mother which is a clean animal, the father being an unclean animal, it is still permitted.
 - (11) The language used, ‘an unclean animal’, in the Baraita but not ‘that which issues from a clean animal’, is in accordance with the view of R. Simeon who forbids the offspring as definitely unclean, if it has not marks resembling its mother; and it says here that if it has one mark similar to its mother, it is permitted. Hence, we see that we do not require according to R. Simeon the head etc. to resemble its mother.
 - (12) That an unclean animal born from a clean animal is unclean.
 - (13) For R. Simeon requires the head and the greater part of the body to resemble its mother before it is permitted to be eaten.
 - (14) And from the answer, our query whether R. Simeon requires the head etc. to be like the mother in order to be permitted to be eaten, can be solved.
 - (15) A koy: (An antelope or bearded deer). The Rabbis are undecided whether it belongs to the genus of cattle or the beasts of the chase. This animal, however, comes from a he-goat, and a hind, and R. Eliezer and the majority of the Sages dispute whether the law forbidding the killing of the mother and its young on one day applies to it. But apparently they agree that impregnation is possible in such circumstances.
 - (16) The unclean animal referred to in the Baraita above, does not actually mean an unclean animal but a kalu! (closed), an animal with closed and uncloven hoofs born of a cow.
 - (17) Since the Baraita describes the kalut born of a cow as unclean, this indicates that its views are in accordance with R. Simeon who holds that an unclean animal born from a clean animal is unclean.
 - (18) Hence we can infer that for eating purposes, R. Simeon does not require the head and the greater part of its body to be like its mother.
 - (19) As regards requiring the head etc. to resemble its mother.
 - (20) R. Eliezer who permits the offspring when the impregnation is from an unclean animal, because he maintains that since it is a product of combined causes and one of these, the mother, is a clean animal, it is permitted.

(21) V. Glos.

(22) If its sire is a clean animal, although the mother is trefah. V. Hul. 58a and Tem. 30b. We have here, consequently, a product of combined causes, one of which is a clean animal.

(23) In the Baraitha quoted above.

(24) Even where the pregnancy is from an unclean animal, the offspring is permitted.

(25) Why are these words put in the plural.

(26) The father must also belong to the same class.

(27) Once in Leviticus and again in Deuteronomy.

(28) When the animal drinks.

(29) The phrase 'from what is unclean' would imply coming from the body itself, and therefore whether the substance which came forth was turgid or otherwise, it would be forbidden to be eaten.

Talmud - Mas. Bechoroth 7b

but FROM THE UNCLEAN,¹ and this too [the urine of an ass thick as milk] is from that which is unclean. Some state the argument as follows: With reference to [the urine of] horses or animals, the question was not put forward, because it is not drunk.² The question, however, arose concerning [the urine of an ass] which people drink and is good for jaundice. What is the ruling? — R. Shesheth replied to this. We have learnt this in the Mishnah: THAT WHICH GOES FORTH FROM THE UNCLEAN IS UNCLEAN, AND THAT WHICH GOES FORTH FROM THE CLEAN IS CLEAN, and this [urine] also comes from an unclean animal.³ An objection was raised. Why did [the Sages] say that honey from bees is permitted? Because the bees store it⁴ up in their bodies but do not drain it from their bodies.⁵ — He [the Tanna of the passage quoted above] holds with R. Jacob who said: The Divine Law expressly permitted honey.⁶ For it was taught: R. Jacob says: Yet these may ye eat of all the winged swarming things.⁷ This you may eat, but you are forbidden to eat an unclean winged swarming thing. But is not an unclean winged swarming thing expressly mentioned in the Scripture [as forbidden]? Rather we must explain [thus]: An unclean fowl that swarms you must not eat, but you may eat what an unclean fowl casts forth from its body. And what is this? This is bees' honey.⁸ You might think that this also includes gazins'⁹ honey or hornets' honey as permissible. You cannot, however, say this. And why should you include bees' honey and exclude gazins' honey or hornets' honey? I include bees' honey because it has no qualifying epithet¹⁰ but I exclude gazins' honey or hornets' honey, since they have a qualifying epithet. Whom does this dictum that has been taught follow: Gazins' honey or hornets' honey is clean and is permitted to be eaten? Not R. Jacob. [The Baraitha says concerning gazins' or hornets' honey] that it is clean, consequently, it requires the intention [of using it as a food].¹¹ We infer from this that bees' honey does not need the intention [of using it as a food].¹² It has also been taught likewise: Honey in its hive becomes unclean¹³ with the uncleanness of food, even without the intention [of using it as a food]. With regard to ball-like concretions in a fallow-deer, the Rabbis in the presence of R. Safra proposed to lay down that they were real eggs and were therefore forbidden.¹⁴ Said R. Safra: It was really the seed of a deer which sought to couple with a hind, but since the latter's womb is narrow and it is unable to copulate, the deer, therefore, seeks to couple with a fallow-deer, releasing its semen into the latter's womb.¹⁵ Said R. Huna: The skin which is over the face of an ass at birth¹⁶ is permitted to be eaten.¹⁷ What is the reason? — It is a mere secretion [but no real skin]. Said R. Hisda to him. There is a [Baraitha] taught which supports you: A skin which is over the face of a man, whether

alive or dead, is clean.¹⁸ Now does not this mean whether both the offspring and its mother are alive, or whether both the offspring and its mother are dead?¹⁹ No. It means, whether the offspring is alive and its mother is dead, or whether the offspring is dead and its mother is alive.²⁰ But has it not been taught: Whether the offspring and its mother are alive, or whether the offspring and its mother are dead, [the ruling is that the skin is clean]? If it has been actually taught in a Baraita, then it has been taught.²¹

MISHNAH. IF AN UNCLEAN FISH SWALLOWED A CLEAN FISH, IT IS PERMITTED TO BE EATEN. BUT IF A CLEAN FISH HAS SWALLOWED AN UNCLEAN FISH, THE LATTER IS FORBIDDEN TO BE EATEN, BECAUSE IT IS NOT [THE CLEAN FISH'S] PRODUCT.²²

GEMARA. The reason²³ is because we actually saw that it swallowed. But if we did not see that it swallowed, we would say that it was bred²⁴ [by the unclean fish]. Whence do we know this? For it has been taught: An unclean fish breeds, whereas a clean fish lays eggs.²⁵ If this is a fact, even if we see that it actually swallowed, we should say that the clean fish had been consumed and [the fish found inside] was bred by the unclean fish!²⁶ — Said R. Shesheth: [It means,] if e.g., he found it in the secretory channel.²⁷ R. Nahman said: if e.g., he found it whole.²⁸ R. Ashi said:²⁹ The majority of fish breed their own kind and therefore [when we discover a different kind of fish inside] it is as if we had witnessed the swallowing. Our Rabbis taught: An Unclean fish breeds, but a clean fish lays eggs. Whatsoever gives birth,³⁰ gives suck.³¹ And whatsoever lays eggs, supports its brood by picking up [food for it], except the bat, for although it lays eggs, it gives suck [to its young].

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- (1) The phrase 'from the unclean' implies something which proceeds from the inside of an unclean creature, and although it does not drain from the body itself, it is yet forbidden.
 - (2) As a medicine. Therefore it is of little value and is not forbidden.
 - (3) According to this version therefore, whether it is thick or otherwise, it is forbidden (R. Gershom).
 - (4) From the sap of flowers and plants.
 - (5) There is, therefore, an objection here according to both versions. According to the first version, if the substance which proceeds from an unclean creature is thick although it does not drain from the body, it is prohibited, whereas here, in the case of honey, the reason why it is allowed is because it does not drain the body. And according to the second version, honey, since it comes from an unclean creature, should be forbidden.
 - (6) The Divine Law explicitly permits honey, although it may come from the body of the bee itself, and no reason is given for this.
 - (7) Lev. XI, 21.
 - (8) And is not like the embryo or offspring which is part of the creature itself.
 - (9) A species of wild bees or locusts.
 - (10) Bees' honey is known briefly as honey, without any necessity to describe it as such.
 - (11) Food, which is recognized as such, automatically receives the uncleanness pertaining to food when coming in contact with an unclean object such as a corpse or carcass. But, an object which is not ordinarily considered as food requires, in order to receive uncleanness, the intention that it is to be used as food.
 - (12) For it is regarded as ordinary food and receives uncleanness in the usual manner. This passage is to be added with Sh. Mek.
 - (13) For ordinary hives are used for bees, although the honey is still in the hive and the consumer has not as yet

expressed his intention of using it as food.

(14) Like a limb from a living animal, having been communicated from the male organ to the womb.

(15) The semen, however, owing to the delay in copulation, has meanwhile hardened, and although it enters the womb, owing to its congealed state, it has no effect and issues later in the animal's excrements, in the form of ball concretions.

(16) A thin skin somewhat similar to the after-birth, but not actually the same.

(17) For it is not regarded as the after-birth in any way.

(18) He who touches or carries it remains clean.

(19) And even if both are dead, nevertheless, the skin is clean. Hence, we learn that the skin is a false membrane and is not considered as the after-birth of either the mother or the offspring.

(20) For the skin comes from both the mother and its offspring and therefore it is clean until both are dead. This is one explanation. Rashi's explanation, however, is that the Baraitha in both cases supposes the mother to be alive, only in one instance the offspring is also alive, therefore the skin is clean. But where both are dead, R. Hisda cannot find support for R. Huna's ruling.

(21) And nothing further need be said.

(22) For the unclean fish was swallowed alive, but if it was actually a growth of the clean fish, it would be permitted, as is the ruling with something which proceeds from a clean being.

(23) Why the Mishnah states that if an unclean fish swallowed a clean fish, the latter is permitted to be eaten.

(24) And we should then regard it as its progeny and as part of the unclean fish.

(25) And hatches them till the young emerge.

(26) And it should therefore be forbidden to be eaten, as the progeny of any unclean fish.

(27) And if it were an embryo, it should have been found in the womb.

(28) And if it were an embryo, it would have left the womb before now.

(29) The Mishnah does not refer to the case where we actually saw the swallowing.

(30) To an embryo or offspring, a creature like itself.

(31) I.e., possesses breasts.

Talmud - Mas. Bechoroth 8a

Dolphins are fruitful and multiply by coupling with human beings. What are dolphins? — Said Rab Judah: Humans of the sea.¹ In any species which has its male balls outside,² [the female] give birth [to its young]. But where the male balls are inside, [the female] lay eggs. It is not so. Did not Samuel Say: The domestic and wild goose are forbidden copulation?³ And we raised the point, what is the reason? Said Abaye: In one case, the male balls are outside, and in the other, the male balls are inside. Yet both lay eggs! — Rather say: Whatsoever has its male genital outside, gives birth, but whatsoever has its male genital inside lays eggs.⁴ Whatsoever copulates in the day time, gives birth in the day time. Whatsoever copulates in the night, gives birth in the night. Whatsoever copulates in the day and night time, gives birth both in the day and in the night. 'Whatsoever copulates in the day time gives birth in the day time:' for instance, a cock. 'Whatsoever copulates in the night, gives birth in the night': for instance, a bat. 'Whatsoever copulates in the day and night time, gives birth both in the day and in the night': for instance, man and all beings resembling him. What is the practical rule [to be derived from this statement]? — The rule of R. Mari, the son of Kahana. For R. Mari, the son of Kahana said: If one searched a nest of chickens on the eve of a Festival and did not find an egg therein and on the morrow, he rose early⁵ and found there an egg, it is permitted to be eaten on the Festival.⁶ [But did he not search?]⁷ — You

presume that he did not search thoroughly. But did he not search thoroughly? — You presume that the greater part [of the egg] came forth from the intestines of the chicken but returned,⁸ and this is in accordance with the ruling of R. Johanan. For R. Johanan said: An egg, the greater part of which came forth [from the intestines of a chicken] on the eve of a Festival and returned [to its intestines,] may be eaten on the Festival. All animals whose copulating and pregnancy are alike,⁹ give birth from one another, and nurse each other's young. All animals copulate with their faces against the back [of the female], except three, which copulate face to face, and these are a fish, man, and a serpent. And why are these three different? — When R. Dimi came [from Palestine] he said: In the West [Palestine] it was said: Because the Divine Presence spoke with them.¹⁰ In a Baraita it was taught: Camels [copulate] back to back. Our Rabbis taught: A hen lays its eggs after twenty-one days,¹¹ and corresponding [to a hen] is the almond-tree among trees.¹² A dog [goes with young] for fifty days, and corresponding [to a dog] is a fig-tree among trees. A cat [goes with young] for fifty-two days, and corresponding [to a cat] is a mulberry-tree among trees, [whose fruit ripens fifty-two days after its blossoming]. A pig [goes with young] for sixty days, and corresponding [to a pig] is an apple tree among trees. A fox and all kinds of reptiles [go with young] for six months, and corresponding [to a fox] etc. is wheat among trees.¹³ Small clean animals [go with young] for five months, and corresponding [to small animals] is a vine among trees. Large unclean cattle [go with young] for twelve months, and corresponding [to large unclean cattle] is a palm-tree among trees.¹⁴ Clean large cattle [go with young] for nine months, and corresponding [to clean large cattle] is an olive-tree among trees. The wolf, lion, bear, leopard, bardeles,¹⁵ elephant, monkey, and long-tailed ape [go with young] for three years, corresponding to them are white figs among trees. A viper [or adder] goes with young for Seventy years, and corresponding to it is the carob-tree among trees. From the time of the planting of the carob-tree to the ripening of its fruit, a period of seventy years elapses; and the time of its pregnancy',¹⁶ is three years. A serpent [goes with young] for seven years, and for that wicked animal there is no companion [among trees]. Some, however, say that [corresponding to a serpent] is a kind of white fig [among trees],¹⁷ Whence is this proved?¹⁸ — Said Rab Judah in the name of Rab and they trace it in tradition up to the name of R. Joshua b. Hanania: Because [Scripture] says: Cursed art thou from among all cattle and from among all the beasts of the field.¹⁹ Now if [the serpent] was cursed [to go with young for a period] longer than an animal,²⁰ [how much] longer must this have been than that of a beast?²¹ But [the object of the verse is] to tell you: Just as the animal is cursed [to go with young] longer than a beast in the proportion of one to seven²² — and what is this? An ass which [goes with young longer] than a cat — so [the serpent] is cursed [to go with young] in the proportion of one to seven, which is seven years.²³ But why not say, that just as the beast has been cursed [to go with young longer] than an animal in the proportion of one to three — and what is this? A lion [which goes with young longer] than an ass²⁴ — so, [the serpent] has been cursed [to go with young] longer than the beast in the proportion of one to three, which is nine years?

(1) Half fish and half human.

(2) Outside its belly, i.e. animals and beasts.

(3) The coupling together of heterogeneous animals or birds is one form of kil'ayim.

(4) And as regards the domestic and wild goose, although the latter has its male balls outside, its male genital is inside. Therefore, in both instances, they lay eggs and do not give birth to their brood.

(5) Before dawn.

- (6) For since a hen does not lay eggs at night, it must have been laid on the previous day. An egg newly laid on a festival is forbidden on that day. V. Bez. 2a.
- (7) Inserted with Sh. Mek.
- (8) The greater part of the egg came forth from the inside of the chicken on the eve of the Festival, but it returned, and therefore he did not find it when he searched for it at first in the nest. Consequently, even if, as in this case, it laid the egg at night, it is permitted to eat it on the Festival. But it does not, usually, lay eggs in the night time.
- (9) Like sheep and goats, which copulate in a similar manner, their faces against the back of the female and whose period of pregnancy is five months.
- (10) The serpent in the Genesis story and the fish in that of Jonah.
- (11) After pregnancy from a cock, the egg takes this period for completion. Another explanation is that the hen hatches its eggs for a period of twenty-one days before the young ones emerge. (Rabbenu Gershom.)
- (12) From the time of its blossoming until the fruits are ripened, a period of twenty-one days elapse.
- (13) Wheat is here described as a tree, in accordance with the authority who maintains that the tree from which Adam partook was wheat; v. Ber. 40a.
- (14) V. supra n. 1.
- (15) A spotted beast, either a leopard or a hyena.
- (16) The time of the blossoming of the carob-tree until the ripening of its fruit extends over the last three years of the seventy years.
- (17) A species of fig, inferior to white figs.
- (18) That a serpent goes with young for seven years.
- (19) Gen. III, 14.
- (20) For the least of animals, i.e., a goat, takes five months to produce its young, whereas the shortest period for a beast, i.e., a cat, is fifty-two days.
- (21) If Scripture had written: 'Cursed art thou from among all cattle', this would have embraced the period also for which beasts are cursed to go with young.
- (22) A cat goes with young for fifty-two days and an ass for one year, i.e., three hundred and sixty-five days, the proportion therefore being one to seven.
- (23) Hence we infer that a serpent goes with young for seven years.
- (24) An ass goes with young for one year and a lion for three years.

Talmud - Mas. Bechoroth 8b

— Does [Scripture] write: 'From among all the beasts and from among all the cattle'?¹ It writes [in the following order:] from among all the cattle and from among all the beasts. [The serpent] is cursed from among all the animals which are cursed [in that it takes longer to produce their young] than the beasts. But why not say: Just as the animal has been cursed [to go with young longer] than the beast in the proportion of one to three — and what is this? A goat [which goes with young longer] than a cat — so the serpent has been cursed in the proportion of one to three, which is fifteen months?² — If you choose, I may reply that Scripture writes: 'From among all cattle'.³ Or if you prefer [still another solution], it is a curse [which it is the object of the verse to inflict] and therefore we cast the [heaviest] curses possible [on the serpent].⁴ The Emperor once asked R. Joshua b. Hanania: 'How long is the period of gestation and birth of a serpent'? — He replied to him: 'Seven years'. 'But did not the Sages of the Athenian school couple' [a male serpent with a female] and they gave birth in three years'? — 'Those had already been pregnant for four years'. 'But did they not have sexual contact'?⁵ — 'Serpents have sexual intercourse in

the same manner as human beings'.⁶ 'But are not [the sages of Athens] wise men [and surely they must have ascertained the true facts about the serpent]?' 'We are wiser than they'. 'If you are wise' said the Emperor, 'go and defeat them [in argument], and bring them to me'. He asked him: 'How many [are the Athenian sages]?' 'Sixty persons'. Thereupon he said to him: 'Make me a ship containing sixty compartments, each compartment containing sixty cushions'.⁷ He did this for him. When [R. Joshua] reached [their city], he went up to a slaughter-house. He found a certain man who was dressing an animal. He asked him: 'Is thy head for sale?' The other replied 'Yes'. Thereupon he asked him: 'For how much?' And the man answered: 'For a half a zuz'. He gave him [the money]. Eventually, he said to him: 'Give me thy head'. [He gave him an animal's head]. Thereupon [R. Joshua] exclaimed: 'Did I say the head of an animal? [I told thee, thy head]'. [R. Joshua] then said to him: 'If you wish that I should leave thee alone, step in front of me and show me the door of the school of the Athenian sages'. Thereupon the man replied: 'I am afraid, for whoever points them out, they put to death'. R. Joshua then said: 'Take a bundle of reeds, and if you reach the spot, throw it down as if to rest'.⁸ He went and found guards inside and guards outside the school; for when the [wise men] saw somebody enter, they used to kill the outside guards, and when they saw someone leaving, they killed the inside guards.⁹ He reversed [the heel] of his shoe and they killed the inside guards. He then reversed the shoe [to its normal position] and they killed all of them.¹⁰ He proceeded and found the young men sitting high up [in the upper chamber] and the elders below. He said: 'If I give greetings [to the elders], then [the young men] will kill me, the latter claiming "we are more important", [for we sit high up and they sit below]. [And if I give greetings to the young men, then the elders will kill me], the latter claiming "we are older and they are just youngsters"'. [R. Joshua] then said: 'Peace to you'. They asked him: 'What are you doing here?' He replied to them: 'I am a sage of the Jews, I wish to learn wisdom from you'. 'If so, we will ask you questions' [said the Athenian wise men]. He answered them: 'Very well. If you defeat me, then whatever you wish, do Unto me, but if I defeat you, eat bread with me in the ship'. They said to him: 'If a person wished to marry a woman and the consent was not given, is it feasible that he should seek a woman of higher birth?'¹¹ He took a peg and stuck it below [on the stone wall]¹² and it would not join, and then he stuck it higher up,¹³ and it went in. He said: 'Here also therefore, it- may happen that the second woman is his destined one'. 'If a man lends money and is compelled to seize his debt by force, is it to be expected that he should lend again?'¹⁴ He replied to them: 'A man goes into a forest, cuts the first load of wood and cannot [lift it].¹⁵ He continues cutting, until somebody comes along and helps him to lift the bundle'.¹⁶ They said to him: 'Tell us some stories'. He said to them: 'There was a mule which gave birth, and round its neck was a document in which was written, "there is a claim against my father's house of [one hundred]¹⁷ thousand zuz"'. They asked him: 'Can a mule give birth?' He answered them: 'This is one of these stories'. 'When salt becomes unsavory, wherewith is it salted?' He replied: 'With the after-birth of a mule'. 'And is there an after-birth of a mule?' 'And can salt become unsavory?' 'Build as a house in the sky'. He pronounced the Name [of the Deity], [suspended himself in the air] and hung between heaven and earth. He then said to them: 'Bring me up bricks and clay from down there'. [They asked: 'And is it possible to do this?' He replied: 'And is it possible to build a house between heaven and earth'].¹⁸ 'Where is the centre of the world?' He raised his fingers and said to them: 'Here'. They said to him: 'How can you prove it?' He replied: 'Bring ropes and measure'. They said: 'We have a pit in the field. Bring it to the town'. He replied: 'Knot ropes of bran flour for me and I will bring it in'.¹⁹ 'We have a broken millstone. Mend it'. [He took a detached portion from it and threw it before them]¹⁸ saying: 'Take

out the threads for me, like a weaver, and I shall mend it'. 'A bed of knives, wherewith can we cut it'? 'With the horns of an ass'. They asked: 'But has an ass horns'? 'And is there a bed of knives'? [He replied:] They brought him two eggs. 'Which is from the black clucking hen and which is from the white'? He himself brought them two cheeses and asked them: 'Which is from a black goat and which from a white'? 'A chicken dead in its shell-where has the spirit gone'? 'From whence it came, thither it went'. 'Show us an article whose value is not worth the loss it causes'. He brought a mat of reeds and spread it out. It could not get through the door [being too long and wide]. He then said: 'Bring a rake [and pickaxe]', and demolished [the door of the building].²⁰ 'That is an example of an article whose value is not worth the loss it causes'. He brought them to eat in the ship, one by one to his Separate chamber. When they saw the sixty cushions, each one thought that all the companions would come to this chamber. He ordered the captain to set sail. As they were about to journey, he took some earth from their [native] soil.

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- (1) That we should interpret the verse from among all beasts as meaning that the serpent was cursed in the same proportion as the beast is more cursed than the animal.
 - (2) Small clean cattle whose period of gestation is five months, while a cat's period is fifty-two days, the latter thus being to the former in the proportion of one to three.
 - (3) The animal most cursed, an unclean large animal, like an ass, going with young longer than the beast, i.e., the cat, constituting a ratio of one to seven, as stated above.
 - (4) We therefore multiply curses in the greatest degree, since it is the clear intention of the verse to heap curses upon the serpent.
 - (5) And once pregnant, an animal or beast does not take a male.
 - (6) Having sexual contact even after pregnancy.
 - (7) So Jast. Rashi and R. Gershom have here 'chairs', the latter adding that they were very ornamental.
 - (8) And thereby I shall know the place where the Athenians are located.
 - (9) Bran flour or dust was scattered over the threshold and the footsteps were visible of whosoever entered or departed. The outside guards were put to death when a footprint was visible indicating that someone had entered, for which they were held responsible. On the other hand, when a footprint was visible indicating that someone had left, the inside guards were held responsible and put to death. The guards did not, however, put anybody to death unless he made a forced entry or an exit.
 - (10) The two footsteps seen on the threshold, pointing in different directions, suggested to the Athenians that there had been two persons, one leaving and the other entering, and consequently all the guards were punished and put to death. This, of course, made it easy for R. Joshua to gain entrance unmolested.
 - (11) If he was unable to obtain the woman of an inferior status, how much less would he be able to secure the hand of a woman coming from a better family?
 - (12) In the spot where there was no opening and hole.
 - (13) Where there was an opening in a space between the stones.
 - (14) If the lender was constrained to claim his debt from the buyers of the debtor's lands, surely he would not be inclined to lend in future, for fear of meeting similar difficulties in the recovery of his money.
 - (15) The wood being in such quantities, he is unable to lift it.
 - (16) Similarly, although he had difficulties with his first debtor, he may be more fortunate with the next one.
 - (17) Goldschmidt reads: one thousand.
 - (18) Inserted from Bah.
 - (19) And if you are unable to carry out my wish, then I cannot perform yours.
 - (20) And the wall, until it was able to go in.

Talmud - Mas. Bechoroth 9a

When they reached the straits,¹ they filled a jug of water from the waters of the straits. When they arrived, they were presented to the Emperor. He observed that they were depressed, [being far from their native land]. He said: 'these are not the same [people]'. He, therefore, took a piece of the earth of their country and cast it at them. Thereupon, they grew haughty² towards the King. He then said to R. Joshua: 'Whatever you desire, do with them'. He fetched the water which [the Athenians] had taken from the straits and poured it into a ditch.³ He said to them: 'Fill this and depart'. They tried to fill it by casting therein the water, one after the other, but it was absorbed. They went on filling until [the joints] of their shoulders became dislocated and they perished. MISHNAH. IF A SHE-ASS THAT HAD NEVER BEFORE GIVEN BIRTH GAVE BIRTH TO TWO MALES, [THE ISRAELITE] GIVES ONE LAMB TO THE PRIEST AS A REDEMPTION.⁴ [IF IT GAVE BIRTH TO] A MALE AND A FEMALE, HE SETS ASIDE ONE LAMB [WHICH REMAINS] FOR HIMSELF.⁵ IF TWO SHE-ASSES THAT HAD NEVER BEFORE GIVEN BIRTH GAVE BIRTH TO TWO MALES, HE GIVES TWO LAMBS TO THE PRIEST. [IF THEY GAVE BIRTH TO] A MALE AND A FEMALE OR TWO MALES AND A FEMALE, HE GIVES ONE LAMB TO THE PRIEST.⁶ [IF THEY GAVE BIRTH TO] TWO FEMALES AND A MALE OR TO TWO MALES AND TWO FEMALES THE PRIEST RECEIVES NOTHING.⁷ IF ONE SHE-ASS HAD GIVEN BIRTH BEFORE AND ONE HAD NOT GIVEN BIRTH BEFORE AND THEY GAVE BIRTH TO TWO MALES, HE GIVES ONE LAMB TO THE PRIEST. [IF THEY GAVE BIRTH TO] A MALE AND A FEMALE, HE SETS ASIDE ONE LAMB [WHICH REMAINS] FOR HIMSELF,⁸ FOR [SCRIPTURE] SAYS: AND THE FIRSTLING OF AN ASS THOU SHALT REDEEM WITH A LAMB.⁹ [THE LAMB CAN COME EITHER] FROM THE SHEEP OR THE GOATS MALE OR FEMALE, LARGE OR SMALL, UNBLEMISHED OR BLEMISHED. HE CAN REDEEM WITH THE SAME ONE MANY TIMES.¹⁰ AND THE LAMB] ENTERS THE SHED TO BE TITHED.¹¹ IF IT DIES, THE PRIEST CAN BENEFIT FROM IT.¹² GEMARA. Who is the authority [of the first passage in the Mishnah]?¹³ R. Jeremiah said: It does not follow the opinion of R. Jose, the Galilean. For if it were the opinion of R. Jose the Galilean — did he not say that it is possible to ascertain exactly [that both heads came forth simultaneously]?¹⁴ Said Abaye: You may even assume that [the passage in the Mishnah] represents the opinion of R. Jose the Galilean, and that he makes a difference [in connection with the first-born of a clean animal], for [Scripture] writes: The males shall be the Lord's.¹⁵ But why not infer [the case of the first-born of an unclean animal] from [the case of the firstborn of a clean animal]? — The Divine Law excludes this [by the definite article in the expression], 'The males'.¹⁶ Some there are who say: Must we say that [the passage in the Mishnah]¹³ does not represent the view of R. Jose the Galilean? For if it were the opinion of R. Jose the Galilean, did he not say that it is possible to ascertain exactly [that both heads came forth simultaneously]? — Said Abaye: You may even assume that it is the opinion of R. Jose the Galilean and he makes a difference [in connection with the first-born of a clean animal], for [Scripture] writes: 'The males shall be the Lord's'. Now we can understand R. Jeremiah stating that [the passage in the Mishnah] does not follow R. Jose the Galilean; that is the reason why the [Mishnah] does not say: 'And both their heads came forth simultaneously'.¹⁷ But according to Abaye, let it Say: 'And both heads came forth simultaneously'?¹⁸ Moreover, it has been taught: If his ass had never given birth before, and

it gave birth to two males, and the two heads came forth simultaneously, R. Jose the Galilean says that they both belong to the priest, for Scripture Says: 'The males are the Lord's.' But is this not written in connection with [an animal] consecrated as such [which is a clean animal]? — Rather say, On account of what [Scripture] Says: 'The males are the Lord's'.¹⁹ This is a confutation of Abaye. — It is a refutation.

(1) Probably Scylla and Charybdis (Jast.). Rashi explains that **hghkc hc** refers to the ocean mostly the Mediterranean Sea which absorbs all the waters of the world which flow therein. The waters are then brought to the depths from which they are subsequently discharged. Other explanations (by R. Gershom) are that there is a particular spot in the sea that absorbs other waters or that it refers to Miriam's Well.

(2) After smelling their native earth, they imagined that they were back again in their own country.

(3) A vessel or an earthen jug (Rashi).

(4) Because, at all events, one of the offspring must be a first-birth.

(5) There is a doubt here as to whether the male ass was born before the female; so, by setting aside a lamb for redemption, he releases the animal from the prohibitions which attach to the first-birth of an ass, in case the male was born first. He is not required, however, to give the lamb to the priest, since the claim of the latter is purely that of a debt due to him as laid down in the Scripture, the lamb not possessing any sanctity, and being like the ass which it redeems. Consequently, the priest is in the position of a claimant who must produce the evidence, the evidence here being that the male was born prior to the female.

(6) One male must be a first-birth and the other, as there is a doubt whether the male was born before the female, therefore, he sets aside one lamb for redemption, which, however, remains for himself.

(7) Where two males and two females are born, the priest receives nothing, because the female might have been born prior to the males; also, where two females and a male are born, because here too there is a doubt, and the female might have been born before the male. The Israelite, however, must set aside two lambs which remain for himself.

(8) In case the she-ass which had never given birth before had given birth to the female.

(9) Ex. XIII, 13. From here we derive the general rule that the first-birth of an ass is redeemed with a sheep.

(10) If the lamb which the priest receives as a redemption for the first-birth of an ass was sold or returned to the Israelite as a present, it can exempt another first-birth of an ass. This process can be repeated in connection with many first-births of asses.

(11) The lamb which he sets aside is an absolutely unconsecrated animal and enters the shed to be tithed with the rest of his animals.

(12) As soon as the lamb is set aside, the Priest has a claim on it as belonging to him, and it is as if it were already in his possession. Therefore, if the lamb died before it was delivered to the priest, the latter benefits from its skin and carcass.

(13) That if a she-ass which had never before given birth, gave birth to two males, he only gives one lamb to the Priest.

(14) Infra 17a. If a ewe which had never given birth before gave birth to two males, R. Jose, the Galilean, says that both belong to the priest since both heads came forth at the same time.

(15) Ex. XIII, 12. The plural indicates two males, but in the case of the first-births of asses, where the singular is used throughout, even if it were possible to make sure that both heads came forth simultaneously, they are not sanctified.

(16) The superfluous **V** ('the') implies that only in the case of a clean animal do we apply the said law.

(17) As in the case of a clean animal, infra 17a.

(18) According to Abaye, it is possible to ascertain exactly that both heads came forth simultaneously, as the

Mishnah is in accordance with R. Jose, only in the case of an unclean animal, it is different, because of the restrictive word 'The males'. Why should not the Mishnah, therefore, state that even if both heads came forth simultaneously, only one lamb is given to the Priest?

(19) The inference from the verse is indirect. Since Scripture has indicated in this verse that it is possible to ascertain that both heads come forth simultaneously in connection with a clean animal, we apply the same to the first-birth of an ass. In any case we therefore clearly see here that R. Jose's ruling applies even to the first-birth of an ass.

Talmud - Mas. Bechoroth 9b

And as to the Rabbis,¹ must we say that the Rabbis hold that even if a portion of the womb touches [the firstling] it consecrates? For if it consecrates only when the whole womb touches [a firstling], granted it is impossible to ascertain that both heads came forth simultaneously, nevertheless, there is here an interposition?² — Said R. Ashi: Objects of a homogeneous kind are not reckoned as an Interposition [with reference to each other].³ IF IT GAVE BIRTH TO A MALE AND FEMALE, HE SETS ASIDE etc. Since it remains for himself what need is there to set it aside? — [In order] to release it from the prohibitions [attaching to the first-birth of an ass].⁴ Consequently, [we infer] that until it is released, it is forbidden to be used. Whose opinion does the Mishnah represent? It is the opinion of R. Judah. For it has been taught:⁵ It is forbidden to make any use of the first-birth of an ass. These are the words of R. Judah. But R. Simeon permits this. What is the reason of R. Judah? Said 'Ulla: 'Can you find an object which requires redemption and yet is permitted to be used while unredeemed'? But is there not? What of the case of the first-born of a man who requires redemption and yet [even before redemption] one may derive benefit from him? — Rather argue [thus]: Is there an object concerning which the Torah particularly enjoined that redemption must be with a sheep and which was yet permitted to be used [before redemption]? And was [the Torah] indeed so particular? Did not R. Nehemiah the son of R. Joseph redeem [an ass] with boiled herbs of its equivalent value? — As regards an object of equivalent value, this is not referred to here.⁶ What we are speaking of is the redemption [of an object] not with its equivalent value. And 'Ulla means this: Can you find an object concerning which the Torah was particular to release its prohibition only with a sheep even though not Its equivalent in value and yet it is permitted to benefit therefrom [unredeemed]? — But what of the second tithing which the Torah was particular that the redemption must be with coined money, and yet we have learnt, R. Judah says: If he betrothed a woman [with second tithe] wilfully she is betrothed?⁷ — Also with a first-birth of an ass is a woman betrothed, as R. Eleazar [taught]. For R. Eleazar said: A woman knows that the second tithe is not rendered unconsecrated through her,⁸ and she, therefore, goes up to Jerusalem and eats it. Similarly, here also, a woman is aware that the first-birth of an ass is prohibited, she redeems it therefore with a lamb, and is betrothed with the difference [between the value of the ass and the sheep].⁹ And as to R. Simeon, what is his reason? — Said 'Ulla: Can you find an object whose ransom¹⁰ is permitted to be used while [the object itself] is forbidden? But can we not? What of [the fruit of] the Sabbatical year, whose ransom is permitted to be used and yet the fruit itself is forbidden?¹¹ — Also with [the fruit of] the Sabbatical year is the ransom forbidden, for a Master said: [The prohibitions attaching to the Sabbatical year] take effect on the very last thing [bought].¹² Or, if you choose, I may say that R. Judah and R. Simeon differ in the interpretation of the following verse. For it has been taught: [Scripture says]: Thou shalt do no work with the firstling of thine

ox:¹³ but you may do work with a firstling which belongs [both] to you and to a gentile;¹⁴ nor shear the firstling of thy flock:¹³ but you may shear what belongs [both] to you and to a gentile. These are the words of R. Judah. But R. Simeon says: 'Thou shalt do no work with the firstling of thine ox', implying, but you may work with the first-born of a man; thou shalt not shear the firstling of thy sheep; implying, but you may shear the first-birth of an ass. We understand why, according to R. Simeon's interpretations Scripture needs to write both verses. But, according to R. Judah, what need is there for two verses to exclude a firstling which belongs [both] to you and to a gentile? And furthermore, according to R. Judah, the first-born of a man also should we say is forbidden [to work with before redemption]? Rather therefore, explain that all [the authorities mentioned] hold that the words, 'thine ox', have for their object the exclusion of the first-born of a man. The dispute, however, is in the interpretation of the words, 'thy sheep', for R. Judah is in agreement with his own dictum elsewhere, where he says: A partnership with a gentile is subject to the law of the first-born, so that there is need of a verse to make it permissible for shearing and working [of a firstling]. R. Simeon, however, holds that a partnership with a gentile is not subject to the law of the first-born. And, therefore, in respect to shearing and working, there is no necessity for a verse to make it permissible. The necessity, however, arises for a verse in respect to the first-birth of an ass. This is quite right on the view of R. Judah, for it is for the reason [stated above] that Scripture writes, 'thy sheep', and the words, 'thine ox', [Scripture adds merely] on account of the words, 'thine ass'. But according to R. Simeon, what need is there for the words, 'thine ox', and 'thy sheep'?¹⁵ This is indeed a difficulty. Rabbah said: R. Simeon agrees, however, that after the breaking of its neck,¹⁶ it is forbidden to use it. What is the reason? — He draws a conclusion by analogy between 'arifah' [the breaking of the neck] here and the 'arifah' [mentioned] in connection with the heifer that had its neck broken.¹⁷ Said Rabbah: On what evidence do I say this? Because it has been taught: The fruit of trees of the first three years, the mixed seeds in a vineyard, an ox that is to be put to death by stoning,¹⁸ or the heifer that has had its neck broken,¹⁹ the birds of the leper,²⁰ the first-birth of an ass,²¹ and [the mixture] of meat and milk [boiled together],²² all of them receive the uncleanness relating to food.²³ R. Simeon says: All of them do not receive the [levitical] uncleanness relating to food. R. Simeon, however, agrees with regard to the [mixture] of meat and milk, that it receives the uncleanness relating to food, since at one time, it was fit [to receive the uncleanness relating to food],²⁴ And R. Assi explained in the name of R. Johanan: What is the reason of R. Simeon? Scripture writes: All food therein which may be eaten.²⁵ [We deduce] that food which you can give gentiles to eat is called food, but food which you are unable to give gentiles to eat is not called food.²⁶

(1) Of the Mishnah, who say that he gives one lamb to the priest, for we have explained that the Mishnah is not according to R. Jose and therefore it is the opinion of the majority of the Rabbis. Or the reference may be to the Rabbis who differ with R. Jose in the case of a clean animal that gave birth to two males, the Rabbis holding that one lamb must be given to the priest and one remains for himself.

(2) For before one male came forth entirely, the other was on its way out. Therefore, although one came forth prior to the other and was sacred, it did not have the whole womb to consecrate it, owing to the other male, which was coming out at the same time. There was, consequently, an interposition between the first male and the womb.

(3) And the two males are of the same kind.

(4) Of working with it and the restriction on its shearing.

(5) Kid. 57b.

(6) For it is not more restricted in respect of the manner of its redemption than other consecrated objects.

- (7) v. Kid. 2b. Therefore, we see here that it is permitted to benefit from an object even before its appropriate redemption. Hence we conclude that according to R. Judah, it is permitted to use it.
- (8) I.e., by giving her second tithe as kiddushin (token of betrothal).
- (9) The ass being of greater value than the sheep. Therefore, no objection can be cited to 'Ulla's interpretation of R. Judah's views from the case of second tithe.
- (10) Here the lamb wherewith the ass is redeemed is permitted for all use.
- (11) If one sold fruit of the Sabbatical year, the object purchased may be used, but the fruit itself is forbidden and must be removed from the house when the beasts in the field have consumed the fruit there.
- (12) If one purchased flesh in exchange for the fruit of the Sabbatical year, both are liable to the law of removal pertaining to the Sabbatical year. If he then bought wine for the flesh, then the flesh may be used but not the wine. And if again he bought oil for the wine, the last thing purchased is forbidden to be used as well as the fruit itself of the Sabbatical year.
- (13) Deut. XV, 19.
- (14) In the case e.g., of a firstling of an animal in which a gentile has a share, although R. Judah requires the Israelite to give a half of its value to the priest, nevertheless working with the animal and the shearing thereof are permitted. Since the verse, however, does not exclude the first-birth of an ass, we do not permit its use prior to its redemption and it is on a par with a firstling of a clean animal.
- (15) If Scripture had merely written: The firstling of an ox and The firstling of a sheep, R. Simeon could still have expounded the verse in the manner he does.
- (16) If the law of redeeming the first-birth of an ass with a lamb is not carried out, the law prescribes that its neck must be broken with a hatchet.
- (17) In the case where an unknown man is found dead, the law requires the bringing of a heifer whose neck must be broken as an atonement, and here also for failing to redeem the ass with the lamb, the neck of the ass was broken. As in the former case, it is forbidden to be used, so here also by analogy, it is forbidden to be used.
- (18) If it had been ritually killed after it was sentenced to death for killing a man.
- (19) Which was ritually slaughtered, after being brought down into the rough valley.
- (20) The two clean birds, one of which was killed, which the leper brought after his recovery.
- (21) Which was ritually slaughtered for a gentile, and as it was still struggling and not dead, it did not possess the uncleanness of nebelah (a carcass). Therefore, if a dead reptile came in contact with it, it received the uncleanness relating to food, so that if it touched other food, it causes levitical uncleanness. The ritual slaughtering, however, helped at least to make it fit to receive the uncleanness of food. Another interpretation is that even if the ass had its neck broken and it was, therefore, nebelah, we can still apply here the principle of the uncleanness of food, if e.g., there was less of the carcass in size than an olive which, although it did not become unclean as nebelah, may yet be supplemented with other food to the required size of an egg to make it receive the uncleanness of food.
- (22) And consequently forbidden for any use.
- (23) For although they are forbidden to be used, the uncleanness has the effect that should they come in contact with other food, the latter becomes unclean.
- (24) I.e., before its boiling.
- (25) Lev. XI, 34.
- (26) I.e., when it is forbidden to be used and therefore it does not receive the uncleanness relating to food.

Talmud - Mas. Bechoroth 10a

But if this is so, then in the case of [the mixture] of meat and milk, why should it be said that the reason that it receives levitical uncleanness is because, at one time, it was fit for the uncleanness

relating to food? Why not derive this from the fact that it is a food which you can give to gentiles? For it has been taught: R. Simeon, the son of R. Judah says in the name of R. Simeon: [The mixture of] meat and milk is forbidden to be eaten but it is permitted for general use since [Scripture says]: For thou art a holy people unto the Lord thy God.¹ And, in another place, Scripture says: And ye shall be holy men unto Me.² As in that case,³ it is forbidden to be eaten but it may be used generally, so here [in connection with the mixture of meat and milk] it is forbidden to be eaten but it may be used generally! — R. Simeon gives one [reason] and still another [reason]. One [reason why it should receive the uncleanness of food is because it is a food] which can be given to gentiles. And still another [reason], because for [the Israelite] himself, too, there was a time [before its boiling] when it was fit to receive uncleanness.⁴ Now,⁵ if there is any substance in the opinion that after the ass's neck is broken it is permitted according to R. Simeon to be used, let the above [Baraita] state: But R. Simeon agrees in connection with the first-birth of an ass⁶ and [the mixture of] meat and milk that they receive the levitical uncleanness relating to food? — [No]. If one had formed the intention [of using the ass as food], it would be so [as you argue]⁷ We are dealing here, however, in a case where he had not formed such an intention.⁸ And what is then the reason that [the majority of] the Rabbis, [R. Simeon's disputants], make it receive uncleanness? — Rabbis said the following in the presence of R. Shesheth: [The reason is that] its prohibition [by Scripture] renders it important [to be regarded as food].⁹ But, do we say according to the Rabbis that the reason is, since its prohibition renders it important? Have we not learnt [in a Mishnah]: Thirteen things were said with reference to the carcass of a clean bird, and this is one of them: it requires the intention [to be used as food],¹⁰ but it does not need to be rendered fit [to receive uncleanness].¹¹ Now, if its prohibition signalizes it [as food] [to receive uncleanness], what need is there for the intention of using it as food? — [The Mishnah just quoted] represents the opinion of R. Simeon. Come and hear: ‘The carcass of an unclean animal in all places, and the carcass of a clean bird and the fat [of the carcass of a clean animal] in the villages,¹² require the intention [of being used as food in order to receive uncleanness], but they do not need to be rendered fit [to receive uncleanness].¹³ Now, if you say that its prohibition renders it important [to receive uncleanness], what need is there for the intention [of using it as food]? — This, [too], represents the opinion of R. Simeon. Come and hear: The carcass of a clean animal¹⁴ in all places,¹⁵ or the carcass of a clean bird, or the fat [of a ritually slaughtered animal] in market places,¹⁶ do not require the intention [of being used as food]. Nor do they need to be rendered fit [to receive uncleanness of food].¹⁷ This implies that an unclean animal does require the intention [of using it as food in order to receive uncleanness].¹⁸ And should you say that this too represents the opinion of R. Simeon; surely since the second part [quoted below] is the opinion of R. Simeon, then the first part cannot be according to the opinion of R. Simeon. For the second part states: R. Simeon says: Also a camel, hare, rockbadger and swine, do not require the intention [of using them as food in order to receive uncleanness], nor need they be rendered fit [to receive uncleanness]. And R. Simeon [further] explained. What is the reason? Since [these animals mentioned] have marks of a clean animal!¹⁹ — No, said Rabbah: All [the authorities mentioned] agree that we do not say that its prohibition [by the Scriptures] renders it important [to receive the uncleanness relating to food]. And [as to your question, what is the reason of the Rabbis]? If the ass's neck has been broken, it would really be so.²⁰

(1) Deut. XIV, 21, which is followed by the prohibition of seething a kid in its mother's milk.

(2) Ex. XXII, 30, in connection with the prohibition of trefah (ritually forbidden food).

- (3) In the Scriptural verse: And ye shall be holy, etc., referring to trefah which may be used for general purposes as stated in the context: Ye shall cast it to the dogs.
- (4) Unlike the case of the ox and heifer mentioned above, since they have a forbidden status when alive.
- (5) Rabbah continued his argument.
- (6) Since it can be given to gentiles for food. Hence Rabbah concludes that even R. Simeon admits that an ass whose neck was broken because its owner failed to redeem it, is forbidden to be used.
- (7) That the ass with a broken neck would have received the uncleanness relating to food.
- (8) And that is the reason why the Baraitha does not include the case of an ass in the statement of R. Simeon as receiving the uncleanness of food, for ordinarily, without expressing the intention of regarding it as food, it is not considered as such.
- (9) The very prohibition which Scripture imposes upon it indicates that it is food fit for gentiles to eat, otherwise, Scripture would not have considered it of sufficient importance to forbid it and, therefore, it receives the uncleanness relating to food even without the express Intention of using it as such.
- (10) And if a dead reptile touched it and, in turn, it touched other food, it renders the latter unclean. This intention of using it as food is necessary, as the carcass of a clean bird has no uncleanness of touch, for it conveys uncleanness only in the gullet in the process of eating. Or, in the case where it is less in size than an olive and consequently there is no uncleanness as regards nebelah, it combines with other foods to make up the required size of an egg, in order to receive food uncleanness when it comes In contact with a dead reptile.
- (11) Like seeds, by having water poured on it, since it already possesses a more stringent uncleanness by causing uncleanness to man and garments by eating it; v. Nid. 50b, Zeb. 105b.
- (12) In the villages, where the inhabitants are poor and are not accustomed to eat birds or fat, the intention of using these as food to be given to gentiles is necessary before it can receive the uncleanness relating to food. With reference also to the carcass of a forbidden animal, the intention of using it as food is also necessary, for the reason that it is loathsome and, ordinarily, is not considered food even for gentiles.
- (13) 'Uk. III, 3.
- (14) I.e., one which had not been ritually slaughtered.
- (15) It is usually given to gentiles as food, for it is not loathsome and therefore it does not require the intention of using it as food.
- (16) I.e., the towns, containing many people of means who are accustomed to eat birds or fat so that these are usually considered food.
- (17) The carcass of a clean animal, because its uncleanness is of a more stringent character, and the fat, because the very act of ritual slaughter has made it fit to receive uncleanness, since the intention of using it as food is not required, v. *ibid*.
- (18) And we do not maintain that its prohibition renders it important to receive food uncleanness, without the intention being expressed using it as food.
- (19) Therefore the first passage with reference to the carcass of an unclean animal etc. requiring the intention of being used as food, must be in accordance with the view of the Rabbis., Hence we infer that the Rabbis do not hold that its prohibition marks it out as fit to receive food uncleanness and therefore the Baraitha quoted above by Rabbah, where the Rabbis say that the first-birth of an ass receives the uncleanness relating to food, must deal with a case where he expressed the intention of Using it as food. And R. Simeon maintains that it does not receive uncleanness, because it is food which cannot be given to a gentile to eat, I.e., It is forbidden to be used. Rabbah consequently is able to deduce from this that an ass which had its neck broken because it was not redeemed is forbidden to be used.
- (20) That the Rabbis would agree that it does not receive the uncleanness relating to food, since he had not intended to use it as food.

Talmud - Mas. Bechoroth 10b

But here we are dealing with a case where e.g., he ritually killed [the ass] to practice therewith [to kill ritually],¹ and the difference here corresponds to the difference of opinion of Nimos and R. Eleazar. For it has been taught: R. Jose said: Nimos the brother of Joshua the grist-maker told me that if one killed a raven ritually in order to practice therewith, its blood renders food fit [to receive uncleanness].² [R. Eleazar] says: The blood of shechitah³ always renders fit [to receive uncleanness]. Now is not [R. Eleazar's] opinion identical with the first Tanna? We must suppose then that the difference between them is whether its prohibition⁴ renders it important [as fit to receive uncleanness]? The first Tanna holds: Its blood renders it fit [for conveying uncleanness] to other [food], but as regards [the raven itself], it requires the intention [of being used as food].⁵ Upon which [R. Eleazar] remarks: The blood of shechitah always renders it fit [to convey or receive uncleanness] and as regards the [raven] itself too, it does not require the intention [of using it as food] in order to receive [levitical uncleanness]. But how do you know [this]? Perhaps the reason of R. Eleazar there,⁶ is because the case of a raven is different, since it has marks of cleanness.⁷ And how do we know that marks of cleanness are of importance? — Because it says in connection with the Baraitha above,⁸ R. Simeon said: What is the reason? Since it has marks of cleanness. And should you object that if the reason is because of the marks of cleanness, why should it say [according to R. Eleazar] [that he killed the raven] in order to practice, since even if he unintentionally ritually killed it, the case should also be identical; the answer is, Yes, it is so, but it is on account of Nimos [that it does not state this].⁹ Abaye¹⁰ raised the following objection.¹¹ If he did not wish to redeem [the ass], he breaks its neck with a hatchet from the back and buries it, and it must not be used. These are the teachings of R. Judah. But R. Simeon permits it [to be used]?¹² — Explain [in the following manner]: When alive it is forbidden to use [the first-birth of an ass], but R. Simeon permits this. But since the second part [of the above passage] refers to it when alive, then the first part must refer to it when it is not alive? For the second part states: 'He must not kill [the ass] with a cane, nor with a sickle, nor with a spade, nor with a saw. Nor may he let it enter an enclosure and lock the door on it, in order that it may die. And it is forbidden to shear it or to work with it. These are the teachings of R. Judah. But R. Simeon permits this'! — The first and the second parts [we may explain] both refer to an ass when alive. The first part, however, refers to monetary benefit,¹³ and the second part refers to the benefit derived from its body.¹⁴ [And both parts] require [to be stated]. For if we had only the part referring to monetary benefit, I might have assumed that in that peculiar case R. Simeon permits, whereas with regard to the benefit derived from its body, I might have said that he agrees with R. Judah. And if we had only the part referring to the benefit derived from its body, I might have supposed that R. Judah forbids in that particular case, whereas in the case of monetary benefit, I might have said that he agrees with R. Simeon. [Therefore both parts] are necessary. And so R. Nahman reported in the name of Rabbah, the son of Abbuha: R. Simeon agrees that after the neck has been broken it is forbidden to be used. And R. Nahman said: On what evidence do I say this? Because it has been taught, [Scripture says]: Then thou shalt break its neck.¹⁵ Here [the word] "arifah"¹⁶ is used and above¹⁷ [the word] "arifah" is used; just as above it is forbidden to be used, so here also it is forbidden to be used. Whose opinion does this represent? Shall I say it is according to the opinion of R. Judah? Surely he prohibits it even when alive, Must you not therefore admit that it is the opinion of R. Simeon?¹⁸ — Said R. Shesheth to him: Safra our

fellow-student interpreted it as follows: [The above Baraitha] can still be the opinion of R. Judah, and yet there is need [for stating it]. I might have assumed that since 'arifah' stands in the place of redemption, as redemption makes it permissible [to be used], so 'arifah' is permitted. He consequently informs us [that it is not so]. Said R. Nahman: On what evidence do I say this?¹⁹ From what R. Levi taught, The Israelite causes a monetary loss to the priest;²⁰ therefore he should suffer a monetary loss.²¹ Whose opinion does this represent? Shall I say that it is the opinion of R. Judah? Surely his loss is of long standing!²² [Must we not therefore admit] that it is the opinion of R. Simeon? — If you choose I may say it is the opinion of R. Judah, and, if you choose, I may say that it is the opinion of R. Simeon. If you choose I may say that it is the opinion of R. Judah, and he speaks of the loss entailed in the difference.²³ And if you choose I may say that it is the opinion of R. Simeon, and he speaks of the loss incurred by its death.²⁴ And so did Resh Lakish say: R. Simeon agrees that the ass after its neck has been broken is forbidden to be used. But R. Johanan, (or as some say, R. Eleazar) says: The difference between the Rabbis and R. Simeon still prevails even in such circumstances.²⁵ Some report this, R. Nahman's ruling,²⁶ in connection with the following: If one betrothed a woman with the first-birth of an ass, she is not betrothed.²⁷ Are we to say that the Mishnah is not according to the opinion of R. Simeon? — R. Nahman reported in the name of Rabbah the son of Abbuha: [The Mishnah refers to a case] where the neck had been broken and therefore agrees with all the authorities concerned. Some there are who say: Whose opinion does this represent? Neither the opinion of R. Judah nor that of R. Simeon. For if it is the opinion of R. Simeon, let her become betrothed with the whole value of the ass.²⁸ And if it is the opinion of R. Judah, let her become betrothed with the difference!²⁹ — Said Rabbah b. Abbuha in the name of Rab: [The Mishnah] can still be the opinion of R. Judah, e.g., where the ass was of the value only of a shekel;³⁰ and he holds according to the view of R. Jose b. Judah. For it has been taught, [Scripture says]: 'Thou shalt redeem' . . . 'Thou shalt redeem'.³¹ [One text] 'Thou shalt redeem' intimates immediately,³² [and the other text] 'Thou shalt redeem' intimates with whatever value.³³ But R. Jose b. Judah says: There can be no redemption with less than the value of a shekel.³⁴ The Master said. '[Scripture says]: "Thou shalt redeem, . . . Thou shalt redeem"'. [The one text] "Thou shalt redeem" intimates immediately [and the other text] "Thou shalt redeem" intimates with whatever value'. Is not this obvious?³⁵ — It is necessary [to state it]. I might have assumed that since an unclean animal is compared with the first-born of a man,³⁶ just as in the case of a first-born of a man the redemption takes place after a period of thirty days and with the sum of five sela's,³⁷ so here also the redemption should take place after a period of thirty days and with the sum of five sela's. [Therefore Scripture states]: 'Thou shalt redeem, viz, immediately, 'Thou shalt redeem', viz., with whatever value. 'R. Jose b. Judah says: There is no redemption with less than the value of one shekel'. But which way do you take it; if R. Jose compares an unclean animal with the first-born of a man, then the sum of five sela's is required for redemptions and if he does not compare [an unclean animal with the first-born of a man], whence does he derive that the redemption is with a shekel? — In fact he does not compare [an unclean animal with the first-born of a man]; [yet] said Rabba: Scripture says: And all thy valuations shall be according to the shekel of the Sanctuary,³⁸ intimating that any valuations which you assess shall be no less in value than a shekel. And the Rabbis [who differ with R. Jose], what say they? —

(1) But not for the purpose of eating therefrom.

(2) If the blood fell on food or vegetables. And certainly this would be the case if he killed it ritually in order to eat

therefrom; its blood would render itself and other food fit to receive levitical uncleanness.

(3) The act of ritual slaughter of an animal or bird.

(4) The prohibition referred to here in the context must be understood to mean the fact that it was not a proper shechitah, in the sense that it was not being killed for eating purposes but merely in order to practice.

(5) For its prohibition does not render it fit to receive uncleanness and its shechitah here is of no importance to cause it to be considered as food. R. Simeon, therefore, holds as regards the first-birth of an ass which was ritually killed, according to the view of Nimos that it does not receive the uncleanness of food, and the Rabbis agree with the opinion of R. Eleazar that the ritual killing, in itself, causes it to be regarded as food, without the express intention of regarding it as such.

(6) In the passage quoted above where R. Eleazar differs with Nimos in connection with a raven ritually killed for practice.

(7) A raven has a crop, which is one of the signs of a clean bird, and, therefore, it is considered as food as regards levitical uncleanness. But in the case of the first-birth of an ass, which does not possess any marks of cleanness, unless he intended to use it as food, the Rabbis would not hold that it receives the uncleanness pertaining to food, and R. Simeon would maintain that even if he had thought of it as food, it receives no uncleanness, owing to the fact that it is forbidden to be used after its neck has been broken.

(8) A carcass of a clean animal in all places etc.

(9) To inform us that according to Nimos, although there was a deliberate ritual killing for practice purposes, nevertheless the raven itself does not receive the uncleanness relating to food. But as regards R. Eleazar, it is true that even if the raven was killed unintentionally, (the intention having been to cut some other object), the blood renders other food fit to receive uncleanness, and the raven itself also receives uncleanness. Consequently, you cannot explain the difference between the Rabbis and R. Simeon on the basis of the difference of Nimos and R. Eleazar. Therefore, the difference of the former disputants refers to the case where the ass's neck was broken, and the reason why R. Simeon maintains that it is not clean is because, as Rabbah explains, it is forbidden to be used.

(10) Inserted from Sh. Mek.

(11) Referring to the ruling of Rabbah concerning the ass which had its neck broken and which is forbidden to be used, for any purpose.

(12) Therefore we derive from here the reverse of the ruling of Rabbah.

(13) If he hired or sold it to others.

(14) I.e., the shearing and the working with it.

(15) Ex. XIII, 13.

(16) Indicating the broken neck of the first-birth of an ass.

(17) In connection with the ceremony of the heifer, whose neck was broken when an unknown man's body was found dead.

(18) We therefore see here that R. Simeon agrees that it is prohibited after its neck is broken.

(19) That R. Simeon agrees that it is forbidden for all use after its neck is broken.

(20) By not redeeming the ass with a lamb and giving it to the priest.

(21) The Beth din should therefore compel him to have its neck broken after thirty days.

(22) Even when the ass was alive it was forbidden to be used according to R. Judah.

(23) Between its value when alive and dead. For whereas when it was alive, although forbidden to be used, it could be redeemed, now he loses everything.

(24) For being dead it can only be given to dogs to eat and therefore, there has been a considerable loss.

(25) Where the neck of a first-born of an ass was broken.

(26) That after the ass's neck had been broken it was forbidden to use it and this was expressed not as separate and independent ruling but with reference to the following Mishnah.

(27) Kid. 56b.

(28) For the whole of it may be used.

(29) The difference between the ass of the value of a shekel and a sheep even of the value of a danka i.e., a sixth of a denar.

(30) And the sheep being not less in value than a shekel as stated below, there is no difference in value between it and the ass in order that a woman may be betrothed thereby.

(31) Ex. XIII, 13. There is a repetition of the text.

(32) Before the period of thirty days has elapsed.

(33) There is no fixed sum and redemption may therefore be carried out even for less than a shekel or sela'.

(34) The sheep must therefore possess at least the value of a shekel, so that there is no surplus left to effect a betrothal.

(35) For Scripture does not mention that redemption commences when the ass is a month old nor does it say that the lamb must be of some specific value.

(36) Howbeit the first-born of man shalt thou surely redeem and the firstling of unclean beasts shalt thou redeem. Num. XVIII, 15.

(37) A sela' is a coin equal to two common shekels.

(38) Lev. XXVII, 25.

Talmud - Mas. Bechoroth 11a

That [verse] refers to the amount of one's means.¹ Said R. Nahman: The halachah is according to the teachings of the Sages.² And how much [must be the value of the lamb]? — Said R. Joseph: Even a puny lamb worth no more than a danka.³ Said Raba: We have learnt this too: [The lamb for redemption can either be] large or small, without a blemish or blemished. Is this not evident?⁴ — You might have assumed that to that extent [i.e., that of a puny lamb etc.] it is not an adequate redemptions or indeed [which would be better], a puny lamb is not [an adequate redemption at all].⁵ [R. Joseph consequently] informs us [that it is an adequate redemption]. R. Judah the Prince had a first-birth of an ass. He sent it to R. Tarfon.⁶ He asked him, 'How much am I required to give the Priest'? He replied to him 'Behold the Rabbis said: The liberal person redeems with a sela' [four zuz], the stingy person redeems with a shekel [two zuz], an average person redeems with a rigia. Said Raba: The law [requires redemption] with a rigia. And how much is this? Three zuz, less than one and more than the other.⁷ Does not this ruling contradict the above?⁸ There is no difficulty.⁹ [We are dealing] here with the case when one comes to seek advice and the case there is where he redeems of his own accord.¹⁰ R. Isaac reported in the name of Resh Lakish: If one possesses a first-birth of an ass and he has not a lamb with which to redeem it, he redeems it for its equivalent value. According to whose opinion is this? Shall I say it is according to R. Judah?¹¹ Did he not say that the Torah was particular that the redemption must be with a sheep? You must then say it is according to the view of R. Simeon.¹² R. Ahah stated it thus. Rabina found a difficulty: [In a difference between] R. Judah and R. Simeon, the law is according to R. Judah; moreover, the Tanna [of our Mishnah]¹³ states the law anonymously in the sense of R. Judah; and still you declare the halachah is according to R. Simeon? But [rather say] that [R. Isaac's statement] accords even with the opinion of R. Judah. For let not [the redemption of the first-birth of an ass] be more stringent than other consecrated objects.¹⁴ Moreover the Torah did not propose [by the law of redeeming] with a lamb to make it severe for him,¹⁵ but, on the contrary, to make it easier for him.¹⁶ R. Nehemiah the son of R. Joseph redeemed the first-birth of

an ass with boiled herbs of its equivalent value. R. Shizbi reported in the name of R. Huna: If one redeems the ass of his neighbor, it is a valid redemption. The question was raised: Is it a valid redemption as regards the person who redeems it,¹⁷ or does it mean that it is a valid redemption as regards the owner?¹⁸ According to the opinion of R. Simeon, there is no need to inquire, for, since he says that it is permitted to use the first-birth of an ass, it is the owner's money.¹⁹ The question does arise, however, according to the opinion of R. Judah who says that it is forbidden to use it. Does he compare it with a consecrated object concerning which the Divine Law says: And he shall give money and it shall be assured to him?²⁰ Or, perhaps since the owner possesses the difference [between the value of the ass and a sheep], it is not compared with a consecrated object?²¹ — Said R. Nahman: Come and hear: 'If one stole the first-birth of an ass belonging to his neighbor, he pays double to the owner, for although he does not possess [the rights of ownership] now, he will possess subsequently.'²² Now, whose opinion does this represent? Shall I say that it is the opinion of R. Simeon? Why has he no rights of ownership now? Then obviously, it must be the opinion of R. Judah. Now if you were to assume that we compare it with a consecrated object, does not the Divine Law say: And it be stolen out of a man's house,²³ implying, but not from the possession of the sanctuary?²⁴ And there is nothing more to be said. IF ONE SHE-ASS HAD GIVEN BIRTH BEFORE AND ONE HAD NOT GIVEN BIRTH BEFORE etc. Our Rabbis taught. Under what circumstances did the Sages rule that IT ENTERS THE SHED TO BE TITHED? You cannot say that it means where the lamb came into the possession of the priest, [and then it was returned to the Israelite],²⁵ for we have learnt: An animal purchased, or which is given to him as a gift, is exempted from the law of the tithes of animals.²⁶ This must refer then to the case of an Israelite who had ten uncertain first births of asses²⁷ in his house. He sets aside on their behalf ten lambs, [makes them enter the shed],²⁸ tithes them, and they are his. [This] supports the opinion of R. Nahman. For R. Nahman reported in the name of Rabbah the son of Abbuha: If an Israelite had ten uncertain first-births of asses, he sets aside on their behalf ten lambs, tithes them and they are his. R. Nahman further reported in the name of Rabbah the son of Abbuha: If an Israelite has ten asses, distinctly first-births, in his house, which fell to him [as an inheritance] from his maternal grandfather, a priest, to whom this inheritance had fallen from his maternal grandfather, an Israelite,²⁹ he sets aside³⁰ ten lambs, tithes them and they are his.³¹

R. Nahman [further] reported in the name of Rabbah the son of Abbuha: If an Israelite who possessed *tebel*³² evenly piled up; in his house, which fell to him [as an inheritance] from his maternal grandfathers a priest, to whom it had fallen from his maternal grandfather³³ an Israelite, he tithes it and it is his.³⁴ And it was necessary [to teach both cases]. For had R. Nahman taught only the first case, [I might have assumed that the reason was] because it was already set aside.³⁵ But, here, in the second case, since gifts for the priest, which have not yet been taken [by the priest] are not considered as having been given, I might have said it is not so.³⁶ And if he had only taught the second case, [I might have assumed that the reason why the tithes are his] is because it is possible to tithe *tebel* as it is, for it lies [in one place],³⁷ but in the other case, since the lamb comes from another place, we do not say that it is as if it were already set aside,³⁸ and therefore I might have said that it was not [as stated]. It was therefore necessary [to state both cases]. R. Samuel b. Nathan reported in the name of R. Hanina: If one who buys untithed grain

(1) A man who says 'I vow my own value' or according to Rabbenu Gershom, the value of a specified persona

Scripture informs us here that we do not accept the valuation if his means are less than one shekel. But as regards the redemption of the first-born of an ass, redemption may be with whatever value, however small.

- (2) That its redemption with a sheep may be of any value no matter how insignificant.
- (3) A small Persian coin, the value of a sixth of a denar (Rashi), or, a sixth of a shekel (R. Gershom).
- (4) That a puny lamb is adequate for redemption, since the Rabbis state above that it can be of any value whatever.
- (5) For although a small lamb may be an adequate redemption, a lean lamb is not.
- (6) Who was a priest.
- (7) One zuz less than a sela' which is the redemption of a liberal person and one more zuz than that of a stingy person, i.e., three zuz. Lit., 'running this way and running that way'.
- (8) The above ruling that the law is according to the Sages who hold that even the worth of a danka is sufficient for redemption.
- (9) How much should be given to the priest. We accordingly advise him to give three zuz.
- (10) When he redeems the first-birth of an ass even with a lamb worth a danka, we do not compel him to give something of greater value.
- (11) This questioner quotes the view of R. Judah, which was mentioned above in the first instance, although it is not the final conclusion, namely, that only with a lamb can it be redeemed but not with any other object.
- (12) Who does not mention when giving his reason for the view he holds that the Torah was particular that the redemption must be with a sheep, thus implying that the first-birth of an ass may also be redeemed with its equivalent value.
- (13) Stated above, that the Israelite sets aside a lamb in order to release the first-birth of an ass from the prohibitions attaching to it, which is the opinion of R. Judah.
- (14) Which are redeemed with their equivalent value.
- (15) I.e., that only with a lamb is he allowed to redeem the ass.
- (16) If he wished to redeem it with a lamb, even a puny one, it is an adequate redemption. But he need not necessarily redeem with a lamb.
- (17) The person who redeems acquires the first-birth of the ass in virtue of the redemption.
- (18) The ass is redeemed, but the first-birth belongs to the owner. The person who redeems, consequently, is unable to dispose of it.
- (19) And the person who redeemed it cannot sell it and is not reimbursed.
- (20) Lev. XXVII, 19. The verse is given here in an abbreviated form, the full verse being Then he shall add a fifth part of the money and it shall be assured to him. V. Tosaf. on Shab. 128a, **i**, **bu**.
- (21) And since a portion of it is the owner's money, if he redeems it, we account the whole of it as belonging to him.
- (22) After its redemption it will be his money.
- (23) Ex. XXII, 6.
- (24) Since, therefore, he pays double for the stolen first birth of an ass, we infer that it is not compared with a consecrated object.
- (25) Either in the form of a gift or it was sold to him.
- (26) V. infra 55b.
- (27) E.g., where he had ten she-asses and each gave birth to a male and a female and there was a doubt whether the males were born before the females. Ten sheep are therefore set aside on their behalf to release them from the prohibitions attaching to the first-birth of asses and these are unconsecrated animals, to be tithed in the ordinary manner. The same principle also applies to two or three uncertain first-births, but the reason why it mentions ten uncertain first-births is to inform us that although in the latter case they are entitled to be tithed on their own account, we still set aside the ten lambs to be tithed among the others in the shed.

- (28) Supplemented from R. Gershom.
- (29) These are certainly subject to the law of redemption, since they were born in the Israelite's possession.
- (30) To redeem them from their prohibition as first-births.
- (31) The present Israelite does exactly what the priest would have been required to do. As the priest who inherited from the Israelite would have been required to set aside the lambs on behalf of the first-births of the asses, since they were born in the possession of the Israelite, the present Israelite does the same. And just as the priest would have kept the lambs for himself, being a priest, so the Israelite who inherited from the priest retains these for himself, for it is as if the priest had bequeathed the lambs to him.
- (32) Fruits or grain before the separation of the priestly and levitical dues.
- (33) The even piling up or storing of the grain is the finishing touch which prepares it for tithing.
- (34) He must give the tithe because it belonged to an Israelite and still belongs to an Israelite. But it is retained by him, since it came to him from a priest and therefore he sells the priestly gift to a priest and the tithes to a Levite.
- (35) The lambs and the asses belong to different species and nothing special is required to be done; therefore it is as if the asses and the lambs had fallen to him from his maternal grandfather, a priest, already separated.
- (36) And the tithes must be given to the priest. He therefore teaches us that the tithes belong to him and that he need not give the tithes to the priest.
- (37) With the parts to be separated, and therefore it is considered as if it had been already separated and tithed and in the priest's possession, before it fell to the Israelite.
- (38) For it requires a special action to bring the lamb in order to redeem whereas in the case of *tebel*, no effort is necessary.

Talmud - Mas. Bechoroth 11b

evenly piled up from a gentile, he tithes it and it is his.¹ Who piled it up? Shall I say that a gentile piled it up? Surely the text says, 'thy corn' implying, but not the corn of a gentile?² Rather we are dealing here with a case where the Israelites piled it up in the domain of a gentile.³ 'He tithes it', because a gentile has not the right of possession in Palestine to release [produce] from the obligation of tithing. 'And it is his', because he says to the priest, 'I have acquired my rights from a man with whom you cannot go to law'. We have learnt elsewhere: If a man deposits his fruits with a Cuthean,⁴ or with an 'am ha-arez,⁵ it may be presumed that they retain their former condition in respect of tithes and the sabbatical year,⁶ but if with a gentile, they are like [the gentile's] fruits.⁷ R. Simeon says: They are *dem'ai*.⁸ Said R. Eleazar: That [the priest's share] should be set aside all the authorities mentioned agree. Where they differ is on the question whether to give it⁹ to the priest. The first Tanna [mentioned] holds that he has certainly changed them and therefore he must give the priestly share to the priest, whereas R. Simeon maintains that they have the law of *dem'ai*. R. Dimi was once sitting and repeating this teaching. Said Abaye to him: The reason is because we are in doubt whether he changed them or not. But if he certainly changed the fruits, all the authorities [mentioned] would agree that he is required to give the priestly share to the priest, would they not? But surely did not R. Samuel report in the name of R. Hanina: If one bought untithed grain from a gentile piled up [in proper shape], he gives tithes and it is his? — Perhaps [he replied], the one¹⁰ refers to great *terumah*, and R. Samuel's report refers to the *terumah* of the tithe!¹¹ [Said Abaye], This indeed reminds me of something [which supports your very explanation]. For R. Joshua the son of Levi said: Whence do we derive that a purchaser of untithed grain from a gentile piled up in proper shape is exempt from the *terumah* of the tithe? Because Scripture says: Moreover thou shalt speak unto the Levites and say unto them, when ye

take of the children of Israel.¹² [We infer that] from the untithed grain which you buy from the children of Israel, you separate the terumah of the tithe and give it to the priest. But from untithed grain which you buy from a gentile you do not separate terumah of the tithe and give it to the priest. AND IF IT DIED, HE BENEFITS THEREFROM. In what circumstances are we to suppose it to have died?¹³ Shall I say that it died in the possession of the priest and that he is permitted to benefit therefrom? This is obvious, since it is his own money. Again, if it means that it died in the possession of the owner and that he [the priest] is permitted to benefit therefrom, this too is obvious! — I might have assumed that as long as the animal has not reached the priest's hands, the latter does not really possess it. [The Mishnah] accordingly informs us that from the time that [the Israelite] has set it aside, it stands in the domain of the priest.

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- (1) And the priest's share of the crop he sells to a priest.
 - (2) What the Israelite stores and evenly piles up becomes subject to the priestly contribution, but not what is stored by a gentile. The text is in Deut. XIV, 23 and also in Deut. XVIII, 4.
 - (3) Where the Israelite is a tenant in a gentile's field, for which he takes a share of the produce, and the Israelite stored up the grain, R. Hanina therefore means by the words: 'One who buys untithed grain etc.', that the Israelite acquired it by virtue of his labour for him. Another explanation is that the Israelite bought the corn in the ear, and afterwards stored it up in the gentile's domain. (Tosaf.).
 - (4) Samaritan.
 - (5) V. Glos. A person suspected of not observing certain customs regarding tithes.
 - (6) We do not fear lest the fruits are not the same as those deposited and therefore are untithed. And, with reference to the sabbatical year, if he deposited with them the fruits of the sixth year and they are returned in the sabbatical year, we do not fear that the fruits returned have been exchanged and that, actually fruits of the sabbatical year are being restored, which fruit must not be sold and which require removal from the house after the fruits of the field have been consumed by the beasts.
 - (7) They are considered gentile's fruits, for we say that they have been undoubtedly exchanged.
 - (8) Fruits concerning which there is a suspicion as to the tithes being properly taken therefrom and, owing to this doubt, must be tithed, v. Dem'ai III, 4.
 - (9) The share of the priest from the fruits and grain. It is called 'great terumah', since it is the first sacred gift to be set aside and, also, to distinguish it from the terumah of the tithe, mentioned below.
 - (10) The teaching reported by R. Dimi from which Abaye made his deduction.
 - (11) The tithe of the tithe, which the Levite owes to the priest.
 - (12) Num. XVIII, 26.
 - (13) A physical disability of the animal, which renders it forbidden to be eaten.

Talmud - Mas. Bechoroth 12a

MISHNAH. WE DO NOT REDEEM A FIRST-BIRTH OF AN ASS EITHER WITH A CALF, A BEAST OF CHASE, AN ANIMAL RITUALLY KILLED,¹ A TREFAH, KIL'AYIM² OR A KOY.³ R. ELIEZER PERMITS HOWEVER [REDEMPTION] WITH KIL'AYIM BECAUSE IT IS ALSO DESCRIBED AS A LAMB. BUT HE FORBIDS WITH A KOY, BECAUSE ITS NATURE IS DOUBTFUL. IF HE GAVE [THE FIRST-BIRTH OF AN ASS] ITSELF TO THE PRIEST, THE LATTER MUST NOT RETAIN IT, UNLESS HE SETS ASIDE A LAMB IN ITS PLACE. GEMARA. Whose opinion does the Mishnah represent? It is that of Ben Bag Bag. For it has been taught: We read here, [in connection with the redemption of a first-birth], the

word, lamb,⁴ and we read elsewhere, [with reference to the Paschal-offering] the word, lamb,⁵ just as there [Scripture] excludes all those named [in the Mishnah above as unsuitable for the Paschal-offering],⁶ so here also, it excludes all those named [as unsuitable for the object of redeeming]. [Now you might assume that] just as the Paschal-offering must be a male, without a blemish, and a year old, similarly here, [in connection with the redemption of the first-birth of an ass] it must be a male, without a blemish, and a year old. The text therefore states: 'Thou shalt redeem', [and repeats], 'Thou shalt redeem' to include [even other than a male etc.]. Now if the repetition: 'Thou shalt redeem', 'Thou shalt redeem', has for its purpose to include, then why not include also all those [animals named in the Mishnah, as being unsuitable to redeem]? — If this were so, what is the use of [the analogy above between the words], 'lamb', 'lamb'? The question was raised: What is the ruling as regards redeeming a first-birth with a ben peku'ah?⁷ According to the opinion of R. Meir, there is no need for you to ask, for since R. Meir said: 'A ben peku'ah requires ritual slaughter', it is a perfect lamb. But the question does arise according to the opinion of the Rabbis, who hold that its mother's slaughtering makes it permitted to be eaten [without slaughtering] 'so that it is like flesh in the pot.'⁸ Or are we to say that since at the moment it runs and walks, we can describe it as a lamb?⁹ — Mar Zutra said: We do not redeem [with it]. Said R. Ashi to Mar Zutra: What is your reason? Is it because you infer this from the Paschal-offering, [which cannot be a hen peku'ah]? Then why not say also, that as in the case of the Paschal-offering it must be a male, without a blemish, and a year old, so here [the animal for redeeming] must be a male, without a blemish and a year old? — [The text]: 'Thou shalt redeem' [and its repetition], 'Thou shalt redeem', includes [even other than a male etc.]. But if the repetition: 'Thou shalt redeem', 'Thou shalt redeem', has for its object to include, then why not include also ben peku'ah? If so, what need is there [for the analogy above derived from the words], 'lamb', 'lamb'?¹⁰ The question was raised. What is the ruling as regards redeeming the first-birth of an ass with a nidmeh?¹¹ You cannot ask according to R. Eliezer, for since according to him we may redeem with kil'ayim, how much more so with a nidmeh?¹² The question does arise, however, according to the opinion of the Rabbis: Do we say that we are forbidden to redeem with kil'ayim, but we may redeem with a nidmeh? Or perhaps, there is no difference, [and in both cases we are forbidden to redeem with them]? Come and hear. 'If a cow gave birth to something looking like a kid, we do not redeem [with it].'¹³ From this we infer that if a ewe gave birth to what looks like a kid, we do redeem [with it]. Now whose opinion does this represent? Shall I assume it is the opinion of R. Eliezer? But do we not also redeem with kil'ayim [according to him]?¹⁴ You must then say that it is the opinion of the Rabbis!¹⁵ — No. You can still maintain that it is the opinion of R. Eliezer; and he teaches us this very thing,¹⁶ that if a cow gave birth to what looked like a kid, we do not redeem with it, and that you should not say, 'decide according to the offspring itself', and this is a genuine kid, but we rather say, 'decide according to its mother', and therefore it is a calf. Come and hear: For Rabbah b. Samuel learnt: What is kil'ayim? A ewe which gave birth to something that looked like a kid, though its father was a sheep. If the father was a sheep, is it kil'ayim? Is it not nidmeh? — Rather then put it in this way: What is that which is like kil'ayim, so that the Rabbis have placed it on a par with kil'ayim? A ewe which gave birth to what looked like a kid, though its father was a sheep. Now, for what purpose [does the Baraitha say that we liken nidmeh to kil'ayim]? If in respect of dedicating it as a sacrifice,¹⁷ surely [this is not necessary, since] from the text from which we derive the exclusion of kil'ayim [as unsuitable for a sacrifice on the altar], we also derive the exclusion of nidmeh. For it has been taught [Scripture says]: When a bullock or a sheep,¹⁸ intimating the exclusion of kil'ayim; 'or a

goat'¹⁸ intimates the exclusion of nidmeh. Is it then in order [to exclude nidmeh] from the rule of the firstling? Surely the Divine Law says: But the firstling of an ox¹⁹ implying [that it is not subject to the law of the firstling] until the father is an ox and the offspring is an ox, [obviously excluding nidmeh]. Is it then from the rule of tithing [of animals]? The rule for [both nidmeh and kil'ayim] is expressly derived from the analogy of the words, 'under', 'under' [mentioned in both cases].²⁰ [You must say that it is] with regard to the first-birth of an ass!²¹ — No.²² [The comparison of nidmeh with kil'ayim] can still refer to tithing, and we suppose to a case where the nidmeh possesses certain marks [similar to its mother]. I might in this case assume that we draw an analogy between the 'passing' mentioned [in connection with tithing] and the 'passing' [mentioned] in connection with a firstling.²³ Therefore, we are told²⁴ that we rather draw the analogy between 'under' mentioned here and 'under' mentioned in connection with consecrated sacrifices.²⁵ The question was raised: What is the ruling as regards [redeeming the first-birth of an ass] with dedicated sacrifices which became unfit [for the altar]?²⁶ This question does not arise if we accept the opinion of R. Simeon, for since he holds that it is permitted to be used [before its redemption], it is unconsecrated.²⁷ The question does arise, however, according to the opinion of R. Judah, who says that it is forbidden to be used [before its redemption]. What is the ruling? Since it is forbidden to be used, [do we apply the principle that] one prohibition does not take effect where another prohibition already exists,²⁸ or perhaps, since [the lamb] does not assume any sanctity,²⁹ do we say that the redemption has the purpose only of releasing the ass from a mere prohibition?³⁰ — Said R. Mari the son of Kahana, And is this which is written in connection with these, As the gazelle and the hart',³¹ a small matter? [Consequently] just as we do not redeem [the first-birth of an ass] with the gazelle or the hart,³² [being beasts], similarly, we do not redeem with dedicated sacrifices which became unfit for the altar! Now that you have arrived at this conclusion,

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- (1) Even a lamb.
 - (2) A lamb born from the coupling of a he-goat and a ewe.
 - (3) The offspring of a he-goat and a hind. There is, therefore, a doubt whether it is to be considered an animal or a beast.
 - (4) Thou shalt redeem with a lamb. (Ex. XIII, 13).
 - (5) Your lamb shall be without a blemish, a male of the first year. (Ex. XII, 5).
 - (6) A calf and a beast are excluded, because the text says: From the sheep and goats. A ritually slaughtered animal is excluded, because the killing must be specifically for the Passover, and kil'ayim is forbidden because a Paschal lamb must be suitable for offering on the altar.
 - (7) An animal taken alive out of the slaughtered mother's womb.
 - (8) It is on a par with a ritually slaughtered animal, and, like the latter, we are not permitted to redeem with it a first-birth of an ass.
 - (9) And all those cases enumerated in the Mishnah do not possess the equivalent value of the ass, for otherwise it would be permissible, as mentioned above, to redeem even with boiled herbs.
 - (10) And since something must be excluded, we rather include ben peku'ah as unsuitable to redeem with, than the case of a female etc., since, after all, the latter are lambs, whereas hen peku'ah is like a ritually slaughtered animal.
 - (11) An animal suspected to be a hybrid or looking like one. And in this case, although its sire is a ram and its mother a ewe, the offspring looks like some other species.
 - (12) If the offspring born from two different kinds of animals is permitted, how much more so this one.
 - (13) For we say it is a calf, with which, as the Mishnah states above, it is forbidden to redeem.

- (14) As stated in the Mishnah above.
- (15) Therefore we see that according to the Rabbis it is forbidden to redeem with a nidmeh.
- (16) But not to deduce therefrom the ruling as regards redemption with offspring which looked like a kid given birth to by a ewe.
- (17) That nidmeh may not be offered up on the altar as kil'ayim.
- (18) Lev. XXII, 27.
- (19) Num. XVIII, 17.
- (20) It says in connection with dedicated sacrifices: Then it shall be seven days under its dam (Lev. XXII, 27). And in connection with the tithing of animals the text says: Even of whatsoever passeth under the rod (Lev. XXVII, 32). Just as nidmeh and kil'ayim are invalid to be brought as offerings in the case of consecrated sacrifices, they are similarly unsuitable in connection with the tithing of animals.
- (21) And that nidmeh is unsuitable to redeem with, as is the case of kil'ayim, which answers the above query.
- (22) There is no proof from here that the first-birth of an ass can be redeemed with a nidmeh.
- (23) 'Even whatsoever passeth under the rod', the text in connection with tithing and the text in connection with the firstling, 'That thou shalt cause to pass (set apart)'. As in the latter case, if it possesses some marks similar to its mother it is liable to the law of the firstling, so too with reference to its tithing.
- (24) In the teaching reported by Rabbah b. Samuel.
- (25) That we exclude nidmeh from animal tithing, comparing it with kil'ayim, even in such circumstance.
- (26) And had been redeemed. Such an animal even after redemption retains some sanctity in that it may not be used for work and shearing.
- (27) I.e., the first-birth of the ass. It can therefore be redeemed, for we apply here the principle that one prohibition cannot take legal hold where another already exists, as there exists no prohibition in the case of a first-birth.
- (28) The prohibition attaching to the first-birth of an ass cannot be transferred to a dedicated animal unfit for the altar which is liable to the prohibitions regarding its shearing and working with it.
- (29) As a result of the redemption of the first-birth of an ass.
- (30) In order to render it permissible to be used, but not that its sanctity shall fall upon the object with which it is redeemed.
- (31) Deut. XII, 22 with reference to sacrifices which became unfit for the altar.
- (32) Being beasts of chase, v. Mishnah.

Talmud - Mas. Bechoroth 12b

it may be that even according to the opinion of R. Simeon,¹ [it is forbidden to redeem with it], since the text says in connection with them: 'As the gazelle and the hart'. The question was raised: What is the ruling as regards redeeming with an animal bought with the fruits of the sabbatical year? With reference to an ass, distinctly a first-birth, there is no need for you to ask, since the Divine Law says [that the fruits of the sabbatical year are]: For food,² implying, but not to trade therewith.³ The question does arise regarding the uncertain [first-birth of an ass]. And according to the opinion of R. Simeon you need not ask, because he holds there is no uncertain [first-birth of an ass which requires redemption].⁴ The question does arise, however, according to the opinion of R. Judah. What is the ruling? Since he sets aside a lamb and it remains for himself, we can apply to it [the designation]: 'For food'? Or perhaps, since as long as the ass's prohibition is not canceled it is not permitted,⁵ it is like trading [with the fruits of the sabbatical year]? — Come and hear: For R. Hisda said: If an animal has been purchased with the fruits of the sabbatical year, we are not permitted to redeem with it an ass, distinctly a first-birth, but it is

permitted to redeem therewith an uncertain first-birth. R. Hisda further said: An animal bought with the fruits of the sabbatical year is not liable to the law of the firstling. It is subject, however, to the law of the gifts [which are the prerogative of the priest].⁶ It is not liable to the law of the firstling, because the Divine Law says: 'For food', implying, but not for burning.⁷ And it is subject to the law of gifts, for we can apply to it⁸ [the designation], 'For food'. An objection was raised from the following: If one eats from the dough of the sabbatical year before the hallah⁹ has been taken, he incurs the guilt of death [at the hands of Heaven]. But why?¹⁰ Since, if it became levitically unclean, it is fit for burning, and the Divine Law says: 'For food', implying, but not for burning? — The case is different here, for it says: Throughout your generations.¹¹ It has been taught to the same effect: Whence do we derive that if one eats from the dough of the sabbatical year before its hallah is taken, he incurs the guilt of death? Because it is said: 'Throughout your generations'. But why not derive [that the firstling bought with the fruits of the sabbatical year is liable to the law of the firstling], from the case [of hallah]?¹² — In the case of hallah [its separation] is mainly 'for the eating [of the priests], [except when it receives uncleanness], but in the case of the firstling, [the portion for the altar] is mainly for burning.¹³ IF HE GAVE IT TO THE PRIEST etc. We have learnt here that which our Rabbis have taught: 'If an Israelite had a first-birth of an ass in his house and the priest said to him, "Give it to me and I will redeem it", he should not give it to him, except [the priest] redeem it in his presence'. R. Nahman reported in the name of Rabbah the son of Abbuha: 'This proves¹⁴ that the priests are suspected of neglecting the redemption of the first-births of asses'. Surely [this deduction] is evident? — You might have assumed that this is the case only where he is known to be suspected,¹⁵ but generally we do not suspect the priest. He therefore informs us that he usually decides that it is a legitimate act.¹⁶ MISHNAH.

IF ONE SETS ASIDE [A LAMB] FOR THE REDEMPTION OF THE FIRST-BIRTH OF AN ASS AND IT DIED, R. ELIEZER SAYS: HE IS RESPONSIBLE AS IS THE CASE WITH THE FIVE SELA'S IN CONNECTION WITH THE REDEMPTION OF THE FIRST-BORN. BUT THE SAGES SAY: HE IS NOT RESPONSIBLE, AS IS THE CASE WITH THE REDEMPTION OF THE SECOND [YEAR'S] TITHING.¹⁷ R. JOSHUA AND R. ZADOK TESTIFIED CONCERNING THE REDEMPTION OF THE FIRST-BIRTH OF AN ASS WHICH DIED THAT THE PRIEST RECEIVES NOTHING [IN SUCH CIRCUMSTANCES] — IF THE FIRST-BIRTH OF AN ASS DIED [AFTER THE LAMB FOR REDEMPTION HAD BEEN SET ASIDE], R. ELIEZER SAYS: IT SHALL BE BURIED, BUT THE LAMB MAY BE USED,¹⁸ WHEREAS THE SAGES SAY: IT IS NOT REQUIRED TO BE BURIED AND THE LAMB BELONGS TO THE PRIEST.

GEMARA. Said R. Joseph: What is the reason of R. Eliezer? — Because Scripture writes: Nevertheless the first-born of man shalt thou surely redeem [and the firstling of unclean beasts shalt thou redeem].¹⁹ Just as in the case of the first-born of a man, he is responsible [if the redemption money is lost], similarly, in the case of the first-birth of an unclean animal, he is responsible [if the redemption lamb dies] — Said Abaye to him: [If the comparison be correct, then] as in the case of the first-born of a man, it is permitted to benefit [from his work before redemption], so in the case of an unclean animal, it should be permitted to benefit from it. And should you assume that this is so, have we not learnt in a Mishnah: IF THE FIRST-BIRTH OF AN ASS DIES, R. ELIEZER SAYS: IT SHALL BE BURIED? What does he mean by the phrase

IT SHALL BE BURIED? Does he not mean that it is forbidden to use it? — No, It means, it shall be buried as in the case of the first-born of a man.²⁰ But [am I to infer that on]y] a first-born of a man requires burial, but that a plain Israelite does not require burial? And moreover, it has been taught: R. Eliezer agrees that if an Israelite has an uncertain first-birth of an ass in his house, he sets aside a lamb on its behalf and it is his?²¹ — Rather, said Raba; [the following is the reason of R. Eliezer]. Scripture says: Nevertheless the first-born of man shalt thou surely redeem. Scripture implies, ‘I have compared [an unclean animal with the first-birth of a man] in connection with [the responsibility for] redemption, but not as regards any other matter.²² We have learnt elsewhere [in a Mishnah]:²³ Valuations are according to their period;²⁴ the redemption of the first-born takes place after thirty days and the redemption of the first-birth of an ass takes place immediately. But does the redemption of the first-birth of an ass take place immediately? Against this I quote the following in contradiction: The period of valuation or redemption of the first-born, or Naziriteship,²⁵ or redemption of the first-birth of an ass, is in no case less than thirty days. But we can extend the time in each of these cases indefinitely!²⁶ — Said R. from it, but owing to the fact that an unclean animal is compared with the first-born of man; and usually a dead first-born receives burial. Nahman: [The statement above, that the redemption of a first-birth takes place immediately means] to inform us that if he redeemed it, it is redeemed.²⁷ This would imply that in the case of his first-born son, if he redeemed him within the thirty days he is not redeemed? Has it not been stated: If one redeems his son within the thirty days, Rab holds: his son is redeemed? — But surely has it not been stated in this connection: Raba said: All authorities agree [that if he said that the first-born should be redeemed] from now [before the expiry of the thirty days], then his son is not redeemed?²⁸

(1) For although it is permitted according to his view to benefit from the first-birth of an ass, we are, nevertheless, not allowed to redeem it with a dedicated animal which became unfit for the altar.

(2) Lev. XXV, 6.

(3) Redeeming the first-birth with an animal bought with the fruits of the sabbatical year is like trading with sabbatical fruits, and, moreover, while the fruits of the sabbatical year may be eaten by means of this redemption, he acquires an ass which cannot be eaten.

(4) An uncertain birth, e.g. where its mother gave birth to a male and a female and there was a doubt as to whether the male was born first. The Mishnah states above that in such a case, a lamb is set aside and it remains for himself. And according to R. Simeon, since he permits a first-birth of an ass to be used, (v. supra p. 9b), there is no need to set aside a lamb to release the first. birth from any prohibition attaching to it.

(5) Unless he sets aside a lamb for redemption.

(6) The priestly share consisting of the shoulder, jaw and the maw. V. Deut. XVIII, 3.

(7) And if it be liable to the law of the firstling, certain portions are burnt on the altar.

(8) Sc. the animal.

(9) The priestly share of the dough; v. Num. XV, 18ff.

(10) Should the dough be liable to hallah on the sabbatical year?

(11) Num. XV, 21, implying that even on the sabbatical year, hallah must be given.

(12) I.e., why do we not make an exception in the application of the text ‘For food’, implying, ‘but not for burning’, with reference to a firstling, as we do in the case of hallah.

(13) And since it is burnt, we apply the text: ‘For food’, with its implication, ‘but not for burning’; whereas it is otherwise In connection with hallah.

(14) Since the Mishnah says that he should not give the first-birth to the ‘priest unless the latter redeems it before

him.

(15) Where we have reason to suspect him. Or, where we actually saw him working the firstling of an ass prior to its redemption, either wilfully or through ignorance of the law on the matter.

(16) Not to set aside a lamb to redeem it, as he argues that in any case the lamb remains with him.

(17) Where if the redemption money is lost, it is not replaced.

(18) For as R. Eliezer maintains that the Israelite is responsible, it is as if the lamb had not yet been set aside and the Israelite may therefore benefit from it. But the first-birth must be buried, since it is forbidden to use it, as is the case when alive.

(19) Num. XVIII, 15.

(20) Not because it is forbidden to benefit

(21) And although with reference to an ass, distinctly a first-birth, he maintains that so long as the lamb is not in the possession of the priest it is not redeemed, he agrees with regard to an uncertain first-birth that he need not give its redemption to the priest but sets aside a lamb, thus implying that the first-birth of an ass is forbidden to be used otherwise. And since we do not compare an unclean animal with the first-born of man in this respect, the same should apply in respect of his responsibility for it. The question therefore remains, what is the reason of R. Eliezer in the opening passage of our Mishnah?

(22) The limiting word 'nevertheless', indicates that only with regard to the responsibility for redemption is an unclean animal compared with the firstborn of a man.

(23) Var. lec.: It has been taught, as the statement which follows is not a Mishnah but a Baraitha.

(24) Between the ages of one month and five years, if one said, 'I vow my valuation' and he delayed till the age of six, when there is an increased valuation, he still only gives the original valuation, as laid down in Scripture. Some maintain that since a child of that age is not legally permitted to dedicate its valuation to the sanctuary, therefore it means here that somebody else said, 'I vow the child's valuation upon myself'.

(25) The unspecified vow of a Nazirite, i.e., one bound by a vow to abstain from wine etc., is at least for thirty days.

(26) With reference to valuations, as the ages increase the valuation will correspondingly increase, as mentioned in Scripture. A Nazirite also can vow for a period of years and the first-birth of an ass may be redeemed even after the lapse of years and it is not necessary to give more because of the delay.

(27) Although he has not carried out properly the religious command of redemption, the animal is redeemed.

(28) And the difference of opinion only arises when he said, 'I give the money now but its redemption shall only take effect after thirty days'.

Talmud - Mas. Bechoroth 13a

R. Shesheth said: [The above Baraitha means] to inform us that he does not transgress on account of the first-birth.¹ Rami the son of Hama raised an objection from the following: The duty of redemption is for the entire period of thirty days. After that, either he redeems it, or breaks its neck. What [does it mean]? Does it not mean that it is a religious duty to retain it for the whole period of thirty days?² No, it means that it is a religious duty to redeem it all the thirty days. If this is the case, what it should say is: After that, either he redeems it³ or he transgresses [the command to redeem]!⁴ Rather, said Raba:⁵ There is no contradiction: the one statement [that redemption is after thirty days] gives the opinion of R. Eliezer who compares [an unclean animal with the first-born of a man], and the other statement [that redemption takes place immediately] gives the opinion of the Rabbis who do not make this comparison. MISHNAH. IF HE DOES NOT WISH TO REDEEM IT [THE FIRST-BIRTH OF AN ASS], HE BREAKS ITS NECK FROM BEHIND AND BURIES IT. THE MIZWAH⁶ OF REDEMPTION IS PRIOR TO⁷ THE

MIZWAH OF BREAKING ITS NECK, FOR IT SAYS: AND IF THOU WILT NOT REDEEM IT, THEN THOU SHALT BREAK ITS NECK.⁸ THE MIZWAH OF YI'UD⁹ IS PRIOR TO THE MIZWAH OF REDEMPTION, FOR IT SAYS: WHO HATH BETROTHED HER TO HIMSELF.¹⁰ THE MIZWAH OF YIBBUM¹¹ IS PRIOR TO THE MIZWAH OF HALIZAH.¹² THIS WAS THE CASE AT FIRST WHEN THE PARTIES CONCERNED USED TO CARRY OUT THE LAW WITH RELIGIOUS INTENTIONS.¹³ BUT NOW THAT THEY DO NOT CARRY OUT THE LAW RELIGIOUSLY,¹⁴ THE [RABBIS] HAVE SAID: THE MIZWAH OF HALIZAH IS PRIOR TO THE MIZWAH OF YIBBUM. THE MIZWAH OF REDEMPTION [OF AN UNCLEAN ANIMAL WHOSE VALUE IS DEDICATED TO THE SANCTUARY] RESTS WITH THE OWNER. HE IS FIRST, BEFORE ANY OTHER MAN, FOR IT SAYS: OR IF IT BE NOT REDEEMED, THEN IT SHALL BE SOLD ACCORDING TO THY VALUATION.¹⁵

CHAPTER II

MISHNAH. [AN ISRAELITE] WHO BUYS AN EMBRYO¹⁶ OF A COW BELONGING TO A HEATHEN, OR WHO SELLS ONE TO HIM, ALTHOUGH THIS IS NOT PERMITTED,¹⁷ OR WHO FORMS A PARTNERSHIP WITH HIM,¹⁸ OR WHO RECEIVES AN ANIMAL FROM HIM TO LOOK AFTER,¹⁹ OR WHO GIVES [HIS COW] TO HIM TO LOOK AFTER,²⁰ IS EXEMPT FROM THE LAW OF THE FIRSTLING, FOR IT SAYS: [I HALLOWED UNTO ME ALL THE FIRST-BORN] IN ISRAEL,²¹ BUT NOT IN GENTILES. PRIESTS AND LEVITES ARE SUBJECT [TO THE LAW OF THE FIRSTLING]. THEY ARE NOT EXEMPT FROM [THE LAW OF] THE FIRSTLING OF A CLEAN ANIMAL, BUT ONLY OF A FIRST-BORN SON AND THE FIRST-BORN OF AN ASS.

GEMARA. Why does [the redactor of the Mishnah] state the case of the embryo of an ass in the first [chapter],²² and subsequently [in the second chapter], the case of an embryo of a cow? Why not state in the first [chapter] the case of an embryo of a cow, since it is a case of an animal consecrated as such, and, subsequently. in the case of an embryo of an ass, as it is a case of an animal consecrated only for its value? — It was explained in the West [Palestine]:²³ If you choose, I may say the reason is because he dwelt with peculiar pleasure on this case, in the manner of R. Hanina [explained above].²⁴ Or if you prefer, I can say it is because the regulations concerning an unclean animal are relatively few;²⁵ [the redactor of the Mishnah] therefore cleared them out of the way first.

R. Isaac b. Nahmani reported in the name of Resh Lakish on behalf of R. Oshiah: If an Israelite gave money to a heathen for his animal, [we judge the transaction] according to their laws and even though he did not pull the animal,²⁶ he acquires possession and is subject to the law of the firstling. If a heathen gives money to an Israelite for his animal, [we also judge the transaction] according to their laws, and although he did not pull [the animal], he acquires possession and is exempt from the law of the firstling. The Master says: 'If an Israelite gave money to a heathen, [we judge the transaction] according to their laws, and although he did not pull [the animal], he acquires possession and is subject to the law of the firstling'. What does 'their laws' mean? Shall we say that 'according to their laws' means, as regards the person [of the heathen], and we conclude a fortiori, that if the person [of a heathen] is acquired by the Israelite for money, as

Scripture writes: To hold for possession²⁷ — [Scripture] compares a Canaanitish slave with a possession: as a possession is acquired by handing over the money to the seller, by a bill of sale, and taking possession,²⁸ so a Canaanitish slave is acquired with money — how much more so, therefore, is this the case with reference to a heathen's property?²⁹ If this were the case, then a heathen's property should also be acquired even by means of a bill of sale and taking possession? And, moreover, this idea can be confuted by the case of an Israelite [having a transaction] with an Israelite. For though the person [of an Israelite] is acquired with money, yet his property is acquired by means of meshikah!³⁰ Rather said Abaye: The expression ‘according to their laws’ means, those which the Torah laid down for them. [For Scripture says]: Or buy of thy neighbour's hand,³¹ [and we deduce from this that] from ‘the hand of thy neighbour’ the way of acquiring possession is meshikah,³² but from the hand of a heathen the way of acquiring possession is with money. But why not deduce that from the hand of a heathen there is no way of acquiring possession at all?³³ — It was explained: You cannot assume this a fortiori: If [the heathen's] person can be acquired, how much more so his property! But perhaps say that in the case of a heathen, two ways of effecting possession are required?³⁴ — The answer was given: Have we not here an a fortiori [argument]? If his person is acquired only in one way, shall his property be acquired in two ways? But why not say that [a heathen acquires an object] either by means of one or the other?³⁵ — [The method of his acquiring] must resemble [the form of acquiring mentioned in connection with the text] ‘thy neighbour’. Just as in the case of ‘thy neighbour’, [i.e., an Israelite], possession [can be acquired] only in one way, so in the case of a heathen only in one way.

The Master said: ‘But if a heathen gave money to an Israelite for his animal, [we judge the transaction according to their laws, and even though he did not pull [the animal], he acquires possession and is exempt from the law of the firstling’. What does ‘according to their laws’ mean? If the expression ‘according to their laws’ refers to the person [of the Israelite] who is acquired with money by a heathen and we infer a fortiori: If the person [of an Israelite] is acquired with money — for Scripture writes: Out of the money that he was bought for,³⁶ — how much more so is [the Israelite's] property [acquired by means of money by a gentile]? This can be refuted by the case of a transaction between Israelites, for his person is acquired with money and yet his property is acquired by meshikah! Rather, said Abaye: ‘According to their laws’ means those which the Torah laid down for them. [Scripture says]: ‘And if thou sell ought to thy neighbour’,³⁷ [we infer from this] that ‘to thy neighbour’ the way of acquiring possession is by meshikah, but in the case of a gentile, possession is acquired with money. But why not say that for a heathen there is no way [for acquiring possession] at all?³⁸ — I can answer, No. Have we not an a fortiori [argument]? If a heathen can acquire the person [of an Israelite] with money, how much more so is this the case with the property [of an Israelite]? But why not say that for a heathen there must be two ways of acquiring possession? — But is there not the a fortiori argument [to the contrary]? If a heathen acquires possession of the person [of an Israelite] by one act only, should the Israelite's property be acquired only by two acts? But why not say that [a heathen acquires possession of an Israelite's property] either by means of one or the other! — [The way of acquiring possession] must resemble [what is mentioned in connection with the text] ‘thy neighbour’.

(1) The duty to redeem the first-birth of an ass is indeed immediately after its birth, and the Baraita which says

that redemption does not take place for thirty days means that he does not transgress the command to redeem until the period of thirty days has elapsed.

(2) In accordance with the opinion of R. Nahman, who maintains that redemption does not take place before thirty days have elapsed. This seems to contradict the opinion of R. Shesheth.

(3) Var. lec.: He either breaks its neck. V. R. Gershom.

(4) And since it says: 'Either he redeems it or breaks its neck', we infer that redemption only commences after the thirty days and that during the thirty days it is a duty to retain it.

(5) We may indeed say that it is a religious duty to retain the first-birth for thirty days and still we do not explain the Baraitha cited by Rami b. Hama as being in accordance with R. Nahman's view (Rashi). Sh. Mek.: Raba's reply can be explained as being entirely independent of the opinions of R. Shesheth and R. Nahman and that it merely explains the conflicting statements regarding when redemption should take place.

(6) A religious act and duty.

(7) I.e., has precedence over.

(8) Ex. XIII, 13. The verse implies that redemption comes first.

(9) Designation, especially the betrothal of a Hebrew handmaid.

(10) Ex. XXI, 8. The verse implies that the first duty is to betroth her.

(11) To marry the wife of a brother who died without issue.

(12) The ceremony of taking off the brother-in-law's shoe after refusing to marry his brother's widow. Deut. XXV, (5-11).

(13) In order to preserve the name of the dead brother.

(14) But merely for sexual pleasure, and, since this is the case, it is sexual intercourse with a brother's wife, which is one of the forbidden relations.

(15) Lev. XXVII, 27. The verse therefore implies that redemption is a prior duty. Also redemption takes precedence, because where the owner redeems he has to add a fifth part, but in the case of another redeeming, there is no addition of a fifth for the benefit of the sanctuary, as Scripture says in the first part of the verse quoted in this connection: 'And If it be of an unclean beast, then he shall ransom it according to thy valuation and shall add unto it the fifth part thereof'.

(16) A firstling.

(17) It is forbidden to sell large cattle to a heathen, because the animal is worked on the Sabbath.

(18) Both purchasing an animal between them.

(19) The Israelite in return for attending to the animal receives in payment half of the offspring, but the animal itself belongs to the heathen.

(20) The Israelite sharing a half or a third of the offspring.

(21) Num. III, 13. The text implies that where a gentile has a share in the mother or an offspring, the firstling is not holy.

(22) The first Mishnah in the first chapter of the tractate.

(23) Palestine is designated as the West, being so situated geographically relative to Babylon, where the Talmud Babli was evolved.

(24) Supra 5b.

(25) For only one chapter is devoted to the rules and regulations appertaining to an unclean animal, whereas the remainder of the tractate of Bekoroth deals with the firstling of a clean animal.

(26) Into his possession, which is one of the ways of effecting transference between Israelites, whereas with reference to a gentile, the handing over of the money effects transference; v. Glos. s.v. Meshikah.

(27) Lev. XXV, 46.

(28) Performing some kind of work on the estate. V. Kid, 26a.

- (29) That it is acquired from him by handing over the purchase money.
- (30) V. p. 90, n. 3 and Kid, 26a. Similarly, although the person of the heathen is acquired with money, his property may require another form of acquiring possession.
- (31) Lev. XXV, 14.
- (32) The expression 'of thy neighbour's hand' implies that the object has to be filled from the hands of the seller into the hands of the buyer.
- (33) Short of actually bringing the object completely into the domain of the Israelite.
- (34) Possession by means of money and meshikah, but not with money alone.
- (35) Money or Meshikah.
- (36) Lev. XXV, 51. And the verse deals with a gentile who purchases a Hebrew slave.
- (37) Lev. XXV, 14.
- (38) And that in order to secure possession of an Israelite's chattels, he must transfer them completely to his domain.

Talmud - Mas. Bechoroth 13b

As 'thy neighbour' [i.e., an Israelite] acquires possession only in one way,¹ so the heathen acquires possession only in one way.² It was argued: Now according to Amemar who said that meshikah effects possession in the case of a heathen, this might be right if he holds according to the opinion of R. Johanan who maintains that according to the Biblical law, money effects possession between Israelites, whereas meshikah does not effect possession;³ the text 'to thy neighbour' serves then the purpose of allowing us to deduce that 'to thy neighbour' [i.e., an Israelite] money effects possession, but for a heathen to effect possession meshikah is required. But if he holds according to the opinion of Resh Lakish, who maintains that meshikah is expressly mentioned in the Torah, [with the indicating result that] 'to thy neighbour' [an Israelite] with meshikah and for a heathen with meshikah, what need then is there for the text 'to thy neighbour'? — It can be explained thus: The text means: 'to thy neighbour' you return an overcharge,⁴ but you do not return an overcharge to a Canaanite [a heathen] — But do we not derive [the exclusion of the law of overcharging in connection with] the Canaanite from the following text: Ye shall not oppress one another?⁵ — One text refers to a Canaanite and the other refers to sacred property.⁶ And it was necessary [to teach both cases]. For if the Divine Law had written only one text, I might have assumed that, as regards the Canaanite there is no law concerning overreaching, but in regard to sacred property⁷ the law of overreaching is enforced. Therefore Scripture teaches us [that this is not so]. This would hold good according to him who says that the robbed object of a Canaanite is forbidden [to be retained]; therefore a scriptural text is necessary to permit [the retention of] overreaching. But⁸ if he holds with him who says that the robbed object of a Canaanite is allowed [to be retained], can there be any question about permitting [to retain] overreaching? I can answer: If [Amemar] holds according to him who says that the robbed object of a Canaanite is allowed [to be retained], then perforce he will hold according to the view of R. Johanan.⁹ An objection was raised. If one buys broken pieces [of silver] from a heathen and finds among them an idol, if he made meshikah before he had given the purchase money, he should withdraw [from the transaction]. But if he made meshikah after he had given the money, he should carry the benefit derived therefrom to the Dead Sea.¹⁰ Now, if you hold that money effects possession, what need is there for meshikah? — We are dealing here with the case where [the heathen] undertook to act in the matter in accordance with Israelite law. If so,

what need is there for money [as a means of effecting possession]? — This is what [the Baraitha] intends to say: Although he had given the money, if he made meshikah, [then he can withdraw], but if not, [he] cannot [do so]. If this is the case, there is a difficulty in the first part [of the Baraitha]?¹¹ — Said Abaye: The reason of the first part [of the Baraitha] is because it was made in error.¹² Raba said to him: ‘[You say that the reason of] the first part [of the Baraitha] is because it was made in error. But is the last part [of the Baraitha] also not a case of a purchase in error?’ Rather, said Raba: Both the first and the last parts deal with the case of a purchase in error;¹³ but in [the case stated in] the first part where he had not yet given the money, the idol does not appear to have been in the possession of an Israelite, whereas in the last part [of the Baraitha], where he had given the money, the idol appears to have been in the possession of an Israelite.¹⁴ And Abaye? — He will explain thus. The first part is a case of a purchase made in error, for he did not know of the idol, since he had not yet paid the money.¹⁵ But the last part is a case of a purchase made in error, for since he had given the money, when he was [about] to make meshikah he should have examined the purchase and then made meshikah.¹⁶ R. Ashi said:¹⁷ Since in the first part [of the Baraitha], meshikah does not effect possession, in the last part also, meshikah does not effect possession. But as he mentions meshikah in the first part, he also states meshikah in the last part. Rabina said: Since in the last part meshikah effects possession, in the first part too meshikah effects possession.¹⁸ And what the first part says in effect is this: If he had not given the money, nor made meshikah, he withdraws. What is [then] meant by ‘he withdraws’?¹⁹ — That he can retract his words, for he [the Tanna of the Baraitha] maintains: To retract one’s words indicates a want of honesty, but this is the case only with an Israelite dealing with an Israelite, because they stand by their word, whereas in the case of an Israelite dealing with gentiles, since the latter do not stand by their word, it is not so.

(1) I.e., meshikah.

(2) I.e., with money and not meshikah, for the verse implies ‘thy neighbour’ with meshikah but not a heathen, and by analogy we assume that the same limitation applies in the case of the form of acquisition which exists for gentiles. i.e., money.

(3) B.M. 46b, Kid. 26a.

(4) The law of overcharging and overreaching being mentioned later in the same chapter of the Bible.

(5) Lev. XXV, 14. The text implies that for a heathen this law does not apply, as the words ‘one another’ refer to Israelites.

(6) To which also the law does not apply.

(7) An object dedicated for the Temple, or for some other sacred purpose, and I might have said that secular property should not have an advantage over sacred property in this respect.

(8) v. Sanh., Sonc. ed., p. 388, n. 6 and B.M., Sonc. ed., p. 506, n. 9.

(9) For since the robbed object of Canaanite may be retained, therefore there is no need to deduce the retention of the overreaching from the text, ‘Thy neighbour’. Consequently the text will imply that although money effects possession in a transaction between Israelites, in the case of heathens meshikah is required. Hence we see that Amemar must necessarily hold according to the opinion of R. Johanan.

(10) For an idol in the possession of an Israelite can never be freed from its prohibition, and it is therefore forbidden to derive any profit therefrom.

(11) Why should his withdrawal cancel the sale? Since he made meshikah, he should be required to carry the benefit to the Dead Sea!

(12) For he did not know there was an idol and therefore the withdrawal cancels the sale.

(13) And legally the withdrawal cancels the sale even under the circumstances mentioned in, the last part of the Baraitha, and meshikah is the form here of effecting possession, this having been agreed upon by the parties concerned.

(14) On withdrawal he receives back his money from the heathen.

(15) And before the purchase is handed over, the buyer does not usually trouble to examine the contents of a purchase.

(16) And as he omitted to make the examination, the transaction was valid and, consequently, the meshikah was a genuine one.

(17) On R. Ashi's view we are dealing here with a case where the parties did not agree to act according to Jewish law, and therefore money payment is the method of effecting possession of an object bought. And no difficulty can be raised from the last part of the Baraitha, by arguing that, if this be a fact what need is there for meshikah, for meshikah is mentioned here only because it is mentioned in the first part, and there it had to be mentioned to inform us, that it has no effect, since the purchase money was not handed over.

(18) When e.g., the parties agree to act according to Jewish law, i.e., use meshikah as a form of transference.

(19) Since neither meshikah nor money did take place.

Talmud - Mas. Bechoroth 14a

MISHNAH. ALL DEDICATED SACRIFICES WHICH HAD A PERMANENT BLEMISH BEFORE THEIR DEDICATION¹ AND WERE REDEEMED, ARE LIABLE [TO THE LAW] OF THE FIRSTLING AND THE [PRIESTLY] GIFTS;² THEY BECOME UNCONSECRATED ANIMALS AS REGARDS SHEARING AND WORKING;³ THEIR OFFSPRING AND MILK ARE PERMITTED TO BE USED AFTER THEIR REDEMPTION;⁴ HE WHO SLAUGHTERS THEM WITHOUT⁵ [THE TEMPLE COURT] DOES NOT INCUR [THE PUNISHMENT OF EXCISION]; AND THE LAW OF SUBSTITUTE DOES NOT APPLY TO THEM;⁶ AND IF THEY DIED [BEFORE REDEMPTION]. THEY MAY BE REDEEMED,⁷ EXCEPT IN THE CASE OF A FIRSTLING AND AN ANIMAL SET ASIDE FOR TITHE [OF CATTLE].⁸ ALL ANIMALS HOWEVER WHICH WERE DEDICATED BEFORE THEY BECAME BLEMISHED OR HAD ONLY SUFFERED A TRANSITORY BLEMISH BEFORE THEIR DEDICATION AND AFTER THAT DEVELOPED A PERMANENT BLEMISH, AND WERE REDEEMED, ARE EXEMPT [FROM THE LAW] OF THE FIRSTLING AND FROM THE [PRIESTLY] GIFTS; THEY DO NOT BECOME UNCONSECRATED AS REGARDS SHEARING AND WORKING; THEIR OFFSPRING AND MILK ARE FORBIDDEN TO BE USED AFTER THEIR REDEMPTION; HE WHO SLAUGHTERS THEM WITHOUT [THE TEMPLE COURT] IS PUNISHABLE [WITH EXCISION]; THE LAW OF SUBSTITUTE APPLIES TO THEM; AND IF THEY DIE, THEY ARE TO BE BURIED.

GEMARA. The reason⁹ is because they were redeemed, but if they were not redeemed, they would have been exempt from [the law of] the firstling and from the [priestly] gifts, for [the Mishnah] holds that the consecration of an object consecrated for its value sets aside [the law of] the firstling and the duty of the [priestly] gifts.

AND THEY BECOME UNCONSECRATED etc. The reason¹⁰ is because they were redeemed, but if they were not redeemed, they would have been forbidden as regards shearing and

working. This would confirm the opinion of R. Eleazar who said: Animals dedicated for keeping the Temple in repair,¹¹ are forbidden as regards shearing and working! — [No]. It can be maintained that this is no proof. For an object consecrated for its value, eventually to be used for the altar,¹² might be confused with an object which is itself consecrated for the altar, therefore the Rabbis enacted a prohibition.¹³ But in the case of an object dedicated for keeping the Temple in repair, the Rabbis did not enact a prohibition.¹⁴

THEIR OFFSPRING AND MILK ARE PERMITTED etc. How is this to be understood? Shall I say that [we speak of where] they became pregnant and gave birth after their redemption? Surely this is obvious? They are unconsecrated animals! Rather what is meant is that they were pregnant before their redemption and gave birth after their redemption. This implies that before their redemption, [the offspring] are forbidden!¹⁵

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- (1) And the object of the dedication, since they possessed already a permanent blemish, was to sell them and purchase with the money sacrifices for the altar.
 - (2) The shoulder, jaw and maw, as is the case with genuine hullin (unconsecrated animals).
 - (3) For they are considered hullin, as they were blemished before dedication, and the law of dedicated sacrifices which had become unfit for the altar, where shearing and working are prohibited, does not apply to them.
 - (4) Even if they were pregnant before their redemption, for since they gave birth after their redemption. their offspring are permitted. V. Gemara.
 - (5) Even before their redemption. since the animals did not receive any sanctity from the outset, owing to their blemishes before dedication.
 - (6) V. Lev. XXVII, 10.
 - (7) In order to give the carcasses to dogs to eat. Moreover, we are taught here also that they hold an inferior status compared with other dedicated sacrifices, which can only be redeemed when alive.
 - (8) A firstling, even with a permanent blemish. is sanctified as the passing through the womb consecrates it. And with reference also to tithing. Scripture ordains that whether it be good, i.e., without a blemish, or bad (blemished), the animal passes under the rod to be tithed.
 - (9) Why the first clause of the Mishnah says that they are liable to the law of the firstling.
 - (10) Why the Mishnah says that shearing and working are permissible.
 - (11) The dedicated animals are sold and the money is devoted to the repair of the Sanctuary.
 - (12) The money realized from its sale is used to purchase sacrifices for the altar, and we therefore prohibit its shearing and working.
 - (13) Because if in the former case we permit the shearing and working, we might be led to permit in the latter case.
 - (14) For there is little fear here that because in the one case we permit the shearing and working. we might be led to permit in connection with the object consecrated as such, as there is an obvious distinction between the two.
 - (15) To be used for any purpose without redemption, nor could they be offered up on the altar, since even their own mother is not fit for the altar.

Talmud - Mas. Bechoroth 14b

[The point then arises], can they be redeemed even when they are without a blemish, or, can they not be redeemed so long as they are without a blemish?¹ — Come and hear: If one consecrated animals having a permanent blemish for the altar and they gave birth, they are to be sold and [the offspring] do not need a blemish, because they receive no sanctity. For we cannot be more

stringent with the subsidiary than with the principal object.²

Now the reason [why the offspring do not require a blemish before redemption], is because we should not be more stringent with the subsidiary than with the principal, but if he consecrated a male³ animal for its value, it receives the sanctity of an animal consecrated as such. This would support Raba's teaching. For Raba said: If one consecrated a male animal for its value,⁴ it receives the sanctity of an animal which has been consecrated in itself.

HE WHO SLAUGHTERS THEM WITHOUT [THE TEMPLE COURT], DOES NOT INCUR [THE PUNISHMENT OF EXCISION]. R. Eleazar quoted [with reference to this passage of the Mishnah]: He is culpable.⁵ and he explains [the word 'WITHOUT' in the Mishnah] as meaning that he slaughters them on a private altar.⁶ For R. Eleazar said: Whence do we deduce that he who slaughters a blemished animal on a private altar at a period when high places are used legitimately, is guilty of transgressing a negative precept? Scripture says: Thou shalt not sacrifice unto the Lord thy God an ox or a sheep wherein is a blemish.⁷ If this text has no bearing on a national altar,⁸ since Scripture has already stated: Blind or broken, ye shall not offer these unto the Lord,⁹ apply it to a private altar. Why not say that if the text has no bearing on dedicated sacrifices, apply it to a firstling?¹⁰ For I might have been inclined to assume that since it is holy even when blemished, [the shearing and working being forbidden], it should therefore be offered up even if blemished. Therefore Scripture teaches us that it is not so! — I might argue against this that in connection with a firstling. Scripture expressly states: Lame or blind thou shalt not sacrifice it.¹¹ But why not say: If the above text has no bearing on dedicated sacrifices,¹² let us apply it to animal tithes?¹³ For I might have been inclined to assume that since a tithed animal is holy even blemished, as Scripture writes, He shall not inquire whether it be good or bad,¹⁴ therefore we should offer it up even blemished, and Scripture consequently informs us that this is not so? — [In connection with] a tithed animal, too, we draw an analogy between 'passing'¹⁵ and 'passing' used in connection with a firstling. But why not then say: Let us apply the text above to an animal exchanged for a dedicated sacrifice? For I might have been inclined to assume that since it is sacred, even if blemished, since Scripture writes: Neither shall he alter it or change it etc.¹⁶ Therefore it should be offered up even blemished; and consequently Scripture teaches us that it is not so! Scripture says: Then it and that for which it is changed, shall be holy.¹⁷ It thus compares the exchanged animal with the animal itself; as the animal itself is unfit [for the altar] if blemished, so the exchanged animal with a blemish is unfit [for the altar]. R. Zera demurred: Why not say, apply the text¹⁸ to the blemished offspring [born of unblemished sacrifices]?¹⁹ For I might have been inclined to assume they are holy even blemished. through their mother, therefore they may be offered up even blemished, and Scripture therefore informs us that it is not so? — Said Raba: A Tanna of the school of R. Ishmael has already pronounced on the matter.²⁰ For a Tanna of the School of R. Ishmael taught: Scripture says: Only thy holy things which thou hast and thy vows:²¹ 'Only thy holy things'; this refers to exchanged animals,²² 'which thou hast': these are the offspring of dedicated sacrifices; 'and thy vows': Scripture here compares them with an animal vowed for a sacrifice: as an animal vowed for a sacrifice is unfit for the altar with a blemish, so these too are unfit with a blemish.²³

THE LAW OF SUBSTITUTE DOES NOT APPLY TO THEM etc. What is the reason? Because Scripture Says: He shall not alter it nor change it, a good for a bad or a bad for a good.

Now, if a bad [i.e., a blemished consecrated animal] must not be exchanged for a good [an unblemished and unconsecrated animal], is it necessary to inform us concerning the prohibition of exchanging a good [an unblemished consecrated animal] for a bad [a blemished animal]? What is meant then is, that to an animal good [i.e., unblemished] from the start [before dedication] [but which became blemished afterwards] the law of substitute applies, but to one bad [i.e., blemished] from the start [before dedication] the law of substitute does not apply.

AND IF THEY DIED, THEY MAY BE REDEEMED. Rab Judah reported in the name of Rab: This²⁴ is the teaching of R. Simeon who said: Objects consecrated for the altar were [at first] included [in the law of] presentation²⁵ and valuation, whereas objects consecrated for keeping the Temple in repair were not included in [the law of] presentation and valuation. For we have learnt: R. Simeon says: Objects consecrated for keeping the Temple in repair, if they die, are redeemed. R. Simeon agrees, however, that an animal blemished from the start [before dedication] may be redeemed.²⁶ What is the reason? Because Scripture says: And [the priest shall value] it;²⁷ the word 'it' excludes²⁸ the case of an animal with a blemish from the start [before dedication]. But the Sages say: If they die they are to be buried. Who are the Sages referred to here?²⁹ It is a Tanna of the School of Levi. For a Tanna of the School of Levi taught: All objects were [at first] included in [the law of] presentation and valuation, even an animal blemished from the start [before dedication]. And thus did the School of Levi teach in his Mishnah:³⁰ Even a beast and even a bird.³¹ But does not Scripture say, 'It'? — The word 'It', according to the opinion of the Tanna of the School of Levi, is a difficulty. But the Rabbis who differ from R. Simeon³² — what is the position? Is it a fact that they hold that if [the blemished dedicated animal] died, it is redeemed? If so,

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- (1) Must we delay until the offspring are blemished and then we can proceed to redeem them or, can they be redeemed as they are, without waiting?
 - (2) I.e., we cannot be more stringent with the offspring than with the mother, seeing that the offspring is holy only in virtue of its mother. And as the mother can be redeemed at all times, the same rule should apply to its offspring, which solves the question.
 - (3) I.e., a ram which was dedicated for its value and which has the sanctity of an animal consecrated as such, insofar that it does not become hullin without a blemish appearing on it. The same ruling applies to a female animal, but as later on he wishes to support Raba's opinion and Raba mentions a male, he speaks here of a male.
 - (4) And for its money, a burnt-offering is purchased. The reason why Raba mentions a male animal is because the majority of people who bring a sacrifice offer up a burnt-offering, which is a male.
 - (5) I.e., he is liable to forty lashes.
 - (6) Lit., 'high place'. A temporary altar. Private altars were e.g., like those made by Manoah, Gideon and Samuel, in times when any individual could build an improvised altar for himself; v. Meg. 9b.
 - (7) Deut. XVII. 1.
 - (8) Lit., 'great high place'. As the high places of Nob and Gibeon, which were national and public ones.
 - (9) Lev. XXII, 22.
 - (10) Therefore there is no proof that the text, Thou shalt not sacrifice etc., refers to a private altar.
 - (11) Deut. XV, 21.
 - (12) Since this is already provided for in Lev. XXII, 22.
 - (13) The text, therefore, may still refer to a national altar and not to a private altar,
 - (14) Lev. XXVII, 33. 'Bad', i.e., blemished, and even so, if it is the tenth, it is holy.

- (15) Mentioned in regard to the tithing of animals, Even of whatsoever passeth and the text, Then thou shalt cause to pass (set apart), referring to a firstling.
- (16) Ibid. XXVII,10.
- (17) Ibid.
- (18) Quoted by R. Eleazar.
- (19) As unfit to be sacrificed on the altar.
- (20) That the instances mentioned above as unfit for the altar if blemished, are derived from another verse. Therefore there is no need to deduce them from the above text, Thou shalt not sacrifice.
- (21) Deut. XII, 26.
- (22) Which Scripture informs us are sacrificed on the altar.
- (23) Consequently, the verse 'Thou shalt not sacrifice' refers, as R. Eleazar explains, to a private altar.
- (24) The statement of the Tanna of the Mishnah, that if they died, they may be redeemed.
- (25) Before the priest of the object whose value is dedicated, as Scripture says: Then he shall present the beast before the priest. (Lev. XXVII, 11.)
- (26) For although objects consecrated for the altar require presentation and valuation, and therefore, cannot be redeemed when dead, in the case here of a sacrifice blemished from the start, he agrees that it can be redeemed when dead, although there can be no presentation and valuation here; for it is like an object consecrated for Temple repairs. which was not included in the law of presentation and valuation.
- (27) Lev. XXVII, 12.
- (28) From the requirements of presentation and valuation.
- (29) For they are not the same Sages who differ with R. Simeon in Tem. 32b.
- (30) Levi compiled a collection of teachings.
- (31) Whose value he dedicated for the keeping of the Temple in repair, as they are not suitable for the altar, require presentation and valuation.
- (32) The Rabbis who dispute with R. Simeon in Tem. 32b, holding that both objects consecrated for the altar and objects consecrated for Temple repairs are included in the law of presentation and valuation, though they agree that an animal blemished from the start may be redeemed after its death.

Talmud - Mas. Bechoroth 15a

[in connection with Rab's observation above], what should be said is: This is the teaching of R. Simeon and those who dispute with him? — I can answer: Rab holds with R. Simeon the son of Lakish, who explained that according to the Rabbis [who differ with R. Simeon] objects dedicated for the keeping of the Temple in repair were [at first] included in [the law of] presentation and valuation, whereas objects dedicated for the altar were not included in [the law of] presentation and valuation. Therefore the Mishnah can not be explained [to agree completely] with the views of the Rabbis. For it states in the later clause: AND IF THEY DIED, THEY SHALL BE BURIED.¹ But whence can we prove that the reason [of the Mishnah] why they shall be buried is because they are subject to the law of presentation and valuation? Perhaps the reason is because we may not redeem dedicated sacrifices in order to give food to dogs?² — We can answer: If this is so, then, let the [Mishnah] state: If they become trefah,³ they shall be buried.⁴ Or if you choose [another solution]. I can say that Rab in fact holds with R. Johanan,⁵ and read [in the passage above]. This is the teaching both of R. Simeon and of those who dispute with him.

BUT IF THEIR DEDICATION PRECEDED etc. Whence is this proved? — Our Rabbis have

taught: [Scripture says]: Howbeit as the gazelle⁶ [and as a hart]; as a gazelle is exempt from [the law of] the firstling,⁷ so dedicated sacrifices which have become unfit for the altar are also exempt from [the law of] the firstling. I would then exclude the firstling and not the priestly gifts! The text [therefore] states, 'A hart'; as a hart is exempt from [the law of] a firstling and from [the duty of priestly] gifts, so blemished dedicated sacrifices are exempt from the law of the firstling and of [the priestly] gifts. Am I to say that just as the fat of the gazelle and a hart is permitted to be used, so the fat of [blemished dedicated sacrifices] is also permitted to be used? [For this reason] the text states 'ak' ['howbeit'], which intimates a distinction.⁸

The Master said: 'I would then exclude the firstling but not [the priestly] gifts'! Now, what is the difference?⁹ — I exclude the firstling, because its law does not equally apply in all cases, whereas I do not exclude [the priestly] gifts, as their law applies equally in all cases.¹⁰ Hence Scripture states 'A hart'. Said R. Papa to Abaye: Why not [say that] just as the law concerning the killing of the young¹¹ with its mother on the same day does not apply to a gazelle and a hart so the law concerning the killing of the mother on the same day does not apply to dedicated sacrifices which have become unfit for the altar? — He replied to him: With what will you compare [blemished dedicated sacrifices, to render them exempt from the law regarding the killing of the young with its mother on the same day]? If you compare them with unconsecrated animals, then the law concerning the killing of the young with its mother on the same day should apply to them! And if you compare them with dedicated sacrifices, here [also] the law regarding the killing of the young with its mother on the same day should apply to them.¹² — He replied to him: If so, then in regard to the fat [of blemished dedicated animals], why not say likewise, as follows: With what will you compare them? If with unconsecrated animals, their fat is forbidden, and if with dedicated sacrifices, their fat is forbidden? — But¹³ did you not say that the [word] 'ak' implies 'but not their fat'?¹⁴ Then similarly adduce the word 'ak' as implying, 'but the law regarding the killing of the young with its mother on the same day, is not [included in the analogy]'. Raba said: The word 'ak' serves [to exclude from the analogy] the law concerning the killing of the young with its mother on the same day, while as regards the fat of blemished dedicated sacrifices, we derive [the prohibition] from the words 'the blood thereof', for it is written: 'Only thou shalt not eat the blood thereof'.¹⁵ What do the words 'The blood thereof' mean? You can hardly say that it actually means 'the blood thereof'. For granting that it is only as the blood of the gazelle and a hart — is then the blood of a gazelle and a hart permitted? The words 'The blood thereof' then refer to its fat. And why does not Scripture expressly write 'Its fat'? — If the Divine Law had written the word 'fat', I might have assumed that both the analogy and the scriptural verse helped [to define the nature of the prohibition of the fat]. The analogy [between the word 'fat' and the words 'as a gazelle and a hart'], helped to exclude it from [the punishment of] excision, for Scripture imposes the punishment of excision only on one who eats the fat of an animal, as it says: For whosoever eateth the fat of the animal.¹⁶ And the scriptural verse also helped to make [the eating of the fat of blemished sacrifices equivalent to the breaking of] a mere prohibition. Therefore the Divine Law used the expression 'the blood thereof', to teach you that as the eating of its blood is punishable with excision, so the eating of its fat is punishable with excision.

But does not the Tanna [above in the Baraita] say that the word 'ak' implies 'but not its fat'?¹⁷ — This is what [the Tanna] intends to say: If there were not a text 'The blood thereof'. I might have said that [the word] 'ak' implies 'but not its fat'. Now, however, that Scripture says

‘The blood thereof’, the word ‘ak’ serves [to exclude from the analogy] the law regarding the killing of the young with its mother [on the same day].

AND THEY DO NOT BECOME UNCONSECRATED. Whence is this derived — Our Rabbis taught. Scripture says: Notwithstanding thou mayest kill,¹⁸ implying, but not shear. [The text continues further], ‘flesh’, implying. ‘but not milk’. ‘And eat’, implying, ‘but not for dogs’. Hence we infer that we do not redeem dedicated sacrifices to give food to the dogs.

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- (1) From which we may infer that objects consecrated for the altar are included in the law of presentation and valuation, whereas the Rabbis hold the reverse view, according to the interpretation of R. Simeon b. Lakish.
 - (2) And not because the Mishnah holds that objects dedicated for the altar are included in the law of presentation and valuation.
 - (3) V. Glos.
 - (4) From which I could infer that, although it was possible to make presentation and valuation here, nevertheless since they were only fit for dogs, they must be buried. But since the Mishnah states, ‘IF THEY DIED etc.’, I deduce that the reason is because presentation and valuation cannot be carried out.
 - (5) Who says in Tem. 32b that according to the Rabbis, both objects dedicated for the altar and objects dedicated for keeping the Temple in repair were included in the law of presentation and valuation, and that an animal blemished from the start may be redeemed.
 - (6) Deut. XII, 22. And Scripture is dealing here with dedicated sacrifices which received their blemish after dedication, as the text says: The unclean and the clean shall eat of them alike, and they still retain some measure of holiness.
 - (7) For Scripture says: All the firstling males that come of thy herd and of thy flock, thou shalt sanctify. (Deut. XV, 19.)
 - (8) I.e., it warns us that the analogy is not complete and therefore the fat is forbidden.
 - (9) Deriving the limitation of a firstling from the first text, and requiring another text to exclude the priestly gifts.
 - (10) For the law of the firstling only applies to a male, whereas the duty of the priestly gifts applies to females as well.
 - (11) Lev XXII, 28.
 - (12) v. Hul. 78a.
 - (13) [This appears to be Abaye's reply].
 - (14) V. supra n. 1.
 - (15) Deut. XV, 23. The verse deals here with the case of a firstling with a blemish.
 - (16) Lev. VII, 25. It is also understandable that excision should be incurred only for eating the fat of an animal, as it is suitable for sacrifice on the altar.
 - (17) I.e., it excludes its fat from the analogy. How can Rab, therefore, maintain that the text ‘ak’ excludes from the analogy the law of killing the young with its mother on the same day, seeing that the Baraitha above says that ‘ak’ excludes the eating of the fat?
 - (18) Deut. XII, 15.

Talmud - Mas. Bechoroth 15b

Some there are who say: ‘Thou mayest kill and eat’: The permission of eating of blemished dedicated sacrifices is only from the time of their killing and thenceforward.¹ We may, however, redeem dedicated sacrifices to give food to dogs.²

THEIR OFFSPRING AND THEIR MILK ARE FORBIDDEN AFTER THEIR REDEMPTION. How is this to be understood? Shall I say that they became pregnant and gave birth after their redemption? Why [in that case should they be forbidden]? [The offspring] are [as] the gazelle and a hart!³ Rather what is meant is that they became pregnant before their redemption and give birth after their redemption. But if [they were born] before their redemption, they would indeed become holy. Whence is this proved? For our Rabbis taught: [Scripture says]: ‘Whether male’:⁴ this includes the offspring [of a peace-offering].⁵ [It goes on] ‘or a female’; this includes an animal [exchanged for a peace-offering].⁶ Now I can only infer from these unblemished offspring and unblemished exchanged animals. Whence, however, can I derive blemished offspring⁷ and blemished exchanged animals? When Scripture says: ‘Whether a male’, it includes even blemished offspring and the text ‘or a female’, includes an exchanged blemished animal. Those young [which were In embryo before their redemption] and were born after their redemption — what shall become of them? Concerning those born before their redemption there is a difference of opinion. There is one authority who says they are so far holy as to be offered up, and there is another authority who says they are only so far holy as to be left to graze.⁸ But what is to be done with [the offspring] born after their redemption. — Said R. Huna: We put them in a vault and they die [of hunger]. For what are we to do? Shall we offer them up on the altar? They derive their status from a holiness which has been cancelled.⁹ Shall we redeem them? They are not qualified to receive redemption.¹⁰ In the West [Palestine] it was stated in the name of R. Hanina: Before their redemption he consecrates them for that particular sacrifice.¹¹ ‘Before their redemption’? Does this mean to say that they are capable of redemption? Explain rather [as follows]: Before the redemption of their mother,¹² he consecrated them for that particular sacrifice. And what is the reason?¹³ — Said R. Levi: It is a preventive measure, lest he should rear of them flocks.¹⁴ Rabina asked of R. Shesheth: May he consecrate [the offspring]¹⁵ for any sacrifice that he chose? — He replied: He may not consecrate them, [except for the particular sacrifice of the mother]. What is the reason? — He said to him: There is an analogy between the words ‘within thy gates’¹⁶ [used in connection with blemished dedicated sacrifices] and the words ‘within thy gates’¹⁷ [used in connection with the firstling]: just as a firstling does not become consecrated after birth for any sacrifice which he chooses, because Scripture writes: Howbeit the firstling among the beasts which is born a firstling to the Lord, no man shall sanctify it,¹⁸ so these young ones do not become consecrated for any sacrifice he chooses. It has been taught in accordance with the opinion of R. Shesheth: Dedicated sacrifices which became permanently blemished before their dedication and were redeemed are subject to the law of the firstling and of the [priestly] gifts; whether before their redemption or after their redemption. one who shears them and works with them does not receive forty lashes; whether before their redemption or after their redemption, the law of substitute does not apply to them; before their redemption. the law of Sacrilege¹⁹ applies to them, but after their redemption it does not; their offspring are unconsecrated [even if in embryo before redemption and born after redemption]; they are redeemed unblemished²⁰ and become consecrated for any sacrifice he chooses. The general rule in this matter is: They are like unconsecrated animals in all particulars. The only religious duty which applies to them is that of valuing them [for redemption].²¹ But if their dedication preceded their blemish, or if a transitory blemish [preceded] their dedication and after that there appeared on them a permanent blemish, and they were redeemed, they are exempt from the law of the firstling and from the [priestly] gifts; whether before their redemption or after their redemption, one who

shears and works them receives forty lashes; whether before their redemption or after their redemption, the law of substitute applies to them; before their redemption. Sacrilege applies to them, but not after their redemption;²² their offspring are holy [if in embryo before redemption]; they are not redeemed unblemished; and they do not become consecrated for any sacrifice that he chooses.²³ The general rule in the matter is that they are like consecrated animals in all particulars. You have only the permission to eat them. Now the general rule of the first part [of the Baraitha above] is stated in order to include the rule that one who slaughters them without [the Temple Court] is exempt [from the punishment of excision]. The general rule of the second part [of the Baraitha]

(1) This excludes milking and shearing, and is deduced from the proximity of the texts referring to killing and eating. The word 'flesh' is on this view not expounded.

(2) As there is no special text to prohibit this.

(3) I.e. they are hullin (unconsecrated animals).

(4) Lev. III, 1, with reference to peace-offerings. The whole verse is superfluous, for unless it expressly stated that a peace-offering must be a male, as is the case with a burnt-offering. I should have known that there was no restriction as regards the sex of the animal.

(5) That it is offered as a peace-offering.

(6) V. n. 6.

(7) Whose dedication preceded their blemish.

(8) Until they become blemished. Then they are sold and their money is devoted for a freewill-offering. The reason for delaying until a blemish appears is because unblemished animals are not redeemed.

(9) The offspring possess two disqualifications. First, they are born from a mother which though once fit for the altar, has now lost its sanctity, owing to its blemish. Secondly, since the offspring were born after the mother's redemption, they cannot be invested with any sanctity so as to be sacrificed on the altar.

(10) For since they are redeemed through their mother, they retain no sanctity to enable redemption to render them hullin.

(11) That of the mother, and this holiness helps to make them capable of redemption.

(12) While she was still pregnant and before their birth, the offspring received the holiness of their mother's dedication, and in this way redemption, after a blemish appears on them, is required, as their mother's redemption did not cancel their sanctity.

(13) Of. R. Huna above, that they are condemned to die. Why not devise a method of redemption as R. Hanina suggests.

(14) If there were a remedy for the offspring of blemished dedicated offerings, we might raise flocks of these blemished animals, delay the redemption of their mothers, and even be led to eat them without the required redemption. Another explanation (quoted by Rashi) is: What is the reason of the authority who says that we condemn the offspring to die, and also, what is the reason of the other authority who maintains that we consecrate them for a sacrifice? Why did the Rabbis trouble in the matter at all? Could not the offspring be left in their forbidden state? The answer is that we fear lest one might raise flocks, that these offspring will in turn give birth to others and we might be led to commit an offence, whereas after redemption, we do not entertain any fears, as the offspring then are hullin. Still another explanation (quoted by Rashi) is: Why does the Mishnah say that the offspring are forbidden after redemption, seeing that their mother's holiness has been cancelled? And the reply given is because, if we permit the offspring to be used, we might raise flocks of blemished dedicated sacrifices for the sake of the offspring born after redemption and, thus might be led to transgress the law concerning shearing and working.

(15) Of blemished dedicated sacrifices.

(16) Deut. XII, 21.

(17) Ibid. XV, 22.

(18) Lev. XXVII, 26. The text continuing, No man shall sanctify it, indicates that no other holiness except that of a firstling attaches to it.

(19) To make an inappropriate use of a sacred object is Sacrilege (v. Lev. X, 15) and since he benefits therefrom, it is no worse a case than using an object dedicated to the keeping of the Temple in repair.

(20) If they were pregnant and gave birth before their redemption.

(21) The only restrictive enactment is that of redeeming the animal with money.

(22) For they are compared with 'a gazelle and a hart', but the shearing of them is forbidden.

(23) Which is the view of R. Shesheth.

Talmud - Mas. Bechoroth 16a

is adduced to include its milk.¹

The Master said: They are not redeemed unblemished and they do not become consecrated for any sacrifice he chooses. The unblemished are not redeemed; we infer from this that the blemished² are redeemed. Also for any sacrifice he chooses they are not consecrated; we infer from this that for that particular sacrifice they are consecrated. Now what do we find here? That they are consecrated for that particular sacrifice and are redeemed when blemished. Shall we say that this confutes R. Huna?³ — R. Huna can answer thus: The rule really is that blemished animals also are not redeemed, but, since the first part [of the Baraitha] states: 'They are redeemed unblemished',⁴ therefore the second part [of the Baraitha] also states: 'they are not redeemed unblemished'. And also, since it states in the first part [of the Baraitha]: For any sacrifice he chooses, the second part [in the Baraitha] also states: For any sacrifice he chooses. 'And he who slaughters them without [the Temple Court] is not culpable'.⁵ R. Huna read [as in the Mishnah]:⁶ He is culpable, and he explains it, of a case where the blemished animal had a withered spot in the eye, [a cataract] and in accordance with the opinion of R. Akiba, who maintains: If they have been put on the altar, they must not be taken down again.⁷

'Both before its redemption and after its redemption, the law of substitute applies'. R. Nahman reported in the name of Rabba the son of Abbuha: And the exchanged animal after its redemption is left to die. What is the reason? — How are we to do? Shall we offer it up? The animal exchanged derives its status from cancelled holiness.⁸ Shall we redeem it? It is not qualified to receive redemption; therefore we leave it to die. R. Amram demurred. And why should the exchanged animal not be eaten by the owners when blemished? In what way is this different from an animal exchanged for a firstling and a tithed animal? For we have learnt: Animals exchanged for a firstling and a tithed animal, and also their offspring and their offspring's offspring until the end of time are like a firstling and a tithed animal and are eaten by their owners when blemished!⁹ Said Abaye to him: In this case it bears the name of its mother, and, in the other case, it bears the name of its mother. In this case it bears the name of its mother,¹⁰ for it is called the animal substituted for a firstling and a tithed animal; and, therefore, as a firstling and a tithed animal are eaten by their owners when blemished, so the exchanged animal is eaten under similar circumstances. And in the other case, it bears the name of its mother. It is called the animal

exchanged for the dedicated sacrifice; and, as a dedicated sacrifice which became blemished may not be eaten unless redeemed, so also an animal exchanged for a dedicated sacrifice is not eaten unless redeemed. But in this present case, it is not qualified to receive redemption and, therefore, [it is left to die]. It has been taught in accordance with the opinion of R. Nahman: Whence do we derive that an animal exchanged for a blemished dedicated sacrifice is left to die? Because it says: ‘nevertheless these shall ye not eat of them that chew the cud, he is unclean to you’.¹¹ But is this text not required to teach that there are five sin-offerings that are left to die?¹² — The latter teaching we learn from [the continuation of the text]: ‘Of them that divide the hoof, he is unclean to you’. It has also been taught to the same effect: Whence do we derive that the five sin-offerings are left to die? Because it says: ‘All of them that divide the hoof, he is unclean’. But is not the rule of the five sin-offerings that are left to die learnt purely from tradition? — Rather the text comes to teach us concerning the animal exchanged for a guilt-offering that it pastures [until blemished]. But is not the rule of a guilt-offering also learnt purely from tradition, for wherever a sin-offering is left to die, in a corresponding case, a guilt-offering pastures?¹³ — The fact is that the text still refers to the rule of the five sin-offerings left to die, and both the text and the traditional law are necessary. For had I the text alone, I might have said that they are condemned to pasture. Therefore, the traditional law teaches us that they are to die. And had I the traditional law alone I might have said that if by chance he ate of these five sin-offerings, he performed a forbidden action, but he did not transgress a negative precept. Therefore a scriptural text teaches us that he transgresses a negative precept, [ye shall not eat]. Or if you wish, I may say that it is in order to compare an object the rule of which is derived from the text of them that chew the cud, with an object the rule of which is derived from the text of them that divide the hoof, so as to teach that, just as there, they are condemned to die, so here also they are condemned to die.¹⁴

MISHNAH. IF ONE RECEIVES FLOCK FROM A HEATHEN ON ‘IRON TERMS’,¹⁵

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- (1) As forbidden to be used, as the text says, And eat, implying, ‘but not milk’. There is no need to make the general rule of the first part of the Baraitha include milk as permissible, for since the offspring are permitted, all the more so is the milk. Again, the general rule in the second part of the Baraitha could not include the case of one who slaughters without the Temple Court as punishable with excision, for here, too, he may be exempt, for since the sacrifice cannot be offered up in the Temple, there is no prohibition of killing them outside the Temple Court.
- (2) Those in embryo before redemption and born after redemption and consecrated for a sacrifice, i.e., for the particular sacrifice of the mother.
- (3) For R. Huna holds that they are not subject to redemption at all and that they are condemned to die whereas from the Baraitha we deduce that they are subject to redemption and are consecrated for a particular sacrifice.
- (4) Which is an anomaly, that an unblemished animal should be redeemed.
- (5) Where the dedication preceded the blemish. This is the continuation of the latter part of the Baraitha above. V. Rashi and R. Gershom.
- (6) So (Rashi), v. Sh. Mek.
- (7) An animal with a cataract, if offered up in the Temple, is not disqualified as a sacrifice according to the view of R. Akiba, because, in the first place, a cataract is not considered a blemish in birds and, moreover, it is not a blemish of a prominent nature. But an animal with a prominent and permanent blemish, since it is invalid as a sacrifice in the Temple, is not forbidden to be slaughtered outside the Temple precincts.
- (8) Of the blemished animal for which it was exchanged, the exchange having taken place after redemption.
- (9) Tem. 21a.

(10) The expression 'its mother' used in this connection means, in virtue of the animal from which it derives its status. The expression also 'eaten by their owners' mentioned in connection with the firstling, means that if blemished it is eaten by the priests, whereas in connection with a tithed animal, 'the owners' refers to the Israelites.

(11) Lev. XI, 4. And we infer this that there is an animal possessing marks of cleanness and yet forbidden to be eaten, viz., an animal exchanged for a blemished sacrifice.

(12) V. Tem. 21b.

(13) V. Nazir 25b.

(14) There is no need for a scriptural text, for the rule of the five sin-offerings is a traditional law. The reason, however, why the Baraita refers it to the text 'of them that divide the hoof' is because it wishes to draw an analogy between the animal exchanged for a blemished sacrifice after redemption, which is inferred from the text 'of them that chew the cud' and the rule of the five sin-offerings, inferring that just as the latter are condemned to die, so the former is condemned to die, thus confirming the view of R. Nahman.

(15) Lit., 'flock of iron'. The terms are that the flock or their equivalent value should be restored to the heathen owner at the end of a stipulated period and that meanwhile the owner shares the offspring. The interests of the owner are consequently well protected against loss and the security is like barzel (iron). V. B.M.. Sonc. ed., p. 405. n. 3.

Talmud - Mas. Bechoroth 16b

THEIR OFFSPRING ARE EXEMPT [FROM THE LAW OF] THE FIRSTLING.¹ BUT THE OFFSPRING OF THEIR OFFSPRING ARE LIABLE [TO THE LAW OF THE FIRSTLING].² IF [THE ISRAELITE] PUT THE OFFSPRING IN THE PLACE OF THEIR MOTHERS,³ THEN THE OFFSPRING OF THE OFFSPRING ARE EXEMPT,⁴ BUT THE OFFSPRING OF THE OFFSPRING OF THE OFFSPRING ARE LIABLE [TO THE LAW OF THE FIRSTLING]. RABBAN SIMEON B. GAMALIEL SAYS: EVEN UNTO TEN GENERATIONS THE OFFSPRING ARE EXEMPT [FROM THE LAW OF THE FIRSTLING]. SINCE THEY ARE PLEDGED TO THE HEATHEN.⁵ IF A EWE GAVE BIRTH TO WHAT LOOKED LIKE A KID, OR A KID WHICH GAVE BIRTH TO WHAT LOOKED LIKE A EWE, IT IS EXEMPT FROM [THE LAW OF] THE FIRSTLING BUT IF IT POSSESSES CERTAIN CLEAR MARKS [RESEMBLING THE MOTHER] IT IS LIABLE [TO THE LAW OF THE FIRSTLING].

GEMARA. Does this mean to say that since the owner does not take money, therefore it is still the property of the owner? Against this I quote: One must not receive a flock from an Israelite on 'iron terms', because It is usury. This shows that it is in the ownership of the receiver?⁶ — Said Abaye: This is no difficulty. In the one case [our Mishnah] he [the heathen owner] took the risks of accidents and a fall in value while in the other he [the owner] did not take the risks of accidents and a fall in value. Raba said to him: If he took the risks of accidents and a fall in value, do you call this receiving a flock on 'iron terms',⁷ and, moreover, where is this distinction implied [in the context]? And, moreover, why does the second part [of the passage quoted above] state: 'One may receive from a heathen a flock on "iron terms"'? Why not draw a distinction in the first part [itself, as follows]: When does this apply? Where he [the owner] did not undertake the risks of accidents and a fall in value, but where he undertook the risks of accidents and a fall in value, it is permitted! — Rather said Raba, In both cases he [the owner] did not take the risks of accidents and a fall in value. But here, in connection with the firstling,⁸ this is the reason. If the heathen

came and wanted money and the Israelite did not give it to him, he would seize the animal, and if he did not find the animal, he would seize its offspring. Therefore the heathen has a share in it,⁹ and wherever the heathen has a share [in an animal], it is exempt from [the law of] the firstling.

(IF THE ISRAELITE PUT THE OFFSPRING IN THE PLACE OF THEIR MOTHERS, THE OFFSPRING OF THE OFFSPRING ARE EXEMPT:)¹⁰ Said R. Huna:¹¹ Their offspring are exempt from the law of the firstling, but the offspring of the offspring are liable to the law of the firstling. Rab Judah, however, said: The offspring of the offspring are also exempt, but the offspring of the offspring of the offspring are liable [to the law of the firstling]. We have learnt in a Mishnah: IF THE ISRAELITE PUT THE OFFSPRING IN THE PLACE OF THEIR MOTHERS, THE OFFSPRING OF THE OFFSPRING ARE EXEMPT.¹² The reason for exemption is because he put them in place of their mothers. But if he did not do so, they would not be exempt. Now, is this not an argument against Rab Judah? — Rab Judah can answer: The same applies even if he did not put the offspring [in the place of the mothers];¹³ but the Mishnah, however, teaches us this, that even if he put [the offspring in the place of their mothers],¹⁴ since it is the custom of the heathen to seize the offspring [failing the mother], it is as if he had not put the offspring [in place of their mothers].¹⁵ We are therefore informed [that even so] the offspring of the offspring are exempt, but the offspring of the offspring of the offspring are liable [to the law of the firstling].

We have learnt in the Mishnah: RABBAN SIMEON B. GAMALIEL SAYS: EVEN UNTO TEN GENERATIONS THE OFFSPRING ARE EXEMPT, SINCE THEY ARE PLEDGED TO THE HEATHEN.¹⁶ Now there is no difficulty on the view of Rab Judah who said that the first Tanna [in the Mishnah] goes up to [two] generations,

(1) For, in the first place, a half of the offspring belongs to the heathen and secondly the latter will seize the offspring if he cannot have the flock (v. infra). The heathen therefore having an interest in the offspring, the Israelite is legally exempt from the law of the firstling.

(2) For the heathen will not go as far as to seize the third generation in place of the mother.

(3) The Israelite has expressly stipulated that if the flock died, the heathen could have the offspring.

(4) Since the owner has a hold on the succeeding generation of animals.

(5) For every time the heathen would lay hands on whatever he found.

(6) And therefore it is as if the giver in return for waiting for his money receives a share of the offspring, which is usury, whereas if the money remained in the possession of the giver, it would not be usury.

(7) For then there would be no security like 'iron' for the giver of the animal.

(8) The reason is not because it is in the possession of the heathen, but because it is a pledge with the Israelite.

(9) Lit., 'the hand (finger) of the heathen is between'.

(10) [The bracketed passage is best left out. V. Marginal Gloss Z.K.].

(11) Referring to the first passage in the Mishnah.

(12) [No objection is raised from the first clause of our Mishnah, as the phrase 'OFFSPRING OF THE OFFSPRING' there may be of a more general connotation meaning simply that with certain later generations the liability begins. V. Sh. Mek. and p. 115. n. 1.]

(13) That the second generation of offspring are exempt from the law of the firstling.

(14) And thus mortgaged the first generation for the heathen, so that the latter ought not to have any further claim on successive generations of offspring.

(15) And therefore I might have said that successive generations of offspring should always be exempted.

(16) It is assumed that R. Simeon b. Gamaliel refers to the first clause.

Talmud - Mas. Bechoroth 17a

[of offspring in exempting] that is why Rabban Simeon b. Gamaliel said to him: EVEN UNTO TEN GENERATIONS THE OFFSPRING ARE EXEMPT.¹ But according to R. Huna who said that the first Tanna does not go up to [two] generations [of offspring in exempting], what does Rabban Simeon b. Gamaliel mean by 'unto ten generations'?² R. Huna can reply: R. Simeon b. Gamaliel refers to [the second clause] where the Israelite put [the offspring in the place of their mothers], and where the Tanna In question goes up to [two] generations [of offspring].³

Come and hear: If one received a flock from a heathen on 'iron terms', their offspring are exempt. but the offspring of the offspring are liable [to the law of the firstling].⁴ Now, is this not an argument against R. Judah? — R. Judah can reply: Read: They and their offspring.⁵ Some there are who say: 'They and their offspring are exempt'. Now is this not an argument against R. Huna? — R. Huna can reply: Read: They,⁶ the offspring, are exempt, whereas the offspring of the offspring are liable to the law of the firstling.

IF A EWE GAVE BIRTH TO WHAT LOOKED LIKE A GOAT etc. R. Oshaia of Nehardea⁷ came bringing a Baraitha with him: A ewe born of a goat or a goat born of a ewe, is declared liable by R. Meir, whereas the Sages exempt it. Said R. Oshaia to Rabbah: When you go up into the presence of R. Huna, inquire from him: R. Meir makes it liable for what? Shall I say for [the law of] the firstling? Does not R. Meir hold that [when Scripture says]: But the firstling of an ox,⁸ it intimates that the law of the firstling does not apply until the sire is an ox and its firstling is an ox? [Shall I say] then, he means liable to the rule of [giving] the first shorn wool to the priest? [Hardly so], for does he not hold with the Tanna of the School of Ishmael who taught: Lambs whose wool is hard, are exempt from the rule of the first shorn wool, for it says: And if he were not warmed with the fleece of my sheep?⁹ He replied to him: Let us see, we are dealing here with a case where a ewe gave birth to what looked like a goat and its sire was a he-goat¹⁰ and the difference of opinion is whether we take into consideration the nature¹¹ of the sire in connection with the prohibition of killing the mother with its young on the same day.¹² For R. Meir holds that we take into consideration the nature of the sire, whereas the Rabbis hold that we do not take into consideration the nature of the sire.¹³ If so, let them also differ as to whether we take into consideration the nature of the sire in other cases, as in the dispute between Hanania and the Rabbis?¹⁴ Rather, the reference is indeed to the law of the firstling, and what we are dealing here with is the case of a ewe born of a ewe which, in turn, was born of a goat. One authority [R. Meir] maintains that we follow the mother and this is not a nidmeh,¹⁵ while the other authority maintains that we follow the mother's mother, and therefore this is a nidmeh. Or if you prefer I may say: It is a case of a ewe born of a goat which, in turn, was born of a ewe. One authority maintains that the sheep goes back to its former status¹⁶ whereas the other authority maintains that the sheep does not go back to its former status. R. Ahi said: We suppose it possesses certain marks [resembling the mother].¹⁷ And who are the Sages [who exempt]? — R. Simeon, who holds [that the law of the firstling does not apply] until its head and the greater part of the body resemble its mother. Said R. Johanan: R. Meir agrees however¹⁸ that in the case of the goat for

Talmud - Mas. Arachin 2a

CHAPTER I

MISHNAH. ALL [PERSONS] ARE FIT TO EVALUATE OR TO BE MADE THE SUBJECTS OF VALUATION,¹ ARE FIT TO VOW² [ANOTHER'S WORTH] OR HAVE THEIR WORTH VOWED: — PRIESTS, LEVITES AND [ORDINARY] ISRAELITES, WOMEN AND SLAVES. PERSONS OF UNKNOWN³ SEX AND HERMAPHRODITES ARE FIT TO VOW [ANOTHER'S WORTH], OR TO HAVE THEIR WORTH VOWED, AND ARE FIT TO EVALUATE, BUT THEY ARE NOT FIT TO BE MADE THE SUBJECTS OF VALUATION, FOR THE SUBJECT OF VALUATION MAY BE ONLY A PERSON DEFINITELY EITHER MALE OR FEMALE.⁴ A DEAF-MUTE, AN IMBECILE, OR A MINOR⁵ ARE FIT TO HAVE THEIR WORTH VOWED OR BE MADE THE SUBJECT OF VALUATION, BUT THEY ARE NOT FIT TO MAKE EITHER A VOW [OF ANOTHER'S WORTH] OR TO EVALUATE, BECAUSE THEY HAVE NO MIND.

GEMARA. What does ALL [PERSONS] ARE FIT TO EVALUATE mean to include? — It is meant to include one close to manhood who must be examined.⁶ What does [ALL⁷ ARE] FIT TO BE MADE THE SUBJECTS OF VALUATION mean to include? — It is meant to include a person disfigured, or one afflicted with boils.⁸ For one might have assumed that since Scripture says: A vow according to thy valuation,⁹ that only such persons as are fit to be made the subjects of a vow [as regards their worth], are fit to be made subjects of a valuation, and that persons who are unfit to be made subjects of a vow [as regards their worth], are also unfit to be made subjects of a valuation, hence Scripture informs us: of persons.⁹ i.e., no matter who they be. What does [ALL PERSONS] ARE FIT TO VOW mean to include? — [The phrase ALL] is needed only for [the clause] 'are fit to have their worth vowed' — What is to be included [in the phrase ALL] ARE FIT TO HAVE THEIR WORTH VOWED? Is it to include persons of unknown sex or hermaphrodites — but they are expressly stated [in our Mishnah]! Again is it to include a deaf-mute, an imbecile and a minor — they too are expressly stated! And if it is to include a person below the age of one month — that too is expressly mentioned!¹⁰ And again if it is to include an idolater — he too is expressly mentioned!¹¹ — In reality it is meant to include a person below the age of one month; and the Mishnah states it [by implication] and later on expressly mentions it.¹²

What does 'All persons are obliged to lay on hands' mean to include?¹³ — It is meant to include the heir, and this against the view of R. Judah.¹⁴ What does 'All persons can effect a substitute'¹⁵ mean to include? — That, too, means to include the heir, in contrast to the view of R. Judah. For it was taught: An heir must lay on hands, an heir can effect a substitute. R. Judah says: An heir does not lay on hands, and an heir cannot effect a substitute. What is the reason of R. Judah's view? — [Scripture says:] His offering,¹⁶ i.e., but not his father's offering. And he infers the rule concerning the commencement of the dedication of the animal from the rule governing its end. Just as at the end of the dedication the heir does not lay on hands, thus also at the beginning¹⁷ he cannot effect a substitute. And the Rabbis? — [Scripture says redundantly:] And if he shall at all change — that included the heir. And we infer the rule concerning the end of

the dedication from the rule governing the commencement of the dedication. Just as at the beginning of the dedication the heir has power to effect a substitute, so at the end is he obliged to lay his hands on the animal's head.¹⁸ But what do the Rabbis do with 'his offering'? [They interpret:] 'his offering', but not the offering of an idolater; 'his offering', but not the offering of his neighbour; 'his offering. i.e., to include all who have a share¹⁹ in the ownership of a sacrifice in the duty to lay on hands. And R. Judah?²⁰ — He does not hold that all who have a share in the ownership share the obligation of laying hands thereon; or, indeed, if he should hold so

(1) Lev. XXVII, 1f fixes the value of the person dedicated to the sanctuary, this value depending only on the age of the person dedicated. Hence, if someone uses the formula: Erek peloni 'alay. i.e., the valuation of So-and-so be upon me (to pay to the sanctuary). he must make payment in accord with the valuation fixed in Lev. XXVII, independent of the person's physical or mental condition. Thus e.g., the valuation fixed there for a man of the age of between twenty and sixty, is fifty shekels.

(2) But if he said: Deme peloni 'alay, i.e., the equivalent of the market value of So-and-so be upon me (to pay to the sanctuary), he has made a vow and he must pay the amount which that person would fetch, if sold on the slave market. In this case the deciding factor would be not age, but physical and mental condition.

(3) Tumtum; lit., 'one hidden, stopped up'. i.e., a person whose genitalia are covered by a skin, hence one of unknown sex.

(4) Scripture refers (ibid.) to 'male' and 'female', but persons whose sex cannot be determined are excluded from the valuation.

(5) A boy under the age of thirteen, a girl under the age of twelve years.

(6) Mufla' from the root meaning, to make clear, to examine, hence 'one to be examined' as to the purpose for which he made the valuation. Above the age of thirteen such knowledge is taken for granted. Below the age of twelve it is assumed to be absent. During the period from twelve to thirteen the boy is to be subject to questioning. If the examination establishes his knowledge of the purpose of the dedication, his dedication is considered valid, and renders payment obligatory. Otherwise no significance is to be attached during that period to his utterance of the formula: Erek peloni 'alay.

(7) The first word of the Mishnah ALL is assumed to apply to the four cases enumerated. This word does not seem necessary, the Mishnah might have stated e.g., Priests, Levites and Israelites are fit etc. The additional ALL hence is assumed by the questioner to have implied the inclusion of persons whom, without this inclusion, one might have excluded. Hence the series of questions establishing the identity of the persons included in each case. This discussion leads to the consideration of other passages throughout the Mishnah, in which the word 'all' occurs, and to an explanation of who is included in each statement.

(8) Lev. XXVII, 2.

(9) A person disfigured, or afflicted with boils would fetch no price at all on the market place. In the expression A vow according to thy valuation, one might have inferred from this juxtaposition, that a certain fundamental agreement prevailed between cases of vow (of one's worth) and of valuation, and that therefore a person unfit to have his worth vowed (because a vow was redeemable by payment of the market value, which did not exist in the case of a disfigured person) would be unfit to be made the subject of a valuation. But this inference is cancelled by another Biblical phrase, which indicates that what is required is but 'persons', independent of their physical condition: When a man shall clearly utter a vow of persons (ibid.).

(10) V. infra 5a.

(11) Ibid. 5b.

(12) By the redundant ALL, which obviously includes some person or persons, which but for this all-inclusive term, would have been excluded. The particular reason why this case rather than any other of the four here dealt

with is included here Rashi finds in the fact that it is the only one concerning which a controversy exists (infra 5a), whence the statement here by implication is of importance in teaching that even the Rabbis who hold that one who is less than a month cannot be subject to evaluation, nevertheless agree that he can have his worth vowed.

(13) The Gemara proceeds now to discuss all other cases in which a redundant 'all' is to convey some inclusion in the principle of other persons. The laying on of the hands on the head of the animal to be sacrificed conveyed the sense of ownership. It was a duty, hence a question arises in the case of several partners, or in the case of proxy.

(14) R. Judah denied this obligation to an heir. Lev. I, 3 reads: If his be a burnt-offering . . . he shall lay his hand upon the head. This, R. Judah argues, expressly limits the duty of laying the hand to the man who offered it, not to his heir, who is freed from his obligation.

(15) Lev. XXVII, 10: He shall not alter it, nor change it, a good for a bad, or a bad for a good; and If he shall at all change beast for beast, then both it and that for which it is changed shall be holy. The dispute concerns only the case of an heir in respect of an offering dedicated by his father but all agree that an exchange made by anyone besides the original owner of the sacrifice would have no effect at all, the first animal remaining sacred, the second not being affected by the unauthorized attempt at exchange.

(16) Lev. III, 2, 7 and 13 in connection with the laying on of hands in the case of peace-offerings. V. Rashi and Tosaf. a.l.

(17) First an animal is separated for the purpose of being offered on the altar. That is the commencement of its sanctification. At the end, just before the slaying of the animal, the owner lays his hand on its head. R. Judah infers from the regulations at the end, viz., the prohibition for anyone but the owner to lay hands on the head, the inefficacy of the change at the beginning, i.e., his intended exchange has no effect on the animal he wanted to substitute.

(18) The Sages infer from the redundant 'shall at all change' that even another may effect the substitute and argue from the beginning of the sanctification to the end, hence permit an heir to lay hands on the animal.

(19) The phrase 'his offering' occurs three times in Lev. III, viz., vv. 2, 7 and 13, and while two of these expressions have a limiting sense, one has an inclusive meaning, just as 'his' implies ownership, so must anyone who has a claim to ownership lay his hands on the animal's head. Therefore, every member of a group who offer the animal together must perform the laying on of hands.

(20) Since R. Judah would interpret 'his offering' in each case in an exclusive sense, how could he derive the obligation of the laying on of hands on the part of anyone who shares in it—for which an inclusive interpretation is necessary?

Talmud - Mas. Arachin 2b

he would infer [the exclusion of] idolater and neighbour from one passage,¹ so that two more would remain redundant, from one of which he would infer that 'his offering' means 'but not that of his father', and from the other that all who have a share in the ownership of a sacrifice are obliged to perform the laying on of hands. But what does R. Judah do with 'If he shall at all change'? — He needs that to include woman,² for it was taught: Since all this chapter is couched in masculine gender, what brings us eventually to include woman? The text stated: 'If he shall at all change'.³ But [whence do] the Sages [infer this]? — From the' [redundant] 'And if'. And R. Judah? — He does not interpret 'And if'.⁴

What does 'All persons are obliged⁵ to observe [the laws concerning] the booth' mean to include? — That is meant to include a minor that no more needs his mother,⁶ for we have learnt: A minor that no more needs his mother is obliged to observe the laws concerning the booth.⁷

What does ‘All are obliged to observe the law of the lulab’⁸ mean to include? — That includes a minor who knows how to shake the lulab, for we learnt: A minor who knows how to shake⁹ the lulab is obliged to observe [the laws of] the lulab.¹⁰ What does ‘All are obliged to observe the [law of] the fringes’ include? — That includes the minor who knows how to wrap himself, for it was taught: A minor who knows how to wrap himself [into the tallith]¹¹ is obliged to observe the law of the fringes. What does ‘All are obliged to observe the rules concerning the tefillin’ include? — That includes a minor who knows how to take care of the tefillin, for it was taught: If a minor knows how to take care of the tefillin,¹² his father buys tefillin for him. What does ‘All are obliged to appear’ include?¹³ — It is meant to include one who is half¹⁴ slave and half freedman. According, however, to Rabina, who holds that one who is half slave and half freed is free from the obligation to appear, [the word ‘All’] is meant to include one who was lame¹⁵ on the first day of the festival and became normal again on the second day. That would be right according to the view that all the days of the festival may make up for each other. But according to the view that they all are but making up for the first day, what will ‘All’ come to include?¹⁶ — It will include one blind in one of his eyes. This [answer] is not in accord with the following Tanna, for it was taught:¹⁷ Johanan b. Dahabai said in the name of R. Judah: One blind in one eye is free from the obligation to appear, for it is said:¹⁸ Yir’eh-yera’eh [he shall see — he shall appear] i.e., just as He is present to see [the comer], so shall He be seen, just as His sight is complete,¹⁹ so shall the sight of him who appears be intact.¹⁹ Or, if you like, say this: In truth it is meant to include one who is half slave and half freed man, and if the view of Rabina should appear as the difficulty, this is no difficulty either; the first view is in accord with the former Mishnah, the second with the later Mishnah. For we learnt:²⁰ One who is half slave and half freed man shall serve himself one day and his master the other — thus Beth Hillel. Said Beth Shammai to them: You took care of the interests of his master, but you have done nothing [thereby] on his behalf. For he is unable to marry either a female slave or free woman. Shall he do without marriage? But the world was created only for propagation of the species, as it is said: He created it not a waste. He formed it to be inhabited.²¹ Rather, for the sake of the social welfare we force his master to set him free, and the slave writes out a document of indebtedness covering the other half of his value. Beth Hillel retracted and taught as Beth Shammai.²² What does ‘All are obliged to sound the shofar’²³ mean to include? — That includes a minor who has reached the age of training, for we learnt: One does not prevent a minor from blowing the shofar on the festival.²⁴ ‘All are obliged to read the scroll’.²⁵ ‘All are fit to read the scroll’. What are these meant to include? —

(1) The word ‘his’ could exclude both the fellow-Jew and the idolater, since the Scriptural ‘his sacrifice’ logically excludes both.

(2) That a woman can effect a substitute in her offering.

(3) Lit., ‘if change he shall change’ the emphasis is inclusive.

(4) He does not ascribe to that word the implications attributed to it by the Sages. About the limits of such interpretation and the basic suggestions implied in disputes thereon v. D. Hoffman, Leviticus I, 9f.

(5) The Gemara proceeds now to a systematic examination of all cases in which the word ‘all’ is used. Unless it can be proved that in each case that word includes something normally excluded, the argument, or rather the first question posed on 2a will be invalidated.

(6) A child which (Suk. 28b) on awakening no more calls out ‘Mother!’ but attends to his needs, dresses himself, etc.

(7) Suk. 28a.

- (8) The palm-branch forming with citron, myrtle and willow, the cluster taken during the Feast of Tabernacles (v. Lev. XXIII, 40) is every day waved in every direction to symbolize the omnipresence of God.
- (9) The lulab is waved in the four main directions: south, north, west and east, and there are some details as to the position of the components of the cluster, which are known to the worshipper, so that he may follow the cantor's lead.
- (10) Suk. 42a.
- (11) The prayer shawl at the four corners of which the fringes are attached, and into which one wraps oneself, 'in order to remember the commandments of the Lord'. The wrapping must be performed in a special manner, v. M.K. 24a.
- (12) Commonly called phylacteries. The attachment, leather box and leather strap, each on left arm and forehead, containing the Shema' and other extracts from the Torah, originally worn all day, now only at the morning prayer.
- (13) Ex. XXIII, 17: Three times in the year all thy males shall appear before the Lord God. The Scriptural text is all-inclusive, hence the Mishnaic 'All' must deal with a case which, but for its redundant 'all', one would have excluded from the obligation to appear.
- (14) A full slave is free because 'before the Lord God' is interpreted to mean: only those who have but one Lord or Master, I.e., excluding the slave, who has a terrestrial master in addition to the Eternal Lord to serve. If owned by two masters, one of whom frees him, the slave becomes half freed, and stays half slave.
- (15) The word regel in Hebrew may mean either 'foot' or 'festival' (on the three festivals the men 'footed' it to Jerusalem). Hence the inference that only those who could foot it normally are obliged to appear on these three festivals, which excludes a lame man.
- (16) There are two views as to the statement of the Mishnah (Hag. 9a: One who has made no offering on the first day of the feast must make up, or has the opportunity to make up for it, throughout the other days of the festival), the first holding that each day has its own obligation; hence even if the worshipper was unfit on the first day of the festival, provided he is fit on the next, he is not exempt on the other days per se imposing the obligation, whilst the other considers only the first day imposing the obligation of an offering. Consequently, if he was disqualified on the first day, or free of that obligation, he would be exempt a complementary offering. The practical difference, in our case, would be this: One who on the first day of the festival had been lame, hence not obliged to offer the festal sacrifices, would be free according to the second view, but according to the first, would be obliged to make the offering on one of the subsequent days of the festival.
- (17) Hag. 2a.
- (18) The massoretic text y-r-'-h may be accentuated to read either yir'eh (he will see) or yera'eh (he will be seen). The first reading applied to the Lord, the second to the Israelite appearing before Him, would be thus interpreted: Just as the Lord sees him 'with two eyes' i.e., with undisturbed vision, so shall the worshipper be one appearing with 'both eyes intact, i.e., with undiminished sight. For an alternative rendering v. Hag., Sonc. ed., p. 3. n. 3.
- (19) Lit., 'with two eyes'.
- (20) Hag., Sonc. ed., p. 3. n. 6.
- (21) Isa. XLV, 18.
- (22) V. Hag. 2b.
- (23) The trumpet blown on the New Year, v. Lev. XXIII, 24.
- (24) R.H. 32b. The source quoted does not seem to fit the 'inference made, for the answer postulates evidence that a minor is obliged to sound the shofar, whereas the reference quoted refers to the fact that one does not prevent a minor from sounding the horn, which allows for the possibility of his being neither obliged nor forbidden to sound it. There is a lacuna in the text which Tosaf. s.v. **ihcfn iht** supplies, from R.H. 33a, where such obligation is definitely stated.
- (25) I.e., the Scroll of Esther read on the feast of Purim.

Talmud - Mas. Arachin 3a

They are meant to include women, in accord with the view of R. Joshua b. Levi; for R. Joshua b. Levi said: Women are obliged to read the scroll because they, too, had a part in that miracle.¹ What does 'All are obliged to arrange zimmun'² mean to include? — It means to include women and slaves, for it was taught: Women are under the obligation of zimmun amongst themselves, and slaves are under the obligation of zimmun amongst themselves.³ What does 'All may be joined to a zimmun' mean to include? — That includes a minor who knows to Whom one pronounces a blessing, for R. Nahman said: One may arrange a zimmun with a minor who knows to Whom one pronounces a blessing.⁴ What does 'All defile by reason of their flux' include? — That includes a child one day old, for it was taught: [It could have said,] When a man [hath an issue out of his flesh].⁵ Why does the text state 'any man'? That is to include a child one day old, [teaching] that he defiles by reason of his flux; this is the view of R. Judah. R. Ishmael the son of R. Johanan b. Beroka says: [This inference] is not necessary, for behold, Scripture reads: And of them that have an Issue, whether it be a male or a female,⁶ i.e., once he is 'a male', however minor or major, once she is 'a female', whether minor or major.⁷ If so, why does the Torah use [the redundant phrase] 'any man'? The Torah speaks in the language of man.⁸ What does 'All are susceptible to be defiled by someone defiled through contact with a corpse'⁹ include? — That includes a minor. For one might have assumed that since Scripture reads: But the man that shall be unclean, and shall not purify himself,¹⁰ that means only [to] a man [does this law apply] but not to a minor, therefore it is said: And upon the souls [persons] that were there.¹¹ What then did 'man' come to exclude?¹² — It is meant to exclude a minor from the penalty of excision.¹³ What does 'All contract uncleanness by leprosy' include?—That includes a minor. For one would have taught: [Scripture reads:] A leprous man,¹⁴ that means only a man but not a minor, therefore we are taught [that a minor, too, is defiled when leprous]. But say perhaps: Thus, indeed?¹⁵ — [The text reads:] When adam [a man] shall have in the skin of his flesh,¹⁶ i.e., as long as it is [an adam].¹⁷ Then why the word 'man'? — This is in accord with what was taught: '[A leprous] man', thence I derive only the law as referring to a man, whence am I to infer it for woman? When it says: And the leper,¹⁸ that includes two. Why then does the text state, [A leprous] man'? That refers to [the matter referred to] later,¹⁹ [viz.,] only a [leprous] man lets the hair of his head go loose and rends his clothes, but a [leprous] woman does not let the hair of her head go loose, nor does she rend her clothes. What does 'All may inspect the signs of leprosy', 'All are fit to inspect the signs of leprosy' include?²⁰ — That includes one who is not familiar with them and their names. But did not a Master say that one unfamiliar with them and their names may not inspect leprous signs?²¹ Rabina said: This is no difficulty: One case speaks of one who understands them when they are explained, the other of one who, even when they are explained, does not understand them. What does 'All are fit to mix the ashes'²² include? According to R. Judah it includes a minor; In accord with the Sages it includes a woman, for we are taught: All are fit to mix the ashes except a deaf-mute, an imbecile or a minor. R. Judah considers a minor fit, but a woman and a hermaphrodite unfit. What does 'All are fit to sprinkle'²³ include? — That includes an uncircumcised²⁴ person In accord with the view of R. Eleazar; for R. Eleazar said: If an uncircumcised person sprinkled, his sprinkling is valid.

What does 'All are fit to slaughter ritually' include? — The first includes a Samaritan, the

second a non-conforming Israelite.²⁵ What does ‘All may compel to go up to the land of Israel’ include?²⁶ —

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- (1) v. Meg. 4a, Rashi and Tosaf. s.v. ; **ta** : Either they too were included, in Haman's decree of extinction, or their merit, too, brought about the miracle of the deliverance.
- (2) Ber. 45a: Three who ate together are under the obligation of zimmun, i.e. of saying grace together. Literally zimmun means appointing and may thus refer to the appointment to eat together, with the implied obligation to say grace together.
- (3) Ber. 45b.
- (4) Ber. 48a.
- (5) Lev. XV, 2.
- (6) Lev. XV, 33.
- (7) Nid. 32b.
- (8) The repetition of the word ‘man’ is redundant. ‘Ish ish’ means every man, any man.
- (9) The corpse itself is called: Abi Aboth ha-Tunah i.e., very first cause of defilement.
- (10) Num. XIX, 20.
- (11) Ibid. 18.
- (12) Since all persons can defile, why the exclusive ‘man’?
- (13) This passage refers to an unclean person entering the Sanctuary, the penalty for which offence is excision (by the hand of God). The word ‘man’ in the passage indicates that whereas any ‘soul’ (even a minor) can defile, only a man, i.e., an adult, incurs the penalty of death when in his unclean state he enters the Sanctuary.
- (14) Lev. XIII, 44.
- (15) That the laws of leprosy do not apply to a minor, in accord with the exclusive meaning of ‘man’?
- (16) Lev. XIII, 2.
- (17) ‘Adam’, a human being in the general sense of the term, includes minors. ‘Ish’ — ‘man’ should have been used if minors were to be excluded from the application of that law.
- (18) Lev. XIII, 45. The word ‘and the leper’ is superfluous. The preceding verse having referred to the leper, why then the repetition ‘and the leper, etc’? Evidently another leper, too, is concerned, i.e., a female leper.
- (19) In v. 45: And the leper in whom the plague is, his clothes shall be rent, and the hair of his head shall go loose, v. M.K. 15a.
- (20) These are two distinct teachings, giving the same ruling in different phraseology, the latter being a Mishnah in Neg. III, 1.
- (21) Shebu. 6a.
- (22) To mix (lit., ‘to sanctify’) the ashes of the red heifer with fresh water, v. Yoma 43a.
- (23) A person levitically unclean with the water of purification. Num. XIX, 1f.
- (24) If two sons of one family have died because of the circumcision, the third is not to be circumcised, because of the hazakah (presumption) that a like fate might befall him. Such an uncircumcised person, being legally justified in failure to have the rite performed upon himself, does not fall into the category of the unfit.
- (25) There are two statements to this effect: Hui. 2a and 15b, hence the questions calls for two inclusions.
- (26) Keth. 110b.

Talmud - Mas. Arachin 3b

That includes slaves.¹ But according to the one who teaches ‘slaves’ explicitly, what does it include? — That includes the case [when the husband moves] from a beautiful habitation [in the

Diaspora] into a bad one [in the land of Israel]. What does 'All may compel to go up to Jerusalem' include?² It includes the case [of moving] from a beautiful habitation into a bad one.

'All are obliged to observe the laws concerning the booth even priests, Levites and Israelites'. But that³ is self-evident, for if they are not obliged, who is obliged? — The statement is necessary for the priests, for I would have thought, since Scripture says: Ye shall dwell in booths,⁴ and a Master said: 'Ye shall dwell' [means] 'in the same manner as you occupy your habitation', just as in the dwelling husband and wife are living together, so shall husband and wife live together in the booth, and since the priests are prevented by the [Temple] service,⁵ one would have assumed they are free from the obligation to dwell in the booth; we are therefore taught that though they are free at the time of the service, outside the time of the service they are definitely obliged [to observe the laws of the booth]; just as is the case with travellers; for a Master has said: those who travel by day are free from the obligation of the booth by day and are bound to it at night. 'All are obliged to observe the law concerning the fringes, even priests, Levites and Israelites'. But that is self-evident? — It is necessary because of the priests, for I would have thought, since it is written: Thou shalt not wear a mingled stuff . . . thou shalt make thee twisted cords,⁶ that only such persons as are bound by the prohibition of mingled stuff in their garments are obliged to make the twisted cords, as since to them [the wearing of mingled] stuff has been permitted,⁷ one might have thought that they would not be obliged to make themselves fringes, therefore we are informed that although that prohibition does not apply at the time of their service, it does apply outside that time of service.⁸

'All are obliged to observe the commandment of the tefillin, even priests, Levites and Israelites'. But that is self-evident? — It is necessary because of the priests. For I might have assumed that since it says: And thou shalt bind them for a sign upon thy hands, and they shall be for frontlets between thine eyes,⁹ that only those to whom [the obligation to bind] upon the hand applies are bound to [bind upon] the head; but as to the priests [the obligation of the sign] upon the hand does not apply to them, as it is written: [And his linen garment, his linen breeches] shall he put upon his flesh,¹⁰ [which means] that nothing may intervene between them and his flesh,¹¹ one might say [the obligation of the sign upon] the head similarly does not apply to them, therefore we are informed that they are not indispensable one to another, as we learnt: The tefillin of the arm is not indispensable to the tefillin of the head, neither is the tefillin of the head indispensable to the tefillin of the arm.¹² But why shall it be different with the tefillin of the hand?¹³ [Evidently] because Scripture says: [And his linen garments] ... shall he put upon his flesh? But in connection with [the sign upon] the head it is similarly written: And thou shalt set the mitre upon his head?¹⁴ — It was taught: 'Between the plate and the mitre his hair was visible', at the place where he put his tefillin.¹⁵

'All are obliged to perform the commandment touching the horn, even priests, Levites and Israelites'. But that is self-evident? — For the sake of the priests is it necessary, for I might have assumed since it is written: It is a day of blowing the horn unto you,¹⁶ that only those who are obliged to sound the horn one day [a year] are obliged to do so on that day; the priests, however, since they are obliged to sound the horn throughout the year, as it is written: Ye shall blow with the trumpets over your burnt-offerings,¹⁷ one might have assumed to be free from that obligation. But these things are not similar. Here it is a case of the horn, there one of trumpets? — Still, the

information is necessary, for I might have assumed, since we learnt¹⁸ that the Jubilee year is like the New Year with regard to the sounding of the horn and the benedictions, that therefore only he to whom the laws of the Jubilee year apply is obliged to perform the laws touching the New Year, but he to whom the laws of the Jubilee year do not apply, need not perform the laws touching the New Year, and since priests are not affected by the laws governing the Jubilee year, as we learnt:¹⁹ priests and Levites may sell at any time

(1) A circumcised Canaanite slave, whom his master must not sell outside the Holy Land, if the slave desires to be imported to Palestine. The master must either take him to the Holy Land or emancipate him outside thereof. Tosaf. s.v. **hhu, tk**.

(2) I.e., the husband can compel the wife to go up to the land of Israel even under such conditions.

(3) Here starts a new type of question, really a sub-question of the first. In the first the problem was to discover the case to be included because of the inclusive 'all'; in the following cases the redundant 'priests, Levites and Israelites' is to be accounted for. The law was given to Israel. Israel is divided into the three groups, Priests, Levites and (common, not levitical) Israelites. Why then the repetition? The answer in each case will have to show that for some particular reason one of the three classes might have been excluded, but for the repeated clause, which expressly includes them.

(4) Lev. XXIII, 42.

(5) Priests must be levitically pure when performing the service, whilst the act of conjugality would render them levitically impure.

(6) Deut. XXII, 11 and 12 are read together, and according to the principle that the proximity of passages in Deut. justified legalistic inference (Ber. 10a), they are assumed here to be interdependent.

(7) The girdle of the priests was of mingled stuff, linen and wool, v. Yeb. 4b in explanation of Ex. XXXIX, 29.

(8) With the corollary that when not engaged in the service divine, they are subject to the rule of the twisted cords.

(9) Deut. VI, 8.

(10) Lev. VI, 3.

(11) Hence not the tefillin either since such binding would intervene between the priestly garment and the flesh.

(12) Men. 38a. The Mishnah means that the performance of the obligation of the sign upon head and arm respectively is not interdependent, i.e., failure to bind the sign upon the head does not render the binding upon the hand invalid, or superfluous. Although part of the same sign-symbolism, they represent two independent, individual acts.

(13) That priests are exempt from binding it on.

(14) Ex. XXIX, 6, so that the tefillin on the head would act as interposition between the head and the mitre.

(15) Hence the argument of the last note could not be made here, whilst the tefillin of the arm does interfere with the regulation that nothing shall intervene between the linen garment and the priest's flesh, the tefillin being placed upon the biceps of the left arm, tradition provides for a free space between plate (Ex. XXVIII, 36) and mitre, where the tefillin of the head had its legitimate place.

(16) Num. XXIX, 1.

(17) Ibid. X, 10.

(18) R.H. 26b. On the Day of Atonement of the Jubilee year the set of prayers obligatory on the average New Year are also mandatory, viz., Malkhiyoth, Zikhronoth and Shofroth.

(19) Infra 33b.

Talmud - Mas. Arachin 4a

and redeem at any time, one might say that they are not affected by the laws governing the New Year either, therefore we are informed that although they are unaffected by the law of release of landed property, the law concerning the release of debts and the emancipation of slaves binds them at any rate.¹

‘All are obliged to read the scroll, even priests, Levites and Israelites’. Is that not self-evident? — No, it is necessary [to state that] concerning the interruption of their [Temple] service, in accord with Rab Judah in the name of Rab; for Rab Judah in the name of Rab said: Both the priests in their [Temple] service, the Levites on their platform, the Israelites at their posts² interrupt their work and come to listen to the reading of the scroll.

‘All are obliged to arrange a zimmun even priests, Levites and Israelites’. Is not that self-evident? — No, it is necessary for the case in which the priests were eating consecrated foods. I might have thought since the Divine Law said: And they shall eat those things wherewith atonement hath been made,³ that this is an atonement, therefore we are informed: The Divine Law has said: Thou shalt eat and be satisfied,⁴ and this applies to them as well.

‘All may be joined for a zimmun, even priests, Levites and Israelites’. Is that not self-evident? — No, it is necessary for the case where the priests eat of terumah⁵ or of consecrated foods, whilst the non-priest eats of profane foods. I might have assumed that since the commoner, even though he desired to eat with the priest [of the latter's food], he could not do so, therefore he could not be joined to him [for the zimmun] either, so we are informed that granted that the non-priest may not eat together with the priest, the priest could surely eat together with the non-priest.⁶ ALL MAY EVALUATE, EVEN PRIESTS, LEVITES AND ISRAELITES. But that is self-evident? — Rabbah said: This is necessary in view of the opinion of Ben Bukri, for we learnt:⁷ R. Judah said: Ben Bukri testified at Jabneh that any priest who paid the shekel⁸ does not thereby commit a sin. R. Johanan b. Zakkai said to him: Not so! But a priest who does not pay the shekel commits a sin. The priests, however, Used to explain the following verse to their advantage: And every meal-offering of the priest shall be wholly made to smoke; it shall not be eaten.⁹ Now, [they argued] since the ‘Omer and the two loaves and the shewbread are ours, how could they be eaten? — But according to Ben Bukri, since they are not de jure obliged to bring it [pay the shekel], if one brings it he should be considered a sinner, for he brings profane things to the Temple Court?¹⁰ — [The assumption is that] they bring the shekel and hand it over to the community.¹⁰ Now I might have assumed that since Scripture reads: And all thy valuations shall be according to the shekel of the Sanctuary,¹¹ that only he to whom the obligation of the shekel applies is subject to the laws of valuation, but as to priests, since the obligation of the shekel does not apply to them, are not subject to the laws of valuation; therefore we are informed [that they are]. Said Abaye to him: But the words, ‘And all thy valuations’ serve to teach that ‘all thy valuations’ must each amount to no less than one sela’? Rather, said Abaye, [the inclusion of priests] is necessary [for this reason]: I might have assumed that since Scripture reads: And their redemption money — from a month old shalt thou redeem them — shall be according to thy valuation,¹² that only he to whom the law of redeeming [the first-born] applies, is subject to the laws of valuation, but as to priests, since they are not included in the law concerning redemption, therefore they are not subject to the law of valuations; therefore we are informed [that they are]. Said Raba to him: If so, since with regard to the ram of guilt-offering Scripture reads: And he

shall bring his forfeit unto the Lord, a ram without blemish out of the flock, according to thy valuation,¹³ let us also argue that only he to whom the law of valuation applies is liable to bring a ram of guilt-offerings but one of doubtful sex, or a hermaphrodite, who is not subject to the law of valuation, is free from the obligation to offer up a ram of guilt-offering? Rather, said Raba, or as some say, R. Ashi: [The inclusion of priests] is necessary, for I might have said, since Scripture reads: Then he shall be set before the priest, etc.,¹⁴ that [only an Israelite is set] before the priest, but not a priest before a fellow priest; therefore we are informed [that priests, too, are included in the law of valuation].

What does ALL ARE FIT TO BE MADE THE SUBJECT OF VALUATION include? — That includes one disfigured or afflicted with boils. Whence do we derive that? — For our Rabbis have taught: ‘According to thy valuation’, that includes a general valuation.¹⁵ Another interpretation: ‘According to thy valuation’, i.e., one pays only for the valuation of a whole person, but not for the valuation of his limbs. One might have assumed that they exclude [the valuation of] any thing on which life [the soul] depends, therefore the text states: ‘Persons’.¹⁶ ‘Persons’ [souls], but not a dead person. Thence I would exclude the dead, but not the dying, therefore the text states: Then he shall be set [before the priest], and the priest shall value him,¹⁷ [which means] only one who can be set [before the priest] can be evaluated but one who cannot be set before the priest cannot be evaluated either. Another interpretation: ‘Persons’ — thence I could infer only the case of one evaluating person; whence do I know the case of one evaluating a hundred persons? The text therefore states: ‘Persons’. Another interpretation: ‘Persons’

(1) The Jubilee year affects more than the sale of land, viz., also the manumission of slaves; the priests do not enjoy any privileged position, hence they are also included in Jubilee legislation, whence their obligation to blow the horn on New Year's day.

(2) V. Meg. 3b.

(3) Ex. XXIX, 33.

(4) Deut. VIII, 10. According to Sh. Mek.: ‘I would have thought that since it is written: Thou shalt eat and be satisfied, and bless, i.e., only when you eat for the purpose of appeasing your hunger is it obligatory for you to pronounce the blessing, but since priests (also) eat to obtain forgiveness, they would be free from that obligation, therefore we are informed etc.’.

(5) V. Glos.

(6) It need not be mutually possible to join in the meal, hence as long as priest and non-priest are able to partake of one meal together, the zimmun is obligatory, for even the priest is permitted to eat non-consecrated food.

(7) Shek I, 4.

(8) The sin, as explained infra, would lie in his bringing profane money into the sanctuary. The command of Ex. XXX, 13: This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary, yields several inferences. ‘Among them that are numbered’ excludes the tribe of Levi who were not numbered among the rest of the tribes. Hence the priest offering his shekel might be assumed to offend by introducing non-consecrated, i.e., profane, hence forbidden, money into the sanctuary. Nevertheless, Ben Bukri maintains he does not offend, because he may surrender it to the non-priestly community, which is obliged to offer the shekel, thus converting his own shekel into consecrated money. R. Johanan b. Zakkai, however, points out that there are indications in the text justifying a different interpretation. — Every one that passeth’ may refer to the whole people, including the Levites, who passed through the Red Sea.

(9) Lev. VI, 16. They argued: Since this verse prohibits the enjoyment of anything offered up by priests, our shekel,

the proceeds of which should be completely used for 'smoking' would render the 'omer and the shewbread, the costs of which were defrayed from the shekel payments, prohibited for any human use; whereas they are eaten by the priests in the sanctuary. Consequently, for any priest to pay the shekel would be sinful. But this argument is faulty for it is only the priest's own flour-offering which must be wholly burnt, in all other cases the majority of the givers, i.e., the non-priestly community, determine the character of the offering, which need therefore not be consumed wholly on the altar.

(10) V. n. 1.

(11) Lev. XXVII, 25.

(12) Num. XVIII, 16.

(13) Lev. V, 25. This inference would be absurd; none would suggest that the hermaphrodite be freed from this law.

(14) Lev. XXVII, 8.

(15) The normal form of the valuation is: The valuation of So-and-so or the valuation of myself be upon me, i.e., I undertake to pay. A general valuation is: I undertake to pay a valuation, without referring to any person thus to be valued.

(16) Lev. XXVII, 2: persons, souls. Without a leg, for example, one would still be a person, but not without the head. Hence the valuation, say, of a man's head or heart, is taken to be equal to the valuation of his whole person, whereas the valuation of a non-vital part of his body has no significance.

(17) Ibid. 8.

Talmud - Mas. Arachin 4b

, thence I could infer only the case of a man evaluating either man or woman. But whence do we know the case of a woman evaluating a man, or of a woman evaluating a woman? The text therefore states: 'Persons'. Another interpretation: 'Persons' — that means to include one disfigured or afflicted with boils. For I might have assumed: 'A vow . . . according to thy valuation' [meaning] whatsoever can have its worth vowed is subject to valuation, but whatsoever cannot have its worth vowed is not subject to valuation,¹ therefore Scripture states: 'Persons'. 'Then thy valuation shall be' — that includes the person of 'doubtful sex and the hermaphrodite among those who can have their worth vowed. For I might have assumed: Since [Scripture reads]: 'A vow according to thy valuation' that only such things as are subject to valuation can have their worth vowed; but whatsoever is not subject to valuation cannot have its worth vowed, therefore the text states: Then shall thy valuation be for the male,² [viz.,] only for the male but not for one of doubtful sex, or an hermaphrodite. One might have assumed that they may not be subject to the valuation of a man, but that they are subject to the valuation of a woman, therefore [the text reads]: Then thy valuation shall be for the male . . . and if it be a female — that means only one definitely male or female [is subject to valuation], but not one of doubtful sex or a hermaphrodite.

The Master taught: 'According to thy valuation': that includes a general valuation. What is a general valuation? — For it was taught: If someone says, I assume the obligation of a general valuation,³ then he gives according to the minimum amount possible in valuations. What is the minimum due in valuations? Three shekels. But say, perhaps, fifty shekels?⁴ — If you take hold of the larger [amount], you may lose your hold, but if you take hold of the lower, you will keep it!⁵ Then say, perhaps, one shekel? As it is written: And all thy valuations shall be according to the

shekel of the sanctuary?⁶ — That passage refers to the regard to one's means.⁷ What then is the purpose of the Scriptural passage?⁸ — R. Nahman, in the name of Rabbah b. Abbuha said: To tell us that in this case he is not adjudged according to his means.⁹ What is the reason? — Because it is as if he had made an express statement [of the minimum]. Others say: R. Nahman in the name of Rabbah b. Abbuha said, He is adjudged according to his means. But that is self-evident? — I might have assumed that [a general valuation] is considered like an express statement, therefore we are informed [that it is regarded like a poor man's vow]. 'Another interpretation: "According to thy valuation", i.e., he pays only in case of the dedication of a whole person, but not for the valuation of his limbs'. But you have used this text to infer the rule concerning a general valuation? — Read: [Since instead of] 'valuation', it says, 'according to thy valuation'.¹⁰

'One might have assumed that this excludes anything on which life [the soul] depends, therefore the text states: "Persons" [souls] viz., souls but not the dead person'. But you have used that word for another purpose. Read: [Since instead of] 'person' [it says] persons'.¹¹

'Thence I would exclude the dead but not the dying, therefore the text states: "He shall be set [before the priest] and [the priest] shall value him"'. But, if so, you might exclude the dead also through inference from: 'He shall be set . . . and the priest shall value him'? — In truth so. Wherefore then [the exposition] of 'person', 'persons'? As we shall explain later on.¹²

'Another interpretation: "Persons", thence I could infer the case of one evaluating one person; whence do I know the case of one evaluating a hundred? The text therefore states: "Persons". Another interpretation: "Persons", thence I could infer only the case of a man evaluating either ma_n or woman. But whence do I know the case of a woman evaluating a man, or of a woman evaluating a woman? The text therefore states: "Persons". Another interpretation: "Persons", that means one disfigured or afflicted with boils'. But you have used the word for these [other teachings]?¹³ — No Scriptural text is necessary for these, because the balance [between them] is even, hence all may be inferred therefrom.¹⁴ The passage is necessary only for [the inclusion of] one disfigured or afflicted with boils. "'Then thy valuation shall be", that includes one of doubtful sex and an hermaphrodite among those who can have their worth vowed'. But why is a Scriptural passage necessary for [including these in the rule of those whose] worth [can be vowed]? Let them be no worse than the worth of a palm tree! If he said: The worth of a palm tree [do I oblige myself to pay], would he not have to pay it? — Said Rabbah:¹⁵ It means to say that he [his worth] be assessed according to the importance [of his limb].¹⁶ I would have thought that since it is written: 'A vow according to thy valuation', that whatsoever is affected by the law of evaluation is assessed according to the importance [of the limb] ' but that whosoever is not affected by the laws of evaluation is not assessed according to the importance [of the limb, hence the Scriptural indication]. Said Abaye to him: Is indeed one to whom the laws of valuation do not apply assessed according to the importance [of the limb]? Was it not taught: [If someone said], The head of this slave shall be consecrated to the sanctuary, then he and the sanctuary share it in partnership.¹⁷ If he said: The head of this slave be sold to you, they assess its value between them.¹⁸ [If he said], The head of this ass is consecrated, he and the sanctuary share it in partnership; [if he said], The head of this ass is sold to you, they assess it between them. [If he said], The head of this cow is sold to you, he has sold no more than her head. And not only that but even if he said: The head of this cow Is consecrated to the sanctuary, the sanctuary has no

more than her head. And R. Papa said: [The reason why there is no partnership in the case of a cow is] because the head of an ox is sold¹⁹ in the butcher's shop. Now ass and cow are not affected by the law of valuations, and yet are not assessed according to the importance [of the limb]? But according to your own position, what of the case of a slave to whom the law of valuation does apply, and yet he is not assessed according to the importance [of the limb]?²⁰ Rather: There is no difficulty. This latter [Baraita] refers to things dedicated to the altar, the former to things dedicated to the Repair of the House.²¹ How did you explain [the latter Baraita]? As referring to things dedicated to the altar? But look at the second part: And not only that, but even if he said: The head of this cow is consecrated to the sanctuary, the sanctuary owns no more than her head. Why that? Let the sacred character spread so as to include the whole animal?²² Has it not been taught:

(1) V. supra p. 16 n. 4.

(2) Ibid. 3.

(3) The suggestion is that the lowest possible amount is involved, namely three shekels, for a female from one month to five years of age.

(4) But why give him the benefit of the doubt? Why not impose, with even justification, the maximum?

(5) A proverb, v. Hag. 17a.

(6) If, however, we consider it safer to impose the minimum amount, because that is definitely included in any general valuation, whereas the maximum may be fought as against the intention of the man who dedicated, then why not impose the minimum possible in connection with valuations, one shekel, v. 25.

(7) That verse refers to a poor person, having made a vow of valuation, in which case the payment of his vow is regulated in accord with the valuator's means, never less than a shekel. But that does not affect the case of one who made a vague general evaluation, who, therefore, must pay the minimum of a valuation, viz., three shekels.

(8) What is the significance then of 'According to thy valuation'? Since it is simple inference that a general valuation implies the minimum of three shekels, below which no valuation can go, the text seems meaningless.

(9) In the case of a general valuation the payment is fixed at three shekels, even if it is beyond the means of him who made the vow.

(10) The word without any suffix would have sufficed. The redundancy of the suffix implies additional information. Hence a double inference such as made here is quite legitimate.

(11) Cf. n. 1. *mutatis mutandis*.

(12) I.e., to include one disfigured or afflicted with boils.

(13) That one may evaluate a hundred persons, and that a woman too may evaluate.

(14) The word 'nefesh' (person, soul) allows with even logic a number of inferences: any person, male or female, may dedicate or he dedicated; person as well as persons may be dedicated; anything that is vital (to person, or soul) may be dedicated, even if it be but part of a person. Anyone of these inferences are therefore 'balanced', evenly justified and neither could one be inferred exclusively as more logical than the other. But the inclusion of one disfigured or afflicted with boils, which would have seemed incongruous because such persons cannot have their worth vowed, needed some textual justification or at least intimation, and that is provided by the plural 'persons', which includes even persons disfigured etc.

(15) So Sh. Mek. Cur. edd. Raba.

(16) So R. Gershom; e.g., if a person's head or heart or any other vital organ were vowed, such vow, because of the vital need to that person of the respective organ, would be considered as equal to a vow of the whole person's worth, thereupon due to the Temple Treasury.

(17) Sc. its worth, which then is divided between them.

(18) V. infra.

(19) In the case of slave and donkey the head could not be (cut off and) sold, whence the vow implies part ownership. This shows that objects to which the law of valuation does not apply, are nevertheless not considered as having been vowed in their totality when a vital organ has been vowed, which contradicts the thesis, above, of Rabbah.

(20) The same question applies to Abaye's position inasmuch as from the same Baraitha it appears that even a slave, who is affected by the law of valuation, is not assumed to have been vowed in his totality, even though one of his vital organs has been vowed.

(21) Only with regard to dedications, the money of which flows to the repair fund, do we go by vow of vital organs, therefore also a hermaphrodite whose worth had been vowed to the repair fund, would be considered totally vowed, as long as a vital organ had been vowed; but such a regulation does not apply to objects dedicated to the altar.

(22) Since the whole animal could be offered up as a sacrifice.

Talmud - Mas. Arachin 5a

If one said: 'The leg of this [animal] shall be a burnt-offering', one might have assumed that the whole animal thereby becomes a burnt-offering, therefore the text states: All that any man giveth thereof unto the Lord shall be holy,¹ i.e., only [that] 'thereof' [which he giveth] shall be holy, but not the whole thereof shall be holy. One might have assumed that the whole becomes profane,² therefore the text states: '[It] shall be', i.e., It retains its present character. How then? It is sold for the purchase of burnt-offerings and the money realized, with the exception³ of the [value of the] limb dedicated, shall be profane; this is the view of R. Meir. R. Judah, R. Jose and R. Simeon say: Whence do we know that if a man said: The leg of this animal shall be a burnt-offering, that the whole animal is a burnt-offering, therefore the text states: 'All that any man giveth thereof unto the Lord shall be holy': that means to include the whole. Now even according to the view that thereby the whole animal does not become consecrated, that applies only to [the vow of] an organ upon which life does not depend, but whenever a limb is vowed upon which the life [of the animal] depends, the whole [animal] becomes consecrated?⁴ — This is no difficulty. One speaks of the vow of the animal itself,⁵ the other of the vow of its equivalent in money. But it 'was the Master himself⁶ who said that if someone consecrates a male [animal] in its money equivalent, that [animal] becomes consecrated in itself!⁷ — That is no difficulty: one case⁸ speaks of his having dedicated the whole, the other of his dedicating one member of the body.⁹ But even concerning [the dedication of] one member it is a matter of doubt, for Rabbah asked: If a man had dedicated one member in its money value, how then? — The question was asked about a perfect animal, whereas here we are dealing with a blemished one, similar to the donkey¹⁰ [discussed above]. But the case of [the dedication of] a blemished one is also doubtful, for Rabbah asked: If someone says the money value of my head¹¹ is [dedicated] to the altar, what then? — The question was asked before he heard this teaching,¹² but now that he has heard this teaching, it is no more doubtful to him.

[To turn to] the main text: Rabbah asked, [If a man said,] The money value of my head be for the altar, shall he be valued according to the importance [of this], or shall he not be so valued? [Do we say that] it never happens that a vow regarding [a person's] worth be not assessed according to the importance [of the limb] or, [on the other hand, do we say] it never happens with regard to a consecration for the altar that [the consecration] is determined by the importance [of

the limb)?¹³ — The question remains [unanswered].

Raba asked: [If someone said:] The valuation of myself I undertake to pay for the altar, is he adjudged according to his means, or not? [Do we say,] It is never found in connection with valuation that one is not adjudged according to one's means; or, [on the other hand] it never happens with regard to any vow to the altar that¹⁴ one be adjudged according to his means? — The question remains [unanswered].

R. Ashi asked: If a man dedicated a field of possession¹⁵ for the altar, what then? Do we say it never occurs that a field of possession can be redeemed except on the basis of fifty shekels for each [part of the field sufficient for] the sowing of a homer of barley, or [perhaps, we say] it does not happen with regard to any [gift for] the altar that it be redeemed otherwise than in accord with its actual value?¹⁶ — The question remains [unanswered]. MISHNAH. A PERSON LESS THAN ONE MONTH OLD MAY HAVE HIS WORTH VOWED¹⁷ BUT NOT HIS VALUATION.

GEMARA. Our Rabbis taught: If one evaluates a person less than one month old, R. Meir says, He gives his worth [its market value], but the Sages say, 'He has said nothing'. Wherein are they of divided opinion? — R. Meir says: No man utters his words in vain,¹⁸ and knowing that a person less than one month old cannot be made the subject of a valuation [and having spoken] he makes up his mind to vow his worth. The Sages, however, hold that a man may utter his words in vain. According to whose view [of the disputants] will be what R. Giddal said in the name of Rab, who said. if one said: the valuation of this vessel¹⁹ is upon me, he shall pay its worth! — That is in accord with R. Meir. But this is self-evident? — You might have said: It could be in accord with the view of the Rabbis [Sages]. For in the other case one could have erred in thinking that just as a child of one month has valuation thus also one less than one month old; but in this case where there is nothing to err about, for a man surely knows that a vessel has no valuation, and therefore he had intended his statement to mean to vow the vessel's worth, therefore we are informed [that even here the Sages do not so hold].

(1) Lev. XXVII, 9.

(2) The whole animal, apart from the dedicated limb, is profane without further ado.

(3) Both groups base their interpretation on the same Scriptural verse, emphasis deciding the issue. R. Meir stresses the words 'that any man giveth thereof' in a private sense, to exclude such portions as were not included in his gift. The other Rabbis interpret: 'All that any man giveth thereof' to mean that all animals whereof any part is given become fully consecrated.

(4) Tem. 11b places the dispute between R. Meir and the Sages only in the case of a non-vital organ and thus the question arises: why in the case of the head does the sanctuary not own more than the head?

(5) The consecration of one organ is suggested as spreading over the whole animal, when that organ itself has been consecrated, but where only the money value of such an organ has been vowed there, that organ itself remains a detached entity, not connected in its consecration with the rest of the body, hence not affecting it as to consecration.

(6) Rabbah, who gave the last answer.

(7) Tem. 11b.

(8) Rabbah's ruling in Tem.

(9) In the case where he consecrated the head only for its value obviously the consecration is limited to the

monetary value of the member consecrated.

(10) Both a blemished animal of a class admitted to the altar, or an animal, though unblemished, but of a class unfit for sacrifices, are in one category.

(11) Shall the vowing of his head be considered, because of the vital importance of the head, as equal to the vowing of his whole worth or not? Now a man is in the same category as an unblemished animal as far as the altar is concerned.

(12) Cited supra. If one consecrates the head of an ass.

(13) I.e., that by consecrating the value of one vital organ the worth of the animal is consecrated to the altar.

(14) Text corrected in accordance with Sh. Mek. cur. ed.: That it can be redeemed except for its value.

(15) V. Lev. XXVII, 16ff.

(16) If someone consecrated that field for the fund from which burnt-offerings were provided, how could he redeem his pledge? Do we abide by the general rule in such cases of a vow for Temple repairs, or do we consider the special circumstance governing vows for the altar?

(17) Because, no matter how young, it would fetch its price in a market; but as to valuation a definite minimum age is stated.

(18) R. Meir holds that no man utters any statement uselessly; he might, however, talk loosely, use terms applicable to a case somewhat different from the one involved. Thus the terminology of dedication might well be used by someone who has in his mind a vow. 'Or, as Tosaf. s.v. **ost** has it: A man, indifferent to the exact terminology, or ignorant of it, would intend to have his utterance serve whatever purpose the Rabbis attributed to the words he used.

(19) 'Valuation' was fixed only for human beings, hence vessels cannot be evaluated, thus an illustration of the former problem is offered here.

Talmud - Mas. Arachin 5b

But why was it necessary [for Rab] to state [this ruling] on the view of R. Meir? — One might have thought the reason for R. Meir in that case was that he decreed [the obligation to pay] in the case of a child less than one month old out of consideration¹ for one which was one month old, but that in the case here,² where no such decree is warranted, one might [assume that R. Meir would] not [rule thus], therefore we are informed that R. Meir's reason is that no man utters his words at random, so that the same rule applies in both cases.

According to whose view will be the teaching of Rabbah b. Jose³ in the name of Rab [according to others R. Yeba b. Jose in the name of Rab]: If one consecrates [to the sanctuary] his neighbour's animal, he shall pay its worth.⁴ According to whom? According to R. Meir. But Rab has already said that once before, for R. Giddal in the name of Rab said: If one said, 'The valuation of a vessel be upon me, he shall pay its worth'. — You might have said: In the one case he knew that a vessel has no valuation whereupon he made up his statement with the intention for its worth, but in the case of an animal, which is normally fit to be consecrated, one might say that this is what he meant: If I report it to its owner he will sell it [to me], therefore let it be consecrated as from now already, and I shall offer it up [after having purchased it], but that he did not mean its worth,⁵ therefore he informs us [that this is not so].⁶ R. Ashi⁷ said: This applies only where he said: I undertake the responsibility [for an animal], but not if he said: I assume the obligation [to consecrate] this [animal].⁸ MISHNAH. AN IDOL-WORSHIPPER ACCORDING TO R. MEIR CAN BE MADE THE SUBJECT OF A VALUATION BUT CANNOT

EVALUATE, WHEREAS ACCORDING TO R. JUDAH HE MAY EVALUATE BUT CANNOT BE MADE THE SUBJECT OF A VALUATION. BOTH AGREE, HOWEVER, THAT HE CAN BOTH VOW ANOTHER'S WORTH AND HAVE HIS WORTH VOWED BY OTHERS.

GEMARA. Our Rabbis taught: The children of Israel⁹ may evaluate, but idol-worshippers may not evaluate. One might have assumed that they cannot be made the subject of a valuation either, therefore the text states: Man,¹⁰ these are the words of R. Meir. Said R. Meir: Now that one Scriptural verse includes and the other excludes, whence am I [justified in] saying: He may be made the subject of a valuation, but may not evaluate himself?¹¹ It is because Scripture has included more among those subject to valuation than among those fit to evaluate; for a deaf-mute, an imbecile and a minor each may be made the subject of a valuation, but is not fit to evaluate. R. Judah said: The children of Israel may be made the subject of a valuation, but idol-worshippers are not fit to be made the subject of a valuation. One might have assumed that they [the latter] are not fit to evaluate either, therefore the text states: 'Man'. Said R. Judah: Since one verse includes and the other excludes, whence do I come to make the statement that idol-worshippers are fit to evaluate and are not subject to valuation? Because Scripture has included more among those fit to evaluate than among those subject to valuation. For one of doubtful sex and a hermaphrodite are fit to evaluate, but are not subject to valuation. Said Raba: The decision of R. Meir appeals to logic, but not the reason; the reason of R. Judah is logical, but not his decision. The decision of R. Meir appeals to logic as it is written: Ye have nothing to do with us to build a house unto our God.¹² His reason does not appeal, for he argues from the case of a deaf-mute, an imbecile or a minor; but it is different with them since they have no intelligence. The reason of R. Judah is logical, for he deduces it from the case of one of doubtful sex and a hermaphrodite, which, although endowed with intelligence, are yet excluded by the Divine Law [from evaluation]. His decision, however, does not appeal, as it is written: 'Ye have nothing to do with us to build a house unto our God'. How, indeed, does R. Judah deal with 'Ye have nothing to do with us'? — R. Hisda said in the name of Abimi: His valuation [money] must be hidden.¹³ But then one should not be guilty of sacrilege in connection with them, for it was taught: Concerning the five kinds of sin-offerings which must be left to die, and all moneys that must be cast into the Dead Sea, one must not derive any benefit from them, nor is one guilty of sacrilege [if one has used them].¹⁴ Why then was it taught with regard to the consecration of idol-worshippers: These things apply only to things consecrated for the altar, but things consecrated for Temple repairs are subject to the law of sacrilege?¹⁵ — Rather, said Raba: It¹⁶ was due to the 'weakening of the hands', as it is written: Then the people of the land weakened the hands of the people of Judah and harried them while they were building.¹⁷

(1) I.e. , to safeguard the payment fixed in the Bible.

(2) Referring to a vessel.

(3) So Sh. Mek. cur. edd. Joseph.

(4) Since none can consecrate an object not belonging to himself, the suggestion is that he meant to offer the money value of the object in question, such offering, of course, being independent of his owning the animal.

(5) If his hope was to obtain the animal and to consecrate it (and not its money value), then his utterance was quite in vain and no obligation results: The money value he had not vowed, the animal itself did not belong to him, wherefore he incurred no obligation whatsoever.

- (6) That, according to R. Meir he must have known that the animal itself cannot be consecrated, and therefore must have had in mind the payment of its market value, which is now obligatory.
- (7) Sh. Mek.: Mar b. R. Ashi.
- (8) If a man said: My neighbour's animal do I consecrate, only then does an obligation arise to pay its money value, but if he said 'This animal' shall I provide for the altar,' he obviously has said nothing. For he could undertake to make himself responsible for the money value of an animal, but he could surely not oblige himself to dedicate the animal that does not belong to him. In the latter case his words are for practical purposes meaningless. He has said nothing.
- (9) Thus does the chapter on dedications commence: Speak unto the children of Israel, and say unto them (Lev. XXVII, 2), the inference being obvious.
- (10) Ibid.
- (11) What is the justification for declaring the idol-worshipper fit for one rather than for the other? The text has both inclusive and exclusive indications. 'The children of Israel' excludes, while 'man' includes.
- (12) Ezra IV, 3.
- (13) R. Judah's view that idol-worshippers are fit to evaluate does not imply that such money is to be used — that is excluded by Ezra IV, 3, — but it does mean that it acquires sacredness, so as to be forbidden for profane use; and since it is also not fit for sacred use, it must be hidden or destroyed.
- (14) V. Me'ilah 3a.
- (15) Since they are to be destroyed they ought not, according to the cited Baraitha from Me'ilah be subject to the law of sacrilege.
- (16) The refusal to accept the idol-worshippers' gifts in the days of Ezra.
- (17) Ezra IV, 4.

Talmud - Mas. Arachin 6a

One [Baraitha] taught: If an idol-worshipper offers a freewill- gift towards Temple repairs 'one accepts it from him, whilst another [Baraitha] taught: One does not accept it from him. Said R. Ela in the name of R. Johanan: This is no difficulty: The first applies to the beginning,¹ the latter to the end.² For R. Assi said in the name of R. Johanan: In the beginning one should not accept from them even salt or water, whereas at the end one may not accept a thing that can be easily identified,³ but something that cannot easily be identified one may accept. What is a 'thing that can be easily identified'? — R. Joseph said: Like the cubit [of metal] keeping off the raven.⁴

R. Joseph raised an objection: And a letter unto Asaph the keeper of the king's park [that he may give me timber to make beams, etc.]⁵ — Abaye said: It is different with the government because it will not retract. For Samuel has said: If the government said, I will uproot a mountain, it will uproot the mountain and not retract!

Rab Judah said in the name of Rab: If an idol-worshipper separated the terumah⁶ from his pile [of produce], then we examine him. If he said:⁷ I have separated it with the same intention as an Israelite, it is to be handed to the priests but if not, it must be hidden, because we consider the possibility of his having in his heart intended it for the Lord.⁸ An objection was raised [against that]: If an idol-worshipper had dedicated a beam to the Sanctuary upon which the Name [of God] is inscribed, he is to be examined. If he said: I have separated it with the same intention as an Israelite, then one should cut off [the part containing the Name of God] and use the rest. But if

[he does] not [offer this explanation], it must be hidden away, because we fear his heart [intention] may have been [to dedicate it] to the Lord. The reason then [for this decision] is because the Name [of God] is inscribed thereon, and only therefore does it require to be hidden away, but if the Name [of God] were not inscribed thereupon, then indeed, it would not have to be hidden away!⁹ — [No!] Even if the Name [of God] were not inscribed thereupon it would likewise have to be hidden away, and it is exactly this that we are told, that although the Name [of God] is thereon inscribed, he need but cut off that portion and use the rest For the Name of God not in its proper place is not considered sacred.¹⁰ For it was taught: If it [the Name of God] was written upon the handles of a vessel, or upon the props of a bed, behold, it shall be cut off and hidden.¹¹

R. Nahman said in the name of R. Abbuha: If one says, This sela' is dedicated to charity, he is permitted to exchange it. Now it was assumed that this is permitted only for himself, but not for anybody else;¹² but it was stated that R. Ammi said in the name of R. Johanan that it is permitted both for oneself and for someone else. R. Ze'ira said: We have learnt that only where he said: [I take] upon myself [generally], but if he said: [I take] upon myself to [give] this, then he is obliged to give this [sela']. Whereupon Raba demurred: On the contrary! The opposite is logical. If he said: Behold this [sela' I take upon myself to pay], then he may use it for himself, so that he may be responsible for it, but when he said: [I take] upon myself [a sela'], he should not [be permitted to exchange it]? But the fact is it makes no difference.¹³ It was taught in accord with Raba: Vows are [like] charity, but consecrations [to the sanctuary] are not like charity. What does that mean? Neither vows nor dedications are charity. Is it not rather this that is meant: Charity [is like vows] in respect of the prohibition 'Thou shalt not delay it',¹⁴ but is not like a consecration [to the sanctuary] because anything so consecrated one must not use, whereas [money dedicated to] charity one may [meantime] use for oneself! R. Kahana said: I reported this teaching before R. Zebid of Nehardea whereupon he said: This is how you stated it;¹⁵ we, however, state it thus: R. Nahman in the name of R. Abbuha based on Rab said: If one said, This sela' is [dedicated to] charity, he may exchange it both for himself, or for someone else independent of whether he had said: [I take it] upon myself [in general], or [I take it upon myself to pay] this [sela'].

Our Rabbis taught: [If one said:] This sela' shall be for charity, then before it has reached the hand of the [charity] treasurer, it is permitted to exchange it, but after it has come into the treasurer's hand, it is forbidden to exchange it.

(1) At the beginning of the building the intention of the idol-worshippers may not be a good one, their gift being made to give them entry into the building programmed which they plan to interfere with or delay. But according to the law they may be accepted for Temple repairs, hence the ruling of R. Judah.

(2) When the building is completed.

(3) Which might cause the heathen to point Boastfully to their contribution, or to its importance for the Temple.

(4) An arrangement of iron points on the roof of the Temple designed to keep ravens away. V. M.K. 9a.

(5) Neh. II, 8. From this passage it is evident that gifts were accepted from (Cyrus) an idolator, and that happened at the beginning of the building.

(6) V. Glos.

(7) One may not accept a gift for the sanctuary from a heathen. Hence, if he says: I want the terumah to go where the Jew's terumah goes, one may accept it from him and give it to the priest, who is permitted to receive it. Rashi:

The reference is to the present day when there is no sanctuary, and when consequently things dedicated to the sanctuary must be hidden away, v. Bek. 53a.

(8) But a gift 'Unto the Lord', i.e., for the sanctuary must not be accepted from, him, and must be hidden.

(9) This contradicts the earlier teaching!

(10) There attaches no holiness whatsoever to the name inscribed on the wrong kind of place or material, the right kind would be parchment, or paper, everything else is not normally fit to have the name inscribed thereon.

(11) Shab. 61b.

(12) I.e., to use this coin for his own purpose, to refund it to the Sanctuary afterwards. But it would be wrong for him to lend it to his neighbour, for it may be argued reasonably that he meant to use it meantime for himself, whilst conscious of his obligation to pay it later into the Temple treasury. But he surely did not, in his intention to use it, include any benefit to his neighbour such as a loan to him of this sum.

(13) One might argue with even force: If he said, I take upon myself to pay this sela' into the Temple treasury, then it thereby has become its property, and by using it one has incurred the obligation, not only moral but legal, of restoring that property; whereas in the case of a general vow (I accept it upon myself to give a sela') a different argument is to be made. At any rate, since both claims have support, we recognize no practical difference between the one form and the other.

(14) Deut. XXIII, 22.

(15) I.e., you reported R. Nahman's statement in general terms, relying on R. Ammi and Raba to explain its implications.

Talmud - Mas. Arachin 6b

But it is not so, for R. Jannai borrowed and paid it [afterwards]?¹ — It is different with R. Jannai, for what he did was acceptable to the poor, for the more he delayed the more did he succeed in collecting and bringing in to them.

Our Rabbis taught: If an Israelite dedicated a candlestick or a lamp to the synagogue, he is not permitted to exchange it. R. Hiyya had thought that was to say [it may not be changed] either for a secular or a religious purpose. Whereupon R. Ammi said to him: This is what R. Johanan said: We have learnt [of the prohibition] only in connection with a secular purpose, but for a religious purpose it is permitted to exchange [the object dedicated] — For R. Assi said in the name of R. Johanan: If an idol-worshipper had dedicated a candlestick or a lamp to the synagogue, then, before the name of its owner has become forgotten, it is forbidden to exchange it; after the name of the owner has been forgotten, it is permitted to change it. Now to what purpose is it to be changed? Shall I say for secular use? — Then why speak of an idol-worshipper's gift, the same applies to that of an Israelite? Hence you must say for a religious use, and nevertheless the reason [why it may not be changed is]² because an idol-worshipper would create a row about it, but in the case of an Israelite who would not create a row about it, it would be proper [to change it].³

Sha'azrek, an Arab, made a gift of a lamp to the synagogue of Rab Judah. Rehaba changed it [‘s use] and Raba took it amiss. (Some say: Raba changed it and Rehaba took it amiss. Others say: The sextons of pumbeditha changed it and both Rehaba and Raba rebuked them for it.) He who changed it held: It would⁴ be a rare occurrence, whereas he who rebuked held: It may happen that he comes.⁵

MISHNAH. ONE AT THE POINT OF DEATH OR ABOUT TO BE PUT TO DEATH CANNOT HAVE HIS WORTH VOWED, NOR BE SUBJECT TO VALUATION. R. HANINA B. AKABIA SAID: HE IS FIT TO BE MADE THE SUBJECT OF A VALUATION BECAUSE HIS PRICE IS FIXED. R. JOSE SAID: HE MAY VOW ANOTHER'S WORTH, EVALUATE, AND CONSECRATE [TO THE SANCTUARY], AND IF HE CAUSED DAMAGE, HE IS OBLIGED TO MAKE RESTITUTION.

GEMARA. It is quite right that one at the point of death cannot have his worth vowed, because he has no money [value]; nor can he be made the subject of a valuation because he is not fit to be set and valued.⁶ But as regards one about to be put to death, whilst it is true that he cannot have his worth vowed since he has no money [value], why should he be unfit to be made the subject of a valuation?⁷ — Because it was taught: Whence do we know that if one about to be put to death says: The valuation of myself is upon me,⁸ he has said nothing? The text states: No devoted thing . . . shall be redeemed.⁹ One might have assumed that this holds good even before the proceedings [of his case] are finished, therefore the text states: Of man,¹⁰ i.e.,but not [as long as he is] a whole man. But what will R. Hanina b. Akabya who holds him fit to be made the subject of a valuation 'because his price is fixed', do with 'No devoted thing, etc.'? — He needs this in accord with what was taught: R. Ishmael the son of R. Johanan b. Beroka said: Since we find that those to be put to death by the hand of heaven can offer a monetary expiation and thereby obtain atonement, as it is said: If there be laid on him a ransom,¹¹ I might have thought the same applied to those who are to be put to death by the hand of man, therefore we are taught: 'No devoted thing shall be redeemed'. From here I may derive teaching only for severer penalties of death, for which even when committed in error no atonement is possible.¹² But whence do I know that it applies also to lesser penalties of death,for which at least when committed in error atonement is possible? The text therefore states: 'Any devoted thing, etc.'

R. JOSE SAYS: HE MAY VOW ANOTHER'S WORTH, EVALUATE. But did the first Tanna say that he may? Rather, there is no dispute whatsoever that he may vow another's worth, evaluate and consecrate, the dispute touches only the case of his having caused damage,¹³ the first Tanna holding that if he had caused damage he is not obliged to make compensation, whereas R. Jose holds he is obliged to make compensation when he has caused damage. What principle are they disputing? — R. Joseph said: They are disputing whether an oral¹⁴ debt can be collected from the heirs, the first Tanna holding an oral debt cannot be collected from the heirs, whereas R. Jose considers it can be collected. Raba¹⁵ said: All agree that an oral debt cannot be collected from the heirs, what they are here disputing is the [nature of a] debt arising from the law of the Torah, the first Tanna holding that a debt arising from the law of the Torah is not to be considered equal to one acknowledged in a document [of indebtedness], whilst R. Jose considers it like one acknowledged in a document [of indebtedness]. There are some who refer it¹⁶ to the following matter: If one¹⁷ about to be executed wounded others, he is obliged to make reparation, but if others have wounded him, they are free [from reparation].¹⁸ R. Simeon b. Eleazar said: Even if he has wounded someone he is free, because he may not be placed before the Court of Law again.¹⁹

(1) He was a commissioner of charity, yet he used to borrow funds to use them for his own purposes!

(2) Before the name of its owner is forgotten.

(3) This proves that R. Johanan holds that it may be changed even for a secular purpose.

- (4) That the donor would notice such a change, and protest.
- (5) It is not impossible that the donor, who travelled much, might come to the city and see the change and protest therefore their rebuke.
- (6) C. supra p. 16 n. 4.
- (7) Surely the amount of valuation is fixed.
- (8) Var. lec.: and somebody says, The valuation of him is upon me, v. Keth. 37b.
- (9) Lev. XXVII, 28. I.e., all condemned persons are not redeemable.
- (10) Once a man is sentenced to death he is no more a whole man, hence the partitive 'of man'; v. Keth. 37b. But before such a sentence has actually been pronounced, he is still a whole man to whom the text, 'of man' (i.e., part of man, in the ad hoc meaning) does not apply.
- (11) Ex. XXI, 30. As is evident from Sanh. 15b, in the case of the goring ox, the owner incurs death through the decree of heaven for his negligence, and in such a case the evil decree may be averted by a monetary compensation or expiation. The word 'devoted' is interpreted as devoted by human beings, hence 'devoted to death' by human beings. Such interpretation removed the possibility of any devoted thing being saved from execution by compensation-payment, for, No devoted thing shall be redeemed (from death by payment).
- (12) The crime of blasphemy even if committed in error cannot be remedied as is done with other unintentionally committed crimes, by sin-offering or (in the case of involuntary manslaughter) by exile.
- (13) Since he has a mind, he obviously is fit to do things which one possessed of mentality is fit to do. This obligation would, of course, descend upon his heirs, hence the principle involved.
- (14) An obligation arising from the law of the Torah has the character of an orally admitted debt. Hence, even if no definite decision had been made by the court on the question of his damage, a delay in his execution would be considered unnecessary, hence prohibited. Nevertheless the debt arising from the law of the Torah is considered an oral debt.
- (15) Var. lec.: Rabbah.
- (16) The statements of R. Joseph and Raba.
- (17) Tos. B.K. 9.
- (18) He is obliged to make reparation because until his moment of death he is presumed to have a mind, hence is responsible. But since he is about to be executed, his body as such is no more in its integrity, hence one who wounds him should be free from any obligation to make compensation payment. All these refer to someone about to be executed by the laws of Israel, i.e., after careful investigation and examination. One, however, sentenced to death by the heathen tyrants or other malefactors, might perhaps be ransomed, freed by persuasion or payment, hence his physical integrity may yet be said to be unimpaired.
- (19) The examination of the claim against him would consume some time. This would involve a delay in his execution, which is forbidden, v. Sanh. 89a.

Talmud - Mas. Arachin 7a

From this it would appear that the first Tanna holds that he may be placed before the Court of Law again! Said R. Joseph: They are disputing whether an oral debt can be collected from the heirs, the first Tanna holding an oral debt may be collected from the heirs, whilst R. Simeon b. Eleazar holds it cannot be collected. Rabbah said: All agree that an oral debt cannot be collected from the heirs, they are disputing here whether an obligation arising from the law of the Torah may be considered as one written in a document of indebtedness, the first Tanna holding it is to be regarded like one acknowledged in a document of indebtedness, whilst R. Simeon b. Eleazar holds it is not to be regarded like one acknowledged in a document of indebtedness.

An objection was raised:¹ If one dug a pit in a public thoroughfare, and an ox fell upon him and killed him, [the owner of the latter] is free, and even more, if the ox should die, then the heirs of the owner of the pit must repay its money value to the owner of the ox! Said R. Ela in the name of Rab: [This speaks of the case] where he stood before the Court of Law.² But the text reads: 'And killed him'! — Said R. Adda b. Ahabah: It means he hurt him fatally. But did not R. Nahman say that R. Hagga read: Killed and buried him!³ But the law is [that the heirs are liable] where the judges were sitting at the opening of the pit. Our Rabbis taught: If one is about to be executed one sprinkles⁴ for him the blood of the sin-offering or the blood of the guilt-offering. But if he sinned at that time,⁵ one is no more obliged to attend to him.⁶ What is the reason? — R. Joseph said: We must not put off his execution. Said Abaye: If so, then concerning the first part, too?⁷ — That refers to the case that his sacrifice by that hour was killed already. But if it had not been slaughtered before that hour, what then [would be the law]? presumably it would not be so! Then instead of having the text read, 'If he sinned at that time they do not attend to him', let the distinction be made with reference to [the sacrifice itself]: These things apply only when his sacrifice by that hour had been slaughtered already, but if his sacrifice had not been slaughtered by that hour, one does not [sprinkle of his blood upon him]? — This indeed is what he said: These things apply only if by that hour his sacrifice had been slaughtered already, but if his sacrifice had not been slaughtered yet, then his case is like that of one who sinned at that hour, and to whom therefore one need not attend in this matter.

MISHNAH. IF A WOMAN IS ABOUT TO BE EXECUTED, ONE DOES NOT WAIT FOR HER UNTIL SHE GIVES BIRTH:⁸ BUT IF SHE HAD ALREADY SAT ON THE BIRTHSTOOL,⁹ ONE WAITS FOR HER UNTIL SHE GIVES BIRTH. IF A WOMAN HAS BEEN PUT TO DEATH ONE MAY USE HER HAIR; IF AN ANIMAL HAS BEEN PUT TO DEATH IT IS FORBIDDEN TO MAKE ANY USE OF IT.¹⁰

GEMARA. But that is self-evident, for it is her body!¹¹ — It is necessary to teach it, for one might have assumed since Scripture says: According as the woman's husband shall lay upon him,¹² that it [the unborn child] is the husband's property, of which he should not be deprived, therefore we are informed [that it is not so]. But perhaps [the former point of view] may indeed [be the law]? — Said R. Abbuha in the name of R. Johanan: Scripture says: They shall die, also both of them,¹³ that includes the child. But this [verse] is required for the inference that they must both be of equal condition,¹⁴ as R. Joseph teaches? — We infer it from 'also'.¹⁵

BUT IF SHE HAD ALREADY SAT ON THE BIRTHSTOOL: What is the reason? — As soon as it moves [from its place in the womb] it is another body. Rab Judah said in the name of Samuel: If a woman is about to be executed one strikes her against her womb so that the child may die first, to avoid her being disgraced.¹⁶ That means to say that [otherwise] she dies first? But we have an established [assumption] principle that the child dies first, for we learnt: A child one day old inherits and bequeaths;¹⁷ and R. Shesheth said [in explanation]: He inherits the mother's property to bequeath it to his brothers from his father. Now this [as is clearly indicated] applies only to a child 'one day old', but not to an embryo, because it would die first and no son already in the grave can inherit from his mother to bequeath to his paternal brothers?¹⁸ — This applies only to [her natural] death, because the child's life is very frail, the 'drop' [of poison] from the

angel of death enters and destroys its vital organs,¹⁹ but in the case of death by execution she dies first. But there was a case in which [the child] moved three times? — Mar son of R. Ashi said: That is analogous to the tail of a lizard which moves [after being cut off].²⁰

R. Nahman said in the name of Samuel: If a woman who has been sitting on a birthstool died on a Sabbath, one may bring a knife and cut her womb open to take out the child. But that is self-evident? What is he doing?

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- (1) From here it is evident that an obligation arising out of the law of the Torah is considered like one acknowledged in a document of indebtedness, and since the principle is there definitely established as legitimate, it is wrong to assume that what is a recognized Tannaitic principle, since it is reported in an anonymous, i.e., accepted form, is opposed by the majority view in our Mishnah on Raba's explanation.
 - (2) Before he died the court had decided that he must pay the fine, such decision being equal to a debt acknowledged by himself in writing.
 - (3) The ox killed and buried the man, by his fall upon him, in the pit. According to this reading the owner of the pit could not have been adjudged before the court. I.e., the court was held at the pit, with the fatally wounded man adjudged guilty before his actual death, the obligation arising having the character of a debt acknowledged in writing.
 - (4) I.e., for his sake, to obtain for him forgiveness for another sin committed in error, for which this sacrifice had been offered up.
 - (5) E.g., he ate some forbidden fat in error whilst on his way to be executed.
 - (6) He is about to be executed and any ceremony on his behalf would have to take place before he actually dies, and thus may cause the prohibited delay in his execution.
 - (7) One would have to wait here with the killing of the animal and the sprinkling, and thus delay his execution.
 - (8) If she were found to be pregnant.
 - (9) I.e., if her pains of parturition had begun already. Rashi holds this to apply to a woman whose pains had started before sentence was pronounced; accord ing to Tosaf, even if the pains had begun only after the sentence. For the child is considered as of one body with the mother only as long as it still is in its normal place. But as soon as it has started to move, it is another body and thus unaffected by the mother's state.
 - (10) In the case of an animal sentenced by the court to be destroyed (as e.g., an ox which gored a man to death) the prohibition to use its corpse in any manner comes into force as soon as sentence is pronounced, in the case of a human being only with the execution proper.
 - (11) The embryo is part of her body, having no identity of its own and dependent for its life upon the body of the woman.
 - (12) Ex. XXI, 22 refers to the indemnity to be paid to the husband for a premature child.
 - (13) So literally. E.V. 'They shall both of them die'. Deut. XXII, 22. The redundant 'both of them' is used for another situation.
 - (14) That they must both be of age so that both are punishable; if one is a minor, no death penalty for this adultery is inflicted.
 - (15) Which is redundant, and from which the law here concerning the embryo is derived.
 - (16) If the child, having escaped death, came forth after her execution, it would cause bleeding and thus expose the executed mother to be disgraced.
 - (17) If on that one day of its life it should inherit some property, by dying on the same day the child would cause its paternal brothers to inherit it. V. B.B. 142a; Nid. 44a.
 - (18) Hence, when the mother dies after the child, her property does not s ow to the child, which is legally assumed

to be in the grave; he is therefore unable to inherit his mother's property and much less to bequeath it to his paternal brothers. This proves that the child is assumed to die before the mother as otherwise the case above could also deal with an unborn child, whilst the Mishnah limits it to the child born and one day old.

(19) The phrase here is borrowed from the death of an animal, which is achieved in accordance with the laws of Shechitah by the cutting of the windpipe and the gullet, the two organs to be cut in accordance with the ritual law.

(20) Although no more alive; similarly such moving on the part of the child is no sign of its life.

Talmud - Mas. Arachin 7b

Only cutting flesh?¹ — Rabbah said: It is necessary [to permit the] fetching of the knife by way of a public thoroughfare.² But what is he informing us? That in case of doubt one may desecrate the Sabbath! Surely we have learnt already: If debris falls down upon one and there is doubt whether he is there or not, or whether he is alive or dead, whether he is a Canaanite or an Israelite, one may remove the debris from above him!³ You might have said: There [permission was given] because [the person in question] had at least presumption of having been alive, but here where it [the embryo] did not have such original presumption of life, one might say no [desecration of the Sabbath shall be permitted], therefore we are informed [that it is].

IF A WOMAN HAS BEEN PUT TO DEATH etc. But why? These things are forbidden for any use? — Rab said: [This refers to the case] where she had said: Give my hair to my daughter. But if she had [similarly] said: Give my hand to my daughter, would we have given it to her? — Rab said: It refers to a wig.⁴ Now the reason [for the permission] is that she had said: 'Give [it]', but if she had not said: 'Give [it]', it would have been as part of her body and forbidden [for any use]. But this matter was questioned by R. Jose b. Hanina, for R. Jose b. Hanina asked: What about the hair of righteous women, and Raba had remarked: His question refers to [their] wig?⁵ — The question of R. Jose b. Hanina referred to the case of [such wig] its hanging on a peg; but here the wig is attached to her [head], therefore the reason [it is permitted] is because she said: 'Give [it]', but if she had not said 'Give [it]', it would be as her body and forbidden.

This appeared difficult to R. Nahman b. Isaac for it is placed in juxtaposition to the [law concerning an] animal, hence just as there [the hair] is part of the body, here too it should be part of the body?⁶ — Rather, said R. Nahman: In the one case [the woman's] it is the actual death which renders the body prohibited for any use,⁷ whereas in the other case [the animal's], the close of the legal proceedings [the pronouncement of the death sentence] renders it prohibited for any use. Levi taught in accord with Rab and he also taught in accord with R. Nahman b. Isaac.⁸ He taught in accord with Rab: If a woman went forth to be executed and she said: 'Give my hair to my daughter', one would give it to her; but if she died [before making such a demand] one would not give it, because the dead must not be used for any purpose. But that is self-evident? — [Say] rather the ornaments of the dead are prohibited for any use.⁹ It was taught in accord with R. Nahman b. Isaac: If a woman died, her hair is permitted for use. If an animal was put to death, it is forbidden for any use. And what is the difference between the one and the other? In the one case it is only the actual death which renders the body prohibited for any use, and in the other case the pronouncement of the death sentence in itself renders it prohibited for any use.

CHAPTER II

MISHNAH. THERE IS NO VALUATION LESS THAN ONE SELA' NOR MORE THAN FIFTY. HOW IS THAT? IF ONE PAID A SELA'¹⁰ AND BECAME RICH, HE NEED NOT GIVE ANY [MORE]. BUT IF HE GAVE LESS THAN A SELA' AND BECAME RICH, HE MUST PAY FIFTY SELA'S.¹¹ IF HE HAD FIVE SELA'S IN HIS POSSESSION,¹² R. MEIR SAYS, THEN HE NEED NOT GIVE MORE THAN ONE, WHEREAS THE SAGES SAY HE MUST GIVE THEM ALL. FOR THERE IS NO VALUATION OF LESS THAN ONE SELA NOR MORE THAN FIFTY SELA'S.

GEMARA. THERE IS NO VALUATION LESS THAN ONE SELA. Whence do we know that? — For Scripture said: And all thy valuations shall be according to the shekel of the sanctuary,¹³ i.e., all valuations which you evaluate shall be of no less than a shekel. Nor more than fifty sela's, as it is written: Fifty.¹⁴

IF HE HAD FIVE SELA'S IN HIS POSSESSION, etc. What is the reason of R. Meir? — Scripture says: 'Fifty', and it is also written: 'Shekel', i.e., either fifty or one shekel. And the Rabbis? That means that all valuations which you evaluate shall be of no less than one shekel.¹⁵ But where he has [more], there applies the Scriptural verse: According to the means of him that vowed,¹⁶ and here he has means. And R. Meir?¹⁷ — That indicates that the possessions of him who evaluates rather than of him who is evaluated are to be considered. And the Rabbis? — Does this not incidentally prove that where he has possessions, take from him as much as he can pay?

R. Adda b. Ahabah said: If a man had five sela's in his possession and said: My own valuation be upon me [to pay], and he repeats: My own valuation be upon me, and then he paid four sela's on account for the second valuation and one sela' for the first, then he has fulfilled his duty to both. What is the reason? — Because:¹⁸ A creditor, later in order of time, who has collected before [an earlier one] retains what he has collected. [Likewise] here when he paid for the second [valuation] he was in debt for the first,¹⁹ and when he paid for the first he had no more.

(1) Only the cutting of a living person constitutes desecration of the Sabbath, the cutting of meat is unavoidable in eating.

(2) The bringing of any portable property from private territory into a public thoroughfare or vice versa constitutes transgression of the law of the Sabbath as Biblically stated.

(3) V. Yoma 83a.

(4) That wig, tied to her hair, might have been considered part of her body and therefore forbidden for any use, hence also inadmissible as a gift to her daughter. But since she left instruction of such gift, she evidently did not consider the wig part of her body, and guided by her view we do not consider it such either, hence the gift is valid.

(5) According to Deut. XIII, 13ff the inhabitants of a city condemned for idolatrous practices to which they had been led astray were to be destroyed with all their property. Righteous persons, however, lost only their property but not their life. The theoretical question touched the wig of righteous women of such a city: Was it to be considered part of their body and thus will it escape destruction, or is it to be regarded as detachable from the head and as general property does it fall under the ban? At any rate what is a matter of doubt there could not possibly be taken here as settled law!

(6) How then could he interpret our Mishnah as referring to the woman's wig, which is not part of the body?

(7) The reference is indeed to her natural hair, but since hair never lived it is not affected by death, which renders

forbidden all such parts of the body which had their vitality cut off by death (Rashi).

(8) Levi had an ancient Baraitha the view of which accorded with Rab and another with R. Nahman b. Isaac.

(9) The reference must hence be to a wig.

(10) A Biblical shekel. According to Lev. XXVII, 8 a special reduction was made in the case of the poor, but any such reduced estimate may not fall below a sela'.

(11) One twenty years of age and of male sex whose normal valuation is fifty sela's, happens to be poor when paying the poor man's exceptional one sela' for any valuation. That sela', being the legal minimum for a poor man, therefore has paid his debt, and freed him from any obligation, even if afterwards he became rich. But if, whilst poor, he had paid less than a sela', he has not paid the minimum, his obligation to pay his valuation still rests upon him, and on becoming rich he must therefore pay the complete sum due, under the circumstances of payment which for a man not poor, amounts to fifty sela's.

(12) And his prescribed valuation was, say, fifty.

(13) Ibid. XXVII, 25.

(14) Ibid. 3.

(15) Indicating only a minimum beyond which the sum may be increased to the maximum of fifty. There are no rigorous restrictions between these two sums, adjustments being made in accordance with the possessions of the respective dedicant.

(16) Lev. XXVII, 8.

(17) How will he explain this latter verse?

(18) B.K. 34a.

(19) To the extent of the whole five sela's on the view of the Sages in our Mishnah, so that as far as the second valuation is concerned he had no five sela's to pay and hence discharged his obligation by paying the four sela's.

Talmud - Mas. Arachin 8a

But if he paid four for the first [valuation] and one for the second, then he has fulfilled his obligation regarding the second one, but he has failed to discharge his obligation touching the first, as all [his sela's] were subject to the payment for the first.¹

R. Adda b. Ahabah asked: If he had five sela's and said in one utterance, Two of my valuations be upon me [to pay], how then? [Shall I say]. Since he said it in one utterance the obligations arise simultaneously so that he would have to pay two and a half for the one valuation and two and a half for the other, or is the whole sum due for each of them? — The question remains [unanswered].

THERE IS NO VALUATION LESS THAN ONE SELA' NOR MORE etc. Why is this re-statement necessary? — This is what we are told: There is none less than one sela', but there are some above one sela'; there is none above fifty sela's, but there are some below fifty sela's, and it [the teaching] is stated anonymously² in accord with the Rabbis.

MISHNAH. IF A WOMAN GOES ASTRAY³ IN HER RECKONING THERE IS NO RE-OPENING FOR HER [OF THE NIDDAH COUNT] EARLIER THAN SEVEN, NOR LATER THAN AFTER SEVENTEEN DAYS.

GEMARA. Our Rabbis taught: If a woman astray in her reckoning said: 'I saw uncleanness for

one day' then her re-count begins after seventeen days;⁴ [if she says.] 'I saw uncleanness for two days', her re-count commences after seventeen days;⁵ [if she says,] 'I saw uncleanness for three days', her re-count commences after seventeen days.⁶ [If she says,] 'I saw uncleanness for four days', her re-count commences after sixteen days;⁷ [if she says,] 'I saw uncleanness for five days', her re-count commences after fifteen days.⁸ [If she says,] 'I saw uncleanness for six days', her re-count commences after fourteen days; [if she says,] 'I saw uncleanness for seven days', her re-count commences after thirteen days; [if she says,] 'I saw uncleanness for eight days', her re-count commences after twelve days; [if she says,] 'I saw uncleanness for nine days', her re-count commences after eleven days; [if she says,] 'I saw uncleanness for ten days', her re-count commences after ten days;⁹ [if she says,] 'I saw uncleanness for eleven days', her re-count commences after nine days; [if she says,] 'I saw uncleanness for twelve days',¹⁰ her re-count commences after eight days;

(1) The decision being in accord with the Sages, all his sela's were affected by the first valuation. The practical difference lies in the fact that since now he is considered as still obliged to make payment for the first valuation, he would have to pay full fifty sela's if at any later time he became rich.

(2) Whenever one Mishnah reports conflicting opinions in the name of the disputants, and another a decision in this case anonymously, the latter is regarded as authoritative.

(3) Lev. XV deals with the regulations touching the woman's issue (of blood), and distinguishes between an issue 'in time of her impurity' and one 'not in' or 'beyond' the time of her impurity. The flow 'in the time of her impurity' is called dam niddah — the blood of her menstruation; the flow beyond or outside the time of her impurity is called dam zibah — the blood of one having an issue. According to the law of the Torah a woman who menstruates for the first time becomes unclean as niddah for seven days, the day on which she menstruated included. She remains in this state of uncleanness for seven days, independent of whether she has had that issue of blood for the first day only or on any other of the seven days. Even if she should suffer such issue for seven days continuously, as long as it has stopped before sunset on the seventh day, she takes the ritual bath that night and becomes clean thereby. These seven days are her niddah days. The eleven days following are called 'the days of her having an issue', yeme zibah, any issue of blood during which is considered 'not in' or 'beyond the time of her impurity'; this period starts at the end of the seven days of her normal impurity, quite independent of her having taken the bath prescribed or not. Any issue of blood on one of these eleven days renders the woman a zabah ketannah, one having a minor issue, and by taking the ritual bath on the day following the issue, she becomes clean if no new issue appeared on the day of the bath. The same law applies if on any other of the eleven days issue should have appeared. But if such issue appeared on three consecutive days, the woman's considered zabah gedolah, one having a major issue, and she does not regain her ritual cleanness until seven days free from any issue following the last of the three days, have passed. On the seventh day she takes the ritual bath of purification, and on the eighth day she offers two turtle-doves as her sacrifice of purification. If during these eleven days there had been no issue of blood, or only a 'minor issue' then any day from the twelfth on, on which she should have an issue, is the commencement of her niddah days, yeme niddah. If, however, she had become during the eleven days zabah ge dolah, one having a major issue, then she does not become a niddah again until there have been seven days after the last day of the flow during which there was no issue whatsoever. Any issue of blood appearing before such seven days have passed is considered part of the days of zibah. Even after the days of her niddah have started she of course becomes a niddah only when and if she has an issue, yeme niddah signifying no more than that she becomes a niddah in case of any issue, as against her being a zibah during the other period. After she has become a niddah again she remains in this state for seven days. to be followed again by the days of zibah. A woman thus can become a zabah only in the eleven days following her yeme niddah; or, if during these eleven days she had three

days' consecutive flow, she remains a zabah until she had had seven days of freedom from any flow. After that period she becomes a niddah again, with the first flow. And similarly a woman can become niddah again only after the passing of the eleven days of zibah, or, if during these days she had become a zabah gedolah, one having a large issue, she can become a niddah only after seven days have gone after the last day of the flow during which no further flow was experienced. Upon the day on which the woman becomes niddah again, depends the count of the rest of these days of her niddah state as well as the count of the days of her zibah. Therefore the day on which she becomes niddah is considered the 'entrance', the 'gate', the 're-opening'. The Mishnah refers to a woman 'astray in her reckoning', i.e., one who after purification has experienced a flow of blood, and does not remember whether she was passing through the days of niddah or those of her zibah. She is unable to emerge from this state of uncertainty to a new safe reckoning until after the end of the present flow she experiences a new one, as to which she is definitely sure that it was her period of niddah. This certainty cannot be obtained earlier than after seven days, nor later than after seventeen days, during which she experiences no flow of blood at all.

(4) If the flow of blood had lasted for only one day, followed by seventeen days free from any flow, then any new flow signifies the commencement of her days of niddah. For the day on which she had the flow concerning which she was astray fell either into her period of zibah or into that of niddah. If that day was one, or even the first one, of her days of zibah then the days of her niddah would have commenced no later than on the tenth day after the flow; and her flow on the eighteenth day renders her a niddah. If, however, the day on which she had that flow, concerning which she was astray, should have been one of her yeme niddah, then having become niddah on that day (after her bath of purification which terminated her uncleanness) she remains in the state of niddah for six more days, becomes a zabah for the eleven days following, to enter her period of niddah thereupon, eleven days later, which is on the eighteenth day or any day following it.

(5) Similarly, if she had seen blood for two days, then the flow of blood again after seventeen days of cleanness is there-commencement of her days of niddah. If these two days were days of zibah then the days of niddah would commence no later than nine days after the flow, Or, if the two days of the flow were in the period of niddah then that period of niddah was over in five days, the following period of zibah terminated after eleven days, or the new period of niddah would re-commence after only sixteen days. But it is also possible that the first of the two days was the last day of the zibah period and the second the first of the niddah period, in which case six more days would be necessary to terminate her niddah period, to be followed by eleven days for her zibah period, so that seventeen days must pass before she can definitely be said to have become a niddah again.

(6) If all the three days were part of the zibah period, then the niddah period would commence no later than eight days after that, the assumption throughout being that there was no flow whatsoever during these seventeen days. If all of the three days fell into the niddah period, then the new period of niddah would commence after fifteen days, i.e., after the last four days of the niddah period, and the following eleven of the zibah period. But since it is also possible that the first two of the three days of the flow were the last days of the zibah period, and that consequently the niddah period would commence only with the third, six more days of the niddah period followed by eleven days of the zibah period must pass before the woman can re-commence her new niddah period, hence again the necessity of seventeen clean days before she can definitely re-commence her reckoning.

(7) If all the four days were either yeme niddah or yeme zibah, the new re-commencement could have started before seventeen days. If they were yeme zibah, the new period of niddah would start after seven days. If the days of the flow fell in the niddah period, the new reckoning could start after fourteen days, viz., the remaining three days of the niddah period and the eleven of the zibah period. In this case one cannot posit the possibility of the first three days of the four days' flow having been the last days of the zibah period, followed by the fourth day as the first of the new niddah period, for, as explained above, the niddah period does not follow upon a three-day flow in the zibah period, before seven completely free days have passed. But it is possible that the first two of the four-day flow were the last days of the zibah period, whereupon only the third day signified the commencement of the zibah

period, so that five more days of the niddah and eleven days of the zibah period are required before her re-commencement of her new niddah period may be definitely assumed.

(8) V. next note.

(9) The same consideration, that the first two days may be the last days of her zibah period, necessitates, in the case of the five-day flow, the counting of at least fifteen days, the remaining four of the niddah plus the complete eleven of the zibah periods, in the case of the six-days flow, the counting of the remaining four days of the niddah plus the eleven of the zibah period; of three remaining niddah plus eleven zibah days in the case of a seven-day flow; of two niddah and eleven zibah days in the case of an eight-day flow, and of one remaining day of niddah and eleven days of zibah in the case of a nine-day flow. So that the number of the days necessary moves from seventeen to twelve, on the above considerations. In the case of a ten-day flow, then, even on the assumption that the first two days had belonged to the zibah period, the zibah period recommenced after the seven days of niddah, i.e., on the tenth day, whence only the remaining ten days of zibah need pass before the woman becomes niddah again.

(10) In the case of eleven days, on the same basis, two days of the new zibah period have passed after the intervening days of niddah, so that only the remaining nine days of zibah must be counted before the woman re-enters her niddah period; in the case of a twelve-day flow there are only eight; in the case of a thirteen-day flow only seven days of the zibah period before the new niddah period re-commences. Never earlier than before the passing of seven days, because that is the period necessary for a zibah to become a niddah again, never later than after seventeen days, so that the Mishnaic law becomes evident as indicating the minimum and the maximum necessary for a woman astray in her reckoning before she can definitely reach the 'gate' of her safe reckoning, i.e., the re-commencement of her niddah period.

Talmud - Mas. Arachin 8b

[if she says,] 'I saw uncleanness for thirteen days', then her re-count commences after seven days; for the re-opening [of the Niddah count] does not come before seven nor later than after seventeen days. R. Adda b. Ahabah said to Rabbah: Why all this [reckoning]? Let her count seven days and be permitted [to have intercourse]! — He answered: [We are meaning] to set her right concerning her menstruation and its re-commencement.¹

Our Rabbis taught: All women who are astray in their reckoning are zaboth² and must offer a sacrifice which must not be eaten,³ with the exception of those whose [niddah] re-count started after the seventh or after the eighth day.⁴ who must offer a sacrifice which is to be eaten. But are women astray in their reckoning zaboth? Furthermore, must a woman who has had an issue one day, or two days, at all offer up a sacrifice? — Rather read, Zaboth who are astray in their reckoning⁵ must offer a sacrifice which is not to be eaten, with the exception of the woman whose [niddah] re-count starts after seven or after eight days, who must offer up a sacrifice that is to be eaten.

MISHNAH. NO SIGNS OF LEPROSY ARE SHUT⁶ UP LESS THAN ONE WEEK AND NONE MORE THAN TWO WEEKS.

GEMARA. NO LESS THAN ONE WEEK refers to human leprosy. NONE MORE THAN THREE WEEKS refers to leprosy of houses. R. Papa said: Thy righteousness is like the mighty mountains,⁷ refers to human leprosy. Thy judgments are like the great deep,⁷ refers to the leprosy of houses. What is the simple meaning of the Scriptural verse? — Were it not for Thy

righteousness [as great] as the mighty mountains, who could stand before Thy judgments [as profound] as the great deep! Rabbah said: 'Thy righteousness is like the mighty mountains', because 'Thy judgments are like the great deep'. Wherein are they conflicting? — In the dispute of R. Eleazar and R. Jose b. Hanina, for it was reported that R. Eleazar says: He suppresses;⁸ R. Jose b. Hanina says: He forgives;⁹ Rabbah agrees with the view of R. Eleazar, whilst Rab Judah concurs with that of R. Jose b. Hanina.

MISHNAH. THERE ARE NEVER LESS THAN FOUR FULL MONTHS IN THE YEAR, NOR DID IT SEEM RIGHT TO HAVE MORE THAN EIGHT.¹⁰ THE TWO LOAVES¹¹ WERE CONSUMED NEVER EARLIER THAN THE SECOND, NOR LATER THAN THE THIRD DAY. THE SHEWBREAD¹² WAS CONSUMED NEVER EARLIER THAN THE NINTH NOR LATER THAN THE ELEVENTH DAY. AN INFANT MAY NEVER BE CIRCUMCISED EARLIER THAN THE EIGHTH NOR LATER THAN THE TWELFTH DAY.¹³

GEMARA. What does DID NOT SEEM RIGHT TO HAVE MORE THAN EIGHT mean? — R. Huna said: It did not appear right to the Sages to make more than eight months full. Wherefore is the difference with regard to nine, that they would not [make full]? Because if they did not [stop at eight]

(1) R. Adda meant that this counting of the days has as its sole purpose the permission of renewed sexual congress, whereas our purpose was to enable her to re-establish a definite rule of her counting. For, if e.g., she does not know whether she is in the period of niddah or zibah, she would be confused as to how soon she becomes clean again. as niddah only four more days would be required for her to become clean after a three-day flow, whereas if she were a zibah seven days would be necessary before she becomes a niddah again; or, after one-day's flow, as niddah she would have to wait six more days for the bath of purification, whereas in the case of a minor zibah, such a bath may be taken on the next day.

(2) Plur. of zabah, v. Glos.

(3) This is explained as referring to women astray as to their reckoning who may be suspected of being zaboth. As such they must offer the sacrifices, prescribed for a zabah gedolah, a pair of turtle-doves of which one is a sin-offering, the other a burnt-offering. The burnt-offering is consumed on the altar, but the sin-offering as a rule is partly eaten by the priests. The form of killing, melikah (pinching of the bird's neck with the fingernail) is legitimate only with the required bird sin-offering. Since the woman in the above cases is only suspected of being a 'zabah', her sin-offering is not definitely required. In this doubtful case the sin-offering had to be brought to satisfy the possibility of the woman having been a zabah; but it must not be eaten, because there is reasonable doubt, hence the sacrifice may be legally profane and having been killed in a manner prohibited for profane food, is unfit to be eaten by anybody.

(4) In which the woman must have been a zabah. Having had a twelve-day flow of blood, she must have been zabah. For even on the assumption that the first two days were the last days of a zibah, the woman became zibah again on the second count, for the ten days left, seven had belonged to the niddah and the other three to the new zibah, and of course, if the first days came at the beginning of niddah, or three of them were the end of zibah, the woman would definitely be a zibah. In all other cases, however, the woman is only doubtfully a zabah, for just as one could say that three of the days were in the zibah period, making her a zibah proper (zabah gedolah), so could one say that the last two days of the flow came from the zibah period, without making her a zabah gedolah, so that within the days concerned she could not become a zibah again.

(5) I.e., only those who, having had a three-day flow and being thus under the definite suspicion of zibah, whilst astray in their reckoning.

(6) Rashi reads: There is no cleanliness obtainable in the case of leprosy. etc. Lev. XIII distinguishes between leprosy which the priest at his first inspection may be able to declare as either clean or unclean, and doubtful cases. In case of doubt (ibid., 4) the priests must shut up the suspected leper for at least one week, in the case of leprosy of a house, which has remained unchanged after the first week, and has either remained unchanged or has spread at the end of the second week, the priest must shut up the house for another, the third week. V. Neg. XIII, 1.

(7) Ps. XXXVI, 7. The word zedakah (righteousness) has also the meaning of 'mercy'. It is a mark of divine mercy in prescribing one week's shutting in for man.

(8) Or, presses down the balance of merits; v. next note.

(9) Or, raises the scale of impurity. According to R. Eleazar: The Lord in His mercy ignores man's sins, so that his good deeds may save him when before the throne of God in judgment. According to R. Jose b. Hanina: The Lord forgiving, wipes the sins off completely, or, in the case of the man's repentance, changes his very sins into virtues. (V. R.H. 17a.) Rabbah, explaining in terms of R. Eleazar, sees God's zedakah in the fact He keeps His judgment of man's sins in the deep abyss, invisible on the day of judgment, whereas Rab Judah suggests, in accord with the other Tanna, that but for God's supreme zedakah which forgives iniquity, or, for the repentant changes it into moral asset, man could not stand the divine judgment.

(10) A full month (lit., 'a prolonged one') is one of thirty days, a defective one is one of twenty-nine days. The average year has six months of thirty days each, and six of twenty-nine days each. For there are about twenty-nine and one half days between one new moon and the other, whence a month of thirty days, to restore the balance, must be followed by one of twenty-nine days. However, there are more than twenty-nine and one half days between one new moon and the other, approximately twenty-nine days, twelve hours and forty minutes; furthermore, there are other causes influencing the fixing of the calendar, as the result of which the arrangement of six full and defective months undergoes certain variations, so that one year might have a larger number of full, the other more than the half of defective months. In the time of the Mishnah the Sanhedrin decreed the beginning of the new months on the basis of the testimony of witnesses who had actually seen the new moon. But even then conditions would arise (such as non-visibility of the new moon, due to cloudy weather) when the Sanhedrin would be guided by its own astronomical calculations. For such a decree the principle was adopted that no year may have more than eight, nor less than four full months.

(11) Of the Feast of Weeks, v. Lev. XXIII, 27. Since they could not be eaten before the lambs of the sacrifice had been offered up, they were not as profane food, for which alone permission to bake or cook was given on the Holy Day on which all manner of work is prohibited. And as not immediately ready for human food, and hence not under the category of permitted labour, these breads had to be baked on the day before the Feast of Weeks, or, if the latter fell on a Sabbath, on the Friday preceding it. i.e., on the third day. Ex. XII, 16: Save that which every man must eat, that alone may be done by you, excludes that which is not immediately available for human use.

(12) Placed every Sabbath on the Table in the Sanctuary and consumed by the priests on the following Sabbath, they had to be baked on the preceding Friday (not earlier, since they were to be fresh). If a Holy Day fell on Friday, they were baked on Thursday. If the two days of the New Year fell on Thursday and Friday (the only Holy Day which could, even in the time of the Sanhedrin, last for two days. v. Men. 100b), the shewbread would be baked on Wednesday to be eaten on the following Sabbath, on the eleventh day, its baking overriding neither the Sabbath, nor a Holy Day.

(13) The circumcision performed on the eighth day overrides both Sabbath and Holy Day. Here, however, we deal with a boy born Friday eve at twilight. Hence his birthday is doubtful: it may be either Friday or Saturday. the twilight may be considered as belonging either to the day past or to the following one. The Sabbath following may therefore be the eighth or the ninth day after the birth and the circumcision must be postponed (for a doubtfully

eighth day circumcision does not override the Sabbath) to the following, the tenth day. If the following day be a Holy Day, the circumcision could not take place before the eleventh day. If the two days of New Year fall on Sunday, the circumcision is postponed to the twelfth day. V. Shab. 137b.

Talmud - Mas. Arachin 9a

the new moon¹ would come three days too early! But now, too. It would come two days too early?² — This is in accord with what R. Mesharsheya said: ‘It refers to a case where the preceding year was prolonged’,³ Here, too, the reference is to a year following a prolonged year, and the prolongation of a year is one month.⁴ But put one full month against one incomplete month, and there will be still one day left?⁵ — People do not pay too much attention to that.⁶

‘Ulla said: [the meaning is,] It did not seem right to the Sages to make more than eight defective months. He [the Tanna] states here a reason:⁷ What is the reason that it did not seem right to the Sages to have less than four full months? Because it did not seem right to them to have more than eight defective months. Why not nine? Because in that case the new moon would be coming three days too late?⁸ But now, too, it would be coming two days too late? — That is to be explained in accord with R. Mesharsheya: ‘It refers to a case where the preceding year was prolonged’; here, too, the reference is to a year following a prolonged year.⁹ Deduct one defective month against one full month, and still there will be one day left?¹⁰ They [the people] will say: It [the moon] has actually been seen, whilst we had paid no attention.¹¹ [

(1) The new moon, coming say on Wednesday, with New Year starting only on the Sabbath. This discrepancy would cause popular murmuring against the ‘arbitrariness of the Sages’.

(2) But the arrangement of eight months, too, would leave a difference of two days, hence what is the value of limiting it to eight full months? Normally six full months plus six defective ones would take care of the situation.

(3) I.e., a year of thirteen months.

(4) Which may be either full or defective, and having made the intercalation of the preceding year defective, we have regained one day. which is counter-balanced by one day of the eight full months this year.

(5) Yet, even with one month full, and one month of last year incomplete. we gain only one day, so that one day still intervenes between the new moon of Tishri and the fixation of the New Year; so that popular clamour against the Sanhedrin's margin would be aroused still.

(6) A one day's margin would not be considered abuse of the Sanhedrin's function.

(7) And ‘for what reason’, he says.

(8) ‘Ulla's interpretation of the Mishnah: No less than four full months, but not more either, because ‘it did not seem right to the Sages to have more than eight defective months’, so that the New Moon should not appear three days after the New Year.

(9) And the prolonged month was made full, the consideration being the reverse of the former.

(10) Cf. n. 3 mutatis mutandis.

(11) The people assume in this case that the Sanhedrin had good reason, the basis of which, the actual seeing of the new moon, had escaped themselves.

Talmud - Mas. Arachin 9b

In what principle do they differ?¹ — In regard to the prolonged year. For it was taught: By how

much is a year prolonged? By thirty days. R. Simeon b. Gamaliel said: By a month.²

An objection was raised: The Feast of Weeks can fall only on the day of the waving,³ and the New Year can fall only on either the day of the waving or the day following the night of the last day of the full month [of Nisan].⁴ Now that will be right according to ‘Ulla if eight defective months could be arranged, but not full ones; hence this may happen thus: if both are defective, it falls on the day of the waving; if one is full and the other defective, it falls on the day following the night of the last day of the full month.⁵ But according to R. Huna who says one does make [eight] full months, it may happen that it falls on the day following the day after the night of the last day of the full month?⁶ — R. Huna will answer you: But is it indeed right, according to ‘Ulla? Only eight [full] months are not made, but we do make seven. Now can it not happen that we arrange them not in winter but in the summer, with the result that it would possibly fall upon the day following the day after the last day of the full month!⁷ — Rather, this is in agreement with the ‘Others’, for it was taught: ‘Others’ taught. Between one Feast of Weeks and the other, and between one New Year and the other, there is an interval of no more than four days [of the week], or in the case of a prolonged year, five days.⁸ But, at all events, on the view of the ‘Others’, it could not fall on the day of the waving? — R. Mesharsheya said: The reference is to a prolonged year, and the prolongation of a year is by thirty days. Deduct one [full] month against the other [full one] and it will fall upon the day of the waving.⁹

Said R. Adda b. Ahabah to Raba: Do ‘Others’ intend teaching us [how to count] the number?¹⁰ — This is what they convey to us: That it is not obligatory to proclaim a new moon on the basis of having seen it.¹¹ Rabina demurred: But there are days made of hours,¹² and days of thirty years?¹³ — Since they do not occur every year, he does not count them. Samuel, too, agreed with the view of R. Huna, for Samuel said: The lunar year consists of no less than three hundred and fifty-two, nor of more than three hundred and fifty-six days. How is that? — If the two are full,¹⁴ there are [fifty] six; if the two are incomplete, [fifty] two; if one is complete and one incomplete, [fifty] four.

An objection was raised: [If one said,] I shall be a Nazirite according to the number of the days of the solar year, then he must count for his Naziriteship three hundred and sixty-five days according to the years of the sun; [if he said,] According to the days of the lunar year, he must count for his Naziriteship three hundred and fifty-four days according to the days of the lunar year. Now, if that [account above] were right, at times you find [a year of three hundred and fifty] six days?¹⁵ — With regard to vows go after human parlance as well as after the majority of years. Rabbi, too, held the view of R. Huna, for it was taught: Rabbi happened to have arranged for nine defective months, and the moon [of Tishri] was seen in its due season! Whereupon Rabbi was amazed and said: We have arranged nine incomplete ones and yet the moon [of Tishri] appeared in due season! R. Simeon b. Rabbi said to him: perhaps this happened to be a prolonged year

(1) R. Huna and ‘Ulla. R. Huna accepts R. Simeon b. Gamaliel's view and ‘Ulla that of the first Tanna.

(2) A month of twenty-nine days. The margin is the point of difference.

(3) The second day of Passover (v. Lev. XXIII, 10-12) i.e., on the same day of the week as the second day of Passover. The fifty days are counted from the sixteenth of Nisan to the first of Shabuoth. Hence the fiftieth day must fall upon the same week-day as the first, the day of the waving.

(4) Or iburo, the night of its being made a full month, because upon the night depends its completeness, for if the new moon is proclaimed for the thirty-first day, that fact renders the month just passed full (one of thirty days).

(5) [Normally the twelve months of the year beginning with Tishri are full and defective in rotation. Where there is a departure from this order, the only months affected are Kislew in the winter and Siwan in the summer, which months are made defective instead of being normally full. Now if both these months are made defective, giving eight defective months for the year, there is an interval between the 30th of Nisan and the first of Tishri of eight days of the week, i.e., the first of Tishri falls on the same day of the week as the 31st of Nisan; and since the 30th of Nisan falls on the same day as the day of waving, which is exactly fifteen days before, the New Year will also fall on the day of waving. Should, on the other hand, only one of these two months be made defective — namely Kislew, whilst Siwan is full, there would be nine days of the week difference between the 30th of Nisan and the first of Tishri, so that New Year will fall on the 31st day. i.e., the day following the night of the last day of the full month of Nisan.]

(6) [On the view of R. Huna that we make eight full months, the two months Heshwan (in winter) and Iyyar (in summer) normally defective are made full, with the result that one extra day of the week is added as interval between the 30th day of Nisan and the first Tishri making New Year to fall two week-days after the 30th of Nisan.]

(7) [By making the extra full month in the summer, there would be added an extra day of the week as in p. 51, n. 6 with the same result.]

(8) The statement that the New Year must fall either on the day of the week on which the waving day falls or upon the day following the night after the last day of the full month is in accord with the teaching of 'Others', who hold that all months are full and defective in strict rotation, making a total of 354 which is four days over fifty weeks, leaving four days of the week as interval between one New Year and the other in a normal year and five in a prolonged year.

(9) [Having added in winter an extra full month, Nisan is made defective, with the result that we have four defective months during the summer, making New Year fall on the day of the waving. v. p. 51, n. 5.]

(10) From the fact that all months follow each other in regular order, it follows that there are four days' difference between the New Years.

(11) Even without having actually seen the new moon the new month may be proclaimed by the proper authorities.

(12) Granted that 'Others' go by the order of the new moons, yet it happens that in a simple (not prolonged) year, five days may intervene between one Passover and the other. For the forty minutes above twenty-nine days and twelve hours, between one moon and the other, make in one year an additional eight hours, in three years an additional day.

(13) And even when that is accounted for, there remain minutes, which added to one another amount in every thirty years to one complete day. The exact duration is: twenty-nine days, twelve $\frac{793}{1080}$ hours, which time fragments combined add one day in every three, and one additional one every thirty years.

(14) Of the defective ones (i.e., Marheshwan and Iyyar) they add two days, i.e., three hundred and fifty-six days altogether; if two of the full ones (i.e., Kislew and Siwan) are made defective, there are two days less than usual, and the year has but three hundred and fifty-two days.

(15) Then why should the Nazirite be given a reduced term, two days shorter?

Talmud - Mas. Arachin 10a

and the prolongation of a year is by thirty days. and last year we made the two full, put the three full against the three defective, and it will come to Its proper place.¹ He answered to him: Light of Israel! So it was! MISHNAH. THEY BLEW NEVER LESS THAN TWENTY-ONE BLASTS IN THE SANCTUARY AND NEVER MORE THAN FORTY-EIGHT.² THEY PLAYED

NEVER ON LESS THAN TWO HARPS,³ OR MORE THAN SIX, NOR EVER ON LESS THAN TWO FLUTES OR MORE THAN TWELVE. ON TWELVE DAYS IN THE YEAR WAS THE FLUTE [HALIL] PLAYED BEFORE THE ALTAR:⁴ AT THE KILLING OF THE FIRST PASSOVER-SACRIFICE,⁵ AT THE KILLING OF THE SECOND PASSOVER-SACRIFICE,⁶ ON THE FIRST FESTIVAL DAY OF PASSOVER, ON THE FESTIVAL DAY OF THE FEAST OF WEEKS, AND ON THE EIGHT DAYS OF THE FEAST [OF TABERNACLES].⁷ AND THEY DID NOT PLAY ON A PIPE [ABUB]⁸ OF BRONZE BUT ON A REED PIPE, BECAUSE ITS TUNE IS SWEETER. NOR WAS ANY BUT A PIPE SOLO USED FOR CLOSING⁹ A TUNE. BECAUSE IT MAKES A PLEASANT FINALE. THEY¹⁰ WERE SLAVES OF THE PRIESTS. ACCORDING TO R. MEIR. R. JOSE SAID: THEY WERE OF THE FAMILIES BETH HAPEGARIM, BETH-ZIPPORUA AND FROM EMMAUS,¹¹ FROM WHICH PRIESTS WOULD MARRY [WOMEN].¹² R. HANINA B. ANTIGONOS SAID: THEY WERE LEVITES.¹³

GEMARA. Our Mishnah¹⁴ will not be in accord with R. Judah. for it was taught: R. Judah said: One who sounds a smaller number of blasts may not sound less than seven, and one who sounds a larger number must not exceed sixteen. What principle are they disputing? — R. Judah says: Teki'ah, teru'ah, teki'ah¹⁵ constitute one sound,¹⁶ whereas the Sages hold: Teki'ah is a separate sound, so is teru'ah, and so the [second] teki'ah.¹⁷ What is the reason for R. Judah's view? — It is written: And when ye blow an alarm [teki'ah],¹⁸ and again it is written: They shall blow an alarm [teru'ah],¹⁹ from this it is evident that teki'ah, teru'ah and teki'ah are one sound.²⁰ And the Sages? — That merely indicates that the teru'ah sound is to be both preceded and followed by a teki'ah sound.²¹ What is the reason of the Sages' view? — Scripture says: But when the assembly is to be gathered together, ye shall blow, but ye shall not sound an alarm.²² Now, if one should assume that teki'ah, teru'ah, and teki'ah are together only one sound would the Divine Law have said: perform but one half of the command! And R. Judah? — This is no more than a signal.²³ According to whom will be the following teaching of R. Kahana: There may be no interruption whatever between teki'ah and teru'ah? — According to whom? According to R. Judah. But this is obvious. You might have said: It may be in accord even with the Rabbis, and it is taught thus only to exclude the view of R. Johanan who said that if one heard nine sounds even in the course of nine hours during the day, he had fulfilled his duty,²⁴ therefore we are informed [that this is not so]. But say, perhaps it is indeed so? — If that were the case, what means: 'No interruption whatever'?

ON TWELVE DAYS IN THE YEAR WAS THE FLUTE PLAYED etc. Why just on these days? Because an individual²⁵ completes the Hallel psalms on them.²⁶ For R. Johanan said in the name of R. Simeon b. Jehozadak: There are eighteen days on which an individual completes the Hallel: the eight days of the Feast [of Tabernacles], the eight days of Hanukkah, the first Festival day of Passover and the Festival day of the Feast of Weeks. In the exile²⁷ [one praying individually completes the Hallel] on twenty-one days: the nine days of the Feast [of Tabernacles], the eight days of Hanukkah, the two Festival days of Passover, and the two Festival days of the Feast of Weeks. Why this difference that on the Feast [of Tabernacles] we complete Hallel on all the days, and on the Passover Festival we do

(1) Rabbi also held that eight full months are the limit, hence his astonishment when the new moon of Tishri came

at the proper time in spite of the additional incomplete months. Last year the two normally defective months (Heshwan and Iyyar) were made full and the intercalated month was full. If the three defective ones of this year are placed against the three full ones of last year a normal situation is achieved, hence the new moon of Tishri appeared at the moment when it was fixed.

(2) V. Suk. 53b.

(3) Lit., 'a kind of hose', nabla in Greek, which according to Josephus had twelve strings and was played with the hand.

(4) On these days all the thanksgiving Psalms (Hallel. Ps. CXIII-CXVIII) were sung. The meaning here is doubtful: either, 'on these days the flute was played before the altar, whereas on other days it was played together with all other instruments on the Dukhan by the Levites', or on these days alone the flute was played, on other days other instruments only. The technical term 'beat' (**vfn**) applies to the flute, because tunes are evoked thereon by beating with the fingers on the holes.

(5) During the singing of the Hallel, Pes. 64a.

(6) On Iyyar the fourteenth, when the Passover-sacrifice of those who on Nisan the fourteenth were on a journey afar off, or in an unclean state, was offered up. V. Num. IX, 9ff.

(7) The playing of the flute on these days was part of the official music in the Sanctuary, prescribed during the process of offering up the sacrifices, and overriding both Sabbath and Holy Days. But the playing of the flute at the Water Festival (Suk. 50a) overrode neither, and was permissible on a week-day only.

(8) The change in the Hebrew designation for 'pipe' is explained in the Gemara.

(9) Either, 'to smoothe', then in the causative, to close a tune softly; or, 'to separate', to close one before the other starts; or, the overture, before the song commences.

(10) It was the youths or servants who played the flutes as well as the other instruments.

(11) Near Tiberias.

(12) Not slaves but youths of noble families, with whom the proud priestly families were willing to intermarry. The practical difference arising from this dispute has something to do with a man's claim to descent and desire to marry into a priestly family. If none but the youths of such excellent families were admitted to such service, participation in the latter would be sufficient evidence of noble descent and would eo ipso be sufficient ground for admission into such family. According to R. Meir even servants were admitted to such service, hence former participation therein is no evidence of noble descent, and no self-sufficient ground for admission into a priestly family.

(13) Legally also non-Levites were admissible. Actually, however, only Levites were admitted, whence the fact of ones participation was sufficient proof of levitical descent,

(14) In that it teaches: 'They blew never less than twenty-one, nor more than forty-eight blasts'.

(15) Teki'ah: one long sound; teru'ah; a rapid succession of three notes each, a broken tune. The value (length) of a teki'ah is equal to a teru'ah. V. R.H. 34a as to the significance and form of the sounds.

(16) And consequently are to be sounded without a break between them.

(17) And consequently are to be separated from each other by a small pause.

(18) Num. X, 5.

(19) Ibid. 6.

(20) The Hebrew verb used to denote 'blow' in both instances is derived from the same root as teki'ah.

(21) The proof is derived from the fact that teru'ah in these passages is preceded and followed by the root word of 'teki'ah', interpreted here as indicative of the form the blast took.

(22) Num. X, 7.

(23) It is not a proper sound of teki'ah, but a mere signal of assembly.

(24) That of hearing the sound of the shofar, v. R.H. 34b.

(25) One praying individually, not in or as part of a congregation, a minyan.

(26) V. Ta'an., Sonc. ed., p. 150, n. 7.

(27) Where two days of Festival holiness would be celebrated instead of one.

Talmud - Mas. Arachin 10b

not do so on all of its days? — The days of the Feast [of Tabernacles] are differentiated from one another in respect of the sacrifices due thereon, whereas the days of Passover are differentiated from one another in respect of their sacrifices.¹ Let it then be read on the Sabbath which is distinguished by its sacrifices? — It [Sabbath] is not called a festival. But what of New Moon which is called a festival, let the complete Hallel be said on it? — [New Moon] is not sanctified as to [prohibition of] labour, as it is written: Ye shall have a song as in the night when a feast is hallowed,² i.e., only the night sanctified towards a festival requires a song, but the night which is not sanctified towards a festival does not require a song. Then let the Hallel be said on the New Year and on the Day of Atonement, both of which are called Festival and are sanctified by [the prohibition of] labour?³ — That [is not possible] because of R. Abbahu, for R. Abbahu said: The ministering angels said before the Holy One, blessed be He: Why do not the Israelites sing a song before you on the New Year and on the Day of Atonement? He answered them: Would that be possible; the King sits on the throne of Judgment, with the books of those destined to live and destined to die before Him, and Israel singing a song before Me? But there is Hanukkah, on which neither one nor the other [condition applies] and the Hallel is said? — That is due to the miracle. Then let it be said on Purim, on which, too, a miracle occurred? — Said R. Isaac: [It is not said] because no song [Hallel] is said for a miracle that occurred outside the [Holy] Land. To this R. Nahman b. Isaac demurred: But there is the exodus from Egypt, which constitutes a miracle that happened outside the Land, and yet we say Hallel? — There it is due to the fact taught, for it was taught: Before Israel entered the [Holy] Land, all the lands were considered fit for song to be said [if a miracle had occurred in their boundaries]; once Israel had entered the Land, no other countries were considered fit for song to be said. R. Nahman, however, answered: The reading [of the Megillah]⁴ that is its [Purim's] Hallel. Raba said: It fits quite well there: Praise ye servants of the Lord,⁵ but not servants of Pharaoh; but here 'servants of the Lord', not servants of Ahasuerus. Surely they are still servants of Ahasuerus! But according to R. Nahman who says the reading [of the Megillah] is its Hallel, was it not taught that after Israel had entered the Land, no other land was considered fit to sing Hallel about? — After Israel was exiled they [the other countries] were restored to their original fitness.

THEY DID NOT PLAY ON A PIPE OF BRONZE: He [the Tanna] begins with Halil and closes with Abub? — Said R. Papa. Halil is the same of Abub [this latter being its right name], and why was it called Halil? — Because its tune is sweet [hali].

Our Rabbis taught: There was a pipe in the Sanctuary which was smooth and thin, made of reed, and from the days of Moses, [and its sound was pleasant].⁶ The king commanded to overlay it with gold, whereupon its sound was no more pleasant. Then its overlay was taken off, and its sound was pleasant again as before. There was a cymbal in the Sanctuary from the days of Moses, made of bronze, and its sound was pleasant; then it became damaged. The Sages sent for craftsmen from Alexandria of Egypt, and they mended it, but its sound was not pleasant any more. Thereupon they removed the improvement and its sound became as pleasant as it was before. A

bronze mortar was in the Sanctuary, from the days of Moses, and it would mix the drugs. When it became damaged the Sages sent for craftsmen from Alexandria of Egypt who mended it, but it would no more mix the drugs as well as it used to.⁷ Whereupon they removed the improvement, and it would mix them well again as before. These two vessels were left over from the first Sanctuary, and after they had been damaged there was no remedy for them. It is with reference to them that David said: They were of burnished brass,⁸ and bright brass.⁹ In connection with them it is said also: And two vessels of fine bright brass, precious as gold.¹⁰ Rab and Samuel were disputing: One said each of them had the full weight of two of gold; the other held both of them had the weight of one of gold. R. Joseph learnt: Both of them had the weight of one of gold. It was taught: Nathan said: They were two each,¹¹ for shenayim is the written text, which one should read: not shenayim [two], but shniyyim [double ones].

R. Simeon b. Gamaliel taught: The Siloah was gushing forth through a mouth of the size of an issar.¹² The king commanded and it was widened so that its waters be increased, but the waters diminished. Thereupon it was narrowed again, whereupon it had its [original] flow, to make true that which was said: Let not the wise man glory in his wisdom, neither let the mighty man glory in his might.¹³ Thus also would R. Simeon b. Gamaliel say: There was no hirdolim in the Sanctuary. [What is hirdolim?] — Abaye said: A musical instrument [table]¹⁴ worked by pressure [of water] because its sound was heavy and disturbed the music. Rabbah b. Shila, in the name of R. Mattenah, on the authority of Samuel, said: There was a magrefa¹⁵ in the Sanctuary; it had ten holes, each of which produced

(1) The number of bullocks to be sacrificed on the Feast of Tabernacles diminished from day to day. which was thus distinguished from Passover, where the number was stationary.

(2) Isa. XXX, 29.

(3) In spite of the fact that the New Moon is also called a festival, it lacks the condition of 'sanctification by Prohibition of labour'.

(4) The Scroll of Esther.

(5) Ps. CXIII, 1. This clause fits Passover, but not Purim.

(6) Added with Sh. Mek.

(7) v. Ker. 6b.

(8) I Kings VII, 45. Tosaf. a.l. remark that this could not possibly have been said by David, because it refers to vessels made by Solomon, and hence reads: 'concerning which Scripture says'. That fits also the next quotation.

(9) II Chron. IV, 16.

(10) Ezra VIII, 27.

(11) I.e., two cymbals and two mortars.

(12) V. Glos.

(13) Jer. IX, 22. The lesson to be derived from these accounts seems to be, no 'foreign' improvements could remove what appeared imperfect in the Sanctuary. Things became right after the disastrous 'improvements' were removed.

(14) No absolutely satisfactory interpretation of this work is available: The very letters are uncertain, nor is the text clear. V. Tosaf. a.l. The rendering here adopts the reading ab (heavy) instead of 'areb (pleasant) of cur. edd. V. Marginal Gloss. Jast. connects it with hydraula (water-organ) and renders: There was no organ used in the Sanctuary because it would interfere (eliminating 'areb, pleasant. perhaps as dittography of um'arbeb) with the sweetness of the song.

(15) A name of another musical instrument.

Talmud - Mas. Arachin 11a

ten different kinds of sounds, with the result that the whole amounted to one hundred kinds of sounds. A Tanna taught: It was one cubit long, one cubit high, from it projected a handle, which had ten holes. Each of them produced one hundred kinds of sounds, amounting for the whole to one thousand kinds of sounds. Said R. Nahman b. Isaac: To remember whose teaching it is: The Baraitha exaggerates'.¹ THEY WERE SLAVES OF THE PRIESTS. Shall we say they are of conflicting opinions concerning the following principle: He who said they [the players of the instruments] were slaves holds that the essential in the music of the Sanctuary was the singing with the mouth, the instrumental music being just for sweetening the sound; whereas he who said that they were Levites holds the instrumental music to have been the essential. But if you reason this way, what will appear as R. Jose's view? If he holds that the essential of the [Sanctuary] music was the singing with the mouth, it [the instrumental music] should have been satisfactory [if performed] by slaves; if [on the other hand] he holds that instrumental music was the essential, it would have to be done by Levites?² — In reality he holds that vocal music was the essential; here, however, they are disputing as to whether one may promote one from the dukhan³ to noble⁴ families and to the enjoyment of tithes.⁵ He who said that they [the players of the instruments] were slaves would hold one may not promote any one from the dukhan to either noble families or to the enjoyment of tithes; whereas he who said they were Levites would hold one may promote any one from the dukhan both to [marriage into] noble families and to the enjoyment of tithes; whereas he who said that they [the players of instruments] were Israelites, would hold that one may promote any one from the dukhan to [marriage into] noble families, but not to the enjoyment of tithes.⁶

Our Rabbis taught: The omission of the song invalidates the sacrifice, this is the view of R. Meir. The Sages, however, hold that the omission of the song does not invalidate the sacrifice. What is the reason of R. Meir? — R. Eleazar⁷ said: Because Scripture said, And I have given the Levites — they are given to Aaron and to his sons from among the children of Israel . . . and to make atonement for the children of Israel,⁸ i.e., just as atonement⁹ is indispensable, so is the song indispensable. And the Rabbis? — This [analogy is] with reference to another teaching of R. Eleazar, for R. Eleazar said: Just as the atonement is performed during the day, so does the song take place during the day.¹⁰

Rab Judah said in the name of Samuel: Whence do we know that fundamentally the song is obligatory on the basis of the Torah? As it is said: Then shall he minister in the name of the Lord his God.¹¹ Now which ministry is it in the course of which the Lord's name is mentioned? You must say: It is the song. But perhaps it is the [priest's] raising of the hands [to bless]? — Since Scripture said: To minister unto Him and to bless in His name,¹² it follows that the priest's blessing [in itself] is no ministry. R. Mattenah said: [It is derived] from here: Because thou didst not serve the Lord thy God in joyfulness and with gladness of heart.¹³ Now which service is it that is 'in joyfulness and with gladness of heart'? — You must say: It is song. But perhaps it means the words of the Torah, as it is written: The precepts of the Lord are right, rejoicing the heart?¹⁴ — They are described as 'rejoicing the heart', but not as 'gladdening [the heart]'. But say [it

refers to] first-fruits. as it is written: And thou shalt rejoice in all the good?¹⁵ — They are called ‘good’, but not ‘gladdening the heart’. R. Mattenah said: Whence do we know that the [offering up of] first-fruits requires a song? — We infer that from the analogy of the words ‘good’, ‘good’¹⁶ which occur here too. But that is not so, for R. Samuel b. Nahmani said in the name of R. Jonathan: Whence do we know that the song is not sung [in the Sanctuary] except over wine? — Because it is said: And the vine said unto them: Should I leave my wine, which cheereth God aid man?¹⁷ Granted that it cheers men, whereby can it cheer God? From this it is evident that the song is not sung except over wine! — That is possible in accord with what R. Jose taught: [You shall take of the fruit of the ground¹⁸ implies] You may offer the fruit, but not liquids. Whence do we know that if he brought grapes and pressed them [he has performed his duty de facto]? The text therefore states: Which thou shalt bring.¹⁹

Hezekiah said [we infer this] from the following passage.²⁰ And Chenaniah, chief of the Levites, was over the song; he was master [yazor] in the song, because he was skilful.²¹ Do not read ‘yazor’, but ‘yashir’ [he sang]. Belvati, in the name of R. Johanan inferred it from here: To do the work of service.²² Which work needs [depends on] service? Say: That is the song. R. Isaac inferred it from here: Take up the melody, and sound the timbrel, the sweet harp with the psaltery.²³ R. Nahman b. Isaac derived it from here: Those yonder lift up their voice, they sing for joy; for the majesty of the Lord they shout from the sea.²⁴ One Tanna derived it from here: But unto the sons of Kohath he gave none, because the service of the holy things belonged unto them: they bore them upon their shoulders.²⁵ Would I not have known from the meaning of ‘upon their shoulders’, that they bore them? Wherefore then they bore them? But ‘they bore them’ here means ‘in song’, for thus also it is said: Take up [se’u] the melody and sound the timbrel,²³ and it is said also: They lift up [yisse’u] their voices, they sing for joy, etc.²⁴ Hananiah, the son of the brother of R. Joshua derived it from here: Moses spoke and God answered him by a voice²⁶

(1) Whereas the Mishnah is exact in its style, the Baraitha allows itself occasional hyperbolic language. R. Gershom a.l. uses severe language against the Baraitha. Rashi refers to Hul. 90b where, however, some of the exaggerations go back to the Mishnah Middoth, or are no exaggerations. In this case, at any rate, the Mishnah reports a reasonably effective instrument, whereas the Baraitha tells a tall instrument story.

(2) Neither of the two views would account for his divergence from the other Tannaim.

(3) The platform upon which the Levites stood during the singing of psalms.

(4) I.e., free from any taint of illegitimacy.

(5) If they are Levites they are not only privileged to marry into Israel's noble families, but also, a more practical benefit, to obtain the tithe which a member of that tribe is entitled to receive from the average Jew.

(6) V. Suk. 51a

(7) Changed in accord with Marginal Gloss.

(8) Num. VIII, 19. The Levites were the singers.

(9) The atoning rites, e.g., the sprinkling of the blood.

(10) This ‘other teaching of Eleazar’ justifies the marginal change above. V, n. 1.

(11) Deut. XVIII, 7.

(12) Ibid. X, 8.

(13) Ibid. XXVIII, 47.

(14) Ps. XIX, 9.

(15) Deut. XXVI, 11.

(16) The same word occurs in the command concerning the first-fruits as well as in connection with the song in the Sanctuary, hence the inferences.

(17) Judg. IX, 13.

(18) Deut. XXVI, 2: Thou shalt take of the fruit of the ground.

(19) Ibid. From this redundant word this additional teaching is to be derived: In any way, as long as thou bringest them.

(20) Do we derive the Biblical basis for song in the Sanctuary.

(21) I Chron. XV, 22.

(22) Num. IV, 47. The song required the service of the sacrifice, at the libations of which the trumpets sounded,

(23) Ps. LXXXI, 3.

(24) Isa. XXIV, 14.

(25) Num. VII, 9.

(26) Ex. XIX, 19.

Talmud - Mas. Arachin 11b

[i.e.,] concerning the voice.¹ R. Ashi² derived it from here: It came even to pass when the trumpeters and singers were as one to make one sound to be heard.³ R. Jonathan derived it from here: That they die not, neither they, nor ye.⁴ [i.e.,] just as you at the service of the altar, so they, too, at the service of the altar. It was taught also thus: 'That they die not, neither they, nor ye. viz., ye by engaging in their work, or they by engaging in yours, would incur penalty of death; they, however, by engaging in [another's] work of their⁵ own [group] would be incurring penalty for transgression, but not death. Abaye said: We have it on tradition that a singing Levite who did his colleague's work at the gate incurs the penalty of death,⁶ as it is said: And those that were to pitch before the tabernacle eastward before the tent of meeting toward the sunrising, were Moses and Aaron, etc. and the stranger that drew nigh was to be put to death.⁷ What 'stranger' is meant here? Would you say a real stranger [non-priest]? But that has been mentioned [by Scripture] already! Rather, must it mean a 'stranger' to this particular service.

An objection was raised: Concerning a Levite chorister that attended to the Temple gates, or a gate-keeping Levite who sang, as to whether they are guilty of a transgression or incurring penalty of death, that is a matter of dispute among Tannaim, for it was taught: It happened that R. Joshua b. Hananyia went to assist R. Johanan b. Gudgeda in the fastening of the Temple doors,⁸ whereupon he [the latter] said to him: My son, turn back, for you are of the choristers, not of the door-keepers. Would you not say that they were of divided opinion herein, that one held⁹ he incurs the penalty of death, and for this reason the Rabbis forbade [their assisting], whereas the other held that only a transgression was involved, whence [the Rabbis] did not decree this preventive measure? — No, both agree that only a transgression is involved; [and their point of issue is the following:] one holds that the Rabbis forbade assisting as a preventive measure, the other holding that they did not forbid assisting as a preventive measure.¹⁰

R. Abin asked: Does a freewill burnt-offering of a community require song or not? The Divine Law says: Your burnt-offerings¹¹, which means no matter whether they are obligatory or freewill-offerings; or in saying 'your burnt-offerings' does perhaps the Divine Law mean those of all Israel?¹² — Come and hear: And Hezekiah commanded to offer the burnt-offering upon the

altar. And when the burnt-offering began, the song of the Lord began also, and the trumpets, together with the instruments of David, King of Israel.¹³ What need was there here for song? Would you say it was on account of [the daily] obligatory burnt-offering? That surely needed no consultation? Rather, it was one in connection with a freewill burnt-offering! Said R. Joseph: No, it was the burnt-offering [offered] on the new moon, and it was questionable as to whether the new month has been fixed in its right time so that it should be offered up, or not. Said Abaye to him: How can you say so,¹⁴ is it not written: And on the sixteenth day of the first month they made an end . . . then Hezekiah commanded to offer the burnt-offering upon the altar, etc.¹⁵ — Rather, said Rami the son of R. Yeba: The question was with reference to the lamb offered up with the ‘Omer,¹⁶ [namely]: Was the new month decreed in its right time or not so that the lamb may be offered? — R. Avya demurred to this: They should have seen when the paschal lamb had been sacrificed, when the leavened bread had been eaten!¹⁷ Rather, said R. Ashi: It is the same as with the messenger of the congregation, who consults [formally asks for permission to start the prayer].¹⁸ Now that you have come to this answer, say: Even if it was the case of the [daily] obligatory burnt-offering, [yet there is no difficulty]: It is the same as with any messenger of a community, who consults [his congregation].

Come and hear: R. Jose said, Good¹⁹ things are brought about on a good [auspicious] day, and evil ones on a bad one. It is said, The day on which the first Temple was destroyed was the ninth of Ab, and it was at the going out of the Sabbath,²⁰ and at the end of the seventh [Sabbatical] year. The [priestly] guard was that of Jehoharib, the priests and Levites were standing on their platform singing the song. What song was it? And He hath brought upon them their iniquity, and will cut them off in their evil.²¹ They had no time to complete [the psalm with] ‘The Lord our God will cut them off’, before the enemies came and overwhelmed them. The same happened the second time [the second Sanctuary's destruction].²² Now what need was there for song? Would you say that it was on account of the [daily] burnt-offering? But that could not be, for on the seventeenth of Tammuz the continual sacrifice had been abolished.²³ Hence it was on account of a freewill burnt-offering! But how could you think so? Why should an obligatory-offering have been impossible and a freewill-offering available? — That is no difficulty: A young ox may accidentally have come to them!²⁴ Said Raba, or, as some say, R. Ashi: But how could you think so?²⁵ The song of the day was: The earth is the Lord's and the fulness thereof,²⁶ whereas the verse, ‘And He hath brought upon them their iniquity’ belongs to the song due on the fourth day of the week! Rather [what you must say is.] It was just a lamentation text that had come to their mouth. But it says: ‘They were standing upon the platform’²⁷ [Rather, say] That is in accord with Resh Lakish who said: The song may be sung even without any [attending] sacrifice.²⁸ But that principle might be applied to a voluntary burnt-offering, too?²⁹ — That might lead to an offence.³⁰ How is it therewith?³¹ — Come and hear: R. Mari the son of R. Kahana taught: Over your burnt-offerings and over the sacrifices of your peace-offerings,³² just as the burnt-offering is Most Holy, so are the peace-offerings [referred to] Most Holy,³³ and just as the peace-offerings have a definite time fixed for them, so have the burnt-offerings a definite time fixed for them.³⁴

(1) He commanded him concerning the voice of song, Moses being a Levite.

(2) Marginal Gloss suggests R. Oshaia, the usual disputant of R. Jonathan who follows.

(3) II Chron. V, 13.

(4) Num. XVIII, 3. The only altar service of fit Levites was the singing. Anyone performing at the altar any service

for which he is unfitted, as e.g.. exchanging the Levite's task for that of the priest's incurs that penalty.

(5) If a Levite engaged in the work of another Levite, his offence is not as serious as that of one who had undertaken Priest's work; still, it is an offence.

(6) Abaye does not appear satisfied with the distinction made just now, because he found a teaching much more severe,

(7) Num. III, 38. The Torah would not state anything twice. In III, 10: The stranger that draweth nigh shall be put to death (i.e., by the hand of heaven). Hence the statement involving a similar penalty to the stranger in verse 38 must refer to another 'stranger', a Levite who was a 'stranger' because unfit for that service allotted to another.

(8) Both Rabbis were Levites.

(9) When a chorister or doorkeeper do each other's work.

(10) R. Johanan held that if a chorister did gate-service alone he incurred penalty of death, hence if he assisted in such work as was not allotted to him, he, at any rate, fell under the interdiction of the Sages, whence he advised him to return; the interdiction of the Sages having for its purpose the prevention of any Levite's doing his neighbour's work unassisted, which offence would involve death as the penalty. But R. Joshua held that even if a Levite did his neighbour's work alone, no more than a transgression of a prohibition, without attendant severe penalty, was involved; hence if one only assisted one's neighbour, not even Rabbinic interdiction was transgressed.

(11) Num. X, 10.

(12) Restricting it, however, to obligatory dues.

(13) II Chron. XXIX, 27. Obviously he had been consulted, otherwise he would not have commanded a self-evident thing. Hence the matter must have been non-obvious.

(14) That this was on the new moon,

(15) Ibid. 17.

(16) V. Lev. XXIII, 12. The lamb was an obligatory burnt-offering.

(17) Aliter: How could they have offered up if the date was not clear to them?

(18) Similarly with the case of Hezekiah, formal permission was first obtained from him before sacrificing the lamb offered in connection with the omer, though it was an obligatory one.

(19) E.g., the redemption from Egypt, as well as the final redemption, fall into the month of Nisan. In Num. XIV, 1 the whole congregation is reported to 'have lifted up their voice and cried', complaining against Moses and Aaron, and against God. That evil day fell on the ninth of Ab. The ninth of Ab therefore was a day predestined to disaster. (R. Gershom.)

(20) I.e., Sunday.

(21) Ps. XCIV, 23.

(22) V. Ta'an, 27a.

(23) Because no lambs were left for the sacrifice and none would be imported on account of the siege.

(24) The siege had prevented the securing of proper animals (lambs) for the continual offering. but any cattle was fit for the freewill burnt-offering.

(25) That the song referred to is the song sung in connection with offerings.

(26) Ps. XXIV, 1. This is the song for Sunday; every day had its song definitely arranged.

(27) [How then could it be assumed that the references to a freewill-offering; surely not all the Levites would take their stand on the platform for the offering of a freewill sacrifice (v. R. Gershom).]

(28) [So that the song could have been sung though there was no continual sacrifice. Consequently the song in the cited Baraitha may refer to the one sung in connection with the obligatory daily burnt-offerings, affording no solution to R. Abin's query.]

(29) If a song was in order even without any sacrifice being offered, the answer would have been found for the question above of R. Abin (Tosaf.).

(30) One would have inferred that no freewill-offering may be offered up without a song, so that if no Levites were present or available, as happened in the time of Ezra, no freewill burnt-offerings would be made at all! (R. Gershom.) According to Rashi: If voluntary singing were permitted, its very voluntariness would occasion legal laxities, and such laxities would be transferred to obligatory songs. too.

(31) What is the answer to R. Abin's question?

(32) Num. X, 10. Here Scripture compares the freewill peace offering to the burnt-offering, in connection with prescribed music.

(33) I.e., congregational peace-offerings, v. Lev. XXIII, 19.

(34) Only burnt-offerings due at a definite time, i.e., only prescribed, obligatory ones, require a song, but not voluntary ones.

Talmud - Mas. Arachin 12a

The following question was asked: Do libations offered¹ up by themselves require a song or not? Since R. Samuel b. Nahmani had said: Whence do we know that one does not sing the [Sanctuary] song except over wine, etc.?² Do we say it [over wine alone], or do we say it only when [the sacrifice] includes food and drink, but not over drink alone? — Come and hear: R. Jose said, Good things are brought about on an auspicious day. etc. Now what need was there for song? Would you say it was on account of an obligatory burnt-offering? But that could not be for on the seventeenth of Tammuz the continual offering was abolished! And if it was on account of a voluntary burnt-offering! Did not R. Mari the son of R. Kahana teach that such did not require a song?³ — Hence it must have been the song on account of libations?⁴ Said Raba, or as some say. R. Ashi: But how could you think so? The song of the day was ‘The earth is the Lord's and the fulness thereof’, whereas the verse, ‘And He brought upon them their iniquity’ belongs to the song due on the fourth day of the week? Rather [say]: It was a verse of lamentation that came to their mouth! But it says: ‘And they were standing on their platform’? — [Rather say,] That is in accord with Resh Lakish; for Resh Lakish said: The song may be sung even without any [attending] sacrifice. Then let the same be said for libations, too? — That might lead to an offence.

[To turn to] the [above] text: R. Jose said, Good things are brought about on an auspicious day, etc. ‘At the first time it was at the end of the seventh year’. How could that have been? Is it not written: In the five and twentieth year of our captivity. in the beginning of the year, in the tenth day of the month, in the fourteenth year after that the city was smitten.⁵ Now which is the year the beginning of which falls on the tenth of Tishri? Say: This is the jubilee year.⁶ And if you should think that [the Sanctuary] was destroyed in the first year [of the seven years' cycle], [consider] there are from the first year of one seven years' cycle to the first year of another seven years' cycle eight years, and to the first of the next seven years cycle fifteen years? — Said Rabina: It was in the fourteenth year after the year in which the city was smitten. But how, then, in ‘the twenty-fifth year’? It was, really in the twenty-sixth year, for a Master said: They were exiled in the seventh year, they were exiled in the eighth year, they were exiled in the eighteenth year, they were exiled in the nineteenth year. Now from the seventh to the eighteenth are eleven years, add fifteen and that makes it twenty-six years!⁷ — Rabina will answer you: But even according to your own reckoning is it right? Since they were exiled also in the nineteenth year, [you have] from the seventh to the nineteenth twelve years, add fourteen years and you have twenty-six years?

What you must therefore say⁸ is that [the counting] excludes the year in which they were exiled. So is it with me: [the counting] excludes the year in which they were exiled. But, at any rate, the number nineteen remains a difficulty according to Rabina?⁹ Do you think three exiles are involved? [No, rather:] they were exiled in the seventh year after the subjection of Jehoiakim,¹⁰ which happened to be the eighth year of Nebuchadnezzar; they were exiled in the eighteenth year¹¹ after the conquest of Jehoiakim. which was the nineteenth year of Nebuchadnezzar, for a Master has taught: In the first year he [Nebuchadnezzar] conquered Nineveh

(1) V. Men. 44, according to which libations could be offered up on the morrow after the sacrifice.

(2) V. supra 11a.

(3) V. supra p. 66 n. 10.

(4) Which solves the query first propounded.

(5) According to Ezek. XL, 1 this was the year when the Sanctuary was destroyed. 'Our Exile' meaning the exile of Jehoiakim in 597.

(6) In the jubilee year the beginning falls on the Day of Atonement, on which the Sanhedrin sounds the shofar, the slaves are set free, and the fields are restored to their original owners. V. R.H. 8b.

(7) This is soon explained.

(8) In order to explain the statement of Ezekiel satisfactorily.

(9) For, if he counts from seven to nineteen, he finds twelve years, which with fourteen added, again are twenty-six.

(10) In 597.

(11) In 586 under Zedekiah.

Talmud - Mas. Arachin 12b

, in the second he came up and conquered Jehoiakim.¹ 'The same happened with the second [destruction of the Temple]'. But how is it possible that the second time it happened at the end of a septennate? For how long did the second [Temple] stand? Four hundred and twenty years. Now, four hundred years correspond to eight [cycles of] jubilees, fourteen years would make two septennates, leaving six years over. Hence it [the second destruction] should have happened in the sixth year [of the septennate]! — This is in accord with R. Judah, who says that the fiftieth year is counted both ways.² Take the eight years of the eight jubilee [cycles], add [to them] those six [years] which will amount to fourteen years, thus it is found that it [the destruction of the second Sanctuary] happened at the end of a septennate. But on the view of R. Judah it could not have happened the first time at the end of a septennate; for it was taught: Seventeen jubilee [cycles] did Israel count from the time they entered the Land [of Israel] until they left it. And you cannot assume that they counted from the moment they entered, for if you were to say so, it would be found that the [first] Temple was destroyed at the beginning of a jubilee, and you could not find [right the statement]: 'in the fourteenth year, after that the city was smitten'.³ Rather, deduct from them the seven years of the conquest and the seven during which the land was distributed, thus you find [substantiated]: 'In the fourteenth year after that the city was smitten'. But according to R. Judah you must count the seventeen years of the seventeen jubilee [cycles], and add them to these, so that it happened in the third year of a seven years cycle! — The years from the exile by Sennecherib until their return through Jeremiah are not counted.⁴ Or, if you like, I can say it is indeed in accord with the Rabbis, and as to the statement 'the same happened the second time',

this refers to the remaining [details].⁵ This also stands to reason, for if you were not to take it thus, was there indeed the guard of Jehoiarib at the second Sanctuary? Was it not taught: Four guards went up from the Exile: Jedaiah,⁶ Harim, Pashhur and Immer. The prophets who were among them divided them into twenty-four guards. They mixed them [the lots] and placed them into an urn. Thereupon came Jedaiah and took six for his own portion and for that of his fellows;

(1) It was not exile, but subjection which Jehoiakim suffered. According to II Kings XXIV, 1: Jehoiakim became his servant three years; then he turned and rebelled against him.

(2) The fiftieth year is counted as the end of the last and as the beginning of the new jubilee cycle.

(3) Which, as explained supra 12a, was a jubilee year.

(4) So Rashi and Tosaf. According to tradition Jeremiah restored the ten tribes in the eighteenth year of King Josiah (v. infra 33a and Meg. 14b). With their return began the counting of a new jubilee cycle to mark the renewed observance of the laws of the Year of Release and Jubilee which had fallen into disuse while the Northern Kingdom was in exile. The Temple was destroyed 36 years later so that the 'fourteenth year after that the city was smitten' fell in the jubilee year. Cur. edd. read: 'the three years from the exile' which is inexplicable.

(5) Outgoing of Sabbath, ninth of Ab.

(6) In the first Sanctuary the guard of Jedaiah came before that of Pashhur, which again preceded that of Immer. Now, however, the order was not clear, hence the prophets chose to abide by the decision of the lots.

Talmud - Mas. Arachin 13a

then came Harim and took six for his own portion and for that of his fellows. Thus also Pashhur and Immer. Then the prophets who were among them regulated that even if Jehoiarib the head of the guards were to come up he could not push Jedaiah from his place, but Jedaiah would remain the chief, and Jehoiarib only an adjunct to him.¹ Hence [the statement refers only] to the remaining [details].

R. Ashi said: He does not count the six years until Ezra had come up and dedicated [the Sanctuary].² For it is written: Then ceased the work of the house of God which is at Jerusalem.³ And it is also written: And this house was finished on the third day of the month Adar, which was in the sixth year of the reign of Darius the king.⁴ And a Tanna taught: About the same time in the following year Ezra with his exiled community went up [to the Land], as it is said: And he came to Jerusalem in the fifth month, which was in the seventh year of the king.⁵ [To revert to] the main text: 'Seventeen jubilee cycles did Israel count from the time they entered the Land until they left it'. But you cannot say that they counted from the moment they entered. For if you were to say so, then it would be found that the Temple was destroyed at the beginning of a seven years cycle and you could not account for: 'In the fourteenth year after that the city was smitten, etc.' Whence do we know that it took seven years to conquer [the Land]? — Caleb said: Forty years old was I when Moses the servant of the Lord sent me from Kadesh-Barnea to spy out the land⁶. . . and now, lo, I am this day four-score and five years old.⁷ And a Master said: 'The first year Moses built the tabernacle, in the second the tabernacle was put up, then he sent out the spies. When Caleb passed over the Jordan how old therefore was he? He was two years less than eighty years old.⁸ When he distributed the inheritances, he said: 'Now, lo, I am this day four-score and five years old'. Whence it follows that it took seven years for them to conquer the land. And whence do we know that it took them seven years to distribute it? — If you like, say: Since the

conquest took seven years, so did the distribution. Or, if you like, say: Because otherwise one could not account for 'In the fourteenth year after that the city was smitten'.

MISHNAH. THERE WERE NEVER LESS THAN SIX⁹ INSPECTED LAMBS IN THE CELL OF LAMBS,¹⁰ SUFFICIENT FOR A SABBATH AND THE [TWO] FESTIVAL DAYS OF THE NEW YEAR,¹¹ AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. THERE WERE NEVER LESS THAN TWO TRUMPETS AND THEIR NUMBER COULD BE INCREASED INTO INFINITY.¹² THERE WERE NEVER LESS THAN NINE LYRES, AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. BUT THERE WAS ONLY ONE CYMBAL.

GEMARA. But the continual and the additional sacrifices were larger in number?¹³ — The Tanna refers to average days, and only to continual daily offerings. As for SUFFICIENT FOR A SABBATH AND THE [TWO] FESTIVAL DAYS OF THE NEW YEAR, that is to serve only as a mnemotechnical note, and this is what he says: There were never less than six inspected

(1) V. Ta'an, 27a.

(2) And thereby reintroduced into force the laws of the Years of Release and Jubilee.

(3) Ezra IV, 24.

(4) Ibid. VI, 15.

(5) Ibid. VII, 8. R. Ashi holds that the statement 'the same happened with the second Temple' refers also to the termination of the jubilee and explains it by deducting six years from the total of 420.

(6) Jos. XIV, 7.

(7) Ibid. 10.

(8) Allowing forty years for the sojourn of Israel in the wilderness.

(9) Two lambs each were required for the continual daily morning and evening sacrifice. The Gemara infers below that just as with the paschal lamb, which was ordered on the tenth of Nissan to be slaughtered on the fourteenth, the lambs for the continual daily sacrifices too had to be examined four days before the actual slaughtering for any blemish which would render them invalid. Whenever the two lambs were taken out for the daily need, at least six other examined ones had to be left at the same time, so that the lambs, newly introduced, were actually used only on the fourth day thereafter.

(10) V. Tam. III, 3.

(11) When the three fell on consecutive days, the Gemara described these words as a mnemotechnical expression. Rashi: The number of six is required for Sabbath and the two days of the New Year if they ate consecutive, each needing two. Maimonides: Six was the necessary number, because the newly introduced lambs had to be inspected for four days before they could be used, four being the number of the days which remain in a week after one has taken off the maximum of festival days that can occur in one week, i.e., the Sabbath and the two days of the New Year. Bartinoro follows Maimonides with this modification: The lambs required inspection four days, just as it would be necessary when the New Year's two days followed the Sabbath, because in that case the lambs to be used the following Tuesday would have to have been provided on the Friday before, in order that they be available early on Tuesday.

(12) There seems to be a contradiction between the Mishnah and the statement in the Gemara that the maximum number of trumpets is one hundred and twenty. As a matter of fact, some editions of the Talmud omit the words 'and their number could be increased, etc.'

(13) On these three days, the Sabbath and the two days of the New Year Festival.

Talmud - Mas. Arachin 13b

lambs in the cell of lambs, [having thus been inspected] four days before they were actually slaughtered. Whose view is this? That of Ben Bag Bag, for it was taught: Ben Bag Bag said, Whence do we know that it [the lamb destined for the continual daily offering] requires to be inspected four days before the slaughtering? The text states: Shall ye observe [tishmru] to offer unto Me in its due season,¹ and there it is said: And ye shall keep it [le-mishmereth] until the fourteenth day of the same month;² just as there³ it was required that it [the animal] be inspected four days before the slaughtering, so here, too, is it required that it be examined four days before the slaughtering. That⁴ may also be inferred from [the wording]: SUFFICIENT FOR A SABBATH, not 'for a Sabbath'. That inference is conclusive.

NEVER LESS THAN TWO TRUMPETS AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. How far? — R. Huna b. Zabdi (or, according to others, R. Zabdi said in the name of R. Huna): Up to one hundred and twenty. And it is said: And with them a hundred and twenty priests sounding with trumpets.⁵

NEVER LESS THAN NINE LYRES . . . BUT ONLY ONE CYMBAL. Whence do we know that? — R. Ashi said: Scripture said: And Asaph with cymbals, sounding aloud.⁶ But 'cymbals' implies two? — Since they both perform one function and are played by one man, he [the Tanna] called them one.

MISHNAH. THERE WERE NEVER LESS THAN TWELVE LEVITES⁷ STANDING ON THE PLATFORM⁸ AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. NO MINOR COULD ENTER THE COURT OF THE SANCTUARY TO TAKE PART IN THE SERVICE EXCEPT WHEN THE LEVITES STOOD UP TO SING.⁹ NOR DID THEY¹⁰ JOIN IN THE SINGING WITH HARP AND LYRE, BUT WITH THE MOUTH ALONE, TO ADD FLAVOUR TO THE MUSIC, R. ELIEZER B. JACOB SAID: THEY DID NOT HELP TO MAKE UP THE REQUIRED NUMBER, NOR DID THEY STAND ON THE PLATFORM. BUT THEY WOULD STAND ON THE GROUND, SO THAT THEIR HEADS WERE BETWEEN THE FEET OF THE LEVITES. AND THEY WOULD BE CALLED THE TORMENTORS OF THE LEVITES. GEMARA. To whom did these correspond? — To the nine lyres, two harps, and the one cymbal, as it is said: He and his brethren and sons were twelve.¹¹

NO MINOR COULD ENTER THE COURT OF THE SANCTUARY etc. Whence do we know that? — R. Johanan said: Because Scripture said, Then stood Jeshua with his sons and his brethren, and Kadmiel and his sons, the sons of Judah together, to have the oversight of the workmen in the house of God.¹²

NOR DID THEY JOIN IN THE SINGING WITH THE HARP AND LYRE, BUT WITH THE MOUTH ALONE etc. One would say therefore that harp and lyre are different instruments. Is this to say that our Mishnah is not in accord with R. Judah, for it was taught: R. Judah said, The harp of the Sanctuary had seven cords, as it is written: In Thy presence is fitness [soba'] of

joy;¹³ read not, fulness [soba'], but seven [sheba']! The harp of the messianic days has eight cords, as it is said: For the leader on the Sheminith,¹⁴ [i.e., the eighth string]. The harp of the world to come has ten cords, as it is said: With an instrument of ten strings, and with the psaltery; with a solemn sound upon the harp.¹⁵ Furthermore, it is said: Give thanks unto the Lord with harp, sing praises unto Him with the psaltery of ten strings. Sing unto Him a new song; play skilfully midst shouts of joy.¹⁶ You could say also that [our Mishnah will be] in accord with R. Judah: Since, in the world to come, it will have more cords and its sound will be stronger, like that of a harp, he calls it 'harp'.

R. ELIEZER B. JACOB SAID: THEY DID NOT HELP TO MAKE UP THE REQUIRED NUMBER etc. A Tanna taught: They were called assistants to the Levites. Our Tanna, however, called them tormentors of the Levites because their voice was high, the voice of the others low: they could sing high. whereas the others could not do so.

CHAPTER III

MISHNAH. THE LAW OF VALUATION IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY. THE LAW OF THE FIELD OF POSSESSION¹⁷ IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW CONCERNING A MU'AD¹⁸ OX THAT HAS KILLED A SLAVE IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW OF THE VIOLATOR¹⁹ AND SEDUCER²⁰ AND OF HIM THAT HATH BROUGHT UP AN EVIL NAME²¹ IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW OF VALUATION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HAS EVALUATED THE FAIREST IN ISRAEL, OR THE UGLIEST IN ISRAEL, HE MUST PAY FIFTY SELA'S.²² BUT IF HE SAID: I VOW HIS WORTH,²³ HE NEED PAY BUT AS MUCH AS HE IS WORTH [THERE].

GEMARA. THE LAW OF VALUATION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT etc. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HAS EVALUATED etc. Only IN ISRAEL but not in the case of an idolater. Shall We say that our Mishnah will not be in accord with R. Meir? For it was taught: Concerning an idolater, R. Meir said he may be made the subject of valuation, but he may not evaluate!²⁴ You may say also that it is in accord With R. Meir, and that the same law would apply to idolaters, but

(1) Num. XXVIII, 2 in connection with the daily continual offering.

(2) Ex. XII, 6 in connection with the first paschal offering.

(3) On the tenth of Nisan it was to be prepared. on the fourteenth to be sacrificed.

(4) I.e., that the Mishnah meant this to serve as a mere mnemotechnical note.

(5) II Chron. V, 12.

(6) I Chron. XVI, 5.

(7) To play the twelve instruments, accompanying with them their song, the song being, according to all, the essential (Tosaf.). Maimonides holds the twelve Levites to have been the singers, as distinct from the players of the instruments.

(8) The raised platform, on which the Levites stood whilst playing or singing.

(9) According to Rashi minors were not admitted at all to any service in the Sanctuary except to join the Levites in the singing. Maimonides, however, refers this passage to the introduction of young priests and Levites to the service, who, even after having reached maturity, could enter the Sanctuary for first time participation in the service, only when the Levites, standing on the platform, were singing.

(10) Rashi: the minors, Maim.: the twelve Levites.

(11) I Chron. XXV, 9.

(12) Ezra III, 9.

(13) Ps. XVI, II.

(14) Lit., 'on the eighth'. Ibid. XII, 1.

(15) Ps. XCII, 4.

(16) Ibid. XXXIII, 2, 3.

(17) Which one has inherited, Lev. XXVII, 16ff.

(18) Lit., '(whose master has been) forewarned', the ox having done damage three times. V. Glos.

(19) V. Deut. XXII, 28.

(20) V. Ex. XXII, 15.

(21) V. Deut. XXII, 19.

(22) If the man valued was between twenty and sixty years of age.

(23) Lit., 'his money'.

(24) V. supra 5b.

Talmud - Mas. Arachin 14a

[our Mishnah] informs us incidentally¹ of a teaching in accord with Rab Judah, Who said in the name of Rab: One should not say, How beautiful is this Canaanite!² Then let it teach: 'Whether a man has dedicated the fairest in Israel or the ugliest among Canaanites'? It deals with one nation, not With two nations. But does it not? Surely it teaches: 'Of the noblest among the priests, and the humblest in Israel'³ — There it is one nation, except that the priests are holier. And if you like, say: Since it is about to teach, in the second part of the Mishnah, concerning a field of possession which applies only to Israel, not to idolaters, because they do not possess fields [by inheritance in the Land],⁴ therefore it teaches also [in the first part of the Mishnah] with reference to Israel alone.

MISHNAH. 'THE LAW OF THE FIELD OF POSSESSION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. HOW IS THAT? IT IS ALL ONE WHETHER A MAN DEDICATES A FIELD IN THE SANDY PLAIN OF MAHUZ⁵ OR IN THE GARDENS OF SEBASTE, [IF HE WOULD REDEEM IT] HE MUST PAY FIFTY SHEKELS OF SILVER FOR [EVERY PART OF THE FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY,⁶ BUT IF IT WAS A FIELD WHICH HE HATH BOUGHT',⁷ HE MUST PAY WHAT IT IS WORTH. R. ELIEZER SAYS: IT IS ALL THE SAME WHETHER IT BE A FIELD OF POSSESSION OR ONE THAT HE HATH BOUGHT. THE ONLY DIFFERENCE BETWEEN THE FIELD OF POSSESSION AND THAT WHICH HE HATH BOUGHT LIES THEREIN: FOR A FIELD OF POSSESSION HE MUST PAY THE [ADDED] FIFTH, WHEREAS FOR A FIELD THAT HE HATH BOUGHT HE NEED NOT PAY THE ADDED FIFTH.'⁸

GEMARA. R. Huna said: If a man had dedicated a field full of trees, he must, when he comes to redeem them, redeem the trees for what they are worth, and then redeem the ground at [the rate of] fifty shekels of silver for [every part of the field sufficient for] 'the sowing of a homer of barley'. We see thus that R. Huna tells one Who dedicated, dedicates with a generous eye.⁹ R. Nahman raised the following objection to R. Huna: IT IS ALL ONE WHETHER A MAN DEDICATES A FIELD IN THE SANDY PLAIN OF MAHUZ OR IN THE GARDENS¹⁰ OF SEBASTE, HE MUST PAY FIFTY SHEKELS OF SILVER FOR [EVERY PART OF THE FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY? — He answered: He [the Tanna] means: Such as are fit to be gardens.¹¹

He raised a further objection: 'Field for the sowing':¹² from this I know only [the rule] in the case of a field for sowing. whence do we know it concerning a field of vines, or a field of reeds, or a field of trees? Therefore Scripture says: Field,¹³ i.e., as long as it is a field! — R. Huna replied: Here, too, he redeems, and then redeems again!

He raised a further objection: If one dedicates three trees of a plantation in which ten were planted in a field sufficient for the sowing of one se'ah,¹⁴ then he also dedicates the soil as well as the trees between them.¹⁵ When he redeems them, he redeems them at the rate of fifty shekels of silver for every piece of the field sufficient for the sowing of a homer of barley.¹⁶ If they are planted more thickly or less thickly than this, or if he dedicates them one after the other, then he does not dedicate thereby either the soil or the trees between them;¹⁷ therefore, when he redeems them he redeems the trees at their value; and even more, if he first dedicates his trees¹⁸ and afterwards dedicates the ground, when he comes to redeem them, he must redeem the trees at their value, and then he must redeem the ground again, at the rate of fifty shekels of silver for [every part of the field sufficient for] the sowing of a homer of barley!¹⁹ And, if you were to say: Here²⁰ too, he redeems and then must redeem again; but surely since the second clause expressly mentions 'he must redeem and redeem again', it follows that in the first clause this is not so! Rather, say: According to whom is this [teaching]?¹⁹ It is in accord with R. Simeon, who holds that one who dedicates does so 'with an ungenerous eye', for it was taught: If one dedicates a field, he dedicates the whole of it.²¹ R. Simeon says: He does not dedicate anything [together with the field] save the full grown carob tree and the cropped sycamore tree. If this be in accord with R. Simeon, consider the second part: 'And not only that, but if he dedicates the trees and afterwards the ground, when he comes to redeem, he must redeem the trees at their value, and then must redeem the ground again at the rate of fifty shekels of silver for [every part of the field sufficient for] the sowing of a homer of barley'! Now if it were in accord with R. Simeon, one should be guided only by the circumstances²² at the time of redemption, and hence they should be redeemed [automatically] with the ground, for we have heard from R. Simeon to be guided by circumstances at the time of redemption. For it was taught: Whence do we know that if one buys a field from his father and dedicates it, and the father died afterwards, that that field is considered a 'field of possession'? Because the text states: And if he sanctify unto the Lord a field which he hath bought, which is not of the field of his possession,²³ i.e., a field which could not become a field of possession,²⁴ that excludes [such a field as] this, which would have become his field of possession. This is the view of R. Judah and R. Simeon. R. Meir said: Whence do we know that if one buys a field from his father, and his father died, and he thereupon dedicated it, that it is considered a field of possession?

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- (1) By not teaching 'the fairest among Canaanites', because one should not attribute any beauty to those indulging in the cruelty and immorality of idolaters.
 - (2) This was Rab Judah's teaching (v. A.Z. 20a). for which the Mishnah offers authoritative endorsement by implication.
 - (3) V. infra 15a.
 - (4) An idolater could not, by Biblical law, redeem his field of possession for the payment of fifty shekels; he would have to repay its value.
 - (5) Mahuz may be the term tech. for 'place', 'circle', or the name of an unidentified locality. 'The desert, sandy wilderness of Mahuz' would be a good contrast to the rich, developed gardens of Sebaste, the city built by Herod on the ruins of Samaria. According to Rashi the reference in Mahuz is to a field in the environs of a town the ground of which is continually trodden on and thus has become sterile.
 - (6) Lev. XXVII, 16. A field sufficient for the sowing of a 'homer of barley', according to 'Er. 23b would hold 75,000 square cubits.
 - (7) V. Lev. XXVII, 22.
 - (8) For the field of possession as well as for the field bought, the price of redemption is fifty silver pieces for every part of the field sufficient for the sowing of a homer of barley. But with the field of possession, the owner must pay the additional fifth, whereas with a field bought he need but pay what it is worth.
 - (9) He dedicated the tract and in addition thereto, the trees, hence when he comes to redeem, he must redeem the tract after having redeemed the trees.
 - (10) The gardens of Sebaste were planted vineyards, nevertheless the Mishnah states they can be redeemed with fifty silver pieces etc., which shows that the trees were redeemed with them, thus disproving the view of R. Huna. The latter says the sum mentioned refers only to the field; as for the trees, they must be redeemed at their value, the redemption of one following the other.
 - (11) Without being actually planted with trees.
 - (12) The reference is probably to Lev. XXVII, 16, although the word 'field' (lit., 'house') does not occur in the Biblical text.
 - (13) Ibid.
 - (14) One se'ah is the thirtieth part of a homer; the field corresponding would contain 2,500 square cubits.
 - (15) Small trees.
 - (16) This would be contra R. Huna.
 - (17) The usual way of planting trees is to plant ten in a field sufficient for the sowing of one se'ah. The whole tract is needed for these trees, hence if they are dedicated, the tract and the small trees between them are dedicated too. If the trees are planted either more or less thickly, only the trees are considered dedicated, and only they need be redeemed.
 - (18) Planted more or less thickly.
 - (19) V. B.B. 72a.
 - (20) In the first clause from which an objection is raised against R. Huna.
 - (21) All that it contains. (9) Which are old and large. and derive their sustenance from the ground more than any other tree, v. B.B., Sonc. ed., p. 282 notes.
 - (22) At the moment of the redemption the trees are on the ground, and the question as to whether they were dedicated together with or after the tract is then irrelevant.
 - (23) Lev. XXVII, 22.
 - (24) Since he bought it from a stranger, from whom he would not inherit it.

Talmud - Mas. Arachin 14b

Talmud - Mas. Arachin 14b

— Because the text states: ‘And if he sanctify unto the Lord a field which he hath bought, which is not the field of his possession’, i.e., a field which is not a field of possession, excluding one that is his field of possession. Now according to R. Judah and R. Simeon, even if he dedicated it and his father died subsequently, it is still considered a field of possession. What is the reason therefore? It is on account of the Scriptural text?¹ But that is in favour of R. Meir's view!² Rather must you say because one is guided by the circumstances at the redeeming!³ Said R. Nahman b. Isaac: R. Judah and R. Simeon found a Scriptural verse and expounded it. If it were so [as R. Meir holds], the Divine Law should have written: ‘If he sanctify . . . a field which he hath bought, which is not his possession’. But since it says: Which is not of the field of his possession, [it means:] A field which is not fit⁴ to be the field of his possession.

R. Papa said: If one dedicates stony ground, he must redeem it at its value. Why? — The Divine Law speaks of a ‘field for the sowing’, and this ground cannot be sown. If he has not redeemed it, then in the jubilee year, it goes forth to the priests.⁵ Why? — Because the Divine Law speaks of a ‘field’, no matter of what kind. If he sold stony ground, it can be redeemed even within two years.⁶ Why? ‘According to the number of the years of the crops’, says the Divine Law, and it [stony ground] is incapable of having crops. If he has not redeemed it, it returns in the jubilee year to the owners. Why? And he shall return into his possession,⁷ the Divine Law says, and this, too, is possession. If he dedicates trees he redeems them at their worth. What is the reason? — The Divine Law says: ‘a field for sowing’, but not trees. If he did not redeem them they do not go forth in the jubilee year to the priest. What is the reason? — The Divine Law says, ‘and the field shall be’, but not trees. If he sold trees they are not redeemed before two years. What is the reason? — ‘According to the number of the years of the crops’, says the Divine Law, and these are productive of crops. If he has not redeemed them they do not return to the owner at Jubilee. What is the reason? — ‘And he shall return unto his possession says the Divine Law, but not trees.

The Master said: If he dedicates trees he redeems them at their worth [etc.]. But why? — Let them become sacred [property] through the ground and be redeemed together with it and return to their owners [at Jubilee] together with the ground? And if you were to argue: He dedicated trees, but not ground, but did not the Nehardeans say: If one sells to his neighbour a [date] palm, the latter acquires it from the base⁸ to the furthest depth? — But it was taught in connection therewith: Only if he came with such a claim.⁹

BUT IF IT WAS A FIELD WHICH HE HATH BOUGHT HE MUST PAY WHAT IT IS ACTUALLY WORTH: Our Rabbis taught: The worth,¹⁰ what does that teach us? Since it is said: ‘Fifty shekels of silver for every piece of the field sufficient for the sowing of a homer of barley’, I might have thought the same applied also to a field which he bought, therefore the text states ‘the worth’.¹¹ R. Eliezer says: Here it is said: [The priest] shall reckon,¹⁰ and above it is said: [The priest] shall reckon.¹² Just as there a definite [sum], so here, also, a definite [sum]. The following question was asked: Do the Rabbis accept this gezerah shawah,¹³ and hence they infer also the additional fifth,¹⁴ or do they not accept this gezerah shawah and neither the fifth? — Said Raba: It seems logical that they do not accept this gezerah shawah. For the Divine Law revealed [taught]

concerning the fifth, both in connection with a field of possession, and also with one who dedicated his house;¹⁵ we have thus two Scriptural verses teaching the same thing and ‘whenever two Scriptural verses teach the same thing, they do not serve as illustrations for other cases’.¹⁶ But what according to him who says ‘they do serve as illustrations for other cases’? — Since the Divine Law revealed about a fifth in connection with the tithing of pure and impure cattle, it is a teaching occurring frequently, and hence they do not serve as illustrations in other cases. It was taught in accord with Raba, but not for the reason he advanced:¹⁷ It was taught: ‘The worth of thy valuation’, herewith Scripture compares it to valuation: just as no fifth is added in connection with valuation, so no fifth is added in connection with a field that he has bought.

MISHNAH. THE LAW CONCERNING A MU'AD OX THAT HAS KILLED A SLAVE,¹⁸ IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY. HOW IS THAT? IT IS ALL ONE WHETHER IT KILLED THE FINEST SLAVE OR THE UGLIEST SLAVE, HE MUST PAY THIRTY SELA'S. IF IT KILLED A FREE MAN HE MUST PAY WHAT HE IS WORTH. IF IT WOUNDED HIM. WHETHER THE ONE OR THE OTHER, HE MUST PAY THE DAMAGE IN FULL.¹⁹

GEMARA. This²⁰ then applies only to a mu'ad,²¹ but not to a tam?²² Shall we say that our Mishnah will not be in accord with R. Akiba? For it was taught: R. Akiba said, Even with a tam which injured a man, the larger²³ damage must be paid in full! — You can even say that it is in accord with R. Akiba, for it applies to a tam too; but since he wishes to teach in the latter part the case where IT KILLED A SLAVE OR A FREE MAN, which applies only to a mu'ad, but not to a tam, therefore it speaks of mu'ad.

MISHNAH. ‘THE LAW OF THE VIOLATOR AND SEDUCER IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY.’ HOW IS THAT? IT IS ALL ONE WHETHER A MAN VIOLATED OR SEDUCED A WOMAN FROM AMONG THE NOBLEST OF THE PRIESTLY STOCK OR THE HUMBLEST IN ISRAEL, HE MUST PAY FIFTY SELA'S.²⁴ BUT COMPENSATION FOR SHAMING AND FOR BLEMISH IS IN ACCORD WITH THE [CIRCUMSTANCES] OF HIM WHO SHAMES AND OF HER WHO SUFFERS THAT SHAME.²⁵

GEMARA. But why? Perhaps the Divine Law means: Fifty sela's for all the things together? — R. Ze'ira replied: People would say, How should one who has lain with a king's daughter pay fifty, and one who has lain with the daughter of a commoner pay fifty! — Abaye replied to him: If that be right, one could argue in the case of a slave too: why for a slave who perforates pearls thirty, and for one who does needlework also thirty?²⁶ Rather said R. Ze'ira:

(1) ‘Which is not the field of his possession’.

(2) The text quoted may not mean to exclude a field which he has dedicated before the father died; rather does it support the interpretation of R. Meir: to exclude the case where his father died and he afterwards dedicated it.

(3) And since at the redemption the father was dead, it is a field of possession.

(4) The argument is based on the mem privative. v. B.B. Sonc. ed., p. 285ff notes.

(5) Lev. XXVII, 20-21.

(6) Normally a field cannot be redeemed before two years (v. infra 29b). The stony ground is a field and therefore

falls into some part of the law, but since it is an abnormal field, it is not affected by such regulations as apply to the usual type. Lev. XXV. 15 covers the ordinary field, bearing crop.

(7) Lev. XXV, 27.

(8) And can therefore plant a new one when this one withered, B.B. 37b, which teaching indicates that he who owns the tree owns the land on which it stands, whence the dedication of a tree implied the dedication of such ground.

(9) That he had bought the ground with the tree. That renders it an exceptional case, not a general rule, v. *ibid.*

(10) Lev. XXVII, 23.

(11) I.e., only the actual worth not the amount imposed by the Torah on the field of possession.

(12) With reference to a field of possession: Lev. XXVII, 18: arguing hence from analogy of expression, the fixed sum is fifty shekels.

(13) I.e., the inference based on the similarity of expression. v. *Glos.*

(14) The consequence of the inference from analogy would be that with regard to other items too, hence with regard to the fifth additional in case of redemption, a field which is bought shall be governed by the rules applicable to a field of possession.

(15) V. Lev. XXVII, 14.

(16) Lit., 'they do not teach'. The Torah does not repeat itself. A general law would be stated once. The very fact that it appears twice indicates that it applies only to those detailed situations and that no general rule may be inferred from them for others.

(17) His argument came from the fact that the rule was stated too often to be considered one generally applicable, whereas this teaching is based on an analogy with valuation, as explained.

(18) Ex. XXI, 29. The owner must pay the damage caused by his ox, for which he is responsible.

(19) The value which he would have had as bond-servant.

(20) The ruling in the last clause that full damage must be paid by the owner in case the ox has wounded either a free man or slave.

(21) As is indicated by the introductory words of our Mishnah.

(22) Lit., 'simple', 'innocuous', i.e., an ox whose owner had not been forewarned (v. *Glos.*).

(23) Lit., 'the difference (between the two damages)'. If ox and man injured each other, then if the owner of the ox had not been forewarned, he need pay but one half of the greater damage. R. Akiba held he must pay in full, even though the ox was a tam, v. B.K. 33a.

(24) V. Deut. XXII, 29.

(25) In addition to the fifty sela's the violator as well as the seducer must pay damages for the shame and the blemish caused. V. *Keth.* 40a.

(26) Just as the shame suffered by a king's daughter is greater than that suffered by one of common descent, so is the damage suffered in the loss of a skilled slave much greater than that suffered in the loss of an unskilled one.

Talmud - Mas. Arachin 15a

[Argue thus,] If two men had intercourse with her, the one in a natural way, the other in an unnatural manner,¹ people will say: He who has lain with a blemished [woman pays] fifty, and he who has lain with a sound [woman]² fifty! Said Abaye to him: But with regard to a slave they would equally say: For [the death of] a healthy slave thirty, and for one afflicted with boils also thirty? Rather, said Abaye: [This is his answer,] Scripture said: Because he hath humbled her,³ from this it is evident that there is also indemnification for shame and blemish. Raba said: Since Scripture said, Then the man that lay with her shall give,³ it indicates that for the enjoyment of

lying with her [he must pay] fifty shekels, from which we infer that there are other things [to pay for], viz., shame and blemish.

MISHNAH. THE LAW OF HIM THAT HATH BROUGHT UP AN EVIL NAME⁴ IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HATH BROUGHT UP AN EVIL NAME AGAINST A WOMAN FROM THE NOBLEST OF PRIESTLY STOCK OR OF THE HUMBLEST IN ISRAEL. HE MUST PAY A HUNDRED SELA'S. THUS IT IS FOUND THAT HE WHO SPEAKS WITH HIS MOUTH SUFFERS MORE THAN HE THAT COMMITS AN ACT.⁵ THUS WE DO ALSO FIND THAT THE JUDGMENT AGAINST OUR FATHERS IN THE WILDERNESS WAS SEALED ONLY BECAUSE OF THEIR EVIL TONGUE, AS IT IS WRITTEN: YET HAVE PUT ME TO PROOF THESE TEN TIMES etc.⁶

GEMARA. Whence do we know that?⁷ Perhaps it is due to the fact that he wanted to bring about her death, as it is written: But if this thing be true . . . then they shall bring out the damsel . . . and stone her with stones that she die!⁸ — Raba answered: Scripture said, Because he hath brought up an evil name,⁹ i.e., [only] because of the evil name that he has brought up.

THUS DO WE ALSO FIND THAT THE JUDGMENT etc. Whence do we know that? Perhaps it was due to the fact that their measure [of guilt] was not full yet. for R. Hamnuna said: The Holy One, blessed be He, does not punish man until his measure is full, as it is said: In the fulness of his sufficiency he shall be in straits!¹⁰ — Resh Lakish replied: Scripture said, 'Yet have put Me to proof these ten times', i.e., because of 'these' was the judgment against them sealed,

It was taught: R. Eleazar b. Perata said, Come and see how great the power of an evil tongue is! Whence do we know [its power]? From the spies: for if it happens thus to those who bring up an evil report against wood and stones, how much more will it happen to him who brings up an evil report against his neighbour! But whence [follows] that? Perhaps it is as explained by R. Hanina b. Papa; for R. Hanina b. Papa said: A stark thing did the spies say in that hour, as it is written: For they are stronger than we'.¹¹ Do not read: 'than we' but 'than He': as it were, even the Master of the house cannot remove his utensils from here!¹² Rather, said Rabbah in the name of Resh Lakish: Scripture said, Even those men that did bring up an evil report against the land, died by the plague against the Lord,¹³ i.e., [they died just] because of the evil report which they had brought up.

It was taught: R. Judah said, With ten trials did our forefathers try the Holy One, blessed be He: two at the sea, two because of water, two because of manna, two because of the quails, one in connection with the golden calf, and one in the wilderness of Paran, 'Two at the sea': one at the going down, the other at the coming up. 'At the going down', as it is written: Because there were no graves in Egypt [hast thou taken us away to die in the wilderness]?¹⁴ 'At the coming up': That is in accord with what R. Huna taught, for he said: The Israelites of that generation were among those of little faith; as Rabbah b. Mari expressed it; for Rabbah b. Mari said: It is written: But they were rebellions at the sea, even at the Red Sea; nevertheless He saved them for His name's sake.¹⁵ This teaches that Israel were rebellious at that very hour, saying: Just as we go up from this side, so will the Egyptians go up from the other side. The Holy One, blessed be He, said

to the Prince of the Sea: Cast them out on the dry land! He answered: Sovereign of the Universe, is there a slave to whom his Master gives a gift and then takes it away from him again? He said to him: I shall give you [afterwards] one and a half times as many of them.¹⁶ He said before Him: Sovereign of the Universe, is there any slave who can claim anything against his master? He said: The brook of Kishon shall be surety. At once he cast them on the dry land, as it is written: And Israel saw the Egyptians dead on the sea-shore.¹⁷ 'Twice because of water': at Marah, and at Refidim. 'At Marah', as it is written: And when they came to Marah, they could not drink,¹⁸ and it is written: And the people murmured against Moses.¹⁹ 'At Refidim', as it is written: They encamped in Refidim and there was no water to drink,²⁰ and it is also written: Wherefore the people strove with Moses.²¹ 'Twice because of the manna as it is written:

(1) So that she remained a virgin still and could obtain the fifty shekels, compensation in case of another attack or seduction. Thereupon she suffered the second violation.

(2) I.e., he who had intercourse with her without blemishing her shall pay fifty sela's, and he who had intercourse with her when she was blemished shall pay the same. Hence the additional indemnifications.

(3) Deut. XXII, 29.

(4) Ibid. 13-19.

(5) Because he must pay a hundred sela's for bringing up an evil name against her, whereas if he himself had committed that act (before she was married), he would have to pay but fifty sela's. (If she was betrothed and he violated or seduced her, he suffers the penalty of death, she only in case of seduction, not of course if she was violated).

(6) Num. XIV, 22.

(7) That one who speaks with his mouth suffers more than one who commits the act.

(8) Deut. XXII, 20.

(9) Ibid. 19.

(10) Job XX, 22.

(11) Num. XIII, 31. The Hebrew gadol here means less a 'big' than a 'stark' word.

(12) V. Sot., Sonc. ed., p. 172. n, 1.

(13) Ibid. XIV, 37.

(14) Ex, XIV, 11.

(15) Ps. CVI, 7.

(16) There were nine hundred war chariots at the brook Kishon (Judg. IV, 3), one and a half times as many as at the Red Sea, where there were only six hundred, thus making true the promise.

(17) Ex. XIV, 30.

(18) Ibid. XV. 23.

(19) Ibid. XVII, 3.

(20) Ibid. XVII, 1.

(21) Ibid. 2.

Talmud - Mas. Arachin 15b

'Do not go out',¹ whereas they did go out. Do not leave over,² but they did leave over. Twice because of the quails': of the first and second quails. With the first: When we sat by the fleshpots;³ with the second quails: And the mixed multitude that was among them.⁴ 'With the golden calf': as it happened.⁵ 'In the wilderness of Paran': As it happened.⁶ R. Johanan said in the name of R.

Joseph b. Zimra: What is the meaning of: What shall be given unto thee, and what shall be done more unto thee, thou deceitful tongue.⁷ The Holy One, blessed be He, said to the tongue: All members of the human body⁸ are standing, you are lying; all members of the human body are outside, you are guarded inside; not only that, but I surrounded you with two walls, one of bone and one of flesh; ‘What shall be given unto thee, what shall be done more unto thee, thou deceitful tongue’! And R. Johanan said in the name of R. Joseph b. Zimra: One who bears evil tales almost denies the foundation⁹ [of faith].¹⁰ as it is said: Who have said: Our tongue will we make mighty; our lips are with us; who is lord over us?¹¹ — Further did R. Johanan say in the name of R. Joseph b. Zimra: Any one who bears evil tales will be visited by the plague of leprosy, as it is said: Whoso slandereth his neighbour in secret, him azmith [will I destroy].¹² And there it is said: La-zemithuth [in perpetuity],¹³ which we translate as: ‘absolutely’ [permanently],¹⁴ and we learnt: The leper that is shut up differs from the leper that is certified unclean only in respect of unkempt hair and rent garments.¹⁵ Resh Lakish said: What is the meaning of: This shall be the law of the leper?¹⁶ [It means,] ‘This shall be the law for him who brings up an evil name’. Further, said Resh Lakish: What is the meaning of the Scriptural verse: If the serpent bite before it is charmed, then the charmer hath no advantage?¹⁷ — At some future time all the animals will assemble and come to the serpent and say: The lion attacks and devours; the wolf tears and consumes; but what profit hast thou? But he will answer: What benefit has he who uses his tongue? Further said Resh Lakish: One who slanders makes his sin reach unto heaven, as it is said: They have set their mouth against the heavens, and their tongue walketh through the earth.¹⁸

R. Hisda said in the name of Mar ‘Ukba: One who slanders deserves to be stoned with stones. It is written here: ‘Him azmith [will I destroy]’, and it is written there: zamethu [they have cut off] my life in the dungeon, and have cast stones upon me.¹⁹ Further did R. Hisda say in the name of Mar ‘Ukba: Of him who slanders, the Holy One, blessed be He, says: He and I cannot live together in the world, as it is said: Whoso slandereth his neighbor in secret, him will I destroy; whoso is haughty of eye and proud of heart, him will I not suffer.²⁰ Do not read: ‘Otho [him] will I not suffer’, but ‘Itto [with him] can I not suffer [to be together]’. Some refer this to the arrogant.

Further said R. Hisda in the name of Mar ‘Ukba: About one who slanders, the Holy One, blessed be He, says to the prince of Gehinnom: I shall be against him from above, you be against him from below, and we shall condemn him, as it is said: Sharp arrows of the mighty, with coals of broom.²¹ ‘Arrow’ means nothing else but the evil tongue, as it is said: Their tongue is a sharpened arrow, it speaketh deceit;²² and ‘mighty’ means only the Holy One, blessed be He, as it is said: The Lord will go forth as a mighty man;²³ and ‘coals of broom’ is Gehinnom.

R. Hama b. Hanina said: What is the remedy for slanderers? If he be a scholar, let him engage in the Torah, as it is said: The healing for a tongue is the tree of life,²⁴ and ‘tongue’ here means the evil tongue, as it is said: ‘Their tongue is a sharpened arrow’, and ‘tree [of life]’ means only the Torah, as it is said: She is a tree of life, to them that lay hold upon her.²⁵ — But if he be an ignorant person, let him become humble, as it is said: But perverseness therein is a wound to the spirit.²⁶ R. Aha b. R. Hanina said: If he has slandered already, there is no remedy for him, for King David, in his holy spirit, has cut him off already, as it is said: May the Lord cut off all flattering lips, the tongue that speaketh great [proud] things!²⁷ Nevertheless, what shall be his remedy so

that he may not come to [utter] evil speech? If he be a scholar, let him engage in the Torah, and if he be an ignorant person, let him humble himself, as it is said: ‘But perverseness therein is a wound to the spirit’.

The School of R. Ishmael taught: Whoever speaks slander increases his sins even up to [the degree of] the three [cardinal] sins: idolatry, incest,²⁸ and the shedding of blood. It is said here: ‘The tongue that speaketh great things’, and it is written in connection with idolatry: Oh, this people have sinned a great sin.²⁹ Touching incest Scripture said: How then can I do this great wickedness?³⁰ And in connection with the shedding of blood it is written: My punishment is greater than I can bear.³¹ Perhaps ‘great things’ refers to two [sins of the three]? Which of them would you exclude? In the West [Palestine] they say: The talk about third [persons]³² kills three persons: him who tells [the slander], him who accepts it, and him about whom it is told. R. Hama b. Hanina said: What is the meaning of: Death and life are in the hand [power] of the tongue?³³ Has the tongue ‘a hand’? It tells you that just as the hand can kill, so can the tongue. One might say that just as the hand can kill only one near it, thus also the tongue can kill only one near it, therefore the text states: ‘Their tongue is a sharpened arrow’. Then one might assume that just as an arrow kills only within forty or fifty cubits, thus also the tongue kills only up to forty or fifty cubits, therefore the text states: ‘They have set their mouth against the heavens, and their tongue walketh through the earth’. But since it is written already: ‘They set their mouth against the heavens’, why was it necessary to state also: ‘Their tongue is a sharpened arrow’? — This is what we are informed: That [the tongue] kills as an arrow. But once it is written: ‘Their tongue is a sharpened arrow’, why was it necessary to state: Death and life are in the hand of the tongue’? — It is in accord with Raba; for Raba said: He who wants to live [can find life] through the tongue;³⁴ he who wants to die [can find death] through the tongue.

What constitutes evil speech? — Rabbah said: For example [to say] there is fire in the house of So-and-so.³⁵ Said Abaye: What did he do? He just gave information? — Rather, when he utters that in slanderous fashion: ‘Where else should there be fire if not in the house of So-and-so? There is always meat and fish’.³⁶ Rabbah said: Whatsoever is said in the presence of the person concerned is not considered evil speech. Said Abaye to him: But then it is the more impudence and evil speech! — He answered: I hold with R. Jose, for R. Jose said: I have never said a word and looked behind my back.³⁷

(1) There is no text for this statement. Ex. XVI, 29 is not relevant here. The Gemara quotes the second verse, too, loosely, indirectly. Some MSS. omit ‘as it is written’, thus rendering the statement correct (Goldschmidt).

(2) Cf. Ex. XVI, 19.

(3) Ibid. 3.

(4) Num. XI, 4.

(5) Ex. XXXII, 1ff.

(6) The story of the spies. Num. Xlii-XIV.

(7) Ps. CXX, 3. More guarded and protected than all other members, the tongue's ambition is ever unsatisfied. The walls of flesh and bone are, of course, cheeks and teeth.

(8) Lit., ‘man’.

(9) Lit., ‘root’.

(10) God.

- (11) Ps. XII, 5.
- (12) Ps. CI, 5.
- (13) Lev. XXV, 30.
- (14) The Hebrew for the words 'I will destroy' and 'in perpetuity' are both derived from one and the same root. Hence the suggestion that, since the word is used in connection with leprosy 'absolutely' (the Aramaic version of 'in perpetuity') and the word 'destroy' refers to the same thing, the punishment of destruction will take the form of leprosy. V. Lev. XIII for details.
- (15) V. Meg. 8b.
- (16) Lev. XIV, 2. It is a play on the word: mezora' (a leper) was mozi-shem-ra', a slanderer before. The 'law' for a slanderer is that he become a leper.
- (17) Eccl. X, 11. According to Yoma 75a the serpent eats only earth. It bites therefore not for food, but by Divine order and in retribution for slander, which, similarly, produces no advantage to the offender. The verse may be interpreted (paraphrased): Will the serpent bite without whisper (order from on high) etc.?
- (18) Ps. LXXIII, 9.
- (19) Lam. III, 53.
- (20) Ps. CI, 5.
- (21) Ibid. CXX, 4.
- (22) Jer. IX, 7.
- (23) Isa. XLII, 13.
- (24) Prov. XV, 4. The usual rendering: A soothing tongue is a tree of life, but it bears the ad hoc interpretation well.
- (25) Prov. III, 18.
- (26) Prov. XV, 4. The ad hoc interpretation of this verse is: To depart from it (only by) a broken spirit!
- (27) Ps. XII, 4.
- (28) Including adultery.
- (29) Ex. XXXII, 31.
- (30) Gen. XXXIX, 9.
- (31) Ibid. IV, 13.
- (32) So Jast. Rashi: The third tongue. i.e., the go-between.
- (33) Prov. XVIII, 21. The tongue is called threefold.
- (34) Rashi: By the study of the Torah.
- (35) The fire of the oven. The suggestion: they are wealthy and eating all the time.
- (36) Behind that apparently innocent phrase lurks the slanderer's purpose.
- (37) To see whether the man concerned was near. I would say it to his face, which proves that in such a case it is not accounted slander (Rashi).

Talmud - Mas. Arachin 16a

Rabbah son of R. Huna said: Whatsoever is said before three is not considered slander. Why? Your friend has a friend, and your friend's friend has a friend.¹ When R. Dimi came [from Palestine]. he said: What is the meaning of the verse: He that blesseth his friend with a loud voice, rising early in the morning, it shall be counted a curse to him?² It refers, for example, to the case of one who happened to stay in a house where they laboured much on his behalf, and next morning he goes out into the street and says: May the Merciful One bless So-and-so, who laboured so much on my behalf. Whereupon people will hear it and come and plunder him.³

R. Dimi, brother of R. Safra, learnt: Let no man ever talk in praise of his neighbour, for through [talking in] his praise he will come⁴ to disparage him. Some there are who say: R. Dimi, brother of R. Safra, was ill. R. Safra entered to inquire about his state of health. He said, May it come [home] to me⁵ that I have kept whatever the Rabbis have enjoined. He said to him: Hast thou also kept [their command]: Let no man ever talk in praise of his neighbour. for through talking in his praise he will come to disparage him? He answered: I have not heard it, for had I heard it, I would have kept it.

R. Samuel b. Nahmani said in the name of R. Johanan: Because of seven things the plague of leprosy is incurred: [These are:] slander, the shedding of blood, vain oath,⁶ incest, arrogance, robbery and envy. Because of slander, as it is written: Whoso slandereth his neighbour in secret, him will I destroy.⁷ For 'blood-shed', as it is written: And let there not fail front the house of Joab one ... hath an issue or that is a leper.⁸ For a vain oath', as it is written: And Naaman said: be content, take two talents,⁹ and it is written: The leprosy therefore of Naaman shall cleave unto thee.⁹ For 'incest', as it is written: And the Lord plagued Pharaoh . . . with great plagues.¹⁰ Because of 'arrogance'. as it is written: But when he was strong, his heart was lifted up so he did corruptly, and he trespassed against the Lord, his God . . . and the leprosy broke forth in his forehead.¹¹ Because of 'robbery', as it is written: And the priest shall command that they empty the house,¹² in connection with which a Tanna taught: Because he had gathered money that was not his own, the priest comes and scatters it. And because of 'envy', as it is said: Then he that owneth the house shall come,¹³ referring to which the school of R. Ishmael taught: He who would reserve his house for himself.¹⁴ But that is not so, for R. 'Anani b. Sason said: Why is the portion about the priestly garments¹⁵ placed next to the portion about the sacrifices? It is to tell you that just as sacrifices procure atonement, so do the priestly garments. The tunic procures atonement for bloodshed, as it is written: And they dipped the coat in the blood.¹⁶ The breeches procure atonement for incest, as it is written: And thou shalt make them linen breeches to cover the flesh of their nakedness.¹⁷ The mitre procures atonement for those of arrogant mind, in accord with what R. Hanina taught; for he said: Let that which is [placed] high procure atonement for acts of haughtiness. The girdle procures atonement for sinful thoughts of the heart, [for it atones] where it is [worn].¹⁸ The breastplate procures atonement for [error in] legal decisions, as it is written: And thou shalt make a breastplate of judgment.¹⁹ The ephod procures atonement for idolatry, as it is written: And without ephod or teraphim.²⁰ The robe procures atonement for slander, for the Holy One, blessed be He, said: Let that which emits a sound,²¹ procure atonement for an act of sound [the voice]. The [golden] plate procures atonement for impudent deeds, for there it is written: And it shall be upon Aaron's forehead,²² and it is written there: Yet thou hadst a harlot's forehead!²³ — This is no contradiction: The one results when his actions were effective, the other when they were not effective. If his acts were effective, the plague of leprosy visits him, if his actions were not effective, the robe procures atonement.²⁴ But R. Simeon said in the name of R. Joshua b. Levi: For two things we do not find any atonement through sacrifices, but we do find atonement for them through something else, [viz.,] bloodshed and slander. Bloodshed through the heifer whose neck is to be broken, and slander through incense. For R. Hanina taught: We have learnt that the incense procures atonement, as it is written: And he put oil the incense and made atonement for the people.²⁵ And the School of R. Ishmael taught: For what does incense procure atonement? For slander. The Holy One, blessed be He, said: Let that which is [offered]²⁶ in secret

[come and] procure atonement for what was done in secret. Now we have a contradiction from [one teaching concerning] bloodshed as against another [teaching touching] bloodshed; and a contradiction from [one teaching about] slander against [another about] slander? — There is no contradiction between the two teachings about bloodshed; one speaks of the case where it is known who has killed him, and the other where it is unknown. But where it is known who has killed him, he ought to be executed? — It speaks of a case where he did it deliberately, but without having been forewarned.²⁷ Neither is there a contradiction between the two teachings about slander; the one was committed in secret,

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- (1) By making his statement before three he expects their spreading it in his name, as something that will become known. Cf. R. Jose's attitude just above.
 - (2) Prov. XXVII, 14. The expression seems too strong, his tactlessness might call for reproof, but why is it a curse?
 - (3) If that praise indicates that the host has much, violent men may go to rob him; normally. such praise will subject the host to the importunities of indecent people eager to be fed by him.
 - (4) He will say: 'With the exception of this or that bad habit', thus dispraising his neighbour. Aliter: 'it will come' etc. His praise will arouse the hostile remarks of the envious.
 - (5) I.e., I believe to have merited reward, in that . . .
 - (6) The taking of the Lord's name in vain being a great offence. Or, perjury: the example chosen shows that the latter is meant.
 - (7) Ps. CI, 5. 'Destroy' here has been explained as signifying afflict with leprosy. v. supra 15b.
 - (8) II Sam. III, 29.
 - (9) II Kings V, 23 and 27.
 - (10) Gen. XII, 17.
 - (11) II Chron. XXVI, 16 and 19.
 - (12) Lev. XIV, 36.
 - (13) Ibid. v. 35.
 - (14) Will suffer from house leprosy. v. Yoma 11b.
 - (15) In Ex. XXVIII and XXIX.
 - (16) Gen. XXXVII, 31. A hint that the coat covers (as it was covered by) blood.
 - (17) Ex. XXVIII, 42.
 - (18) The girdle was supposed to have been wide enough to cover his heart.
 - (19) Ex. XXVIII, 15. 'Of' equivalent for 'error in' judgment.
 - (20) Hosea III, 4, interpreting thus: 'Because there was no ephod. there were teraphim (idols).
 - (21) Ex. XXVIII, 33. The robe had small bells on its hem so that one might hear the approach of the high priest. Slander. too, is audible.
 - (22) Ex. XXVIII, 38.
 - (23) Jer. III, 3. The argument is from analogy of phrase.
 - (24) According to the reaching above, slander is visited by plagues. whereas now we are taught that the priestly robe procures atonement for it.
 - (25) Num XVII, 12.
 - (26) The incense is offered in the Holy of Holies, which therefore is 'in secret', v. Yoma 44a. That 'slander' is described here as something said in secret endorses the view of Rabbah v. R. Huna supra 16a.
 - (27) For a murderer to be executed he must have been forewarned, and his deed must have been seen by two witnesses.

Talmud - Mas. Arachin 16b

the other in public.¹

R. Samuel b. Elnadab asked of R. Hanina, or as others say. R. Samuel b. Nadab, the son-in-law of R. Hanina, asked of R. Hanina; or, according to still others, asked of R. Joshua b. Levi: Wherein is the leper different that the Torah said: He shall dwell alone; without the camp shall his dwelling be?² He separated a husband from his wife, a man from his neighbour, therefore said the Torah: 'He shall dwell alone'. R. Joshua b. Levi said: Wherein is the leper different that the Torah said: Two living clean birds³ [he should bring] so that he may become pure again? The Holy One, blessed be He, said: He did the work of a babbler, therefore let him offer a babbler as a sacrifice.⁴

Our Rabbis taught: Thou shalt not hate thy brother in thy heart.⁵ One might have believed one may only not smite him, slap him, curse him, therefore the text states: 'In thy heart'; Scripture speaks of 'hatred in the heart'. Whence do we know that if a man sees something unseemly in his neighbour, he is obliged to reprove him? Because it is said: Thou shalt surely rebuke.⁶ If he rebuked him and he did not accept it, whence do we know that he must rebuke him again? The text states: 'surely rebuke' all ways. One might assume [this to be obligatory] even though his face blanched, therefore the text states: 'Thou shalt not bear sin because of him'.⁶

It was taught [in a Baraitha]: R. Tarfon said, I wonder whether there is any one in this generation who accepts reproof, for if one says to him: Remove the mote from between your eyes, he would answer: Remove the beam from between your eyes! R. Eleazar b. Azariah said: I wonder if there is one in this generation who knows how to reprove! R. Johanan b. Nuri said: I call heaven and earth to witness for myself that often was Akiba punished⁷ through me because I used to complain against him before our Rabban, Gamaliel Beribbi,⁸ and all the more he showered love upon me, to make true what has been said: Reprove not a scorner, lest he hate thee; reprove a wise man and he will love thee.⁹

R. Judah son of R. Simeon b. Pazzi asked of R. Simeon b. Pazzi: What is preferable: reproof with honest purpose or false modesty?¹⁰ — He answered: Won't you agree that true modesty is better,¹¹ for a Master said: Modesty is the greatest of them all? Thus also is false modesty preferable. For Rab Judah said in the name of Rab: By all means let a man engage in the study of the Torah and in good deeds, even if not for their own sake, because through the work for an ulterior purpose he will arrive at the stage of doing [good] for its own sake.¹² What is honest reproof and what is false modesty? — For instance the case of R. Huna and Hiyya b. Rab who were sitting before Samuel, when Hiyya b. Rab said: Sir, look how he is vexing me greatly. He [R. Huna] undertook not to vex him any more. After he [the former] left, he [R. Huna] said: He did this and that [unseemly] thing. Whereupon Samuel said: Why did you not tell him that to his face? He replied: Forbid that the seed of Rab should be put to shame through me!¹³

How far shall reproof be administered? Rab said: Until he [the reprover] be beaten. Samuel said: Until he be cursed. R. Johanan said: Until he be rebuked. This is a point at issue between Tannaim. R. Eliezer said: Until he be beaten. R. Joshua said: Until he be cursed. Ben 'Azzai said: Until he be rebuked. Said R. Nahman b. Isaac: All the three expounded one Scriptural verse; [It is

written:] Then Saul's anger was kindled against Jonathan and he said unto him: Thou son of perverse rebellion, do not I know that thou hast chosen the son of Jesse to thine own shame, and unto the shame of thy mother's nakedness?¹⁴ And it is written: And Saul cast his spear at him to smite him.¹⁵ The one who said [above] 'Until he be beaten' [said so] because it is written: 'to smite him'; the other who said: 'Until he be cursed' [said so] because it is written: 'to thine own shame and to the shame of thy mother's nakedness'; the other, who said: 'Until he be rebuked' [said so] because it is written: 'Then Saul's anger was kindled'. But according to him who says: 'Until he be shouted at', does not Scripture mention 'beating' and 'cursing'? — That was different, because for his great love of David, Jonathan risked his life even further. How far shall a man suffer before changing his lodging? — Rab said: Until he is beaten, Samuel said: Until they throw his bundles over his shoulder. Where he himself is beaten there is no dispute [that it is proper for him to leave]; similarly if they threw his bundles over his shoulder, there is likewise no dispute. They are of conflicting opinion only in case his wife is beaten, one holding: 'As long as he himself is not vexed what difference does it make?'¹⁶ The other's view being: 'It will end in a quarrel [ultimately]'. Why all that [deliberation]?¹⁷ — Because a Master said: A boarder [constantly changing his lodging] discredits others and himself.¹⁸ R. Judah in the name of Rab said: Whence is derived from the Torah the view that a man should not change his lodging? Because it is said: [And he went] unto the place where his tent had been at the beginning.¹⁹ R. Jose b. Hanina said: [It is derived] from here: And he went on his [former] journeys.²⁰ What is the practical difference between them? — There is this difference: the case of a casual lodging.

R. Johanan said: Whence do we know that a man should not change his occupation and that of his forebears? As it is said: And King Solomon sent and fetched Hiram out of Tyre. He was the son of a widow of the tribe of Naphtali,²¹ and his father was a man of Tyre, a worker in brass,²² and a Master said: His mother was of the house of Dan,²³ and it is written: And I behold I have appointed him with Ohaliab, the son of Ahisamach, of the tribe of Dan.²⁴

At what stage do [Divine] visitations commence?²⁵ — R. Eleazar said: If a man had, for example, a garment woven for him to wear and it does not fit him. Raba the younger (or, as others say. R. Ze'ira; or again. as others say. R. Samuel b. Nahmani) demurred to this: But more than that was said. 'Even if it had been intended to serve him [the wine] hot, and it was served cold to him; or it was intended to be served cold, and it was served hot to him [is accounted as a divine visitation]', and you say [only] at that stage? Mar, the son of Rabina, said: Even if his shirt gets turned inside out. Raba (or, as others say, R. Hisda, or again, as some say. R. Isaac, or as it was said, it was taught in a Baraitha): Even if he puts the hand into his pocket to take out three [coins] and he takes out but two. Now this is only in the case [where he intended to take out] three, and [took out] two, but not if [he meant to take] two and three came into his hand, because it is no trouble to throw it back. But why all this [information]? — Because the School of R. Ishmael taught: Anyone upon whom forty days have passed without [divine] visitation, had received his world. In the West [Palestine] they say:

(1) If he slandered in private the incense procures atonement, as it, too, functions in private. If he slandered in public the robe, emitting sound, procures atonement for the act of sound which is his sin.

(2) Lev. XIII, 46.

(3) Lev. XIV, 4.

- (4) The slanderer babbled, hence his sacrifice is chosen from babblers. The babblers may yet teach him the folly of babbling.
- (5) Lev. XIX, 17.
- (6) Lev. XIX, 17. Lit., 'rebuking thou shalt rebuke'. The repetition of the word indicates the obligation to repeat the reproof, even though it was not accepted when administered first.
- (7) [Sifre Deut. I, 'was rebuked'. v. Finkelstein. Akiba p. 113.].
- (8) Var. lec. v. Marginal Gloss. The reference is to R. Gamaliel of Jamnia; cur. edd. R. Simeon b. Rabbi.
- (9) Prov. IX, 8.
- (10) For a man to pretend to be unworthy of administering reproof, whereas in fact it is the fear of arousing hatred that deters him from doing his duty in this respect.
- (11) In A.Z. 20b modesty is hailed as the chief of the virtues enumerated there.
- (12) V. Hor. Sonc. ed., p. 75, n. 10.
- (13) The false modesty of R. Huna expressed itself in this: He would vex Hiyya, to suggest his displeasure at his unseemly behaviour (whatever it was), but he would not disgrace him by direct reproach, while reporting his misbehaviour in his absence.
- (14) I Sam. XX, 30.
- (15) Ibid. 33.
- (16) V. Maharsha.
- (17) Why undergo so much suffering before changing one's lodging? Is there any significance in this seemingly trivial act?
- (18) Frequent change of lodging brings disgrace upon him who changes, because he will acquire the reputation of a man hard-to-please, as well as upon the lodging place, which will be regarded as unsatisfactory.
- (19) Gen. XIII, 3.
- (20) He who based his view on 'where his tent had been' would not object to a change from a casual dwelling, because 'his tent' suggests a certain permanency. whereas he who emphasized the Biblical 'he went on his journeys' would want to see the place of any of his journeys revisited.
- (21) I.e., on his father's side.
- (22) I Kings VII, 13-14.
- (23) [Var. lec. and it is written, the son of a woman of the daughters of Dan (II Chron. II, 13)].
- (24) Ex. XXXI, 6. This indicates that the family all through the centuries intervening had practised the same profession.
- (25) Below which they are not 'chastisements' for sins committed in this world, so that one may look forward to a future existence, in which one will derive but the fruits of one's good deeds on earth, having received the punishments for misdeeds whilst yet on earth. Everything below the stage of chastisement is but unimportant annoyance of no compensating quality.

Talmud - Mas. Arachin 17a

Retribution is prepared for him.

It was taught: R. Eliezer the great said: If the Holy One, blessed be He, wished to enter in judgment with Abraham, Isaac or Jacob, not [even] they could stand before His reproof! As it is said: Now therefore stand still, that I may plead with you before the Lord concerning all the righteous acts of the Lord, which He did to you and to your fathers.¹ [It is written:] Such is the generation of them that seek after Him, that seek Thy face, even Jacob. Selah.² R. Judah Nesi'ah³

Talmud - Mas. T'murah 2a

CHAPTER I

MISHNAH. ALL PERSONS CAN EXCHANGE,¹ MEN AS WELL AS WOMEN; NOT THAT ONE IS PERMITTED TO EXCHANGE,² BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED,³ AND HE RECEIVES FORTY LASHES.⁴

GEMARA. [The Mishnah] contains a contradiction in itself. You say: ALL PERSONS CAN EXCHANGE, implying that it is [permissible to exchange in the first instance] and [then it says]: NOT THAT ONE IS PERMITTED TO EXCHANGE, implying, only after it has been done?⁵ — But how can you understand it that ALL PERSONS CAN EXCHANGE in the first instance! In that case, instead of bringing a contradiction from the Mishnah, you could rather bring it from the Scriptural verse, since it says: He shall not alter it nor change it!⁶ Rab Judah therefore said: What [the Mishnah] means is this: ALL PERSONS CAN EFFECT AN EXCHANGE,⁷ MEN AS WELL AS WOMEN;⁸ NOT THAT ONE IS PERMITTED TO EXCHANGE, BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED, AND HE RECEIVES FORTY LASHES.

What additional case is included by [the word] ALL?⁹ — It includes the case of an heir,¹⁰ and [the Mishnah] will not be in accordance with the view of R. Judah,¹¹ for it has been taught:¹² An heir can lay hands [on the head of a sacrifice];¹³ an heir can effect exchange [with his father's dedication]. This is the teaching of R. Meir; whereas R. Judah says: An heir cannot lay hands [on the head of a sacrifice] nor can an heir effect exchange [with his father's dedication]. What is R. Judah's reason? — We infer the case of a preliminary act in the dedication¹⁴ from the case of a final act in the dedication.¹⁵ Just as in the case of the final act, an heir cannot lay hands [on the head of a sacrifice], so in the case of the preliminary act, an heir cannot effect exchange [with his father's dedication]. And how do we know this in the case of laying on of hands itself?¹⁶ — Three times the expression his offerings¹⁷ is used: One [intimates that] 'his offering' [requires laying on of hands], but not that of a gentile. One [that] 'his offering', but not that of his fellow. And one 'his offering' but not his father's dedication.¹⁸ But as for R. Meir, who rules that an heir can effect exchange [with his father's dedication], surely 'his offering' is written?¹⁹ — He needs this in order to include partners in a sacrifice²⁰ as requiring to perform laying on of hands. And [what does] R. Judah [say to this]?²¹ — He does not hold that partners in a sacrifice must perform laying on of hands.²² What is the reason? Because their sacrifice is not designated.²³ Or if you prefer [another solution] I may say that R. Judah may still be of the opinion [that partners in a sacrifice must perform laying on of hands] but he derives the cases both of the sacrifice of a gentile and a fellow's sacrifice²⁴ from the one text.²⁵ There is left over therefore one text, from which we derive that partners in a sacrifice must perform laying on of hands.²⁶ And as to R. Meir, who rules that an heir can exchange [with his father's dedication] what is his reason? — He can tell you: [Scripture says:] And if he shall at all change,²⁷ to intimate that an heir can change.

(1) This unconsecrated animal for that consecrated animal.

(2) Since Scripture says: Nor chance it (Lev. XXVII, 10).

(3) Thus both animals become sacred.

- (4) For violating the prohibitory law of 'nor change it'.
- (5) Is the exchange effective, but not that it is directly permissible.
- (6) Ibid.
- (7) So that the substituted animal becomes sacred whilst the original animal retains its sanctity.
- (8) Even the exchange by a woman renders the substituted animal sacred.
- (9) Besides the MEN and WOMEN actually mentioned.
- (10) Who exchanges a sacrifice which his father consecrated during his lifetime.
- (11) Who holds that an heir cannot effect an exchange with his father's dedication.
- (12) Men. 93a; 'Ar. 2a.
- (13) If the father was unable to do so during his life-time.
- (14) E.g., that of exchanging.
- (15) I.e., that of laying on of hands on the animal's head, which act is prior to sacrificing it.
- (16) That an heir cannot perform this.
- (17) And if his offering be a sacrifice of a peace-offering (Lev. III, 1). And if his offering for a sacrifice unto the Lord be of the flock (Ibid. 6). And if he offer a lamb for his offering (Ibid. 7). And in each text the law of 'laying on of hands' is laid down.
- (18) R. Judah therefore deduces from here that an heir cannot lay hands on his father's dedication.
- (19) Thus intimating that an heir cannot lay hands on his father's dedication.
- (20) If, for example, two or three people share one sacrifice, we apply to each partner the text 'his offering' and thus they all have to lay hands on the animal prior to killing it.
- (21) If the text is interpreted for this purpose, how can he infer his ruling that an heir cannot lay hands?
- (22) He is of the opinion that an offering brought by partners does not require the laying on of hands.
- (23) As belonging specifically to any one of the partners. Consequently R. Judah can still maintain that the text 'his offering' excludes a father's dedication from the need of the laying on of hands.
- (24) As being excluded from the laying on of hands
- (25) The expression 'his offering' implies the exclusion of the sacrifice by an agent, whether Jew or gentile, from the law of laying on of hands. For it cannot be said to be solely for the purpose of excluding the sacrifice of a gentile from the laying on of hands, since this is already derived from another Biblical text as explained in Men. 93a.
- (26) And there still remains a third text of 'his offering' to imply that laying on of hands is not required in connection with a father's dedication, since a father's sacrifice might naturally be regarded as one's own and consequently subject to the laying on of hands. There is need therefore for a special text to inform us that this is not so.
- (27) Lit., 'changing he shall change'. The reduplicated expression enables us to infer that an heir's exchange of his father's sacrifice is effective.

Talmud - Mas. T'murah 2b

We infer then the case of a final act in the dedication¹ from the case of a preliminary act in the dedication.² Just as in the case of the preliminary act, an heir can effect exchange [with his father's dedication], so in the case of the final act, an heir can lay on hands. And what will R. Judah do with the text: 'And if he shall at all change'?³ — It is to include [the exchange by] a woman, and as it is taught: Since the whole context [of exchanging] speaks only of the masculine gender, as it says: He shall not alter it nor change it,⁴ whence do you derive that the same applies to a woman? The text therefore states:⁵ 'And if he shall at all change',⁶ in order to include a woman. And

whence does R. Meir⁷ derive that a woman [can effect an exchange]? — He derives it from the waw [‘and’].⁸ And [what does] R. Judah [say to this]? — He does not interpret the waw.⁹ Now according to the view both of R. Meir and of R. Judah, the reason [why the law of substitution applies to a woman] is because Scripture expressly included the case of a woman,¹⁰ but if it had not included it, I might have thought that when she exchanged she was not punishable [with lashes].¹¹ Surely Rab Judah reported in the name of Rab and likewise a Tanna of the School of R. Ishmael taught: [Scripture says:] When a man or woman shall commit any sin that men commit;¹² Scripture thus places woman on a par with man in respect of all the penalties mentioned in the Torah! — You¹³ might be under the impression¹⁴ this is the case only as regards a penalty which applies equally, both to the individual and the community, but there,¹⁵ since the penalty does not apply equally in all cases, for we have learnt: A community or partners cannot effect an exchange,¹⁶ therefore in the case of a woman also if she performed an exchange she would not be punishable [with lashes]. Hence we are informed [that this is not so].

Rami b. Hama asked: Can a minor effect an exchange? What kind of case do you mean? Shall I say, it is the case of a minor who has not yet reached the stage of [legal] vows?¹⁷ Surely there should be no question about this, for since he is unable [legally] to dedicate, how can he effect an exchange? — Rather the case is that of a minor who has reached the stage of [legal] vows.¹⁸ Do we say, seeing that a Master said: [Scripture could have stated:] When a man shall utter a vow of persons. Why then does it say: If a man shall clearly utter¹⁹ a vow? It is in order to include ‘a doubtful person²⁰ next to a man’ in that his dedication is valid.²¹ Now do we say that since he can dedicate, he can effect an exchange? Or, perhaps, since a minor is not punishable,²² he cannot effect an exchange?²³ And if you were to maintain that a minor can effect an exchange, since ultimately he comes into the category of being punishable,²⁴ can a gentile effect an exchange? Should we say, since he can legally dedicate an animal for sacrifice, as it has been taught: [Scripture says:] A man, a man [of the house of Israel].²⁵ What need is there for Scripture to repeat ‘man’? It is in order to intimate that the gentiles can make votive freewill-offerings like the Israelites;²⁶ [do we say that] they therefore can also effect an exchange? Or perhaps since [they] never come into the category of being punishable,²⁷ [do we say that] when an exchange is performed by them [the animal] is not sacred? — Said Raba, Come and hear: For it has been taught, No secular use may be made of the dedications of gentiles, but the law of sacrilege does not apply to them.²⁸ Nor are [these] subject to the law of *piggul*,²⁹ *nothar*,³⁰ and uncleanness. [Gentiles] cannot effect an exchange, nor can they bring drink-offerings,³¹ but the animal offering [of a gentile] requires [the accompaniment of] drink-offerings. These are the words of R. Simeon. R. Jose said: In all [these things]³² I favour the strict view.³³ This³⁴ applies only to things dedicated for the altar,³⁵ but with things dedicated [for their value] to be used for Temple needs, the law of sacrilege applies. At all events [the Baraitha] says: [Gentiles] cannot effect an exchange.³⁶ And what does Rami b. Hama [say to this]?³⁷ — My inquiry does not refer to a case where a gentile dedicates [an animal] for his own atonement.³⁸ My inquiry has reference to a case where a gentile dedicated an animal so that an Israelite may be atoned for [by its sacrifice]. Do we go by the person who consecrates³⁹ or by the person for whom atonement is made?⁴⁰ But why not solve this question from what R. Abbuha said? For R. Abbuha reported in the name of R. Johanan: [Only] he who dedicates must add a fifth,⁴¹ and he who is to procure atonement can effect an exchange,⁴² and if one separates [the priestly due] from his own [grain]

- (1) The laying on of the hands which is prior to the sacrificing of the animal.
- (2) The exchanging of an unconsecrated animal for a consecrated one.
- (3) Why the reduplicated expression, since he holds that an heir cannot effect exchange with his father's dedication?
- (4) Lev. XXVII, 10.
- (5) V. supra n. 4.
- (6) The reduplicated expression when the one word 'he shall change' would have sufficed.
- (7) Who needs the text 'and if he shall at all change' in order to include the case of an heir.
- (8) As Scripture could have said simply, 'If he shall at all change, etc.' without the 'and'.
- (9) The waw in **otū** does not call for a special interpretation.
- (10) Stating that the exchange is effective.
- (11) I.e., that her exchange is not holy.
- (12) Num. V, 6.
- (13) The phrase 'it is necessary' is omitted with Sh. Mek.
- (14) Var. lec. (v. Rashi): You might be under the impression that this is the case, viz., that a woman is placed on a par with man with reference only to a prohibition where an action is involved (e.g., the desecration of the Sabbath etc.) but in the case of a prohibition where no action is involved (as, for example, the exchanging of an unconsecrated animal for a consecrated one, where the words themselves constitute an action) I might have thought that she is not punishable with lashes, hence we are informed otherwise.
- (15) With reference to exchanging.
- (16) Infra 13a.
- (17) I.e., if he is less than twelve years and a day. At that age, even if he knows to whom he vows and dedicates, his word is of no importance. From the age of thirteen years and a day, however, his vows and dedications are legal, even if he is not conscious of their significance.
- (18) I.e., the age of twelve years and a day, when his vows and consecrations are subject to examination as to whether he realises their import.
- (19) Heb. Ki yafli (Lev. XXVII, 2).
- (20) Heb. Mufla.
- (21) I.e., a boy near the age of religious majority.
- (22) Till the age of thirteen years and one day.
- (23) For Scripture says: He shall not alter it nor change it . . . Then it and the exchange thereof shall be holy. We therefore say anyone to whom this prohibitory law and the penalty attached thereto apply, can perform an exchange, but as the prohibition and the penalty are not relevant to a minor, therefore his exchange is not valid.
- (24) With the penalties mentioned in the Torah when he attains his religious majority.
- (25) Lev. XVII, 8. E.V. 'whatsoever man there be of the house of Israel'.
- (26) Naz. 62a; Men. 73b.
- (27) As the Biblical commands and prohibitions do not apply to them.
- (28) V. Lev. V, 15ff.
- (29) A sacrifice rejected in consequence of improper intention in the mind of the officiating priest, to eat it beyond the prescribed time limit, v. Glos.
- (30) Portions of the sacrifice left over beyond the legal time, v. Glos.
- (31) They cannot offer drink-offerings for the altar without bringing a sacrifice at the same time, unlike an Israelite.
- (32) Relating to sacrilege, piggul, etc.
- (33) That sacrifices of gentiles are subject to the respective laws, the only exception being drink-offerings, which

they cannot bring.

(34) The teaching of the first Tanna in the above Baraitha that says: Dedications of gentiles are not subject to the law of sacrilege.

(35) I.e., an animal sacrificed.

(36) Which solves the above query of Rami b. Mama regarding a gentile.

(37) Why does he inquire, since it is explicitly mentioned in the Baraitha.

(38) Lit., 'so that a gentile may be atoned for'. There is no doubt that in such a case the gentile cannot effect an exchange, since he does not come into the category of being punishable.

(39) And the consecrator being a gentile cannot effect an exchange.

(40) Who is an Israelite and punishable and therefore an unconsecrated animal can be substituted for it, both animals thus becoming sacred.

(41) Where a man dedicates his house or field, the owner, if he is desirous of redeeming it, must add a fifth. But if a stranger redeems it, Scripture does not make it incumbent upon the redeemer to add a fifth, v. Lev. XXVII, 15.

(42) Since the animal was consecrated for his benefit we regard it as his offering, because we go by the person for whom atonement is made.

Talmud - Mas. T'murah 3a

for [the untithed grain of] his fellow,¹ the power of disposing of it² belongs to him [who separated].³ What does Rami b. Hama [say to this]?⁴ — There,⁵ [as the dedication] came through the agency of an Israelite, we go by him to whom atonement is made and thus both the beginning⁶ and the end⁷ are in the hand of an Israelite. But here,⁸ the question is: Do you require that both the beginning and the end should remain in the control of one who can effect an exchange,⁹ or not?¹⁰ The question remains undecided.

The Master said: 'No secular use may be made of dedications of a gentile, but the law of sacrilege does not apply to them'. [The ruling that] no secular use may be made of them is Rabbinical,¹¹ and that the law of sacrilege does not apply to them is Biblical. What is the reason? — It is written: If a soul commit a trespass and sin through ignorance.¹² We draw an analogy between [the word] 'sin' here and sin mentioned in connection with terumah;¹³ and with reference to terumah it is written: The children of Israel,¹⁴ [intimating] but not gentiles.¹⁵ 'Nor are these subject to the law of piggul, nothar and uncleanness; because in connection with uncleanness it is written: Speak unto Aaron and unto his sons that they separate themselves from the holy things of the children of Israel¹⁶ and that they profane not My holy name, etc.;¹⁷ and we infer that nothar [does not apply to the dedications of gentiles] by means of an analogy between the word 'profaned'¹⁸ and the word 'profaned' mentioned in connection with the law of uncleanness: with reference to uncleanness it is written: 'The children of Israel and that they profane not, etc.', and in connection with nothar it is written: Therefore everyone that eateth it shall bear his iniquity because he hath profaned the hallowed things of the Lord.¹⁹ And we derive the case of piggul²⁰ by means of an analogy between the word 'iniquity'²¹ and the word 'iniquity' mentioned in connection with nothar; for in connection with piggul it is written: And the soul that eateth of it shall bear its iniquity.²² And in connection with nothar it is written: Therefore everyone that eateth it shall bear his iniquity for he hath profaned the hallowed things of the Lord,²³ and so in connection with all [these cases]²⁴ we apply the text] 'the children of Israel'²⁵ but not gentiles.

‘Gentiles cannot effect an exchange’, because it is written: He shall not alter it nor change it,²⁶ and earlier in the context it is written: Speak unto the children of Israel and say unto them when a man shall clearly utter a vow of persons,²⁷ [thus referring to the children of Israel and not to gentiles]. Another version: Gentiles cannot effect an exchange. What is the reason? There is an analogy between the exchange of an animal and the tithing of animals,²⁸ and there is also an analogy between animal tithing and the tithing of grain;²⁹ and in connection with the tithing of grain it is written: But the tithes of the children of Israel which they offer unto the Lord;³⁰ ‘the children of Israel’ but not gentiles.³¹

‘Nor can they bring drink-offerings, but the animal offering of a gentile requires [the accompaniment of] drink-offerings. These are the words of R. Simeon.’ Whence is this proved? — Our Rabbis have taught: [Scripture says:] All that are home born;³² a home born³³ brings drink-offerings but the gentile does not bring drink-offerings. One might think that a burnt-offering of a gentile does not require drink-offerings! The text therefore states: After this manner.³⁴

‘Said R. Jose: In all these cases I favour the strict view’. What is the reason? — The words ‘unto the Lord’³⁵ are used [in connection with the dedications of gentiles].³⁶

‘This applies only to things dedicated for the altar, but with things dedicated [for their value] to be used for Temple needs, the law of sacrilege applies’. What is the reason? — Since when we derive the law of sacrilege on the basis of the analogy of ‘sin’ and ‘sin’³⁷ mentioned in connection with terumah,³⁸ there must be some resemblance to terumah which is dedicated as such.³⁹ But with things dedicated to be used for Temple needs, which are dedicated for their value, the case is not so.

Rab Judah reported in the name of Rab: In the case of every negative command mentioned in the Torah [the transgression of] which involves action is punishable with lashes, but if it involves no action, it is exempt [from lashes]. And is this a general rule, that a negative command [the transgression of which] does not involve an action is not punishable with lashes? But is there not the case of one who exchanges [an unconsecrated animal for a consecrated animal] which involves no action,⁴⁰ and yet it is punishable [with lashes]? For we have learnt: NOT THAT ONE IS PERMITTED TO EXCHANGE, BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES! — Rab can answer you: This [our Mishnah] is the opinion of R. Judah who holds: A negative command [the transgression of] which involves no action is punishable with lashes. But how can you explain the Mishnah in accordance with the view of R. Judah, surely have we not explained the first clause [of the Mishnah] as not being in accordance with the view of R. Judah? For the Mishnah states: ALL PERSONS CAN EXCHANGE; [and it was asked]: What does hakkol [all] include? [And the answer was that] it includes the case of an heir, not in accordance with R. Judah!⁴¹ This Tanna [of the Mishnah] agrees with R. Judah on one point, [namely] that a negative command [the transgression of] which involves no action is punishable with lashes, but differs from him in another point, for whereas R. Judah holds that an heir cannot lay hands [on the head of his father's sacrifice] and that an heir cannot effect an exchange, our Tanna holds that an heir can lay hands [on the head of his father's sacrifice] and can effect an exchange.

R. Iddi son of R. Abin reported in the name of R. Amram, R. Isaac and R. Johanan: [R. Judah reported]⁴² in the name of R. Jose the Galilean: In respect of every negative command laid down in the Torah, if one actually does something [in transgressing it], he is punishable with lashes ‘ but if he does not actually do anything [in transgressing it] he is not punishable, except in the cases of one who takes an oath, exchanges [an unconsecrated animal for a consecrated animal], and curses his fellow with the Name,⁴³ in which cases though he committed no action, he is punished [with lashes].

[The Rabbis] said in the name of R. Jose son of R. Hanina: In the case also of one who named⁴⁴ terumah before bikkurim.⁴⁵

Whence do we derive that one who takes an oath is punishable [with lashes]? — R. Johanan reported in the name of R. Meir:⁴⁶ [Scripture says:] For the Lord will not hold him guiltless that taketh his Name in vain;⁴⁷ thus intimating that the Heavenly tribunal

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- (1) In order to exempt his neighbour's grain from tithes.
 - (2) Lit., ‘the pleasure of (conferring) a benefit’, i.e., the satisfaction one feels in obliging somebody.
 - (3) Rami b. Hama could thus solve his query from R. Abbuha's statement.
 - (4) So Sh. Mek. Cur. edd. ‘he said to him’.
 - (5) In the case cited by R. Abbuha.
 - (6) The consecration of the animal.
 - (7) The sacrificing for atonement.
 - (8) With reference to Rami b. Hama's inquiry.
 - (9) I.e., an Israelite whose substitution makes the animal sacred. But where in the beginning the animal's dedication was through a gentile, although the atonement was for an Israelite, its exchange is not holy.
 - (10) And since the person for whom atonement is made is an Israelite who can effect an exchange, although the consecrator is a gentile, the exchange is sacred.
 - (11) For since the law of sacrilege does not apply to them, then necessarily the prohibition of making secular use of the dedications of a gentile can only be of a rabbinical character; and this leniency is indicated by the fact that other laws like piggul etc. do not apply to them.
 - (12) Lev. V, 15.
 - (13) V. Num. XVIII, 32. On terumah v. Glos. s.v.
 - (14) Ibid. 28.
 - (15) That the grain of a gentile is not subject to terumah.
 - (16) Thus excluding gentiles.
 - (17) Ibid. XXII, 2.
 - (18) Mentioned in connection with nothar.
 - (19) Lev. XIX, 8. And just as the laws of ritual uncleanness do not apply to the sacrifice of a gentile, since it says the children of Israel, so the law of nothar does not apply to the dedication of a gentile.
 - (20) That it does not apply to a gentile dedication.
 - (21) Used with reference to piggul.
 - (22) Ibid. VII, 18.
 - (23) Ibid. XIX, 8.
 - (24) Nothar, piggul and uncleanness.

- (25) Because all are compared to the law of ritual uncleanness where Scripture explicitly mentioned the ‘children of Israel’.
- (26) Ibid. XXVII, 10.
- (27) Ibid 2.
- (28) V. infra 13a.
- (29) V. Bk. 53b.
- (30) Num. XVIII, 24.
- (31) The same ruling which excludes a gentile therefore applies to animal tithing, as both kinds of tithing come under the term of ma'aser (tithe); and on the basis of this, by reason of the analogy mentioned above between an exchanged animal and a tithed animal, we derive the ruling that a gentile cannot effect an exchange.
- (32) Num. XV, 13.
- (33) I.e., a Jew.
- (34) Num. XV, 13. The emphatic expression ‘after this manner’ intimates the indispensableness of bringing drink-offerings in connection with animal sacrifices.
- (35) Lev. XXII, 18.
- (36) For the words ‘a man, a man’ in this passage which are explained as including the consecrations of gentiles are followed by ‘unto the Lord’, thus intimating that gentile dedications are subject to the same laws as those of Israelites.
- (37) V. supra 7.
- (38) Num. XVIII, 22.
- (39) And not merely for its value.
- (40) One only pronounces the words: ‘This unconsecrated animal shall be instead of that consecrated animal’.
- (41) V. supra 2a.
- (42) V. Mak. 16a; Shebu. 21a.
- (43) Of the Deity. And although in all these instances no action is performed, the transgression is punishable with lashes, as will be subsequently explained.
- (44) Not actually separating the terumah, for this would be an action but merely casting his eyes over a portion of the grain and saying that it should be terumah.
- (45) ‘The first fruits’, the correct order of separating dues being first bikkurim and then terumah.
- (46) In Shebu. 21a the name given is that of R. Simeon b. Yohai.
- (47) Ex. xx, 7.

Talmud - Mas. T'murah 3b

will not hold him guiltless but the earthly tribunal punish him [with lashes] and hold him guiltless.¹ Said R. Papa to Abaye: Why not say that the meaning of the text is that the earthly tribunal will not punish him at all?² — He replied to him: If this be the case, let Scripture state: He shall not hold him guiltless, and say no more; what is the need for the word ‘the Lord’? In order to intimate: It is the Heavenly tribunal which will not hold him guiltless, but the earthly tribunal punish him [with lashes] and hold him guiltless. We find therefore [Biblical authority] for the case of a vain oath.³ Whence do we derive that [one is punishable with lashes] for a false oath?⁴ — R. Johanan himself⁵ said: [The expression] in vain [is stated] twice.⁶ If it⁷ has no bearing on the subject of a vain oath, apply it to the case of a false oath, as intimating that one is punishable [with lashes]. To this R. Abbuha demurred: How is a false oath to be understood? Shall we say, if he said: ‘I will not eat and he did eat? But in that case he performed action!’⁸ On the other hand

where he said: 'I will eat', and he did not eat, would he be punishable [with lashes in such a case]? Has it not been stated:⁹ If he says, 'I swear that I will eat this loaf to-day' and the day passed and he did not eat, both R. Johanan and R. Simeon b. Lakish hold that he is not punishable with lashes. R. Johanan says: He is not punishable [with lashes] because it is a negative command [the transgression of] which involves no action, and for breaking a prohibitory law which does not involve an action one is not punishable [with lashes]; whereas R. Simeon b. Lakish says: He is not punishable with lashes because he can be given only a doubtful warning,¹⁰ and a doubtful warning cannot render one punishable [with lashes]! — Rather said R. Abbuha: Let the case of a false oath then be if he says: 'I have eaten' or 'I have not eaten'.¹¹ And why is the case if he says: '[I swear] I have eaten' or '[I swear] I have not eaten' different?¹² — Said Raba: The Torah plainly implies a false oath similar to a vain oath. Just as a vain oath refers to the past,¹³ so a false oath also refers to the past.¹⁴

R. Jeremiah cited the following in objection to R. Abbuha: If he says, 'I swear that I will not eat this loaf', 'I swear I will not eat it', 'I swear I will not eat it'¹⁵ and he ate it, he is punishable only on one count,¹⁶ and this is the 'oath of utterance'¹⁷ for which one is liable to lashes if it is wilfully broken, and to a sliding scale sacrifice¹⁸ if in error.¹⁹ Now what case does the expression 'This is' exclude?²⁰ Is it not surely the case of one who says: 'I swear I have eaten' or 'I swear I have not eaten' that he is not lashed?²¹ — No. [This is what it means:] This is [an example of an oath of utterance] for which, if broken in error, one brings a sacrifice, but where he says: 'I swear I have eaten' or 'I have not eaten', he does not bring a sacrifice.²² And whose opinion is this? That of R. Ishmael who says: One is liable to bring [a sacrifice for an oath of utterance] only when the oath relates to the future.²³ But [you may say that] he is punishable [with lashes];²⁴ read then the second clause:²⁵ 'This is a vain oath for which one is punishable with lashes if it is wilfully broken, and if in error, one is exempt'.²⁶ Now what case does [the word] 'This is' exclude? Is it not surely the case of one who says 'I swear I have eaten' or 'I swear I have not eaten', so that he is not punishable with lashes?²⁷ — No. [It means this:] This is [a case of a vain oath] where if it is broken in error, one is exempted from bringing a sacrifice, but where one says 'I swear I have eaten' or 'I swear I have not eaten', he brings a sacrifice. And whose opinion is this? That of R. Akiba who says: One brings a sacrifice [for an oath of utterance] even if it relates to the past. But have you not explained that the first clause is the opinion of R. Ishmael?²⁸ Rather [we must say,] since the second clause is the opinion of R. Akiba, therefore the first clause will also be the opinion of R. Akiba; and the first clause therefore will not exclude the case of one who says 'I have eaten' or 'I have not eaten'²⁹ but will exclude the case of one who says 'I shall eat' or 'I shall not eat'.³⁰ And what is the difference?³¹ — Where [it] speaks of the future,³² it excludes something relating to the future;³³ but where it speaks of the future, would it exclude something relating to the past?³⁴

'And one who exchanges'. Said R. Johanan to the Tanna.³⁵ Do not read: 'And one who exchanges',³⁶ because his very words³⁷ constitute an action.³⁸

'And he who curses his fellow with the Name'. Whence is this proved? — R. Eleazar reported in the name of R. Oshaia: The verse says: If thou wilt not observe to do etc.³⁹ And it says: Then the Lord will make thy plagues wonderful.⁴⁰ Now I do not know in what this 'wonder' consists.⁴¹ But when Scripture says:⁴² That the judge cause him to lie down to be beaten,⁴³ this shows that

[the] ‘wonderful’ [punishment]⁴⁴ means [punishment with] lashes. But why not say that it⁴⁵ refers even to a true oath?⁴⁶ — It is explicitly stated:⁴⁷ Then shall the oath of the Lord be between them.⁴⁸ But why not say that this⁴⁹ is only with the object of appeasing his neighbour,⁵⁰ but that in reality he is punished [with lashes]?⁵¹ — You cannot say this. For is it not written: And shalt swear by his Name?⁵² But we need this text in order to derive the ruling of R. Giddal? For R. Giddal said: Whence do we derive that one may swear to observe the commandments,⁵³ for it says: I have sworn and I will perform it that I will keep thy righteous judgments?⁵⁴ — Is there not however another text, And to him shalt thou cling and swear by his Name?⁵⁵ Then what does the text, [‘If thou wilt not observe to do’] come to teach us? That one who curses his fellow with the Name is punishable [with lashes].⁵⁶ But why not say that the text refers to one who pronounces the Lord's name for no purpose?⁵⁷ — Is then one who curses his fellow with the Name less culpable than one who pronounces the Lord's name for no purpose? — Our question is really this: Why not say that for one who pronounces the Lord's name for no purpose the punishment of lashes will suffice, but if one curses his fellow with the Name, since he commits two [forbidden things], first in pronouncing the Lord's name for no purpose and then in vexing his fellow, therefore punishment with lashes should not be sufficient?⁵⁸

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- (1) By means of lashes his sin will be atoned.
 - (2) Since no action is involved in taking an oath, therefore no punishment at all is inflicted.
 - (3) That one is punishable with lashes. A vain oath means if one swears to that which is universally known to be otherwise, e.g. saying of a stone column that it is gold.
 - (4) If one swears to the opposite of the truth, e.g., ‘I have eaten’ when he has not.
 - (5) Without reporting it in the name of some other teacher.
 - (6) In the same verse Ex. XX, 7.
 - (7) The additional repetition of ‘in vain’.
 - (8) And therefore it is only right that he should be punishable with lashes, for he ate and took an action in transgressing the oath.
 - (9) Pes. 63b; Mak. 15b; Shebu. 3b, 21a.
 - (10) One swears he will do a certain thing during the day when the actual moment of the offence (of omission) cannot be defined, so as to make the warning precede immediately. Here too when he is warned to eat the loaf of bread, he can say he has plenty of time and has no fear of the warning. And even if the day passed, he can still plead that he forgot both the oath and the warning. Consequently he is not liable to punishment with lashes.
 - (11) Referring to what has already taken place, so that no action is involved in the violation of the oath.
 - (12) That you include if he says ‘I have eaten’ and he did not eat as punishable with lashes and you exclude from punishment if he says ‘I will eat’ and he did not eat, since in both cases the transgressions do not involve an action. Sh. Mek. deletes the words ‘I will eat and he did not eat’ that follow.
 - (13) For if he swears concerning a column of stone that it is gold, this refers to the past, for in the past, before he took the oath, it was a stone, as it is now (Rashi).
 - (14) E.g., if he says: ‘I swear I have eaten’ or ‘I have not eaten’, whereas ‘I will eat’ refers to the future. And just as one is liable to lashes for the vain oath as explained above, similarly one is liable to lashes for a false oath.
 - (15) Uttering the same oath three times.
 - (16) For one oath cannot be superimposed on another.
 - (17) Of which Scripture says: Pronouncing with his lips to do evil or to do good (Lev. v, 4). It is an oath which neither benefits nor injures anybody.
 - (18) According to pecuniary conditions.

- (19) V. Shebu. 27b.
- (20) So that one is not liable to lashes if he offends wilfully.
- (21) For although it is an 'oath of utterance' it is not punishable with lashes, since Scripture says 'to do evil or to do good', implying the future and excluding the past, e.g., 'I have eaten' etc. At all events, we have not yet found a definition of what constitutes a 'false oath' which we say above is punishable with lashes.
- (22) For the Scriptural verse: 'To do evil or to do good' which refers to the future is mentioned in connection with the bringing of a sacrifice. But there would be the punishment of lashes where he says. 'I have eaten' as in the case of a vain oath.
- (23) For Scripture says: To do evil or to do good (Lev. v, 4); v. Shebu. 25a.
- (24) If he swears: 'I have eaten' or 'I have not eaten'.
- (25) Of the Mishnah in Shebu. 27b.
- (26) v. Shebu. 29a.
- (27) This therefore contradicts the inference from the first clause above.
- (28) Who says that a sacrifice is brought only when the oath has reference to the future. How then can you have the same Mishnah holding contrary opinions?
- (29) So that if one says: 'I have eaten' or 'I have not eaten' one would certainly be bound to bring a sacrifice if he swore in error, since we accept the opinion of R. Akiba on this point.
- (30) From the bringing of a sacrifice.
- (31) That I exclude from the first clause the case of 'I will eat' from bringing a sacrifice and include the case of 'I have eaten' in the second clause as being bound to bring a sacrifice.
- (32) 'I will not eat it', mentioned in the first clause.
- (33) The case of 'I will eat' and he did not eat.
- (34) E.g., 'I have eaten' or 'I have not eaten'. For fuller notes v. Shebu. (Sonc. ed.) 27b et seq.
- (35) V. Glos. s.v. (b).
- (36) As being one of the exceptions of a transgression involving no action for which one is lashed.
- (37) 'This unconsecrated animal be exchanged for that consecrated animal'.
- (38) For the unconsecrated animal becomes sacred.
- (39) Deut. XXVIII, 58. The passage continues: That thou mayest fear this glorious and fearful name, the Lord thy God, i.e., that one should not utter the Deity's name in vain and similarly one who curses his neighbour with the Name, utters God's name in vain.
- (40) In verse 59 which follows.
- (41) What exactly is the nature of the punishment referred to when Scripture says **tkpvu** , He will make . . . wonderful.
- (42) . Ibid. XXV, 2.
- (43) Here the word 'beaten' is mentioned in connection with **ukhpvu** , the latter word being a similar expression to **tkpvu** , And (the Lord) will make wonderful.
- (44) Alluded to by the word.
- (45) The Scriptural passage above: If thou wilt not observe to do etc.
- (46) That one is warned not to utter the name of the Deity even with a true oath, under the penalty of lashes.
- (47) That a true oath may be uttered with the Name.
- (48) Ex. XXII, 10.
- (49) That an oath is taken with the Name.
- (50) So that he should not claim money from him.
- (51) For taking an oath with the Name.
- (52) Deut. VI, 13. Thus we see that it is permissible to swear with the Name.

(53) So that one cannot go back on one's word.

(54) Ps. CXIX, 106. And therefore there is need for the text: And shalt swear by His name to inform us that one may even utter the Name in an oath which is taken to observe commandments.

(55) Deut. X, 20. Therefore one of the texts is required in order to deduce the ruling that one can swear with the Name to observe the commandments, and the other, that it is permissible to utter the Name in connection with a true oath.

(56) Although no action is involved.

(57) But if one curses one's fellow with the Name, there is no punishment with lashes.

(58) That atonement with lashes alone is not adequate for the offence.

Talmud - Mas. T'murah 4a

— You cannot say this, since it is written: Thou shalt not curse the deaf.¹ Or if you prefer [another solution] I may say:² There is no difficulty [if the text above]³ refers to one who curses his fellow [with the Name]; its warning⁴ in that case would be derived from here, since it is written: Thou shalt not curse the deaf.⁵ But if you say that it refers to one who utters the Lord's name for no purpose,⁶ whence is its warning derived?⁷ — But why not?⁸ But does not Scripture say: Thou shalt fear the Lord thy God and serve Him?⁹ — That text is only a positive admonition.¹⁰

‘[The Rabbis] said in the name of R. Jose son of R. Hanina: In the case also of one who names terumah before bikkurim.’ What is the reason of R. Jose son of R. Hanina? — The verse says: Thou shalt not delay to offer of the fulness of thy harvest and of the outflow of thy presses.¹¹ ‘The fulness of thy harvest’, this refers to the bikkurim;¹² ‘the outflow¹³ of thy presses’, this refers to terumah;¹⁴ and [Scripture] says: Thou shalt not delay.¹⁵

It was stated: If one named terumah before bikkurim there is a difference of opinion between R. Eleazar and R. Jose son of R. Hanina. One says he is punishable with lashes, while the other says he is not punishable with lashes. You may conclude that it is R. Jose son of R. Hanina who says that he is punishable [with lashes], since R. Jose son of R. Hanina says: Also one who names terumah before bikkurim is punishable [with lashes]. On the contrary, you may conclude that it is R. Eleazar who says that he is punishable [with lashes]. For we have learnt:¹⁶ If one has before him two baskets of tebel [untithed produce] and he says: The tithe of this [basket] shall be in that one, the first basket is considered tithed.¹⁷ [If he says:] The tithe of this one shall be in the other one, and the tithe of the other one in this one, the first is tithed,¹⁸ whereas the second is not tithed.¹⁹ [If he says:] Their tithes shall serve for another, he has named them.²⁰ And it was stated: R. Eleazar says:²¹ He is punishable with lashes because he named the second tithes [of the one basket] before the first tithes of the other.²² This is proved.²³ Then it is R. Jose son of R. Hanina who holds that he is not punishable with lashes.²⁴ Must it then be said that there is a contradiction between the two rulings of R. Jose son of R. Hanina?²⁵ — No. R. Jose son of R. Hanina

(1) Lev. XIX, 14. Implying whether without the Name or with the Name, for which there is a prohibitory law. The texts therefore, ‘If thou wilt not observe to do’ and ‘Then the Lord will make thy plagues wonderful’ inform us that there is punishment of lashes for one who curses his fellow with the Name. Aliter: You cannot say that atonement with lashes alone is not sufficient in a case where one curses his fellow with the Name, for by means of an analogy

in Sanh. 61a we compare the text ‘Thou shalt not curse the deaf’ with the text: Nor curse the ruler of thy people (Ex. XXII, 27) and just as in the case of the latter punishment of lashes is sufficient, so in the case of ‘the humblest of thy people’, i.e., the deaf, lashes are sufficient atonement. The Gemara also explains in Sanhedrin that we are dealing in the text with a case where the Name is uttered (Rashi).

(2) So Rashi.

(3) ‘If thou wilt not observe to do’.

(4) in order that the transgression of a prohibition should entail lashes, a text giving the warning is first necessary.

(5) And we have explained that the text implies even with the Name. Therefore here we have the warning, and the punishment of lashes is derived from the text: If thou wilt not observe to do.

(6) And is therefore punishable with lashes.

(7) Where is the Biblical warning that it is forbidden to pronounce the Lord's name for no purpose?

(8) Can we not find a text giving the required warning?

(9) Deut. VI, 13 ‘which informs us that the Deity's name must be treated with respect.

(10) It is not therefore called a warning. Consequently we explain the text: If thou wilt not observe to do . . . then the Lord will make thy plagues wonderful as referring to the case of one who curses his fellow with the Name and not to a case of one who pronounces the Lord's name to no purpose.

(11) Ex. XXII, 28.

(12) And the reason why bikkurim is described as ‘fulness’ is because soon after the grain is full and ripened it is ready for bikkurim. Another reason (R. Gershom) is because bikkurim is given when the grain is still intact, prior to any separation.

(13) **I gns** .

(14) Terumah is called dema’ (mixture) because the mixing of secular grain with it, to the extent of one hundred and one times its quantity, neutralizes it.

(15) Meaning that the proper sequence of the setting aside of the various priestly dues must be observed.

(16) Dem. VII, 6.

(17) Although he had not actually made the separation.

(18) Because the tithe has been set aside on its behalf from the second basket.

(19) For the first basket is now exempt, and we cannot in turn set aside the tithe from it on behalf of the second basket which is still subject to tithe.

(20) We cannot say here that we are separating what is exempt from tithe on behalf of what is subject to tithe, for in both baskets the separation is viewed as taking place simultaneously and with one declaration.

(21) R. Eleazar's words refer to the first case where one names tithe of the second basket for the first basket and where it is ruled that only the first basket is exempted.

(22) For we hold that when he names tithe this includes also the second tithes. Thus the first basket was exempted from both the first and second tithes, whilst the second basket is still tebel, even in respect of the first tithe. There is therefore the penalty of lashes because he named the second tithes before the first tithes. For, although the text only speaks of delaying with reference to terumah and bikkurim, the same law applies to the correct sequence of the two tithes and also to terumah and tithes.

(23) That it is R. Eleazar who holds that one is punishable for changing the sequence of the priestly dues.

(24) Since it is R. Eleazar who says that he is punishable with lashes, therefore the Tanna who differs from him and holds that one is not punishable with lashes must be R. Jose son of R. Hanina.

(25) For he says above that one who names terumah before bikkurim is punishable with lashes.

Talmud - Mas. T'murah 4b

was speaking of exempting [from lashes];¹ and he says thus: Transgression of a negative command which does not involve an action is not punishable with lashes. [The Rabbis] said in the name of R. Jose son of R. Hanina: Also one who names terumah before bikkurim.² And why is it that one who exchanges is punishable [with lashes]?³ [Assumedly] because with his very words⁴ he performs an action.⁵ Then the case of one who names terumah before bikkurim should also be punishable with lashes, since with his words he performed an action?⁶ — Said R. Abin: It is different there,⁷ for [the prohibition of not delaying the priestly dues] is a negative command that is remediable by a positive command,⁸ since it is written: Out of all your gifts ye shall offer every heave offering.⁹

R. Dimi was once sitting and repeating this tradition.¹⁰ Abaye asked him: And is it true that every negative command which is remediable by a positive command is not punishable [with lashes]? Is there not the case of one who exchanges [an unconsecrated animal for a consecrated animal] which is a negative command remediable by a positive command and is yet punishable with lashes? For we have learnt in our Mishnah: NOT THAT ONE IS PERMITTED TO EXCHANGE BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES. — [The case of one who exchanges is different, for]¹¹ here are two negative commands¹² and one positive command¹³ and one positive command cannot displace two negative commands.¹⁴ But is there not the case of one who violates [a woman] for which act there is one negative command¹⁵ and one positive command,¹⁶ and yet the positive command does not displace the negative command? For it has been taught:¹⁷ If one violates [a maiden] and then divorces her [after marriage],¹⁸ if he is an Israelite he takes her back and is not punished [with lashes];¹⁹ but if he is a priest, he is punished [with lashes]²⁰ and he does not take her back!²¹ — You mention the case of priests. Their case is different, for the Divine Law²² invests them with added sanctity.²³

This is a matter of dispute between Tannaim.²⁴ And ye shall let nothing remain of it until the morning and that which remains of it until morning ye shall burn with fire.²⁵ Scripture here has come to state a positive command²⁶ following a negative command in order to inform us that one is not punishable with lashes on account thereof. So R. Judah.²⁷ R. Jacob says: This comes not under this head,²⁸ but the reason is because it is a negative command [the transgression of] which involves no action,²⁹ and the transgression of a negative command in which no action is involved is not punishable with lashes. This implies [does it not] that R. Judah holds that it is punishable with lashes.³⁰ And according to R. Jacob, what does the text: ‘And that which remains of it until the morning ye shall burn with fire’ come to teach? It is required for what we have learnt:³¹ The bones, the tendons and that which remains of the Paschal lamb are burnt on the sixteenth [of Nisan].³² If the sixteenth [of Nisan] fell on the Sabbath they are burnt on the seventeenth, because the burning of sacred things does not supersede either the Sabbath or Festivals. And Hezekiah said, and so taught a Tanna of the School of Hezekiah: What is the reason? Scripture says: ‘That which remains of it until the morning ye shall burn with fire’; the text came to give a second morning³³ for its burning.³⁴

Said Abaye: Any act which the Divine Law forbids³⁵, if it has been done, it has legal effect,³⁶ for if you were to think that the act has no legal effect, why then is one punishable [on account thereof with lashes]? Raba however said: The act has no legal effect at all, and the reason why one

is punishable with lashes on account thereof is because one has transgressed a command of the Divine Law.

- (1) R. Jose b. R. Hanina's statement has reference to the first Tanna who holds that transgression of a negative command which does not involve an action is not punishable with lashes. R. Jose thereupon declares that the case also of one who named terumah before bikkurim is exempt from lashes for the same reason. This is contrary to the assumption held hitherto that R. Jose made him liable to lashes.
- (2) Is also exempt from the punishment of lashes.
- (3) As stated above, that the case of one who exchanges is an exception to the rule that the transgression of any negative law in order to merit punishment with lashes must involve an action, for here, in exchanging, no action is taken.
- (4) 'Let this unconsecrated animal be instead of that consecrated animal'.
- (5) The hullin (unconsecrated animal) becoming sacred.
- (6) By naming it he invests the fruit with the holiness of terumah.
- (7) In the case of the naming of terumah before bikkurim.
- (8) A negative command the transgression of which must be repaired by a succeeding act. Now if he violates the prohibition by not naming the priestly dues in their right sequence, he can rectify the matter by setting aside the priestly due which has been omitted. In such a case, where a forbidden act can be repaired, there is no punishment of lashes.
- (9) Num. XVIII, 29.
- (10) That the reason why one is not punishable with lashes where one names terumah before bikkurim is because the prohibition is remediable by the positive command.
- (11) So Sh. Mek.
- (12) 'He shall not alter nor change it'.
- (13) 'Then it and the exchange thereof shall be holy' (Lev. XXVII, 10).
- (14) And therefore he who exchanges is punishable with lashes.
- (15) He may not put her away all his days (Deut. XXII, 29).
- (16) And she shall be his wife (ibid).
- (17) Mak. 15a.
- (18) Which is forbidden by the Scripture.
- (19) For after committing the transgression he can always carry out the positive command by re-marrying her,
- (20) Since he cannot take her back after divorcing her, as a priest is forbidden to re-marry a divorcee. Therefore he cannot repair the act and the positive command does not as a result displace the transgression.
- (21) You have therefore here a difficulty for the one who maintains that a transgression of a negative command which is remediable by a positive command is not punishable with lashes.
- (22) Lit., 'the merciful one'.
- (23) The reason therefore is not because a positive command does not displace a negative command, but because we are stricter in the case of a priest than in that of an Israelite, and therefore a priest is liable to lashes.
- (24) There is a difference of opinion among Tannaim as to whether or not the transgression of a negative command which involves no action is punishable with lashes.
- (25) Ex. XII, 10.
- (26) 'And that which remains, etc.'.
- (27) Who therefore holds that transgression of a negative command which is remediable by a positive command is not punishable with lashes.
- (28) This is not the real reason why one is exempt from lashes.

- (29) Since to leave over the remains of the Paschal lamb entails no action.
- (30) Hence we see that there is a difference of opinion among Tannaim as to whether transgression of a negative law which does not entail an action is punishable with lashes.
- (31) Pes. 83a.
- (32) But not on the fifteenth, for it is forbidden to burn holy things on festivals.
- (33) The word 'morning' being mentioned twice in the same verse.
- (34) The text therefore means as follows: One must not leave the remains of the Paschal lamb until the next morning, i.e., the fifteenth; but that which remains till the second morning, you shall burn it in fire, i.e., on the sixteenth which is the intermediate day of the festival.
- (35) Lit., 'said, "do not"'.
(36) I.e., what has been done is valid.

Talmud - Mas. T'murah 5a

An objection was raised: If one violates [a maiden] and then divorces her [after marriage], if he is an Israelite he must take her back and is not punished with lashes. Now if you say that since one has transgressed the command of the Divine Law one is punished with lashes, then here he, too, should be punished with lashes! This refutes Raba?¹ — Raba can answer you: The case is different there,² for Scripture says: 'All his days'³ [intimating that] all his days, [if he divorces her] he is required to take her back.⁴ And what does Abaye⁵ say to this? — If the Divine Law had not said: 'All his days' I might have thought that there exists a mere prohibition,⁶ but that if he wishes he can take her back, and if he wishes he need not.⁷ The text 'All his days' therefore teaches us [that this is not so].⁸ (Another version: They raised an objection: If one violates [a woman] and [marries her] and then divorces her, if he is an Israelite, he takes her back and is not punishable with lashes; but if he is a priest, he is punishable with lashes and he does not take her back. At all events it [the Baraita] says: If he is an Israelite, he takes her back and he is punishable with lashes. This refutes Abaye? — The case is different there, since the Divine Law says: 'All his days', intimating that all his days [if he divorces her] he is required to re-marry her. And what does Raba [say to this]? — [Raba] can answer you: If the Divine Law had not said 'All his days', I might have thought that he would be punishable with lashes and that he must re-marry her, [for the law of one who violates a woman] is an unqualified negative command, since it is written: He may not put her away all his days. For this reason Scripture says: 'All his days', to make the law of one who violates [a woman] a negative command remediable by a positive command, for which there is no punishment of lashes.)⁹

But is there not the case of one who separates [terumah] from bad [grain] for good [grain], concerning which the Divine Law says: Of all the best thereof,¹⁰ [he must bring as terumah] 'the best thereof',¹¹ but not from the inferior?¹² And yet we have learnt: We may not separate terumah from the bad [grain] for the good, but if one did so,¹³ it is counted as terumah?¹⁴ Consequently we see [that a forbidden act] has a legal effect! Shall we say that this refutes Raba?¹⁵ — Raba can answer you: The case is different,¹⁶ for it will be as R. Elai. For R. Elai said: Whence do we deduce that if one separated [terumah] from bad [grain] for good [grain] it is counted as terumah? It says: And ye shall bear no sin by reason of it when ye have heaved from it the best of it.¹⁷ Now if the terumah¹⁸ is not holy, wherefore should he bear sin?¹⁹ Hence we infer that if one separates terumah from bad [grain] for good [grain] it is counted as terumah. And Abaye?²⁰ — If the Divine

Law had not said: ‘And ye shall bear no sin’ I might have thought what the Divine Law means is, ‘Perform a mizwah²¹ in the best [way]’,²² but if one did not do so, he is not called a sinner. [The text]²³ therefore informs us [that this is not so].²⁴ But is there not the case of one who separates from one species to serve as terumah for another species, concerning which the Divine Law says:²⁵ All the best of the oil [and all the best of the wine],²⁶ [intimating] that he must give the best [as terumah]²⁷ for the one [species] and the best [as terumah]²⁸ for the other? And we have learnt: One must not separate terumah from one species for another species, and if one did so, it is not counted as terumah.²⁹ Consequently we see that a forbidden act has no legal effect. Shall we say that this refutes Abaye?³⁰ — Abaye can answer you: The case is different there,³¹ since Scripture says: The first part of them,²⁵ thus implying the first of this [species]³² and the first of that [species].³³ And Elai said likewise: [The text says:] ‘The first part of them’ [intimating the first of this species and the first of that species].³⁴ And Raba?³⁵ — If the Divine Law had not stated ‘the first part of them’³⁶ I might have thought that [only] in the case of wine and oil, with reference to which the text says: ‘The best’, ‘the best’,³⁷ we may not set aside one species for the other; but in the case of wine and corn, or corn and corn,³⁸ where ‘the best’³⁹ is mentioned only once, we may separate one species for the other.⁴⁰ The Divine Law therefore says: ‘The first part of them’, [to teach] that one must give ‘the best’ of one species and ‘the best’ of the other.⁴¹

Another version:⁴² But in the case of wine and corn in connection with which ‘the best’ is mentioned only once, [I might think that] one may separate from this [wine] for that [corn]. Scripture therefore says: The first part of them.

But is there not the case of devoted things, with reference to which Scripture says: [Notwithstanding, no devoted thing that a man may devote unto the Lord of all that he hath whether of man or of beast or of the field of his possession] shall be sold or redeemed.⁴³ And we have learnt: Things devoted to priests⁴⁴ are not subject to redemption but must be given to the priest.⁴⁵ Consequently we see that [a forbidden act]⁴⁶ has no legal effect.⁴⁷ Shall we say that this refutes Abaye? — He [Abaye] will answer you: The case is different there, for the Divine Law says:⁴⁸ ‘Every devoted thing most holy unto the Lord it is’,⁴⁹ intimating that it shall remain in its status.⁵⁰

(1) It is now assumed that the implication of the ruling that he must take her back is that the divorce is of no effect since he is in duty bound to re-marry her. Now this would be in order according to Abaye who holds that the punishment of lashes is determined by the validity of the act; since the divorce is of no legal effect, he is not flagellated. But according to Raba, who holds that the punishment is inflicted because of transgressing a Scriptural command, irrespective of the effect of the act, here, too, he should be flagellated (v. Tosaf.).

(2) In the Baraita just quoted.

(3) Deut. XXII, 29.

(4) The Torah thus distinctly states that the divorce, even if effective, can never be of permanent character, as he is at all times in duty bound to take her back. The Torah is thus supplying a remedied action to the prohibition and consequently there are no lashes.

(5) According to Abaye, what need is there for a special text ‘All his days’ to inform us that one is in duty bound always to re-marry her and that therefore there is no punishment of lashes? Even without the text ‘All his days’, according to Abaye, there is no punishment of lashes, since he can take her back, his divorce having no permanent character.

- (6) By divorcing her.
- (7) That the re-marrying is optional.
- (8) And that it is a definite duty to re-marry her, not a mere option, and that all his days he is required to take her back, should he send her away.
- (9) The whole passage is omitted in Ms. M.
- (10) Num. XVIII, 29.
- (11) That he must separate from the best grain on behalf of the best grain.
- (12) On behalf of the good grain, for it is forbidden to do so. This is a matter therefore for which there is a Scriptural prohibition, although there would not be the punishment of lashes in this case, since the prohibition is merely derived by implication from the positive precept.
- (13) Lit., 'if he set aside terumah'.
- (14) Lit., 'his terumah is terumah'. V. Ter. II, 6.
- (15) Who holds that a forbidden act has no legal effect.
- (16) In the case of terumah just mentioned.
- (17) Num. XVIII, 32.
- (18) Set aside from inferior grain for good grain.
- (19) On account of the act of separation.
- (20) Since he holds that a forbidden act has a legal effect, what need is there for the text 'And ye shall bear no sin, etc.', which implies that the setting aside of inferior grain as terumah for good grain has legal effect?
- (21) A religious command.
- (22) Separate from the very best grain for terumah.
- (23) 'And ye shall bear no sin'.
- (24) But that he actually is designated a sinner.
- (25) Num. XVIII, 12.
- (26) The word 'best' being repeated in connection with oil and wine.
- (27) On behalf of its own species of oil but not for wine.
- (28) On behalf of its own species of wine but not for oil.
- (29) Ter. II, 4.
- (30) Who says that a forbidden act has a legal effect.
- (31) In the Mishnah just quoted.
- (32) I.e., oil is to be separated for the same species.
- (33) I.e., wine is to be separated for the same species; thus teaching that fruit cannot be set aside except for its own species. For this reason it is not counted as terumah; but elsewhere a forbidden act may have a legal effect.
- (34) So Sh. Mek.
- (35) Who holds that a forbidden act has no legal effect; what need, according to him, is there for the text 'the first part of them', to tell us this?
- (36) **o, hatr** So Rashi; cur. edd. have throughout 'first'.
- (37) The word 'best' is repeated.
- (38) I.e., wheat and barley, all of which come under the heading of corn (**ids**).
- (39) And all the best of the wine and the corn, Num. XVIII, 12
- (40) V. Rashi and Sh. Mek. Cur. edd.: where we separate one for the other there are no lashes.
- (41) I.e., that we cannot separate from one species of fruit or grain for another.
- (42) Of Raba's reply.
- (43) Lev. XXVII, 28.
- (44) V. Num. XVIII, 14.

- (45) 'Ar. 28b.
 (46) I.e., the text: 'It shall not be sold, etc.'.
 (47) For if it is redeemed, the redemption is of no avail, as stated.
 (48) Lev. XXVII, 28.
 (49) So lit.
 (50) It does not pass from its sacred state through redemption.

Talmud - Mas. T'murah 5b

But according to Raba¹ the text 'it is' comes to exclude the case of a firstling. For it has been taught: With reference to a firstling, it says: Thou shalt not redeem,² implying that it may be sold.³ In connection with a tithing animal, it says: It shall not be redeemed,⁴ and may neither be sold alive nor dead, neither unblemished nor blemished.⁵

But is there not the case of temurah⁶ concerning which the Divine Law says: He shall not alter it nor change it,⁷ and yet we learnt: NOT THAT ONE IS PERMITTED TO EXCHANGE BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES. Consequently we see that [a forbidden act] has a legal effect. This refutes Raba?⁸ — [Raba] can answer you: The case there⁹ is different, for Scripture says: 'Then it and the exchange thereof shall be holy', implying that it [the exchanged animal] must retain its sacred character. And Abaye?¹⁰ — If the Divine Law had not said: 'Then it and the exchange thereof [shall be holy]', I might have thought that the consecrated animal ceases [to be holy] and this one [the exchanged animal] enters into holiness. [Scripture] therefore informs us [that this is not so.]¹¹

But is there not the case of a firstling of which the Divine Law says: But the firstling of a cow or the firstling of a sheep or the firstling of a goat thou shalt not redeem,¹² and we have learnt:¹³ [Sacrifices rendered unfit for the altar]¹⁴ have redemption themselves¹⁵ and their exchanges,¹⁶ except in the case of a firstling or a tithing animal?¹⁷ Consequently we see that [a forbidden act] has no legal effect.¹⁸ This refutes Abaye?¹⁹ — He [Abaye] will answer you: The case is different there,²⁰ for Scripture says: [Holy] they [are]²¹ intimating that they remain in their sacred status. And what will Raba do with the word 'they'?²² — It intimates that 'they' are offered up but not their exchanges.²³ And whence does Abaye derive this ruling?²⁴ — [He derives it from the text:] Whether it be an ox or sheep, to the Lord it is;²⁵ 'it' [the firstling itself] is offered up but not its exchange. And Raba?²⁶ — It is indeed so that he does derive it²⁷ from that text.²⁸ Then what need is there for the text 'they are'? It teaches that if the blood of a firstling or a tithing animal became mixed up with things which are offered up,²⁹ they are still offered on the altar.³⁰ And whence does Abaye derive this ruling? — [He derives it from the text:] And shall take of the blood of the bullock and of the blood of the goat.³¹ Now is not the blood of the bullock more than the blood of the goat? This proves that things which are offered up do not neutralize one another. For it has been taught: 'And shall take of the blood of the bullock and of the blood of the goat', intimating that they must be mixed up.³² These are the words of R. Josiah. And Raba?³³ — There³⁴ he sprinkles the blood of the bullock separately and the blood of the goat separately, for he accepts the view of R. Jonathan.³⁵

But is there not the case of a tithing animal in reference to which the Divine Law says:³⁶ 'It

shall not be redeemed', and we have learnt: They have redemption themselves and their exchanges except in the case of a firstling or tithing animal?³⁷ Consequently we see that a forbidden act has no legal effect!³⁸ This refutes Abaye? — He [Abaye] will answer you: The case is different there,³⁹ since we draw an analogy⁴⁰ between the term 'passing'⁴¹ used in connection with an animal tithed and the term 'passing'⁴² used in connection with a firstling.⁴³

But is there not the case of one who names terumah before bikkurim, concerning which the Divine Law says: Thou shalt not delay to offer of the fulness of thy harvest and of the outflow of thy press,⁴⁴ and we have learnt: If one [names] terumah before bikkurim, although he is guilty of transgressing a negative command,⁴⁵ his action is valid?⁴⁶ This refutes Raba?⁴⁷ — Raba will answer you: The case is different there,⁴⁸ since Scripture says: Out of all your gifts ye shall offer every heave offering.⁴⁹ And Abaye?⁵⁰ — He needs [the words 'Out of all your gifts'] for [answering the question which] R. Papa put to Abaye: If this be the case,⁵¹ then even if he [the Levite, anticipated the priest] when [the grain was] in the pile, he should be exempt from the obligation of terumah?⁵² And [Abaye] answered him: To meet your query Scripture says: Out of all your gifts ye shall offer every heave offering.⁵³ But why do you see fit to include the case of when [the grain was] in the pile,⁵⁴ and to exclude the case of grain in the ear?⁵⁵ — I include the case of [grain] in the pile because it comes under the title of corn, whereas I exclude the case of grain in the ear because it does not come under the title of corn.

But is there not the case of a widow married by a High Priest, concerning which the Divine Law says: A widow or a divorced woman, these shall he not take,⁵⁶ and we have learnt: Wherever betrothal is valid and yet involves a transgression,⁵⁷ the child has the legal status of the party which causes the transgression!⁵⁸ — The case is different there since Scripture says: Neither shall he profane his seed among his people.⁵⁹ And Abaye?⁶⁰ — Let Scripture then say: 'Lo yahel'.⁶¹ Why 'lo yehalel'?⁶² One [profanation refers] to it [the child]⁶³ and the other to [the woman] herself.⁶⁴

But is there not the case of one who dedicates blemished animals for the altar, concerning which the Divine Law says: But whatsoever hath a blemish, that shall ye not offer.⁶⁵ And it has been taught:⁶⁶ If one dedicates blemished animals for the altar, although he infringes a negative command, the act is valid?⁶⁷ This refutes Raba!⁶⁸ — Raba can answer you: The case is different there, since Scripture says: 'For it shall not be acceptable for you',⁶⁹ [intimating that] it is not acceptable but that its consecration is legal.⁷⁰ And Abaye?⁷¹ — If Scripture had not stated: 'For it shall not be acceptable for you', I might have thought the case⁷² should be similar to that of one who transgresses a religious command, but that it [the animal] is fit [even to offer up]. [The text therefore] informs us [that it is not so].⁷³

But is there not the case of one who dedicates unblemished animals for Temple repairs,⁷⁴ concerning which the Divine Law says:

(1) Who says a forbidden act is not valid; what need has he for the phrase 'it is'?

(2) Num. XVIII, 17. Redemption is forbidden so that the owners should not treat it as unconsecrated, as regards shearing its wool and working it.

(3) If a blemish occurred in the firstling the owner may sell it as a firstling to a priest, since Scripture only forbids

its redemption, but not its selling; v. Bek. 31b.

(4) Lev. XXVII, 28.

(5) Because we draw an analogy between ma'aser and dedications, just as in the latter both redemption and selling are forbidden, similarly in the former, i.e., a tithing animal, selling is also forbidden. Now I might have supposed that the law of the firstling animal would be the same as that of an animal tithed as regards its selling. Therefore the word **תִּיב** (it is) used in connection with dedications comes to exclude a firstling animal from the restriction of selling.

(6) An unconsecrated animal exchanged for a consecrated one.

(7) Ibid. 10.

(8) Who says that a forbidden act has no validity.

(9) Of temurah.

(10) According to his view that a forbidden act has a legal effect, what need is there for the text, Then it and the exchange thereof, etc.?

(11) But that both become consecrated.

(12) Num. XVIII, 17.

(13) Infra 21a.

(14) Having become blemished. The difference between a firstling and a tithing animal and other disqualified sacrifices is that the flesh of the latter may be sold by weight and in shops like ordinary flesh, and this is not considered an unbecoming treatment of sacrifices since all profits accrued thereby go to the Sanctuary. But in regard to the flesh of a firstborn or a tithing animal, since the benefit accrues to the owners — in the case of the firstborn to the priest and in the case of a tithing animal to the Israelite owners — we do not allow them to be sold in the shop and by weight, as not in keeping with the treatment becoming to sacred things.

(15) The money acquires holiness and the animal becomes hullin.

(16) In which a blemish occurred. They become hullin and the money of redemption acquires holiness, after redemption.

(17) Blemished firstlings and tithing animals are not redeemable and remain sacred. The redemption money therefore does not acquire holiness, v. infra 21a.

(18) In the case of a blemished firstling or a blemished tithing animal.

(19) Who holds that a forbidden act has a legal effect.

(20) The Mishnah just quoted.

(21) So lit. E. V. 'They are holy'; Num. XVIII, 17.

(22) Since he holds that a forbidden act is not valid, the redemption here of a firstling is of no legal effect. Consequently there is no need for the word 'they' to teach us the same thing.

(23) For they do not receive any holiness by substitution.

(24) That substitutes do not become sacred.

(25) So lit. E. V. 'it is the Lord's'. Lev. XXVII, 26.

(26) Since we derive the ruling excluding the substitute of the firstling from holiness from the text 'whether it be an ox etc.', what need is there for the text 'holy they are' to teach the same thing?

(27) That a substitute of a firstling is not sacred.

(28) 'Whether it be an ox'.

(29) E.g., blood of several sacrifices that have become mixed up.

(30) And the flesh is rendered permissible by the sprinkling, for things which are offered up do not neutralize one another. From here we apply the same ruling to all cases of things which are offered up. The meaning of the text 'holy they are' is therefore that they remain in their sacred status, even if the blood is mixed up with the blood of other sacrifices.

- (31) Lev. XVI, 18. Scripture continuing: And put it upon the horns of the altar.
- (32) Implying that the sprinkling is done from both the blood of the bullock and the goat after mixing.
- (33) Since we derive the ruling that we may sprinkle the mixed blood of sacrifices from the text. 'And shall take from the blood of the bullock, etc.', what need is there for the words 'they are', used in connection with the law of a firstling?
- (34) In the text: And shall take from the blood of the bullock, etc.
- (35) Who says that we do not mix the blood of the bullock with the blood of the goat to sprinkle on the horns of the altar; v. Zeb. 81a.
- (36) Lev. XXVII, 33.
- (37) V. supra p. 25 notes. What is the difference between an animal tithed and a firstling on the one hand, and other sacrifices?
- (38) For the Mishnah says it has no redemption.
- (39) With reference to a tithed animal.
- (40) Zeb. 9a.
- (41) All that passes under the rod (Lev. XXVII, 32).
- (42) That thou shall cause to pass (set apart); Ex. XIII, 12.
- (43) And just as for a firstling there is no redemption (v. supra) so a tithed animal has no redemption. But elsewhere, Abaye maintains, it may be that a forbidden act has a legal effect.
- (44) V. supra 3a, 4a and notes.
- (45) 'Thou shalt not delay, etc.'
- (46) Lit., 'what he has done is done'. Ter. III, 6.
- (47) So Sh. Mek.
- (48) Where terumah was named before bikkurim.
- (49) Num. XVIII, 29, intimating that although you have named first tithe before terumah you can still separate terumah; and the same applies to terumah and bikkurim.
- (50) Since he holds that a prohibited act can have legal effect, what need is there for the text 'Out of all your gifts, etc.'?
- (51) In Bez. 13b if a Levite anticipated a priest by taking his first tithes from the grain still in the ear before the priest secures his terumah (v. Glos.) although thereby he causes the priest a loss, for a priest in the normal way receives two portions for every hundred and now after the Levite has taken his first tithe, the terumah will be only for the remaining ninety, nevertheless the Levite is not required to make good the priest's loss. The reason is because Scripture says the Levite must give a tenth part from the tithe (Num. XVIII, 26) implying that he need give not only a tithe from the tithe but both tithe and terumah. If, however, the Levite anticipated the priest when the grain was stacked up in piles, i.e., when it became liable to both terumah and tithes, then the Levite must make up for the terumah when he separates his tithe. Thereupon R. Papa said to Abaye: If you exempt the Levite from giving terumah because of the text: A tenth part of the tithe.
- (52) Why then is the Levite exempt from the obligation of terumah only when the grain is in ear?
- (53) Terumah. I.e., that he must, in certain circumstances, set aside terumah as well as the tithe from the tithe.
- (54) As requiring the Levite to give terumah.
- (55) As not requiring the Levite to give terumah.
- (56) Lev. XXI, 14.
- (57) As a result, as e.g., in the case of a widow marrying a High priest.
- (58) Lit., 'which is defective'. In this case, the widow or divorcee, and the child becomes a halal (profane, unfit for the priesthood) v. Kid. 66b. Consequently we see here that a forbidden act has a legal effect, for it says that the betrothal is valid. For if a prohibited act has no legal effect, should the betrothal be valid?

- (59) Lev. XXI, 15, implying that such marriages produce halalim (unfit for the priesthood) but not mamzerim (illegitimate children). Consequently we see that the betrothal in this case is valid.
- (60) Since he holds that a prohibited act has a legal effect, what need is there for the text: Neither shall he profane etc.
- (61) Which would imply that it refers to the status of the child alone.
- (62) **kkj h** the extra **k** indicates a further teaching.
- (63) That it becomes a halal.
- (64) That she becomes profaned (**vkkj**) and therefore if she is the daughter of a priest, she cannot eat her father's terumah. It is for this purpose that the text is necessary and not to teach that the betrothal is valid, despite the prohibition involved, as there is no need of an extra text to inform us of this, since in every case, according to Abaye, the ruling is that a forbidden act is valid.
- (65) Lev. XXII, 20; which text is explained (infra) as meaning: Ye shall not consecrate.
- (66) So Sh. Mek.
- (67) And they are sacred to the extent of their value.
- (68) Who holds that a forbidden act has no legal effect.
- (69) Lev. XXII, 20. So Bah.
- (70) To the extent of its value for the altar.
- (71) Since he holds that a forbidden act has a legal effect, what need is there for this text?
- (72) Of one who consecrates a blemished animal.
- (73) That it cannot be offered up on the altar.
- (74) But not for sacrifice on the altar.

Talmud - Mas. T'murah 6a

[Anything too long or too short that mayest] thou offer for a freewill-offering,¹ that is, for dedications for Temple repairs,² and we have learnt: If one consecrates unblemished animals for Temple repairs, although he infringes a negative command,³ the act is valid? This refutes Raba?⁴ — Raba can answer you: From the same verse⁵ from which you include the case of blemished animals dedicated for the altar,⁶ you include the case of unblemished animals dedicated for Temple repairs.⁷

But is there not the case of one who steals, concerning which the Divine Law says: 'Thou shalt not steal',⁸ and we have learnt: If one steals⁹ wood and makes it into vessels or wool and makes it into garments, he pays [the value of the object] as it was at the time of the theft?¹⁰ This refutes Raba?¹¹ — Raba can answer you: The case is different there, since Scripture says: That he shall restore [that which he took by robbery],¹² intimating [that the restoration is to be] according to what he had robbed.¹³ And Abaye?¹⁴ — The text: That which he took by robbery¹⁵ is required in order to teach that he adds a fifth for his own robbery¹⁵ but not for that of his father.¹⁶

But is there not the case of one who takes the pledge,¹⁷ concerning which the Divine Law says: Thou shalt not go into his house to fetch his pledge¹⁸ and we have learnt: 'He [the creditor] returns the pillow at night and the plough in the day'?¹⁹ — This refutes Raba?²⁰ — Raba can answer you: The case is different there,²¹ for Scripture says:²² Thou shalt surely restore [the pledge].²³ And Abaye?²⁴ — If the Divine Law had not stated 'thou shalt surely restore [the pledge]', I might have thought that he has only broken a prohibition,²⁵ and if he wishes, he can

restore the pledge, and if he wishes, he need not. The text therefore informs us [that it is not so].²⁶

But is there not the case of pe'ah,²⁷ concerning which the Divine Law says: Thou shalt not wholly reap the corner of thy field,²⁸ and we have learnt.²⁹ [The proper performance of] the command of pe'ah is to separate from the standing corn. If he did not separate from the standing corn, he separates from the sheaves. If he did not separate from the sheaves, he separates from the pile [of grain] before he evens it. If he has evened it,³⁰ he tithes it and then gives pe'ah to him [the poor man]. In the name of R. Ishmael it was said: He also separates from the dough?³¹ This refutes Abaye?³² — Abaye can answer you: The case is different there,³³ since Scripture says: Thou shalt leave,³⁴ [and again] thou shalt leave³⁵ as redundant.³⁶ And Raba?³⁷ — He can answer you:³⁸ There is another case of 'leaving' similar to this. And what is it? It is the case of one who renounces ownership of his vineyard, for it was taught: If one renounces ownership of his vineyard and wakes in the morning and harvests it, he is bound to give peret,³⁹ the defective grapecluster,⁴⁰ the forgotten sheaf⁴¹ and pe'ah, but he is exempt from tithe.⁴²

Said R. Aha the son of Raba to R. Ashi: And now that you have given all these [various] answers,⁴³ wherein do Abaye and Raba really differ? — They differ in the case of stipulated usury⁴⁴ and will be on the lines of R. Eleazar's [statement]. For R. Eleazar said: Stipulated usury can be reclaimed through the judges,

(1) Lev. XXII, 23.

(2) From which it is inferred that only blemished animals are fit to dedicate for Temple repairs, but not unblemished animals; v. infra 7b.

(3) V. infra 7b.

(4) Who says that a forbidden act has no legal effect.

(5) From the text: 'But for a vow it shall not be accepted'.

(6) Which we explained above as implying that they are not acceptable but are consecrated, at least for their money value, for the altar.

(7) As being forbidden to offer; and we thus compare the case of unblemished animals dedicated for Temple repairs to the case of blemished animals dedicated for the altar. Just as in the case of the latter, we say although there is a negative command the act is valid, so in the case of the former, though there is a negative command, the act is valid. But elsewhere, Raba maintains, a forbidden act has no legal effect.

(8) Lev. XIX, 13.

(9) Lit., 'he robbed', 'he took it openly by force'.

(10) I.e., for the wood or wool alone, as we say that he obtains the ownership of the garment or vessel by reason of the change which he has effected, in spite of the forbidden act of stealing; v. B. K. 93a

(11) Who says that a forbidden act has no legal effect.

(12) Lev. V, 23.

(13) But not according to its value at present, after being improved and changed.

(14) Who holds that a forbidden act has a legal effect. What need is there for the text: 'That which he took by robbery'?

(15) For the text occurs in connection with the taking of a false oath and making a confession following a robbery, for which there is the extra penalty of adding a fifth to the value of the theft.

(16) Even if he swore falsely concerning it.

(17) For a debt, without the consent of the debtor.

- (18) Deut. XXIV, 10.
- (19) B. M. 113a. The law applies even if he took the pledge without the warrant of the court. We see therefore that a prohibited act is valid, otherwise the pledge would not be the creditor's at all and he would have to restore the pillow even in the day (Tosaf.).
- (20) Who says that a forbidden act has no legal effect.
- (21) In the Mishnah just quoted.
- (22) Deut. XXIV, 13.
- (23) Since the text repeats 'thou shalt surely restore, etc.', which teaches that the law applies also to the case where the pledge was taken without the warrant of the court; v. Tosaf.
- (24) Who holds that a forbidden act has a legal effect; what need is there for the text 'thou shalt surely restore the pledge'?
- (25) By taking the pledge without warrant.
- (26) That the restoration is in every case compulsory.
- (27) The corner of the field which belongs to the poor.
- (28) Lev. XXIII, 22.
- (29) B. K. 94a.
- (30) When it becomes subject to tithes and terumah.
- (31) And the change of name from grain does not give him ownership so as to exempt him from pe'ah. The Rabbis, however, differ from R. Ishmael and hold that the change in the name makes it exempt from pe'ah; v. B.K. 94a.
- (32) Who says that a forbidden act has a legal effect. The difficulty will arise if we accept the view of the Rabbis, for since he has not separated pe'ah from the standing corn, he transgresses a negative command. He ought then, according to Abaye, to be exempt from pe'ah, as a forbidden act is valid. The difficulty will even more certainly arise according to Abaye, if we adopt the view of R. Ishmael, for he goes even further than the Rabbis as regards the duty of giving pe'ah. V. Sh. Mek.
- (33) With reference to pe'ah.
- (34) Lev. XIX, 10.
- (35) Ibid. XXIII, 22.
- (36) The extra text therefore teaches us that although the grain has changed in his possession, he does not acquire possession of it, and is still bound to separate pe'ah and to leave it for the poor.
- (37) Who holds that a forbidden act is not valid. What will he do with the additional text 'thou shalt leave'?
- (38) The object of the extra text 'thou shalt leave' is to teach the following.
- (39) Grapes fallen off during cutting, v. Pe'ah VIII, 3.
- (40) Heb. 'oleloth; which belong to the poor, v. ibid 4.
- (41) Which also belongs to the poor. And although in the normal way renunciation of ownership exempts from the duty of giving all these things to the poor, this kind of renunciation does not exempt, on account of the additional command 'thou shalt leave' mentioned in connection with peret, pe'ah, etc.
- (42) For in connection with tithes there is no text 'thou shalt leave'.
- (43) The Baraithas and the Mishnahs quoted above in the Gemara either as questioning Abaye's or Raba's dictum, as the case may be, and the replies of each of these teachers explaining that, although elsewhere they maintain their own view on the subject as to whether a forbidden act has a legal effect or otherwise, the case of the particular Baraitha or Mishnah adduced was different, inasmuch as there existed a text to render it an exception.
- (44) Where the creditor arranges for a fixed amount as interest on loan. Abaye will hold that the action is valid and therefore the interest would not be reclaimed, in spite of transgressing the negative command relating to usury. Raba, however, will hold that the action has no legal effect and the interest therefore must be returned.

Talmud - Mas. T'murah 6b

Talmud - Mas. T'murah 6b

whereas the dust of usury¹ cannot be reclaimed through the judges. R. Johanan, however, says: Even stipulated usury is not reclaimed through the judges.² Thereupon he [R. Aha] said to him: But do they³ differ merely in opinion? Do they not differ in the interpretation of Scriptural texts? For R. Isaac said: What is the reason of R. Johanan? Scripture says: He hath given forth upon usury and hath taken increase: shall he then live? He shall not live,⁴ thus intimating that the taking of usury is a matter that affects life⁵ but is not subject to restoration.⁶ R. Aha b. Adda says: From here:⁷ Scripture says, 'But fear thy God',⁸ intimating that the taking of usury is a matter of fearing God but is not subject to restoration. Raba says: From here:⁷ [Scripture says:] He hath done all these abominations: he shall surely die: his blood shall be upon him.⁹ Now, lo, if he begat a son that is a robber, a shedder of blood.¹⁰ Lenders on interest are compared to shedders of blood. Just as shedders of blood cannot make restoration [of the lives lost], so lenders on interest are not required to make restoration [of interest]. And R. Nahman b. Isaac said: What is the reason of R. Eleazar?¹¹ Scripture says: That thy brother may live with thee,¹² thus intimating that he must return the interest so that he [the borrower] may live with you.

But then wherein do Abaye and Raba [really] differ? — On the question whether a change¹³ enables one to obtain ownership.¹⁴ Another version: The difference will be¹⁵ in the various answers [given above].¹⁶ [Still] another version: The difference¹⁷ will be in the matter of stipulated usury. According to Abaye he [the debtor] does not return the interest whereas according to Raba he is required to return the interest.¹⁸ But does not Abaye also hold that we reclaim stipulated usury through the judges? For Abaye said: If one claims four zuz from his fellow as interest, and the latter gave the lender in his shop for it a garment to the value of five [zuz], we recover four [zuz] from him and the remaining [zuz] we say he gave as a gift. Raba says however: We recover from him five [zuz]. What is the reason? The whole [sum] came to him as interest.¹⁹ — Rather than the difference of opinion between Abaye and Raba is in whether a change confers ownership.²⁰

Our Rabbis taught: [Scripture says:] Whatsoever hath a blemish, that ye shall not offer.²¹ Now what does the text teach us? If it means that ye shall not kill, is this not stated below?²² Why then does the text state: 'Ye shall not offer'? It means, Ye shall not dedicate. Hence [the Sages] said: He who dedicates blemished animals for the altar²³ is guilty on all five counts; for transgressing the prohibitory laws with reference to offering,²⁴ to dedicating,²⁵ killing,²⁶ sprinkling and burning wholly or partly.²⁷ They [the Sages] said in the name of R. Jose: [He is guilty] also [on account of the prohibition of] the receiving of the blood.

The Master said: 'If it means, Ye shall not kill, is not this mentioned below?' Where is this stated? — It has been taught: Blind or broken or maimed ye shall not offer these unto the Lord.²⁸ What does Scripture teach us here? If it means not to dedicate,²⁹ this is already stated above.³⁰ Then what does Scripture mean by 'Ye shall not offer'? [That] ye shall not kill. [The text:] Nor make an offering by fire of them²⁹ refers to the burning [of the sacrifices on the altar].³¹ From this I could only prove the burning of the whole sacrifice [as being prohibited]. Whence, however, will you deduce that the same applies to a part [of a sacrifice]? Because the text states: Of them.³² Whence will you deduce the prohibitory law for the sprinkling of the blood [of blemished

animals]? The text states: Upon the altar.³³ [The succeeding words:] ‘Unto the Lord’ include the case of a scapegoat.³⁴ But do [the words]: ‘Unto the Lord’ come to include [something additional]? Has it not been taught.³⁵ Now³⁶ if you expound the word korban [offering], am I to understand it to include the case of animals dedicated for Temple repairs,³⁷ which are described as korban as for instance when it says: We have therefore brought the Lord's korban?³⁸ The text, however, states: And hath not brought it unto the door of the tent of the meeting.³⁹ [We therefore argue as follows]: In respect of whatever is fit for the door of the tent of the meeting,⁴⁰ one may become liable on account of the prohibition of slaughtering consecrated animals outside the Temple court; but in respect of whatever is not fit for the door of the tent of the meeting,⁴¹ one cannot become liable on account of the prohibition of slaughtering consecrated animals outside the Temple court. Shall I therefore exclude these⁴² but not the Red Heifer⁴³ and the scapegoat, since they are fit for ‘the door of the tent of the meeting’?⁴⁴ Therefore the text states: ‘Unto the Lord’; [the law concerning slaughtering outside the Temple court applies] only to those designated as ‘unto the Lord’,⁴⁵ but these⁴⁶ are excluded, for they are not designated ‘unto the Lord’!⁴⁷ — Said Raba: There we go according to the context [and⁴⁸ here we go according to the context]. There,⁴⁹ since the text, ‘Unto the door of the tent of the meeting’ includes,⁵⁰ therefore the text, ‘Unto the Lord’ in that connection excludes.⁵¹ Here, however, as the text ‘by fire’ excludes,⁵² therefore the text, ‘Unto the Lord’ in that connection includes.⁵³

The reason then why a blemished scapegoat is not brought is because Scripture says, ‘Unto the Lord’. But if Scripture had not included [the case of a scapegoat] by means of the text, ‘Unto the Lord’, I might have thought that it was permissible to bring a blemished scapegoat. But consider: The lot⁵⁴ designates only such as are fit ‘for [the Lord]’?⁵⁵ — Said R. Joseph: This represents the opinion of Hanan the Egyptian. [For it has been taught:] Hanan the Egyptian said: Even if there was blood⁵⁶ in the cup,⁵⁷ he brings another [goat]⁵⁸ to pair with it.⁵⁹ Granted that you can understand from Hanan the Egyptian that there is no rejection,⁶⁰ can you Understand that there is no casting of lots? Perhaps he brings two new goats and casts lots?⁶¹ Rather said R. Joseph: This⁶² will represent the view of R. Simeon, for it has been taught: If one [of the two animals] died, he brings the other without casting lots.⁶³ Raba says: [The text]⁶⁴ is not required save for the case where e.g., [the scapegoat] became blemished on that day⁶⁵ and he redeemed it for another [animal].⁶⁶

(1) I.e., indirect usury, e.g., when a man sells his field and says to the buyer that if he pays him at once he wants so much but if at a later date, he demands a larger sum. Therefore because he waits for the money, the buyer pays more, and this is called the ‘dust of usury’.

(2) Raba will therefore agree with R. Eleazar and Abaye with R. Johanan, for here there is no special text in virtue of which one or the other of these Amoraim can say that the case is different.

(3) Abaye and Raba.

(4) Ezek. XVIII, 13.

(5) That he shall not live who takes usury.

(6) Therefore even according to Raba who holds that a forbidden act has no legal effect, here the act will be valid, because of the text.

(7) Where the Scriptural text makes the case of usury different, so that even Raba can agree that the forbidden act here is valid.

(8) Lev. XXV, 36. The text occurs in connection with the law of usury.

- (9) Ezek. XVIII, 13.
- (10) Ibid. XVIII, 10. The passage, Now etc. is omitted in Raba's statements in B.M. 61a.
- (11) Who holds that stipulated usury is reclaimed through the judges.
- (12) Lev. XXV, 36.
- (13) By transgressing a Scriptural command.
- (14) Abaye and Raba differ as to whether a change wrought in a thing brings about ownership, e.g., one who stole wood and made it into a vessel or wool and made it into a garment. According to Abaye the action is valid, for he acquires ownership and therefore he only pays the price of the wood or wool; whereas according to Raba the act is not valid, for he does not acquire ownership of the article and therefore must return the garment or the article. And when in the Gemara above we raise a difficulty for Raba from the relevant Mishnah: If one steals etc., do not reply that the case is different from the Mishnah because of a text, but answer that Raba will hold according to one Tanna in B.M. 61a who says that a change in an object does not confer ownership, whereas Abaye holds with another Tanna there who holds that a change does confer ownership. For other interpretations v. Rashi.
- (15) Between Abaye and Raba,
- (16) There will not actually be a difference in any specific case except in the kind of explanation each of these teachers will give in answer to the Baraita or Mishnah as quoted above in the Gemara. Abaye, who says a forbidden act has a legal effect will explain any particular Baraita or Mishnah which appears to contradict this according to his view, and Raba, who holds that a prohibited act has no legal effect, will explain any particular Baraita or Mishnah according to his point of view.
- (17) Between Abaye and Raba.
- (18) As the action is not valid.
- (19) We therefore see that even according to Abaye the interest is recovered.
- (20) V. supra p. 33. n. 11.
- (21) Lev. XXII, 20.
- (22) That a blemished animal must not be killed for the altar. The Gemara explains this subsequently.
- (23) Burnt them wholly on the altar.
- (24) Blemished animals.
- (25) The word 'dedicating' is omitted by Sh. Mek. and by Rashi, in Hul. 80b, where the passage is cited.
- (26) Blemished animals.
- (27) Whether he burnt the whole or part of the animal, he is guilty of breaking the prohibitory law of burning a blemished animal on the altar.
- (28) Lev. XXII, 22.
- (29) Blemished animals for the altar.
- (30) But whatsoever hath a blemish that ye shall not offer (ibid. 20).
- (31) This is the prohibition of burning.
- (32) The continuation of the text, 'Nor make, etc.'.
- (33) The continuation of the text 'Of them'.
- (34) That he who dedicates it blemished is guilty of breaking the prohibition 'Ye shall not offer'. Lit., 'the goat that is sent away'.
- (35) Zeb. 113a and infra 13a.
- (36) The Baraita opened as follows: One might think that if one kills hullin (an unconsecrated animal) inside a Temple court one is guilty of excision? Scripture, however, says: Korban (offering) Lev. XVII, 4, thus implying that guilt is only incurred in connection with a korban. Now if you expound, etc.
- (37) That if one killed them outside the Temple court he would be liable to the penalty of excision.
- (38) Num. XXXI, 50. And the offerings mentioned here were for the Sanctuary, as it speaks of jewels of gold,

chains, bracelets, etc.

(39) Lev. XVII, 4.

(40) I.e., to be offered up on the altar.

(41) I.e., dedications for Temple repairs because they are blemished.

(42) Dedicated animals for Temple repairs.

(43) Lit., 'the cow for expiation'.

(44) For they are unblemished, as both a red heifer and a scapegoat must be unblemished for their several purposes.

(45) Actually offered up on the altar.

(46) The red heifer and the scapegoat.

(47) We therefore see that the text, 'Unto the Lord' implies exclusion and yet above you say the text 'Unto the Lord' is intended to include.

(48) So Sh. Mek.

(49) In connection with slaughtering outside the Temple court.

(50) All unblemished animals to incur guilt for slaughtering them outside the Temple court.

(51) It can only be to exclude something and we therefore exclude the cases of the scapegoat and the red heifer.

(52) That only in respect of an offering which is burnt is there liability for dedicating a blemished animal, and that in respect of a sacrifice which is not burnt and is dedicated in its blemished state, one does not incur any guilt for its dedication. I might therefore have thought that a scapegoat, since it is not burnt, is in the same category.

(53) The case of a scapegoat, so that if one dedicates it in its blemished state one is guilty of transgressing the prohibitory law of 'Ye shall not offer it'.

(54) Which determines which goat was to be offered on the altar, and which the scapegoat, which was sent to Azazel.

(55) I.e., the two animals must be unblemished. For since we do not know on which will fall the lot 'for the Lord' and on which 'for Azazel', then necessarily both must be fit, as either may be destined 'for the Lord'.

(56) Of the goat 'for the Lord',

(57) The sprinkling of the blood not having yet taken place and the scapegoat was either lost or became blemished.

(58) For a scapegoat.

(59) With the slaughtered goat. This obviously must be without casting lots, since he cannot do so as the animal 'for the Lord' has already been slaughtered. Now just as according to Hanan one can bring a second animal for the scapegoat without casting lots, so it might be assumed he can bring it in a blemished condition. The special text therefore, 'Unto the Lord' is necessary to inform us that this is not so.

(60) That although the goat 'for the Lord' has been already slaughtered, since the sprinkling had not yet taken place, it is not denied as having suffered a disability in the process of the ritual, thus becoming rejected from the altar. We can consequently proceed with the selection of another animal for the scapegoat. The first Tanna, however, will hold that the blood is poured out, since there was a break in the ritual.

(61) Perhaps the casting of lots still takes place in the following manner. He brings two fresh animals and casts lots as to which shall be 'for the Lord' and which for the scapegoat. The animal which is designated 'for the Lord' he leaves to pasture until blemished, and the other one, on which the lot for Azazel has fallen, he brings and pairs it with the slaughtered goat. Now since he must cast lots, the second animal, in order to become a scapegoat, must be unblemished.

(62) The view that without the text 'Unto the Lord' I might have thought that a scapegoat could be brought even in a blemished state.

(63) Yoma 40a, 63b, I might therefore have thought since lots are not required in these circumstances, there is no need that the scapegoat should be unblemished. The Scriptural text 'Unto the Lord' therefore teaches us that it is not so.

(64) 'Unto the Lord'.

(65) After the lots had been cast.

(66) Which was also blemished and there would be a penalty for the dedication.

Talmud - Mas. T'murah 7a

You might argue that we can well understand why at the outset [we require both animals to be unblemished] because we do not know which one will be designated 'for the Lord'. But here, since the animal designated 'for the Lord' is recognised, there is no punishment of lashes.¹ The text ['Unto the Lord' mentioned above] therefore informs us [that it is not so].²

The Master said: 'It is reported in the name of R. Jose son of R. Judah: [There is] also [the case of the prohibitory law relating to] the receiving of the blood'. What is the reason of R. Jose son of R. Judah? Scripture says: That which hath its stones bruised or crushed or torn or cut etc. [ye shall not offer unto the Lord];³ this refers to the receiving of the blood mentioned by R. Jose son of R. Judah.⁴ And according to the first Tanna,⁵ what need is there for this text: 'Ye shall not offer'? — It is necessary for the case of the sprinkling of the blood of a blemished animal.⁶ But do we not deduce this from the text: Upon the altar?⁷ — This⁸ is simply Scripture's manner of speaking.⁹ But may it not also be, according to R. Jose son of R. Judah, Scripture's manner of speaking?¹⁰ — Yes, it is so.¹¹ Then whence does he deduce the prohibition in respect of receiving the blood?¹² — He derives [this ruling] from the following: 'Neither from the hand of a foreigner shall ye offer';¹³ this refers to the receiving of the blood [mentioned by R. Jose son of R. Judah]. And what does the first Tanna do with this text, 'Neither shall ye offer'? — He needs it for this: It may occur to you to think that since the Noahides¹⁴ were only commanded concerning the loss of limbs,¹⁵ it is therefore immaterial whether the sacrifice is for their altar¹⁶ or ours.¹⁷ [The text]¹⁸ therefore informs us [that this is not so].

Another version: R. Jose son of R. Judah says: '[There is] also [the prohibition relating to] the receiving of the blood'. What is the reason? — Since Scripture says: 'That which hath its stones bruised or crushed etc. ye shall not offer unto the Lord', this refers to the receiving of the blood and the prohibition of sprinkling¹⁹ is derived from the text, 'Upon the altar'. And according to the Rabbis, why not also derive the prohibition of sprinkling from the text, 'Upon the altar'? — In fact they do. Then what does the text, 'Ye shall not offer' stated in connection with the text, 'Bruised or crushed' come to teach? — It is required to teach us the case of a private bamah.²⁰ And according to R. Jose son of R. Judah, do we not require the text²¹ to teach us the case of a private bamah? — Yes, it is so, Then whence does he derive [the prohibition of] offering with reference to the receiving of the blood? — He derives it from the text, 'Neither from the hand of a foreigner shall ye offer', this meaning the receiving of the blood. And the Rabbis?²² — There is need for the text. You might think that since the Noahides are only commanded concerning the loss of a limb for their own bamah,²³ we too may therefore accept from them [a permanently blemished animal].²⁴ The text, 'Of any of these' therefore informs us that we do not accept.²⁵ To this Resh Lakish demurred:²⁶ Perhaps this²⁷ is stated only in connection with the case of an unblemished animal which became blemished,²⁸ in which case there is a transgression, but if it is an originally blemished animal, it is then a mere palm-tree!²⁹ — Thereupon R. Hiyya b. Joseph said to him: [Scripture says:] 'Too long or too short'³⁰ in the section³¹ and these are originally

blemished animals.³² He [Resh Lakish] said: Perhaps we have learnt this³³ only with reference to substitutes,³⁴ for we have learnt: There is a restriction in the law regarding substitutes which does not apply to original sacrifices, in that holiness can attach [as substitute] to an animal permanently blemished!³⁵ — R. Johanan replied to him: Have you not heard what R. Jannai said: At the college a vote was taken and it was decided: He who dedicates a blemished animal for the altar is guilty on five counts.³⁶ Now if [this passage] deals with substitutes, then there are six, for there is also the prohibition of exchanging?³⁷ — What then? Do you maintain that he deals with a case of an animal originally blemished? Then why should there be the punishment of lashes, since it is merely a palm-tree? — He replied, There is nothing irreverential about a palm-tree [as] it is a kind of wood. But in dedicating an originally blemished animal, there is something irreverential [as regards consecrations], since he ignores unblemished animals and dedicates blemished ones, and therefore he is guilty.

Another version: He [R. Hiyya] said to him [Resh Lakish]: Even so the act is irreverential.³⁸ For the dedication of a palm-tree, as there is nothing in its class [fit for the altar] there is no punishment of lashes. But the case is otherwise with reference to a blemished animal, since there exists in the class of animals [those fit for the altar], and he is therefore punishable with lashes.³⁹

Said Raba: Now that you say that the reason why [one who dedicates] a blemished animal incurs the punishment [of lashes] is because the act is irreverential,⁴⁰ then even if one dedicates it [a blemished animal] for the value of its drink-offerings, one should incur the punishment [of lashes]. [Raba's⁴¹ is a point at issue among Tannaim.]

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- (1) For breaking the prohibitory law of 'Ye shall not offer' if the scapegoat were dedicated in a blemished state.
 - (2) To include the case of a blemished scapegoat as infringing the prohibition of 'Ye shall not offer'.
 - (3) Lev. XXII, 24.
 - (4) Deduced from the repetition of the phrase, 'Ye shall not offer'
 - (5) R. Jose's disputant, who does not hold that there is an infringement of a prohibitory law in receiving the blood of a blemished dedicated animal.
 - (6) In order to teach us that there is an infringement of a prohibitory, law in doing so.
 - (7) Ibid. XXII, 22.
 - (8) The text, 'Ye shall not offer'.
 - (9) As a summing up of the law relating to blemishes, and we do not infer some special ruling therefrom.
 - (10) Alluding to the text, 'Ye shall not offer', quoted above.
 - (11) It is Scripture's way of speaking.
 - (12) If this text, 'Ye shall not offer' is not to be specially interpreted.
 - (13) Ibid. XXII, 25.
 - (14) I.e., Gentiles who are the descendants of Noah.
 - (15) That only such a defect disqualifies a sacrifice for their altar, but a mere blemish is no disqualification.
 - (16) I.e., which a Gentile had erected to offer upon it to God.
 - (17) That we may offer up a blemished animal belonging to a Gentile on our altar so long as it is not short of a limb.
 - (18) 'Neither shall ye offer'.
 - (19) Of a blemished animal.
 - (20) That it is forbidden to offer up a blemished animal on one. Bamah is a high place.

- (21) 'Ye shall not offer' occurring in connection with the text 'Bruised or crushed etc.'
- (22) Who differ with R. Jose what need have they for this text?
- (23) For they are not forbidden to offer up a blemished sacrifice on their bamah.
- (24) To offer up on our altar.
- (25) For a Gentile's blemished animal is compared with our own. Just as in our case, we do not offer up a blemished animal on the altar, even without the loss of a limb, so we do not accept for sacrifice a permanently blemished animal from the Gentiles.
- (26) Referring to the Baraita above which says that one who dedicates blemished animals for the altar is guilty of transgressing five negative commands.
- (27) That the punishment of lashes is inflicted for transgressing the prohibition of 'Ye shall not offer'.
- (28) As one might be under the impression that since it was once holy, the fact that it subsequently became blemished should not disqualify it from being offered up on the altar.
- (29) He could not possibly have imagined that it would be fit for the altar except for its money value, and therefore one might think that there would not be any punishment of lashes.
- (30) Lev. XXII, 23.
- (31) Dealing with the various permanent blemishes which render an animal unfit.
- (32) Concerning which Scripture says, 'Ye shall not offer' which indicates as explained above, that one is guilty in dedicating these blemished animals.
- (33) Which says that there is a penalty for dedicating.
- (34) Where the substituted animal is blemished.
- (35) For this reason there is the penalty of lashes, but if he dedicated an animal originally blemished, there may perhaps be no penalty for the dedication, unless he later offered it up.
- (36) I.e., he breaks five negative commands.
- (37) 'Nor change it'.
- (38) Where one dedicates an animal which became blemished. There is therefore a degradation of holy things.
- (39) For dedicating something which is not fit.
- (40) To dedicate an animal which has become blemished.
- (41) So Sh. Mek. Cur. edd. It has been taught like Raba.

Talmud - Mas. T'murah 7b

[Scripture says:] That mayest thou offer for a freewill-offering:¹ this refers to dedications for Temple repairs. Now I have here mentioned only the case² of a freewill-offering.³ Whence do we derive that the same applies to a vow?⁴ Scripture says: And for a vow.⁵ One might think [that the blemished animals vowed for offering are fit] even for the altar? The text, however, states: 'And for a vow it shall not be accepted', thus referring to dedications for the altar.⁶ I here mentioned only the case of a freewill-offering.⁷ Whence can we derive that it is the same with reference to a vow?⁸ The text states: A freewill-offering'.⁹

Rabbi said: [Scripture says:] 'It shall not be accepted', the text thus speaks of accepting its body [for sacrifice on the altar].¹⁰ But is not this opinion precisely that of the first Tanna? Must we not say that they differ¹¹ in this: The first Tanna holds that even if he dedicates the blemished animal for the value of drink-offerings, he also incurs the punishment of lashes, whereas Rabbi says: The punishment only applies to the acceptance of the body,¹² but not if the dedication is for the value of a drink-offering? It stands proved.¹³ But why then is the word 'that'¹⁴ inserted? — It

is needed to intimate what has been taught: Scripture says, That mayest thou offer for a freewill-offering, thus intimating: that you may offer as a freewill-offering [for Temple repairs], but you may not offer unblemished animals as a freewill-offering [for Temple repairs]. Hence the Rabbis say: He who dedicates unblemished animals¹⁵ for Temple repairs is guilty of transgressing a positive command.¹⁶ And whence do we derive that one is guilty of transgressing a negative command? Because it says: 'And the Lord spake unto Moses saying',¹⁷ thus teaching us that the whole section is regarded as having the force of a prohibitory law. This is the teaching of R. Judah. Said Rabbi to Bar Kappara: How do you understand this?¹⁸ He replied to him: Because of the word 'saying',¹⁹ which indicates that a negative command has been said in connection with these statements.²⁰ The School of Rabbi says: The word 'saying' means, tell²¹ [the children of Israel] a negative command.²²

It is stated: If one burns on the altar the limb²³ of blemished animals, Raba says: He transgresses the prohibitory laws of burning the whole and burning a part.²⁴ Abaye says: There is no punishment of lashes for a comprehensive prohibition.²⁵

They raised an objection: He who dedicates blemished animals for the altar is guilty on five counts,²⁶ This refutes Abaye?²⁷ — Said R. Kahana:²⁸ It refers to different individuals.²⁹ But if it [the Baraitha] refers to different individuals, [why then does the Baraitha say,] 'He incurs etc.?' Is not 'they incur' required? Then obviously the Baraitha refers to one individual. Shall we say that this refutes Abaye? — Abaye can answer you: Exclude [from the Baraitha] the prohibition for burning part [of the blemished animal on the altar] and include [the prohibition for] receiving the blood [of the blemished animal]. [You say] the receiving of the blood; this prohibition is maintained only by R. Jose son of R. Judah,³⁰ but not by the Rabbis?³¹ — This is a difficulty.

Another version: Since the latter part [of the Baraitha]³² is the opinion of R. Jose son of R. Judah,³³ the first part will be the opinion of the Rabbis.³⁴ Shall we say this refutes Abaye? This is a final refutation. MISHNAH. PRIESTS HAVE POWER TO EXCHANGE [AN ANIMAL] BELONGING TO THEMSELVES³⁵ AND ISRAELITES ALSO HAVE POWER TO EXCHANGE AN ANIMAL BELONGING TO THEMSELVES. PRIESTS HAVE NOT THE POWER TO EXCHANGE A SIN-OFFERING,³⁶ A GUILT-OFFERING³⁶ OR A FIRSTLING.³⁷ SAID R. JOHANAN B. NURI: WHAT IS THE REASON WHY [PRIESTS] HAVE NOT THE POWER TO EXCHANGE A FIRSTLING?³⁸ R. AKIBA SAID TO HIM: A SIN-OFFERING AND A GUILT-OFFERING ARE PRIESTLY GIFTS AND A FIRSTLING IS ALSO A PRIESTLY GIFT. JUST AS IN THE CASE OF A SIN-OFFERING AND GUILT-OFFERING [PRIESTS] HAVE NO POWER TO EXCHANGE THEM,³⁹ SO IN THE CASE OF A FIRSTLING [PRIESTS] HAVE NO POWER TO EXCHANGE IT. SAID R. JOHANAN B. NURI: IT IS RIGHT THAT PRIESTS SHOULD HAVE NO POWER TO EXCHANGE A SIN-OFFERING AND A GUILT-OFFERING BECAUSE THEY HAVE NO CLAIM ON THESE [OFFERINGS] WHILE THESE ARE ALIVE. WILL YOU, HOWEVER, SAY THAT THE SAME APPLIES TO A FIRSTLING ON WHICH [THE PRIESTS] HAVE A CLAIM WHEN IT IS ALIVE?⁴⁰ R. AKIBA THEREUPON REPLIED TO HIM: HAS NOT SCRIPTURE ALREADY SAID: THEN IT AND THE EXCHANGE THEREOF SHALL BE HOLY?⁴¹ NOW WHERE DOES THE HOLINESS ARISE?⁴² IN THE HOUSE OF THE OWNERS.⁴³ SIMILARLY EXCHANGE IS NOT EFFECTED EXCEPT IN THE HOUSE OF

THE OWNERS.⁴⁴ GEMARA. We have learnt elsewhere: An unblemished firstling may be sold alive,⁴⁵ but a blemished firstling whether alive or slaughtered; and [the priest] may also betroth a woman with it.⁴⁶ Said R. Nahman in the name of Rabbah b. Abbuha: This⁴⁷ was taught only for nowadays,⁴⁸ since a priest has a claim upon it.⁴⁹ But in Temple times, since an unblemished firstling is destined to be offered up, we may not sell it alive unblemished.⁵⁰ Raba raised an objection to R. Nahman: An unblemished firstling may be sold alive. [It says,] ‘alive’, implying, but not slaughtered. Now to what period does this refer? Shall I say that this refers to nowadays?⁵¹ Is there an unblemished animal that may be slaughtered [nowadays]?⁵² Then obviously you must say that the term ‘alive’ refers to Temple times⁵³ and yet it says: An unblemished firstling may be sold alive.⁵⁴ — No! One can still maintain that it refers to nowadays, for does it state: One may sell it unblemished alive, but not slaughtered?⁵⁵ It wishes to inform us of this very thing, that a firstling [nowadays] may be sold unblemished alive.⁵⁶

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- (1) Lev. XXII, 23; referring to a blemished animal.
 - (2) That a blemished animal can become holy for Temple repairs.
 - (3) E.g., where he says: ‘Behold this animal shall be dedicated for Temple repairs’.
 - (4) If one says: ‘I vow to dedicate an animal for Temple repairs’, that it is a duty to set aside the animal even if blemished.
 - (5) And we interpret the text thus: That mayest thou offer for a freewill-offering and also for a vow.
 - (6) For the term ‘accepted’ can only mean for the purpose of offering up on the altar.
 - (7) If one said, ‘I vow to dedicate this blemished burnt-offering’, such dedication is not fit for the altar, as being not ‘accepted’, for this kind of dedication is mentioned next to the text, ‘It can not be accepted’.
 - (8) That one cannot say in connection with a blemished animal: ‘Behold, this is for the altar’.
 - (9) The meaning of the text will therefore be as follows: The freewill-offering which you may dedicate for Temple repairs and the blemished animal vowed for Temple repairs are not acceptable for the altar.
 - (10) That it must not be offered up.
 - (11) Between the first Tanna and Rabbi.
 - (12) I.e., sacrifice on the altar.
 - (13) That Raba's ruling above is a matter of dispute between Tannaim.
 - (14) That (**u, ut**) mayest thou etc. Since you say that the words ‘vow’ and ‘freewill-offering’ are linked together as meaning that a blemished animal either as vow or freewill-offering is not acceptable for the altar, the word ‘that’ which possesses a restrictive meaning, is not needed (Wilna Gaon).
 - (15) Which are fit for sacrifice on the altar.
 - (16) The prohibition derived by implication from the positive command that mayest thou, and which has the force only of a positive command.
 - (17) Lev. XXII, 17.
 - (18) How do you gather that the section has the force of a prohibitory law?
 - (19) **rntk**
 - (20) The word **rntk** is split into **rnt tk** ‘he said, not’.
 - (21) **rnt** .
 - (22) **tk** which with the previous word forms **rntk** .
 - (23) The pieces, in accordance with the law of a burnt-offering.
 - (24) Derived from the text, ‘Nor make an offering by fire’, for when we burn the whole, this also includes a portion of it.
 - (25) The prohibition comprises both the burning of the whole and a part, and in such a case there is only

punishment on one count only (v. Rashi).

(26) I.e., he breaks five prohibitory laws, the Baraitha enumerating as two prohibitions the burning of the whole, and a part of the burnt-offering.

(27) Who holds that there is only one prohibitory law for burning the whole on the altar.

(28) V. Sh. Mek.

(29) In the case where one person burns the whole of an animal and another burns a part of an animal, each is separately liable to one count of lashes for his own particular transgression. Where, however, one person is the offender he would not be liable on the count of burning a part.

(30) Who adds in the Baraitha the case of receiving the blood as yet another prohibitory law.

(31) Who do not agree with R. Jose, and there would thus not be five prohibitions.

(32) Which speaks of the receiving of the blood.

(33) V. supra 6b.

(34) Who hold that there is no prohibitory law against receiving the blood of a blemished dedicated animal. We cannot therefore include in the Baraitha receiving the blood as a prohibitory law. In order therefore to make up the five prohibitions, we must include burning a part of the burnt-offering as a prohibitory law, which will be at variance with the view of Abaye.

(35) Which they set aside for themselves, and if they substituted an unconsecrated animal for them, then the animal and the substitute become sacred.

(36) Which an Israelite gave to a priest for a sacrifice. If a priest exchanged this the exchange is not valid, since he has no share in the animal except from the time it is burnt and onwards, and we learn later in this chapter that a man cannot cause a substitution of a thing which is not his.

(37) Which an Israelite gave to him.

(38) Since the whole belongs to the priest and the firstling is given to him while alive, the Israelite not being atoned for therewith.

(39) For we are sure that they do not legally acquire possession of them until the time of the burning of the sacrifices.

(40) The case of a firstling is different and there should therefore be power to exchange it, the priest having a claim on it while it is alive.

(41) Lev. XXVII, 10; thus comparing the substitute with dedication itself.

(42) In connection with things dedicated.

(43) But it does not take place at all in the house of a priest and therefore a priest has not the power to exchange a firstling.

(44) I.e., in the house of an Israelite in whose possession the holiness of a firstling arises and therefore if an Israelite exchanged a firstling, the substitute is sacred, but not if a priest made the exchange.

(45) Ma'as. Sh. I, 2; B.K. 12b.

(46) For it is considered his money.

(47) That a priest can sell it alive.

(48) When the Temple is no longer in existence, and the firstling is consequently not destined for the altar.

(49) Alive, for even nowadays a firstling belongs to the priest.

(50) For a priest has no claim on it except from the time when the parts of the sacrifice are burnt on the altar.

(51) The buyer waiting till a blemish occurs to the animal in order to be able to eat it.

(52) For it would be slaughtering sacrifices outside the Temple wall.

(53) When, however, it may not be sold slaughtered, for it is an abuse of holy things to make an ordinary transaction with its flesh.

(54) We therefore see that one may sell an unblemished firstling alive in Temple times, contrary to the opinion of

R. Nahman.

(55) For us to infer that we are not dealing with the present time, since nowadays there can be no unblemished slaughtered firstling.

(56) For it might have occurred to you to think that the priest has no claim on it until the firstling is blemished. It is not, however, the object of the Mishnah that we should deduce therefrom that we may not sell a slaughtered firstling, as we are dealing with the present time and nowadays there is no unblemished slaughtered firstling.

Talmud - Mas. T'murah 8a

He raised [a further] objection: With reference to a firstling it is said: Thou shalt not redeem¹ implying but it may be sold.² Now with what case are we dealing? Shall I say that [the Baraita] refers to nowadays? Read the second part [of the text]: Thou shalt sprinkle their blood upon the altar!³ Now is there in existence an altar nowadays [for sacrifice]? Then obviously [it] refers to Temple times. Of what then does it speak? Shall I say of a blemished firstling? Read the second part [of the text]: Thou shalt sprinkle their blood upon the altar and shalt burn their fat.³ Now if we are dealing with a blemished firstling, is it fit for sacrifice? Then we must be dealing with an unblemished firstling, and it says, 'but it may be sold'!⁴ — But is this an argument?⁵ The first part [of the text]⁶ refers to a blemished [animal]⁷ and the latter part of the text⁸ refers to an unblemished [firstling]!

R. Mesharsheya raised an objection: If the child of a priestess became mixed up with a child of her slave,⁹ when the children grow up they free one another;¹⁰ both may eat terumah;¹¹ they take their share simultaneously at the threshing floor;¹² their firstling¹³ is left to pasture until blemished¹⁴ and it is eaten blemished by their owners. Now with what case¹⁵ are we here dealing? Shall I say that we are dealing with a firstling of nowadays? For then what is the difference between [a firstling] belonging to ourselves¹⁶ and [a firstling] belonging to them,¹⁷ since [a firstling] belonging to ourselves also requires a blemish to be eaten?¹⁸ Then you must admit that we are dealing with a firstling in Temple times.¹⁹ Now if you say that the priest has a claim on a firstling [alive],²⁰ there will be no difficulty.²¹ But if you say that he has no claim on a firstling alive, then let the Temple treasurer come and take it?²² — One can still say that we are dealing with a firstling of nowadays.²³ And as regards the difficulty you raise as to why [a firstling] belonging to ourselves is different from [a firstling] belonging to them, [the answer is] we give ours to the priest in its blemished condition,²⁴ but with [a firstling] belonging to them, since there is an element of priesthood,²⁵ priests are excluded from claiming [this firstling].²⁶

Another version: [Now if we are dealing with a firstling of] nowadays, why mention firstlings belonging [to persons] of uncertain priesthood?²⁷ Even firstlings belonging to ourselves also are left to pasture [until blemished]? Then obviously we are dealing with a firstling of Temple times. Now if we are referring to a blemished firstling, why do we say, let them be left to pasture until blemished? Are they not already blemished? Then obviously we are dealing with unblemished firstlings; and only these²⁸ may not sell;²⁹ [but persons who are certainly priests may sell]?³⁰ — It may still be that we are dealing with firstlings of nowadays. What is your difficulty? That even [firstlings] belonging to ourselves should also be left to pasture! [The answer is:] We cannot disregard the priest,³¹ for there exists no uncertainty of the priesthood, but these persons of uncertain [priesthood] can put off the priest, each one saying to the priest. 'I am a priest', 'I am a

priest'.³²

An objection was raised. R. Simeon said: [Scripture says:] And the cattle thereof.³³ This excludes a firstling animal and an animal tithed³⁴ in it [the city]. 'The spoil of it'; this excludes the money of the second tithes.³⁵ Now with what case are we dealing? Shall I say that we are dealing with nowadays? For is the law of an apostate city in force [nowadays]? Have we not learnt: We do not practise the law of an apostate city except where there is in existence a Beth din of seventy-one?³⁶ Then obviously we are dealing with Temple times. And in what condition [was the firstling]?³⁷ If it was blemished, is this not the same as the text, 'The cattle thereof'?³⁸ Then obviously we are dealing with an unblemished firstling. Now there will be no difficulty if you say that the priest has a claim on the firstling alive.³⁹ But if you say the priest has no claim on a firstling alive, what need is there for the text 'The cattle thereof'?⁴⁰ Why not derive this from the text, 'The spoil of it', from which we can deduce, But not the spoil of heaven?⁴¹ — One can still maintain that we are dealing with a blemished animal,⁴² and as regards the difficulty you raise that this is the case covered by the text, 'The cattle thereof',⁴³ [the answer is] this implies, Whatever is eaten in the manner of 'The cattle thereof',⁴⁴ excluding the cases of the firstling and animals tithed, for they are not covered by the words, The cattle thereof'. For we have learnt in a Mishnah: All dedications rendered unfit for sacrifice may be sold in the market and by the pound,⁴⁵ with the exception of a firstling and an animal tithed, for their benefit belongs to the owners.⁴⁶

An objection was raised. [Scripture says:] And committed a trespass against the Lord.⁴⁷ This includes sacrifices of minor grades of holiness,⁴⁸ which are considered the money of the owners.⁴⁹ These are the words of R. Jose the Galilean. Ben Azzai says: [This text comes] to include peace-offerings.⁵⁰ Abba Jose the son of Dosai says: R. Jose the Galilean only refers to a firstling.⁵¹ Now what period are we dealing with? Shall I say that of nowadays? Surely the case [of the firstling referred to by Abba Jose] is compared with peace-offerings?⁵² Then obviously we are dealing with Temple times. Now what are the circumstances? Shall I say that we are dealing with a case of a blemished firstling? Surely the case [of a firstling referred to by Abba Jose] is compared with peace-offerings?⁵³ Then you must say that you are dealing with the case of an unblemished firstling.⁵⁴ Deduce therefore from here that a priest has a claim on a firstling [alive].⁵⁵

(1) Num. XVIII, 17; that the redemption money should become holy and the firstling become hullin.

(2) And it is eaten in a sacred condition, i.e., must not be killed to be sold in a market or weighed by the pound; v. supra 5b, B.K. 13a, Bek. 32a.

(3) Num. XVIII, 17.

(4) We therefore see that an unblemished firstling in Temple times may be sold, contrary to the opinion of R. Nahman.

(5) That the two parts of the text must necessarily deal with an unblemished firstling.

(6) 'Thou shalt not redeem'.

(7) And we may therefore deduce therefrom that a firstling may be sold.

(8) 'Thou shalt sprinkle etc.'.

(9) And it is not known which is the child of the priestess and which is the child of her slave.

(10) Each one writes: 'If I am the master and you are the slave: Behold you are a free man', and both may marry a

daughter of an Israelite.

(11) So long as they had not freed one another, for in any case each can say: 'If I am a priest then I eat terumah in my own right, and if I am a slave, then give me terumah as the slave of a priest', for the slave of a priest is permitted to partake of terumah.

(12) When they are both together they are given terumah, but one of them by himself does not receive terumah without the other present, in case the recipient is the slave, and this Tanna holds that we do not give terumah to the slave of a priest unless the master be present, for fear lest the slave might eventually claim a higher pedigree for himself, i.e., that of being a priest.

(13) Animal born in the pen of the mixed-up offspring.

(14) And are rendered unfit for sacrifice.

(15) Of their firstling required to pasture until blemished.

(16) To persons who are certainly priests.

(17) To the mixed-up offspring, as mentioned in the Baraitha above.

(18) For even in our case, even a person who is certainly a priest cannot eat a firstling nowadays unless it is blemished.

(19) A firstling therefore which belongs to us, i.e., to a genuine priest, is given to the priest for sacrifice, whereas theirs i.e., a firstling belonging to the mixed-up offspring must pasture until blemished. For although even a priest is required to carry out the law of a firstling, here the firstling must be left to pasture, because in the case of any other priest who set aside a firstling, there is no loss, as he himself offers it up and eats the flesh, but in the case mentioned by the Baraitha above, if the firstling is offered up, then no-one can eat it, since one of the offspring is not a priest but a slave and only a priest can eat a firstling unblemished in Temple times. Therefore the Baraitha above says a firstling must be left to pasture until blemished, for each one can say to the priest who claims, 'I am a priest and shall eat the firstling'.

(20) I.e., that he may sell it alive in its unblemished state even in Temple times.

(21) Therefore he can retain the firstling, saying, 'perhaps I am a priest and I have therefore a prior claim, and do not wish to give it to another priest, but shall wait till I am able to eat it'.

(22) And give it to a genuine priest, since the priest has no claim on the firstling till it is brought to the altar. This shows that even in Temple times the priest has a claim on the unblemished firstling, for we are undoubtedly dealing here with an unblemished animal, since the Baraitha says it is left to pasture, etc., which contradicts R. Abbuha.

(23) And therefore the firstling is left to pasture, for it is unfit for sacrifice and the priest has a claim upon it while it is alive.

(24) For although blemished and permissible to be eaten by non-priests, it must be given to the priests, otherwise it would be stealing the priestly due.

(25) In the case mentioned in the Baraitha above, where one of them is certainly a priest.

(26) And it is not stealing what is due to the priest, for each one of the mixed-up persons can claim, 'I am a priest' and since there is a doubt concerning money, the claimant must bring the necessary evidence to prove his case.

(27) As in the case in the Baraitha above, where there was a mixing-up between the offspring of a priestess and her slave.

(28) Persons of uncertain priesthood, as mentioned in the Baraitha above.

(29) The firstling.

(30) We therefore see that a priest may sell an unblemished firstling alive in Temple times, contrary to the opinion of R. Nahman in the name of R. Abbuha above.

(31) We have no option but to surrender a Firstling even blemished, otherwise it would be robbing the priestly due.

(32) And therefore they retain the firstling.

- (33) Deut. XIII, 16; in connection with an apostate city which is totally destroyed on account of its inhabitants worshipping idols.
- (34) The text 'And the cattle etc.' implies that one's own cattle is destroyed where there is no part which belongs to heaven (the Sanctuary), unlike the case of a firstling and tithes.
- (35) This will represent the view of the teacher who maintains that the second tithe is money which belongs to heaven; v. Sanh. 112b.
- (36) And as there is no Beth din of such a character in existence to-day, the law of an apostate city is inoperative.
- (37) Or the tithed animal.
- (38) Where the animal belongs entirely to a person and heaven has no share in it. Here, too, where a priest eats the firstling and an Israelite his tithe, there is no element which belongs to heaven.
- (39) Therefore the exclusion of a firstling is derived from the text 'The cattle thereof' and not from the text 'The spoil of it', since it is not altogether the spoil of heaven, as the priest has a claim upon it.
- (40) To exclude the case of a firstling and tithes from the law of an apostate city.
- (41) Since therefore we exclude the case of a firstling and an animal tithed from the text 'The cattle thereof', this proves that the priest has a claim on the firstling. This will therefore raise a difficulty for the ruling of R. Nahman in the name of R. Abbuha, for we see here that an unblemished firstling may be sold in Temple times.
- (42) In which there is no share for heaven and which therefore should be burnt in fire.
- (43) Why therefore do we exclude the case of a firstling and an animal tithed?
- (44) Where the animal belongs entirely to the owner.
- (45) In order to fetch more money and we do not consider this degrading holy things.
- (46) Therefore for the extra benefit in favour of the owners, we do not allow selling in the market and by the pound of a firstling, v. Bek. 32a, Bez. 28a. Hence a firstling and tithed animal are spared in an apostate city.
- (47) Lev. V, 21.
- (48) That if one deposited dedications of a minor grade of holiness with his neighbour, and the latter denied the deposit, took a false oath and subsequently confessed, he has to pay the principal plus a fifth as a fine, also to bring an offering on account of the false oath.
- (49) And we can therefore apply the text mentioned in this connection: 'And lie unto his neighbour'.
- (50) Which are certainly considered his money, but the case is not the same with regard to an animal tithed, for one cannot sell it either alive, slaughtered, unblemished or blemished.
- (51) Where a priest deposited his firstling with another, the latter denying the deposit, taking an oath and then confessing. He pays the principal together with the fine of a fifth and brings a trespass-offering, the reason being because a priest can sell a firstling alive unblemished and it is therefore considered his money (R. Gershom).
- (52) And the peace-offering cannot be brought nowadays.
- (53) For as regards a firstling and a priest, we can make a distinction between an unblemished and a blemished animal, as in the former case one might say that the priest has no claim on it until the time of offering it up on the altar, whereas in the latter case the priest might claim it immediately, as the animal is unfit for sacrifice. But with reference to a peace-offering, one cannot say that the owner has a claim on the animal from the time of its burning and therefore there is no distinction between an unblemished and a blemished peace-offering, in each case the owner having a claim on it alive.
- (54) And we impose a trespass-offering for one who denied a deposit of the firstling with a false oath. We see therefore that it is regarded as the priest's money.
- (55) And therefore we can apply the text, 'And lie unto his neighbour', the firstling being considered his own money. Hence we see that an unblemished live firstling may be sold in Temple times, contrary to the opinion of R. Abbuha reported by R. Nahman above.

Talmud - Mas. T'murah 8b

Talmud - Mas. T'murah 8b

Said [Rabina]:¹ One may still say that we are dealing with an unblemished firstling² and we are alluding here to a firstling outside the Holy Land,³ and [the Tanna of this Baraitha] is R. Simeon who Says: If unblemished firstlings came from outside Palestine they may be offered up.⁴

An objection was raised: R. JOHANAN B. NURI SAID TO HIM: GRANTED THAT ONE HAS NO POWER TO EXCHANGE A SIN-OFFERING AND A GUILT-OFFERING SINCE [PRIESTS] HAVE NO CLAIM ON THEM WHILE [THE ANIMALS] ARE ALIVE, CAN WE SAY THAT THE SAME APPLIES TO A FIRSTLING WHERE [THE PRIEST] HAS A CLAIM ON IT WHILE IT IS ALIVE? Now what case is here referred to? Shall I say it is the case of a blemished animal? But [the Mishnah] compares a firstling with a sin-offering and a guilt-offering?⁵ Then you must say that the case is that of an unblemished animal, and it states: THEY HAVE A CLAIM ON THE FIRSTLING ALIVE!⁶ — Said Rabina: Here too⁷ the case is of a firstling outside Palestine,⁸ and [the Tanna of this Mishnah] is R. Simeon who says: If they came unblemished, they are offered up.

Shall we say that Tannaim differ on that point?⁹ [For it was taught:] ‘With a firstling in the house of the owners there can be effected an exchange, but there can be no exchange effected when in the house of a priest. R. Simeon b. Eleazar Says: Since it comes into the house of a priest, there can be no exchange effected’. But is not this¹⁰ the identical opinion of the first Tanna? Then must you not say that the first Tanna means this: In the house of a priest the priest alone can effect the exchange but not the owner, and consequently we see that the priest has a claim on the firstling?¹¹ — No. The difference of opinion here is the same as the difference of opinion between R. Johanan b. Nuri and R. Akiba. The first Tanna will hold the view of R. Johanan b. Nuri¹² whereas R. Simeon will hold the view of R. Akiba.¹³

Said R. Hisda: They have taught this¹⁴ only with regard to a case of a priest selling to a priest, but a priest is forbidden [to sell] to an Israelite. What is the reason? Lest an Israelite should go and cast a blemish on it [the firstling] and bring it to a [Sage] and say: ‘A priest gave me this firstling with its blemish’.¹⁵ But can a Sage permit it in such circumstances?¹⁶ Has not Rab said:¹⁷ One may not sell a firstling belonging to an Israelite unless the priest be present with him?¹⁸ — Said R. Huna the son of R. Joshua: The reason why it is forbidden [for a priest to sell] to an Israelite¹⁹ is because this appears similar to the case of a priest who assists in the threshing-floor.²⁰

Mar Zutra once visited R. Ashi. They²¹ said to him: ‘Let the Master partake of something’. They set meat before him. They said to him: ‘Let the Master eat it because it is healthy²² for it comes from a firstling’. He [Mar Zutra] asked them: ‘How did you get this?’²³ They answered him: ‘A certain priest sold it to us with its blemish’. He said to them: ‘Do you not hold with what R. Huna the son of R. Joshua said: ‘Because²⁴ this appears similar to the case of a priest who assists in the threshing-floor’? — They replied to him: ‘We do not hold this opinion, since we have indeed bought [the firstling]’.²⁵ He said to them: And do you not hold what we have learnt: How long is an Israelite required to look after a firstling?²⁶ In the case of small cattle, thirty days and in the case of large cattle, fifty days. If the priest said to the Israelite, ‘Give it to me within

this period', the Israelite must not give it to him. And R. Shesheth said:²⁷ Now what is the reason?²⁸ Because it appears similar to the case of a priest who assists in the threshing floor!²⁹ — They replied to him: 'There,³⁰ the thing is obvious,³¹ whereas here, we do indeed buy it'.

Another version: They replied to him [Mar Zutra]: There,³² he does not give any money but here,³³ money was paid. Perhaps you will still say that the priest lowers the price to him,³⁴ thinking to himself, 'When the Israelite has another firstling, he will give it to me'. No,³⁵ for he will rather reflect

(1) So Sh. Mek.; cur. edd. Abaye.

(2) And there is no difficulty as regards R. Nahman's opinion, for the reason why the priest has a claim on the firstling alive is as follows.

(3) Which usually is not destined for sacrifice even in Temple times. It is however compared with a peace-offering, since if one desires, it is fit to be offered up.

(4) I.e., only if they are brought, but they are not to be brought directly. Now since we must not directly bring these unblemished animals to be offered up, therefore they are considered his own money and he can sell them alive, but a firstling of a priest which is destined for sacrifice may not be sold according to R. Abbuha, as the priest has no claim on it alive.

(5) And the sin-offering etc. referred to are unblemished animals, for the Mishnah states that the priest has no claim on them while alive, but has a claim after they are slaughtered. Hence we see that we are dealing with animals which are fit for sacrifice.

(6) Contrary to the view of R. Abbuha reported by R. Nahman above.

(7) In the Mishnah just quoted.

(8) Therefore the firstling is considered his own money and he has the power to make a substitute, but with a firstling of the Holy Land which is destined for sacrifice you cannot make a substitute, since he has no claim on it alive, as R. Abbuha holds.

(9) Whether a priest has a claim on an unblemished live firstling in Temple times or not.

(10) That no exchange can be effected with a firstling in a priest's possession.

(11) And since the priest has the power to effect an exchange he can also sell it, unlike the opinion of R. Abbuha. R. Simeon, however, says that the priest cannot effect an exchange with a firstling in his possession and therefore he may not sell it, the reason being because he has no claim on it alive, which is the opinion of R. Abbuha. We see therefore that these two Tannaim differ as regards R. Abbuha's ruling reported above.

(12) Who says that a priest can effect an exchange with a firstling because he has a claim on it alive, since as we have explained above, the Mishnah deals with a firstling outside Palestine, which is usually not destined for sacrifice.

(13) That although the priest has a claim on the firstling alive, he cannot effect an exchange, as we infer from an analogy (v. Rashi, first version).

(14) That an unblemished firstling alive may be sold even in Temple times.

(15) Whereas in the case of a priest selling to a priest one cannot say this, since a priest who brings a firstling to show it to an expert is required to bring witnesses that a blemish befell it of itself, as priests are suspected of maiming firstlings in order to eat them.

(16) Even if there is a permanent blemish, can the expert permit the use of the firstling without the priest being in attendance?

(17) Bek. 36a: 'Rab Judah'.

(18) For fear lest if the Israelite learnt from the expert that the blemish was a permanent one and that there was

thus no fear of holy things being eaten without the Temple walls, he will eat it and will disregard the fact that he would be robbing the priest of his due. Therefore a priest is required to be present with the Israelite and the latter cannot then say, 'A priest gave me this firstling with its blemish', for we say to him, 'Produce the priest who gave it to you', and so long as he does not do so, we do not allow the use of the firstling. Another explanation (R. Gershom): If you permit a priest to sell a firstling to an Israelite, the Israelite might detain the firstling among the herd till a blemish occurs to it and he then say: 'A priest has sold me this firstling with its blemish', thus evading his duty to the priest.

(19) An unblemished firstling; for all the authorities concerned agree that a blemished firstling may be sold (Wilna Gaon). Now a firstling of nowadays is usually sold at a lower price, for the purchaser is compelled to wait till the animal is blemished before he can eat it.

(20) To winnow or bind the sheaves. Now this is forbidden, for it looks as if the priest is helping in order to receive the reward of terumah. Similarly, if a priest sells an unblemished firstling to an Israelite at a lower price (and still more if he makes him a present of it), it appears as if he does so in order to receive all the future firstlings born in the herd of the Israelite.

(21) Those waiting on him.

(22) More fat than other flesh (R. Gershom).

(23) Seeing you are not priests.

(24) That the reason why a priest may not sell an unblemished firstling to an Israelite is because etc.

(25) And have not received it as a gift. Consequently we do not consider that it is on a par with the case of a priest who assists in the threshing-floor.

(26) To rear it before giving it to the priest.

(27) V. Bek. 26b.

(28) Why cannot an Israelite give the firstling to the priest within the period specified above.

(29) It might appear that the reason why the priest is taking the firstling from the Israelite before the time of its tending expires, thus relieving the Israelite of further trouble with the animal, is because the priest expects him to give him future firstlings. We see therefore that there is a Mishnah holding this reason in the case of assisting in the threshing-floor.

(30) In the case of a priest who asks for the firstling from the Israelite before the time for its tending has terminated.

(31) That it is in consideration for letting him have future firstlings.

(32) In the case of the priest who relieves the Israelite of the firstling, before the specified period mentioned above.

(33) In the case of the firstling whose flesh was placed before Mar Zutra to eat.

(34) In order that the Israelite might give future firstlings to this priest and not to any other.

(35) He will not do so.

Talmud - Mas. T'murah 9a

that a young pumpkin [now] is better than a full-grown pumpkin [to-morrow].¹

MISHNAH. ONE CAN EFFECT AN EXCHANGE WITH SMALL CATTLE FOR OXEN AND WITH OXEN FOR SMALL CATTLE; WITH SHEEP FOR GOATS AND WITH GOATS FOR SHEEP; WITH MALE [ANIMALS] FOR FEMALE [ANIMALS] AND WITH FEMALE [ANIMALS] FOR MALE [ANIMALS]; WITH UNBLEMISHED ANIMALS FOR BLEMISHED ANIMALS AND WITH BLEMISHED [ANIMALS] FOR UNBLEMISHED [ANIMALS], SINCE SCRIPTURE SAYS:² HE SHALL NOT ALTER IT NOR CHANGE IT, A

GOOD³ FOR A BAD⁴ OR A BAD⁵ FOR A GOOD. WHAT KIND IS MEANT BY ‘A GOOD FOR A BAD’?⁶ BLEMISHED ANIMALS WHOSE DEDICATION WAS PRIOR TO THEIR BLEMISH.

GEMARA. Whence is this proved?⁷ — Our Rabbis have taught: Scripture says, ‘Beast for beast’; ‘hence⁸ we infer that one can effect an exchange with small cattle for oxen and with oxen for small cattle; with sheep for goats and with goats for sheep; with male [animals] for female [animals] and with female [animals] for male [animals]; with blemished [animals] for unblemished [animals] and with unblemished [animals] for blemished [animals]. One might think that this is so even if they had a permanent blemish prior to their dedication? The text therefore States: ‘He shall not alter it nor change it, a good for a bad or a bad for a good’. What kind is meant by ‘a good for a bad’? Blemished animals whose dedication was prior to their blemish [but⁹ not where the blemish was prior to their dedication]. How is this implied [in the Scriptural text]?¹⁰ — Said Abaye: Let Scripture say, ‘He shall not alter it nor change it, a good for a bad or a bad for it’.¹¹ What need is there for the second text, ‘a good’? Deduce therefore from here that only if the animal is originally ‘good’¹² the exchange takes effect.¹³ , but the exchange takes no effect in respect of an animal originally ‘bad’.¹⁴ Raba says: Both the expressions ‘a good’ are indeed superfluous.¹⁵ [Scripture] might simply have written: ‘He shall not alter it nor change it’¹⁶ for a bad or a bad for it’?¹⁷ What need is there then for both the expressions ‘a good’? One ‘a good’ teaches us that even if one exchanges a good [animal] for a good [one], there is the punishment of lashes for substituting, and the other ‘a good’ teaches us that exchange takes effect only when the animal was ‘good’ originally, but where it was originally ‘bad’, exchange takes no effect. And whence will Abaye [derive¹⁸ that it is forbidden to exchange a good for a good]?¹⁹ — He holds that it is derived a minori. If where ‘a good’ [an unblemished hullin] is exchanged for ‘a bad’ [a blemished animal], in which case an improve is effected,²⁰ the punishment of lashes is inflicted, how much more so should there be the punishment of lashes if one exchanges ‘a good’ for ‘a good’, which are alike [in holiness]! And Raba?²¹ — An offence established by inference [from minor to major] is not punishable.²² And Abaye? — He can answer you thus: This²³ is no conclusion from [minor to major, but²⁴ is merely an intimation of a thing];²⁵ for is the case of ‘a good’ [an unblemished consecrated animal] worse than the case of ‘a bad’ [blemished animal]?²⁶

Our Rabbis taught: ‘He shall not alter it’²⁷ [for hullin]²⁸ belonging to others.²⁹ ‘Nor change it’ [for hullin] belonging to himself. But let it write [simply]: ‘He shall not alter it’ and there will then be no need for the expression ‘nor change it’? If it had written so, I might have said that where [the intention is for the original animal] to lose its holiness and the [substituted one] to acquire holiness,³⁰ there is the punishment of lashes, but in the case of exchanging [the consecrated animal for his own hullin], where [if he wishes] he can consecrate both,³¹ I might have thought there is no punishment of lashes. [Scripture] therefore informs us [that it is not so].³²

As to the expression, ‘[for hullin] belonging to others’, how is this to be understood? Shall we say [that it means] his own consecrated animal and hullin belonging to another? But can he consecrate [hullin in such circumstances]?³³ The Divine Law says: When a man shall sanctify his house to be holy unto the Lord.³⁴ Just as his house is his own possession, so everything³⁵ must be in his possession! Again if the case then is of a consecration belonging to another and his own hullin,³⁶ can one cause the substitution³⁷ of a thing which is not his? — One can still maintain that

the case is of a consecrated animal belonging to another person and his own hullin and when e.g., the owner of the consecrated animals says: ‘Whoever wishes to exchange with this animal may come and do so’.³⁸ MISHNAH. ONE CAN EFFECT AN EXCHANGE WITH ONE [HULLIN] FOR TWO [CONSECRATED ANIMALS],³⁹ AND WITH TWO [HULLIN] FOR ONE [CONSECRATED ANIMAL]; WITH ONE [HULLIN] FOR A HUNDRED [CONSECRATED ANIMALS] AND WITH A HUNDRED [HULLIN] FOR ONE [CONSECRATED ANIMAL]; R. SIMEON, HOWEVER, SAYS: NO EXCHANGE CAN BE EFFECTED EXCEPT WITH ONE [HULLIN] FOR ONE [CONSECRATED ANIMAL], FOR IT SAYS: ‘THEN IT AND THE EXCHANGE THEREOF SHALL BE HOLY’, THUS TEACHING US THAT JUST AS ‘IT’ [THE CONSECRATED ANIMAL] IS ONLY ONE,⁴⁰ SO [ITS SUBSTITUTE] ALSO MUST BE ONLY ONE.

GEMARA. Whence is this proved? — Our Rabbis taught: [Scripture says:] ‘Beast for beast’. Hence we infer⁴¹ that one can effect an exchange with one [hullin] for two [consecrated animals] and with two [hullin] for one [consecrated animal]; with one [hullin] for a hundred [consecrated animals] and with a hundred [hullin] for one [consecrated animal]. R. Simeon, however, says: One cannot effect exchange except with one [hullin] for one [consecrated animal], since it Says: ‘Beast for beast’, [implying] but not beast for beasts or beasts for beast. They⁴² said to him: We find [in the Scriptures] that beasts are also called behemah,⁴³ since it says: And also much cattle [behemah].⁴⁴ And what does R. Simeon say to this? — Many animals are described as behemah rabah [much], but not simply as behemah.⁴⁵

But is R. Simeon's reason⁴⁶ because of the expression ‘beast’? Is not the reason of R. Simeon because of the expression ‘it’, [his reasoning being] just as ‘it’ is only one, so its [substitute] must be only one?⁴⁷ — At first, R. Simeon said to them that his reason was based on the text, ‘Then it and the exchange thereof’. When he saw, however, that the Rabbis interpreted the text ‘beast for beast’, he said to them, ‘I also can derive the reason for my ruling from the same source

Said Resh Lakish: R. Simeon agrees⁴⁸ that one can effect an exchange repeatedly.⁴⁹ What is the reason? — For where has the holiness of the first dedicated animal gone?⁵⁰ But R. Johanan says: Just as one cannot effect an exchange with two hullin for one [consecration], so one cannot effect an exchange repeatedly [with the same animal].

There is a teaching in agreement with R. Johanan; there is a teaching in agreement with Resh Lakish. ‘There is a teaching in agreement with R. Johanan’: Just as one cannot effect an exchange with one hullin for two [consecrations], so one cannot effect an exchange repeatedly. There is a teaching in accordance with the opinion of Resh Lakish: One might have thought that just as R. Simeon holds that one cannot effect an exchange with two [hullin] for one [consecrated animal], so one cannot effect an exchange repeatedly. The text therefore states: ‘Then it and the exchange thereof’, implying, even for a hundred [animals of hullin].⁵¹

R. Abin asked: How is it according to the authority who says⁵² that one cannot effect an exchange repeatedly, if he set aside a guilt-offering with which to obtain atonement and made an exchange for it,

- (1) The priest would rather sell the firstling for its equivalent value, for fear that if he were to reduce its price, he may after all not gain anything by it, as he may not receive the future firstlings. The additional gain of the moment will appeal to him more than the uncertain prospects of future gain.
- (2) Lev. XXVII, 10.
- (3) An unblemished animal of hullin (unconsecrated) must not be substituted.
- (4) A blemished consecrated animal. We therefore see that the law of substitute applies to consecrated blemished animals.
- (5) Thus 'a bad' i.e., a blemished hullin may be exchanged for 'a good' i.e., an unblemished consecrated animal. This shows that substitution has effect on a blemished animal.
- (6) Which are subject to the law of substitute.
- (7) The various rulings mentioned in the Mishnah.
- (8) From the repetition of the word 'beast'.
- (9) Inserted with Sh. Mek.
- (10) That there is a difference as regards the law of exchange where the blemish occurs before dedication.
- (11) And we could infer: Or a bad hullin could not be exchanged either for 'a good' or for 'a bad' consecrated animal.
- (12) Unblemished when consecrated, a blemish occurring to it subsequently.
- (13) The substitute becoming sacred.
- (14) I.e., blemished when consecrated.
- (15) For the purpose of deducing that a permanent blemish prior to consecration does not permit of an exchange taking effect.
- (16) Which would have implied 'a good' i.e., an unblemished animal, since the text later on says 'for a bad' i.e., a blemished one.
- (17) 'A bad' (unconsecrated blemished animal) must not be exchanged for it i.e., 'a good' (unblemished) or a bad (blemished) consecrated animal.
- (18) Inserted with Sh. Mek.
- (19) Since according to him there is only one superfluous 'a good'.
- (20) As a better animal is being substituted for the dedicated blemished animal.
- (21) Since there is an a minori conclusion, what need is there for an extra 'a good'?
- (22) But it must be stated positively and therefore the text is required to derive the case of one exchanging 'a good' for 'a good'.
- (23) The ruling that it is forbidden to exchange 'a good' for 'a good'.
- (24) Inserted with Sh. Mek.
- (25) It is naturally implied and there is no need for a specific interpretation.
- (26) If it is forbidden to substitute an unblemished animal for a blemished one it is obvious that the same applies if the animal for which substitution is made is 'a good' (unblemished one), for Scripture is only concerned that no exchange should be made with something which is holy.
- (27) **ubphkj h tk**
- (28) So R. Gershom.
- (29) The word **;ukhj** indicates that the exchange concerns two people.
- (30) Although the exchange does not succeed in removing holiness from the unblemished consecrated animal, he is nevertheless punished with lashes, for his intention was to release it from its sanctity.
- (31) So R. Gershom. The passage about 'others' is subsequently explained in the Gemara.
- (32) That even if the substitution was for his own animal of hullin, he incurs the punishment of lashes.
- (33) Where it does not belong to him.

- (34) Lev. XXVII, 14.
- (35) In order to receive holiness.
- (36) And he said: This hullin of mine shall be a substitute for that man's dedication.
- (37) Lit., 'cause to seize'.
- (38) In such circumstances the Biblical text informs us that the substitute is sacred although there is a prohibitory law against the act.
- (39) By saying: This animal shall be exchanged for these two dedications.
- (40) Since the text says: 'It', thus alluding to only one.
- (41) Because the word behemah (beast) is repeated (Sh. Mck.).
- (42) The disputants of R. Simeon.
- (43) The term used in the text denoting beast.
- (44) Jonah IV, 11.
- (45) The word behemah therefore by itself denotes only one animal.
- (46) Why he holds in the Mishnah that exchange can only be effected with one hullin for one consecrated animal.
- (47) As stated in the Mishnah.
- (48) Although he holds in the Mishnah that exchange cannot be effected except with one hullin for one consecrated animal.
- (49) The same dedicated animal can be exchanged again and again with different animals. Lit., 'one has power to exchange and again to exchange'.
- (50) So that another animal should be able to receive holiness, even up to a thousand, since Scripture declares: 'Then it and the exchange thereof shall be holy'.
- (51) The substitutions are sacred.
- (52) V. infra 13b.

Talmud - Mas. T'murah 9b

and it became blemished and he redeemed it for another¹ [which became lost], and he obtained atonement through another guilt-offering, and [the lost animal was then found] and it was [automatically] transformed into a burnt-offering?² What is the ruling as regards making an exchange for it?³

Said Abaye: What is [R. Abin's] inquiry? If it [the inquiry] is concerning two bodies and one kind of holiness,⁴ why not put the question without stating that he obtains atonement?⁵ If the inquiry is concerning two kinds of holiness and one body,⁶ why not put the question without stating that the first animal became blemished?⁷ — And R. Abin?⁸ — His question is really in the form of one inquiry arising out of another [as follows]: And if you will adopt the opinion that there can be no [exchange] in a case of two bodies and one kind of holiness, since [an animal] has already been once exchanged in that holiness, what of two bodies and two kinds of holiness?⁹ — Let it stand undecided.

Another version: R. Abin inquired, According to the opinion of R. Johanan who holds that one has no power to exchange repeatedly [the same dedicated animal], if he set aside a guilt-offering with which to obtain atonement and exchanged it, and after [the first animal] became blemished he redeemed it for another, what is the ruling as regards exchanging again [this second guilt-offering]?¹⁰ Or,¹¹ if he obtained atonement through another guilt-offering¹² and the [first

guilt-offering] was transformed into a burnt-offering,¹³ what is the ruling as regards changing it again?¹⁴

Said Abaye: What is [R. Abin's main inquiry]? If as regards [the exchange] of another kind of holiness but in the same body, then there is no need to mention that he redeemed it [for another].¹⁵ If as regards [the exchange] of another body in the same kind of holiness,¹⁶ then there is no need to mention the atonement through another guilt-offering. And R. Abin? — His [question] is really one inquiry arising out of another: If [the guilt-offering] became blemished and he exchanged it and redeemed it for another, what is the ruling as regards exchanging it again? Do we say that there is no further exchange only with regard to the first guilt-offering but with a separate body [animal], though it remains in the same kind of holiness [of a guilt-offering], there can again be an exchange? Or, perhaps, all animals in the same kind of holiness cannot be exchanged again? And if you will adopt the opinion, that since this other body remains in the same holiness, there can be no further exchange, then if he obtained atonement through another guilt-offering and the first guilt-offering was transformed into a burnt-offering, what is the ruling as regards exchanging it again? Do we say that we hold that one cannot exchange again only with reference to the same body [animal] in the same kind of holiness,¹⁷ but the same body possessing another kind of holiness can be changed again? Or, perhaps, although there is another kind of holiness, since it is the same body, there can be no exchange again? — Let it remain undecided.

Said R. Joshua b. Levi.¹⁸ One adds a fifth¹⁹ for the first dedication but not for the second dedication.²⁰ Said R. Papa: What is the reason of R. Joshua b. Levi? Scripture says: And if he that sanctified it will redeem his house then he shall add the fifth part of the money,²¹ the text saying, 'he that sanctified', implying, but not one who causes holiness [to an animal through another dedicated animal].²² R. Abin inquired: If one set aside a guilt-offering to obtain atonement and [after] it became blemished [he redeemed it for another animal], added a fifth and obtained atonement through another guilt-offering,²³ and [the first guilt-offering] was transformed into a burnt-offering,²⁴ what of adding a fifth to it?²⁵ — Said Abaye: What is [R. Abin's] main inquiry?²⁶ If the inquiry is [as regards adding a fifth for the redemption] of two bodies and one kind of holiness, then why not make the inquiry without mentioning that he obtained atonement?²⁷ And if the inquiry is [as regards] two kinds of holiness and one body, then why not formulate an inquiry without mentioning that [the first animal] became blemished?²⁸ And R. Abin? — His inquiry is really one question arising out of another. If you will adopt the opinion that there is no fifth added [when redeeming] in the case of two bodies and one kind of holiness, since a fifth has already been once added in that holiness, what is the ruling as regards two bodies and two kinds of holiness? — Let it stand undecided.

Another version: R. Abin inquired: If one set aside a guilt-offering to obtain atonement through it and after it became blemished, he redeemed it for another, [what²⁹ is the ruling as regards] adding a fifth?³⁰ [Or,]³¹ if he obtained atonement through another guilt-offering, and [the first animal being found] was transformed into a burnt-offering,³² what is the ruling as regards adding a fifth?³³ — Said Abaye: Which is the main inquiry [of R. Abin]? If his inquiry relates to another kind of holiness but in the same body, then what need is there to mention that the [first] guilt-offering became blemished [and he redeemed it for another]? If it relates to [another] body in the same holiness, [then³⁴ what need is there to mention that he was atoned for through another

guilt-offering]? And R. Abin? — His inquiry is really one question arising out of another question [as follows]: If it became blemished and he redeemed it for another, what is the ruling as regards adding a fifth?³⁵ Is it only in redeeming the first guilt-offering that one does not add a fifth but in the case of [another]³⁶ body, although it remains in the same kind of holiness, one adds³⁷ a fifth [in redeeming it, if blemished]?

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- (1) Which in turn became the second guilt-offering.
 - (2) For the law is that an animal dedicated for a guilt-offering whose owner has otherwise obtained atonement, is usually destined to be used as a communal burnt-offering.
 - (3) Do we say that as an exchange took place for the first guilt-offering, there cannot be another exchange made for the second guilt-offering now found, for it would be like making a number of exchanges for the same animal, which according to the view of the authority on whose behalf we are propounding this question, is not permissible; or, since the second guilt-offering is another animal altogether and it receives a different kind of holiness, do we say that there can therefore be an exchange made, for in the case of the first animal it was a guilt-offering which was exchanged and we are considering now the exchange of a burnt-offering.
 - (4) And the question will then be: Shall we say that since there is another body i.e., a different animal, therefore it can be exchanged or, perhaps, since there is the same holiness, there can be no further exchange.
 - (5) Let R. Abin state his inquiry as follows: One separated his guilt-offering and exchanged it and the first animal became blemished and was redeemed for another. What of exchanging this last animal? Shall we say since it is a different body, i.e., a different animal, there can therefore be a second exchange, or perhaps since the last animal comes in place of the first and has the same kind of holiness, both being a guilt-offering, there can be no exchange again.
 - (6) I.e., where one set aside a guilt-offering and exchanged it, and the first animal was lost and he obtained atonement through another guilt-offering, and the first guilt-offering was then found and is now regarded as a burnt-offering. Here we have, with reference to the first animal, one body with two kinds of holiness, and the question is, since there is here only one body, can exchange be effected again.
 - (7) And was subsequently redeemed, for the inquiry can be formulated without these conditions.
 - (8) What exactly is the nature of his inquiry which calls for all the circumstances which he enumerates.
 - (9) When e.g., the second guilt-offering was lost and he obtained atonement through a different animal, the second guilt-offering becoming a burnt-offering after being found. What of the second guilt-offering as regards exchanging? Do we say since it was brought in virtue of the first, there can therefore be no exchange, or, as it is a different animal with a different kind of holiness, there can be exchange?
 - (10) Do we say that as it was brought in the place of the first guilt-offering, as the first animal has once been exchanged, there can be no further exchange, or else, as it is a different animal, there can be a further exchange?
 - (11) V. Sh. Mek.
 - (12) Where the first animal did not become blemished and was not redeemed but was lost and the owner brought a second guilt-offering.
 - (13) According to the law.
 - (14) This burnt-offering. Now according to this version there will not be any reference to two kinds of holiness and two bodies, and there will really be here two inquiries (Rashi.)
 - (15) It would be sufficient to formulate the inquiry as follows: He set aside a guilt-offering which he exchanged, the first animal became lost and he obtained atonement through another guilt-offering. The first guilt-offering was then found and automatically became a burnt-offering, and the question was as regards making exchange again with the same animal which has now received another kind of holiness.
 - (16) Whether there can be a further exchange of the second animal possessing the same kind of holiness as the

first, i.e., when the guilt-offering was exchanged, became blemished and was redeemed for another.

(17) The same animal all the time, without a change to a different kind of holiness.

(18) B.M. 54b.

(19) When redeeming a dedication.

(20) When e.g., the first animal became maimed and he redeemed it for another, this second animal being described as a second dedication. A substitute animal would be a second dedication.

(21) Lev. XXVII, 15.

(22) As in the case of a substitution, where the animal exchanged is not itself dedicated and only becomes holy by reason of exchange.

(23) The first guilt-offering was then found.

(24) In accordance with the rule that if an animal has been dedicated for a guilt-offering and the owner has obtained atonement through another, the original animal is changed into a burnt-offering.

(25) Would it be regarded as a second dedication, although it is the same animal, so that if it became blemished, there would be no need to add a fifth.

(26) For the present, R. Abin's words have no reference to the case of two bodies and two kinds of holiness, but he divides his inquiry into two parts, the first part being where there are two bodies and one kind of holiness, and the other, where he obtained atonement through another guilt-offering, i.e. where the first guilt-offering was not maimed but was lost and the owner obtained atonement through another guilt-offering. The first guilt-offering was then transformed into a burnt-offering and we have, as a result, two kinds of holiness but in one body (Rashi). Therefore Abaye's query is: What is etc.

(27) Through another guilt-offering. He need only state that the first guilt-offering became blemished, he redeemed it for another and added a fifth in redeeming, since there can be no redemption of an unblemished animal which is fit for the altar. The second animal in turn became blemished and the inquiry will therefore be as follows: Do we say that since the second animal possesses the same kind of holiness as the first, there cannot be the addition of the second fifth in redeeming, as it is a second dedication? Or, perhaps, since they are two separate bodies (animals) he adds a fifth when he redeems the second blemished guilt-offering? R. Joshua's dictum will therefore only apply in the case where one dedicated a blemished animal for Temple repairs and redeemed it for another blemished animal, no change being brought about, as both are blemished. In redeeming therefore the second animal, we say it is a second dedication and therefore a fifth is not added when redeeming. But in our case, where we redeem a blemished guilt-offering for an unblemished one which is fit for the altar, we consider this second animal a first consecration, since the first guilt-offering was only useful for its value alone, whereas the second animal is suitable for the altar. It is therefore a fresh consecration, requiring the addition of a fifth should it become blemished and be redeemed (Rashi).

(28) Before it became lost, and the case here is where the guilt-offering became lost, and he set aside another guilt-offering and obtained atonement through it. The first animal then becomes a burnt-offering. What is then the ruling? Do we say it is a second dedication, since the owner obtained atonement through another and this first animal is considered as subsidiary to it and, consequently, if it became blemished, there will be no need for the adding of a fifth in redeeming, or not?

(29) V. Wilna Gaon Glosses.

(30) If the second animal became blemished and was redeemed.

(31) Inserted with Sh. Mek.

(32) In accordance with the law.

(33) If it became blemished and was redeemed.

(34) Inserted with Z.K.

(35) If it became blemished and he redeemed it.

(36) Inserted with Z.K.

(37) V. Sh. Mek.

Talmud - Mas. T'murah 10a

Or perhaps, all [dedications] of the same holiness do not require the addition of a fifth?¹ And if you will say that since this [other] body [animal] remains in the same holiness, there is no addition of a fifth, then if [the owner] obtained atonement through [a guilt-offering] and the first [automatically] was transformed into a burnt-offering,² what is the ruling? [Do we say that] one does not add a fifth only in the case of the same body possessing the same holiness, but where there is another holiness,³ it is not so? Or, perhaps, since it is the same body,⁴ one is not required to add a fifth? — Let it remain undecided.

Rami b. Hama inquired: Is the consecrator required to add a fifth [when redeeming], or is the one who is atoned for required to add a fifth?⁵ — Said Raba: Scripture says, And if he that sanctified it will redeem his house:⁶ 'He that sanctified', but not the person who is atoned for.

Rami b. Hama inquired: Can a consecrator effect an exchange, or the one for whom atonement is obtained? — Said Raba: [Obviously the person for whom atonement is made has power of effecting exchange, for if only the consecrator has power of effecting exchange],⁷ then we find that a congregation or partners have power of effecting exchange when, e.g., they charge an agent to dedicate?⁸ And moreover R. Nahman reported: Huna informed me: It has been taught, Scripture says: And of his offering unto the Lord for his separation, beside that his hand shall get.⁹ Now is the offering of a nazirite according to his pecuniary means?¹⁰ How then are we to explain this? The words, 'His offering unto the Lord for his separation' refer to where he is able to set aside [the prescribed offering] from his own [means]. The words, 'Beside that his hand shall get' refer to where others set aside [the prescribed offering].¹¹ For what practical ruling?¹² Shall I say with reference to atonement?¹³ Surely it is obvious that he obtains atonement [with another sacrifice] seeing that they give it to him as a gift! Then must you not say that it is with reference to making exchange, and [the Baraita above] means this: [Just as when he set aside an offering from his own means only he alone has power of effecting exchange],¹⁴ so if others set aside [an offering] on his behalf he alone can effect exchange?¹⁵ Deduce therefore from here that we go by the person for whom atonement is made!¹⁶ — No. One can still maintain that [the Baraita above] refers to atonement, and as to your difficulty, do not [the others who set aside the offering] give it to him as a present? Had the Divine Law not included this in the text 'beside that his hand shall get', I might have thought that it is a Divine decree that [the nazirite] can obtain atonement only with an offering brought from his own means but not from that [set apart] by others, [although it is given to him as a gift]. The text ['beside that etc.'] therefore informs us [that it is not so]. What is the decision in the matter? — Come and hear: For R. Abbuha reported in the name of R. Johanan: He who dedicates [and wishes to redeem his dedication] must add a fifth. The exchange of one for whose atonement [an animal is dedicated] is sacred. If one separates [the priestly due] from his own [grain] for [the untithed grain] of his neighbour the right of disposal belongs to him [who separates].¹⁷ What is the reason? Scripture says: All the tithes of thine increase . . . and hast given it, etc.¹⁸ MISHNAH. WITH LIMBS [OF HULLIN] NO EXCHANGE CAN BE EFFECTED FOR [DEDICATED] EMBRYOS,¹⁹ NOR WITH EMBRYOS [OF HULLIN] FOR

[DEDICATED] LIMBS;²⁰ NOR WITH EMBRYOS AND LIMBS [OF HULLIN] FOR WHOLE [DEDICATED ANIMALS];²¹ NOR WITH WHOLE [ANIMALS OF HULLIN] FOR THEM. R. JOSE SAYS: WITH LIMBS [OF HULLIN] EXCHANGE CAN BE EFFECTED FOR WHOLE [DEDICATED ANIMALS],²² BUT NOT WITH WHOLE [ANIMALS OF HULLIN] FOR THEM.²³ SAID R. JOSE: IS IT NOT THE CASE IN RESPECT OF DEDICATIONS,²⁴ THAT IF ONE SAYS: 'THIS FOOT SHALL BE A BURNT-OFFERING, THE WHOLE [ANIMAL] BECOMES A BURNT-OFFERING? SIMILARLY, IF ONE SAYS, 'THIS FOOT SHALL BE INSTEAD OF THIS [WHOLE DEDICATED ANIMAL]', THE WHOLE [ANIMAL] SHOULD BECOME A SUBSTITUTE IN ITS PLACE.

GEMARA. It was stated: Bar Padda says, Dedication has no effect on embryos,²⁵ whereas R. Johanan says: Dedication has effect on embryos. And R. Johanan²⁶ follows the opinion he expressed elsewhere. For R. Johanan said: If one dedicates a pregnant sin-offering and it gave birth, if he wishes, he may obtain atonement through it [the mother], and if he wishes, he may obtain atonement through its offspring.²⁷ [And both statements of R. Johanan] are necessary. For if he had made only the first statement,²⁸ [I might have said] that here, where he dedicated

(1) Although the second guilt-offering is a different animal.

(2) V. Sh. Mek.

(3) Where, as here, the animal becomes a burnt-offering.

(4) The same animal, although now possessing a different holiness.

(5) For the rule is that only the owner adds a fifth in redeeming but not a stranger. Now if one set aside an offering on behalf of one's neighbour and it became blemished, who is considered the owner in respect of adding a fifth? Is the consecrator considered the owner and therefore the person for whom atonement is made does not require to add a fifth, as he is regarded as a stranger, or is the person for whom atonement is made considered the owner?

(6) Lev. XXVII, 15.

(7) V. Sh. Mek.

(8) For then it becomes a private offering to which exchange is applicable, and we have learnt that a congregation or partners are not competent to effect an exchange. Hence we can deduce from this that we go by the person for whom atonement is made, and in the case of a congregation or partners it is the congregation or partners who are making the exchange and consequently in this case no exchange will be effected.

(9) Num. VI, 21.

(10) Like the case of the sacrifice of higher or lower value, for the sacrifice of a nazirite is fixed and specified.

(11) Where he is unable at the moment to bring a sacrifice and meanwhile others separate one on his behalf.

(12) Is there need for the text to inform us concerning others setting aside an offering on his behalf.

(13) To teach us that one can obtain atonement by means of an offering which others have set aside.

(14) But not another.

(15) He can effect exchange but not the others.

(16) For we see that although others have set aside the offering, only the owner, for whose benefit it was, can effect exchange.

(17) V. supra 2b notes.

(18) Deut. XXVI, 12. Thus a person who gives and separates the tithes has the right to give them to the priest he chooses, and the privilege is not in the hands of the person on whose behalf the grain is tithed. We see, however, from R. Abbuha that the person for whom atonement is made can effect exchange and this is the answer to Rami b. Hama's query above.

- (19) If a person said: 'Let the foot of this animal be exchanged for a dedicated embryo inside this animal', dedication has no effect on the limb.
- (20) If one said: 'Let the embryo in the inside of this hullin be exchanged for the foot of this dedicated animal', the embryo is not holy.
- (21) If, for example, one said: 'Let this embryo or limb be exchanged for this whole dedicated animal', there is no exchange.
- (22) If one says: 'Let the foot of this animal of hullin be exchanged for this dedicated animal', the exchange takes effect in regard to the limb and it spreads to the entire animal. Thus the whole animal becomes sacred and is offered up.
- (23) For a limb of a dedicated animal has not the power to effect exchange.
- (24) At the beginning when one dedicates.
- (25) If one dedicates an embryo inside an animal, it is not holy to be offered up, and if he offered it up when it was born without a special dedication from its birth, he brings hullin to the Temple court. If, therefore, he separates a pregnant sin-offering, we do not consider it as a case of two sin-offerings set aside for security, for the embryo is sanctified by virtue of its mother and not on its own account, and therefore is regarded as the offspring of a sin-offering which is left to die. Similarly, as regards the matter of dedication, the embryo is regarded as the offspring of a dedication and not as a separate dedication.
- (26) Who holds that dedication has effect on embryos.
- (27) For we say that the offspring of sin-offerings is left to die only in the case where one set apart a sin-offering which became pregnant and gave birth, it being a Sinaitic law that the offspring in such circumstances is condemned to die (v. infra 21b). But where he set apart a pregnant sin-offering, the embryo is regarded as a different animal and therefore holiness attaches to it independently of its mother. We regard this as a case of one who sets apart two sin-offerings for security in which case he can obtain pardon with whichever one he chooses, the other being left to pasture. We thus see that holiness attaches to an embryo and no special dedication is required after its birth.
- (28) That dedication has effect on an embryo.

Talmud - Mas. T'murah 10b

the embryo by itself, a dedication has effect on it, but there, where he dedicated the mother, it [the embryo] is included [in the dedication of the mother], and therefore it [the embryo] is not holy on its own account. And if he made only the second statement,¹ [I might have said] that there he dedicated it [the mother] and all connected with it [the embryo], but here where he dedicated it [the embryo], since it is not [emerged] outside, it is not holy.² [Both statements of R. Johanan] are therefore necessary.

Another version: What does [R. Johanan] inform us?³ That if one left over [the embryo]⁴, his act is valid⁵, and that an embryo is not considered as the thigh of its mother.⁶ But what need is there for the two statements [of R. Johanan]?⁷ — [Both] are necessary. For if the statement had been made in connection with this case only,⁸ [I might have said] that there, where the mother herself is fit [for dedication], since holiness attached to it [the mother], it also attached to the embryo. But in the other case,⁹ [I might have said] that it was not so. [R. Johanan] therefore informs us [otherwise].¹⁰ And if R. Johanan had stated the law only in this case,¹¹ [I might have said] that there the reason was because he expressly dedicated the embryo, but here¹² the case is otherwise. [Both statements of R. Johanan are therefore] necessary.

R. Zera was once sitting and repeating this tradition [of Bar [Padda]. R. Jeremiah raised an objection to R. Zera.¹³ What device does one adopt¹⁴ in connection with a firstling? If a pregnant animal was giving birth for the first time, one can say: 'Whatever is in the inside of this animal shall become a burnt-offering'. If now the animal gives birth to a male it is a burnt-offering.¹⁵ Consequently we see that an embryo is holy on its own account!¹⁶ — He [R. Zera] replied to him: This was taught with reference to a consecration for its value.¹⁷ But is a consecration for its value strong enough to release from the holiness of a firstling? — Yes. And we have learnt likewise: All dedications which have received a permanent blemish prior to their dedication and were redeemed, are subject to the law of the firstling¹⁸ and the priestly gifts.¹⁹ Now the reason why they are subject to the law of the firstling is because they were redeemed, but if they were not redeemed, they would be exempt from the law of the firstling. Consequently we see that a consecration for its value is strong enough to release the holiness of a firstling.²⁰

He raised an objection: If one says, 'Whatever is in the inside of this animal shall be a burnt-offering', [the mother] may be shorn for its wool but must not be worked, because the embryo within is thereby weakened!²¹ — He said to him: Here²² too it is a case of consecration for its value. But is a consecration for its value strong enough to forbid [shearing and work of an animal]? — He replied to him: Yes. And we have learnt likewise: They²³ become hullin as regards shearing and working.²⁴ Now the reason is because they were redeemed, but before they were redeemed they must not be worked. Consequently we see that a consecration for its value makes it forbidden to work [the animal].

He [R. Jeremiah] raised an objection to him [R. Zera]. Our Mishnah says: WITH LIMBS [OF HULLIN] NO EXCHANGE CAN BE EFFECTED FOR [DEDICATED] EMBRYOS, NOR WITH EMBRYOS FOR LIMBS.²⁵ Now it says that one has no power to exchange with them [the embryos],²⁶ but they [the embryos] can indeed become holy!²⁷ — He [R. Zera] replied to him: [Our Mishnah] is dealing with dedicated offspring which are already holy. If we are dealing with dedicated offspring, it is only in the inside of their mother that they do not effect exchange. We infer then that outside [their mother] they do effect exchange. But have we not learnt: One cannot effect exchange with the offspring of a dedicated animal?²⁸ — [The Mishnah above] will represent the opinion of R. Judah who holds²⁹ that an animal's offspring effects exchange. If [the first part of our Mishnah above] is the opinion of R. Judah, it is only exchange which cannot be effected [with limbs],³⁰ but they [limbs] are indeed dedicated.³¹ But has not R. Judah stated: Limbs do not become holy?³² — The case here³³ is where he dedicated a limb the removal of which results in death.³⁴

He [R. Jeremiah] raised an objection to him [R. Zera]: One can dedicate limbs and embryos but one has no power to exchange [them].³⁵ — Here³⁶ also we are dealing with offspring of dedications. If the case is that of offspring of dedications, why does the Baraitha say above: 'one can dedicate', for are they not already holy? —

(1) If one set apart a pregnant sin-offering etc. as stated above.

(2) Requiring a special dedication when it emerges from the inside of its mother.

(3) In the case where one dedicates a sin-offering etc.

- (4) For another kind of holiness, v. infra 19a.
- (5) E.g., if one says: 'This shall be a sin-offering and its embryo a burnt-offering', his words are valid. Or, if he says: 'The mother shall be a sin-offering and its embryo hullin', it is hullin. Lit., 'it is left over'.
- (6) According to Bar Padda, however, an embryo is not considered something apart, and where one dedicated the mother and left over the embryo for another kind of holiness, it does not receive holiness and is regarded as an offspring from a sin-offering which is left to die. And if one says that the embryo should be hullin his words are nugatory. According to the authority who holds that an embryo inside a dedicated animal is holy, holiness attaches immediately, while according to the other authority, holiness only commences when the embryo is born.
- (7) Can we not infer this from the other case mentioned by R. Johanan, when he says that dedication has an effect on an embryo, thus teaching us that the animal and its embryo are considered as independent on one another in respect of dedication?
- (8) Where one separates a sin-offering.
- (9) Where one dedicates an embryo.
- (10) That holiness rests on an embryo.
- (11) Concerning where one dedicates an embryo.
- (12) Where one separates a sin-offering.
- (13) Infra 24b.
- (14) To evade the duty of giving a firstling to the priest, so as thus to derive the benefit for himself.
- (15) He carries out his obligation if he is required to bring a burnt-offering, for the holiness of a firstling only commences when it leaves the womb of its mother. Consequently the dedication for a burnt-offering preceded the holiness of a firstling.
- (16) Unlike the opinion of Bar Padda who says that an embryo possesses no holiness on its own account.
- (17) Where he sells it and buys a burnt-offering for the money. But the embryo itself is not consecrated as such and is sold unblemished.
- (18) If they are female animals and gave birth for the first time after their redemption.
- (19) V. infra 33a.
- (20) For since a permanent blemish was prior to the consecration, the consecration at the outset was only for the value.
- (21) For working with the mother enfeebles the embryo, Tosef. III. Consequently we see that holiness has effect on an embryo, unlike the view of Bar Padda above.
- (22) In the passage just cited.
- (23) This passage is the second clause of the Mishnah cited above: All dedications where a permanent blemish, etc., the latter clause therefore says that they i.e., these blemished dedications etc.
- (24) So that it is permitted to shear and work them.
- (25) And the Mishnah goes on to say: NOR WITH WHOLE ANIMALS [OF HULLIN] FOR DEDICATED EMBRYOS.
- (26) For in connection with exchanging, Scripture says 'beast' but not an embryo.
- (27) For if embryos cannot become holy, it is obvious that one has no power to exchange whole animals of holy with them, since they are hullin.
- (28) Born after its mother's dedication, and the status of one exchanged with the young is not altered. We must then be dealing with a case where one consecrated directly an embryo, which is regarded as a first dedication. Hence we see that dedication has effect on an embryo, unlike the opinion of Bar Padda.
- (29) Infra 11a, 12a, 14a.
- (30) Of hullin for whole dedicated animals, so that holiness should spread to the entire animal the limbs of which are being substituted.

(31) One can dedicate limbs, so that if one consecrated a limb of an animal, holiness spreads to the entire animal. For the first Tanna of the Mishnah must share this opinion, since R. Jose, his disputant in the Mishnah, retorts: IS IT NOT THE CASE WITH REFERENCE TO DEDICATIONS etc., thus implying that the first Tanna agrees with him that if one dedicated a limb the whole animal becomes holy, and it is R. Simeon who opposes R. Jose later in the Baraitha, saying that at the beginning the consecration of one limb makes the whole animal a burnt-offering, but the case of exchanging is different, as it has no effect on limbs.

(32) Later in the Baraitha, R. Judah says that holiness does not spread to the whole animal where their limbs are dedicated.

(33) Where we deduce from the Mishnah that the entire animal becomes holy if one limb is dedicated.

(34) Lit., 'on which the soul depends'; e.g., if he dedicated a foot from the joint upwards, the removal of which would render the animal trefah (v. Glos.). Here, even R. Judah, the Baraitha says later, agrees that in such circumstances the whole animal becomes sacred.

(35) Infra 15a. We therefore see that dedication has an effect upon embryos, unlike the opinion of Bar Padda.

(36) In the case of the Mishnah just quoted.

Talmud - Mas. T'murah 11a

What is meant is this:¹ One can dedicate limbs,² and can effect exchange for them,³ but one can effect no exchange with limbs for them [dedicated animals].⁴ And embryos which were dedicated while they were inside their mother cannot be exchanged.⁵

Now if the case [in the Mishnah just quoted] refers to offsprings of dedications, it is only in the inside of their mothers that they do not effect an exchange, but outside [their mother]⁶ they do effect exchange. But have we not learnt: Offspring [of dedicated animals] do not effect an exchange? — This⁷ is the opinion of R. Judah.⁸ If it is the opinion of R. Judah, then how can limbs become holy,⁹ for R. Judah does not hold that if one says: 'The foot of this animal shall be a burnt-offering' the whole becomes a burnt-offering? — He replied to him: Here¹⁰ also the case¹¹ is one of the dedication of a limb [the loss of] which renders the animal trefah.

Must it be said that Tannaim differ [on that point]?¹² [For it was taught:] If one¹³ slaughtered a sin-offering and found a four months' old¹⁴ [embryo] alive inside, one [Baraitha] states: It is only eaten by the males of the priesthood,¹⁵ within the hangings of the court, and for one day [and a night];¹⁶ while another [Baraitha] taught: It is eaten by all people, it is eaten everywhere [in the Temple court] and [is eaten at all times].¹⁷ What [does this mean]? Is it not that there is a difference of opinion among Tannaim, one Master holding that dedication has effect on embryos,¹⁸ and the other Master holding that dedication has no effect on embryos?¹⁹ — No.²⁰ These Tannaim [of the Baraitha above] differ on this point, one Tanna²¹ holding that the offspring of dedications are holy at birth,²² while the other Tanna²³ holds that [the offspring of dedications] are holy even in the inside of their mother. Or if you prefer [another solution] I may say: Both [Baraithas quoted above] are the teaching of one Tanna.²⁴ One of these Baraithas²⁵ deals with a case where one dedicates an animal and then it becomes pregnant,²⁶ and the other,²⁷ where he dedicates it in a pregnant condition.²⁸

We have learnt:²⁹ R. Eliezer says, Kil'ayim,³⁰ trefah³¹ and a foetus extracted by means of the caesarean section, a tumtum³² and a hermaphrodite do not themselves become holy nor cause

holiness.³³ And Samuel said: The expression, 'Do not themselves become holy' means as regards becoming a substitute,³⁴ and the expression, 'Nor cause holiness' means to effect an exchange.³⁵ And it has been taught: Said R. Meir:³⁶ Since they³⁷ do not become holy, how can they cause holiness? You cannot find a case³⁸ except where one dedicated an animal and then it became trefah,³⁹ or where one dedicated an embryo⁴⁰ and it was then extracted through the caesarean section. Consequently we see that an embryo can become holy [contrary to the opinion of Bar Padda above]! — To this the answer was given: As regards an unblemished [embryo] in the inside of an unblemished animal, even Bar Padda also agrees that it becomes hullin.⁴¹ They⁴² only differ as regards an unblemished [embryo] in the inside of a blemished animal. Bar Padda holds since the mother is not holy as such,⁴³ it [the embryo] is also not holy, whereas R. Johanan holds: These⁴⁴ are two independent animals; the mother is indeed not holy but the embryo is.

Another version: But the cases of kil'ayim, tumtum and a hermaphrodite you can only explain with reference to the offspring of dedication and in accordance with the opinion of R. Judah who used to say that one can effect an exchange with an offspring [of dedications]. Now only these are not consecrated as such, but other embryos become holy, [unlike the opinion of Bar Padda]! — Said Abaye: Regarding an unblemished [embryo] in the inside of an unblemished animal, all the authorities agree that it [the embryo] is holy as such. The point at issue is with reference to an embryo in the inside of a blemished animal, Bar padda, holding that since the mother is not holy as such, except for its value, the embryo also is not holy as such [except for its value], whereas R. Johanan says: An embryo is not considered the thigh of its mother, and although its mother is not holy as such, the embryo nevertheless is holy as such.

SAID R. JOSE: IS IT NOT THE CASE WITH REFERENCE TO DEDICATIONS THAT IF ONE SAYS: 'THIS FOOT SHALL BE etc.

(1) The words 'One can dedicate' of the Mishnah just quoted do not refer at all to embryos.

(2) Separate limbs and parts of the animal.

(3) The limbs of the same animal permit of exchange with another animal, for the consecration of one limb renders the whole animal holy, since one cannot effect exchange for one consecrated limb. For even R. Jose in our Mishnah above only says that one has power to exchange limbs of hullin for whole dedicated animals but not the whole animal for a dedicated limb and certainly not limbs of hullin for dedicated limbs.

(4) And the latter part of the Mishnah quoted which says: 'But one has no power to effect exchange' informs us that one has no power to exchange limbs for whole animals, so that if e.g., one says: 'Let the limb of this animal be a substitute for this whole dedicated animal' it is not holy. This is a restriction which applies to dedications, for if one dedicated a limb, the whole animal becomes holy, whereas if one says: 'Let this limb be a substitute for this whole animal' there is no substitute.

(5) E.g., the offspring of a dedicated animal, although they are holy, cannot be exchanged for an animal so long as they are inside the animal. This will be in accordance with the opinion of R. Judah who holds that an offspring can effect an exchange, for according to the Rabbis, even if the offspring were outside their mother's body, they could not effect an exchange.

(6) After their birth.

(7) The Mishnah just explained.

(8) Who holds that the offspring of a dedicated animal can effect exchange.

(9) For the first clause in the Mishnah just explained above says that one can consecrate limbs and effect exchange

with them, thus implying that holiness spreads to the entire animal, otherwise there could be no substitution for limbs.

(10) In the Mishnah just quoted.

(11) Sh. Mek. The case here is where he dedicated a limb, the loss of which results in death, v. p. 71, n. 7.

(12) Whether dedication has effect on embryos.

(13) Infra 25b.

(14) For if it is five months old, it has finished its months of pregnancy in the case of small cattle and is not rendered permissible through the slaughtering of its mother, according to R. Meir, who holds that if an animal has concluded its normal months of pregnancy it requires a separate shechitah.

(15) According to the law of a sin-offering. At present we interpret the Baraitha as dealing with a case where one separates a pregnant animal. For if pregnancy followed dedication, all the authorities concerned will agree that since the consecration of the embryo was through its mother, it is regarded as hullin, as the offspring of dedications are only holy at their birth and not while inside the animal.

(16) So Sh. Mek.

(17) So Sh. Mek. For any length of time.

(18) In their own right. When the animal is dedicated while pregnant it becomes holy immediately and is not subject to the law of the offspring of dedication.

(19) Except by virtue of the mother and is subject to the law of other offspring of dedications which are holy at birth.

(20) The Baraitha above is not a case at all of setting apart a pregnant animal but of dedicating an animal which subsequently became pregnant.

(21) The last one, mentioned above in the difference of opinion.

(22) But not while inside the animal.

(23) The first Tanna, mentioned above in the Baraitha.

(24) And all the authorities concerned agree that dedication has effect on embryos immediately, in accordance with the opinion of R. Johanan.

(25) Which says that the embryo is not holy as a sin-offering.

(26) It is therefore like an offspring of dedications which is sacred at birth.

(27) Which says that the embryo has the law of a sin-offering.

(28) It therefore becomes holy immediately and has not the law of the offspring of dedications.

(29) Yeb. 83b, Bek. 42a, etc.

(30) A hybrid.

(31) An animal afflicted with an organic disease, v. Glos.

(32) An animal whose genitals are hidden or undeveloped.

(33) This passage is explained subsequently.

(34) So that if they are hullin and were substituted for a dedicated animal, they do not become sacred; and though the law of exchange has effect on permanent blemished animals, it has no effect on these cases. This is certainly the case, that they are not holy, if one actually consecrated them.

(35) If they are holy, there can be no exchange effected with them so as to cause holiness to another animal of hullin.

(36) Sh. Mek., 'Rabbi'.

(37) Kil'ayim, etc.

(38) That they should be holy.

(39) The animal is holy, for its consecration was prior to its defect.

(40) Holiness attaching to it immediately.

(41) Agreeing with R. Johanan, the case of consecrating an embryo and then extracting it through the caesarean section being the same as the case of an unblemished embryo in the inside of an unblemished animal.

(42) Bar Padda and R. Johanan.

(43) Because it is blemished.

(44) The mother and its embryo.

Talmud - Mas. T'murah 11b

Our Rabbis have taught: Are we to suppose that if one says: 'This foot shall be a burnt-offering' the whole animal becomes a burnt-offering? The text states: All that any man giveth of it unto the Lord shall be holy:¹ 'Of it² unto the Lord', but not the whole of it [the animal] 'unto the Lord'. I might think that it [the animal] becomes hullin, therefore the text states: 'It shall be holy'.³ How is one to act?⁴ It must be sold for the requirements of burnt-offerings, and its money is hullin except for the value of its limb. This is the teaching of R. Meir and R. Judah. R. Jose and R. Simeon, however, say: Whence do we derive that if one says, 'The foot of this animal shall be a burnt-offering', the whole animal becomes a burnt-offering? Because [Scripture] says, 'All that any man giveth of it [shall be] unto the Lord',⁵ when it further says, 'It shall be holy' this includes the whole of it [the animal].⁶

The Master said: 'It shall be sold for requirements of a burnt-offering'. But does not he [the purchaser] bring an animal [for a burnt-offering] with the loss [of limb]?⁷ — Said 'Raba: It is a case where he [the purchaser] says: 'I undertake to bring a burnt-offering which can live'.⁸

Said R. Hisda: R. Judah⁹ agrees where [he dedicated] a part [of the animal the removal of which] renders the animal trefah.¹⁰ Raba says: A part [the removal of which] renders the animal nebelah.¹¹ And R. Shesheth says: A part [the removal of which] kills the animal. What is the practical difference between R. Hisda and Raba? — The difference is whether a trefah can live. R. Hisda holds according to the one who says that a trefah cannot live,¹² whereas Raba will hold according to the one who says that a trefah can live.¹³ And what is the practical difference between Raba and R. Shesheth? — The difference between them is as regards the ruling of R. Eleazar. For R. Eleazar says: If the thigh of an animal was removed and the hollow [thereof], it [the animal] is nebelah.¹⁴ Raba will agree with R. Eleazar,¹⁵ whereas R. Shesheth will not agree with R. Eleazar.¹⁶

They raised an objection. 'Said Rabbi: I favour the opinion of R. Judah!¹⁷ where [the dedication] is a part of the animal [the removal of which] will not result in death, and the opinion of R. Jose¹⁸ where the dedication is of a part [of the animal the removal of which] results in death'. Now can we not infer from this that [R. Jose differs] with R. Judah [even in connection with the removal of a vital limb]? — There is no difficulty as regards the words: 'I favour the opinion of R. Judah¹⁹ where [the dedication] is of a part [of the animal] the removal of which will not result in death,'²⁰ since R. Jose does differ in this.²¹ But from the words: 'And the opinion of R. Jose where the dedication is of a part [of the animal the removal of which] will result in death', cannot we infer from this that²² R. Judah differs?²³ Shall we say this refutes all?²⁴ — No. The statement is defective²⁵ and must be read thus: The teaching of R. Jose is acceptable to R. Judah regarding a part [of the animal the removal of which] results in death, for even R. Judah does not

differ with R. Jose save in regard to the dedication of a part [of the animal the removal of which] does not result in death, but in regard to the [dedication of] a part [the removal of which] results in death, he agrees with him.²⁶

Raba inquired: What of the bird?²⁷ [Shall we say,] Scripture says ‘beast,’²⁸ and this is not a ‘beast’? Or perhaps shall we note that Scripture says korban [‘offering’]²⁸ and a bird is also an offering?²⁹ Let it remain undecided.

Raba inquired: If one dedicated a limb for its value,³⁰ what of holiness as such³¹ resting on it? Does one say, since one limb is dedicated the whole becomes holy for value,³² and since there rests upon the animal the holiness for its value, there also rests on it dedication as such?³³ Or perhaps we use a single miggo³⁴ but not a double miggo! — But why cannot Raba solve [the inquiry] from his own teaching?³⁵ For Raba said: If one dedicated a male³⁶ [a ram] for its value,³⁷ it is dedicated as such?³⁸ — There,³⁹ he dedicated the whole animal,⁴⁰ but here,⁴¹ he only dedicated one limb. What therefore is the ruling? — Let it stand undecided.

[Abaye⁴² inquired of Rabbah:] If one dedicated a limb, what of the shearing?⁴³ — Why not solve it from what has been taught: [Scripture said:] Nor shear the firstling of thy sheep,⁴⁴ thus implying that you may shear where the firstling belongs to thee and to others [gentiles]?⁴⁵ — There,⁴⁶ no holiness rested on it at all,⁴⁷ but here, holiness rested on it [the limb].

Another version: There,⁴⁸ he has not the power to dedicate it,⁴⁹ whereas here,⁵⁰ he has the power to dedicate [the rest of the animal].

Abaye inquired of Rabbah: If one dedicated the skin of an animal, what of working [the animal]?⁵¹ — Come and hear: If one says, ‘Whatever is in the inside of this animal shall be a burnt-offering’, shearing is permitted, but work [with it] is forbidden on account of the weakening of the embryo within!⁵² — He replied to him: When [the Baraita just quoted] states ‘but work with it is forbidden’, it means Rabbinically.⁵³ If so, the shearing too should be forbidden?⁵⁴ — He said to him: Work [with the embryo] which weakens it, the Rabbis prohibited, but shearing, the Rabbis did not prohibit.

Abaye inquired of R. Joseph: If it [the mother] is a peace-offering and its embryo is hullin⁵⁵ and he slaughtered [the mother] within [the Temple court], what is the ruling?⁵⁶ According to the one who holds that offspring of dedications are holy at birth and not before, have we here a case of [slaughtering] hullin in the Temple court⁵⁷ or not?

(1) Lev. XXVII, 9.

(2) Taken in the partitive sense.

(3) That limb, and since that limb is holy, he can no longer kill the animal as hullin.

(4) Since there is a blending of hullin and dedication in the animal.

(5) This is how the verse is rendered by R. Jose and R. Simeon.

(6) As being holy, because the holiness spreads to the entire animal.

(7) The limb belongs to the seller who dedicated it. Therefore it is found that the purchaser is not offering up a whole burnt-offering while he vowed to offer up a whole animal.

- (8) And even if there was a loss of that limb which had already been dedicated, since even without the limb the animal can live, his vow was fulfilled. But if the dedication was of a limb the removal of which would kill the animal, then holiness spreads to the whole animal, even according to R. Judah.
- (9) Who holds elsewhere that only the limb which is dedicated is holy.
- (10) That in such circumstances holiness spreads to the whole animal.
- (11) An animal that has died a natural death without shechitah.
- (12) The difference of opinion is mentioned in Hul. 42b. Consequently since the animal cannot live, then he dedicated something the removal of which results in the death of the animal, and therefore he holds that R. Judah will agree in such a case.
- (13) It is not therefore something the removal of which will result in the death of the animal. And R. Judah will maintain his opinion in the case of a trefah.
- (14) Although it is still alive it causes ritual uncleanness like nebelah, for it is considered as already dead.
- (15) And therefore if one dedicated the thigh and the region around, it is something the removal of which results in death, and the holiness spreads to the whole animal.
- (16) And therefore he says: With the part that kills at once, and not with a thing the removal of which will not kill the animal outright, but will leave it struggling for a while.
- (17) Who says above that the dedication of one limb does not render the whole animal holy.
- (18) Who says above that the dedication of one limb makes the entire animal holy.
- (19) Implying but not that of R. Jose.
- (20) V. Sh. Mek.
- (21) Where the loss of a limb does not result in death.
- (22) V. Sh. Mek.
- (23) And holds that even in such a case the dedication of one limb does not make the whole animal holy.
- (24) I.e., R. Hisda, Raba, and R. Shesheth.
- (25) There is a clause missing in the passage cited in the name of Rabbi.
- (26) R. Jose, that the dedication of one vital limb makes the entire animal holy.
- (27) According to R. Jose who holds that the consecration of a limb spreads to the whole animal, what if one consecrated a limb, e.g., a leg of a bird; does holiness spread to the whole bird or not?
- (28) In the cited verse, 'if it be a beast whereof men bring on offering (korban) unto the Lord' (Lev. XXVII, 9).
- (29) Like a turtle-dove, pigeon, etc.
- (30) But not for dedication as such.
- (31) Does the animal eventually become holy itself, and offered as a burnt-offering?
- (32) The dedication in value for one limb having spread to the dedication in value for the whole animal.
- (33) We go further and say, since the whole animal is dedicated for its value we extend it so that we consider it dedicated as such. For since the animal is unblemished and is fit for a burnt-offering, what is the difference whether we sell it and for the money purchase a burnt-offering or we use the animal directly as a burnt-offering?
- (34) Lit., 'since' i.e., we have to argue thus: 'Since' one limb is dedicated for its value, therefore we regard the whole animal as dedicated for its value, and 'since' the animal is dedicated for its value, we consider it also as dedicated as such.
- (35) That holiness as such certainly rested on it.
- (36) The reason why Raba mentioned a male is because we are dealing with a burnt-offering, which cannot be other than a male.
- (37) In order to purchase a burnt-offering for the money.
- (38) It became dedicated as such and cannot be sold, for since the animal itself is fit for a burnt-offering, we use it as a burnt-offering.

- (39) With reference to Raba's ruling.
- (40) And therefore there is one miggo. i.e., since it is dedicated for its value, we say that holiness spreads to the body itself.
- (41) With reference to Raba's inquiry.
- (42) Inserted with Sh. Mek.
- (43) There is no question about working it, for it is certainly forbidden, since work weakens the limb.
- (44) Deut. XV, 19.
- (45) So here too in the case of Abaye's inquiry, since there is hullin and dedication in the animal, the shearing should be permitted.
- (46) In connection with a firstling, in which a Jew and a non-Jew were partners.
- (47) The law of a firstling not applying in this instance.
- (48) With reference to the firstling.
- (49) Since the gentile has a share in the firstling.
- (50) Where he dedicates a limb of an animal.
- (51) There is no question about shearing, as the skin is not weakened thereby, whereas working the animal does weaken the skin. The inquiry can be even according to R. Jose, for although if one dedicated a foot the whole animal becomes holy, the reason may be because a foot can be offered up, unlike the skin (sh. Mek).
- (52) And here too there is a weakening of the skin and therefore work should be forbidden.
- (53) Whereas our inquiry here as regards the dedication of the skin is whether it is forbidden Scripturally, so as to incur the penalty of lashes.
- (54) Rabbinically, in the case of the embryo.
- (55) If one dedicated a pregnant animal without its embryo, when according to all the authorities concerned, the embryo is not holy.
- (56) Is the embryo forbidden because he slaughtered hullin in the Temple court. Tosaf. suggests that this inquiry can be solved from the Baraitha, supra 11a, where it says: 'If one slaughtered a sin-offering and found a four months' old embryo alive', implying that there is no prohibition here of slaughtering hullin in the Temple court. Sh. Mek. however, comments in this connection that there may be a difference between an embryo which has not completed its months of pregnancy, as in the case of the Baraitha, and an embryo which has completed its months of pregnancy, which is the case of our inquiry here.
- (57) Since he did not dedicate the embryo, for he dedicated the animal before its pregnancy and therefore the embryo remains hullin until its birth.

Talmud - Mas. T'murah 12a

He [R. Joseph] said to him [Abaye]:¹ Can we apply here the text: If the place be too far for thee, then thou shalt kill?²

Abaye inquired of R. Joseph: If it [the mother] is hullin and its embryo is a peace-offering³ and one slaughtered it [the mother] without [the Temple court], does he incur the penalty for slaughtering dedicated animals without [the Temple court] or not? — He replied to him: Can we apply here the text: Even that they may bring them unto the Lord?⁴

Another version: He [R. Joseph] replied to him: [If the animal] is fit for the tent of meeting,⁵ one incurs a penalty for slaughtering it outside [the Temple court, but⁶ for an animal which is not fit for the tent of meeting,⁷ there is no penalty incurred for slaughtering without the Temple

court].

MISHNAH. [ANYTHING WHICH HAS BECOME SUBJECT TO THE LAW OF TERUMAH THROUGH] AN ADMIXTURE CAN AFFECT A [SECOND] MIXTURE ONLY IN PROPORTION.⁸ [DOUGH] LEAVENED [THROUGH TERUMAH] CAN AFFECT [ANOTHER DOUGH] ONLY IN PROPORTION.⁹ DRAWN WATER CAN DISQUALIFY A MIKWEH¹⁰ ONLY IN PROPORTION. WATER OF PURIFICATION BECOMES RITUALLY FIT¹¹ ONLY WITH THE PUTTING OF ASHES [IN THE WATER].¹² A GRAVE AREA¹³ CANNOT CREATE A GRAVE AREA.¹⁴ [THE SEPARATION OF] TERUMAH CANNOT BE REPEATED.¹⁵ AN EXCHANGE CANNOT BE USED TO EFFECT ANOTHER EXCHANGE.¹⁶ THE OFFSPRING OF A DEDICATED ANIMAL CANNOT EFFECT AN EXCHANGE. R. JUDAH SAYS: THE OFFSPRING OF A DEDICATED ANIMAL CAN EFFECT AN EXCHANGE.¹⁷ THEY SAID TO HIM: A DEDICATED ANIMAL CAN EFFECT EXCHANGE, BUT NEITHER THE OFFSPRING OF A DEDICATED ANIMAL [NOR¹⁸ AN EXCHANGE] CAN EFFECT EXCHANGE.

GEMARA. Whose opinion is here¹⁹ represented? R. Hiyya b. Abba reported in the name of R. Johanan: It will not be that of R. Eliezer. For we have learnt: If a se'ah of terumah has fallen into less than a hundred se'ah of hullin,²⁰ [the admixture becoming forbidden to non-priests], and something fell from the mixture into another place [of hullin] , R. Eliezer says: The mixture is considered certain terumah,²¹ whereas the Sages say: The [first] mixture can affect the [second] only in proportion.²²

[DOUGH] LEAVENED [THROUGH TERUMAH] CAN AFFECT [OTHER DOUGH] ONLY IN PROPORTION. R. Hiyya b. Abba reported in the name of R. Johanan: The Mishnah will not be the opinion of R. Eliezer.²³ For we have learnt: If leaven of hullin and of terumah fell into dough and there was in neither a sufficient quantity to leaven [the dough] but both were capable of leavening when combined, R. Eliezer says: We go by the last [leaven],²⁴ whereas the Sages say: Whether the forbidden thing [terumah] fell first [into the dough] or last, a quantity capable of leavening is always required [in order that the dough should] become forbidden.

DRAWN WATER CAN DISQUALIFY A MIKWEH ONLY IN PROPORTION. Whose opinion is here represented? — R. Hiyya b. Aba reported in the name of R. Johanan: It is that of R. Eliezer b. Jacob. For it has been taught:²⁵ R. Eliezer b. Jacob said: If a mikweh contains twenty-one se'ah of rain-water, one can bring²⁶ nineteen se'ah²⁷ and open a sluice [near it],²⁸

(1) One does not incur the penalty for slaughtering hullin in the Temple court.

(2) Deut. XII, 21; from which text we derive in Kid. 57b that it is forbidden to slaughter hullin in the Temple court, for we interpret the text as follows: You may kill hullin away from the Temple court, but you may not kill hullin near the Temple court. Here you cannot apply the text, for you cannot kill the animal except in the Temple court, for it is a peace-offering and therefore the embryo is not regarded as hullin in the Temple court.

(3) And according to the authority who says that dedication has effect on an embryo, is there excision on account of the embryo, its mother having been slaughtered without the Temple court?

(4) Lev. XVII, 5, stated in connection with the prohibition of bringing dedications without the Temple court. For one is guilty of bringing dedications without the Temple court only with regard to an animal fit for an offering, but

not an embryo which is not fit at present for an offering.

(5) And one offers it without the Temple court.

(6) Inserted with Sh. Mek.

(7) And here it is hullin and can only be brought outside the tent of meeting. Therefore the text is not applicable.

(8) If, for example, a se'ah of terumah fell into a se'ah of hullin so that the mixture became subject to terumah and if subsequently one se'ah of this mixture fell into hullin, the second mixture is subject to the law of terumah only in proportion of the terumah contained in the first mixture.

(9) If, for example, terumah the size of an egg has leavened hullin also the size of an egg and then there fell from the mixture the size of an egg into some other dough, if half an egg is capable of leavening the dough, then the latter is forbidden, but if not, it is permitted, for we say that in the egg that fell into the dough there was only half an egg of terumah.

(10) Ritual bath.

(11) Lit., 'become waters of purification'.

(12) Which was there already, but if he first put the ashes in the vessel and then the water, the water is disqualified because, when he put in the ashes, there was no water in the vessel.

(13) Beth ha-Peras, a field in which a grave has been ploughed up; v. Keth. (Sonc. ed.) p. 154, n. 6.

(14) If the plough passes over and beyond it.

(15) I.e., once terumah has been separated from the heap, it cannot be separated again. Lit., 'there is no terumah after terumah'.

(16) A substitute which is sacred cannot itself be exchanged for another animal, so as to cause holiness to the latter.

(17) One can exchange an animal for the offspring and the substitute becomes holy.

(18) Inserted with Sh. Mek.

(19) In the Mishnah which says that anything which has become subject to the law of terumah etc.

(20) For if it fell into one hundred se'ah of hullin, the terumah would be neutralized.

(21) So that if a se'ah from the admixture fell into other hullin there must be a hundred se'ah beside it in order to neutralize the terumah.

(22) We require a hundred times the proportion of terumah in the se'ah which fell into the second mixture and not more. If e.g., in the beginning there fell one se'ah of terumah into twenty-four se'ah of hullin, each se'ah of the mixture contains one twenty-fourth of terumah, i.e., one log. Now if a se'ah of this mixture fell into other hullin, seventy-seven log of hullin combine with the twenty-three log of hullin contained in the se'ah which fell in order to neutralize the terumah (Rashi).

(23) For according to R. Eliezer there is no need that the forbidden thing should be capable of leavening, and the forbidden thing, i.e., terumah, together with what is permissible, i.e., hullin, both combine in order to render the dough forbidden.

(24) Which causes the leavening, and if the forbidden thing fell last, the admixture is prohibited. And according to our Mishnah too, although from the first dough leavened exclusively by terumah, there fell into the second dough only a sufficient quantity to leaven the second dough, and hence the greater part of the leaven came from hullin, the second dough is still forbidden, because R. Eliezer holds that the product of combined causes i.e., of terumah and hullin joined together is forbidden (Rashi). Rashi adds that even if the terumah fell first but it was not removed, and both the terumah and the hullin leavened the dough, the latter is forbidden, because it is a product of combined causes. Tosaf. however, explains that the case dealt with by the Mishnah is where the leaven of terumah the size of an olive and hullin the size of an olive fell separately into a dough of hullin and leavened the latter, there being neither in the hullin by itself nor in the terumah by itself a sufficient quantity to leaven.

(25) Tosef. Mik. IV.

(26) Lit., 'fill with the shoulder'.

(27) Of drawn water to make up the minimum required of forty se'ah.

(28) Since to pour from a bucket directly into a mikweh which contains less than forty se'ah of rain water would disqualify the water, even if only three log, but he makes a cavity into which he pours water from the bucket and the water flows from this cavity into the mikweh.

Talmud - Mas. T'murah 12b

and [the collected waters] are clean ritually,¹ for collected drawn waters are rendered clean by the greater part [in the mikweh being rain-water] and by being conducted through a channel.² We can infer from this that according to the opinion of the Rabbis [drawn waters are not rendered clean] by the greater part [of rain-water] and by being conducted through a channel.³ Then the ruling which when Rabin came he reported in the name of R. Johanan: Collected water which has been drawn entirely through a channel is ritually clean, will represent neither the opinion of the Rabbis nor that of R. Eliezer? — Rather said R. Papa: [The words IN PROPORTION] mean according to the number of the vessels, and it [the Mishnah] is the opinion of Joseph b. Honi. For it has been taught: If three⁴ log of collected water fell into a mikweh,⁵ if [the waters] came from two or three vessels or even from four or five vessels, they disqualify the mikweh. Joseph b. Honi says: If the waters came from two or three vessels,⁶ they disqualify the mikweh, but if from four or five vessels,⁷ they do not disqualify the mikweh.

THE WATERS OF PURIFICATION BECOME RITUALLY FIT etc. Whose opinion is here represented? — R. Hiyya b. Abba reported in the name of R. Johanan: It is not the opinion of R. Simeon.⁸ For it has been taught: If one puts the ashes [into the vessel] first before the water, it [the water of purification] is disqualified, whereas R. Simeon says: It is fit. What is the reason of R. Simeon? — Since it is written: And for the unclean they shall take the ashes ['afar] of the burning of the purification from sin [and the running water shall be put thereto].⁹ And it has been taught: R. Simeon says, Now is it 'afar [dust]?¹⁰ Is it not efer [ashes]?¹¹ The text departs from the natural expression¹² in the matter in order to permit of a gezerah shawah.¹³ We read here 'afar¹⁴ and we read there 'afar.¹⁵ Just as there¹⁶ the 'afar is placed upon the water, so here¹⁷ also the 'afar is placed upon the water. And just as here¹⁸ if the dust¹⁹ is placed in the vessel before the water the ritual is fit, so there²⁰ if he placed the dust before the water, it [the water] is ritually fit.²¹ And whence do we derive this [in connection with waters of purification]?²² — There are two Scriptural texts. It first says: And [running water] shall be put thereto,²³ from which we see that ashes are put first in the vessel, and then the text continues: Running water . . . in a vessel.²⁴ How [do we reconcile these texts]? If he wishes [he puts] 'afar²⁵ at the bottom [of the vessel],²⁶ and if he wishes, he puts 'afar on top [of the water].²⁷ And what is the reason of our Tanna?²⁸ — He can answer you: The latter part of the verse²⁹ is to be strictly interpreted,³⁰ and [the text]: 'And [running water] shall be put thereto teaches us that one must mix [the ashes and the water together].³¹ But why do you see fit to say that the latter part of the verse is to be strictly interpreted? perhaps the first part of the text is to be strictly interpreted,³² [and the text, 'in a vessel' teaches us that³³ the waters must be fresh in the vessel]?³⁴ — You cannot interpret the text in this way: Just as we find with regard to all other cases³⁵ that which makes [the water] ritually fit³⁶ is placed on top,³⁷ so here³⁸ that which makes [the water of purification] ritually fit is put on top.³⁹

A GRAVE AREA CANNOT CREATE A GRAVE AREA etc. Our Mishnah will not represent the opinion of R. Eliezer. For we have learnt: R. Eliezer says: A grave area creates a grave area,⁴⁰ [whereas⁴¹ the Sages say: A grave area does not create a grave area].⁴² According to the Rabbis, up to how much?⁴³ — When R. Dimi came [from Palestine] he reported in the name of Resh Lakish who reported in the name of R. Simeon b. Abba:

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- (1) Fit to immerse therein.
 - (2) This is therefore what the Mishnah means by the expression in this connection of ONLY IN PROPORTION, since collected drawn water does not disqualify a mikweh when it is conducted through a channel, unless there is twenty se'ah of this in the mikweh.
 - (3) Since you say that the Mishnah is the view of R. Eliezer and not that of the Rabbis, and since the Mishnah gives a lenient ruling in this connection for the very language DRAWN WATER ONLY IN PROPORTION proves that the object of the Mishnah is to be lenient in the matter — we can conclude that the Rabbis, in differing with R. Eliezer, adopt a stricter view.
 - (4) Tosef. Mik. III.
 - (5) Not by being conducted through a channel.
 - (6) So that a whole log of drawn water fell at once into the mikweh.
 - (7) So that there was no whole log of drawn water which fell at once into the mikweh.
 - (8) For according to R. Simeon, if one puts the ashes first into the vessel before the water, the water is ritually permitted.
 - (9) Num. XIX, 17. In connection with the waters of purification.
 - (10) Which is mixed with the waters of purification.
 - (11) **rpt** .
 - (12) I.e., the word 'ashes'.
 - (13) An analogy established on the basis of verbal congruities in the text, v. Glos. s.v.
 - (14) With reference to the waters of purification.
 - (15) With reference to the waters of jealousy given to a woman suspected of faithlessness.
 - (16) In connection with the waters of jealousy, since Scripture says: And of the dust . . . and put it into water (Num. V, 17).
 - (17) With reference to the waters of purification. This procedure is at the outset the proper performance of the ritual.
 - (18) In connection with the waters of purification.
 - (19) Really the ashes.
 - (20) With reference to the waters of jealousy.
 - (21) we thus see that according to the opinion of R. Simeon in connection with the waters of purification, if one puts first the ashes into the vessel before the water, the water is ritually fit.
 - (22) That the putting of ashes before the water into the vessel does not disqualify the water.
 - (23) Ibid. XIX, 17. Implying that the ashes are already in the vessel and the water was then added.
 - (24) Implying that the water was poured directly into the vessel and not on the ashes, and that if the ashes were put first in the vessel prior to the water, the water would not be ritually fit for the purpose.
 - (25) The word here really means 'ashes'.
 - (26) And then the water is poured on the ashes.
 - (27) It is permissible either way.
 - (28) I.e., the first Tanna who disputes with R. Simeon. This Tanna holds that if one should put the ashes first and

then the water into the vessel, the water is not ritually fit. Now what may be his reason?

(29) 'Running water . . . in a vessel'.

(30) As implying that the water must be put direct into the vessel, and if he put the ashes first, then the water does not cleanse ritually.

(31) The object of the text is not to teach us that if he first put ashes in the vessel and then the water, the water cleanses, but to warn us that after putting the ashes in the water he must mix them well with his finger so that the water below may come on top.

(32) The text: 'And (running water) shall be put thereto', thus implying that the ashes were put first in the vessel.

(33) Inserted with Sh. Mek.

(34) That he draws the water in the vessel direct and fresh from a fountain and the water is not poured into it from another vessel.

(35) E.g., with reference to the waters of jealousy.

(36) I.e., the ashes.

(37) For all the authorities concerned agree that it is the proper performance of the ritual to put the water first into the vessel.

(38) In connection with the waters of purification.

(39) Therefore inevitably the latter part of the text 'running water in a vessel' is interpreted in the exact sense, and the first part of the text refers to the need for effective mixing of the water and the ashes.

(40) All the four fields surrounding a grave area if ploughed become unclean, for the dust of the grave area causes uncleanness (Rashi). Tosaf, however, explains R. Eliezer's teaching as follows: If one ploughs a grave area and beyond it to another field, the latter becomes a grave area. If this second field in turn was ploughed and beyond it, the latter field becomes a grave area. Similarly from the third to the fourth, all making each other a grave area.

(41) Inserted with Sh. Mek.

(42) Oh. VII, 2.

(43) According to the Sages, how far does uncleanness extend to other fields.

Talmud - Mas. T'murah 13a

Three fields¹ and two furrows' length.² How much is a furrow's length? A hundred cubits, as it has been taught:³ He who ploughs a grave creates a beth ha-peras⁴ the length of a furrow. And how much is the length of a furrow? A hundred cubits.

[THE SEPARATION OF] TERUMAH CANNOT BE REPEATED etc. Our Mishnah is the opinion of R. Akiba. For we have learnt: If partners separated terumah one after the other, R. Eliezer says: The terumah of both of them is valid;⁵ whereas R. Akiba says: The terumah of both of them is not valid.⁶ The Sages however say: If the first of the partners separated terumah according to the right quantity,⁷ then the terumah of the second one is not valid. But if the first one did not separate terumah according to the right quantity,⁸ then the terumah of the second [partner] is valid.⁹

AN EXCHANGE CANNOT BE USED TO EFFECT ANOTHER EXCHANGE etc. What is the reason? Since Scripture says: 'And the exchange thereof',¹⁰ implying, but not the exchange of an exchange.

THE OFFSPRING OF A DEDICATED ANIMAL CANNOT EFFECT AN EXCHANGE.

Since Scripture says: 'It'¹⁰ implying, it can effect exchange but not the offspring of a dedicated animal.

R. JUDAH SAYS: THE OFFSPRING OF A DEDICATED ANIMAL EFFECTS AN EXCHANGE. For Scripture says: Shall be,¹⁰ thus including the offspring of a dedicated animal. And the Rabbis?¹¹ [The object of the text is] to include [an exchange] in error as [possessing the same validity as a] deliberate [exchange].¹²

MISHNAH. BIRDS AND MEAL-OFFERINGS DO NOT EFFECT EXCHANGE,¹³ SINCE [THE LAW OF] EXCHANGE ONLY APPLIES TO AN ANIMAL.¹⁴ A CONGREGATION OR PARTNERS CANNOT EFFECT EXCHANGE, SINCE IT SAYS: HE SHALL NOT ALTER IT NOR CHANGE IT,¹⁵ THUS IMPLYING¹⁶ THAT AN INDIVIDUAL CAN EFFECT EXCHANGE BUT A CONGREGATION OR PARTNERS CANNOT EFFECT EXCHANGE. ONE CANNOT EFFECT EXCHANGE WITH [OBJECTS]¹⁷ DEDICATED FOR TEMPLE REPAIRS.¹⁸ SAID R. SIMEON:¹⁹ NOW IS NOT TITHE²⁰ [ALREADY] IMPLIED?²¹ FOR WHAT PURPOSE THEN IS TITHE SPECIALLY MENTIONED?²² IT IS IN ORDER TO MAKE A COMPARISON WITH IT AND TO TEACH US THAT JUST AS TITHE IS A PRIVATE OFFERING, [SO ALL EXCHANGE OF DEDICATIONS MUST BE A PRIVATE OFFERING] THUS EXCLUDING CONGREGATIONAL OFFERINGS.²³ AND JUST AS TITHE IS A DEDICATION FOR THE ALTAR, [SO EXCHANGES CAN BE EFFECTED ONLY WITH DEDICATIONS FOR THE ALTAR] THUS EXCLUDING OFFERINGS DEDICATED FOR TEMPLE REPAIRS.

GEMARA. Our Rabbis have taught: One might think that one can effect exchange with dedications for Temple repairs? The text however says: Korban²⁴ [offering] implying that [exchange only applies] to what is called korban, thus excluding dedications for Temple repairs which are not called korban. And are not [dedications for Temple repairs called korban]? Has it not been taught:²⁵ If²⁶ you interpret the word korban, I can understand it as including even dedications for Temple repairs²⁷ which are called korban, since it says: And we have brought the Lord's offering etc.²⁸ The text however states: And bringeth it not unto the door of the tent of meeting.²⁹ [We therefore say as follows:] In respect of anything which comes to the door of the tent of meeting, one is guilty [of the transgression] of slaughtering dedicated animals without the Temple court, but in respect of anything which does not come to the door of the tent of meeting, one is not guilty [of the transgression] of slaughtering dedicated animals without the Temple court.³⁰ Consequently we see that [dedications for Temple repairs], are called korban!³¹ — Said R. Hanina: This offers no difficulty. This³² is the opinion of R. Simeon and that³³ is the opinion of the [Rabbis].³⁴ According to R. Simeon, dedications for Temple repairs are called korban and according to the Rabbis they are not called korban. And are not [dedications for Temple repairs called it korban]? Surely it is written: And we have brought the Lord's korban [offering]?³⁵ — [Dedications for Temple repairs] are called the Lord's offering, but they are not called an offering for the Lord.³⁶

Our Rabbis have taught: He shall not search whether it be good or bad.³⁷ Now why is this mentioned?³⁸ Has not Scripture already said: He shall not alter it nor change it, a good for a bad or a bad for a good, etc.³⁹ Because it says: 'He shall not alter it nor change it', implying either a

private offering or a congregational offering, either a dedication for the altar or a dedication for Temple repairs, and [that which is brought obligatorily].⁴⁰ [In order to avoid this interpretation] Scripture says: 'He shall not search'.⁴¹ Said R. Simeon: Now was not tithe implied? And for what purpose was tithe specially mentioned? In order to teach you that just as tithe⁴² is a private offering, a dedication for the altar, something which comes obligatorily and something which does not come through a partnership, so all [animals exchanged] must be a private offering, a dedication for the altar, something which comes obligatorily

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- (1) The field actually containing the grave which was ploughed and the field on the one side of the grave area and on the other side, i.e., either east and west or north and south, as it is not customary to plough on all the four sides of a field but only east and west or north and south.
 - (2) I.e., the field containing the grave is entirely unclean but the other two fields, either on the east and west or north and south are only unclean to the extent of two furrows' length. For the Rabbis have estimated that this is the distance the plough in the field is capable of moving the bones into another field.
 - (3) Tosef. Oh. XVII.
 - (4) A grave area.
 - (5) For both have a share in it. Lit., 'the terumah of both is terumah'.
 - (6) Even of the first one, for since the second proceeded to tithe again, he shows thereby that he was not satisfied with the tithing of his partner. Therefore the tithing of the first partner was not with the consent and approval of the second partner. The same applies to the tithing of the second.
 - (7) One in fifty.
 - (8) E.g., if he was niggardly in his tithing, giving less than one in fifty, i.e., one in sixty.
 - (9) Whereas according to R. Akiba in either case the terumah is not valid, and our Mishnah too, as it does not specify whether the terumah was given generously by the first partner or otherwise, must be the view of R. Akiba.
 - (10) Lev. XXVII, 10.
 - (11) What will they do with the text 'shall be'?
 - (12) If one intends to effect an exchange for a black animal and he exchanged the dedicated animal in error for a white one, the exchange is valid, unlike the case of dedication, where if one intended to dedicate a black animal and he dedicated in error a white one, the dedication is not valid.
 - (13) One cannot make an exchange for a dedicated bird or meal-offering.
 - (14) Since Scripture says: And if he shall at all exchange beast for beast.
 - (15) Ibid.
 - (16) The word 'he' etc.
 - (17) Supra 31a. Another version is: Dedications for Temple repairs.
 - (18) Since in connection with 'exchange' Scripture says korban ('offering') and dedications for Temple repairs are not described as korban.
 - (19) R. Simeon holds that a dedication for Temple repairs is called korban and therefore there is need for a text to exclude dedications for Temple repairs from the law of exchange.
 - (20) Animals tithed.
 - (21) In the word 'beast' used in connection with the law of exchange.
 - (22) As being capable of effecting exchange.
 - (23) Partners are also excluded, since partners are exempt from the law of tithing animals.
 - (24) And if it be a beast whereof men bring an offering (korban), Lev. XXVII, 9.
 - (25) Supra 6b.
 - (26) In connection with slaughtering and offering without the Temple court, the word korban is expounded as

meaning that there is no penalty of excision incurred for slaughtering hullin in the Temple court. The passage then continues: If you etc.

(27) Usually blemished animals unfit for the altar, which yet are described as korban.

(28) Num. XXXI, 50.

(29) Lev. XVII, 4.

(30) And dedications for Temple repairs are usually such animals which are unfit for the door of the tent of meeting.

(31) Unlike the view in the Mishnah.

(32) The Baraitha just quoted.

(33) The Mishnah.

(34) Another version has here the name of Rabbi, who will hold that the name of korban does not apply to dedications for Temple repairs. Our Mishnah will therefore be entirely the opinion of R. Simeon and the reason why dedications for Temple repairs do not effect exchange will not be because of the word korban but as R. Simeon explains subsequently in the Mishnah.

(35) Num. XXXI, 50. We see therefore that the word korban applies also to objects other than dedications for the altar.

(36) This would have implied an offering in the ordinary sense, i.e., a sacrifice for the altar.

(37) Lev: XXVII, 33.

(38) The passage refers to animal tithe.

(39) Lev. XXVII, 10, in connection with the law of exchange, thus implying that all dedications including animal tithe effect exchange.

(40) All these effect exchange. Inserted with Sh. Mek.

(41) The reason therefore why the text again mentions the law of exchange in connection with animal tithe is in order to compare all other exchanges to animal tithe, as R. Simeon explains.

(42) For which exchange is effected.

Talmud - Mas. T'murah 13b

and something which does not come through a partnership.¹ Rabbi says: And for what purpose now is tithe specially mentioned?² In order to infer the cases of [one which became tithe through] a change of name³ and the exchange of actual tithe.⁴ [And further] to teach you that that which becomes tithe through a change of name is offered up,⁵ whereas the exchange of actual tithe is not offered up;⁶ that which becomes tithe through a change of name is redeemed,⁷ whereas the exchange of actual tithe is not redeemed;⁸ an exchange of actual tithe has effect both on what is fit [unblemished], and what is not fit [blemished],⁹ whereas a change of name [of tithe] has effect only on what is fit.¹⁰ The question was asked:¹¹ Because the Divine Law includes the case of that which became tithe through a change of name, should it therefore be inferior [in holiness]?¹² — Yes, for we say what [the Law] has included is included, but what it has not included, is not included. And whence do you derive this?¹³ — Said R. Huna the son of R. Joshua: Because it¹⁴ is made the subject of a fresh statement, and therefore we do not go beyond the anomalous feature.¹⁵

Said R. Nahman b. Isaac to Raba: According to R. Simeon who says: [Exchange is effected with] something which comes obligatorily, is it only an obligatory burnt-offering that can effect exchange but not a freewill burnt-offering? — He answered him: A freewill burnt-offering also;

since he took upon himself [to offer it up],¹⁶ it can effect exchange, and [R. Simeon's teaching]¹⁷ is necessary only for the case of a burnt-offering which comes from surpluses [of sacrificial appropriations].¹⁸ Now what is his view? If he holds with the authority who says that the surpluses go for freewill gifts of the congregation, then actually exchange cannot be effected, since a congregation cannot effect exchange! — Then R. Simeon will hold with the authority who says that the surpluses go for freewill gifts of individuals.¹⁹ Now from whom have we heard this opinion? From R. Eliezer.²⁰ But have we not heard him explicitly [state] that exchange is effected?²¹ For it has been taught: A burnt-offering which came from the surpluses can effect exchange. This is the teaching of R. Eliezer! — R. Simeon agrees with him on one point and differs from him on another. [He²² agrees with him on one point, that surpluses are applied to gifts for individuals],²³ and differs from him on another point, for R. Eliezer holds: A burnt-offering brought from surpluses can effect exchange, whereas R. Simeon holds it cannot effect exchange. If so,²⁴ as regards the inquiry of R. Abin:²⁵ If he set apart a guilt-offering with which to obtain atonement and made an exchange for it, and [the²⁶ first animal then became blemished and he redeemed it for another which became lost], and he obtained atonement through another guilt-offering, and the lost animal was then found and was [automatically] transformed into a burnt-offering, what is the ruling as regards making an exchange with it [the burnt-offering]? Whose opinion does this inquiry presuppose? It can hardly be that of R. Simeon, for you say that R. Simeon holds that a burnt-offering which comes from surpluses cannot effect exchange! — R. Abin's inquiry is thus: If you can find a Tanna who holds R. Simeon's opinion who says that one cannot exchange repeatedly and holds also R. Eliezer's opinion who says that a burnt-offering which comes from the surpluses can effect exchange, what of exchanging it again? With reference to two bodies [different animals] and one kind of holiness,²⁷ what is the ruling? And if you adopt the opinion that one kind of holiness cannot²⁸ [effect exchange again], what is the ruling in the case of two kinds of holiness and one body?²⁹ Let this question remain.³⁰

CHAPTER II

MISHNAH

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- (1) Since Scripture says 'shall be to thee', thus excluding partners.
 - (2) Subject to the law of exchange, since all dedications are included in the law of exchange. For Rabbi holds that for declaring a private offering subject to the law of exchange there is no need for a special mention of tithe, since Scripture says, 'he shall etc.' in the singular. That the dedication must be one for the altar is also inferred from the word *korban* mentioned in connection with the law of exchange. We therefore see that Rabbi holds that dedications for the Temple repairs are not called *korban*. Also as regards R. Simeon's exception from the law of exchange of the case of a burnt-offering brought from the surpluses of sacrificial appropriations because dedications must be something which come obligatorily, Rabbi will maintain that surpluses can go for communal offerings. The ruling also concerning partners and congregations not being able to effect exchange can be inferred from the text, He shall not alter, etc., since it is couched in the singular number (Rashi).
 - (3) Where e.g., one called the tenth animal the ninth and the eleventh the tenth, the law being that both are holy and are offered up as peace-offerings. We derive this from the text: 'And all the tithe'. The animal is therefore not actually tithe but has been named tithe in error.
 - (4) Where one put a *hullin* alongside tithe and said that the first shall be exchanged for the latter, the exchange in this case having effect. There is need for the special mention of tithe, for otherwise I might have said that there is

no exchange in this case, as the rendering of an animal tithe by a change of name is itself an anomaly and therefore one cannot go beyond it (Rashi).

(5) V. Bek. 61a.

(6) V. supra 5b.

(7) For it is a peace-offering and a peace-offering is redeemed when blemished.

(8) Since Scripture says: 'Then both it and the change thereof shall be holy, it shall not be redeemed'.

(9) Like tithe which has effect on blemished animals so far as to restrict the killing of them in the market place and weighing the flesh by the pound.

(10) To receive holiness, like other dedications which do not receive holiness where the blemish was prior to the dedication.

(11) Lit., 'they said'.

(12) Why then does not holiness have effect on a blemished animal in this connection? There is all the more reason that the case of tithe through change of name should be more strict and take effect even when the animal is blemished.

(13) That we do not include anything beyond what the Torah actually includes.

(14) The tithe through change of name.

(15) And therefore we do not go any further to include any other case.

(16) Although he said 'Let this, etc.'.

(17) That exchange must be something which comes obligatorily.

(18) Where e.g., one separated money for a sin-offering or a guilt-offering and some of it was left over and with this money we purchased a burnt-offering.

(19) The owners themselves bring a burnt-offering as a gift but not to carry out an obligation.

(20) Who holds that surpluses are applied to gifts for individuals.

(21) What case therefore does R. Simeon exclude in respect of the law of exchange?

(22) Inserted with Sh. Mek.

(23) The text therefore is required to exclude this case from the law of exchange.

(24) That according to R. Simeon a burnt-offering coming from surpluses cannot effect exchange.

(25) V. supra 9a and notes.

(26) Inserted with Sh. Mek.

(27) I.e., if one separated a guilt-offering in order to obtain atonement and exchanged it and then it became blemished and was redeemed for another. The second animal, although another body, possesses the same kind of holiness as the first, i.e., the holiness of a guilt-offering.

(28) Inserted with Sh. Mek.

(29) I.e., if one were atoned for through another guilt-offering and the first lost guilt-offering was then found and transformed into a burnt-offering. Thus here there are two kinds of holiness with the same body.

(30) **hgch**, is the term of the Jerusalem Talmud and has the same meaning as **ueh**, in the Babylonian Talmud.

Talmud - Mas. T'murah 14a

. THERE ARE [LAWS RELATING] TO THE SACRIFICES OF AN INDIVIDUAL WHICH DO NOT APPLY TO CONGREGATIONAL SACRIFICES AND [LAWS RELATING] TO CONGREGATIONAL SACRIFICES WHICH DO NOT APPLY TO THE SACRIFICES OF INDIVIDUALS. FOR SACRIFICES OF AN INDIVIDUAL CAN EFFECT EXCHANGE WHEREAS CONGREGATIONAL SACRIFICES CANNOT EFFECT EXCHANGE;

SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES, WHEREAS CONGREGATIONAL SACRIFICES CAN BE ONLY MALES;¹ RESPONSIBILITY REMAINS² FOR THE SACRIFICES OF INDIVIDUALS³ AND⁴ THEIR DRINK-OFFERINGS, WHEREAS RESPONSIBILITY DOES NOT REMAIN FOR CONGREGATIONAL SACRIFICES NOR FOR THEIR DRINK-OFFERINGS, ALTHOUGH RESPONSIBILITY REMAINS FOR THEIR DRINK-OFFERINGS WHEN THE SACRIFICE IS OFFERED UP.⁵ THERE ARE [LAWS RELATING] TO CONGREGATIONAL SACRIFICES WHICH DO NOT APPLY TO THE SACRIFICES OF INDIVIDUALS, FOR CONGREGATIONAL SACRIFICES SUPERSEDE THE SABBATH AND [THE LAWS] OF RITUAL UNCLEANNESS⁶ WHEREAS SACRIFICES OF INDIVIDUALS DO NOT SUPERSEDE EITHER THE SABBATH OR [THE LAWS] OF RITUAL UNCLEANNESS. SAID R. MEIR: BUT ARE THERE NOT THE CASES OF THE OFFERING OF THE BAKED CAKES OF A HIGH PRIEST⁷ AND THE BULLOCK FOR THE DAY OF ATONEMENT⁸ WHICH ARE SACRIFICES OF INDIVIDUALS AND YET SUPERSEDE THE SABBATH AND [THE LAWS] OF RITUAL UNCLEANNESS? THE MATTER THEREFORE DEPENDS ON [WHETHER] THE TIME [FOR THE OFFERING UP] IS FIXED.⁹

GEMARA. SACRIFICES OF AN INDIVIDUAL CAN EFFECT EXCHANGE etc. But is this a general rule? Is there not the case of birds which are a sacrifice of an individual and yet they do not effect exchange? — [The Mishnah]¹⁰ speaks only of animals. But is there not the case of the offspring of a dedicated animal which is a sacrifice of an individual and yet does not effect exchange? — This view represents the opinion of R. Judah who says: The offspring of a dedicated animal effects exchange. But is there not the case of a substitute itself which is a sacrifice of an individual and a substitute cannot effect an exchange?¹¹ — [The Mishnah] only refers to the principal sacrifice.¹² And now that you have arrived at this explanation,¹³ you can even say that [the Mishnah] will be in agreement with the opinion of the Rabbis,¹⁴ for [the Mishnah] only refers to the principal sacrifice.¹⁵

SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES. But is this a general rule?¹⁶ Is there not the case of a burnt-offering which is a sacrifice of an individual and can only be a male and not a female? — There is the case of the burnt-offering of a bird,¹⁷ for it has been taught: Unblemished condition and male sex [for purposes of sacrifice] are required only of cattle but unblemished condition and male sex are not required of birds. But is there not the case of a sin-offering which is a sacrifice of an individual and is a female-and not a male? — There is the goat offered by a prince, which is a male. But is there not the case of a guilt-offering which is a sacrifice of an individual and is a male and not a female?¹⁸ — We¹⁹ mean [in the Mishnah]²⁰ a sacrifice which can be brought equally by an individual and a congregation,²¹ whereas a guilt-offering can be brought only by an individual but not by a congregation. And if you prefer [another solution] I may say: Does the Mishnah say [there are laws which relate] to all sacrifices? It says [there are laws which relate] to sacrifices.²² And what are these? peace-offerings; and [it tells us] that if one wishes to bring a female [animal] one may do so and if one wishes to bring a male [animal] one may do so.

RESPONSIBILITY REMAINS FOR SACRIFICES OF AN INDIVIDUAL etc. Whence is this proved?²³ — For our Rabbis have taught: [Scripture says:] Everything upon his day.²⁴ this

teaches us that the additional offerings may be [offered up] all day.²⁵ The text, ‘upon his day’ teaches us that if the day passed and he did not offer them, he is not responsible for them.²⁶ One might think that one is not responsible for their drink-offerings although he offered up the sacrifice? The text, however, states: And their meal-offering and their drink-offerings,²⁷ [their meal-offerings and drink-offerings]²⁸ even by night and their meal-offerings and drink-offerings even on the morrow.²⁹ Resh Lakish says: [We derive this] from here: Scripture says, Beside the Sabbaths of the Lord.³⁰ And both [texts]³¹ are necessary. For if the Divine Law had Only written: ‘Besides the Sabbaths of the Lord’, I might have thought that the drink-offerings may be only offered by day³² but not by night. Therefore Scripture says: ‘And their meal-offering and their drink-offerings’ — And if the Divine Law had written only. ‘Their meal-offering and their drink-offerings’ and had not written. ‘Besides the Sabbaths of the Lord’, I might have thought that the drink-offerings are only offered by night³³ and not by day.³⁴ But wherein lies the difference?³⁵ — Because in respect of dedication, the night follows the day.³⁶ Therefore [both texts] are necessary. But are drink-offerings offered by night? Surely it has been taught: I can only infer from the text³⁷ that such things as it is customary to offer up by night, e.g., limbs, fat-pieces, are [brought to the altar, burnt]³⁸ with the setting of the sun and consumed all through the night. Things, however, which it is customary to offer by day, e.g., the fistful of the meal-offering, frankincense and drink-offerings, whence do I know that he may bring them to the altar and burn them with the setting of the sun. ‘With the setting of the sun’ say you? Did you not just say things which it is customary to offer by day?³⁹ — Say therefore: Before the setting of the sun. — Whence do we derive that these can be consumed all through the night? The text states: This is the law of the burnt-offering;⁴⁰ this implies something additional.⁴¹ Now in any case the above passage mentions ‘the drink-offerings’ as something which is offered by day?⁴² — Said Rami b. Hama: There is no difficulty; here,⁴³ the reference is to dedication,⁴⁴ and there,⁴⁵ to offering.⁴⁶ Said Raba to him: If [the drink-offerings] indeed can become dedicated⁴⁷ [by night] they can be offered [by night]. For it has been taught: ‘This is the general rule: Whatsoever is offered by day is rendered holy only by day; whatsoever is offered by night is rendered holy only by night; whatsoever is offered both by day and night is rendered holy by day and night’! Rather said R. Joseph: Delete ‘drink-offerings’ [from the Baraitha above].⁴⁸ When R. Dimi went up [from Babylon to Palestine] he found R. Jeremiah sitting and lecturing in the name of R. Joshua b. Levi: Whence do we deduce that drink-offerings which accompany a sacrifice⁴⁹ can only be offered by day? The text states: And for your drink-offerings and for your peace-offerings;⁵⁰ and we say: Just as peace-offerings [are offered] by day, so drink-offerings [are offered] by day. He [R. Dimi] said: If I could have found [a messenger]⁵¹ I would have written a letter and sent it to R. Joseph [in Babylon]

(1) For the majority of such sacrifices are burnt-offerings and a burnt-offering must be a male animal. A congregation also do not bring peace-offerings, save lambs on Pentecost and these are males. Also their sin-offerings are he-goats.

(2) Lit., ‘one is responsible’, for the whole time until they are offered.

(3) Some of these offerings have a fixed time for their sacrifice and even if their time is passed the offering is not void, e.g., the sacrifice of a leper after the eighth day from his cleanliness, or that of a woman after childbirth. In the case, however, of congregational sacrifices which have appointed times, if their time has passed the sacrifices are void.

(4) Lit., ‘and one is responsible for’.

- (5) If the sacrifice was offered up at the correct time and the drink-offerings did not accompany the sacrifice, they can be brought within a period of ten days.
- (6) They can be brought even in a state of ritual uncleanness.
- (7) V. Lev. VI, 13. These have the law of the daily sacrifice which supersedes the Sabbath and ritual uncleanness; v. Men. 50b.
- (8) Brought by Aaron, v. Lev. XVI, 3.
- (9) The superseding of the Sabbath and ritual uncleanness is determined not by whether a sacrifice is of an individual or congregation, but whether there exists a set time for the particular sacrifice.
- (10) which states that a sacrifice of an individual effects exchange.
- (11) One cannot say: 'Let that animal be in place of this exchange' in order to acquire holiness.
- (12) The first animal dedicated and not to one consecrated as a result of this dedication.
- (13) That the Mishnah refers to the principal sacrifice.
- (14) Who differ from R. Judah and hold that the offspring of a dedicated animal cannot effect exchange.
- (15) And the offspring of a dedication, not being the principal dedication, is not included in the rule mentioned in the Mishnah.
- (16) For the moment the Mishnah's statement is understood as meaning that all sacrifices of individuals can be males as well as females.
- (17) We have here an example of a burnt-offering which can even be a female.
- (18) For in connection with it Scripture says a sheep or a ram but not a ewe.
- (19) V. Sh. Mek.
- (20) By the statement SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES.
- (21) Then we say that such a type of sacrifice which can be brought by the individual as well as by the congregation; when however an individual brings it, it can come both from males and females.
- (22) Implying that there are some sacrifices which do come from females and males.
- (23) That there is no compensation for the bringing of congregational sacrifices, should there be a postponement for some reason.
- (24) Lev. XXIII, 37. The text refers to the additional offerings of the festivals.
- (25) Provided that they are offered up before the daily sacrifice of the evening.
- (26) There is no compensation.
- (27) Num. XXIX, 18.
- (28) Inserted with Sh. Mek.
- (29) If he offered up the sacrifice in its time, he can bring the drink-offerings within a period of ten days, because Scripture uses the plural 'their drink-offerings', thus intimating that drink-offerings may be offered at other times as well (R. Gershom).
- (30) Lev. XXIII, 38. Scripture says: To offer an offering made by fire, a burnt-offering and a meal-offering, a sacrifice and drink-offerings everything upon his day, 'and this is followed by the words, Beside the Sabbaths etc. And we adopt here the interpretation based on textual proximity as follows: Drink-offerings etc. everything upon his day, besides etc., i.e., besides those Sabbaths followed by a Festival where it was forgotten to offer the drink-offerings on the Sabbath, for then they can be offered on the following day on the Festival.
- (31) Besides the Sabbaths of the Lord and Their meal-offering and their drink-offerings.
- (32) Since Scripture says: Everything upon his day followed by the text, Besides the Sabbaths of the Lord, i.e., that the drink-offerings of the Sabbath can be offered up on the following day on the Festival.
- (33) But the drink-offerings of the day may be brought at night.
- (34) Which follows the night, i.e., the morrow.
- (35) Why should we have said that Scripture implies that the drink-offering can only be brought by night and not

on the following day, seeing that Scripture makes no distinction?

(36) For Scripture says: Shall be eaten on the same day that it is offered. He shall not leave any of it until the morning (Lev. VII, 15). We therefore see that all the night is still called 'day' in respect of dedication.

(37) Viz., It is the burnt-offering because of the burning upon the altar all the night, (Lev. VI, 2), from which we infer one can place it on the altar with the setting of the sun and it goes on burning all the night.

(38) Inserted with Sk. Mek.

(39) How then can we speak of them as being offered with the setting of the sun?

(40) Lev. VI, 2.

(41) Since Scripture in this text makes no distinction and includes all things which go up on the altar to be burnt.

(42) Unlike what is stated in the text that drink-offerings are offered even by night.

(43) The text above 'their drink-offerings', from which we infer that drink-offerings may be offered by night.

(44) Implying that if one placed drink-offerings in a sacred vessel at night they are sanctified and cannot become hullin again.

(45) The Baraitha above.

(46) Which can only take place by day.

(47) As the result of placing them in sacred vessels.

(48) Which included drink-offerings as being offered by day.

(49) And which became hallowed with the killing of the sacrifice, thus becoming part of the sacrifice.

(50) Num. XXIX, 39.

(51) V. Rashi and Sh. Mek.

Talmud - Mas. T'murah 14b

to say that he should not delete the case of drink-offerings [from the above Baraitha],¹ and yet there is no contradiction.² Here,³ we are dealing with drink-offerings which accompany a sacrifice,⁴ while there⁵ we are dealing with drink-offerings which are brought by themselves.⁶ And if he had found [someone] could he have written the letter? Did not R. Abba the son of R. Hiyya b. Abba report in the name of R. Johanan: Those who write the traditional teachings⁷ [are punished]⁸ like those who burn the Torah,⁹ and he who learns from them [the writings] receives no reward. And R. Judah b. Nahman the Meturgeman¹⁰ of Resh Lakish gave the following [as exposition]: The verse says: Write thou these words¹¹ and then says: For after the tenor of these words,¹¹ thus teaching you that matters received as oral traditions you are not permitted to recite from writing and that written things [Biblical passages] you are not permitted to recite from memory.¹² And the Tanna of the School of R. Ishmael taught: Scripture says, 'Write thou these words', implying that 'these' words you may write but you may not write traditional laws!¹³ — The answer was given: Perhaps the case is different in regard to a new interpretation.¹⁴ For R. Johanan and Resh Lakish used to peruse the book of Aggadah¹⁵ on Sabbaths¹⁶ and explained [their attitude] in this manner: [Scripture says:] It is time for the Lord to work, they have made void thy law,¹⁷ explaining this as follows: It is better that one letter of the Torah¹⁸ should be uprooted than that the whole Torah should be forgotten.

Said R. Papa: Now that you say that drink-offerings which are brought by themselves¹⁹ are offered even by night, if drink-offerings happen to be at hand by night, we can dedicate them by night²⁰ and offer them [by night]. Said R. Joseph the son of R. Shema'ia to R. Papa: There is a Baraitha which supports [your dictum]: 'This is the general rule, Whatsoever is offered by day is

only dedicated by day, and whatsoever is offered by night is dedicated by night’.

Said R. Adda b. Ahaba:²¹ And the rise of the morning dawn disqualifies drink-offerings like²² the limbs [of the daily evening sacrifice].²³

When R. Dimi came [from Palestine] he reported that R. Johanan said in the name of R. Simeon b. Jehozadak: [Scripture says:] These things ye shall do unto the Lord in your set feasts:²⁴ this refers to the obligatory sacrifices which are brought on holy days;²⁵ beside your vows and your freewill-offerings²⁴ teach concerning vows and freewill-offerings that they are offered on the Intermediate Days²⁶ of the Festival; for your burnt-offerings:²⁴ now of what kind of burnt-offering does the verse speak? If of a freewill burnt-offering, is it not already written, ‘your freewill-offerings’? And if of a burnt-offering which was vowed, is it not already written, ‘your vows’? [The text]²⁷ therefore can only refer to the burnt-offerings of a woman brought after childbirth and the burnt-offering of a leper.²⁸ And for your meal-offerings:²⁴ now of what kind of meal-offering does the verse speak? If of a freewill meal-offering, is not this already written?²⁹ And if of a meal-offering which was vowed, is not this already written?³⁰ [The text] therefore can only refer to a sinner's meal-offering and a meal-offering of jealousy.³¹ And for your drink-offerings and for your peace-offerings²⁴ implies an analogy between drink-offerings and peace-offerings [as follows]: Just as peace-offerings are offered by day so drink-offerings [which accompany a sacrifice] are offered by day. ‘And for your peace-offerings’ includes peace-offerings of a Nazirite.³²

Said Abaye to him: And why not say that the text³³ includes peace-offerings of the Passover,³⁴ for if the text includes peace-offerings of a Nazirite, they are sacrifices which are the subject of a vow or a freewill dedication,³⁵ and we have learnt: ‘This is the general rule, Whatsoever is the subject of a vow or a freewill dedication, may be offered on a private bamah³⁶ and whatsoever is not the subject of a vow or a freewill dedication must not be offered on a private bamah’.³⁷ And it has been taught: ‘Meal-offerings and offerings in connection with a Nazirite may be offered on a private bamah’.³⁸ This is the teaching of R. Meir. — Delete³⁹ from here⁴⁰ the case of a Nazirite.⁴¹ But is there an authority who holds that a Nazirite is not the subject of a vow or a freewill-offering? Lo, it is written: And it came to pass after forty years that Absalom said to the King, [pray thee let me go and pay my vow which I vowed unto the Lord in Hebron. For thy servant vowed a vow, etc.⁴² Now does this not refer to the sacrifice?⁴³ — No, it refers to the vow itself.⁴⁴ ‘The vow itself’ — was it made in Hebron? Was it not made in Geshur?⁴⁵ Said R. Aha, some say Rabbah son of R. Hanan: Absalom only went in order to bring sheep from Hebron.⁴⁶ So indeed it stands to reason. For if you say that he went to Hebron to offer up, would he leave Jerusalem and go to offer up in Hebron? — Then what do you say? That he went to bring sheep from Hebron? Then why does it say: ‘Which I vowed unto the Lord in Hebron’? It ought to say ‘from Hebron’! — One can still say that he went to offer in Hebron,⁴⁷ and as regards your difficulty as to why he left Jerusalem and came to offer in Hebron, why not raise this same difficulty with reference to Gibeon which was a holy place?⁴⁸ This however is the explanation: Once it has become permissible to offer on the bamahs, he can offer wherever he wishes.⁴⁹

It says: ‘After forty years’. Forty years from what? — R. Nehorai reported in the name of R. Joshua: Forty years from when [the Israelites] asked for a king. For it has been taught: The year in

which the Israelites asked for a king was the tenth year of Samuel's leadership.

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- (1) That drink-offerings are indeed offered by day.
 - (2) With the text cited above: 'Their meal-offering and drink-offering, which was explained above as meaning that drink-offerings may be offered by night.
 - (3) In the Baraitha above which includes the case of drink-offerings as being offered by day.
 - (4) The offering up of a sacrifice rendered the drink-offerings sacred so that they cannot be offered by night, like the sacrifice itself.
 - (5) The text, 'Their meal-offering etc.'
 - (6) Which were not hallowed by the killing of the sacrifice but were dedicated after the sacrifice had been offered up. In such a case, drink-offerings may be offered for ten days, including the nights.
 - (7) Halachahs, v. Glos.
 - (8) V. R. Gershom.
 - (9) For it is forbidden to retain oral traditions which have been committed to writing, since they belong to the Oral Law (Rashi). Another explanation of Rashi: These writings are not saved on Sabbath in case of fire.
 - (10) Lit., 'interpreter'; his Amora who expounded his lectures, v. Glos. s.v. Amora.
 - (11) Ex. XXXIV, 27.
 - (12) Tosaf. asks how then do we recite psalms, and answers that we are only particular as regards the Pentateuch. Furthermore the restriction only applies when we are desirous of acting on behalf of others.
 - (13) How therefore could R. Dimi have written down the oral tradition with reference to drink-offerings?
 - (14) The analogy quoted above: 'And just as peace-offerings are offered by day etc.' (R. Gershom). Another explanation (Rashi): Any new interpretation which reconciles conflicting Baraithas. Sh. Mek. adds: Another version: The answer was given. The Rabbis rely on what they learn, but since there is forgetfulness, they reduce to writing and when the occasion arises they look into the book.
 - (15) Homiletic literature.
 - (16) In order that the Aggadahs might not be forgotten.
 - (17) Ps. CXIX, 126. When a thing is done in the name of God it is sometimes necessary to nullify the Law. The reason for the prohibition of reducing to writing oral tradition has so far not been satisfactorily explained. For a full discussion of the problem, as well as an attempt to explain the term halachahs mentioned in this connection, v. Kaplan, J. The Redaction of the Talmud, pp. 261ff.
 - (18) I.e., the passage: 'For after the tenor of these words' which prohibits the committing to writing of oral traditions.
 - (19) Even though dedicated in connection with a sacrifice, they were not offered at the same time as a sacrifice.
 - (20) By placing them in a sacred vessel.
 - (21) Referring to R. Papa's ruling above that drink-offerings dedicated by night must be offered by night.
 - (22) So Rashi.
 - (23) Which is disqualified at the approach of dawn. Another explanation of R. Adda's ruling (R. Gershom) is as follows: Referring to the Baraitha above which says the limbs and joints go on being consumed all night, R. Adda says: The approach of the time for the bringing of the daily morning sacrifice disqualifies the limbs if they are not consumed by then. But only the actual offering up of the morning sacrifice disqualifies, as then it is already day, but not the mere preparations on the altar for the morning sacrifice.
 - (24) Num. XXIX, 39.
 - (25) E.g., the festive sacrifice, the offering of appearance before God and the additional festival offerings.
 - (26) But not on the Festival itself, as vows and freewill-offerings cannot be brought on a festival.
 - (27) 'For your burnt-offerings'.

- (28) Which are also offered on the Intermediate Days of the Festival (R. Gershom).
- (29) In the words, 'your freewill-offerings'.
- (30) In the words, 'your vows'.
- (31) Brought in connection with a woman suspected of infidelity.
- (32) These also are offered on the Intermediate Days of the Festival (R. Gershom). Scripture cannot here mean to include freewill peace-offerings, since the text has already said 'your vows'. And if the text is for the purposes of analogy, let Scripture say 'and for peace-offerings'. Why 'and for your peace-offerings?' (Rashi).
- (33) 'And for your peace-offerings'.
- (34) If there was a large company for the paschal lamb so that it would not suffice for all present, peace-offerings were brought with it; and Abaye would learn that if these were set aside for that purpose on the fourteenth of Nisan but were not offered up, they could be offered on the Intermediate Days. For, according to Abaye, there is no need for Scripture to include the case of peace-offerings of a Nazirite, as this can be inferred from the text, 'for your freewill-offerings and your vows', for Naziriteship is the subject of a vow and freewill dedication, whereas peace-offerings in connection with the passover are obligatory sacrifices.
- (35) For a man can vow to be a Nazirite and after completing the period of Naziriteship he brings his peace-offering.
- (36) A temporary and improvised altar.
- (37) Meg. 9b.
- (38) Zeb. 117b. We consequently see that a Nazirite is the subject of a vow etc. Otherwise one could not offer sacrifices of a Nazirite on a private bamah.
- (39) Var. lec. insert: Said R. Joseph (v. Sh. Mek.).
- (40) From the cited Baraitha.
- (41) So that although a Nazirite is the subject of a vow and a freewill dedication, this does not apply to the sacrifices which a Nazirite has to bring later on, these being obligatory, for the vow of a Nazirite at the outset only has reference to wine and the sacrifices come later automatically.
- (42) II Sam. XV, 7.
- (43) Implying that he will go to Hebron and pay his vows there. Now Absalom was a life Nazirite and every year he shaved himself and brought the appropriate sacrifice. Since he went to offer his sacrifice in Hebron where there were private bamahs, we can infer that a Nazirite is the subject of vows and freewill-offerings.
- (44) The word Hebron in the text means this: I will go to the place of a large bamah i.e., Gibeon and there pay my vows which I made at Hebron. But the text does not mean that Absalom actually fulfilled his vows in Hebron.
- (45) Since Scripture says: 'For thy servant vowed a vow while I abode at Geshur'.
- (46) The sheep there being large and fat and his intention being subsequently to offer them in Gideon on a large bamah. The text therefore does not mean that the vow was made in Hebron, only that he obtained the sheep at Hebron.
- (47) For a Nazirite can offer his sacrifice on a private bamah.
- (48) For in that place there was an altar which Moses made. Why not go there?
- (49) Absalom therefore went to Hebron and saw the sheep, and being there, he decided to offer in the same place (Wilna Gaon). The Rabbis who differ from R. Meir, however, hold that a Nazirite is not the subject of vows and therefore Absalom went to Hebron for the sheep but the actual offering was in Gibeon, on a large bamah (Tosaf). R. Dimi therefore who includes peace-offerings in connection with a Nazirite, agrees with the Rabbis who hold that a Nazirite is not the subject of vows and the Baraitha quoted above is the opinion of R. Meir.

Samuel himself¹ ruled ten years,² there was one year in which both Saul and Samuel ruled³ and two years in which Saul himself ruled⁴ and thirty-six⁵ years in which David reigned.⁶

MISHNAH. A SIN-OFFERING OF AN INDIVIDUAL WHOSE OWNERS HAVE PROCURED ATONEMENT⁷ IS LEFT TO DIE,⁸ WHEREAS THAT OF A CONGREGATION⁹ IS NOT LEFT TO DIE.¹⁰ R. JUDAH, HOWEVER, SAYS: [IT IS] LEFT TO DIE.¹¹ R. SIMEON SAID: WHAT DO WE FIND WITH REGARD TO THE OFFSPRING OF A DEDICATED ANIMAL, THE SUBSTITUTE OF A SIN-OFFERING AND A SIN-OFFERING WHOSE OWNERS DIED?¹² [THAT THE RULES CONCERNING] THESE APPLY ONLY TO AN INDIVIDUAL BUT NOT A CONGREGATION. SIMILARLY [THE RULES CONCERNING] THE SIN-OFFERING WHOSE OWNERS HAVE PROCURED ATONEMENT AND [A SIN-OFFERING] WHOSE YEAR HAS PASSED¹³ APPLIES ONLY TO AN INDIVIDUAL BUT NOT A CONGREGATION.¹⁴

GEMARA. Our Rabbis have taught: Why does [Scripture] say: And if he bring [a lamb] for a sin-offering?¹⁵ Whence do we derive that if one dedicated a sin-offering and it became lost and he separated another animal in its place and the first animal was then found, and both are standing before us, whence do we derive that he may bring whichever one he chooses?¹⁶ The text states: 'And if he bring a sin-offering'. One might think that he may bring both of them. The text however states: 'He shall bring it',¹⁷ implying one¹⁸ but not two. And what becomes of the second sin-offering? — Said R. Hamnuna: It has been taught: R. Judah says, It is left to pasture, whereas R. Simeon says: It is left to die.¹⁹ But does indeed R. Judah hold that it is left to pasture? Have we not heard R. Judah to hold that IT IS LEFT TO DIE?²⁰ — Reverse [the names in the above Baraita] as follows: R. Judah says: It is left to die, whereas R. Simeon says: It is left to pasture. But does indeed R. Simeon hold that it is left to pasture? Did not R. Simeon say: Five sin-offerings are left to die?²¹ — Rather you need not at all reverse [the names of the Baraita above] and there is no difficulty.²² There,²³ [we are dealing] with a case where [the first sin-offering] was lost when the second animal was separated [for a sin-offering],²⁴ and here,²⁵ we are dealing with a case where [the first sin-offering] was lost at the time of the atonement [by means of the second animal].²⁶ And if you prefer [another solution] I may say, In both cases we suppose [the first sin-offering] was lost at the time of the separating [of the second animal]²⁷ and yet there is no difficulty.²⁸ This²⁹ is the opinion of R. Judah according to Rabbi,³⁰ and that³¹ is the opinion of R. Judah according to the Rabbis.³² But³³ is there an authority who holds that a congregational sin-offering whose owners procured atonement is left to die?

(1) Without Saul after the death of Eli.

(2) In the tenth year of Samuel's ruling they asked for a king (Rashi).

(3) Saul following Samuel's advice.

(4) Without Samuel's guidance, although he was still alive, for Samuel died only four months before Saul.

(5) So Rashi. The text has thirty-seven.

(6) We have therefore thirteen years for Samuel and Saul after the death of Eli until David, and David reigned thirty-six years, up to the rebellion of Absalom. We have thus forty-nine years. Deduct from this nine years for Samuel's leadership before the Israelites asked for a king, and we find that when Absalom revolted it was forty years since the Israelites had asked for a king; v. Nazir 5a.

(7) If the animal became lost and atonement was obtained by means of another animal.

- (8) For it is a Sinaitic tradition that there are five sin-offerings, of which this is one, which are left to die.
- (9) Who were atoned for with another sin-offering.
- (10) As according to the view of the first Tanna this tradition only refers to the sin-offerings of an individual but not to that of a congregation.
- (11) Since the tradition applies even to a congregational sin-offering.
- (12) Of the five sin-offerings which are condemned to die, three cannot belong to a congregation, namely, the offspring of a sin-offering, for a congregation cannot bring a female animal; the substitute of a sin-offering, since a congregation cannot effect an exchange; and finally the case where the owners of a sin-offering die, this law not applying to a congregation, as explained later in the Gemara.
- (13) Which is older than one year, the period assigned for a sin-offering.
- (14) Although it is possible to have a congregation bringing these two kinds of sin-offerings.
- (15) Lev. IV, 32. What need is there for the words: 'And if he bring'? Scripture could have said: If a lamb be his offering.
- (16) For a sin-offering.
- (17) The latter part of the verse: 'And if he bring a lamb for a sin-offering'.
- (18) Animal to be brought as a sin-offering.
- (19) Since it is a case of a sin-offering of an individual whose owners have already procured atonement.
- (20) Even in the case of a congregational sin-offering, and how much more so then in the case of a sin-offering of an individual.
- (21) V. our Mishnah; and R. Simeon states there distinctly that all the five cases affect only individuals and one of them is the case of the sin-offerings whose owners have procured atonement.
- (22) As regards the conflicting views of R. Judah in the Mishnah and in the Baraitha.
- (23) In the Baraitha where he says that the sin-offering is condemned to pasture.
- (24) Before its offering. Since then he can bring either, the second animal is only condemned to pasture.
- (25) In the Mishnah.
- (26) Since therefore the owners have procured atonement through the second animal, the first animal is left to die.
- (27) The first animal was found, however, before atonement was procured by means of the second animal.
- (28) V. p. 104, n. 10.
- (29) In the Mishnah which says that it is left to die.
- (30) Who holds (infra 22b) that if the first offering is lost at the time of the separation of the second animal, although it is found before atonement is obtained by means of the second animal, the latter is left to die.
- (31) The Baraitha which says that the sin-offering is left only to pasture.
- (32) Who differ from Rabbi and hold that the law of a sin-offering being left to die only applies after the owners had procured atonement by means of the second animal.
- (33) The question refers to the Mishnah where R. Judah says that even a congregational sin-offering is condemned to die.

Talmud - Mas. T'murah 15b

Has it not been taught: Likewise,¹ R. Jose said: The children of the captivity that were come out of the exile offered burnt-offerings, twelve bullocks, ninety-six rams, seventy-seven lambs, twelve he-goats, for a sin-offering, all this was a burnt-offering unto the Lord.² But can a sin-offering be brought as a burnt-offering?³ — Said Raba: [It means] like a burnt-offering [in this respect]. Just as a burnt-offering must not be eaten, so that sin-offering was not to be eaten. For R. Jose used to say: They brought the twelve he-goats⁴ for the sin of idolatry. And Rab Judah reported in the

name of Samuel: On account of the idolatry which they committed in the time of Zedekiah. Now, assuming that the one⁵ who holds that a congregational sin-offering whose owners procured atonement is left to die, also holds that a sin-offering whose owners have died is left to die, is there not here⁶ a case where the owners have died⁷ and yet the sin-offering is offered!⁸ — Said R. Papa: Even according to the one who holds that a congregational sin-offering whose owners have procured atonement is left to die, a congregational sin-offering whose owners have died is not left to die, for ‘a congregation does not die’.⁹

Whence does R. Papa derive this? Shall we say because Scripture says: Instead of thy fathers shall be thy children?¹⁰ If this be so, the same should apply to [the sacrifice] of an individual?¹¹ — Rather this is the reason why [the law of] the owners of [a sin-offering] who died does not apply to a congregation, because [we make an inference] from the case of the goats brought on Festivals and New Moons, since the Divine Law says: Bring them from the offerings of the Temple Treasury. Now perhaps the owners of this money have died?¹² Must you therefore not admit that a congregation does not die? And if you prefer [another solution] I may say: When these sin-offerings [goats] were offered¹³ they were offered on behalf of those still alive,¹⁴ since Scripture says: But many of the priests and Levites and chiefs of the fathers who were ancient men, that had seen the first house, when the foundation of this house was laid before their eyes, wept with a loud voice and many shouted aloud for joy.¹⁵ Perhaps [the survivors] were only a minority?¹⁶ — You cannot say this, since [the text continues]: So that the people could not discern the noise of the shouting from the noise of the weeping of the people.¹⁷ But how could they bring [a sacrifice for idolatry]? Were they not wilful [sinners of idolatry in the days of Zedekiah]? — Said R. Johanan: It was a special decision.¹⁸ So indeed it stands to reason.¹⁹ For should you not say so, there is no difficulty as regards [the twelve] bullocks and [the twelve] goats, for this corresponds with the twelve tribes.²⁰ But as regards [rams]²¹ and lambs, with reference to whom [were they brought]? You must say therefore that this was a special decision [and here, too, it was a special decision].²²

We have learnt elsewhere: When Joseph b. Jo'ezer of Zereda and Joseph b. Johanan of Jerusalem died the grape-clusters [the scholars] came to an end.²³ What is the meaning of eshkoloth [grapeclusters]?²⁴ — A man in whom all is contained.²⁵ R. Judah reported in the name of Samuel: All the ‘grape-clusters’ who arose from the days of Moses until Joseph b. Jo'ezer learnt Torah like Moses our Teacher.²⁶ From that time onward, they did not learn Torah like Moses our Teacher. But did not Rab Judah report in the name of Samuel: Three thousand halachoth were forgotten during the period of mourning for Moses? — Those laws which were forgotten were forgotten, but those which were learnt²⁷ they learnt like Moses our Teacher. But has it not been taught: After the death of Moses, if those who pronounced unclean were in the majority,²⁸ they [the Rabbis] declared [the object] unclean, and if those who pronounced clean were in the majority, they [the Rabbis] declared [it] clean?²⁹ — Their acumen³⁰ diminished, but what they had learnt³¹ they learnt like Moses our Teacher.³²

It has been taught: All the ‘grape-clusters’ who arose in Israel from the days of Moses until the death of Joseph b. Jo'ezer of Zereda were free from all dofi [taint].³³ From that time onward some matter of taint was found in them.³⁴ But has it not been taught: There is the story of a certain hasid³⁵ who groaned [from a pain] in his heart, and when the doctors were consulted they said

that there was no remedy for him unless he sucked hot milk from [a goat³⁶ every morning]. They brought a goat and bound it to the feet of his bed and he used to suck milk from it. Next day his friends came to visit him. When they saw the goat they exclaimed: 'A robber in arms is in the house³⁷ and shall we go in to visit him?' [They³⁸ left him immediately. When he died] they sat down and made investigation and found no other sin in him except that of [the keeping of] the goat. He [the hasid] too at his death said: 'I myself know that I have not sinned except in the keeping of this goat, having thus transgressed the teaching of my colleagues'. For the Sages taught: One must not rear small cattle in the Land of Israel. And it is also an established fact with us that wherever the Talmud speaks of a certain hasid it refers either to R. Judah b. Baba or R. Judah b. Ila'i. Now [these] Rabbis³⁹ lived many generations after Joseph b. Jo'ezer of Zereda.⁴⁰

(1) Tosaf. explains that the Baraitha cited here is with reference to Lev. V, 10 where it says: And he shall offer the second for a burnt-offering. The Baraitha states that just as a burnt-offering must not be eaten, so this sin-offering must not be eaten. Thereupon the Baraitha proceeds: Likewise, etc.

(2) Ezra VIII, 35.

(3) Since the text says here that twelve sin-offerings were all brought as a burnt-offering.

(4) Corresponding to the twelve tribes. A goat for a sin-offering is brought for the sin of idolatry of which a congregation has been guilty and it is burnt outside the camp.

(5) R. Judah in the Mishnah.

(6) In the text just quoted.

(7) The owners having died during the seventy years of captivity in Babylon.

(8) In spite of the fact that the owners were dead.

(9) I.e., the relevant law does not apply to a congregation,

(10) Ps. XLV, 17. I.e., that the children take the place of the fathers and the sin-offering is offered up, for it is not considered as being ownerless.

(11) Where a man dies, his son in his place should be considered the owner of the sin-offering.

(12) And therefore the sin-offerings have no owners and should be condemned to die.

(13) For the sin of idolatry in the days of Ezra.

(14) From those who worshipped idolatry in the days of Zedekiah.

(15) Ezra III, 22. I.e., those who had not seen the first Temple, rejoiced now aloud.

(16) A minority of the Israelites, and for a minority we do not offer the same sacrifice as for a majority but as for individuals. Since then twelve goats were offered on behalf of the twelve tribes, these must have been meant for the first people mentioned in the text who had died, and we can therefore infer that the law of a sin-offering whose owner died does not apply to a congregation.

(17) We therefore see that those who wept were in a majority over those who rejoiced and the weepers belonged to the first people mentioned in the text who had died (Rashi).

(18) And not to be taken as a precedent.

(19) That it is a special decision.

(20) Since the congregational offering for idolatry is a bullock for a burnt-offering and a goat for a sin-offering.

(21) V. Bah.

(22) The bringing of a sacrifice for wilful idolatry. The bracketed words are inserted with sh. Mek.

(23) V. Sot. (Sonc. ed.) p. 249, n. 4.

(24) Inserted with Sh. Mek.

(25) Heb. ish she-hakol bo, a play on the word eshkoloth; universality of the knowledge of the Torah (v. Sh. Mek.). Rashi explains the phrase as denoting one having the knowledge in Torah, fearing God and practising

benevolence.

(26) Scrupulous and exact in the knowledge of the laws and regulations.

(27) Lit., 'those they had on tradition'.

(28) R. Gershom explains that this refers to the laws which were forgotten during the period of mourning for Moses.

(29) We therefore see that there were differences of opinion with reference to many laws soon after the death of Moses.

(30) Lit., 'heart', and they could not recall the laws by means of discussion. Therefore there were differences of opinion with reference to them and the laws were settled by going according to the decision of the majority.

(31) V. p. 107, n. 11.

(32) Scrupulously and correctly.

(33) For the moment the word **hipus** is understood as meaning 'taint' of sin.

(34) They were not so upright.

(35) A pious man.

(36) Inserted with Sh. Mek.

(37) Small cattle cannot be looked after as they go and feed in other fields, thus an owner of small cattle is guilty of robbing another man's pasture; v. B.K. 80a.

(38) Inserted with Sh. Mek.

(39) I.e., R. Judah b. Ila'i and R. Judah b. Baba, and it says here that no sin was found in them.

(40) Consequently there was no taint of sin found among the leaders, even after the period of Joseph b. Jo'ezer.

Talmud - Mas. T'murah 16a

Said R. Joseph: [The word dofi here means] dispute, [e.g., the dispute] relating to 'laying on of hands'.¹ But does not Joseph b. Jo'ezer himself differ with reference to the law of laying on of hands?² — When he differed it was in his latter years, when his mental powers³ declined.

The [above] text [stated]: 'Rab Judah reported in the name of Samuel: Three thousand traditional laws were forgotten during the period of mourning for Moses'. They said to Joshua: 'Ask';⁴ he replied: It is not in heaven.⁵ They [the Israelites] said to Samuel: 'Ask'; he replied: [Scripture says:] These are the commandments,⁶ implying [that since the promulgation of these commandments] no prophet has now the right to introduce anything new.

Said R. Isaac the Smith: Also the law relating to a sin-offering whose owners have died⁷ was forgotten⁸ during the period of mourning for Moses. They [the Israelites] said to Phinehas: 'Ask'; he replied to them: 'It is not in heaven'.⁹ They said to Eleazar: 'Ask'. He replied: 'These are the commandments', implying [that since the promulgation of these commandments] no prophet has now the right to introduce anything new.

Rab Judah reported in the name of Rab: When Moses departed [this world] for the Garden of Eden he said to Joshua: 'Ask me concerning all the doubts you have'.¹⁰ He replied to him: 'My Master, have I ever left you for one hour and gone elsewhere?'¹¹ Did you not write concerning me in the Torah: But his servant Joshua the son of Nun departed not out of the tabernacle?¹² Immediately the strength [of Moses] weakened¹³ and [Joshua] forgot¹⁴ three hundred laws and there arose [in his mind] seven hundred doubts [concerning laws]. Then all the Israelites rose up

to kill him.¹⁵ The Holy One, blessed be He, then said to him [Joshua]: ‘It is not possible to tell you.¹⁶ Go and occupy their attention in war, as it says: Now after the death of Moses the servant of the Lord, it came to pass that the Lord spake;¹⁷ and it further says; [Prepare you victuals for within three days, etc.].¹⁸

It has been taught: A thousand and seven hundred kal wahomer¹⁹ and gezerah shawah²⁰ and specifications of the Scribes²¹ were forgotten during the period of mourning for Moses. Said R. Abbuha: Nevertheless Othniel the son of Kenaz restored [these forgotten teachings] as a result of his dialectics, as it says: And Othniel the son of Kenaz, the brother of Caleb, took it;²² and he gave him Achsah his daughter to wife.²³ And why was her name called Achsah? — Said²⁴ R. Johanan: Because whosoever saw her was angry with his wife.²⁵ And it came to pass as she came unto him that she moved him to ask of her father a field. And she alighted [watiznah] off her ass.²⁶ What does the word wa-tiznah mean? Raba reported in the name of R. Isaac: She said to him: Just as an ass when it has no food in its trough immediately cries out,²⁷ so a woman when she has no wheat in her house cries out immediately, [as it says: And Caleb said unto her: What wouldst thou?].²⁴ And she answered, Give me a blessing for thou hast given me a south land,²⁸ implying a house dry²⁹ [devoid] of all goodness [money]; give me also springs of water,³⁰ meaning a man in whom is Only Torah.³¹ And he gave her the upper springs [gulloth] and the nether springs.³⁰ He said to her: ‘One to whom all the secrets of the upper and nether worlds are revealed,³² need one ask food from him?’³³ But was Caleb the son of Kenaz?³⁴ Was he not the son of Jephunneh?³⁵ — The meaning of the word Jephunneh is that he turned³⁶ from the counsel of the spies. But still was he [Caleb] the son of Kenaz? Was he not the son of Hezron, since it says: And Caleb the son of Hezron begat Azubah?³⁷ — Said Raba: He [Caleb] was a stepson of Kenaz.³⁸ [This can also be proved,³⁹ since it says: Caleb the son of Jephunneh the Kenezite,⁴⁰ but does not say the son of Kenaz.]⁴¹ A Tanna taught: Othniel is the same as Jabez.⁴² He⁴³ was called Othniel because God answered him,⁴⁴ and Jabez because he counselled⁴⁵ and fostered Torah in Israel. And what was his [real] name? Judah the brother of Simeon. And whence do we derive that God answered him? — Since it says: And Jabez called on the God of Israel saying, Oh that thou wouldst bless me indeed and enlarge my border, and that thine hand might be with me, and that thou wouldst keep me from evil that it may not grieve me! And God granted him that which he requested.⁴⁶ ‘Oh that thou wouldst bless me indeed’ with Torah; ‘and enlarge my border’ with pupils; ‘that thine hand might be with me’, that my studies may not be forgotten from my heart; ‘and that thou wouldst keep me from evil’, that I may meet friends like myself; ‘that it may not grieve me’, that the evil inclination may not have power over me so as to prevent me from studying: If thou doest so it is well, but if not, I shall go with my ‘grief’ to the grave. Immediately, ‘God granted him that which he requested’.⁴⁷ You find a similar example: The poor man and the man of medium wealth meet together,⁴⁸ the Lord lighteneth both their eyes.⁴⁹ When the pupil questions his teacher and says to him: ‘Teach me Torah’, if he teaches him, the Lord enlightens the eyes of both of them,⁵⁰ and if not, ‘the rich and poor meet together, the Lord is the maker of them all:⁵¹ He who made this one wise can make him a fool, and He who has made this one a fool can make him wise.⁵² This is the teaching of R. Nathan. R. Judah the Prince says: ‘If thou wouldst bless me indeed’, by multiplying and increasing; ‘and enlarge my border’, with sons and daughters; ‘and that thine hand might be with me’, in business; ‘and thou wouldst keep me from evil’, that I have no head-ache, ear-ache nor eye-ache; ‘that it may not grieve me’, that the evil inclination may not have power over me so as to prevent me from studying: If thou doest so, it is well, but if not, I will go with my ‘grief’ to

the grave. 'And God granted him that which he requested'.

Likewise⁵³ you say: The poor man and the man of medium wealth have met together, the Lord lighteneth both their eyes;⁵⁴ when the poor man goes to the donor and says, 'Assist me', if he assists him it is well, but if not, 'the rich and the poor meet together, the Lord is the maker of them all': He who made this one rich can make him poor, and He who made this one poor can make him rich.

SAID R. SIMEON: WHAT DO WE FIND AS REGARDS etc. Our Rabbis taught: R. Simeon says, Five sin-offerings are left to die — an offspring of a dedicated animal, the substitute of a sin-offering, a sin-offering whose owner has died, a sin-offering whose owner has procured atonement, and a sin-offering whose year is passed. Now you cannot apply [the law of] the offspring of a dedicated animal to a congregation because a congregation does not bring a female animal [for an offering]. You cannot also apply [the law of] the substitute of a sin-offering to a congregation because a congregation cannot effect exchange. You cannot also apply [the law of] a sin-offering whose owner has died to a congregation because 'a congregation does not die'. With regard to the cases of a sin-offering whose owner has procured atonement or whose year is passed, we do not as yet know.⁵⁵ Shall we say then that these have the same rule in the case both of a congregation and an individual? I will tell you. Let the cases which are not explicitly stated⁵⁶ be derived [by analogy] from the cases explicitly stated⁵⁷ [as follows]: Just as the cases explicitly stated apply to an individual and not to a congregation, so the cases regarding the owners of a sin-offering who have procured atonement and a sin-offering whose year has passed only apply to an individual and not to a congregation.

(1) The laying of hands on the animal previous to a sacrifice on a Festival, which was the very first subject over which there was a difference of opinion, the School of Shammai holding that it was permissible and the School of Hillel that it was not permissible. This controversy took place after the time of Joseph b. Jo'ezer.

(2) Hag. 16a. V. (Sonc. ed.) p. 105, n. 1. We therefore see that even in Joseph b. Jo'ezer's time there were already differences of opinion relating to certain laws.

(3) Lit., 'heart'.

(4) Through the holy spirit, that these forgotten laws should be taught anew (R. Gershom).

(5) Deut. XXX, 12. The whole Torah has already been given.

(6) Num. XXXVI, 13.

(7) Var. lec.: Have obtained atonement.

(8) Whether the animal was left to die or to pasture.

(9) Bah omits from 'It is not' to 'he replied'.

(10) On any points of law.

(11) I.e., I have no doubts.

(12) Ex. XXXIII, 11.

(13) I.e., he took offence at Joshua's remark, which implied he had no longer need of him.

(14) He was punished for causing this weakness of Moses.

(15) Until he should tell them the laws.

(16) These laws, since the Torah is not in heaven.

(17) Josh. I, 1.

(18) Ibid. II. The bracketed words are inserted with Bah; v. also Sh. Mek.

- (19) Conclusion from minor to major.
- (20) Analogies based on verbal congruities.
- (21) Numerical tabulations, (e.g., thirteen things were taught with reference to nebelah of a clean bird, five are not in a position to give temurah, etc). employed by the Rabbis as an aid to remembering the laws.
- (22) I.e., Kiryath Sefer (Lit., 'the city of the book') and explained as meaning that Othniel won back the store of traditional teachings lost during the mourning period for Moses.
- (23) Josh. XV, 17.
- (24) Inserted with Sh. Mek.
- (25) Because she was very beautiful, the word **vxfg** being derived from the word **xgf** which means 'anger'.
- (26) The continuation of the previous text.
- (27) The word **jbm, u** is explained here as being derived from **jum** 'To cry out', 'shout'.
- (28) Ibid. 18-19.
- (29) The word **cdb** 'south' is here derived from the root **cdb** meaning 'to be dry'.
- (30) Josh. XV, 18-19.
- (31) I.e., aman to whom the Torah is gelyah (revealed), a play on the word gulloth (springs).
- (32) V. Bah; cur. edd. read: Let him seek food from him who dwells with the upper and nether worlds.
- (33) Var. lec. 'of me', hence render: 'need he seek food of me, surely he will not be in want'.
- (34) For the Gemara above cites the text which says that Othniel the brother of Caleb was the son of Kenaz, thus implying that Kenaz was the father of Caleb.
- (35) Since Scripture says (Josh. XIV, 13) Caleb the son of Jephunneh and does not say the son of Kenaz.
- (36) **vbuph** and **vbp** 'turn from' having verbal similarity.
- (37) I Chron. II, 18. This is explained in Sot. 12a to mean that he married Miriam who was forsaken on account of an illness. Since he therefore married her for heaven's sake, Scripture accounts it as if he had begotten her.
- (38) And Othniel was his brother on the maternal side.
- (39) That Caleb was not the son of Kenaz, his father being Hezron.
- (40) Josh. ibid.
- (41) Now if Caleb's father was Kenaz, why does not the text say, 'the son of Kenaz'? This therefore proves that Kenaz only brought him up but did not beget him. The bracketed passage is inserted with Rashi and Sh. Mek; V. Wilna Gaon Glosses.
- (42) In I Chron. II, 55 it says: And the families of the Scribes which dwelt at Jabez, these are the Kenites, and in Judg. I,16: And the children of the Kenites, etc. and went, etc. This must have been Othniel, Later on it says: And Judah went with Simeon his brother, referring to Othniel mentioned previously in the text (Wilna Gaon Glosses).
- (43) For this reading v. Sh. Mek.
- (44) **kthb, g** combining the words **vbg** with **kt** .
- (45) **.cgh** and **.gh** 'advising', having some verbal similarity.
- (46) I Chron. IV, 10.
- (47) Showing that if one devotes himself to the study of the Torah all his petitions are fulfilled.
- (48) 'Poor' is interpreted in the sense of one who is devoid of the knowledge of Torah and the expression, 'A man of medium wealth' is interpreted as one who only possesses a moderate knowledge of the Torah. When therefore the poor man asks the other to teach him, it is incumbent on the latter to do so just as God carried out the wish of Othniel (R. Gershom).
- (49) Prov. XXIX, 13.
- (50) For even the teacher requires enlightenment from God.
- (51) Prov. XXII, 2.

(52) God now starts to make them afresh, a fool or a wise man.

(53) This Tanna explains the text with reference to money and the need for assisting a person in want, as God did with Othniel (R. Gershom). Rashi explains 'likewise' as meaning that if one seeks and petitions for sustenance, heaven will fulfil his wishes.

(54) Both will become rich (R. Gershom).

(55) Lit., 'we have not learnt', whether they apply to a congregation.

(56) As to whether they apply to a congregation, the cases being a sin-offering whose owners procured atonement and a sin-offering whose year is passed.

(57) I.e., in the cases of offspring of a dedicated animal, a sin-offering whose owners died, and a substitute of a sin-offering.

Talmud - Mas. T'murah 16b

But can we form an analogy between a case where there is an alternative and a case where there is none?¹ — Said Resh Lakish: Four sin-offerings were specified to the Israelites [on Sinai to be left to die]² and the rule was extended to five.³ Now if you suppose that these were congregational sin-offerings, are three of them⁴ ever brought by a congregation?⁵ Then you must admit that we form an analogy between the cases not explicitly stated and those explicitly stated.

R. Nathan says: Only one sin-offering was specified to the [Israelites on Mount Sinai]⁶ and the rule was extended to all the five sin-offerings.⁷ But⁸ [if that is so] let us see in what class they learnt it,⁹ whether in that of the sin-offerings of an individual or of a congregation?¹⁰ — There were two forgettings.¹¹ And consequently they¹² were in a difficulty. If¹³ you should think that the rule¹⁴ applies to the sin-offering of a congregation, can these¹⁵ be brought by a congregation?¹⁶ Then it is proved from here that we form an analogy between the cases not explicitly stated¹⁷ and the cases explicitly stated: Just as in the cases explicitly stated the sin-offering is brought by an individual and not by a congregation, so in the cases not explicitly stated the sin-offering is brought by an individual and not by a congregation.¹⁸

MISHNAH. IN SOME WAYS [THE LAW RELATING TO] DEDICATIONS CARRIES GREATER WEIGHT THAN [THAT RELATING TO] EXCHANGE, AND IN SOME WAYS [THAT RELATING TO] EXCHANGE CARRIES GREATER WEIGHT THAN [THAT RELATING TO] DEDICATIONS. IN SOME WAYS [THE LAW RELATING TO] DEDICATIONS CARRIES GREATER WEIGHT THAN [THAT RELATING TO] EXCHANGE, FOR DEDICATED ANIMALS CAN EFFECT EXCHANGE WHEREAS ONE SUBSTITUTED CANNOT EFFECT EXCHANGE.¹⁹ A CONGREGATION OR PARTNERS CAN DEDICATE BUT CANNOT EFFECT EXCHANGE. WE CAN DEDICATE EMBRYOS AND LIMBS,²⁰ BUT WE CANNOT EFFECT EXCHANGE WITH THEM. [THE LAW RELATING TO] EXCHANGE CARRIES GREATER WEIGHT THAN [THAT RELATING TO] DEDICATIONS, SINCE EXCHANGE²¹ HAS EFFECT ON A PERMANENTLY BLEMISHED ANIMAL²² AND IT DOES NOT BECOME HULLIN

(1) The reason why in the three first cases the sinofferings are not left to die in the case of a congregation is because there cannot be an offering in such circumstances, for they can never occur in connection with a congregation. There is therefore no alternative, whereas in the other two cases the offering can be brought both by

an individual and a congregation.

(2) The fifth was to be left to pasture.

(3) Because they forgot during the period of mourning for Moses which one was to be left to pasture.

(4) For the cases of a sin-offering being left to die apply either all to a congregation or all to an individual.

(5) Viz., an offspring of a dedicated animal, a substitute of a sin-offering, and a sin-offering whose owners died.

(6) To be left to die, and the other four cases of sin-offerings were only to be left to pasture. It was, however, forgotten which were meant to die and which to pasture.

(7) I.e., all five were to be left to die.

(8) Before R. Nathan can complete his observation, he is interrupted with a question why it was necessary to condemn the four to die out of doubt.

(9) Viz., the sin-offering which was to be left to die.

(10) Let us see to what class this sin-offering which was to be left to die was remembered as belonging. If it was remembered as being the sin-offering both of a congregation and an individual, then let us say that a sin-offering whose owners procured atonement and a sin-offering whose year is passed are left to die because of doubt, whereas in the other three cases, which are entirely different, as they could not occur in connection with a congregation, there could be no doubt that there is no death for the sin-offerings. And if the case of a sin-offering being left to die was remembered only in connection with the offering of an individual, then let us say that these three sin-offerings, substitute and offspring of a dedicated animal etc., since they can be brought only by an individual, are left to die, but about the other two sin-offerings there can be no doubt, for they are entirely different (Rashi).

(11) The class in which the sin-offering that was to die was placed at Sinai (viz., congregational or individual) and also which of the five sin-offerings was to die.

(12) Those who lived in the days of Joshua and forgot those laws regarding sin-offerings.

(13) R. Nathan now continues to explain R. Simeon's teaching in the Mishnah.

(14) Of the sin-offering left to die.

(15) The four sin-offerings which are left to pasture.

(16) For this can never happen. Since therefore it is remembered that there were five sin-offerings which were either to be left to pasture or die, they were stated as regards an individual, in which circumstances all the five sin-offerings can occur.

(17) A sin-offering whose owners procured atonement and whose year had passed.

(18) This then is the reason for R. Simeon's opinion. The Rabbis however hold that four cases of sin-offerings were imparted from Sinai to be left to die. Therefore wherever we find that a sin-offering applies to an individual and a congregation, then it applies, and where not, it does not apply.

(19) So that if one says concerning an animal consecrated through being a substitute that it should in turn confer holiness on another animal by means of exchange, a further exchange does not take place.

(20) This is the view of R. Judah (supra 10a).

(21) So with Sh. Mek.

(22) So that if one substitutes a blemished animal for an unblemished dedicated animal, holiness attaches to the former to the extent that it does not become hullin.

Talmud - Mas. T'murah 17a

SO AS TO BE SHEARED [OF ITS WOOL] AND WORKED.¹ R. JOSE SON OF R. JUDAH SAYS: AN EXCHANGE IN ERROR IS PUT ON A LEVEL WITH AN INTENTIONAL [EXCHANGE], BUT A DEDICATION IN ERROR IS NOT PUT ON A LEVEL WITH AN INTENTIONAL [DEDICATION]. R. ELEAZAR² SAYS: KIL'AYIM,³ TREFAH, A FOETUS

Talmud - Mas. K'rithoth 2a

CHAPTER I

MISHNAH. THERE ARE IN THE TORAH THIRTY-SIX [TRANSGRESSIONS WHICH ARE PUNISHABLE¹ WITH] EXTINCTION:² WHEN ONE HAS INTERCOURSE WITH HIS MOTHER,³ HIS FATHER'S WIFE OR HIS DAUGHTER-IN-LAW; WHEN A MAN HAS CONNECTION WITH A MALE, OR COVERS A BEAST, OR WHEN A WOMAN ALLOWS HERSELF TO BE COVERED BY A BEAST; WHEN ONE HAS INTERCOURSE WITH A WOMAN AND HER DAUGHTER,⁴ WITH A MARRIED WOMAN, WITH HIS SISTER, WITH HIS FATHER'S SISTER, HIS MOTHER'S SISTER, HIS WIFE'S SISTER,⁵ HIS BROTHER'S WIFE,⁶ THE WIFE OF HIS FATHER'S BROTHER,⁷ OR WITH A MENSTRUOUS WOMAN; WHEN ONE BLASPHEMES [THE LORD].⁸ SERVES IDOLS,⁹ DEDICATES OF HIS CHILDREN TO MOLECH¹⁰ OR HAS A FAMILIAR SPIRIT,¹¹ OR DESECRATES THE SABBATH;¹² . WHEN AN UNCLEAN PERSON EATS OF SACRIFICIAL FOOD,¹³ OR WHEN ONE ENTERS THE PRECINCTS OF THE TEMPLE IN AN UNCLEAN STATE;¹⁴ WHEN ONE EATS HELEB,¹⁵ BLOOD,¹⁶ NOTHAR¹⁷ OR PIGGUL;¹⁸ WHEN ONE SLAUGHTERS OR OFFERS UP¹⁹ [A CONSECRATED ANIMAL] OUTSIDE [THE TEMPLE PRECINCTS]; WHEN ONE EATS ANYTHING LEAVENED ON PASSOVER;²⁰ WHEN ONE EATS OR WORKS ON THE DAY OF ATONEMENT;²¹ WHEN ONE COMPOUNDS OIL [OF ANOINTING]²² OR COMPOUNDS INCENSE,²³ OR USES [UNLAWFULLY] OIL OF ANOINTING;²⁴ AND [WHEN ONE TRANSGRESSES THE LAWS OF] THE PASCHAL OFFERING²⁵ , AND CIRCUMCISION²⁶ — FROM AMONG POSITIVE COMMANDMENTS. FOR THESE [TRANSGRESSIONS] ONE IS LIABLE TO EXTINCTION IF COMMITTED WILFULLY,²⁷ AND IF IN ERROR TO A SIN-OFFERING,²⁸ AND IF THERE IS A DOUBT WHETHER HE HAD COMMITTED THE TRANSGRESSION TO A SUSPENSIVE GUILT-OFFERING, EXCEPT IN THE CASE OF ONE WHO DEFILED THE TEMPLE OR ITS CONSECRATED THINGS,²⁹ SINCE ONE IS LIABLE IN THIS CASE TO A SLIDING-SCALE SACRIFICE.³⁰ THUS R. MEIR, WHILE THE SAGES SAY: ALSO THE BLASPHEMER [IS AN EXCEPTION],³¹ FOR IT SAYS: YE SHALL HAVE ONE LAW FOR HIM THAT DOETH AUGHT IN ERROR,³² THIS IS TO EXCLUDE THE BLASPHEMER³³ WHO PERFORMS NO ACTION.³⁴ [

(1) If committed wilfully, but without due warning by two witnesses of the punishments they involve. If committed after such warning, the penalties vary between flagellation and the death sentence.

(2) Heb. kareth, 'cutting off'; i.e., the perpetrator's life is cut short by Providence (v. Glos.): M.K. 28a.

(3) This law as well as the other laws in the Mishnah relating to incestuous or other immoral connections are enumerated in Lev. XVIII. A notable omission from the list of incestuous relations is a daughter, both legitimate and illegitimate. The prohibition relating to her is taken to be self-evident from the explicit prohibition of intercourse with a woman and her daughter, or implied in the law regarding a grand-daughter. Cf. Yeb. 3a; Rashi ad loc.

(4) Or for that purpose also a grand-daughter.

(5) This prohibition holds good only while his wife is alive even though divorced.

(6) An exception is the case of levirate marriage, Deut. XXV, 5f.

- (7) In some edd. 'the wife of his mother's brother' is added here.
- (8) Num. XV, 30.
- (9) Ibid. 31, which is understood to refer to idolatry.
- (10) Lev. XVIII, 21.
- (11) Ibid. XX, 6; cf. Sanh. VII, 6.
- (12) Ex. XXXI, 14.
- (13) Lev. XXII, 3.
- (14) Num. XIX, 20.
- (15) Certain portions of the abdominal fat of cattle which may not be eaten, Lev. VII, 25.
- (16) Ibid. XVII, 14.
- (17) Sacrificial portions left over beyond the prescribed time; these have to be burnt, *ibid.* XIX, 6-8. V. Glos.
- (18) The flesh of an offering which became unfit by reason of an improper intention in the mind of those officiating. *ibid.* VII, 18; XIX, 7-8; v. Glos.
- (19) Ibid. XVII, 9.
- (20) Ex. XII, 19.
- (21) Lev. XXIII, 29-30.
- (22) In the exact quantities prescribed in Ex. XXX, 23-33.
- (23) In the proportions prescribed in *ibid.* 34-38.
- (24) Ibid. 32.
- (25) Num. IX, 13.
- (26) Gen. XVII, 14.
- (27) But without legal warning; v.n. 1 p. 1.
- (28) Referring to the prohibitory laws only. No sin-offering is required for sins of omission. 'Error' denotes ignorance of the nature of the object at the time of transgression; but in case of complete ignorance of the law, no offering is brought; thus Rashi against Maim. Shegath II, 6.
- (29) I.e., one is exempt from an offering in case of doubt.
- (30) I.e., the sacrifice varies according to the means of the transgressor, Lev. V, 6, 7, 11. The rule is that a suspensive guilt-offering is brought only in cases where, if in error, one is liable to a fixed sin-offering and not to one that varied according to circumstances, cf. *infra* 25a.
- (31) V. Gemara.
- (32) Num. XV, 29.
- (33) The verse deals with those who must bring a sin-offering; v. *ibid.* 27.
- (34) I.e., whose offence consists of words.

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GEMARA. Why has a number been mentioned [in the Mishnah]? — Said R. Johanan: [To tell you] that if one commits all [these transgressions] in one spell of unawareness he is liable [to a sacrifice] for each of them.¹ Again, as to that which we have learnt: 'There are thirty-nine principal categories of work prohibited on the Sabbath',² why has a number been mentioned there? [To tell you] that if one does them all in one spell of unawareness he is liable to a sacrifice for each of them. Again, as to that which we have learnt: 'There are four who require an act of atonement',³ — why has a number been mentioned there? — To exclude the view of R. Eliezer b. Jacob, who holds that there are five, as we have learnt: 'R. Eliezer b. Jacob says: A proselyte [too] requires atonement [and may not eat of sacred things] until the blood [of the sacrifice] has

been sprinkled'. This is why the number 'four' has been mentioned. Again, as to that which we have learnt: 'In four instances one brings the same sacrifice for wilful transgression as for transgression in error',⁴ — why has a number been mentioned there? — To exclude the view of R. Simeon. For it has been taught: 'R. Simeon holds, that in the case of a false oath concerning a deposit⁵ wilful transgression is not expiable by a sacrifice'.⁶ This is why the number 'four' has been mentioned there. Again, as to that which we have learnt: 'There are five Instances where one sacrifice is brought for several transgressions',⁷ — why has a number been mentioned? — Because it wishes to state in the sequel, 'And a nazirite who became unclean several times'. Now this is rendered possible if he became defiled on the seventh [clean] day⁸ and then again on the seventh day,⁹ and in accordance with the view of R. Jose son of R. Judah, who maintains that the 'Naziritship of Cleanness'¹⁰ begins to operate from the seventh day.¹¹ For according to Rabbi, who holds that the 'Naziritship of Cleanness' does not become operative before the eighth day, how is this rendered possible? If he was defiled on the seventh day and then again on the seventh, the whole is one protracted period of uncleanness;¹² and if he was defiled on the eighth day and then again on the eighth, since he had passed the time when the sacrifice became due, he should be liable to a separate offering for each defilement? It is thus proved that that [Mishnah] is in accordance with R. Jose son of R. Judah.¹³ Where is the dispute between Rabbi and R. Jose son of R. Judah? — As it has been taught: 'And he shall hallow his head the same day'¹⁴ refers to the day of the bringing of the sacrifice, says Rabbi; R. Jose son of R. Judah says: To the day of the cutting of his hair',¹⁵ Again, as to that which we have learnt: 'Five must bring a sliding-scale offering' — why has a number been mentioned there?¹⁶ — Because it says in the sequel:¹⁷ 'The same applies to the ruler'.¹⁸ He thus mentions the number 'five' to exclude the view of R. Eliezer who holds¹⁹ that a ruler brings a goat as an offering.²⁰ Again, as to that which we have learnt: 'There are four principal categories of damage',²¹ — why has a number been mentioned there? — To exclude the view of R. Oshaia, who holds there are thirteen such categories.²² But then why has R. Oshaia mentioned a number? — To exclude the view of R. Hiyya, who holds that there are twenty-four such categories.²³ But then why has R. Hiyya mentioned a number? — To exclude an informer and one who renders a sacrifice piggul.²⁴

The Master said: 'If one commits all these transgressions in one spell of unawareness, one is liable [to a sacrifice] for each of them'. It is well that you could not declare him exempted altogether, for it is written: For whosoever shall do any of these abominations [even the souls that do them] shall be cut off.²⁵ But why not say, if he commits one transgression of these he is liable to one sacrifice, if he transgresses them all in one spell of unawareness he is still liable only to one offering? — Replied R. Johanan: It is for this reason that [the penalty of] kareth has been specially mentioned in connection with 'his sister',²⁶ to intimate that each of them requires a separate atonement.²⁷ R. Bibi b. Abaye demurred to this: Why not say, in the case of 'his sister', which Scripture has singled out, a separate offering is required, but as to the other transgressions there should be but one sacrifice [for them all] since they have been committed under one spell of unawareness?²⁸ But as to R. Bibi b. Abaye, does he not accept [the general principle] which has been taught: 'If a law has been included in a class and has then been singled out for some specification, this specification applies not only to that law but to the whole class',²⁹ for instance [Scripture reads]: And the soul that eateth of the flesh [of the sacrifice of peace-offering. . .].³⁰ Now, was not the peace-offering included in the general class of consecrated things,³¹ why has it been singled out? To make [consecrated things]³² analogous [for the purpose of this law] to the

peace-offerings: As the peace-offerings are dedications to the altar, and for this reason one is liable on their account to kareth, so also whatever are dedications to the altar, one is liable on account thereof to kareth; this excludes dedications for the Temple Repair [Fund].³³ — R. Bibi might reply: From this very [Baraita one can prove the contrary]. Did you not say that dedications for the Temple Repair [Fund] were to be excluded? Likewise here [argue in a similar manner]: Just as ‘his sister’ is distinguished in that it is a relation which can never be permitted in the lifetime of the man who renders her forbidden,³⁴ so must the others³⁵ be such relatives as cannot be permitted in the lifetime of those who render them forbidden; this excludes the married woman, who can be permitted during the lifetime of him who renders her forbidden!³⁶ — Said R. Jonah, or as some say, R. Huna the son of R. Joshua, Scripture says: For whosoever shall do any of these abominations etc.,³⁷ all other forbidden relations are thus made analogous to ‘his sister’: Just as in the case of ‘his sister’ one is liable on her account to a separate offering, so also in all other cases one is liable to a separate offering for each [transgression]. But according to R. Isaac who holds,³⁸ All transgressions³⁹ liable to kareth have been comprised in a general statement,⁴⁰ and the reason that kareth has been singled out in the case of ‘his sister’ is to render [the offence] subject to the penalty of kareth and not lashes,⁴¹ — wherefrom does he then derive that separate offerings have to be brought for each transgression? — He derives it from: And thou shalt not approach unto a woman while she is a niddah⁴² by her uncleanness;⁴³ a separate offering is brought for each woman.⁴⁴ But as to the Rabbis,⁴⁵ let them derive the law [relating to separate offerings] from: ‘Unto a woman while she is a niddah by her uncleanness’? — Indeed they do. And for which purpose then has the penalty of kareth been mentioned in the case of ‘his sister’? — [To teach] that separate sacrifices be brought for intercourse with ‘his sister’, ‘his father's sister’ and ‘his mother's sister’. But is [a text] necessary to separate these [various offences],⁴⁶ are these [transgressions] not of different denominations and [committed with] different persons? — Rather, say that [three] separate sacrifices be required in the case of intercourse with ‘his sister’ who is at the same time his father's sister and his mother's sister.⁴⁷ And whence will R. Isaac derive this? — He will derive it from the latter part of the verse: He hath uncovered his sister's nakedness.⁴⁸ And for which purpose do the Rabbis apply ‘his sister’ in the latter part of the verse? — They apply it

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- (1) The mention of the number indicates that each transgression preserves its identity even if committed in conjunction with other transgressions.
 - (2) Shab. VII, 2.
 - (3) Before they may partake of sacred things.
 - (4) V. infra 9a where no number is mentioned.
 - (5) Which is one of the four instances mentioned in that Mishnah. According to him there are, then, only three such instances.
 - (6) Sheb. 34b.
 - (7) V. infra 9a.
 - (8) A nazirite who is defiled during the period of his naziriteship has to count seven clean days and bring an offering on the eighth day. He has then to observe again his vow of naziriteship for the period stipulated, v. Num. VI, 9f. If he is defiled on the seventh of the clean days, he has to start again this period of cleanness, etc.
 - (9) Viz., after the new defilement which interrupted the resumed count of naziriteship.
 - (10) I.e., the new count of naziriteship.
 - (11) His new defilement on the seventh day is therefore to be considered independent of that which preceded it.

- (12) Its inclusion as a case where one is liable to one offering for several transgressions is then not justified.
- (13) The number has thus been mentioned to include the nazirite and thus to teach that the Mishnah is in accordance with R. Jose and not Rabbi.
- (14) Num. VI, 11. The continuation of this text prescribes the resumption of his naziriteship.
- (15) I.e., the seventh day (ibid. g); v. infra 9b.
- (16) V. infra 9a.
- (17) Viz., of the Mishnah in Hor. 8b.
- (18) I.e., he too is exempted altogether from any sacrifice in all cases where an ordinary person would have to bring a sliding-scale offering.
- (19) Ibid. 9a.
- (20) I.e., the number has been mentioned to stress that in the instances of these five transgressions enumerated in the Mishnah, infra 9a, none but a sliding-scale sacrifice can be brought and consequently a ruler brings in such cases no offering at all, in accordance with the general rule that a ruler is altogether exempt whenever the prescribed offering is not fixed.
- (21) B.K. 2a.
- (22) B. K 4b.
- (23) Ibid.
- (24) V. Glos. I.e., these two are exempted from paying indemnity; v. B.K. 5a.
- (25) Lev. XVIII, 29.
- (26) Ibid. XX, 17; although this penalty is already implied in the collective statement in Lev. XVIII, 29. The superfluous mention of kareth in a single instance is to indicate that this penalty is prescribed for each transgression separately even when committed in conjunction with others.
- (27) Lit., 'to divide'.
- (28) I.e., one sacrifice should be offered for incestuous relations with a sister and one for the rest of transgressions collectively.
- (29) One of the famous thirteen hermeneutic rules of R. Ishmael.
- (30) Ibid. VII, 20 dealing with the prohibition for an unclean person to eat sacred food.
- (31) Ibid. XXII, 3.
- (32) To which the statement in Lev. XXII, 3 is meant to apply.
- (33) And here likewise all cases of incestuous relationships ought to be derived from 'his sister'.
- (34) I.e., she always remains forbidden to the brother.
- (35) For the purpose of liability to a separate offering.
- (36) I.e., she may remarry on divorce even in the lifetime of him who had hitherto rendered her forbidden, i.e., her husband. One might thus argue that one should not be liable to a separate offering for having relations with a married woman, if the transgression was committed together with other transgressions relating to forbidden relations, in one spell of unawareness.
- (37) Lev. XVIII, 29.
- (38) V. Mak. 13b, 23b. R. Isaac employs the previously mentioned analogy for a different purpose.
- (39) Referring to forbidden marriages.
- (40) Lev. ibid.
- (41) I.e., his sin is not expiated by the infliction of lashes upon him.
- (42) I.e., a menstruant woman.
- (43) Lev. XVIII, 19.
- (44) The word 'woman' is considered superfluous; it should read, 'not approach a niddah'.
- (45) I.e., the opponents of R. Isaac, who hold that lashes effect expiation where kareth is predicated. The law

referring to separate offerings seems according to them to be derived from 'his sister'.

(46) To teach that each must be atoned for separately.

(47) V. infra 25a.

(48) Ibid. XX, 17. The word 'sister' is considered superfluous. It should read 'her nakedness'.

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to 'his sister' who is his father's daughter and his mother's daughter,¹ and to teach you that the trespass of a law deduced ad majus is not punishable. R. Isaac on the other hand holds that it is punishable. Or, if you will, I can say he will derive [the inclusion of the full sister in the pronouncement of] punishment from [its inclusion in the pronouncement of] prohibition.²

Said R. Eleazar in the name of R. Hoshai: Wherever two negative commands are combined in one [collective pronouncement of the penalty of] kareth, separate sin-offerings are to be brought for each of them.³ Where is this exemplified? — In the instances of one who compounds or uses the sacred oil of anointment, for it is written: Upon the flesh of man shall it not be poured [neither shall ye make any like it], according to the composition thereof;⁴ whilst as to the one [pronouncement of] kareth, it is written: Whosoever compoundeth any like it, or whosoever putteth any of it upon a stranger, he shall be cut off from his people.⁵ Now, [according to this rule] since there is a separate negative command for each of the forbidden relations, why was it necessary [to single out in the Torah the] kareth [penalty] in the case of 'his sister'?⁶ — According to R. Isaac it is as we have explained above; whilst as to the Rabbis, [they employ the text] to let us know that a law derived by the conclusion ad majus is not punishable.⁷ Said R. Nahman son of Isaac: We have also learnt to this effect: WHEN ONE COMPOUNDS OIL [OF ANOINTING] OR COMPOUNDS INCENSE, OR USES OIL OF ANOINTING. Why has [the law concerning] one who compounds incense been placed between [the other two laws]⁸ if not to let us know: As [the law concerning] incense is a separate prohibition and one is liable on account thereof to a separate sin-offering, so also where one compounds oil of anointing and uses it, since they are the subject of separate prohibitions, one is liable on account of them to separate sin-offerings.³ And if you argue [that the reason of this order in the Mishnah is] because the instances concerning compounding had to be stated together, [then I would argue] that [the Tanna] should have reversed the order and stated as follows: When one compounds incense, or compounds the oil, or uses the oil [of anointing]; wherefore has he separated [the laws relating to] oil one from the other, if not to let us know that separate sin-offerings are to be brought for them? This proves it.

WHEN A MAN HAS CONNECTION WITH A MALE. Whom has the Tanna in mind?⁹ If a male, then you must omit the instance of the woman that is covered by a beast, and you are one short;¹⁰ if a woman, you must omit the instances of the man who has connection with a male or covers a beast, and you are short of two. — Said R. Johanan: Indeed the Tanna refers to a male, but read thus: When a male has connection with a male or causes a male to have connection with him; and [the Mishnah] is in accordance with R. Ishmael, who holds¹¹ that one is liable to two sin-offerings.¹² But since the case of the blasphemer is stated in the latter clause of the Mishnah and has been explained in accordance with R. Akiba,¹³ have we not to assume that also the earlier clause is in accordance with R. Akiba? And if you should argue that [the Mishnah] is indeed

according to R. Akiba, but that he himself agrees with R. Ishmael's view in the case dealt with in the earlier clause, [I would retort,] did not R. Abbahu say: If a man has connection with a man or causes a man to have connection with him, on the view of R. Ishmael, who derives these [prohibitions] from two different texts, viz., Thou shalt not lie with mankind,¹⁴ and Neither shall there be a sodomite of the sons of Israel,¹⁵ he is liable to two sin-offerings; but according to R. Akiba he is liable to one sin-offering, since he derives both [prohibitions] from one and the same text, viz., 'Thou shalt not lie with mankind', Interpreting this: Thou shalt not cause [mankind] to lie [with thee]?¹⁶ Rather [you must say]: The first clause is according to R. Ishmael, but in the case of the blasphemer he agrees with R. Akiba. If so, the Mishnah should have also stated: When a man covers a beast or causes a beast to cover him? — Surely Abaye said: If a man covers a beast and causes a beast to cover him, even according to R. Ishmael, he is liable to one offering only, because the Scriptural text refers to human males only! R. Eleazar in the name of Rab said:¹⁷ The Tanna of our Mishnah meant to imply the possibility of one person¹⁸ bringing thirty-three sin-offerings,¹⁹ and he mentions the other three instances²⁰ in order to complete the list of sins punishable with kareth. For it reads in the concluding clause: [WHEN ONE TRANSGRESSES THE LAWS OF] THE PASCHAL OFFERING AND CIRCUMCISION — FROM AMONG POSITIVE COMMANDMENTS. Now, wherefore have [the laws concerning the] paschal lamb and circumcision been enumerated? Should you say to intimate that one has to offer a sacrifice on their account?²¹ But does one bring a sacrifice on their account? Has it not been taught: All the laws of the Torah have been brought into analogy with idolatry,²² viz., Ye shall have one law for him that doeth ought in error,²³ and But the person that doeth aught with a high hand:²⁴ Just as the law concerning idolatry is the subject of a prohibition, so have all other transgressions to be the subjects of a prohibition?²⁵ This, therefore, proves that the Tanna speaks of thirty-three transgressions committed in error, and that the other three cases have been mentioned only for the purpose of completing the list of sins punishable with kareth. This proves it.

WHEN ONE DESECRATES THE SABBATH. It was remarked: Are there not thirty-nine different classes of work on Sabbath?²⁶ — Said R. Johanan: Our Tanna speaks of the case [where one was] in error in respect of the Sabbath, but aware of [the prohibition of the various kinds] of work [thereon],²⁷ in which case one is liable to one sacrifice only. For it has been taught:²⁸ How is 'these' resulting in 'one':²⁹ If one is in error in respect of the Sabbath but aware of the prohibition of [various kinds of] work! But why does not the Tanna speak of the case where one was aware of the Sabbath and in error in respect to the prohibition of the various kinds of labour, making him then liable to thirty-nine [sin-offerings]? For has it not been taught:³⁰ . . . and shall do any one of these [transgressions]? Sometimes one is liable to one offering for all transgressions and sometimes to an offering for each of them? [How is] 'one' resulting in 'these': If he was aware of the Sabbath and in error in respect of the work? — Our Tanna prefers to state the instance of the error in respect of the Sabbath and awareness [of the prohibition] of the various kinds of work to let us know that one is not altogether exempted from a sin-offering in such a case.³¹ And you must likewise explain the instance of idolatry of which our Mishnah speaks as referring to an error in respect of the idol but with an awareness of the prohibition of the forms of [idolatrous] worship. How is error in respect of the idol' to be understood? Shall I say that he stood in a house of idolatry and, thinking it was a synagogue, prostrated himself? But then his heart was directed towards Heaven. Again, if he saw a statue and prostrated himself to it, then if he accepted it as a deity, he is subject to stoning; on the other hand, if he did not acknowledge it as a deity, what has

he done? Rather he served idols out of love or fear [of a fellow-man].³² That is right according to Abaye who holds³³ one is liable [in such a case!], but according to Raba who says that one is exempted, how is it to be understood?

(1) The text, Lev. XVIII, 9, mentions his father's daughter or his mother's daughter. The full sister, though not explicitly stated, can be derived by the conclusion ad majus. On the basis of this conclusion, however, no penalty is imposed according to the Rabbis. In Lev. XX, 17, however, the full sister is taken to be implied because sister is mentioned there without qualification.

(2) For the latter part she is assumed to be implied in the general term, 'she is thy sister' of Lev. XVIII, 11. Cf. Mak. 5b.

(3) Viz., in case of their transgression in one spell of unawareness.

(4) Ex. XXX, 32.

(5) Ibid. 33.

(6) V. the preceding discussion. R. Isaac employs this special mention of kareth for the derivation of the rule that separate offerings are to be brought for each transgression, whilst the Rabbis derive this rule from another text. According to the Rabbis, the question here will similarly be that that other text is now superfluous.

(7) In cur. edd. the following text is inserted here: 'According to R. Isaac, he derives from this that one is liable in the case of "his sister" who is at the same time his father's sister and his mother's sister. The Rabbis, however, will derive this from "his sister" of the former text; while R. Isaac holds that "his sister" in the former text is essential in the context and derives the rule of separate offerings from the word "his sister" in the latter text: that separate offerings be brought in the case of "his sister" who is at the same time his father's sister and his mother's sister'. This insertion is struck out by Rashi and others.

(8) Which refer to oil and should therefore be stated together.

(9) Viz., with his implication expounded above by R. Johanan that if a person transgresses them all in one spell of unawareness, he is liable to an offering for each trespass.

(10) Of the full total of thirty-four sin-offerings involved for all the transgressions enumerated in the Mishnah. The transgressions relating to the paschal lamb and circumcision involve no sin-offering.

(11) V. Sanh. 54b.

(12) If committing these two offences in one spell of unawareness.

(13) V. infra 7a.

(14) Lev. XVIII, 22.

(15) Deut. XXIII, 18. This refers to the passive agent.

(16) The kal **cfa,** is read as the hipil **chfa,** .

(17) In answer to the original query as to whether the Tanna refers to a man or woman.

(18) Viz., a male.

(19) And not thirty-four as hitherto assumed.

(20) I.e., the one which does not apply equally to man and woman and those transgressions relating to the paschal lamb and circumcision.

(21) I.e., that they be included in the statement of the Mishnah regarding the bringing of a sin-offering in the case of transgression in error.

(22) Mak. 13b.

(23) Num. XV, 29.

(24) Ibid. 30. The latter text refers to idolatry. The juxtaposition of the texts effects the analogy.

(25) In order to involve a sin-offering.

(26) V. Shab. VII, 1. Our Mishnah should therefore, on the view of R. Johanan, have enumerated seventy-four

transgressions for the commission of which one would be liable to many sin-offerings.

(27) I.e., he did not know that the day was Sabbath, though he knew that work was prohibited on the Sabbath Day.

(28) Shab. 70b.

(29) The twofold partitive prefix in **vbvn , j tn**, Lev. IV, 2 is an unusual construction. Both prefixes are regarded as significant, to be used separately: firstly as **, j t vbvn** 'one out of these', indicating that several prohibited acts may be counted as one transgression, namely when they result from one error; secondly as **vbv , j tn** 'these out of one', implying that one law e.g., Sabbath, may lead to several transgressions, namely when the various acts originate in different errors. The former implication is expressed in the Gemara in the terms that 'these' results in 'one', and the latter that 'one' results in 'these'.

(30) Sanh. 62a.

(31) Contrary to the possible assumption that since he was aware that the work was prohibited he is to be regarded as having sinned with presumption.

(32) Thinking that with this motive worship was not forbidden.

(33) V. Sanh. 61b.

Talmud - Mas. K'rithoth 3b

— Rather [it is to be understood] where he thought that the worship of idols was permitted. For Raba's question to R. Nahman¹ was whether one is liable to one offering or to two;² that one should be exempted altogether was never suggested by him.³ R. Papa said: It is possible⁴ where one had been captured as a child by heathens, he would know that idolatry was forbidden,⁵ but not that these particular idols were forbidden. Or if you wish, I may say that they can occur also with an adult,⁶ where e.g., he erred in the interpretation of the verse, Ye shall not make with the gods of silver or gods of gold, etc.⁷ and assumed that only the prostration before idols of gold or silver was forbidden, but not of any other material. This would then be a case of error in respect of the idol and awareness of the prohibition of the forms of worship. R. Aha the son of R. Ika said in the name of R. Bibi:⁸ Our Tanna enumerates Sabbath as a class and idolatry as a class.⁹ Whence [do we know this]? — It says, WITH A WOMAN AND HER DAUGHTER, OR WITH A MARRIED WOMAN. Now there is still the case of his daughter from a woman outraged by him, which is not mentioned in the Mishnah.¹⁰ [But] I might retort [the reason of this omission is that] the laws written in the Torah are mentioned, the laws not written in the Torah are not mentioned!¹¹ — Surely there are still the instances of his wife's daughter, her daughter's daughter and her son's daughter, which are written in the Torah¹² and yet not mentioned in our Mishnah. You are thus obliged to say that the whole class of woman and daughter is meant to be implied in the Mishnah; similarly interpret the Mishnah as referring to the class of Sabbath and the class of idolatry. R. Aha the son of R. Ika found that he [R. Bibi] contradicted himself. For how could R. Bibi b. Abaye say here, 'Our Tanna enumerates the Sabbath as a class and idolatry as a class'; was it not stated: 'If one offered up [the sacrificial] limbs [of an offering] slaughtered inside the Temple precincts outside the Temple court, one is liable; similarly, if he offered up outside limbs [of an offering that was slaughtered] outside [the Temple precincts] he is liable'?'¹³ And in connection with this R. Bibi b. Abaye himself raised the difficulty: If so, how does the Mishnah state, THERE ARE IN THE TORAH THIRTY-SIX TRANSGRESSIONS PUNISHABLE WITH EXTINCTION? Are there not thirty-seven such transgressions, since there are the two cases of one offering up [outside] sacrificial portions. Now, what is his difficulty, since one can retort that the Tanna states the offering up as a class? What comparison is there? The laws of

Sabbath and of idolatry are stated [elsewhere] in their proper place [in a Mishnah];¹⁴ when being mentioned here again in connection with kareth, it suffices to enumerate Sabbath and idolatry as types. But as to the laws of offering up, where is the place [in a Mishnah] that they have been stated,¹⁵ that you could reply in the same manner?

R. Jeremiah put the following query before R. Zera: What is the ruling when two separate pronouncements of kareth are attended by only one negative command?¹⁶ — He replied: You refer, I suppose, to ‘slaughtering’ and ‘offering up’ [outside the Temple precincts],¹⁷ but are there not in this case two negative commands?¹⁸ For according to him who derives ‘slaughtering’ from a gezerah shawah¹⁹ based upon the common term haba’ah²⁰ mentioned [in connection with ‘slaughtering’ and ‘offering up’], just as in the latter [the text] did not pronounce punishment without having expressed a warning,²¹ so also in the former it has not pronounced punishment without an attended [implicit] warning; and according to him who derives it from a hekkesh,¹⁹ the verse says: There thou shalt offer [thy burnt-offerings] and there thou shalt do [all that I command thee],²² Scripture has thus compared ‘slaughtering’ and ‘offering up’, just as in the case of ‘offering up’ it has not pronounced punishment without having expressed a warning, so also with ‘slaughtering’ it did not pronounce punishment without an attended [implicit] warning. Your query is, perhaps, in regard to two separate pronouncements of the death penalty attended by only one negative command, as is the case with the ob and yidde'oni.²³ — He replied: On this there is a dispute between R. Johanan and Resh Lakish. For among the transgressions punishable by stoning we find enumerated²⁴ both the ba'al ob and yidde'oni, and the question was raised: Why was yidde'oni mentioned in connection with ‘stoning’ but omitted in connection with kareth? Whereupon R. Johanan replied: Because they were both under one negative command,²⁵ and the reason why ba'al ob and not yidde'oni was chosen, is that in Scripture ba'al ob is mentioned first; while Resh Lakish said that it is because [the offence of] yidde'oni involves no action.²⁶ Why did not Resh Lakish say as R. Johanan — Said R. Papa: Because he holds these two laws are after all stated separately in respect of the pronouncement of the death penalty,²⁷ while R. Johanan maintains that only where there are separate negative commands are there separate offerings, but separate pronouncements in respect of the death penalty do not involve separate offerings. And why does not R. Johanan say as Resh Lakish? — Because he holds that the Mishnah relating to kareth is according to R. Akiba,²⁸ who holds that action is not essential [for the liability to a sin-offering]. And Resh Lakish? [He maintains that] although R. Akiba does not require a weighty action, he still considers it essential that some slight action be performed. What action is there in connection with ob? — The clapping of the arms²⁹ is regarded as an action. What action is performed by the blasphemer? — The curving of the lips³⁰ is considered an action.

On the assumption that the clapping of the arms is considered a slight action even according to the Rabbis,³¹ the following objection was raised: It was taught: In the case of idolatry one is liable only for an action such as sacrificing, the offering of incense or libation, or prostration,³² and when the difficulty was pointed out that prostration was not an action, Resh Lakish replied that this ruling was in accordance with R. Akiba who held that [weighty] action was not essential; while R. Johanan said: The ruling might conform even to the view of the Rabbis, for the bending of stature³³ was to be considered as an action. It thus appears that in the opinion of Resh Lakish³⁴ the Rabbis do not consider the ‘bending of stature’ an action. How then can the clapping of the arms³⁵ be regarded as an action? — What, then, will you maintain that when Resh Lakish stated

that the clapping of the arms is considered an action it was made on the view of R. Akiba, but that according to the Rabbis it was not to be considered an action;³⁶ why in this case [does the Mishnah] state, THIS IS TO EXCLUDE THE BLASPHEMER WHO PERFORMS NO ACTION? It should have stated, This is to exclude the blasphemer and the ba'al ob! — [The Mishnah mentions] one of two [as an example].³⁷ But then let it mention ba'al ob³⁸ instead of the blasphemer? — [The explicit exclusion of] the blasphemer was necessary, for I might otherwise have thought that, since the pronouncement of kareth in his case is in juxtaposition to laws relating to offerings,³⁹ the Rabbis agreed with R. Akiba with regard to the blasphemer. Therefore [the Mishnah] teaches us that this is not so. 'Ulla said: Ba'al ob mentioned in the Mishnah means the offering of incense⁴⁰ to the Prince of the Demons.⁴¹ Raba demurred to this: If this is so, is not this idolatry?⁴² Rather Raba explained: [It means,] He offers incense to a demon in order to exorcise him.⁴³ Abaye demurred to this: If so, is this not identical with 'one who charms'?⁴⁴ — He replied: The Torah has said that one who charms after this manner [is liable to death] by stoning. And what kind of charm, then, is subject to a mere negative command?⁴⁵ — He replied: As has been taught:⁴⁶ And one who indeed charms,⁴⁷ implies both the charmer of large and of small animals; even the charmer of a snake or scorpion is guilty.

Said Abaye: It is prohibited to cast a spell over a wasp and a scorpion,⁴⁸ but if they follow him, it is permitted. According to R. Johanan, who holds that the bending of stature is regarded as an action, why should not also the curving

(1) Ibid. 70b.

(2) Where one was unmindful of the main offence as well as of its applications.

(3) And likewise here, although by thinking that idolatry is permitted the error would be alike in respect of the idol and the forms of worship, there is still liability to one sin-offering.

(4) To find a case where one was in error in respect of the idol but not in respect of the prohibition of the forms of worship.

(5) I.e., knowing which forms of worship were forbidden.

(6) Should read 'one who was not captured by heathens as a child'.

(7) Ex. XX, 20.

(8) With reference to the question at the beginning of this discussion, 'are there not thirty-nine classes of work on Sabbath?'

(9) Even though there are several transgressions under the heading of Sabbath or of idolatry, since the penalties are inflicted under the order of the one law they count as one.

(10) The reason of this omission is assumed to be that this case is included in the denomination of 'woman and daughter'. This would prove that a whole category count as one.

(11) Cf. Hag. 11b as to the source of the law concerning the daughter of an outraged woman. It is at all events not explicitly mentioned in the Torah.

(12) Lev. XVIII, 17.

(13) Zeb. 107a.

(14) Viz., in Shab. 73a and Sanh. 60b.

(15) The law relating to the two types of offering up mentioned above is nowhere mentioned in a Mishnah but emanates from the School of Amoraim.

(16) I.e., how many offerings are to be brought if such two laws are broken in one spell of unawareness?

(17) Kareth is mentioned in Lev. XVII, 4 and 9 and the negative command in Deut. XII, 13.

- (18) Though one of them is not explicit.
- (19) V. Glos.
- (20) Lit., 'bringing' mentioned in connection with 'slaughtering', Lev. XVII, 4 and in connection with 'offering up' *ibid.* v. 9.
- (21) I.e., a negative command. The negative command in connection with offering up is in Deut. XII, 13.
- (22) *Ibid.*, 14.
- (23) 'One that divineth by a ghost or a familiar spirit', v. Lev. XX,27, where the death penalty is laid down for these offences, and for the attendant negative command, *ibid.* XIX, 31. The disjunctive particle 'or' in Lev. XX, 27 in connection with the death penalty serves to attach the death penalty to each of these two offences and it is regarded as if two separate pronouncements of the death penalty were made, whereas the negative command *ibid.* XIX, 31 is general in its implication, serving as a single warning for all the offences enumerated there, and thus the query is whether the fact that there are two pronouncements of death, although there is only one attendant warning, makes one liable to two sin-offerings for committing these two offences in one spell of unawareness?
- (24) Sanh. 53a, 65a. In the latter place the whole discussion that follows is to be found.
- (25) And are subject accordingly to one sacrifice if committed under the one spell of unawareness. Only one could therefore be mentioned in our Mishnah, on the explanation given by R. Johanan for the number stated, as the representative of the class of necromancy.
- (26) It consists of a mere sound made by means of a certain bone put in the mouth, v. Sanh. 65b. There is accordingly no sin-offering, whereas *ob* involved an action; v. *infra*.
- (27) And but for the fact that *yidde'oni* involves no action it would be in his opinion subject to a separate offering when committed together with *ob*.
- (28) Who holds that, though his act involves no action, the blasphemer is liable to an offering; v. *infra* 7a.
- (29) One of the movements of this form of divination, v. Sanh. 65a.
- (30) When uttering the blasphemies.
- (31) Who differ in our Mishnah from R. Akiba with regard to the blasphemer and hold that he brings no offering because blasphemy involves no action. As they do not seem to disagree in the law relating to *ob*, it may be assumed that they consider this involving an action.
- (32) Tosef. Sanh. X.
- (33) When prostrating.
- (34) Whose deviation from R. Johanan is traced back to his disagreement on this point. In Resh Lakish's view the bending of stature is sufficient action only according to R. Akiba.
- (35) Whereby the body remains unmoved.
- (36) *Ba'al ob* should accordingly not be subject to an offering.
- (37) From the exclusion of one we can derive the exclusion of the other since the reason is the same in both.
- (38) Which is mentioned first in the Mishnah.
- (39) The law concerning the blasphemer is contained in Num. XV, 30 in conjunction with prescriptions relating to offerings. I might have thought that this juxtaposition was to indicate that there is to be an offering in the case of blasphemy even against the otherwise valid rule that no sacrifice is offered except for a sin which involves an action.
- (40) Which is undoubtedly an action.
- (41) This is Rashi's version; while *cur. edd.* read only 'demon'.
- (42) Already mentioned in the Mishnah.
- (43) I.e., that he should help him in his witchcraft, and not an act of worship.
- (44) Which comes under a different prohibition, viz., Deut XVIII, 12 and does not involve *kareth*.
- (45) I.e., to flagellation only.

(46) Sanh. 65a. It is these instances as enumerated in Sanh. that are the subject of a negative command only, while the exorcising of a demon is subject also to kareth.

(47) Deut. ibid. Lit. 'and he who charms a charm'. The repetition of the term is to indicate that there are two kinds of charm.

(48) Although they are a source of danger to the public. When they follow him it is permitted by reason of the danger to his person.

Talmud - Mas. K'rithoth 4a

of the lips be considered an action?¹ — Said Raba: Different it is with the blasphemer, for it is the disposition of his heart² [that effects the sin]. But elsewhere the curving of the lips would be considered an action. R. Zera demurred to this: [We have learnt:] Zomemim³ witnesses are exempt [from an offering] because they have done no action,⁴ Why is this so? Is it not written in connection with them: By the mouth of two witnesses?⁵ — Said Raba: Zomemim witness, too, are an exception, because the basis of evidence is seeing.⁶

WHEN ONE EATS HELEB. Our Rabbis taught: The text, Ye shall eat no heleb of ox, or sheep or goat,⁷ [intimates] that one is liable [to a separate flagellation] for each kind [of heleb].⁸ Thus R. Ishmael. But the Sages say: One is liable only once. Shall we say that this difference of opinion is based on the following principle: R. Ishmael holds one is liable to [a separate] flagellation for [each specification of] a collective prohibition,⁹ while the Rabbis hold that one is not liable to [a separate] flagellation? — No, R. Ishmael indeed holds that one is ordinarily not liable [separately] for [each specification of] a collective prohibition, but our case is an exception, because the text is superfluous; for it should read, 'Ye shall not eat any heleb', why specify 'of ox, or sheep or goat', if not for the purpose of establishing a separate [prohibition for each of them]? And the Rabbis? — [They argue,] If 'ox, or sheep or goat' were not mentioned, I might have said that also the heleb of a beast of chase is included. It is for this reason that 'ox, or sheep or goat' was written, to tell us that only the heleb of ox, sheep or goat is forbidden, but that of the beast of chase is permitted. The Rabbis thus argue well, do they not? — Rather, this is the reason of R. Ishmael: He holds that if it were [as the Rabbis say] Scripture should have written: 'Ye shall eat no heleb of an ox', why have 'sheep' and 'goat' been mentioned, if not for the purpose of establishing a separate prohibition [for each of them]? The Rabbis, on the other hand, argue that if the Divine Law wrote, 'no heleb of an ox', I might have thought that the term 'ox' here was to be analogous to ox mentioned in connection with Sabbath:¹⁰ As in the case of Sabbath the beast of chase and the fowl were included, so also in connection with the eating of heleb the beast of chase and fowl are included. It is for this reason that 'ox, or sheep or goat' were enumerated, to teach us that only the heleb of these is forbidden, but that of the beast of chase and the fowl is permitted. The Rabbis thus argue well? Rather, this is the reason [of R. Ishmael]: He holds [Scripture] should have written: 'Ye shall eat no heleb of sheep' or 'Ye shall eat no heleb of goat'; why enumerate 'ox, or sheep or goat', if not in order to establish a separate [prohibition for each of them]. The Rabbis, on the other hand, argue: Had [Scripture] mentioned only 'no heleb of sheep',¹¹ might have assumed that only the heleb of sheep was forbidden, but that of ox and goat was permitted. And if you were to ask, why should sheep be an exception, [the retort would be] because it was singled out in that its fat-tail is offered upon the altar, even as R. Hanania taught:¹¹ Why has [Scripture] enumerated separately the emurim¹² of the ox, and the emurim of the sheep

and the emurim of the goat, as it is written:¹³ But the firstling of an ox, etc.¹⁴ It is necessary; for if 'ox' alone was written, I would not have derived 'sheep' and 'goat' from it, for I might object that 'ox' was an exception, since it is singled out with regard to libations.¹⁵ Had the Divine Law written only 'sheep', so that 'ox' and 'goat' should be derived from it, I might object that 'sheep' was an exception, since it was singled out in that its fat-tail [is offered upon the altar].¹⁶ Had the Divine Law written only 'goat', so that 'ox' and 'sheep' should be derived from it, I might object that 'goat' was an exception, since it was singled out [as the offering] for idolatry.¹⁷ We thus cannot derive from any single one the other two. But why did not Scripture mention two and we might have derived the third from them? — Which one? Shall we derive 'ox' from 'sheep' and 'goat'? I might object that 'sheep' and 'goat' were an exception, since they were both singled out to be offered as a paschal sacrifice.¹⁸ If [Scripture] would not have written 'sheep', leaving us to derive it from 'ox' and 'goat', [I would have objected] that 'ox' and 'goat' were an exception, since they were both singled out as offerings for idolatry.¹⁹ If it would not have written 'goat', leaving us to derive it from 'ox' and 'sheep' [I would have objected] that 'ox' and 'sheep' were exceptions in that they were both singled out in some aspect [regarding the altar].²⁰ Hence they cannot be derived one from the other. Did not then the Rabbis argue well? — Rather, the reason of R. Ishmael is indeed as has been said at the outset: [viz.,] that if it were so [Scripture] should have written: '[Ye shall eat] no heleb', and no more; and as to your objection that the mention of 'ox', 'sheep' and 'goat' was necessary to teach that the heleb of the beast of chase was permitted, surely the text [in question] occurs in connection with a similar text which relates to consecrated animals,²¹ and a law is always illuminated by its context.²² This implies [does it not] that the Rabbis do not hold that a law is illuminated by its context?²³ — No, all agree that a law is illuminated by its context but here they differ in the following: R. Ishmael holds that such [a law which is the subject of] a mere negative command is illuminated [by its context] whether [the latter is likewise the subject] of a mere negative command or of one involving kareth;²⁴ while the Rabbis hold that [a law which is the subject of] a mere negative command is illuminated [by its context] which is [the subject of a mere] negative command, but a law which is [the subject of] a mere negative command is not illuminated by [a context which is] the subject of [a negative command involving] kareth.²⁵ Or, if you wish, I can say that the reason of the Rabbis is [that the enumeration of the various kinds of fat was necessary to teach] that which is intimated in a question of R. Mari to R. Zebid: 'If so, why should not the fat-tail of non-consecrated animals be altogether forbidden?'²⁶ He replied: 'It is to provide against an argument such as yours that Scripture specifies, All heleb of ox, sheep or goat, to teach us that only those portions of fat which these three animals have in common are forbidden, to the exclusion [of the fat-tail].'²⁷ The enumeration of 'ox', 'sheep' and 'goat' is thus for the purpose of permitting for use the fat-tail of unconsecrated animals. R. Ishmael, on the other hand, will argue: If for this reason, Scripture should have said: 'No heleb of ox and sheep'. Therefore when 'goat' was added, it was for the purpose of establishing a separate prohibition for each of them.

Said R. Hanina: R. Ishmael, however, agrees that with regard to offerings only one sin-offering is brought [for the several kinds of heleb]. What is the reason? Because this prohibition is not like that relating to incestuous relations.²⁸

Our Sages have taught: [It is written:] And [he] shall do any one [sin], and also, And shall do these;²⁹ this is to render one liable for each transgression separately, so that if one ate [e.g.,] two

portions of heleb of the same designation under two separate spells of unawareness, he is liable to two offerings; [similarly] if the portions were of two different designations,³⁰ though they were consumed under one spell of unawareness, one is liable to two offerings. Said Rami son of Hama to R. Hisda: It is right that where the portions were of one designation but consumed under two spells of unawareness one should be liable to two offerings, because [the break in] the spell of unawareness effected a division [between the two meals], but why should one be liable to two offerings in the case where the portions were of different designations and consumed under one spell of unawareness? Surely we need a break in the spell of unawareness to effect a division, which is not the case here? — He replied: Here we deal with the case where he ate heleb of nothar,³¹ when he is liable on account of nothar and on account of heleb. Said he to him: If so, he should be liable also on account of the consecrated flesh?³² — Rather, said R. Shesheth: It refers to one who ate the heleb of a consecrated animal and it is in accordance with R. Judah.³³ For it has been taught: If one eats heleb of nebelah,³⁴ or heleb of consecrated animals, one is liable on two counts. R. Judah holds, in the case of heleb of a consecrated animal, one is liable on three counts.³⁵ In Palestine³⁶ this answer was ridiculed; [for they argued] why did we not explain it as referring to portions of heleb from an ox, sheep and goat, and in accordance with R. Ishmael who maintained that one was then liable on three counts?

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- (1) Why then is blasphemy excluded by the Sages?
 - (2) His utterance is only proof of his disposition, while in the case of idolatry worship, I.e., action is an integral part of the transgression.
 - (3) V. Glos.
 - (4) Sanh. *ibid.*
 - (5) Deut. XVII, 6 implying that the speech is the essence of evidence.
 - (6) The knowledge of facts makes them into witnesses; the utterance of the evidence is only a means of conveying their knowledge to others. Perception by the senses is considered no action.
 - (7) Lev. VII, 23.
 - (8) When eaten after one collective warning.
 - (9) The term **, ukkfca utk** which occurs also in Pes. 41b, Naz. 35b, B.M. 115b, Sanh. 63a and Tem. 7a seems to have a double connotation. Firstly, a prohibition which is not explicit but implied in the text, such as in Num. VI, 4 as expounded in Pes. 41b; secondly, as it is used here, a law which is joined in the text with others in one prohibitory commandment. In the first instance the question is whether one is liable to flagellation at all, in the second whether one is liable separately for each specification, if several of them were perpetrated together.
 - (10) Ex. XXIII, 22; cf. B.K. 54b. Thus Rashi's version and MSS. Cur. edd. read Mount Sinai instead of Sabbath.
 - (11) Bek. 5b. There the author of this dictum is given as R. Jose son of R. Hanina.
 - (12) I.e., those sacrificial portions offered upon the altar; v. Glos.
 - (13) Num. XVIII, 17. This question is not precisely formulated; not the term *emurim* is repeated, but the term 'firstling': 'The firstling of an ox, or the firstling of a sheep, or the firstling of a goat'; v. Bek. *ibid.*
 - (14) The end of this passage is: Thou shalt make their fat smoke for an offering made by fire.
 - (15) With the sacrifice of an ox half a hin of wine is offered up on the altar, with a sheep and goat only a quarter of a hin; cf. Num. XXVIII, 14.
 - (16) V. Lev. III, 9.
 - (17) Cf. *Ibid.* IV, 27-28. This is explained with reference to idolatry by an individual, v. Hor. 8a.
 - (18) Cf. Ex. XII, 5.
 - (19) The ox for idolatry committed by the public, cf. Lev. IV. 13f.

- (20) V. Bek. 5b. The respective distinctions of 'ox' and of 'sheep' as mentioned above are in reference to the altar.
- (21) Lev. VII, 25. Which must of necessity exclude beasts of chase, since no such animals may be consecrated for the altar.
- (22) Viz., that also the prohibition of heleb does not apply to beasts of chase.
- (23) Surely they cannot disregard this hermeneutic principle.
- (24) In cur. edd. the following text, which is obviously out of place here and is also considered by Rashi as a faulty version, is inserted here: (For the negative command,) any heleb of ox, sheep or goat, you shall not eat, (Lev. VII, 23) is illuminated by the negative command, It shall be a statute throughout your generations in all your dwellings that ye shall eat neither heleb nor blood (Lev. III, 17) which is written in connection with consecrated animals; and since the beast of chase is excluded from the category of consecrated animals, there would be no doubt as to the exclusion of beasts of chase, even if heleb unqualified was mentioned in the text. The enumeration of 'ox', 'sheep' and 'goat' is thus for the purpose of establishing a separate offering for each of them. Then, the mere negative command, 'Ye shall eat no heleb' and the one contained in the verse of 'it shall be a perpetual statute' may be derived from one to which kareth is attached, in the text, For whosoever eateth the heleb of the beast of which men present an offering (Lev. VII, 25). As the latter intimates a division of the offerings, so also the former.
- (25) V. Lev. VII, 25. The penalty of kareth is mentioned in connection with heleb of consecrated animals.
- (26) Since it is called heleb in Scripture, v. Lev. III, 9.
- (27) V. Hul. 117a.
- (28) Where a separate negative command is attached to each offence.
- (29) Referring to Lev. IV, 2: If any one shall sin through error, in any of the things which the Lord hath commanded not to be done, and shall do any one of them. The construction in Heb. **vbvn , j tn** is unusual. The juxtaposition of 'one' and 'these' is therefore taken to indicate that there is a plurality which bears the character of oneness, and a oneness which bears the character of a plurality, v. Sanh. 62a. This exposition is expressed here in the terminology of the Gemara, that the predicate shall do relates on the one hand to 'one' and on the other to 'these'. V. p. 11, n. 3.
- (30) E.g., the heleb of the kidneys and that of the bowels.
- (31) I.e., sacrificial portions left over beyond the prescribed time. V. Glos.
- (32) As a non-priest.
- (33) I.e., the second instance of the dictum of the Sages refers in fact to the eating of one portion of heleb, and 'of two designations' means of a kind that is subject to a twofold prohibition, for according to R. Judah, there are two prohibitory laws in the case of sacred heleb.
- (34) I.e., an animal not slaughtered in the prescribed manner. V. Glos.
- (35) Because eating heleb of consecrated animals, as will be shown later, involves a twofold transgression, and as a non-priest eating sacred flesh, he is guilty of a third prohibition.
- (36) Lit., 'in the West'; v. Sanh. 17b.

Talmud - Mas. K'rithoth 4b

Why then was it not explained in accordance with R. Ishmael? Obviously because R. Hanina said that R. Ishmael admitted that in so far as offerings were concerned one was liable only to one¹ — for the same reason you cannot explain it in accordance with R. Judah; for R. Eleazar said: R. Judah, too, agreed that with regard to offerings one is liable only to one. Therefore, said Resh Lakish on behalf of Bar Tutani: It deals with one who ate two portions of heleb in two different dishes, and is in accordance with R. Joshua, who holds that the separation of dishes effects a division with regard to offerings.

[Stated] the text [above]: ‘If one eats heleb of nebelah, one is liable on two counts, [similarly] if one eats heleb of consecrated animals one is liable on two counts. R. Judah holds, in the case of heleb of consecrated animals, one is liable on three counts’. Said R. Shizbi to Raba: It is well on the view of R. Judah; for this reason are written three verses: It shall be a perpetual statute etc., Ye shall eat no heleb of an ox, or sheep or goat, and There shall no common man eat of the holy things;² constituting three negative commands. But what is the reason of the Rabbis? — They hold, The negative command, ‘It shall be a perpetual statute [etc.]’ deals with consecrated animals, and the negative command, ‘[No] heleb of an ox . . .’ deals with unconsecrated animals. And both texts were necessary, for if the Divine Law had written only that of consecrated animals, I might have said that only the heleb of consecrated animals was forbidden by reason of their stringency, but that of unconsecrated animals was not [included in the prohibition]. Therefore the Divine Law wrote: ‘No heleb of an ox . . .’. And if only ‘no heleb of an ox’ was written, I might have thought that only the heleb of unconsecrated animals was forbidden, because it has not been excluded from the general prohibition; but as to the heleb of consecrated animals, since it has been excluded from the general prohibition,³ I might have thought that since it is thus excluded, their fat is permitted;⁴ therefore both texts are necessary. R. Judah, on the other hand, holds that when ‘no heleb of an ox’ is written⁵ it relates also to consecrated animals.⁶ This implies [does it not] that the Rabbis hold that a law is not illuminated by its context? — No, all agree that a law is illuminated by its context, but they differ in the following: R. Judah holds that a law which is the subject of a mere negative command is illuminated by its context, whether the latter is likewise the subject of a mere negative command or of one involving kareth; while the Rabbis hold that a law which is the subject of a mere negative command is illuminated by its context which is also the subject of a mere negative command, but a law which is the subject of a mere negative command is not illuminated by its context which is the subject of a native command involving kareth.⁷

It has been taught: [From the text,] ‘Ye shall eat neither heleb nor blood’, [we learn:] Just as for heleb one is liable to a twofold flagellation’ so also for blood. Thus the view of R. Judah; while the Sages say: There is only one prohibition.⁸ But why is heleb different in that one is liable for it to a twofold flagellation, even though there is no hekkesh⁹ [to support it]? Obviously because there is written in Scripture concerning it two texts: ‘Ye shall eat neither heleb nor blood’, and ‘[Ye shall eat no] heleb of an ox or sheep’; then similarly in the case of blood even without the hekkesh,¹⁰ one should be liable to a twofold flagellation,¹¹ since Scripture has written in connection therewith two texts: ‘Ye shall eat neither heleb nor blood’ and ‘Ye shall eat no manner of blood, whether it be of fowl or of beast, in any of your dwellings’?¹² — Rather read thus: Just as for heleb¹³ one is liable to a threefold flagellation, so also for blood¹³ one is liable to a threefold flagellation. But why is heleb different in that one is liable for it to a threefold flagellation? Obviously because there is written in connection therewith the two negative commands mentioned above, and because of the negative command [relating to the eating of holy things by] a non-priest,¹⁴ making altogether three; then the same applies to blood!¹⁵ — [The hekkesh] is necessary, for I might otherwise have thought, since blood is excluded from the law of sacrilege,¹⁶ it is also excluded from the law concerning the [eating of holy things by a] non-priest. It is for this reason that the hekkesh is necessary. And as to the Rabbis,¹⁷ what is the purpose of the hekkesh? — It is required for what has been taught: ‘Ye shall eat neither heleb nor blood’; just

as heleb is singled out in that it is distinct from its flesh,¹⁸ and thus does not combine with the latter,¹⁹ so also with blood, [it does not combine with the flesh] whenever it is distinct from its flesh,²⁰ to the exclusion of the blood of a reptile.²¹ since the blood of the reptile is not distinct from its flesh, the two combine.²² But is this law²³ derived from here, is it not rather derived from the following: The text, And these are they which are unclean unto you,²⁴ teaches that the blood of a reptile and its flesh combine with one another?²⁵ — If it were not for the hekkesh I might have thought [the law referred] to defilement,²⁶ but not to eating; the hekkesh therefore informs us that [the law refers] also to eating. Said Rabina: Consequently the blood of a snake²⁷ and its flesh²⁸ combine one with the other. Is this not obvious; it is just [the conclusion drawn from] the hekkesh? I might have thought that with the case of other reptiles,²⁹ since the law applies in respect of uncleanness, it applies also in respect of eating; but in the case of a snake, since it does not apply in respect of defilement, it does not apply also in respect of eating; therefore he³⁰ lets us know that the hekkesh is to comprise everything in which the blood is not distinct from its flesh.

Said Raba: Wherefore has kareth been pronounced three times³¹ in connection with blood? One [pronouncement] refers to blood of unconsecrated animals, the other to blood of consecrated animals, and the third to the dripping blood.³² This is right according to R. Judah, for it has been taught: The dripping blood is the subject of a mere prohibition; R. Judah says it involves kareth. But according to the Rabbis,³³ what is the purpose [of the third pronouncement]? And even according to R. Judah, is not the application of kareth³⁴ rather derived from the term ‘all blood’? For it has been taught: ‘R. Judah said, [The word] ‘blood’ [would suffice in the text],³⁵ why does it read ‘all blood’? I might have thought that only the blood of consecrated animals, and that only with which life departs, was meant, because this blood brings about atonement;³⁶ whence do we know then blood of unconsecrated animals and dripping blood? It is for this reason that ‘all blood’ was written’! — Rather say thus: One [pronouncement] refers to blood of unconsecrated animals, the other to blood of consecrated animals, and the third to blood that has been covered.³⁷

Raba also said, Wherefore have five negative commandments been mentioned in connection with blood?³⁸ One for blood of unconsecrated animals, the other for blood of consecrated animals, the third for covered blood, the fourth for blood left in the limbs and the fifth for the dripping blood.

R. Ela said: If one eats³⁹ of the [second] tithe of corn, of wine and of oil, one is liable to a threefold flagellation. But are [separate] lashes administered for [each specification of] a collective prohibition? This case is an exception for the text is redundant. Consider: The Divine Law states, And thou shalt eat before the Lord thy God [in the place which He shall choose to cause His name to dwell there], the tithe of thy corn, of thy wine and of thine oil,⁴⁰ [from which we may infer that these shall be consumed] within [the precincts of Jerusalem] and not without; wherefore does the Divine Law repeat: Thou mayest not eat within thy gates the tithe of thy corn, of thy wine and of thine oil,⁴¹ if not for the purpose of establishing separate [prohibitions for each specification]? But [it may be retorted], if [I had] the first text [only to go by], I would say it is the subject only of a positive command, but not of a negative command.⁴² It was thus essential

(1) I.e., though several negative commandments are transgressed, and the administration of lashes is therefore accordingly repeated, with reference to expiation by sacrifice they are regarded as one.

- (2) Lev. III, 17; VII, 23 and XXII, 10.
- (3) It is permissible to the altar.
- (4) V. Sh. Mek. for this reading.
- (5) V. Lev. VII, 23-25.
- (6) So that there are two negative commands concerning heleb of consecrated animals.
- (7) For notes v. supra 4a. In cur. edd. the following faulty text (v. Rashi) is inserted here: 'But according to R. Judah for what purpose does Scripture mention the passage, Ye shall eat neither heleb nor blood (Lev. III, 17)? — To establish an analogy'.
- (8) And consequently there can be only one administration of lashes.
- (9) v. Glos.
- (10) The textual analogy comparing blood to heleb.
- (11) I.e., the mere repetition of the negative command is sufficient to establish a twofold flagellation. The fact of the juxtaposition of heleb and blood in the text is thus unaccounted for.
- (12) Lev. VII, 26.
- (13) Viz., of a consecrated animal.
- (14) Ibid. XXII, 10. comprising apparently heleb as well as blood.
- (15) What need is there then for the analogy.
- (16) Thus the version of Rashi. Cur. edd. read 'uncleanness'. Cf. Hul. 117a.
- (17) According to whom blood of a consecrated animal is excluded from the law concerning the non-priest.
- (18) The law of heleb singles out a certain portion of the animal and forbids it for use, while the rest of the body is permitted.
- (19) Viz., to make up the requisite quantity sc. of an olive-size. I.e., if one eats a fraction of an olive of heleb and the supplementary fraction of flesh, one is not liable to lashes, for the flesh is not forbidden.
- (20) Whereas the penalty of kareth attaches to the blood, the flesh of an unclean animal does not carry such a penalty, and consequently blood and flesh do not combine not even with regard to uncleanness.
- (21) Which is not prohibited as blood but as part of the reptile, cf. infra 21b.
- (22) Viz., with reference to uncleanness and eating.
- (23) Viz., the one relating to reptiles.
- (24) Lev. XI, 29.
- (25) V. Me'il. 17a.
- (26) I.e., the combination of blood and flesh is adopted only with reference to defilement which is more stringent, in so far as the standard quantity is a lentil, while for eating an olive-size is required.
- (27) Which does not cause defilement, but is forbidden for eating.
- (28) I.e., now that we know that the rule concerning the combination of flesh and blood applies also to eating.
- (29) Viz., the eight reptiles that are unclean.
- (30) Viz., Rabina.
- (31) Lev. VII, 27; XVII, 10 and 14.
- (32) I.e., the blood which, after a while, flows gently from the cut artery, in opposition to the blood which gushes forth immediately after the cut has been made, and with which life is considered to depart; cf. infra 22a.
- (33) Those who dispute with R. Judah.
- (34) Viz., to dripping blood.
- (35) Lev. XVII, 10, which deals with the prohibition of blood.
- (36) This gushing blood alone may be used for sprinkling, cf. Pes. 65a. This restriction of the law to blood suitable for atonement might have found a support in the following passage: And I have given it to you upon the altar to make atonement for your souls (ibid. 11).

(37) The blood of fowls and beasts has to be covered, cf. Lev. XVII, 13. This blood is prohibited even though it has been mixed with dust. This answer complies with the view of the Rabbis, for according to R. Judah blood of unconsecrated animals is derived by implication from 'all blood'.

(38) Viz., Ibid. III, 17; VII, 26; XVII, 14; Deut. XII, 16 and 23.

(39) Viz., outside Jerusalem. Second tithe or its equivalent has to be consumed in Jerusalem; cf. Deut. XIV, 22f. In v. 23 corn, wine and oil are enumerated as specifications of the general law.

(40) Deut. XIV, 23.

(41) Ibid. XII, 17.

(42) Lashes are inflicted only for the transgression of a prohibitory law and not for the omission of a positive injunction. The prohibition derived by implication from a positive commandment bears in this respect the status of a positive commandment.

Talmud - Mas. K'rithoth 5a

that the Divine Law should write, 'Thou mayest not [eat] . . .' in order to make it the subject of a negative command. [The question thus] still [stands]. Is it not a collective prohibition? — If it were so, Scripture should have said, 'Thou mayest not eat them within thy gates', why specify, 'the tithe of thy corn, thy wine and thine oil', if not in order to establish separate prohibitions for each of them?

Said R. Isaac: if one eats of the bread, of the parched corn and of the fresh ears,¹ one is liable to a threefold flagellation. But are [separate] lashes administered for [each specification of] a collective prohibition? — This is an exception, as the text is redundant; for Scripture should have stated only 'bread', and 'parched corn' and 'fresh ears' would have been derived therefrom. But one might in this case have objected: 'Bread' is different because it is subject to hallah?² — Then 'parched corn' alone should have been written omitting 'bread',³ and we would derive the others therefrom! — But 'bread' could not be derived from 'parched corn', because 'parched corn' is a produce in its natural state, while 'bread' is not in its natural state; similarly 'fresh ears' could not be derived from 'parched corn', because 'parched corn' is distinguished in that it is fit for meal-offerings,⁴ while 'fresh ears' are not fit for meal-offerings? — Then 'fresh ears' alone should have been written, and we could derive 'bread' and 'parched corn' therefrom! But, then, I would object, 'fresh ears' were different in that they retain their original character. It is thus established that from any single one the other two cannot be derived; but let us derive one from two? — Now, if 'bread' was not written, leaving it to be derived from 'parched corn' and 'fresh ears', I might object, these two were distinguished in that they are in their natural form. If 'fresh ears' was not written, leaving them to be derived from 'bread' and 'parched corn', I might object that these two were distinguished in that they are included in the law of meal-offering?⁵ — R. Isaac will tell you: [Scripture] should not have written 'parched corn', leaving it to be derived from 'bread' and 'fresh ears. For what objection could then be raised? If you argued: 'Bread' was exceptional in that it is subject to hallah, 'fresh ears' will prove the contrary; and if that 'fresh ears' were exceptional because they retain their original character, 'bread' will prove the contrary. It is from this superfluous text that we learn that separate lashes are inflicted [for each specification]. But why not say then, that 'parched corn', the mention of which is superfluous, is singled out for flagellation,⁶ but if one eats them all, one is still liable only once to flagellation? — If this were so, Scripture should read in this order: 'Bread!', 'fresh ears' and 'parched corn', or 'parched corn',

'bread' and 'fresh ears'; why is 'parched corn' placed between the other two, apparently that we may understand it thus: For 'bread' just as for 'parched corn' one is liable [to a separate flagellation], and for 'fresh ears' just as for 'parched corn' one is liable [to a separate flagellation].

Said R. Jannai: Never treat a *gezerah shawah*⁷ lightly, for behold the law of *piggul*,⁷ which is one of the essential precepts of the Torah,⁸ has been derived through a *gezerah shawah*; even as R. Johanan said: Zabda son of Levi taught: Elsewhere we read, Everyone that eateth it shall bear his iniquity,⁹ and here we read, And the soul that eateth of it shall bear his iniquity;¹⁰ as there¹¹ the penalty prescribed is *kareth*, so also here it is *kareth*.

Said R. Simai: Never treat a *gezerah shawah* lightly, for behold the law concerning *nothar*,¹² which is one of the essential precepts of the Torah,¹³ has only been derived through a *gezerah shawah*. What is [the *gezerah shawah*]? — The derivation of *kodesh* [holy] from *kodesh* [in the following texts]: Everyone that eateth it shall bear his iniquity, because he hath profaned the holy thing of the Lord,¹⁴ and Thou shalt burn the *nothar* with fire, [it shall not be eaten] because it is holy.¹⁵

Said Abaye: Never treat a *gezerah shawah* lightly, for behold the law concerning a man's daughter from an outraged woman is one of the essential precepts¹⁶ of the Torah, and yet it has been derived only through a *gezerah shawah*, as Raba said: R. Isaac son of Abdimi told me: As to the prohibition, this law is derived from the similarity of the expression *hennah*,¹⁷ and with regard to the penalty of burning from the similarity of the expression *zimmah*.¹⁸

Said R. Ashi: Never treat a *gezerah shawah* lightly, for death by stoning [as a penalty for many transgressions] is an essential regulation of the Torah, and yet [in several cases] it has been derived only through a *gezerah shawah*, as it has been taught:¹⁹ We find here²⁰ the expression *demehem bam*²¹ and we find the same expression in connection with *ob* and *yidde'oni*:²² As in the latter case the penalty prescribed is stoning, so also in the former case it is stoning.

WHEN ONE COMPOUNDS OIL [OF ANOINTING] . . . Our Rabbis have taught: If one compounds oil [of anointing] for experimenting or with the intention to hand it over to the community, he is not culpable; if for anointment he is culpable, though the person that anoints himself therewith is exempt, because the transgression concerning the use of the oil is limited to the oil of anointment which Moses himself compounded.²³ The Master said: 'If for experimenting or with the intention to hand it over to the community, he is not culpable'. Whence do we know this? — It is derived by means of the common expression *mathkunto*²⁴ mentioned here and in connection with incense. And with reference to incense it is written, Ye shall not make unto yourselves,²⁵ which implies that one is culpable only if compounded for oneself, but not with the intention to hand it over to the community; similarly with regard to the oil, if it is compounded with the intention to hand it over to the community, one is exempted. But why not then again derive incense from the oil: Just as in the case of the oil one is exempted if one compounded half the prescribed quantity, so also with incense, he should be exempted if he compounded half the prescribed quantity; why then did Raba say:²⁶ If one compounds incense in half the quantity prescribed, he is culpable, but if one compounds oil in half the quantity, he is exempt? — Raba will reply: In connection with oil it is written, Ye shall not make any like it according to the

composition thereof 'Like it' it is prohibited, but in half the prescribed quantity it is permitted; but in connection with incense, it is written, And the incense which thou shalt make:²⁷ All compounding of incense [is forbidden], for one can offer up half the quantity in the morning and half in the evening.²⁸

Our Rabbis have taught: [The composition of the] oil of anointment is [as follows]: Five hundred shekels of flowing myrrh, five hundred of cassia, five hundred of sweet cinnamon and two hundred and fifty of sweet calamus, together one thousand seven hundred and fifty shekels. Was it necessary for the Tanna to state the sum total? — To obviate the following assumption,²⁹ for one might say, Sweet calamus was like sweet cinnamon: as with sweet cinnamon the figure two hundred and fifty [mentioned in the text] is half the prescribed quantity, so also with reference to sweet calamus,³⁰ in which case the total weight would be two thousand. And indeed why not say so? Then it should have written: 'Sweet cinnamon and sweet calamus, half so much of each, even two hundred and fifty shekels'.

R. Papa asked Abaye: When one weighs [the incense],³¹ does one weigh it with' overweight or exactly? — He replied: The Divine Law has written, 'Of each shall there be a like weight',³² and you say that there shall be an overweight. But did not Rab Judah say, The Holy One, blessed be He, takes note of overweight [in incense],³³ which obviously implies that it had an overweight? — Rather, said R. Judah: Why are the five hundred shekels of sweet cinnamon taken in two portions of two hundred and fifty each? Since the total quantity is five hundred, why not bring the whole at a time?³⁴ From the fact that sweet cinnamon is brought in two portions we may infer that there was an overweight each time,³⁵ and [to be sure] the Holy One, blessed be He, takes note of overweight. And what is the meaning of, 'Of each shall there be a like weight'? — Said Rabina: That one should not weigh first with the weight and use afterwards the weighed amount as a weight for the others.

The Rabbis have taught: The oil [of anointment] which Moses compounded in the wilderness was boiled with the roots [of the spices],³⁶ thus the view of R. Judah. Said to him R. Jose: Surely the oil³⁷ would not suffice even for smearing the roots;³⁸ what then did he do? He boiled³⁹ the roots in water,⁴⁰ poured over them the oil, which thus absorbed the scent, and wiped off [the oil from the roots].⁴¹ R. Judah said to him:

(1) Viz., of the new crop, prior to the offering of the 'Omer sacrifice, Lev. XXIII, 10f.

(2) V. Glos.

(3) As well as 'fresh ears'.

(4) Viz., the 'Omer meal-offering, cf. Lev. II, 14 and Men. 66b. Rashi indeed reads here: 'the meal-offering of the 'Omer'.

(5) Bread is offered on Pentecost. Since then all the three specifications are necessary, whence does R. Isaac derive his ruling?

(6) I.e., that one is liable to lashes if one has eaten parched corn alone. The redundant text is to teach us that the flagellation is not conditional in every case upon the eating of the three enumerated products together.

(7) V. Glos.

(8) Viz., the fact that kareth is attached to it. Although the penalty of kareth is mentioned in the text relating to piggul, Lev. XIX, 8, the Gemara's exposition in Zeb. 28a of this passage is that the pronouncement of kareth refers

to an offering disqualified by the improper intention to offer it outside the Temple precincts, and not to piggul in the narrower sense, viz., a sacrifice disqualified by the thought of eating its flesh beyond the prescribed time.

(9) Ibid. Lev.

(10) Ibid. VII, 18, understood to relate to piggul in the narrower sense.

(11) Which deals with disqualification by an improper intention relating to the place of offering, and where kareth is explicitly mentioned.

(12) V. Glos.

(13) Viz., the fact that kareth is attached to it.

(14) Lev. XIX, 8; the penalty of kareth follows.

(15) Ex. XXIX, 34.

(16) Viz., that this form of incest is subject to death by burning.

(17) Lit., 'they are', an expression used twice in connection with incest; firstly in Lev. XVIII, 17 dealing with the prohibition of intercourse with a woman and her daughter, both married unto him or not; and then in v. 10 relating to the prohibition of intercourse with one's grand-daughter. The latter text is interpreted in Yeb. 97a as referring to the grand-daughter from an outraged woman, and not of one legally married to him. We thus find explicitly that one's grand-daughter from an outraged woman is forbidden. The daughter of an outraged woman is not explicitly mentioned, but the gezerah shawah establishes an analogy between a married woman (v. 17) and an outraged woman (v. 20): as in the first instance daughter and grand-daughter are on the same footing, so also in the latter.

(18) Lit., 'lewdness', mentioned in Lev. XVIII, 17 and XX, 14 where the prescribed penalty is burning, v. Sanh. 51a.

(19) Sanh. 54a.

(20) Referring to the four laws where this term is found: Lev. XX, 11, 12, 13, 16.

(21) Tr. 'Their blood shall be upon them'.

(22) V. Glos.; v. ibid. 27.

(23) Tosef. Mak. III, 1.

(24) 'According to its composition' mentioned in Ex. XXX, 32 in connection with oil of anointing, and in v. 37 relating to incense.

(25) Ibid. 'Unto yourselves' is taken in a restrictive sense.

(26) V. infra 6b.

(27) Ibid. vv. 32 and 37.

(28) V. Lev. VI, 13ff.

(29) Lit., 'this is his difficulty'.

(30) I.e., that the qualification 'half' in the text referred both to sweet cinnamon and to sweet calamus.

(31) I.e., its components.

(32) Ex. XXX, 34.

(33) And rewards accordingly. V. Sh. Mek.

(34) As with the first two species.

(35) The division was for the purpose of adding a greater overweight of cinnamon.

(36) Hor. 11b.

(37) Altogether there were only twelve logs.

(38) How much less to have the species boiled therein!

(39) The version in Hor. and of Rashi here is 'soaked'.

(40) So that they were saturated with liquid and did not absorb much of the oil when it was poured over them.

(41) And placed it in the flask.

Talmud - Mas. K'rithoth 5b

Talmud - Mas. K'rithoth 5b

Is this the only miracle that occurred in connection with the oil of anointment? Was it not attended by many miracles from beginning to end! There were only twelve logs of oil and yet with it were anointed the Tabernacle and its vessels, Aaron and his sons throughout the seven days of the consecration, and the high priest and kings, and yet it remained whole for the days to come, as it is written: This shall be a holy anointing oil unto Me throughout your generations.¹ [The numerical value of] Zeh [this] is twelve, meaning that this quantity was preserved.

Our Rabbis taught: And Moses took the anointing oil and anointed the tabernacle.² R. Judah said: Many miracles attended from the beginning to the end the anointing oil which Moses made in the wilderness. There were originally only twelve logs; [consider] how much of it must have been absorbed in the boiler, how much in the roots of the spices, and how much of it was burnt by the fire, and yet with it were anointed the Tabernacle and its vessels, Aaron and his sons throughout the seven days of the consecration, and the high priests and kings. Even a high priest who is the son of a high priest requires anointing, though a king who is the son of a king does not require anointing. And if you ask, Why then was Solomon anointed?³ Because Adoniah disputed his right of succession; similarly Jehoshaphat [was anointed]⁴ by reason of Athaliah's [claim to the throne], and Jehoahaz⁵ by reason [of the claim to the throne] of his brother Jehoiakim who was two years⁶ his senior.⁷

The Master said: 'Even the high priest who is the son of a high priest requires anointing'. Whence do we know this? — It is written: And the anointed priest that shall be in his stead from among his sons.⁸ The text should have stated: 'And the priest that shall be in his stead from among his sons', why [add] 'anointed', if not to let us know that even from among his sons only the one that is anointed can be high priest, but he who is not anointed cannot be high priest.

The Master said: 'A king who is the son of a king does not require anointing'. Whence do we know this? — Said R. Abba b. Jacob: It is written, That he may prolong his days in his kingdom, he and his children, for all days;⁹ it is an inheritance.

'Why then was Solomon anointed? Because Adoniah disputed his right of succession'. 'Whence do we know that in a case of dispute anointing is required, and that it does not suffice that the king entrusts his kingdom to whomsoever he chooses? — Said R. Papa: It is written there, In the midst of Israel; only if there is peace in Israel [is it an inheritance].¹⁰

A Tanna taught: Also Jehu son of Nimshi was anointed only by reason of the claim to the throne by Joram son of Ahab. Was it indeed for this reason? 'Was he not the first king of the dynasty? — The text is incomplete and should read thus: Kings from the House of David were anointed but not the kings of Israel. And if you ask: 'Why then was Jehu son of Nimshi anointed? Because of the dispute of Joram son of Ahab.

The Master said: 'Kings from the House of David were anointed, but not the kings of Israel'. 'Whence do we know this? — It is written: Arise, about him, for this is he:¹¹ This one¹² requires anointing but not others.

The Master said: 'By reason of the claim to the throne by Joram'. Were we indeed justified to commit sacrilege¹³ with the oil of anointing solely by reason of the claim to the throne by Joram son of Ahab? — As R. Papa replied elsewhere: It was done with pure balm; so here too: It was done with pure balm.¹⁴

'And Jehoahaz by reason of the claim to the throne by his brother Jehoiakim who was two years his senior'. 'Was he indeed older, is it not written: And the sons of Josiah: the first-born Johanan, the second Johoiakim, the third Zedekiah and the fourth Shallum;¹⁵ upon which R. Johanan remarked that Johanan was identical with Jehoahaz and Zedekiah with Shallum!¹⁶ — Jehoiakim was indeed older, and [the other] was called first-born, because he was first in succession. But is it permitted to install the younger son in preference to the older? Is it not written: And the kingdom he gave to Jehoram for he was the first-born?¹⁷ — That one followed in his forefather's footsteps.¹⁸

The Master said: 'Shallum is identical with Zedekiah'. But are not the sons enumerated in numerical order?¹⁹ — He [Zedekiah] is called 'the third', because he was the third among the sons, and he is called 'the fourth', because he was the fourth to reign, for Jeconiah reigned before him: Jehoahaz was the first successor, then followed Jehoiakim, then Jeconiah and then Zedekiah.

Our Rabbis taught: Shallum is identical with Zedekiah; and why was he called Shallum? Because he was perfect ['shalem'] in his deeds; or according to another explanation, because the kingdom of the House of David ended [shalem]²⁰ in his days. 'What was his real name? — Mattaniah, as it is written, And the king of Babylon made Mattaniah his father's brother king in his stead, and changed his name to Zedekiah,²¹ for the king [Nebuchadnezzar] said to him, God may deal severely²² with thee, if thou wilt rebel against me, as it is written, And he brought him to Babylon,²³ and also, And He also rebelled against king Nebuchadnezzar who had made him swear by the Lord.²⁴ But was there any oil of anointing at that time?²⁵ Has it not been taught: 'When the holy ark was hidden there disappeared with it the jar of manna,²⁶ the flask of the oil of anointing, the rod of Aaron together with its almonds and blossoms,²⁷ and the coffer which the Philistines had sent as a present to the God of Israel, as it is written: And put the jewels of gold, which ye return Him for a guilt-offering, in a coffer by the side thereof.²⁸ 'Who hid it? Josiah, king of Judah, hid it, as it is written: And he said, put the holy ark [in the house which Solomon the son of David did build: there shall no more be a burden upon your shoulders].²⁹ [As to the other articles:] R. Eleazar said: [Their disappearance is] inferred by the common expressions of sham, doroth and mishmereth.³⁰ Replied R. Papa: It was done with pure balm.

Our Rabbis have taught: In anointing kings one draws the figure of a crown,³¹ and with priests in the shape of the letter chi. Said R. Menashia: The Greek-[letter] chi is meant. One [Tanna] teaches: The oil was first poured over the head and then smeared between the eye-lids; whereas another [Tanna] teaches: The oil was first smeared between the eye-lids and then poured over the head.³² [On this point there is] a dispute of Tannaim: One holds that the anointing³³ has preference; the other holds that the pouring has preference. What is the reason of him who holds that the pouring has preference? He derives it from: And he poured from the anointing oil upon Aaron's head [and anointed him to sanctify him].³⁴ And he who maintains anointing has preference

holds [his view] because this was the method employed in connection with the vessels of ministry.³⁵ But is it not written first: ‘And he poured’, and then, ‘and anointed’? — This is what it means: ‘Wherefore did he pour the oil, because he had already anointed him to sanctify him.

Our Rabbis have taught: It is like the precious oil upon the head [coming down upon the beard, even Aaron's beard].³⁶ Two drops of the oil were hanging down like pearls from Aaron's beard. Said R. Kahana; It was taught, ‘When he [Aaron] spoke, the drops moved upwards and rested by the roots of his beard. This caused anxiety to Moses. Perhaps, Heaven forbid, [he said] I have committed sacrilege with the oil of anointing!’³⁷ But a heavenly voice was heard, saying: Like the dew of the Hermon, that cometh down upon the mountains of Zion;³⁸ as the dew is not subject to sacrilege, so the oil that cometh down upon the beard of Aaron is not subject to sacrilege. Yet Aaron was still worried: ‘Although Moses did not commit sacrilege, I myself am guilty of sacrilege’. Thereupon the heavenly voice pronounced: Behold how good and how pleasant it is for brethren to dwell together in unity:³⁹ As Moses is not guilty of sacrilege, so thou too art not guilty of sacrilege.

Our Rabbis have taught: Kings are anointed only by the side of a spring, so that their rule be prolonged,⁴⁰ as it is written: And the king said unto them . . . and bring him down to Gihon . . . and anoint him there.⁴¹ Said R. Ammi: ‘When one wishes to know whether he will survive the coming year or not, let him take a burning lamp during the ten days between New Year and the Day of Atonement and place it in a house where there is no draught; if the lamp burns out to the end, he will know that he will survive the year. And if one is about to engage in business and wishes to know whether he will succeed or not, let him get a cock and feed it; if it grows fat and handsome, he will know that he will succeed. When one is about to go on a journey and wishes to know whether he will return home, let him enter a darkened room;⁴² if he can perceive

(1) Ex. XXX, 31.

(2) Lev. VIII, 10.

(3) V. I Kings I, 39.

(4) V. II Kings XI, 12.

(5) V. *ibid.* XXIII, 30.

(6) V. II Chron. XXIII, 31 and 36.

(7) In Hor. the text continues: And yet that oil remained whole for the days to come.

(8) Lev. VI, 15.

(9) Deut. XVII, 20 where instead of the last three words, it reads: In the midst of Israel. In Hor. this copyist's error is not to be found.

(10) But if there is dissension concerning the throne, the successor has to be specially sanctified and anointed.

(11) I Sam. XVI, 12.

(12) Or such a one i.e., one belonging to this dynasty.

(13) In using the oil for the anointing of a king, who does not require this according to the Torah, we transgressed the law of sacrilege.

(14) And not with the proper oil of anointing.

(15) I Chron. III, 15.

(16) Thus the version of Rashi. The text thus states that Jehoahaz was the firstborn.

(17) II Chron. XXI, 3.

(18) I.e., he (Jehoram) was like his father a pious man, at the time of succession. He became corrupted later on. Jehoiakim, on the other hand, did not follow, in his father's ways and could not therefore exercise his right as firstborn.

(19) Obviously implying that they were not identical.

(20) Both 'perfect' and 'ended' may be conveyed by the term 'shalem'.

(21) 11 Kings XXIV, 17.

(22) From the root zedek', strict justice.

(23) II Chron. XXXVI, 10. This phrase actually refers to Jehoiakim. The latter part of the verse is meant: And he appointed Zedekiah his brother king over Judah and Jerusalem.

(24) Ibid. v. 13.

(25) Viz., the time of Jehoahaz, whose anointment is mentioned above.

(26) Cf. Ex. XVI, 33.

(27) Num. XVII, 23.

(28) I Sam. VI, 8. This implies that the coffer had to be by the side of the ark. With the disappearance of the ark also the coffer had gone

(29) II Chron. XXXV, 3. Cf. J. Shek. I, 1 where the latter part of the passage is understood to imply that after the removal of the ark from the Temple at the time of the exile, it shall not be restored again to its place.

(30) Sham ('there') is mentioned in connection with the ark in Ex. XXX, 36 and with the manna in XVI, 33. Doroth ('generations') in connection with the manna ibid. and with the sacred oil, ibid. XXX, 31. Mishmereth ('guard') in connection with the manna ibid, and with Aaron's rod in Num. XVII, 25. Manna is thus derived from the ark; and the other two articles from manna. At all events, we learn therefrom that there was no oil of anointing at the time of Jehoahaz.

(31) I.e., a circle round the head.

(32) These two centres of oil are joined with one another and extended to the neck, Rashi.

(33) I.e., the smearing of the forehead.

(34) Lev. VIII, 12. Pouring is mentioned first.

(35) Lev. VIII vv. 10-11.

(36) Ps. CXXXIII, 2.

(37) By using too much of it.

(38) Ibid. v. 3.

(39) Ibid. v. 1.

(40) Like the spring of water.

(41) I Kings 1, 32-34.

(42) Some versions here and in Hor. 12a read 'house of his neighbour' instead of 'darkened room'.

Talmud - Mas. K'rithoth 6a

the reflection of his shadow, he will know that he will return home. But it is not the proper thing [to make these tests], for one might be discouraged and mar his fortune. Said Abaye: Since you hold that symbols are meaningful, every man should make it a habit to eat on New Year pumpkin, fenugreek, leek, beet and dates.¹

R. Mesharsheya said to his sons: 'When you wish to come before your teacher to learn, revise at first your Mishnah and then go to your teacher; and when you are sitting before your teacher look at the mouth of your teacher, as it is written: But thine eyes shall see thy teacher;² and when

you study any teaching, do so by the side of water, for as the water is drawn out, so your learning may be prolonged. Be on the dustheaps of Matha Mehasia rather than in the palaces of Pumpeditha.³ Eat a stinking fish rather than cutha⁴ that breaks rocks.

And Hannah prayed and said: my heart exulteth in the Lord, my horn is exalted.⁵ It says, 'my horn is exalted', but not 'my jar is exalted'. David and Solomon were anointed from a horn,⁶ and therefore their rule was prolonged; Saul and Jehu, however, were anointed from a jar,⁷ and their rule⁸ was not prolonged.

WHEN ONE COMPOUNDS INCENSE. Our Rabbis have taught: 'When one compounds incense for experimenting or in order to hand it over to the community, he is culpable; if in order to smell of it, he is guilty. He who smells it⁹ is not culpable,¹⁰ but he is guilty of sacrilege.¹¹ But is smelling subject to the law of sacrilege? Has not R. Simeon son of Pazzi stated in the name of R. Joshua son of Levi on behalf of Bar Kappara: Hearing, seeing and smelling¹² are not subject to the law of sacrilege?¹³ — The reference to smelling means, after the pillar of the [incense] smoke has ascended,¹⁴ in which case it is not subject to the law of sacrilege, for nothing is subject to the law of sacrilege, after the prescribed command has been performed therewith. Is this indeed so? Behold the separation of the ashes¹⁵ is subject to the law of sacrilege, although the prescribed, command has been performed therewith. — The law concerning the separation of the ashes and that of the garments of the High Priest¹⁶ are two texts teaching the same thing, and where two texts teach the same thing no inference may be made [from them].¹⁷ This is right according to the Rabbis, but what is to be said according to R. Dosa? For it has been taught: And he shall place them [the garments] there,¹⁸ [means] that they have to be hidden.¹⁹ R. Dosa holds: They may be used by an ordinary priest, and 'he shall place them there' means that he [the high priest] shall not use it again on another Day of Atonement.²⁰ — The law concerning the separation of the ashes and that of the heifer whose neck is broken are two texts teaching the same thing, and where two texts teach the same thing no inference may be made [from them for other instances]. 'What is the case of the separation of the ashes? — It has been taught: He shall place it by the side of the altar;²¹ this teaches that it has to be hidden. 'What is the case of the heifer whose neck is broken? — It has been taught: And shall break the heifer's neck there in the valley,²² this teaches that it has to be buried. And even according to him who holds, one may infer for other instances where two texts teach the same thing, here indeed no inference can be made because there are two limitations. In connection with the separation of the ashes, it is written: 'He shall place it': It, and not anything else; in connection with the heifer whose neck is broken, it is written: Whose neck is broken;²³ only the one whose neck is broken and not anything else.

Our Rabbis have taught: The compound of incense consisted of balm, onycha, galbanum and frankincense, each in the quantity of seventy manehs;²⁴ of myrrh, cassia, spikenard and saffron, each sixteen manehs by weight; of costus twelve, of aromatic rind three, and of cinnamon nine manehs; of lye obtained from leek nine kabs;²⁴ of Cyprus wine three se'ahs²⁴ and three kabs, though if Cyprus wine is not available, old white wine may be used instead; of salt of Sodom²⁵ the fourth of a kab, and of ma'aleh 'ashan²⁶ a minute quantity. R. Nathan says: Also of Jordan resin a minute quantity. If, however, honey is added, the incense is rendered unfit; while if one omits one of the ingredients,²⁷ he is liable to the penalty of death.²⁸ R. Simeon son of Gamaliel said: Balm is nothing but a resin which exudes from the wood of the balsam-tree; the lye obtained from leek

was rubbed over the onycha in order to render it beautiful, and in the Cyprus wine the onycha was steeped that its odour might be intensified. In fact urine might well serve this purpose, but urine may not be brought within the precincts of the Temple. This²⁹ supports R. Jose son of R. Hanina, who says: It is holy and it shall be holy unto you,³⁰ implies that all work in connection therewith must be performed within the sacred precincts.

An objection was raised: If one dedicates his possessions to the Temple³¹ and there are among them things fit for communal offerings, they shall be given to the [Temple] craftsmen as wages.³² Now what is meant by 'things fit [for communal offerings]'? If cattle or beast,³³ this has already been taught;³⁴ if wine, oil or fine flour, this has already been taught; hence It must refer to incense.³⁵ — Said R. Oshaia: [It refers to] that which is given to the craftsmen as their wages,³⁶ for we learnt: 'What was done with the remnant of the frankincense? They set apart [an amount equivalent to the craftsmen's] wages [from the Temple Treasury], the remnant was then exchanged against this money, handed over to the craftsmen as their wages and then bought back again from them with the money of the new levy.'³⁷ To this R. Joseph demurred: Surely in connection with all remnants it teaches: 'And then it is bought back again from the new levy'; whereas in connection with this teaching,³⁸ this is not stated.³⁹ — Rather, said R. Joseph: It refers to one of the ingredients of the frankincense.⁴⁰

Our Rabbis have taught: The frankincense consisted of three hundred and sixty-eight manehs,⁴¹ three hundred and sixty-five⁴² corresponding to the days of the solar year, and of the three remaining manehs the high priest took his hands full [into the holy of holies] on the Day of Atonement,⁴³ while the remnant was given to the craftsmen for their wages, as we have learnt: What was done with the remnant of the frankincense? They set apart an amount equivalent to the craftsmen's wages [from the Temple Treasury], the remnant was then exchanged against this money, handed over to the craftsmen as their wages and then bought back again from then, with the money of the Temple Chamber.⁴⁴

(1) These are regarded as symbols of fertility, abundance and quick growth.

(2) Isa. XXX, 20.

(3) A town which was reputed for violence and dishonesty; v. Hor. 12a (Sonc. ed.) for further notes on this passage.

(4) Cutha is a dish containing milk, breadcrumbs and salt. It is described in Pes. 42a as one which is harmful alike to body and spirit. Even when it is as hot and as hard so as to break rocks, one should not eat it.

(5) I Sam. II, 1.

(6) Cf. *ibid.* XVI, 13 and I Kings 1, 39. **lan** 'to blow', used with the 'horn' connotes at the same time to prolong.

(7) Cf. I Sam. X, 1 and II Kings IX, 1, 3.

(8) I.e., their dynasty.

(9) I.e., the incense of the community.

(10) I.e., is not subject to kareth. Kareth is only prescribed for the manufacture of incense with the purpose to smell of it.

(11) Tosef. Mak. III, 1.

(12) Viz., of things belonging to Temple property, e.g., the smelling of incense.

(13) Because these are considered immaterial forms of use. V. pes. 26a.

- (14) I.e., after it had been burnt.
- (15) I.e., the ashes separated from the altar and placed by the side of it. Cf. Lev. VI, 3 and Me'il. 11b.
- (16) Used on the Day of Atonement, cf. Lev. XVI, 23f.
- (17) Or rather, the fact that the same law is applied in the text to two instances is taken to exclude its application to others.
- (18) Ibid.
- (19) Viz., so as not to be used again. They are thus subject to sacrilege even after their use.
- (20) Hul. 117a.
- (21) Lev. VI, 3.
- (22) Deut. XXI, 4. 'There' is superfluous, and is taken to imply that it shall remain there for ever and must not be used.
- (23) Deut. XXI, 6. The article in the word **vpurgv** is superfluous and is understood in a restrictive sense.
- (24) V. Glos.
- (25) Or sea-salt. Cf. B.B. 20b.
- (26) Lit., 'smoke-raiser', i.e., a herb which makes the smoke of the frankincense rise.
- (27) Viz., the high priest who enters the Holy of Holies with the unfit incense (Rashi). It may also refer to the manufacturer of the incense.
- (28) By the hand of heaven.
- (29) The last passage.
- (30) Ex. XXX, 32.
- (31) Without specification, in which case the possessions go to the Temple repair fund; but the things suitable for the altar must not be used for the repair fund. Objects fit for communal offerings cannot be offered, however, for the community, because such offerings must be brought out of communal funds.
- (32) Shek. IV, 6.
- (33) This is a standing phrase, not precise in this instance, as a beast of chase is not fit for the altar.
- (34) Shek. IV, 6.
- (35) We thus find that the frankincense may be compounded as profane goods and then dedicated to the Temple.
- (36) I.e., the remnant of frankincense, left over from the past year; cf. R. H. 7a. At the beginning of Nisan the taxes for communal offerings were collected. The frankincense bought with the money of the previous levy was not allowed to be used in the new year. It was therefore necessary to resort to the device mentioned below, in order to make the use of the remnant in the new year possible.
- (37) Ibid. IV, 5; cf. also Me'il. 14b where this Baraitha is expounded.
- (38) Sc. Shek. IV, 6.
- (39) It accordingly cannot refer to a remnant.
- (40) Before the mixing, and not to the prepared incense.
- (41) This is the total weight of the ingredients of incense, as expounded above.
- (42) This is the average length also of the Jewish year, if the leap years are taken into consideration.
- (43) V. Lev. XVI, 12.
- (44) The version above of the same Mishnah reads 'new levy' instead of 'Temple Chamber' which is the same thing.

Talmud - Mas. K'rithoth 6b

Our Rabbis have taught: [By reason of] the remnants of frankincense once in sixty or seventy years only half the quantity was manufactured.¹ Therefore, if a stranger compounds half the

quantity, he is culpable.² Thus the view of Rabban Simeon son of Gamaliel, who said this in the name of the Segan;³ while there is no tradition that a third or a fourth of the quantity was ever compounded.⁴ The Sages hold: He prepared frankincense each day⁵ according to its composition and offered it up. This supports Raba; for Raba said: If one compounds half the quantity of frankincense,⁶ he is capable, for it is written: And the incense which thou shalt make etc.⁷ ; whatever [quantity] you make, and it is possible for one to prepare half [a maneh] in the morning and half in the evening.

Our Rabbis have taught: Twice in the course of the year is the incense put back into the mortar.⁸ During the summer it is scattered, so that it does not rot away; during the winter it is heaped together, so that its fragrance may not escape. While it is being beaten, he⁹ calls out: 'Pound well, well pound'. These are the words of Abba Jose b. Johanan. The three remaining manehs of which the high priest on the Day of Atonement separates his handfuls, are put back in the mortar on the eve of the Day of Atonement and pounded very thoroughly, so that the incense is of the very finest, as it has been taught:¹⁰ 'Wherefore is beaten small'¹¹ stated, since it is written already: And thou shalt beat some of it very small?¹² That it has to be the very finest.

The Master said: "While it is being beaten, he calls out: "Pound well, well pound".' This supports R. Johanan; for R. Johanan said: Just as speech¹³ is harmful to wine, so it is beneficial to spices.

Said R. Johanan: Eleven kinds of spices¹⁴ were named to Moses at Sinai. Said R. Huna: 'Where is the text? Take unto thee sweet spices, at least two; stacte, and onycha, and galbanum, that makes together five; 'sweet spices' means another five, that makes together ten; 'with pure frankincense', which is one, that is together eleven. 'Why not say, 'sweet spices' [at the beginning] is a general statement, stacte, and onycha, and galbanum' a specification, and 'sweet spices' [at the end] is again a general statement! ['We have thus, a generalization followed by a specification and then by a generalisation, [in which case] only things sharing the qualities of the specification may be derived. Just as the [items of the] specification are things whose smoke ascends upwards and whose fragrance spreads, so include all things whose smoke ascends upwards and whose fragrance spreads. And should you say in this case only one [item of] specification should have been mentioned, [I would answer] No, all are necessary; for if 'stacte' alone was written, I might have said: Only things from the tree [are to be taken], but not things growing on the ground. It was thus necessary to state 'onycha'. And if 'onycha' alone was written, I might have said: Only things from the ground, but not from the tree. It was thus necessary to state 'stacte'. As to 'galbanum', its mention is necessary for its own sake, for its odour is unpleasant¹⁵ if so,¹⁶ it could have been derived from: Take unto thee.¹⁷ But perhaps say: 'The sweet spices' in the latter part [of the verse] mean two, as 'the sweet spices' in the former part?¹⁸ Then it should have written the two expressions 'sweet spices' next to one another, and then write 'stacte, and onycha, and galbanum'. In the School of R. Ishmael it was taught thus: 'Sweet spices' is a generalisation, 'stacte, and onycha, and galbanum' is a specification, sweet spices' again is a generalisation, and from a generalisation followed by a specification and then by another generalisation one can derive only things sharing the qualities of the specification. As the [items in the] specification are things whose smoke ascends upwards and whose fragrance spreads, so all things whose smoke ascends upwards and whose fragrance spreads.¹⁹ Perhaps this

is not so; but take the generalisation with the first generalisation, the specification with the first specification?²⁰ — Say: This cannot be; hence you must not expound according to the latter version but according to the former.

The Master said: ‘Perhaps this is not so, but take the generalisation with the first generalisation and the specification with the first specification? — Say: This cannot be, hence you cannot expound . . . ‘What is the question? — This is his difficulty: Let the sweet spices’ in the latter part [of the verse] mean two like ‘sweet spices’ in the former.²¹ ‘Whereupon he replied as was answered before: Then it should have written, ‘Sweet spices, sweet spices, stacte, onycha and galbanum’. What is the meaning of ‘and the specification with the first specification’? — This is his difficulty: Things of the tree are derived from ‘stacte’, and things of the ground from ‘onycha’; why not then derive from ‘pure frankincense’ all things which have one quality in common with it [viz.,] that their fragrance spreads, though their smoke does not ascend upwards?²² Whereupon he replied: If this was so, ‘pure frankincense’ should have been written among the others,²³ so that you could derive therefrom. But if ‘pure frankincense’ was written among the others, we would have twelve spices.²⁴ — ‘Pure frankincense’ should have been written among the others and ‘galbanum’ at the end. Resh Lakish says: From the word itself it can be inferred; for ketoreth²⁵ [frankincense] means something whose smoke ascends upwards.

Said R. Hana b. Bizna in the name of R. Hisda the pious: A fast in which none of the sinners of Israel participate is no fast;²⁶ for behold the odour of galbanum is unpleasant and yet it was included among the spices for the incense. Abaye says: ‘We learn this from the text: And hath founded his vault upon the earth.’²⁷

OR USES OIL OF ANOINTING. Our Rabbis have taught: He who pours the oil of anointing over cattle or vessels is not guilty; if over heathens or the dead, he is not guilty. The law relating to cattle and vessels is right, for it is written: Upon the flesh of man [adam] shall it not be poured;²⁸ and cattle and vessels are not man. Also with regard to the dead, [it is plausible] that he is exempt, since after death one is called corpse and not man. But why is one exempt in the case of heathens; are they not in the category of adam? — No, it is written: And ye my sheep, the sheep of my pasture, are adam [man]:²⁹ Ye are called adam but heathens are not called ‘adam. But is it not written: And the persons [adam] were sixteen thousand?³⁰ — Because it is used in opposition to cattle.³¹ But is it not written: And should I not have pity on Nineveh [that great city, wherein are more than six score thousand persons [adam]]?³² — This too is used in opposition to cattle.³³ Or, if you wish, I might explain it in the light of what a Tanna recited before R. Eleazar: Whosoever is subject to the prohibition ‘he shall not pour’ is subject to [the law] ‘it shall not be poured [over him]’; but he who is not subject to ‘he shall not pour’ is not subject to ‘it shall not be poured [over him]’.³⁴

Another [Baraita] taught: If one anoints with the oil of anointing cattle, vessels, heathens and the dead, he is not culpable; if kings and priests, R. Meir holds he is culpable and R. Judah that he is exempt. How much has one to put in order to be culpable? R. Meir says: Any quantity; R. Judah says: As much as that of the bulk of an olive. But did not R. Judah say that one is exempt? — R. Judah exempts only in the case of kings and priests,³⁵ but in the case of laymen he declares one culpable. What is the ground of dispute between R. Meir and R. Judah? — Said R. Joseph:

They dispute in this: R. Meir holds, It is written: Upon the flesh of man shall it not be poured;³⁶ and it is also written: Or whosoever putteth of it upon a stranger:³⁷ As the [prohibition of] anointing applies to any quantity,³⁸ so also the [prohibition of] putting [upon a stranger];³⁹ while R. Judah holds, The [implication of] 'putting upon a stranger' is derived from 'giving' elsewhere: as 'giving' implies at least an olive size,⁴⁰ so also the 'putting upon a stranger at least an olive size; but with regard to the pouring for the anointing of kings and priests both agree that any quantity suffices. Then said R. Joseph: 'Whereupon rests the dispute between R. Meir and R. Judah with reference to kings and priests?'⁴¹ R. Meir holds: It is written: 'Or whosoever putteth of it upon a stranger', and king and priest are now to be regarded as strangers;⁴² while R. Judah maintains [to involve culpability] it is essential that one is a 'stranger' from beginning to end; but kings and priests were not considered [always] strangers.⁴³ Said R. Ika the son of R. Ammi: They⁴⁴ follow their own reasoning elsewhere; for we have learnt:⁴⁵

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- (1) As the handfuls of the high priest on the Day of Atonement amounted approximately to half a maneh, the remnant each year was about two and a half manehs. During a period of between sixty and seventy years the remnants accumulated to half the yearly quantity. When this was reached only a supplementary half was newly manufactured.
 - (2) This transgression applies only to quantities otherwise manufactured for the Temple.
 - (3) The deputy high priest.
 - (4) I.e., that two-thirds or three-quarters were allowed to be accumulated.
 - (5) Viz., one maneh. A stranger is accordingly guilty for the manufacture of one maneh.
 - (6) Or even less, as is proved from the text. In cur. edd. oil of anointing stands in place of frankincense, but in supra 5a whence this quotation is taken, frankincense is the version.
 - (7) Ex. XXX, 37.
 - (8) To induce fragrance.
 - (9) The superintendent calls to him who pounds the incense.
 - (10) Yoma 45a.
 - (11) Lev. XVI, 12 referring to the handfuls on the Day of Atonement.
 - (12) Ex. XXX, 36.
 - (13) I.e., speaking while it is being prepared.
 - (14) Only four are mentioned in Ex. XXX, 34.
 - (15) Had it not been explicitly mentioned, I would not have included it.
 - (16) If the purpose of the numeration of the items is for the sake of expounding the verse by the principle of generalisation and specification etc. and not to indicate the precise number.
 - (17) Which would have served as a generalisation without the addition of 'spices'.
 - (18) And not five.
 - (19) R. Ishmael's School resorts both to the principle of generalisation etc. and to the exposition of R. Huna, the former teaching that it must be of a kind whose smoke ascends and fragrance spreads, and the latter indicating the number.
 - (20) This last question and the answer are obscure, and will be explained immediately.
 - (21) This then is the meaning: perhaps the second generalisation (sweet spices) has the same connotation as the first and implies no more than 'two'; whence then is the number eleven derived?
 - (22) And thus the question is, perhaps the last specification is to be taken in conjunction with the first and the others that precede the second generalisation?
 - (23) I.e., among the specifications enclosed by the two generalisations, 'sweet spices'.

- (24) For the latter expression 'sweet spices' doubles the number of spices enumerated before, which in this case would be six.
- (25) The root **rye** means 'to rise in circles'.
- (26) The sinners should not be excluded as unworthy of joining their fellow-Jews in prayer.
- (27) Amos IX, 6. The root **sdt** of **u, sudtu** 'his vault' means to bind together. Only when all his creatures are bound together is this creation on earth founded.
- (28) Ex. XXX, 32.
- (29) Ezek. XXXIV, 31. The passage continues: And I am your God, saith the Lord God. It is thus clear that the term **ost** in this sentence does not denote 'man' but Israelite. The term adam is used to denote man made in the image of God (v. Gen. IX, 6, for in the image of God He made adam) and heathens by their idolatry and idolatrous conduct mar this divine image and forfeit the designation adam (v. B.M. Sonc. ed. p. 651, n. 7). There is therefore a possibility that also oil used in Ex. XXX, 32 is to be understood in this restrictive sense, particularly as the distinction between holy and profane made in the text (it reads there, 'it is holy and it shall be holy unto you') is meaningful only to one who believes in the ideal of the holy.
- (30) Num. XXXI, 40 referring to the heathen Midianites.
- (31) V. the context.
- (32) Jonah IV, 11.
- (33) V. the end of the passage.
- (34) The prohibition of using sacred oil for profane purposes is thus binding for the Israelites only.
- (35) After they had been anointed. Rashi reads, high priests.
- (36) Ex. XXX, 32.
- (37) Ibid. v. 33. Lit., 'whosoever giveth'. The analogy later between putting and giving is based upon this literal translation.
- (38) Since there the term 'anointing' implies any quantity however small.
- (39) Although elsewhere 'putting' (lit., 'giving') implies at least the bulk of an olive.
- (40) Cf. Pes. 32b where this fact is derived from Lev. XXII, 14.
- (41) Viz., when unlawfully anointed.
- (42) For anointing after their first anointment is no longer prescribed for them.
- (43) For there was a time when they were required to be anointed, and were not strangers.
- (44) I.e., R. Meir and R. Judah.
- (45) Ter. VII, 2.

Talmud - Mas. K'rithoth 7a

If the daughter of a priest married to an Israelite has eaten terumah,¹ she has to pay the principal but not the additional fifth, and her punishment² is death by burning. If she is married to one of those disqualified [for priesthood], she has to pay the principal as well as the additional fifth, and her punishment is death by strangulation.³ Thus the view of R. Meir; but the Sages hold: In either case she has to pay the principal but not the fifth, and is punished by burning.⁴

Said R. Joseph: The dispute [between R. Meir and R. Judah] is only with reference to the putting of the oil of anointing, and as we have explained above;⁵ but elsewhere⁶ all agree that 'giving' implies at least an olive size.

[To turn to] the main text: A Tanna recited before R. Eleazar: Whosoever is subject to [the

prohibition] ‘he shall not pour’ is subject to [the law] ‘it shall not be poured [over him]’; but he who is not subject to ‘he shall not pour’ is not subject to ‘it shall not be poured [over him]’. The latter said to him: You speak well: it is written, ‘It shall not be poured’ [yisak], read ‘he shall not pour’ [yasik].⁷

R. Hananiah recited before Raba: If a high priest has taken from the oil of anointing that is upon his head and rubbed it upon his stomach, whence do we know that he is culpable? It says: Upon the flesh of man shall it not be poured’.⁸ Said R. Aha the son of Raba to R. Ashi: ‘Why is this different from that which has been taught:⁹ A priest who is anointed with oil of terumah may without scruple allow [e.g.,] his Israelite grandson¹⁰ to roll against him?¹¹ — He replied: In that connection it is written: And die therein, if they profane it;¹² once it is profaned¹³ it remains profane; but in connection with the oil of anointing it says: For the consecration of the anointing oil of his God is upon him;¹⁴ the Divine Law [still] calls it oil of anointing, so that even when it is ‘upon him’ it does not become profane.

FOR THESE [TRANSGRESSIONS] ONE IS LIABLE TO EXTINCTION IF COMMITTED WILFULLY etc. It states EXCEPT IN THE CASE OF ONE WHO DEFILED THE TEMPLE OR ITS CONSECRATED THINGS. Excluded from what? — Read thus: Excluded is he who defiles the sanctuary or sacred things in that he does not bring a suspensive guilt-offering.¹⁵ Why not also state: Excluded is one from a suspensive guilt-offering where the Day of Atonement has passed by in the meantime?¹⁶ — Replied Resh Lakish: He mentions only cases where a sin-offering is [prescribed],¹⁷ but the Divine Law has pronounced exemption [from a suspensive guilt-offering in case of a doubt]; but where the Day of Atonement had passed by, there is no sin-offering prescribed, for [the sin] had already been atoned. R. Johanan said: [The Mishnah] refers to a rebellious person,¹⁸ [that is] who says that the Day of Atonement brings no forgiveness; if then he repents after the Day of Atonement, he is liable to a suspensive guilt-offering.¹⁹ But Resh Lakish holds that the Day of Atonement effects forgiveness even to a rebellious person. Their dispute is similar to the following: If one says, My sin-offering shall effect no atonement for me, Abaye says: It does not effect atonement; Raba says: It does effect atonement. If he said, It shall not be offered, all agree that it does not effect atonement, for it is written: He shall bring it with the consent;²⁰ where they differ is when he said: It should be offered but should not effect atonement. Abaye holds that it does not effect atonement, for he said: It should not atone. Raba holds that it does effect atonement, since he ordered that it should be offered, atonement comes as a matter of course. Raba, however, has retracted his view, as it has been taught: I might assume that the Day of Atonement atones alike for them who repent and them who do not repent.²¹ But is there not an argument [to the contrary]: Sin- and guilt-offerings effect atonement, and the Day of Atonement effects atonement. Just as sin- and guilt-offerings atone only for them that repent, so shall also the Day of Atonement atone only for them that repent? No, [this is not conclusive]. You can rightly say that such is the case of sin- and guilt-offerings, since they do not atone for wilful sins as they do for those in error; will you apply the same to the Day of Atonement which atones alike for wilful sins as well as for those in error? I might therefore have thought since the Day of Atonement atones for wilful sins as well as those in error, so it would atone for them that repent as well as them that do not repent, therefore it is written, ‘howbeit’,²² to establish a distinction [between them that repent and them that do not repent]. ‘What is meant by ‘them that repent’ and ‘them that do not repent’?²³ Does ‘them that

repent' mean that the sin has been committed in error, and 'them that do not repent' that the sin has been committed wilfully? But then, does it not state: No, you can rightly say that such is the case of sin- and guilt-offerings, since they do not atone for wilful sins, etc.²⁴ — Rather [explain in the light of] what 'Ulla said in the name of R. Johanan:²⁵ If a man ate heleb²⁶ and separated a sacrifice, and then he apostatized but retracted afterwards, [the sacrifice may not be offered] for since it has once been rejected it remains rejected.²⁷ But although this [particular] sacrifice is rejected, the person, however, is fit for atonement?²⁸ — Hence [you must say] that 'them that repent' refers to one who says: My sin-offering shall effect atonement for me; and 'them that do not repent' to one who says: My sin-offering shall effect no atonement for me. This proves it.²⁹

The following contradiction was raised: I might think that the Day of Atonement atoned only for him who afflicted himself and did no work on it, and called it a holy convocation;³⁰ but if one did not afflict himself or did work on it or did not call it a holy convocation, I might think that the Day of Atonement does not atone for him; therefore it is stated: It is the Day of Atonement:³¹ in all circumstances [does it atone]. Now, these two statements³² are both given anonymously³³ in the Sifra³⁴ and so they contradict each other! — Replied Abaye: There is no difficulty; the former teaching is that of Rabbi on the view of R. Judah, the latter that of Rabbi himself; as it has been taught: Rabbi says, For all the sins of the Torah, whether one has repented or not, the Day of Atonement atones, except for throwing off the yoke,³⁵ interpreting the Torah in opposition to the halachah,³⁶ and making void the covenant of the flesh,³⁷ where if one has repented the Day of Atonement effects atonement, but if not, the Day of Atonement effects no atonement.

Raba said: Both teachings represent Rabbi's own view, but Rabbi agrees that the transgressions against the sanctity of the Day of Atonement itself are not atoned for.³⁸ For if this was not so, how could, according to Rabbi, the penalty of kareth for offending against the laws of the Day of Atonement ever take effect, since there is on that day continuous atonement. This would offer no difficulty; [it might take effect] when one did work during the night and died at dawn, so that he had no day³⁹ to atone for him. This is right only as far as sins committed by night are concerned, how can kareth take effect for sins committed by day?⁴⁰ — This is no difficulty. [It might take effect] when one while partaking of a meal⁴¹ was choked by a lump of meat and died, so that there was no time during the day for the atonement to atone for him;⁴² or when he was working just before sunset; or when while working he cut off his thigh with the axe and died, so that there was no time during the day to atone for him.

THE SAGES SAY: ALSO ONE WHO BLASPHEMES etc. What is the meaning of 'also one who blasphemes'?⁴³ — The Rabbis heard that R. Akiba⁴⁴ included⁴⁵ ob but not yidde'oni;⁴⁶ so they said to him: The reason why there is no offering in the latter instance is because it involves no action;⁴⁶ the blasphemer, too, performs no action.

Our Rabbis have taught: He who blasphemes is liable to an offering, for kareth is written in connection with him; thus the view of R. Akiba. And it further says: He will bear his iniquity.⁴⁷ But is it a rule that wherever kareth is written, one has to bring an offering [in case of error]? Surely there are the cases of Passover and circumcision in connection with which kareth is written, and yet these Involve no offerings? —

- (1) V. Glos. By marrying an Israelite she becomes disqualified from eating terumah. She is, however, exempted from the payment of the fine of an extra fifth of the value (cf. Lev. V, 16), because she might return to her original status of priesthood on her husband's childless death.
- (2) In case of infidelity; cf. Lev. XXI, 9.
- (3) Like any other unfaithful wife. By this marriage she herself has become disqualified for priesthood. Even after her husband's death she is not fit to eat terumah.
- (4) R. Meir does not take into consideration the fact that she was once fit for priesthood; while the Sages, identified with R. Judah, hold she has still the status of a priest's daughter by reason of her former inclusion in the tribe. The arguments are thus similar to those underlying the previous dispute.
- (5) Viz., that the term 'putting' (i.e., giving) of oil is to be compared with that of 'pouring'.
- (6) E.g., when frankincense is put upon the meal-offering, cf. Men. 59b.
- (7) The fact that the word **לִּיְהוָה** is understood, by reason of the two yods, both in the active and in the passive voice is taken to imply that there is an interdependence between him who uses the oil and him upon whom it is used.
- (8) This is all inclusive.
- (9) Tosef. Ter. IX, 8, with slight variants.
- (10) The son of his daughter who married an Israelite.
- (11) Although his body may be smeared with the oil of terumah, which is prohibited to an Israelite.
- (12) Lev. XXII, 9.
- (13) I.e., once it has been used.
- (14) Ibid. XXI, 12. It is called a 'consecration' even after it is poured over his head.
- (15) V. Mishnah. The reason given is that such a guilt-offering is offered only in cases where by certain yet unwitting transgression a fixed sin-offering is prescribed. For the defilement, however, of the sanctuary or sacred things, a sacrifice of higher or lesser value is prescribed.
- (16) In which case the Day of Atonement effects atonement for the doubtful sins.
- (17) Viz., when the transgression is certain though committed in error.
- (18) Lit., 'one who kicks'.
- (19) And for this reason the Mishnah does not exclude this case.
- (20) Lev. I, 3.
- (21) Shebu. 13a.
- (22) Lev. XXIII, 27 which is a restrictive expression.
- (23) Mentioned above in connection with sin- and guilt-offerings.
- (24) This passage would then be a repetition of the previous.
- (25) Sanh. 47a.
- (26) V. Glos. The eating was in error, in which case he is liable to a sin-offering.
- (27) An apostate's sacrifice may not be offered upon the altar. In accordance with this dictum 'them that do not repent' signifies people who have apostatized between the separation of the sacrifice and its offering up.
- (28) After the revocation of his apostasy such a person is regarded as a full Israelite and surely participates in the forgiveness of the Day of Atonement.
- (29) That where one says, 'My sin-offering shall effect no atonement for me' it does not atone.
- (30) I.e., participated in the service of the day (Rashi).
- (31) Lev. XXIII, 27. The article is considered superfluous and is understood as an amplification.
- (32) Viz., this one and the one above stating that the Day of Atonement atones only for them that repent and comply with the laws concerning the Day of Atonement.
- (33) Being anonymous both teachings emanate from the same authority.

- (34) Halachic Midrash on Leviticus.
- (35) I.e., unbelief in God.
- (36) Rejecting thereby the oral law.
- (37) I.e., circumcision. On these phrases v. Sanh. (Sonc. ed.) p. 672 and notes.
- (38) I.e., that if one does not afflict himself on the Day of Atonement that day does not atone for this sin except after repentance, while other sins perpetrated throughout the year are atoned for even without repentance. The former statement is thus confined to sins against the holiness of the Day of Atonement itself.
- (39) Atonement is granted during day-time, although the sanctity of the festival commences on the previous evening as is the case of all Jewish festivals. Although the sinner is now dead, kareth can still take effect thereafter. V. Glos on kareth.
- (40) The text Lev. XXIII, 28 explicitly mentions the day: Ye shall do no manner of work in that same day.
- (41) Lit., 'eating bread'. The parallel passage in Shebu. 13b reads: While eating a lump of meat.
- (42) Sin and death were simultaneous.
- (43) It can have no reference to the immediately preceding passage, which deals with suspensive guilt-offerings for doubtful sins.
- (44) As is later on explained, the anonymous view in our Mishnah, to whom the Sages retort, represents R. Akiba's opinion.
- (45) Viz., in the category of sins enumerated in the Mishnah liable to a sin-offering where committed in error.
- (46) V. supra 3b.
- (47) Lev. XXIV, 15.

Talmud - Mas. K'rithoth 7b

This is the meaning: One who blasphemes brings an offering,¹ because [the penalty of] kareth stands in this case in conjunction with offerings.² This is the view of R. Akiba. He holds that since kareth in this instance could have been mentioned independently, but is in fact mentioned in conjunction with offerings, this proves that [he who blasphemes] brings an offering. And it further says, 'he shall bear his iniquity'; this is quoted on the view of the Sages. And thus did the Rabbis say to R. Akiba: You maintain that the blasphemer [megaddef] is liable to an offering because kareth in this instance is mentioned in conjunction with offerings. You thus assume that the term 'megaddef' of the Holy Writ³ denotes one who blasphemes the Name of the Lord. [This is not so;] 'Megaddef' denotes one who worships idols.⁴ And as to the text of the Mishnah: AND THE SAGES SAY, ALSO ONE WHO BLASPHEMES [megaddef],⁵ it is to be understood thus: Also he who blasphemes the Name which you designate as megaddef⁶ etc. . . And whence do you know that kareth applies to one who blasphemes the Name?⁷ — In connection with blasphemy we read: 'He shall bear his iniquity',⁸ and also in connection with the second Passover we read: 'He shall bear his iniquity'.⁹ As in the latter instance kareth is the penalty, so also in the former the penalty is kareth.¹⁰

Our Rabbis taught: The same blasphemeth [megaddef] the Lord;¹¹ Issi b. Judah explains [the term gadaf] in the sense of a man who says to his neighbour: Thou hast scraped [garef]¹² the dish and impaired it;¹³ he holds 'megaddef' denotes one who blasphemes the Name. R. Eleazar b. Azariah explains it in the sense of a man who says to his neighbour: Thou hast scraped the dish but hast not impaired it; he holds 'megaddef' denotes one who worships idols. Another [Baraitha] teaches: 'The same blasphemeth the Lord': R. Eleazar b. Azariah says: The text speaks of one

who worships idols; while the Sages say: The text intends only to pronounce kareth for him who blasphemes the Name.¹⁴

MISHNAH. SOME [WOMEN AFTER CONFINEMENT] BRING AN OFFERING¹⁵ WHICH IS EATEN; SOME BRING ONE WHICH IS NOT EATEN, AND SOME BRING NO OFFERING AT ALL. SOME BRING AN OFFERING WHICH IS EATEN: IF A WOMAN BEARS AN ABORTION WHICH IS IN THE SHAPE OF CATTLE, OR A BEAST OF CHASE OR A BIRD — [THUS THE VIEW OF R. MEIR; WHILE THE SAGES HOLD: ONLY IF IT HAS A HUMAN SHAPE], OR IF A WOMAN DISCHARGES A SANDAL-LIKE FOETUS OR A PLACENTA OR A DEVELOPED FOETUS,¹⁶ OR A YOUNG THAT CAME OUT IN PIECES; SIMILARLY, IF A WOMAN-SLAVE¹⁷ MISCARRIES, SHE BRINGS AN OFFERING WHICH IS EATEN. THE FOLLOWING BRING AN OFFERING WHICH IS NOT EATEN: A WOMAN WHO BEARS AN ABORTION BUT DOES NOT KNOW WHAT THE ABORTION WAS,¹⁸ OR IF OF TWO WOMEN THE ONE HAD AN ABORTION OF A KIND WHICH DID NOT RENDER HER LIABLE [TO AN OFFERING], AND THE OTHER OF A KIND TO MAKE HER LIABLE [TO AN OFFERING].¹⁹ R. JOSE SAID: THIS APPLIES ONLY IF THE ONE WENT TOWARDS THE EAST AND THE OTHER TOWARDS THE WEST,²⁰ BUT IF BOTH REMAINED TOGETHER THEY BRING [TOGETHER] ONE OFFERING WHICH IS EATEN. THE FOLLOWING BRING NO OFFERING AT ALL: THE WOMAN WHO DISCHARGES A FOETUS FILLED WITH WATER OR WITH BLOOD OR WITH A MANY-COLOURED SUBSTANCE; OR IF THE ABORTION WAS IN THE SHAPE OF FISH, LOCUST, UNCLEAN ANIMALS OR REPTILES; OR IF THE MISCARRIAGE TOOK PLACE ON THE FORTIETH DAY [AFTER THE CONCEPTION],²¹ OR IF IT WAS EXTRACTED BY MEANS OF A CAESAREAN SECTION. R. SIMEON DECLARES HER LIABLE [TO AN OFFERING] IN THE CASE OF A CAESAREAN SECTION. GEMARA. 'Whence do we know [the law concerning] the woman-slave? — For our Rabbis taught: [Speak unto] the children of Israel;²² from this I only know that [the law] applies to the children of Israel, whence do we know [its application to] a woman-proselyte and to a woman-slave? The text therefore states: [If] a woman.²³ Why state, SIMILARLY IF A WOMAN-SLAVE?²⁴ — I might have thought that the rule that all commandments which are binding upon a woman apply also to a slave holds good only in respect of laws which are applicable both to men and woman; but as to the laws concerning the woman after confinement, which are applicable to women only and not to men, I might have thought that the woman-slave is not included. Therefore a woman-slave is mentioned [in the Mishnah].

THE FOLLOWING BRING AN OFFERING etc. How shall they proceed?²⁵ They bring [each] a certain [burnt-]offering and [together] a doubtful sin-offering of a bird and stipulate.²⁶ But does R. Jose indeed admit that one can stipulate? Have we not learnt: R. Simeon holds, They together bring one sin-offering; R. Jose holds, Two persons cannot bring one sin-offering?²⁷ Does this not prove that R. Jose does not agree with the principle of making a stipulation?²⁸ — Said Raba: R. Jose agrees in the case of one who requires atonement.²⁹ Also when Rabin came [from Palestine], he said in the name of R. Johanan: R. Jose agrees in the case of one who requires atonement. 'What is the difference? — There,³⁰ it is essential that the offender be conscious of his sin, as it is written: If his sin be known to him;³¹ therefore the offering cannot be brought conditionally. But here, the women bring offerings only in order to be permitted to partake of holy

things, even as we have learnt in the concluding clause of that [same Mishnah], R. Jose says: No sin-offering that is brought for the expiation of sin can be offered by two persons.

THE FOLLOWING BRING NO OFFERING . . . R. SIMEON DECLARES HER LIABLE IN THE CASE OF A CAESAREAN SECTION. What is the reason of R. Simeon? — Said Resh Lakish: It is written, And if she bear a maid-child,³² to include another kind of bearing, namely by means of a caesarean section. And what is the reason of the Rabbis? — Said R. Mani b. Pattish: It is written, If a woman conceive seed and bear,³³ only when the birth takes place through the seat of conception.³⁴

MISHNAH. IF A WOMAN BRINGS FORTH AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY,³⁵ BETH SHAMMAI SAY: SHE IS EXEMPTED FROM AN OFFERING,³⁶ WHILE BETH HILLEL SAY: SHE IS LIABLE. SAID BETH HILLEL TO BETH SHAMMAI: WHAT IS THE DIFFERENCE BETWEEN THE EVE OF THE EIGHTY-FIRST DAY AND THE EIGHTY-FIRST DAY ITSELF? SINCE THESE ARE CONSIDERED EQUAL WITH REGARD TO UNCLEANNESS,³⁷ WHY SHOULD THEY NOT BE CONSIDERED EQUAL ALSO WITH REFERENCE TO THE OFFERINGS? ANSWERED BETH SHAMMAI TO THEM: NO; IF YOU WILL MAINTAIN THIS³⁸ IN THE CASE WHERE SHE BEARS AN ABORTION ON THE EIGHTY-FIRST DAY WHERE IT³⁹ OCCURRED AT A TIME WHEN SHE WAS FIT TO BRING AN OFFERING, CAN YOU MAINTAIN THIS WHERE SHE BEARS AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY, SEEING THAT IT DID NOT OCCUR AT A TIME WHEN SHE WAS FIT TO BRING AN OFFERING?⁴⁰ SAID BETH HILLEL AGAIN TO THEM: THE CASE OF AN ABORTION ON THE EIGHTY-FIRST DAY WHICH FELL ON A SABBATH SHALL PROVE IT, WHERE THE ABORTION TOOK PLACE AT A TIME WHEN SHE WAS UNFIT TO BRING AN OFFERING AND YET SHE IS LIABLE TO BRING A [NEW] OFFERING. REPLIED BETH SHAMMAI TO THEM: NO; IF YOU WILL MAINTAIN THIS OF THE EIGHTY-FIRST DAY WHICH FELL ON A SABBATH WHICH, THOUGH INDEED NOT FIT FOR OFFERINGS OF AN INDIVIDUAL, IS AT LEAST FIT FOR COMMUNAL OFFERINGS, WOULD YOU MAINTAIN THIS OF AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY, SEEING THAT THE NIGHT IS FIT NEITHER FOR OFFERINGS OF THE INDIVIDUAL NOR FOR COMMUNAL OFFERINGS? AS TO [YOUR ARGUMENT OF THE UNCLEANNESS OF] THE BLOOD,⁴¹ IT PROVES NOTHING, FOR ALSO WHEN THE ABORTION TOOK PLACE WITHIN THE PERIOD OF CLEANNESS IS THE BLOOD⁴² UNCLEAN, AND YET SHE IS EXEMPTED FROM AN OFFERING.⁴³

(1) Although he performs no action.

(2) Cf. Num. XV, 30 and the context.

(3) Viz., of Num. XV, 30.

(4) So that blasphemy which is accordingly mentioned only in Lev. XXIV, 15-16 does not stand in conjunction with offerings. R. Akiba's view is thus robbed of its foundation.

(5) Thus admitting that 'megaddef' denotes the blasphemer.

(6) I.e., the Sages use here the term 'megaddef' in the language of R. Akiba to whom they address themselves.

(7) Since the text in Num. XV, 30 where kareth is mentioned refers to idolatry.

(8) Lev. XXIV, 15.

(9) Num. IX, 13.

(10) Thus Rashi's version. Cur. edd., whose text is not quite clear, read thus: . . . on the view of the Rabbis. R. Akiba argues thus with the Rabbis: You maintain the blasphemer (megaddef) performs no action; but in fact 'megaddef' is one who blasphemes the Name. And for what purpose has kareth been mentioned? They said to him: He who curses the Lord is liable to kareth, for it is written in connection with cursing, 'That man shall bear his iniquity' and it is written in conjunction with the second passover, 'He shall bear his iniquity': as in the latter instance there is kareth, so also in the former there is kareth.

(11) Num. XV, 30.

(12) ; **sdn** is thus turned into ; **rdn** by reason of the similarity of the two letters **S** and **R** .

(13) I.e., not only hast thou robbed the vessel of its contents, thou hast also damaged the vessel itself. The allusion is as follows: Though worshipping idols, the work of God's creation, one may still believe and recognise the supremacy of the Creator Himself, however unsound this attitude may be. With blasphemy one turns against the Creator Himself.

(14) In Lev. XXIV, 14 the death penalty is pronounced for the blasphemer of the Name. This text of Num. XV, 30 pronounces the penalty of kareth in case of wilful transgression in the absence of two witnesses or without due warning.

(15) Or rather offerings, cf. Lev. XII, 6-8.

(16) I.e., with the articulate parts of the body.

(17) Viz., an heathen bondwoman.

(18) I.e., she is in doubt whether it was of a human shape making her liable to offerings, or not. Of the two offerings she has to bring (viz., the burnt-offering and the sin-offering) the first is brought with the stipulation that should she be exempted from offerings, it should be regarded as a freewill burnt-offering. With the latter this stipulation cannot be made, since there is no freewill sin-offering.

(19) It is not known which of the two is liable and which is exempted, therefore each of them brings a set of offerings.

(20) I.e., they have separated one from the other so that they cannot make the stipulation expounded in the Gemara.

(21) The development of the embryo begins to take shape after the fortieth day.

(22) Lev. XII, 2f., where the offerings of a woman after confinement are mentioned.

(23) Ibid. implying any woman.

(24) Is it not obvious, since slaves are subject to all laws to which women are subject?

(25) The question refers to R. Jose who holds that both women bring together one offering.

(26) The law prescribes two offerings, a burnt-offering and a sin-offering. A burnt-offering can also be brought in a doubtful case with the stipulation that the offering should be a freewill burnt-offering should the person in fact be exempted from the offerings. In this instance of the two women, each of them brings therefore a burnt-offering and stipulates that her burnt-offering should be a freewill sacrifice should the other woman be the one that is liable to the offering by law. This method cannot be used in connection with the sin-offering, for there is no freewill sin-offering. The women are therefore asked to bring together one sin-offering and each stipulates that her portion of the offering should belong to her friend, should the latter be the one that is liable by law to the offering.

(27) Infra 23a. The case in question is that two pieces of fat, one forbidden and the other permitted, were eaten by two people, and it is not known who ate the forbidden and who the permitted fat.

(28) Or else he would suggest a solution similar to that of our Mishnah.

(29) I.e., the instance of our Mishnah where the object of the offerings is to complete the atonement; v. infra 8b.

(30) In the Mishnah infra 23a.

(31) Lev. IV, 28. The offering is to expiate a certain sin of a certain person.

(32) Lev. XII, 5. It sufficed to state, 'and if it be a maid-child'.

(33) Ibid. 2.

(34) . I.e., only in the case of a normal birth are offerings prescribed.

(35) After the birth of a girl, cf. Lev. XII, 5. These eighty days are a period of cleanness, during which the woman does not become unclean through the discharge of blood. On the eighty-first day special offerings are to be offered. If another birth takes place before the expiration of this period, no new offerings are required; if on or after the eighty-first day, she is liable. The query arises, if the second birth was on the eve of the eighty-first day. Although the night is generally reckoned as part of the following day, as the sacrifices may not be offered until day-time of the eighty-first day, it is doubtful whether the abortion is to be covered by these sacrifices or not.

(36) For the second birth.

(37) The period of cleanness undoubtedly ends with sunset. It is assumed by Beth Hillel that the exemption from new offerings in the case of abortion within the period of cleanness is based upon the fact that the blood discharged thereby is clean. If accordingly the abortion took place after this period has passed, new offerings are required.

(38) Viz., the law that if the second birth takes place on or after the eighty-first day, a new set of offerings is required.

(39) Viz., the abortion.

(40) Sacrifices may not be offered during the night. Although the period of cleanness is over, since the sacrifices may not be offered until the following morning, the birth on the eve of the eighty-first day is to be covered by these offerings.

(41) Viz., the first objection of Beth Hillel: 'SINCE THESE ARE CONSIDERED EQUAL WITH REGARD TO UNCLEANNESSE etc.'

(42) Discharged at the abortion.

(43) I.e., according to Beth Shammai the exemption from offering in the case of abortion within the period of cleanness is not the outcome of the fact that the blood discharged thereby is clean, which in fact it is not, but because it is covered by the first set of offerings.

Talmud - Mas. K'rithoth 8a

GEMARA. It has been taught: Beth Hillel said to Beth Shammai: Lo, it says, 'or for a daughter',¹ to include the eve of the eighty-first day.

R. Hoshaiia was a frequent visitor to Bar Kappara; he then left him and joined R. Hiyya. One day he met [Bar Kappara] and asked him: If a zab had three [new] issues during the night of the eighth day,² what would be the view of Beth Hillel in this case?³ Is the reason of Beth Hillel in the case of an abortion on the night [of the eighty-first day] because it is written, 'or for a daughter', but in the case of a zab there will be no sacrifice, since there is no superfluous text in connection therewith; or perhaps there is no difference [between these two cases]? — Replied to him Bar Kappara: What did the Babylonian⁴ say in this matter? R. Hoshaiia was silent and said nothing. Then Bar Kappara said to him: 'We have still to depend upon the words of Iyya!⁵

Let us return to that which has been said before. 'Lo, it says, or for a daughter, to include the eve of the eighty-first day'. Are we to say that this is a point of dispute between Tannaim? If a zab had three issues in the night of the eighth day, one [Baraita] teaches, He has to bring an offering, whereas another [Baraita] teaches, He is exempted. Now, do they not differ in the following: The one which teaches that he is liable holds that the night does not render a period wanting in

time;⁶ and the one which teaches that he is exempt holds that the night renders a period wanting in time!⁷ — Said R. Huna b. Aha in the name of R. Eleazar: These Tannaim [indeed] hold that the night renders a period wanting in time, but the one which teaches that he is liable, deals with a zab of two issues,⁸ and the one which teaches that he is exempt deals with a zab of three issues.⁹ But need the case of a zab of two issues be stated?¹⁰ — This is what we are informed: Only when he perceives [three issues] on the night of the eighth day; but if on the day of the seventh, he is not liable; for he holds that an issue which disturbs [the period of cleanness]¹¹ does not render one liable to an offering.

Said Raba: You have explained the teaching that one is exempted from an offering as referring to a zab of three issues; why then has this law not been stated in conjunction with the [Mishnah]: ‘Five who bring one sacrifice for many transgressions’?¹² — Because this law is not absolute;¹³ for R. Johanan said: If he perceived one issue in the night¹⁴ and two during the day,¹⁵ he is liable; two in the night and one during the day, he is not liable. Said R. Joseph: You can prove that one is liable if one [was perceived] by night and two during the day, for the first issue is regarded as a mere discharge of semen,¹⁶ and yet if two more issues are perceived, they combine one with the other. [Against this] said R. Shesheth son of R. Idi: What argument is this? The first issue of a zab took place at a time fit for offerings, but in the instance of ‘one by night’, where the issue was at a time not fit for offerings, had not R. Johanan taught us that they combine with one another, I would have thought that they do not combine. But does R. Johanan hold that the night renders a period wanting in time?¹⁷ Did not Hezekiah say:¹⁸ If he [the nazirite] became unclean during the eighth day,¹⁹ he has to bring a [second] offering; if on the night [of the eighth day], he does not bring [an offering]; while R. Johanan holds, Even on the night [of the eighth day] he has to bring?²⁰ — When R. Johanan said if [he perceived] two by night and one during the day he has to bring [an offering], it was according to him who holds [that the night] renders a period wanting in time. But according to him is not this obvious? — [The case] of one by night and two during the day was necessary [to be mentioned]; for I might have thought, since the one issue was not at a time fit for offerings, there is no combination. Therefore we are told [that this is not so].

MISHNAH. IF A WOMAN HAD FIVE DOUBTFUL BIRTHS²¹ OR FIVE DOUBTFUL ISSUES,²² SHE NEED BRING BUT ONE OFFERING,²³ AND MAY THEN PARTAKE OF SACRIFICIAL FLESH, AND SHE IS NOT BOUND TO BRING THE OTHER [OFFERINGS]. IF SHE HAD FIVE CERTAIN ISSUES, OR FIVE CERTAIN BIRTHS, SHE BRINGS ONE OFFERING AND MAY THEN PARTAKE OF SACRIFICIAL FLESH; BUT IT IS STILL HER DUTY TO BRING THE OTHER OFFERINGS. IT ONCE HAPPENED IN JERUSALEM THAT THE PRICE OF A PAIR OF DOVES²⁴ ROSE TO A GOLDEN DENAR. SAID R. SIMEON B. GAMALIEL, BY THIS SANCTUARY, I SHALL NOT GO TO SLEEP TO-NIGHT BEFORE THEY COST BUT A [SILVER] DENAR! THEN HE ENTERED THE BETH DIN AND TAUGHT: IF A WOMAN HAD FIVE CERTAIN BIRTHS OR FIVE CERTAIN ISSUES SHE NEED BRING BUT ONE OFFERING, AND MAY THEN PARTAKE OF SACRIFICIAL FLESH, AND SHE IS NOT BOUND TO BRING THE OTHER [OFFERINGS]. THEREUPON THE PRICE OF A PAIR OF BIRDS STOOD AT A QUARTER OF A [SILVER] DENAR EACH.

GEMARA. Our Rabbis taught: If she had five certain births and five doubtful ones, or five

certain issues and five doubtful ones, she brings two pairs of birds, one for the certain and one for the doubtful cases. The one offered for the certain cases may be eaten, and it is still incumbent upon her to bring the remaining offerings; that offered for the doubtful cases is not eaten,²⁵ and the woman is not bound to bring any more offerings. R. Johanan b. Nuri said: For the certain cases she shall say, The offering is for the last occurrence,²⁶ and she will be exempted; but for the doubtful cases, if there is a certain one among them,²⁷ she shall say that the offering is for the one that is not in doubt, and she is exempted; if not, she says that the offering is for any one of the occurrences and she is exempted. R. Akiba said: Both in the instance of the certain cases and in that of the doubtful ones she shall say that the offering is for any one of the occurrences and she is exempted. Said R. Nahman b. Isaac to R. Papa: I shall tell you in the name of Raba in which point these Tannaim differ: R. Johanan b. Nuri compares these instances to those of sin-offerings: Just as when one is liable to five sin-offerings, he is not atoned for before all have been offered, the same is the ruling in our case. R. Akiba on the other hand compares them to immersions;²⁸ for if one requires five immersions, as soon as he has immersed once he is clean; the same is the ruling in our case. Said R. Papa to him: If it was to be assumed that R. Johanan b. Nuri compared our instances to those of sin-offerings, why does he maintain that for doubtful cases she shall say the offering is for any one of them, and she is exempted? Suppose one was liable

(1) Lev. XII, 6. The whole phrase 'for a son or for a daughter' is superfluous.

(2) Cf. Lev. XV, 14. After three issues he is unclean so as to require seven clean days, and an offering on the eighth.

(3) I.e., is he liable to another offering for the second set of issues?

(4) Viz., R. Hiyya, cf. Suk. 20a.

(5) Derisive pronunciation of Hiyya, who as a Babylonian could not utter gutturals; v. M.K. 16a. The text, however, is not clear.

(6) I.e., whenever a certain period has been fixed after the elapse of which one is liable to a certain duty, e.g., the offering of a sacrifice, and there is only a night intervening, the period may be regarded as accomplished. The new issues therefore involve a new offering.

(7) The new issues are regarded as falling within the period of seven days resulting from the former uncleanness. No new offering is therefore required. Yet in the case of the abortions dealt with in our Mishnah there is liability in the view of Beth Hillel to a new set of offerings, on account of the text, 'or for a daughter'.

(8) Such a person is unclean and must count seven days, but is not liable to a sacrifice. If on the night of the eighth day he perceives three issues, these render him liable to an offering.

(9) For which he was already liable to a sacrifice; and the subsequent issues do not render him liable to bring a second offering.

(10) It is self-evident that he is liable to an offering.

(11) The issue on the seventh day destroys the period of cleanness of seven days, and they must be started again.

(12) Infra 9a. Here, too, one is liable to one offering although more than three issues were perceived.

(13) I.e., there are instances when one is liable even for issues on the night of the eighth day. viz., if two issues were perceived on the eighth day, the issue of the previous night combines with these, and he is liable to a new offering.

(14) Viz., the night of the eighth day.

(15) Viz., the eighth day.

(16) Rendering one unclean only for one day, and not liable to an offering.

(17) For he holds, for two issues during the night and one during the day, he is exempted.

(18) Hag. 9b.

(19) A nazirite who becomes unclean has to count seven clean days, bring an offering on the eighth day and begin to count again his period of naziriteship.

(20) Obviously this opinion cannot agree with the principle that the night renders the period wanting in time.

(21) Such as enumerated in the last but one Mishnah.

(22) I.e., it was doubtful whether the issues took place during the period of menstruation, in which case the uncleanness does not require offerings, or outside that period; v. Lev. XV, 25.

(23) For all the five cases. The sacrifice is offered out of doubt in order to enable the woman to partake afterwards of sacrificial flesh.

(24) A pair of pigeons or a pair of doves was the prescribed offering in the instances of the Mishnah. Rashi: two pairs, i.e. four birds, cost two golden denars, thus one golden denar (i.e. twenty-five silver denars) the pair.

(25) It is brought only in order to enable her to partake of sacrificial flesh.

(26) For if it was offered for one of the previous occurrences, those following would appear unatoned for, and this could lead to misunderstanding in that on future similar occasions the woman would assume that offerings were not essential.

(27) V. Rashi.

(28) E.g., if one contracted uncleanness five times.

Talmud - Mas. K'rithoth 8b

to five suspensive guilt-offerings, would he indeed be exempted if he offered only one? Has it not been taught: This is the general rule: Whenever there is a division¹ with regard to sin-offerings, there is also a division with reference to guilt-offerings?² — In fact, both compare our instances to that of immersion, and they differ as to whether we apprehend negligence. R. Johanan b. Nuri holds, It might lead to negligence;³ R. Akiba holds, We do not apprehend negligence.

C H A P T E R I I

MISHNAH. THERE ARE FOUR PERSONS WHO REQUIRE A CEREMONY OF ATONEMENT,⁴ AND FOUR WHO BRING A SACRIFICE FOR WILFUL AS WELL AS FOR INADVERTENT TRANSGRESSION.⁵ THE FOLLOWING ARE THOSE WHO REQUIRE A CEREMONY OF ATONEMENT: THE ZAB,⁶ THE ZABAH,⁶ THE WOMAN AFTER CONFINEMENT⁷ AND THE LEPER.⁸ R. ELIEZER B. JACOB SAID, ALSO A PROSELYTE IS REGARDED AS A PERSON WHO STILL REQUIRES A CEREMONY OF ATONEMENT UNTIL THE BLOOD HAS BEEN SPRINKLED FOR HIM;⁹ THE SAME APPLIES TO THE NAZIRITE WITH REFERENCE TO WINE, HAIRCUTTING AND UNCLEANNESS.¹⁰

GEMARA. Why are zab and zabah enumerated as two separate instances? Apparently because they differ as to their uncleanness: for the zab is not unclean through discharge by accident,¹¹ and the zabah is not rendered unclean through issues but through days;¹² for it has been taught: Out of his flesh,¹³ but not by accident. A man is also unclean through issues as well as through days, as it has been taught: The text¹⁴ has made the uncleanness of the male dependent upon discharge and that of the female upon days. A zabah on the other hand is unclean through issue by accident and is not unclean through issue as through days. Now are not the leprous man and the leprous woman also different with regard to their uncleanness? For the leprous man is required to rend his

clothes and to let his hair grow loose, as it is written: His clothes shall be rent and the hair of his head shall go loose,¹⁵ and he is forbidden marital intercourse; while the leprous woman is not required to rend her clothes and to let her hair grow loose, as it has been taught: I know only the law concerning a man,¹⁶ whence do I know its application to a woman? When the text reads, and the leper,¹⁷ both are included. Wherefore then is 'man' mentioned? The Writ removed him from the [application of the] earlier passage to the latter one,¹⁸ to teach us that only a man is required to rend his clothes and to let his hair grow loose, but not a woman. Also the woman is permitted marital intercourse, as it is written: And he shall dwell outside his tent seven days,¹⁹ but not [she] outside her tent. Why then have they²⁰ not been enumerated as two separate instances? — The zab and the zabah are essentially different with regard to the source of uncleanness;²¹ whereas the leprous man and the leprous woman are not essentially different in their source of uncleanness, for the standard size of both is a bean.

R. ELIEZER B. JACOB SAID, ALSO A PROSELYTE IS REGARDED AS A PERSON WHO STILL REQUIRES etc. And why has the first Tanna not mentioned the proselyte? — He mentions only instances where the offering is to effect the permission of eating consecrated things, while in the case of the proselyte the offering is brought in order to qualify him to enter the congregation.²² And why has he not mentioned the nazirite? After all, when the nazirite brings an offering it is in order that he may be permitted to drink unconsecrated wine.²³ And R. Eliezer, who has mentioned the nazirite in reference to his qualification,²⁴ why has he not stated also the instance of the unclean nazirite?²⁵ — The latter offers his sacrifice only to qualify for naziriteship in cleanness.

Our Rabbis have taught: A proselyte is prevented from partaking of consecrated things before he has offered his sacrificial birds. If he has offered one single pigeon in the morning, he is permitted to partake of consecrated things in the evening.²⁶ All sacrifices of birds consist of one sin-offering and one burnt-offering; in this case²⁷ both are burnt-offerings. If he has offered his obligatory sacrifice²⁸ from the cattle, he has done his duty; if he has offered a burnt-offering and a peace-offering, he has done his duty; if a meal — and a peace-offering he has not fulfilled his duty. The prescription of birds as sacrifices is, as it were, to be regarded only as a rule towards greater leniency.²⁹ Now, why do not a meal- and a peace-offering exempt him from his duty? Apparently because it is written: As ye do, so he shall do;³⁰ As ye [Israelites] offer a burnt-offering and a peace-offering, so shall also the proselyte offer a burnt-offering and a peace-offering. Similarly then it should not suffice for him to offer his obligatory sacrifice from the cattle, because it is written: 'As ye do, so he shall do'? — Said R. papa. Argue thus: As he is included regarding the offering of a bird,³¹ should he not the more so be included regarding the burnt-offering of the cattle? If so, a meal-offering should also exempt him! — The text has excluded it by the word 'so'.³² And whence do we know that he is included regarding the offering of a bird? — For our Rabbis taught: [It is written.] 'As ye do, so shall he do': As ye offer a burnt- and a peace-offering, so shall also he offer a burnt- and a peace-offering, as it is indeed confirmed in the text, As ye are, so shall the stranger be.³³ Whence do we know that he is included concerning the offering of a bird? It is written, An offering made by fire, of a sweet savour unto the Lord,³⁴ which is the offering that is wholly unto the Lord? You must say, This is the burnt-offering of the bird.³⁵

(1) I.e., that separate sacrifices are to be offered.

(2) Infra 15b.

(3) The stipulation that the sacrifice is for the last of the occurrences is essential in order to make it clear that all the occurrences are to be covered by this one offering. Were this stipulation omitted so that the sacrifice might be assumed to refer to one of the early occurrences, it would lead to the misunderstanding that it is not necessary to bring a sacrifice for every birth or issue. The sacrifice might then be omitted altogether on future occasions.

(4) I.e., a sacrifice. This sacrifice is not offered for the expiation of a sin, but in order to enable its owner to partake of consecrated things.

(5) These are exceptions, for the rule is that offerings are brought only for inadvertent transgression. The enumeration is found in the following Mishnah.

(6) Lev. XV, 2-33; v. Glos.

(7) Ibid XII, 2-8.

(8) Ibid XIV, 2-32.

(9) The first, anonymous Tanna holds that a proselyte may partake of sacred things even before the offering has been brought.

(10) I.e., he may not drink wine, cut his hair and render himself unclean by contact with the dead before the requisite offerings have been brought. The first Tanna also agrees on this point, but has omitted it because he has confined himself to the instances referring to the eating of sacred things.

(11) He is unclean only if the discharge was natural.

(12) Only when the three discharges were on three consecutive days is she unclean so as to require an offering.

(13) Lev. XV, 2. I.e., by reason of his flesh's lust.

(14) Cf. Lev. XV, 2-3 dealing with a man, and XV, 25 which deals with a woman.

(15) Lev. XIII, 45.

(16) It refers to Lev. XIII, 44 where it says that the priest shall declare the leprous man unclean.

(17) Lev. XIII, 45. 'The lever' is taken to include the woman though the word **gurmvi** is in the masculine, because it is altogether superfluous.

(18) I.e., from verse 44 to 45.

(19) Lev. XIV, 8. 'Tent' is a symbolic expression of matrimonial life.

(20) Viz., the leprous man and the leprous woman.

(21) In that in the case of a woman uncleanness is effected only through three issues on three consecutive days.

(22) I.e., to permit his marriage to a Jewess.

(23) And his offering is not particularly for the purpose of partaking of consecrated things.

(24) Viz., for secular things.

(25) I.e., a nazirite whose naziriteship has been interrupted by defilement. He is then required to bring an offering and to commence anew the period of naziriteship he originally vowed.

(26) Although it is still incumbent upon him to bring the other.

(27) I.e., in the instance of the proselyte.

(28) I.e., one burnt-offering of the cattle can take the place of two birds.

(29) I.e., as a concession to the poor who cannot afford a sacrifice of cattle, which of course is permissible.

(30) Num. XV, 14. Of the Israelites it reads (Ex. XXIV, 5) that when they consecrated themselves to the service of God they offered burnt- and peace-offerings.

(31) I.e., since we have learnt that sacrifices of the bird suffice for the proselyte as for the Israelite (as is soon shown), is it not logical that a sacrifice of the cattle should the more so suffice?

(32) Num. XV, 14. So and not otherwise.

(33) Ibid. XV, 15.

(34) Ibid v. 13.

(35) Of the burnt-offerings of the cattle the skin is left for the priests; while the burnt-offering of the bird is wholly burnt.

Talmud - Mas. K'rithoth 9a

I might then include also the meal-offering; therefore it reads 'so'.

Another [Baraita] teaches: [From the text,] 'and will offer an offering made by fire, of a sweet savour unto the Lord', I might derive everything that is offered up by fire, including a meal-offering; therefore it is written, 'As ye do, so shall he do': As ye offer blood sacrifices, so they¹ too blood sacrifices. I might then conclude: As ye offer a burnt- and a peace-offering, so shall they also offer a burnt-offering and a peace-offering;² it is therefore written, 'As ye are, so shall the stranger be': He is compared to you, but not wholly concerning your offerings.³ Rabbi says: 'As ye' means as your forefathers: As your forefathers entered into the covenant only by circumcision, immersion and the sprinkling of the blood,⁴ so shall they enter the Covenant only by circumcision, immersion and the sprinkling of the blood.

The offering of one pigeon does not suffice, for we do not find anywhere in the Torah [such an offering]; and the prescription of birds as sacrifices is only a rule towards greater leniency. Is this indeed so?⁵ Has it not been taught: What is the meaning of, and he shall offer it?⁶ It reads concerning turtle-doves, 'he shall offer',⁷ and I might argue therefrom that if a man vows to offer a burnt-offering of a bird he shall offer no less than two pigeons,⁸ therefore it is written, 'and he shall offer it'.⁹ Even one pigeon! — After all, we do not find an obligatory offering of this kind. But is there not the case of the woman after confinement who offers one young pigeon or one turtle-dove as a sin-offering? There a lamb is offered in addition. The Master said: 'As your forefathers entered into the Covenant only etc.'. It is right concerning circumcision, for it is written, For all the people that came out were circumcised,¹⁰ alternatively. And when I passed by thee, and saw thee wallowing in thy blood, I said unto thee: In thy blood, live, etc.;¹¹ as to the sprinkling of the blood, it is mentioned in the text, And he sent the young men of the children of Israel [who offered burnt-offerings and sacrificed peace offerings];¹² but whence do we know the immersion? — It is written, And Moses took the blood, and sprinkled it on the people,¹³ and there can be no sprinkling without immersion.¹⁴ If so, we should nowadays not receive any proselytes, since there are no sacrifices to-day? — Said R. Aha son of Jacob: It is written, And if a stranger sojourn with you, or whosoever may be among you, etc.¹⁵

Our Rabbis taught: A proselyte in these days has to put aside a fourth [of a denar]¹⁶ for his sacrifice of birds.¹⁷ Said R. Simeon: R. Johanan b. Zakkai held a vote on this rule and abolished it for fear of misuse.¹⁸ Said R. Idi b. Gershom in the name of R. Adda son of Ahaba, The decision is according to R. Simeon. Some report the latter statement with reference to that which has been taught: A resident alien¹⁹ may do work for himself on the Sabbath in the same measure as an Israelite may do on the intermediate days of the festivals.²⁰ R. Akiba says as an Israelite on the festival.²¹ R. Jose says: A resident alien may do work for himself on the Sabbath in the same measure as an Israelite on week-days.²² R. Simeon says: Both a resident alien and a male or female sojourning heathen slave may do work for themselves in the same measure as an Israelite may do on week-days.

MISHNAH. THE FOLLOWING OFFER A SACRIFICE FOR WILFUL AS WELL AS FOR INADVERTENT TRANSGRESSION: ONE WHO HAS INTERCOURSE WITH A HANDMAID,²³ A NAZIRITE WHO HAS BECOME UNCLEAN,²⁴ [ONE WHO SWORE FALSELY] THE OATH CONCERNING EVIDENCE²⁵ OR THE OATH CONCERNING A DEPOSIT.²⁶ THERE ARE FIVE PERSONS WHO BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS, AND FIVE WHO BRING A SACRIFICE OF HIGHER OR LESSER VALUE.²⁷ THE FOLLOWING BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS: ONE WHO HAS INTERCOURSE WITH A HANDMAID²³ SEVERAL TIMES, AND A NAZIRITE WHO BECAME UNCLEAN SEVERAL TIMES.²⁸

GEMARA. Whence do we know the law concerning the handmaid? — Our Rabbis taught: And the priest shall make atonement for him with the ram of the guilt-offering for his sin which he hath sinned;²⁹ this teaches that one may bring one offering for several sins; and he shall be forgiven for his sin which he hath sinned.³⁰ that wilful transgression is equal to transgression in error. A NAZIRITE WHO HAS BECOME UNCLEAN. Whence do we know this? — It is written, And if any man die in sudden [be-fetha'] unawareness [pithe'om] beside him:³¹ fetha' means unintentionally, for thus it is written: But if he thrust him unintentionally [be-fetha'] without enmity;³² pithe'om means unexpectedly, and thus it is written: And the Lord spoke suddenly [pithe'om] unto Moses.³³ Another [Baraitha] taught: Pithe'om means intentionally, and thus it is written: A prudent man seeth the evil, and hideth himself; but the simple [petha'im] pass on, and are punished.³⁴ Why has the text not written just pithe'om, which denotes error, intention and accident at the same time: intention and accident as has been explained before; it denotes, however, also error, as it is written: The thoughtless [pethi] believeth every word?³⁵ Why then mention befetha'? — If pithe'om alone was mentioned, which denotes both error and intention and accident, I might have thought that an offering nevertheless was brought only for transgression in error, as is the case with all the laws of the Torah, but not in the case of accidental or wilful transgression; therefore the Divine Law mentions also befetha', which denotes error only, to indicate that pithe'om shall denote accident and wilfulness, so that also in these circumstances the Divine Law enjoins an offering.

THE OATH CONCERNING EVIDENCE. Whence do we know this? — Our Rabbis have taught:³⁶ In connection with the other laws³⁷ the term it being hidden [from him] is used;³⁸ in connection with this law³⁹ this term is not used, to indicate that he is liable to an offering for wilful as well as for inadvertent transgression.

THE OATH CONCERNING A DEPOSIT. Whence do we know this? — It is derived from the oath concerning evidence through the common term sinneth [teheta].⁴⁰

THERE ARE FIVE PERSONS WHO BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS. It is stated ONE WHO HAS INTERCOURSE WITH A HANDMAID SEVERAL TIMES; whence do we know this? — Our Rabbis have taught: And the priest shall make atonement for him with the ram of the guilt-offering for his sin which he hath sinned':⁴¹ this teaches that one may bring one offering for several sins; 'and he shall be forgiven for his sin which he hath sinned': that wilful transgression is equal to transgression in error. But does not the text

deal with the wilful transgression? — Rather say: that transgression in error be equal to wilful transgression.

R. Hanina of Tirna'ah⁴² put the following query to R. Johanan: If one had intercourse with five designated handmaids⁴³ in one spell of unawareness,⁴⁴ is he liable to a sacrifice for each of them or altogether only to one sacrifice? — The latter replied: He is guilty for each of them. And why, the former asked, is this case different from one who had intercourse five times with one handmaid in different spells of unawareness? — He replied: In the case of one handmaid one cannot argue that there were different bodies; in the instance of the five handmaids there were different bodies.⁴⁵ And whence do we know that the argument of different bodies holds good in the case of the handmaid? — He replied: Did you not say⁴⁶ with reference to forbidden relations that the word 'and a woman'⁴⁷ implies that one is guilty for each woman? Also in connection with the handmaid it is written: And whosoever lieth carnally with a woman

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- (1) Should be, 'he too'.
 - (2) I.e., he shall not be exempted by burnt-offerings alone.
 - (3) I.e., he is not to be equal to you in every respect appertaining to offerings: he does not fulfil his duty by a meal-offering.
 - (4) I.e., the offering of sacrifices, cf. Ex XXIV, 5ff.
 - (5) Referring to the former part of the passage.
 - (6) Lev. I, 15 dealing with freewill-offerings.
 - (7) Ibid v. 14.
 - (8) I.e., a complete offering.
 - (9) The singular 'it' implies that also one pigeon may be offered.
 - (10) Josh. V, 5.
 - (11) Ezek. XVI, 6. According to the supposition of the Zohar to Lev. XXII, 27 this passage refers to the blood of circumcision.
 - (12) Ex. XXIV, 5.
 - (13) Ibid v. 8.
 - (14) The parallel text in Yeb. 46b reads: 'and there is a tradition that there is no sprinkling . . . '.
 - (15) Num. XV, 14. The text continues: throughout your generations, i.e., at all times.
 - (16) This according to the Mishnah on 8a seems to be the minimum one could spend on it.
 - (17) And keep it ready in case the Temple be re-built.
 - (18) I.e., that he may not make unlawful use of it.
 - (19) A stranger who has renounced idolatry and has taken up residence among the Jews.
 - (20) I.e., he may work on things that would otherwise perish.
 - (21) I.e., he may do all that is necessary for the preparation of food.
 - (22) I.e., he may do all kinds of work.
 - (23) Designated by her master to be the wife of one chosen by him. Cf. Lev. XIX, 20-22.
 - (24) Num. VI, 2ff. The offering is brought irrespective of whether the uncleanness was in error or wilful.
 - (25) I.e., he swore falsely that he had no evidence to give, cf. Lev. V, 1.
 - (26) Ibid v. 21.
 - (27) Viz., according to their means; cf. Lev. V, 6ff.
 - (28) The enumerations continue in the following Mishnah.
 - (29) Lev. XIX, 22 which deals with the designated handmaid. Which he hath sinned is regarded as superfluous, to

include a multitude of sins.

(30) Ibid. Here, too, the words 'which he hath sinned' are regarded as superfluous.

(31) Num. VI, 9.

(32) Ibid. XXXV, 22.

(33) Ibid XII, 4.

(34) Prov. XXII, 3. The comparison of these two words **ot, p** and **oht, p** is based on their similarity in appearance and sound. The latter word conveys a weakling who cannot control himself, yet commits his follies with intention.

(35) Ibid. XIV, 15.

(36) Shebu. 31b.

(37) Viz., all other laws, whereby an offering of higher or lesser value is prescribed, which are enumerated in that paragraph, Lev. V, 1ff.

(38) Implying that the transgression was committed in error.

(39) Lev. V, 1.

(40) Occurring in Lev. V, 1 and V, 21.

(41) V. p. 68, n. 10.

(42) This place appears in the Talmud (Ned. 57b, 59b) in a variety of forms.

(43) I.e., slaves who have been designated by the master to become the wives of people chosen by him.

(44) I.e., without becoming conscious of the sin between one transgression and the other.

(45) This effects separate offerings for each transgression.

(46) V. supra 2b.

(47) Lev. XVIII, 19. The correct quotation is 'and unto a woman'.

Talmud - Mas. K'rithoth 9b

that is a bondmaid, etc.,¹ to enjoin separate offerings for each handmaid.

A NAZIRITE WHO BECAME UNCLEAN SEVERAL TIMES. Whose view does this represent? — Said R. Hisda, That of R. Jose son of R. Judah who holds that the naziriteship of cleanness counts from the seventh day,² and the instance of our Mishnah is realised if he became unclean on the seventh day and then again on the seventh; since the time for the offering was not reached, he is liable only to one sacrifice. [How can the instance of the Mishnah be realised] according to Rabbi who holds that the naziriteship of cleanness does not count before the eighth day? If he became unclean on the seventh day and again on the [following] seventh day, is this not one long period of uncleanness?³ If he became unclean on the eighth day and again on the [following] eighth day, since the time of the offering has been reached,⁴ he should be liable to an offering for each uncleanness? It is thus proved that the Mishnah is in accordance with R. Jose son of R. Judah. And where do we find R. Jose's view? — It has been taught: And he shall hallow his head that same day,⁵ refers to the day on which the sacrifices are offered,⁶ thus the words of Rabbi. R. Jose son of R. Judah says, On the day of the cutting of his hair.⁷

MISHNAH. ONE⁸ WHO WARNS HIS WIFE⁹ IN REGARD TO SEVERAL MEN,¹⁰ AND A LEPER WHO HAS CONTRACTED A LEP ROUS DISEASE SEVERAL TIMES.¹¹ IF HE HAS OFFERED THE BIRDS AND THEN BECOMES LEPROUS AGAIN, THEY DO NOT COUNT FOR HIM UNTIL HE HAS OFFERED HIS SIN-OFFERING.¹² R. JUDAH SAYS,

UNTIL HE HAS OFFERED HIS GUILT-OFFERING.

GEMARA. Whence do we know the law concerning this?¹³ — It is written: This is the law concerning jealousies:¹⁴ One law for several warnings.

A LEPER WHO HAS CONTRACTED A LEPROUS DISEASE SEVERAL TIMES. Whence do we know this? — It is written: This is the law of the leper:¹⁵ one law for several cases of leprosy.

IF HE HAS OFFERED THE BIRDS AND THEN BECOMES LEPROUS AGAIN, THEY DO NOT COUNT FOR HIM UNTIL HE HAS OFFERED HIS SIN-OFFERING. R. JUDAH SAYS: UNTIL HE HAS OFFERED HIS GUILT-OFFERING. But did you not say he offers only one sacrifice?¹⁶ — The text is incomplete, and should read thus: If he has offered the birds and then becomes leprous again, he offers but one set of sacrifices. The decision whether the sacrifices be those of the poor person or of the rich person¹⁷ is not taken until the sin-offering is brought.¹⁸ R. Judah says: Until the guilt-offering is brought.

We have learnt there:¹⁹ If a leper became rich after he had offered his guilt-offering, you go by his pecuniary status at the time of the offering of the sin-offering.²⁰ Thus R. Simeon. R. Judah says: At the time of the offering of the guilt-offering.²¹ It has been taught: R. Eliezer b. Jacob says, At the time of the offering of the birds. Said Rab Judah in the name of Rab: All the three [Rabbis] derive their respective views from the same passage, Whose means suffice not for that which pertaineth to his cleansing.²² R. Simeon holds: The offering that effects atonement [is decisive]; R. Judah holds: That which effects his qualification²³ [to partake of holy things]; R. Eliezer b. Jacob holds: That which effects cleanness, namely, the birds.

MISHNAH. A WOMAN²⁴ WHO HAS UNDERGONE SEVERAL CONFINEMENTS, E.G., IF SHE PRODUCED A FEMALE ABORTION WITHIN EIGHTY DAYS OF THE BIRTH OF A GIRL,²⁵ AND THEN SHE PRODUCED AGAIN A FEMALE ABORTION WITHIN EIGHTY DAYS OF THE FIRST; OR IF SHE PRODUCED A MULTIPLE OF ABORTIONS.²⁶ R. JUDAH SAYS: SHE BRINGS AN OFFERING FOR THE FIRST BIRTH AND NOT FOR THE SECOND, FOR THE THIRD AGAIN BUT NOT FOR THE FOURTH.²⁷ GEMARA. Whence do we know this? — A Tanna recited before R. Shesheth: This is the law for her that beareth, whether a male or a female,²⁸ teaches that she offers but one offering for several births. I might perhaps assume then that also for a birth and a discharge of gonorrhoea²⁹ only one offering is brought, therefore it is written, 'this'.³⁰ It states, 'I might perhaps assume then that also for a birth and a discharge of gonorrhoea only one offering is brought'. If so,³¹ she should also bring but one offering if she ate blood and gave birth to a child? — Read thus: I might assume that she also brings but one offering [for two births if] one was before the period of cleanness had expired and the other after it had expired;³² therefore it is written, 'this'.

IF SHE PRODUCED WITHIN EIGHTY DAYS etc. If you will assume that according to R. Judah the first birth causes the offering, and the period of uncleanness is counted from the first birth,³³ then according to the Rabbis³⁴ the second birth causes the offering and the second, because there is no period of cleanness attached to the latter, since it fell within the period of

cleanness of the first. An offering has therefore to be brought for the third birth which covers also the fourth that took place within the former's period of cleanness. period of uncleanness is counted from the second birth. You say, 'If you will assume'; is it not obvious?³⁵ — It has to be stated for the sake of its inclusion of the instance of the 'multiple of abortions'. I might have thought that in the case of the multiple of abortions R. Judah agrees with the Rabbis; therefore we are informed [that it is not so].

The following query was put forward:

(1) Lev. XIX, 20.

(2) A nazirite who becomes unclean has to count seven clean days and bring an offering on the eighth day. He has then to observe again his vow of naziriteship for the period stipulated, which is called the naziriteship of cleanness. According to R. Jose the new period commences on the seventh day. If the nazirite becomes unclean again on this day, it is considered a new state of uncleanness and yet he is liable only to one sacrifice because the offering is due only on the eighth. At the end of another spell of seven days he will then bring one sacrifice for two different occurrences of uncleanness.

(3) The Mishnah would then not be justified in regarding this as a case where one offering is brought for several separate transgressions or occurrences.

(4) I.e., the offering became due for the first uncleanness and thus designated for it.

(5) Num. VI, 11. I.e., he shall commence the new period of naziriteship, as the text continues, And he shall consecrate unto the Lord the days of his naziriteship.

(6) I.e., the eighth day; v. Num. VI, 10.

(7) I.e., the seventh day; v. *ibid* v. 9.

(8) This is a continuation of the enumeration in the previous Mishnah of laws where one is liable to one sacrifice for several transgressions.

(9) Not to have any relations with certain men; cf. *Sot.* 2a.

(10) Cf. Num. V, 15f. The jealous husband brings a meal-offering of barley.

(11) A leper when declared healed and clean by the priest, offers two birds, cf. Lev. XIV, 4-7, and after seven days other offerings, cf. v. 10ff. If before the offering of the latter sacrifices he contracts again a leprous disease, he is not liable to new sacrifices.

(12) After the seven days he offers three sacrifices: a sin-, a guilt- and a burnt-offering. For the explanation of this passage v. *infra* Gemara.

(13) With reference to the first instance in the Mishnah.

(14) Num. V, 29. The use of the plural implies this law.

(15) Lev. XIV, 2. The article is regarded as superfluous, and is taken to have been used for the sake of this implication.

(16) While the text of the Mishnah seems to imply that he has to offer birds again.

(17) The rich person brings three lambs as his sacrifices; the poor person offers a lamb as a guilt-offering and then two pigeons or turtle-doves, one for a sin-offering and one for a burnt-offering.

(18) I.e., it is the pecuniary position of the leper at the time of the offering of the sin-offering that is decisive, and not at the time of the offering of the birds.

(19) *Neg.* XIV, 11.

(20) The sin- and burnt-offering are offered after the guilt-offering.

(21) I.e., in spite of the fact that he is rich now, he offers but pigeons for the sin- and burnt-offerings, since he was poor at the moment when the guilt-offering was brought.

(22) Lev. XIV, 32. 'To his cleansing' is taken to indicate that the moment of cleansing is decisive, and the three scholars differ as to what is meant by this cleansing: cleansing of sins, cleansing of the impediment to partake of holy things, or that which introduces the ceremony of purification.

(23) Viz., the smearing of the blood of the guilt-offering upon the thumb.

(24) This, too, is a continuation of the enumeration in the second Mishnah of this chapter of laws where one is liable to one sacrifice for several transgressions.

(25) Cf. Lev. XII, 5. After the birth of a girl the woman counts eighty days of cleanness and offers then a sacrifice. The abortion within this period is thus covered by the sacrifice for the first birth.

(26) Lit. 'twins'. Each abortion was brought forth before the period of cleanness for the previous abortion had expired.

(27) An abortion involves a sacrifice only if it takes place at least forty days after the conception. The first abortion took place within eighty days of the proper birth, but the second must of necessity have taken place after that period. It is therefore not covered by the offering brought for the proper birth. The third birth, i.e., the second abortion, cannot be regarded as exempted on account of the fact that it took place within eighty days of the

(28) Lev. XII, 7. The text is taken to suggest that there is one law, i.e., one offering, for several instances.

(29) Which preceded the birth.

(30) 'This' is restrictive: only in the instance of births is the allowance regarding the offering made.

(31) Viz., that according to your assumption, one offering should suffice for two instances that are not connected one with the other. The argument is then led ad absurdum.

(32) Or rather, if the second birth took place after the period of cleanness of the first.

(33) I.e., whenever a birth takes place within the period of cleanness of another, in which case one sacrifice is offered for both, it is the first for which the offering is brought and the second is merely covered by it. The period of cleanness is counted from the first birth, so that there is no such period provided for the second; v. p. 73. n. 8.

(34) I.e., the anonymous view of the Mishnah which maintains that she is liable only to one sacrifice for all the four births, holding that whenever a birth takes place within the period of cleanness of another, it is the second for which the offering is brought while the first becomes exempted owing to the fact that its period of cleanness was interrupted. In the instance of the Mishnah, therefore, the second birth takes the place of the first, the third the place of the second, etc. ad infinitum, and the offering is brought for the last of the sequence of births. cf. also Mishnah 7b.

(35) And therefore superfluous.

Talmud - Mas. K'rithoth 10a

What is R. Judah's view with reference to uncleanness?¹ Shall we say, R. Judah holds that the second birth is not taken into account only with regard to offerings, because it took place before the offering for the first birth was due, and consequently the second birth is not taken into account; but with reference to cleanness and uncleanness, I might say that the second birth is taken into account in that the period of impurity² thereof interrupts [the period of cleanness of the first], and that the latter period is afterwards completed and the period of cleanness of the second birth commences thereafter? Or does R. Judah uphold his view only if it leads to greater stringency;³ but here,⁴ since it leads to greater leniency,⁵ he does not uphold his view? — Said R. Huna of Sura, Come and hear: For a woman after confinement, one may slaughter the Paschal Lamb and sprinkle the blood on the fortieth day after the birth of a male, and on the eightieth day after the birth of a girl?⁶ [Whereon it was asked,] Is she not still unclean?⁷ and R. Hisda answered: This is in accordance with R. Judah, who holds that the second birth is not taken into account.⁸

Now, if you assume that with reference to uncleanness R. Judah agrees that the second birth is taken into account, how can the Paschal Sacrifice be slaughtered for her on the fortieth day, seeing that even in the evening she will not be permitted to partake of it? You must, therefore, conclude that also with reference to cleanness and uncleanness does R. Judah hold that the second birth is not taken into account! — No, I may still maintain that with reference to cleanness and uncleanness R. Judah agrees that the second birth is taken into account, but that law refers to a Paschal Lamb that is offered in uncleanness.⁹ But is she then permitted to partake of it, have we not learnt: A Paschal Lamb that is offered in uncleanness may not be eaten by a :zab or a zabah, or by menstruant women or by a woman after confinement?¹⁰ — These may not eat if they have not immersed; the law, however, which states that one may slaughter and sprinkle for her refers to a woman who has immersed.¹¹ If so,¹² she is fit for the Paschal Lamb from the eighth day onward!¹³ — She is not fit from the eighth day onward, for it is held that a zab who immersed by day has still the status of a zab.¹⁴ If so, she is unfit even on the fortieth day! — No, on the fortieth day she is regarded fit, for it is held that a zab who lacks but offerings¹⁵ is not considered a zab. But what will be your answer according to Raba who holds that a zab who lacks but offerings is still considered a zab? — Said R. Ashi: Raba will interpret the law as referring to the fortieth day of the conception of a male and the eightieth day of the conception of a female,¹⁶ and as being in accordance with R. Ishmael who holds¹⁷ the limit for a male to be forty-one days and for a female eighty-one days.¹⁸ But is she not, after all, unclean as a menstruant woman?¹⁹ — It deals with a dry birth.²⁰ If so, is the law not obvious? — I might have thought that the opening of the uterus cannot take place without discharge of blood;²¹ therefore he lets us know that the uterus can open without a discharge of blood.

R. Shema'iah said, Come and hear: 'Sixty'²² may convey both a connected and a disconnected²³ spell of time; therefore it is written 'days':²⁴ as the day is a connected spell of time, so also the sixty days. With whom does this conform? Shall I say with the Rabbis? Surely, according to them, a disconnected spell of time is an impossibility!²⁵ It must thus be in accordance with R. Judah; and since it is stated that the time must be connected, we are led to decide that he upholds his view only if it leads to greater stringency but not if it leads to greater leniency!²⁶ — No, it may conform with the view of the Rabbis, but it refers to a woman who brought forth a male abortion within the eighty days of a female birth.²⁷ But, then, after all, is it not so that the days of the first birth finish before those of the second²⁸ and the Rabbis hold that the second birth is taken into account?²⁹ According to the Rabbis the law can be realised in the case of a birth of twins, a female first and a male afterwards, and where the male was, e.g., born after twenty days of the period of cleanness had passed,³⁰ so that she must keep of the days relating to the female birth seven days of impurity. The discussion, then, is thus: I might think that when twins are born, the female first and the male afterwards, the days of impurity of the latter cause an interruption³¹ so that the sixty-six days are counted disjointedly; therefore it is written 'days': as the day is a connected spell of time, so also the sixty days must be connected.³² Abaye said: Come and hear, 'Thirty'³³ may convey both a connected and a disconnected spell of time,³⁴ therefore it is written, 'days':³⁵ as the day is a connected spell of time, so also the thirty days. With whom does this conform? Shall I say with the Rabbis? Surely, according to the Rabbis

(1) I.e., whether a period of cleanness, during which the discharge of blood does not render unclean, is provided for the second birth or not.

- (2) I.e., the first seven days after the birth of a male and fourteen days after the birth of a female, during which she is regarded as unclean; cf. Lev. XII, 2 and 5.
- (3) As in the Mishnah where two offerings are imposed.
- (4) I.e., with reference to uncleanness.
- (5) In that the period of cleanness is extended.
- (6) Tosef. Pes. VII, 4.
- (7) The offering is not brought until the forty-first or eighty-first day.
- (8) I.e., this law refers to a woman who gave birth to twins on two consecutive days. The fortieth day of the second birth is thus the forty-first day of the first. On this day she may join the Passover celebration, because the time is due for the offerings which will effect her purification, although they have not been offered yet. The Paschal Lamb is consumed in the evening and the offerings of purification may still be offered. This holds good only according to R. Judah, who says the second birth is not taken into account, for according to the Sages it being the fortieth day of the second birth she would still be unfit for the Paschal Lamb.
- (9) When the majority of the community are unclean the Paschal Lamb may, contrary to the general rule, be offered also for the unclean people. With this reply we depart from R. Hisda's interpretation.
- (10) Pes. 95b.
- (11) For the immersion takes place after the seven days of impurity that follow the birth.
- (12) That the immersion is decisive and not the completion of the period.
- (13) Why state 'the fortieth day'?
- (14) In order to achieve complete cleanness he must immerse and wait till sunset. If the immersion has taken place, but the required spell of time has not passed, he is, according to this view, still unclean. Similarly, if the woman has immersed after the eighth day and has to wait for the completion of the forty days in order to offer the sacrifice, she is still regarded as unfit for sacred things.
- (15) I.e., one who has even completed the requisite time but has not offered his sacrifices. Similarly, the woman is considered fit for the Paschal Lamb on the fortieth day.
- (16) The law does not refer, as hitherto assumed, to the forty days of the period of cleanness, but to an abortion which took place forty or eighty days respectively after the conception. She is permitted to join the Passover celebration because the embryo is considered too immature to cause uncleanness.
- (17) Nid. 30a.
- (18) I.e., the formation of a male embryo lasts forty-one days and that of a female eighty-one days.
- (19) The blood discharged at birth renders her a menstruant woman. How then is she permitted to be counted for a Paschal Lamb?
- (20) Without any discharge of blood.
- (21) So that the woman is unclean even if nobody has actually perceived any blood, for it is assumed that the blood is hidden.
- (22) Lev. XII, 5. It refers to the sixty-six days of cleanness which follow the fourteen days of uncleanness after the birth of a female.
- (23) Viz., by another birth within the eighty days.
- (24) The text reads, sixty days and six days; the repetition of the word 'days' and the fact that the first time it is actually used in the singular implies that the period is to be like one day.
- (25) For the Rabbis hold that in the case of an abortion within eighty days of a birth the period of cleanness of the birth is regarded as annulled and a new period is to start. According to R. Judah on the other hand the period of the first birth still holds good.
- (26) For according to the first alternative of the query above there is a case of a disconnected spell of time, as described in the query.

(27) So that the forty days of the male, namely seven days of impurity and thirty-three days of cleanness, finish before the eighty days of the female. In this case even the Rabbis admit that the second, shorter period of cleanness does not abolish the first, longer one, which is to be resumed. The text conveys that the seven days of impurity caused by the abortion are not to be made up after the eighty days have passed.

(28) Intercourse could not have taken place before the first fourteen days of impurity have passed, during which she is not allowed to her husband. As the embryo must be at least forty days old, the abortion cannot have taken place before the fifty-fourth day after the birth of the female, so that the forty days of the second birth must of necessity end after the eighty days of the first.

(29) The period of cleanness will continue beyond the eighty days of the first birth. This instance can therefore no longer be regarded as an example of a disjointed period of eighty days, mentioned in the statement quoted.

(30) Even the Rabbis who hold the second birth is decisive agree here that the period of cleanness of the first birth is not abolished by that of the second, since the latter finishes before the former.

(31) I.e., the seven days of impurity caused by the second of the twins were to be made up after the eighty days of the first birth

(32) I.e., the seven days of impurity do not cause an interruption of the period of cleanness of the first birth, though the woman is indeed unclean during these seven days.

(33) Lev. XII, 5. It refers to the thirty-three days of cleanness which follow the seven days of impurity after the birth of a male.

(34) I.e., if two male twins were born one, say, thirty days after the other, so that the seven days of impurity of the second supersede seven of the days of cleanness of the first birth. If we said that these seven days are to be made up, we should find the period of cleanness of the first birth disconnected. The text lets us know that the seven days are not to be made up.

(35) V. p. 77, n.9.

Talmud - Mas. K'rithoth 10b

a disconnected spell of time is an impossibility, for they hold that it is the second birth that is of avail.¹ It must, therefore, be in accordance with the view of R. Judah; and it proves that he upholds his view only if it leads to greater stringency, but not if it leads to greater leniency.² R. Ashi, too, said: Come and hear: 'Six days' may mean both a connected and disconnected spell of time;³ therefore it is written 'sixty': as the sixty days are connected, so also the six. With whom does this conform? Shall I say with the Rabbis? Surely, according to the Rabbis a disconnected spell of time is an impossibility, for they hold it is the second birth that is of avail. It must therefore be according to R. Judah, and this proves that he upholds his view only if it leads to greater stringency but not if it leads to greater leniency. This is indeed proved.

MISHNAH. THE FOLLOWING PERSONS BRING AN OFFERING OF HIGHER OR LESSER VALUE:⁴ ONE WHO REFUSES TO GIVE EVIDENCE,⁵ ONE WHO HAS BROKEN THE WORD OF HIS LIPS [SUPPORTED BY AN OATH],⁶ ONE WHO WHILE UNCLEAN HAS ENTERED THE SANCTUARY OR HAS PARTAKEN OF HOLY THINGS,⁷ A WOMAN AFTER CONFINEMENT⁸ AND A LEPER.⁹

GEMARA. Our Rabbis taught: Some bring the offering of the poor and of the rich, some of the poor, and some of the poorest. A woman after confinement brings the offering of the poor and of the rich,¹⁰ a leper that of the poor,¹¹ while one who refuses to give evidence, or breaks his word,

or defiles the Sanctuary or holy things offers the offering of the poor and of the poorest.¹²

Another [Baraita] taught: Sometimes one offering replaces¹³ one, sometimes two replace two, sometimes two replace one and sometimes one replaces two; this teaches that the tenth of an ephah¹⁴ is worth a perutah.¹⁵ The woman after confinement offers one instead of one, namely a single bird in the place of the lamb¹⁶; a leper offers two birds in the place of two lambs; one who refuses to give evidence or one who breaks his word or one who defiles the Sanctuary or holy things offers two birds instead of one lamb, and in the case of direst poverty one tenth of an ephah in the place of two birds.

It says, 'This teaches that the tenth of an ephah is worth a perutah'. Whence do we know this? — Our Rabbis have taught: If one says, I vow an offering for the altar worth a sela', he offers a lamb, for no offering can be offered for a sela' but a lamb. Whence do we know this? — Since the Divine Law stated that the ram of the guilt-offering is valued at two shekels,¹⁷ from this we learn that a one-year old lamb is valued at one sela',¹⁸ for it is said, A lamb of the first year,¹⁹ [from which follows that] a ram is of the second year.²⁰ Then we have learnt:²¹ 'The pair of sacrificial birds on that day stood at a quarter [of a denar]'.²² We thus see that the Divine Law has spared the poor and has fixed their sacrifice at the sixteenth part of that of the rich; we may then assume that the sacrifice of the poorest is to be the sixteenth part of that of the poor. Consequently the offering of the poor is worth a quarter of a denar. Since a quarter of a denar has forty-eight perutahs, a sixteenth thereof would be three perutahs, while it has been stated: 'This teaches that the tenth of an ephah is worth a perutah'. Why a perutah? Did you not say the tenth of an ephah is the offering of the poorest and that this offering is worth one sixteenth part of that of the poor, which we found was three perutahs? — The Tanna derives his proportions from the instance of the woman after confinement, who offers in the place of a lamb one bird, the value of which²³ is one thirty-second part of that of a lamb. But is not the offering of the poorest still the sixteenth part of the poor,²⁴ as it is inferred from the comparison of the lamb and the ram?²⁵ The ephah should then be valued at a perutah and a half!²⁶ — Said Raba, All is derived from the instance of the woman after confinement in the following manner: Since the Divine Law has spared the poor and has fixed their sacrifice at one thirty-second part of that of the rich, as we find in the instance of the woman after confinement, so we assume that the Divine Law has spared the poorest in fixing their sacrifice at the thirty-second part of that of the poor. If so, the ephah should be valued at three-quarters of a perutah! — Indeed, so it is, except that it is not becoming to offer to the Lord less than a perutah.

MISHNAH. WHAT IS THE DIFFERENCE BETWEEN THE HANDMAID²⁷ AND THE FORBIDDEN CONNECTIONS²⁸ FROM WHOM SHE DEVIATES BOTH IN REGARD TO THE PENALTY AND THE OFFERING? IN THE CASE OF ALL OTHER FORBIDDEN CONNECTIONS A SIN-OFFERING IS BROUGHT, IN THAT OF A HANDMAID A GUILT-OFFERING; IN THE CASE OF THE OTHER FORBIDDEN CONNECTIONS A FEMALE ANIMAL IS OFFERED, IN THAT OF THE HANDMAID A MALE; IN THE CASE OF THE OTHER FORBIDDEN CONNECTIONS MAN AND WOMAN ARE ALIKE IN RESPECT OF LASHES AND THE SACRIFICE,²⁹ IN THAT OF THE HANDMAID THE MAN IS UNLIKE THE WOMAN REGARDING THE LASHES, AND THE WOMAN IS UNLIKE THE MAN REGARDING THE SACRIFICE;³⁰ IN THE CASE OF ALL OTHER

FORBIDDEN CONNECTIONS SEXUAL CONTACT³¹ IS PUNISHABLE AS WELL AS CONSUMMATED CONNECTION, AND ONE IS GUILTY FOR EACH CONNECTION SEPARATELY;³² FINALLY THE CASE OF THE HANDMAID IS MORE STRINGENT

- (1) She will thus have to count the forty days from the second birth and the period of cleanness of the first is completely abolished.
- (2) V. p. 77, n. 11.
- (3) I.e., if an abortion took place e.g., on the seventy-seventh day of the birth of a female, so that the days of impurity of the second birth supersede three of the days of the period of cleanness of the first birth. The question is again whether these three days are to be made up or not. The rest of the discussion is similar to that of the two previous ones.
- (4) I.e., one which varies according to the pecuniary position of the owners; a rich person offers a lamb or goat, a poor person pigeons or turtle-doves, and a very poor person a meal-offering.
- (5) Lit. 'one who heard the call (of an oath).' A person who refuses to give evidence, though called upon to do so by oath, or swearing falsely himself that he does not know the facts; Lev. V, 1.
- (6) Lit., 'utterance of lips'; viz., a promise with reference to his own person, such as to fast, or an assurance of facts of the past, also with reference to his own person, e.g., that he fasted; Lev. V, 4.
- (7) Ibid. vv. 2-3. The transgression was committed in error. That an offering of higher or lesser value is offered in these three instances is stated in the text, v. 6ff. A rich person offers one lamb, a poor person two doves, a very poor person a meal-offering.
- (8) Lev. XII, 6-8. A rich person offers one lamb and one dove, a poor person two doves.
- (9) Lev. XIV, 10ff. A rich person offers three lambs, a poor person one lamb and two doves.
- (10) Viz., one lamb and one dove.
- (11) Viz., two birds, prior to the other sacrifices.
- (12) In these three cases the provision is made that the poorest offer but a meal-offering
- (13) In case of poverty.
- (14) Ephah is a measure. A tenth thereof is the quantity of the meal-offering offered by the poorest; Lev. V, 11.
- (15) V. Glos. V. infra.
- (16) For her burnt-offering. As for her sin-offering a woman after confinement always brought a dove or a pigeon.
- (17) Lev. V, 15. The text uses shekels, plural; i.e., at least two.
- (18) A Biblical shekel is identical with a sela'.
- (19) Num. VI, 12.
- (20) A ram is more mature. It is assumed that the price has doubled with the doubling of the age.
- (21) V. supra 8a.
- (22) One denar is the fourth of a sela'.
- (23) Viz., the eighth of a denar.
- (24) The offering of the poorest is not provided in the instance of the woman after confinement but only in the cases of refused evidence, broken promise and defilement of the Sanctuary and holy things. In these instances two birds replace one lamb. The proportion of the offering of the rich and that of the poor is sixteen to one. The same proportion must then hold good with reference to the offering of the poorest towards that of the poor.
- (25) From which we learn that a lamb is valued at a sela'.
- (26) The offering of the poor being the thirty-second part of that of the rich and sixteen times the value of that of the poorest, is thus worth one and a half perutahs.
- (27) A bondwoman who is designated to a man chosen by her master; cf. Lev. XIX, 20.
- (28) Enumerated in Lev. XVIII.

(29) I.e., both partners are liable to lashes in the case of wilful transgression and to an offering in the case of transgression in error.

(30) I.e., the man is liable to a guilt-offering and the handmaid to lashes.

(31) I.e., the mere contact of the sexual organs is punishable, even though the connection was not consummated.

(32) While in the case of the handmaid only a consummated connection is subject to the law, and one is not liable for each connection separately.

Talmud - Mas. K'rithoth 11a

IN THAT WILFUL TRANSGRESSION¹ IS OF THE SAME STATUS AS TRANSGRESSION IN ERROR. TO WHICH HANDMAID DOES THIS REFER? TO ONE WHO IS HALF A SLAVE AND HALF A FREE PERSON,² AS IT IS WRITTEN: AND NOT AT ALL REDEEMED.³ THUS THE VIEW OF R. AKIBA. R. ISHMAEL SAYS: TO A SLAVE PROPER. R. ELIEZER B. JACOB⁴ SAYS: OF ALL OTHER FORBIDDEN CONNECTIONS IT IS EXPLICITLY STATED [THAT THEY ARE WHOLLY FREE PEOPLE], THERE IS THUS LEFT THE INSTANCE OF ONE WHO IS HALF A SLAVE AND HALF A FREE PERSON.⁵

GEMARA. Whence do we know that she is liable to lashes but not he? — Our Rabbis taught: There shall be inquisition [bikkoreth],⁶ conveys that she is liable to lashes. I might still think that both are liable to lashes, therefore it is written 'shall be';⁷ she is liable but not he. And whence do we know that the term bikkoreth implies lashes? — Said R. Isaac: It denotes, it shall be read for her,⁸ as it has been taught: The head of the judges reads, the second counts and the third says, beat him. R. Ashi says: It denotes, she shall be examined,⁹ as we have learnt: They do not estimate the number of lashes he can bear except in a multiple of three.¹⁰

Our Rabbis taught: Whenever the woman is subject to lashes the man is liable to a sacrifice, and when she is free from lashes,¹¹ he is exempted from a sacrifice. Whence do we know this? — Said Raba: It is written, And if a man lieth carnally with a woman, that is a bondmaid, designated for a man, and not at all redeemed, nor was freedom given her.¹² Now consider: the text deals hitherto with the man, it should therefore have proceeded immediately with the words, And he shall bring his guilt-offering unto the Lord, and then continue, There shall be inquisition.¹³ Why has the text stated first, 'There shall be inquisition' and only afterwards 'And he shall bring his guilt-offering unto the Lord'? This then is meant: If there is an inquisition regarding the woman, he shall bring a guilt-offering unto the Lord, and if there is no inquisition he shall not bring his guilt-offering. But perhaps he has been exempted [from lashes], she however is liable to lashes as well as to a sacrifice?¹⁴ — It reads: And he shall bring his guilt-offering unto the Lord.¹⁵

R. Isaac said: One is liable only in the case of a possessed handmaid, as it is written, 'That is a bondmaid, designated for a man'. And where do we find that the term 'designated' [neherefeth] implies that a change has taken place?¹⁶ — It is written, And strewed groats [harifoth] thereon.¹⁷ Or as it is written, Though thou shouldest bray a fool in a mortar with a pestle among groats [harifoth].¹⁸

And they gave their hand that they would put away their wives; and being guilty, they offered a

ram of the flock for their guilt;¹⁹ said R. Hisda: This teaches that they had all had intercourse with designated handmaids.²⁰

TO WHICH HANDMAID DOES THIS REFER etc. Our Rabbis taught: 'Redeemed' might convey altogether free, therefore it continues, 'she is not [redeemed]'. This on the other hand might convey not at all redeemed, therefore it reads 'redeemed'. How is this possible? She is redeemed yet not wholly redeemed, viz., one who is half a slave and half a free person and is betrothed to a Hebrew slave. Thus the view of R. Akiba. R. Ishmael says: The text refers to a heathen bondmaid who is betrothed unto a Hebrew slave; while the phrase 'redeemed, she is not [redeemed]' is used in accordance with the language of men.²¹ R. Eleazar b. Azariah says: Of all for bidden connections it is explicitly stated [that they are free people], there is thus left the instance of one who is half a slave and half a free person and is betrothed unto a Hebrew slave. Others²² say, 'They shall not be put to death, because she was not free', indicates that the text refers to a heathen bondmaid who is betrothed unto a heathen slave. As to R. Ishmael, it is plausible that 'redeemed, she is not [redeemed]' may be interpreted as a common parlance, but whence do we learn that she was betrothed to a Hebrew slave? — It is written, For she was not free; he, however, was free.²³ Is not the view of R. Eleazar b. Azariah identical with that of R. Akiba? — He [R. Eleazar] retorts to R. Ishmael: I agree with you in general that the Torah uses the language of men, but this case is different, for the text states, 'for she was not free', why add 'redeemed, she is not [redeemed]'? To learn therefrom that it refers to one who is half a slave and half a free person. As to others, it is plausible that 'redeemed, she is not [redeemed]' may be interpreted as a common parlance, but whence do we learn that she was betrothed to a heathen slave? — The text reads, 'for she was not free'; since this is superfluous with reference to her,²⁴ it is taken to refer to him.

MISHNAH. IN THE CASE OF ALL FORBIDDEN CONNECTIONS, IF ONE PARTNER WAS A MAJOR AND THE OTHER A MINOR, THE LATTER IS EXEMPTED; IF ONE IS AWAKE AND THE OTHER ASLEEP, THE LATTER IS EXEMPTED; FINALLY, IF ONE IS AN INADVERTENT AND THE OTHER A WILFUL TRANSGRESSOR, THE FORMER IS LIABLE TO A SIN-OFFERING, THE LATTER TO KARETH.²⁵

GEMARA. Is indeed in our instance²⁶ a minor guilty? — Said Rab Judah: This is meant: In the case of all forbidden connections, if one was a major and the other a minor, the latter is exempted and the former guilty; In our instance also the major is exempted, because both partners depend upon one another.²⁷

IF ONE IS AWAKE AND THE OTHER ASLEEP, THE LATTER IS EXEMPTED. Is indeed In our instance a sleeping person guilty? Said Rab Judah in the name of Rab: This is meant: In the case of all forbidden connections, if one is awake and the other asleep, the latter is exempted and the former guilty, in our instance even the one awake is exempted, because they depend upon one another.

A Tanna recited before R. Shesheth: They have placed on an equal footing a consummated connection with a mere sexual contact, an intentional connection with an unintentional, a natural connection with a perverse one, and one performed while awake with one performed in sleep. He

retorted: How is this meant? If it refers to a designated bondmaid, how does a consummated connection equal a mere sexual contact? In fact, a consummated connection is in the case of a designated bondmaid subject to the law, but a mere sexual contact is not. Similarly the statement that intentional connection equals unintentional [is wrong], for one is guilty only in the case of intentional connection but not otherwise. Similarly the statement that natural connection equals perverse [is wrong], for with the designated bondmaid one is guilty only in the case of natural connection but not in the case of perverse connection, because it is written 'carnally'. And then what is the meaning of the statement that a wakeful person equals a sleeping person? If on the other hand this dictum refers to other forbidden connections, how does it state consummated connection equals a mere sexual contact

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- (1) Viz., of the man. If her trespass, however, was inadvertent there is no offering for the man either.
 - (2) E.g., a slave belonging to two partners one of whom has set her free. The maid is betrothed to a Hebrew slave; her betrothal is only partly valid by reason of her slavery.
 - (3) Lev. XIX, 20. Lit., 'redeemed, she is not redeemed', i.e., she is not altogether redeemed.
 - (4) Gemara infra, 'son of Azariah'.
 - (5) Therefore interpret the law in Lev. XIX, 20f, as referring to this category.
 - (6) Ibid.
 - (7) Shall be, being in the feminine, is referred to the maid.
 - (8) During the administration of lashes, the text of Deut. XXVIII, 58f; cf. Mak. 22b. , **rec**, is thus derived from **tre** , to read.
 - (9) Before the administration of lashes the delinquent is examined as to how many lashes he can stand.
 - (10) Mak. 22b.
 - (11) E.g., on account of her minority.
 - (12) Lev. XIX, 20.
 - (13) Which has just been interpreted as conveying her penalty of lashes.
 - (14) Whence does the Mishnah know that only the man is liable to a guilt-offering but not the woman?
 - (15) 'He' is restrictive. He brings a guilt-offering, but not she.
 - (16) I.e., that a bodily change has taken place with her in that she is no longer a virgin.
 - (17) II Sam. XVII, 19. Groats, i.e., grain which has experienced a change through grinding.
 - (18) Prov. XXVII, 22.
 - (19) Ezra X, 19.
 - (20) For which a guilt-offering is brought, as mentioned in the text.
 - (21) I.e., as a common parlance. The repetition of the verb 'redeem' is only an emphasis, and is not to imply any law.
 - (22) R. Meir is quoted under this name; cf. Hor. 13b.
 - (23) The Hebrew was not the perpetual possession of his master; he is to be freed after six years.
 - (24) For it is already stated that she was not redeemed.
 - (25) The Gemara enlarges upon it and states what the law would be in the case of a bondmaid.
 - (26) I.e., in the case of the bondmaid.
 - (27) As stated supra; whenever she is exempted from lashes he is also free from a guilt-offering.

Talmud - Mas. K'rithoth 11b

; the comparison, should be in the reverse direction! Said the former: Shall I cancel the dictum? —

He replied: No, this is meant: A consummated perverse connection with a designated bondmaid equals a natural sexual contact, when one is exempted because it is written, 'carnally'; intentional perverse connection with a bondmaid equals unintentional connection, when one is exempted, because it is written, 'carnally'; perverse connection with a bondmaid while awake equals connection while asleep, when one is exempted because it is written, 'carnally'. We thus find that intentional sexual contact in the case of a bondmaid equals unintentional connection in the case of other forbidden relations; that natural contact in sleep in the case of the bondmaid equals connection in sleep in the case of other forbidden relations; that perverse connection with the bondmaid while awake¹ equals connection in sleep in the case of other forbidden relations.

CHAPTER III

MISHNAH. IF THEY² SAY TO A PERSON, THOU HAST EATEN³ HELEB,⁴ HE IS LIABLE TO A SIN-OFFERING;⁵ IF ONE WITNESS SAYS, HE HAS EATEN, AND ANOTHER SAYS, HE HAS NOT EATEN, OR IF ONE WOMAN⁶ SAYS, HE HAS EATEN, AND ANOTHER SAYS, HE HAS NOT EATEN, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF ONE WITNESS SAYS, HE HAS EATEN, AND HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED; IF TWO [WITNESSES] SAY, HE HAS EATEN, AND HE HIMSELF SAYS, I HAVE NOT EATEN, R. MEIR DECLARES HIM LIABLE [TO AN OFFERING]. SAID R. MEIR: IF TWO WITNESSES ARE CAPABLE OF INFLICTING THE SEVERE PENALTY OF DEATH,⁷ SHOULD THEY NOT IMPOSE THE LESS SEVERE PUNISHMENT OF A SACRIFICE? THEY⁸ REPLIED: SUPPOSE HE SAID, I WAS A WILFUL TRANSGRESSOR, WOULD HE NOT BE EXEMPTED?⁹ IF ONE ATE TWICE HELEB IN ONE SPELL OF UNAWARENESS, HE IS LIABLE TO BUT ONE OFFERING; IF ONE ATE HELEB, BLOOD, PIGGUL⁴ AND NOTHAR⁴ IN ONE SPELL OF UNAWARENESS, HE IS LIABLE FOR EACH KIND OF FOOD. THIS IS AN INSTANCE WHERE DIFFERENT KINDS [OF FOOD] ARE MORE STRINGENT THAN ONE KIND; IN THE FOLLOWING INSTANCE, HOWEVER, ONE KIND [OF FOOD] IS MORE STRINGENT THAN SEVERAL KINDS: IF ONE ATE HALF AN OLIVE-SIZE¹⁰ AND THEN AGAIN HALF AN OLIVE-SIZE, BOTH IN ONE SPELL OF UNAWARENESS, IF OF ONE KIND HE IS LIABLE, IF OF TWO KINDS, HE IS EXEMPTED.

GEMARA. It is stated, IF THEY SAY TO A PERSON, THOU HAST EATEN HELEB, HE IS LIABLE TO A SIN-OFFERING. 'THEY SAY' implies [at least] two; and what does he maintain? If you assume that he was silent and did not contradict them, it would then follow that only silence in response to two witnesses evokes a sin-offering, but not in response to one. Now read the middle clause: IF ONE WITNESS SAYS, HE HAS EATEN AND HE HIMSELF SAYS, I HAVE NOT EATEN [HE IS EXEMPTED]. Now the reason [that he is exempted] is because he contradicts them, but if he did not deny the charge he would be guilty; and how much more so if there were two witnesses! Rather you must assume that he contradicts the witness, and the law is in accordance with R. Meir, who holds a contradiction of two witnesses is of no avail; but according to the Rabbis, he would indeed be exempted. But, then, why has this clause at all been mentioned, we know the law from the concluding clause?¹¹ — This is what he lets us know, that this is a point of dispute between R. Meir and the Rabbis.¹² Some there are who say: 'THEY SAY' may well refer to a single person, as we have learnt: If a man has gone overseas and they

come and tell his wife that he is dead, whereupon she marries again. if the husband returns alive she has to leave both men.¹³ And it has been established that this law refers also to one witness. Whence do we infer this? From that which has been stated in the latter clause: If she has married again without authority, she may return to her husband. Now, what does ‘without authority’ mean? Without the authority of the court but upon the evidence of witnesses;¹⁴ from this we infer that in the former clause it was done with the authority of the court, but upon the evidence of one witness. We thus find that ‘they say’ is used of one witness; similarly, when it states ‘THEY SAY’ it refers to one witness. And what does he [the offender] say? If he contradicts, he should be exempted; for we have learnt in the middle clause: IF ONE WITNESS SAYS, HE HAS EATEN AND HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED! Again if you say, he is silent; surely we know this law already from the middle clause, IF ONE WITNESS SAYS etc., from which is inferred that he is exempted only when he contradicts, but when he is silent he is indeed liable to an offering! Indeed, he does not contradict, and understand the Mishnah thus: IF THEY SAY TO A PERSON, THOU HAST EATEN HELEB. HE IS LIABLE TO A SIN-OFFERING, namely if he is silent, but . . . when HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED.¹⁵

Where do we find in the Torah that a person is liable to an offering if he does not contradict the evidence of others? — Our Rabbis taught: If his sin be known to him . . . he shall bring his offering];¹⁶ but not if others make it known to him.¹⁷ I might then think he is exempted even if he does not contradict, it is therefore written, ‘if it be known to him’: in whatever manner.¹⁸ Now to which case does this refer? Shall I say to one in which two witnesses gave evidence? Do we in such a case need a text?¹⁹

(1) no note.

(2) Viz., two witnesses, v. infra Gemara.

(3) Viz., without being conscious of the transgression.

(4) V. Glos.

(5) Provided the person does not deny the charge. Also one witness would suffice in this case.

(6) A woman is as a rule not qualified to act as a witness.

(7) E.g., if they testify to murder.

(8) Viz., the Sages who hold there is no sacrifice in any case of denial by the perpetrator.

(9) V. infra Gemara as to the interpretation of this passage.

(10) An olive is the standard size of these prohibited foods.

(11) Viz., the one wherein R. Meir and the Rabbis differ.

(12) The latter clause explains the former, that the anonymous view of the former clause declaring him liable to a sin-offering is in fact the opinion of R. Meir only, while the Rabbis disagree.

(13) I.e., she has to be divorced from both her husbands; v. Yeb. 87b.

(14) Since her second marriage was founded upon the evidence of two qualified witnesses, although the court did not give their consent, she is not to be penalised and may therefore return to her first husband. The former clause, where it states that she is punished and has to leave both men, must therefore refer to a case where there were not two witnesses but one only. The court has accepted the evidence of the one witness but with the understanding that she continues her inquiries as to her husband's fate. The fact that her husband has returned alive proves that her inquiries were not satisfactory, and she is therefore penalised.

(15) I.e., the middle clause is the counterpart of the first clause.

(16) Lev. IV, 23.

(17) I.e., if the facts are established by outside evidence.

(18) It should read, 'if he remembers'. The text thus suggests that he is guilty, even if his 'knowledge' for silence is taken as consent — is provoked from outside.

(19) That he is then liable to an offering is obvious.

Talmud - Mas. K'rithoth 12a

It must thus refer to one witness giving evidence; and yet it says that if there is no contradiction his evidence is valid.¹ We have thus proved it.

SAID R. MEIR, etc. The question was asked: What is the reason of the Rabbis? Is it that they hold that regarding oneself² a man is believed more than a hundred witnesses, or perhaps that we adopt the argument of miggo:³ for if he said, I transgressed willfully, he would certainly have been exempted, so if he says, I did not eat at all, he is to be believed, and is therefore exempted? And in which way is this question of avail? With reference to the application of the law to uncleanness.⁴ If you say the reason of the Rabbis is that regarding oneself a man is believed more than a hundred witnesses, there will be no difference between the old and fresh uncleanness;⁵ but if you say the reason of the Rabbis is that we adopt the argument of miggo, they would exempt him in the case of old uncleanness but declare him liable in the case of new uncleanness.⁶ For what reason? For in the case of old uncleanness, if he wanted, he could have said, I have already immersed, and be exempt; he is therefore exempt also when he says, I have not become unclean,⁷ since it can be said that what he meant [when he said,] 'I have not become unclean' is 'I did not remain unclean, for I have immersed'. In the case of fresh uncleanness, however, he is liable. For what reason? For even if he asserted, I have immersed, he would be guilty,⁸ since the witnesses maintain that he has just become unclean. How is it? — Come and hear: If one witness says to a person. Thou art unclean, and he himself says, I am not unclean, he is exempted.⁹ I might assume [this holds good] also in the case of two witnesses, but, says R. Meir, against this there is an a fortiori argument: since two witnesses are capable of inflicting the severe penalty of death, how much more can they impose the less severe punishment of a sacrifice! The Rabbis say: Regarding oneself a man is believed more than a hundred witnesses. It thus seems that the argument of the Rabbis is that regarding oneself a man is believed more than a hundred witnesses! — Said R. Ammi: Indeed the argument of the Rabbis is the conclusion of miggo; and understand their reasoning thus: As he could, if he wanted, have said, I did not remain unclean,¹⁰ and would then be exempted, therefore regarding himself he is to be believed more than a hundred witnesses. If so, is not this instance identical with that concerning heleb?¹¹ — I might have thought, in the case of heleb I may assume that he explains his words:¹² I did not eat in error, but wilfully. But [when he is told], Thou art unclean, and he replies, I am not unclean, I might think his words are not capable of explanation; therefore he lets us know that also in this instance we interpret his words as conveying, I have not remained unclean for I have immersed.

Come and hear: And he shall confess,¹³ [implies that] if he confesses he is liable to an offering, if he does not confess he is exempted. If, therefore, a witness says to him, Thou art unclean, and he says, I am not unclean, he is exempted. I might think this holds good even in the case where he contradicts two witnesses, but says R. Meir, since two witnesses are capable of inflicting the

severe penalty of death, how much more can they impose the less severe punishment of a sacrifice! R. Judah says: Regarding oneself a man is believed more than a hundred witnesses. The Rabbis, however, agree with R. Judah in regard to heleb and the entering of the Temple precincts.¹⁴ but not in regard to uncleanness.¹⁵ Now, to which [uncleanness] does this refer? Shall I say

(1) So that he has to bring an offering.

(2) I.e., in matters relating to the salvation of his soul, for the sacrifice is to bring about his propitiation and conciliation with the Lord.

(3) I.e., a logical rule that a man's statement is to be accepted as true whenever another credible and more advantageous assertion could have been made; for it is argued, that had he intended to lie he would have invented the more advantageous statement.

(4) I.e., if two people say e.g., you have entered the Temple precincts while unclean.

(5) Fresh uncleanness is one contracted on the same day; old uncleanness one contracted on previous days. In the first instance the witnesses say the contraction of the uncleanness and the entering of the Temple precincts were both on the same day, in the latter on different days.

(6) In the case of fresh uncleanness there has not yet been an opportunity of becoming clean again, for immersion alone is not sufficient; one has to wait till sunset to be clean. In the instance of old uncleanness one may well assert one's cleanness by saying, I have immersed.

(7) The actual statement is capable of an interpretation similar in sense to the assertion that might have been made.

(8) If he enters the precincts of the Temple before sunset, even after immersion, he is guilty.

(9) Toh. V, 9.

(10) I.e., I immersed.

(11) And therefore superfluous.

(12) I.e., he may give you a wider meaning to his words, so that the assertion he actually makes harmonises with the one he could have made.

(13) Lev. V, 5.

(14) I.e., when the question is whether he has eaten heleb, or whether he has entered the Temple while unclean, for in these two instances the argument is that he might have said the transgression was wilful, and the assertions actually made, viz., 'I did not eat heleb' and 'I did not enter the Temple', may be interpreted as being in harmony with the assertion he could have made thus: 'I did not eat heleb and I did not enter the Temple in a manner which would make me liable to an offering'.

(15) I.e., when the question is whether he has at all become unclean. The miggo that he might have said, I did it wilfully, is no longer valid.

Talmud - Mas. K'rithoth 12b

[it refers] to old uncleanness, why do the Rabbis agree with R. Judah only with regard to heleb and the entering of the Temple precincts because he might have said, I did it wilfully? Also in the instance of old uncleanness he could have interpreted his words and say, if he wanted, I did not remain unclean but immersed!¹ — Said Rabina: It refers in fact to old uncleanness,² but to a case where the witnesses said to him, Thou hast eaten sacred food while thy body was unclean,³ and his reply was, I was not unclean; his words are then not open to an explanation, for we cannot say he meant, I did not remain unclean but immersed, for this would convey, I immersed and indeed did eat, which statement would contradict the first assertion⁴ at least in respect of the uncleanness

through contact.⁵

Said R. Nahman: The halachah is according to R. Judah. Said R. Joseph: He holds [that he is clean] only in private⁶ and when appertaining to himself.⁷

Said Resh Lakish: R. Meir agrees with the Rabbis that if two witnesses say to a person, Thou hast had intercourse with a designated bondmaid,⁸ and he maintains that he has had no intercourse, he is to be trusted, for he could, if he wishes, have answered them, I did not complete the act of cohabitation.⁹

Said R. Shesheth: R. Meir agrees with the Rabbis with regard to the uncleanness of a nazirite, that if two witnesses say to him, Thou art unclean, and he replies, I am not unclean, he is exempted,¹⁰ because he could, if he wanted, have replied, I am absolved from the vow of naziriteship.¹¹

Said Abaye: R. Meir agrees with the Rabbis that if two witnesses say to a person, Thou knowest evidence against a certain man,¹² and he says, I do not know, he is exempted, because he could, if he wanted, have said, I was not intent upon giving evidence.

IF ONE ATE TWICE HELEB IN ONE SPELL OF UNAWARENESS etc. To this R. Zera demurred: Why is he liable to only one sin-offering? Has he not eaten two olive-sizes of heleb? — Replied to him Abaye: It is the different spells of unawareness that effect separate offerings, but in our instance there was but one spell of unawareness. Some raise the difficulty in the following version: The reason [that he is liable only to one offering], is that there was only one spell of unawareness; if, however, there were two spells of unawareness he would indeed be liable to two offerings; but why? Were not both meals of the same denomination of heleb? — Replied to him Abaye: Different spells of unawareness effect separate offerings.

IF ONE ATE HELEB, BLOOD, PIGGUL AND NOTHAR etc. [It is stated,] IF OF ONE KIND HE IS LIABLE; is this not obvious? — Said Resh Lakish in the name of Bar Tutini:¹³ We suppose it was eaten in two different dishes, and this law is in conformity with the view of R. Joshua who [generally] holds that different dishes do not combine with one another.¹⁴ Now I might have thought that R. Joshua upholds his opinion no matter whether greater leniency or greater stringency result from it; therefore we are taught that he is liable [to an offering], implying that he upholds his view only when it leads to greater stringency, but not when it leads to greater leniency. Some refer the discussion to the latter part of the passage: IF OF TWO KINDS, HE IS EXEMPTED; is this not obvious? — Said Resh Lakish in the name of Bar Tutini: We suppose they were eaten in two different dishes and this law is in accordance with R. Joshua who holds different dishes do not combine with one another. Now I might have thought that R. Joshua upholds his rule only if it leads to greater stringency but not if greater leniency results from it; therefore we are taught: IF OF TWO KINDS, HE IS EXEMPTED: ‘Two kinds’ means in fact ‘one kind’;¹⁵ it is called ‘two kinds’ because the eating was in two different dishes; and as it is stated that he is then exempted, hence we may conclude that R. Joshua upholds his rule both if it leads to greater leniency and if it results in greater stringency. Now, since the latter part of the passage¹⁶ deals with one kind consumed in two dishes, the former part must, as its contrast, refer

to one kind consumed in one dish. Is not the law then obvious? — Said Rabina: It refers to a case where he became aware [of his sin] in between,¹⁷ and the law is in accordance with Rabban Gamaliel, who holds awareness is of no avail with regard to half-sizes;¹⁸ as we have learnt.¹⁹ If one writes two letters in two different spells of unawareness, one in the morning and the other in the evening, Rabban Gamaliel holds he is guilty, but the Rabbis exempt him. Rabban Gamaliel holds awareness is of no avail with regard to half-sizes, whereas the Rabbis maintain it is of avail.

MISHNAH. WITHIN WHAT TIME MUST HE EAT THEM;²⁰ [THE TIME HE WOULD NEED] IF HE ATE A LIKE BULK OF PARCHED GRAINS OF CORN.²¹ THUS THE VIEW OF R. MEIR; BUT THE RABBIS SAY, HE MUST TAKE FROM THE BEGINNING TO THE END NO MORE TIME THAN IS REQUIRED FOR THE EATING OF A PERAS,²² TO BECOME LIABLE. IF ONE EATS UNCLEAN EDIBLES OR DRINKS UNCLEAN DRINKS,²³ OR IF [A PRIEST] DRINKS A QUARTER [OF A LOG] OF WINE AND THEN ENTERS THE TEMPLE,²⁴ IF NO MORE TIME HAS ELAPSED THAN IS REQUIRED FOR THE EATING OF A PERAS, HE IS LIABLE. R. ELEAZAR SAYS: IF THE DRINKING WAS INTERRUPTED OR THE WINE DILUTED WITH WATER OF THE SMALLEST QUANTITY, HE IS EXEMPTED.²⁵ GEMARA. They asked: Is R. Meir's statement in the direction of stringency or of leniency? Is it in the direction of stringency, and this is what he means: [THE TIME HE WOULD NEED] IF HE ATE OF PARCHED GRAINS OF CORN, though lasting the whole day.²⁶ Thus even though the time that elapsed between the beginning and the end of the meal was longer than is required for the eating of a peras, yet since it was one protracted meal, he is liable; while the Rabbis retorted: If no more time has elapsed than is required for the eating of a peras, he is guilty, if more he is exempted? Or is it in the direction of leniency, and this is what he means: [THE TIME HE WOULD NEED] IF HE ATE OF PARCHED GRAINS OF CORN, provided it was without interruption,²⁷ but if with interruption he is exempted even though the time that elapsed between the beginning and the end of the meal is within that required for the eating of a peras; while the Rabbis retorted: Since the time elapsed between the beginning and the end of the meal was within that required for the eating of a peras, he is guilty? — Come and hear: BUT THE SAGES SAY, HE MUST TAKE FROM THE BEGINNING TO THE END NO MORE TIME THAN IS REQUIRED FOR THE EATING OF A PERAS.

(1) We must therefore assume that the Baraita refers to fresh uncleanness, in which case there is no miggo. It seems at all events to be implicitly accepted that the reason of the Sages' view is based upon the conclusion of miggo, while R. Judah who holds that even in the case of fresh uncleanness he is exempted, bases his view obviously upon the rule that regarding oneself a man is at all events believed more than a hundred witnesses. The query set forth at the outset of the discussion is thus resolved: R. Judah, who as the opponent of R. Meir is often quoted anonymously, bases his view upon the first argument of the query, the Sages upon the second.

(2) And both R. Judah and the Sages may base their arguments in the instance of heleb upon the rule of miggo, but this case is such that the Sages hold miggo is not applicable to it.

(3) This statement contains a twofold assertion: That he was unclean and that he ate sacred things. Were his contradiction, I did not eat, we might have understood it in the sense, I did not transgress for I had immersed before. His reply, I am not unclean, is taken to imply, I did not come into contact with an unclean object, and this is in open contradiction to the evidence of the witnesses, wherefore his statement is not accepted and he is liable to an offering.

- (4) I.e., the assertion of the witnesses.
- (5) For his words imply, he did not come into contact with an unclean object.
- (6) He is not permitted to partake of sacred food in the presence of others, for this might be interpreted as neglectful treatment of the laws of purity.
- (7) He is not believed with reference to other people. If he has come into contact with sacred things they are regarded as unclean for others. The trust put in him when he says he is not unclean is subjective, because we believe him in matters appertaining to his own conscience and salvation.
- (8) I.e., a maidservant designated by her master for marriage to one chosen by him; Lev. XIX, 20.
- (9) V. 11b, where the completion of the act is an essential condition of the transgression.
- (10) From an offering at the end of seven days; v. Num. VI, 9f.
- (11) Absolution can be granted from a vow by a scholar if there are good reasons to assume that the consequences of the vow were not foreseen.
- (12) The refusal to give evidence if adjured to do so is punishable with an offering; v. Lev. V, 1.
- (13) Supra 4b quoted as Bar Tutani.
- (14) Viz., to make up the requisite standard size of an olive. The non-combination of the two half-olives brings about his exemption from an offering. If on the other hand one has, e.g., eaten two full quantities in two dishes the non-combination leads to greater stringency of the law, for he is then liable to two offerings.
- (15) I.e., two pieces of heleb, e.g., each of the size of half an olive, eaten in two meals.
- (16) Viz., IF OF TWO KINDS etc.
- (17) Between the two meals he learnt, e.g., that the first piece of fat was heleb.
- (18) I.e., half-sizes may be combined one with the other even if eaten in two spells of unawareness.
- (19) Shab. 105a. Only when one writes two letters is a sacrifice prescribed.
- (20) We have learnt in the previous Mishnah that if one eats two half-sizes of prohibited food, he is guilty because the two meals combine to make up the requisite size. What time may pass between the two meals to be still considered as one?
- (21) I.e., the time it takes to eat an olive-size of food crumbled into small pieces of the size of parched ears, eaten one after the other.
- (22) Lit., 'portion' or 'half'; viz., half a loaf; v. also 'Er. 83a.
- (23) If one eats unclean food of the size of half a peras, or drinks of an unclean drink the quantity of a fourth of a log, he is regarded as unfit to eat sacred food until he has taken an immersion.
- (24) To perform his service.
- (25) R. Eliezer refers to the last instance.
- (26) The criterion of R. Meir is then to indicate that the meal may be interrupted.
- (27) The time required for the eating of an olive-size of parched corn without interruption is less than that required for the eating of a peras.

Talmud - Mas. K'rithoth 13a

Now, if you say that R. Meir's view is in the direction of stringency,¹ it is right that it reads: HE MUST TAKE . . . NO MORE, meaning that he is not liable unless he takes no more time than is required for the eating of a peras; but if you say R. Meir's view is in the direction of leniency, it should have read 'But the Rabbis say: If he has taken as much time as is required . . .'. It is thus proved that R. Meir's view is in the direction of stringency. It is indeed proved.

Said Rabanai in the name of Samuel: For heleb and nebelah² he must take from the beginning to

the end [of the meal]³ no more time than is required for the eating of a peras; for unclean food, reptiles and unclean drinks,⁴ he may take even the whole day, as much as is required for the eating of a peras. What does this mean? — Said R. Papa, thus: Even the whole day so long as he ate an olive-size within the time required for the eating of a peras.⁵

An objection was raised: All kinds of food combine one with the other to half a peras to render the body unfit.⁶ Now does this not mean that he has to eat the half-peras within the time required for the eating of a peras? — No, he has to eat an olive-size within the time required for a peras.

An objection was raised: All kinds of food combine one with the other to a half-peras, consumed within the time required for a peras, in order to render the body unfit. How is this? If he ate and then ate again, if from the beginning of the first meal to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another; if more they do not combine. It is not permitted to one who ate less than the requisite quantity to immerse;⁷ if he did immerse and then ate the complementary quantity to the standard size, the meals combine one with the other. A pregnant woman is permitted to eat a quantity⁸ smaller than the standard size, because of her serious position. All kinds of beverage combine one with the other to a quarter [of a log], consumed within the time required for the eating of a peras, in order to render the body unfit. How is this? If he drank and then drank again, if from the beginning of the first drink to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another; if more they do not. [She] who has been in contact with one unclean by a dead body is permitted to nurse her baby, and the baby remains clean. It states at all events, 'If from the beginning of the first meal to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another'. Is this not in contradiction to Rabanai's statement? — Indeed it is.⁹

The Master says: 'It is not permitted to one who ate less than the requisite quantity to immerse'. What does this mean?¹⁰ — Said Rab Judah: This is what it means: If one ate less than the requisite quantity, he is not permitted to immerse, for if he should eat afterwards the complementary quantity, which combines with the first, he might assume that the preceding immersion is of avail, not knowing that an immersion is valid only at the end.

It is stated, 'A pregnant woman is permitted to eat a quantity smaller than the standard size, because of her serious position'. If by reason of her serious position, she should be permitted to eat even more!¹¹ — Said R. Papa: Read thus, A pregnant woman is permitted to eat even more, yet in quantities smaller than the standard size, because of her serious position.

It says, '[She] who has been in contact with one unclean by a dead body is permitted to nurse her baby, and the baby remains clean.' Why is it clean? Since it has sucked in milk it should be unclean through the milk.¹² And should you say it was not prepared,¹³ [I would reply,] It is prepared by the drop which moistens the nipple!¹⁴ — Answered R. Nahman in the name of Rabbah b. Abbuha: It sucked with great pull so that no drop was formed to moisten the nipple. Said Raba: I have two objections to raise: firstly we see that a child's mouth is filled with milk,¹⁵ and then, the milk-source has the status of a 'well',¹⁶ as we have learnt: The milk of a woman renders things unclean whether [it was drawn] purposely or unintentionally, while the milk of a

cow renders things unclean only when brought forth intentionally.¹⁷ Now does not 'unintentionally' mean that the child has no pleasure in it; and yet it says that it renders things unclean!¹⁸ — Rather said Raba: The reason why the child remains clean is that it is doubtful whether it has sucked in the requisite quantity or not; and even if it did, it is still doubtful whether it was done within the time required for the eating of a peras or during a longer period. But how can Raba maintain that the milk-source has the status of a 'well'? Have we not learnt: If milk drips from the breast of a [menstruant] woman and falls upon an oven, the oven is unclean?¹⁹ Whereupon it was asked, wherewith has the milk become 'prepared' for uncleanness? and R. Johanan replied: By the drop with which the nipple is moistened.²⁰ And if you say that Raba disagrees with R. Johanan, has it not been taught: 'It is thus found that there are nine kinds of liquids of a gonorrhoea-ridden person: sweat, ill-smelling discharge²¹ and secretion, are altogether clean;²² the tears of his eyes, the blood of his wound

(1) I.e., the time-limit suggested by R. Meir is less than that laid down by the Rabbis, so that the Rabbis in their retort to R. Meir demand a prolongation of the time-limit.

(2) V. Glos.

(3) E.g., if he ate two half olive-sizes of heleb.

(4) Half a peras or a quarter of a log respectively renders him who ate it unfit to eat sacred food.

(5) I.e., each olive-size of the standard quantity of half a peras has been eaten within the time required for a peras.

(6) Me'il. 17b.

(7) This is soon explained.

(8) I.e., unclean food; v. Tosaf.

(9) Rabanai's view is thus refuted.

(10) Why should he not be permitted to immerse, even though the immersion is in vain?

(11) For it is permitted to break the law of the Torah in the case of danger to life.

(12) The milk is unclean of the second degree; it is therefore not capable of rendering persons unclean through contact, but he who drinks thereof a half-peras is unfit to partake of sacred food.

(13) All foodstuffs must be 'prepared', i.e., rendered fit for uncleanness, by being moistened with certain liquids. The milk coming from the body is considered foodstuff, and in the absence of such preparation should be clean.

(14) The drop with which the nipple is moistened is not regarded as food, since it is not destined to be consumed, and can therefore act as a liquid to 'prepare' the rest of the milk for uncleanness.

(15) One drop at least must have adhered to the nipple.

(16) The milk has not the status of ordinary food or drink, but that of a secretion from the body, and forms part thereof. When the body is unclean, the milk is ipso facto unclean too. No 'preparation' is thus necessary. 'Well' means here a secreting organ.

(17) Maksh. VI, 8. Things are regarded as 'prepared' for uncleanness by being moistened with a liquid only if the moistening was to the satisfaction of the owner or worker.

(18) As we learn here that the milk of a woman is unclean and conveys its uncleanness to other things even if it came forth not to the satisfaction of the owner or worker (here the child), it cannot bear the status of ordinary food that requires 'preparation'. It must thus possess the character of a secretion from the body.

(19) Kel. VIII, 11.

(20) We thus see that in contradiction to Raba 'preparation' is needed.

(21) Such as pus.

(22) They do not cause uncleanness through contact.

Talmud - Mas. K'rithoth 13b

Talmud - Mas. K'rithoth 13b

and the milk of a woman, in the quantity of a fourth of a log contract uncleanness as a liquid;¹ saliva, flux and urine contract the more severe uncleanness² in the smallest quantity? Now, if it was true, as you say, that the milk-source has the status of a 'well', milk too should contract the more severe uncleanness in the smallest quantity, like flux and saliva. It is thus proved that the milk-source of a woman has not the status of a 'well'. But, then, what of the contradiction between this Baraitha and [the Mishnah quoted by] Raba [that the milk of a woman] 'renders things unclean whether drawn purposely or unintentionally'?³ — Do you indeed think, as has hitherto been assumed, that 'unintentionally' means that the child had no pleasure in it? No, 'unintentionally' means 'generally', for it is accepted that the child has its mind upon the milk; but if the child indicates that he has no pleasure in it, it is indeed clean.

IF ONE EATS UNCLEAN EDIBLES etc. Why is it conditional upon the elapse of a certain time,⁴ as it reads, IF . . . TIME HAS ELAPSED? — Said Rab Judah: Thus it is to be understood: If one eats unclean edibles or drinks unclean drinks, or if [a priest] drinks a quarter of a log of wine, spending thereon the time required for the eating of a peras, and then enters the Temple precincts, he is guilty.

R. ELEAZAR SAYS etc. Our Rabbis taught: Drink no wine nor strong drink;⁵ I might think any quantity, and even if taken from the vat,⁶ therefore the text states 'strong drink'; he is guilty only if the quantity suffices to make him drunk.⁷ Which is the quantity capable of causing intoxication? A fourth of a log of wine of forty days' standing. Why then has 'wine' been mentioned? To tell you that one is cautioned in regard to the smallest quantity, and one is cautioned also in regard to [wine] drawn from the vat.⁸ R. Judah says: It reads 'wine'; from here we know only 'wine', whence do we know other intoxicating drinks? It therefore reads 'and strong drink'. If so, why has 'wine' been stated? Wine involves the death penalty, other drinks involve only [the disregard of] a warning. R. Eleazar says: Drink no wine and [drink no] strong drink: Drink it not in the manner which causes intoxication; if, however, he interrupts or dilutes it with any quantity of water, he is not guilty. Wherein do they differ? — The first Tanna holds: We draw an inference from the nazirite by the common expression 'strong drink';⁹ R. Judah does not hold this inference; while R. Eleazar holds that what 'strong drink' implies is something intoxicating. With whom does the following dictum comply: 'If one eats pressed figs from Keilah,¹⁰ or drinks honey or milk, and then enters the Sanctuary and performs the Temple service, he is liable to lashes'? With R. Judah.¹¹ Said R. Judah son of Ahotai: The halachah is in accordance with R. Eleazar. Also Rab spoke of R. Eleazar as the most distinguished of the Sages.

R. Aha of Huzal had a vow in regard to his wife.¹² He came before R. Ashi.¹³ Said the latter to him: Go now and come back to-morrow, for Rab appointed no interpreter¹⁴ from the commencement of the festival till the end of the following day,¹⁵ on account of intoxication. Replied the former: But did not Rab say, The halachah is according to R. Eleazar,¹⁶ while you dilute your wine with water? — Said he, There is no difficulty: his saying refers to a fourth of a log exactly, while I had more than a fourth.

Our Rabbis have taught: And that ye may put difference between the holy and the common,¹⁷

refers to vows of worth, or vows of valuation,¹⁸ or to things devoted¹⁹ or consecrated,²⁰ between the unclean and the clean¹⁷ refers to the laws of uncleanness and purity; that ye may teach²¹ refers to decisions [concerning forbidden things]; all the statutes²¹ refers to the expositions of the Law; which the Lord hath spoken²¹ refers to traditions passed on [from Sinai]; by the hand of Moses²¹ refers to the Gemara. I might include also the Mishnah, therefore it reads ‘that ye may teach’.²² R. Jose b. Judah says: I might include also the Gemara,²³ therefore it reads, ‘that ye may teach’. According to whom is that which has been taught: ‘Excluded is the decision that a [dead] reptile is unclean and a [dead] frog clean,²⁴ which may be given also by one who is intoxicated with wine’? May we assume that it conforms with R. Jose b. Judah's view and not with that of the Rabbis? — No, it may conform also with the view of the Rabbis, but this problem is so simple that one may say, go read it at school.²⁵ Said Rab: The halachah is in accordance with R. Jose b. Judah.²⁶ But surely Rab did not appoint an interpreter from the commencement of a festival to the end of the following day on account of intoxication?²⁷ — Different it is with Rab who gave also decisions: But then why not appoint the interpreter and lay down the rule that no decisions be given? — Where Rab sat it was impossible to avoid giving decisions.²⁸ MISHNAH. ONE MAY BY ONE ACT OF EATING BECOME LIABLE TO FOUR SIN-OFFERINGS AND ONE GUILT-OFFERING; VIZ., IF ANY UNCLEAN PERSON EATS HELEB WHICH WAS AT THE SAME TIME THE NOTHAR OF AN OFFERING, AND [IT WAS ON] THE DAY OF ATONEMENT.²⁹ R. MEIR SAYS: IF IT WAS THE SABBATH AND HE CARRIED IT OUT³⁰ [OF PRIVATE POSSESSION], HE IS LIABLE [TO YET ANOTHER SIN-OFFERING].³¹ BUT THEY SAID TO HIM: THIS IS OF A DIFFERENT DENOMINATION.³²

(1) I.e., to convey uncleanness only to food and liquids.

(2) I.e., to defile human beings and vessels.

(3) If we say that the milk is unclean even when brought forth against the child's interest in contradiction to the laws ruling the ‘preparation’ for uncleanness of liquids, we are obliged to infer therefrom that the milk has the status of a ‘well’ and not of a liquid. The right interpretation is, however, that even when the child does not express its pleasure at the bringing forth of the milk, it is unclean, for it is assumed that it is nevertheless done to its satisfaction.

(4) The condition concerning the time is mentioned in the Mishnah text after the entering of the Sanctuary. It is therefore assumed that it implies that it is necessary for the priest to stay in the Temple precincts for a time required for the eating of a peras. This is, of course, against the accepted law.

(5) Lev. X, 9 with reference to priests.

(6) I.e., before the fermentation is completed.

(7) The literal translation of **rfa** ‘strong drink’ is ‘intoxicating drink’.

(8) But not punishable with death. ‘Death’ here denotes death at the hands of Heaven.

(9) A textual analogy is drawn on the basis of the word ‘strong drink’ which occurs in connection with the priest, Lev. X, 9 and the nazirite, Num. VI, 3, where the produce of the vine only is prohibited.

(10) In Judea; v. I Sam. XXIII, 1.

(11) In Naz. 4a this dictum is explicitly mentioned in the name of R. Judah.

(12) He vowed not to derive any benefit from her.

(13) To ask for the absolution of the vow.

(14) The interpreter's task was to expound at length that which the Tanna taught in brief; v. Glos. s.v. Amora.

(15) I.e., from the termination of the first meal on the eve of the festival to the end of the following day. His meals on holy days were accompanied by wine, and Rab therefore refused to give any legal decision. R. Aha appeared

before R. Ashi on a festival.

(16) Who holds only pure wine is prohibited.

(17) Lev. X, 10. This passage follows immediately upon the prohibition for the priest to drink wine. It is therefore assumed to imply that to give a decision in a state of intoxication is forbidden.

(18) V. 'Ar. 2a.

(19) Lit., excommunicated'; i.e., a form of renouncing one's rights upon property and assigning it for the use of the Temple or the priests.

(20) I.e., all the valuations in connection therewith must not be undertaken in a state of intoxication.

(21) Ibid. 11.

(22) Or, that ye may decide. As the Mishnah does not always contain the last word of the law, decisions are based upon the discussions in the Gemara rather than the Mishnah.

(23) Viz., the study of the Talmud. Only the actual giving of judgment in a state of intoxication is punishable, but not the mere preoccupation with the law.

(24) These decisions are so obvious, being explicitly mentioned in the Torah, that an error is not feared.

(25) I.e., even youngsters who study only the Pentateuch should know it; v. Sanh. 33b.

(26) Viz., that to study in a state of intoxication is permitted.

(27) This proves that even to lecture on the law is forbidden.

(28) Rab was an authority recognised everywhere, and questions came before him at all times.

(29) He is liable to a sin-offering each for eating sacred food in a state of uncleanness, for eating keleb, for eating nothar and for partaking of food on the Day of Atonement. The guilt-offering is to atone for the sacrilegious use of Temple property. Nothar is the portion of a sacrifice left over beyond the prescribed time, which has to be burnt.

(30) Viz. , in his mouth.

(31) To carry on the Sabbath from private property to the public thoroughfare or vice versa is subject to an offering.

(32) The transgression is not caused by eating.

Talmud - Mas. K'rithoth 14a

GEMARA. May we infer that R. Meir holds that a prohibition may take hold of something already prohibited?¹ — [No,] although he may hold that a prohibition cannot take hold where another prohibition exists, he holds that a prohibition that is more comprehensive² or more extensive³ can take hold [of an already existing prohibition]. To a clean person only heleb is prohibited; when he becomes unclean, since the other parts [of the animal] become forbidden to him, this more comprehensive prohibition embraces also heleb. Then heleb is forbidden for consumption only; when consecrated, since it becomes prohibited for all use, this more extensive prohibition takes hold of heleb. It is still, then, forbidden to laymen only but not for the altar;⁴ when it becomes nothar, since it becomes forbidden also for the altar, this more extensive prohibition applies also in respect of laymen. Again, if it occurred on the Day of Atonement, since there is added an injunction which is more comprehensive in that it applies also to common food, it applies also to the things dedicated to the altar. But then why not instance five sin-offerings, namely when he ate an olive-size of piggul?⁵ — He speaks of one animal and not of two, and the meat of one and the same animal cannot be nothar and piggul at the same time.⁶ But why not? Is it not possible where, e.g., a limb of piggul was [wrongly] offered upon the altar, in which case its disqualification of piggul is lifted,⁷ and it can thus become nothar, as 'Ulla said: If the fistful of an offering, rendered piggul, has been offered upon the altar its piggul disqualification ceases, and it may then become nothar?⁸ — He speaks of one limb and not of two limbs, and one and the same

limb cannot be nothar and piggul at the same time. But why not? Is it not possible where, e.g., a limb of piggul was offered upon the altar, partly resting upon the altar and partly protruding,⁹ so that the portion [which rested] upon the altar loses its piggul disqualification and may become nothar, in accordance with 'Ulla, who said: 'If the fistful of an offering, rendered piggul, has been offered upon the altar its disqualification ceases, and it may become nothar?' — He replied: It is not possible, for if the major portion rests upon the altar, the whole is reckoned as being on the altar; if the major portion is protruding, the whole is reckoned as being outside. But then you could decide therefrom¹⁰ the query of Rami son of Hama as to whether one goes by the majority in regard to sacrificial limbs or not!¹¹ — He speaks of one olive-size and not of two.¹² But is this indeed so? Does he not deal with the Day of Atonement, where the requisite standard quantity is the size of a date, and a date corresponds to two olive-sizes? — Said R. Zera: He ate of a kidney together with the heleb attached thereto.¹³ R. Papa said: He supplemented the heleb with dates.¹⁴ R. Adda son of Aha indeed reads [in the Mishnah] 'five sin-offerings' and explains it [as dealing with the case] where he ate an olive-size of piggul,¹⁵ rejecting the other explanations given. But then why not state six sin-offerings', and explain it [as dealing with the case] where he ate in addition an olive-size of blood? — [The Mishnah] speaks of one act of eating and not of two, and the Rabbis have calculated that the gullet cannot hold more than two olive-sizes at a time.

R. MEIR SAYS, etc. Why did he not simply state, 'If he carried it out [of private possession], he is liable¹⁶ . . .'; wherefore does he state, IF IT WAS THE SABBATH'? — Said Rafram: This proves that the laws concerning 'erub¹⁷ and transport¹⁸ apply to the Sabbath and do not apply to the Day of Atonement.¹⁹ How is this proved? Maybe the laws concerning 'erub and transport apply also to the Day of Atonement, and the Mishnah text is to be understood thus: If it was the Sabbath and he carried it out [of private possession], he is liable by reason of the Sabbath as well as the Day of Atonement!²⁰ — Rather say, If the statement of Rafram was made, it was with reference to the following: It has been taught, And he shall send him away by the hand of an appointed man;²¹ 'man' implies that also a non-priest is qualified; 'appointed' implies even if he is unclean and even on the Sabbath;²² 'appointed' means designated for it. Now it is here stated: "Appointed" implies even on the Sabbath', whereupon Rafram remarked, This proves that the laws concerning 'erub and transport apply to the Sabbath and do not apply to the Day of Atonement. How is this proved? Maybe the scapegoat is an exception, for its whole validity is bound up with the Day of Atonement!²³ — The dictum of Rafram is indeed void.²⁴

MISHNAH. ONE MAY BY ONE ACT OF INCESTUOUS CONNECTION BECOME LIABLE TO SIX SIN-OFFERINGS: VIZ., IF ONE HAD INTERCOURSE WITH HIS DAUGHTER.²⁵ HE IS GUILTY OF INCEST WITH HIS DAUGHTER, HIS SISTER, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, AND OF INTERCOURSE WITH A MARRIED WOMAN AND A MENSTRUOUS WOMAN.

(1) I.e., that a prohibition can apply to something which is forbidden already by reason of another injunction, as exemplified in R. Meir's statement where the law of Sabbath takes hold of prohibited food.

(2) I.e., the range of application of the new prohibition is wider than that of the original. The new prohibition is thus at all events effective with regard to those objects not covered by the original; it is therefore considered of avail also in respect of those articles already prohibited by the original injunction, and an additional offering is prescribed.

- (3) I.e., the additional prohibition is more stringent than the original one; e.g., if according to the original law only the eating of the prohibited food is punishable while the superadded prohibition law forbids also any benefit to be derived therefrom. The new prohibition is thus at all events effective where use is made of the food other than eating it; it is therefore regarded of avail also in case of eating, and evokes an additional offering. The following discussion expounds the instance of the Mishnah proving that each additional prohibition thereof is either more comprehensive or more extensive than those already existing.
- (4) Or, for that matter, the priests.
- (5) V. Gos. I.e., where the meat was, in addition, piggul which, too' is subject to a sin-offering.
- (6) The sacrifice is rendered piggul at the beginning of the service, namely during the preparation and performance of the sprinkling of the blood. Once piggul it is disqualified for altar and priest alike and cannot come within the range of nothar.
- (7) Even if the limb is removed from the altar, before it is completely burnt, it retains the sanctity re-gained through contact with the altar and may become nothar. If one eats therefore a piece of the limb that has become nothar, under the conditions enumerated in the Mishnah and in addition thereto an olive-size of meat of the rest of the same sacrifice, which has remained piggul, one is liable to five sin-offerings.
- (8) V. Zeb. 43a.
- (9) And he ate from both portions of the limb.
- (10) Viz., from the fact that the instance of five sin-offerings has not been stated for the reasons mentioned.
- (11) V. Hul. 70a where this query is put forward by Raba and left unanswered.
- (12) And with one olive-size one cannot evoke more than four sin-offerings, as enumerated in the Mishnah.
- (13) I.e., he ate one olive-size of the kidney and another olive-size of the heleb. For the latter he is, under the conditions mentioned in the Mishnah, liable to three sin-offerings and a guilt-offering; when followed by an olive-size of the kidney he complements the date-size required for the transgression of the Day of Atonement, which provokes the fourth sin-offering. R. Zera's view is that the Tanna of the Mishnah wishes to confine himself to the eating of one olive-size of heleb, while in the combination of piggul and nothar it would be necessary to assume that two olive-sizes of heleb have been consumed (Rashi).
- (14) I.e., his meal consisted of one olive-size of heleb and small dates to make up the requisite standard of a date. There was at any rate but one olive-size of meat.
- (15) From a different sacrifice in addition to the olive-size of heleb as instanced in the Mishnah.
- (16) For carrying it out on the Day of Atonement.
- (17) V. Gos.
- (18) I.e., the transport from private property to a public thoroughfare and vice versa.
- (19) Although the Day of Atonement bears otherwise all the stringency of the Sabbath, these two laws may be characteristic of the Sabbath only.
- (20) I.e., he is liable twice for the transport: for the transgression of the Sabbath and for the transgression of the Day of Atonement.
- (21) Lev. XVI, 21, relating to the scapegoat.
- (22) I.e., also on the Sabbath may the scapegoat be transported to its place of offering, thus trespassing the laws regarding 'erub and transport.
- (23) I.e., the Torah has explicitly permitted work essential for the service of the day.
- (24) V. Yoma 66b.
- (25) The multitude of interrelationships between father and daughter is established thus: the daughter was born from his incestuous contact with his own mother. She then married his brother and after the latter's death, his father's brother. She was in addition menstruant at the time of the intercourse. This monstrous and complicated combination has been chosen to exemplify various prohibitions each of which is more comprehensive than the

previous.

Talmud - Mas. K'rithoth 14b

GEMARA. But does not R. Meir hold, a prohibition cannot take hold of something already forbidden?¹ — Although he generally holds that a prohibition cannot take hold where another prohibition exists, he admits that a prohibition which is more comprehensive or more extensive can take hold [of an already existing prohibition].² [Our instance is then to be understood thus:] He had intercourse with his mother who bore him a daughter, so that the latter becomes prohibited to him simultaneously as his daughter and his sister. When she marries his brother, since she becomes prohibited also to his other brothers,³ this comprehensive prohibition becomes operative also with reference to himself. When she then⁴ marries his father's brother, since she becomes prohibited to the other brothers of his father, this comprehensive prohibition becomes operative also with reference to himself. In her capacity now as a married woman, since she becomes prohibited to the whole world, this comprehensive prohibition becomes operative also with regard to himself. Finally as a menstruant woman, since she becomes forbidden even to her own husband, this comprehensive prohibition become operative also with reference to himself.

MISHNAH. IF ONE HAD INTERCOURSE WITH HIS DAUGHTER'S DAUGHTER HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS DAUGHTER'S DAUGHTER, HIS DAUGHTER-IN-LAW, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, HIS WIFE'S SISTER, A MARRIED WOMAN, AND FINALLY A MENSTRUANT WOMAN.⁵ R. JOSE REMARKED: IF THE GRANDFATHER HAD COMMITTED TRANSGRESSION AND MARRIED HER FIRST, HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS FATHER'S WIFE. SO TOO, IF ONE HAD CONNECTION WITH HIS WIFE'S DAUGHTER OR HER DAUGHTER'S DAUGHTER.

GEMARA. It is stated: HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS FATHER'S WIFE. Was she then permitted to him?⁶ — Replied R. Johanan: The case is met if she fell unto him in levirate marriage.⁷ If so, what means: HAD COMMITTED TRANSGRESSION? — He committed transgression in that she was his son's daughter-in-law, which is a forbidden relation in the second degree,⁸ as has been taught:⁹ A daughter-in-law is an incestuous relation [by law of the Torah], the daughter-in-law of a son is forbidden [as a relation] in the second degree. The same distinction is made between the daughter of a son and the daughter of a son's son etc. to the end of all generations.¹⁰

But does R. Jose indeed hold that a prohibition can take hold of something already forbidden, have we not learnt:¹¹ If one has committed a sin which involves two death penalties,¹² he is condemned to the more stringent [of the two forms of execution]. R. Jose, however, maintains he is sentenced for the sin that took hold first. And it was taught: How is R. Jose's ruling, that he is sentenced for the sin that took hold first, to be understood? If, e.g., she was forbidden to him first as his mother-in-law and then as a married woman,¹³ he is sentenced for intercourse with a mother-in-law; if she was forbidden to him first as a married woman and then as a mother-in-law, he is sentenced for connection with a married woman! — Answered R. Abbahu: R. Jose admits [an exception to the rule] when the new prohibition is more comprehensive.¹⁴ Also when Rabin

came¹⁵ he said in the name of R. Johanan: R. Jose admitted when the new prohibition was more comprehensive. But in which respect is it more comprehensive here?¹⁶ — When the grandfather had another son;¹⁷ as the new prohibition comprises also the other son, it becomes operative with regard to [the offender] himself.

MISHNAH. IF ONE HAD INTERCOURSE WITH HIS MOTHER-IN-LAW HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS MOTHER-IN-LAW, HIS DAUGHTER-IN-LAW, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, HIS WIFE'S SISTER, A MARRIED WOMAN, AND FINALLY A MENSTRUANT WOMAN.¹⁸ AND SO TOO, IF ONE HAD INTERCOURSE WITH THE MOTHER OF HIS FATHER-IN-LAW OR OF HIS MOTHER-IN-LAW. R. JOHANAN B. NURI REMARKED: IF ONE HAD INTERCOURSE WITH HIS MOTHER-IN-LAW HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW, AND THE MOTHER OF HIS FATHER-IN-LAW.¹⁹ THEY SAID TO HIM: ALL THESE THREE ARE OF ONE DENOMINATION.²⁰

GEMARA. Said R. Eleazar in the name of R. Hoshaia: R. Johanan b. Nuri and Symmachus adhere to the same rule.²¹ R. Johanan b. Nuri as stated above.²² As to Symmachus, we have learnt:²³

(1) V. supra 14a. I.e., the latter five prohibitions should not become operative and only one sacrifice should be offered. Although the Mishnah is anonymous, it is, according to a general rule, assumed that R. Meir's view is represented therein.

(2) V. p. 104, nn. 6 and 7.

(3) Viz., his half-brothers of a common father. Before her marriage to one of them she was permitted to all of them, except her own father.

(4) I.e., after the brother's death.

(5) The inter-relationships between the man and his grand-daughter were manifold so that seven prohibitions were simultaneously broken in one act, viz., the grand-daughter, now a married woman, had previously wedded one of his sons and after his death the offender's brother and later, after the latter's death, the brother of the offender's father. The offender was at the same time married to his grand-daughter's half-sister, i.e., another daughter of his granddaugther's husband from another wife. The grand-daughter was, in addition, menstruant at the time of contact.

(6) As she was forbidden to the father as his brother's wife the marriage was invalid and she cannot be regarded as 'his father's wife'.

(7) When the offender's uncle died, he left no children behind, so that his father was permitted and even obliged to marry her according to the law of levirate marriage, Deut. XXV, 5f.

(8) I.e., one enacted by rabbinical law.

(9) Yeb. 21b.

(10) I.e., ad infinitum. The daughter of any of his male descendants that stands at the end of a chain of male offsprings is forbidden to him by rabbinical enactment.

(11) Sanh. 81a.

(12) I.e., if the woman was forbidden to him because of their twofold inter-relation. As to the scale of the various forms of execution, cf. Sanh. 49b.

(13) E.g., if she was a widow or divorced at the time he married her daughter and then married again. The sentence

in the case of a married woman is death by strangulation and in that of a mother-in-law death by burning. We learn herefrom, at any rate, that R. Jose holds a new prohibition cannot take hold where another exists.

(14) V. p. 104, nn. 6 and 7. If the new prohibition is more comprehensive it supersedes the first one. The reason why R. Jose, in the quoted Mishnah, nevertheless holds that only the prohibition which is first established is of avail, (although in the first of the examples the second prohibition, viz., the one concerning a married woman, which applied to all men, is more comprehensive than the first) is because the penalty of the first transgression is more stringent than that of the second (Rashi).

(15) I.e., when he arrived from Palestine to Babylonia.

(16) I.e., the case mentioned by R. Jose in our Mishnah, and with reference to the prohibition concerning the father's wife. This prohibition does not add to those already in existence.

(17) Before the transgressor's father married the grand-daughter she was permitted to his son. Now she is forbidden also to him as his father's wife.

(18) This case is met by the following inter-relations between the transgressor and his mother-in-law: The mother-in-law, now a married woman, had previously married his son and after the latter's death his brother, and then his father's brother. The offender himself had also been married to his mother-in-law's sister. If the mother-in-law was menstruant at the time of the union, we find that in one act he transgressed the seven prohibitions enumerated in the Mishnah.

(19) Viz., if in addition to the above inter-relations he had also been married to her daughter's daughter and her son's daughter, so that she was also his mother-in-law's mother and his father-in-law's mother.

(20) I.e., they are of the same class and intimated in the text (Lev. XVIII, 17) in one single prohibition, so that no separate offering is to be brought for each offence.

(21) Viz., that if a manifold prohibition of the same denomination has been transgressed, several offerings are required.

(22) Viz., in our Mishnah, where he requires a separate offering for the mother-in-law and her mother although both come under the same designation.

(23) Hul. 82b.

Talmud - Mas. K'rithoth 15a

If one slaughtered an animal together with its young's calf, and then the young itself,¹ he is liable to forty lashes. Symmachus said in the name of R. Meir: To eighty.² Said Raba: There is, perhaps, no comparison. Maybe R. Johanan b. Nuri maintains his view only in the instance of our Mishnah, because the prohibitions are at least of different designations; for she may be described as his mother-in-law and also as the mother of his mother-in-law and the mother of his father-in-law. In the instance, however, concerning the killing of a mother-animal and its young, where there is only one designation, and all such cases are known by the one name, maybe his ruling will not hold good. R. Nahman b. Isaac raised his doubt [in the opposite direction]. Maybe Symmachus maintains his view only in the case of the law concerning the killing of mother and young, because the objects are different;³ in the instance of our Mishnah, however, where there is only one object,⁴ I might perhaps argue that he [Symmachus] held with the ruling of R. Abbahu delivered in the name of R. Johanan. For R. Abbahu said in the name of R. Johanan: In the expression, They are near kinswomen; it is wickedness,⁵ Scripture indicates that they are all one kind of wickedness.

MISHNAH. SAID R. AKIBA: I ASKED RABBAN GAMALIEL AND R. JOSHUA AT THE

MEAT-MARKET OF EMMAUS, WHITHER THEY WENT TO BUY A BEAST FOR THE WEDDING FEAST OF RABBAN GAMALIEL'S SON, WHAT [IS THE LAW] IF A MAN HAD INTERCOURSE [INADVERTENTLY] WITH HIS SISTER, HIS FATHER'S SISTER AND HIS MOTHER'S SISTER;⁶ IS HE LIABLE TO ONE OFFERING FOR ALL THE TRESPASSES, OR TO ONE [SEPARATE OFFERING] FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING [ABOUT THIS], BUT WE HAVE HEARD THAT IF ONE HAD INTERCOURSE WITH HIS FIVE WIVES, WHILE THEY WERE MENSTRUANT, IN ONE SPELL OF UNAWARENESS, HE IS LIABLE TO A SACRIFICE FOR EACH [ACT], AND IT SEEMS TO US THAT THE CASE [YOU STATE] MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.⁷

GEMARA. How is the query to be understood? If as is stated,⁸ what question is there, seeing that the prohibitions as well as the persons involved are distinct!⁹ — This is rather what it means to state: What [is the law] if one had intercourse with a sister who is at the same time his father's sister and his mother's sister; is he liable to one sacrifice for all the trespasses, or to one [separate] sacrifice for each of them? Do we argue that here are diverse prohibitions,¹⁰ or do we argue [from the fact] that the persons are not diverse?¹¹ They replied: We have heard nothing about this, but we have heard that if one had intercourse together¹² with his five wives, while they were menstruant, whereby only one prohibition has been transgressed, he is liable to a sacrifice for each act of transgressing the law concerning menstruant women; and it seems to us that the case [you state] may be derived therefrom by an a fortiori conclusion [thus]: If one is liable to separate offerings in the case of intercourse together with his five menstruant wives, whereby only one prohibition has been transgressed, how much more should one be liable to separate offerings in the case of the sister who is at the same time his father's sister and his mother's sister, whereby three different prohibitions have been transgressed! But [against this conclusion] one may object: the case of the five menstruant women [is rightly more stringent] because several persons [are involved]? [The ruling¹³ must] rather be derived from the Scriptural verse which says, He has uncovered the nakedness of his sister,¹⁴ indicating that one is liable [to separate offerings] in the case of a sister who is at the same time his father's sister and his mother's sister. Said R. Adda b. Ahaba: This¹⁵ can arise in the case of a wicked man the son of a wicked man;¹⁶ [viz.] if a man had connection with his mother who bore him two daughters, and then had connection with one of these [daughters] who bore him a son; this son¹⁷ then had connection with his mother's sister who is at the same time his sister and his father's sister. He is indeed a wicked man the son of a wicked man.

Our Rabbis taught: If one had intercourse [inadvertently with one of the incestuous relations] and then again and then again,¹⁸ he is liable [to an offering] for each act. These are the words of R. Eliezer. But the Sages say, He is liable only once. The Sages, however, agree with R. Eliezer that if a man had intercourse at the same time¹⁹ with his five menstruant wives, that he is liable for each act, since he caused them liability to separate offerings.²⁰ Raba said to R. Nahman: Do we say [as an argument] since he caused them [liability to separate offerings]; surely it has been taught: 'If the man [committed several acts]²¹ in one spell of unawareness, and she in five separate spells of unawareness,²² he is liable to one offering only and she to one for each act'²³ — Say rather: Since the persons²⁴ were different.

The query was raised: If one cut plants²⁵ [on the Sabbath] and then cut again, what would be the law according to R. Eliezer?²⁶ Is R. Eliezer's reason in the previous case because two acts were committed, and that was why he ruled that he was liable for each act, so here also since he committed two acts [he is liable for each act]; or perhaps R. Eliezer's reason in the previous case is because the acts could not be united,²⁷ and therefore R. Eliezer said that he was liable for each act; in the instance, however, of a man cutting a plant of the size of a dried fig²⁸ and then cutting again a plant of the size of a dried fig, both in one spell of unawareness, since the two dried fig-sizes could have been united in one act of cutting, he should be liable to one sacrifice only? How is it? — Rabbah answered: R. Eliezer's reason is because two acts were performed, and here also two acts were performed. R. Joseph said: R. Eliezer's reason is because the acts could not be united, but whenever the acts could have been united one is liable to one offering only.

Abaye raised an objection against Rabbah: [It has been taught:] R. Eliezer declares one culpable for derivatives²⁹ even when performed together with their respective principal acts [of work]. [From this we infer that if,] however, the same principal act was performed twice in one spell of unawareness, he is exempt.³⁰ Now, should you be right in saying that R. Eliezer's reason is because two acts were performed, why should he be exempt here! — Said Mar the son of Rabana: I and Rab Nihumi b. Zechariah have explained this: Here³¹ we deal with a branch of a vine which was overhanging a fig-tree, and he cut off both [branches] at one time.³² R. Eliezer therefore declares him culpable, since both the denominations³³ and the objects³⁴ were different. In what circumstances, then, would a man be exempt [according to R. Eliezer] when cutting a plant twice? — Only if he cut off two plants of a dried fig's size in one stroke. But if he cut off one plant of a dried fig's size and then another of a dried fig's size, he is indeed liable [to two offerings].³⁵

MISHNAH. R. AKIBA FURTHER ASKED: IF A LIMB HANGS LOOSE FROM THE BODY OF A LIVING BEAST, WHAT IS THE LAW?³⁶ THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS, BUT WE HAVE HEARD ABOUT A LIMB HANGING LOOSE FROM THE BODY OF A MAN THAT IT IS CLEAN. AND THUS

(1) This refers to the law concerning the killing on the same day of a young together with its mother, Lev. XXII, 28. By killing a beast after its mother as well as its own young had previously been slaughtered on the same day, an act not yet punishable, he committed a double sin, or rather he transgressed the prohibition twice in one act.

(2) Forty lashes means actually one set of thirty-nine strokes. 'Forty' is a term adopted from the text (Deut. XXV, 3). Eighty lashes means twofold flagellation.

(3) The twofold flagellation was caused by the mother of the last-killed animal as well as by its young.

(4) There is only one person who happens to be inter-related with him in several ways.

(5) Lev. XVIII, 17. **varta** is in the singular, to indicate that even if several inter-relations are combined in one woman she is still a kinswoman singly, and subject to one sacrifice only.

(6) Here in some versions is added: 'in one spell of unawareness', suggesting that the query referred to three different women; v. Gemara.

(7) Since in the latter instance the sin is each time the same.

(8) Viz., that it referred to three different women, each falling under a different prohibition, though the three sins were committed in one spell of unawareness.

(9) Lit. 'the names are distinct and the bodies are distinct'.

- (10) Consequently three offerings are to be brought.
- (11) And therefore only one offering must be brought.
- (12) I.e. in one spell of unawareness.
- (13) On R. Akiba's query.
- (14) Lev. XX, 17. The phrase is regarded as superfluous. V. also supra 2b.
- (15) Viz., that a sister should be at the same time the father's sister and the mother's sister.
- (16) I.e. this case can be construed only if the father of the offender had committed incest on two occasions, from which connections this woman as well as the man resulted.
- (17) Sc. the offender referred to in the Mishnah.
- (18) Without being conscious in the meantime of his sin.
- (19) I.e. under one spell of unawareness. Rashi omits: 'at the same time'.
- (20) I.e. the women who have also transgressed the same prohibition, have each to bring a separate sacrifice. A division has thus been established between the acts.
- (21) Viz., with the same incestuous relation. Rashi mentions also the version that it refers to five different women.
- (22) I.e. after each connection the woman became aware of her transgression.
- (23) We thus see that although the woman is liable to separate offerings, this is no reason why the man should be similarly liable.
- (24) I.e. in the case relating to the menstruant women different persons were involved and for this reason he is liable to five separate offerings.
- (25) Lit. 'reaps'.
- (26) Viz., in one spell of unawareness. Cutting plants or reaping corn is one of the principal acts of work prohibited on the Sabbath; Shab. VII, 2.
- (27) The various sexual connections are of necessity separate performances.
- (28) The legal minimum involving the desecration of the Sabbath is the size of a dried fig.
- (29) There are altogether thirty-nine principal acts of work prohibited on the Sabbath. Each of them is the head of a series of acts of work similar to it and derived from it — the derivatives. If a principal act has been performed together with some of its derivatives in one spell of unawareness, he is liable, according to R. Eliezer, for each act. From the fact that R. Eliezer did not go a step further in stating that even if the same principal act had been performed several times he is liable for each act, we derive that in the latter case he is only liable to one sacrifice.
- (30) He is liable to bring only one offering and is exempt from the second.
- (31) Viz., the statement of R. Eliezer that one is guilty for a derivative when performed with its principal act.
- (32) With one movement he cut off the vine branch, which he needed for fuel, as well as a twig of the fig-tree, which he wanted for its fruit. The first act is a derivative, since it was not done for the sake of its fruit; the second is a principal act. R. Eliezer holds that he is liable to two offerings even though one action only was performed. The inference made above, that R. Eliezer would not declare him guilty twice if the same principal act of work was performed twice on separate occasions but under one spell of unawareness, is no longer logical, for in this instance two different actions were done.
- (33) I.e. the one was a principal act, the other its derivative.
- (34) I.e. the trees.
- (35) In accordance with Rabbah's interpretation of R. Eliezer's opinion.
- (36) The question is whether it is unclean. The limb of a living animal completely detached from the body has the status of nebelah (see Glos.) and is unclean. In our instance it was not wholly detached from the body, but its connections were mainly severed.

Talmud - Mas. K'rithoth 15b

Talmud - Mas. K'rithoth 15b

THOSE THAT WERE AFFLICTED WITH BOILS USED TO DO IN JERUSALEM:¹ THE AFFLICTED PERSON WOULD GO ON THE EVE OF PASSOVER TO THE PHYSICIAN, AND HE WOULD CUT THE LIMB UNTIL ONLY CONTACT OF A HAIRBREADTH WAS LEFT;² HE THEN STUCK IT ON A THORN AND THEN TORE HIMSELF AWAY FROM IT.³ IN THIS MANNER BOTH THAT MAN AND THE PHYSICIAN COULD PARTICIPATE IN THE PASSOVER OFFERING. AND IT SEEMS TO US THAT YOUR CASE MAY BE DERIVED FROM THIS BY AN A FORTIORI CONCLUSION.⁴

GEMARA. We have learnt elsewhere:⁵ If one scrapes liquid from off a leek, or wrings his hair [with a cloth],⁶ the liquid which remained within does not render foodstuffs susceptible to uncleanness; that which came forth does render them susceptible.⁷ Remarked Samuel: The leek itself is now susceptible to uncleanness,⁸ because when its liquid emerged the leek became susceptible. But surely we have learnt: THE AFFLICTED PERSON WOULD GO ON THE EVE OF PASSOVER etc. Now, if you are to assert that 'when its liquid emerged the leek became susceptible', why should not the same apply to the loosened limb; at the moment of severance it should render the man unclean? — [It is] as Rab Joseph stated elsewhere that 'it was removed with great force', so say also here that the afflicted person tore himself away with great force.⁹

And where was that statement of Rab Joseph made? — In connection with the following: 'If a zab¹⁰ or one rendered unclean through contact with a dead body was walking while the rain fell upon him, though the water was squeezed by him from the upper towards the lower part [of his clothes], it is regarded as clean, for it is of no consequence so long as it is not wholly removed from the clothes.¹¹ If, however, it is wholly removed from the clothes, it renders foodstuffs susceptible to uncleanness, for it is of consequence only after its complete removal from the body',¹² [In connection with this] Rab Joseph said: It had been removed with great force.¹³

MISHNAH. FURTHERMORE R. AKIBA ASKED: IF A MAN SLAUGHTERED IN ONE SPELL OF UNAWARENESS FIVE SACRIFICES OUTSIDE [THE TEMPLE PRECINCTS], WHAT IS THE LAW? IS HE LIABLE TO A SEPARATE OFFERING FOR EACH ACT OR ONLY TO ONE FOR THEM ALL? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE EATS OF AN OFFERING¹⁴ FROM FIVE DIFFERENT DISHES IN ONE SPELL OF UNAWARENESS, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE INFERRED FROM THIS BY AN A FORTIORI CONCLUSION.¹⁵ SAID R. SIMEON, NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR¹⁶ OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS — WHAT IS THE LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE ONE FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.¹⁷ RETORTED TO HIM R. AKIBA: IF THIS¹⁸ IS AN

AUTHENTIC TRADITION WE SHALL ACCEPT IT; BUT IF IT IS ONLY A LOGICAL DEDUCTION, THERE IS A REBUTTAL. SAID [R. ELIEZER]: REBUT IT. HE REPLIED: IT CANNOT BE. YOU MAY HOLD THE [STRICT] VIEW IN THE LAW OF SACRILEGE,¹⁹ SINCE IN CONNECTION WITH IT THE PERSON WHO GIVES OTHERS TO EAT [OF HOLY THINGS] IS AS GUILTY AS THE CONSUMER HIMSELF,²⁰ AND THE PERSON WHO CAUSES OTHERS TO DERIVE A BENEFIT FROM THEM IS AS GUILTY AS THE PERSON WHO HIMSELF MADE USE OF THEM; FURTHERMORE, [SMALL QUANTITIES ARE] RECKONED TOGETHER IN THE CASE OF SACRILEGE EVEN AFTER THE LAPSE OF A LONG PERIOD.²¹ WHILST NOT ONE OF THESE RULINGS APPLIES TO THE CASE OF NOTHAR.

GEMARA. What objection had R. Simeon?²² — This was his objection: How can you prove the case of slaughtering from that of eating?²³ Maybe the ruling holds good only in the case of eating, since the offender derived enjoyment! Therefore, what he asked them was this: If one ate of the nothar of five sacrifices in one spell of unawareness, what is the law? Is he liable [to a separate offering] for each of them, or only to one [offering] for all of them? They replied: We have heard nothing about this. Said R. Joshua: I have heard that if one ate, in one spell of unawareness, of a sacrifice from five different dishes, he is guilty of the transgression of the law of sacrilege for each of them; and it seems to me that the case in question may be derived therefrom by an a fortiori conclusion. Thus, if [when one eats five different dishes] from one sacrifice, where there are not distinct bodies, he is liable for each [dish] because there were separate dishes, how much more would one be liable for each [eating] in the case of the five sacrifices where there are distinct bodies! (SAID R. SIMEON: NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS; WHAT IS THE LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE [OFFERING] FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.)²⁴

RETORTED TO HIM R. AKIBA: IF THIS IS AN AUTHENTIC TRADITION WE SHALL ACCEPT IT etc. Did R. Joshua give way to R. Akiba's objection, or not?²⁵ — Come and hear: It has been taught, 'If one ate five portions of the nothar of one sacrifice from five dishes but in one spell of unawareness, he is liable to but one sin-offering, and in case of doubt,²⁶ to but one suspensive guilt-offering; if from five dishes and in five different spells of unawareness,²⁷ he is liable to a sin-offering for each portion, and in case of doubt, to a suspensive guilt-offering for each portion; if the portions were from five sacrifices, though consumed in one spell of unawareness, he is liable for each of them. R. Jose son of R. Judah holds: Even if he ate, in one spell of unawareness, five portions from five different sacrifices, he brings but one sin-offering, and in case of doubt, but one suspensive guilt-offering. The general rule is: whenever there is a plurality of sin-offerings,²⁸ there is also correspondingly a plurality of suspensive guilt-offerings. If he ate five portions, from five dishes, of the meat of one sacrifice prior to the sprinkling of its blood,²⁹ even if [he did it] in one spell of unawareness, he is guilty of the trespass of the law of

sacrilege for each of them’.

- (1) An unclean person cannot participate in the Passover Feast. If the afflicted person had to have one of his limbs amputated on the eve of Passover and wished that both he and the physician should not become unclean by handling the amputated limb which is unclean, he adopted the method described in the Mishnah.
- (2) So long as the limb is not completely detached from the body it is clean.
- (3) None came thus into contact with the unclean limb.
- (4) Viz., since the limb is considered clean in the case of a man who is susceptible to uncleanness even while still alive, then surely it is so in the case of an animal which is not subject to uncleanness while alive.
- (5) Maksh. I, 5. V. ad loc.
- (6) Thus the version in the Mishnah and in Rashi and Maim. Cur. edd. read here: ‘wings his hair or his cloth’.
- (7) Lit. ‘behold if water be put on (v. Lev. XI, 38) applies’. Foodstuffs are susceptible to uncleanness only after contact with liquid, but this contact must be with the desire, explicit or assumed, of the owner. The juice left in the leek which afterwards emerges of its own and comes into contact with foodstuffs does not, therefore, render them susceptible to uncleanness.
- (8) Even though there was no new contact after the separation of the juice from the leek.
- (9) So that there was no contact between the man and the limb for one moment, either during or after the severance of the limb. In the case of the leek, however, the juice emerges slowly.
- (10) V. Glos.
- (11) The water running down the clothes gathers in the hem and evaporates. It is therefore regarded as unsubstantial to be the carrier of defilement, unless it had been purposely removed from the clothes.
- (12) Thus in Tosef. Maksh. I, 3. Rashi strikes out the last clause. We learn, in any case, that though the liquid, is able to qualify foodstuffs for defilement, it is not unclean itself though it touched the unclean clothes.
- (13) Sc. that there was no contact with the clothes.
- (14) Before the sprinkling of the blood of the offering.
- (15) V. Gemara.
- (16) V. Glos.
- (17) V. Gemara.
- (18) Viz., the ruling that he is liable to five offerings in the instance relating to nothar.
- (19) But one cannot derive other cases from it.
- (20) By giving of holy things to others he alienates them from Temple property. Similarly it is forbidden to cause other people to derive a benefit from sacred objects.
- (21) Viz., in order to make up the requisite value of a perutah (see Glos.).
- (22) Viz., to the first version of R. Akiba's query.
- (23) Viz., the dictum of R. Joshua.
- (24) The text in brackets is simply a superfluous repetition of the previous. Its inclusion seems to be a copyist's error. It is omitted in MSS.
- (25) I.e., does R. Joshua still maintain that different dishes involve separate sacrifices not only in the case of sacrilege but also in the case of nothar?
- (26) A sin-offering is brought for the expiation of a transgression of the sinfulness of which the perpetrator was not conscious at the time of action, but which is definitely established. If there is doubt as to the transgression, then a suspensive guilt-offering is brought.
- (27) I.e., between the various meals he became each time conscious of the transgression perpetrated.
- (28) Lit. ‘wherever they are divided in regard to sin-offerings’. I.e. that separate sin-offerings are required for each act.

(29) Sacrificial meat is subject to the law of sacrilege only until the sprinkling of the blood, v. Men. 47b.

Talmud - Mas. K'rithoth 16a

Now [in the last instance] it does not continue, 'And in case of doubt, he is liable to a suspensive guilt-offering'! Now whose view does this statement¹ follow? Shall I say R. Akiba's? Then it should have stated in the latter clause, 'And in case of doubt, he is liable to a suspensive guilt-offering'; for we have learnt: 'R. Akiba prescribes a suspensive guilt-offering in the case of doubtful sacrilege'.² It must therefore follow R. Joshua's view, and yet we read, 'If . . . in five different spells of unawareness, he is liable to five sin-offerings'.³ We thus learn that R. Joshua gave way to his [R. Akiba's] objection. But cannot the opposite also be proved from one of the latter clauses which reads, 'If the portions were from five offerings,⁴ though consumed in one spell of unawareness, he is liable for each of them'; thus proving that he did not accept his objection? Hence you are compelled [to assume] that we have [here the views of two different] Tannaim:⁵ according to one Tanna, he [R. Joshua] gave way; according to another he did not give way [to R. Akiba's objection]; then you might also answer that R. Akiba's view is followed,⁶ but that the [anonymous] Tanna accepts his one opinion and rejects the other; thus, he agrees with him [R. Akiba] in the rules relating to unawareness of sin, but disagrees with regard to sacrilege.

How is one guilty fivefold of the law of sacrilege?⁷ — Said Samuel: As we have learnt,⁸ 'Five things in a burnt-offering can combine one with the other:⁹ the meat, the fat, the wine, the fine flour and the oil'.¹⁰ Hezekiah said, If he ate of five different limbs. Resh Lakish said, You may even say [that he ate] of one limb, yet [the fivefold sacrilege] can arise in the case of the fore-limb.¹¹ R. Isaac the Smith said, If he ate it with five different dishes.¹² R. Johanan said, If he ate it in five different preparations.¹³

MISHNAH. SAID R. AKIBA: I ASKED R. ELIEZER, IF ONE PERFORMED MANY ACTS OF WORK OF THE SAME CATEGORY¹⁴ ON DIFFERENT SABBATHS¹⁵ BUT IN ONE SPELL OF UNAWARENESS, WHAT IS THE LAW? IS HE LIABLE TO ONE [OFFERING] ONLY FOR ALL OF THEM, OR TO A SEPARATE ONE FOR EACH OF THEM? HE REPLIED TO ME: HE IS LIABLE FOR EACH OF THEM; AND THIS CAN BE DERIVED BY AN A FORTIORI CONCLUSION: IF FOR INTERCOURSE WITH MENSTRUANT WOMEN,¹⁶ IN WHICH PROHIBITION THERE ARE NEITHER MANY CATEGORIES NOR MANY WAYS OF SINNING,¹⁷ ONE IS LIABLE FOR EACH ACT, HOW MUCH MORE MUST ONE BE LIABLE TO SEPARATE OFFERINGS IN THE CASE OF THE SABBATH, IN CONNECTION WITH WHICH THERE ARE MANY CATEGORIES [OF WORK] AND MANY WAYS OF SINNING!¹⁸ I RETORTED TO HIM: NO, YOU MAY HOLD THIS VIEW¹⁹ IN THE CASE OF THE MENSTRUANT WOMEN, SINCE THEREIN THERE IS A TWOFOLD PROHIBITION: THE MAN IS CAUTIONED AGAINST CONNECTION WITH A MENSTRUANT WOMAN, AND THE MENSTRUANT WOMAN IS CAUTIONED AGAINST CONNECTION WITH A MAN;²⁰ BUT CAN YOU HOLD THE SAME IN THE CASE OF THE SABBATH WHERE THERE IS ONLY ONE PROHIBITION? HE SAID TO ME: LET THEN THE CASE OF INTERCOURSE WITH [MENSTRUANT] MINORS SERVE AS YOUR PREMISE, WHERE THERE IS BUT ONE PROHIBITION,²¹ AND YET ONE IS LIABLE FOR EACH ACT. I RETORTED TO HIM: YOU MAY HOLD THIS VIEW IN THE

CASE OF MINORS BECAUSE, ALTHOUGH NO PROHIBITION NOW APPLIES, IT WILL APPLY AFTER A TIME;²² BUT CAN YOU HOLD THE SAME OF THE SABBATH WHERE NEITHER NOW NOR AFTER A TIME [IS THE PROHIBITION WAIVED]? HE SAID TO ME: THEN LET THE LAW CONCERNING COPULATION WITH A BEAST SERVE AS YOUR PREMISE.²³ I REPLIED TO HIM: THE LAW CONCERNING COPULATION WITH A BEAST IS INDEED COMPARABLE TO [THAT CONCERNING] SABBATH.²⁴

GEMARA. What was hi²⁵ query? If his query was whether separate Sabbaths were comparable to separate objects,²⁶ then he should have put the question thus: [What is the law] if one performed the same act of work on different Sabbaths?²⁷ And if his query was whether secondary acts of work were on a par with principal acts of work,²⁸ then he should have put the question thus: [What is the law] if one performed on one Sabbath several [secondary] acts of the same [principal] class? — Replied Raba: In the school of Rab they explained that the two questions were put. He asked whether [different] Sabbaths were comparable to different objects, and he also asked whether secondary acts of work were on a par with principal acts of work.

Now as to the Sabbaths what was his query?²⁹ [Are we to say that, where a man performed an act of work on several Sabbaths] in ignorance of the Sabbath, though knowing full well that that act was prohibited, [Rabbi Akiba] had no doubt at all that the intervening week-days effected a knowledge to separate [the occasions];³⁰ and his question was only where [he performed the act] knowing full well [on each occasion] that it was Sabbath but not knowing that it was a prohibited act, [the query being] whether different Sabbaths were comparable to different objects or not?³¹ Or [rather that, where a man performed an act of work on several Sabbaths] with knowledge of the Sabbath [on each occasion] but in ignorance of its prohibition, [R. Akiba] had no doubt at all that the different Sabbaths were comparable to different objects; and his question was only where [he performed the act] in ignorance of the Sabbaths, though knowing full well that that act was prohibited, [his query being] whether the intervening week-days effected a knowledge to separate the occasions or not? — Said Rabbah:

(1) I.e., the group of rules quoted anonymously in the Baraita.

(2) *Infra* 22a.

(3) Lit., 'he is liable to a sin-offering for each portion'. From this we infer that only awareness in between the acts involves separate offerings. We thus learn that R. Joshua, whose view is represented and accepted in the Baraita, agrees that the multiplicity of dishes does not involve separate sacrifices in the instance of nothar.

(4) It is assumed that the law would be the same if the meat was taken from five dishes, thus intimating that R. Joshua maintains his view regarding nothar.

(5) I.e., the statement is not uniform; the second and the third clauses of the above statement, from which contradictory conclusions have just been derived, follow different teachers.

(6) The only difficulty that presents itself then is the omission in the last clause of the reference to suspensive guilt-offerings for doubtful sins, which, according to an utterance from R. Akiba elsewhere, should have been added.

(7) When eating five separate dishes.

(8) *Me'il.* 15b.

(9) To make up an olive's bulk so that the prohibition of offering outside the Temple might apply; or to make up the requisite value of a perutah in the case of sacrilege.

- (10) The last three ingredients are of the meal-offering accompanying the burnt-offering.
- (11) Which has several distinct sections.
- (12) E.g. he ate the meal once with cabbage, again with onions and then with leeks etc. (Rashi).
- (13) Lit. 'tastes'. E.g. roasted, cooked, grilled etc. So Rashi but see Tosaf.
- (14) I.e., several secondary acts forbidden on the Sabbath, all being the derivatives of one principal work.
- (15) I.e., the same labours were performed on various Sabbaths.
- (16) V. R. Eliezer's statement supra 15a.
- (17) I.e., there is no variety of transgression in connection therewith, such as principal acts and derivatives, and the sin-offering is brought always for the same act, viz., sexual intercourse.
- (18) Thus the version in the Mishnah edd. and in MSS; cur. edd. read instead, 'death penalties'.
- (19) That one is liable for each act.
- (20) V. Lev. XX, 18, where for the woman too kareth is the penalty. In the instance of Sabbath, however, there is but one transgressor.
- (21) The minor herself is not subject to any penalty, for she does not come within the prohibition.
- (22) I.e., when she grows up.
- (23) Though the beast is killed (v. ibid. 15) no prohibition can, of course, be said to apply to it. Its stoning is due to the fact that it was the cause of a man's downfall and would be pointed at by people. cf. Sanh. 54a.
- (24) What applies to the one applies to the other. This answer still leaves the matter in doubt.
- (25) R. Akiba's.
- (26) Lit. 'bodies'. I.e., if the same act of work was committed several times on different Sabbaths, is he liable to several offerings, just as though he had committed different acts on the Sabbath or not?
- (27) This would be a simple case expressing unmistakably the point of his query. The expression in the Mishnah 'MANY ACTS OF WORK', involving principal and secondary acts is thus an unnecessary complication.
- (28) I.e., whether one is liable to several offerings for performing several secondary labours of one and the same category.
- (29) I.e., under what conditions was the Sabbath law unwittingly transgressed on the various Sabbath days. The question whether separate Sabbaths render one liable to separate offerings may, as it were, be conceived in two ways: firstly with reference to the error that caused the transgression and secondly with regard to the forbidden act: i.e., the question may be whether the fact that the error was made on different Sabbaths causes us to regard it as if several errors were made, or whether the fact that the work was done on separate Sabbaths causes us to consider it as if different kinds of work were performed. In the first instance the error must necessarily lie in unawareness of the Sabbath, though the fact that the labours were forbidden was known to the transgressor; in the second instance the mistake lies in his ignorance that the works he did were forbidden on the Sabbath, but knowing that that day was Sabbath.
- (30) The six week-days are a long period during which the trespasser ought to have learnt when Sabbath was. His repeated unawareness of the Sabbath is, therefore, to be regarded each time as a new error involving a separate offering.
- (31) Sins committed on different days but in one spell of unawareness are generally regarded as one protracted transgression in error and involve but one sacrifice; but in the case of Sabbath it may be said that each day is a separate entity, and therefore acts of work done on different Sabbaths are not regarded as one protracted transgression.

Talmud - Mas. K'rithoth 16b

It is reasonable to assume that in the case of the act being performed in ignorance of the Sabbaths

and with knowledge of its prohibition he had no doubt at all that the intervening week-days effected separateness, and that his question was only when the act was performed with the knowledge of the Sabbaths but in ignorance of its prohibition, [the point in doubt being] whether different Sabbaths are like different objects or not. His¹ reply was that in the case of the act being done with knowledge of the Sabbaths but in ignorance of its prohibition the different Sabbaths were like different objects. This reply, however, he [R. Akiba] did not accept. He then proved that secondary acts of work were on a par with principal acts of work, but this too he rejected.

Said Rabbah: Whence do I derive this?² From that which we have learnt:³ ‘A great general rule has been laid down with regard to Sabbath: He who was altogether oblivious of the principle of Sabbath and performed many acts of work on many Sabbaths, is liable to one offering only. If he knew the principle of Sabbath⁴ and did many acts of work on many Sabbaths, he is liable for each Sabbath. If he knew each time that the day was Sabbath,⁵ and did many acts of work on many Sabbaths, he is liable for each principal act of work’. Now, it does not say,⁶ ‘he is liable for each principal act of work and for each Sabbath’.⁷ Whom does [the Mishnah] follow? Shall I say R. Eliezer? Read then the latter clause:⁸ ‘If he did many [secondary] acts of work of the same [principal] class, he is liable only to one offering’; but according to R. Eliezer he should be liable for each of the secondary acts of work as if they were principal acts of work! Hence it is clear [that this Mishnah, then, represents] R. Akiba's view, and it is hereby proved that he had no doubt at all that in the case of an act being done in ignorance of the Sabbath and with knowledge of its prohibition the intervening week-days effected separateness, and that his question was only when the act was performed with knowledge of the Sabbath but in ignorance of its prohibition, the point being whether different Sabbaths are like different objects or not. The other's solution⁹ was that they were like different objects, and that secondary acts were on a par with principal acts of work; but both answers were rejected by him. Said Abaye to him:¹⁰ Indeed I maintain that R. Akiba had no doubt that different Sabbaths were not comparable to different objects in the case where an act was done with knowledge of the Sabbath but in ignorance of its prohibition;¹¹ and his question was only in the case where an act was done in ignorance of the Sabbath but with knowledge of its prohibition, [the query being] whether the intervening week-days effected separateness or not. The solution offered was that the intervening week-days effected separateness, and this was accepted by him;¹² he also ruled that secondary acts of work were on a par with principal acts of work, but this was rejected by him.

Rab Hisda said:¹³ In the case of an act being done with knowledge of the Sabbath but in ignorance of its prohibition even R. Akiba agrees that the different Sabbath days are like different objects; but his query was whether the intervening week-days effected separateness in the case where an act was done in ignorance of the Sabbath but with knowledge of its prohibition. The other's solution was that the intervening week-days effected separateness; and this was accepted by him. He also ruled that secondary acts of work were on a par with principal acts of work, but this was rejected by him.

Said Rab Hisda: Whence do I derive this? From that which has been taught:¹⁴ ‘If one wrote [on Sabbath] two letters¹⁵ in one spell of unawareness, he is liable [to an offering]; if in separate spells of unawareness,¹⁶ Rabban Gamaliel says: He is liable; and the Sages say: He is not. Rabban Gamaliel, however, admits that if he wrote one letter on one Sabbath and the other on another, he

is exempt'.¹⁷ Whereas in another [Baraita] it has been taught: 'If one wrote two letters on two different Sabbaths, one on one Sabbath and the other on another, Rabban Gamaliel declares him liable, and the Sages declare him not liable'.¹⁸ On the assumption that Rabban Gamaliel followed R. Akiba's opinion, [Rab Hisda argued thus:] According to me, who hold that in the case of an act being performed with knowledge of the Sabbath but in ignorance of its prohibition even R. Akiba agrees that the different Sabbath days are like different objects, there is no contradiction, for that which taught that he is exempt¹⁹ refers to a case where the letters were written with knowledge of the Sabbath but in ignorance of the prohibition,²⁰ in which case the different Sabbaths are like different objects²¹

(1) Viz., R. Eliezer's reply in the Mishnah.

(2) Viz., that R. Akiba's query is to be understood in the first alternative as Rabbah suggested above.

(3) Shab. 67b.

(4) But was unconscious that that day was Sabbath.

(5) But not that those works were forbidden.

(6) Viz., in the third instance.

(7) The fact that he is not declared liable in this instance for each Sabbath separately proves that this Mishnah, which, it is argued, follows R. Akiba's view, maintains either that work repeatedly performed on different Sabbaths in uninterrupted unawareness is not to be regarded as if several acts of work of different classes were performed, and therefore involving several offerings; or at least that there is doubt on this point. The second alternative is assumed by Rabbah to be the case; this being the very point of R. Akiba's query. The second clause of the quoted Mishnah, on the other hand, unmistakably states that if the error has been caused by the ignorance of the Sabbath, he is liable for each Sabbath, presumably because the intervening week-days effect a division. We thus see that Rabbah's interpretation of R. Akiba's query is borne out by that Mishnah.

(8) This is the very last clause of that Mishnah, not quoted above.

(9) I.e., R. Eliezer's answer.

(10) I.e., to Rabbah.

(11) As is indeed proved by the third clause of the Mishnah, where he is not liable for each Sabbath, which Abaye considers an absolute statement and not one about which there is doubt.

(12) The second clause of that Mishnah from Sabbath indicates the acceptance by R. Akiba of R. Eliezer's reply.

(13) Rab Hisda differs from Abaye and Rabbah in that he maintains that in the end R. Akiba decided that different Sabbath days were comparable to different objects. The third clause of the quoted Mishnah, which seemingly contradicts him in that it does not state that the transgressor is also liable for each Sabbath, is indeed interpreted by him as implying that there is liability for each Sabbath.

(14) This quotation is a combination from two Mishnahs, Shab 104b and 105a.

(15) The writing of a word of two characters is one of the principal labours.

(16) E.g., one character in the morning, the other in the afternoon of the same Sabbath day.

(17) The latter sentence seems to be an inference rather than a quotation, for it is not found in connection with the quoted Mishnahs.

(18) There is thus a seeming contradiction in the two Baraitas with regard to R. Gamaliel's opinion.

(19) According to R. Gamaliel.

(20) That writing is forbidden on the Sabbath.

(21) I.e., the two letters can therefore not combine. It is as if one did on two different Sabbaths each time a portion of a different act.

Talmud - Mas. K'rithoth 17a

Talmud - Mas. Me'ilah 2a

CHAPTER I

MISHNAH. IF THE MOST HOLY SACRIFICES¹ WERE SLAUGHTERED ON THE SOUTH SIDE [OF THE ALTAR].² THE LAW OF SACRILEGE³ [STILL] APPLIES TO THEM. IF THEY WERE SLAUGHTERED ON THE SOUTH SIDE AND THEIR BLOOD RECEIVED ON THE NORTH OR [SLAUGHTERED] ON THE NORTH SIDE AND THEIR BLOOD RECEIVED ON THE SOUTH, OR IF THEY WERE SLAUGHTERED BY DAY AND [THEIR BLOOD] SPRINKLED DURING THE NIGHT⁴ OR [SLAUGHTERED] DURING THE NIGHT AND [THEIR BLOOD] SPRINKLED BY DAY,⁵ OR IF THEY WERE SLAUGHTERED [WITH THE INTENTION OF EATING THE FLESH] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE,⁶ THE LAW OF SACRILEGE STILL APPLIES TO THEM. R. JOSHUA LAID DOWN THE GENERAL RULE: WHATEVER HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS DOES NOT COME UNDER THE LAW OF SACRILEGE,⁷ AND WHATEVER HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS DOES COME UNDER THE LAW OF SACRILEGE. WHICH IS THAT WHICH HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS? [SACRIFICES] WHICH REMAINED OVERNIGHT⁸ OR BECAME DEFILED OR WERE TAKEN OUT [OF THE TEMPLE COURT].⁹ WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? [SACRIFICES] THAT WERE SLAUGHTERED [WHILE PURPOSING AN ACT] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT¹⁰ AND THEY SPRINKLED IT.¹¹ GEMARA. It is stated: IF THE MOST HOLY SACRIFICES WERE SLAUGHTERED ON THE SOUTH SIDE, THE LAW OF SACRILEGE [STILL] APPLIES TO THEM. Is this not obvious? Should the Law of Sacrilege cease to apply to them merely because they were slaughtered on the south side?¹² — It need be stated, for it might otherwise have entered your mind to say: Since 'Ulla said in the name of R. Johanan¹³ that 'sacrifices which died were, as far as the law of the Torah rules,¹⁴ excluded from the Law of Sacrilege', so were also Most Holy sacrifices when slaughtered on the south side considered as if they were strangled. It is therefore made known to us [that the instance of the Mishnah is different, for] sacrifices which died are in no case of any avail,¹⁵ while the south side, though it is not the proper place for Most Holy sacrifices, is, however, the proper place for sacrifices of a minor degree of holiness.¹⁶ Why was it necessary to enumerate [in the Mishnah all those cases]? — It was necessary, for if only SLAUGHTERED ON THE SOUTH SIDE AND THEIR BLOOD RECEIVED ON THE NORTH were stated, [I would argue:] The law of Sacrilege still applies to [the sacrifices in] this case, because the receiving [of the blood]¹⁷ was after all on the north side, but in the case where they were SLAUGHTERED ON THE NORTH SIDE AND THEIR BLOOD RECEIVED ON THE SOUTH, since [the blood] was received on the south side, [I Would say that] the Law of Sacrilege no longer applies to them. And if only these [first two instances] were stated, I would argue: [The law of Sacrilege still applies to them, because in these cases the sacrifices were at least offered during the day and] the day is the proper time for offering; in the case, however, where they were SLAUGHTERED BY NIGHT AND [THEIR BLOOD] SPRINKLED DURING THE DAY, since night is not the proper time for offering and the sacrifices were slaughtered by

night, I might have thought that the Law of Sacrilege would no longer apply to them. And if SLAUGHTERED BY NIGHT [AND THEIR BLOOD SPRINKLED DURING THE DAY] were stated¹⁸ I would argue: The Law of Sacrilege still applies to them, because the blood was received during the day. In the case, however, where they were SLAUGHTERED DURING THE DAY AND THEIR BLOOD SPRINKLED BY NIGHT,¹⁹ since it is not the proper time for offering,²⁰ the sacrifices are to be considered as if strangled, and the Law of Sacrilege would accordingly not apply to them; therefore [also this instance] has been made known to us. IF SLAUGHTERED [WITH THE INTENTION OF EATING THE FLESH] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE. Of what avail are such sacrifices?²¹ — [The Law of Sacrilege still applies to them] because [the performance of] the other acts of offering²² [is yet necessary]²³ for rendering the sacrifices piggul.²⁴

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- (1) Viz., burnt-offerings, sin-offerings, guilt-offerings and communal peace offerings. They are considered wholly the 'possession of God' until their blood is sprinkled (Tosaf.).
 - (2) And not on the north side as required, v. Zeb. 47a.
 - (3) Lit., 'trespass', or malappropriation of the property of the Temple.
 - (4) Night is not the time for sacrificial rites.
 - (5) Tosaf. reverse the order of the last two instances, which is more in accord with the discussion in the Gemara below.
 - (6) Zeb. V. 3 and 5.
 - (7) Because it has, so to speak, become the private possession of the priests.
 - (8) V. Lev. VII, 17.
 - (9) After the sprinkling of the blood, so that the flesh was for a time permissible to the priests.
 - (10) Priests who have a blemish, or who are unclean (in case of private sacrifices), v. Rashi. In these three latter cases the offerings were never valid and as such never became permissible to the priests.
 - (11) V. Gemara.
 - (12) Surely they are still sacred!
 - (13) Infra 12a.
 - (14) Not, however, by rabbinical enactment.
 - (15) The prescribed manner of slaughtering allows no exception. It is & more rigid rule than that which prescribes the south side, and its non-fulfillment deprives the sacrifice of its sacred character.
 - (16) Zeb. 55a.
 - (17) Which is a holier act of offering than slaughtering, as it must be performed by a priest.
 - (18) But not the following instance.
 - (19) This argumentation proves that the version of Tosaf. in the Mishnah is correct, cf. p. 1. n. 5.
 - (20) Viz., sprinkling.
 - (21) Are they not irrevocably disqualified from the moment of slaughtering alike for the priests and the altar? Why then should the Law of Sacrilege apply to them?
 - (22) Lit., 'rites' that make acceptable', Sc. receiving the blood, carrying it to the altar and the sprinkling thereof.
 - (23) With regard to the penalty of kareth (v. Glos) cf. Lev. XIX, 7.
 - (24) **kudhip** lit., 'abomination'; sacrificial flesh which has lost its sacred character in consequence of an improper intention in the mind of the officiating priest. v. Zeb. 28b.

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The following was queried: If they¹ were already laid² [upon the altar], must they be brought down? Rabbah said, even if laid [upon the altar] they must be brought down. R. Joseph said, If laid [upon the altar] they need not be brought down. According to the view of R. Judah³ there can be no question that all agree that even if laid [upon the altar], they must be brought down. The dispute arises according to the view of R. Simeon.⁴ R. Joseph conforms [also here] to the view of R. Simeon; while Rabbah argues: R. Simeon maintained his view only in regard to offerings [the blood of which] should be applied below [the red line] and was applied above, or should be applied above [the red line] and was applied below; [since] they were at any rate slaughtered and their blood was received on the north side. In our case, however, since they were slaughtered⁵ on the south side they are to be considered as if they were strangled. We have learnt: IF THE MOST HOLY SACRIFICES WERE SLAUGHTERED ON THE SOUTH SIDE, THE LAW OF SACRILEGE APPLIES TO THEM. This is in order on the view of R. Joseph; but on the view of Rabbah it presents, however, difficulties.⁶ — [Rabbah would reply]: THE LAW OF SACRILEGE APPLIES . . . is [to be understood as enacted] by the Rabbis only. What is the actual difference between [its application] by law of the Torah and that by [enactment of] the Rabbis? — When by law of the Torah a fifth [of the value misappropriated] must be paid,⁷ when by enactment of the Rabbis it is not paid.⁸ But is there a Law of Sacrilege as a Rabbinical enactment? — Yes, there is. For ‘Ulla said in the name of R. Johanan⁹ that ‘sacrifices which died were, as far as the law of the Torah rules, excluded from the Law of Sacrilege’, from which we may infer that by rule of the Torah only they are excluded from the Law of Sacrilege, by [enactment of] the Rabbis, however, the Law of Sacrilege still applies to them. In the same way [in our Mishnah it is to be interpreted as applying] by enactment of the Rabbis. May we then infer¹⁰ that the statement of ‘Ulla in the name of R. Johanan has already been learnt [in our Mishnah]?¹¹ — Although it has been learnt, ‘Ulla's statement is still necessary, for it might otherwise have entered your mind to say: [In the instance of our Mishnah the Rabbis have enacted the application of the Law of Sacrilege, because] people do not keep away from those sacrifices;¹² but in the case of sacrifices which died, since people do keep away from them,¹³ I might have thought that even as a Rabbinical enactment Sacrilege does not apply to them. Therefore [‘Ulla has made his view] known to us. But has not also [the case of sacrifices which] died been learnt already? [For we have learnt]: If one enjoyed of a sin-offering,¹⁴ if it was still alive he is not guilty of Sacrilege until he has diminished its substance, but if it was dead he is guilty of Sacrilege. as soon as he had benefitted from it.¹⁵ — [‘Ulla's statement is still necessary. for] it might otherwise have entered your mind

(1) Viz., the disqualified sacrifices as instanced in the Mishnah.

(2) Lit., ‘gone up’.

(3) Zeb. 84a.

(4) With reference to sacrifices the blood of which was sprinkled irregularly either above or below the red line surrounding the altar. In such a case R. Judah holds that if they had gone up they must come down again, whereas R. Simeon holds they need not, v. *ibid*.

(5) Similarly in regard to other acts of offering.

(6) Since he holds that they must come down again these sacrifices have lost their sacred character, and the Law of Sacrilege should not apply to them.

(7) Lev. V, 16.

(8) Just as the trespass guilt-offering is not brought.

(9) *Supra*.

(10) According to Rabbah's interpretation of the Mishnah.

(11) Since on the view of Rabbah sacrifices slaughtered on the south are treated as if they were strangled, their case is on a par with that of sacrifices which died, the ruling of R. Johanan can be derived from the Mishnah and hence is superfluous.

(12) And are, therefore, likely to make unlawful use of them.

(13) As they are repulsive.

(14) E.g., by plucking of its wool.

(15) This is interpreted to the extent of the value of a Perutah, v. infra 18a. Thus the case of animals which died has already been taught, wherefore then 'Ulla's ruling in the name of R. Johanan?

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to say that in the case of the sin-offering, since it comes for atonement people do not keep away from it; but other sacrifices, however, since they come for atonement, people will keep away from them and there was, therefore, no [necessity for the Rabbis to enact in regard to them the] Law of Sacrilege. Therefore ['Ulla has made his view] known to us.¹ But is it indeed so that the Law of Sacrilege applies to a sin-offering which died? Has it not been taught: Sin-offerings that are to be left to die² and money that is to be thrown into the Dead Sea³ must not be enjoyed, yet the Law of Sacrilege does not apply to them? — You might reply: In the case of sin-offerings that are to be left to die people keep away from them even while they are still alive;⁴ which is not so [with ordinary sin-offerings] from which people do not keep away while they are alive.⁵ R. Joseph raised an objection to Rabbah [by way of inference] from one [Mishnah] to another and again from this to a third. [We have learnt]: And all of them⁶ do not defile the garments worn by him that swallows them, and the Law of Sacrilege still applies to them all except the sin-offering of a bird, which was offered below [the red line], after the manner of a sin-offering of a bird and under the name of a sin-offering. And then in connection therewith we have learnt [the general rule]:⁷ Whenever it⁸ became disqualified in the Sanctuary⁹ it does not defile the garments worn by him that swallows it, and whenever it became disqualified while not in the Sanctuary it defiles the garments worn by him that swallows it.¹⁰ And we have furthermore learnt: Whatever became disqualified in the Sanctuary need not be removed, if already laid upon the altar, need not be brought down.¹¹ Is this not a refutation of Rabbah's view?¹² — It is indeed a refutation. Now the point which had been disputed by Rabbah and R. Joseph was a matter of course to R. Eleazar. For R. Eleazar said:¹³ If a burnt-offering which was dedicated to a private High Place¹⁴ was brought [to be offered] inside [the Sanctuary]

(1) [The meaning is obscure and the text seems to be in disorder. Bah reads: It might have entered your mind since a sin-offering comes for atonement people keep away from it and therefore no Law of Sacrilege applies to it, therefore (the Mishnah) has made known to us (that even here the Law of Sacrilege applies); consequently no question can be raised against 'Ulla from this Mishnah which by specifying a sin-offering was taken on the view of the questioner to exclude other sacrifices, v. Sh. Mek.,.]

(2) V. Tem. 21.

(3) Ibid. 22b.

(4) And are not likely to touch them after they have died.

(5) And therefore the Law of Sacrilege applies to them by Rabbinic enactment.

(6) I.e., those enumerated in the Mishnah Zeb. 66a.

(7) Zeb. 66b Mishnah.

(8) Refers to the sin-offering of a bird the 'wringing' of which (melikah. v. Glos.) was performed in the wrong place.

(9) Through some irregularity in the prescribed method of slaughtering, melikah.

(10) B. cause the wringing off of the head, which is prescribed for a valid sin-offering of a bird, renders it in this case nebelah (v. Glos.); v. Zeb. 68b.

(11) Zeb. 84a.

(12) From the first Mishnah we learn that the sin-offerings of a bird whose melikah was performed in the wrong place a case which corresponds to the instances of our Mishnah — do not defile the garments worn by him that swallows them; thus we infer that when the second Mishnah speaks of disqualification that occurred in the Sanctuary, the reference is likewise to a melikah performed in the wrong place, and similarly the third Mishnah which states that whatever becomes disqualified in the Sanctuary need not be brought down when already laid upon the altar includes such a disqualification as melikah performed in the wrong place, and similarly a slaughtering in the wrong place which refutes Rabbah.

(13) Zeb. 1 19b.

(14) At a time when these were permitted. In such places the offerings need not necessarily be slaughtered on the north side of the altar. Cf. Zeb. 112b.

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the [sacred] precincts exercise on it their retaining power in every respect.¹ R. Eleazar then submitted the following query:² 'If a burnt-offering, which was dedicated to a private High Place and brought inside the Sanctuary, became disqualified,³ if laid [upon the altar] must it be brought down?' May we not infer from the fact that R. Eleazar queried only this [special] case, that the other case⁴ was a matter of course to him, either confirming to the view of Rabbah or to the view of R. Joseph? — [No, R. Eleazar was doubtful even in regard to instances of our Mishnah and] he queries the one case as a further step⁵ of the other. [For I could argue on the one hand]: Rabbah maintained that even when laid upon the altar they must be brought down only [when the sacrifices were brought inside] the precincts of the Temple in conformity with their original provision,⁶ [in which case the departure from the prescribed method of offering rightly]⁷ disqualified them; but where [the sacrifices were brought inside] the precincts of the Temple against their original provision⁸ [a departure from the right method of offering]⁹ [he might hold] does not disqualify them!¹⁰ Or I could, perhaps, [argue on the other hand]: R. Joseph maintained that when laid upon the altar they need not be brought down only when the retaining power of the sacred precincts was exercised in conformity with the Original provision [of the sacrifices]; but [if the sacrifices were brought inside] the sacred precincts against their original provision the retaining power of the Temple [he might hold] is not [fully] effective!¹¹ Let this query¹² remain undecided. Said R. Giddal in the name of Rab: The sprinkling of [the blood of an offering which was rendered] piggul¹³ [at the slaughtering]¹⁴ neither effects exemption from the Law of Sacrilege in the case of Most Holy sacrifices,¹⁵ nor inclusion within the scope of the Law of Sacrilege in the case of sacrifices of a minor degree of holiness.¹⁶ Abaye was sitting and quoting this ruling, when R. Papa raised an objection to him: If the thank-offering¹⁷ was slaughtered inside [the Temple Court] while the bread thereof remained outside the wall, the bread has not become sacred. If it was slaughtered before the loaves in the oven had formed a crust — even if all the loaves but one had formed a crust — the bread has not become sacred. [But] if it was slaughtered¹⁸ [while

purposing an act] beyond the proper time or outside the proper place, the bread has become sacred?¹⁹ Does this not prove that [the performance of the acts of offering of a sacrifice rendered] piggul brings [sacrifices of a minor degree of holiness] within the scope of the Law of Sacrilege? — Thereupon he [Abaye] was silent. When he came before R. Abba the latter replied: It is through the sprinkling²⁰ [that the bread has become sacred].²¹ Said R. Ashi to Raba: But has not ‘Ulla ruled²² that if the handful of [a meal-offering, which was rendered] piggul,²³ was laid upon the altar the disqualification ceased?²⁴ Now, the separation of a handful [of a meal-offering] corresponds to the slaughtering [of an animal-offering].²⁵ He thereupon replied: [‘Ulla's statement is to be understood in the following manner: The taking of the handful with disqualifying intention] is a prohibited act that leads to the offering becoming piggul.²⁶

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- (1) Sacrifices must then be offered in accordance with all the prescriptions relating to those originally dedicated to the Sanctuary
 - (2) Zeb. 119b has a different version of the text.
 - (3) By an error which causes no disqualification on a private High Place, e.g., he slaughtered it on the south side, cf. n. 2.
 - (4) Relating to the instances of our Mishnah.
 - (5) Lit., ‘out of the other’.
 - (6) I.e., when originally dedicated to the Temple.
 - (7) Because originally attached to them.
 - (8) Which was to offer them on a private High Place.
 - (9) Prescribed primarily for offerings dedicated to the Temple.
 - (10) And they need not be removed when laid upon the altar.
 - (11) And the sacrifices must be brought down from the altar.
 - (12) Of R. Eleazar.
 - (13) V. Glos.
 - (14) According to pseudo-Rashi the sprinkling, too, was performed with disqualifying intention, while Tosaf. hold that its performance was unqualified. The explanation that follows is according to the first view.
 - (15) Cf. infra 7b.
 - (16) [The principle is that the application of the Law of Sacrilege ceases from the moment the blood is sprinkled on the altar in the case of Most Holy sacrifices and in regard to sacrifices of a lesser degree of holiness it becomes operative only between the moment of the sprinkling of the blood and the burning of the portions — and that only as far as the sacrificial portions are concerned.]
 - (17) Which is a sacrifice of a minor degree of holiness.
 - (18) R. Papa assumed that the other acts of offering, too, were performed with this disqualifying intention,
 - (19) And the Law of Sacrilege applies to it, v. Men. 78b.
 - (20) Which, we should assume, was performed unqualified.
 - (21) While R. Giddal's ruling refers to a case where all the acts were performed with disqualifying intention.
 - (22) Zeb. 43a.
 - (23) Through the handful having been taken with disqualifying intention.
 - (24) Even to the extent that it must be placed upon the altar if it happened to spring off, and consequently the Law of Sacrilege applies to it.
 - (25) Both are respectively the first acts of offering. ‘Ulla's statement proves then that the first act alone can render an offering piggul, contrary to R. Abba's reply. And still it states that the bread is made sacred which shows that sacrifices of a minor degree of holiness are brought within the scope of the Law of Sacrilege by acts of offering

performed subsequently to a slaughtering that rendered them piggul contra R. Giddal.

(26) Viz., when the other acts, too, will be performed with disqualifying intention, but the taking of the handful itself does not render completely piggul. nor the act of slaughtering in itself unless followed by other acts, such as sprinkling with the same disqualifying intention, which is the case to which R. Giddal refers.

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But does it not say:¹ since it [[the handful] renders others piggul, how much more so should it itself [become piggul]?² — Here, too, [you must understand it as meaning] a prohibited act that leads to the offering becoming piggul. Said Rabina to R. Ashi: But did not Ilfa say:³ The dispute⁴ is only in regard to two acts of offering,⁵ namely when he [that officiated] said: I am cutting the first organ⁶ [while purposing an act] beyond the proper time, and the second [while purposing an act] outside the proper place;⁷ but in regard to one act,⁸ they all agree that there is here an admixture of unlawful intentions?⁹ — Here, too, [you must understand that] when the sprinkling takes place it will [retrospectively] prove whether [there was unlawful intention] in one act or in two acts of offering. If this be so,¹⁰ why not say with the thankoffering, too, [that its disqualification becomes effective] with the sprinkling?¹¹ — '[The bread has become] sacred' means indeed only in so far as it has to be burnt by reason of its disqualification.¹² May not the following be cited in support [of R. Giddal]:¹³ 'The Law of Sacrilege applies to piggul always'. [Does this not imply] even though the blood has been sprinkled. and will then offer a support [of R. Giddal]? — [No, [that is] where the blood has not been sprinkled.¹⁴ But if the blood has not been sprinkled need it be stated? — It deals, in fact, with a case where the blood has been sprinkled, but when this has been taught, it was in reference to a burnt-offering.¹⁵ If it refers to a burnt-offering, is it not obvious, since this offering is wholly dedicated to the Lord?

(1) In 'Ulla's argument. MS.M.: 'Did not 'Ulla state'.

(2) V. Zeb. 43G where this is explained thus: If the disqualification rendered by the taking of the handful with the unlawful intention is not irrevocable in that if it is subsequently laid upon the altar it need not be brought down, now should it render the rest of the handful liable to the Law of Sacrilege. This proves that on the view of 'Ulla unlawful intention at the taking of the handful only renders the piggul complete and irrevocable.

(3) Zeb. 29b.

(4) Of R. Judah and the Sages, v. ibid.

(5) More exactly, two separable parts of an act.

(6) The windpipe and the gullet are the two organs the cutting of which effects the ritual slaughtering.

(7) The former intention renders the sacrifice piggul, the eating of which involves the penalty of kareth, the second renders it only invalid.

(8) Viz., one organ. e.g., if the first half of the organ is cut with the thought of executing an act beyond the proper time and the second with the thought of executing an act outside the proper place.

(9) And he that eats of the flesh is not liable to the penalty of kareih. This statement at any rate indicates that the disqualification is assumed to be effective and complete with the mere act of unlawful slaughtering, and yet in the case of the thank-offering we learnt that the bread has become sacred, which refutes R. Giddal.

(10) I.e., that the disqualification of the offering becomes effective with the sprinkling.

(11) Why then should, according to R. Giddal's view, the bread become sacred and thus come under the Law of Sacrilege.

(12) But not in regard to the Law of Sacrilege.

(13) Viz., of the first part of his statement with reference to the Most Holy sacrifices.

(14) With disqualifying thought.

(15) In which-unlike sin- and guiltofferings-the priests have no share, there then being no flesh rendered permissible by the sprinkling of the blood.

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And moreover it says in the concluding clause: 'If the blood remained overnight, although it was still sprinkled, the Law of Sacrilege still applies [to the offering].¹ This would be right if it related [for instance] to a sin-offering, but if it referred to a burnt-offering, need it at all be stated?² — The concluding clause obviously supports [R. Giddal's view], but what about the opening clause? As the concluding clause offers a support so will also the opening one?³ But even the concluding clause need not necessarily support [R. Giddal's view].⁴ — And what would be the difference? — [The disqualification of] leaving the blood overnight is caused by action⁵ and [the transgressor is therefore penalized in that] the sprinkling has not the effect of exempting the offering from the Law of Sacrilege, but the thought [of piggul] is not an action and the sprinkling has the effect of exempting the offering from the Law of Sacrilege. But may we not say that the following supports [R. Giddal]? [It was taught]: 'The Law of Sacrilege applies to Most Holy sacrifices that were rendered piggul'. Now, does this not imply even though the blood was sprinkled,⁶ and will then offer a support [of R. Giddal]? — No, [it speaks of a case] where the blood was not sprinkled. But what would be the case if [the blood was] sprinkled? Would the Law of Sacrilege indeed not apply to it? Why then state in the concluding clause: 'The Law of Sacrilege does not apply to sacrifices of a minor degree of holiness [which were rendered piggul]'? Could the distinction not be made in the opening clause itself [in the following manner]: The Law of Sacrilege applies [to the offering] before the blood has been sprinkled, but is not applicable after it has been sprinkled? — [The concluding clause] undoubtedly supports [R. Giddal's view].⁷ Shall we say: Since the concluding clause supports [R. Giddal], so will also the opening one?⁸ — [No, the latter refers indeed to a case where the blood has not been sprinkled, and the reason why the distinction is not made within the opening clause itself is]: The statement [in the concluding clause] on sacrifices of a minor degree of holiness is absolute, the [distinction] in the opening clause would be, in form, conditional.⁹ R. JOSHUA LAID DOWN THE GENERAL RULE: WHATEVER HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS DOES NOT COME UNDER THE LAW OF SACRILEGE, AND WHATEVER HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS DOES COME UNDER THE LAW OF SACRILEGE. WHICH IS THAT WHICH HAS AT SOME TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH REMAINED OVERNIGHT OR BECAME DEFILED OR WAS TAKEN OUT [OF THE TEMPLE COURT]. WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH WAS SLAUGHTERED [WHILE PURPOSING AN ACT] BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT AND THEY SPRINKLED IT. Said Bar Kappara to Bar Pada:¹⁰ O, thou son of my sister, keep in mind what to ask me to-morrow at the School House:¹¹ Does PERMITTED TO THE PRIESTS mean 'permitted through slaughtering'¹²

(1) And it is assumed that the same applies in the case of piggul.

(2) It is now assumed that this ruling applies to other disqualifications as well.

- (3) I.e., does the opening clause necessarily refer to sin-offerings because the concluding one does?
- (4) As it might apply only to the case where the blood was left overnight but not to other piggul. MS.M.: 'And does the concluding clause indeed offer a support? — He said: What is the difference? — He replied: The disqualification of leaving the bread . . . '.
- (5) Or rather by omission of action,
- (6) With disqualifying thought.
- (7) The concluding clause undoubtedly applies also to the case where the blood has been sprinkled, as a disqualified offering can never assume a sacred character. It therefore supports directly the second part of R. Giddal's statement with reference to sacrifices of a minor degree of holiness.
- (8) In that we assume that the blood has been sprinkled.
- (9) Lit., 'not cut'.
- (10) Cur. edd. Pedath, but cf. Tosaf. Tem. 10d s.v. **rn, ht**.
- (11) To provoke a discussion on this matter. Thus Tosaf. According to pseudorashi the query which follows was put forward by Bar-Pada.
- (12) I.e., once it was properly slaughtered it is regarded as having become permissible to the priests and hence the Law of Sacrilege no longer applies to the flesh.

Talmud - Mas. Me'ilah 5a

or 'permitted for sprinkling',¹ or 'permitted for consumption'?² Hezekiah said: It means 'permitted at the time of slaughtering'. R. Johanan said: It means 'permitted for consumption'. Said R. Zera: Our Mishnah cannot be made to correspond either with the view of Hezekiah or that of R. Johanan. For we have learnt: **THAT WHICH REMAINED OVERNIGHT OR BECAME DEFILED OR WAS TAKEN OUT [OF THE TEMPLE COURT]**. Now, does this not mean that the blood remained overnight,³ and yet it states that the Law of Sacrilege does not apply, [a statement which] proves that 'permitted for sprinkling' is meant? — No, it means that the flesh remained overnight, but the blood had been sprinkled, and for this reason it states that the Law of Sacrilege does not apply. We have learnt: **WHICH IS THAT WHICH HAS AT NO TIME BEEN PERMITTED TO THE PRIESTS? THAT WHICH WAS SLAUGHTERED WHILE PURPOSING AN ACT BEYOND ITS PROPER TIME OR OUTSIDE ITS PROPER PLACE, OR THE BLOOD OF WHICH WAS RECEIVED BY THE UNFIT AND THEY SPRINKLED IT**. How is [the last instance] to be understood? Shall I say that the blood was received by unfit [priests] and sprinkled by unfit [priests]? Why is it necessary to have this twofold [disqualification]?⁴ You must then understand it that the blood was received by the unfit and sprinkled by the fit,⁵ and it states that [in this case] the Law of Sacrilege applies.⁶ This would prove that 'permitted for sprinkling' is meant. To this R. Joseph demurred: Should you say that a distinction of this character can be made. how [would you explain] that which we have learnt elsewhere:⁷ 'The blood of a disqualified sin-offering need not be washed off⁸ [if splashed upon a cloth], no matter whether the offering had at one time been fit for use and then became disqualified. or had at no time [been fit for use]. Which is that which had at one time been fit for use, but became disqualified? That⁹ which remained overnight or became defiled or was brought outside the Temple Court. Which is that which had at no time been fit for use? That which was slaughtered [while purposing an act] beyond the proper time or outside the proper place, or the blood of which was received by the unfit and they sprinkled it'. Now, how is this to be understood? Shall I say that [the blood] was received by the unfit, and was sprinkled by the unfit

[and thus infer that only in this case] need the blood not be washed off; if, however, it was received and sprinkled by the fit, the blood has to be washed off? [But this could not be!] Apply here the verse: And when there is sprinkled of the blood thereof . . . ,¹⁰ but not of that which has already been sprinkled. You must then say [that the text of the Mishnah there] is not meant to be taken precisely [so as to exclude other instances]

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- (1) I.e., the receiving of the blood must have been in order.
 - (2) I.e., also the sprinkling must have been in order.
 - (3) After the receiving was properly performed.
 - (4) The mere fact that the blood had been received by the unfit prevented the flesh from becoming permissible to the priests.
 - (5) The receiving was undoubtedly by unfit according to the text.
 - (6) But not if the receiving was by fit and the sprinkling by unfit, in which case the flesh would have been rendered at a time permissible to the priests.
 - (7) Zeb. 92.
 - (8) V. Lev. VI, 20.
 - (9) I.e., the blood.
 - (10) Lev. VI, 20. The verb is used in the future tense indicating that the blood has yet to be sprinkled.

Talmud - Mas. Me'ilah 5b

, and likewise here, [that the text is] not to be taken precisely [so as to exclude other instances].¹ Said R. Assi: If so, why has this [loose phrasing] been used twice?² You must therefore indeed say that used in connection with the Law of Sacrilege is to be taken precisely [as excluding other instances],³ [yet your objection that to state this twofold disqualification was unnecessary does not hold good as] it is to let us know that an unfit person [through his sprinkling] renders [the blood]⁴ a residue,⁵ so that although after the unfit received and sprinkled [the blood] a fit priest received and sprinkled it again, the action of the latter is of no avail. Why? Because the blood⁶ is considered a residue. But did not Resh Lakish put this forward as a query to R. Johanan:⁷ 'Does [the act of] an unfit person render the blood a residue'? Whereupon the latter replied: 'Nothing makes [the blood] a residue save [the sprinkling while purposing an act] beyond its proper time or outside its proper place, because such a sprinkling [is in so far of effect as to] render [the sacrifice] 'acceptable' in respect of piggul.⁸ Now, does this not exclude [the sprinkling by] an unfit person? — No, also the [sprinkling] by the unfit [is included]. But does it not say: 'Nothing . . . save'? — This is to be understood in the following manner: There is no [disqualification] such as to render [an offering] nonacceptable in the case of a congregation [sacrifice]⁹ and yet to make the blood a residue save that caused by [the thought of executing an act] beyond the proper time or outside the proper place; but a defiled [priest],¹⁰ since he is considered fit in the case of the congregation,¹¹ makes the blood a residue, whilst other unfit [priests]¹² who are not considered fit in the case of the congregation, do not make the blood a residue. Come and hear: 'The Law of Sacrilege applies to piggul¹³ always',¹⁴ Does this not refer to a case where the blood has not been sprinkled, and would then prove¹⁵ that 'permitted for sprinkling' is meant? — No, it [refers to a case where the blood] has been sprinkled. And what is the meaning of 'always'? — It is to confirm the statement of R. Giddal.¹⁶ For R. Giddal said in the name of Rab: 'The sprinkling of [the blood of a sacrifice rendered] piggul [with slaughtering] effects neither exemption from nor

inclusion in the Law of Sacrilege'.¹⁷

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- (1) E.g., where it was received by the fit and sprinkled by the unfit, for even in such a case the Law of Sacrilege applies since the slaughtering has been properly performed. The inference that 'permitted for sprinkling' is meant would then be invalid.
 - (2) Both here and in Zeb. 92a.
 - (3) Viz., that it refers to a case where both receiving and sprinkling were performed by the unfit, though the phrasing in Zeb. is not to be taken precisely, as proved by the verse Lev. VI. 20; v. n. 1.
 - (4) Also that life-blood which remained in the body of the beast.
 - (5) Which must not be used again and poured out into the duct, v. Zeb. 34b. Had the sprinkling not been performed by the unfit, receiving as well as sprinkling could have been executed again by a fit person from the life-blood that remained in the body of the beast. Cf. Zeb. 32a.
 - (6) Left over after the receiving and sprinkling performed by the unfit.
 - (7) Zeb. 34b.
 - (8) So that he who eats thereof is liable to the penalty of kareth. Cf. Zeb. 28b.
 - (9) E.g., piggul, nothar and 'taking out of the Temple Court'.
 - (10) The unfit to whom R. Assi in his explanation of our Mishnah is meant to refer.
 - (11) If the majority of the congregation are unclean, v. Pes. 66b. 77a.
 - (12) E.g., those with a blemish.
 - (13) Viz., of Most Holy sacrifices.
 - (14) No matter whether the disqualification was accomplished with the slaughtering or the receiving.
 - (15) By the conclusion that if, however, both slaughtering and receiving were in order the Law of Sacrilege would no longer apply.
 - (16) V. supra 3b.
 - (17) 'Always' means thus 'for ever'.

Talmud - Mas. Me'ilah 6a

Come and hear: R. Simeon said:¹ 'There is a kind of nothar² that is subject to the Law of Sacrilege and there is a kind of nothar that is exempted from the Law of Sacrilege. How is this? If [the blood was] left overnight before sprinkling it is subject to the Law of Sacrilege, if after the sprinkling it is exempted from the Law of Sacrilege'. Now it states, at all events: 'Is subject to the Law of Sacrilege'. Does this not refer to a case where there was still time [during the day] to sprinkle³ it, so that if he wished, he could have performed the sprinkling?⁴ This would then prove that 'permitted for consumption' is meant? — No, it refers to a case where the blood was received near sunset, so that there was no time for sprinkling. But what would be the case if there was time [during the day to sprinkle it]? Would the Law of Sacrilege indeed not apply? Why then was it necessary to instance 'before the sprinkling'?⁵ Let [the distinction] be made between 'before sunset' and 'after sunset'⁶ — This indeed is the way in which [the distinction] is to be understood, viz., 'Before it was ready⁷ for sprinkling' and 'after it was ready for sprinkling'. Come and hear: R. Simeon said, 'There is piggul that is subject to the Law of Sacrilege. and there is piggul that is exempted from the Law of Sacrilege. How is this? If [enjoyed] before the sprinkling it is subject to the Law of Sacrilege, if after it is exempted from the Law of Sacrilege'. It states, at all events: 'If before the sprinkling it is subject to the Law of Sacrilege'. Now does this not refer to a case where there was still time [during the day] to sprinkle it, so that if he

wished he could have performed the sprinkling, yet it states that it comes under the Law of Sacrilege, which would prove that 'permitted for consumption' is meant? — No, there was no time during the day to sprinkle it. But what would be the case if there was time during the day to sprinkle it? Would it indeed cease to be subject to the Law of Sacrilege? Why then was it necessary to instance 'after sprinkling'? Let [the distinction] be made between 'before sunset' and 'after sunset'?⁸ — This indeed is the way in which [the distinction] is to be understood, viz., 'Before it was ready⁹ for sprinkling' and 'after it was ready for sprinkling'. Come and hear: 'The Law of Sacrilege applies to Most Holy sacrifices that were rendered piggul'. Now, does this not refer to a case where the blood has been sprinkled. and would then prove that 'permitted for consumption' is meant?¹⁰ — No, it was not sprinkled. But what would be the case if sprinkled? Would the Law of Sacrilege indeed not apply to it? Why then was it necessary to state:¹¹ 'But if the sacrifices were of a minor degree of holiness they are exempted from the Law of Sacrilege'? Let [the distinction] be made between 'before sprinkling' and 'after sprinkling'? — [The distinction made is to be preferred] to let know the rule: Whatsoever has to be brought within the scope of the Law of Sacrilege¹² can achieve this status only if the sprinkling was according to proper procedure, but whatsoever has to cease to be subject to the Law of Sacrilege¹³ can achieve this also by a sprinkling that was not in accordance with the proper procedure.

(1) Tosef. I, 1.

(2) Portions left over from sacrifices. Lev. VII, 17.

(3) I.e., it was received in the vessel on the same day but not sprinkled till the following.

(4) It was thus 'fit for sprinkling' and is yet subject to the Law of Sacrilege.

(5) I.e., to distinguish between 'before sprinkling' and 'after sprinkling'.

(6) I.e., 'there being time before sunset' and 'there being no time before sunset'.

(7) During the day.

(8) I.e., 'there being time before sunset' and 'there being no time before sunset'.

(9) During the day.

(10) By the inference that if, however, it was not piggul the law of Sacrilege would not apply to it.

(11) In the concluding clause.

(12) E.g., the sacrificial portions, emurim, of sacrifices of a minor degree of holiness, v. supra p. 8. n. 6.

(13) Such as the flesh of Most Holy sacrifices. R. Giddal's statement is thus refuted, v. ibid.

Talmud - Mas. Me'ilah 6b

MISHNAH. IF THE FLESH OF THE MOST HOLY SACRIFICES WAS TAKEN OUT [OF THE TEMPLE COURT] BEFORE THE BLOOD WAS SPRINKLED,¹ R. ELIEZER SAYS: IT IS STILL SUBJECT TO THE LAW OF SACRILEGE² AND ONE DOES NOT BECOME GUILTY IN REGARD TO IT OF [TRANSGRESSING THE LAWS OF] NOTHAR,³ PIGGUL⁴ AND DEFILEMENT.⁵ R. AKIBA SAYS: IT IS EXEMPTED FROM THE LAW OF SACRILEGE AND ONE CAN BECOME GUILTY OF [TRANSGRESSING IN REGARD TO IT THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT. SAID R. AKIBA: IF ONE SET ASIDE HIS SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER IN ITS STEAD AND AFTERWARDS THE FIRST WAS FOUND SO THAT BOTH WERE DESIGNATED [FOR SLAUGHTERING].⁶ [DO YOU NOT AGREE] THAT LIKE AS [THE SPRINKLING OF] THE BLOOD [OF THE ONE BEAST] EXEMPTS ITS OWN FLESH

[FROM THE LAW OF SACRILEGE] SO IT EXEMPTS THE FLESH OF THE OTHER BEAST? NOW, IF THE SPRINKLING OF ITS BLOOD CAN EXEMPT THE FLESH OF OTHER BEASTS⁷ FROM THE LAW OF SACRILEGE, HOW MUCH MORE MUST IT EXEMPT ITS OWN FLESH. IF THE EMURIM⁸ OF SACRIFICES OF A MINOR DEGREE OF HOLINESS WERE TAKEN OUT [OF THE TEMPLE COURT] BEFORE THE BLOOD WAS SPRINKLED, R. ELIEZER SAYS: THEY ARE EXEMPTED FROM THE LAW OF SACRILEGE AND ONE DOES NOT BECOME GUILTY IN REGARD TO THEM OF [TRANSGRESSING THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT. R. AKIBA SAYS: THEY ARE SUBJECT TO THE LAW OF SACRILEGE AND ONE DOES BECOME GUILTY [OF TRANSGRESSING THE LAWS OF] NOTHAR, PIGGUL AND DEFILEMENT.⁹ GEMARA. Why was it necessary to state both these instances? — It was necessary. for if [the instance of] the Most Holy sacrifices alone was stated, I might have said: In this case ruled R. Eliezer that it is still subject to the Law of Sacrilege, because [he held that] sprinkling executed according to the proper procedure effects exemption from the Law of Sacrilege, but [a sprinkling] not according to the proper procedure does not effect exemption. But as to effecting the inclusion within the scope of the Law of Sacrilege,¹⁰ he might concede to R. Akiba that also [sprinkling that was] not performed in accordance with the proper procedure effects the inclusion within the scope of the Law of Sacrilege. And if the instance of a sacrifice of a minor degree of holiness alone was stated, I might have said: In regard to sacrifices of a minor degree of holiness only did R. Akiba rule that the Law of Sacrilege applies. because [he held that] even sprinkling that was not performed in accordance with the proper procedure [has the power of] including [the flesh] within the scope of the Law of Sacrilege; but in regard to Most Holy sacrifices in which case [the sprinkling] is to effect the exemption from the Law of Sacrilege. [I might say that] if not performed in accordance with the proper procedure it does not possess the power of exempting from the Law of Sacrilege. Therefore he informs us [regarding both instances]. It was stated, R. Johanan said: R. Akiba held his view that the sprinkling is of effect in the case of an offering that was taken out, only if it was partly taken out [of the Temple Court],¹¹ but if it was wholly taken out [R. Akiba did] not [hold this view]. Said R. Assi to R. Johanan:¹² My friends in the Diaspora [Babylon] have already taught me:

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- (1) And brought in again, and then the blood was sprinkled.
 - (2) The sprinkling does not effect an exemption from the Law of Sacrilege since the offering is invalid.
 - (3) Lit., 'left over'. Lev. VII, 17.
 - (4) V. Glos. Lev. VII, 18; Zeb. II, 3 and 28a.
 - (5) Lev. VII, 21. For only a valid sprinkling can bring the sacrifices within the scope of these laws.
 - (6) And he slaughtered both and after receiving the blood of each in two separate vessels he sprinkled the blood of only one of them.
 - (7) Though it be invalid, as the remnant of a sin-offering.
 - (8) I.e., the portions that are to be offered upon the altar.
 - (9) The sprinkling does not effect the application of the Law of Sacrilege, since the offering is invalid.
 - (10) Which is in the direction of greater stringency.
 - (11) Because the sprinkling is then of effect for the portions that remained inside.
 - (12) Tosaf. do not read 'to R. Johanan'. The following discussion is then independent of R. Johanan's statement.

Talmud - Mas. Me'ilah 7a

Talmud - Mas. Me'ilah 7a

'The disqualifying thought¹ in respect of lost or burnt [portions of an offering] is of effect'.² Now, the lost and the burnt no longer exist, yet it was taught that a disqualifying thought [relating to them] is effective.³ But does R. Assi indeed hold this view? Did not R. Assi ask R. Johanan: 'What is the case if one purposed [to sprinkle on the] following day blood which has to be poured'?⁴ Whereupon R. Zera replied: 'Did you not teach us⁵ [the Mishnah] about allal?'⁶ Now, this allal, because it has no substantial value, an unlawful thought relating to it is of no effect.⁷ The same applies to the blood that is to be poured; because it is destined for destruction an unlawful thought relating to it must be of no effect'. At all events, that which was stated concerning the lost and the burnt⁸ offers a difficulty!⁹ — Said Raba: Say, ['The disqualifying thought in respect of portions] that were about to be lost or burnt . . .'.¹⁰ Said R. Papa: R. Akiba held that sprinkling is effective in respect of [offerings that] were taken out only if the flesh was taken out, but if the blood was taken out¹¹ the sprinkling is of no effect. It was also taught likewise: 'If the slaughtering was performed undefined, and the blood was taken out, although it was afterwards sprinkled [the sprinkling] is of no effect: Most Holy sacrifices remain subject to the Law of Sacrilege, and sacrifices of a minor degree of holiness remain exempted from the Law of Sacrilege'. SAID R. AKIBA: TO WHAT CAN THIS BE COMPARED . . .'.¹² Said R. Eleazar: R. Akiba held his view¹³ only if [both sin-offerings were slaughtered] simultaneously.¹⁴ but if successively R. Akiba did not hold his view.¹⁵ It has been taught:¹⁶ Said R. Simeon, When I went to Kefar Pagi¹⁷ an old man¹⁸ met me and asked me: Does R. Akiba indeed hold that sprinkling is of effect in the case of an offering that was taken out? I said to him: Yes, he does. When I came and quoted these words before my colleagues in Galilee they said unto me: But is it not disqualified? How can [the sprinkling] be of effect¹⁹ with a disqualified offering? When I left and brought up these words before R. Akiba himself, he said unto me: My son, do you not hold the same view? Behold, if one set aside his sin-offering and it was lost and he set aside another in its stead and afterwards the first was found, so that both were designated [to be slaughtered], both are still subject to the Law of Sacrilege; if they were slaughtered and their [respective] blood was placed in two [separate] receptacles, the Law of Sacrilege still applies to both.

(1) During sprinkling. Lit., 'one can think (with effect)'.

(2) To render the flesh piggul.

(3) In the same way should, in the case where the whole offering was taken out, the sprinkling be of effect in regard to the Law of Sacrilege.

(4) Over the base of the altar, cf. Zeb. 47a.

(5) Zeb. 35a.

(6) 'Offal of meat' which is uneatable. Cf. Hul. 121a as to what kind of offal is meant.

(7) Thus the version of Tosaf. and MS.M. Cur. edd.: 'is not susceptible of defilement'. The quotation concerning allal would then be from Hul. 121a, thus also pseudo-Rashi.

(8) I.e., the statement reported by R. Assi in the name of his colleagues in the Diaspora.

(9) Viz., to R. Assi's teaching concerning allal.

(10) I.e., they had still been in existence at the time of the sprinkling. But if already lost or burnt an unlawful thought would indeed be of no effect.

(11) Though brought in again and then sprinkled.

(12) Cur. edd. and MS.M. do not contain this phrase in the Mishnah.

(13) That the sprinkling of the blood of the one exempts the flesh of the other beast from the Law of Sacrilege.

- (14) E.g., by different people. V. Tosaf.
- (15) V. infra.
- (16) Tosef. I.
- (17) Beth Page, near Jerusalem.
- (18) MS.M.: 'from among the disciples of R. Akiba', v. Tosef.
- (19) Lit., 'make acceptable', cf. Zeb. 28a.

Talmud - Mas. Me'ilah 7b

If the blood of one of them was sprinkled, do you not agree that like as the [sprinkling of the] blood exempts its flesh from the Law of Sacrilege so it exempts also the flesh of the other beast from the Law of Sacrilege? Now, if it can save the flesh of another offering from the Law of Sacrilege, though it is disqualified, how much more must it save its own flesh. Said Resh Lakish in the name of R. Oshaia: Inexact¹ was the reply that R. Akiba gave to that disciple, [as it² suggests that his instance holds good] only if they were slaughtered simultaneously but not if successively. Now, since [the other offering³ is, at all events] disqualified,⁴ what is the difference between 'simultaneously' and 'successively'? Said R. Johanan to Resh Lakish: And you, do you not make this distinction? Suppose one set apart two guilt-offerings for surety⁵ [one against the other], and he had them both slaughtered and had the emurim⁶ of one of them placed upon the altar before sprinkling.⁷ Would you not agree that although [those emurim were] already placed upon the altar they have to be brought down? Now, if your assumption was right that they are considered in such a case as one offering, why have they to be brought down? Did not 'Ulla rule: 'If the emurim of sacrifices of a minor degree of holiness⁸ were laid upon the altar before the sprinkling they must not be brought down, as they have become the food of the altar!?' Thereupon he gave no reply. Said R. Johanan: I have cut off the legs of that child.⁹ MISHNAH. THE ACT OF [SPRINKLING THE] BLOOD OF MOST HOLY SACRIFICES MAY HAVE EITHER A LENIENT OR A STRINGENT EFFECT, BUT WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT. HOW SO? WITH MOST HOLY SACRIFICES, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES BOTH TO THE EMURIM AND TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH;¹⁰ IN RESPECT OF BOTH ONE IS GUILTY¹¹ OF [TRANSGRESSING THE LAWS OF] NOTHAR. PIGGUL AND DEFILEMENT.¹² IT IS THUS FOUND THAT WITH MOST HOLY SACRIFICES THE ACT OF SPRINKLING HAS A LENIENT AS WELL AS A STRINGENT EFFECT. WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT', HOW SO? WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES NEITHER TO THE EMURIM NOR TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH; IN RESPECT OF BOTH ONE IS GUILTY OF TRANSGRESSING THE LAWS OF NOTHAR, PIGGUL AND DEFILEMENT. IT IS THUS FOUND THAT WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT. GEMARA. It teaches:¹³ 'THE LAW OF SACRILEGE APPLIES . . . NOT TO THE FLESH' which implies that the penalty of Sacrilege is not inflicted, but the prohibition still remains.¹⁴ But why? Is it not the possession of the priest?¹⁵ — This is no difficulty, since in the opening clause he had to use [the phrase] 'THE LAW OF SACRILEGE APPLIES' he uses also in the concluding clause¹⁶ [the

phrase] ‘THE LAW OF SACRILEGE APPLIES NOT’.¹⁷ But read then the second section of the Mishnah: ‘WITH SACRIFICES OF A MINOR DEGREE OF HOLINESS IT HAS ONLY A STRINGENT EFFECT’, HOW SO? WITH FLESH OF SACRIFICES OF A MINOR DEGREE OF HOLINESS, BEFORE THE SPRINKLING THE LAW OF SACRILEGE APPLIES NEITHER TO THE EMURIM NOR TO THE FLESH; AFTER THE SPRINKLING IT APPLIES TO THE EMURIM BUT NOT TO THE FLESH. This implies: The penalty of sacrilege is not inflicted but the prohibition still remains.¹⁸ Why? Is it not the possession of the owner?¹⁹ — Said R. Hanina: [It refers] to an offering that was taken out [of the Temple Court] and the Mishnah stands in accordance with R. Akiba’s view.²⁰ For R. Akiba held that ‘sprinkling is of effect in the case of an offering that was taken out [of the Temple Court]’ only in regard to its burning,²¹ but

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- (1) Lit., ‘a stolen reply’.
 - (2) Viz., the phrase. ‘they were slaughtered’, and the repetition of ‘both’ in the text. Pseudo-Rashi ‘reads: ‘they were both slaughtered’.
 - (3) The one whose blood has not been sprinkled..
 - (4) As a remnant of a sin-offering. Yet R. Akiba ruled that it is exempted from the Law of Sacrilege. He must apparently hold that the two sin-offerings are considered as one offering.
 - (5) In case one is lost.
 - (6) V. Glos.
 - (7) Then the blood of the other offering was sprinkled
 - (8) The same applies, of course, also to Most Holy sacrifices,
 - (9) I.e., I have proved his argument to be wrong. Resh Lakish was younger than R. Johanan, hence the designation ‘of that child’.
 - (10) This is the lenient outcome.
 - (11) After sprinkling.
 - (12) V. supra p. 17. nn. 9-11. This is the stringent outcome.
 - (13) In the first section of the Mishnah.
 - (14) Viz., to the priest.
 - (15) Once the blood has been sprinkled.
 - (16) Of the first section of the Mishnah.
 - (17) For the sake of symmetry.
 - (18) Viz., to the layman.
 - (19) The answer given in the first instance is not applicable here, as there is no clause in this section which demanded the use of the phrase for the sake of symmetry.
 - (20) Infra 8b.
 - (21) Viz., that it may not be burnt at once, like offerings whose disqualifications are essentially in themselves, but only after the flesh has begun to decay.

Talmud - Mas. Me'ilah 8a

in regard to eating it does not effect permission.

CHAPTER II

MISHNAH. THE LAW OF SACRILEGE APPLIES TO THE SIN-OFFERING OF A BIRD FROM THE MOMENT OF ITS DEDICATION. WITH THE PINCHING OF ITS NECK¹ IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM² OR ONE WHO STILL REQUIRES ATONEMENT³, OR BY REMAINING OVERNIGHT. ONCE ITS BLOOD HAS BEEN SPRINKLED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR⁴ AND DEFILEMENT, BUT THE LAW OF SACRILEGE NO LONGER APPLIES TO IT.⁵ GEMARA. It is stated: IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. [That is, it becomes] 'susceptible for unfitness' but not for defilement.⁶ With whom then will our Mishnah agree? — With the Sages, for it has been taught:⁷ 'Abba Saul says. A tebul yom [

(1) This is the prescribed form of slaughter, v. Lev. I, 25.

(2) The immersion of an unclean person does not effect _immediate purification. In order to be able to partake of a sacred meal he has to wait until sunset. A tebul yom, lit., 'a person immersed by day'. is one who took his immersion in day-time and is waiting for sunset.

(3) In four instances of uncleanness an offering is required in addition to immersion, v. Ker. 8b. As long as this 'ceremony of atonement is not performed one is not permitted to partake of a sacred meal.

(4) V. supra p. 17, n. 9.

(5) For it has become the possession of the priests.

(6) The term 'unfit' **kuxp** through contact with an unclean person or thing denotes that the uncleanness contracted is not of such a degree as to be transmitted to another object. 'Defiled' or 'unclean' **tny**, on the other hand, denotes the capacity of transmitting further the uncleanness contracted.

(7) Tosef. Toh. I, 3. There is a scale of degrees of uncleanness: the 'source of sources'; the 'source' of uncleanness; the first, second, third and fourth degree of uncleanness. The degree of uncleanness of the defiled object is (in general) one degree lower than that of the object from which it derived its defilement. The susceptibility to uncleanness is not uniform. The holier a thing the more susceptible it is to uncleanness. Holy things **ohase**, e.g. are susceptible to 'uncleanness' in the third degree and to 'unfitness' in the fourth, and terumah to 'uncleanness' in the second degree and to 'unfitness' in the third.

Talmud - Mas. Me'ilah 8b

is unclean of the first degree in regard to holy things.¹ R. Meir says: He renders holy things "unclean" and terumah² "unfit".³ The Sages say, Just as he renders "unfit" liquids and edibles of terumah, so he renders "unfit"⁴ sacred liquids and edibles'! — Said Raba, on the view of Abba Saul, A higher standard has been set with holy things in that the Rabbis declared the tebul yom to be [in regard to them unclean in] the first degree. And on the view of R. Meir, [he possesses by Rabbinic enactment the same measure of uncleanness] as food which is unclean in the second degree;⁵ while on the view of the Sages, since he has immersed, his uncleanness has weakened, and he renders things 'unfit' but not 'unclean'.⁶ ONCE ITS BLOOD HAS BEEN SPRINKLED . . . THE LAW OF SACRILEGE NO LONGER APPLIES TO IT. This implies that the Law of Sacrilege no longer applies though the prohibition still remains.⁷ But why? Is it not now the possession of the priests? — Said R. Hanina, [The Mishnah refers to an offering] which was taken out [of the Temple Court] so that [the flesh] is indeed not fit for consumption⁸ and is in

accordance With the view of R. Akiba⁹ Who holds that the sprinkling of the blood is of avail¹⁰ with an offering that was taken out [of the Temple precincts]. Said R. Huna in the name of Rab: The draining out of the blood¹¹ of the sin-offering of a bird is not indispensable,¹² for Rab learnt [in our Mishnah]: ‘When its blood has been sprinkled’.¹³ R. Adda son of Ahabah in the name of Rab said: The draining out of the blood of the sin-offering of a bird is indispensable, and Rab, in fact, learnt [in our Mishnah]: ‘When its blood has been drained out’. Come and hear: It is said, and the rest of the blood shall be drained at the base of the altar; it is a sin-offering.¹⁴ Now on the view of R. Adda son of Ahabah it is right when it is written, ‘and the rest of the blood shall be drained . . . it is a sin-offering’,¹⁵ but according to R. Huna, what is the meaning of ‘the ‘est etc.’? — As it has been taught in the School of R. Ishmael: ‘If there remained . . .’.¹⁶ But then what of the phrase, ‘it is a sin-offering’?¹⁷ — It refers to the preceding text.¹⁸ Said R. Aha son of Raba to R. Ashi: If so, with the meal-offering where it is written ‘and the remainder’¹⁹ does it also mean ‘if there remained’? And should you say: Indeed, so it is, surely it has been taught:

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- (1) This means, the sacred thing touched by a tebul yom is ‘unclean’ of the second degree. It can thus transmit the uncleanness two stages further. It ‘defiles’ other holy things and ‘renders unfit’ terumah.
 - (2) I.e., the priests’ share of the produce of the land, v. Num. XVIII, 11f, v. Glos.
 - (3) As the tebul yom is considered unclean of the second degree.
 - (4) But not ‘unclean’ so as to defile other things, as in our Mishnah.
 - (5) Which renders a holy thing unclean in the third degree.
 - (6) According to Raba's explanation our Mishnah may well agree with the views of Abba Saul and R. Meir, for their rulings result from the enactment of the Rabbis, whilst the ‘Mishnah refers to the original law of the Torah.
 - (7) Its use is still forbidden although the attached penalty does not apply. It is thus considered the property of the Temple. This inference is made from the fact that the term ‘permitted’ would otherwise have been used in our Mishnah.
 - (8) But has to be burnt.
 - (9) V. supra 7b.
 - (10) To exempt it from the Law of Sacrilege.
 - (11) A ceremony performed after the sprinkling of the blood, v. Lev. V, 9.
 - (12) If omitted or if there is not sufficient blood in the organs of the animal for this act, the sprinkling remains valid in regard to the laws of Sacrilege, piggul, etc. as ruled in our Mishnah.
 - (13) No mention has been made of the draining out an indication that it is not indispensable.
 - (14) Ibid.
 - (15) Suggesting there has to be a rest and that the rest which is to be drained is a sin-offering, hence indispensable.
 - (16) Then it has to be drained out. But if there is no rest the service is still valid without it.
 - (17) Which might suggest that it is the draining out which makes it a valid sin-offering.
 - (18) Viz., the sprinkling of the blood, without which the offering is indeed invalid.
 - (19) Lev. II, 3.

Talmud - Mas. Me'ilah 9a

[The verse], and he shall take thereout his handful of the fine flour thereof, and of the oil thereof with all the frankincense thereof,¹ is to exclude the case where there was not the full quantity of fine flour, oil and frankincense?² — I will tell you. There it is written [again] ‘and the remainder’ which is superfluous.³ The father of Samuel raised an objection to R. Huna: Both in the case of

the sin-offering of a bird and in that of the burnt offering of a bird if the neck was pinched or the blood drained out while purposing an act outside the proper place, the offering is invalid but one is not liable to the penalty of extinction; if while purposing an act beyond its proper time, it is piggul, and one is liable to extinction.⁴ It states at all events, 'the blood drained out'.⁵ — He raised this objection and he himself answered it: It is to be understood in a disjunctive sense.⁶ [To revert to] the [above] text: The School of R. Ishmael taught: 'If there remained of the blood'.⁷ But has not the School of R. Ishmael taught elsewhere:⁸ 'The remnant is indispensable'. and R. Papa explained that they⁹ differed as to whether the draining out of the blood of a sin-offering of a bird was indispensable? — There are two [contradictory traditions of] Tannaim as to what was the view of R. Ishmael. MISHNAH. THE LAW OF SACRILEGE APPLIES TO THE BURNT-OFFERING OF A BIRD FROM THE MOMENT OF ITS DEDICATION. WITH THE PINCHING OF ITS NECK IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM, OR ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE ITS BLOOD HAS BEEN DRAINED OUT,¹⁰ IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE APPLIES TO IT UNTIL [THE ASHES HAVE BEEN] REMOVED [FROM THE ALTAR] TO THE PLACE OF THE ASHES.¹¹ THE LAW OF SACRILEGE APPLIES TO THE BULLOCKS WHICH ARE TO BE BURNT AND THE HEGOATS WHICH ARE TO BE BURNT¹² FROM THE MOMENT OF THEIR DEDICATION. ONCE SLAUGHTERED THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE THEIR BLOOD HAS BEEN SPRINKLED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE APPLIES TO THEM EVEN WHILE THEY ARE AT THE PLACE OF THE ASHES SO LONG AS THE FLESH HAS NOT BEEN CHARRED TO CINDERS. THE LAW OF SACRILEGE APPLIES TO A BURNT-OFFERING FROM THE MOMENT OF ITS DEDICATION. ONCE SLAUGHTERED IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE ITS BLOOD HAS BEEN SPRINKLED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT. THE LAW OF SACRILEGE DOES NOT APPLY TO THE SKIN,¹³ BUT IT APPLIES TO THE FLESH UNTIL [THE ASHES] HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. THE LAW OF SACRILEGE APPLIES TO BURNT- AND SIN-OFFERINGS AND TO PEACE-OFFERINGS OF THE CONGREGATION FROM THE MOMENT OF THEIR DEDICATION. ONCE SLAUGHTERED THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT, OR BY REMAINING OVERNIGHT. ONCE THEIR BLOOD HAS BEEN SPRINKLED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT. THE LAW OF SACRILEGE THEN NO LONGER APPLIES TO THE FLESH,¹³ BUT APPLIES TO THE EMURIM UNTIL THE ASHES ARE REMOVED TO THE PLACE OF THE ASHES. THE LAW OF SACRILEGE APPLIES TO THE TWO LOAVES OF BREAD¹⁴ FROM THE MOMENT OF THEIR DEDICATION. ONCE THEY HAVE FORMED A CRUST IN THE OVEN THEY ARE SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL

REQUIRES ATONEMENT', AND THE [FESTIVAL] OFFERINGS¹⁵ CAN THEN BE OFFERED. ONCE THE BLOOD OF THE LAMBS HAS BEEN SPRINKLED THEY [THE LOAVES] ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO THEM. THE LAW OF SACRILEGE APPLIES TO THE SHEWBREAD¹⁶ FROM THE MOMENT OF ITS DEDICATION. ONCE IT HAS FORMED A CRUST IT BECOMES SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', AND MAY BE ARRANGED UPON THE TABLE [OF THE SANCTUARY]. ONCE THE CENSERS OF INCENSE¹⁷ WERE OFFERED IT IS SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO IT.¹⁸ THE LAW OF SACRILEGE APPLIES TO MEAL-OFFERINGS FROM THE MOMENT OF THEIR DEDICATION. ONCE THEY HAVE BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY] THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT. ONCE THE HANDFUL¹⁹ HAS BEEN OFFERED THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAW OF] PIGGUL, NOTHAR AND DEFILEMENT, AND THE LAW OF SACRILEGE NO LONGER APPLIES TO THE REMNANT,²⁰ BUT IT APPLIES TO THE HANDFUL UNTIL ITS ASHES HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. GEMARA. It was stated: If one has made use of the ashes of the tappuah²¹ which was on the altar, Rab says he has not transgressed the Law of Sacrilege, and R. Johanan says he has transgressed. Both agree that before the separation of the ashes²² the Law of Sacrilege still applies to them, they differ as to what is the case after the separation of the ashes. Rab says the Law of Sacrilege no longer applies to them, since the prescribed ceremony²³ has already been performed with them; but R. Johanan holds, since it is written: And the priest shall put on his linen garments . . .²⁴ as priestly garments are necessary, it proves that they [the ashes] still maintained their sacredness. We have learnt: THE LAW OF SACRILEGE APPLIES²⁵ UNTIL THE ASHES HAVE BEEN REMOVED TO THE PLACE OF THE ASHES. This presents a difficulty on the view of Rab. — Rab would tell you: [The meaning is]: Until it is fit for removal to the place of the Ashes.²⁶

(1) Ibid. II, 2.

(2) I.e., even after the handful, which is only a portion of the prescribed quantity, has been taken, the ingredients of the offering must be whole. In other words, the remainder is indispensable.

(3) The phrase occurs twice II, 3 and 10. The indispensable nature of the offering of the 'remainder' in the case of the meal-offering is thus an exception and based on a special text.

(4) Zeb. 64b.

(5) Were it dispensable, it would not render the offering piggul.

(6) Viz., the pinching of the neck refers both to the sin- and to the burnt-offering, while the draining out refers to the burnt-offering only, in which case the blood is not sprinkled upon the altar and the draining takes the place of the sprinkling and is therefore rightly indispensable.

(7) This interpretation implies that the draining out of the blood is not indispensable.

(8) Ibid. 52a, where R. Akiba and R. Ishmael differ in general terms on the question whether the remnant of an offering is indispensable or not

(9) Viz., R. Akiba and R. Ishmael.

- (10) The draining out of the blood takes here the place of the sprinkling of the blood prescribed of other offerings.
- (11) V. Lev. VI. 4.
- (12) These have to be burnt outside Jerusalem, at the Place of the Ashes. To this category belong the sacrifices brought by the High Priest for communal transgression and for idolatry, and those offered on the Day of Atonement.
- (13) Which becomes the possession of the priests.
- (14) To be offered on the Feast of Weeks. V. Lev. XXIII, 17.
- (15) I.e., the two lambs appertaining to the bread, v. *ibid.* v. 19.
- (16) Cf. Lev. XXIV, 5f.
- (17) The censers of incense were offered before the bread was distributed among the priests. This act stands therefore in place of the sprinkling of the blood prescribed for animal sacrifices. Cf. Men. XI.
- (18) It can then be eaten by the priests.
- (19) A handful was separated from the meal-offering and burnt upon the altar.
- (20) Which becomes the possession of the priests.
- (21) Lit., 'apple', 'pile'. I.e., the place upon the altar where the ashes were piled up.
- (22) Cf. Lev. VI, 3 and Yoma 22a.
- (23) Viz., the separation of the ashes. These were then deposited outside Jerusalem.
- (24) *Ibid.* The proof is actually from the following verse: And he shall put off his garments and put on other garments, and carry forth the ashes without the camp unto a clean place. This is taken to prove that the depositing of the ashes is: part of the ceremony. The ashes are still sacred before this is done.
- (25) Apparently even after the separation of the ashes was performed they are subject to the Law of Sacrilege.
- (26) I.e., until the separation of the ashes has been performed.

Talmud - Mas. Me'ilah 9b

The following objection was raised: [We have learnt]: 'And if any of them¹ burst off from the altar, they need not be replaced; similarly, if a coal burst off from the altar it need not be replaced'.² [It appears that if] however [the coal] burst off [from the fire but still remained] on the altar, it has to be replaced [upon the fire].³ This is right according to the view of R. Johanan, but presents a difficulty on the view of Rab. — Rab would reply: It is different with coal, as it is still substance.⁴ Some there are who say the objection was raised in the other direction: [It appears that coal only has to be replaced]⁵ because it is of substance, but ashes that are not of substance, though still upon the altar, are not subject to the law of Sacrilege. This would be right according to Rab, but presents a difficulty on the view of R. Johanan! — R. Johanan would reply: This ruling⁶ applies to ashes as well, and the reason why coal has been instanced is to let us know even in the case of coal, that is of substance, if it burst off from the altar it must not be replaced. It was stated: If one enjoyed of the flesh of Most Holy sacrifices⁷ before the sprinkling of the blood, or of the emurim of sacrifices of a minor degree of holiness after the sprinkling of the blood, Rab says: The [value⁸ of that] which he enjoyed must be restored to the nedabah⁹ fund. Levi says: He shall buy something which is wholly for the altar.¹⁰ It was taught in confirmation of Levi's view: To which fund goes this repayment for this sacrilege? Those that were permitted to argue before the Sages¹¹ say: He shall buy something which is wholly for the altar. Which is it? Incense'. It was taught in confirmation of Rab's view: 'If one has enjoyed of the money destined for his sin- or guilt-offering, if¹² his sin-offering has not been offered yet, he shall add [a fifth] and offer [for the whole sum] his sin-offering; similarly if his guilt offering has not been offered, the money is to be

taken to the Dead Sea;¹³ similarly if his guilt-offering has already been offered, it shall be restored to the nedabah fund. If one had enjoyed of Most Holy sacrifices before the sprinkling of the blood, or of the emurim of sacrifices of a minor degree of holiness after the sprinkling of the blood, [the value of] that which he has enjoyed goes to the nedabah fund.¹⁴ [If one has enjoyed of] any kind of offerings dedicated to the altar, [the money is refunded] for the altar, if of objects dedicated to the Temple Repair Fund [it is employed] for the Temple Repair Fund, if of sacrifices of the congregation, it is employed for freewill-offerings of the congregation'. Now, does this not contain a contradiction in itself? [For it states]: 'If his sin-offering has not been offered yet, he shall add [a fifth] and offer for the whole sum his sin-offering; and if his sin-offering has been offered already, the money is to be taken to the Dead Sea'. And then it states: 'If one has enjoyed any kind of offerings dedicated to the altar, it is employed for the altar', and there is apparently no distinction made as to whether the owner has been atoned or not! — The former clause is in accordance with the view of R. Simeon who holds,¹⁵ 'Every sin-offering whose owner has already been atoned¹⁶ is left to die',

(1) Viz., those disqualified offerings that need not be removed when already laid upon the altar, Zeb. IX, 2.

(2) Zeb. 86a.

(3) As 'coal' here is unqualified it is assumed to include also coals which have already been removed from the fire place of the altar to the tappuah, i.e., coals with which the 'separation' has already been performed; and yet it says that only if it has burst off from the altar it need not be replaced, but if it was shifted to some other place upon the altar it has to be replaced upon the fire, which implies that even after the 'separation' it is still considered sacred; the Law of Sacrilege should then still apply.

(4) While ashes are considered of no substance.

(5) If still upon the altar. This version of the objection is also based upon the implication that if the coal was shifted from its place but remained upon the altar, it has to be replaced. It is thus still considered sacred.

(6) Viz., that the sacredness of things burnt upon the altar continues even after their separation.

(7) The flesh of Most Holy sacrifices is subject to sacrilege only prior to the sprinkling, while the 'sacrificial portions' of sacrifices of a lesser degree of holiness come under the Law of Sacrilege with the sprinkling of the blood, v. Mishnah 7b.

(8) Or rather, the value plus a fifth, v. Lev. V, 16.

(9) Lit., 'freewill'; i.e., freewill burnt-offerings to be offered at a time when the altar was employed (Tosaf.).

(10) I.e., incense as distinct from the freewill burnt-offerings, the skin of which belongs to the priests.

(11) V. Sanh. 17b, that this paraphrases 'Levi before R. Judah the Prince', but Tosaf. rejects here this assumption. V. Men. 80b.

(12) At the moment of repayment. Tosaf.

(13) I.e., destroyed.

(14) This supports the view of Rab.

(15) Tem. 15a.

(16) I.e., he has brought in the meantime another offering for the sin which this sin-offering was to expiate.

Talmud - Mas. Me'ilah 10a

while the latter clause¹ is in accordance with the Sages.² Said R. Gebiha of Be Kathil³ to R. Ashi: [Indeed] thus said Abaye: 'The former clause reflects R. Simeon's view and the latter that of the Sages'.⁴ Said Raba: All⁵ agree that if he enjoyed of the flesh of Most Holy sacrifices which was

defiled,⁶ or of the emurim of sacrifices of a minor degree of holiness after they had been placed upon the altar,⁷ he is free [from the payment of indemnity]. Is this not obvious? For what loss did he cause?⁸ — I might have thought that since the flesh of most holy sacrifices became defiled there is still attached to it the duty of being burnt by the priests,⁹ and with the emurim of sacrifices of a minor degree of holiness [placed on the altar fire] the duty of turning it over by the poker.¹⁰ We are therefore informed [that he is free]. Said Raba: The statement, 'If the sin-offering has already been offered the money is to be taken to the Dead Sea', holds good only in the case where he became aware of his transgression [of the Law of Sacrilege] before this atonement, but if after his atonement, it goes to the nedabah fund.¹¹ Why? Because one may not at the outset set aside [holy things] for destruction. MISHNAH. THE LAW OF SACRILEGE APPLIES TO THE HANDFUL [OF A MEAL-OFFERING], THE FRANKINCENSE, THE INCENSE, THE MEAL-OFFERING OF A PRIEST,¹² THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST¹³ AND THE MEALOFFERING THAT IS ACCOMPANIED BY A LIBATION¹⁴ FROM THE MOMENT OF THEIR DEDICATION. ONCE THEY HAVE BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY], THEY BECOME SUSCEPTIBLE FOR UNFITNESS THROUGH CONTACT WITH A TEBUL YOM OR 'ONE WHO STILL REQUIRES ATONEMENT', OR BY REMAINING OVERNIGHT, AND THEY ARE SUBJECT TO [THE TRANSGRESSION OF THE LAWS OF] NOTHAR AND DEFILEMENT, BUT [THE LAW OF] PIGGUL DOES NOT APPLY TO THEM. THIS IS THE GENERAL RULE: WHATSOEVER HAS THAT WHICH RENDERS IT PERMISSIBLE [FOR THE ALTAR OR FOR THE USE OF THE PRlests]¹⁵ IS NOT SUBJECT TO [THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT UNTIL THAT ACT HAS BEEN PERFORMED. AND WHATSOEVER HAS NOT THAT WHICH RENDERS IT PERMISSIBLE¹⁶ BECOMES SUBJECT [TO THE LAWS OF] NOTHAR AND DEFILEMENT AS SOON AS IT HAS BECOME SACRED BY BEING PUT IN THE VESSEL [OF MINISTRY], BUT [THE LAW OF] PIGGUL DOES NOT APPLY TO IT.

(1) Which makes no distinction whether or not the owners had been atoned for.

(2) Who dispute with R. Simeon, v. Tem. 15a.

(3) On the Tigris N. of Bagdad.

(4) This tradition in the name of Abaye is quoted as a confirmation of the anonymous answer given before.

(5) Rab as well as R. Johanan, whose dispute is mentioned supra 9a, v. Tosaf.

(6) Even if it was defiled before the sprinkling of the blood. The flesh is not fit to be offered upon the altar but has to be burnt by the priests.

(7) And charred, so that sacrilege is no longer applicable to it, since the ceremony of offering may be considered as completed.

(8) This means he has in the first case made use of something which cannot be used by the priests and in the second case of something which is no longer within the scope of the service of the Temple.

(9) I.e., it is still sacred; the religious procedure has not finished yet.

(10) Lit., 'hook'.

(11) If he became aware of his sacrilegious use of a part of the money designated for his sin-offering prior to the offering of this sacrifice, we may consider the indemnity he has to pay as forming part of the sum to be used for the sin-offering. Consequently if before the indemnity was paid a sacrifice was bought for the remainder of the amount originally set aside for the offering, the indemnity is to be regarded as money designated for a sin-offering which can no longer be used for this purpose, as its owner has already been atoned for. It has then to be destroyed in

accordance with our general rule. But if at the time of the offering he had no knowledge of his trespass against the Law of Sacrilege, his indemnity cannot be considered as set aside for his sin-offering, and when paid it need not be destroyed.

(12) Lev. VI, 16.

(13) Lev. IV, 3ff and Hor. III, 4.

(14) I.e., one that is offered with a freewill peace-offering.

(15) So as to make it 'acceptable' (v. Lev. XIX, 7). E.g., the flesh of sin-offerings and sacrificial portions of peace-offerings where the sprinkling of the blood renders these permissible respectively to the priest or for the altar.

(16) E.g., the handful and frankincense and other offerings enumerated in our Mishnah, which require no other things to make the offering fit for the altar.

Talmud - Mas. Me'ilah 10b

GEMARA. Whence do we know this?¹ — For our Rabbis taught:² I might have thought that only for things that have that which renders them permissible is one culpable for [transgressing] the Law of Defilement; for this would be the logical deduction: Since piggul, which requires only one awareness of transgression,³ whose sacrifice of atonement is fixed⁴ and allows of no exception for the congregation,⁵ yet it applies to things only that have that which renders them permissible, the much more so must uncleanness, which requires a twofold awareness of transgression,⁶ whose sacrifice of atonement can be of a higher or lesser value⁷ and allows of an exception for the congregation,⁸ apply only to things that have that which renders them permissible. The text therefore states: Say unto them: Whosoever he be of all your seed throughout your generations, that approaches [unto the holy things, which the children of Israel hallow unto the Lord, having his uncleanness upon him, that soul shall be cut off from before Me].⁹ Scripture deals with all kinds of holy things.¹⁰ But I might have thought that [in the case of things that have other things that render them permissible, the Law of Defilement] would apply at once;¹¹ therefore It states: 'Who approaches' [which is to be expounded after the way of] R. Eliezer [who] said: Is it possible that one is liable [to the Law of Defilement] merely by touching [the flesh]? You must then understand it in the following manner: Whatsoever has that which renders it permissible is not subject [to the laws of piggul, nothar and defilement] until that which renders it permissible has been performed; and whatsoever has not that which renders it permissible is liable [to those laws] only when they have become sacred by being put in the vessel [of ministry].¹²

CHAPTER III

MISHNAH. THE YOUNG OF A SIN-OFFERING,¹³ THE SUBSTITUTE¹⁴ OF A SIN-OFFERING AND A SIN-OFFERING WHOSE OWNER HAS DIED¹⁵ ARE LEFT TO DIE. THAT WHICH PASSED [THE AGE-LIMIT OF] ONE YEAR¹⁶ OR WAS LOST¹⁷ AND THEN FOUND WITH A BLEMISH, IF AFTER THE OWNER HAS BEEN ATONED,¹⁸ IT IS LEFT TO DIE; IT CANNOT EFFECT A SUBSTITUTE¹⁹ AND THOUGH ONE MAY NOT DERIVE ANY BENEFIT FROM IT, IT IS NOT SUBJECT TO THE LAW OF SACRILEGE;²⁰

(1) I.e., that also things that do not require some other object to render them permissible are subject to the laws of nothar and defilement.

- (2) Zeb. 45b.
- (3) I.e., it is not necessary for the transgressor to have known that the food he enjoyed was piggul.
- (4) I.e., does not vary according to the pecuniary situation of the transgressor, as in the case of uncleanness. V. Lev. V, 2ff.
- (5) I.e., even if the whole congregation ate piggul, everyone would be guilty.
- (6) An unclean person that has entered the Temple precincts or has eaten holy things is guilty only if at one time he knew of his uncleanness, v. Shebu. 2a. He thus is aware twice of his uncleanness; before and after his transgression.
- (7) Shebu. 2a.
- (8) E.g., in the case of the Passover lamb, v. Pes. 66b, which can be offered and consumed in the case of the whole congregation being unclean.
- (9) Lev. XXII, 3.
- (10) Including things that do not require the act of another object to render them permissible.
- (11) Even before that act had been performed.
- (12) The word **chreh**, (rendered 'who approaches') is expounded as **creh**, 'fit to be offered', thus indicating that the law applies only if the flesh was ready to be offered, i.e., that the act that renders it permissible was performed already.
- (13) The young, born after its mother's dedication, is considered holy, yet it cannot be offered upon the altar, since it was not explicitly dedicated for this purpose.
- (14) It is forbidden to change an animal dedicated as an offering against a profane animal; if such an exchange takes place, both the animal originally dedicated and the animal exchanged for it are equally holy, except in the case where the latter animal, although it too becomes holy, must not be offered 'upon the altar', v. Lev. XXVII, 10 and Tem. 22b.
- (15) 'There is no atonement for the dead; death has atoned for them' is a general ruling of the Sages. The offering can therefore no longer be employed for the purpose for which it was originally designated.
- (16) Num. XV, 27.
- (17) In Tem. 22b this is expounded as follows: 'That which passed one year and was lost, or that which was lost and found with a blemish'.
- (18) With another animal.
- (19) As it is destined to be killed.
- (20) By law of the Torah, but by enactment of the Sages it is sacrilegious to use it. The Fifth is then not to be paid.

Talmud - Mas. Me'ilah 11a

IF BEFORE THE OWNER HAD BEEN ATONED, IT SHALL GO TO PASTURE UNTIL IT BECOMES UNFIT [FOR SACRIFICE].¹ THEN IT SHALL BE SOLD AND FOR THE EQUIVALENT ANOTHER [SACRIFICE] SHALL BE BOUGHT; IT CAN EFFECT A SUBSTITUTE AND IS SUBJECT TO THE LAW OF SACRILEGE. GEMARA. Why this difference in that no distinction is made² in the first clause while in the concluding a distinction is made? — In the first clause the ruling is absolute,³ in the concluding it is not. But has not this [Mishnah] been taught already in connection with exchanges?⁴ — There it has been taught for the sake of its reference to the law of exchanges, here by reason of its reference to the Law of Sacrilege. MISHNAH. IF ONE HAS SET ASIDE MONEY FOR HIS NAZIRITE OFFERINGS,⁵ IT MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT, AS IT MAY ALL⁶ BE USED FOR THE PEACE-OFFERING.⁷ IF HE DIED

AND LEFT MONEY [FOR HIS NAZrite OFFERINGS]. IF UNSPECIFIED IT SHALL GO TO THE NEDABAH⁸ FUND; IF SPECIFIED, THE MONEY DESIGNATED FOR THE SIN-OFFERINGS SHALL BE TAKEN TO THE SALT [DEAD] SEA,⁹ IT MAY NOT BE USED, THOUGH THE LAW OF SACRILEGE DOES NOT APPLY TO IT. WITH THE MONEY DESIGNATED FOR A BURNT-OFFERING THEY SHALL BRING A BURNT-OFFERING;¹⁰ THE LAW OF SACRILEGE APPLIES TO IT. WITH THE MONEY DESIGNATED FOR THE PEACE-OFFERING THEY SHALL BRING A PEACE-OFFERING, AND IT HAS TO BE CONSUMED WITHIN A DAY,¹¹ BUT REQUIRES NO BREAD OFFERING.¹² GEMARA. Resh Lakish demurred: Why does not [the Mishnah] teach also the following case: If one has set aside monies for bird-offerings,¹³ they may not be used but the Law of Sacrilege does not apply to them because he might buy with them turtledoves which have not reached the prescribed age or pigeons which have passed the prescribed age?¹⁴ — Said Raba: [In our case] the Torah rules that for the unspecified money [also] a peace offering shall be purchased; but does the Torah ever rule that turtle-doves which have not reached the right age shall be offered? Are they not indeed unfit for the altar? MISHNAH. R. SIMEON¹⁵ SAYS: [THE LAW RELATING TO] BLOOD IS LENIENT AT THE BEGINNING [OF THE OFFERING CEREMONY] AND STRINGENT AT THE END; [THAT RELATING TO] LIBATIONS IS STRINGENT AT THE BEGINNING AND LENIENT AT THE END; BLOOD IS EXEMPTED FROM THE LAW OF SACRILEGE AT THE BEGINNING, BUT IS SUBJECT TO IT AFTER IT HAS FLOWED AWAY TO THE BROOK KIDRON;¹⁶ LIBATIONS ARE SUBJECT TO THE LAW OF SACRILEGE AT THE BEGINNING, BUT ARE EXEMPTED FROM IT AFTER THEY FLOWED DOWN INTO THE SHITTLIN.¹⁷ GEMARA. Our Rabbis taught:¹⁸ ‘The Law of Sacrilege applies to blood. These are the words of R. Meir and R. Simeon; but the Sages say. It does not apply’. What is the reason of them Who hold that it does not apply?¹⁹ — Said ‘Ulla: Scripture says. And I have given it to you,²⁰ [suggesting] it shall be yours.²¹ The School of R. Ishmael taught: [It reads there] to make atonement²⁰ [meaning], I have given it for atonement, but not [to make it subject] to the Law of Sacrilege. R. Johanan says: Scripture Says. For it is the blood that maketh atonement by reason of the life.²² [The blood] before [the act of]²³ atonement is to be compared to its status after the act of atonement.²⁴ Just as after the act of atonement it is exempted from the Law of Sacrilege, so before the act of atonement it is exempted from the Law of Sacrilege. But why not infer [in the other direction]: Just as before the act of atonement the Law of Sacrilege applies to it, so also after the act of atonement the Law of Sacrilege applies to it? — Is there at all a thing to which the Law of Sacrilege applies after the Prescribed ceremony had been performed therewith! — But why not?

(1) I.e., until it contracts a blemish. This phrase refers, of course, only to the one which has passed the age-limit. for in the other instance the animal is found with a blemish.

(2) Whether the owner has been atoned for or not.

(3) There is no object in making this distinction, for in all the three instances of the first clause the position is final; the young and the exchange are themselves not considered offerings, and in the case of the owners' death the sin for which the offering was brought is already expiated.

(4) Tem. IV, 1; why repeat it?

(5) Without specifying what portion of the sum is designated for each of the required offerings, viz., a sin-offering, a burnt-offering and a peace-offering. V. Num. VI, 14f.

(6) Of each coin one may say, perhaps this is designated for the peace-offering (Rashi). Tosaf.: The whole sum may

be used for the peace offering, and the other offerings bought with other money.

(7) Which as a sacrifice of a minor degree of holiness does not come under the Law of Sacrilege; v. supra 7b.

(8) V. Glos.

(9) I.e., it shall be destroyed.

(10) A burnt offering is not brought for atonement. It can therefore be offered even after its owner's death. The same applies to the peace-offering.

(11) As in the case of the peace-offering of a Nazirite and not as in the instance of an ordinary peace-offering whose flesh may be consumed during two days and the night in between.

(12) As it cannot be placed upon the hands of the Nazirite as required in Num. VI. 19.

(13) To be offered e.g., by him who recovered from gonorrhoea; v. Lev. XV. 1ff.

(14) Turtle-doves are fit for offerings only after they have reached a certain age, pigeons only under that age. cf. Hul. 22b. The argument is: As he might buy with the money something which is not subject to sacrilege. the money, too, should not be subject to the Law of Sacrilege, as in the instance of the Mishnah.

(15) Some edd. read: R. Ishmael.

(16) Cf. Yoma 58b.

(17) I.e., pits at the side of the altar into which the remainder of libations was poured. V. Tosef. Suk. III, 3.

(18) Yoma 592.

(19) Yoma 59b has the version: The dispute refers only to the application of the law by enactment of the Rabbis. All agree, however, that by law of the Torah Sacrilege does not apply; wherefrom do we know this? Tosaf. corrects here accordingly.

(20) Lev. XVII, 11.

(21) I.e., it is not the 'possession of God', but that of man.

(22) Ibid.

(23) I.e., the sprinkling of the blood.

(24) 'It is' is understood to convey as much as 'it remains in the same status', Rashi Yoma ibid.

Talmud - Mas. Me'ilah 11b

What of the ashes removed [from the altar] which are subject to the Law of Sacrilege although the prescribed ceremony had been performed therewith!¹ — The [law concerning the] removed ashes and that concerning the limbs of the scapegoat² constitute two texts of Scripture which teach the same thing, and wherever two texts teach the same thing no general rule can be derived from them.³ This would be right according to the view that one may make no use of the limbs of the scapegoat, but what would be your argument according to him who holds that one may use them? — The [law concerning the] removed ashes and that concerning the garments of the High priest⁴ constitute two texts of Scripture which teach the same thing, and wherever two texts teach the same thing no general rule can be derived from them. This would be right according to the Rabbis Who hold [that the text]. And he shall place them there⁵ teaches that they have to be hidden,⁶ but what would be your argument according to R. Dosa who holds that a common priest may wear them? — The [law concerning the] removed ashes and that concerning the heifer whose neck has been broken⁷ constitute two texts of Scripture which teach the same thing [and from such texts no general rule can be derived]. But this [reply] would be right [only] according to him who [indeed] holds that one cannot derive a general rule [from such laws]; but what would be your argument according to the view that one can derive a general rule [from such laws]? — [In this case] there are written two limitations [excluding other instances]: Here it is written. The

heifer whose neck has been broken,⁸ and there it is written, And he shall place it by the side of the altar,⁹ implying that only in these [instances does the Law of Sacrilege apply even after the prescribed ceremony has been performed], but not in others. LIBATIONS ARE SUBJECT TO THE LAW OF SACRILEGE AT THE BEGINNING etc. May we assume that our Mishnah is not in agreement with the view of R. Eleazar son of R. Zadok? For ‘it has been taught:¹⁰ ‘R. Eleazar son of R. Zadok said: There was a small passage between the ascent [of the altar] and the altar, on the west side of the altar. Once every seventy years young priests descended through it and brought up the [accumulated] congealed wine, which resembled a cake of figs. and burnt it in a sacred place, for Scripture says: In holiness shalt thou surely offer the libation to the Lord:¹¹ just as the libation thereof must be in a sacred place, so the burning thereof must be in a sacred place’. How is this implied? — Thereupon said Rabina: It is derived from [nothar¹² by textual analogy based on the word] ‘holy’ occurring in both texts. It says here ‘in holiness’¹³ and it says there, and thou shalt burn the remnant in fire, it may not be eaten for it is holy.¹⁴ Just as nothar is burnt in a sacred state,¹⁵ so also these [libations] are burnt in a sacred state.¹⁶ — [The Mishnah] may well agree with R. Eleazar, son of R. Zadok, as [it refers only to the case where the wine] was caught [before it reached the bottom of the Shittin].¹⁷ Some reported [the discussion in the following version]: Shall we say that our Mishnah is in accordance with the view of R. Eleazar son of R. Zadok?¹⁸ — [Not necessarily] as [it deals with a case where] the wine was caught [before it reached the ground]. I might say:¹⁹ It is not necessary [to limit the Mishnah to this case] for [it is considered holy only] by Rabbinical enactment. But does he not adduce the text? — [The Biblical text is a] mere exegetical support [of a Rabbinical enactment]. MISHNAH. THE ASHES OF THE INNER ALTAR²⁰ AND [OF THE WICKS OF] THE CANDLESTICK MAY NOT BE USED. AND ARE NOT SUBJECT TO THE LAW OF SACRILEGE. IF ONE DEDICATES ASHES²¹ THEY ARE SUBJECT TO THE LAW OF SACRILEGE. TURTLE-DOVES WHICH HAVE NOT REACHED THE RIGHT AGE AND PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE²² MAY NOT BE ENJOYED; THEY ARE, HOWEVER NOT SUBJECT TO THE LAW OF SACRILEGE. GEMARA. This²³ is right

(1) Why not take this as an example for similar instances?

(2) Which, too, according to one view in Yoma 67a are subject to the Law of Sacrilege, although the prescribed ceremony has been performed therewith.

(3) For were it the intention of the Torah that these laws should serve as a model to similar cases one text would suffice.

(4) V. Hul. 117a.

(5) Lev. XVI, 23.

(6) So as not to be used again, i.e., they are subject to the Law of Sacrilege.

(7) V. Deut. XXI, 1ff, and Sot. IX. 1f.

(8) Deut. XXI, 6. The definite article is to exclude other cases.

(9) That the removed ashes are still holy and therefore subject to the Law of Sacrilege is learnt from the fact that we are commanded to place it ‘by the side of the altar’. In the text commanding this, Lev. VI, 3, the word ‘it’ is regarded as unnecessary and is taken to indicate that only the ashes are sacred even after the prescribed ceremony had been performed therewith, and not other things.

(10) Suk. 492’

(11) Num, XXVIII, 7. The verb is repeated in Hebrew as emphasis.

(12) V. Glos.

(13) Num. XXVIII, 7.

(14) Ex. XXIX, 34.

(15) Cf. Pes. 82b.

(16) They are still considered sacred at the time of burning. The Law of Sacrilege should accordingly apply to the wine libation even after it had been let down to the Shittin, which is contradictory to our Mishnah.

(17) In which case R. Eleazar too agrees that the Law of Sacrilege does not apply. though once it reaches the bottom of the Shittin the holy ground renders the wine again sacred.

(18) For according to the Sages. Suk. 49a, the pits were not pits where the wine accumulated, but rather canals through which it flowed. The instance of our Mishnah of the use of such wine should then be an impossibility.

(19) The text of the last paragraph is rather obscure; cf. Tosaf. Suk. 49b who states that this version is corrupt and that of Suk. correct, where this paragraph is wholly omitted. It can make sense as a continuation of the discussion according to the former tradition. There the Mishnah is restricted, according to R. Eleazar son of R. Zadok, to wine caught in the air, for if taken after it has reached the bottom of the Shittin, it is considered holy and should therefore be subject to the Law of Sacrilege. Now it is argued, perhaps this reservation is not necessary, for the sacred character attributed to the wine by R. Eleazar is only a Rabbinical enactment and the Law of Sacrilege need not therefore apply to it.

(20) Unlike the ashes of the outer altar these do not retain their sacred character after the removal from the inner altar, since there is no special text implying that they remain holy. as in the case of the outer altar (v. oupra p. 40, n. 5).

(21) I.e., if one collects these ashes after their removal from the inner altar to the heap of ashes, and dedicates them afresh to the Temple, they are sacred and therefore subject to the Law of Sacrilege (Tosaf.). Aliter: If someone had vowed to give their value to the Temple before they had been removed.

(22) These are not fit for offerings. v. Hul. I, 5.

(23) Viz., the fact that the ashes of the altar have to be put at the place of the ashes.

Talmud - Mas. Me'ilah 12a

as far as the outer altar is concerned, for it is written: And he shall place it by the altar,¹ but wherefrom do we know this of the ashes of the inner altar? Said R. Eleazar, Scripture says: And he shall take away its crop with the feathers thereof [and cast it beside the altar on the east part, in the place of the ashes].² as this has no bearing on the outer altar,³ make it bear on the inner altar. But why not say that both passages bear upon the outer altar [and it has been repeated] in order to fix the precise side [for the ashes]?⁴ — If so, Scripture should [only] say, 'by the altar'; why [add, 'the place of] the ashes'? [To suggest] that [it was the place of the ashes] also for the inner altar.⁵ Wherefrom do we know [the place for the ashes of] the candlestick? — [The expression] 'the ashes' [is an amplification, for it sufficed to mention] 'ashes'. MISHNAH.⁶ R. SIMEON SAID: TURTLE-DOVES WHICH HAVE NOT YET REACHED THE RIGHT AGE ARE SUBJECT TO THE LAW OF SACRILEGE,⁷ WHILE PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE ARE NOT ALLOWED FOR USE, BUT ARE EXEMPTED FROM THE LAW OF SACRILEGE. GEMARA. It is right according to R. Simeon whose reason has been stated [in a Mishnah]:⁸ 'For R. Simeon used to say: [He who uses] that which will be fit [for offering] after a period and has been dedicated before that period has expired has transgressed a prohibitory law,⁹ though he is not liable to the penalty of kareth'.¹⁰ But according to the ruling of the Rabbis,¹¹ whereby is [our case] distinguished from that of [animal-sacrifices] which have not reached the required age [of eight days]?¹² — I might reply: [The sacrifice of a beast] that has not

reached the required age is to be compared to one with a blemish which can be redeemed,¹³ but these bird-offerings, which a blemish¹⁴ does not disqualify them, cannot be redeemed. ‘Ulla said in the name of R. Johanan: Dedicated [animals] which have died are according to the Torah exempted from the Law of Sacrilege. When ‘Ulla sat and recited this ruling. R. Hisda said to him: Who has ever heard this, your view and the view of R. Johanan. your teacher? Whither has the sanctity thereof gone? — He thereupon replied: Why not ask the same question with relation to our Mishnah, where it says: TURTLE-DOVES WHICH HAVE NOT YET REACHED THE RIGHT AGE, AND PIGEONS WHICH HAVE EXCEEDED THE RIGHT AGE MAY NOT BE ENJOYED; THEY ARE, HOWEVER, NOT SUBJECT TO THE LAW OF SACRILEGE. Here, too. [ask] whither has the sanctity thereof gone?¹⁵ — Nevertheless¹⁶ [continued ‘Ulla], I admit that by Rabbinical enactment the Law of Sacrilege is applicable [in these instances],¹⁷ but I wish to raise the difficulty: Is there anything which has been exempted from the Law of Sacrilege¹⁸ from the beginning and is subject to it afterwards?¹⁹ — Why not? Is there not the instance of blood which was originally exempted from the Law of Sacrilege, but is subject to it at the end [of the offering ceremony]? For we have learnt: ‘Blood is exempted from the Law of Sacrilege at the beginning, but is subject to it after it has flowed away to the Brook Kidron’.²⁰ — I might reply: In that instance the Law of Sacrilege was applicable at the beginning

(1) Lev. VI, 3.

(2) Ibid. I, 16.

(3) Since this is mentioned in Lev. VI, 3.

(4) Viz., the east side.

(5) Ibid. The definite article is regarded as superfluous.

(6) In many editions this Mishnah is joined to the previous, of which it is a continuation, thus in Tosaf.

(7) For they may be offered when they grow older.

(8) Hul. 81a.

(9) Similarly, these turtle-doves since they will become fit after a certain period, are considered holy when dedicated even before the period is reached.

(10) V. Glos.

(11) I.e., the anonymous view of the previous Mishnah.

(12) Of which it says in Bek. 56a that they at once become sacred.

(13) In the instance of a sacrifice of cattle there is redemption in the case of disqualification by blemish; i.e., we find a precedent that even a disqualified only is holy, because a substitute can take its place. There is no such precedent in the case of a bird offering as this offering cannot be redeemed.

(14) Even in the case of such blemishes which disqualify even bird-offerings there is no redemption.

(15) The question is from pigeons which have passed the prescribed age after having been dedicated.

(16) So MS.M. cur. edd.: ‘He said to him’. I.e., although Mishnah proves that it is possible for the Law of Sacrilege to cease to operate.

(17) I.e., in my case and in that of the Mishnah. One is liable to compensation, though not to the payment of the additional Fifth.

(18) As in the instance of the turtle-doves according to the first view of the Mishnah.

(19) I.e., after they reach the prescribed age. although they had been dedicated when they were not yet of age.

(20) Supra 11a.

Talmud - Mas. Me'ilah 12b

Talmud - Mas. Me'ilah 12b

for Rab said:¹ 'The blood let from a [living] consecrated animal may not be used and is subject to the Law of Sacrilege'. [The above] text states: R. Huna² said in the name of Rab: 'The blood let from a [living] consecrated animal may not be used and is subject to the Law of Sacrilege'. R. Hammuna raised an objection:³ 'The milk of consecrated cattle and the eggs of turtledoves may not be used, but the Law of Sacrilege does not apply to them'.⁴ — He replied: The ruling applies only to blood, for one cannot live without blood,⁵ but not to milk, as one can well live without it. R. Mesharsheya raised an objection: The manure and excrements⁶ that lie in the courtyard of the Temple may not be used, but are not subject to the Law of Sacrilege. The money thereof [paid in compensation] goes to the Temple Treasury. Now why is this so, since here too there is none who exists without some quantity of digested food [in its body]?⁷ — I might reply: How can you compare these two things with one another? Excrements come from outside [the body] and when the one [quantity of food] has been excluded [from the body] another will be consumed. Different it is with blood which is part of the body. It states: '. . . may not be used, but are subject to the Law of Sacrilege and the money [thereof paid in compensation] goes to the Temple Treasury'. This offers a support of the rule of R. Eleazar. For R. Eleazar said: Wherever the Sages ruled [that a thing is] sacred yet not sacred [in every respect],⁸ the money thereof [paid in compensation] goes to the Temple Treasury. MISHNAH. THE MILK OF CONSECRATED ANIMALS AND THE EGGS OF [CONSECRATED] TURTLE-DOVES MAY NOT BE USED, BUT ARE NOT SUBJECT TO THE LAW OF SACRILEGE. THIS HOLDS GOOD ONLY FOR THINGS DEDICATED FOR THE ALTAR, BUT AS TO THINGS DEDICATED FOR TEMPLE REPAIR, IF ONE CONSECRATED [E.G.] A CHICKEN BOTH IT AND ITS EGGS ARE SUBJECT TO THE LAW OF SACRILEGE, OR [IF ONE DEDICATED] A SHE-ASS, BOTH IT AND ITS MILK ARE SUBJECT TO THE LAW OF SACRILEGE. GEMARA. Does [the restriction to things dedicated for Temple repair] imply that if dedicated [to the altar] for its value [the milk or eggs] will be exempted from the Law of Sacrilege? — Said R. Papa, a clause has been omitted [in the Mishnah] which should read as follows: 'This holds good only for things dedicated themselves for the altar; but if their value is dedicated for the altar, it is considered as if they have been dedicated for Temple repair. If one consecrated [e.g.], a chicken both it and its eggs are subject to the Law of Sacrilege, or [if one dedicated] a she-ass, both it and its milk are subject to the Law of Sacrilege'.⁹ MISHNAH. WHATSOEVER IS FIT FOR THE ALTAR

(1) Ber. 312.

(2) In the above quotation R. Huna's name is omitted.

(3) Infra.

(4) The same should apply to blood.

(5) It is therefore an integral part of the body.

(6) Of consecrated animals.

(7) I.e., it is essential for the life of the beast.

(8) I.e. it may not be used, yet is not subject to the Law of Sacrilege, in which case the mere actual value has to be repaid.

(9) Because the produce of the offering cannot be offered upon the altar, for which the animal itself is designated. It is therefore not included in the dedication. In the case of sacrifices of a minor degree of holiness the produce is of the same degree of holiness as the animal itself.

Talmud - Mas. Me'ilah 13a

AND NOT FOR TEMPLE REPAIR. FOR TEMPLE REPAIR AND NOT FOR THE ALTAR, NEITHER FOR THE ALTAR NOR FOR TEMPLE REPAIR. IS SUBJECT TO THE LAW OF SACRILEGE, HOW IS THIS? IF ONE CONSECRATED A CISTERN FULL OF WATER,¹ A MIDDEN FULL OF MANURE,² A DOVE-COTE FULL OF PIGEONS,³ A TREE LADEN WITH FRUIT,⁴ A FIELD COVERED WITH HERBS,⁵ THE LAW OF SACRILEGE APPLIES TO THEM AND TO THEIR CONTENTS. BUT IF ONE CONSECRATED A CISTERN AND IT WAS LATER FILLED WITH WATER, A MIDDEN AND IT WAS LATER FILLED WITH MANURE, A DOVE-COTE AND IT WAS LATER FILLED WITH PIGEONS, A TREE AND IT AFTERWARDS BORE FRUIT OR A FIELD AND IT AFTERWARDS PRODUCED HERBS, THE LAW OF SACRILEGE APPLIES TO THE CONSECRATED OBJECTS THEMSELVES BUT NOT TO THEIR CONTENTS, R. JOSE SAID: IF ONE CONSECRATED A FIELD OR A TREE, THE LAW OF SACRILEGE APPLIES TO THEM AND TO THEIR PRODUCE.⁶ FOR IT IS THE GROWTH OF CONSECRATED PROPERTY. THE YOUNG⁷ OF [CATTLE SET ASIDE AS] TITHE MAY NOT SUCK FROM SUCH CATTLE.⁸ SOME PEOPLE USED TO DEDICATE ON SUCH A CONDITION.⁹ THE YOUNG¹⁰ OF CON SECRATED CATTLE MAY NOT SUCK FROM SUCH CATTLE. SOME PEOPLE USED TO DEDICATE ON SUCH A CONDITION. LABOURERS¹¹ MAY NOT ENJOY OF DRY FIGS DEDICATED TO THE TEMPLE,¹² NOR MAY A COW EAT OF THE VETCH BELONGING TO THE TEMPLE.¹³ GEMARA. It says: 'THE YOUNG OF CATTLE SET ASIDE AS TITHE MAY NOT SUCK FROM SUCH CATTLE'. Wherefrom do we know this? Said R. Ahadboi, son of Ammi, It is derived from the first-born by textual analogy based on the word 'passing'¹⁴ occurring in both texts]: As the first-born¹⁵ is subject to the Law of Sacrilege, so also the milk of cattle set aside as tithe is subject to the law of Sacrilege. As to milk of consecrated cattle, it is derived from the first-born [by textual analogy based on the words] 'his mother'¹⁶ [occurring in both texts]. LABOURERS MAY NOT ENJOY etc. What is the reason?¹⁷ — Said R. Ahadboi, son of Ammi, Scripture says: Thou shalt not muzzle the ox when he treadeth out the corn;¹⁸ what he treadeth of your own,¹⁹ but not of Temple property. If one threshes [his] kela'ilin²⁰ in a field belonging to the Temple he is guilty of sacrilege.²¹ But has it not to be detached from the ground?²² — Said Rabina: This proves that the dust²³ is beneficial to it [kela'ilin]. [

(1) Fit for Temple repair only.

(2) Fit neither for the altar nor for Temple repair.

(3) Fit for the altar.

(4) Fit for the altar if it was a vine tree, whose wine may be used for libation offerings, otherwise unfit for both.

(5) Which bears a sacred character.

(6) R. Jose contends that in these two instances the produce has not come from without, but has grown naturally from the things dedicated. The produce is potentially present at the time of dedication.

(7) Which is itself not sacred, as it was born before the tithing.

(8) For the milk is sacred and may not be used by profane cattle.

(9) I.e., when cattle were taken to be tithed a condition was made to the effect that should the tithe be a female, its milk should not be consecrated, but permissible for its young.

- (10) Itself not sacred, if born before consecration.
- (11) Working in fields belonging to the Temple.
- (12) For the law that labourers may eat of fruits on which they work, Deut. XXIII, 25, applies to private property only, for the text speaks of 'the neighbour's vineyard'. v. B.M. 87a.
- (13) A cow which belongs to private property may be muzzled while thrashing the vetch of the Temple, for the law of Deut. XXV, 4 does not apply to Temple property.
- (14) I.e., occurring in Ex. XIII, 12 and Lev. XXVII, 32.
- (15) The first-born is a male animal. Its sacredness appertains to the whole body, as also in the case of tithe the sanctity attaches to the whole body, including the milk.
- (16) I.e., occurring in Ex. XXII, 29 and Lev. XXII, 27.
- (17) That a cow may not eat the vetch belonging to the Temple.
- (18) Deut. XXV, 4.
- (19) The pronoun of **ואח** is taken to refer to the owner and not to the ox.
- (20) Rashi and Tosaf.: A kind of cereall Jastrow identifies this with kela'ilin ('wool') of Men. 42b.
- (21) For using property of the sanctuary.
- (22) Only things detached from the ground are subject to the Law of Sacrilege. cf. infra 18b.
- (23) Which is detached from the ground. He is guilty for using the dust belonging to Temple property.

Talmud - Mas. Me'ilah 13b

MISHNAH. IF THE ROOTS OF A PRIVATELY OWNED TREE SPREAD INTO DEDICATED GROUND,¹ OR THOSE OF A TREE IN DEDICATED GROUND SPREAD TO PRIVATE GROUND,² THEY MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO THEM.³ THE WATER OF A WELL⁴ WHICH COMES FORTH IN A DEDICATED FIELD MAY NOT BE ENJOYED THOUGH IT IS NOT SUBJECT TO THE LAW OF SACRILEGE; WHEN IT HAS LEFT THE FIELD IT MAY BE ENJOYED.⁵ THE WATER⁶ IN THE GOLDEN JAR⁷ MAY NOT BE USED, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. WHEN IT HAS BEEN Poured INTO THE FLASK, IT BECOMES SUBJECT TO THE LAW OF SACRILEGE. THE WILLOW BRANCH⁸ MAY NOT BE USED, BUT IS NOT SUBJECT TO THE LAW OF SACRILEGE. R. ELEAZAR, SON OF R. ZADOK SAYS: THE ELDERS WERE ACCUSTOMED TO USE IT WITH THEIR PALM TREE BRANCHES. GEMARA. Said Resh Lakish: 'The law of Sacrilege does not apply' to the whole of the contents [of the jar], but the Law of Sacrilege applies to the three logs.⁹ But does it not say in the second clause: WHEN IT HAS BEEN Poured INTO THE FLASK, IT BECOMES SUBJECT TO THE LAW OF SACRILEGE, from which it follows that in the first clause the Law of Sacrilege does not apply. even with reference to the three logs? — Rather, if [Resh Lakish's statement] has been made, it has been made with reference to the second clause: IT BECOMES SUBJECT TO THE LAW OF SACRILEGE. Said Resh Lakish: This holds good only [if the flask contained] exactly three logs,¹⁰ but R. Johanan said: It applies to the whole contents. Are we then to assume that Resh Lakish holds that a definite quantity has been prescribed for the water libation? But have we not learnt: R. Eleazar said, If one offered the water libation of Tabernacles during the Festival outside the Temple Court he is culpable;¹¹ and R. Johanan in the name of Menahem of Jotapata remarked thereupon: R. Eleazar follows R. Akiba's principle who expounds 'their libations'¹² denoting that the libation of water is analogous to the libation of wine;¹³ and Resh Lakish retorted: Would you then also say: As three logs are

prescribed for wine, so also for water? Now does it not follow from this that Resh Lakish holds that no definite quantity has been prescribed for water? — No, his argument is on the view of Menahem of Jotapata!¹⁴ MISHNAH. ONE MAY NOT DERIVE ANY BENEFIT FROM A NEST WHICH IS BUILT ON THE TOP OF A DEDICATED TREE. BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. THAT WHICH IS ON THE TOP OF AN ASHERAH¹⁵ ONE FLICKS [IT] OFF WITH A REED.¹⁶ IF ONE DEDICATED A FOREST TO THE TEMPLE, THE LAW OF SACRILEGE APPLIES TO THE WHOLE OF IT.

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- (1) I.e., property of the Temple, provided the tree is less than sixteen cubits away from the field. cf. Maim. and B.B. 27b.
 - (2) And there is a distance of more than sixteen cubits between tree and field, Maim.
 - (3) For either the tree or the ground where they are found is secular property.
 - (4) The source of which is in private ground (Rashi).
 - (5) For both the source and the place whence the water is drawn are not in Temple property.
 - (6) Used for the water libation on Tabernacles.
 - (7) V. Suk. 48a. The jar was not sacred proper. tao; the water was kept therein overnight.
 - (8) Used on Tabernacles to decorate the altar; v. Suk. IV, 5. According to Maim. this refers to willows growing on dedicated ground.
 - (9) I.e., if it contains more or less than the prescribed three logs which is the quantity prescribed for the libation according to Resh Lakish. For log v. Glos.
 - (10) But if it contained more, one is not liable unless one used of the last three logs. Tosaf.
 - (11) On the score of Lev. XVII, 3f.
 - (12) Num. XXIX, 19. Tosaf. reads as in Zeb. 110b ‘and its libations’ of verse 31, where the use of the plural is indeed out of place.
 - (13) And one is subject to a prohibition if one offers the water libation outside the Temple.
 - (14) Who does not hold with Resh Lakish that three logs are prescribed for the water libation.
 - (15) A tree worshipped by the heathen, cf. Deut. XII, 3.
 - (16) But one may not climb up the tree, in order not to make use of it.

Talmud - Mas. Me'ilah 14a

GEMARA. It was stated:¹ If an idol broke to pieces by itself, R. Johanan says it is still prohibited [for use]; Resh Lakish says it is allowed. ‘R. Johanan holds it is prohibited’, because the idol worshipper has not annulled it.² ‘Resh Lakish holds it is allowed’, for [the idolator] surely thinks: If the idol did not save itself, how could it save me.³ Resh Lakish raised an objection to R. Johanan: ONE MAY NOT DERIVE ANY BENEFIT FROM A NEST WHICH IS BUILT ON THE TOP OF A DEDICATED TREE, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT. THAT WHICH IS ON THE TOP OF AN ASHERAH ONE FLICKS [IT] OFF WITH A REED. Now, does this not deal with a case where the twigs [with which the nest was built] were broken off [by the birds] from that tree itself, and yet it rules that he can flick them off with a reed?⁴ — No, the twigs were brought [by the birds] from elsewhere. If so,⁵ if [the tree was] dedicated one may not make use [of the nest] and the Law of Sacrilege does not apply to it.⁶ Hence it must deal with twigs that have however grown after [the dedication of the tree],⁷ and [our Mishnah] holds that the Law of Sacrilege does not apply to the growth of dedicated [trees]. This interpretation⁸ seems also logical, for should we say that the twigs were brought from

elsewhere, why [has the nest] to be shaken off with a reed, let it be simply taken [by hand]!⁹ — Said R. Abbahu in the name of R. Johanan: It deals indeed with twigs brought from elsewhere and the expression ONE FLICKS OFF refers to the young birds.¹⁰ Said R. Jacob to R. Jeremiah: The young birds are permitted for use¹¹ in both instances,¹² and the eggs are prohibited¹³ for use in both instances. Said R. Ashi: If the birds are [so young that they] require [the care of] their mother, they are considered like eggs. MISHNAH. IF THE TREASURERS [OF THE TEMPLE] BOUGHT TREES,¹⁴ THE TIMBER IS SUBJECT TO THE LAW OF SACRILEGE BUT NOT THE CHIPS AND THE FOLIAGE.¹⁵ GEMARA. Said Samuel: Temple buildings are built first with secular [money]. and then they are dedicated,¹⁶ (why? Because he who donates money [to the Temple Fund] declares it [forthwith] sacred)¹⁷ in that he [the Treasurer] says the sacredness of the money shall be transmitted to the building, so that the money may be paid out to the labourers as their wages.

(1) A.Z. 4b.

(2) It was not the heathen who broke the idol, it broke by itself.

(3) It is assumed that in their hearts the worshippers have abandoned this idol. It is no longer an object of worship.

(4) And, of course, used. This instance is parallel to the case in question. for the twigs were not broken by the heathen himself and thus annulled by him.

(5) Rashi has here a version similar to that of the same discussion in A.Z. 42a.

(6) Since the twigs are not from the tree belonging to Temple property, they should even be permitted for use (Tosaf).

(7) You are thus obliged to interpret the Mishnah as referring to twigs taken from the tree itself; but should you then object, in that case the difficulty would be why they were not subject to the Law of Sacrilege: It is because it deals with twigs grown after the dedication of the tree (exclusive of the ground upon which the tree grows) and such twigs are not subject to the Law of Sacrilege. The objection to R. Johanan again remains. The following passage is to be understood in parenthesis.

(8) Viz., that the twigs were from the tree itself.

(9) If the twigs are, in accordance with our interpretation. of the same tree the direct approach to the nest and its twigs may have been prohibited as a precautionary measure, lest people assume that the twigs still growing are also permitted;

(10) The twigs, however, are indeed prohibited in accordance with the view of R. Johanan.

(11) Because they can fly and are not considered as belonging to the tree.

(12) I.e., in the case of dedicated trees and an asherah.

(13) For they are considered attached to the tree.

(14) To have them prepared for building purpose for the Temple.

(15) For these are useless for building and the Treasurer, it is assumed, has not intended to impart to them the character of sacred property.

(16) The building material is bought with money belonging to private individuals or taken on credit. Also the wages for the workmen are paid from secular money or owed to them. When the building is finished it is exchanged. as a whole, against the money donated to the Temple Fund for this building. The money becomes again secular and can be used to satisfy the creditors and the labourers.

(17) If material was bought with this money, the seller of the material would be guilty of sacrilege in using the money. The same applies to the labourers.

Talmud - Mas. Me'ilah 14b

Talmud - Mas. Me'ilah 14b

An objection was raised: What was done with the surplus of the frankincense?¹ Money equivalent to the craftsmen's but if the twigs are from elsewhere there is no ground for such an assumption. wages² was set aside [from the Temple Treasury],³ [the surplus was] then exchanged against this money of the craftsmen, handed over to the craftsmen⁴ and then purchased from them with money of the new levy.⁵ Now why was [this procedure necessary]? Why not exchange the surplus against a building?⁶ — [We deal with a case where] there was no building.⁷ But does it not speak of 'the craftsmen's wages'⁸ — There was no building equivalent to the value of the surplus. But does not Samuel hold:⁹ 'If consecrated property of the value of a maneh¹⁰ has even exchanged against a perutah,¹⁰ the exchange is valid'. — [He sanctions such a transaction] after it has been done, but not at the outset. R. Papa says, This is the reason why the building has to be built with secular [money]: The Torah has not been given to ministering angels;¹¹ he [the craftsman] might wish to lie down and would lie down on them,¹² and if it was built by consecrated [money] he would as a result be guilty of sacrilege. We have learnt: IF THE TREASURERS [OF THE TEMPLE] BOUGHT TREES, THE TIMBER IS SUBJECT TO THE LAW OF SACRILEGE BUT NOT THE CHIPS AND THE FOLIAGE. But why should one trespass the law of Sacrilege? Let this too be prepared in a secular state¹³ lest one might wish to lie down on them, and would as a result be guilty of sacrilege! — Said R. Papa: If the wood is to be used at a later date it would be indeed so;¹⁴ our Mishnah refers to wood which is to be used on the same day.¹⁵ [

(1) Each year there was a surplus of frankincense. In the month of Nissn a new year began for the offering of incense. The surplus of the past year was not allowed to be used in the new year. The device mentioned here provides a method of using this surplus by repurchasing it with the money of the new levy.

(2) I.e., any wages that the Temple may owe to labourers for their work.

(3) From this money of the shekel chamber (the Lishkah) wages were permitted to be paid, but not from a donation declared holy for a special purpose.

(4) It is not essential actually to hand it over to the labourers. Somebody else may acquire it on their behalf. The incense then becomes secular property and may be re-purchased for the Temple to be used during the coming year.

(5) I.e., the newly paid shekels from which all public offerings for the coming year beginning with the first of Nisan are bought, v. Shek. IV, 5.

(6) Since, according to Samuel, the building is at first secular, why not exchange the frankincense against it and re.purchase it with the money of the new levy?

(7) No new building was erected then.

(8) Implying that some work has been done.

(9) B.M. 57b.

(10) V. Glos.

(11) I.e., we are only human beings.

(12) The bricks e.g.

(13) Let the preparation of the timber be done as non consecrated property and then purchased by the Temple Fund.

(14) As you suggest.

(15) In which case there is little likelihood that one will use it unwittingly.

Talmud - Mas. Me'ilah 15a

CHAPTER IV

MISHNAH. THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH ONE ANOTHER¹ WITH REGARD TO THE LAW OF SACRILEGE AND TO RENDER ONE CULPABLE FOR [TRANSGRESSING THE LAWS OF] PIGGUL,² NOTHAR² AND DEFILEMENT.³ THINGS DEDICATED FOR TEMPLE REPAIR⁴ CAN COMBINE WITH ONE ANOTHER.⁵ THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH THINGS DEDICATED FOR TEMPLE REPAIR WITH REGARD TO THE LAW OF SACRILEGE.

GEMARA. Since things dedicated for the altar can combine with things dedicated for Temple repair, although the one is consecrated as such and the other only for its value, was it then necessary to mention at all that things dedicated for the altar can combine with others of the same nature? — Since he had to state the addition in this connection: ‘AND TO RENDER ONE CULPABLE FOR [TRANSGRESSING THE LAWS OF] PIGGUL, NOTHAR AND DEFILEMENT’, which is inapplicable to things dedicated for Temple repair, therefore he stated this separately. Said R. Jannai: It is clear that the Law of Sacrilege applies only to things dedicated for Temple repair and to burnt-offerings.⁶ What is the reason? — Scripture says: If anyone commits a trespass [and sin in error] in the holy things of the Lord.⁷ Holy things designated wholly for God⁸ are subject to the Law of Sacrilege; but as to [other] things⁹ dedicated for the altar, of them the priests have a share and the owners have a share. We have learnt: THINGS DEDICATED FOR THE ALTAR CAN COMBINE WITH ONE ANOTHER WITH REGARD TO THE LAW OF SACRILEGE?¹⁰ — [This applies only] by Rabbinical enactment. We have learnt: ‘The Law of Sacrilege applies to the Most Holy sacrifices which were slaughtered on the south side’.¹¹ — [It is] by Rabbinical enactment. We have learnt: ‘If one derived a benefit from a sin-offering, while it was alive he has not trespassed the Law of Sacrilege unless he has diminished its substance; if while it was dead he is liable even though his benefit was of the smallest value’.¹² — By Rabbinical enactment. And by Biblical law are they indeed exempted? Has it not been taught: Rabbi says. The expression all fat is the Lord's¹³ is to include the emurim¹⁴ of sacrifices of a minor degree of holiness with regard to the Law of Sacrilege!¹⁵ — By Rabbinical enactment. But does he adduce a Biblical text [as proof]? — It is a mere exegetical support [of a Rabbinical enactment]. But does not ‘Ulla say in the name of R. Johanan: ‘Consecrated animals which died are according to Biblical law exempted from the Law of Sacrilege’.¹⁶ Now, to what does this refer? Shall I say to things dedicated for Temple repair; then the Law of Sacrilege should apply to them even after they have died; for suppose a man would dedicate a midden for Temple repair, would the Law of Sacrilege not apply to it? It must then refer to things dedicated for the altar.¹⁷ But then they should not¹⁸ be subject to sacrilege by Biblical law! — Rather what the School of R. Jannai taught was that from that text¹⁹ you can only derive things dedicated for Temple repair; but things dedicated for the altar you cannot derive from it.²⁰ [

(1) To make up the requisite legal size of an olive's bulk, or, in reference to sacrilege, the required legal value of a perutah.

(2) V. Glos.

(3) V. supra p. 17.

- (4) I.e., the Temple treasury.
- (5) With reference to sacrilege only. as the other laws are not applicable to them.
- (6) [Var. lec. omit 'and to burntofferings'. This is the correct reading as is shown by the second version of R. Jannai's statement at the end of this passage.]
- (7) Lev. V, 15.
- (8) Viz., the burnt-offering which is wholly offered on the altar.
- (9) E.g., the sin-offering and the guilt-offering.
- (10) Obviously referring to all sacrifices, in contradiction to R. Jannai.
- (11) Supra 2a.
- (12) Infra 18a.
- (13) Lev. III, 16.
- (14) V. Glos.
- (15) Tem. 32b.
- (16) Supra 12a.
- (17) From 'Ulla's statement we learn that before they died they were subject to sacrilege by Biblical law.
- (18) According to R. Jannai's view.
- (19) Viz., Lev. V, 15.
- (20) But from Lev. III, 16.

Talmud - Mas. Me'ilah 15b

MISHNAH. FIVE THINGS IN A BURNT-OFFERING CAN COMBINE WITH ONE ANOTHER: THE FLESH, THE FAT,¹ THE FINE FLOUR, THE WINE AND THE OIL;² AND SIX IN A THANKOFFERING: THE FLESH, THE FAT, THE FINE FLOUR, THE WINE, THE OIL AND THE BREAD. GEMARA. R. Huna recited to Raba: 'Five things in the world³ can combine with one another'. Said the latter: Did you say 'in the world'? Does not the Mishnah teach of a thank-offering: AND SIX IN A THANK-OFFERING: THE FLESH, THE FAT, THE FINE FLOUR, THE WINE, THE OIL AND THE BREAD? — The other replied: Read 'in a burnt-offering'.⁴ We have thus learnt here what our Rabbis have taught: '[The flesh of] a burnt-offering and the sacrificial portions thereof⁵ can combine to make up [the requisite size of] an olive [to render one liable] for offering them outside [the Temple Court] and to render one culpable for [transgressing the laws of] piggul, nothar and defilement'. It speaks of a burnt-offering and does apparently not apply to a peace-offering. This is right as far as offering outside the Temple Court is concerned, for with a burnt-offering which is wholly offered the emurim⁶ can be combined;⁷ but with [the flesh of] a peace-offering⁸ it can rightly not be combined. But with regard to [the transgression of the laws of] piggul nothar and defilement, why should one not be guilty in the case of a peace-offering?⁹ Have we not learnt: 'All kinds of piggul can combine with one another and all kinds of nothar can combine with one another'?¹⁰ — Read, therefore: The flesh of a burnt-offering and the emurim thereof can combine with one another to make up an olive-size so that the blood can be sprinkled on account of them,¹¹ and it represents the opinion of R. Joshua. For we have learnt:¹² R. Joshua said, With all other sacrifices of the Torah the blood can be sprinkled only if an olive-size of flesh or an olive-size of fat was left; if half an olive-size of flesh and half an olive-size of fat were left the blood cannot be sprinkled. With a burnt-offering, however, the blood can be sprinkled even if half an olive-size of flesh and half an olive size of fat were left, because it is all offered upon the altar. And with a meal-offering, even

if it has wholly been preserved. the blood cannot be sprinkled. How does the meal-offering come in?¹³ — Said R. Papa: [It refers to] a meal-offering which accompanies a beast sacrifice.¹⁴ MISHNAH. TERUMAH,¹⁵ TERUMAH OF THE TITHE,¹⁶ TERUMAH OF THE TITHE SEPARATED FROM DEM'AI,¹⁷ HALLAH¹⁸ AND FIRST-FRUITS CAN COMBINE WITH ONE ANOTHER TO MAKE UP THE SIZE REQUIRED TO RENDER OTHER THINGS¹⁹ FORBIDDEN AND TO BE LIABLE TO THE PAYMENT OF A Fifth.²⁰ ALL KINDS OF PIGGUL CAN COMBINE WITH ONE ANOTHER AND ALL KINDS OF NOTHAR CAN COMBINE WITH ONE ANOTHER. GEMARA. What is the reason that hallah and first-fruits can combine? — All these are called by the term 'terumah'. Of hallah it reads, of the first of your dough you shall set apart terumah.²¹ The first-fruits are also called terumah, for we have learnt: The expression, and the terumah of thy hand²² refers to first fruits.²³ While the other instances²⁴ of the Mishnah need no proof. MISHNAH. ALL KINDS OF NEBELAH²⁵ CAN COMBINE WITH ONE ANOTHER,²⁶ AND ALL KINDS OF REPTILES CAN COMBINE WITH ONE ANOTHER.²⁶ GEMARA. Said Rab:

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- (1) The fat parts which were offered on the altar.
 - (2) The latter three are from the accompanying meal-offering
 - (3) Meaning there are in connection with all offerings only five things.
 - (4) **vkugc** instead of **okugc** 'in the world'.
 - (5) Thus the version of Zeb. 109a and of Rashi. Cur. edd. read: burnt-offerings and emurim, v. Glos.
 - (6) Which are always offered upon the altar.
 - (7) With the other parts of the flesh.
 - (8) The flesh is eaten by the owner and the priests. In this case they can, of course, not combine the emurim when offered outside the Temple.
 - (9) When the legal size was accomplished through a combination of the different parts thereof.
 - (10) V. infra.
 - (11) Thus the version of Tosaf. and Rashi. Cur. edd. add.: And since they can combine with regard to sprinkling, one is guilty . . . and whose view is this? If the flesh of a burnt-offering is lost, the blood can be sprinkled only if an olive-size of the offering is left. Now, this olive-size may be composed of flesh and emurim.
 - (12) Tosef. Zeb. IV, 3.
 - (13) I.e., how does the sprinkling come in connection with a meal-offering.
 - (14) Lit., 'a meal-offering of libation', because this is the only kind of meal-offering which requires wine for libation. V. Num. XV, 5f. I might have thought that the blood of the offering can be sprinkled if nothing but the accompanying meal-offering is preserved, hence we are told that it is not so.
 - (15) The priest's share of the ingathering of the field. v. Ter. IV, 3. v. Glos.
 - (16) The Levite's contribution to the priest.
 - (17) I.e., produce of the field about which there is a suspicion that they have not been tithed properly, v. Glos.
 - (18) The portion of the dough set aside for the priest. V. Num. XV, 20 and Glos.
 - (19) If common food is mixed with them in a proportion which is no less than a hundred to one (the required proportion of each of them), they are wholly forbidden to a non priest.
 - (20) If one has eaten unwittingly the value of at least a perutah, one is liable to the payment of an additional Fifth. V. Ter. I, 1.
 - (21) Num. XV, 20.
 - (22) Deut. XII, 17.
 - (23) Pes. 37b.

- (24) The first three mentioned in our Mishnah.
- (25) v. Glos.
- (26) To make up the required legal size of an olive.

Talmud - Mas. Me'ilah 16a

This¹ has been taught only with reference to defilement,² but with regard to eating, clean animals³ form one group for themselves and unclean animals⁴ another. And Levi said: Also in regard to eating do they all combine with one another.⁵ And R. Assi said: Clean animals for themselves and unclean for themselves. Some say he differs from Rab,⁶ while others say he does not differ from him.⁷ An objection was raised: [The flesh of] a dead cow⁸ and a living camel⁹ cannot combine with one another, from which it follows that if both, however, were dead their flesh would combine. Does this not contradict R. Assi?¹⁰ — No, refer thus: But if both were alive they could combine; and this would be in agreement with R. Judah's view who holds¹¹ that the prohibition to eat a limb [cut off] from a living creature¹² applies also to unclean animals. But what would be the case if both were dead? Could they not combine? If so, why just instance¹³ 'the flesh of a dead cow and a living camel',¹⁴ surely even if both were dead they could not combine? And furthermore, have we not learnt: 'Half an olive size [of the flesh] of a living cow and half an olive-size of that of a dead camel cannot combine with one another, but half an olive size of the flesh of a cow and half an olive-size of that of a camel can combine with one another if both are alive or both dead'. There would be a contradiction between the opening clause¹⁵ and the concluding. You must therefore come to the conclusion that in the case of both animals being dead they can combine with one another!¹⁶ — R. Assi would reply: This Tanna holds that a prohibition can apply to something that has been prohibited already by reason of another prohibition.¹⁷

(1) Viz., the first clause.

(2) V. Lev. XI, 39. An olive's bulk conveys uncleanness.

(3) Which, if they died of themselves, or if slaughtered not according to ritual, are prohibited as nebelah, v. Deut. XIV, 21.

(4) Which even if not slaughtered according to ritual are prohibited only by reason of their uncleanness, v. Lev. XI, 8, but do not come under the category of nebelah, according to the principle that a prohibition cannot take hold of something which has already been forbidden.

(5) He holds that unclean animals not slaughtered according to ritual do come under the category of nebelah.

(6) I.e., he is assumed to relate also to defilement.

(7) But refers to eating only.

(8) I.e., the nebelah of a clean animal.

(9) Cut off while the camel was alive. A camel is an unclean animal.

(10) According to the first explanation of R. Assi's statement, Rashi: Rab is not contradicted as this statement might refer to defilement.

(11) Hul. 101b.

(12) Gen. IX, 4.

(13) Lit., 'what was (the idea) that he rushed and instanced . . . '.

(14) In the concluding clause of the previous statement.

(15) If your inference be right.

(16) Contradicting R. Assi.

(17) While his statement is following the view that such a prohibition cannot take effect.

Talmud - Mas. Me'ilah 16b

Said R. Judah in the name of Rab: As to the eating of unclean reptiles, one is liable to the penalty of lashes only when one has consumed an olive-size.¹ Why? Because the expression 'eating'² is used in that connection. But did not R. Jose son of R. Hanina recite before R. Johanan: [It is written]: Ye shall therefore separate between the clean beast and the unclean and between the unclean fowl and the clean and ye shall not make your souls³ detestable by beast or by fowl or by anything wherewith the ground teemeth, which I have set apart for you to hold unclean.⁴ Scripture speaks at the beginning of eating and ends with defilement, in order to indicate that as with reference to defilement the lentil is the standard size so also with regard to eating. Whereupon R. Johanan praised him. Now, does this not contradict Rab's ruling? — No, there is no difficulty, for the one⁵ deals with reptiles while they are dead⁶ the other while they are alive. But, said Abaye to him, does not Rab refer his statement to the Mishnah⁷ and our Mishnah speaks of ALL REPTILES, [apparently] even though they are dead? — Replied R. Joseph: This⁸ is your assumption. The fact is that Rab made an independent statement. [It said]: 'R. Johanan praised him'.⁹ To this an objection was raised. [We have learnt]: 'There is no standard size for entire limbs [of unclean animals]. Even less than an olive-size of nebelah and less than a lentil-size of a reptile effect defilement',¹⁰ And R. Johanan remarked: The penalty of lashes, however, is inflicted only for an olive-size!¹¹ — Said Raba: Scripture speaks only of those that are separated.¹² Said R. Adda son of Ahabah, to Raba: If so, why not draw a distinction also with reference to beasts between those that are separated¹³ and those that are not separated?¹⁴

(1) Unlike defilement where the lentil-size suffices.

(2) Viz., Ye shall not eat them, for they are a detestable thing, Lev. XI, 42. The rule is that wherever 'eating' is used the standard size is an olive.

(3) 'Make your souls detestable' is understood, through eating.

(4) Lev. XX, 25.

(5) Viz., R. Jose.

(6) And effect defilement in which case a comparison may be drawn between eating and defilement, making a lentil's bulk the standard quantity.

(7) Cur. edd. insert here in parenthesis the following text which pseudo-Rashi declares to be incomprehensible: 'and not a little from here and a little from there'.

(8) That Rab was referring to our Mishnah.

(9) Thus agreeing that a lentil is the standard size for the eating of reptiles, and that one is then liable to lashes.

(10) Oh. I, 7.

(11) R. Johanan thus contradicts himself, as this dictum is taken to refer to dead reptiles in analogy to nebelah, and yet an olive-size is required.

(12) The former dictum of R. Johanan according to which the standard size for the eating of reptiles is a lentil refers to the eight reptiles which have been singled out in Lev. XI, 29f for their uncleanness, and whose standard size with regard to defilement is a lentil; while the latter saying of R. Johanan relates to other reptiles which do not effect uncleanness, so that no analogy can be drawn between eating and defilement with regard to the legal size. This dictum of R. Johanan is not to be taken as comment on the Mishnah quoted from Oh. which explicitly

mentions uncleanness in connection with reptiles and must therefore relate to the eight reptiles, but as a statement made independently by him.

(13) I.e., clean animals.

(14) I.e., the unclean. The fact that Lev. XX, 25 mentions beasts and reptiles side by side intimates an analogy between these two kinds. Also in the case of beasts, therefore, should some distinction be made as to the standard size between those that are separated and the standard quantity of those that are not separated, an olive-size being prescribed only with regard to the former; but as to the latter, a greater quantity should be required, e.g., that of an egg.

Talmud - Mas. Me'ilah 17a

— He replied to him: The Divine Law compares them with reference to the prohibition of 'you shall not make your souls detestable',¹ but not with regard to standard sizes.² MISHNAH. THE BLOOD OF A REPTILE AND THE FLESH [THEREOF] CAN COMBINE WITH ONE ANOTHER.³ R. JOSHUA LAID DOWN THE GENERAL RULE: ALL THINGS THAT ARE ALIKE BOTH IN RESPECT OF [DURATION OF] UNCLEANNESS⁴ AND IN RESPECT OF THEIR STANDARD SIZE⁵ CAN COMBINE WITH ONE ANOTHER. THINGS, HOWEVER, THAT ARE ALIKE IN RESPECT [OF DURATION] OF UNCLEANNESS BUT NOT IN RESPECT OF SIZE, IN RESPECT OF SIZE BUT NOT IN RESPECT [OF DURATION] OF UNCLEANNESS, OR [IF THEY ARE ALIKE] NEITHER IN RESPECT [OF DURATION] OF UNCLEANNESS NOR IN RESPECT OF SIZE, CANNOT COMBINE WITH ONE ANOTHER. GEMARA. Said R. Hanin in the name of R. Zeira, and thus said also Rab Judah:⁶ Only the blood and the flesh of the same reptile [can combine with one another]. R. Jose son of R. Hanina demurred to this: The expression, they that are unclean,⁷ is to teach us that reptiles can combine one with the other: one reptile with another, reptile or [flesh of] reptile with blood, whether they are of one denomination or two denominations!⁸ — Said R. Joseph, There is no contradiction. The one ruling⁹ refers to a whole creature¹⁰ the other to a part thereof. Wherefrom do you know [to make such distinction]? — From what has been taught:¹¹ 'If [the blood]¹² was poured out on a pavement, which was a sloping place, and he overshadowed¹³ a portion he remains clean, if he overshadowed the whole thereof he is unclean'. Now, what does 'a portion' mean? Shall I say, a portion [of the standard quality of blood]?¹⁴ But did not R. Hanina¹⁵ say in the name of Rabbi: 'If one stirred¹⁶ the exact quantity of a fourth of a log of blood he remained clean'.¹⁷ You must therefore conclude [that a distinction has to be made in the following manner]: In the one instance the blood came from a whole body, in the other from a portion thereof.¹⁸ This indeed proves it. R. Mathia b. Heresh once asked R. Simeon b. Yohai, in Rome: Wherefrom do we know that the blood of reptiles is unclean? — He replied: Because it is written: And these are they that are unclean.¹⁹ His disciples then said to him: The son of Yohai has grown wise. Said he to them: This is a teaching prepared in the mouth of R. Eleazar son of R. Jose.²⁰ For the Government²¹ had once issued a decree that [Jews] might not keep the Sabbath, circumcise their children, and that they should have intercourse with menstruant women. Thereupon R. Reuben son of Istroboli cut his hair in the Roman fashion,²² and went and sat among them.²³ He said to them: If a man has an enemy, what does he wish him, to be poor or rich? They said: That he be poor. He said to them: If so, let them²⁴ do no work on the Sabbath so that they grow poor. They said: 'He speaketh rightly',²⁵ let this decree be annulled. It was indeed annulled. Then he continued: If one has an enemy, what does he wish him, to be weak or healthy? They answered:

Talmud - Mas. Tamid 25b

CHAPTER I

MISHNAH .¹ IN THREE PLACES THE PRIESTS KEEP WATCH IN THE TEMPLE,² IN THE CHAMBER OF ABTINAS,³ IN THE CHAMBER OF THE SPARK,⁴ AND IN THE FIRE CHAMBER.⁵ IN THE CHAMBER OF ABTINAS AND IN THE CHAMBER OF THE SPARK THERE WERE UPPER CHAMBERS WHERE THE YOUTHS⁶ KEPT WATCH. THE FIRE CHAMBER WAS VAULTED.⁷ IT WAS A LARGE ROOM SURROUNDED WITH STONE PROJECTIONS,⁸ AND THE ELDERS OF THE BETH AB⁹ USED TO SLEEP THERE,¹⁰ HAVING WITH THEM THE KEYS OF THE AZARAH. THE PRIESTLY NOVITIATES¹¹ USED TO PLACE EACH ONE HIS PILLOW¹² ON THE GROUND.¹³ THEY DID NOT SLEEP IN THEIR SACRED GARMENTS, BUT THEY USED TO TAKE THEM OFF [AND FOLD THEM]¹⁴ AND PLACE THEM UNDER THEIR HEADS AND COVER THEMSELVES WITH THEIR OWN ORDINARY CLOTHES. IF AN ACCIDENT¹⁵ HAPPENED TO ONE OF THEM, HE USED TO GO OUT AND TAKE HIS WAY

(1) In current editions the pagination of the Tractate begins with 25b in continuation of Kinnim which follows on the Tractate Me'ilah.

(2) Not that the Temple or its contents needing guarding, according to the belief of the Sages. but as a mark of honour.

(3) Abtinah (= E**) is mentioned elsewhere (Yoma, 38a) as the head of the family which had the secret of making the incense, and apparently it was made in this chamber, which was on the south-east of the Azarah, or altar court.

(4) The reason of this name is not known for certain. Asheri suggests that it was so called because it was open to the rays of the sun. Another suggestion is, because a glimpse of the altar fire could be caught from it.

(5) So called because a fire was kept burning in it for the benefit of the priests who had to minister barefooted on the stone floor and wearing only one linen garment. These two rooms were on the north-west of the Azarah.

(6) Who were not yet quite old enough to minister. They were, however, allowed to keep watch.

(7) For this reason it had no upper chamber over it.

(8) Which could serve as steps to mount the wall,

(9) Lit., 'the father's house'. The priests were divided into family groups of 'fathers' houses' which ministered in rotation. The 'father's house' mentioned here is the one which was to minister next day.

(10) On these ledges or projections. They were not allowed to sleep inside, which would be consecrated ground.

(11) Lit., 'flowers of the priesthood'; young priests who had just commenced to minister.

(12) V. infra p. 5, n. 1.

(13) And not on beds.

(14) Reading as in the Mishnayoth.

(15) Euphemism for a seminal issue.

Talmud - Mas. Tamid 26a

DOWN THE WINDING STAIR¹ WHICH WENT UNDER THE BIRAH,² AND WHICH WAS LIT BY LIGHTS ON EACH SIDE UNTIL HE REACHED THE BATHING PLACE. THERE

WAS A FIRE CLOSE BY AND A SUPERIOR PRIVY. ITS SUPERIORITY LAY IN THIS: IF HE FOUND IT LOCKED, HE KNEW THERE WAS SOMEONE THERE; IF IT WAS OPEN, HE KNEW THERE WAS NO ONE THERE. HE WOULD GO DOWN AND BATHE AND THEN COME UP AND DRY HIMSELF AND WARM HIMSELF IN FRONT OF THE FIRE, AND THEN GO AND TAKE HIS SEAT NEXT TO HIS BROTHER PRIESTS UNTIL THE GATES WERE OPENED, WHEN HE WOULD TAKE HIS DEPARTURE.³ ANYONE WHO DESIRED TO REMOVE THE ASHES FROM THE ALTAR USED TO RISE EARLY AND BATHE BEFORE THE SUPERINTENDENT⁴ CAME. AT WHAT TIME DID THE SUPERINTENDENT COME? HE DID NOT ALWAYS COME AT THE SAME TIME; SOMETIMES HE CAME JUST AT COCK-CROW, SOMETIMES A LITTLE BEFORE OR A LITTLE AFTER. THE SUPERINTENDENT WOULD COME AND KNOCK AND THEY WOULD OPEN FOR HIM, AND HE WOULD SAY TO THEM, LET ALL WHO HAVE BATHED COME AND DRAW LOTS. SO THEY DREW LOTS, AND ONE OR OTHER WAS SUCCESSFUL.⁵

GEMARA. Whence [in the Scripture] is this rule derived?⁶ — Abaye replied: Scripture says, And those that were to pitch before the tabernacle eastward, before the tent of meeting toward the sunrising, were Moses and Aaron and his sons, keeping the charge of the sanctuary, even the charge for the children of Israel.⁷ We say, Yes; we have found a basis for the rule of watching, and that it requires priests and Levites. But the Mishnah states:⁸ The priests keep watch in three places and the Levites in twenty-one; [furthermore] whereas Scripture places priests and Levites⁹ together the Mishnah places them separately. — We reply: What it means is this: ‘Those that were to pitch before the tabernacle eastward, before the tent of meeting toward the sunrising, were Moses’; and then, ‘Aaron and his sons keeping the charge of the sanctuary — Aaron in one place and his sons in two places.¹⁰ Whence do you learn [that priests and Levites are separate]? — Because it is written ‘those that were to pitch’ and it is written ‘keeping’ which implies, that those who pitched and those who kept were separate. But I may still say that all [of those who kept] were in one place? — Do not imagine such a thing. Just as Moses was in one place by himself, so Aaron and his sons were each in one place by themselves. R. Ashi said: This can be learnt from the latter part of the verse, [from the words] keeping the charge . . . even the charge.¹¹

(1) Heb. mesibbah, something winding. Perhaps only a gangway is meant, not a stair.

(2) Lit., ‘palace’ or ‘fortress’, some part of the Temple buildings, the exact nature of which is not known. The word is sometimes used to designate the whole of the Temple, but it does not seem to have that meaning here. V. Yoma 2a.

(3) Because although he had bathed he did not become really clean and consequently not allowed to enter the Azarah, until sunset.

(4) Memunneh, lit., ‘the appointed one’, v. Sanh. (Sonc. ed.) p. 91, n. 11.

(5) Only one was required to remove the ashes.

(6) That the priests should keep watch.

(7) Num. III, 38. Moses here represents the Levites and Aaron the priests.

(8) Mid. ad init.

(9) Moses representing the Levites.

(10) This is a second lesson to be derived from the text.

(11) The repetition of the word ‘charge’ shows that the watching was to be in several places.

Talmud - Mas. Tamid 26b

In regard to the Chamber of Abtinah and the Chamber of the Spark, the question was asked in the Academy. Were they actually upper chambers¹ or were they perhaps simply raised like upper chambers?² — Come and hear; for we have learnt:³ In the north was the Chamber of the Spark, built like a veranda,⁴ and there was an upper chamber on top of it, and the priests kept watch above and the Levites below,⁵ and it had a doorway to the non-sacred part. Whence is this rule⁶ derived? — Because our Rabbis have taught: That they [the Levites] may be joined unto thee [Aaron] and minister unto thee.⁷ The text speaks of thy [Aaron's] service.⁸ You say, The text speaks of thy service. May it not perhaps be of their service?⁹ When it says, And they shall be joined unto thee and keep the charge of the tent of meeting,¹⁰ this disposes of their service. What then do I make of That they may be joined unto thee and minister unto thee? The text must speak of thy service. How is this to be carried out? The priests watch above and the Levites below. THE FIRE CHAMBER WAS VAULTED AND IT WAS A LARGE ROOM. But was there only one watch kept in the Fire Chamber? This is opposed to [the following statement]: There were two gates in the Fire Chamber, one opening on to the Hel and one opening on to the Azarah. R. Judah said: In the doorway opening on to the Azarah there was a small wicket through which they used to go in to inspect the Azarah?¹¹ Abaye said: Since the gates were close to one another,¹² one watchman was sufficient, as he could glance from one to the other. [IT WAS] SURROUNDED WITH STONE PROJECTIONS. What were these projections? — They were the hewn slabs of the projections by which they used to climb up to the projections.¹³ But were there any hewn stones there, seeing that it is written, For the house when it was in building was built of stone made ready etc.¹⁴ — Abaye replied: They were brought ready prepared. smaller stones and larger stones, as it says, Stones of ten cubits and stones of eight cubits.¹⁵ THE ELDERS OF THE BETH AB SLEPT THERE. Why so? Why could they not take in beds? — Abaye replied: It would not be respectful to take beds into the Temple. THE PRIESTLY NOVITIATES PUT EACH HIS PILLOW¹⁶ ON THE GROUND. Why are they first called 'youths' and then

(1) This seems to show that the proper reading in the Mishnah is not, In the Chamber of Abtinah . . . were upper stories, but The Chamber . . . were upper stories; v. Sh. Mek. on the Mishnah.

(2) The meaning of the question is, Did they have actual chambers below them, or were they simply raised some way above the ground, like upper chambers?

(3) Mid. ad init.

(4) Open on one or more sides.

(5) This shows that it was actually an upper chamber.

(6) That the priests watch above and the Levites below.

(7) Num. XVIII, 2.

(8) E.g. watching, which was primarily a function of the priests.

(9) Viz., carrying the sacred vessels'

(10) Ib. 4.

(11) The superintendent went through to see that no one was asleep in the Azarah. v. Mid. 1, 7. And since there were two gates, presumably there were two watchers!

(12) Being both near the junction of the Azarah and the Hel in the eastern wall. Or perhaps he means that they

exactly faced one another in opposite walls.

(13) The elders used to sleep on projections let into the wall, to which they climbed up by means of the slabs.

(14) I Kings, VI, 7.

(15) Ibid VII, 10.

(16) It is doubtful whether the correct reading is kesutha (his garment) as here, or kisto (his pillow) as above in the Mishnah.

Talmud - Mas. Tamid 27a

novitiates'? — They replied: That is quite right. In the first passage, which speaks of those who have not yet become qualified to minister,¹ they are called 'youths'; in the second clause which speaks of those who have become qualified to minister, they are called 'novitiates'. We have learnt elsewhere:² In three places the priests keep watch in the Temple — in the Chamber of Abtinah, in the Chamber of the Spark, and in the Fire Chamber, and the Levites in twenty one places — five at the five gates of the Temple Mount, four at its four corners, on the inside, five at the five gates of the Azarah and four at its four corners on the outside, one in the Offering Chamber, one in the Chamber of the Veil, and one behind the place of the Mercy Seat. On what Scriptural text was this practice based? — Rab Judah from Sura replied — according to others, it is taught in a Baraita: Because it is written: Eastward were six Levites, northward four a day, southward four a day, and for the Storehouse [asuppim] two and two. For the Precinct [Parbar] westward four at the causeway and two at the Precinct.³ But, it was observed, that makes twenty-four? — Abaye replied: We must understand thus: For the two asuppim⁴ there were two. That still leaves twenty-two? — At the parbar there was properly only one watchman, and the other merely went and sat by him for company, because he was far outside.⁵ What is the meaning of parbar? — Rabbah, son of R. Shilah replied: It is as if one said, Towards the outside [clape bar]. If you like I can say that there were really twenty-four places, as stated in the text, three of them for priests and twenty-one for Levites. But the text says here 'Levites'? This is explained by R. Joshua b. Levi; for R. Joshua b. Levi said: In twenty-four places 'priests' are called Levites, and this is one of them,⁶ viz., But the priests the Levites, the sons of Zadok.⁷ 'Five at the five gates of the Temple Mount and four at its four corners on the inside, five at the five gates of the Azarah and four at its four corners on the outside'. Why in the case of the Temple Mount are they placed on the inside and in the case of the Azarah on the outside? — They replied: On the Temple Mount,⁸ if the watchman feels tired and wants to sit down, he may sit, and therefore he is placed on the inside, but in the Azarah, if he feels tired and wants to sit down he may not sit, since a Master has said that sitting is not allowed in the Azarah save only to kings of the House of David; therefore they are Placed on the outside. The Master said: 'Five at the five gates of the Azarah'. Were there then only five gates in the Azarah? This seems to contradict the following:⁹ There were seven gates in the Azarah, three on the north, three on the south, and one on the east! — Abaye said: Two of them did not require to be watched.¹⁰ Raba said: There is a difference of Tannaim on this point, as it has been taught:¹¹ There must not be less than thirteen treasurers [attached to the Azarah] and seven supervisors. R. Nathan said: There must be not less than thirteen treasurers corresponding to the thirteen gates. Subtract five for the Temple Mount, and eight are left for the Azarah. We see therefore that there is a Tanna who says there were eight, and one who says there were seven, and one who says there were five. **THEY DID NOT SLEEP IN THEIR SACRED GARMENTS** etc. It was sleeping which was forbidden, but they used to

walk about in them. You may infer from this that the priestly garments could be made general¹² use of! — It was replied: In fact walking about in them was also forbidden, and the reason why the Mishnah says simply that they did not sleep in them was because it was going to say subsequently, **BUT THEY TAKE THEM OFF AND FOLD THEM AND PLACE THEM UNDER THEIR HEADS**. Therefore it says in the first clause also **THEY DID NOT SLEEP IN THEM**. But your explanation itself involves a difficulty. **THEY PLACE THEM UNDER THEIR HEADS**: this shows that general use may be made of the priestly garments? — Read, Opposite their heads. R. Papa said: We may infer from this that it is allowed to place tefillin at one's side [when sleeping] and we are not afraid that perhaps one will roll over and fall on them. It is reasonable to suppose that what is meant is opposite the head. For if you say 'under the head' even granting that they may be made general use of, it should still be forbidden on the ground of mixed kinds.¹³

(1) Having not yet reached the age of puberty.

(2) Mid. ad init.

(3) I Chron. Xxvi, 17, 18.

(4) It is doubtful how Abaye understood this word: perhaps 'extra chambers' from the root asaf to add, v. Asheri.

(5) I.e., at a distance from the Azarah.

(6) I.e. the clearest of them.

(7) Ezek. XLIV, 15.

(8) The precincts of the Temple outside of the Courts.

(9) Mid. I, 4.

(10) This apparently refers to the gates in the Chamber of the Spark and the Fire Chamber which were guarded by priest.

(11) Shek. V, 2.

(12) V. Yoma 69a.

(13) Contained in the priestly garments. It is forbidden to lie on such.

Talmud - Mas. Tamid 27b

. This argument is valid for one who says that the girdle of the high priest was not the same as the girdle of the ordinary priest.¹ But if one holds that the girdle of the ordinary priest is the same as that of the high priest, what is there to say? And should you allege that mixed kinds are forbidden only for putting over and putting on, but there is no objection to folding them under one, has it not been taught: Neither shall there come upon thee [a garment of two kinds of stuff];² you may, however, spread it under you. The Sages, however, said that it is forbidden to do this, for fear that a thread may wind itself round his body. And should you argue that there is something separating, behold, R. Simeon has said in the name of Joshua b. Levi who had it from R. Jose b. Saul in the name of the holy congregation in Jerusalem, that even if there are ten coverings one on top of another and mixed kinds under them, it is forbidden to sleep on them. We must then conclude that what is meant is opposite the head. Alternatively, I may say that the Mishnah speaks of those garments in which there are no mixed kinds. R. Ashi said: The priestly garments were hard;³ since R. Huna the son of R. Joshua said: This hard fabric made in Naresh⁴ is permitted.⁵ (Come and hear: It is forbidden to go out into the town in priestly garments, but it is permissible to walk about in them in the Temple whether at the time of service or otherwise, since the priestly

garments may be made general use of. This is conclusive. But not in the town? Has it not been taught: ‘On the twenty-first of this month is the day of Mount Gerizim on which it is forbidden to mourn, as we find in Yoma⁶ in the section ‘The High priest used to come’ etc. up to ‘If you like I can say they are fit for the priestly garments’.⁶ Or if you like I can say ‘When it is a time to act for the Lord they break Thy Law’).⁷ IF AN ACCIDENT HAPPENED TO ONE OF THEM etc. This supports the view of R. Johanan who said that the subterranean passage possessed no sanctity, and that a baal ker⁸ is sent out of two camps.⁹ WITH LIGHTS BURNING ON EACH SIDE etc. R. Safra was once sitting in a privy when R. Abba came and gave a cough,¹⁰ whereupon R. Safra said, pray, enter, Sir. When he came out, R. Abba said to him: Though you have not got as far as a he-goat¹¹ you have learnt the manners of a he-goat. Have we not learnt as follows: IF HE FOUND IT LOCKED, HE KNEW THAT THERE WAS SOMEONE INSIDE? This was to signify that he ought not to have gone in.¹² R. Safra, however, thought that perhaps it would be dangerous for him to wait, as it has been taught: R. Simeon b. Gamaliel says: To hold back faeces brings on dropsy; to hold back urine brings on jaundice. Rab said to his son Hiyya — and so also said R. Huna to his son Raba — attend to your needs at nightfall and before daybreak,¹³ so that you shall not need to go a long way.¹⁴ Sit first and then Uncover, and cover first and then rise. Wipe [the cup] before drinking and wipe again before putting it down; and when you drink water, pour out some before giving [the cup] to your disciple,¹⁵ as it has been taught: A man should not drink water and hand [the cup] to his disciple unless he first pours some out. It happened once that a man drank some water and without pouring any out gave [the cup] to his disciple. The disciple was squeamish and did not like to drink, and he died of thirst. There and then they laid down a rule that a man should not drink and give [the cup] to his disciple without pouring some out. R. Ashi said: Consequently if a disciple pours out in front of his teacher, this shows no disrespect. Do not spit anything out in front of your teacher except pumpkin and leek, for they are like molten lead.¹⁶ We have learnt elsewhere:¹⁷ The officer of the Temple Mount used to go round to every watch with torches burning before him, and if any watchman did not rise and say, Officer,

(1) The girdle of the high priest contained both wool and linen. Another reading is: The girdle of the high priest was the same etc. The reference will then be to the girdle worn by the high priest on the Day of Atonement which was of linen only; v. Yoma 69a.

(2) Lev. XIX, 19.

(3) And therefore it was permitted to lie on them.

(4) Near Sura.

(5) Because there is no danger of a thread coming loose.

(6) 69a, from which this whole discussion is taken.

(7) The passage in brackets is obviously a marginal gloss which has crept into the text.

(8) V. Glos.

(9) Viz., of the Shechinah and of the Levites. This second statement of R. Johanan is quite independent of the first, and has no connection with the present passage.

(10) So as to ascertain if anyone was inside.

(11) Lit. ‘gone up to a he-goat’ (or perhaps ‘satyr’). V. Ber. (Sonc. ed.) 62b, p. 391, n. 12.

(12) But R. Safra ought to have coughed as a warning to him to stay outside.

(13) When there are no people about.

(14) To the privies in the fields.

(15) So as to cleanse the rim. In the case of wine it would be wasteful to pour out.

(16) Lit., 'a wick of lead'. I.e., the spittle formed by them, if swallowed, burns the inside.

(17) Mid. I, 2.

Talmud - Mas. Tamid 28a

I greet you, it was a proof that he was asleep,¹ and he would beat him with his stick. He was also permitted to burn his clothes. The others would say, What noise is that in the Azarah? It is the cry of a Levite who is being beaten and whose garments are being burnt because he was asleep at his post. R. Eliezer b. Jacob said: Once they found my mother's brother asleep and they burnt his clothes. R. Hiyya b. Abba said: When R. Johanan came to this Mishnah he used to say: Happy were the former generations who punished even for being overpowered by sleep; how much more then when there was no overpowering as of sleep!² It has been taught: Rabbi says: Which is a right way that a man should choose? Let him love reproof, since as long as there is reproof in the world ease of mind comes to the world, good and blessing come to the world, and evil departs from the world, as it says, But to them that are reprov'd shall come delight; and a good blessing shall come upon them.³ Some say: Let him have scrupulous honesty,⁴ as it says, Mine eyes are upon the faithful of the land that they may dwell with me,⁵ etc. R. Samuel b. Nahmani said in the name of R. Jonathan: Whoever reproves his neighbour for a purely religious motive⁶ is deemed worthy to be in the portion of the Holy One, blessed be He,⁷ as it says, He that rebuketh a man is after Me.⁸ Not only so, but a thread of favour shall twine about him, as it says, He shall find more favour than he that flattereth with the tongue.⁹ IF HE FOUND IT LOCKED HE KNEW etc. . . . WHOEVER WANTED TO REMOVE THE ASHES FROM THE ALTAR etc. This statement contains a contradiction. You say first: WHOEVER WANTS TO REMOVE THE ASHES FROM THE ALTAR RISES EARLY AND BATHES BEFORE THE SUPERINTENDENT COMES, which would show that the matter does not depend on drawing of lots, and then it states, LET HIM COME AND DRAW LOTS, which shows that it does depend on the casting of lots?-Abaye replied: There is no contradiction. The first statement refers to the period before the regulation, the second to the period after the regulation, as we have learnt:¹⁰ At first whoever desired to remove the ashes from the altar used to do so. When there were several of them they used to run and go up the Ascent¹¹ and whoever was first in the last four cubits had the privilege. If two were level, the superintendent said to them, put your fingers out. They put out the one or two fingers, but they did not put out the thumb in the Temple. It happened once that two were running level up the Ascent and one of them pushed the other and he broke his leg, and when the Beth din saw that they were endangering themselves, they ordained that the task of removing the ashes should be assigned only by lot. Raba said: Both statements refer to the period after the regulation, and what it means is this: Whoever wanted to come and draw lots used to rise early and bathe before the superintendent came. MISHNAH. HE TOOK THE KEY¹² AND OPENED THE SMALL DOOR AND WENT FROM THE FIRE CHAMBER INTO THE AZARAH, AND THE PRIESTS WENT IN AFTER HIM CARRYING TWO LIGHTED TORCHES. THEY DIVIDED INTO TWO GROUPS, ONE OF WHICH WENT ALONG THE PORTICO¹³ TO THE EAST, WHILE THE OTHER WENT ALONG IT TO THE WEST. THEY WENT ALONG INSPECTING¹⁴ UNTIL THEY CAME TO THE PLACE WHERE THE GRIDDLE-CAKES¹⁵ WERE MADE.¹⁶ THERE THE TWO GROUPS MET AND SAID, IS IT WELL? ALL IS WELL.¹⁷ THEY THEN APPOINTED HIM THAT MADE THE

GRIDDLE-CAKES TO MAKE GRIDDLE-CAKES. THE ONE ON WHOM THE LOT HAD FALLEN TO CLEAR THE ASHES FROM THE ALTAR MADE READY TO DO SO. THEY SAID TO HIM: 'BE CAREFUL NOT TO TOUCH ANY VESSEL UNTIL YOU HAVE WASHED YOUR HANDS AND FEET FROM THE LAVER. SEE, THE FIREPAN IS IN THE CORNER BETWEEN THE ASCENT AND THE ALTAR ON THE WEST OF THE ASCENT'. NO ONE ENTERED WITH HIM,¹⁸ NOR DID HE CARRY ANY LIGHT¹⁹ BUT HE WALKED BY THE LIGHT OF THE ALTAR FIRE. NO-ONE SAW HIM²⁰

(1) For an alternative rendering, v. Mid. (Sonc. ed). pp. 1 and 2, trans. and notes.

(2) For transgressions committed not under constraint.

(3) Prov. XXIV, 25. E.V., But to them that decide.

(4) So Rashi. Lit., 'abundant faithfulness'.

(5) Ps. CI, 6.

(6) Lit., 'in the name of Heaven'.

(7) I.e., in the inner circle of the righteous in heaven.

(8) Prov. XXVIII, 23. E.V. shall in the end find more favour.

(9) Ibid.

(10) Yoma, 22a.

(11) The sloping board which led from the pavement of the Azarah to the altar. It was 32 cubits long, v. Mid.Ili, 3.

(12) Mid. I, 9.

(13) Which ran right round the Azarah, and where various vessels were kept.

(14) To see if all the vessels were in order.

(15) Which were offered every day by the High Priest. V. Lev. VI, 12-15.

(16) The south-east corner of the Temple court, v. Mid. I,14.

(17) I.e., the vessels are all in order.

(18) Because no-one was allowed in the Azarah save for purposes of service.

(19) Because he needed to have both hands free.

(20) Because he was hidden by the ascent.

Talmud - Mas. Tamid 28b

OR HEARD A SOUND FROM HIM UNTIL THEY HEARD THE NOISE OF THE WOODEN MACHINE WHICH BEN KATIN MADE FOR HAULING UP THE LAVER,¹ WHEN THEY SAID, THE TIME HAS COME. HE WASHED HIS HANDS AND FEET FROM THE LAVER, THEN TOOK THE SILVER FIREPAN AND WENT UP TO THE TOP OF THE ALTAR AND CLEARED AWAY THE CINDERS² ON EITHER SIDE AND SCOOPED UP THE ASHES³ IN THE CENTRE. HE THEN DESCENDED AND WHEN HE REACHED THE PAVEMENT⁴ HE TURNED HIS FACE TO THE NORTH⁵ AND WENT ALONG THE EAST SIDE OF THE ASCENT FOR ABOUT TEN CUBITS, AND HE THEN MADE A HEAP OF THE CINDERS ON THE PAVEMENT THREE HANDBREADTHS AWAY FROM THE ASCENT, IN THE PLACE WHERE THEY USED TO PUT THE CROP OF THE BIRDS⁶ AND THE ASHES FROM THE INNER ALTAR⁷ AND THE ASH FROM THE CANDLESTICK. GEMARA. But were there porticoes in the Azarah? Has it not been taught: R. Eliezer b. Jacob says: Whence do we learn that porticoes [of wood] are not made in the Azarah? Because it says: Thou shalt not plant thee an Asherah or any kind of tree beside the altar of the Lord thy God,⁸ the meaning of

which is this: Thou shalt not plant thee an Asherah; nor shalt thou plant thee any kind of tree beside the altar of the Lord thy God?—R. Hisda replied: [It is permitted] with porticoes of stone.⁹ THEY WENT ALONG INSPECTING. . . . TO MAKE GRIDDLE CAKES. This would imply that the griddle cakes were the first thing offered. But it has been taught: Whence do we know that nothing preceded the regular morning offering? It says: And he shall lay the burnt-offering in order upon it,¹⁰ and Rabbah said, ‘the burnt-offering’ [implies that] it goes up first?¹¹ Rab Judah replied: He is appointed to prepare hot water for the soaking.¹²

CHAPTER II

MISHNAH. WHEN HIS BRETHREN SAW THAT HE HAD DESCENDED [FROM THE ASCENT]. THEY CAME RUNNING AND HASTENED TO WASH THEIR HANDS AND FEET IN THE LAVER. THEY THEN TOOK THE SHOVELS AND THE FORKS¹³ AND WENT UP TO THE TOP OF THE ALTAR. SUCH LIMBS AND PIECES OF FAT AS HAD NOT BEEN CONSUMED SINCE THE EVENING THEY REMOVED TO THE SIDES OF THE ALTAR.¹⁴ IF THERE WAS NOT ROOM ON THE SIDES THEY ARRANGED THEM ON THE SURROUND¹⁵ AND ON THE ASCENT.¹⁶ THEY THEN BEGAN TO THROW THE ASHES ON TO THE HEAP.¹⁷ THIS HEAP WAS IN THE MIDDLE OF THE ALTAR, AND SOMETIMES THERE WAS AS MUCH AS THREE HUNDRED KOR ON IT. ON FESTIVALS THEY DID NOT USE TO CLEAR AWAY THE ASH BECAUSE IT WAS RECKONED AN ORNAMENT TO THE ALTAR.¹⁸ IT NEVER HAPPENED THAT

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- (1) The laver was sunk underground in the evening so that its waters should not become disqualified by being exposed throughout the night, but it was hauled up by a pulley.
 - (2) Which would be more on the side of the altar, where the heat was not so intense. The top of the altar was 28 cubits square. V. Mid. III, 1.
 - (3) Lit., ‘the consumed’; the fuel more in the centre which had been completely reduced to ashes.
 - (4) The floor of the Azarah which was of stone.
 - (5) I.e., turned back and faced the altar.
 - (6) V. Lev. I, 16. It was reckoned that the priest standing at the altar would cast the crop behind him about twenty cubits.
 - (7) The altar of incense.
 - (8) Deut. XVI, 21.
 - (9) Lit., ‘of building’, i.e., supported on stone pillars.
 - (10) Lev. VI, 5.
 - (11) V. Zeb. 103a.
 - (12) V. Lev. VI, 14.
 - (13) To collect the ashes and to turn the limbs.
 - (14) With the intention of replacing them after the fire had been lit. Once the pieces had left the altar, it would not have been permitted to replace them, since they were reckoned as nothar.
 - (15) The ledge running round the altar half way up. V. Mid. III, 1.
 - (16) Which was counted as part of the altar. The ‘and’ is not in the text, but seems necessary for the sense, v. Sh. Mek. Var. lec. ‘or on the Ascent’.
 - (17) Lit., ‘apple’.
 - (18) Showing that a large number of sacrifices had been brought.

Talmud - Mas. Tamid 29a

THE PRIEST WAS NEGLECTFUL¹ IN TAKING OUT THE ASHES.² THEY THEN BEGAN TO TAKE UP THE LOGS³ TO LAY THE FIRE. WERE ALL KINDS OF WOOD SUITABLE FOR THE FIRE? ALL KINDS OF WOOD WERE SUITABLE FOR THE FIRE EXCEPT VINE AND OLIVE WOOD. O WHAT THEY MOSTLY USED, HOWEVER, WERE BOUGHS OF FIG TREES AND OF NUT TREES AND OF OIL TREES: HE⁴ THEN ARRANGED THE GREAT PILE⁵ ON THE EAST SIDE OF THE ALTAR WITH ITS OPEN SIDE⁶ ON THE EAST,⁷ WHILE THE INNER ENDS OF THE [SELECTED] LOGS TOUCHED THE CENTRAL HEAP. SPACES WERE LEFT BETWEEN THE LOGS IN WHICH THEY KINDLED THE BRUSHWOOD.⁸ THEY PICKED OUT FROM THERE SOME SPECIALLY GOOD FIG-TREE BRANCHES AND WITH THESE HE LAID A SECOND FIRE FOR THE INCENSE⁹ NEAR THE SOUTH-WESTERN CORNER SOME FOUR CUBITS TO THE NORTH OF IT,¹⁰ USING AS MUCH WOOD AS HE JUDGED SUFFICIENT TO FORM FIVE SE'AH'S OF CINDERS, AND ON SABBATH AS MUCH AS HE THOUGHT WOULD MAKE EIGHT SE'AH'S OF CINDERS, BECAUSE FROM THERE THEY USED TO TAKE FIRE FOR THE TWO DISHES OF FRANKINCENSE FOR THE SHEW-BREAD. THE LIMBS AND THE PIECES OF FAT WHICH HAD NOT BEEN CONSUMED OVER NIGHT WERE PUT BACK ON THE WOOD WHICH HAD BEEN LAID.¹¹ THEY THEN KINDLED THE TWO FIRES AND DESCENDED AND WENT TO THE CHAMBER OF HEWN STONE.¹² GEMARA. Said Raba: This¹³ is an exaggeration. [Similarly with regard to the statement]. 'They made the beast for the daily offering drink from a gold cup'.¹⁴ Raba said: This is an exaggeration. R. Ammi said: The Torah used hyperbole, the prophets used hyperbole, the Sages used hyperbole. The Torah used hyperbole, as where it is written, The cities are great and fortified up to heaven.¹⁵ Up to heaven, think you? No; but it is an exaggeration. 'The Sages Used hyperbole', in the cases we have just mentioned — the heap and the giving the sacrifice beast to drink from a gold cup. 'The prophets used hyperbole', as it is written, And the people piped with pipes. . . . so that the earth rent with the sound of them.¹⁶ R. Jannai b. Nahmani said in the name of Samuel; In three places the Sages used the language of hyperbole, namely, in connection with the heap, the vine and the veil.¹⁷ This excludes the case cited by Raba, where we have learnt, 'They made the beast for the daily sacrifice drink from a gold cup', and Raba said, This is an exaggeration. This teaches us that this is true of the other cases, but not of this one, because in the abode of wealth no sign of poverty is allowed.¹⁸ [The exaggeration in the case of] the heap is as stated. In the case of the wine it is as has been taught:¹⁹ A gold vine used to stand at the door of the inner temple, trailed on poles, and anyone who offered a leaf

(1) I.e., if the ashes were left, it was not through neglect.

(2) Outside the camp, when there was a large quantity on the altar.

(3) Special large blocks of wood, well smoothed. (10) The reason is explained in the Gemara.

(4) The one who was chosen to clear away the ashes.

(5) So called by contrast with the other mentioned later.

(6) Lit., 'transparency'. The open side from which it was touched, the other side was blocked by the central heap.

(7) So that there should be a draught from the door of the Azarah.

(8) To start the fire.

- (9) I.e., to obtain coals for kindling the incense. For this it was reckoned a mark of respect to have a special fire.
- (10) These five cubits of the altar faced the doorway of the Hekal, and could therefore be described as being ‘before the Lord’, and it was considered meritorious to obtain the coals for the incense from this space. The fifth cubit had to be used because four were taken up by the projections of the altar.
- (11) It is not clear if this was before or after the daily offering was kindled.
- (12) To cast further lots, half of this chamber being in unconsecrated ground. The Chamber of Hewn Stone was the Hall wherein the Great Sanhedrin used to sit. Schurer II, p. 264 identifies it with the Chamber ‘close to the Xystus’ on the western border of the Temple Mount, v. J. E. XII, 576.
- (13) The statement that there were three hundred kor of ashes on the altar.
- (14) *Infra*, 30a.
- (15) Deut. I, 28. This is hardly a proof, as the Torah is here quoting the language of the spies.
- (16) I Kings, I, 40.
- (17) v. *infra*.
- (18) I.e. no expense was to be spared in the Temple service.
- (19) *Mid.* III, 8.

Talmud - Mas. Tamid 29b

or a single grape or a cluster used to bring it and hang it thereon. Said R. Eleazar son of R. Zadok: On one occasion three hundred priests were commissioned to clear it. The case of the veil as has been taught:¹ We have learnt: R. Simeon b. Gamaliel says: The thickness of the veil² was a handbreadth. It was formed of seventy-two strands, and each was made up of twenty-four threads.³ Its length was forty cubits and its breadth was twenty cubits, and it was made by eighty-two young girls,⁴ and two were made every year,⁵ and it took three hundred priests to immerse it.⁶ THEY BEGAN TO TAKE UP THE LOGS TO LAY THE FIRE. . . . EXCEPT VINE AND OLIVE WOOD. Why were these excepted? — R. Papa said: Because they have knots:⁷ R. Aha b. Jacob said: Because of the amenities of the Land of Israel.⁸ The following was cited in objection [to R. papa]: upon the wood that is on the fire which is upon the altar;⁹ this implies wood which rapidly becomes fire.¹⁰ Which kind is that? Thin boughs like spits which do not form knots, that is, that do not become knotted inwardly.¹¹ Are all kinds of wood suitable for the altar fire? All kinds are suitable excepts olive and vine, but what were mostly used were boughs of fig trees and nut trees and oil trees. R. Eleazar adds [as not suitable]: also wood from the matish¹² and the oak and the date tree and the carob and sycamore. There is no difficulty here for the one who says that it is because they are knotted. The difference according to him is that one authority holds that although they are not knotted on the inside, yet since they are knotted on the outside we do not use them,¹³ while the other holds that since they are not knotted on the inside, although they are knotted on the outside we still bring them. But to the one who says, it is because of the amenities of the Land of Israel, we can object, does not the date tree contribute to the amenities of the Land of Israel? — He can reply to you: By the same reasoning does not the fig tree contribute to the amenities of the Land of Israel? But what do you answer to this? That we speak of a fig tree which does not produce fruit. Similarly we speak of a date tree which does not produce fruit. But are there fig trees which do not produce fruit? Yes, as stated by Rahabah. For Rahabah said: They bring white fig trees

(1) *Shek.* 12b.

- (2) Between the Hekal and the Holy of Holies.
- (3) Of gold, purple, etc.
- (4) Var. lec. It cost eighty-two thousand denars.
- (5) In the second temple there were two veils with a cubit space between them, to take the place of the wall which was in the First Temple.
- (6) Like all holy things, it was immersed in water before being used. The 'three hundred' is the exaggeration.
- (7) Which retain moisture and so prevent the wood from catching.
- (8) Lit., 'the Settlement of the Land of Israel'. To which vines and olive trees were held to contribute in a high degree.
- (9) Lev. I, 8.
- (10) Lit. 'which is dissolved to become fire'.
- (11) It is only in this case that moisture forms.
- (12) An unknown kind of hardwood tree.
- (13) Since even so there is sufficient moisture to disqualify them.

Talmud - Mas. Tamid 30a

and scrape them with a rope of date tree bark on which seed is smeared,¹ and they are then planted in alluvial soil, and they produce trunks but no fruit, and three branches of one will break down a bridge. HE THEN ARRANGED THE GREAT PILE etc. What is the reason [for the opening]? R. Huna and R. Hisda [gave different reasons]. One said, it was in order that a draught might blow on it, the other said it was in order that they might kindle the brushwood from there. The following was cited in objection [to the latter opinion]: SPACES WERE LEFT BETWEEN THE LOGS IN WHICH THEY KINDLED THE BRUSHWOOD. He can reply: [Brushwood] was put in several places.²

CHAPTER III

MISHNAH. THE SUPERINTENDENT THEN SAID TO THEM: COME AND CAST LOTS, TO SEE WHO IS TO SLAUGHTER THE ANIMAL,³ AND WHO IS TO SPRINKLE THE BLOOD, AND WHO IS TO CLEAR THE ASHES FROM THE INNER ALTAR,⁴ AND WHO IS TO CLEAR THE ASH FROM THE CANDLESTICK, AND WHO IS TO LIFT THE LIMBS ON TO THE ASCENT, [NAMELY] THE HEAD, THE RIGHT LEG, THE BREAST AND THE NECK AND THE TWO FLANKS WITH THE ENTRAILS, ALSO THE FINE FLOUR⁵ AND THE GRIDDLE CAKES⁶ AND THE WINE.⁷ THEY CAST LOTS AND ONE OR OTHER WAS SUCCESSFUL. HE THEN SAID TO THEM: GO OUT AND SEE IF IT IS YET TIME FOR THE SLAUGHTER. IF IT ACTUALLY WAS TIME, THE OBSERVER⁸ SAID, THERE ARE FLASHES.⁹ MATTITHIA B. SAMUEL SAYS: [HE USED TO SAY]¹⁰ THE WHOLE OF THE EAST [OF THE SKY] HAS LIT UP. [THEY WOULD ASK] AS FAR AS HEBRON? AND HE [THE OBSERVER] WOULD ANSWER YES. HE SAID TO THEM, GO OUT AND BRING A LAMB FROM THE LAMBS CHAMBER. NOW THE LAMBS CHAMBER WAS IN THE NORTH-WESTERN CORNER.¹¹ THERE WERE FOUR CHAMBERS THERE¹² — THE LAMBS' CHAMBER, THE CHAMBER OF THE SEALS,¹³ THE CHAMBER OF THE FIRE-ROOM¹⁴ AND THE CHAMBER WHERE THE SHEWBREAD WAS PREPARED. THEY WENT INTO THE CHAMBER OF THE VESSELS

AND BROUGHT OUT FROM THERE NINETY-THREE VESSELS OF SILVER AND GOLD. THEY GAVE THE ANIMAL FOR THE DAILY SACRIFICE A DRINK FROM A CUP

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- (1) This was supposed to spoil the seed of the tree itself.
 - (2) I.e., both between the logs and in the opening.
 - (3) The lamb of daily sacrifice.
 - (4) The altar of incense.
 - (5) For the mealoffering.
 - (6) The daily offering of the High Priest. V. Lev. VI, 15.
 - (7) For the drink-offering.
 - (8) A priest stationed for the purpose on the roof.
 - (9) The first Bashes of dawn.
 - (10) Alifer: Mattithiah b. Samuel used to say etc., v. Yoma, (Sonc. ed.) p. 131 and notes.
 - (11) Of the Fire Room. In Mid. I, 6, this room is called the Chamber of Offering (al. Chamber of the Lamb(s) of Offering), and is said to have been in the south-west of the Fire Room; in Yoma 16a it is explained that this is the opinion of R. Eleaiar b. Jacob.
 - (12) Attached to the Fire Room; V. Mid, I, 7.
 - (13) V. Shek. V, 3.
 - (14) In Mid. I.c., this is said to have been the room from which they went down to the bathing-place. Perhaps the fire burnt in this side room, so that it gave its name to the whole chamber.

Talmud - Mas. Tamid 30b

OF GOLD.¹ ALTHOUGH IT HAD BEEN EXAMINED ON THE PREVIOUS EVENING IT WAS NOW EXAMINED AGAIN BY TORCHLIGHT. THOSE ON WHOM THE LOT HAD FALLEN TO CLEAR THE ASH FROM THE INNER ALTAR AND FROM THE CANDLESTICK WENT ON IN FRONT WITH FOUR VESSELS IN THEIR HANDS — THE TENI² AND THE KUZ³ AND TWO KEYS. THE TENI RESEMBLED A TIRKAB⁴ OF GOLD AND HELD TWO KABS AND A HALF. THE KUZ RESEMBLED A LARGE GOLD PITCHER. WITH ONE OF THE TWO KEYS HE HAD TO REACH DOWN AS FAR AS HIS ARMPIT⁵ AND WITH THE OTHER HE OPENED IN FRONT OF HIM.⁶ HE THEN CAME TO THE SMALL DOOR ON THE NORTH. THE GREAT GATE HAD TWO SMALL WICKETS LET IN, ONE ON THE NORTH AND ONE ON THE SOUTH. NO ONE EVER WENT IN BY THE DOOR ON THE SOUTH, IN ACCORDANCE WITH THE DISTINCT STATEMENT IN EZEKIEL, NAMELY, AND THE LORD SAID UNTO ME, THIS GATE SHALL BE CLOSED, IT SHALL NOT BE OPENED, AND NO MAN SHALL ENTER BY IT, FOR THE LORD GOD OF ISRAEL HAS ENTERED BY IT.⁷ HE TOOK THE KEY AND OPENED THE SMALL DOOR AND WENT IN TO THE APARTMENT⁸ AND FROM THE APARTMENT TO THE HEKAL, [WHICH HE TRAVERSED] UNTIL HE REACHED THE GREAT GATE. WHEN HE REACHED THE GREAT GATE HE DREW BACK THE BOLT AND THE LATCHES⁹ AND OPENED IT. THE SLAUGHTERER DID NOT KILL TILL HE HEARD THE SOUND OF THE GREAT GATE BEING OPENED. FROM JERICHO¹⁰ THEY HEARD THE SOUND OF THE GREAT GATE BEING OPENED. FROM JERICHO THEY HEARD THE SOUND OF THE 'SHOVEL'.¹¹ FROM JERICHO THEY HEARD THE SOUND

OF THE SINGING [OF THE LEVITES].¹² FROM JERICHO THEY USED TO HEAR THE SOUND OF BEN ARZA CLASHING THE CYMBALS. FROM JERICHO THEY USED TO HEAR THE SOUND OF THE PIPES. FROM JERICHO THEY COULD HEAR THE VOICE OF GABIN THE HERALD.¹³ FROM JERICHO THEY HEARD THE NOISE OF THE WOODEN PULLEY WHICH BEN KATIN MADE FOR THE LAVER.¹⁴ FROM JERICHO THEY HEARD THE SOUND OF THE SINGING [OF THE LEVITES]. FROM JERICHO THEY HEARD THE SOUND OF THE SHOFAR;¹⁵ SOME SAY ALSO OF THE HIGH PRIEST WHEN HE PRONOUNCED THE DIVINE NAME ON THE DAY OF ATONEMENT. FROM JERICHO THEY COULD SMELL THE ODOUR OF THE COMPOUNDING OF INCENSE. R. ELEAZAR B. DIGLAI SAID: MY FATHER HAD SOME GOATS IN THE TOWNS OF MICHVAR,¹⁶ AND THEY USED TO SNEEZE FROM THE SMELL OF THE INCENSE. THE PRIEST WHO HAD BEEN CHOSEN TO KILL THE DAILY OFFERING TOOK IT ALONG WITH HIM TO THE SLAUGHTER HOUSE, ACCOMPANIED BY THOSE WHO HAD BEEN CHOSEN TO HAND UP THE LIMBS. THE SLAUGHTER HOUSE WAS TO THE NORTH OF THE ALTAR.¹⁷ BY IT WERE EIGHT DWARF PILLARS ON TOP OF WHICH WERE BLOCKS OF CEDAR WOOD, IN WHICH WERE FIXED HOOKS OF IRON, THREE ROWS IN EACH.¹⁸ THE ANIMALS WERE HUNG ON THESE AND FLAYED OVER TABLES OF MARBLE BETWEEN THE PILLARS. THE ONE WHO HAD BEEN CHOSEN FOR CLEARING THE INNER ALTAR WENT IN CARRYING THE TENI WHICH HE SET DOWN IN FRONT OF IT, AND HE SCOOPED UP THE ASH IN HIS FISTS AND PUT IT INSIDE, AND IN THE END HE SWEEPED UP WHAT WAS LEFT INTO IT, AND THEN HE LEFT IT THERE AND WENT OUT. THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE CANDLESTICK WENT IN, AND IF HE FOUND THE TWO WESTERN LIGHTS BURNING,¹⁹ HE CLEARED THE ASH FROM THE REST AND LEFT THESE TWO BURNING. IF HE²⁰ FOUND THAT THESE TWO HAD GONE OUT, HE CLEARED AWAY THEIR ASH AND KINDLED THEM FROM THOSE WHICH WERE STILL ALIGHT AND THEN HE CLEARED THE ASH FROM THE REST. THERE WAS A STONE IN FRONT OF THE CANDLESTICK²¹ WITH THREE STEPS ON WHICH THE PRIEST STOOD IN ORDER TO TRIM THE LIGHTS. HE LEFT THE KUZ ON THE SECOND STEP AND WENT OUT.

CHAPTER IV

MISHNAH. THEY DID NOT USE TO TIE UP²² THE LAMB BUT THEY STRUNG ITS LEGS TOGETHER.²³ THOSE ON WHOM THE LOT FELL FOR THE LIMBS TOOK HOLD OF IT. IT WAS STRUNG UP IN SUCH A WAY THAT ITS HEAD WAS TO THE SOUTH WHILE ITS FACE WAS TURNED TO THE WEST,²⁴ AND THE SLAUGHTERER STOOD TO THE EAST OF IT WITH HIS FACE TURNED TO THE WEST. THE MORNING SACRIFICE WAS KILLED BY THE NORTH-WESTERN CORNER OF THE ALTAR AT THE SECOND RING,²⁵ WHILE THE EVENING SACRIFICE WAS KILLED BY THE NORTH-EASTERN CORNER AT THE SECOND RING. WHILE ONE SLAUGHTERED ANOTHER RECEIVED THE BLOOD. THE LATTER PROCEEDED TO THE NORTH-EASTERN CORNER²⁶ AND CAST THE BLOOD ON THE EASTERN AND NORTHERN SIDES; HE THEN PROCEEDED TO THE SOUTHWESTERN CORNER AND CAST THE BLOOD ON THE WESTERN AND SOUTHERN SIDES. THE REMNANT OF

THE BLOOD HE Poured OUT AT THE SOUTHERN BASE OF THE ALTAR.

- (1) Cf. supra, 29a.
- (2) Lit., 'basket'. The receptacle for the ash from the altar.
- (3) Lit., 'pitcher', the receptacle for the ashes from the candlestick.
- (4) **: A measure holding three kabs.
- (5) Because the bolt was fixed in a socket in the ground.
- (6) Because it was on a level with him.
- (7) Ezek. XLIV, 2. Ezekiel is speaking of the outer gate, and we do not know by what authority the Rabbis applied his words to this door. The statement is repeated in Mid. IV, 1.
- (8) Heb. to, a kind of cell let into the wall of the Hekal, V. Mid. IV, 3.
- (9) Apparently the 'bolt' was fixed in a socket in the ground, and the 'latches' were cross-bars level with his own height.
- (10) About twenty miles from Jerusalem. For this passage cf. Yoma 39b.
- (11) Magrepah. A musical instrument shaped like a shovel. V. 'Ar. 10b.
- (12) These words are here out of place, and are repeated lower down.
- (13) Summoning the priests and Levites to their duties before the dawn. Shek. V, 1.
- (14) V. supra 28b.
- (15) Blown every day over the sacrifices.
- (16) A district of Peraea, beyond the Dead Sea.
- (17) On this passage cf. Mid. IV, 4.
- (18) So as to be adapted for animals of different sizes.
- (19) These had more oil than the others.
- (20) Apparently this refers not to this priest. but to the Priest who came in later, as explained infra VI, 1.
- (21) Which was eighteen hand-breadths high-about a man's height.
- (22) I.e., all four legs together, or the two fore legs and the two hind legs.
- (23) Tying together a fore leg and a hind leg.
- (24) The side of the Shechinah.
- (25) Near the altar were a number of rows of semi-circular hoops fixed in the ground under the which the head of the animal was put to keep it in place. The second row was chosen as not being in the shade of the altar; V. Gemara infra.
- (26) He started from the ascent which was on the south side and began going round to the right, passing by the south-eastern corner because it had no foundation. On this passage cf. Yoma, 14b.

Talmud - Mas. Tamid 31a

. HE DID NOT USE TO BREAK THE LEG,¹ BUT HE MADE A HOLE IN IT² AT THE JOINT AND SUSPENDED IT FROM THERE. HE THEN BEGAN TO FLAY IT AND WENT ON UNTIL HE CAME TO THE BREAST.³ WHEN HE CAME TO THE BREAST HE CUT OFF THE HEAD AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. HE THEN CUT OFF THE LEGS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN. ON COMPLETING THE Flaying HE TORE OUT THE HEART AND SQUEEZED OUT THE BLOOD IN IT.⁴ HE THEN CUT OFF THE FORE LEGS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN. HE THEN WENT BACK TO THE RIGHT LEG AND CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT

HAD FALLEN, AND THE TWO TESTICLES WITH IT. HE THEN TORE OPEN THE CARCASS SO THAT IT WAS ALL EXPOSED BEFORE HIM. HE TOOK THE FAT AND PUT IT ON TOP OF THE PLACE WHERE THE HEAD HAD BEEN SEVERED. HE TOOK THE INNARDS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN TO WASH THEM. THE STOMACH WAS WASHED VERY THOROUGHLY IN THE WASHING CHAMBER, WHILE THE ENTRAILS WERE WASHED AT LEAST⁵ THREE TIMES ON MARBLE TABLES WHICH STOOD BETWEEN THE PILLARS.⁶ HE THEN TOOK A KNIFE AND SEPARATED THE LUNG FROM THE LIVER⁷ AND THE FINGER OF THE LIVER⁸ FROM THE LIVER,⁹ BUT WITHOUT REMOVING IT FROM ITS PLACE. HE HOLLOWED OUT THE BREAST¹⁰ AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. HE CAME TO THE RIGHT FLANK AND CUT INTO IT AS FAR AS THE SPINE, WITHOUT HOWEVER TOUCHING THE SPINE, UNTIL HE CAME TO THE PLACE BETWEEN TWO SMALL RIBS. HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, WITH THE LIVER ATTACHED TO IT. HE THEN CAME TO THE NECK, AND LEAVING TWO RIBS ON EACH SIDE OF IT¹¹ HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, WITH THE WINDPIPE AND THE HEART AND THE LUNG ATTACHED TO IT. HE THEN CAME TO THE LEFT FLANK IN WHICH HE LEFT TWO THIN RIBS ABOVE AND TWO THIN RIBS BELOW;¹² AND HE HAD DONE SIMILARLY WITH THE OTHER FLANK. THUS HE LEFT TWO ON EACH SIDE ABOVE AND TWO ON EACH SIDE BELOW. HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, AND THE SPINE WITH IT AND THE MILT ATTACHED TO IT. THIS WAS REALLY THE LARGEST PIECE, BUT THE RIGHT FLANK WAS CALLED THE LARGEST, BECAUSE THE LIVER WAS ATTACHED TO IT. HE THEN CAME TO THE TAIL BONE, WHICH HE CUT OFF AND GAVE TO THE ONE TO WHOSE LOT IT HAD FALLEN, ALONG WITH THE TAIL, THE FINGER OF THE LIVER AND THE TWO KIDNEYS. HE THEN TOOK THE LEFT LEG AND CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. BY THIS TIME THEY WERE ALL STANDING IN A ROW WITH THE LIMBS IN THEIR HANDS

(1) In order to suspend it for laying, after the usual manner of butchers.

(2) The object being that the body should not fall to the ground when the leg was cut off.

(3) I.e., until the flaying was completed.

(4) The animal usually draws back some blood to the heart at the time of slaughter. This sentence seems to be out of place and should follow the word 'breast' above.

(5) Aliter: 'in a vessel' used for preserving olives. Var. lec. 'on the smallest of the tables'.

(6) V. supra 30b.

(7) Because the lung was offered with the neck and the liver with the flank.

(8) A small projection from the liver.

(9) Because this finger was offered with the tail.

(10) I.e., he cut a piece out of the breast, making a hollow through which he could reach inside the body.

(11) I.e., the two ribs attached to each of the two flanks.

(12) I.e., two by the tail bone and two by the breast.

Talmud - Mas. Tamid 31b

. THE FIRST HAD THE HEAD AND THE [RIGHT] HIND LEG. THE HEAD WAS IN HIS RIGHT HAND WITH ITS NOSE TOWARDS HIS ARM, ITS HORNS BETWEEN HIS FINGERS, AND THE PLACE WHERE IT WAS SEVERED TURNED UPWARDS WITH THE FAT COVERING IT. THE RIGHT LEG WAS IN HIS LEFT HAND WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM.¹ THE SECOND HAD THE TWO FORE LEGS, THE RIGHT LEG IN HIS RIGHT HAND AND THE LEFT LEG IN HIS LEFT HAND, THE PLACE WHERE THE FLAYING COMMENCED BEING TURNED AWAY FROM HIM. THE THIRD HAD THE TAIL BONE AND THE OTHER HIND LEG, THE TAIL BONE IN HIS RIGHT HAND WITH THE TAIL HANGING BETWEEN HIS FINGERS AND THE FINGER OF THE LIVER AND THE TWO KIDNEYS WITH IT, AND THE LEFT HIND LEG IN HIS LEFT HAND WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM. THE FOURTH HAD THE BREAST AND THE NECK, THE BREAST IN HIS RIGHT HAND AND THE NECK IN HIS LEFT HAND, ITS RIBS BEING BETWEEN TWO OF HIS FINGERS. THE FIFTH HAD THE TWO FLANKS, THE RIGHT ONE IN HIS RIGHT HAND, AND THE LEFT ONE IN HIS LEFT HAND, WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM. THE SIXTH HAD THE INNARDS ON A PLATTER² WITH THE KNEES ON TOP OF THEM. THE SEVENTH HAD THE FINE FLOUR,³ THE EIGHTH THE GRIDDLE CAKES,⁴ THE NINTH THE WINE.⁵ THEY WENT AND PLACED THEM ON THE LOWER HALF OF THE ASCENT⁶ ON ITS WESTERN SIDE, AND SALTED THEM⁷ AND CAME DOWN AND WENT TO THE CHAMBER OF HEWN STONE TO RECITE THE SHEMA'.⁸ GEMARA. One taught: The fore leg and the hind leg [tied together] like the binding of Isaac the son of Abraham. THEY DID NOT TIE UP THE LAMB. What was the reason? — R. Huna and R. Hisda gave different answers. One said it was to avoid showing disrespect to holy things. while the other said it was to avoid walking in the statutes of the other peoples.⁹ What practical difference is there between them?¹⁰ — In the case where it was tied with silk or with gold thread.¹¹ We have learnt elsewhere:¹² There were thirteen tables in the Temple.¹³ There were eight of marble in the slaughter house on which they used to wash the innards; two to the west of the ascent, one of marble and one of silver — on the marble one they used to put the limbs and on the silver one vessels of service,¹⁴ two in the Porch on the inner side by the door of the Sanctuary, one of silver and one of gold — on the silver one they used to place the Shewbread when it was first brought in,¹⁵ and on the gold one when it was taken out, because with holy things we always go a step higher and not a step lower; and one of gold in the inner place on which the Shewbread always rested. Now let us see. There must be no sign of poverty in the abode of wealth.¹⁶ Why then was the table¹⁷ made of marble? It should have been made of silver or even of gold! R. Hinnena answered in the name of R. Assi, and R. Assi in the name of R. Samuel b. R. Isaac: Because [the metal] would heat the flesh.¹⁸ THE MORNING SACRIFICE WAS KILLED BY THE NORTHWESTERN CORNER [etc.]. Whence is derived this rule? — R. Hisda replied: Because Scriptures says. Two to the day,¹⁹ implying [that they should be killed] towards the day[light].²⁰ It has been taught to the same effect: Two to the day: this means, towards the day [light]. You say it means, towards the day[light]. Or perhaps it is not so, but it means, the obligation of each day? When the text says. The one lamb shalt thou offer in the morning and the other lamb shalt thou offer at dusk,²¹ this states the obligation of the day. What then do I make of the words Two to the day? This must mean, towards the day [light]. How is this effected? The morning daily sacrifice was killed by the north-western corner by the second ring, and the evening

daily sacrifice by the north-eastern corner by the second ring.²² Alexander of Macedon put ten questions to the elders of the south country.²³ He asked:

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- (1) I.e., exposed to the public, while the place where it was severed was in his hand.
 - (2) Being loose they could not be held in the hand.
 - (3) For the meal-offering.
 - (4) The daily offering of the High Priest, which was brought at the same time as the daily burnt-offering.
 - (5) For the drink-offering.
 - (6) The reason was apparently to make rather more ceremonious the actual bringing to the altar which took place later.
 - (7) In accordance with the injunction in Lev. II, 13.
 - (8) And pray for the acceptance of the sacrifice.
 - (9) Who used to bind their sacrifices in this way.
 - (10) Since each reason is in itself sufficient, why did not the later authority accept that given by the earlier?
 - (11) In this case there is no disrespect to holy things.
 - (12) Shek. 15b.
 - (13) Ten in the Azarah, and three others in the Sanctuary.
 - (14) The ninety-three vessels mentioned in our Mishnah.
 - (15) It was not taken directly to the table of gold. According to some it was brought in on Friday evening, though not placed on the table till the next day.
 - (16) A maxim frequently quoted in the Talmud: cf. supra.
 - (17) On which the limbs were put.
 - (18) Causing it to putrefy.
 - (19) Num. XXVIII, 3. E.V., 'two day by day'.
 - (20) I.e., towards the rise of the sun, hence in the west, facing east.
 - (21) Ibid. 4.
 - (22) V. supra at the beginning of the chapter and notes.
 - (23) This passage is inserted here because Alexander's first question had reference to the sun.

Talmud - Mas. Tamid 32a

Which is further, from heaven to earth or from east to west? They replied: From east to west. The proof is that when the sun is in the east all can look at it, and when it is in the west all can look at it, but when the sun is in the middle of the sky no — one can look at it.¹ The Sages, however, say: The distance in both cases is the same, as it says, For as the heaven is high above the earth [so great is His mercy towards them that fear Him]; as far as the east is from the west, [so far hath He removed our transgressions from us].² Now if one of these distances is greater, the text should not write both but only the one which is the greater. What then is the reason why no — one can look at the sun when it is in the middle of the sky? Because it is absolutely clear and nothing obstructs the view.³ He said to them: Were heavens created first or the earth? They replied: The heavens were created first, as it says. In the beginning God created the heaven and the earth.⁴ He said to them: Was light created first, or darkness? They replied: This question cannot be solved. Why did they not reply that darkness was created first, since it is written, Now the earth was unformed and void and darkness,⁵ and after that, And God said, Let there be light, and there was light?⁶ — They thought to themselves: perhaps he will go on to ask what is above and what is

below, what is before and what is after.⁷ If that is the case, they should not have answered his question about the heaven either? — At first they thought that he just happened to ask that question, but when they saw that he pursued the same subject, they bethought themselves not to answer him lest he should go on to ask what was above and what was below what was before and what was after. He said to them: Who is called wise? They replied: Who is wise? He who discerns what is about to come to pass.⁸ He said to them: Who is called a mighty man? They replied: Who is a mighty man? He who subdues his evil passions. He said to them: Who is called a rich man? They replied: Who is rich? He who rejoices in his lot. He said to them: What shall a man do to live? They replied: Let him mortify himself.⁹ What should a man do to kill himself? They replied: Let him keep himself alive.¹⁰ He said to them: What should a man do to make himself popular? They replied: Let him hate sovereignty and authority. He said to them: I have a better answer than yours: let him love sovereignty and authority and confer favours on mankind. He said to them: Is it better to dwell on sea or on dry land? They replied, It is better to dwell on dry land, because those who set out to sea are never free from anxiety till they reach dry land again. He said to them: Which among you is the wisest? They replied: We are all equal, because we have all concurred in the same answers to your questions. He said to them: Why do you resist me?¹¹ They replied: The Satan is too powerful.¹² He said to them: Behold I will slay you by royal decree. They replied: power is in the hands of the king, but it beseems not a king to be false.¹³ Forthwith he clothed them with garments of purple and put chains of gold on their necks. He said to them: I want to go to the country of Africa. They said to him: You cannot get there, because the Mountains of Darkness are in the Way. He said to them: That will not stop me from going. Was it for that I asked you? But tell me what I am to do.¹⁴ They said to him: Take Libyan asses that can travel in the dark and take coils of rope and fix them at the side [of the road] so that when you return you can guide yourself by them and reach your destination. He did so and set forth. He came to a place where there were only women. He wanted to make war with them, but they said to him, If you slay us, people will say that he killed women, and if we slay you they will call you the king who was killed by women. He said to them: Bring me bread. They brought him gold bread on a gold table.

(1) The reason, presumably, being that it is nearer.

(2) Ps. CIII, II, 12.

(3) But on the east and west hills and mountains are in the way.

(4) Gen. I, 1.

(5) Ibid 2.

(6) Ibid 3.

(7) V. Hag. 11b.

(8) V. Aboth, IV, 1.

(9) Lit., 'kill himself', with study and hard work.

(10) I.e., indulge in luxuries.

(11) In keeping with your own religion.

(12) A double entendre. What they meant was that his power was due to the Satan, and was only given to him to try them.

(13) He had apparently given them a safe-conduct.

(14) What I want you to tell me is how to get there.

Talmud - Mas. Tamid 32b

. He said to them: Do people here eat gold bread? They replied: If you wanted bread, had you no bread in your own place to eat that you should have journeyed here? When he left the place he wrote on the gate of the city: 'I, Alexander of Macedon, was a fool until I came to the city of women in Africa and I learnt counsel from the women'. As he was journeying he sat by a well and began to eat. He had with him some salted fish, and as they were being washed they gave off a sweet odour. He said: This shows that this well comes from the Garden of Eden. Some say that he took some of the water and washed his face with it; others say that he went alongside of it until he came to the door of the Garden of Eden. He cried out, Open the door for me. They replied, This is the gate of the Lord, [the righteous shall enter into it].¹ He replied: I too am a king; I am also of some account, give me something. They gave him an eyeball. He went and weighed all his silver and gold against it, and it was not equal to it. He said to the Rabbis: How is this? They replied: It is the eyeball of a human being, which is never satisfied. He said to them: How can you prove that this is so? They took a little dust and covered it, and immediately it was weighed down; and so it is written, The nether world and Destruction are never satiated; [so the eyes of man are never satiated].² The Tanna de-be Eliyahu taught: Gehinnom is above the firmament; some, however, say that is behind the Mountains of Darkness. R. Hiyya taught: If one studies the Torah at night, the Divine presence faces him, as it says, Arise, cry out in the night, at the beginning of the watches; pour out thy heart like water before the face of the Lord.³ R. Eliezer b. Azariah said: The disciples of the wise increase peace in the world, as it says, And all thy children shall be taught of the Lord, and great shall be the peace of thy children.⁴ Read not banayik, [thy children], but bonayik [thy builders].

CHAPTER V

MISHNAH. THE SUPERINTENDENT SAID TO THEM, PRONOUNCE ONE BLESSING,⁵ AND THEY DID SO: THEY THEN RECITED THE TEN COMMANDMENTS,⁶ AND THE FIRST, SECOND AND THIRD SECTIONS OF THE SHEMA', AND THEY BLESSED THE PEOPLE WITH THREE BENEDICTIONS,⁷ NAMELY, TRUE AND FIRM,⁸ AND ABODAH,⁹ AND THE PRIESTLY BENEDICTION.¹⁰ ON SABBATH THEY ADDED A BENEDICTION TO BE SAID BY THE WATCH WHICH WAS LEAVING.¹¹

MISHNAH . HE SAID TO THEM, THOSE WHO ARE FRESH TO THE INCENSE COME AND DRAW LOTS,¹² AND ONE OR OTHER WAS SUCCESSFUL. HE THEN SAID, NEW AND OLD, COME AND DRAW LOTS TO SEE WHO SHALL TAKE UP THE LIMBS FROM THE ASCENT TO THE ALTAR.¹³ R. ELIEZER B. JACOB SAYS, THE ONE WHO LIFTS THE LIMBS ON TO THE ASCENT ALSO TAKES THEM UP TO THE ALTAR.¹⁴

MISHNAH . HE THEN HANDED THEM OVER TO THE ATTENDANTS, WHO STRIPPED THEM OF THEIR GARMENTS,¹⁵ LEAVING ON THEM ONLY THE BREECHES.¹⁶ THERE WERE WINDOWS THERE¹⁷ ON WHICH WAS INSCRIBED THE NAME OF THE GARMENT TO WHICH EACH WAS ASSIGNED.¹⁸

MISHNAH. THE ONE WHO HAD BEEN SELECTED TO OFFER THE INCENSE TOOK

UP THE SPOON, WHICH WAS IN SHAPE LIKE A BIG TIRKAB¹⁹ OF GOLD. IT HELD THREE KABS, AND THE [SMALL] DISH²⁰ WAS IN THE MIDDLE OF IT,

(1) Ps. CXVIII, 20.

(2) Prov. XXVII, 20.

(3) Lam. II, 19.

(4) Isa. LIV, 13.

(5) There is a difference of opinion in Br. 11b as to whether this was 'Who fashionest light' or 'Great love' (P. B. p. 39). This and the succeeding prayers were said in the Chamber of Hewn Stone.

(6) V. Br. 12a.

(7) Since they had not time to say all the eighteen benedictions.

(8) The blessing following the Shema.

(9) The last but two of the eighteen benedictions.

(10) The last of the eighteen.

(11) They blessed the incoming watch. V. Ber. 12a.

(12) The incense was supposed to bring prosperity. and therefore a fresh priest was given the privilege of burning it every time.

(13) V. supra. p. 25.

(14) I.e., each one takes up to the altar the limb which he placed on the ascent.

(15) There is a difference of opinion in Yoma 24b, as to whether they cast lots in holy or in everyday garments. If the former, then those who were unsuccessful changed into everyday garments: if the latter, then those who were successful changed into holy garments.

(16) These they removed for themselves after changing into the other garments.

(17) In the wall of the Chamber of Hewn Stone.

(18) I.e., all garments of the same kind were kept in the same window space.

(19) A measure of capacity holding three kaba.

(20) Wherewith to scoop up the incense.

Talmud - Mas. Tamid 33a

HEAPED UP WITH INCENSE;¹ THIS HAD A COVERING, OVER WHICH WAS SPREAD A KIND OF JACKET.²

MISHNAH . THE ONE WHO HAD BEEN ASSIGNED THE SHOVELLING,³ TOOK THE SILVER FIREPAN AND ASCENDED TO THE TOP OF THE ALTAR AND CLEARED AWAY THE LIVE COALS TO THIS SIDE AND THAT [AND SWEEP AWAY SOME OF THE ASH AT THE BOTTOM]⁴ AND THEN WENT DOWN AND EMPTIED THEM INTO A GOLD [FIREPAN]. ABOUT A KAB OF THE COALS WAS SPILT,⁵ AND THESE HE SWEEP INTO THE SEWER⁶ , ON SABBATH⁷ HE USED TO PUT AN OVERTURNED POT⁸ ON THEM. THIS POT WAS A LARGE VESSEL HOLDING A LETHEK.⁹ IT HAD TWO CHAINS; WITH ONE HE USED TO DRAW IT DOWN,¹⁰ AND WITH THE OTHER HE USED TO HOLD IT ABOVE SO THAT IT SHOULD NOT ROLL OVER.¹¹ IT WAS USED FOR THREE PURPOSES — FOR PLACING OVER LIVE COALS, AND OVER A [DEAD] CREEPING THING ON SABBATH,¹² AND FOR DRAWING DOWN THE ASHES FROM THE TOP OF THE ALTAR.

MISHNAH . WHEN THEY¹³ CAME BETWEEN THE PORCH AND THE ALTAR, ONE TOOK THE 'SHOVEL'¹⁴ AND THREW IT BETWEEN THE PORCH AND THE ALTAR. PEOPLE COULD NOT HEAR ONE ANOTHER SPEAK IN JERUSALEM FROM THE NOISE OF THE SHOVEL. IT SERVED THREE PURPOSES. WHEN A PRIEST HEARD THE SOUND OF IT HE KNEW THAT HIS BROTHER PRIESTS WERE GOING IN TO PROSTRATE THEMSELVES,¹⁵ AND HE WOULD RUN TO JOIN THEM. WHEN A LEVITE HEARD THE NOISE OF IT HE KNEW THAT HIS BROTHER LEVITES WERE GOING IN TO CHANT,¹⁶ AND HE WOULD RUN TO JOIN THEM. AND THE HEAD OF THE MA'AMAD¹⁷ USED TO MAKE THE UNCLEAN STAND IN THE EAST GATE.¹⁸

CHAPTER VI

MISHNAH . THEY¹⁹ COMMENCED TO ASCEND THE STEPS OF THE PORCH.²⁰ THOSE WHO HAD BEEN CHOSEN TO CLEAR THE ASHES FROM THE INNER ALTAR²¹ AND FROM THE CANDLESTICK LED THE WAY.²² THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE INNER ALTAR WENT IN AND TOOK THE TENI AND PROSTRATED HIMSELF AND WENT OUT AGAIN. THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE CANDLESTICK WENT IN, AND IF HE FOUND THE TWO WESTERN LIGHTS²³ STILL BURNING HE CLEARED OUT THE EASTERN ONE²⁴ AND LEFT THE WESTERN ONE BURNING,²⁵ SINCE FROM IT HE LIT THE CANDLESTICK FOR THE EVENING. IF HE FOUND THAT THIS ONE HAD GONE OUT, HE CLEARED THE ASH AWAY AND LIT IT FROM THE ALTAR OF BURNT-OFFERING. HE THEN TOOK THE KUZ FROM THE SECOND STEP²⁶ AND PROSTRATED HIMSELF AND WENT OUT.

MISHNAH . THE ONE WHO HAD BEEN CHOSEN FOR THE FIREPAN MADE A HEAP OF THE CINDERS ON THE TOP OF THE ALTAR AND THEN SPREAD THEM ABOUT WITH THE END OF THE FIREPAN²⁷ AND PROSTRATED HIMSELF AND WENT OUT. MISHNAH. THE ONE WHO HAD BEEN CHOSEN FOR THE INCENSE TO OK THE DISH FROM THE MIDDLE OF THE SPOON AND GAVE IT²⁸ TO HIS FRIEND OR HIS RELATIVE. IF SOME OF IT WAS SPILT INTO THE SPOON, HE WOULD PUT IT INTO HIS HANDS. THEY USED TO INSTRUCT HIM²⁹ SAYING, BE CAREFUL NOT TO BEGIN IMMEDIATELY IN FRONT OF YOU OR ELSE YOU MAY BURN YOURSELF.³⁰ HE THEN COMMENCED TO SCATTER THE INCENSE AND [AFTER FINISHING] WENT OUT. THE ONE WHO BURNT THE INCENSE DID NOT DO SO UNTIL THE SUPERINTENDENT SAID TO HIM, BURN THE INCENSE. IF IT WAS THE HIGH PRIEST WHO BURNT, HE WOULD SAY TO HIM, SIR,³¹ PRAY BURN THE INCENSE. THE PEOPLE³² LEFT AND HE BURNT THE CENSE AND PROSTRATED HIMSELF AND WENT OUT.

CHAPTER VII

MISHNAH .

- (1) And if any was spilt, it would fall into the spoon.
- (2) Made of cloth or leather, to prevent the fragrance from escaping.
- (3) Lit., 'the firepan'. Of the cinders from the altar.
- (4) These words are obviously a gloss inserted incorrectly from the Mishnah 28a dealing with the clearing away of the ashes.
- (5) Because the silver firepan would hold four kabs and the gold one only three.
- (6) V. Mid. III, 2 and Yoma 43b.
- (7) When it was not permissible to sweep the cinders away.
- (8) **, 'a wine cooler'.
- (9) Fifteen se'aha.
- (10) From the top of the altar pile of ashes, v. infra.
- (11) Because it was round-bottomed.
- (12) When it was not permissible to remove it.
- (13) Those who had been chosen for the firepan and the incense.
- (14) Magrepah. V. supra p. 20, n. 2. Whether it is identical with the vessel mentioned there is difficult to say.
- (15) After the offering of the incense.
- (16) When the libation of wine was offered.
- (17) Here the word seems to mean the section of the priests on duty, elsewhere designated Mishmar. Maimonides, however, takes it in its usual sense (v. G]os. s.v.) and supposes that the unclean persons mentioned in the next sentence are lepers awaiting the sprinkling of the blood.
- (18) All the priests of the beth ab (v. supra p. I, n. 9) which was on duty had to turn up, whether clean or unclean. The reason is given in Pes. 82a.
- (19) Those who had been chosen for the incense and the firepan.
- (20) There were twelve steps between the altar and the Porch. V. Mid. III, 6.
- (21) The altar of incense.
- (22) In order to remove the teni and the kuz which had been left there. V. Jupra, end of Ch. III.
- (23) Those which he had left at the first clearance. V. Ch. III.
- (24) He removed the wick and the oil and cleared out the socket and put in a fresh wick and oil.
- (25) I.e., he poured in oil without putting it out first.
- (26) Where it had been left when he trimmed the lights. V. supra end of Ch. III.
- (27) So as to sprinkle the incense over them.
- (28) The spoon.
- (29) Since the burning of the incense was always assigned to a priest who had never had this privilege before. V. supra IV, 2.
- (30) Because he would have to put his hand over the smoke to reach the further cinders.
- (31) Lit., 'My sir, the High Priest'.
- (32) I.e., the priests between the court and the altar.

Talmud - Mas. Tamid 33b

WHEN THE HIGH PRIEST WENT IN¹ TO PROSTRATE HIMSELF,² THREE PRIESTS SUPPORTED HIM, ONE BY HIS RIGHT AND ONE BY HIS LEFT AND ONE BY THE PRECIOUS STONES.³ WHEN THE SUPERINTENDENT HEARD THE SOUND OF THE FOOTSTEPS OF THE HIGH PRIEST AS HE WAS ABOUT TO ISSUE [FROM THE HEKAL], HE RAISED THE CURTAIN FOR HIM. HE WENT IN, PROSTRATED HIMSELF

AND WENT OUT, AND THEN HIS BROTHER PRIESTS WENT IN AND PROSTRATED THEMSELVES AND WENT OUT.

MISHNAH . THEY⁴ WENT AND STOOD ON THE STEPS OF THE PORCH. THE FIRST SET⁵ STOOD AT THE SOUTH SIDE OF THEIR BROTHER PRIESTS HOLDING FIVE VESSELS; ONE HELD THE TENI, A SECOND THE KUZ, A THIRD THE FIREPAN, A FOURTH THE DISH, AND THE FIFTH THE SPOON AND ITS COVERING. THEY BLESSED THE PEOPLE WITH A SINGLE BENEDICTION;⁶ IN THE COUNTRY THEY RECITED IT AS THREE BLESSINGS,⁷ IN THE SANCTUARY AS ONE.⁸ IN THE TEMPLE THEY PRONOUNCED THE DIVINE NAME AS IT IS WRITTEN,⁹ BUT IN THE COUNTRY BY ITS SUBSTITUTE.¹⁰ IN THE COUNTRY THE PRIESTS RAISED THEIR HANDS AS HIGH AS THEIR SHOULDERS, BUT IN THE TEMPLE RIGHT ABOVE THEIR HEADS, ALL EXCEPT THE HIGH PRIEST, WHO DID NOT RAISE HIS HANDS ABOVE THE PLATE.¹¹ R. JUDAH SAYS THAT THE HIGH PRIEST ALSO RAISED HIS HANDS ABOVE THE PLATE, SINCE IT SAYS, AND AARON LIFTED UP HIS HANDS TOWARD THE PEOPLE AND BLESSED THEM.¹²

MISHNAH . WHEN THE HIGH PRIEST DESIRED TO BURN THE OFFERINGS,¹³ HE USED TO GO UP THE ASCENT WITH THE DEPUTY HIGH PRIEST¹⁴ AT HIS RIGHT HAND, AND WHEN HE REACHED THE MIDDLE OF THE ASCENT THE DEPUTY TOOK HOLD OF HIS RIGHT HAND AND HELPED HIM UP. THE FIRST [OF THE OFFICIATING PRIESTS] THEN HANDED TO HIM THE HEAD AND THE FOOT OF THE SACRIFICE AND HE LAID HIS HANDS ON THEM¹⁵ AND THREW THEM [ON THE ALTAR FIRE]. THE SECOND THEN HANDED TO THE FIRST THE TWO FORE LEGS. AND HE HANDED THEM TO THE HIGH PRIEST WHO LAID HIS HANDS ON THEM AND THREW THEM [ON TO THE ALTAR]. THE SECOND THEN SLIPPED AWAY. IN THE SAME WAY ALL THE OTHER LIMBS WERE HANDED TO HIM AND HE LAID HANDS ON THEM AND THREW THEM [ON TO THE ALTAR FIRE]. IF HE PREFERRED, HE COULD LAY ON HANDS AND LET OTHERS THROW ON THE FIRE. WHEN HE CAME TO GO ROUND THE ALTAR¹⁶ FROM WHERE DID HE COMMENCE? FROM THE SOUTH-EASTERN CORNER; FROM THERE HE WENT TO THE NORTH-EASTERN, THEN TO THE NORTH-WESTERN AND THEN TO THE SOUTH-WESTERN. THEY THERE HANDED TO HIM WINE FOR LIBATION. THE DEPUTY HIGH PRIEST STOOD ON THE HORN OF THE ALTAR¹⁷ WITH THE FLAGS IN HIS HAND, AND TWO PRIESTS ON THE TABLE OF THE FAT¹⁸ WITH TWO TRUMPETS IN THEIR HANDS. THEY BLEW A TEKI'AH, A TERU'AH AND A TEKI'AH,¹⁹ AND THEN WENT AND STOOD BY BEN ARZA,²⁰ ONE ON HIS RIGHT HAND AND ONE ON HIS LEFT. WHEN HE BENT DOWN TO MAKE THE LIBATION THE DEPUTY HIGH PRIEST WAVED THE FLAGS AND BEN ARZA STRUCK THE CYMBALS AND THE LEVITES CHANTED THE PSALM. WHEN THEY CAME TO A PAUSE²¹ A TERU'AH WAS BLOWN, AND THE PUBLIC PROSTRATED THEMSELVES; AT EVERY PAUSE THERE WAS A TEKI'AH AND AT EVERY TEKI'AH A PROSTRATION. THIS WAS THE ORDER OF THE REGULAR DAILY SACRIFICE FOR THE SERVICE OF THE HOUSE OF OUR GOD. MAY IT BE GOD'S WILL THAT IT BE BUILT SPEEDILY IN OUR DAYS, AMEN.

MISHNAH . THE FOLLOWING ARE THE PSALMS THAT WERE CHANTED IN THE TEMPLE. ON THE FIRST DAY THEY USED TO SAY, THE EARTH IS THE LORD'S AND THE FULNESS THEREOF, THE WORLD AND THEY THAT DWELL THEREIN.²² ON THE SECOND DAY THEY USED TO SAY, GREAT IS THE LORD AND HIGHLY TO BE PRAISED, IN THE CITY OF OUR GOD. HIS HOLY MOUNTAIN.²³ ON THE THIRD DAY THEY USED TO SAY, GOD STANDETH IN THE CONGREGATION OF GOD, IN THE MIDST OF THE JUDGES HE JUDGETH.²⁴ ON THE FOURTH DAY THEY USED TO SAY, O LORD, THOU GOD TO WHOM VENGEANCE BELONGETH, THOU GOD TO WHOM VENGEANCE BELONGETH, SHINE FORTH.²⁵ ON THE FIFTH DAY THEY USED TO SAY, SING ALOUD UNTO GOD OUR STRENGTH, SHOUT UNTO THE GOD OF JACOB.²⁶ ON THE SIXTH DAY THEY USED TO SAY, THE LORD REIGNETH, HE IS CLOTHED IN MAJESTY, THE LORD IS CLOTHED, HE HATH GIRDED HIMSELF WITH STRENGTH.²⁷ ON SABBATH THEY USED TO SAY, A PSALM, A SONG FOR THE SABBATH DAY:²⁸ A PSALM, A SONG FOR THE TIME TO COME, FOR THE DAY THAT WILL BE ALL SABBATH AND REST FOR EVERLASTING LIFE.

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- (1) To the Hekal.
 - (2) After the offering of the incense.
 - (3) On the shoulder pieces of the ephod.
 - (4) All the priests who had officiated.
 - (5) The five particularly mentioned above, who had cleared the ashes from the inner altar and the candlestick.
 - (6) The priestly benediction, 'The Lord bless thee and preserve thee etc.' Num. VI, 24-26.
 - (7) Allowing the public to say Amen after each verse.
 - (8) Because Amen was not said in the Temple.
 - (9) YHVH.
 - (10) Adonai.
 - (11) Because the name of God was inscribed on it.
 - (12) Lev. IX, 22. Which shows that the priestly benediction must be said with raised hands. Tosaf. Yom Tob.
 - (13) The High Priest had the privilege of performing any service he wished without the formality of the lot.
 - (14) Selan
 - (15) This was not the regulation laying on of hands, which was performed when the animal was still alive, but a special mark of distinction for the High Priest.
 - (16) The ascent was on the south side of the altar and the place of libation was at the south-western corner, but as it was the rule for the officiating priest to move to the right, he had to go right round the altar to get to it.
 - (17) The horn was a cubit square.
 - (18) The marble table on which the limbs were put. V. supra.
 - (19) On these terms, v. Glos.
 - (20) V. Shek. V, 1.
 - (21) In the palm.
 - (22) Ps. XXIV.
 - (23) Ibid XLVIII.
 - (24) Ibid LXXXII.
 - (25) Ibid XCIV.
 - (26) Ibid LXXXI.
 - (27) Ibid. XCIII.

(28) Ibid XCII. The reasons why these Psalms were chosen are given in R.H. 31a.

Talmud - Mas. Nidah 2a

CHAPTER I

MISHNAH. . SHAMMAI RULED: FOR ALL WOMEN¹ IT SUFFICES [TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM THE] TIME [OF THEIR DISCOVERING THE FLOW].² HILLEL RULED: [THEIR PERIOD OF UNCLEANNESS IS TO BE RECKONED RETROSPECTIVELY] FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION,³ EVEN [IF THE INTERVAL EXTENDED] FOR MANY DAYS. THE SAGES, HOWEVER, RULED: [THE LAW IS] NEITHER IN AGREEMENT WITH THE OPINION OF THE FORMER⁴ NOR IN AGREEMENT WITH THAT OF THE LATTER,⁵ BUT [THE WOMEN ARE DEEMED TO HAVE BEEN UNCLEAN] DURING [THE PRECEDING] TWENTY-FOUR HOURS⁶ WHEN THIS⁷ LESSENS THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION, AND DURING THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION WHEN THIS⁸ LESSENS THE PERIOD OF TWENTY-FOUR HOURS.

FOR ANY WOMAN WHO HAS A SETTLED PERIOD IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW: AND IF A WOMAN USES TESTING-RAGS WHEN⁹ SHE HAS MARITAL INTERCOURSE, THIS IS INDEED¹⁰ LIKE AN EXAMINATION WHICH LESSENS EITHER THE PERIOD OF THE [PAST] TWENTY-FOUR HOURS OR THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION. HOW [IS ONE TO UNDERSTAND THE RULING THAT]¹¹ IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW? IF SHE WAS SITTING ON A BED AND WAS OCCUPIED WITH RITUALLY CLEAN OBJECTS¹² AND, HAVING LEFT THEM, OBSERVED A FLOW, SHE IS RITUALLY UNCLEAN WHILE THE OBJECTS¹³ REMAIN RITUALLY CLEAN.

ALTHOUGH THEY¹⁴ HAVE LAID DOWN THAT SHE¹⁵ CONVEYS UNCLEANNESS FOR A PERIOD OF TWENTY-FOUR HOURS [RETROSPECTIVELY]¹⁶ SHE COUNTS [THE SEVEN DAYS OF HER MENSTRUATION]¹⁷ ONLY FROM THE TIME SHE OBSERVED THE FLOW.

GEMARA. What is Shammai's reason?¹⁸ — He is of the opinion that a woman¹⁹ should be presumed to enjoy²⁰ her usual status, and the status of the woman²¹ was one of cleanness.²² And Hillel?²³ — When is it said that an object is presumed to possess its usual status? Only when the unfavourable condition²⁴ is not internal,²⁵ but as regards a woman,

(1) In respect of menstrual uncleanness.

(2) It being assumed that up to that moment there was no vestige of blood even in the ante-chamber (cf. Mishnah infra 40a). Hence only objects that were touched by the woman after the discovery become ritually unclean. All objects touched prior to that moment remain clean.

(3) When she discovered the discharge. If the last, for instance, took place at 5 p.m. on a Thursday and the

previous one at 8 a.m. on the preceding Sunday, all objects touched since the Sunday examination are deemed to be ritually unclean because it is assumed that some blood, prevented from leaving the body by the walls of the womb, may have made its way into the ante-chamber immediately after that examination.

- (4) Shammai, whose ruling is too lenient.
- (5) Hillel, who is too restrictive, since blood could not well be retained in the ante-chamber for a very long time.
- (6) Me'eth le'eth, lit., 'from time to time'.
- (7) An interval of more than twenty-four hours having intervened between the two examinations.
- (8) The two examinations having taken place within twenty-four hours.
- (9) Before and after.
- (10) Lit., 'behold this'.
- (11) In the case of 'ANY WOMAN WHO HAS A SETTLED PERIOD (supra).
- (12) In the preparation, for instance, of foodstuffs.
- (13) The bed, and the foodstuffs which she handled.
- (14) The Sages.
- (15) A woman who had no settled period.
- (16) From the time she observed the flow.
- (17) Prescribed in Lev. XV, 19.
- (18) For his ruling in the first clause of our Mishnah.
- (19) About whom it is uncertain when her flow began.
- (20) Lit., 'cause to stand . . . upon'.
- (21) Spoken of in our Mishnah.
- (22) Since she was occupied with ritually clean things.
- (23) How, in view of Shammai's reason, can he maintain his ruling.
- (24) Which might impair its status.
- (25) But is due to some external cause. MS.M. adds, 'as, for instance, when it is doubtful whether one did, or did not touch (an unclean object)'.

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since what she observes [is a discharge] from her own body, it cannot be held that she is presumed to have her usual status.

Wherein, however, does this¹ essentially differ² from that of a ritual bath of which we learnt: If a ritual bath³ was measured and found lacking, all purifications that have heretofore been effected through it, whether it was in a public⁴ or in a private domain,⁵ are regarded⁶ as unclean?⁷ According to Shammai⁸ the difficulty arises from 'heretofore'; while according to Hillel the difficulty arises, does it not, from the certainty; for, whereas in the case of the twenty-four hours' period⁹ of the menstruant [any terumah¹⁰ she touched] is only held in suspense, it being neither eaten nor burned,¹¹ here¹² the uncleanness is regarded as a certainty?¹³ — The reason¹⁴ there¹⁵ is that it may be postulated that the unclean person shall be regarded as being in his presumptive status¹⁶ and assumed¹⁷ not to have performed proper immersion.¹⁸ On the contrary! Why not postulate that the ritual bath shall be regarded as being in its presumptive status of validity and assume that it was not lacking?¹⁹ — Surely a lacking [bath] is before you. But in this case also,²⁰ is not blood before you? — She has only just now observed it.²¹ In that case²² too, is it not²³ lacking only just now?²⁴ — What a comparison!²⁵ In that case²² it might well be presumed that

the water was gradually diminishing,²⁶ but can it here also be presumed that she was gradually observing the flow?²⁷ — What an objection is this! Is it not possible that she observed the blood only when it was coming in profusion?²⁸ — In the former case²⁹ there are two unfavourable factors³⁰ while in the latter³¹ there is only one unfavourable factor.³² Wherein, however,³³ does this³¹ differ from the case of the jug concerning which we have learnt:³⁴ If one tested³⁵ a wine jug for the purpose of periodically taking from it terumah [for wine kept in other jugs]³⁶ and, subsequently,³⁷ it was found to contain vinegar,³⁸ all³⁹ three days it is certain,⁴⁰ and after that it is doubtful.⁴¹ Now does not this⁴² present an objection against Shammai?⁴³ — The reason there⁴⁴ is that it can be postulated that the tebel⁴⁵ shall be regarded as having its presumptive status, and then it may be presumed that it had not been ritually prepared.⁴⁶ On the contrary! Why not postulate that the wine be regarded as having its presumptive status⁴⁷ and then it might be assumed that it had not become sour? — Surely it stands sour before you. But in that case also⁴⁸ is there not blood before you? — She has only just now observed it. But in that case too⁴⁹ is it not sour only just now? — What a comparison! In the latter case⁴⁹ it might well be presumed that the wine turned sour by degrees,⁵⁰ but can it also be said in the former case⁴⁸ that she observed the flow by degrees?⁵¹ — What an objection is this! Is it not possible that she observed the blood only when it came in profusion? — In the former case⁴⁹ there are two unfavourable factors⁵² while in the latter⁴⁸ there is only one such factor.⁵³

An incongruity, however, was pointed out between the case of the jug⁵⁴ and that of the ritual bath:⁵⁵ Wherein lies the essential difference between the two⁵⁶ that in the latter case⁵⁷ [the retrospective uncleanness is regarded as] a certainty while in that of the former⁵⁸ [the uncleanness of the terumah is deemed] doubtful? — R. Hanina of Sura replied: Who is the author [of the ruling concerning the] jug? R. Simeon, who in respect of a ritual bath also regards [the retrospective uncleanness] as a matter of doubt; for it was taught:⁵⁹ If a ritual bath was measured and found lacking all purifications heretofore effected through it whether it was in a public or in a private domain, are regarded as unclean.⁶⁰ R. Simeon ruled: In a public domain they are regarded as clean but in a private domain they are regarded as being in suspense.⁶¹

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- (1) The case of the menstruant.
 - (2) Both according to Shammai and Hillel.
 - (3) Which must contain a minimum of forty se'ah of water.
 - (4) Where a case of doubtful uncleanness is elsewhere regarded as clean.
 - (5) Where a doubtful case is regarded as unclean (cf. prev. n.).
 - (6) Since the bath is now ritually invalid.
 - (7) Mik. II, 2.
 - (8) Who ruled that the period of uncleanness of menstruant women begins FROM THE TIME OF THEIR DISCOVERY OF THE FLOW and not retrospectively.
 - (9) According to the Sages; or the interval between her last and previous examinations according to Hillel (v. our Mishnah).
 - (10) V. Glos.
 - (11) As explained infra 6a.
 - (12) In the case of the ritual bath, where it is categorically stated 'are retrospectively unclean'.
 - (13) And the terumah must be burned.
 - (14) For the restrictions.

- (15) The case of the ritual bath.
- (16) Of uncleanness, which before valid immersion is a certainty.
- (17) On account of the discovered invalidity of the ritual bath he used.
- (18) Since the invalidity may have begun at the time the immersion took place.
- (19) At the time of the immersion.
- (20) That of the menstruant.
- (21) Hence there is no need to assume that the flow began any earlier.
- (22) Ritual bath.
- (23) As far as is known.
- (24) Why then should it be assumed to have been lacking earlier?
- (25) Lit., 'thus, now'.
- (26) So that the presumptive state of validity has long ago been impaired. And since it is not known when the process began the restrictive ruling given is well justified.
- (27) Obviously not. Hence it may well be assumed that the flow began only at the moment when it was discovered.
- (28) While in fact a particle of it which is quite sufficient to cause uncleanness (cf. infra 40) may have been in the antechamber long before she was aware of any flow.
- (29) That of the ritual bath.
- (30) The assumption that the unclean person was in his confirmed status of uncleanness and the lacking condition of the bath.
- (31) The case of the menstruant.
- (32) The present observation of the blood. Since against this factor there is the favourable one of the woman's previous condition of confirmed cleanness it may well be assumed that the flow began not earlier than the moment when it was observed.
- (33) According to Shammai.
- (34) What follows is a Baraita (Tosef. Ter. IV) and is quoted here as Mishnah. This is not an isolated instance. V. Higger Ozar ha Beraitoth, pp. 37ff.
- (35) Either by tasting some of its contents (Rashi) the terumah and tithe having been duly taken from it (Rashb. B.B. 96a) or by smelling it (Tosaf. l.c.).
- (36) In order that he might be allowed to use the wine in the other jugs he keeps this one jug for the purpose of taking from it daily, or whenever required, the appropriate quantity of wine as terumah or tithe for the wine in the other jugs.
- (37) After a month or two, for instance.
- (38) A liquid which (according to Rabbi, B.B. 84b) may not be used as terumah for wine.
- (39) So MS.M. and Rashal. Cur. edd. in parenthesis insert 'the first'.
- (40) V. following note.
- (41) Tosef. Ter. IV. The meaning according to R. Johanan (B.B. 96a) is that during the first three days after the test the contents of the jug are regarded as 'certain' wine because in less than three days wine cannot turn into vinegar. Even if it be assumed that it began to turn sour immediately after the test it could not be called 'vinegar' until full three days had elapsed. The terumah given within these three days must inevitably have been wine and consequently have exempted the wine in the other jugs. After three days the contents are regarded as 'doubtful wine' since it is possible that the wine began to deteriorate only three days before it was found to be vinegar, into which it may have turned just at that moment. As the terumah is accordingly of a doubtful nature another portion must be set aside for the purpose. The meaning according to R. Joshua b. Levi (ibid.) is that during the last three days prior to the discovery that it had turned into vinegar, it is regarded as 'certain' vinegar because, in his opinion, the contents are deemed to be vinegar as soon as the wine begins to deteriorate in odour though its taste

may still be that of wine. Since it is now proper vinegar the deterioration must have commenced at least three days earlier. Prior to the three days it is regarded as 'doubtful' because it is unknown when the deterioration had set in.

(42) The ruling in the Baraitha cited according to which where unfavourable factors exist restrictions are applied retrospectively.

(43) Who ruled in our Mishnah that menstruants are not deemed to have been unclean for any length of time retrospectively, but reckon their period of uncleanness only from the moment OF THEIR DISCOVERING THE FLOW.

(44) In the Baraitha cited.

(45) The untithed wine, v. Glos.

(46) Sc. that the priestly and levitical dues have not been duly set aside for it.

(47) Of being wine.

(48) That of the menstruant.

(49) That of the jug of wine.

(50) So that it lost its status long before it completely turned into vinegar.

(51) Of course not. Hence the assumption that the flow began the moment it was discovered.

(52) The confirmed status of the wine as *tebel* and its present sour condition.

(53) The present observation of the blood.

(54) Cited *supra* from Tosef. Ter. IV.

(55) Mik. II, 2, also cited *supra*.

(56) In both of which (as stated *supra*) there are equally two unfavourable factors.

(57) Mik. II, 2.

(58) Cited *supra* from Tosef. Ter. IV.

(59) So marg. gl. Cur. edd. 'we learnt'.

(60) *Supra* q.v. notes.

(61) Tosef. Mik. I; the reason is discussed *infra*.

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And both¹ deduced it² from no other law than that of *sotah*.³ The Rabbis⁴ hold [that the law of the ritual bath is the same] as that of *sotah*; as [the offence of] the *sotah* is a matter of doubt and is regarded as a certainty⁵ so here also⁶ [where the uncleanness is] a matter of doubt it is regarded as a certainty. If [the inference, however, is made] from the *sotah* might it not be argued: It is like the *sotah* in this respect, viz., that as the *sotah* is clean [if she is suspected of an offence] in a public domain⁷ so should [all the purifications effected in] this case also⁶ be regarded as clean [if the bath was] in a public domain? — What a comparison!⁸ There⁹ the cause¹⁰ is seclusion¹¹ but seclusion in a public domain is impossible,¹² but here,⁶ the cause¹³ being the deficiency,¹⁴ what matters it whether the deficiency takes place in a public, or in a private domain?¹⁵ And should you argue: Is not every doubtful case of ritual uncleanness in a public domain regarded as clean [it could be retorted:] Since [in the case of the bath] there are two unfavourable factors¹⁶ it is regarded as certain uncleanness. R. Simeon, however, holds [that the law of the ritual bath is the same as that of *sotah* [in this respect]: As the *sotah* is regarded as clean [where she is suspected of an offence] in a public domain so also here¹⁷ [are all the purifications effected regarded as] clean [if the bath was] in a public domain. If [the inference, however, is made] from the *sotah*, might it not be argued: It is like the *sotah* in this respect viz., that as the *sotah* [if suspected of the offence] in a private domain is regarded as definitely unclean so should also [all purifications effected in

this case] be deemed to be definitely unclean [where the bath was] in a private domain? — What a comparison!¹⁸ In that case¹⁹ there is some basis for the suspicion,²⁰ seeing that he²¹ had warned her and she had secluded herself with the stranger; what basis for uncleanness,²⁰ however, is there here?²²

And if you prefer I might say that this is R. Simeon's reason.²³ He infers the law of the termination of uncleanness²⁴ from that of the inception of uncleanness;²⁵ as with the inception of uncleanness if it is doubtful whether an object has or has not touched an uncleanness in a public domain it is deemed to be clean, so also with the termination of uncleanness, if it is doubtful whether an object had been duly immersed or not, in a public domain it is deemed to be clean. And the Rabbis?²⁶ — What an inference!²⁷ There,²⁸ since the man is in the presumptive status of ritual cleanness, we cannot on account of a doubt transfer him to a state of uncleanness, but here,²⁹ seeing that the man is in the presumptive status of uncleanness, we cannot on account of a doubt release him from his uncleanness.

Wherein, however, does this³⁰ essentially differ³¹ from the case of an alley of which we learnt: If a dead creeping thing was found in an alley it causes ritual uncleanness retrospectively³² to such time as one can testify, 'I examined this alley and there was no creeping thing in it',³³ or to such time as it was last swept?³⁴ — There³⁵ also, since there are creeping things from the alley itself and also creeping things that make their way into it from the outside world, the case is the same as one that has two unfavourable factors. And if you prefer I might reply,³⁶ This is Shammai's reason:³⁷ Because a woman is herself conscious [when she suffers a flow].³⁸ And Hillel?³⁹ — She might have thought that the sensation⁴⁰ was that of urine. As to Shammai, is there not [the possibility of suffering a flow while] asleep?⁴¹ — A woman asleep too would⁴² awake on account of the pain,⁴³ as is the case where one feels a discharge of urine.⁴⁴ But is there not the case of an imbecile?⁴⁵ — Shammai agrees⁴⁶ in the case of an imbecile. But did he not state, ALL WOMEN?⁴⁷ — [He meant:] All sensible women. Then why did he not merely state WOMEN?⁴⁸ — He intended to indicate that the law is not in agreement with R. Eliezer; for R. Eliezer mentioned 'Four classes of women'⁴⁹ and no more, hence he⁵⁰ informed us [that the law applies to] ALL WOMEN. But is there not the case of stains?⁵¹ Must we then⁵² assume that we learnt the Mishnah about stains⁵³ in disagreement with Shammai? — Abaye replied: Shammai agrees⁵⁴ in the case of stains. What is the reason? — Since she was neither handling a slaughtered bird nor was she passing through the butchers' market, whence could that blood have come?⁵⁵ And⁵⁶ if you prefer I might reply, This is Shammai's reason: If in fact any blood were there⁵⁷ it would have flowed out earlier.⁵⁸ And Hillel?⁵⁹ — The walls of the womb may have held it back.⁶⁰ And Shammai?⁶¹ — The walls of the womb do not hold blood back. But what can be said for a woman⁶² who⁶³ uses an absorbent in her marital intercourse?⁶⁴ — Abaye replied: Shammai agrees⁶⁵ in the case of one who uses an absorbent,⁶⁶ Raba replied: An absorbent too [does not affect Shammai's ruling, since] perspiration causes it to shrink.⁶⁷ Raba, however, agrees⁶⁸ in the case of a tightly packed absorbent.⁶⁹

What, however, is the practical difference between the latter explanations⁷⁰ and the former explanation?⁷¹

(1) R. Simeon and the first Tanna.

- (2) Each his respective rulings in the Baraita just cited.
- (3) V. Glos., in connection with whom Scripture speaks of uncleanness or defilement (cf. Num. V, 13).
- (4) Sc. the first Tanna (cf. supra n. 7).
- (5) A sotah, until her innocence is proved by the test (cf. Num. V, 15-28), being definitely forbidden to her husband.
- (6) The case of the ritual bath under discussion.
- (7) Where no privacy is possible.
- (8) Lit., 'thus, now'.
- (9) Sotah.
- (10) Of the woman's uncleanness or prohibition to her husband.
- (11) Of the woman with the suspected stranger.
- (12) Hence the ruling that in such a case the woman is deemed clean.
- (13) Of uncleanness.
- (14) Of the water in the bath.
- (15) Nothing. Hence the Rabbis' ruling that all purifications effected, irrespective of domain, are deemed to be unclean.
- (16) As pointed out supra 2b.
- (17) The case of the ritual bath under discussion.
- (18) Lit., 'thus, now'.
- (19) Sotah.
- (20) Lit., 'there are feet for the thing'
- (21) Her husband.
- (22) In the case of the bath. As there is no basis whatever for the assumption that this deficiency occurred before the purifications had been effected it may well be assumed that it occurred afterwards immediately before the bath was measured. It has thus been shown, as R. Hanina replied supra, that according to R. Simeon all cases of doubtful uncleanness in a private domain where there is no basis for the affirmation of the uncleanness, are regarded as being in suspense.
- (23) For holding doubtful cases of uncleanness in a public domain to be clean.
- (24) Sc. ritual immersion which takes place when the period of uncleanness is concluded.
- (25) I.e., uncleanness contracted from coming in contact with an unclean object.
- (26) How, in view of R. Simeon's inference, could they maintain (v. supra 2b ad fin.) that 'all purifications . . . whether it was in a public or in a private domain, are unclean'?
- (27) Lit., 'thus, now'.
- (28) The case of the inception of uncleanness.
- (29) In a case of termination of uncleanness.
- (30) The case of the menstruant in our Mishnah.
- (31) According to Shammai.
- (32) To all clean objects that were in the alley prior to its discovery.
- (33) Sc. only clean objects that were in the alley prior to that examination are ritually clean since the examination has established that during that time there was no creeping thing in the alley.
- (34) Infra 56a; and no creeping thing was found. The sweeping, which is presumably accompanied by a search for any unclean things, has the same force as a direct examination. Hence (cf. prev. n.) only objects that were in the alley prior to the sweeping are clean while those that were there after the sweeping, since a creeping thing may have fallen into the alley immediately after the sweeping was over, are regarded as unclean. Now seeing that here uncleanness in a doubtful case is caused retrospectively, why does Shammai in our Mishnah restrict the period of

uncleanness to the time of THEIR DISCOVERING only?

(35) The case of the alley in the Mishnah just cited.

(36) To the objection raised against Shammai.

(37) For his ruling that menstruants begin their period of uncleanness from the time OF THEIR DISCOVERING OF THE FLOW only and not, as in the case of the alley, retrospectively.

(38) As she did not feel any prior to her present discovery it may be safely assumed that previously there had not been any.

(39) How, in view of this argument, can he maintain that a menstruant's uncleanness is RECKONED RETROSPECTIVELY?

(40) Of the menstrual flow.

(41) When the woman is unconscious of it. As this is quite possible, why does not Shammai extend the period of uncleanness retrospectively?

(42) In Shammai's opinion.

(43) Of the flow.

(44) As she did not awake, it may well be presumed that the flow began just before its discovery.

(45) Who is incapable of distinguishing the first appearance of a flow.

(46) That the period of uncleanness extends retrospectively.

(47) Which presumably includes the imbecile also.

(48) Omitting 'ALL'.

(49) Infra 7a.

(50) Shammai.

(51) Of menstrual blood, which (v. infra 56a) cause uncleanness retrospectively, though prior to the moment of its discharge the woman was unaware of any flow.

(52) Since Shammai does not extend the unclean period retrospectively, maintaining that a woman is invariably aware when her flow first appears.

(53) Where it was ruled that a stain causes uncleanness even where the woman had felt no flow whatever.

(54) That the menstruant's uncleanness is extended retrospectively.

(55) Hence it must be assumed to have come from the woman's menstrual flow.

(56) So Bah. Cur. edd. omit 'and'.

(57) Sc. prior to its discovery.

(58) As none flowed out it may well be assumed that the flow began only just before it had been discovered.

(59) Sc. how can he maintain his ruling in view of the argument here advanced for Shammai?

(60) As, however, it might have made its way to the ante-chamber the period of uncleanness must extend from that time onwards.

(61) Cf. prev. n. but one mut. mut.

(62) Of the three classes enumerated infra 45a.

(63) To prevent conception.

(64) As the material used would also absorb any menstrual blood, there could be no proof that the discharge did not begin prior to the discovery. How then could Shammai rule that the menstrual uncleanness begins only at 'THE TIME OF THEIR DISCOVERING THE FLOW'?

(65) That menstrual uncleanness is reckoned retrospectively.

(66) Cf. prev. n. but one.

(67) Lit., 'on account of perspiration it inevitably shrinks' and consequently, enables the blood to pass out. As no blood appeared prior to the discovery Shammai may well maintain that the uncleanness does not begin prior to the DISCOVERING OF THE FLOW.

(68) With Abaye.

(69) Since the blood cannot pass through it.

(70) That (a) 'a woman feels' and (b) 'it would have flowed out earlier' (supra).

(71) Supra 2a, 'a woman should be presumed to enjoy her usual status'.

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— The practical difference between them is the possibility of pointing out an incongruity [between the ruling in our Mishnah and the rulings concerning] the jug, the ritual bath and the alley:¹ According to the former explanation such an incongruity may justifiably be pointed out¹ while according to the latter explanations such an incongruity does not exist. But what practical difference is there [in the case of the latter] between the one and the other explanation? — According to Abaye² there is the case of the absorbent,³ and according to Raba² there is the case of the absorbent tightly packed.⁴ It was taught in agreement with that explanation that 'if in fact any blood were there it would have flowed out earlier': Hillel said to Shammai, 'Do you not agree that in the case of a basket one corner of which was used for levitically clean objects while in another corner was found⁵ a dead creeping thing, the objects that were formerly clean are regarded as unclean retrospectively?'⁶ — 'Indeed', the other replied. 'Then [Hillel rejoined] what is the difference between the one case and the other?'⁷ — 'The one⁸ [Shammai replied] has a bottom,⁹ the other¹⁰ has none.'¹¹ Raba stated: Shammai's reason¹² is to avoid¹³ neglect of marital life.¹⁴ So it was also taught: Shammai said to Hillel, 'If so,¹⁵ you cause the daughters of Israel the neglect of marital life'.¹⁶ Now according to him¹⁷ who taught this explanation¹⁸ [it may be objected:] Was it not taught,¹⁹ in agreement with the former explanation,¹⁸ that 'if in fact any blood were there it would have flowed out earlier'? — There¹⁹ it was Hillel who erred. He thought that Shammai's reason was that if any blood had been there it would have flowed out earlier and, therefore, he raised an objection against him from the case of the basket,²⁰ but Shammai answered him, 'My reason is the avoidance of the neglect of marital life; and as regards your erroneous assumption too, in consequence of which you raised an objection from the case of the basket, the latter has a bottom while the former has none.'²¹

But according to him who taught²² the first explanation²³ [it may be objected:] Was it not in fact taught, in agreement with the latter version, that the reason is to avoid the neglect of propagation? It is this that Hillel in fact said to Shammai, 'Even if you give as your reason that "if in fact any blood were there it would have flowed out earlier," you must nevertheless make a fence²⁴ for your ruling, for why should this law be different from all the Torah for which a fence is made?' To this the other replied, 'If so,²⁵ you would cause the daughters of Israel to neglect marital life'.²⁶ And Hillel?²⁷ — 'Do I [he can reply] speak of marital life?²⁸ I only speak of levitical cleanness'. And Shammai?²⁹ — [Restrictions, he holds, must] not [be imposed] even as regards levitical cleanness, since otherwise³⁰ the man might have scruples³¹ and keep away altogether.³²

(Mnemonic:³³ Bottom examined covered in a corner.)

It was stated: If one corner of a basket was used for levitically clean objects and a dead creeping thing was found in another corner, Hezekiah ruled that the objects that were formerly³⁴

clean remain clean. R. Johanan ruled: The objects that were formerly³⁵ clean are now regarded as retrospectively unclean. But do not Shammai³⁶ and Hillel in fact agree³⁷ in the case of a basket that the objects that were formerly clean are deemed to be retrospectively unclean?³⁸ — Shammai and Hillel agree³⁹ only in the case of a basket that had a bottom,⁴⁰ while Hezekiah and R. Johanan differ in that of a basket that had no bottom.⁴¹ But if the basket had no bottom what could be R. Johanan's reason?⁴² — It had no bottom, but it had⁴³ a rim.⁴⁴ But surely, it was taught:⁴⁵ 'If a man drew⁴⁶ ten buckets of water one after the other⁴⁷ and a creeping thing was found in one of them, this one⁴⁸ is unclean and all the others⁴⁹ remain clean',⁵⁰ and in connection with this Resh Lakish citing R. Jannai stated, 'This⁵¹ was taught only in a case where the bucket had no rim⁵² but if it had a rim⁵³ all the buckets of water are deemed to be unclean.' Now must it be assumed that Hezekiah⁵⁴ does not adopt the view of R. Jannai?⁵⁵ — [No, since] water⁵⁶ glides⁵⁷ while fruits⁵⁸ do not glide,⁵⁹ or else [it may be replied] one is not particular with water⁶⁰ but with fruit one is particular.⁶¹ And if you prefer I might reply: Shammai and Hillel agree⁶² only in respect of a basket that was not [previously]⁶³ examined⁶⁴

(1) Supra 2b and 3a.

(2) Supra 3a ad fin.

(3) If the explanation is that 'a woman feels' the period of menstrual uncleanness would begin at the time of the discovery of the blood even where a woman used an absorbent, while if the explanation is that 'it would have flowed out earlier' uncleanness would begin retrospectively since the discharge might have begun earlier but was soaked up by the absorbent.

(4) Cf. prev. note.

(5) After the clean objects had been removed from the basket.

(6) Lit., 'the former clean are unclean', because it is possible that the creeping thing was in the basket before the objects had been removed and that it consequently imparted uncleanness to the basket from which it was conveyed to the objects. If the creeping thing, it may be added, had been found in the same corner in which the objects were previously kept there could be no question that the latter remain clean, since it may be regarded as certain that they had been removed before the creeping thing had fallen into the basket. For if it had been there earlier it would have been discovered at the time the objects were being removed.

(7) Sc. why is the uncleanness deemed to be retrospective in the case of the basket and not in that of the menstruant?

(8) The basket.

(9) Where the creeping thing may well have rested quite unobserved by the person who removed the objects.

(10) The menstruant.

(11) Sc. had any blood found its way to the ante-chamber it would inevitably have flowed out.

(12) For his ruling in the first clause of our Mishnah that the uncleanness is not retrospective.

(13) Lit., 'on account of'.

(14) Lit., 'propagation'. Were it to be assumed that blood can make its way to the vagina even when the woman is unconscious of it, men would abstain from all marital intercourse in order to avoid possible complications of uncleanness.

(15) That menstrual uncleanness is to be retrospective (v. our Mishnah).

(16) Cf. note 10.

(17) Raba.

(18) Of Shammai's reason.

(19) Supra.

- (20) Where it is not assumed (on the analogy of the blood of the menstruant) that if a creeping thing had been there it would have come out together with the objects when the basket had been cleared.
- (21) Cf. notes supra.
- (22) Supra.
- (23) That Shammai's reason is that if any blood had been in the vagina it would have flowed out earlier.
- (24) I.e., add some restriction (retrospective uncleanness) in order to avoid possible transgression of the law itself.
- (25) That menstrual uncleanness is to be retrospective (v. our Mishnah).
- (26) V. supra p. 11 n. 10.
- (27) How, in view of this reply, could he maintain his ruling.
- (28) No. He did not say that any marital relations were to be affected.
- (29) Cf. note 8 mut. mut.
- (30) Lit., 'for if so', were retrospective uncleanness to be imposed.
- (31) Owing to the possibility of some flow of blood in the vagina.
- (32) Lit., 'his heart beats him and he separates (from his wife)'.
- (33) Containing striking words or phrases from each of the four following explanations of the points on which Shammai and Hillel on the one hand and Hezekiah and R. Johanan on the other differ.
- (34) Lit., 'the first'.
- (35) Lit., 'the first'.
- (36) So Bah and MS.M. Cur. edd. in parenthesis insert 'Beth'.
- (37) Supra. — MS.M. reads, 'Does not Shammai agree with Hillel'.
- (38) How then can Hezekiah differ from the unanimous ruling of both?
- (39) Var. lec. 'Shammai agrees with Hillel' (MS.M.).
- (40) And the objects were removed through the open top, so that it was quite possible for the creeping thing to be at the time of the removal at the bottom of the basket and thus to have escaped observation.
- (41) And that was used while it was lying on its side. In such circumstances the objects would be removed by inverting the basket in which case all its contents, including any creeping thing that might have been there, would fall out.
- (42) For treating the objects as unclean.
- (43) Near the position of the bottom.
- (44) Turning inwards, so that the creeping thing might have been caught by it and there remained unobserved.
- (45) Var. lec., 'we learnt' (Bah citing Toh. IV, 4, which, however, differs slightly from the version here cited).
- (46) With the same bucket.
- (47) All of which were poured into one large tank.
- (48) In which the creeping thing was found.
- (49) Since no creeping thing was observed to be in them when they were being emptied into the tank.
- (50) It being assumed that the creeping thing had not fallen into the bucket until it was filled for the last time.
- (51) That all the others remain clean.
- (52) Turning inwards so that the creeping thing could not possibly have remained in the bucket when it was tipped over the tank.
- (53) On which the creeping thing might have been caught and remained unobserved at the time.
- (54) Who, as explained supra in the case of the basket, holds the objects to be clean even where the basket had a rim.
- (55) Is it likely, however, that Hezekiah would differ from such an authority?
- (56) When the bucket is tipped.
- (57) Hence it is not necessary to incline the bucket at too great an angle when it is being emptied. The creeping

thing might, therefore, well have remained within the bucket, held by the rim and unobserved.

(58) From a basket.

(59) If the basket is only slightly inclined. As it must consequently be turned upside down before all the fruit it contains can be emptied it is quite impossible for the creeping thing to have remained within. If, therefore, one was subsequently found in the basket it may be safely assumed that it fell in after the clean objects had been removed.

(60) And does not mind if some of it remains in the bucket. Hence one does not tip the bucket very much, and the creeping thing might consequently have remained within the bucket behind the rim.

(61) And turns the bucket upside down in order to get out even the last fruit (cf. prev. n. but one mut. mut.).

(62) Var. lec. 'Shammai agrees with Hillel' (MS.M.).

(63) Before the clean objects were put into it.

(64) Hence it cannot be regarded as having a presumptive state of cleanness.

Talmud - Mas. Nidah 4a

while Hezekiah and R. Johanan differ in the case of a basket that had been examined. One Master¹ holds [the objects to be clean because the basket] surely had been examined,² and the other Master³ [holds them to be unclean, since] it might be assumed that the creeping thing fell in just when the man⁴ removed his hand.⁵ But [the case of the basket,]⁶ surely, was taught in the same manner as that of the woman,⁷ and is not a woman⁸ deemed to be duly examined?⁹ Since the flow of blood from her body is a regular occurrence she is regarded as unexamined.¹⁰ And if you prefer I might reply:¹¹ Shammai and Hillel agree¹² only in respect of a basket that¹³ is uncovered,¹⁴ while Hezekiah and R. Johanan differ in respect of a covered basket.¹⁵ 'Covered'! Then how [could the creeping thing]¹⁶ have fallen into it? — [This is possible when] for instance, the way of using it was by [opening and closing] its cover.¹⁷ But [the case of the basket] surely, was taught in the same manner as that of the woman,¹⁸ and is not a woman¹⁹ in the condition of being covered?²⁰ — Since the flow of blood from her body is a regular occurrence she is regarded as being in an uncovered condition.²¹ And if you prefer I might reply:²² Shammai and Hillel agree²³ only in respect of the corner of a basket, while Hezekiah and R. Johanan differ in that of the corner of a room.²⁴ But was not a 'basket' spoken of?²⁵ — It is this that was meant.²⁵ If a basket was used for clean objects in one corner of a room and, when it was moved into another corner,²⁶ a creeping thing was found [in it while it was] in that other corner, Hezekiah holds that we do not presume the uncleanness found in one place²⁷ to apply to another place,²⁸ while R. Johanan holds that we do presume.²⁹ But do we²⁹ apply the rule of presumptive uncleanness? Have we not learnt: 'If a man touched someone in the night and he did not know whether it [was a person who was] alive or [one that was] dead, and in the morning when he got up he found him to be dead, R. Meir declares [the man] clean, but the Sages declare [him] to be unclean because all questions of uncleanness are determined by [the condition of the objects at] the time they are found',³⁰ and in connection with this it was taught, 'As at the time they are found and in accordance with the place in which they are found'³¹ And should you reply that this³² holds good only³³ in respect of the law of burning³⁴ but that in respect of the law of suspense it is well applied,³⁵ have we not learnt, [it could be retorted,] If a needle³⁶ was found³⁷ full of rust or broken³⁸ it is regarded as clean³⁹ because all questions of uncleanness are determined by [the condition of the objects at] the time they are found?⁴⁰ Now why should this be so?⁴¹ Why should it not rather be assumed that this needle was formerly⁴² in a sound condition⁴³ and that it produced the rust just now?⁴⁴ Furthermore, have we not learnt: If a burnt creeping thing was found upon olives and so also if a

tattered⁴⁵ rag⁴⁶ was found upon them it is clean,⁴⁷ because all [questions of] uncleanness are determined by [the conditions of the objects at] the time they are found?⁴⁸ And should you reply that [the uncleanness is determined] in accordance with [the condition of the objects at] the time they are found, irrespective of whether the result is a relaxation⁴⁹ or a restriction of the law,⁵⁰ only in the place where they⁵¹ are found, but [if the doubt arises] in regard to the place in which they⁵¹ were not found⁵² the objects⁵³ are not to be burned but are nevertheless to be held in suspense,⁵⁴ was it not in fact taught,⁵⁵ [it could be retorted,] If a loaf of bread was lying on a shelf under which⁵⁶ lay an object of a minor degree of uncleanness,⁵⁷ [the loaf,]⁵⁸ although if it had fallen down it would have been impossible for it not to touch the unclean object,⁵⁹ is clean, because it is assumed that a clean person entered there and removed it,⁶⁰ unless one can testify, 'I am certain that no one entered there',⁶¹ in connection with which R. Eleazar stated: This assumption⁶² was required only in the case of a sloping shelf?⁶³ — There⁶⁴ the reason⁶⁵ is as stated,⁶⁶

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- (1) Hezekiah.
 - (2) And since at the time it contained no unclean objects a presumptive state of cleanness has been established.
 - (3) R. Johanan.
 - (4) Who conducted the examination.
 - (5) And the clean objects were still in the basket.
 - (6) On which Shammai and Hillel differ.
 - (7) Hillel having asked (supra 3b) 'what is the difference between the one case and the other?'
 - (8) Whose duty it is to examine herself every morning and evening.
 - (9) Apparently she is. Hence the basket also, which is in a similar condition (cf. prev. n. but one), must be deemed to be duly examined. Now since it was stated that the objects that were in the basket were regarded as retrospectively unclean an objection arises against Hezekiah.
 - (10) And so also the basket. Hence the justification for Hezekiah's ruling.
 - (11) To the difficulty raised supra 3b ad fin on the apparent contradiction between the joint ruling of Shammai and Hillel and the view of Hezekiah.
 - (12) MS.M. 'Shammai agrees with Hillel'.
 - (13) Though examined.
 - (14) So that the creeping thing might well have fallen in as soon as the examiner has removed his hand.
 - (15) Into which nothing could fall in by accident. Hence the justification for Hezekiah's ruling that the objects are clean.
 - (16) Which was actually found in it.
 - (17) Hezekiah is of the opinion that as long as clean objects are in the basket one is careful to keep it closed in order to prevent any unclean object from falling into it, but when the basket is empty care is no longer exercised and it is quite possible, therefore, for the creeping thing to have fallen in then. R. Johanan, however, holds that it is possible for the creeping thing to have fallen in unobserved, even while the clean objects were still in the basket, at a moment when the latter was opened in the ordinary course of use.
 - (18) Hillel having asked (supra 3b) 'what is the difference between the one case and the other?'
 - (19) Since no blood from the outside can flow into her body.
 - (20) Cf. supra p. 14, n. 19, mut. mut.
 - (21) And so also the basket. Hence the justification for Hezekiah's ruling.
 - (22) V. supra p. 14, n. 21.
 - (23) MS.M., 'Shammai agrees with Hillel'.

- (24) This is explained presently. Lit., 'house'.
- (25) In the statement, supra 3b ad fin, under discussion.
- (26) After the objects had been taken out.
- (27) If the unclean object was first discovered in the second place.
- (28) It is rather assumed that the creeping thing fell into the basket when it was already in the second place after the objects had been removed from it.
- (29) Even in such a case.
- (30) Lit., 'as the time of their finding', Toh. V, 7.
- (31) Sc. if in the morning the person was found dead in the place where he was touched in the night the man who touched him is unclean, but if he was found dead in a different place he remains clean. Thus it follows that we do not presume uncleanness found in one place to apply to another. How then could R. Johanan maintain that the rule is applied even in such a case?
- (32) That the rule that we do not presume uncleanness found in one place to apply to another.
- (33) Since the uncleanness is not a matter of certainty.
- (34) If it was *terumah*; sc. the *terumah* need not be burned on account of the doubtful nature (cf. prev. n.) of its uncleanness.
- (35) Lit., 'to suspend we suspend', i.e., the uncleanness of the objects thus affected is treated as a matter of doubt, and R. Johanan's ruling might be given the same interpretation and may thus be reconciled with that of the Mishnah just cited.
- (36) That was known to be unclean.
- (37) In contact with clean objects.
- (38) Conditions which render it useless as a 'vessel'. Only a proper vessel contracts and conveys uncleanness.
- (39) I.e., it (cf. prev. n.) conveys no uncleanness whatsoever to the objects with which it was found in contact.
- (40) Toh. III, 5. Hence it is assumed that the objects and the needle came in contact after the latter had lost the status of 'vessel' when it was no longer able to convey any uncleanness.
- (41) That the objects should be regarded as absolutely clean and their uncleanness should not be regarded even as doubtful.
- (42) When it first came in contact with the objects under discussion.
- (43) When it duly conveyed its uncleanness to the objects.
- (44) Since, however, the assumption is not made and the objects are not subjected either to a certain or to a suspended condition of uncleanness, even, presumably, where there was a change of place, how could R. Johanan maintain, even only in respect of a condition of suspense, that the rule of presumptive uncleanness is applied?
- (45) *Aliter*: scorched.
- (46) That was cut off from the unclean garment of a *zab* (v. *Glos.*).
- (47) Sc. it is assumed that the creeping thing or the rag did not come in contact with the olives until after it had lost its uncleanness (the former by the burning and the latter by becoming tattered or scorched) and was unable to convey any.
- (48) Toh. IX, 9. Now since the olives are not subjected even to the status of suspended uncleanness (as the categorical rule 'it is clean' implies) it follows that presumptive uncleanness does not apply when there was a change of time and so also, presumably, where there was a change of place. How then could R. Johanan maintain his ruling?
- (49) As in the case of the needle and the rag (cited from Toh. III, 5 and IX, 9) where the objects are declared clean.
- (50) Where a man touched some person in the night (cited from Toh. V, 7) in which case the man, according to the Sages, is decidedly unclean.
- (51) The objects about which the doubt had arisen.

(52) I.e., whence the objects have been removed, as is the case with the basket with which R. Johanan was concerned.

(53) Terumah, for instance.

(54) And the same interpretation might also be given to R. Johanan's ruling which would thus be reconciled with the one cited from Toh. IX, 9.

(55) V. marg. glos. Cur. edd. 'we learnt'.

(56) On the ground.

(57) Middaf. This is now assumed to be an object (a garment, for instance) which, though not subject to midras (v. Glos.) uncleanness (which could convey uncleanness to both man and vessels) conveys nevertheless uncleanness to foodstuffs and the like, Pentateuchally.

(58) Found on the ground away from the unclean object.

(59) Which would have conveyed uncleanness to it.

(60) From the shelf, and placed it on the ground where it was found.

(61) Tosef. Toh. IV.

(62) 'That a clean person entered etc.'

(63) From which the loaf is most likely to slide down and fall on the unclean object below. Now, since even in such a case it is not presumed that the loaf fell upon the unclean object and contracted uncleanness before it rolled away to its present position, it follows that the rule of presumptive uncleanness is not applied when two different places are involved. How then could R. Johanan rule supra (3b ad fin.) that presumptive uncleanness is applied even (as in the case of the basket and the creeping thing) where two places are involved?

(64) In the Baraitha just cited.

(65) Why the rule of presumptive uncleanness is not applied to the loaf.

(66) Lit. — 'as he learned the reason'.

Talmud - Mas. Nidah 4b

'Because it is assumed that a clean person entered there and removed it'.¹ But why should it not be assumed here also² that a raven came and dropped [the creeping thing into the basket]?³ — In the case of a man who acts⁴ with intention such an assumption⁵ is made, but in that of a raven which⁶ does not act with intention such an assumption⁷ is not made. But consider: The loaf⁸ is a case of doubtful uncleanness in a private domain. Now is not any case of doubtful uncleanness in a private domain regarded as unclean?⁹ — [The loaf is deemed to be unclean] because it is a thing that possesses no intelligence to answer questions,¹⁰ and any thing that possesses no intelligence to answer questions, irrespective of whether it was in a public or in a private domain, is in any doubtful case of uncleanness regarded as clean.¹¹ And if you prefer I might reply: Here¹² we are dealing with a Rabbinical uncleanness.¹³ A deduction [from the wording]¹⁴ also supports this view, for the expression used is 'middaf'¹⁵ which is analogous to the Scriptural phrase, 'a driven [niddaf] leaf'.¹⁶

THE SAGES, HOWEVER, RULED: [THE LAW IS] NEITHER IN AGREEMENT WITH THE OPINION OF THE FORMER NOR IN AGREEMENT WITH THAT OF THE LATTER etc. Our Rabbis taught: And the Sages ruled, [The law is] neither in agreement with the opinion of the former nor in agreement with that of the latter, neither [that is] in agreement with the opinion of Shammai who¹⁷ provided no fence for his ruling¹⁸ nor in agreement with the opinion of Hillel who¹⁹ restricted far too much,²⁰ but [the women are deemed to be unclean] during the preceding

twenty-four hours when this lessens the period from the [previous] examination to the [last] examination, and during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours. '[The women are deemed to be unclean] during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination'. How is this to be understood? If a woman examined her body on a Sunday²¹ and found herself to be clean and then she spent Monday and Tuesday without holding any examination while on Wednesday she examined herself and found that she was unclean, it is not ruled that she should be deemed to be unclean retrospectively from the previous examination to the last examination but only [that she should be deemed to be unclean] during the preceding twenty-four hours. 'And during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours'. How is this to be understood? If the woman examined her body during the first hour of the day and found herself to be clean and then she spent the second and the third hour without holding any examination while in the fourth hour she examined herself and found that she was unclean, it is not ruled that she should be deemed to be unclean retrospectively for a period of twenty-four hours but only during the period from the previous examination to the last examination. But is it not obvious that, since she has examined herself during the first hour and found that she was clean, she is not to be deemed unclean retrospectively for twenty-four hours?²² — As it was taught, 'during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination'²³ it also stated,²⁴ 'during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours'.

Rabbah stated: What is the reason of the Rabbis?²⁵ Because a woman well feels herself.²⁶ Said Abaye to him: If so,²⁷ [a period of uncleanness from] the time of her observation of the flow should suffice!²⁸ And Rabbah?²⁹ — He only wished to exercise Abaye's wits.³⁰ What then is the reason of the Rabbis?³¹ — It is one such as that which Rab Judah gave in the name of Samuel: The Sages have ordained for the daughters of Israel that they should examine themselves in the morning and in the evening; 'in the morning', in order to verify the cleanness of objects they handled during the previous night,³² 'and in the evening' in order to verify the cleanness of objects they handled during the previous day;³³ but this woman,³⁴ since she did not [regularly] examine her body,³⁵ has³⁶ lost one 'onah.³⁷ But what could be meant by 'one 'onah'?³⁸ — One additional 'onah.³⁹ Said R. Papa to Raba: But would you not sometimes find that there are three 'onahs in twenty-four hours?⁴⁰ — The Sages have laid down a uniform limit⁴¹ in order that there shall be no variations in the twenty-four hours' period. And⁴² if you prefer I might reply:⁴³ [the period extends to three 'onahs] in order that the sinner⁴⁴ shall not⁴⁵ be at an advantage.⁴⁶ What is the practical difference between them?⁴⁷ — The practical difference between them is the case of a woman who was the victim of circumstances and in consequence of which she did not hold her examination.⁴⁸

FOR ANY WOMAN WHO HAS A SETTLED PERIOD etc. Must it be conceded that our Mishnah represents the view of R. Dosa and not that of the Rabbis seeing that it was taught:⁴⁹ R. Eliezer ruled, For four classes of women it suffices [to reckon the period of their uncleanness from the time they discovered the discharge,] viz., a virgin,⁵⁰ a pregnant woman, a woman that gives suck and an old woman; and R. Dosa ruled, For any woman who has a settled period it suffices [to reckon her period of uncleanness from] the time she discovered the discharge?⁵¹ — It

may even be held [that our Mishnah represents the view of] the Rabbis, for the Rabbis differ from R. Dosa only [in respect of a flow] that did not occur at the woman's set time⁵² but [in the case of one that did occur] at her set time they might agree with him; and our Mishnah deals with a flow that occurred at the woman's set time and it, therefore, represents the view of both.⁵³ Thus⁵⁴ it follows that R. Dosa maintains his view even where a flow did not occur at the woman's set time. Who then is the author of the following which the Rabbis taught: Though a woman has a settled period her bloodstain⁵⁵ is deemed to be unclean retrospectively,⁵⁶ for were she to observe a flow when it is not her set time she would be unclean retrospectively for a period of twenty-four hours?⁵⁷ Must it be conceded⁵⁸ to be the Rabbis only and not R. Dosa?⁵⁹ — It may be said to be even R. Dosa; for R. Dosa may disagree with the Rabbis only in the case where the flow occurred at the woman's set time but where it occurred when it was not her set time he agrees with them,⁶⁰ and our Mishnah deals with one that occurred at her set time and it is, therefore, in agreement with the opinion of R. Dosa

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- (1) This assumption cannot, of course, be made in the case of the basket, with which R. Johanan deals, since the unclean object (the dead creeping thing) was actually found in it, and when it was found it was still in its state of uncleanness.
 - (2) In the case of the basket and the creeping thing.
 - (3) After the clean objects had been removed from it and after it had been moved into its new position.
 - (4) When he removed the loaf from the sloping shelf.
 - (5) That the man entered and moved the loaf to its present safer place.
 - (6) Even if it were to drop the creeping thing into the basket.
 - (7) That the raven dropped the thing after the clean objects had been removed etc. (cf. supra n. 11).
 - (8) Since (a) it is uncertain whether it touched the unclean object or not and (b) it was found within a house.
 - (9) The answer being in the affirmative, the difficulty arises, why is the loaf deemed to be clean?
 - (10) Lit., 'to be asked', whether it came in contact with the unclean object or not.
 - (11) Because the rule that doubtful uncleanness in a private domain is deemed to be unclean is deduced from that of sotah (v. Glos.) and consequently only rational beings like the sotah herself (who is able to answer whether she was or was not defiled) are subject to the same restrictions.
 - (12) In the case of the loaf.
 - (13) One, for instance, of those enumerated in Hag. 18b and 20b. A doubtful case of Rabbinical uncleanness is regarded as clean even in a private domain.
 - (14) Of the Tosef. Toh. IV cited.
 - (15) Rendered (supra 4a) 'an object of a minor degree of uncleanness'.
 - (16) Lev. XXVI, 36; the rt. of niddaf, and so also that of middaf implying something 'light', 'of minor importance', hence a 'minor degree of or Rabbinical uncleanness'.
 - (17) Having laid down that the period of uncleanness begins only 'FROM THE TIME OF THEIR DISCOVERING OF THE FLOW'.
 - (18) I.e., made no restriction whatever against the possible infringement of the actual law.
 - (19) Laying down that the period of uncleanness 'IS TO BE RECKONED RETROSPECTIVELY FROM THE PREVIOUS EXAMINATION'.
 - (20) Lit., 'who broke through beyond his measures.
 - (21) Lit., 'on the first of the week'.
 - (22) Of course it is. Why then should such an obvious ruling have to be stated?
 - (23) A ruling that had to be enunciated, since otherwise it could have been argued that the flow began on the

Sunday immediately after the examination.

(24) As a kind of antithesis.

(25) For fixing a twenty-four hours' period of uncleanness. The reason for Hillel's period, 'from examination to examination' (cf. our Mishnah), is quite intelligible since the flow may well have begun as soon as the previous examination was concluded, but the twenty-four hours' period appears to have no logical justification whatsoever.

(26) Any flow. Had it begun immediately after the conclusion of her previous examination she would have been aware of it.

(27) That a woman is aware of the flow as soon as it begins.

(28) It being obvious that the flow began only at that moment, for if it had begun earlier she (cf. prev. n.) would have been aware of the fact. Why then should her period of uncleanness extend backwards for twenty-four hours? An objection against Rabbah.

(29) Sc., why did he take up such an untenable position?

(30) Lit., 'to sharpen (the mind) of Abaye'. Rabbah advanced the reason merely to afford an opportunity for Abaye, whose guardian and teacher he was, to prove it to be wrong.

(31) Cf. p. 20. n. 5.

(32) If a woman finds herself on examination to be clean it is thereby verified that all clean objects she handled during the previous night are to be regarded as clean; and should she discover any flow later at the evening examination the doubtful uncleanness would extend only to objects she handled during the day.

(33) Cf. prev. n. mut. mut.

(34) Spoken of in our Mishnah, and in the Baraita cited.

(35) In defiance of the ordinance of the Rabbis.

(36) As a penalty.

(37) Lit., 'a time' or 'a period' of one day or night, sc. her uncleanness begins retrospectively one 'onah earlier.

(38) Seeing that the uncleanness extends backwards for twenty-four hours which represent two 'onahs.

(39) I.e., in addition to the 'onah immediately preceding the one in which her last examination was held (during which she is in any case unclean owing to the doubt as to when the flow began), she must suffer the penalty of being treated as unclean retrospectively even during the 'onah that preceded that one.

(40) When, for instance, the first examination after a number of days without an examination took place at midday. If the uncleanness extended backwards for a period of twenty-four hours it would cover

(41) the 'onah of the day of the examination,

(42) the 'onah of the preceding night and

(43) the 'onah of the day preceding that night. Now since the penalty imposed was only one additional 'onah why should it in this case be increased to two 'onahs? (1) Lit., 'made their measures equal', i.e., the period of twenty-four hours has been fixed, irrespective of whether it covers two 'onahs or three. (2) So Bah. Cur. edd. omit.

(3) To the objection why in the case mentioned (cf. supra p. 21, n. 15) the uncleanness should extend over three 'onahs.

(44) The woman who, not only failed to examine her body regularly in accordance with the ordinance of the Sages but also delayed her last examination from the morning hour to noon.

(45) By having her period of uncleanness reduced to less than twenty-four hours.

(46) Over one in a similar position who held her examination in the early morning and whose period of uncleanness is extended retrospectively for a full period of twenty-four hours to the previous morning.

(47) The two replies offered.

(48) According to the first reply she would be subject to uncleanness for a full period of twenty-four hours, while according to the second reply, since in this case she is no sinner, the period would be reduced to two 'onahs and her uncleanness would be reckoned from the beginning of the previous evening only.

- (49) What follows, with the exception of R. Dosa's ruling occurs also in the Mishnah *infra* 7a.
- (50) I.e., one, whether married or unmarried, who suffered a flow for the first time in her life.
- (51) Now, since the Rabbis elsewhere differ from R. Dosa's ruling, must it be conceded that our Mishnah represents his view only?
- (52) As the appearance is obviously irregular it may well be suspected that one occurred earlier also.
- (53) Lit., 'and the words of all', those of the Rabbis as well those of R. Dosa.
- (54) Since the dispute between R. Dosa and the Rabbis has been limited to a flow that did not occur at the set time.
- (55) Sc. one on a garment of hers.
- (56) From the time it had been washed.
- (57) As in this case, despite the woman's settled period, the uncleanness is deemed to be retrospective so it is retrospective in the case of the stain also.
- (58) Since, from what has been said, it is only the Rabbis who impose retrospective uncleanness in the case of a woman who, though having a settled period, suffered a flow before or after that time.
- (59) Is it likely, however, that R. Dosa would differ from an anonymous Baraitha?
- (60) That the uncleanness is retrospective.

Talmud - Mas. Nidah 5a

while the Baraitha¹ is in agreement with both.² But why should not the final assumption be³ reversed?⁴ — As it is possible to adopt an explanation that leads to a relaxation of the law⁵ and one that leads to a restriction of it⁶ we adopt the one that leads to the restriction.

Now it was just taught,⁷ 'For were she to observe a flow when it is not her set time she would be unclean retrospectively for a period of twenty-four hours' — [If this⁸ is] the reason⁹ [it follows] that only in the case of a woman who has a settled period do the Rabbis draw a distinction between her stain and her observation¹⁰ [of a flow],¹¹ but in the case of the other women¹² concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow¹³ [the extent of the uncleanness of] their stains is like that of their observation of a flow.¹⁴ Now whose view is this? — It is that of R. Hanina b. Antigonus; for Rab Judah citing Samuel who had it from R. Hanina b. Antigonus stated, In the case of all women their stains cause uncleanness retrospectively but in that of the women¹² concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow [the extent of the uncleanness of] their stains is like that of their observation of a flow,¹⁴ the exception being a child who has not yet attained the age of the suffering of a flow of whom, though her sheets are soiled with blood,¹⁵ no notice is to be taken.¹⁶ But does R. Hanina at all uphold¹⁷ the law of the uncleanness of a stain?¹⁸ Was it not taught: In the case of all women their stains are unclean and also in the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow their stains are unclean; while R. Hanina b. Antigonus ruled, The women concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow are not subject to the law of uncleanness of the stain? Now does not this mean that they are not subject at all to the law of uncleanness of the stain?¹⁹ — No, it means that they are not subject to the law of the uncleanness of the stain retrospectively but they are well subject to it from now²⁰ onwards. Does this²¹ then imply that the first Tanna²² is of the opinion that their uncleanness is even retrospective? — Yes; it²³ being the view of R. Meir who restricts

the law in respect of stains. For it was taught: In the case of all women their stains are unclean retrospectively and also in the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow their stains are unclean retrospectively; so R. Meir. R. Hanina b. Antigonus ruled, In the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow [the uncleanness of] their stains is like that of their observation [of their flow]; and a child who has attained the age of suffering a flow is subject to the law of the uncleanness of the stain while one who has not attained that age is not subject to the uncleanness of a stain, and when does she attain the age of suffering a flow? When she attains her maidenhood.²⁴

AND IF A WOMAN USES TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE etc. Rab Judah citing Samuel ruled: A testing-rag used before²⁵ marital intercourse does not reduce [the doubtful period²⁶ of retrospective uncleanness] as an examination. What is the reason? — R. Kattina replied: Because the woman is in a hurry to do her marital duty.²⁷ But what matters it even if she is in a hurry to do her marital duty? — Since she is in a hurry to do it she does not insert the testing-rag into depressions and folds.²⁸

We learnt: IF A WOMAN USES TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE, THIS IS INDEED LIKE AN EXAMINATION. Does not this mean that she uses one before intercourse and one after it?²⁹ — No, the one as well as the other is used after intercourse but³⁰ one is for the man³¹ and the other is for her; as we learnt: It is the custom of the daughters of Israel when having marital intercourse to use two testing-rags, one for the man and the other for herself.³² What a comparison!³³ If you concede that one is used before intercourse and the other after it one can well understand the necessity for the ruling.³⁴ As it might have been presumed that on account of her being in a hurry to do her marital duty she does not properly perform her test we were informed that THIS IS INDEED LIKE AN EXAMINATION. If you maintain, however, that the one testing-rag as well as the other is used after marital intercourse, is not the ruling obvious?³⁵ — It might have been presumed [that the test should be ineffective]³⁶ on account of the possibility of the appearance of a drop of blood of the size of a mustard seed³⁷ which semen might cover up,³⁸ hence we were informed [that such a remote possibility need not be considered]. And if you prefer I might reply: The Rabbis required a woman to perform two tests, one before intercourse and one after it,³⁹ and in stating ‘THIS IS INDEED LIKE AN EXAMINATION’ the reference is to the one after the intercourse. But was it not stated, IF A WOMAN USES etc.⁴⁰ — Read: And a woman shall use.⁴¹

LESSENS EITHER THE PERIOD OF THE PAST TWENTY-FOUR HOURS. Now that you stated that it⁴² lessens THE PERIOD OF THE PAST TWENTY-FOUR HOURS⁴³

(1) Just cited, dealing with the bloodstain.

(2) Cf. supra n. 3.

(3) Lit., ‘and let him make it stand’.

(4) As has been suggested at first, that our Mishnah represents the view of the Rabbis as well as that of R. Dosa while the Baraita represents only that of the Rabbis.

(5) As has been previously suggested: That a flow at the set time causes no retrospective uncleanness in accordance

with the general opinion, while one occurring at any other time is subject to retrospective uncleanness only in accordance with the view of the Rabbis.

(6) The one finally adopted: That a flow at the set time causes retrospective uncleanness according to the Rabbis at least, while one at any other time causes retrospective uncleanness even according to R. Dosa.

(7) In the Baraitha supra 4b ad fin.

(8) 'For were she to observe etc.'

(9) Why a stain causes retrospective uncleanness, sc. though a stain cannot be subject to greater restrictions than a discharge it causes uncleanness retrospectively, since a flow that occurred at any time other than the set time also causes retrospective uncleanness.

(10) At the set time.

(11) Sc. while in the latter case the uncleanness is not retrospective in the former, for the reason stated (cf. prev. n.) it is.

(12) The four classes, for instance, mentioned supra 4b and infra 7a.

(13) So that in their case the law of retrospective uncleanness never applies.

(14) Sc. both are not retrospective.

(15) It being unknown whether it came from her body or from elsewhere.

(16) It being assumed, though the assumption might be most unlikely, that she passed through a butcher's market and soiled her sheets there. In no case is it assumed that the blood came from her own body because the law of uncleanness, as far as stains are concerned, is merely Rabbinical, and in the case of a minor no Rabbinical measure was enacted.

(17) In the case of the four classes of women mentioned.

(18) Even after it had been discovered.

(19) How then could it be said supra that R. Hanina does uphold the law of the uncleanness of the stain?

(20) The time of discovery.

(21) The explanation according to which R. Hanina agrees with the first Tanna as regards the uncleanness of stains from the time they are discovered onwards, and that he only differs from him in rejecting their retrospective uncleanness.

(22) Whose opinion is stated in the first clause of the Baraitha cited.

(23) The first clause (cf. prev. n.).

(24) The age when she assumes the status of na'arah (v. Glos.), i.e., the age when she grows two pubic hairs or (she has no pubic hairs) when she is twelve years and one day old.

(25) I.e., only before but not after (cf. relevant note on our Mishnah).

(26) Either that of the twenty-four hours or the one between the previous and the last examination.

(27) Lit., 'she is in a state of excitement about her house'.

(28) The examination, therefore, is not a proper one.

(29) Which shows that the test before intercourse, despite R. Kattina's argument, is deemed to be a proper one.

(30) In reply to the objection, why two rags.

(31) For wiping.

(32) Infra 14a.

(33) Lit., 'that, what'.

(34) In our Mishnah, that the test is effective.

(35) And why should an obvious ruling be enunciated?

(36) Even though it took place after intercourse.

(37) That is sufficient to cause uncleanness.

(38) Thus rendering the test useless.

(39) Hence the mention of RAGS in the plural.

(40) Emphasis on IF which implies that there is no obligation. How then could it be maintained that ‘the Rabbis required her etc.’?

(41) Sc. the clause is to be divided into two separate rulings, (a) that a woman shall use two testing-rags, one before intercourse and the other after it and (b) the second test is indeed like an examination.

(42) The testing-rag examination.

(43) Though it is a comparatively long period extending as it does to the previous day.

Talmud - Mas. Nidah 5b

was it also necessary to state that it lessens THE PERIOD FROM THE PREVIOUS EXAMINATION TO THE LAST EXAMINATION?¹ — As it might have been presumed that only in the case of the twenty-four hours’ period did the Rabbis² take into consideration the possible loss of clean things³ but not in that of the period from the previous examination to the last examination,⁴ we were informed [that both periods are equally reduced].

HOW [IS ONE TO UNDERSTAND THE RULING THAT] ‘IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW’ etc. What need was there⁵ for stating, IF SHE WAS SITTING ON A BED AND WAS OCCUPIED WITH RITUALLY CLEAN OBJECTS, when it should rather have been stated,⁶ IF SHE WAS OCCUPIED⁷ WITH RITUALLY CLEAN OBJECTS AND HAVING LEFT THEM, OBSERVED A FLOW? — It is this that we were informed:⁸ The reason [why the bed is regarded as clean is] because [in the case of that woman]⁹ it suffices [for her to reckon] her [period of uncleanness from the] time [of her discovery of the flow] but¹⁰ [where the uncleanness extends backwards over] twenty-four hours the bed also is regarded as unclean.¹¹ This provides support for Ze’iri, for Ze’iri ruled: [A woman¹² during] the twenty-four hours preceding her discovery of a menstrual flow causes bed and seat¹³ to convey uncleanness to a man who in turn conveys it to his clothes.¹⁴ But consider: This bed is a thing that has no sense to answer questions,¹⁵ and is not doubtful uncleanness¹⁶ in the case of an object that has no sense to answer questions regarded as clean?¹⁷ Ze’iri explained: [This¹⁸ refers to a case] where her friends were carrying her in the bed so that the latter may be regarded as the hand of her friends.¹⁹ Now, however, that R. Johanan ruled that in the case of doubtful uncleanness conveyed through a human agency²⁰ the object in doubt,²¹ though lying on the ground, is deemed to be capable of answering questions as if it had been a human being who has the sense to answer questions²² [this²³ holds good] even though her friends were not carrying her in the bed.

[Reverting to] the [above] text, ‘R. Johanan ruled: In the case of doubtful uncleanness conveyed through a human agency the object in doubt, though lying on the ground, is deemed to be capable of answering questions as if it had been a human being who has the sense to answer questions’.²⁴ An objection was raised: If a man was wrapping himself in his cloak while clean or unclean objects were at his side²⁵ or above his head and it is doubtful whether there was contact²⁶ or not, they²⁷ are deemed to be clean,²⁸ but if it was impossible [for the cloak and the other objects] not to have come in contact they²⁹ are regarded as unclean. R. Simeon b. Gamaliel ruled: The man is told, ‘Do it again’³⁰ and he does it again.³¹ They,³² however, said to him: No repetition [test³³ is recognized] in questions of cleanness.³⁴ Now why [should they³⁵ be clean]³⁶

seeing that this is a case of uncleanness that is conveyed through a human agency?³⁷ — This is beside the point,³⁸ for R. Hoshaia learnt: In a private domain [such a case of] doubtful uncleanness³⁹ is regarded as unclean, and in a public domain it is regarded as clean.⁴⁰

[Reverting to] the [above] text, ‘Ze’iri ruled: [A woman during] the twenty-four hours preceding her discovery of a menstrual flow causes bed and seat to convey uncleanness to a man who in turn conveys it to his clothes’.⁴¹ But, surely, this cannot be correct.⁴² For did not Abimi from Be Hozai⁴³ when he came bring with him⁴⁴ a Baraitha which stated, ‘During the twenty-four hours preceding the discovery of her menstrual flow a woman's bed and seat are [as unclean] as the object she touches’, which means, does it not, that as an object she touches does not convey uncleanness to a human being⁴⁵ so also does not her bed convey uncleanness to a human being?⁴⁶ — Raba retorted: And do you understand this ruling⁴⁷ seeing that it [may be refuted by an inference] a *minori ad majus*: If an earthen vessel that was covered with a tight fitting lid, which is protected from uncleanness in a corpse's tent,⁴⁸ is yet not so protected [from the uncleanness] of the twenty-four hours preceding the discovery of a menstrual flow,⁴⁹ is it not logical that the beds and seats [of a menstruant], which are not protected from uncleanness in a corpse's tent, should not be protected from the uncleanness of the twenty-four hours preceding the discovery of a menstrual flow?⁵⁰ — But did not Abimi of Be Hozai quote a Baraitha?⁵¹ — Read:⁵² A woman's bed and seat⁵³

(1) Which is a much shorter one (cf. prev. n.) being confined to the limits of the same day.

(2) By enacting that the test is effective and reduces it.

(3) Which the woman may have handled during this comparatively long time.

(4) A shorter period (cf. supra n. 10) during which not many things could have been handled and a much lesser loss is consequently involved.

(5) Lit., ‘wherefore to me’.

(6) Lit., ‘let him teach’.

(7) Omitting the apparently superfluous ‘WAS SITTING ON A BED’.

(8) By the additional words (cf. prev. n.).

(9) Who has a settled period.

(10) In the case of a woman whose periods were not regular.

(11) As the bed of a confirmed menstruant (cf. Lev. XV, 21) which conveys uncleanness to the man that touches it as well as to the clothes he wears though the latter did not come in direct contact with it.

(12) Cf. prev. n. but one.

(13) On which she lay or sat.

(14) Cf. supra n. 6.

(15) Lit., ‘to be asked’.

(16) Such as that caused by the woman in question during the twenty-four hours preceding the time she observed the flow.

(17) Of course it is, since the law of treating doubtful uncleanness as unclean is deduced from that of the *sotah* (v. Glos.) who is able to answer questions.

(18) The ruling in our Mishnah, which does regard (by implication) the bed on which the woman sat as unclean.

(19) The hand, being part of a human being who is well able to answer questions, is justly compared to the *sotah* whose doubtful uncleanness is regarded as unclean. It is for a similar reason (that things handled by a human being are regarded as his hand), it may be added, that the things the woman handled when sitting on the bed are

regarded as unclean even where the bed was resting on the ground, and this explains why the objection supra was raised in connection with the bed and not in connection with the things the woman has handled.

(20) As in that of the bed and the menstruant during the twenty-four hours preceding the observation of the flow or in that of a dead creeping thing that was carried by a man and a doubt arose as to whether it came in contact with a certain clean object.

(21) Since the uncleanness, if any, was brought to it by a human agency.

(22) And in a private domain is regarded as unclean. Only when the inanimate object in doubt was near an unclean one that was also inanimate, and 'no human agency was involved, is it regarded as clean.

(23) V. p. 28, n. 14.

(24) Supra q.v. notes.

(25) He being either unclean (in the former case) or clean (in the latter one).

(26) Between the cloak and the objects in its vicinity. If there was contact, the cloak that (in the former case) contracted uncleanness from its wearer would convey uncleanness to the clean objects, or the unclean objects (in the latter case) would convey uncleanness to the cloak.

(27) The objects in the vicinity (in the former case) and the cloak (in the latter case).

(28) Even, it is now assumed, in a private domain, because the cloak as well as the objects in its vicinity are incapable of answering questions.

(29) The objects in the vicinity (in the former case) and the cloak (in the latter case).

(30) Sc. to wrap himself again in his cloak in the same place and position in which he did it first.

(31) In this manner it is ascertained whether the cloak and the other objects have or have not come in contact.

(32) The Rabbis who disagreed with him.

(33) Since it may not exactly reproduce the former conditions.

(34) Tosef. Toh. IV which, however, has the following variation: 'R. Dosa ruled, He is told, "Do it again" ... They, however, said to him, No repetition . . . R. Simeon b. Gamaliel ruled, He sometimes does it again'.

(35) V. p. 29, n. 10.

(36) According to the first Tanna.

(37) Which according to R. Johanan is unclean.

(38) Lit., 'outside of that'.

(39) One involving conveyance through a human agency.

(40) No objection, therefore, may be raised from the Tosef. cited which may be explained to refer to a case in a public domain.

(41) Supra q.v. notes.

(42) Lit., 'I am not'.

(43) The Khuzistan.

(44) Lit., 'came and brought'.

(45) Only a primary uncleanness can do that. An object touched by a menstruant assumes only the status of a first grade of uncleanness which conveys uncleanness to objects but not to a human being.

(46) The answer apparently being in the affirmative, the difficulty arises: How could Ze'iri maintain that the woman causes bed and seat to convey uncleanness to a man who in turn etc.'?

(47) Which seems to reduce the uncleanness of the bed and seat of the menstruant in question to a lower degree than that of earthenware.

(48) Only when uncovered does it contract uncleanness (cf. Num. XIX, 15).

(49) If it was touched by the woman during the twenty-four hours (cf. infra 6a)

(50) As the soundness of this argument cannot be questioned Abimi's ruling is obviously untenable and may well be disregarded.

- (51) Which is an authoritative utterance.
- (52) The ruling in the Baraitha.
- (53) During the twenty-four hours preceding her discovery of a menstrual flow.

Talmud - Mas. Nidah 6a

are [as unclean] as that which touches the body of the menstruant herself; just as the touching of her body causes the uncleanness of a human being who in turn causes the uncleanness of the clothes he wears¹ so does the touching of her bed or seat cause the uncleanness of a human being who in turn causes the uncleanness of the clothes he wears.

It was taught in agreement with Raba: A woman who observed a bloodstain² conveys uncleanness retrospectively.³ And what are the things to which she conveys the uncleanness?⁴ Foodstuffs and drinks,⁵ beds and seats,⁶ as well as any earthen vessel, even though it was covered with a tightly fitting lid,⁷ and her counting⁸ is⁹ disturbed,¹⁰ and she conveys¹¹ uncleanness to the man who cohabited with her retrospectively. R. Akiba¹² ruled: She conveys uncleanness to the man who cohabited with her but begins her counting¹³ from the time only of her observing a flow. If she observed a flow of blood,¹⁴ she conveys uncleanness retrospectively for twenty-four hours.¹⁵ And what are the things to which she conveys uncleanness?¹⁶ Foodstuffs and drinks,¹⁷ beds and seats¹⁸ as well as any earthen vessel, though it was covered with a tightly fitting lid,¹⁹ her counting²⁰ is not²¹ disturbed and she does not convey²² uncleanness to the man who cohabited with her.²³ In either case, however,²⁴ the uncleanness²⁵ is held in suspense [and any consecrated foodstuffs touched] must neither be eaten nor burned.²⁶ As to Raba, however,²⁷ if he heard of the Baraitha,²⁸ why did he not say [that his ruling is derived from] a Baraitha? And if he did not hear of the Baraitha, whence did he [derive the law for his inference] a minori ad majus? — The fact is that he heard of the Baraitha, but²⁹ were he to derive his ruling from the Baraitha it could have been objected [that the uncleanness³⁰ is conveyed] either to the man or to his clothes³¹ but not to the man as well as to the clothes he wears,³² hence he had recourse to his inference a minori ad majus.³³

R. Huna ruled: [The retrospective uncleanness during] the twenty-four hours [preceding the observation] of a menstrual flow is conveyed only to hallowed things but not to terumah. But if so, should not this law have been mentioned together with those of the other grades [of sanctity]?³⁴ — Only cases that involve definite uncleanness are enumerated but any in which no definite uncleanness is involved³⁵ is not mentioned.

An objection was raised: What are the things to which she conveys uncleanness? Foodstuffs and drinks.³⁶ Does not this³⁷ mean those that are hallowed as well as those that are terumah? — No, only those that are hallowed.³⁸

Come and hear: R. Judah ruled [that priestly women must examine their bodies] even after they have concluded a meal³⁹ of terumah;⁴⁰ and the point raised, 'Is not the consumed meal a matter of the past?'⁴¹ [And to this] R. Hisda replied: This⁴² was necessary only for the sake of ensuring the fitness of the remnants before her?⁴³ — R. Huna reads:⁴⁴ 'To burn the remnants that were in her hands',⁴⁵ the examination being held immediately after⁴⁶ [the meal].⁴⁷

Come and hear: It once happened that Rabbi acted⁴⁸ in accordance with the ruling of R. Eliezer,⁴⁹ and after he reminded himself⁵⁰ he observed, 'R. Eliezer deserves to be relied upon

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- (1) Torath kohanim on Lev. XV, 19.
 - (2) So Bah and MS.M. Cur. edd. 'blood'.
 - (3) Cf. prev. n. (Cur. edd. read 'twenty-four hours'), from the time the garment was last washed, it being unknown how soon after this the stain was made.
 - (4) During the period mentioned (cf. prev. n.).
 - (5) Which she touched (cf. foll. n.).
 - (6) On which she lay or sat. (Cur. edd. reverse the order.)
 - (7) Provided the woman shook the vessel and did not merely touch it.
 - (8) Of the 'eleven days' following the seven days of a menstrual period.
 - (9) Cur. edd. 'is not'.
 - (10) So MS.M and Rashi; because it is unknown when the flow actually appeared and the limits of the menstruation period cannot consequently be determined.
 - (11) Cur. edd. 'does not convey'.
 - (12) MS.M inserts R. Akiba's ruling infra before 'In either case, however'.
 - (13) Of the seven days of menstruation.
 - (14) So Bah and MS.M. Cur. edd., 'stain'.
 - (15) Bah and MS.M. Cur. edd. omit 'for twenty-four hours'.
 - (16) During the period mentioned.
 - (17) Which she touched.
 - (18) On which she lay and sat.
 - (19) Provided the woman shook the vessel and did not merely touch it.
 - (20) Of the 'eleven days' following the seven days of a menstrual period.
 - (21) Cf. Rashi and MS.M. Cur. edd. omit 'not'.
 - (22) So MS.M. Cur. edd., 'she conveys'.
 - (23) Cur. edd. add, 'but begins her counting from the time only of her observing of the flow'.
 - (24) Whether there was only a stain or a flow.
 - (25) During the period mentioned.
 - (26) Thus it has been shown that, in agreement with Raba, the Baraita tacitly assumes that the beds and seats under discussion convey uncleanness not only to the man who came in contact with them but also to the clothes he wears (cf. Tosaf. Asheri a.l.).
 - (27) Who (supra 5b ad fin.) took the law of the uncleanness of an earthen vessel for granted and deduced from it that of the bed.
 - (28) That was just cited, in which the law of the earthen vessel is explicitly enunciated.
 - (29) As to the reason why he did not quote it.
 - (30) Of the bed or seat.
 - (31) Whichever of them came in contact with the unclean object.
 - (32) Which did not come in direct contact with the seat or the bed.
 - (33) From an earthenware vessel.
 - (34) In Hag. 20b where are enumerated the restrictions that are applicable to hallowed things and not to terumah and vice versa.
 - (35) Such as that of the twenty-four hours' period under discussion where the uncleanness is merely a preventive

measure.

(36) Supra, in the Baraita last cited.

(37) 'Foodstuffs and drinks'.

(38) The oil of a meal-offering, for instance, or the wine of libation.

(39) Lit., 'at the time of their passing away from eating'.

(40) Infra 11a.

(41) Lit., 'what has been, has been', sc. what is the use of an examination after the meal has been consumed when nothing can be done even if the woman were to be found unclean.

(42) The examination.

(43) Should a woman, for instance, discover a flow later in the day the examination after her morning meal would ensure the cleanness of the terumah that remained from that meal. Thus it follows that in the absence of an examination the terumah would be deemed to be unclean retrospectively. How, then, could R. Huna maintain that the uncleanness is conveyed to hallowed things only?

(44) In place of R. Hisda's version of R. Judah's meaning.

(45) Sc., if she finds herself on examination to be unclean the remnants of her meal, since she touched them, are deemed to be unclean and, as unclean terumah must be burned.

(46) Heb. Keshi'ur weseth (v. Rashi). Evthion (Tosaf. Asheri) **, 'forthwith' (cf. Jast.).

(47) So that it may be taken for granted that the terumah she had just handled had come in contact with a confirmed menstruant. Where, however, the woman held no examination immediately after her meal, a subsequent discovery of a place causes no retrospective uncleanness to the terumah she handled.

(48) In the case of a young woman who did not suffer a flow during three consecutive periods (of thirty days each).

(49) That the period of uncleanness is to be reckoned from the discovery of the flow and not retrospectively. The Rabbis who differ from R. Eliezer hold this ruling to apply to an old woman only (whose senility might be assumed to be the cause of the irregularity) but not to a young one (cf. prev. n.).

(50) This is discussed presently.

Talmud - Mas. Nidah 6b

in an emergency'.¹ And the point was raised, What could be the meaning of 'after he reminded himself'? If it be explained, 'After he remembered that the halachah was not in agreement with R. Eliezer but in agreement with the Rabbis', [the difficulty would arise:] How could he act according to the former's ruling² even in an emergency? Hence,³ [it means after he recalled] that it was not stated whether the law was in agreement with the one Master or with the other Master, and having recalled that it was not an individual that differed from him⁴ but that many differ from him he observed, 'R. Eliezer deserves to be relied upon in an emergency'.¹ Now if it is granted [that retrospective uncleanness applies also] to terumah⁵ one can well understand the incident⁶ since terumah was in existence in the days of Rabbi, but if it is maintained [that retrospective uncleanness is applicable only] to hallowed things⁷ [the objection would arise:] Were there hallowed things in the days of Rabbi?⁸ — [This may be explained] on the lines of a statement of 'Ullah. As 'Ulla stated, 'The Associates'⁹ in Galilee¹⁰ keep their things¹¹ in levitical cleanness',¹² so they may have done it in the days of Rabbi.

Come and hear: It once happened that R. Gamaliel's¹³ maid was baking bread loaves of terumah and after each¹⁴ she rinsed her hands with water and held an examination. After the last one when she held the examination she found herself to be unclean and she came and asked R.

Gamaliel who told her that they were all unclean.¹⁵ ‘Master’, she said to him, ‘did I not hold an examination after each one’?¹⁴ ‘If so’, he told her, ‘the last¹⁶ is unclean¹⁷ while all the others are clean’. At all events was it not here stated, ‘bread loaves of terumah’?¹⁸ — By terumah was meant¹⁹ the bread loaves²⁰ of a thanksgiving-offering.²¹ But how does it come about that the loaves of a thanksgiving-offering²² should require to be baked?²³ This is a case where they²⁴ were set aside²⁵ while they were being kneaded,²⁶ this being in line with what R. Tobi b. Kattina²⁷ ruled: ‘If a man baked the loaves of a thanksgiving-offering in four loaves²⁸ he has performed his duty’. [For when] the objection was raised, ‘Do we not require forty loaves’,²⁹ [the reply was that] this³⁰ is just a religious requirement.³¹ But, surely, [it was asked,] is it not necessary to separate terumah²⁵ from each?³² And should you reply that one might break off a piece from each³³ [it could be retorted that:] The All Merciful said, one³⁴ which implies that one must not break off a piece.²⁵ [To this] it was replied that ‘they were set aside while they were being kneaded’;³⁵ so here also³⁶ it may be explained that they were separated while they were being kneaded.³⁷

Come and hear: Another incident took place when R. Gamaliel's maid was sealing wine jars with clay that after each she rinsed her hands with water and held an examination. After the last one when she held the examination and found herself to be unclean she came and asked R. Gamaliel who told her that they were all unclean. ‘But, surely’, she said to him, ‘I held an examination after each one’. ‘If so’, he told her, ‘the last³⁸ is unclean while all the others are clean’. Now if it is conceded that one incident³⁹ concerned hallowed things and the other terumah, it can be well understood why she asked a second time, but if it is contended that the former as well as the latter concerned hallowed things, why should she have asked him a second time? — [Each] incident occurred with a different maid.⁴⁰

Another version: R. Huna ruled, [The retrospective uncleanness during] the twenty-four hours [preceding the observation] of a menstrual flow is conveyed both to hallowed things and to terumah. Whence is this⁴¹ inferred? From its omission in the enumeration of⁴² the various grades [of sanctity].⁴³ Said R. Nahman to him: Surely, a Tanna⁴⁴ recited [that the retrospective uncleanness]⁴⁵ applies only to hallowed things and not to terumah. R. Samuel son of R. Isaac accepted this [teaching]⁴⁶ from him [and explained it] as applying to common food that was prepared under conditions of hallowed things and not to common food that was prepared in conditions of terumah.⁴⁷ We learnt elsewhere: If a question of doubtful uncleanness has arisen about a dough⁴⁸ before it was rolled⁴⁹ it may be prepared in uncleanness,⁵⁰ [but if the doubt has arisen] after it had been rolled⁵¹ it must be prepared in cleanness.⁵² ‘Before it was rolled it may be prepared in uncleanness’, because it is common food and it is permitted to cause uncleanness to common food in Erez Israel. ‘After it had been rolled it must be prepared in cleanness’, because common food that is in a condition of *tebel*⁵³ in respect of the dough-offering is regarded as dough-offering, and it is forbidden to cause uncleanness to the dough-offering. A Tanna taught:

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- (1) *Infra* 9b. Lit., ‘in the time of pressure’. For the nature of the emergency cf. *Tosaf. contra Rashi*.
 - (2) Which is contrary to the halachah.
 - (3) Cur. edd. in parenthesis insert ‘not’.
 - (4) R. Eliezer.
 - (5) Contrary to the view of R. Huna (*supra* 6a).

- (6) That occurred in Rabbi's time.
- (7) As R. Huna laid down (cf. prev. n. but one).
- (8) Surely not, since the Temple was no longer in existence at that time!
- (9) Habraiya pl. of haber (v. Glos.).
- (10) In their hope and expectation that the Temple might at any moment be rebuilt.
- (11) Wine, for instance, which was used in the Temple for libation or oil that was used for the meal-offerings.
- (12) Sc. bestow upon them the same care as if they were hallowed things. V. Hag., Sonc. ed., p. 157 notes.
- (13) R. Gamaliel the Elder (Rashb.), prob. R. Gamaliel of Jamnia (Tosaf.).
- (14) Lit., 'between each one and one'.
- (15) On account of the twenty-four hours of her retrospective uncleanness.
- (16) Lit., 'it'.
- (17) Owing to retrospective uncleanness from the previous examination to the last examination.
- (18) And yet the law of retrospective uncleanness was applied (cf. prev. n.). How then could R. Huna maintain (supra 6a) that it applies only to hallowed things?
- (19) Lit., 'what terumah?'
- (20) Sc. the four loaves (one from each of the four kinds) which are given to the priest and are subject to the restrictions of hallowed things though they are called terumah (cf. Lev. VII, 14).
- (21) Cf. Lev. VII, 11ff.
- (22) I.e., the four that (cf. prev. n. but one) are given to the priest, which are to be taken from the forty (cf. Men. 76a) baked loaves of the offering.
- (23) After they have been hallowed by having been given to the priest.
- (24) The four loaves.
- (25) For the priest.
- (26) Hence the baking after they have been hallowed (cf. supra n. 10).
- (27) Var. lec. 'b. R. Kisna'.
- (28) I.e., of the dough of each of the four kinds he made only one loaf instead of the prescribed ten (cf. Men. 76a).
- (29) How then can four suffice?
- (30) The number of forty.
- (31) But no sine qua non.
- (32) Of the four kinds, one from each.
- (33) Of the four big loaves.
- (34) Lev. VII, 14, 'and . . . shall offer one', 'one' implying a whole one. (Men. 77b.)
- (35) One loaf from each kind was set aside for the priest while nine of each were left for the owner, and subsequently each of the four small and the four large (representing nine small) loaves were duly baked.
- (36) In the case of R. Gamaliel's maid.
- (37) The maid having been engaged in the baking of the priest's share.
- (38) Lit., 'it'.
- (39) Of the two in which the maid figured.
- (40) Lit., 'it was with two maids'.
- (41) That the uncleanness mentioned is equally applicable to terumah and hallowed things.
- (42) Lit., 'since he does not teach it at'.
- (43) Hag. 20b where the restrictions that apply to hallowed things and not to terumah and vice versa are enumerated.
- (44) V. Glos. s.v. (b).
- (45) During the twenty-four hours preceding the observation of a flow.

(46) Reported by R. Nahman in the name of a Tanna.

(47) It does not, however, apply to

(48) Lit., 'was produced about it'.

(49) So that it was not yet subject to the dough-offering. Only after it had been rolled is a dough regarded as ready and, therefore, subject to the dough-offering.

(50) Because owing to its doubtful state of uncleanness it may not be eaten in any case.

(51) When it is already subject to the obligation of the offering (cf. prev. n. but one) and when consequently part of it is virtually hallowed.

(52) Hal. III, 2; since it is forbidden to cause uncleanness to a hallowed thing (cf. Bek. 34a) though the dough in question could not in any case be eaten on account of its doubtful condition of uncleanness.

(53) V. Glos.

Talmud - Mas. Nidah 7a

Its dough-offering¹ is in a suspended condition² and it may neither be eaten nor burned. In respect of what doubt did they³ give this ruling?⁴ In respect of a doubt applicable to the dough-offering.⁵ What is meant by 'a doubt applicable to the dough-offering'? — Both Abaye and Raba explained: That one should not assume that the ruling⁶ applies only to⁷ a case of likely uncleanness⁸ such as that of the two paths,⁹ for in that case even mere common food contracts uncleanness;¹⁰ but that it applies also in the case

actual terumah which is subject to the same restrictions as hallowed things where only 'leaning' might be assumed;¹¹ for we learnt: If a zab¹² and a clean person were unloading an ass or loading it, if the load was heavy¹³ [the latter] is unclean; if it was light¹⁴ he is clean and in either case¹⁵ he is regarded as clean¹⁶ [even if he is] of the members of the Synagogue¹⁷ but as unclean¹⁸ in respect of terumah,¹⁹ and 'unconsecrated food that is in a condition of tebel in respect of the dough-offering' is regarded as dough-offering.²⁰ But have we not learnt:²¹ A woman who is a tebulath yom²² may²³ knead her dough and cut off from it its dough-offering²⁴ and put it on an inverted basket of palm-twigs or on a board,²⁵ and then²⁶ bring it close [to the major portion of the dough] and designate it [as dough-offering;²⁷ this procedure being permitted] because the uncleanness of the dough²⁸ is only of the third grade,²⁹ and the third grade is regarded as clean in common food.³⁰ Now if you were to maintain that 'common food that is in a condition of tebel in respect of the dough-offering is regarded as dough-offering' [the objection would arise:] Did she not in fact convey uncleanness to it?³¹ — Said Abaye: In regard to any object,³² that conveys certain uncleanness to common food, uncleanness has been imposed as a preventive measure, even in a doubtful case, where common food that is in a condition of tebel in respect of the dough-offering is concerned,³³ but in regard to the woman who is a tebulath yom, since she does not convey certain uncleanness to common food,³⁴ no uncleanness has been imposed as a preventive measure in a doubtful case where common food that is in a condition of tebel in respect of the dough-offering is concerned.³³ But is there not the case of the retrospective uncleanness of the twenty-four hours [preceding the observation] of a menstrual flow which³⁵ conveys certain uncleanness to common food and in connection with which, nevertheless, no uncleanness has been imposed as a preventive measure in a case of doubt³⁶ where common food that is in a condition of tebel in respect of the dough-offering is concerned,³³ for has not the Master said, 'R. Samuel son of R. Isaac accepted from him this [teaching, and explained it] as

applying to common food that was prepared under conditions of hallowed things and not to common food that was prepared in conditions of *terumah*?³⁷ — In the former case³⁸ no *terumah* is kneaded up with the common food³⁹ but in the latter case *terumah*⁴⁰ is kneaded up with the dough.⁴¹ And if you prefer I might reply: Leave out of the question the retrospective uncleanness of the twenty-four hours, since it is merely a Rabbinical measure.

MISHNAH. R. ELIEZER RULED: IN THE CASE OF FOUR CLASSES OF WOMEN IT SUFFICES [FOR THEM TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERING OF THE FLOW]: A VIRGIN,⁴² A WOMAN IN PREGNANCY,⁴² A NURSING WOMAN,⁴² AND AN OLD WOMAN.⁴² R. JOSHUA SAID: I HAVE ONLY HEARD [THE RULING⁴³ APPLIED TO] A VIRGIN.⁴⁴

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- (1) Though it was prepared in cleanness.
 - (2) On account of the doubt that had arisen earlier before the offering had been set aside.
 - (3) The Rabbis.
 - (4) That the dough-offering is in a suspended state of uncleanness.
 - (5) And not to common food, *hullin* (v. *Glos.*). This is explained presently.
 - (6) Concerning the uncleanness of the dough.
 - (7) Lit., 'we learnt'.
 - (8) Lit., 'evidences'.
 - (9) One of which was clean and the other unclean, and a person walked through one of them and it is unknown which one it was (Rashi). For a different interpretation cf. *Tosaf.*
 - (10) And is applicable to common food which is prepared under conditions of levitical purity. Much more then would this uncleanness apply to the common food from which dough-offering must be, set aside, and the ruling would be superfluous.
 - (11) Sc. (cf. next n. but one) where the likelihood of uncleanness is rather remote and not applicable to common food prepared under conditions of levitical purity.
 - (12) V. *Glos.*
 - (13) Since it is possible that on account of its heavy weight one of the men leaned on the other and was thus shaken by him, 'shaking' (*hesset*) being a means of conveying the uncleanness of a *zab* (cf. Rashi and *Tosaf. Asheri*).
 - (14) Cf. prev. n. mut. mut.
 - (15) Lit., 'and all of them', i.e., even in the case of a heavy load (Rashi); a light load (*Tosaf.*).
 - (16) Since (a) there might have been no shaking at all and (b) if there was it could not obviously have been a proper shaking.
 - (17) Who observe levitical cleanness in common food also.
 - (18) Rabbinically.
 - (19) *Zabin III*, 2. Similarly in the case of the dough-offering under discussion the expression 'a doubt applicable to the dough-offering' means a doubtful uncleanness that does not apply to members of the Synagogue in respect of common food but applies to common food from which the dough-offering has to be taken.
 - (20) Which is in the same category as *terumah* and consequently subject to uncleanness arising from doubtful leaning.
 - (21) So *MS.M* and marg. n. *Cur. edd.*, 'it was taught'.
 - (22) *Fem. of tebul yom* (v. *Glos.*).
 - (23) Though she, as cleanness could not be completely attained before sunset, is still subject to an uncleanness of the second grade.

- (24) Without designating it as such, so that it still retains its status of common food.
- (25) Sc. on an object that is not susceptible to ritual uncleanness. Neither the board, nor the basket in its inverted position, has a receptacle, and it is only 'vessels' with proper receptacles that are susceptible to uncleanness.
- (26) Since the dough-offering when being set aside must be close to the dough for which it is offered.
- (27) By that time the uncleanness of the woman can no longer be imparted to it since the object on which it rests (cf. prev. n. but one) intervenes.
- (28) Lit., 'it'; that had been touched by the woman who (v. supra) is of the second grade of uncleanness.
- (29) A clean object touched by an unclean one being always (with some exceptions) subject to a grade of uncleanness that is by one grade lower than the latter.
- (30) T.Y. IV, 2; such as the dough is presumably before the dough-offering had been taken from it.
- (31) When she first touched it. What then was the use of the entire procedure and precaution after that?
- (32) Such, e.g., as the load carried by a zab.
- (33) Lit., 'on account of'.
- (34) A third grade of uncleanness, as stated supra, being regarded as clean.
- (35) During the actual period of the flow.
- (36) I.e., during the twenty-four hours preceding the observation of the flow when the uncleanness is only doubtful.
- (37) Supra 6b ad fin. 'Common food that was prepared in conditions of *terumah*' being presumably in an analogous position to 'common food that is in a condition of *tebel* in respect of the dough-offering' both should be subject to the same restrictions. Why then was the former exempted from the restriction while the latter was subjected to it?
- (38) Cf. prev. n. Lit., 'there'.
- (39) Lit., 'in them'.
- (40) Sc. the dough-offering.
- (41) The latter must consequently be subject to greater restrictions.
- (42) This is explained presently.
- (43) Of R. Eliezer that IT SUFFICES etc.
- (44) But not to the other three classes.

Talmud - Mas. Nidah 7b

THE HALACHAH, HOWEVER, IS IN AGREEMENT WITH R. ELIEZER.

WHO IS REGARDED AS 'VIRGIN'? ANY WOMAN, EVEN THOUGH SHE IS MARRIED, WHO HAS NEVER YET OBSERVED A FLOW. 'A WOMAN IN PREGNANCY'? ONE WHOSE EMBRYO CAN BE DISCERNED. 'A NURSING WOMAN'? A WOMAN BEFORE SHE HAS WEANED HER CHILD. IF SHE GAVE HER CHILD TO A NURSING WOMAN, IF SHE WEANED IT, OR IF IT DIED, R. MEIR RULED: SHE CONVEYS UNCLEANNESS RETROSPECTIVELY FOR TWENTY-FOUR HOURS;¹ BUT THE SAGES RULED: IT SUFFICES FOR HER² [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME OF HER [OBSERVATION OF THE FLOW]. WHO IS REGARDED AS 'AN OLD WOMAN'? ANY WOMAN OVER WHOM THREE 'ONAH'S³ HAVE PASSED⁴ NEAR THE TIME OF HER OLD AGE.⁵ R. ELIEZER⁶ RULED: FOR ANY WOMAN⁷ OVER WHOM HAVE PASSED⁴ THREE 'ONAH'S IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME OF HER [OBSERVING OF A FLOW]. R. JOSE RULED: FOR A WOMAN IN PREGNANCY AND A NURSING WOMAN

OVER WHOM THREE ‘ONAHs HAVE PASSED⁸ IT SUFFICES [TO RECKON THEIR PERIOD OF UNCLEANNESS FROM] THE TIME OF THEIR [OBSERVATION OF THE FLOW].⁹

AND OF WHAT DID THEY¹⁰ SPEAK¹¹ WHEN THEY LAID DOWN¹² THAT ‘IT SUFFICES [FOR THEM TO RECKON] THEIR PERIOD OF UNCLEANNESS FROM THE TIME [OF THEIR DISCOVERING OF THE FLOW]’? OF A FIRST OBSERVATION,¹³ BUT AT A SUBSEQUENT OBSERVATION¹⁴ SHE CONVEYS UNCLEANNESS RETROSPECTIVELY FOR A PERIOD OF TWENTY-FOUR HOURS. IF, HOWEVER, SHE SUFFERED THE FIRST FLOW ON ACCOUNT OF AN ACCIDENT¹⁵ IT SUFFICES FOR HER EVEN AT A SUBSEQUENT OBSERVATION [TO RECKON HER UNCLEANNESS FROM] THE TIME OF HER [OBSERVING OF THE FLOW].

GEMARA. It was taught: R. Eliezer said to R. Joshua, ‘You have not heard¹⁶ but¹⁷ I have heard; you have only heard one tradition but I have heard many;¹⁸ people do not ask him who has not seen the new moon to come and tender evidence¹⁹ but only him who has seen it.’ Throughout the lifetime of²⁰ R. Eliezer the people acted in accordance with the ruling of R. Joshua, but after the passing away of R. Eliezer, R. Joshua re-introduced the earlier practice.²¹ Why did he²² not follow R. Eliezer during his lifetime? — Because R. Eliezer was a disciple of Shammai²³ and he²⁴ felt that if they²⁵ would act in agreement with his ruling in one matter²⁶ they²⁵ would act in agreement with his rulings in other matters also²⁷ and that out of respect for R. Eliezer no one could interfere²⁸ with them; but after the passing away of R. Eliezer, when the people²⁹ could well be interfered with, he²⁴ re-introduced the original practice.

Rab Judah citing Samuel ruled: The halachah is in agreement with R. Eliezer in four cases. One is that which has just been mentioned.³⁰ The other is that about a woman who was in a hard travail³¹ [concerning whom it was stated:] For how long must she be relieved from pain³² so as to be regarded a zabah?³³ Twenty-four hours,³⁴ so R. Eliezer.³⁵ And the halachah is in agreement with his view.³⁶ And the third³⁷ is the following: If a zab and a zabah³⁸ examined themselves on the first day³⁹ and found themselves clean and on the seventh day also⁴⁰ and found themselves clean, but did not examine themselves during the other days,⁴¹ R. Eliezer ruled: Behold these⁴² are in a presumptive condition of cleanness,⁴³ and R. Joshua ruled: They are entitled [to reckon as clean] only the first day and the seventh day,⁴⁴ while R. Akiba ruled: They are entitled [to reckon as clean] the seventh day alone,⁴⁵ and it was taught: R. Simeon and R. Jose stated, ‘The view of R. Eliezer⁴⁶ is more feasible than that of R. Joshua,⁴⁷ while that of R. Akiba is more feasible than those of both,⁴⁸ but the halachah agrees with that of R. Eliezer’.⁴⁹ And the fourth is the following.⁵⁰ For we have learnt: If the outer sides⁵¹ of vessels were rendered unclean⁵² by liquids,⁵³ R. Eliezer ruled, they convey uncleanness⁵² to other liquids⁵⁴ but they⁵⁵ do not render foodstuffs unfit.⁵⁶ ‘They convey uncleanness to liquids’ even where the latter are common, but they ‘do not render foodstuffs unfit’, even where the latter are terumah. R. Joshua ruled: They convey uncleanness to liquids and also render foodstuffs unfit.⁵⁷ Said R. Joshua: This may be inferred a minori ad majus: If a tebul yom who⁵⁸ does not convey uncleanness to a common liquid,⁵⁹ nevertheless renders foodstuffs of terumah unfit how much more then should the outsides of vessels which do convey uncleanness to an unconsecrated liquid render foodstuffs of terumah unfit. And R. Eliezer?⁶⁰ — The uncleanness of the outsides of vessels⁶¹ is only Rabbinical⁶² while

that of a tebul yom⁶³ is pentateuchal,⁶⁴ and, where it is a question of deducing a Rabbinical from a Pentateuchal law, no inference a minori ad majus can be applied.⁶⁵ For in accordance with Pentateuchal law no foodstuff conveys uncleanness to a vessel and no liquid conveys uncleanness to a vessel, and it is only the Rabbis that have ordained such uncleanness as a preventive measure against possible laxity in the case of the fluid⁶⁶ of a zab or a zabah;⁶⁷ hence it is only in the case of liquids, which are prone to contract uncleanness, that the Rabbis have enacted a preventive measure, but in that of foodstuffs, since they are not prone to contract uncleanness, the Rabbis enacted no preventive measure. What, however, is the reason for the mention of the outsides of vessels?⁶⁸ — Because their restrictions are lighter.⁶⁹ For we have learnt: If the outside of a vessel came in contact with unclean liquids,⁷⁰ its outside becomes unclean while its inside, its hanger,⁷¹ its rim and its handles remain clean, but if its inside has become unclean all of it is unclean.⁷²

But what does Samuel teach us,⁷³ seeing that in all these cases we learnt that the law [was in agreement with R. Eliezer]? And should you reply that he mainly informed us about the ‘outsides of vessels’ concerning which we did not learn [elsewhere what the law was], why [it could be retorted] did he not simply state, ‘The halachah is in agreement with R. Eliezer in the case of the outsides of vessels’? — The fact is that it is this that he informed us:⁷⁴ That the halachah may not be derived from a theoretical statement.⁷⁵

But are there no more [than the four rulings]?⁷⁶ Is there not in fact another, since we have learnt: R. Eliezer ruled,

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- (1) Preceding the time of her observation of the flow.
 - (2) During the twenty-four months after the child's birth throughout which she is expected to suckle it (v. Gemara infra).
 - (3) ‘Periods’. This is explained in the Gemara infra.
 - (4) Without her observing of a flow.
 - (5) This is explained in the Gemara infra.
 - (6) Var. lec., ‘Eleazar’.
 - (7) Even a young one.
 - (8) Without her observing of a flow.
 - (9) If three consecutive ‘onahs, however, have not passed, there applies the law of retrospective uncleanness, contrary to the view of R. Eliezer and the first Tanna supra.
 - (10) The Rabbis, supra.
 - (11) So Bah. Cur. edd. ‘he spoke’.
 - (12) Supra in the case of the CLASSES OF WOMEN. This is discussed in the Gemara infra.
 - (13) After the three ‘onahs have passed over the virgin, the woman in pregnancy or the old woman.
 - (14) Lit., ‘at the second’, since her natural proneness to the flow is re-established.
 - (15) So that it cannot be ascribed to the woman's natural disposition (cf. prev. n.).
 - (16) Cf. R. Joshua's statement in our Mishnah.
 - (17) Cf. Bah. Cur. edd. omit the waw.
 - (18) Reading harbeh. Var. lec. arba’ (‘four’) sc. women, cf. Bah.
 - (19) That he has seen it. Such evidence was essential to enable the Great Beth-din in Jerusalem (who regulated the lengths of the months and the fixation of the festival dates) to proclaim the beginning of a new month.
 - (20) Lit., ‘all his days’.

- (21) Lit., 'restored the thing to its old (state)', when the practice was in agreement with the view of R. Eliezer.
- (22) R. Joshua.
- (23) So R. Tam and Rashb. (contra Rashi who, referring to B.M. 59b, renders shamuthi 'one placed under the ban'). Wherever Beth Hillel differed from Beth Shammai the law (with a very few exceptions) is always in agreement with the former.
- (24) R. Joshua.
- (25) Lit., 'we'.
- (26) I.e., the one mentioned in our Mishnah where the law in fact is in agreement with his view.
- (27) Sc. even in those where the law is in agreement with Beth Hillel.
- (28) Lit., 'we are not able to prevent'.
- (29) If they were to follow R. Eliezer in other matters (cf. prev. n. but one) also.
- (30) Cf. supra n. 6.
- (31) For three days (during the 'eleven days' between the menstrual periods) on each of which there was a discharge of blood. If the discharge was not due to the travail she, having observed the blood on three consecutive days, would be subject to the restrictions of a zabah; but if it was due to travail she would be exempt from these restrictions. If a zabah she would have to count after childbirth seven days (as a zabah) in addition to the number of days prescribed for a woman after childbirth, and she would also have to bring two sacrifices one as a zabah and the other as one after childbirth.
- (32) After the three days mentioned (cf. prev. n.) and before the birth of the child.
- (33) Retrospectively, on account of the discharges on the three days. If the pain had continued until delivery it would have been obvious that the discharge on the three days mentioned was also due to the same cause, but if it ceased some considerable time before birth it may well be concluded that that discharge had no connection with the childbearing and the woman would consequently come within the category of zabah (cf. prev. n. but one).
- (34) If such a period has intervened it is obvious that the discharge mentioned was in no way due to travail.
- (35) Infra 36b.
- (36) Though R. Joshua differs from him.
- (37) Lit., 'and the other'.
- (38) Sc. the same law applies to either.
- (39) After the flux had ceased.
- (40) Cf. prev. n. Seven days without any discharge must pass before a zab or a zabah can attain cleanness.
- (41) The intermediate five.
- (42) Since on the first and the last day they were definitely clean.
- (43) And on performing immersion at the close of the seventh day they became clean.
- (44) Sc. two days only. As the cleanness of the intermediate days is a matter of doubt they must count another five days to make up the prescribed number of seven. In the case of a certain discharge on any of the days all the prescribed seven days must, of course, be counted all over again.
- (45) Infra 68b; since it is possible that there was a discharge on the sixth day, when there was no examination (cf. prev. n. last clause).
- (46) Who is consistent in disregarding completely the possibility of a discharge on any of the five days that intervened between the first and last clean ones. Cf. following n.
- (47) Who (cf. prev. n.) is inconsistent, seeing that he assumes the possibility of a discharge during the intermediate days and at the same time allows counting the first day as one of the seven clean days.
- (48) A possible, like a certain discharge (cf. supra n. 11, last clause) on the sixth day might quite reasonably be regarded as sufficient ground for cancelling all the previous days counted, including the first.
- (49) Infra 68b.

- (50) Lit., 'and the other'.
- (51) In a case where the insides are not affected (as explained infra) lit., 'backs'.
- (52) Rabbinically (cf. following two notes).
- (53) Through contracting uncleanness from a dead creeping thing. The latter being a primary uncleanness causes the liquids to be an uncleanness of the first grade which (though Pentateuchally, since their uncleanness is not a primary one, it cannot, as explained in Pes. 18a, convey uncleanness to vessels) renders the vessels unclean Rabbinically. As the uncleanness that is conveyed to vessels by liquids is merely Rabbinical, and as it was desired to make a distinction between Pentateuchal and Rabbinical uncleanness, it was enacted that, in such a case, only the outsides of vessels and not their insides shall contract the uncleanness.
- (54) Because liquids are prone to uncleanness. In consequence they contract from the vessels a first grade of uncleanness, the same grade as that of the outer sides of the vessels themselves.
- (55) Since Pentateuchally (cf. prev. n. but one) they are deemed to be clean.
- (56) Toh. VIII, 7; much less do they render them unclean. (This is explained presently.)
- (57) Toh. VIII, 7.
- (58) Being subject to a secondary grade of uncleanness only (v. following n.).
- (59) As explained in Pes. 14b.
- (60) How in view of this inference can he maintain his ruling?
- (61) Contracted from liquids.
- (62) Cf. supra n. 3.
- (63) In respect of conveying uncleanness to foodstuffs of terumah.
- (64) As deduced from Scripture in Yeb. 74b.
- (65) Since it is obvious that Pentateuchal uncleanness should be subject to greater restrictions.
- (66) E.g., spittle.
- (67) Which is a primary uncleanness Pentateuchally (cf. Lev. XV, 8).
- (68) Lit., 'wherein is the difference . . . that he took up', sc. why should not the Mishnah equally speak of the insides of vessels that similarly contracted from liquids Rabbinical uncleanness?
- (69) Than those that govern the insides of vessels. In the latter case R. Eliezer agrees that terumah is rendered invalid.
- (70) Lit., 'a vessel whose back became unclean by liquids'.
- (71) Lit., 'its ear'.
- (72) Kelim XXV, 6.
- (73) By stating supra that 'the halachah is in agreement with R. Eliezer in four cases'.
- (74) By laying down the halachah (cf. prev. n.) in the case of rulings where a similar statement was actually embodied in the Mishnah.
- (75) Talmud, lit., 'learning'. All statements as to what is the halachah added by a Tanna to a ruling in a Mishnah or a Baraitha must be regarded as a mere opinion or theory which a disciple expressed with reference to a ruling of his master. It is only the carefully considered decisions of the later Amoras that, being based on a minute examination and thorough analysis of their predecessor's views that may be relied upon as authoritative in determining the halachah (cf. Rashi).
- (76) Referred to supra by Rab Judah in the name of Samuel, concerning which the halachah is in agreement with R. Eliezer.

Talmud - Mas. Nidah 8a

'A minor¹ is to be instructed² to exercise her right of mi'un against him'³ and in connection with

this Rab Judah citing Samuel stated, 'The halachah is in agreement with R. Eliezer'?⁴ — When Samuel stated 'the halachah is in agreement with R. Eliezer in four cases he referred to rulings in the Order of Toharoth,⁵ but in the other Orders there are many such rulings. This⁶ also stands to reason, for we learnt: R. Eliezer ruled, Also in the case of one who shovels out loaves of bread⁷ from an oven and puts them into a basket,⁸ the basket causes them to be combined in respect of their liability to the dough-offering',⁹ and in connection with this Rab Judah citing Samuel stated, 'The halachah is in agreement with R. Eliezer.'¹⁰ This is conclusive. But why is the latter¹¹ a more valid proof¹² than the former?¹³ — Because in the former case R. Eleazar takes up the same standpoint as he,¹⁴ for we learnt: R. Eleazar ruled, The minor is to be instructed¹⁵ to exercise her right of mi'un against him.¹⁶ But does he¹⁷ take up the same standpoint?¹⁸ Have we not in fact shown¹⁹ that both²⁰ were required because they are not like one another?²¹ — Rather say, Because R. Judah b. Baba takes up the same position as he,²² for we learnt,²³ 'R. Judah b. Baba testified concerning five things: That minors are urged to exercise their right of mi'un,²⁴ that a woman²⁵ is allowed to remarry on the evidence of one witness,²⁶ that a cock was stoned²⁷ in Jerusalem because it had killed a person,²⁸ that²⁹ wine which was only forty days old³⁰ was poured as a drink-offering upon the altar, and that²⁹ the continual morning sacrifice was offered³¹ [as late as] at the fourth hour [of the day]'.³² Now does not the expression 'minors',³³ imply³⁴ the one of which R. Eleazar and the one of which R. Eliezer spoke?³⁵ — No; by the expression³⁶ 'minors' minors in general³⁷ were meant.³⁸ If so,³⁹ should it not have been stated, in the case of the woman⁴⁰ also, 'women', meaning thereby⁴¹ women in general?⁴² As in the latter case,⁴³ however, it was stated 'woman',⁴⁴ and in the former 'minors'⁴⁵ it may be concluded that the expressions are to be taken literally.⁴⁶ This is conclusive.

R. Eleazar⁴⁷ also⁴⁸ stated, 'The halachah is in agreement with R. Eliezer in four things'. But are there no more of such rulings?⁴⁹ Have we not in fact learnt, 'R. Eliezer ruled, The minor is to be instructed to exercise her right of mi'un against him'⁵⁰ and R. Eleazar stated, 'The halachah is in agreement with R. Eliezer'?⁵¹ And were you to reply that when R. Eleazar stated, 'The halachah is in agreement with R. Eliezer in four things' he referred to the rulings in the Order of Toharoth, but that in the other Orders there are many more such rulings⁴⁹ [it could be retorted:] But are there any such? Have we not in fact learnt, 'The rose, henna,⁵² lotus⁵³ and balsam as well as their proceeds are subject to the laws of the Sabbatical year⁵⁴ and they and their proceeds are also subject to the law of removal,⁵⁵ in connection with which R. Pedath⁵⁶ is observed, 'Who taught⁵⁷ that balsam is a fruit?⁵⁸ R. Eliezer'; and R. Zera replied, 'I see that between⁵⁹ you and your father you will cause balsam to be permitted to the world,⁶⁰ since you said, "Who taught that balsam is a fruit? R. Eliezer" and your father said, "The halachah is in agreement with R. Eliezer in four things".'⁶¹ Now, if it were so,⁶² why did he⁶³ not reply to him,⁶⁴ 'When my father said, "The halachah is in agreement with R. Eliezer in four things" he referred only to rulings in the Order of Toharoth but in other Orders there are many more'?⁶⁵ — But then,⁶⁶ does not the previous difficulty⁶⁷ arise? — [In the case of mi'un⁶⁸ the halachah is in agreement with R. Eliezer] because R. Eleazar [b. Shammua'] takes up the same standpoint as he; for we have learnt: R. Eleazar ruled, The minor is to be instructed to exercise her right of mi'un against him.⁶⁹ But does he⁷⁰ take up the same standpoint? Have we not in fact shown that both⁷¹ were required because they are not like one another?⁷² — Rather say: Because R. Judah b. Baba takes up the same standpoint as he.⁷⁰ But are there no more such rulings?⁷³

Have we not in fact learnt: 'R. Akiba ruled, One says it⁷⁴ as an independent benediction;⁷⁵ R. Eliezer ruled, One includes it in the benediction of thanksgiving';⁷⁶ and in connection with this R. Eleazar⁷⁷ stated,⁷⁸ 'The halachah is in agreement with R. Eliezer'? — R. Abba replied: [The halachah agrees with him] in that case because he [may have] said it in the name of R. Hanina b. Gamaliel, for it was taught: R. Akiba ruled, One says it⁷⁹ as an independent benediction;⁷⁵ R. Hanina b. Gamaliel ruled, One includes it in the benediction of thanksgiving.

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- (1) Who was fatherless and was given in marriage by her mother or brothers (so that her marriage is only Rabbinically valid) and who had a sister that was of age and was married to the minor's husband's brother who died without issue. In accordance with the laws of the levirate marriage the surviving brother must marry the widow, but such marriage cannot take place in this case on account of the prohibition to marry a wife's sister. The minor, furthermore, is now forbidden to live with her husband (whose marriage with her is only Rabbinically valid) on account of the levirate bond between him and her sister (which is Pentateuchal). Rashi speaks here of two 'orphan' sisters, but the Mishnah in Yeb, speaks of 'deaf' sisters.
 - (2) In order to avoid (cf. prev. n.) the difficulties mentioned.
 - (3) Her husband. In virtue of mi'un (v. Glos.) she annuls her marriage and sets her husband free to perform the Pentateuchal law of the levirate marriage. Yeb. 109a.
 - (4) Yeb. 110a.
 - (5) The sixth, and last order of the Talmud in which the tractate of Niddah is included.
 - (6) That Samuel referred to the Order of Toharoth alone.
 - (7) That were made of quantities of dough each of which was never greater than five kab. Only when dough is no less than five kab in bulk is it subject to the dough-offering.
 - (8) And in their total they amounted to no less than five kab.
 - (9) Hal. II, 4.
 - (10) Which shows that outside the Order of Toharoth there are other rulings concerning which the halachah is in agreement with R. Eliezer.
 - (11) Hal. II, 4.
 - (12) In support of the explanation given (cf. n. 10).
 - (13) The ruling cited from Yeb. Lit., 'and what is the strength of that from that?'
 - (14) R. Eliezer.
 - (15) In certain cases enumerated in Yeb. 111a.
 - (16) Yeb. 111a, a ruling that is analogous to that of R. Eliezer in Yeb. 109a, and it might have been assumed that only in this case, since R. Eliezer is supported by the authority of R. Eleazar, is the halachah in agreement with the former but not in other cases where he has no such support; hence the citation from Hal, where the halachah is in agreement with R. Eliezer even though his ruling has his own authority alone.
 - (17) R. Eleazar.
 - (18) As R. Eliezer.
 - (19) Yeb. 111b.
 - (20) Statements of Samuel, that the halachah is in agreement with (a) R. Eliezer and (b) R. Eleazar.
 - (21) How then could it be suggested here that R. Eleazar's ruling provides support for that of R. Eliezer?
 - (22) R. Eliezer.
 - (23) So MS.M. Cur. edd. 'it was taught'.
 - (24) Cf. notes on the similar ruling of R. Eliezer (cited from Yeb. 109a supra).
 - (25) Whose husband left for a country overseas.
 - (26) Who testifies that her husband was dead.

- (27) In accordance with Ex. XXI, 28 (as expounded in B.K. 54b), though the text speaks only of an ox.
- (28) It pecked out the brain of a child.
- (29) Lit., 'and about'.
- (30) One that is less than forty days old is invalid as 'wine from the vat', which is too new (cf. B.B. 97a, Sonc. ed. p. 405).
- (31) On one occasion, during the Syrian Greek siege of Jerusalem, when no sacrifice could be secured.
- (32) 'Ed. VI, 1.
- (33) Sc. the use of the plural form.
- (34) Lit., 'what minors? Not?' etc.
- (35) The answer being presumably in the affirmative it follows that R. Eliezer's ruling is supported by the authority of R. Judah b. Baba.
- (36) Lit., 'what'.
- (37) Of the class spoken of by R. Eleazar.
- (38) Excluding the one spoken of by R. Eliezer who, consequently, stands unsupported.
- (39) That the plural form in this context is used to indicate the class.
- (40) 'That a woman is allowed etc.'
- (41) Lit., 'and let us say'.
- (42) Obviously it should.
- (43) Lit., 'since here' (cf. supra p. 47, n. 25).
- (44) In the sing., though the whole class is included.
- (45) In the plural.
- (46) Lit., 'he learns exactly', sc. that 'minors' in the plural refers to the two classes of minor, the one dealt with by R. Eleazar and the one spoken of by R. Eliezer.
- (47) I.e., R. Eleazar b. Pedath who was an Amora. R. Eleazar who laid down the rule of mi'un is a Tanna and was b. Shammua'.
- (48) Like Rab Judah who cited Samuel supra 7b.
- (49) In regard to which the halachah is in agreement with R. Eliezer.
- (50) Supra q.v. notes.
- (51) Yeb. 110a.
- (52) Or 'cyprus flower'.
- (53) Or 'gum-mastich'.
- (54) Shebi. VII, 6: sc. during that year they must be treated as hefker (v. Glos.) and no trade may be carried on with them.
- (55) Sc., as soon as none of these products respectively remained in the field the owner must remove from his house all that he had previously gathered in. The last quoted part, 'and they . . . removal' is wanting in the Mishnah.
- (56) The son of R. Eleazar b. Pedath.
- (57) In the Mishnah cited from Sheb.
- (58) Were it no fruit it would not have been subject to the laws of the Sabbatical Year.
- (59) Lit., 'from'.
- (60) During the Sabbatical Year, i.e., to be exempt from its restrictions.
- (61) But no more. R. Eliezer's restrictive law concerning balsam, since it is not included in the four, must consequently be against the halachah and must, therefore, be disregarded.
- (62) That outside the Order of Toharoth there are other rulings of R. Eliezer in agreement with the halachah.
- (63) R. Pedath.

- (64) R. Zera.
- (65) And R. Zera's objection would thus have been met. Since R. Pedath, however, gave no such reply it follows that R. Eleazar's statement that 'the halachah is in agreement with R. Eliezer in four things' applies to all the Orders of the Talmud.
- (66) Cf. prev. n.
- (67) How is it that in the case of mi'un (which is not included in the four) the halachah is also in agreement with R. Eliezer?
- (68) Though it is not one of the four (cf. prev. n.).
- (69) Supra q.v. notes.
- (70) R. Eleazar [b. Shammua'].
- (71) The rulings of R. Eliezer and R. Eleazar respectively.
- (72) Supra q.v. notes.
- (73) Concerning which the halachah is in agreement with R. Eliezer.
- (74) The benediction of habdalah in the evening service at the conclusion of the Sabbath (cf. P.B., p. 46).
- (75) Sc. it is not to be included in any of the statutory benedictions.
- (76) Ber. 29a, 33a. Cf. P.B., p. 51.
- (77) b. Pedath (cf. supra).
- (78) M. J. Ber. (Tosaf).
- (79) The benediction of habdalah in the evening service at the conclusion of the Sabbath (cf. P.B., p. 46).

Talmud - Mas. Nidah 8b

But was he¹ not much older than he?² — Rather say:³ Because R. Hanina b. Gamaliel took up⁴ the same line as he, But did he⁵ take it up? Was it not in fact taught: On the night of the Day of Atonement⁶ one recites in his prayers seven benedictions and makes confession; in the morning⁶ one recites seven benedictions and makes confession; during the additional prayer⁷ one recites seven benedictions and makes confession; in the afternoon prayer one recites seven benedictions and makes confession; In the concluding prayer⁸ one recites seven benedictions and makes confession, and in the evening⁹ one recites seven benedictions embodying the substance of the Eighteen;¹⁰ and R. Hanina b. Gamaliel in the name of his ancestors ruled: One must recite in his prayers¹¹ all the eighteen benedictions because it is necessary to include habdalah¹² in 'who favourest man with knowledge'?¹³ — R. Nahman b. Isaac replied: He cited it¹⁴ in the name of his ancestors but he himself¹⁵ does not uphold it.

Said R. Jeremiah to R. Zera:¹⁶ But do you not yourself hold that he who taught that balsam was a fruit is R. Eliezer, seeing that we have learnt: R. Eliezer ruled, Milk curdled with the sap of 'orlah is forbidden?¹⁷ — This¹⁸ might be said to agree even with the view of the Rabbis, since they differed from R. Eliezer only in respect of the sap of the tree but in the case of the sap of the fruit they agree with him, for we have learnt: R. Joshua stated, I have explicitly heard that milk curdled with the sap of the leaves or with the sap of the roots is permitted, but if it was curdled with the sap of unripe figs it is forbidden because the latter is regarded as a proper fruit.¹⁹ And if you prefer I might reply: The Rabbis differ from R. Eliezer only in respect of a fruit producing tree but in the case of a tree that does not produce fruit they agree that its sap is regarded as its fruit, for we have learnt: R. Simeon ruled, Balsam is not subject to the laws of the Sabbatical Year²⁰ and the Sages ruled, Balsam is subject to the laws of the Sabbatical Year because the sap

of the tree is regarded as its fruit.²¹ Now who are the Sages? Are they not in fact the Rabbis who differ²² from R. Eliezer?²³ — Thus, a certain elder replied to him, said R. Johanan, ‘Who are the "Sages"? R. Eliezer who ruled that its balsam is its fruit’. But if by the ‘Sages’ R. Eliezer was meant what was the point in speaking of a tree that does not produce fruit seeing that even where a tree produces fruit its sap is regarded as its fruit? — He²⁴ spoke to them²⁵ according to the view of the Rabbis. ‘According to my view’ [he said in effect,] ‘even in the case of a fruit producing tree its sap is regarded as its fruit, but according to your view²⁶ agree with me at least in this case of a tree that produces no fruit that its sap is its fruit. But the Rabbis told him: No difference is made.’²⁷

WHO IS REGARDED AS A ‘VIRGIN’? ANY WOMAN WHO HAS NOT YET OBSERVED etc. Our Rabbis taught: [If a virgin] married and observed a discharge of blood that was due to the marriage, or if when she bore a child she observed a discharge of blood that was due to the birth, she is still called a ‘virgin’, because the virgin of whom the Rabbis spoke is one that is a virgin as regards menstrual blood but not one who is so in regard to the blood of virginity.²⁸ Can this, however, be correct?²⁹ Has not R. Kahana in fact stated, ‘A Tanna taught: There are three kinds of virgin, the human virgin, the soil virgin and the sycamore virgin. The "human virgin" is one that never³⁰ had any sexual intercourse, the practical issue³¹ being her eligibility to marry a High Priest³² or else her claim to a kethubah of two hundred zuz,³³ the "virgin soil" is one that had never³⁰ been cultivated, the practical issue³¹ being its designation as "a rough valley"³⁴ or else its legal status as regards purchase and sale,³⁵ the "virgin sycamore" is one that has never³⁶ been cut,³⁷ the practical issue³⁸ being its legal status as regards purchase and sale³⁹ or else the permissibility to cut it³⁷ in the Sabbatical Year, as we have learnt: A virgin sycamore may not be cut in the Sabbatical Year because such cutting is regarded as cultivation’.⁴⁰ Now if this⁴¹ were correct why did he⁴² not mention this one also? — R. Nahman b. Isaac replied: He only mentioned such as has no special⁴³ name⁴⁴ but one which bears a special⁴³ name⁴⁵ he does not mention. R. Shesheth son of R. Idi replied: He⁴⁶ only mentioned those, the loss of whose virginity⁴⁷ is dependent on an act⁴⁸ but one the loss of whose virginity⁴⁷ is not dependent on an act⁴⁹ he does not mention. R. Hanina son of R. Ika replied: He⁴⁶ only mentioned those⁴⁷ which do not change⁵⁰ into their original condition⁵¹ but one which does change to its original condition⁵² he does not mention. Rabina replied: He⁵³ only mentioned that to which a purchaser is likely to object⁵⁴ but that to which a purchaser is not likely to object⁵⁵ he does not mention. But do not people object?⁵⁶ Was it not in fact taught, ‘R. Hiyya stated: As leaven is wholesome for the dough so is menstrual blood wholesome for a woman’⁵⁷ and it was also taught in the name of R. Meir, ‘Every woman who has an abundance of menstrual blood has many children’?⁵⁷ — Rather say: He⁵³ only mentioned that which a purchaser is anxious to acquire⁵⁸ but that⁵⁹ which a purchaser is not anxious to acquire⁶⁰ he does not mention.

Our Rabbis taught: What is meant by a virgin soil? One which⁶¹ turns up clods⁶² and whose earth is not loose. If⁶¹ a potsherd is found in it, it may be known that it had once been cultivated;⁶³ if flint, it is undoubtedly⁶⁴ virgin soil.

‘A WOMAN IN PREGNANCY’? ONE WHOSE EMBRYO ‘CAN BE DISCERNED. At what stage⁶⁵ is the embryo discernible? — Symmachus citing R. Meir replied: Three months after conception. And though there is no actual proof for this statement there is an allusion⁶⁶ to it, for it

is said in Scripture, And it came to pass about three months after⁶⁷ etc. ‘An allusion to it’ [you say], is not this a text of Scripture and a most reliable⁶⁸ proof? — [It can only be regarded as an allusion] because some women⁶⁹ give birth after nine months and others after seven months.⁷⁰

Our Rabbis taught: If a woman was⁷¹ in a condition of presumptive pregnancy and after observing a discharge of blood she miscarried an inflated object⁷² or any other object which had no vitality⁷³ she⁷⁴ is still deemed to be⁷⁵ in the condition of her presumptive pregnancy and it suffices for her to reckon her period of menstrual uncleanness from the time of her observation of the discharge.⁷⁶ And though there is no actual proof for this ruling⁷⁷ there is an allusion⁷⁸ to it, for it is said in Scripture, We have been with child, we have been in pain, we have as it were brought forth wind.⁷⁹ But why only ‘an allusion to it’ seeing that the text provides actual⁸⁰ proof? — That text was in fact written about males.⁸¹

I would, however, point out an incongruity: If a woman was in hard labour⁸² for two days⁸³ and on the third day⁸⁴ she miscarried an inflated object or any thing that had no vitality, she⁸⁵ is regarded as bearing in the condition of a zabah.⁸⁶ Now if you maintain that such miscarriage is a proper birth

(1) R. Eliezer, a contemporary and brother-in-law of R. Gamaliel the son of Simeon who was one of the ‘Ten Royal Martyrs’ (Rashi).

(2) Hanina, who was a son of R. Gamaliel of Jamnia (v. Tosaf.). Now is it likely that an older scholar would quote a tradition on the authority of a younger one?

(3) In explanation why the halachah is in agreement with R. Eliezer in this particular case.

(4) At a later date. Lit., ‘stands’.

(5) R. Hanina.

(6) The ‘Day’ extending over a night and the following day.

(7) Musaf, which on Sabbaths and festivals is recited after the morning service.

(8) Ne’ilah, the last prayer before sunset on the Day of Atonement.

(9) That follows the solemn day.

(10) I.e., instead of all the ‘eighteen (now nineteen) benedictions’ that are to be recited at ordinary weekday services (cf. P.B., p. 44ff) one recites on this occasion only the first three and the last three benedictions, and inserts between a shortened prayer embracing the salient features of the intermediate ones (cf. P.B., p. 55).

(11) Even on the evening mentioned.

(12) The prayer added to the service at the conclusion of Sabbaths and festival days (cf. P.B., p. 46).

(13) Yoma 87b, Pes. 3a. Cf. P.B., i.e. In the shortened prayer, where this benediction is reduced to a few words, this cannot be done. Now, since R. Hanina here states that habdalah is to be included in the benediction ‘who favourest etc.’ how could it be said supra that he adopts the same line as R. Eliezer who requires it to be included in the benediction of thanksgiving?

(14) The last quoted ruling.

(15) Who is in agreement with R. Eliezer.

(16) Who objected (supra 8a) to R. Pedath's assertion as to the authorship of the ruling on balsam.

(17) ‘Orlah I, 7; because the sap is considered a fruit to which the prohibitions of ‘orlah apply. Balsam also being a sap, must not the ruling that balsam is a fruit obviously be that of R. Eliezer?

(18) The ruling just cited.

(19) ‘Orlah I, 7.

- (20) 'Because it is not regarded as a fruit', Sheb. VII, 6.
- (21) This quotation does not actually occur in the Mishnah cited (cf. prev. n.) but is implied from the ruling of the first Tanna *ibid*.
- (22) In the case of other trees.
- (23) Presumably they are. Thus it follows, as R. Zera submitted, that in the case of balsam the Rabbis are of the same opinion as R. Eliezer and that there is no need, therefore, to attribute to him the ruling which is in agreement with the halachah.
- (24) R. Eliezer.
- (25) Those who differed from him.
- (26) Which does not regard the sap of a fruit bearing tree as fruit.
- (27) Between the two kinds of tree. In neither case can sap be regarded as fruit.
- (28) Or birth.
- (29) Lit., 'I am not'.
- (30) Lit., 'all the time that she (had) not'.
- (31) Between being regarded as a virgin or not.
- (32) Cf. Lev. XXI, 13.
- (33) Only a virgin is entitled to that sum. One who is no virgin is entitled to one hundred zuz only.
- (34) Deut. XXI, 4, in the case where a murdered man was found in a field and his murderers cannot be discovered when a heifer is brought into a rough valley and a prescribed ceremonial is performed (v. *ibid*. 1ff).
- (35) If a plot of land has been sold or bought as 'virgin soil' it must be one that has never before been cultivated.
- (36) Lit., 'all the time that she (had) not'.
- (37) Since the cutting causes new growth.
- (38) Between being regarded as a virgin or not.
- (39) Cf. *supra* n. 10 *mut. mut*.
- (40) Which is forbidden (cf. Lev. XXV, 4); Sheb. IV, 5.
- (41) That there is also a virginity as regards menstrual blood.
- (42) R. Kahana who only spoke of three kinds of virgin.
- (43) Lit., 'attached', 'accompanying'.
- (44) 'Virgin' alone being sufficient.
- (45) Such as the 'virgin in respect of menstrual blood' whom 'virgin' alone would not sufficiently describe.
- (46) R. Kahana who only spoke of three kinds.
- (47) Lit., 'a thing that'.
- (48) Such as intercourse, cultivation or cutting.
- (49) As is the case with a discharge of menstrual blood which is a natural and involuntary process.
- (50) After intercourse, cultivation and cutting respectively.
- (51) Lit., 'to its creation', neither the woman nor the soil nor the sycamore can (cf. prev. n.) change into her or its original condition.
- (52) A woman in old age loses her flow and changes, in this respect, into a condition similar to her original virginity.
- (53) R. Kahana who only spoke of three kinds.
- (54) No one who could help it would be likely to marry a non-virgin or to buy land that was already exploited or a sycamore that was cut.
- (55) One who marries a virgin does not care whether or not she ever had her menstrual flow.
- (56) Cf. prev. n.
- (57) Keth. 10b.

- (58) Lit., 'that . . . jumps on it', people are anxious to marry a virgin, to buy a plot of land that was never before exploited and a sycamore that was never before cut.
- (59) A virgin who has no menstrual flow.
- (60) For the reasons indicated by R. Hiyya and R. Meir supra.
- (61) On being broken up.
- (62) That need crushing.
- (63) How else could the potsherd have found its way into it?
- (64) Lit., 'behold this'.
- (65) Lit., 'and how much'.
- (66) Lit., 'remembrance'.
- (67) That it was told . . . she is with child, Gen, XXXVIII, 24.
- (68) Lit., 'great'.
- (69) Lit., 'there is'.
- (70) And it might have been assumed that the three months of the text (representing a third of nine) applied to the former only while in the case of the latter the stage of recognition begins after $7/3 = 2 \frac{1}{3}$, months.
- (71) Lit., 'behold she was'.
- (72) Lit., 'wind'.
- (73) Lit., 'existence'.
- (74) Despite the fact that her pregnancy, as is now evident, was not natural.
- (75) As regards retrospective uncleanness.
- (76) Not twenty-four hours retrospectively as is the case with one who is not pregnant.
- (77) That an inflated object (cf. supra n. 12) is regarded as a viable embryo in respect of pregnancy.
- (78) Lit., 'remembrance'.
- (79) Emphasis on the last word. Isa. XXVI, 18. Tosef. Nid. I.
- (80) Lit., 'great'.
- (81) In whose case conception and birth are mere metaphorical expressions.
- (82) Accompanied by a flow of blood.
- (83) During the eleven days in which she is susceptible to the uncleanness of a zabah (v. foll. nn.).
- (84) After a further discharge of blood, so that (cf. prev. n. but one) her bleeding and pain extended over three consecutive days.
- (85) Since there was no proper birth though she had no relief from her pain between the time of the discharge and the miscarriage.
- (86) V. Glos. Sc. she must count seven days and bring the sacrifice prescribed for a zabah before she can attain cleanness.

Talmud - Mas. Nidah 9a

did not the All Merciful [it may be objected] ordain that [a flow of blood in] painful labour immediately before birth¹ is regarded as clean?² — R. Papi replied: Leave alone the question of the twenty-four hours retrospective uncleanness³ which only involves a Rabbinical enactment.⁴ R. Papa replied: The actual reason⁵ is that the woman⁶ feels a heaviness in her head and limbs;⁷ well then, here also⁸ she feels a heaviness in her head and in her limbs.⁹

R. Jeremiah enquired of R. Zera: What is the ruling¹⁰ where a woman observed a flow and immediately after her pregnancy was discerned? Is she retrospectively unclean because her

pregnancy was not known at the time she observed the flow or is she not retrospectively unclean since she observed it immediately before she became aware of her pregnancy? — The other replied: The sole reason¹¹ is that she¹² feels a heaviness in her head and limbs¹³ but¹⁴ at the time she observed the flow she felt no heaviness either in her head or in her limbs.¹⁵

A certain old man asked R. Johanan: ‘What is the ruling if, when the time of her fixed period had come during the days of her pregnancy and she did not examine herself? I am raising this question on the view of the authority who laid down [that a woman's duty to hold an examination on the arrival of her] fixed periods is an ordinance of the Torah.¹⁶ What is the ruling [I ask]? Must she¹⁷ examine herself since [the duty of holding an examination on the arrival of] the fixed periods is an ordinance of the Torah¹⁶ or is it possible that since¹⁸ her menstrual blood is suspended,¹⁹ she requires no examination’?²⁰ — The other²¹ replied, You have learnt it: R. Meir ruled, If a woman was in a hiding-place²² when the time of her fixed period arrived and she did not examine herself she is nevertheless clean because fear suspends the menstrual flow.²³ Now the reason is²⁴ that there was fear, but if there had been no fear and the time of her fixed period had arrived and she did not examine herself she would have been deemed unclean. It is thus clear²⁵ [that a woman's duty to examine herself at the time of the arrival of her] fixed periods is an ordinance of the Torah and that, nevertheless, since there was fear, her menstrual blood is deemed to be suspended and she requires no exemption; so also here,²⁶ since her menstrual blood is suspended she requires no examination.

‘A NURSING WOMAN’? A WOMAN BEFORE SHE HAS WEANED etc. Our Rabbis taught: A nursing mother whose child died within twenty-four months²⁷ is in exactly the same position as all other women²⁸ and causes retrospective uncleanness for a period of twenty-four hours or from the previous to the last examination. If, therefore,²⁹ she continued to suck it for four or five years it suffices for her to reckon her period of uncleanness from the time she has observed the flow; so R. Meir. R. Judah, R. Jose and R. Simeon ruled: Only during the twenty-four months³⁰ does it suffice for women to reckon their uncleanness from the time they have observed a flow.³¹ Therefore,³² even if she suckled it for four or five years she causes uncleanness retrospectively for twenty-four hours or from the previous to the last examination.³³ Now if you will carefully consider [the views just expressed] you will find that³⁴ according to the view of R. Meir the menstrual blood is decomposed and turns into milk while according to the view of R. Jose, R. Judah and R. Simeon the woman's limbs³⁵ are disjointed and her natural vigour³⁶ does not return before the lapse of twenty-four months. Why the necessity for the ‘therefore’³⁷ of R. Meir?³⁸ — On account of the ‘therefore’³⁹ of R. Jose. But why the necessity for the ‘therefore’ of R. Jose?⁴⁰ — It might have been assumed that R. Jose maintains that⁴¹ there are two [causes];⁴² hence we were informed⁴³ [that he upholds the one cause only].⁴⁴ So it was also taught: The menstrual blood⁴⁵ is decomposed and turns into milk; so R. Meir. R. Jose stated: Her limbs⁴⁶ are disjointed and her natural strength does not return before twenty-four months.⁴⁷ R. Elai explained: What is R. Meir's reason?⁴⁸ That it is written, Who can bring a clean thing⁴⁹ from out of an unclean?⁵⁰ Is it not the Only One?⁵¹ And the Rabbis?⁵² — R. Johanan replied: The reference⁵³ is to semen which is unclean, while the man who is created from it is clean; and R. Eleazar replied: The reference⁵³ is to the water of sprinkling⁵⁴ in the case of which the man who sprinkles it as well as the man upon whom it is sprinkled is clean while he who touches it is unclean. But is the man who sprinkles it clean? Is it not in fact written, And he that sprinkleth the

water of sprinkling shall wash his clothes?⁵⁵ — What is meant by ‘He that sprinkleth’? He that touches it. But is it not actually written, ‘He that sprinkleth’⁵⁵ and also ‘He that toucheth’?⁵⁵ Furthermore, is not ‘He that sprinkleth’ required to wash his clothes⁵⁵ while ‘He that toucheth’ is not required to do so?⁵⁵ — Rather say: What is meant by ‘He that sprinkleth’? He that carries.⁵⁶ Then why was it not written, ‘He that carries’? — We were informed⁵⁷ that uncleanness is not contracted unless one carried the minimum quantity prescribed for sprinkling. This is a satisfactory explanation according to him who holds⁵⁸ that sprinkling must be performed with a prescribed minimum of the water⁵⁹. What, however, can be said according to him who holds that no prescribed minimum is required?⁵⁸ — Even according to him who holds that no prescribed quantity is required the ruling refers only to the quantity applied to the body of the man but as regards that which is in the vessel a prescribed quantity is required; as we have learnt: What must be the quantity of water⁵⁹ that it shall suffice for a sprinkling? As much as suffices for both the dipping therein of the tops of the stalks and for the sprinkling.⁶⁰ It is, in fact, in view of such laws⁶¹ that Solomon observed, I said: ‘I will get wisdom’; but it was far from me.⁶²

WHO IS REGARDED ‘AN OLD WOMAN’? ANY WOMAN OVER WHOM THREE ONAHS HAVE PASSED NEAR THE TIME OF HER OLD AGE. What is to be understood by NEAR THE TIME OF HER OLD AGE? — Rab Judah replied: The age when her women friends speak of her as an old woman; and R. Simeon⁶³ replied:

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- (1) The woman having had no relief from her pain between the appearance of the flow and birth (cf. prev. n. but one).
 - (2) V. infra 37b. Why then should the woman here be treated as a zabah?
 - (3) With which the first of the apparently contradictory Baraithas deals.
 - (4) And could, therefore, be relaxed even in the case of a pregnancy that ended in a miscarriage. As regards the pentateuchal uncleanness of a zabah, however, a miscarriage of the nature spoken of in the last cited Baraitha cannot be regarded as a proper birth.
 - (5) Why a pregnant woman is to reckon her menstrual uncleanness from the very moment she has observed a discharge and not retrospectively.
 - (6) During her pregnancy.
 - (7) Sc. she is suffering from a malady which causes her menstrual flow to disappear.
 - (8) In the case of a pregnancy that ended in a miscarriage spoken of in the first of the Baraithas under discussion.
 - (9) It is obvious, therefore, that she also suffers from the same malady (cf. prev. n. but one) in consequence of which she is entitled to the same privileges (cf. supra n. 10).
 - (10) In respect of the twenty-four hours retrospective uncleanness.
 - (11) V. p. 55, n. 10.
 - (12) During her pregnancy.
 - (13) V. p. 55, n. 12.
 - (14) In the case about which R. Jeremiah enquired.
 - (15) She cannot, therefore, be regarded as a pregnant woman, and her uncleanness is retrospective.
 - (16) Sc. a traditional halachah handed down from the time of Moses (Rashi), so that since the flow may be expected to make its appearance on the regular day, a woman who did not examine herself at such a period, must be regarded as unclean (v. infra 16a).
 - (17) If she is to be regarded as clean.
 - (18) During pregnancy.

- (19) And the regular appearance of her menstrual blood need not be expected.
- (20) I.e., she is deemed to be clean even if she did not examine herself.
- (21) R. Johanan.
- (22) In fear of her life.
- (23) Infra 39a.
- (24) Why in this particular case the woman is regarded as clean.
- (25) Since in the absence of fear the woman is deemed to be unclean.
- (26) The case of the pregnant woman referred to in the old man's enquiry.
- (27) After birth. This is the normal period a mother is expected to suckle her child.
- (28) Who are not pregnant or nursing; because the menstrual flow is suspended only on account of its transformation into the mother's milk, but when the child dies and the milk is no longer used the blood changes into its original condition.
- (29) Since the cleanness of the woman is entirely due to her suckling (cf. prev. n.).
- (30) Irrespective of whether the child is suckled or not.
- (31) The suspension of the menstrual blood for twenty-four months being due in their opinion to the physical disturbance caused by the process of childbearing.
- (32) Since it is the process of bearing and not the suckling of the child (cf. prev. n.) that causes the suspension of the blood and since that suspension does not continue longer than twenty-four months.
- (33) Cf. Tosef. Nid. II where, however, 'R. Judah' is omitted.
- (34) Lit., 'as you will find to say'.
- (35) When she is in childbirth.
- (36) Manifested by her menstrual flow.
- (37) 'If, therefore, she continued etc.' supra.
- (38) Sc. since R. Meir ruled that the death of the child causes its mother to resume the status of an ordinary non-nursing woman it obviously follows that the main cause of her former exemption from retrospective uncleanness was her suckling of the child, what need then was there to specify an inference (cf. prev. n.) which is all too obvious?
- (39) 'Therefore, even if she suckled etc.', supra.
- (40) Cf. prev. n. but one mut. mut.
- (41) For the suspension of the menstrual flow.
- (42) (a) The blood turns into milk and (b) the woman's limbs are disjointed on account of (b) the woman is exempt from retrospective uncleanness during the twenty-four months following her childbearing, irrespective of whether the child is suckled or not, while on account of (a) she should be similarly exempt throughout the time she is suckling the child.
- (43) By the addition of 'Therefore' (cf. supra n. 14).
- (44) That 'the woman's limbs are disjointed'.
- (45) Of a nursing woman.
- (46) Those of a woman in childbirth.
- (47) Bek. 6b.
- (48) For holding that the menstrual blood turns into milk.
- (49) Milk.
- (50) Menstrual blood.
- (51) Job XIV, 4; E. V. 'not one'.
- (52) Sc. how do they, who differ from R. Meir, in maintaining that the blood does not turn into milk, explain the text cited?

- (53) In Job XIV, 4 cited.
- (54) Cf. Num. XIX, 9.
- (55) Ibid. 21.
- (56) The water of sprinkling.
- (57) By the expression, 'He that sprinkleth' instead of 'he that carries'.
- (58) Cf. Zeb. 80a.
- (59) The water of sprinkling.
- (60) Parah XII, 5.
- (61) Which are apparently paradoxical: The man who sprinkles the water or is sprinkled upon is clean while he who merely touched it is unclean.
- (62) Eccl. VII, 23.
- (63) MS.M. adds 'b. Lakish'.

Talmud - Mas. Nidah 9b

when people call her mother in her presence¹ and she does not blush. R. Zera and R. Samuel b. Isaac differ:² One says, '[When she is called mother] and³ she does not mind,' and the other says, 'And³ she does not blush' — What is the practical difference between them? — The practical difference between them is the case of one who blushes but does not mind.

What is the length of an 'onah? — Resh Lakish citing R. Judah Nesi'ah⁴ replied: A normal 'onah is thirty days; but Raba, citing R. Hisda, replied: Twenty days. In fact, however, there is no difference of opinion between them. One Master⁵ reckons both the clean and the unclean days⁶ while the other Master⁷ does not reckon the unclean days.⁸

Our Rabbis taught: If over an old woman have passed three 'onahs⁹ and then she observed a flow, it suffices for her to reckon her period of uncleanness from the time she observed the flow; if another three 'onahs have passed⁹ and then she observed a flow, it again suffices for her to reckon her uncleanness from the time she observed it. If, however, another three 'onahs have passed⁹ and then she observed a flow she is regarded¹⁰ as all other women and causes uncleanness retrospectively for twenty-four hours or from the previous examination to the last examination. This¹¹ is the case not only¹² where she observed the flow at perfectly regular intervals¹³ but even where she observed it at successively decreasing intervals or¹⁴ increasing intervals.¹⁵ [You say,] 'Even¹⁶ where she observed it at successively decreasing intervals'. It thus follows¹⁷ that there is no need to mention that this law¹¹ applies where she observed the flow at perfectly regular ones. But should not the law be reversed, seeing that where she observes a flow at perfectly regular intervals she thereby establishes for herself a fixed period and it should, therefore, suffice for her to reckon her period of uncleanness from the time she observed the flow? And should you reply that this¹⁸ represents the view of the Rabbis who differ from R. Dosa in maintaining that even a woman who has a fixed period causes retrospective uncleanness for twenty-four hours,¹⁹ [it could be objected:] Should not the order²⁰ have been reversed to read as follows: Not only where she observed the flow at successively decreasing intervals or increasing intervals²¹ but even where she observed it at perfectly regular ones?²² — Read: Not only where she observed the flow at successively decreasing intervals or increasing intervals²¹ but even where she observed it at perfectly regular ones.²³ And if you prefer I might reply, It is this that was meant: This²⁴ does not

apply where a woman observed the flow at perfectly regular intervals but only where she observed it at successively decreasing or increasing ones. Where, however, she observed it at perfectly regular intervals she thereby establishes for herself a fixed period and it suffices for her to reckon her uncleanness from the time she has observed the flow. And whose view does this represent? That of R. Dosa.¹⁹

R. ELIEZER RULED: FOR ANY WOMAN OVER WHOM HAVE PASSED etc. It was taught: R. Eliezer said to the Sages. It once happened to a young woman at Haitalu²⁵ that her menstrual flow was interrupted for three 'onahs, and when the matter was submitted to the Sages they ruled that it sufficed for her to reckon her uncleanness from the time she observed the flow. They replied: A time of emergency is no proof. What was the emergency? — Some say, It was a time of dearth,²⁶ while others say, The quantity of foodstuffs the woman had prepared²⁷ was rather large and the Rabbis took into consideration the desirability of avoiding the loss of the levitically clean things.

Our Rabbis taught: It once happened that Rabbi acted in agreement with the ruling of R. Eliezer, and after he reminded himself observed, 'R. Eliezer deserves to be relied upon in an emergency'. What could be the meaning of 'after he reminded himself'? If it be explained: After he reminded himself that the halachah was not in agreement with R. Eliezer but in agreement with the Rabbis [the difficulty would arise:] How could he act according to the former's ruling even in an emergency? — The fact is that it was not stated whether the law was in agreement with the one Master or with the other Master. Then what is meant by 'after he reminded himself'? — After he reminded himself that it was not an individual that differed from him but that many differed from him, he observed 'R. Eliezer deserves to be relied upon in an emergency'.

Our Rabbis taught: If a young girl who had not yet attained the age of menstruation²⁸ observed a discharge, after the first time it suffices for her to reckon her uncleanness from the time she observed it; after the second time also²⁹ it suffices for her to reckon her uncleanness from the time she observed it, but after the third time³⁰ she is in the same position as all other women³¹ and³² causes uncleanness retrospectively³³ for twenty-four hours or from her previous examination to her last examination. If subsequently three 'onahs have passed over her³⁴ and then she again observed a discharge it suffices for her³⁵ to reckon her uncleanness from the time she observed it.³⁶ If another three 'onahs have passed over her³⁴ and then again she observed a discharge it suffices for her to reckon her uncleanness from the time she observed it. But if another three 'onahs have passed over her³⁷ and she again observed a discharge she is in the same position as all other women³⁸ and causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last one.³⁹ When, however, a girl had attained the age of menstruation,⁴⁰ after the first observation it suffices for her to reckon her uncleanness from the time she observed the discharge, while after the second time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination.⁴¹ If subsequently three 'onahs have passed over her⁴² and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it.⁴³

The Master said,⁴⁴ 'If subsequently three 'onahs have passed over her and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it'.

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- (1) So MS.M. Cur. edd. 'mother, mother'.
 - (2) On what was meant by 'near old age'.
 - (3) Lit., 'all that'.
 - (4) The Prince, Judah II.
 - (5) Resh Lakish.
 - (6) I.e., the interval between one period and another which is thirty days.
 - (7) Raba.
 - (8) Which number ten (seven as menstruant and three as zabah) leaving (thirty minus ten are) twenty clean days (Rashi. Cf., however, Tosaf.).
 - (9) Without her observing any flow during all this time.
 - (10) Lit., 'behold she'; since the appearance of the flow for the third time establishes the fact that her menstrual flow had not yet ceased and that only the length of the intervals between its periodic appearances has changed.
 - (11) That after a third appearance the woman's uncleanness begins twenty-four hours retrospectively.
 - (12) Cf. MS.M and marg. n. Cur. edd. 'and it is not necessary (to state)', the word 'necessary' appearing in parenthesis.
 - (13) I.e., if each interval was, for instance, exactly ninety days.
 - (14) Cur. edd. in parenthesis. 'and even'.
 - (15) Sc. irrespective of whether (a) the first interval extended over ninety-three days, the second over ninety-two and the third only over ninety or (b) the first extended over ninety-one days, the second over ninety-two and the third over ninety-three days.
 - (16) Emphasis on this word.
 - (17) Since the expression 'even' is used (cf. prev. n.).
 - (18) That the woman is unclean retrospectively even when she has a fixed period.
 - (19) Supra 4b.
 - (20) Of the Baraita under discussion.
 - (21) Is her uncleanness retrospective for twenty-four hours.
 - (22) Where it might have been presumed that she has thereby established for herself a fixed period.
 - (23) Cf. prev. n. but one; the ruling representing the view of the Rabbis (supra 4b).
 - (24) That after a third appearance the woman's uncleanness begins twenty-four hours retrospectively.
 - (25) [Babylonian form for Aitalu, modern Aiterun, N.W. of Kadish. V. S. Klein, Beitrage, p. 47.]
 - (26) When a decision to regard all the foodstuffs the woman had touched during the preceding twenty-four hours as unclean would have involved a serious loss and undue hardship.
 - (27) During the preceding twenty-four hours.
 - (28) Lit., 'whose time to see (the menses) has not arrived'.
 - (29) Since presumptive menstruation like any other condition of presumption cannot be established by one occurrence.
 - (30) Since according to Rabbi (with whose view, as shown infra, this Baraita agrees) two occurrences suffice to establish a condition of presumption.
 - (31) Who are in a condition of presumptive menstruation.
 - (32) In accordance with Rabbinic law.
 - (33) As a preventive measure enacted in the case of all such women (cf. prev. n. but one).
 - (34) Without her observing any discharge.
 - (35) Since the complete absence of the flow for three 'onahs is regarded as the cessation of the flow.
 - (36) In agreement with R. Eliezer (cf. our Mishnah).

- (37) Without her observing any discharge.
- (38) Who are in a condition of presumptive menstruation.
- (39) Because the appearance of the discharge for the third time proved that her flow had not ceased and that only the intervals between the discharges had been lengthened.
- (40) This being the case spoken of in our Mishnah: AND OF WHAT DID THEY SPEAK . . . OF A FIRST OBSERVATION.
- (41) Cf. our Mishnah: BUT AT A SUBSEQUENT OBSERVATION . . . HOURS.
- (42) Without her observing any discharge.
- (43) In agreement with R. Eliezer (cf. our Mishnah).
- (44) Supra; in regard to a young girl who had not yet attained the age of menstruation and who observed a discharge at the end of each of three consecutive 'onahs.

Talmud - Mas. Nidah 10a

What is the ruling where¹ she again observes discharges at the end of subsequent single 'onahs?² — R. Giddal citing Rab replied: After the first time and after the second time it suffices for her to reckon her uncleanness from the time of her observation of the discharge, but after the third time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination.

'If another three 'onahs have passed over her and then again she observed a discharge it suffices for her to reckon her uncleanness from the time she observed it'. What is the ruling where she again observes discharges at the end of single 'onahs?³ — R. Kahana citing R. Giddal who had it from Rab replied: After the first time it suffices for her to reckon her uncleanness from the time she observed the discharge but after the second time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination. Whose view does this⁴ represent? That of Rabbi who laid down that if a thing has occurred twice presumption is established.⁵ Read then the final clause:⁶ 'If subsequently three 'onahs have passed over her and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it'. Does not this agree only with the view of R. Eliezer?⁷ And should you reply that it in fact represents the view of Rabbi but that in the case of [an interval of three] 'onahs he holds the same view as R. Eliezer, [it could be retorted]: Does he indeed hold the same view seeing that it was stated, 'After he reminded himself'?⁸ — The fact is that it represents the view of R. Eliezer but⁹ [in respect of presumption in the case of] menstrual periods he is of the same opinion as Rabbi.¹⁰

A stain [discovered by one who had not yet reached the age of menstruation] between her first and second [observation of a discharge] is regarded as clean,¹¹ but as regards one discovered between her second and third observation, Hezekiah ruled: It is unclean, while R. Johanan ruled: It is clean. 'Hezekiah ruled: It is unclean', since, when she observed [a discharge for the third time] she becomes unclean [retrospectively],¹² her stain also¹³ causes her to be unclean; 'while R. Johanan ruled: It is clean,' for this reason: Since¹⁴ she was not yet confirmed in the condition of presumptive menstruation¹⁵ she cannot be regarded as unclean on account of her stain.

(1) After the one discharge at the end of the three 'onahs respectively.

- (2) Sc. does it suffice for her to reckon her uncleanness from the time she observes the discharge or is her uncleanness to be retrospective? The reasons for and against are discussed in Rashi.
- (3) V. p. 63, n. 10.
- (4) The ruling that after the second time she is already in a condition of presumptive menstruation.
- (5) Infra 64a, Keth. 43b, Yeb. 26a.
- (6) The case of one who 'had attained the age of menstruation'.
- (7) Who ruled in our Mishnah: FOR ANY WOMAN OVER WHOM HAVE PASSED THREE 'ONAH'S IT SUFFICES . . . TO RECKON FROM THE TIME SHE OBSERVED IT.
- (8) Supra 9b q.v., from which it is evident that only after much hesitation and reluctance did he follow R. Eliezer's view.
- (9) As regards the difficulty of establishing presumption after two occurrences.
- (10) Who in all cases holds that two occurrences constitute presumption.
- (11) I.e., it is not deemed to be due to menstrual blood. Cf. supra 5a.
- (12) Which shows that her presumptive menstruation begins after her second discharge.
- (13) Since it appeared at a period of (cf. prev. n.) presumptive menstruation.
- (14) At the time the stain was discovered.
- (15) This condition being established retrospectively only after the appearance of a third discharge.

Talmud - Mas. Nidah 10b

R. Elai demurred:¹ But what is the difference between this class of woman and a virgin [just married] whose blood is clean?² — R. Zera replied: In the case of the latter her secretion³ is frequent⁴ but in that of the former her secretion is not frequent.⁵

'Ulla stated: R. Johanan who had it from R. Simeon b. Jehozadak⁶ ruled, 'If a young girl who had not yet attained the age of menstruation observed a discharge, her spittle or her midras-uncleanness in the street⁷ after a first discharge and after a second discharge is clean,⁸ and her stain is also clean'; but I do not know [whether the last ruling]⁹ was his own or his Master's.¹⁰ In what practical issue could this matter? — In respect of establishing the ruling¹¹ to be the view of one authority¹¹ against two authorities.¹² When Rabin and all the other seafarers came¹³ they stated that the ruling was in agreement with the view of R. Simeon b. Jehozadak.

R. Hilkiyah b. Tobi ruled: In the case of a young girl who had not yet reached the age of menstruation¹⁴ a discharge of menstrual blood, even if it continued¹⁵ throughout all the seven days,¹⁶ is regarded as a single observation.¹⁷ [Since you say,] 'Even¹⁸ if it continued'¹⁵ it follows that there is no necessity to state that the law is so¹⁹ where there was a break.²⁰ But is not this contrary to reason, seeing that a break would cause the discharge to be like two separate observations? — Rather read: In the case of a young girl who had not yet reached the age of menstruation,¹⁴ a discharge of menstrual blood that²¹ continued throughout all the seven days²² is regarded as a single observation. R. Shimi b. Hiyya ruled: Dripping is not like an observation.²³ is But does not the woman in fact observe it?²⁴ — Read: It is not like a continuous discharge but like one broken up.²⁵ Does this²⁶ then imply that the continuous discharge²⁷ was one like²⁸ a river?²⁹ — Rather read: It is only like a continuous discharge.³⁰

Our Rabbis taught: It is established that the daughters of Israel before reaching the age of

puberty are definitely³¹ in a condition of presumptive cleanness and the [elder] women need not examine them. When they have reached the age of puberty they are definitely³¹ in a condition of presumptive uncleanness and [elder] women must examine them. R. Judah ruled: They must not examine them with their fingers³² because they might corrupt them,³³ but they dab them with oil within and wipe it off from without and they are thus self examined.³⁴

R. JOSE RULED: FOR A WOMAN IN PREGNANCY etc. A Tanna recited in the presence of R. Eleazar, 'R. Jose ruled: As for a woman in pregnancy and a nursing woman over whom three onahs have passed it suffices for her³⁵ [to reckon her³⁵ period of uncleanness from] the time of her [observation of the flow]'. 'You', the other remarked, 'began with two³⁶ and finished with one,³⁷ do you perchance mean: A pregnant woman who was also³⁸ a nurse,³⁹ and this⁴⁰ teaches us incidentally the law that [in respect of an interval of three 'onahs]⁴¹ the days of a woman's pregnancy supplement those of her nursing and those of her nursing supplement those of her pregnancy? As it was taught: 'The days of her pregnancy supplement those of her nursing and the days of her nursing supplement those of her pregnancy. In what manner? If there was a break⁴² of two 'onahs during her pregnancy and of one during her nursing, or of two during her nursing and one during her pregnancy, or of one and a half during her pregnancy and one and a half during her nursing, they are all combined into a series of three 'onahs'.⁴³ One can well understand the ruling that 'the days of her pregnancy supplement those of her nursing' since this is possible where a woman became pregnant while she was still continuing her nursing. But how is it possible that 'the days of her nursing⁴⁴ supplement those of her pregnancy'?⁴⁵ — If you wish I might reply: This is possible in the case of a dry birth.⁴⁶ And if you prefer I might reply: Menstrual blood is one thing and birth blood is another thing.⁴⁷ And if you prefer I might reply: Read the first clause only.⁴⁸

OF WHAT DID THEY SPEAK WHEN THEY LAID DOWN THAT IT SUFFICES [FOR THEM TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERY OF THE FLOW]'? etc. Rab stated: This⁴⁹ refers to all of them,⁵⁰ and Samuel stated: This⁴⁹ was learnt only in respect of a virgin⁵¹ and an old woman⁵² but for pregnant or nursing women⁵³ it suffices for them, throughout all the days of their pregnancy and throughout all the days of their nursing respectively to reckon their uncleanness from the time of their observing a flow. In the same manner R. Simeon b. Lakish stated: This⁵⁴ refers to all of them; while R. Johanan stated: This was learnt only in respect of a virgin and an old woman but for pregnant or nursing women it suffices throughout all the days of their pregnancy and throughout all the days of their nursing respectively to reckon their uncleanness from the time of their observing the flow. This dispute⁵⁵ is analogous to one between Tannas. [For it was taught]: If pregnant or nursing women were

(1) Against Hezekiah.

(2) In the case of the latter the blood is assumed to be that of the wound caused by a first intercourse which is exempt from the laws of uncleanness. If on the following day, however, the colour of the discharge changed the woman becomes unclean, but a bloodstain discovered after intercourse (cf. infra 60a) is nevertheless clean. Why then should a stain in the former case be unclean on account of the subsequent discharge? (V. Tosaf.).

(3) The discharge of the wound (cf. prev. n.).

(4) So that there is a double reason why the stain should be regarded as clean. For (a) it might be attributed to

blood that issued from a foreign body and (b) even if it is to be attributed to blood of the woman's own body that blood might have been the secretion of the wound (v. Tosaf.).

(5) And if the stain is due to blood that originated from the woman's body it could not be other than menstrual which causes uncleanness.

(6) This is not the scholar of the same name mentioned in Sanh. 26a who was spoken of disparagingly in the presence of R. Johanan (R. Tam.). The one here mentioned was a teacher of R. Johanan whose honour the latter would have protected had anything derogatory been said against him in his presence.

(7) I.e., if it was discovered in a public place and it is uncertain whether the girl was a menstruant at that time.

(8) As presumptive menstruation had not yet been established uncleanness cannot be imposed in a doubtful case (cf. prev. n.).

(9) Concerning the stain.

(10) R. Simeon b. Jehozadak's.

(11) Of Hezekiah (supra 10a).

(12) R. Johanan and R. Simeon b. Jehozadak; and the law would accordingly be in agreement with the majority. If R. Johanan, however, gave the ruling in his own name alone Hezekiah is opposed by one authority only and the law need not necessarily be against him.

(13) From Palestine to Babylon.

(14) Lit., 'whose time to see (the menses) has not arrived'.

(15) Lit., 'she pours'.

(16) The normal period of menstruation.

(17) Sc. until there were two more observations her period of uncleanness does not begin retrospectively but from the time she observes the discharge.

(18) Emphasis on this word.

(19) That the discharge 'throughout all the seven days is regarded as a single observation'.

(20) Though it was followed by a renewal of the discharge.

(21) Omitting 'even' (cf. supra n. 9) used in the first version supra.

(22) The normal period of menstruation.

(23) Lit., 'one who drips is not like one who sees'. This is now assumed to mean that dripping is not regarded even as a single observation.

(24) The dripping. How then can it be maintained that it is not regarded even as one observation (cf. prev. n.)?

(25) I.e., like a number of separate observations. By the time the dripping ceases completely the woman is deemed to be in a confirmed condition of presumptive menstruation and any subsequent discharge causes her uncleanness to be retrospective.

(26) The distinction drawn between 'dripping' and a 'continual discharge'.

(27) Since it is regarded as a single observation.

(28) Cur. edd. in parenthesis, 'also'.

(29) Sc. without a stop. But is this likely? No woman surely could survive a discharge of blood that was continuous for seven days.

(30) It is regarded as one observation and the girl is not subject to retrospective uncleanness before she has experienced two more menstrual discharges.

(31) Lit., 'behold they'.

(32) Lit., 'with the hand'.

(33) By teaching them unnatural gratification (Jast.). Aliter: They might injure them with their nails (Rashi).

(34) Since at puberty an application of oil induces the menstrual flow.

(35) The use of the sing, for the plural is discussed presently.

- (36) 'A woman in pregnancy and a nursing woman'.
- (37) By using the sing. (cf. prev. n. but one).
- (38) Rendering the waw as 'who' instead of 'and'.
- (39) A woman, for instance, (v. infra) who became pregnant while she was still nursing her last-born child.
- (40) Since the same law applies also to one who is pregnant only.
- (41) Which exempts a woman from retrospective uncleanness.
- (42) In the menses.
- (43) Infra 36a.
- (44) Between which and pregnancy there must be the childbirth and consequent bleeding.
- (45) Would not the bleeding at childbirth interrupt the bloodless interval of the three 'onahs'?
- (46) So that there is no bleeding (cf. prev. n. but one) to interrupt the three 'onahs'.
- (47) I.e., the latter does not in any way interrupt the interval of the former.
- (48) Lit., 'one', viz., 'the days of her pregnancy supplement those of her nursing', omitting the final clause, 'the days of her nursing . . . pregnancy'.
- (49) The statement just quoted the conclusion of which is that 'AT A SUBSEQUENT OBSERVATION SHE CONVEYS UNCLEANNESS RETROSPECTIVELY FOR A PERIOD OF TWENTY-FOUR HOURS'.
- (50) Sc. the four classes enumerated earlier in our Mishnah.
- (51) Who, after two observations, may well be deemed to have reached the age of presumptive menstruation.
- (52) Who also, since after the interruption she had her menses twice, may be assumed to be reverting to her former status of presumptive menstruation while the interruption might be attributed to a mere delay in the appearance of the discharge.
- (53) Whose menstrual flow must normally cease and any discharge of blood on whose part, however often that may occur (cf. Tosaf.), can only be regarded as an irregular and passing phase.
- (54) For notes on the statements of R. Simeon b. Lakish and R. Johanan cf. those on the statements of Rab and Samuel supra.
- (55) Between the Amoras mentioned regarding a pregnant and a nursing woman.

Talmud - Mas. Nidah 11a

bleeding profusely it suffices for them, throughout all the days of their pregnancy and throughout all the days of their nursing respectively, to reckon their uncleanness from the time of their observing their flow; so R. Meir. R. Jose and R. Judah and R. Simeon, however, ruled: Only after a first observation did [the Sages] rule that it suffices for them¹ to reckon their uncleanness from the time of their observing the flow but after a second observation they cause uncleanness retrospectively for twenty-four hours or from their previous examination to their last examination.

IF, HOWEVER, SHE SUFFERED THE FIRST FLOW etc. R. Huna ruled: If on three occasions she jumped and suffered a flow she² has thereby established for herself a fixed period.³ In what respect?⁴ If it be suggested, In respect of certain days,⁵ could it not be objected that on any day on which she did not jump she observed no flow?⁶ — Rather, [the fixation meant is in respect] of jumps.⁷ But surely it was taught: 'Any regular discharge established as a result of an accident, even though it had been repeated many times, does not establish a fixed period'. Does not this mean that no fixed period whatsoever⁸ is established? — No, it means that no fixed period is established in respect of days alone⁹ or jumps alone,¹⁰ but as regards days and jumps jointly¹¹ a fixed period is well established.¹² But 'is it not obvious¹³ [that no fixed period can be

established] in respect of days alone?¹⁴ — R. Ashi replied: [This¹⁵ was necessary in a case] for instance, where the woman jumped on two Sundays and suffered a flow while on a Sabbath¹⁶ she jumped and suffered no flow but on the Sunday following she observed one without jumping. As it might have been presumed that it had now become known retrospectively that¹⁷ it was the day¹⁸ and not the jumping¹⁹ that had caused the flow,²⁰ we were informed²¹ that it was the jump of the previous day¹⁶ ‘that was the cause²² and that the reason why the woman did not observe it was because the jump was premature.’²³

Another reading:²⁴ R. Huna’ ruled: If on three occasions she jumped and suffered a flow she has thereby established for herself a fixed period in respect of days but not in respect of jumps. In what circumstances?²⁵ — R. Ashi replied: If a woman jumped on two Sundays and on each occasion suffered a flow while²⁶ on one²⁷ Sunday she suffered one without jumping where it is obvious that it is the day²⁸ that is the cause.²⁹

MISHNAH. ALTHOUGH [THE SAGES] HAVE LAID DOWN THAT [FOR A WOMAN WHO HAS A SETTLED PERIOD] IT SUFFICES TO RECKON HER PERIOD OF UNCLEANNESS FROM THE TIME SHE OBSERVED THE FLOW, SHE MUST NEVERTHELESS EXAMINE HERSELF [REGULARLY],³⁰ EXCEPT WHERE SHE IS A MENSTRUANT³¹ OR³² IS CONTINUING IN THE BLOOD OF PURIFICATION.³³ SHE³⁴ MUST ALSO USE TESTING-RAGS WHEN³⁵ SHE HAS MARITAL INTERCOURSE EXCEPT WHEN SHE CONTINUES IN THE BLOOD OF PURIFICATION³³ OR WHEN SHE IS A VIRGIN³⁶ WHOSE BLOOD IS CLEAN.³⁷ AND TWICE [DAILY] MUST SHE³⁴ EXAMINE HERSELF: IN THE MORNING³⁸ AND AT THE [EVENING] TWILIGHT,³⁹ AND ALSO WHEN SHE IS ABOUT⁴⁰ TO PERFORM HER MARITAL DUTY.⁴¹ PRIESTLY WOMEN ARE SUBJECT TO AN ADDITIONAL RESTRICTION [IN HAVING TO MAKE EXAMINATION] WHEN THEY ARE ABOUT TO EAT TERUMAH. R. JUDAH RULED: [THESE MUST EXAMINE THEMSELVES] ALSO AFTER THEY HAVE CONCLUDED A MEAL⁴² OF TERUMAH.

GEMARA. EXCEPT WHEN SHE IS A MENSTRUANT, because during the days of her menstruation she needs no examination.⁴³ This⁴⁴ is quite satisfactory according to R. Simeon b. Lakish who ruled, ‘A woman may establish for herself a settled period during the days of her zibah⁴⁵ but not during the days of her menstruation’,⁴⁶ [since the discarding of an examination would be] well justified.⁴⁷ According to R. Johanan, however, who ruled, ‘A woman may establish for herself a settled period during the days of her menstruation’, why should she not examine herself seeing that it is possible that she had established for herself a settled period?⁴⁸ — R. Johanan can answer you: I only spoke of a case where the woman observed the flow issuing⁴⁹ from a previously closed source,⁵⁰ but I did not speak of one where she observed it issuing⁵¹ from an already open source.⁵²

OR IS CONTINUING IN THE BLOOD OF PURIFICATION. It was assumed that the reference is to one who is only desirous of continuing in the blood of purification.⁵³ Now this⁵⁴ is quite satisfactory according to Rab who holds that ‘it⁵⁵ all emanates from the same source which the Torah declared to be unclean [during a certain period]⁵⁶ and clean [during another period]’⁵⁷ [since the discarding of an examination would be] well justified,⁵⁸ but according to Levi who

holds that 'it⁵⁵ emanates from two different sources'⁵⁹ why should she not examine herself, seeing that it is possible⁶⁰ that the unclean source had not yet ceased to flow?⁶¹ — Levi can answer you: This⁶² is in agreement with⁶³

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- (1) Pregnant and nursing women.
 - (2) Though a flow resulting from a jump is obviously an accident.
 - (3) This is explained presently.
 - (4) Is the period fixed.
 - (5) I.e., if the jump and resulting flow took place, for instance, on three Sundays, every subsequent Sunday is regarded as the fixed day so that even in the absence of a jump, if on examination she discovered a flow, her uncleanness is not retrospective, while if she failed to examine herself she is deemed to be unclean on the presumption that the flow had appeared at the fixed time.
 - (6) Which proves that the day itself is not the fixed period. How then could a Sunday on which she does not jump (cf. prev. n.) be regarded as the fixed period?
 - (7) Sc. on any day she jumped she is presumed to be unclean unless on examination she found herself to be clean.
 - (8) Even in respect of jumps.
 - (9) The Sundays, for instance, (cf. supra, p. 69, n. 7) on which she did not jump.
 - (10) On any day other than a Sunday.
 - (11) I.e., a Sunday on which she jumped.
 - (12) If she jumped on any Sunday that day is deemed to be her fixed period.
 - (13) Since each discharge was preceded by a jump.
 - (14) The answer being in the affirmative the difficulty arises: What need was there to teach the obvious?
 - (15) The ruling that no fixed period is established in respect of days alone.
 - (16) Saturday.
 - (17) As on the Saturday on which she jumped she suffered no flow while on the Sunday following on which she did not jump she observed one.
 - (18) The Sunday, since it was the third on which she observed a flow.
 - (19) Cf. prev. n. but one.
 - (20) And Sunday might consequently be regarded as her fixed period irrespective of whether she jumped on it or not.
 - (21) By the ruling under discussion (cf. supra n. 10).
 - (22) Of the discharge on the Sunday.
 - (23) Lit., 'the time of jumping had not yet arrived'. Her fixed period, therefore, is only a Sunday (not any other day of the week) on which she jumped (and no Sunday on which she did not jump).
 - (24) Cf. nn. on first reading supra, mut. mut.
 - (25) Lit., 'how is this to be imagined?'
 - (26) Cur. edd. in parenthesis, 'and on the Sabbath (Saturday) she jumped and did not observe (a flow)'. Cf. Elijah Wilna's glosses.
 - (27) Cur. edd. insert 'another' in parenthesis.
 - (28) In this case the Sunday.
 - (29) Of the discharge. Hence the ruling that a fixed period has been established 'in respect of days'.
 - (30) Morning and evening; in order to make sure that there was no discharge whatsoever.
 - (31) Who, having suffered a flow, is unclean for seven days irrespective of whether she had a flow or not on any of the last six days.
 - (32) After a childbirth.

- (33) Cf. Lev. XII, 4. The examination would be purposeless since even the appearance of blood would not affect her cleanness.
- (34) WHO HAS A FIXED PERIOD.
- (35) Before or after.
- (36) Newly married
- (37) During the first four nights (cf. supra n. 9).
- (38) To make sure that the objects she handled during the previous night are clean.
- (39) Cf. prev. n. mut. mut.
- (40) Lit., 'passes'.
- (41) Lit., 'to serve her house'.
- (42) Lit., 'at the time of their passing away from eating'.
- (43) Cf. relevant n. on our Mishnah.
- (44) That no examination is necessary.
- (45) I.e., during the eleven days between the periods of menstruation. If, for instance, she suffered a menstrual flow on the first day of two consecutive months and also on the fifteenth day (which is one of the eleven days of zibah) of the same months, while on the first of the third month she had no menstrual flow and on the fifteenth of that month she again observed a flow she (on account of the three observations on the fifteenth) establishes for herself a settled period on the fifteenth of the subsequent months though the first two observations had taken place during the eleven days of zibah.
- (46) If, for instance, she suffered a flow on the first and on the fifth day of one month and again on the fifth of the two subsequent months no settled period is thereby established for the fifth of the month, because during menstruation, a woman normally bleeds and a recurrent discharge proves no settled habit.
- (47) Lit., 'beautiful', 'right'. Such an examination could serve no useful purpose whatsoever. It cannot serve the purpose of ascertaining whether she is clean (since she is in any case unclean even in the absence of a discharge) and it cannot serve the purpose of enabling her to establish a settled period (since no settled period can be established during the seven days of menstruation).
- (48) Cf. prev. n. but one mut. mut.
- (49) On each of the three occasions.
- (50) If, e.g., the flow made its first appearance (cf. infra 39b) on the first day of three consecutive months as well on the twenty-fifth of the second month. In this case the first day of each subsequent month is regarded as the settled period, because the first two of the three discharges originated from a closed source (there having been no flow before) while the last (though it appeared after the menstruation had begun on the twenty-fifth of the previous months) is also regarded as originating from a closed source since the discharge on the twenty-fifth which originated from a closed source is deemed to be the commencement of the flow on the first of the following month that followed it.
- (51) Even on one of the three occasions.
- (52) As is the case spoken of in our Mishnah where even the first observation would be made during menstruation where the source is already open.
- (53) But had not yet commenced then, i.e., a woman after childbirth who concluded the seven unclean days for a male or the fourteen unclean days for a female (cf. Lev. XII, 1-5).
- (54) The ruling that no examination is necessary on the seventh or fourteenth day (cf. prev. n.).
- (55) The blood discharged within forty or eighty days respectively after childbirth (cf. Lev. XII, 1-5).
- (56) Cf. supra, n. 3.
- (57) The thirty-three days after the seven for a male and the sixty-six days after the fourteen for a female (cf. Lev. XII, 4f).

(58) Lit., 'beautiful', 'right'. Such an examination would be purposeless since after the seventh and the fourteenth day respectively the woman would in any case be clean irrespective of whether there was any discharge or not.

(59) The unclean source being open during the first seven and fourteen days respectively and after the forty and eighty days respectively when the clean one is closed, while the latter is open during the thirty-three and sixty-six days respectively when the former is closed.

(60) Where there was a continuous issue from the unclean period into the clean one (cf. infra 35b).

(61) Unless there was an examination and it had been ascertained that there was a definite break in the flow at the end of the seven and the fourteen days respectively the woman might still be unclean even though the unclean period prescribed had passed. Why then should no examination be necessary?

(62) The ruling that the menstruant needs no examination.

(63) Lit., 'whose'.

Talmud - Mas. Nidah 11b

Beth Shammai who hold that 'it¹ all emanates from the same source'.² But would the Tanna teach an anonymous Mishnah³ in agreement with the view of Beth Shammai?⁴ — This is an anonymous ruling that is followed by a divergence of opinion, and wherever an anonymous ruling is followed by a dispute the halachah does not agree with the anonymous ruling. And if you prefer I might reply: Was it stated,⁵ 'desirous of CONTINUING'?⁶ It was only stated, 'CONTINUING'.⁷ But if the woman was already 'continuing'⁷ what was the purpose of stating the ruling?⁸ — It might have been assumed that she should examine herself in case she establishes for herself⁹ a settled period, hence we were informed [that no examination is necessary] because no settled period can be established [by the regularity of a discharge from] a clean source for that of an unclean one. This is satisfactory according to Levi who stated that there are two sources,¹⁰ but according to Rab who stated that there was only one source¹⁰ why should she not examine herself seeing that she might have established for herself⁹ a settled period? — Even in that case she cannot establish a settled period in the clean days for the unclean ones.

SHE MUST ALSO USE TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE etc. We have learnt elsewhere: If a young girl, whose age of menstruation¹¹ had not yet arrived, married, Beth Shammai ruled: She is allowed¹² four nights,¹³ and Beth Hillel ruled: Until the wound is healed.¹⁴ R. Giddal citing Samuel stated: They¹⁵ learnt this¹⁶ only in the case where bleeding through intercourse had not ceased, though she subsequently observed a discharge that may not have been due to intercourse;¹⁷ but if bleeding through intercourse had ceased¹⁸ and then she observed a discharge¹⁹ she²⁰ is unclean.²¹ If one night has passed without intercourse and then she observed a discharge she is unclean. If the colour of her blood changed²² she is unclean.

R. Jonah raised an objection:²³ OR WHEN SHE IS A VIRGIN WHOSE BLOOD IS CLEAN [she need not use testing-rags]. But why should she not rather use testing-rags²⁴ seeing that it is possible that the colour of her blood had changed? — Raba replied, Read the first clause: EXCEPT WHERE SHE IS A MENSTRUANT OR IS CONTINUING IN THE BLOOD OF PURIFICATION, from which it follows that only in those cases no examination is required but that a virgin whose blood is clean does require one.²⁵ But, then, are not the two rulings²⁶ mutually contradictory? — The former²⁷ refers to one who had marital intercourse, where it might well be assumed that the membrum was the cause of the change;²⁸ while the latter²⁹ refers to one who

had no marital intercourse.³⁰ So it was also taught: This³¹ applies only in the case where 'bleeding through intercourse had not ceased, though she subsequently observed a discharge that may not have been due to intercourse, but if bleeding through intercourse had ceased and then she observed a discharge she is unclean. If one night has passed without intercourse and then she observed a discharge she is unclean. If the colour of her blood has changed she is unclean.'³²

TWICE [DAILY] MUST SHE etc. Rab Judah citing Samuel stated: They learnt this³³ only in respect of clean things, but to her husband she is permitted.³⁴ Is not this³⁵ obvious, seeing that we learnt, IN THE MORNING?³⁶ — Rather, if the statement³⁷ was at all made it was in connection with the final clause: AND³⁸ ALSO WHEN SHE IS ABOUT TO PERFORM HER MARITAL DUTY; Rab Judah citing Samuel stated, They learnt this only as regards a woman who was handling clean things, who, since it is necessary that she examine herself³⁹ for the sake of the clean things,⁴⁰ must also examine herself⁴¹ for the sake of her husband, but if a woman was not handling clean things she requires no examination. But what new point does he⁴² teach us, seeing that we have learnt: All women are in a condition of presumptive cleanness for their husbands?⁴³ — If the ruling were to be derived from the Mishnah⁴³ it might have been presumed that the ruling applied only to a woman who had a settled period but that a woman who had no settled period does require examination.⁴⁴ But does not our Mishnah⁴⁵ deal with one who has a settled period?⁴⁶ — Our Mishnah deals with both one who had a settled period, and one who had no settled period,⁴⁷ and it is this that was meant,⁴⁸ that although she had a settled period, since she must be examined for the sake of the clean things she handled she must also be examined for the sake of her husband. But did not Samuel state this⁴⁹ once, for R. Zera citing R. Abba b. Jeremiah who had it from Samuel stated, 'A woman who had no settled period may not perform marital intercourse before she has examined herself'⁵⁰ and it has been explained⁵⁰ to refer to one who was engaged in the handling of clean things?⁵¹ — The one statement⁵² was inferred from the other.⁵³ So it was also taught: This⁵⁴ applies only to clean things⁵⁵ but to her husband she is permitted.⁵⁶ This,⁵⁷ however, applies only where he left her in a state of presumptive cleanness, but if he left her in one of presumptive uncleanness she remains for ever in her uncleanness until she tells him, 'I am clean'.

(1) The blood discharged within the forty or eighty days respectively after childbirth (cf. Lev. XII, 1-5).

(2) *Infra* 35b.

(3) Which, as a rule, represents the halachah.

(4) Whose rulings generally are contrary to the halachah which is in agreement with those of Beth Hillel.

(5) As has been arbitrarily assumed *supra*.

(6) Certainly not.

(7) *Sc.* the clean days had already begun.

(8) That no examination is necessary. Is it not obvious that an examination in such circumstances could serve no purpose whatsoever?

(9) During the period of clean days, by a discharge at regular intervals.

(10) *Supra* 11a.

(11) *Lit.*, 'her time to see'.

(12) After the first intercourse.

(13) In which intercourse with her husband is permitted despite the flow of blood, it being assumed that the flow is not due to menstruation (as is the case with one who married after attaining the age of menstruation) but to the

wound that had been caused by the first intercourse.

(14) Keth. 6a. Cf. prev. two nn. mut. mut.

(15) Beth Hillel.

(16) 'Until the wound is healed'.

(17) As intercourse invariably caused the wound to bleed, any discharge of blood before the wound is healed is attributed to the same cause.

(18) Even if only on one occasion.

(19) Irrespective of whether it occurred during intercourse or at any other time.

(20) Since during one intercourse at least there was no bleeding and the wound may consequently be presumed to have been healed.

(21) The discharge being attributed to menstruation.

(22) From that of the blood at the first intercourse.

(23) Against the last ruling, 'If the colour etc.'.

(24) Before and after intercourse.

(25) As R. Jonah expected.

(26) The one referred to by R. Jonah and the inference from the first clause of our Mishnah cited by Raba.

(27) Lit., 'here', the ruling referred to by R. Jonah.

(28) Lit., 'the attendant (euphemism) disturbed them', so that the test after the intercourse would prove nothing: and since no test is to be made after intercourse none is required before it (v. Rashi).

(29) The inference of Raba.

(30) And a change of colour would be a clear indication that the wound is healed and the blood is that of menstruation.

(31) For notes v. those on R. Giddal's statement supra.

(32) For notes v. those on R. Giddal's statement supra.

(33) That there must be an examination (v. our Mishnah).

(34) Even without an examination.

(35) That the ruling had no reference to the woman's permissibility to her husband.

(36) When no marital intercourse is permitted.

(37) Of Samuel, 'They learnt this only etc.'.

(38) She must examine herself.

(39) After intercourse.

(40) It being possible that intercourse was the cause of some menstrual discharge.

(41) Before intercourse.

(42) Samuel, by the statement cited.

(43) Infra 15a.

(44) Hence the necessity for Samuel's ruling that even such a woman requires no examination in respect of her husband.

(45) Which begins, ALTHOUGH . . . A WOMAN WHO HAS A SETTLED PERIOD and to which Samuel referred.

(46) How then could it have been maintained that Samuel applied the law to one who had no settled period?

(47) Since (as has explicitly been stated) the former requires examination it is self-evident that the latter also requires it.

(48) By our Mishnah.

(49) That even a woman who had no settled period need not be examined as far as her husband is concerned unless she was also in the habit of handling clean things.

- (50) Infra 12b.
- (51) But not to one who was not so engaged.
- (52) Cited in the name of Samuel.
- (53) Samuel himself having made one statement only.
- (54) That examination is required.
- (55) Sc. to ascertain whether the things the woman has handled are clean.
- (56) Even without an examination.
- (57) That to her husband she is permitted even without an examination.

Talmud - Mas. Nidah 12a

R. Zera enquired of Rab Judah: Should¹ a wife examine herself² for her husband? — The other replied: She should not examine herself. But [why should she not] examine herself, seeing that none could be the worse for it?³ If [she were to do] so her husband would be uneasy in his mind⁴ and he would keep away from her.

R. Abba enquired of R. Huna: Must⁵ a woman examine herself immediately [after intercourse] in order to make her husband liable to a sin-offering?⁶ The other replied: Is it at all possible for an examination to take place immediately [after intercourse], seeing that it was taught: ‘What is meant by "immediately"?' This may be illustrated by the parable of an attendant⁷ and the witness⁸ who stand at the side of the lintel⁹ where the witness enters immediately after the attendant goes out, this being the interval which the Rabbis allowed as regards wiping off¹⁰ but not as regards examination?¹¹ — The question rather is whether she must wipe herself.¹² Some there are who say that it was this that he¹³ enquired of him:¹⁴ Must a woman examine herself [after intercourse]¹⁵ in order to make her husband liable¹⁶ to a suspended guilt-offering?¹⁷ — The other replied: She should not examine herself. But [why should she not] examine herself, seeing that none could be the worse for it?¹⁸ — If [she were to do] so¹⁹ her husband would be uncertain in his mind²⁰ and he would keep away from her.

AND ALSO WHEN SHE IS ABOUT etc. R. Ammi citing R. Jannai remarked: And this is the test²¹ of virtuous women.²² Said R. Abba b. Memel to R. Ammi: The Tanna learnt MUST,²³ [how then could] you learn ‘virtuous women’?²² — The other replied: Because I maintain that whosoever observes the enactments of the Sages may be described as²⁴ virtuous.²⁵ Said Raba: Would then²⁶ one who does not observe the enactments of the Sages merely lose the designation of²⁷ virtuous man but would not be called wicked? Rather, said Raba, as for virtuous women the testing-rag, with which they have examined themselves before one intercourse, they do not use it before any other intercourse, but those who are not virtuous use it and do not mind.

[Reverting to] the main text,²⁸ ‘R. Zera citing R. Abba b. Jeremiah who had it from Samuel stated: A woman who has no settled period may not perform marital intercourse before she has examined herself’. Said R. Zera to R. Abba b. Jeremiah: Is it²⁹ only one who has no settled period that must have an examination while a woman who has a settled period requires no examination?³⁰ — The other replied: A woman who has a settled period must have an examination³¹ only when she is awake³² but not when she is asleep;³³ while a woman who has no settled period must have an examination whether she is awake or asleep. Raba observed: Could

he³⁴ not reply³⁵ that a woman who had a settled period must be examined³⁶ in respect of clean things³⁷ but not in respect of her husband [alone]³⁸ while a woman who had no settled period must have an examination even in respect of her husband [alone]?³⁹ As, however, he did not give such a reply it may be inferred that Samuel holds the view that in respect of her husband alone³⁸ a woman⁴⁰ needs no examination.⁴¹

Our Rabbis taught: The wives of ass-drivers,⁴² labourers⁴³ and people coming from a house of mourning⁴³ or a house of feasting⁴⁴ are in respect of their husbands⁴⁵ deemed to be in a state of presumptive cleanness and the latter may, therefore, come and stay with them whether they are asleep or awake. This, however, applies only where the men⁴⁶ left the woman in a state of presumptive cleanness but if they left them in a state of presumptive uncleanness each woman is forever regarded as unclean until she announces to her husband 'I am clean'. But how does Samuel⁴⁷ explain this case?⁴⁸ If it refers to a woman who has a settled period, does not a difficulty arise from the case where she is awake?⁴⁹ And if it refers to one who has no settled period, does not a difficulty arise both from the case where she is awake and from that where she is asleep?⁵⁰ — As a matter of fact it refers to one who had a settled period⁵¹ but⁵² as the husband had solicited her⁵³ there can be no more reliable⁵⁴ examination than this.⁵⁵

R. Papa asked Raba: May one⁵⁶ act in accordance with that Baraita?⁵⁷

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- (1) Lit., 'what is it (the ruling)'.
 - (2) Before intercourse.
 - (3) Lit., 'and what is there in it'.
 - (4) Lit., 'his heart beats him'.
 - (5) Lit., 'what is it (the ruling)'.
 - (6) Should any trace of blood be found. If any blood is discovered immediately after intercourse the discharge is presumed to have begun before or during intercourse and the man is liable to a sin-offering (cf. infra 14a.).
 - (7) Euphemism, 'the membrum'.
 - (8) The testing-rag. The consonants of the Hebrew equivalent may be rendered 'witness' as well as 'testing-rag'.
 - (9) Euphemism.
 - (10) Externally.
 - (11) Infra 14b; which requires a longer interval. How then could it happen that an examination should be carried out 'immediately'?
 - (12) Immediately after intercourse, so as to ascertain (cf. supra p. 77, n. 17) whether her husband is liable to a sin-offering.
 - (13) R. Abba.
 - (14) R. Huna.
 - (15) After the lapse of the interval defined supra as 'immediately'.
 - (16) Should any blood be discovered.
 - (17) Which is incurred in the case of a doubtful transgression. The discovery of blood (cf. prev. n.) is no proof that the discharge began before or during the intercourse as it may have begun after.
 - (18) Lit., 'and what is there in it'.
 - (19) Even if only after intercourse.
 - (20) Lit., 'his heart beats him'.
 - (21) Lit., 'their time' or 'testing-rag'.

- (22) Ordinary women, however, examine themselves only morning and evening (cf. Mishnah infra 14a).
- (23) Implying that every woman is subject to the obligation.
- (24) Lit., 'is called'.
- (25) Sc. it is the duty of every woman who desires to live in accordance with Rabbinic law to examine herself on each of the occasions specified in our Mishnah.
- (26) If R. Ammi's submission is correct.
- (27) Lit., 'would not be called'.
- (28) Quoted supra 11b ad fin.
- (29) Since Samuel spoke only of a woman 'who has no settled period'.
- (30) But how could this assumption be upheld in view of our Mishnah which prescribes an examination though it speaks of a woman who had a settled period?
- (31) Before intercourse is permitted.
- (32) Because (a) as she is then able to handle clean things and would have to be examined for the purpose she must also be examined for the sake of her husband: and (b) an examination when one is awake does not involve undue inconvenience.
- (33) When (a) she is unable to handle clean things and (b) an examination would mean much inconvenience (cf. prev. n. mut. mut.).
- (34) R. Abba b. Jeremiah.
- (35) To R. Zera.
- (36) For the sake of her husband also.
- (37) Sc. if she handled such objects. As she must be examined on account of the latter she must also be examined on account of the former.
- (38) If she handled no clean things.
- (39) Sc. even if no clean things had been handled by her.
- (40) Even if she has no settled period.
- (41) Samuel's statement supra that 'a woman . . . may not . . . before she examined herself' refers, therefore, to one who was engaged in the handling of clean things.
- (42) Sc. people whose occupations take them away from their homes for considerable periods.
- (43) Cf. prev. n.
- (44) Beth ha-mishteh, usually a wedding feast.
- (45) When these return home.
- (46) On departing.
- (47) Who, according to R. Abba b. Jeremiah, holds that (a) one who has a settled period must be examined when awake but not when asleep, while (b) one who has no settled period must be examined even when asleep.
- (48) In the Baraitha just cited.
- (49) Of course it does. According to this Baraitha no examination is required while according to Samuel (cf. (a) note 6) an examination is required.
- (50) In both cases (even when the woman is awake), no examination is expected, while according to Samuel (cf. (b) note 6) an examination must be held even when she is asleep.
- (51) Hence the ruling that no examination is necessary when she is asleep (cf. note 6).
- (52) In reply to the objection why no examination is required when she is awake.
- (53) And she consented.
- (54) Lit., 'great'.
- (55) Had she not ascertained beforehand that she was clean she would not have consented. Samuel's ruling, however, which ordains an examination applies only to husbands whose occupations do not take them away from

their homes, and not to such (of whom the Baraita speaks) as returned home after a considerable absence (cf. Tosaf. and Tosaf. Asheri).

(56) Lit., 'what is it'.

(57) Of the ass- drivers etc., i.e., (cf. Tosaf. contra Rashi) that no examination is necessary, as far as the husband is concerned, where the woman is half asleep (v. Tosaf, s.v. **ihc**).

Talmud - Mas. Nidah 12b

— The other replied: Brewer,¹ no; because [otherwise]² she would become repulsive to him.

R. Kahana stated, 'I asked the women folk of the house of R. Papa and of R. Huna son of R. Joshua, "Do the Rabbis on coming home from the schoolhouse require you to undergo an examination"? And they answered me in the negative'. But why did he³ not ask⁴ the Rabbis themselves? — Because it is possible that they imposed additional restrictions upon themselves.⁵

Our Rabbis taught: A woman who has no settled period is forbidden marital intercourse and is entitled neither to a kethubah⁶ nor to a usufruct⁷ nor to maintenance,⁸ nor to her worn-out clothes.⁹ Her husband, furthermore, must divorce her and may never marry her again; so R. Meir. R. Hanina b. Antigonus ruled: She must use two testing-rags when she has marital intercourse; they render her unfit¹⁰ and they also render her fit.¹¹ In the name of Abba Hanan it was stated: Woe to her husband.¹² 'She is forbidden marital intercourse', because she might¹³ cause him moral injury. 'And is entitled neither to a kethubah', since she is unfit for cohabitation she is not entitled to a kethubah. 'Nor to usufruct nor to maintenance nor to her worn-out clothes' because the provisions¹⁴ embodied in the agreed terms of a kethubah are subject to the same laws as the kethubah itself.¹⁵ 'Her husband, furthermore, must divorce her and may never marry her again'. Is not this obvious?¹⁶ — It was necessary in the case where she was subsequently cured.¹⁷ As it might have been presumed that [in such a case] he may remarry her we were informed [that this is forbidden], because it may sometimes happen that having proceeded to marry another man she would be cured and [her first husband] would then say, 'Had I known that to be the case I would not have divorced her even if you had given me a hundred maneh', and the get would thus be annulled and her children would be bastards.¹⁸

'In the name of Abba Hanan it was stated: Woe to her husband'. Some explain: He said this in opposition to R. Meir,¹⁹ because [Abba Hanan maintains that] she must be allowed to collect her kethubah. Others there are who explain: He said it in opposition to R. Hanina b. Antigonus,²⁰ because [Abba Hanan maintains that intercourse is always forbidden] since thereby she might²¹ cause her husband to sin.

Rab Judah citing Samuel stated: The halachah is in agreement with R. Hanina b. Antigonus. But in what case? If it is one where the woman is engaged in the handling of clean things, has not Samuel [it may be objected] said it once?²² And if it is one where she was not engaged in the handling of clean things, did he not say [it may again be objected] that as far as her husband is concerned she requires no examination, for did not R. Zera in fact state in the name of R. Abba b. Jeremiah who had it from Samuel, 'A woman who had no settled period may not perform marital intercourse before she examines herself', and it has been explained to refer to one who was

engaged in the handling of clean things?²³ — He who taught the one did not teach the other.²⁴ [

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- (1) Sodani, reference to R. Papa's occupation. (Cf. B.M. 65a). Aliter: 'Learned' or 'wise man' (v. Rashi).
 - (2) I.e., (cf. Tosaf.) if it had been necessary for the husband to rouse her and to wait until she has collected her thoughts and was in a condition to reply (contra Rashi).
 - (3) R. Kahana.
 - (4) What the law was.
 - (5) And this could be ascertained only by enquiring from the women. Had the enquiry been addressed to the Rabbis themselves they might have given the lenient ruling which applied to all, while R. Kahana was anxious to adopt any additional restrictions which the Rabbis may have imposed upon themselves.
 - (6) Sc. the fixed amount that is due to her from her husband on divorce or when he dies (v. Glos.).
 - (7) Of the melog (v. Glos.) property which she brought to her husband. Her husband is entitled to the usufruct despite the fact that she is deprived of her kethubah.
 - (8) Sc. if her husband before divorcing her went abroad the court does not authorize her to collect her maintenance expenses from his estate.
 - (9) Though a woman as a rule is entitled to take with her when divorced whatever is left of the clothes she brought to her husband on marriage as melog property (cf. Keth. 79b).
 - (10) If any blood is observed on them.
 - (11) If they remained clean.
 - (12) This is explained infra.
 - (13) Should a discharge occur during intercourse.
 - (14) Such as are the benefits mentioned.
 - (15) As she cannot claim her kethubah she cannot claim these benefits either.
 - (16) Why then should an obvious ruling have to be enunciated?
 - (17) I.e., acquired a settled period.
 - (18) Hence the ruling that he may never again marry her, even if she subsequently acquired a settled period. On the basis of this ruling the husband is duly cautioned when divorce is arranged that his act is definite and final and, consequently, any subsequent plea of his 'Had I known etc.' has no validity whatsoever (cf. Git. 46a).
 - (19) Who ruled that she is not entitled to her kethubah from her husband.
 - (20) Who holds that if she uses testing-rags she may have intercourse.
 - (21) Were a discharge to occur during intercourse.
 - (22) Cf. supra 11b ad fin. and infra.
 - (23) Supra l.c.
 - (24) It refers indeed to the case where the woman was engaged in handling clean things: but Samuel having given his ruling only once, Rab Judah applied it to the ruling of R. Hanina b. Antigonus, while R. Abba quoted it as an independent ruling.

Talmud - Mas. Nidah 13a

CHAPTER II

MISHNAH. EVERY HAND THAT MAKES FREQUENT EXAMINATION IS IN THE CASE OF WOMEN PRAISEWORTHY,¹ BUT IN THE CASE OF MEN IT OUGHT TO BE CUT OFF.²

GEMARA. Wherein [in this respect]³ do women differ from men?⁴ — Women [in this matter] are not sensitive,⁵ hence they are praiseworthy,¹ but in the case of men who are highly sensitive [their hands] ought to be cut off.² But, if so,² what was the point in saying ‘MAKES FREQUENT’ [seeing that the same reason² applies] also where [the examinations are] infrequent? — When ‘MAKES FREQUENT’ was mentioned it was intended to refer to women only.⁶

One taught: This⁷ applies only to the emission of semen but as regards flux⁸ a man also is as praiseworthy as the women;⁹ and even in regard to the emission of semen, if he desires to make the examination with a splinter or with a potsherd¹⁰ he may do so. May he not, however, do it with a rag, seeing that it was taught: A man may examine himself with a rag or with any other thing he wishes? — As Abaye stated elsewhere: ‘With a thick rag’.¹⁰ so also here¹¹ it may be explained: With a thick rag.¹⁰ And in what connection was Abaye’s statement made? In connection with the following: If a priest, while eating terumah, felt a shiver run through his body¹² he takes hold of his membrum¹³ and swallows the terumah.¹⁴ ‘Takes hold’! But has it not been taught: R. Eliezer said, ‘Whoever holds his membrum when he makes water is as though he had brought a flood on the world’?¹⁵ To this Abaye replied. ‘With a thick rag’.¹⁶ Raba replied: It¹⁷ may even be said to apply to a soft rag for once the semen has been detached the subsequent touch does no longer matter.¹⁸ And Abaye?¹⁹ — He made provision against the possibility of an additional discharge.²⁰ And Raba? — He does not consider the possibility of any additional discharges. But does he not, seeing that it was taught, ‘To what may this²¹ be compared? To the putting of a finger upon the eye where, as long as the finger remains on it, the eye continues to tear’?²² Now Raba?²³ — It is quite uncommon for one to get heated twice in immediate succession.²⁴

[Reverting to] the main text: ‘R. Eliezer said, Whoever holds his membrum when he makes water is as though he had brought a flood on the world’. But, they said to R. Eliezer, would not the spray bespatter his feet and he would appear to be maimed in his privy parts so that he²⁵ would be the cause of casting upon his children the reflection of being illegitimate? — It is preferable, he answered them, that a man should be the cause of casting upon his children the reflection of being illegitimate than that he should make himself a wicked man, even for a while, before the Omnipresent. Another [Baraita] taught: R. Eliezer replied to the Sages. It is possible for a man to stand on a raised spot and to make water or to make water in loose earth and thus to avoid making himself wicked, even for a while, before the Omnipresent. Which²⁶ did he²⁷ tell them²⁸ first? If it be suggested that it was the first mentioned statement that he gave them first [is it likely, it may be objected], that after he spoke to them of a prohibition²⁹ he would merely offer a remedy?³⁰ — The fact is that it was the last mentioned statement³¹ that he gave them first, and when they asked him, ‘What is he to do when he can find no raised spot or loose earth’, he answered them, ‘It is preferable that a man should be the cause of casting upon his children the reflection of being illegitimate than that he should make himself a wicked man, even for a while, before the Omnipresent’.

But why all these precautions?³² — Because otherwise one might emit semen in vain, and R. Johanan stated: Whosoever emits semen in vain deserves death, for it is said in Scripture. And the thing³³ which he did³³ was evil in the sight of the Lord, and He slew him also.³⁴ R. Isaac and R. Ammi said. He³⁵ is as though he shed blood, for it is said in Scripture. Ye that inflame yourselves

among the terebinths, under every leafy tree, that slay the children in the valleys under the clefts of the rocks;³⁶ read not 'that slay'³⁷ but 'that press out'.³⁸ R. Assi said: He³⁹ is like one who worships idols; for here³⁶ it is written, 'Under every leafy tree' and elsewhere⁴⁰ it is written, upon the high mountains . . . and under every leafy tree.⁴¹

Rab Judah and Samuel once stood upon the roof of the Synagogue of Shaf-veyathil⁴² in Nehardea. Said Rab Judah to Samuel 'I must make water'. 'Shinena',⁴³ the other replied, 'take hold of your membrum⁴⁴ and make the water outside [the roof]'. But how could he⁴⁵ do so, seeing that it was taught: R. Eliezer said, Whoever holds his membrum when he makes water is as though he brought a flood on the world? — Abaye replied: He treated this case as that of a reconnoitering troop, concerning which we learnt, 'If a reconnoitering troop has entered a town in time of peace the open wine jars are forbidden⁴⁶ and the closed ones are permitted,⁴⁷ but in times of war the former as well as the latter are permitted because the troops have no time to offer libations'.⁴⁸ Thus it clearly follows that owing to their being in a state of fear they do not think⁴⁹ of offering libations, and so also in this case, since he⁴⁵ was in a state of fear he would not think of lustful matters. But what fear could there be here? — If you wish I might reply: The fear of the night and of the roof.⁵⁰ If you prefer I might reply: The fear of his Master.⁵¹ If you prefer I might say: The fear of the Shechinah.⁵² If you prefer I might say: The fear of the Lord that was⁵³ upon him,⁵⁴ for Samuel once remarked of him⁵⁵ 'This man is no mortal being'.⁵⁵ If you prefer I might say: He was a married man, and concerning such R. Nahman ruled, 'If a man was married, this is permitted'. If you prefer I might say: It was this that he taught him, viz., that which R. Abba the son of R. Benjamin b. Hiyya learnt: But he may support the testicles from below. And if you prefer I might say: It was this that he taught them, viz., that which R. Abbahu stated in the name of R. Johanan: It has a limit; from the corona downward [touch] is permitted

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- (1) Since both husband and wife are thereby saved either from doubtful uncleanness or from certain transgression.
 - (2) Because of masturbation.
 - (3) FREQUENT EXAMINATION.
 - (4) Sc. why is the hand of the former PRAISEWORTHY while that of the latter OUGHT TO BE CUT OFF?
 - (5) I.e., the examination does not unduly excite their passions.
 - (6) Cf. n. 1.
 - (7) The culpability of men who make such examinations.
 - (8) I.e., when a man is suffering from gonorrhoea and is desirous of ascertaining the number of attacks he had (v. next n.).
 - (9) Since it is necessary to ascertain whether the attack occurred only twice or three times. In the former case the man is only unclean while in the latter he must also bring a sacrifice.
 - (10) Avoiding masturbation.
 - (11) In the Baraitha just cited.
 - (12) Lit., 'that his limbs trembled', an indication of the imminent emission of semen.
 - (13) To restrain the emission. Uncleanness does not set in until the semen has actually left the body.
 - (14) Infra 40a.
 - (15) Shab. 41a, infra 43a. The generation of the flood were guilty of such offences (cf. R.H. 12a). Now how, in view of R. Eliezer's statement, could one be allowed to commit an offence even for the sake of *terumah*?
 - (16) Avoiding masturbation.
 - (17) In the Baraitha just cited.

- (18) Lit., 'since it was uprooted it was uprooted', no more semen would be emitted despite the heat engendered.
- (19) Why, in view of Raba's explanation, does he restrict the application to a thick rag only?
- (20) Of semen.
- (21) The touching of the membrum after an emission.
- (22) Infra 43a. Lit. 'tears and tears again'.
- (23) How could he differ from this Baraitha?
- (24) Lit., 'any being heated and being heated again in its time'. Hence the ruling in the Mishnah infra 40a. The Baraitha infra 43a, on the other hand, refers to one who practised self-abuse.
- (25) Being assumed to be incapable of procreation.
- (26) Of the two statements cited.
- (27) R. Eliezer.
- (28) The Sages.
- (29) Which applies in all cases.
- (30) Implying that where the remedy is inapplicable the prohibition may be disregarded.
- (31) Lit., 'that'.
- (32) Lit., 'and all such, why'.
- (33) 'He spilled it on the ground' (Gen. XXXVIII, 9).
- (34) Gen. XXXVIII, 10.
- (35) Who emits semen in vain.
- (36) Isa. LVII, 5.
- (37) **hyj ua**.
- (38) **hyj ux** interchange of the sibilants shin and sin.
- (39) Who emits semen in vain.
- (40) In reference to idolatry.
- (41) Deut. XII, 2; an inference by analogy.
- (42) The name of a man or place. v. Meg. (Sonc. ed.) p. 175, n. 5.
- (43) 'Keen-witted', 'long-toothed' (denoting some facial characteristic) or 'man of iron endurance', cf. B.B. (Sonc. ed.) p. 561, n. 14.
- (44) To prevent the water from falling on the roof.
- (45) Rab Judah.
- (46) Because the troops may have offered them as libation to their idols.
- (47) It being assumed that the troops who have at their disposal the open jars would not meddle with the closed ones.
- (48) Keth. 27a, A.Z., 70b.
- (49) Lit., 'come'.
- (50) Standing on its edge in the darkness of the night he is afraid of falling off.
- (51) Samuel.
- (52) Which abides in the Synagogue.
- (53) Always, even when not on a roof or in the darkness of night.
- (54) So that no impure thoughts would occur to him even at any other time or place.
- (55) Lit., 'born of woman'.

Talmud - Mas. Nidah 13b

but from the corona upwards¹ it is forbidden.

Rab stated: 'A man who wilfully causes erection should be placed² under the ban'. But why did he³ not say, 'This is forbidden'? Because the man⁴ merely incites his evil inclination against himself.⁵ R. Ammi, however, stated: He⁴ is called a renegade, because such is the art of the evil inclination: To-day it incites man to do one wrong thing,⁶ and to-morrow⁷ it incites him to worship idols and he proceeds to worship them.

There are others who read: R. Ammi⁸ stated, He who excites himself by lustful thoughts will not be allowed to enter the division of the Holy One, blessed be He. For here it is written, Was evil in the sight of the Lord,⁹ and elsewhere it is written, For Thou art not a God that hath pleasure in wickedness; evil shall not sojourn with Thee.¹⁰

R.¹¹ Eleazar stated: Who are referred to¹² in the Scriptural text, Your hands are full of blood?¹³ Those that commit masturbation with their hands.

It was taught at the school of R. Ishmael, Thou shalt not commit adultery¹⁴ implies, Thou shalt not practise masturbation either with hand or with foot.

Our Rabbis taught: 'proselytes and those that play with children delay the advent of the Messiah'. The statement about proselytes may be understood on the lines of the view of R. Helbo, for R. Helbo said, 'proselytes are as hard for Israel to endure as a sore',¹⁵ what, however, could be meant by 'those that play with children'?¹⁶ If it be suggested: Those that practise pederasty [it could well be objected]: Are not such people subject to stoning?¹⁷ If, however, it be suggested: Those that practise onanism through external contact¹⁸ [it could be objected]: Are not such deserving destruction by flood?¹⁷ — The meaning rather is: Those that marry minors who are not capable of bearing children, for R. Jose¹⁹ stated: The Son of David²⁰ will not come before all the souls in Guf²¹ will have been disposed of, since it is said, For the spirit that enwrappeth itself is from Me, and the souls which I have made.²² BUT IN THE CASE OF MEN IT OUGHT TO BE CUT OFF. The question was raised: Have we here²³ learnt a law or merely an execration? 'Have we here learnt a law' as in the case where R. Huna cut off one's hand;²⁴ 'or merely an execration'? — Come and hear what was taught: R. Tarfon said, 'If his hand touched the membrum let his hand be cut off upon his belly'. 'But', they said to him,²⁵ 'would not his belly be split'? 'It is preferable', he replied, 'that his belly shall be split rather than that he should go down into the pit of destruction'.²⁶ Now if you concede that we have here²⁷ learnt a law²⁸ one can well understand why they said, 'Would not his belly be split'; but if you maintain that we have only learnt of an execration,²⁹ what could be meant by [the question] 'His belly be split'? — What then would you suggest, that we have learnt here a law, would it not suffice, [it may be objected, that the cutting off shall] not be done on his belly? — The fact, however, is that it was this that R. Tarfon meant: Whosoever puts his hand below his belly that hand shall be cut off. They said to R. Tarfon, 'If a thorn stuck in his belly, should he not remove it'? 'No', he replied. 'But [they said] would not his belly be split'?³⁰ 'It is preferable', he replied, 'that his belly shall be split rather than that he should go down to the pit of destruction'.²⁶ MISHNAH. IN THE CASE OF A DEAF,³¹ AN IMBECILE, A BLIND OR AN INSANE³² WOMAN, IF OTHER WOMEN OF SOUND SENSES ARE AVAILABLE³³ THEY ATTEND TO HER,³⁴ AND SHE MAY THEN EAT TERUMAH.

GEMARA. Why should not a DEAF woman make her own examination, seeing that it was taught: Rabbi stated, A deaf woman was living in our neighbourhood and not only³⁵ did she examine herself but her friends also on observing a discharge would show it to her?³⁶ — There it was a woman who could speak but not hear while here the reference is to one who can neither speak nor hear; as we have learnt: The deaf person of whom the Sages spoke is always³⁷ one who can neither hear nor speak.³⁸

A BLIND. Why should she not make her own examination and show the testing-rag to her friend? — R. Jose son of R. Hanina replied: The 'blind' is no part of the Mishnah.³⁹

OR AN INSANE WOMAN. Is not this exactly the same as IMBECILE?⁴⁰ This refers to one whose mind was deranged owing to a disease.

Our Rabbis taught: A priest who is an imbecile may be ritually immersed and then fed with terumah⁴¹ in the evening.⁴² He must also be watched that he does not fall asleep.⁴³ If he falls asleep he is deemed unclean⁴⁴ and if he does not fall asleep he remains clean. R. Eliezer son of R. Zadok ruled: He should be provided with a leather bag.⁴⁵ The Rabbis said to him: 'Would not this cause heat all the more?' 'According to your view', he replied, 'should an imbecile have no remedy?' 'According to our view', they retorted, 'only if he falls asleep⁴⁶ is he deemed unclean but if he does not fall asleep he remains clean, while according to your view there is the possibility that he might discharge a drop of blood of the size of a mustard seed and this would be absorbed in the bag'.⁴⁷

A Tanna taught: It was stated in the name of R. Eleazar, The imbecile is to be provided with a metal bag. Abaye explained: It must be one of copper, as we have learnt.⁴⁸ R. Judah ruled, Those buds of hyssop⁴⁹ are regarded⁵⁰ as if they had been made of copper.⁵¹

R. Papa remarked: From this⁵² it may be inferred that breeches⁵³ are forbidden. But is it not written in Scripture, And thou shalt make them linen breeches to cover the flesh of their nakedness?⁵⁴ — That may be explained as it was taught: To what were the breeches of the priests like? They were like the knee breeches of horsemen, reaching upwards to the loins and downwards to the thighs. They also had laces but had no padding either back or front.⁵⁵

Abaye stated:

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- (1) In the direction of the body.
 - (2) Cf. Tosaf.
 - (3) Rab.
 - (4) Who indulges in the reprehensible practice.
 - (5) The practice, therefore, could only be condemned but not forbidden.
 - (6) Lit., 'tells him: Do so'.
 - (7) Lit., 'and on the morrow'.
 - (8) MS.M., 'Assi'.
 - (9) Gen. XXXVIII, 10.

- (10) Ps. V, 5. analogy between the two expressions of 'evil'. Alfasi (Shab. XIV) inserts, 'R. Eleazar said, What is meant by evil shall not sojourn with thee? The evil (minded) man shall not sojourn in Thy dwelling'.
- (11) So MS.M. and Bah. Cur. edd. and Alfasi, 'and R.'
- (12) Lit., 'what'.
- (13) Isa. I, 15.
- (14) Ex. XX, 13.
- (15) V. Yeb. 47b.
- (16) Who apparently commit no crime at all.
- (17) They are; while here they are merely described as delaying the advent of the Messiah.
- (18) Lit., 'by way of limbs'.
- (19) Var. lec. 'Assi' (Yeb. 62a) 'Joseph' (MS.M.).
- (20) The Messiah.
- (21) Lit., 'Body', the region inhabited by the souls of the unborn.
- (22) Isa. LVII, 16.
- (23) In the expression of 'OUGHT TO BE CUT OFF'.
- (24) Though the same expression (cf. prev. n.) was used. Sanh. 58b.
- (25) Cur. edd. in parenthesis, 'If a thorn stuck in his belly should he not remove it? He said to them: No'.
- (26) Gehenna.
- (27) In the expression of 'OUGHT TO BE CUT OFF'.
- (28) So that R. Tarfon's statement is to be taken literally.
- (29) The 'cutting off' being a mere figure of speech.
- (30) By the thorn.
- (31) I.e., deaf-mute (v. Gemara infra).
- (32) Lit., 'whose mind was deranged'.
- (33) Lit., 'they have'.
- (34) Lit., 'they prepare them', i.e., make the necessary examination and supervise the prescribed ritual immersion.
- (35) Lit., 'it was not enough'.
- (36) Who was an authority on the subject, in order to obtain her opinion on the colour whether it was that of clean or of unclean blood.
- (37) Lit., 'in every place'.
- (38) Hag. 2b.
- (39) It is a spurious addition.
- (40) Apparently it is; why then the repetition?
- (41) Which is forbidden to an unclean priest.
- (42) Since after due immersion one attains to cleanness at nightfall.
- (43) In his sleep under his bedclothes heat might be engendered and this would cause him to emit semen which would render him unclean and, therefore, unfit to eat terumah.
- (44) Cf. prev. n.
- (45) Which can be examined for traces of semen before any terumah is given to him.
- (46) After immersion and after nightfall.
- (47) Tosef. Nid. II. As it would thus be lost to sight the priest would be regarded as clean and terumah would, as a result, be eaten by one who is in fact unclean; and consequently an offence that is punishable by death (at the hand of God) would unconsciously be committed.
- (48) MS.M. and marg. n. Cur. edd., 'as it was taught'.
- (49) Used in connection with the water of purification.

- (50) When the water is measured to ascertain whether it contained sufficient for a sprinkling (cf. supra 9a).
- (51) Parah Xli, 5. Sc. as if they did not absorb any water at all; from which it follows, in support of Abaye's explanation, that copper is a non-absorbent.
- (52) The prohibition of a bag supra on account of the heat it engenders.
- (53) Such as engender heat, v. infra.
- (54) Ex. XXVIII, 42.
- (55) Hanging loosely round the organ the breeches could engender no heat.

Talmud - Mas. Nidah 14a

Camel riders¹ are forbidden to eat terumah.² So it was also taught: All camel-drivers are wicked,³ all sailors are righteous,⁴ but among the ass-drivers some are wicked and others righteous. Some say: The latter are those who use a saddle⁵ and the former are those who use no saddle,⁶ while others say: The former are those who ride astraddle⁷ and the latter are those who do not ride astraddle.⁸

R. Joshua b. Levi cursed the man who sleeps on his back.⁹ But this, surely, is not correct,¹⁰ for did not R. Joseph rule that one lying on his back should not read the shema',¹¹ from which it follows, does it not, that it is only the shema' that he must' not read but that he may well sleep in this manner? — As regards sleeping on one's back this is quite proper if one slightly inclines sideways, but as regards the reading of the shema' even if one inclines sideways this is forbidden.¹² But did not R. Johanan turn slightly on his side and read the shema'? — R. Johanan was different [from other people] because he was corpulent.¹³

MISHNAH. IT IS THE CUSTOM OF THE DAUGHTERS OF ISRAEL WHEN HAVING MARITAL INTERCOURSE TO USE TWO TESTING-RAGS, ONE FOR THE MAN AND THE OTHER FOR HERSELF,¹⁴ AND VIRTUOUS WOMEN PREPARE ALSO A THIRD RAG WHEREBY TO MAKE THEMSELVES FIT FOR MARITAL DUTY.¹⁵ IF A VESTIGE OF BLOOD IS FOUND ON HIS RAG¹⁶ THEY ARE BOTH UNCLEAR¹⁷ AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE.¹⁸ IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER THEIR INTERCOURSE THEY ARE BOTH UNCLEAR AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE. IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME THEY ARE UNCLEAR¹⁹ BY REASON OF DOUBT²⁰ BUT EXEMPT FROM THE SACRIFICE. WHAT IS MEANT BY 'AFTER A TIME'? WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE.²¹ BUT [IF BLOOD WAS FOUND SOME TIME] AFTER SUCH AN INTERVAL SHE CAUSES UNCLEANNESS RETROSPECTIVELY²² FOR A PERIOD OF TWENTY-FOUR HOURS²³ BUT SHE DOES NOT CAUSE THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAR.²⁴ R. AKIBA RULED: SHE²⁵ ALSO CAUSES THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAR.²⁶ THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO OBSERVED A BLOODSTAIN CONVEYS UNCLEANNESS TO THE MAN WHO HAD INTERCOURSE WITH HER.

GEMARA. But²⁷ why should not the possibility be considered that the blood might be that of a

louse?²⁸ — R. Zera replied that place is presumed to be tested as far as a louse is concerned. There are others, however, who reply: It is too narrow for a louse. What is the practical difference between them?²⁹ — The practical difference between them is the case where a crushed louse was found.³⁰ According to the reply³¹ that the place is presumed to be tested, this must have come from somewhere else,³² but according to the reply³¹ that the place is too narrow it might be presumed that the attendant³³ has crushed it.³⁴

It was stated: If a woman examined herself with a rag that she had previously examined,³⁵ and then she pressed it against her thigh on which she found blood on the following day, Rab ruled: She³⁶ is subject to the uncleanness of a menstruant.³⁷ Said R. Shimi b. Hiyya to him: But, surely, you told us, ‘She has only to take the possibility³⁸ into consideration’. It was also stated: Samuel ruled: She is subject to the uncleanness of a menstruant.³⁷ And so they also ruled at the schoolhouse: She is subject to the uncleanness of a menstruant.

It was stated: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood,³⁹ R. Joseph stated: Throughout all his lifetime R. Hiyya regarded [her] as unclean but in his old age he ruled that [she] was clean. The question was raised: What⁴⁰ does he⁴¹ mean: That throughout all his⁴² lifetime he regarded [her] as menstrually unclean⁴³ and in his old age he ruled that [she] was clean as far as menstruation is concerned but unclean on account of the bloodstain,⁴⁴ or it is possible that throughout his lifetime he regarded [her] as unclean on account of the stain⁴⁴ and in his old age he ruled that [she] was absolutely⁴⁵ clean? — Come and hear what was taught: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood, Rabbi ruled: She is regarded as menstrually unclean,⁴⁶ and R. Hiyya ruled: She is regarded as unclean on account of the bloodstain.⁴⁷

(1) Though priests.

(2) The friction is apt to engender heat resulting in an emission of semen which renders them unclean and therefore unfit to eat terumah.

(3) Cf. prev. n.

(4) Because, though most of their life is spent on the perilous seas, they nevertheless remain constant in their ancestral faith.

(5) When riding. Hence no heat is engendered (v. foll. n.).

(6) Cf. prev. n. Contact with the animal's bare back engenders heat, as in the case of the camel-riders who never use a saddle.

(7) Which is a cause of friction.

(8) Holding both legs on one side.

(9) Since this causes erection.

(10) Lit., ‘I am not’.

(11) Cf. P. B., p. 40ff.

(12) One must either sit or lie fully on his side.

(13) It would have been too great a strain for him to lie on his side.

(14) Supra 5a q.v. notes.

(15) By examining themselves before intercourse. On the difference between the practice of the virtuous and that of the ordinary women cf. supra 12a.

- (16) Even though he made use of it some considerable time after intercourse.
- (17) Since it is obvious that the blood was due to a menstrual discharge during intercourse. As the woman is unclean the man also is unclean (cf. Lev. XV, 24).
- (18) For the sin of intercourse during uncleanness.
- (19) For seven days.
- (20) Anything they touched is, therefore, in a suspended state of uncleanness.
- (21) Euphemism.
- (22) According to Rabbinic, but not Pentateuchal law.
- (23) Both to objects and human beings, their uncleanness lasting until the evening.
- (24) For seven days. He is unclean, however, on the same day until evening in accordance with Rabbinic law (cf. prev. two nn.).
- (25) On account of the doubt.
- (26) For seven days (cf. supra 6a).
- (27) With reference to the ruling that IF A VESTIGE OF BLOOD IS FOUND . . . THEY ARE BOTH UNCLEAN . . . AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE.
- (28) As this is not impossible the uncleanness should only be one of a doubtful nature, so that if any terumah is involved it should not be burned but only kept in suspense, and the sacrifice also should be one for doubtful (asham talui) and not one for certain trespass (asham waddai).
- (29) The two replies.
- (30) On the testing-rag at some distance from the blood mark.
- (31) Lit., 'that expression which says'.
- (32) The blood must, therefore, be assumed to be that of menstruation.
- (33) Euphemism.
- (34) During intercourse, and the blood may consequently be attributed to it.
- (35) And ascertained that it was clean.
- (36) Since the rag was examined by her before use and found to be clean, and the blood that was transferred from it to her thigh must consequently be that of menstruation.
- (37) Sc. her uncleanness is definitely established. It is not regarded as one of a doubtful nature despite the possibility that the blood on her thigh may have come from some object other than the rag.
- (38) That the blood was that of menstruation.
- (39) And it is uncertain whether the blood was that of menstruation or of some other source with which the rag may have come in contact before the woman had used it.
- (40) Lit., 'how'.
- (41) R. Joseph.
- (42) R. Hiyya's.
- (43) I.e., certain uncleanness.
- (44) I.e., uncleanness of a doubtful nature.
- (45) Lit., 'from nothing'.
- (46) I.e., certain uncleanness.
- (47) I.e., uncleanness of a doubtful nature.

Talmud - Mas. Nidah 14b

Said R. Hiyya to him: 'Do you not agree that it¹ must be slightly bigger than the size of a bean?'² 'Indeed', the other replied. 'If so',³ the first retorted, 'you also regard it as a stain'.⁴ Rabbi,

however, holds the opinion that it is necessary for the stain to be slightly bigger than the size of a bean in order to exclude the possibility of its being the blood of a louse, but as soon as this possibility is ruled out the blood must undoubtedly have come from her body. Now did not this occur⁵ when he was in his old age but when he was young he regarded it⁶ as menstrually unclean?⁷ This is conclusive.

Rabbi was commending R. Hama b. Bisa to R. Ishmael son of R. Jose as a great man, when the latter said to him, 'If you come across him⁸ bring him to me'. When he⁹ came he¹⁰ said to him, 'Ask me something'. 'What is the ruling', the other asked, 'if a woman examined herself with a rag which she had not previously examined and having put it into a box she found some blood upon it on the following day?' 'Shall I give you,' the first answered, 'the ruling according to the views of my father¹¹ or shall I rather give it to you according to the views of Rabbi?'¹² 'Tell me,' the other said, 'the ruling according to Rabbi'. 'Is this the person', R. Ishmael exclaimed, 'of whom it is said that he is a great man! How could one ignore¹³ the views of the Master¹⁴ and listen to those of the disciple?'¹⁵ R. Hama b. Bisa, however, was of the opinion that since Rabbi was the head of the college and the Rabbis were frequently in his company his traditions were more reliable.¹⁶ What is the view of Rabbi [that has just been referred to] and what is that of R. Jose? — R. Adda b. Mattena replied: — A Tanna taught, Rabbi declares her¹⁷ unclean and R. Jose declares her clean. In connection with this R. Zera stated: When Rabbi declared her unclean he did so in agreement with the ruling of R. Meir, but when R. Jose declared her clean he did so in accordance with his own view. For we learnt:¹⁸ If a woman when attending to her needs¹⁹ observed a discharge of blood, R. Meir ruled: If she was standing at the time she is unclean but if she was sitting she is clean. R. Jose ruled: In either case she is regarded as clean.²⁰ Said R. Aha son of Raba to R. Ashi: But did not R. Jose the son of R. Hanina state that when R. Meir ruled that the woman was unclean he did so only on account of the bloodstain,²¹ whereas Rabbi regarded her as unclean by reason of menstruation?²² — The other replied, What we maintain is this: When that ruling²³ was stated it was that the uncleanness was due to menstruation.²⁴

IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER HER INTERCOURSE THEY ARE BOTH UNCLEAN etc. Our Rabbis taught:²⁵ What is meant by 'immediately'? This may be illustrated by the parable of the attendant and the witness who stood at the side of the lintel where the witness enters immediately after the attendant goes out, this being the interval which the Rabbis allowed as regards wiping off,²⁶ but not as regards an examination.²⁷

IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME etc. A Tanna taught: They²⁸ do incur the obligation of bringing a suspensive guilt-offering. But what is the reason of our Tanna?²⁹ — It is essential³⁰ [that the doubt shall be of the same nature as in the case of the consumption of] one piece of two pieces.³¹

WHAT IS MEANT BY 'AFTER A TIME'? etc. Is not, however, this³² incongruous with the following: What is meant by 'after a time'? R. Eleazar³³ son of R. Zadok explained: Within an interval in which³⁴ she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it?³⁵ — R. Hisda replied: By AFTER is meant the interval following this interval.³⁶ But was it not stated in connection with this,³⁷ IF, HOWEVER, ANY

BLOOD IS FOUND ON HER RAG AFTER A TIME THEY ARE UNCLEAR, BY REASON OF THE DOUBT BUT EXEMPT FROM THE SACRIFICE. WHAT IS MEANT BY 'AFTER A TIME'? WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE?³⁸ — It is this that was implied:³⁹ WHAT IS MEANT BY 'AFTER A TIME'? Within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it; and WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE [the question of uncleanness is subject to] a divergence of view between R. Akiba and the Sages. But was it not stated,⁴⁰ AFTER SUCH AN INTERVAL?⁴¹ — It is this that was meant: And this is the interval concerning which R. Akiba and the Sages are at variance.

R. Ashi replied: The former and the latter⁴² represent the same length of time; when she has the testing-rag in her hand the time IS WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE, but if she has not the rag in her hand the time is limited to 'within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it'.

An objection was raised: What is meant by 'after a time'? This question was submitted by R. Eleazar son of R. Zadok to the Sages at Usha when he asked them,

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- (1) The bloodmark on the rag.
 - (2) Lit., 'like a bean and more'. If it is smaller it may be presumed to be that of a louse (cf. infra 58b).
 - (3) That the stain must be no less than a certain minimum.
 - (4) Cf. supra n. 2. Had it been regarded as menstrual blood the smallest speck of it would have sufficed to cause certain uncleanness (cf. infra 40a)
 - (5) Lit., 'he stood'.
 - (6) In agreement with Rabbi.
 - (7) Obviously he did, since in his youth he would not have ventured to differ from Rabbi who was his master (Rashi). Aliter: In his youth he would not have addressed Rabbi in the second person (cf. B.B. 158b) but as 'the Master' (Tosaf.).
 - (8) Lit., 'when he comes to your hand'.
 - (9) R. Hama.
 - (10) R. Ishmael.
 - (11) R. Jose.
 - (12) These views are stated infra.
 - (13) Lit., 'put down'.
 - (14) R. Jose.
 - (15) Rabbi.
 - (16) Lit., 'sharpened'.
 - (17) The woman referred to in R. Bisa's question.
 - (18) So MS.M. and marg. gl. Cur. edd., 'it was taught'.
 - (19) Making water.
 - (20) Mishnah infra 59b q.v. notes.
 - (21) I.e., doubtful uncleanness.
 - (22) Certain uncleanness. How then could R. Zera maintain that Rabbi followed the view of R. Meir?

- (23) Of R. Jose b. Hanina.
- (24) Cf. prev. n. but one mut. mut.
- (25) Supra 12a, q.v. notes.
- (26) Externally, which takes place instantly after intercourse.
- (27) Internally, which must inevitably take place after a longer interval than the one allowed had elapsed. In the former case the uncleanness is certain and the sacrifice incurred is a sin-offering, while in the latter case the uncleanness is of a doubtful nature and the sacrifice incurred is a suspensive guilt-offering.
- (28) Husband and wife, contrary to the ruling of the Tanna of our Mishnah that they are EXEMPT FROM THE SACRIFICE.
- (29) Cf. prev. n.
- (30) If a suspensive guilt-offering is to be incurred.
- (31) One of which was e.g., permitted fat and the other was forbidden fat, and it is not known which of the two pieces the person in question had consumed. Only in such a case of doubt is a suspensive guilt-offering incurred (cf. Ker. 17b). Where, however, the doubt involves only one object or person (as is the case under discussion where only one woman is concerned) no suspensive guilt-offering can be incurred.
- (32) The definition of 'AFTER A TIME'
- (33) So Bah. Cur. edd. 'Eliezer'.
- (34) While still in bed.
- (35) This interval (cf. prev. n.) being shorter than the one IN WHICH SHE CAN DESCEND FROM THE BED etc., it follows that, according to this Baraitha, during the longer interval the woman does not convey uncleanness to her husband and is only subject to the lesser restrictions of the twenty-four hours' period of retrospective uncleanness. How then are the two rulings to be reconciled?
- (36) Defined in our Baraitha. Lit., 'after the after'. During the interval as defined in the Baraitha both husband and wife are subject to doubtful uncleanness but after that interval, and during the one defined in our Mishnah, the woman, according to the Rabbis, as stated in the next clause of the Mishnah, does not convey any uncleanness to her husband.
- (37) The interval defined in our Mishnah.
- (38) Which clearly shows, does it not, that during the interval spoken of in our Mishnah the woman does carry uncleanness to her husband?
- (39) Sc. some words are missing from our Mishnah and are to be regarded as inserted.
- (40) In connection with the dispute between R. Akiba and the Sages.
- (41) Sc. after the one defined in our Mishnah; from which it follows that during this interval both agree that the woman does carry uncleanness to her husband.
- (42) The interval defined in our Mishnah and the one defined in the Baraitha.

Talmud - Mas. Nidah 15a

'Are you perchance of the same opinion as R. Akiba that the woman¹ carries uncleanness to the man who had intercourse with her?'² 'We', they answered him, 'have not heard his ruling'.³ 'Thus', he said to them, 'did the Sages at Jamnia enunciate the ruling: If the woman did not delay more than the time in which she can descend from the bed and wash her face,⁴ this⁵ is regarded as 'within the time limit' and both are unclean on account of the doubt,⁶ and exempt from bringing a sacrifice but they are subject to the obligation of a suspensive guilt-offering. If she delayed for such a time during which she could descend from the bed and wash her face,⁷ this⁸ is regarded as being 'after the time',⁹ Similarly if she delayed¹⁰ for twenty-four hours¹¹ or for a period between

her previous and her present examination,¹² the man who had intercourse with her is unclean on account of his contact,¹³ but not on account of his intercourse.¹⁴ R. Akiba ruled: He also contracts uncleanness on the ground of his intercourse.¹⁵ R. Judah son of R. Johanan b. Zakkai ruled: Her husband may enter the Temple and burn incense.¹⁶ Now according to R. Hisda¹⁷ one can well see why the Rabbis declare the man clean, but according to R. Ashi¹⁸ why do the Rabbis declare him clean? And should you reply that this is a case where she did not have the rag in her hand¹⁹ [it could be retorted:] Should not then²⁰ a distinction have been made explicitly between the case where the woman had a rag in her hand and where she had no rag in her hand?²¹ — This is a difficulty.

‘R. Judah son of R. Johanan b. Zakkai ruled: Her husband may enter the Temple and burn incense’. But why should not a prohibition be imposed²² on the ground that the man came in contact with a menstruant during the twenty-four hours of her retrospective uncleanness? — He²³ holds the same view as Shammai who ruled: For all women it suffices to reckon their period of uncleanness from the time of their discovering the flow.²⁴ But should not a prohibition be imposed²¹ on the ground that the man has experienced an emission of semen? — This is a case where his intercourse was not consummated.²⁵

THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO OBSERVED A BLOODSTAIN. Rab explained: [She conveys UNCLEANNESS] retrospectively and the ruling is that of R. Meir.²⁶ Samuel, however, explained: [She conveys UNCLEANNESS] from now²⁷ onwards and the ruling is that of the Rabbis. ‘From now onwards’! Would not this²⁸ be obvious? — It might have been presumed that, since retrospective uncleanness for a period of twenty-four hours is only a Rabbinical measure and the uncleanness of bloodstains at all times²⁹ is also only a Rabbinical measure, as during the twenty-four hours’ period a woman does not convey uncleanness to the man who had intercourse with her so also in the case of a stain²⁹ does she not convey uncleanness to the man who had intercourse with her, hence we were informed [that she does convey uncleanness to the man]. Might it not, however, be suggested that the law is so indeed?³⁰ — [No, since] in the former case there is no slaughtered ox in your presence³¹ but here there is a slaughtered ox in your presence.³² Resh Lakish also explained in the same way³³ [that uncleanness is conveyed] retrospectively and that the ruling is that of R. Meir. R. Johanan explained: [The uncleanness is conveyed] from now onwards and the ruling is that of the Rabbis.

MISHNAH. ALL WOMEN ARE IN THE CONDITION OF PRESUMPTIVE CLEANNESS FOR THEIR HUSBANDS.³⁴ FOR THOSE WHO RETURN FROM A JOURNEY THEIR WIVES ARE IN THE CONDITION OF PRESUMPTIVE CLEANNESS.

GEMARA. What need was there³⁵ to state,³⁶ THOSE THAT RETURN FROM A JOURNEY? — It might have been presumed that this³⁷ applies only to a husband who was in the town, since in such a case the woman thinks of her duties³⁸ and duly examines herself, but not to a husband who was not in town since the question of [marital] duty does not occur to her, hence we were informed [that the law applies to the latter case also]. Resh Lakish in the name of R. Judah Nesi’ah³⁹ observed: But this⁴⁰ applies only where the husband came and found her within her usually clean period.⁴¹ R. Huna observed: This⁴¹ was learnt only of a woman who had no settled period, but if she had a settled period intercourse with her is forbidden.⁴² Topsy turvy!⁴³ Does

not, on the contrary, the reverse stand to reason, since in the case of a woman who has no settled period it might well be assumed that she experienced a discharge, but where she has a settled period [she should be presumed to be clean] since her period was fixed? — Rather, if the statement was at all made it was made in the following terms: R. Huna said, This⁴⁴ was learnt only in the case of a woman the time of whose settled period had not arrived⁴⁵ but if that time had arrived⁴⁵ she is forbidden,⁴² for he⁴⁶ is of the opinion that [the laws of] settled periods⁴⁷ are Pentateuchal. Rabbah b. Bar Hana said: Even if the time of her settled period has arrived she is also permitted,⁴⁸ for he is of the opinion that [the laws relating to] settled period are only Rabbinical.⁴⁹ R. Ashi reported thus: R. Huna said,

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- (1) For a period of twenty-four hours retrospectively.
 - (2) This (cf. prev. n.) being the only time limit recognized.
 - (3) Sc. his time limit. Consequently they could not possibly have adopted it.
 - (4) Sc. the time elapsed was no longer than that during which she can examine herself while still in bed.
 - (5) The discovery of a discharge within that space of time (cf. prev. n.).
 - (6) In agreement with R. Hisda supra.
 - (7) A period of time which is longer than the former (cf. supra n. 1).
 - (8) The discharge discovered after the period mentioned (cf. prev. n.).
 - (9) I.e., 'the interval following this interval' as R. Hisda explained (supra 14b).
 - (10) Longer than the periods mentioned.
 - (11) After intercourse.
 - (12) When the discharge was discovered.
 - (13) With the woman. Such a contact with a menstruant within the twenty-four hours' period only subjects him to one day's uncleanness until nightfall and the uncleanness is only Rabbinical and of an uncertain character.
 - (14) With a menstruant; sc. the uncleanness, even in its uncertain character, does not extend over seven days as would have been the case with one who had intercourse with a confirmed menstruant.
 - (15) Cf. prev. n. mut. mut.
 - (16) This is explained infra.
 - (17) Who explained supra that the interval within which SHE CAN DESCEND FROM THE BED is regarded as the 'interval after this interval'.
 - (18) Who maintained supra that 'the former and the latter represent the same length of time'.
 - (19) So that after she descended from the bed she spent some more time in taking up the rag.
 - (20) In order to avoid the possible mistake that even within the shorter interval, when the woman had the rag in her hand, the Rabbis hold the man to be clean.
 - (21) Of course it should. Since no such distinction, however, is made it is obvious, is it not, that the Rabbis hold the man to be clean even if the discharge was discovered after the interval in which the woman can descend from the bed with the rag in her hand?
 - (22) Lit., 'and let (the prohibition) be inferred'.
 - (23) R. Judah.
 - (24) Supra 2a.
 - (25) R. Akiba, however, maintains that the first stage of intercourse with a menstruant is regarded as its consummation, and consequently uncleanness is conveyed even in such a case (Rashi).
 - (26) Who in regard to bloodstains adopts (supra 5a and infra 52b) the more restrictive view.
 - (27) The time of the discovery of the stain.
 - (28) That the Rabbis agree she conveys uncleanness after the discovery of a stain (cf. prev. n.).

- (29) Even after discovery.
- (30) That she does not convey uncleanness to the one who had intercourse with her after the discovery of a bloodstain just as she does not render him unclean retrospectively during the twenty-four hours prior to her having observed a discharge.
- (31) Metaphor. Within the twenty-four hours prior to her having observed a discharge.
- (32) Sc. the bloodstain had actually been discovered.
- (33) As Rab supra.
- (34) In respect of intercourse; sc. no examination is required for the purpose. It is necessary only for determining the condition of any clean objects the woman may have handled.
- (35) Lit., 'wherefore to me'.
- (36) After the ruling in the first clause which applies to all husbands.
- (37) The ruling in the first clause.
- (38) Lit., 'she throws upon herself' —
- (39) The Prince, R. Judah II.
- (40) The ruling in the final clause.
- (41) I.e., within thirty days after her last observation of a discharge. After the thirty days, since most women have monthly periods, intercourse must be preceded by an examination. (12) That 'within her usually clean period' no examination is required.
- (42) Unless there was previous examination.
- (43) Lit., 'towards where' or towards the tail' (cf. B.B. (Sonc. ed.) p. 435, n. 17).
- (44) That 'within her usually clean period' no examination is required.
- (45) During the husband's absence from town.
- (46) R. Huna.
- (47) Sc. that when the date of a settled period arrives the woman is presumed to be in a state of doubtful uncleanness.
- (48) No previous examination being required.
- (49) Sc. the Rabbis required a woman to examine herself when the date of her settled period arrives in order to ascertain whether there was a discharge or not. If, however, her husband was out of town and on his return it was unknown to him whether she did or did not examine herself she is not to be regarded as being in a condition of doubtful uncleanness.

Talmud - Mas. Nidah 15b

This¹ was learnt only of a woman who had no settled period that was determinable by days alone but one that was determinable by both days and leaps, so that since the period depends on some specific act it might well be presumed, that she did not leap and that, therefore, did not observe any discharge. Where, however, she has a settled period that was determinable by the days alone, she must have no intercourse, for he is of the opinion that the restrictions relating to settled periods are Pentateuchal. Rabbah b. Bar Hana ruled: Even if she has a settled period that was determined by the days alone, she is permitted intercourse, for he holds the opinion that [the restrictions relating to] settled periods are only Rabbinical.

R. Samuel citing R. Johanan ruled: If a woman has a settled period, her husband² may³ calculate the days of that period and⁴ come in unto her.⁵ Said R. Samuel b. Yeba to R. Abba: Did R. Johanan refer also to a young wife who⁶ is too shy to perform immersion? — The other

replied: Did then R. Johanan speak of one who had actually⁷ observed a discharge? It may [in fact be held] that R. Johanan spoke⁸ only of a case where it is doubtful whether or not the woman did observe a discharge and where, [so that] even if some reason could be found for assuming that she did observe one, it may also be assumed that she had since performed immersions,⁹ but in a case where it is certain that she had observed a discharge, who could say that she had since performed immersion? And, seeing that it is a question of a doubt¹⁰ being opposed by a certainty¹¹ [she must be deemed unclean] since a doubt cannot take one out of a certainty. But does it not? Was it not in fact taught: If a haber¹² died and left a store-room full of fruits, even if they were only then due to be tithed,¹³ they are presumed to have been properly prepared.¹⁴ Now here it is a case of certain tebel¹⁵ and there is only the doubt as to whether or not it was tithed, and the doubt nevertheless sets aside the certainty? — No, there it is a case of a certainty against a certainty, in agreement with a statement of R. Hanina of Hozae,¹⁶ for R. Hanina of Hozae said: It is presumed with a haber that he does not allow anything to pass out of his control unless it has been duly prepared. And if you prefer I might say: It is a case of doubt against doubt, since [the man might have acted] in accordance with a suggestion of R. Oshaia, for R. Oshaia said: A man¹⁷ may resort to a device with his produce and store it¹⁸ together with its chaff¹⁹ so that²⁰ his cattle may eat of it²¹ and it is exempt from the tithes.²²

But does not a doubt set aside a certainty? Surely it has been taught: It once happened that the handmaid of a certain tax-collector in Rimmon²³ threw the body of a premature child into a pit, and a priest²⁴ came and gazed into it to ascertain whether it was male or female,²⁵ and when the matter came before the Sages²⁶ they pronounced him clean because weasels and martens are commonly found there.²⁷ Now here, surely, it is a certainty that the woman had thrown a premature child into the pit and a doubt whether they had dragged it away or not, and yet does not the doubt set aside the certainty? — Do not read, ‘Threw the body of a premature child into a pit’ but

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- (1) That the woman is presumed to be clean even if the date of her settled period had already arrived.
 - (2) Having been out of town for seven days after that period.
 - (3) On returning home during the days in which she had the opportunity of performing immersion and attain cleanness.
 - (4) Without asking her whether she had made use of her opportunity (cf. prev. n.).
 - (5) On the assumption that she had duly performed immersion and is now clean.
 - (6) Unless urged by her husband.
 - (7) Lit., ‘certainly’.
 - (8) That the woman need not be asked.
 - (9) And since R. Johanan's ruling is based on the existence of these doubts there can be no distinction between a younger and an older woman.
 - (10) As to whether there was immersion in consequence of which she would be clean.
 - (11) Of a discharge which renders her unclean.
 - (12) V. Glos.
 - (13) Lit., ‘sons of their day’.
 - (14) A.Z. 41b; i.e., that the priestly and levitical dues have been duly set aside for them.
 - (15) V. Glos. Since the fruit had reached a stage when it was liable to the dues (cf. prev. n.).
 - (16) A district on the eastern side of the Tigris.

(17) Desirous of avoiding tithes.

(18) Lit., 'and brings it in'.

(19) Only corn that had been winnowed before it was brought into the store-room within the house is liable to tithe.

(20) Since it was brought in unwinnowed (cf. prev. n.).

(21) Even after its subsequent winnowing. A human being, though permitted to eat it in accordance with Pentateuchal law, may not do so in accordance with a Rabbinic measure.

(22) Even Rabbinically. Now since it is possible that the produce was taken to the store-room in accordance with R. Oshaia's suggestion (a case of doubtful tebel) and it is also possible that it had been duly tithed, we have here a case of doubt against doubt. As a haber is presumed not to allow anything to pass out of his hand unless it had been duly prepared the Rabbis in this case waived aside their restriction and allowed a human being also to eat of the produce.

(23) A town near Jerusalem.

(24) Who was ignorant of the laws of uncleanness (cf. Rashi's fourth interpretation and Tosaf.) and unaware that by bending over the pit just above the embryo he would contract uncleanness.

(25) The period of a woman's uncleanness after childbirth is twice as long in the case of the latter as in that of the former (cf. Lev. XII, 2ff).

(26) To decide whether the priest contracted uncleanness by bending over the pit and thus 'overshadowing' the dead body.

(27) In pits. Tosef. Oh. XVI. These creatures might be presumed to have devoured or dragged away the body so that there was no 'overshadowing' on the part of the priest.

Talmud - Mas. Nidah 16a

'a kind of premature child'.¹ But was it not stated, 'To ascertain whether it was male or female'?² — It is this that was meant: And a priest came and gazed into it to ascertain whether she had aborted an inflated object or a premature child and, if some ground could be found for assuming that she aborted a premature child, to ascertain whether it was male or female. And if you prefer I might reply: Since weasels and martens are commonly found there they had certainly dragged it away.³

An enquiry was addressed to⁴ R. Nahman: [Is the examination at] regular menstrual periods Pentateuchal⁵ or only Rabbinical?⁶ The latter replied: Since our colleague Huna citing Rab ruled, If a woman who has a settled period did not make an examination when that period arrived but later on⁷ observed a discharge, she must take into consideration the possibility [of a discharge] on the date of the settled period,⁸ and also the possibility of [twenty-four hours retrospective uncleanness] on account of her observation.⁹ Thus¹⁰ it clearly follows that [the examination at] regular menstrual periods is Pentateuchal. There are others who say that he¹¹ replied thus: The reason then¹² is that she had 'observed a discharge,'¹³ but if she had not observed one the possibility¹⁴ need not be taken into consideration. Thus¹⁵ it follows clearly that [the examination at] regular menstrual periods is only Rabbinical.

It was stated: If a woman had a settled period, and when the time of that period arrived she did not make the examination and later she did make one, Rab ruled: If on examination she found that she was unclean she is unclean but if she found that she was clean she remains clean. Samuel, however, ruled, Even if on examination she found herself clean she is deemed unclean, since the

guest¹⁶ comes at the usual time. Must it be assumed that they¹⁷ differ on [the question of the necessity for an examination at] regular menstrual periods, one Master¹⁸ holding that it is Pentateuchal¹⁹ and the other Master²⁰ maintaining that it is only Rabbinical?²¹ R. Zera replied: Both¹⁷ may agree that²² [the examination at] regular menstrual periods is Pentateuchal, but²³ one ruling²⁴ refers to a woman who examined herself within the period of the duration of her menstruation²⁵ while the other²⁶ refers to a woman who did not examine herself within the period of the duration of her menstruation.²⁷ R. Nahman b. Isaac maintained: They¹⁷ differ on the very question of [the necessity for an examination at] the regular menstrual periods, one Master²⁸ holding that it is Pentateuchal²⁹ while the other Master³⁰ maintains that it is only Rabbinical.

R. Shesheth observed: [The discussion here] is analogous to that of the following Tannas: [For it was taught:] R. Eliezer³¹ ruled, She³² is to be regarded as menstrually unclean,³³ while R. Joshua³⁴ ruled: Let her be examined.³⁵ And these Tannas³⁶ differ on the same principle as the following Tannas. For it was taught: R. Meir ruled, She³⁷ is to be regarded as menstrually unclean,³⁸ while the Sages³⁴ ruled, Let her be examined.³⁵ Abaye observed, We also learnt to the same effect. For we learnt: R. Meir ruled, If a woman was in a hiding place³⁹ when the time of her regular period arrived and she did not examine herself, she is nevertheless clean, because fear suspends the menstrual flow.⁴⁰ The reason then⁴¹ is that there was fear, but if there had been no fear she would have been deemed unclean. Thus it clearly follows [that the necessity for an examination at] regular periods is Pentateuchal. May it be assumed that the following Tannas also differ on the same principle? For it was taught: If a woman observed some blood [that might be] due to a wound,⁴² even if this occurred during her usual period of menstruation, she is deemed to be clean;⁴³ so R. Simeon b. Gamaliel. Rabbi ruled: If she has a regular period⁴⁴ she⁴⁵ must take her period into consideration.⁴⁶ Now do they not differ on this principle, one Master⁴⁷ holding that [the examinations at] the regular periods are Pentateuchal, while the other Master⁴⁸ holds that they are only Rabbinical? — Rabina replied: No; both may agree that [the examinations at] the regular periods are only Rabbinical, but it is on the question whether the interior of the uterus is unclean⁴⁹ that they differ. R. Simeon b. Gamaliel holds that the woman is clean⁵⁰ but the blood⁵¹ is unclean because it comes through the uterus,⁵² and Rabbi⁵³ in effect said to him: If⁵⁴ you take into consideration the possibility of her usual menstrual flow, the woman also should be unclean,⁵⁵ and if⁵⁶ you do not take into consideration the possibility of her usual menstrual flow, [the blood also should be clean since] the interior of the uterus⁵⁷ is clean.

MISHNAH. BETH SHAMMAI RULED: A WOMAN NEEDS TWC⁵⁸ TESTING-RAGS FOR EVERY INTERCOURSE,⁵⁹ OR SHE MUST PERFORM IT IN THE LIGHT OF A LAMP.⁶⁰ BETH HILLEL RULED: TWO TESTING-RAGS⁶¹ SUFFICE HER FOR THE WHOLE NIGHT.⁶² [

(1) Sc. it was not certain whether it was a child at all. Hence it is here also a case of doubt against doubt.

(2) Implying that it was definitely a child and that the only doubt was as to its sex.

(3) Hence it is a case of a certainty against a certainty.

(4) Var. lec., 'Raba enquired of' (MS.M. and Asheri).

(5) So that if a woman failed to make the examination at the proper time she is deemed to be unclean (on the ground that the discharge had appeared at its usual time) even though she observed no blood when she examined herself some time later (since it might have dropped on the ground and been lost).

- (6) Hence if she failed to make the examination at the proper time she is regarded as clean.
- (7) Sc. at the first examination after the settled period.
- (8) If it was due prior to the period of twenty-four hours immediately preceding the observation. Her uncleanness in such a case extends backward to the time of the settled period.
- (9) If less than twenty-four hours intervened between the time of the settled period and the observation.
- (10) Since the possibility of a discharge at the time of the settled period is taken into consideration presumably even where no subsequent discharge had been observed. It is now assumed that 'discharge' was mentioned only on account of the second clause, 'the possibility . . . on account of her observation'.
- (11) R. Nahman.
- (12) Why 'she must take into consideration . . . the date of the settled period'.
- (13) It being assumed that as she discovered a discharge on examination she might also have discovered one if she had made an examination at the time of her settled period.
- (14) Cf. prev. n. but one.
- (15) Since in the absence of an examination she is regarded as clean.
- (16) Euphemism, sc. the regular menstrual discharge.
- (17) Rab and Samuel.
- (18) Samuel.
- (19) Hence the woman's uncleanness in the absence of one.
- (20) Rab.
- (21) Cf. prev. n. but one mut. mut. But how could this be reconciled with the first version of R. Nahman supra according to which Rab is of the opinion that the examination is Pentateuchal?
- (22) Lit., 'that all the world'.
- (23) As to the difficulty raised (v. supra n. 11).
- (24) The last cited.
- (25) As she nevertheless discovered no discharge, it may safely be assumed that there was none even earlier when the regular menstruation period had begun.
- (26) The first version of R. Nahman.
- (27) But did so later on. As it is quite likely that earlier, during the period of menstruation, there was a discharge, the woman must well be deemed unclean. An old ed. inserts here: 'And there are others who say that one Master spoke of one particular case and the other spoke of another particular case and there is in fact no difference of opinion between them' (v. Maharsha and marginal gloss).
- (28) Samuel.
- (29) Hence the woman's uncleanness in the absence of one.
- (30) Rab.
- (31) Maintaining that the examination is Pentateuchal.
- (32) A woman who failed to make the examination at the time of her regular period.
- (33) From the time her regular period was due to commence.
- (34) Holding that the examination is only Rabbinical.
- (35) Even though her period of menstruation had passed. If on examination she finds herself to be clean she is regarded as clean (despite the possibility of an earlier discharge) and if she finds herself unclean, the uncleanness is retrospective from the time her settled period was due.
- (36) R. Eliezer and R. Joshua.
- (37) A woman who failed to make the examination at the time of her regular period.
- (38) From the time her regular period was due to commence.
- (39) Sheltering from robbers or raiders.

- (40) Infra 39a.
- (41) Why she is regarded as clean.
- (42) In her womb.
- (43) The blood being attributed to the wound.
- (44) If she has no regular period Rabbi, for the reason given in prev. n., agrees with R. Simeon b. Gamaliel.
- (45) If the blood was observed on the day the period was due to commence.
- (46) Sc. she is regarded as unclean, since it is possible that some particle of menstrual blood was mixed up with that of the wound.
- (47) Rabbi.
- (48) R. Simeon b. Gamaliel.
- (49) Lit. 'as to the source, the place thereof is unclean'. And, therefore, capable of imparting uncleanness to any clean blood that passes through it.
- (50) Sc. she is not subject to the major uncleanness of menstruation which extends over seven days.
- (51) Though coming from a wound.
- (52) Where it contracts an uncleanness (a 'father of uncleanness') which causes it to impart a one day's uncleanness to a human being, so that any object touched by the woman on that day becomes unclean.
- (53) Relaxing the law.
- (54) By regarding the blood as unclean.
- (55) For seven days, as any other menstruant.
- (56) Since you exempt the woman from menstrual uncleanness.
- (57) Lit., 'the source of its place'.
- (58) Previously unused.
- (59) One is used before, and the other after and both are preserved until the morning when they are to be examined in daylight.
- (60) So that the testing-rag may be immediately examined.
- (61) One of which is used prior to the first intercourse and the other after the last.
- (62) This being sufficient to determine whether she is menstrually unclean and whether she is to convey uncleanness to any clean object she may have handled. (So Rashi; cf., however, Tosaf. and Tosaf. Asheri for a different interpretation.)

Talmud - Mas. Nidah 16b

GEMARA. Our Rabbis taught: Although [the Sages] have said, 'He who has intercourse in the light of a lamp is contemptible',¹ Beth Shammai ruled: A woman needs two² testing-rags for every intercourse³ or she must perform it in the light of a lamp, but Beth Hillel ruled: Two testing-rags suffice for her for the whole night.

It was taught: Beth Shammai said to Beth Hillel, 'According to your view⁴ is there no need to provide against the possibility that she might emit⁵ a drop of blood of the size of a mustard seed in the course of the first act and this would be covered up with semen during the second act?'⁶ 'But', replied Beth Hillel, even according to your view⁷ is there no need to provide against the possibility that the spittle,⁸ while still in the mouth,⁹ was crushed out of existence?'¹⁰ '[We maintain our view,] the former retorted, 'because what is crushed once is not the same as that which is crushed twice'.

It was taught: R. Joshua stated, 'I approve⁵ of the view of Beth Shammai'.⁷ 'Master', said his disciples to him, 'what an extension [of the restrictions] you have imposed upon us!' 'It is a good thing', he replied, 'that I should impose extensive restrictions upon you in this world in order that your days may be prolonged in the world to come.'

R. Zera remarked: From the words of all these authorities¹¹ we may infer¹² that a conscientious man should not indulge in intercourse twice in succession.¹³ Raba said: One may indulge in intercourse twice in succession, for that ruling¹⁴ was taught only in respect of clean objects.¹⁵ So it was also taught: This¹⁶ applies only to clean objects¹⁵ but to her husband she is permitted.¹⁷ This,¹⁸ however, applies only where he had left her in a state of presumptive cleanness, but if he left her in a state of presumptive uncleanness she is presumed to be in that state forever until she tells him, 'I am clean'.

R. Abba citing R. Hiyya b. Ashi who had it from Rab ruled: If a woman¹⁹ examined herself with a testing-rag which was subsequently lost she is forbidden intercourse until she had reexamined herself. R. Ela demurred: If it had not been lost²⁰ would she not²¹ have been allowed intercourse even though she is unaware [whether there was or there was not a discharge], why then should she not now also²² be allowed intercourse? — Raba replied: In the former case her proof is in existence,²³ but in the latter case²² her proof is not in existence.²⁴

R. Johanan stated: It is forbidden to perform one's marital duty in the day-time.²⁵ What is the Scriptural proof? That it is said, Let the day perish wherein I was born, and the night wherein it was said: 'A man-child is brought forth'.²⁶ The night is thus set aside²⁷ for conception but the day is not set aside for conception. Resh Lakish stated: [The proof is] from here: But he that despiseth His ways²⁸ shall die.²⁹ As to Resh Lakish, how does he expound R. Johanan's text?²⁶ — He requires it for the same exposition as that made by R. Hanina b. Papa. For R. Hanina b. Papa made the following exposition: The name of the angel who is in charge of conception is 'Night', and he takes up a drop and places it in the presence of the Holy One, blessed be He, saying, 'Sovereign of the universe, what shall be the fate of this drop? Shall it produce a strong man or a weak man, a wise man or a fool, a rich man or a poor man?' Whereas 'wicked man' or 'righteous one' he does not mention, in agreement with the view of R. Hanina. For R. Hanina stated: Everything is in the hands of heaven except the fear of God, as it is said, And now, Israel, what doth the Lord thy God require of thee, but to fear etc.³⁰ And R. Johanan?³¹ — If that were the only meaning,³² Scripture should have written,³³ 'A man-child is brought forth'³⁴ why then was it stated, 'was brought forth a man-child'?³⁵ To indicate that the night³⁶ is set aside for conception³⁶ but the day is not set aside for conception. As to R. Johanan how does he expound the text of Resh Lakish?²⁹ — He requires it for [an application to the same types] as those described in the Book of Ben Sira:³⁷ 'There are three [types] that I hate, yea, four that I do not love: A Scholar³⁸ who frequents wine-shops³⁹ [or, as others say, a scholar that is a gossip],⁴⁰ a person who sets up a college in the high parts of a town,⁴¹ one who holds the membrum when making water and one who enters his friend's house suddenly'.⁴² R. Johanan observed:⁴³ Even his own house.

R. Simeon b. Yohai observed: There are four [types]⁴⁴ which the Holy One, blessed be He, hates, and as for me, I do not love them: The man who enters his house suddenly and much more so [if he so enters] his friend's house, the man who holds the membrum when he makes water,

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- (1) The reason is given infra.
 - (2) Previously unused.
 - (3) V. supra p. 108, n. 16.
 - (4) That there is no need for a testing-rag after every act.
 - (5) Lit., 'see'.
 - (6) So that the test after that act would not reveal it.
 - (7) That testing-rags must be used after each act.
 - (8) Sc. a drop of blood.
 - (9) Euphemism; the uterus; i.e., during the first intercourse.
 - (10) So that the test after that act would not reveal it.
 - (11) Lit., 'all of them', even Beth Hillel who requires only one test after the last act.
 - (12) Since intercourse is presumed to be the possible cause of a discharge.
 - (13) If there was no examination after the first act.
 - (14) That each or, at least, the last intercourse must be followed by an examination.
 - (15) Sc. to make sure that the woman did not convey to them uncleanness when handling them. As regards intercourse, however, when a woman is in a presumptive state of cleanness no examination is necessary.
 - (16) That each or, at least, the last intercourse must be followed by an examination.
 - (17) Even in the absence of an examination.
 - (18) That as regards her husband no examination is required.
 - (19) At night, before intercourse.
 - (20) Lit., 'it is'.
 - (21) Since the examination of the rags, according to Beth Hillel, is never to take place before the following morning and, even according to Beth Shammai, no lamp is required at night and the examination is equally postponed until the morning whenever two rags are used for each act.
 - (22) Where the rag is lost.
 - (23) And it may well be examined in the morning to ascertain, regarding clean objects the woman had handled, whether she is clean or unclean. As regards intercourse too, should it be found that her uncleanness began prior to the act, she could bring a sin-offering.
 - (24) Were intercourse to be allowed in such a case there would be no possible means of ascertaining the condition of the woman any more than if there had been no examination at all. Hence Rab's prohibition.
 - (25) Cur. edd. insert in parenthesis, 'said R. Hamnuna. MS.M. reads for 'Hamnuna' 'Huna'.
 - (26) Job III, 3.
 - (27) Lit., 'given'.
 - (28) Sc. has intercourse at an improper time.
 - (29) Prov. XIX, 16.
 - (30) Deut. X, 12.
 - (31) Since Job III, 3 is required for the exposition of R. Hanina, whence does he derive his rulings?
 - (32) Lit., 'if so'.
 - (33) As E.V. in fact renders the Heb.
 - (34) Sc. the word gaber (male-child) should have preceded horoh (brought forth).
 - (35) Horoh (cf. prev. n.) preceding gaber and thus standing close to the word 'night'.
 - (36) Cf. prev. n.
 - (37) Cf. Ecclesiasticus XXI, 23.
 - (38) Lit., 'chief'.

- (39) Lit., 'a house of drinkings'.
(40) Cur. edd. in parenthesis insert 'and others say, an excitable scholar'.
(41) A manifestation of arrogance.
(42) It was to types like these that Prov. XIX, 16 alluded.
(43) Not only 'his friend's house'.
(44) Lit., 'things'.

Talmud - Mas. Nidah 17a

the man who when naked makes water in front of his bed, and the man who has intercourse in the presence of any living creature. 'Even', said Rab Judah to Samuel, 'in the presence of mice?' 'Shinena',¹ the other replied, 'no; but [the reference is to] a house like that of So and so where they have intercourse in the presence of their men-servants and maidservants.² But what was the exposition they made? — Abide ye here with³ the ass,⁴ implies: peoples that are like an ass. Rabbah son of R. Huna used to chase away the wasps from his curtained bed.⁵ Abaye drove away the flies.⁶ Rabba⁷ chased away the mosquitoes.⁶

R. Simeon b. Yohai stated, There are five things which [cause the man] who does them to forfeit his life and his blood is upon his own head: Eating⁸ peeled garlic, a peeled onion or a peeled egg, or drinking diluted liquids that⁹ were kept over night; spending a night in a graveyard; removing one's nails and throwing them away in a public thoroughfare; and blood-letting followed immediately by intercourse.

'Eating peeled garlic etc.' Even though they are deposited in a basket and tied up and sealed, an evil spirit rests upon them. This, however, has been said only where their roots or peel did not remain¹⁰ with them, but if their roots or peel remained with them there can be no objection.¹¹ 'And drinking diluted liquids that were kept over night'. Rab Judah citing Samuel explained: This applies only where they were kept over night in a metal vessel. R. Papa stated: Vessels made of alum crystals are the same in this respect as vessels made of metal. So also said R. Johanan: This applies only where they were kept in a metal vessel; and vessels made of alum crystals are the same in this respect as vessels made of metal.

'Spending a night in a graveyard', in order that a spirit of uncleanness may rest upon him.¹² [This should not be done] since in consequence he might sometimes be exposed to danger.

'Removing one's nails and throwing them away in a public thoroughfare'. [This is dangerous] because a pregnant woman passing over them would miscarry. This, however, has been said only of a case where one removes them with a pair of scissors. Furthermore, this has been said only of a case where one removes the nails of both hands and feet. Furthermore, this has been said only in the case where one did not cut anything immediately after cutting them but if something was cut immediately after they were cut there can be no danger.¹³ This, however, is not [to be relied upon]. One should be on his guard in all the cases mentioned.¹⁴

Our Rabbis taught: Three things have been said about the disposal of nails: He who burns them is a pious man, he who buries them is a righteous man, and he who throws them away is a wicked